



# Convention on the Rights of Persons with Disabilities

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## Committee on the Rights of Persons with Disabilities

### General comment No. 4 (2016) on the right to inclusive education

#### I. Introduction

1. Historically viewed as welfare recipients, persons with disabilities are now recognized under international law as rights holders with a claim to the right to education without discrimination and on the basis of equal opportunities. The Convention on the Rights of the Child (1989), the World Declaration on Education for All (1990), the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (1993) and the Salamanca statement and framework for action (1994) all include measures testifying to the growing awareness and understanding of the right of persons with disabilities to education.

2. Recognition of inclusion as the key to achieving the right to education has strengthened over the past 30 years and is enshrined in the Convention on the Rights of Persons with Disabilities, the first legally binding instrument to contain a reference to the concept of quality inclusive education. Sustainable Development Goal 4 too affirms the value of inclusive, quality and equitable education. Inclusive education is central to achieving high-quality education for all learners, including those with disabilities, and for the development of inclusive, peaceful and fair societies. Furthermore, there is a powerful educational, social and economic case to be made. As reflected in the report of the Office of the United Nations High Commissioner for Human Rights on the thematic study on the right of persons with disabilities to education, only inclusive education can provide both quality education and social development for persons with disabilities, and a guarantee of universality and non-discrimination in the right to education.<sup>1</sup>

3. Despite the progress achieved, however, the Committee is concerned that profound challenges persist. Many millions of persons with disabilities continue to be denied the right to education and for many more education is available only in settings where persons with disabilities are isolated from their peers and where the education they receive is of an inferior quality.

4. Barriers that impede access to inclusive education for persons with disabilities can be attributed to multiple factors, including:

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<sup>1</sup> See A/HRC/25/29 and Corr.1, paras. 3 and 68.



- (a) The failure to understand or implement the human rights model of disability, according to which barriers within the community and society, rather than personal impairments, exclude persons with disabilities;
- (b) Persistent discrimination against persons with disabilities, compounded by the isolation of those still living in long-term residential institutions, and low expectations about those in mainstream settings, allowing prejudices and fear to escalate and remain unchallenged;
- (c) Lack of knowledge about the nature and advantages of inclusive and quality education and diversity, including regarding competitiveness, in learning for all; lack of outreach to all parents; and lack of appropriate responses to support requirements, leading to misplaced fears and stereotypes that inclusion will cause a deterioration in the quality of education or otherwise have a negative impact on others;
- (d) Lack of disaggregated data and research (both of which are necessary for accountability and programme development), which impedes the development of effective policies and interventions to promote inclusive and quality education;
- (e) Lack of political will, technical knowledge and capacity in implementing the right to inclusive education, including insufficient education of all teaching staff;
- (f) Inappropriate and inadequate funding mechanisms to provide incentives and reasonable accommodations for the inclusion of students with disabilities, interministerial coordination, support and sustainability;
- (g) Lack of legal remedies and mechanisms to claim redress for violations.

5. States parties to the Convention on the Rights of Persons with Disabilities must have regard for the underlying general principles of the Convention in all measures taken to implement inclusive education and must ensure that both the process and outcomes of developing an inclusive education system comply with article 3.

6. The present general comment is applicable to all persons with actual or perceived disabilities.<sup>2</sup> The Committee recognizes that some groups are more at risk of exclusion from education than others, such as: persons with intellectual disabilities or multiple disabilities, persons who are deafblind, persons with autism or persons with disabilities in humanitarian emergencies.

7. Consistent with article 4 (3), States parties must consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations, in all aspects of planning, implementation, monitoring and evaluation of inclusive education policies. Persons with disabilities and, when appropriate, their families, must be recognized as partners and not merely recipients of education.

## **II. Normative content of article 24**

8. In accordance with article 24 (1), States parties must ensure the realization of the right of persons with disabilities to education through an inclusive education system at all levels, including preschool, primary, secondary and tertiary education, vocational training and lifelong learning, extracurricular and social activities, and for all students, including persons with disabilities, without discrimination and on an equal basis with others.

9. Ensuring the right to inclusive education entails a transformation in culture, policy and practice in all formal and informal educational environments to accommodate the

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<sup>2</sup> Art. 1 (2) of the Convention on the Rights of Persons with Disabilities.

differing requirements and identities of individual students, together with a commitment to removing the barriers that impede that possibility. It involves strengthening the capacity of the education system to reach out to all learners. It focuses on the full and effective participation, accessibility, attendance and achievement of all students, especially those who, for different reasons, are excluded or at risk of being marginalized. Inclusion involves access to and progress in high-quality formal and informal education without discrimination. Inclusion seeks to enable communities, systems and structures to combat discrimination, including harmful stereotypes, recognize diversity, promote participation and overcome barriers to learning and participation for all by focusing on the well-being and success of students with disabilities. It requires an in-depth transformation of education systems in legislation, policy and the mechanisms for financing, administering, designing, delivering and monitoring education.

10. Inclusive education is to be understood as:

(a) A fundamental human right of all learners. Notably, education is the right of the individual learner and not, in the case of children, the right of a parent or caregiver. Parental responsibilities in this regard are subordinate to the rights of the child;

(b) A principle that values the well-being of all students, respects their inherent dignity and autonomy, and acknowledges individuals' requirements and their ability to effectively be included in and contribute to society;

(c) A means of realizing other human rights. It is the primary means by which persons with disabilities can lift themselves out of poverty, obtain the means to participate fully in their communities and be safeguarded from exploitation.<sup>3</sup> It is also the primary means of achieving inclusive societies;

(d) The result of a process of continuing and proactive commitment to eliminating barriers impeding the right to education, together with changes to culture, policy and practice of regular schools to accommodate and effectively include all students.

11. The Committee highlights the importance of recognizing the differences between exclusion, segregation, integration and inclusion. Exclusion occurs when students are directly or indirectly prevented from or denied access to education in any form. Segregation occurs when the education of students with disabilities is provided in separate environments designed or used to respond to a particular impairment or to various impairments, in isolation from students without disabilities. Integration is the process of placing persons with disabilities in existing mainstream educational institutions with the understanding that they can adjust to the standardized requirements of such institutions.<sup>4</sup> Inclusion involves a process of systemic reform embodying changes and modifications in content, teaching methods, approaches, structures and strategies in education to overcome barriers with a vision serving to provide all students of the relevant age range with an equitable and participatory learning experience and the environment that best corresponds to their requirements and preferences. Placing students with disabilities within mainstream classes without accompanying structural changes to, for example, organization, curriculum and teaching and learning strategies, does not constitute inclusion. Furthermore, integration does not automatically guarantee the transition from segregation to inclusion.

12. The core features of inclusive education are:

<sup>3</sup> Committee on Economic, Social and Cultural Rights, general comment No. 13 (1999) on the right to education.

