

Inclusion International's submission to the Special Rapporteur on the right to education

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Inclusion International is submitting this document to inform the Special Rapporteur for her thematic report to the Human Rights Council in June 2023¹.

Inclusion International (II) is the global network of people with intellectual disabilities and their families. At the global level and at the national and local level through its membership, II advocates for the inclusion of people with disabilities into their communities, as valued neighbours and Citizens.

II now represents over 200 organisations of persons with intellectual disabilities and their families in 115 countries throughout five regions including the Middle East and North Africa, Europe, Africa, the Americas, and Asia Pacific.

As a membership based organisation founded over 60 years ago, II is made up of organisations of people with intellectual disabilities and their families that advocate for their rights at the international, regional, national and community level. Member organisations are brought together through their joint commitment to the [Statement of Unity](#)², which outlines II's communal vision for meaningful inclusion of people with intellectual disabilities in their communities.

Inclusion International's members are involved in periodical global and regional consultations to update our position papers on different themes. The most recent [position paper on inclusive education](#) was approved following our General Assembly in November 2023³.

One of the main reasons why so many organisations of persons with intellectual disabilities and their families came together to establish this global

¹ Call for submissions of the Special Rapporteur on the right to education: <https://www.ohchr.org/en/calls-for-input/2023/call-contributions-right-education-advances-and-challenges>

² Inclusion International's Statement of Unity: <https://s38312.pcdn.co/wp-content/uploads/Statement-of-Unity-FINAL-1.pdf>

³ Inclusion International's position paper on inclusive education as approved following the II General Assembly on November 2023: https://s38312.pcdn.co/wp-content/uploads/22.10.04_Education-Position-Paper-.pdf

network was the lack of access to inclusion in education. Inclusion International has been instrumental in bringing forward their common perspective.

*At the global level, II ensures the voices of people with intellectual disabilities are heard in the ongoing work on implementing the Convention on the Rights of Persons with Disabilities (CRPD), other treaty bodies that impact the lives of persons with intellectual disabilities and in the implementation of the Sustainable Development Goals. **Inclusion International played an active leadership role in the negotiation of the UN Convention on the Rights of Persons with Disabilities, including in negotiating CRPD Article 24 and General Comment n. 4 on inclusive education with the CRPD Committee.***

As inclusive education is a high demand issue for capacity building from our member organisations, Inclusion International has developed a program to support exchange of knowledge between regions, or at national and local level. Such a programme is called [Catalyst for Inclusive Education](#)⁴.

II is a founding member of the International Disability Alliance (IDA), a member of the International Disability and Development Consortium, a leading member of the IDA flagship on education (funded by DFID), and provided substantive content leadership on the development of the recent Global Disability Summits as well as to the Transforming Education Summit.

⁴ Inclusion International's Catalyst for Inclusive Education Programme: <https://inclusion-international.org/programme/catalyst-for-inclusive-education/>

Context

Children with intellectual disabilities have the right to be included at school and to enjoy inclusive, equitable and equal education like every other child. Although more good practices on inclusion of learners with disabilities in education have appeared in the last decades in some countries, most of the barriers to access to education, meaningful progress and opportunities still remain.

UNESCO-UIS data from 2018 show that of the 64 million primary school-age children who are out of school, most are children with disabilities. In low and low-middle income countries, around 40% of children with disabilities are out of school at the primary level and this percentage increases to 55% at lower secondary level (UNICEF, 2016).

In this scenario, learners with intellectual disabilities are by far the most excluded. The Global Education Monitoring Report 2020 on inclusion in education says that "Those with a sensory, physical or intellectual disability are 2.5 times more likely to have never been in school than their peers without disabilities."⁵

[A recent multi-country study by Inclusion International in cooperation with UNICEF LACRO](#)⁶ documented the perspectives of children with and without disabilities and their families about education in Latin America. In addition to documenting the experience of exclusion from education, the report explores the way

⁵ Global Education Monitoring Report 2020 on Inclusion in Education <https://en.unesco.org/gem-report/report/2020/inclusion>

⁶ "Our Opinion Matters: Perspective of Boys, Girls and Adolescents on Discrimination and Barriers to Inclusive Education", UNICEF LACRO, Inclusion International and its Catalyst for Inclusive Education, Fundación Saraki, Asdown Colombia, Sociedad Peruana Síndrome de Down <https://drive.google.com/file/d/1NFG62HKP1-ZvqEP0-z4Mzrj8ZYv5VY3/view>

that families have been taught to have low expectations for the educational outcomes of their children.

