

**DOWN SYNDROME INTERNATIONAL REMARKS ON THE
DRAFT ON GENERAL COMMENTS NO 4 ON
ARTICE 24
THE RIGHT TO INCLUSIVE EDUCATION**

Down Syndrome International (DSI) would like to take this opportunity to submit our remarks on the Draft on General Comment (GC) No 4 on Article 24 on the Right to Education. In addition, we commend the committee for the effort and time taken in interpreting the right to education and Article 24.

DSI finds the draft to be strong in many areas, in particular in defining the differences between segregation, integration and inclusion. This distinction will certainly assist governments and others in being able to identify the differences.

However, a concern for DSI is the placement of children with severe to profound intellectual disabilities. They are the most vulnerable group of people of all disabilities. The GC does not make any specific reference to this group of vulnerable people. This group, are the most likely of all groups to be placed in segregated settings or remain out of school. These children require additional support and resources over and above the necessary requirements of **“reasonable accommodation”**. The additional support and resources needed in order to include this group of children with disabilities is certainly a concern that educational institutions will find excuses such as “we are too full” etc. not to take them in or accommodate them.

We welcome the inclusion of families as playing an important part in implementing inclusive education. Paragraph 80 recognizes families of students with disabilities as playing an important part in the education of student with disabilities as partners. It further encourages families, volunteers and community members to provide active support in the classroom. Although alluded to in paragraph 76, DSI feels that paragraph 80 could be strengthened to include the necessary training and awareness of disability to this target group. In addition, DSI feel that education institutions should also work closely with the various local Disabled People’s Organisations (DPO’s) in their community to assist with this.

In addition, paragraph 50 “encourages students and students with disabilities in the development of policies to address disciplinary measures and bullying, including cyberbullying”. DSI would like to see the inclusion of parents and/or families of students with disabilities in these developments of policies.

In amplification of the above we suggest the addition of **(and/or their families)** in Paragraph 81 of the GC:

“Persons with disabilities **(and/or their families)** must also be recognised as partners and not merely recipients of education. States parties must support their active involvement, not only in their own education, but also in the development of policies in inclusive education at the local and national levels”.

Paragraph 29 – due to the nature of some disabilities, students may not be able to determine or discuss their requirements for accommodations. We further suggest that **(disability)** also be added (inserted in bold below).

“The determination of accommodations required must be undertaken through discussions between the educational provider, the student with a disability, and depending on the student’s age, ~~and~~ maturity, **(and/or disability)** their parents and/or family members, in order to ensure that the accommodation meets the access needs of the student and can be implemented by the provider.

There seems to be disparity in paragraph 19 and 23. Paragraph 19 reads:

“Paragraph 2 (b) requires States parties to ensure that persons with disabilities can access inclusive, quality and **free primary and secondary education** on an equal basis with others in the communities in which they live”.

Paragraph 23 reads:

“In addition, accessibility requires that education be affordable for students with disabilities. Primary education must be compulsory and free, whereas **secondary education must be available and accessible to every child, and measures taken to progressively introduce free education.** States parties must ensure that children with disabilities are able to access education on an equal basis with other children”.

Furthermore, in paragraph 19 it may be useful to add the four interrelated and essential features.

“The Committee draws on the interpretation by the Committee on Economic, Social and Cultural Rights that in order to fulfill this obligation, the education system must comprise four interrelated and essential features”.¹ **namely availability, accessibility, acceptability and adaptability”,**

Although they are referred to under paragraphs 20, 21, 24 and 25 there is a fifth. Paragraph 26 referring to ‘Quality’, which is not listed in the referenced document (¹ CESCR E/C.12/1999/10).

Paragraph 70 – “The Committee stresses the need for allocation of sufficient financial and human resources to support the implementation of inclusive education”. DSI suggests that educating and providing information on the Right to Inclusive Education to parents, family members and caregivers of children with disabilities must be included in budgets.

“On an equal basis” is mentioned throughout the document. This refers to children/students without disabilities who do not require additional supports/resources. Some of our members have indicated that this could be confusing to them or others as it may be interpreted as States parties not having to provide additional resources or charging extra for children with disabilities despite the many references to inclusion.