<sup>4</sup> See A/HRC/25/29 and Corr.1, para. 4, and United Nations Children's Fund (UNICEF), *The Right of Children with Disabilities to Education: a Rights-based Approach to Inclusive Education* (Geneva, 2012).

(a) A “whole systems” approach: education ministries must ensure that all resources are invested in advancing inclusive education and in introducing and embedding the necessary changes in institutional culture, policies and practices;

(b) A “whole educational environment”: the committed leadership of educational institutions is essential for introducing and embedding the culture, policies and practices needed to achieve inclusive education at all levels and in all areas, including in classroom teaching and relationships, board meetings, teacher supervision, counselling services and medical care, school trips, budgetary allocations, any interaction with the parents of learners with and without disabilities and, when applicable, the local community or wider public;

(c) A “whole person” approach: recognition is given to the capacity of every person to learn, and high expectations are established for all learners, including learners with disabilities. Inclusive education offers flexible curricula and teaching and learning methods adapted to different strengths, requirements and learning styles. This approach implies the provision of support, reasonable accommodation and early intervention so that all learners are able to fulfil their potential. The focus is on learners’ capacities and aspirations rather than on content when planning teaching activities. The “whole person” approach aims at ending segregation within educational settings by ensuring inclusive classroom teaching in accessible learning environments with appropriate supports. The education system must provide a personalized educational response, rather than expect students to fit the system;

(d) Supported teachers: all teachers and other staff receive the education and training they need to give them the core values and competencies to accommodate inclusive learning environments, which include teachers with disabilities. An inclusive culture provides an accessible and supportive environment that encourages working through collaboration, interaction and problem-solving;

(e) Respect for and value of diversity: all members of the learning community are equally welcome and must be shown respect for diversity irrespective of disability, race, colour, sex, language, linguistic culture, religion, political or other opinion, national, ethnic, indigenous or social origin, property, birth, age or other status. All students must feel valued, respected, included and listened to. Effective measures to prevent abuse and bullying are in place. Inclusion takes an individual approach to students;

(f) A learning-friendly environment: inclusive learning environments are accessible environments where everyone feels safe, supported, stimulated and able to express themselves and where there is a strong emphasis on involving students in building a positive school community. Recognition is afforded to the peer group in learning, building positive relationships, friendships and acceptance;

(g) Effective transitions: learners with disabilities receive support to ensure the effective transition from learning at school to vocational and tertiary education and, finally, to work. Learners’ capacities and confidence are developed and learners receive reasonable accommodation, are treated with equality in assessments and examination procedures, and their capacities and attainments are certified on an equal basis with others;

(h) Recognition of partnerships: teacher associations, student associations and federations, organizations of persons with disabilities, school boards, parent-teacher associations and other functioning school support groups, both formal and informal, are all encouraged to increase understanding and knowledge of disability. The involvement of parents or caregivers and the community is viewed as an asset that contributes resources and strengths. The relationship between the learning environment and the wider community must be recognized as a route towards inclusive societies;

(i) **Monitoring:** as a continuing process, inclusive education must be monitored and evaluated on a regular basis to ensure that neither segregation nor integration are taking place, either formally or informally. According to article 33, monitoring should involve persons with disabilities, including children and persons with intensive support requirements, through their representative organizations, as well as parents or caregivers of children with disabilities, where appropriate. Disability-inclusive indicators must be developed and used in a manner consistent with the 2030 Agenda for Sustainable Development.

13. Consistent with the Convention against Discrimination in Education of the United Nations Educational, Scientific and Cultural Organization (UNESCO) and in order to give effect to article 24 (1) of the Convention on the Rights of Persons with Disabilities, States parties must ensure that the right to education is assured without discrimination and on the basis of equality of opportunity. States parties must prohibit all discrimination on the basis of disability and guarantee to all persons with disabilities equal and effective protection against discrimination on all grounds. Persons with disabilities can experience intersectional discrimination on the basis of disability, gender, religion, legal status, ethnic origin, age, sexual orientation or language. In addition, parents, siblings and other relatives can also experience discrimination on grounds of disability by association. The measures needed to address all forms of discrimination include identifying and removing legal, physical, communication and linguistic, social, financial and attitudinal barriers within educational institutions and the community. The right to non-discrimination includes the right not to be segregated and to be provided with reasonable accommodation and must be understood in the context of the duty to provide accessible learning environments and reasonable accommodation.

14. Situations of armed conflict, humanitarian emergencies and natural disasters have a disproportionate impact on the right to inclusive education. States parties should adopt inclusive disaster risk reduction strategies for comprehensive school safety and security in emergencies that are sensitive to learners with disabilities. Temporary learning environments in such contexts must ensure the right of persons with disabilities, in particular children with disabilities, to education on the basis of equality with others. They must include accessible educational materials, school facilities, counselling and access to training in the local sign language for deaf learners. In accordance with article 11 of the Convention on the Rights of Persons with Disabilities, and given the heightened risk of sexual violence in such settings, measures must be taken to ensure that learning environments are safe and accessible for women and girls with disabilities. Learners with disabilities must not be denied access to educational establishments on the basis that evacuating them in emergency situations would be impossible, and reasonable accommodation must be provided.

15. For article 24 (1) (a) to be realized, and in line with the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child, education must be directed at the full development of the human potential and sense of dignity and self-worth, and the strengthening of respect for human rights and human diversity. States parties must ensure that education conforms to the aims and objectives of the International Covenant on Economic, Social and Cultural Rights as interpreted in the light of the World Declaration on Education for All (art. 1), the Convention on the Rights of the Child (art. 29 (1)), the Vienna Declaration and Programme of Action (Part I, para. 33, and Part II, para. 80) and the Plan of Action for the United Nations Decade for Human Rights Education (para. 2). These texts include additional elements such as references to gender equality and respect for the environment.<sup>5</sup> Ensuring

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<sup>5</sup> Committee on Economic, Social and Cultural Rights, general comment No. 13.

the right to education is a matter of access as well as content, and efforts should be directed at upholding a wide range of values, including understanding and tolerance.<sup>6</sup> Inclusive education must aim at promoting mutual respect and value for all persons and at building educational environments in which the approach to learning, the culture of the educational institution and the curriculum itself reflect the value of diversity.

16. For article 24 (1) (b) to be implemented, education should be directed to the development of the personality, talents and creativity of persons with disabilities, as well as of their mental, physical and communicational abilities, to their fullest potential. The education of persons with disabilities too often focuses on a deficit approach, on their actual or perceived impairment and on limiting opportunities to pre-defined and negative assumptions of their potential. States parties must support the creation of opportunities to build on the unique strengths and talents of each individual with a disability.