Similarly, our regional network, Inclusion Africa conducted a baseline study of inclusive education from the perspective of its member organisations in 12 Sub-Saharan countries. In addition to documenting the education policy barriers, the report engaged families in an analysis of the barriers their children face in accessing inclusive education.

Both reports underline the important role of families, as “natural advocates” for their daughters’ and sons’ in achieving the right to inclusive education. In the recent UNICEF global report “Seen, Counted, Included: Using data to shed light on the well-being of children with disabilities”, it was noted that “Parents’ involvement in their children’s education and learning has been identified as a key and accurate predictor of academic achievement, improving children’s confidence, interest and performance at school. It not only improves children’s education and learning outcomes but can also offset other social risks. The benefits can be even greater for children with disabilities, who face significantly more obstacles in achieving an education”⁷.

Families are consistently told that their children with intellectual disabilities require specialised services which divert them from the regular education system. However, building on the experience of our global network, we know that using teaching and organisational strategies that include different learning styles in all the educational modalities and levels (such as Universal Design for Learning and other planning strategies) - not only for those interacting directly with students in the classroom but also for those assuming

⁷ United Nations Children’s Fund, Seen, Counted, Included: Using data to shed light on the well-being of children with disabilities, UNICEF, New York, 2021 <https://data.unicef.org/resources/children-with-disabilities-report-2021/>

responsibilities in the local administration - benefits all learners and the educational environment as a whole.

The experience of exclusion from education has been further amplified by the COVID 19 Pandemic. Inclusion International member organisations in both high and low income countries reported that the exclusion experienced by children with intellectual disabilities was compounded by the lockdown and the pandemic⁸. The World Bank reported that 40 percent of disadvantaged learners in low and lower-middle income countries were left entirely unsupported in their education⁹.

What inclusive education means to us

Inclusive education means that education systems are inclusive of all students with and without disabilities from the beginning. This means that special or separate programmes for students with disabilities are not necessary, nor acceptable. Inclusive education means all students learn together. Inclusive education does not mean segregation, exclusion, or integration¹⁰.

Article 24 of the United Nations Convention on the Rights of Persons with Disabilities (CRPD)¹¹ says that countries which have

⁸ “A Global Agenda for Inclusive Recovery: Ensuring People with Intellectual Disabilities and Families are Included in a Post-COVID World”, Inclusion International, 2021
<https://inclusion-international.org/a-global-agenda-post-covid/>

⁹ “Pivoting to Inclusion: Leveraging Lessons from the COVID-19 Crisis for Learners with Disabilities”, World Bank, 2020 <https://www.worldbank.org/en/topic/disability/publication/pivoting-to-inclusion-leveraging-lessons-from-the-c-ovid-19-crisis-for-learners-with-disabilities>

¹⁰ Segregation means that the learner with intellectual disabilities goes to separate classes without their peers without disabilities. Integration means that they learn in the class with their peers with and without disabilities but without support to participate and achieve on an equal basis. **Both segregation and integration are against the principle of the UN CRPD, therefore they are a human rights violation, along with Exclusion.** For more information, please refer to the UN CRPD General Comment 4:

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD/C/GC/4&Lang=en

¹¹ UN CRPD:

<https://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx>

ratified (agreed to follow) the CRPD must provide an inclusive education system.

Building on the report of the former Special Rapporteur on Education, Vernor Muñoz, on the education of children with disabilities, inclusive education has developed into an international legal norm¹². Article 24, together with General Comment 4 of the CRPD¹³, makes sure that every learner with disabilities has the right to attend the same schools as learners who do not have disabilities. It says that people with disabilities should be provided with the support they need to enjoy their right to education.

Inclusive education makes sure that learners with disabilities have opportunities to learn, take part, and develop. Inclusive education leads to persons with disabilities contributing to their communities. Inclusive Education benefits all children. Inclusive education helps to build fair societies, where differences are valued, celebrated, and supported. People with intellectual disabilities have a right to be included in education systems and settings that are inclusive of **all**.

