



Nature and Purpose of the Right to Inclusive Education

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Co-funded by the
Erasmus+ Programme
of the European Union

Preamble of the Convention
The aim of inclusion



Article 24.1 CRPD
The aim of inclusive education



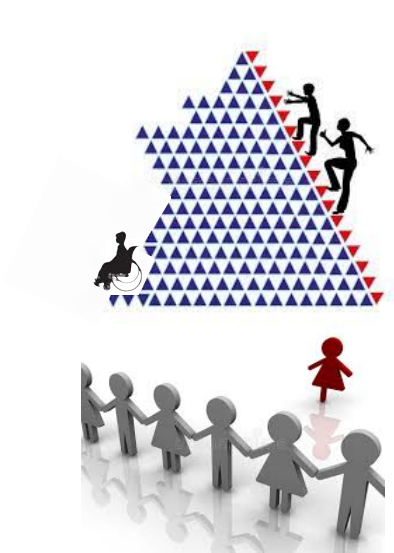
Article 24.2 CRPD
The nature of inclusive education



Requesting a Reasonable
ACCOMMODATION



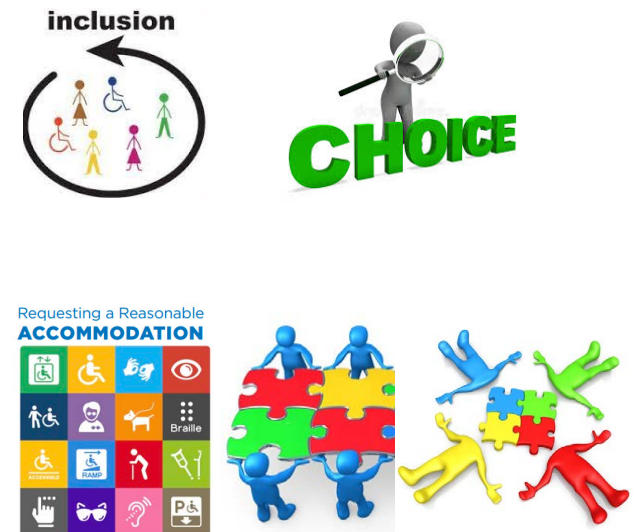
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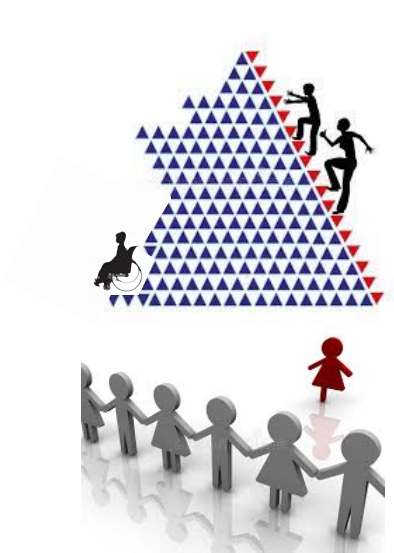
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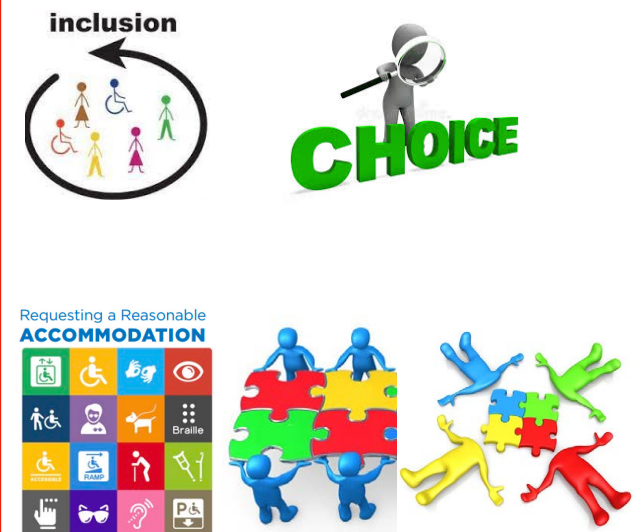
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General comment No. 6 (2018) on equality and non-discrimination

K.Article 24 on education

63.The failure of some States parties to provide students with disabilities — including students with visible and invisible disabilities and those who experience multiple forms of discrimination or intersectional discrimination — with equal access to mainstream school with inclusive and quality education is discriminatory, contrary to the objectives of the Convention and in direct contravention of articles 5 and 24. Article 5 (1) interacts with article 24 and requires States parties to remove all types of discriminatory barriers, including legal and social barriers, to inclusive education.

64.Segregated models of education, which exclude students with disabilities from mainstream and inclusive education on the basis of disability, contravene articles 5 (2) and 24 (1) (a) of the Convention. Article 5 (3) requires States parties to take all appropriate steps to ensure that reasonable accommodation is provided. That right is strengthened for persons with disabilities in article 24 (2) (b), which requires States parties to ensure an inclusive education for persons with disabilities on an equal basis with others in the communities in which they live. That goal can be achieved by providing reasonable accommodation of an individual's requirement, in accordance with article 24 (2) (c), and developing new and inclusive settings according to universal design. Standardized assessment systems, including entry examination that directly or indirectly exclude students with disabilities are discriminatory and in contravention of articles 5 and 24. States parties' obligations extend beyond the school. States parties must ensure school transportation is provided to all students with disabilities where transportation options are limited due to social or economic barriers.