17. For article 24 (1) (c) to be realized, the aims of education must be directed at enabling persons with disabilities to participate fully and effectively in a free society. Recalling article 23 (3) of the Convention on the Rights of the Child, the Committee stresses that, regarding children with disabilities, assistance must be provided to ensure that they have effective access to education in a manner conducive to achieving their fullest possible social integration and individual development. States parties must recognize that individual support and reasonable accommodation are priority matters and should be free of charge at all compulsory levels of education.

18. For article 24 (2) (a) to be implemented, the exclusion of persons with disabilities from the general education system should be prohibited, including through any legislative or regulatory provisions that limit their inclusion on the basis of their impairment or the degree of that impairment, such as by conditioning inclusion on the extent of the potential of the individual or by alleging a disproportionate and undue burden to evade the obligation to provide reasonable accommodation. General education means all regular learning environments and the education department. Direct exclusion would be to classify certain students as “non-educable” and thereby ineligible for access to education. Indirect exclusion would be imposing a requirement to pass a common test as a condition for school entry without reasonable accommodations and support.

19. For article 4 (1) (b) of the Convention to be implemented, States parties should take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities and that are in violation of article 24. Where necessary, discriminatory laws, regulations, customs and practices should be repealed or amended in a systematic and time-bound manner.

20. For article 24 (2) (b) to be realized, persons with disabilities must have access to inclusive, quality and free primary and secondary education and be able to transition smoothly between the two on an equal basis with others in the communities where they live. The Committee draws on the recommendation of the Committee on Economic, Social and Cultural Rights that, to fulfil that obligation, the education system must comprise four interrelated features: availability, accessibility, acceptability and adaptability.<sup>7</sup>

### **Availability**

21. Public and private educational institutions and programmes must be available in sufficient quantity and quality. States parties must guarantee a broad availability of educational places for learners with disabilities at all levels throughout the community.

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<sup>6</sup> Committee on the Rights of the Child, general comment No. 1 (2001) on the aims of education.

<sup>7</sup> Committee on Economic, Social and Cultural Rights, general comment No. 13.

### **Accessibility**

22. Consistent with article 9 of the Convention and with the Committee's general comment No. 2 (2014) on accessibility, educational institutions and programmes must be accessible to everyone, without discrimination. The entire education system must be accessible, including buildings, information and communications tools (comprising ambient or frequency modulation assistive systems), the curriculum, educational materials, teaching methods, assessments and language and support services. The environment of students with disabilities must be designed to foster inclusion and guarantee their equality throughout their education.<sup>8</sup> For example, school transportation, water and sanitation facilities (including hygiene and toilet facilities), school cafeterias and recreational spaces should be inclusive, accessible and safe. States parties must commit to the prompt introduction of universal design. States parties should prohibit and sanction the building of any future education infrastructure that is inaccessible and establish an efficient monitoring mechanism and time frame for rendering all existing education environments accessible. States parties must also commit to the provision of reasonable accommodation in education environments when so required. The universal design approach does not exclude the provision of assistive devices, applications and software to those learners with disabilities who may require them. Accessibility is a dynamic concept and its application requires periodic regulatory and technical adjustments. States parties must ensure that the rapid development of innovations and new technologies designed to enhance learning are accessible to all students, including those with disabilities.

23. The Committee highlights the widespread lack of textbooks and learning materials in accessible formats and languages, including sign language. States parties must invest in the timely development of resources in ink or Braille and in digital formats, including through the use of innovative technology. They should also consider developing standards and guidelines for the conversion of printed material into accessible formats and languages and making accessibility a central aspect of education-related procurement. The Committee calls upon States parties to urgently ratify and implement the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.

24. Accessibility requires that education at all levels be affordable for students with disabilities. Reasonable accommodation should not entail additional costs for learners with disabilities. Compulsory, quality, free and accessible primary education is an immediate obligation. In line with the 2030 Agenda for Sustainable Development, States parties must progressively adopt measures to ensure that all children, including children with disabilities, complete free, equitable and quality secondary education and to ensure equal access for all women and men with disabilities to affordable and quality technical, vocational and tertiary education, including university, and lifelong learning. States parties must ensure that persons with disabilities are able to access education in both public and private academic institutions on an equal basis with others.

### **Acceptability**

25. Acceptability is the obligation to design and implement all education-related facilities, goods and services taking fully into account and respecting the requirements, cultures, views and languages of persons with disabilities. The form and substance of education provided must be acceptable to all. States parties must adopt affirmative action measures to ensure that education is of good quality for all.<sup>9</sup> Inclusion and quality are

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<sup>8</sup> Committee on the Rights of Persons with Disabilities, general comment No. 2.

<sup>9</sup> Committee on Economic, Social and Cultural Rights, general comment No. 13.

reciprocal: an inclusive approach can make a significant contribution to the quality of education.

### **Adaptability**

26. The Committee encourages States parties to adopt the universal design for learning approach, which consists of a set of principles providing teachers and other staff with a structure for creating adaptable learning environments and developing instruction to meet the diverse needs of all learners. It recognizes that each student learns in a unique manner and involves: developing flexible ways to learn, creating an engaging classroom environment; maintaining high expectations for all students while allowing for multiple ways to meet expectations; empowering teachers to think differently about their own teaching; and focusing on educational outcomes for all, including persons with disabilities. Curricula must be conceived, designed and implemented in such a way as to meet and adjust to the requirements of every student, and provide appropriate educational responses. Standardized assessments must be replaced with flexible and multiple forms of assessments and the recognition of individual progress towards broad goals that provide alternative routes for learning.

27. In accordance with article 24 (2) (b) of the Convention, persons with disabilities must be able to attend primary and secondary schools in the communities where they live. Students should not be sent away from home. The educational environment must be within safe physical reach for persons with disabilities and include safe and secure means of transportation; alternatively, it must be accessible through information and communications technologies. However, States parties should avoid relying exclusively on technology as a substitute for the direct involvement of students with disabilities and interaction with teachers and role models within the educational environment. Active participation with other students, including siblings of learners with disabilities, is an important component of the right to inclusive education.

28. In accordance with article 24 (2) (c), States parties must provide reasonable accommodation to enable individual students to have access to education on an equal basis with others. "Reasonableness" is understood as the result of a contextual test that involves an analysis of the relevance and the effectiveness of the accommodation and the expected goal of countering discrimination. The availability of resources and financial implications is recognized when assessing disproportionate burden. The duty to provide reasonable accommodation is enforceable from the moment a request for such accommodation is made.<sup>10</sup> Policies that commit to reasonable accommodation must be adopted at the national, local and educational institution levels, and at all levels of education. The extent to which reasonable accommodation is provided must be considered in the light of the overall obligation to develop an inclusive education system, maximizing the use of existing resources and developing new ones. Using a lack of resources and the existence of financial crises to justify failure to make progress towards inclusive education violates article 24.

