

## Implementation of Article 24 CRPD: General Comment 4 of the Committee on the Rights of Persons with Disabilities

### ##### Slide 1

Welcome to the Inclusive Education Law course.

This tutorial discusses the work of the Committee on the Rights of Persons with Disabilities which oversees the implementation of the CRPD.

### ##### Slide 2

Students download and read General comment No. 4 of 2016 of the Committee on Article 24 the Right to inclusive education, from the website of the United Nations Human Rights Treaty Body Database.

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As of July 2021, 182 countries have ratified the CRPD. Of those, 96 countries have also ratified the Optional Protocol.

Once a country ratifies the CRPD, it is required to submit a report to the CRPD Committee within two years and, thereafter, every four years.

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Article 34 of the CRPD establishes the CRPD Committee as an independent body of eighteen experts that monitors the implementation of the CRPD.

The CRPD Committee reviews and responds to each country report, offering recommendations to the country on how to better enforce and implement the provisions of the CRPD in a document known as Concluding Observations.

The CRPD Committee also reviews shadow reports prepared by civil society organisations in response to country reports.

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In the Concluding Observations, the CRPD Committee summarises its assessment of the progress and deficits in the implementation of Article 24 by a particular country. It also provides recommendations on how each country can improve its implementation of the CRPD and ensure compliance with Article 24 and the rest of the CRPD.

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There are still wide variation in practices among countries with respect to separate schools, treatment of students with physical and sensory disabilities and accessibility.

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Article 24 of the CRPD includes the international human right to inclusive education.

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All the countries that have ratified the CRPD to date are now obligated to enforce the mandate of Article 24, which ensures to all its citizens an inclusive education system at all levels and lifelong learning directed to ... [t]he full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity.

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The most comprehensive analysis of Article 24 published by the CRPD Committee is General Comment No. 4.

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The Comment highlights the importance of Article 24 given the fact that even after the ratification of the CRPD by most countries in the world, millions of children and adults with disabilities are denied a right to education.

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In General Comment No. 4, the CRPD Committee refers to other normative frameworks.

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In General Comment No. 4, the CRPD Committee also refers to the Thematic Study on the Rights of Persons with Disabilities to Education, which declares 'that only inclusive education can provide both quality education and social development for persons with disabilities.

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It also guarantees universality and non-discrimination in the right to education'.

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General Comment No. 4 explains the meaning and scope of inclusive education.

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Inclusive education is the right of the individual learner, and not the right of a parent or caregiver.

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Inclusive education aims at the well-being of all students, respects their dignity and autonomy, and acknowledges individual requirements.

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Inclusive education is a means of realizing other human rights, a 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.

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Inclusive education is also the primary means through which to achieve inclusive societies.

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Inclusive education is the result of a process of continuing and pro-active commitment to eliminate barriers impeding the right to education.

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General Comment No. 4 also differentiates inclusion from exclusion, segregation and integration.

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Inclusive education is 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 environment that best corresponds to their requirements and preferences.

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Placing students with disabilities within mainstream classes without accompanying structural changes to, for example, organisation, curriculum and teaching and learning strategies, does not constitute inclusion.

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Furthermore, integration does not automatically guarantee the transition from segregation to inclusion.

##### Slide 24

General Comment No. 4 contains paragraphs on how to include all students in inclusive education and the nature of schooling and accessibility, communication access, and the need for teacher training that must be in place in order to ensure education for all students with all types of disabilities.

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Article 24 will only be realised with coordination and collaboration among many levels of governments and with leadership by people with disabilities themselves.

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It also involves supporting families and the students with disabilities themselves.

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The General Comment recognises that for people with disabilities, accommodations may be necessary in order to fulfil the goal of education that is accessible, available, adaptable, and inclusive.

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Providing the accommodations, adaptations and modifications that some students with disabilities may require to learn and participate in the classroom include full and equal access to services, materials, information, activities and classroom learning as well as access to buildings, programmes and transportation to and from school.

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In addition, and perhaps even more important, local implementation of Article 24 is critical. It involves working with teachers and principals, providing teachers with sufficient resources and training, adapting course materials and methods of teaching, and building new buildings or retrofitting existing buildings.

##### Slide 31

New domestic laws that comply with Article 24 as well as enforce existing national regulations, policies and practices are necessary to ensure the right of all children, youth and adults with disabilities to be included within general education programmes.

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Moreover, in order for inclusive education to be successful, attitudes about people with disabilities must change.

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When all aspects of society can embrace a presumption of competence of people with disabilities, educational systems will necessarily shift their focus away from what a student cannot do towards what a student can do and what supports are necessary for the student to realise his or her goals.

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Through this process, educators, together with families and students with disabilities, will end the stigma about disability that inhibits opportunities for students with disabilities in so many countries today. Changing the attitudes and educational systems that for decades have prevented children and adults with disabilities from being included in schools as well as in society will require major shifts in the thinking of governments as well as of school personnel, parents, students with disabilities and their peers.

##### Slide 35

Students are encouraged to watch "Celebrating 10 years of the CRPD" on youtube and analyse the impact of the CRPD according to the speakers and the challenges that still remain.