65.To ensure equality and non-discrimination for deaf children in educational settings, they must be provided with sign language learning environments with deaf peers and deaf adult role models. The lack of proficiency in sign language skills of teachers of deaf children and inaccessible school environments exclude deaf children and are thus considered discriminatory. The Committee calls upon States parties to be guided by its general comment No. 4 (2016) on the right to inclusive education, when carrying out measures to fulfil their obligations under articles 5 and 24.



Aim of inclusion (Preamble CRPD)

[Home](#) » [Convention on the Rights of Persons with Disabilities \(CRPD\)](#) » Preamble

Preamble

(k) Concerned that, despite these various instruments and undertakings, persons with disabilities continue to face barriers in their participation as equal members of society and violations of their human rights in all parts of the world,





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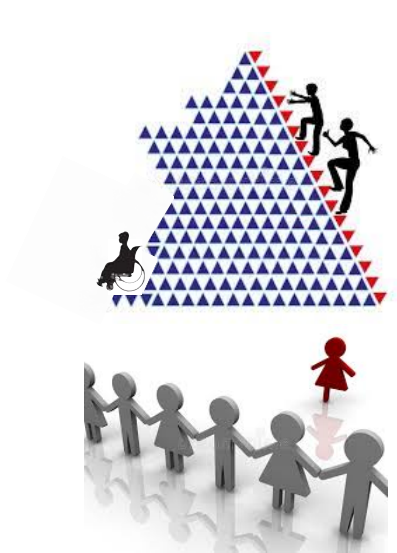
Preamble

(k) Concerned that, despite these various instruments and undertakings, persons with disabilities continue to face barriers in their participation as equal members of society and violations of their human rights in all parts of the world,

(p) Concerned about the difficult conditions faced by persons with disabilities who are subject to multiple or aggravated forms of discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national, ethnic, indigenous or social origin, property, birth, age or other status,



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Aim of inclusive education (Article 24.1 CRPD)

Article 24 – Education



1. States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and lifelong learning directed to:

- a. The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;
- b. The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;
- c. Enabling persons with disabilities to participate effectively in a free society.

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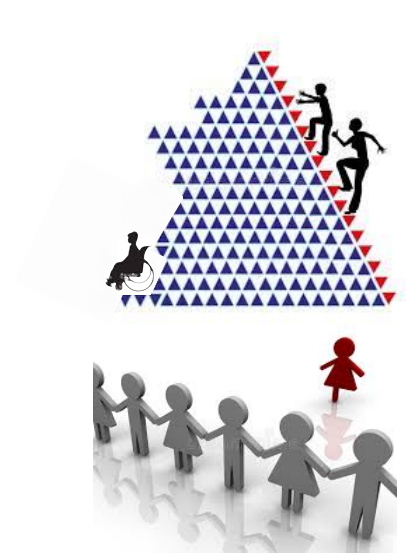


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2. In realizing this right, States Parties shall ensure that:

- a) Persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability;
- b) Persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live;
- c) Reasonable accommodation of the individual's requirements is provided;
- d) Persons with disabilities receive the support required, within the general education system, to facilitate their effective education;
- e) Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.

5. States Parties shall ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others. To this end, States Parties shall ensure that reasonable accommodation is provided to persons with disabilities.



Nature of inclusive education (Article 24.2 CRPD)

[Home](#) » [Convention on the Rights of Persons with Disabilities \(CRPD\)](#) » Article 7 – Children with disabilities

Article 7 – Children with disabilities

1. States Parties shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children.
2. In all actions concerning children with disabilities, the best interests of the child shall be a primary consideration.
3. States Parties shall ensure that children with disabilities have the right to express their views freely on all matters affecting them, their views being given due weight in accordance with their age and maturity, on an equal basis with other children, and to be provided with disability and age-appropriate assistance to realize that right.

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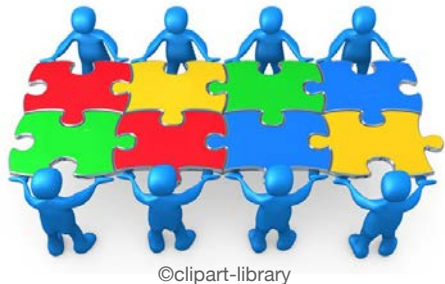
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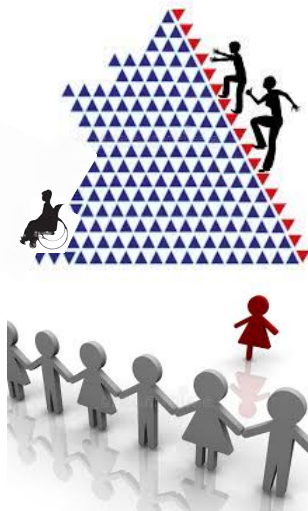
Mainstream School?

OR

Special School?



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This tutorial was based on chapter 6 of The Right to Inclusive Education in International Human Rights Law, edited by Gauthier de Beco, Shivaun Quinlivan, Janet Lord, Cambridge University Press, 2019