29. The Committee reiterates the distinction between the general accessibility duty and the obligation to provide reasonable accommodation.<sup>11</sup> Accessibility benefits groups of the population and is based on a set of standards that are implemented gradually. Disproportionality or undue burden cannot be claimed to defend the failure to provide accessibility. Reasonable accommodation relates to an individual and is complementary to the accessibility duty. An individual can legitimately request reasonable accommodation measures even if the State party has fulfilled its accessibility duty.

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<sup>10</sup> Committee on the Rights of Persons with Disabilities, general comment No. 2.

<sup>11</sup> *Ibid.*



30. The definition of what is proportionate will necessarily vary according to context. The availability of accommodations should be considered with respect to a larger pool of educational resources available in the education system and not limited to resources available at the academic institution in question; transfer of resources within the system should be possible. There is no “one size fits all” formula to reasonable accommodation, as different students with the same impairment may require different accommodations. Accommodations may include: changing the location of a class; providing different forms of in-class communication; enlarging print, materials and/or subjects in signs, or providing handouts in an alternative format; and providing students with a note taker or a language interpreter or allowing students to use assistive technology in learning and assessment situations. Provision of non-material accommodations, such as allowing a student more time, reducing levels of background noise (sensitivity to sensory overload), using alternative evaluation methods and replacing an element of the curriculum with an alternative must also be considered. To ensure that the accommodation meets the requirements, will, preferences and choices of students and can be implemented by the institution provider, discussions must take place between the educational authorities and providers, the academic institution, students with disabilities and, depending on the students’ age and capacity, if appropriate, their parents, caregivers or other family members. Provision of reasonable accommodation may not be conditional on a medical diagnosis of impairment and should be based instead on the evaluation of social barriers to education.

31. The denial of reasonable accommodation constitutes discrimination and the duty to provide reasonable accommodation is immediately applicable and not subject to progressive realization. States parties must ensure that independent systems are in place to monitor the appropriateness and effectiveness of accommodations and provide safe, timely and accessible mechanisms for redress when students with disabilities and, if relevant, their families, consider that they have not been adequately provided or have experienced discrimination. Measures to protect victims of discrimination against victimization during the redress process are essential.

32. For article 24 (2) (d) to be implemented, students with disabilities should be entitled to the support they require to facilitate their effective education and enable them to fulfil their potential on an equal basis with others. Support in terms of general availability of services and facilities within the education system should ensure that students with disabilities are able to fulfil their potential to the maximum extent possible, including, for example, the provision of sufficiently trained and supported teaching staff, school counsellors, psychologists and other relevant health and social service professionals, as well as access to scholarships and financial resources.

33. For article 24 (2) (e) to be realized, adequate, continuous and personalized support is to be provided directly. The Committee emphasizes the need to provide individualized education plans that can identify the reasonable accommodations and specific support required by individual students, including the provision of assistive compensatory aids, specific learning materials in alternative/accessible formats, modes and means of communication, communication aids and assistive and information technology. Support can also consist of a qualified learning support assistant, either on a shared or on a one-to-one basis, depending on the requirements of the student. Individualized education plans must address the transitions experienced by learners who move from segregated to mainstream settings and between levels of education. The effectiveness of such plans should be regularly monitored and evaluated with the direct involvement of the learner concerned. The nature of the provision must be determined in collaboration with the student, together, where appropriate, with the parents, caregivers or other third parties. The learner must have access to recourse mechanisms if the support is unavailable or inadequate.

34. Any support measures provided must be compliant with the goal of inclusion. Accordingly, they must be designed to strengthen opportunities for students with disabilities to participate in the classroom and in out-of-school activities alongside their peers, rather than marginalize them.

35. Regarding article 24 (3), many States parties are failing to make appropriate provision for persons with disabilities, in particular persons on the autism spectrum, those with communication impairments and those with sensory disabilities, to acquire the life, language and social skills essential for participation in education and within their communities:

(a) Blind and partially sighted students must be provided with opportunities to learn Braille, alternative script, augmentative and alternative modes, means and formats of communication, as well as orientation and mobility skills. Investment in access to appropriate technology and alternative communication systems to facilitate learning should be supported. Peer support and mentoring schemes should be introduced and encouraged;

(b) Deaf and hard-of-hearing students must be provided with the opportunity to learn sign language and measures must be taken to recognize and promote the linguistic identity of the deaf community. The Committee draws the attention of States parties to the Convention against Discrimination in Education, which establishes the right of children to be taught in their own language, and reminds States parties that, in line with article 30 (4) of the Convention on the Rights of Persons with Disabilities, persons with disabilities are entitled, on an equal basis with others, to recognition of and support for their specific cultural and linguistic identity, including sign languages and deaf culture. In addition, hard-of-hearing students must also have access to quality speech therapy services, induction loop technology and captioning;

(c) Students who are blind, deaf or deafblind must be provided with education delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize personal, academic and social development both within and outside formal school settings. The Committee emphasizes that, for such inclusive environments to exist, States parties should provide the required support, including by way of resources, assistive technology and orientation and mobility skills;

(d) Learners with communication impairments must be provided with the opportunity to express themselves and learn using alternative or augmentative communication. This may include the provision of sign language, low- or high-technology communication aids such as tablets with speech output, voice output communication aids or communication books. States parties should invest in developing expertise, technology and services in order to promote access to appropriate technology and alternative communication systems to facilitate learning;

(e) Learners with social communication difficulties must be supported through adaptations to classroom organization, including work in pairs, peer tutoring, seating close to the teacher and the creation of a structured and predictable environment;

(f) Learners with intellectual impairments must be provided with concrete, observable/visual and easy-to-read teaching and learning materials within a safe, quiet and structured learning environment, targeting capacities that will best prepare students for independent living and vocational contexts. States parties should invest in inclusive interactive classrooms where use is made of alternative instructional strategies and assessment methods.

36. To realize article 24 (4), States parties are required to take appropriate measures to employ administration, teaching and non-teaching staff with the skills to work effectively in

inclusive education environments, qualified in sign language and/or Braille and with orientation and mobility skills. Having an adequate number of qualified and committed school staff is key to the introduction and sustainability of inclusive education. Lack of understanding and capacity remain significant barriers to inclusion. States parties must ensure that all teachers are trained in inclusive education and that that training is based on the human rights model of disability.

37. States parties must invest in and support the recruitment and continuous education of teachers with disabilities. This includes removing any legislative or policy barriers requiring candidates to fulfil specific medical eligibility criteria and the provision of reasonable accommodations for their participation as teachers. Their presence will serve to promote equal rights for persons with disabilities to enter the teaching profession, bring unique expertise and skills into learning environments, contribute to breaking down barriers and serve as important role models.

38. To give effect to article 24 (5), States parties should 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. Attitudinal, physical, linguistic, communication, financial, legal and other barriers to education at these levels must be identified and removed in order to ensure equal access. Reasonable accommodation must be provided to ensure that persons with disabilities do not face discrimination. States parties should consider taking affirmative action measures in tertiary education in favour of learners with disabilities.