The right to inclusive education means that all learners, including learners with intellectual disabilities:

- are taught in the schools in their communities
- receive the support they need to learn together with learners with and without disabilities in the same class.
- receive a good quality inclusive education, so that they can participate, learn and progress.
- are accepted, valued and feel like they belong at school.

¹² Previous Special Rapporteur, Vernor Muñoz, wrote a report on what inclusive education means for students with disabilities. This important report dates from 2007- before the CRPD was adopted and helped building a vision of inclusive education <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G07/108/92/PDF/G0710892.pdf?OpenElement>

¹³ General Comment 4 (on UN CRPD Article 24): https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD/C/GC/4&Lang=en General Comment 4 was drafted by the CRPD Committee in consultation with members of the International Disability Alliance and Inclusion International.

- are safe from abuse, exclusion, and restraint at school. Restraint means controlling someone's behaviour and movements. For example being held down by another person.
- recognise the extra challenges faced by girls and women with intellectual disabilities. Inclusive education systems should make sure girls and women are also protected.
- have the same opportunities to learn in the classroom, and the same opportunities to do activities with the school community as all other students from early childhood throughout their lifelong learning path; and
- are not discriminated against, excluded, or segregated. To be segregated means that the learner with intellectual disabilities goes to separate classes without their classmates without disabilities.

Main challenges and crucial issues for the future

Learners with intellectual disabilities are at the highest risk of being excluded from education. Learners with intellectual disabilities are also at risk of being excluded from other learners.

People with intellectual disabilities have the right to an inclusive quality education – where everyone can learn together and progress with a sense of well-being and belonging.

Our member organisations of persons with intellectual disabilities and their families have told us what are the current main challenges and barriers that prevent them from achieving inclusion in education.

Some of the current main problems are:

- General lack of understanding of inclusive education and what this means for school leadership, how the school is run and

how money is spent. Society may have low expectations of learning and inclusion of children with intellectual disabilities.

- Families of children with intellectual disabilities need to see good examples of inclusion to know why and how they should advocate for it. At the moment, families might not advocate for inclusion because they do not know what inclusive education looks like in practice.
- There are many segregated education settings (also called 'special education' settings). These places prevent learners with intellectual disabilities from learning with classmates who don't have a disability. In too many countries there are still too many persons with intellectual disabilities who are and have always been out of school.
- Bullying and discrimination is a challenge faced by learners with intellectual disabilities.
- Inclusive education must be supported in law and policy.
- Teachers are not trained or supported to teach in ways that are good for all learning styles.
- Many teachers and school managers believe children with intellectual disabilities cannot learn. Even when learners with intellectual disabilities attend mainstream schools, they are not supported to learn and take part.
- Parents are often asked to pay extra fees for their children with intellectual disabilities to attend school to cover support services. Or parents are asked to come to the class to play the role of a support teacher.
- In some countries, informal education is still present and it is difficult to check what is inside or outside the formal education system.
- Lack of funding to pay for support, reasonable accommodations¹⁴, accessible learning material and opportunities to learners with intellectual disabilities.

¹⁴ As explained in the United Nations Convention on the Rights of Persons with Disabilities (UN CRPD), "Reasonable accommodation" means necessary and appropriate modification and

Prior to the COVID-19 pandemic, children with disabilities were 2.5 times more likely to have never been in school¹⁵. During the pandemic and in the recovery phase, our Network has encountered specific challenges related to inclusive education. Inclusion International’s President, Sue Swenson, said that “Children with intellectual disabilities were the furthest left behind before the pandemic, but in the move to remote education as a result of COVID-19, children with intellectual disabilities were disproportionately impacted.”

We observed that the degree of exclusion from education that learners with intellectual disabilities faced during the pandemic was highly dependent on the model of education delivery in that country. While students with intellectual disabilities in inclusive education systems were likely to face accessibility barriers and a lack of individual support with learning, students with intellectual disabilities in segregated education environments were less likely to access education during the pandemic at all. More information and recommendations related to inclusion and exclusion from education during and after the COVID-19 pandemic can be found in our report [“A Global Agenda for Inclusive Recovery: Ensuring People with Intellectual Disabilities and Families are Included in a Post-COVID World”](#)¹⁶.

adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms”, link to the full Convention:

<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities>

¹⁵ Global Education Monitoring Report (2020). Inclusion and Education: All Means All.