### **III. Obligations of States parties**

39. States parties should respect, protect and fulfil each of the essential features of the right to inclusive education: availability, accessibility, acceptability and adaptability. The obligation to respect requires avoiding measures that hinder the enjoyment of the right, such as legislation excluding certain children with disabilities from education, or the denial of accessibility or reasonable accommodation. The obligation to protect requires taking measures that prevent third parties from interfering with the enjoyment of the right, for example, parents refusing to send girls with disabilities to school, or private institutions refusing to enroll persons with disabilities on the basis of their impairment. The obligation to fulfil requires taking measures that enable and assist persons with disabilities to enjoy the right to education, for example, ensuring that educational institutions are accessible and that education systems are adapted appropriately with resources and services.

40. Article 4 (2) requires that States parties take measures to the maximum of their available resources regarding economic, social and cultural rights and, where needed, within a framework of international cooperation, with a view to achieving progressively the full realization of those rights. Progressive realization means that States parties have a specific and continuing obligation to move as expeditiously and effectively as possible towards the full realization of article 24.<sup>12</sup> This is not compatible with sustaining two systems of education: a mainstream education system and a special/segregated education system. Progressive realization must be read in conjunction with the overall objective of the Convention to establish clear obligations for States parties in respect of the full realization of the rights in question. Similarly, States parties are encouraged to redefine budgetary allocations for education, including by transferring part of their budgets to the development of inclusive education. Any deliberately retrogressive measures in that regard must not

<sup>12</sup> See Committee on Economic, Social and Cultural Rights, general comment No. 3 (1990) on the nature of States parties' obligations, para. 9.

disproportionately target learners with disabilities at any level of education.<sup>13</sup> They must be only a temporary measure limited to the period of crisis, be necessary and proportionate, not be discriminatory and comprise all possible measures to mitigate inequalities.<sup>14</sup>

41. Progressive realization does not prejudice those obligations that are immediately applicable. As the Committee on Economic, Social and Cultural Rights has stated in its general comment No. 3 (1990) on the nature of States parties' obligations, States parties have a minimum core obligation to ensure the satisfaction of, at the very least, minimum essential levels of each aspect of the right to education.<sup>15</sup> Therefore, States parties should implement the following core rights with immediate effect:

(a) Non-discrimination in all aspects of education and encompassing all internationally prohibited grounds of discrimination. States parties must ensure non-exclusion from education for persons with disabilities and eliminate structural disadvantages to achieve effective participation and equality for all persons with disabilities. They must urgently take steps to remove all legal, administrative and other forms of discrimination impeding the right of access to inclusive education. The adoption of affirmative action measures does not constitute a violation of the right to non-discrimination with regard to education, so long as such measures do not lead to the maintenance of unequal or separate standards for different groups;

(b) Reasonable accommodations to ensure non-exclusion from education for persons with disabilities. Failure to provide reasonable accommodation constitutes discrimination on the ground of disability;

(c) Compulsory, free primary education available to all. States parties must take all appropriate measures to guarantee that right, on the basis of inclusion, to all children and youth with disabilities. The Committee urges States parties to ensure access to and completion of quality education for all children and youth to at least 12 years of free, publicly funded, inclusive and equitable quality primary and secondary education, of which at least nine years are compulsory, as well as access to quality education for out-of-school children and youth through a range of modalities, as outlined in the Education 2030 Framework for Action.

42. States parties must adopt and implement a national educational strategy that includes the provision of education at all levels for all learners, on a basis of inclusion and equality of opportunity. The educational objectives set out in article 24 (1) place equivalent obligations on States parties and must therefore be regarded on a comparable basis of immediacy.

43. With regard to international cooperation, and in line with Sustainable Development Goal 4 and the Education 2030 Framework for Action, all bilateral and multilateral cooperation must aim to advance inclusive and equitable quality education and promote lifelong learning opportunities for all, including support for capacity-building, information-sharing and the exchange of best practices, research, technical and economic assistance, and access to accessible and assistive technologies. All data collected and all international assistance spent on education should be disaggregated by impairment. Consideration of an international coordination mechanism on inclusive education to implement Goal 4 and to build evidence will contribute to a better policy dialogue and to monitoring progress.

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<sup>13</sup> Ibid.

<sup>14</sup> Letter dated 16 May 2012 by the Chair of the Committee on Economic, Social and Cultural Rights addressed to States parties to the International Covenant on Economic, Social and Cultural Rights.

<sup>15</sup> Committee on Economic, Social and Cultural Rights, general comment No. 3.

## IV. Relationship with other provisions of the Convention

44. States parties must recognize the indivisibility and interdependence of all human rights. Education is integral to the full and effective realization of other rights.<sup>16</sup> Conversely, the right to inclusive education can only be realized if certain other rights are implemented. Moreover, the right to inclusive education must be underpinned by the creation of inclusive environments throughout society. This will require the adoption of the human rights model of disability, which recognizes the obligation to remove societal barriers that serve to exclude and marginalize persons with disabilities and the need to adopt measures to ensure implementation of the rights set out below.

45. Article 5 enshrines the principle of equal protection of all persons before and under the law. States parties must prohibit all disability-based discrimination and provide persons with disabilities effective and equal protection against discrimination on all grounds. To address systemic and structural discrimination and to ensure “equal benefit of the law”, States parties must take affirmative action measures, such as removing architectural and communicative or other barriers to mainstream education.

46. Article 6 recognizes that women and girls with disabilities are subject to multiple discrimination and that States parties must adopt measures to ensure the equal enjoyment of their rights. Intersectional discrimination and exclusion pose significant barriers to the realization of the right to education for women and girls with disabilities. States parties must identify and remove those barriers, including gender-based violence and the lack of value placed on the education of women and girls, and put in place specific measures to ensure that the right to education is not impeded by gender and/or disability discrimination, stigma or prejudice. Harmful gender and/or disability stereotypes in textbooks and curricula must be eliminated. Education plays a vital role in combating traditional notions of gender that perpetuate patriarchal and paternalistic societal frameworks.<sup>17</sup> States parties must ensure access for and the retention of girls and women with disabilities in education and rehabilitation services, as instruments for their development, advancement and empowerment.

47. Article 7 asserts that, in all actions concerning children with disabilities, the best interests of the child shall be a primary consideration. The concept of best interests is aimed at ensuring the full and effective enjoyment by the child of all human rights and the child’s holistic development.<sup>18</sup> Any determination of the best interests of a child with a disability must consider the child’s own views and individual identity, the preservation of the family, care, protection and safety of the child, any particular vulnerability, and the child’s right to health and education. The Convention on the Rights of the Child affirms that the best interests of the child must be the basis on which education policies and provisions are determined. Article 7 (3) further asserts that children with disabilities have the right to express their views and that their views on all matters affecting them should be given due weight, in accordance with their age and maturity, on an equal basis with other children, and that they must be provided with disability- and age-appropriate assistance. Guaranteeing the right of children to participate in their education must be applied equally to children with disabilities, in their own learning and individualized education plans,

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<sup>16</sup> Ibid., general comment No. 11 (1999) on plans of action for primary education and general comment No. 13.

<sup>17</sup> Committee on the Elimination of Discrimination against Women, “Concept note on the draft general recommendation on girls’/women’s right to education” (2014).

<sup>18</sup> Committee on the Rights of the Child, general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration.

within the classroom pedagogy, through school councils, in the development of school policies and systems, and in the development of the wider educational policy.<sup>19</sup>

48. Article 8 calls for measures to raise awareness and challenge stereotypes, prejudices and harmful practices relating to persons with disabilities, targeting in particular practices affecting women and girls with disabilities, persons with intellectual disabilities and persons with intensive support requirements. Stereotypes, prejudices and harmful practices constitute barriers that impede both access to and effective learning within the education system. The Committee notes the practice of some parents removing their children with disabilities from inclusive schools, on the basis of a lack of awareness and understanding of the nature of disability. States parties must adopt measures to build a culture of diversity, participation and involvement in community life and to highlight inclusive education as a means of achieving a quality education for all students, with and without disabilities, parents, teachers and school administrations, as well as the community and society. States parties must ensure that mechanisms are in place to foster, at all levels of the education system and among parents and the wider public, an attitude of respect for the rights of persons with disabilities. Civil society, in particular organizations representing persons with disabilities, should be involved in all awareness-raising activities.

49. Articles 9 and 24 are closely interconnected. Accessibility is a precondition for the full and equal participation of persons with disabilities in society. Persons with disabilities cannot effectively enjoy their right to inclusive education without an accessible built environment, including schools and all other places of education, and without accessible public transport, services, information and communications technologies. Modes and means of teaching should be accessible and teaching should be conducted in accessible environments. The whole environment in which students with disabilities learn must be designed in such a way as to foster inclusion. Inclusive education is also a powerful tool for the promotion of accessibility and universal design.

50. The Committee calls States parties' attention to its general comment No. 1 (2014) on equal recognition before the law and stresses that inclusive education provides students with disabilities, in particular those with psychosocial or intellectual impairments, with an opportunity to express their will and preferences. States parties must ensure that inclusive education supports learners with disabilities in building their confidence to exercise legal capacity, providing the necessary support at all educational levels, including to diminish future requirements for support if they so wish.

51. Persons with disabilities, in particular women and girls with disabilities, can be disproportionately affected by violence and abuse, including physical and humiliating punishments by educational personnel, for example through the use of restraints and seclusion and bullying by others in and en route to school. To give effect to article 16 (2), States parties are required to take all appropriate measures to provide protection from and prevent all forms of exploitation, violence and abuse, including sexual violence, against persons with disabilities. Such measures must be age-, gender- and disability-sensitive. The Committee strongly endorses the recommendations of the Committee on the Rights of the Child, the Human Rights Committee and the Committee on Economic, Social and Cultural Rights that States parties prohibit all forms of corporal punishment and cruel, inhuman and degrading treatment in all settings, including schools, and ensure effective sanctions against perpetrators.<sup>20</sup> It encourages schools and other educational centres to involve students, including students with disabilities, in the development of policies, including accessible protection mechanisms, to address disciplinary measures and bullying, including

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<sup>19</sup> Ibid., general comment No. 12 (2009) on the right of the child to be heard.

<sup>20</sup> Ibid., general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment.

cyberbullying, which is increasingly recognized as a growing feature of the lives of students, in particular children.

52. Inclusive education requires recognition of the right of persons with disabilities to live within the community and enjoy inclusion and participation in the community (art. 19). It also demands recognition of the equal right of persons with disabilities to a family life or, failing that, to alternative care within a community setting (art. 23). Children in the care of the State party, residing for example in foster care or care homes, must be ensured the right to inclusive education and the right to appeal against decisions of the State party that deny them the right to inclusive education. Too many persons with disabilities live in long-term institutional care, without access to community-based services, including education, consistent with their right to, *inter alia*, family life, community living, freedom of association, protection from violence and access to justice. The introduction of inclusive education in the local community must take place alongside a strategic commitment to ending the practice of placing persons with disabilities in institutions (see para. 66 below). States parties should note the role that exercising the right to inclusive education will play in building the strengths, skills and competencies necessary for all persons with disabilities to enjoy, benefit from and contribute to their local communities.

53. For inclusive education to be realized effectively, persons with disabilities must be guaranteed personal mobility on an independent basis (art. 20). Where transportation is not readily available and where there are no personal assistants to support access to educational institutions, persons with disabilities, in particular blind and visually impaired persons, must be given adequate training in mobility skills to promote greater independence. States parties should also provide persons with disabilities with the opportunity to acquire mobility aids and appliances at an affordable cost.

54. Fulfilment of the right of persons with disabilities to enjoy the highest possible standard of health without discrimination (art. 25) is integral to the opportunity to benefit fully from education. The ability to attend educational environments and to learn effectively is seriously compromised if there is no access to health or to appropriate treatment and care. States parties should establish health, hygiene and nutrition programmes with a gender perspective that are integrated into education services and allow for the continual monitoring of all health needs. Such programmes should be developed on the principles of universal design and accessibility, provide regular school nurse visits and health screenings, and build community partnerships. Persons with disabilities, on an equal basis with others, must be provided with age-appropriate, comprehensive and inclusive sexuality education, based on scientific evidence and human rights standards, and in accessible formats.

55. States parties must take effective measures to provide habilitation and rehabilitation services within the education system, including health-care, occupational, physical, social, counselling and other services (art. 26). Such services must begin at the earliest stage possible, be based on a multidisciplinary assessment of a student's strengths and support maximum independence, autonomy, respect of dignity, full physical, mental, social and vocational ability and inclusion and participation in all aspects of life. The Committee stresses the significance of supporting the development of community-based rehabilitation that addresses early identification and encourages peer support.

56. Quality inclusive education must prepare persons with disabilities for work life through the acquisition of the knowledge, skills and confidence necessary for participation in the open labour market and in an open, inclusive and accessible work environment (art. 27).

57. Full participation in political and public life is enhanced through the realization of the right to inclusive education. Curricula for all students must include the topic of citizenship and the skills of self-advocacy and self-representation as a fundamental basis for

participation in political and societal processes. Public affairs include forming and participating in student organizations such as student unions and States parties should promote the creation of an environment in which persons with disabilities can form, join and effectively and fully participate in such student organizations through the forms of communication and language of their choice (art. 29).