<https://unesdoc.unesco.org/ark:/48223/pf0000373718>

¹⁶ Our Global Agenda for Inclusive Recovery, Inclusion International 2021:

<https://s38312.pcdn.co/wp-content/uploads/Technical-Report.pdf> Section on education starts at page 43.

Our common vision on inclusive education

We support and advocate for people with intellectual disabilities to have their right to inclusive, good quality and equal education for all. This is in line with the United Nations' Sustainable Development Goals and the principles of the UN CRPD. We call on governments to take action and transform education systems to become truly inclusive – just agreeing with the idea of inclusive education is not enough.

Governments who believe in inclusive education must do the work to change education systems.

Education systems that are inclusive of ***all learners*** make sure there are good learning, progress and social outcomes ***for all learners*** including those who have a disability.

Why do we need the Special Rapporteur on Education's support

Inclusion International calls on the Special Rapporteur on Education to support these recommendations to governments to advance inclusive education and work to build inclusive education systems that:

- Ensure access to quality education and life-long learning opportunities for all. This should start from early-childhood,
- Ensure access to related services, for example, communication support and learning material that has been adapted so that is accessible for each learner,
- Provide access to the support they need to fully take part and learn,
- Train teachers to teach in ways that fit the different ways that people learn, these are called learning styles,

- Are designed to include and support the learning, respect the ability and potential of all learners, no matter their background, gender, or disability,
- Value, listen to, and learn from people with intellectual disabilities and their families,
- Provide care, support and other accommodations that are needed to make sure learners with intellectual disabilities are safe in schools,
- Does not divide learners into separate classrooms, schools or groups based on their disability, their diagnosis, their achievements at school, or any other label,
- Provides access to all students to curricular and extracurricular activities¹⁷ and learning opportunities and internship programs that can link them to the world of work, so that inclusive education can lead to equal jobs,
- Provides opportunities for everyone to academically compete¹⁸ in different ways so that everyone can show their achievements,
- Does not require families to pay extra fees to cover the costs of in-class support and matriculation¹⁹, while other families of children without disabilities do not have to pay.
- Check inclusive education on a regular basis and collect detailed data and evidence about inclusion. Make sure that segregation or integration is not happening either formally or informally.

Inclusion International counts on the support of the Special Rapporteur on Education, Ms. Farida Shaheed, to continue supporting our efforts towards achieving inclusion in education for

¹⁷ “Extra-curricular” means activities that are not included in the core education set of activities that are planned in the education curriculum. This could be accessing a school exchange programme or joining a sports team.

¹⁸ “Academically compete” means that persons with intellectual disabilities can join writing contests and other types of competitions that are based on skills acquired at school.

¹⁹ “Matriculation” is when you sign up to join a school.

all children, including those with intellectual disabilities. **This requires that the Special Rapporteur puts inclusive education as the priority in her mandate.**

The Special Rapporteur can also help influence governments and guide them through transforming their education systems to become truly inclusive by staying connected with our Movement and linking up with our current efforts such as those around the follow-up to the Transforming Education Summit (TES) 2022.²⁰ In this occasion, Inclusion International as part of the International Disability Alliance and the International Disability and Development Consortium, along with other distinguished partners such as the Global Campaign for Education, disseminated a call to action “[Transforming Education for Disability Inclusion: A Call to Action for All Children](#)”. This call to action provides a list of commitments for governments to start their paths towards transforming their education systems and it would be great if the Special Rapporteur supports these efforts.

Contacts

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²⁰ The TES was held in September 2022 and was an opportunity for world leaders to commit to transforming education so that every child in the world can access quality, equitable, inclusive education and lifelong learning. Read more on TES 2022 at: <https://www.un.org/en/transforming-education-summit>

Call to action: [Transforming Education for Disability Inclusion: A Call to Action for All Children available here](#) in [\[English\]](#) [\[Spanish\]](#) [\[Arabic\]](#) [\[French\]](#)