58. States parties must remove barriers and promote accessibility and availability of inclusive opportunities for persons with disabilities to participate on an equal basis with others in play, recreation and sports in the school system and in extracurricular activities, including in other educational environments (art. 30).<sup>21</sup> Appropriate measures must be in place within the educational environment to ensure opportunities for persons with disabilities to access cultural life and to develop and utilize their creative, artistic and intellectual potential, not only for their own benefit but also for the enrichment of society. Such measures must ensure that persons with disabilities are entitled to recognition of their specific cultural and linguistic identity, including sign languages and deaf culture.

## **V. Implementation at the national level**

59. The Committee has identified a number of challenges facing States parties in the implementation of article 24. In order to implement and sustain an inclusive education system for all persons with disabilities, the measures below need to be addressed at the national level.

60. Responsibility for the education at all levels of persons with disabilities, as well as for the education of others, must rest with the education ministry. In many countries, the education of persons with disabilities is currently marginalized within ministries of social welfare or health, which has resulted in, inter alia, exclusion from mainstream legislation, policies, planning and resourcing for education, lower levels of per capita investment in the education of persons with disabilities, a lack of overarching and coherent structures to support inclusive education, a lack of integrated data collection on enrolment, retention and attainment, and a failure to develop inclusive teacher education. States parties must urgently take measures to put the education of learners with disabilities under the competence of the ministry of education.

61. States parties must ensure a comprehensive and intersectoral commitment to inclusive education throughout the government. Inclusive education cannot be realized by education ministries in isolation. All relevant ministries and commissions with responsibilities that cover substantive articles of the Convention must commit to and align their understanding of the implications of an inclusive education system in order to achieve an integrated approach and to work collaboratively towards a shared agenda. Accountability measures for all ministries involved must be put into place to uphold such commitments. Partnerships should also be forged with service providers, organizations representing persons with disabilities, the media, civil society organizations, local authorities, student associations and federations, universities and teacher education colleges.

62. States parties, at every level, must implement or introduce legislation based on the human rights model of disability that fully complies with article 24. The Committee recalls that article 4 (5) requires federal States to ensure that article 24 is implemented, without limitations or exceptions, in all parts of the State party.

63. A comprehensive and coordinated legislative and policy framework for inclusive education must be introduced, together with a clear and adequate time frame for

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<sup>21</sup> Ibid., general comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts.



implementation and sanctions for violations. Such a framework must address issues of flexibility, diversity and equality in all educational institutions for all learners and identify responsibilities at all levels of government. Key elements will include:

- (a) Compliance with international human rights standards;
- (b) A clear definition of inclusion and the specific objectives it seeks to achieve at all educational levels. Inclusion principles and practices must be considered as integral to reform, and not simply as an add-on programme;
- (c) A substantive right to inclusive education as a key element of the legislative framework. Provisions that define certain categories of students as “uneducable”, for example, must be repealed;
- (d) A guarantee for students with and without disabilities to the same right to access inclusive learning opportunities within the general education system and, for individual learners, to the necessary support services at all levels;
- (e) A requirement for all new schools to be designed and built following the principle of universal design through accessibility standards, together with a time frame for adapting existing schools in line with the Committee’s general comment No. 2. The use of public procurement to implement this element is encouraged;
- (f) The introduction of comprehensive quality standards for inclusive education and disability-inclusive monitoring mechanisms to track progress in implementation at all levels and ensure that policies and programmes are implemented and backed by the requisite investment;
- (g) The introduction of accessible monitoring mechanisms to ensure the implementation of policies and the provision of the requisite investment;
- (h) Recognition of the need for reasonable accommodations to support inclusion, based on human rights standards rather than on the efficient use of resources, together with sanctions for failure to provide reasonable accommodation;
- (i) The clear statement, in all legislation with the potential to have an impact on inclusive education, that inclusion is a concrete goal;
- (j) A consistent framework for the early identification, assessment and support required to enable persons with disabilities to flourish in inclusive learning environments;
- (k) The obligation for local authorities to plan and provide for all learners, including persons with disabilities, within inclusive settings and classes, including in the most appropriate languages, accessible formats and modes and means of communication;
- (l) Legislation to guarantee to all persons with disabilities, including children with disabilities, the right to be heard and to have their opinion be given due consideration within the education system, including through school councils, governing bodies, local and national governments, and mechanisms through which to challenge and appeal decisions concerning education;
- (m) The creation of partnerships and coordination between all stakeholders, including persons with disabilities through their representative organizations, different agencies, development organizations, non-governmental organizations and parents or caregivers.

64. Legislation must be supported by an education sector plan, developed in consultation with organizations of persons with disabilities, including children with disabilities, and detailing the process for the implementation of an inclusive education system. It should contain a time frame and measurable goals, including measures to ensure

consistency. The plan should be informed by a comprehensive analysis of the current context pertaining to inclusive education in order to provide a baseline from which to progress, including data on, for example, current budgetary allocations, quality of data collection methods, numbers of children with disabilities out of school, challenges and barriers, existing laws and policies, key concerns of persons with disabilities, families and the State party.

65. States parties must introduce independent, effective, accessible, transparent, safe and enforceable complaints mechanisms and legal remedies in cases of violations of the right to education. Persons with disabilities must have access to justice systems that understand how to accommodate persons with disabilities and are capable of addressing disability-based claims. States parties must also ensure that information about the right to education and about how to challenge a denial or violation of that right must be widely disseminated and publicized to persons with disabilities, with the involvement of their representative organizations.

66. Inclusive education is incompatible with institutionalization. States parties must engage in a well-planned and structured process of de-institutionalization of persons with disabilities. Such a process must address: a managed transition setting out a defined time frame for the transition; the introduction of a legislative requirement to develop community based provision; the re-direction of funds and the introduction of multidisciplinary frameworks to support and strengthen community-based services; the provision of support for families; and collaboration and consultation with organizations representing persons with disabilities, including children with disabilities, as well as parents or caregivers. Pending the process of de-institutionalization, persons in institutional care settings should be given access to inclusive education with immediate effect by linking them with inclusive academic institutions in the community.

67. Early childhood interventions can be particularly valuable for children with disabilities, serving to strengthen their capacity to benefit from education and promoting their enrolment and attendance. All such interventions must guarantee respect for the dignity and autonomy of the child. In line with the 2030 Agenda for Sustainable Development, including Sustainable Development Goal 4, States parties are urged to ensure access to quality early childhood development, care and pre-primary education, together with the provision of support and training to parents and caregivers of young children with disabilities. If identified and supported early, young children with disabilities are more likely to transition smoothly into pre-primary and primary inclusive education settings. States parties must ensure coordination between all relevant ministries, authorities and bodies as well as organizations of persons with disabilities and other non-governmental partners.

68. In accordance with article 31, States parties must collect appropriate disaggregated data to formulate policies, plans and programmes to fulfil their obligations under article 24. They must introduce measures to address the lack of accurate data on prevalence of persons with different impairments, as well as the lack of sufficient quality research and data relating to access to, permanence in and progress within education, provision of reasonable accommodation and the associated outcomes. Census, survey and administrative data, including data from the Education Management Information System, must capture information on students with disabilities, including those still living in institutional settings. States parties should also gather disaggregated data and evidence on the barriers that prevent persons with disabilities from having access to, remaining in and making progress in inclusive quality education to enable the adoption of effective measures to dismantle such barriers. Strategies must be adopted to overcome the exclusion of persons with disabilities from standard quantitative and qualitative data-gathering mechanisms, including

when it results from parents' reluctance to admit the existence of a child with a disability, the lack of birth registration and invisibility within institutions.

69. States parties must commit sufficient financial and human resources throughout the development of an education sector plan and of cross-sectoral plans to support the implementation of inclusive education, consistent with the principle of progressive realization. States parties must reform their governance systems and financing mechanisms to ensure the right to education of all persons with disabilities. They should also allocate budgets using mechanisms available under public procurement processes and partnerships with the private sector. These allocations must prioritize, *inter alia*, ensuring adequate resources for rendering existing educational settings accessible in a time-bound manner, investing in inclusive teacher education, making available reasonable accommodations, providing accessible transport to school, making available appropriate and accessible text books, teaching and learning materials, providing assistive technologies and sign language, and implementing awareness-raising initiatives to address stigma and discrimination, in particular bullying in educational settings.

70. The Committee urges States parties to transfer resources from segregated to inclusive environments. States parties should develop a funding model that allocates resources and incentives for inclusive educational environments to provide the necessary support to persons with disabilities. The determination of the most appropriate approach to funding will be informed to a significant degree by the existing educational environment and the requirements of potential learners with disabilities who are affected by it.

71. A process of educating all teachers at preschool, primary, secondary, tertiary and vocational education levels must be initiated to provide them with the core competencies and values necessary to work in inclusive educational environments. Such a process requires adaptations to both pre- and in-service training to achieve the appropriate skill levels in the shortest time possible, to facilitate the transition to an inclusive education system. All teachers must be provided with dedicated units/modules to prepare them to work in inclusive settings, as well as practical experiential learning settings where they can build the skills and confidence to solve problems through diverse inclusion challenges. The core content of teacher education must address a basic understanding of human diversity, growth and development, the human rights model of disability and inclusive pedagogy that enables teachers to identify students' functional abilities (strengths, abilities and learning styles) to ensure their participation in inclusive educational environments. Teacher education should include learning about the use of appropriate augmentative and alternative modes, means and formats of communication such as Braille, large print, accessible multimedia, easyread, plain language, sign language and deaf culture, educational techniques and materials to support persons with disabilities. In addition, teachers need practical guidance and support in, among others: the provision of individualized instruction; teaching the same content using varied teaching methods to respond to the learning styles and unique abilities of each person; the development and use of individual educational plans to support specific learning requirements; and the introduction of a pedagogy centred on students' educational objectives.

72. Inclusive education requires a support and resource system for teachers in educational institutions at all levels. Such a system might include partnerships between neighbouring educational institutions, including universities, promoting collaborative practices, including team teaching, study groups, joint student assessment processes, peer support and exchange visits, as well as partnerships with civil society. Parents and caregivers of students with disabilities can, where appropriate, serve as partners in the development and implementation of learning programmes, including individualized education plans. They can play a significant role in advising and supporting teachers in the provision of support to individual students, but must never be a pre-requisite for admission

into the education system. States parties should utilize all possible sources of support for teachers, including organizations representing persons with disabilities, learners with disabilities and local community members who can contribute significantly in the form of peer mentoring, partnering and problem-solving. Their involvement provides an additional resource in the classroom and serves to build links with local communities, breaking down barriers and rendering teachers more responsive and sensitive to strengths and requirements of students with disabilities.

73. Authorities at all levels must have the capacity, commitment and resources to implement laws, policies and programmes to support inclusive education. States parties must ensure the development and delivery of training to inform all relevant authorities of their responsibilities under the law and to increase understanding of the rights of persons with disabilities. The skills, knowledge and understanding necessary to implement inclusive education policies and practices include: understanding of the concept of the right to an inclusive education and its aims, knowledge of the relevant international and national legislation and policies, development of local inclusive education plans, collaboration and partnerships, support, guidance and supervision of local educational institutions, monitoring and evaluation.

74. Quality inclusive education requires methods of appraising and monitoring students' progress that considers the barriers faced by students with disabilities. Traditional systems of assessment, which use standardized achievement test scores as the sole indicator of success for both students and schools, may disadvantage students with disabilities. The emphasis should be on individual progress towards broad goals. With appropriate teaching methodologies, support and accommodations, all curricula can be adapted to meet the needs of all students, including those with disabilities. Inclusive student assessment systems can be strengthened through a system of individualized supports.

75. In compliance with article 33, and to measure progress on the realization of the right to education through the establishment of an inclusive education system, States parties must develop monitoring frameworks with structural, process and outcome indicators, and specific benchmarks and targets for each indicator, consistent with Sustainable Development Goal 4.<sup>22</sup> Persons with disabilities, through their representative organizations, should be involved in both the determination of the indicators and in the collection of data and statistics. Structural indicators should measure barriers to inclusive education and not be limited merely to collecting data disaggregated by impairment. Process indicators, such as on changes to the accessibility of physical environments, curriculum adaptations or teacher training, will make it possible to monitor the progress of the transformation. Outcome indicators such as the percentage of students with disabilities in inclusive learning environments obtaining final official certification or diplomas or the percentage of students with disabilities admitted to secondary education, must also be established. States parties should also consider measuring the quality of education through, for example, the five dimensions recommended by UNESCO: respect for rights, equity, relevance, pertinence, efficiency and efficacy. Monitoring affirmative action measures such as quotas or incentives may also be considered.

76. The Committee notes the growth in many countries of private-sector education. States parties must recognize that the right to inclusive education extends to the provision of all education, not merely that provided by public authorities. States parties must adopt measures that protect against infringements of rights by third parties, including the business sector. Regarding the right to education, such measures must address the obligation to guarantee the provision of inclusive education and involve, as necessary, legislation and

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<sup>22</sup> Office of the United Nations High Commissioner for Human Rights, *Human Rights Indicators: a Guide to Measurement and Implementation* (New York and Geneva, 2012).

regulation, monitoring, oversight, enforcement and the adoption of policies to frame how business enterprises can have an impact on the effective enjoyment and exercise of rights by persons with disabilities. Educational institutions, including private educational institutions and enterprises, should not charge additional fees for integrating accessibility and/or reasonable accommodation.

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