

SUBMISSION ON DRAFT GENERAL COMMENT NO. 4

ARTICLE 24: THE RIGHT TO INCLUSIVE EDUCATION

Plan International, Inc. is a non-governmental organization in consultative status with the Economic and Social Council since 1981 and in special consultative status with the ECOSOC since 2011. Founded over 75 years ago, Plan International is one of the oldest and largest rights-based children's development organisations in the world. We work in more than 50 developing countries across Africa, Asia and the Americas to promote child rights and lift millions of children out of poverty. Plan International is independent, with no religious, political, or governmental affiliations and is currently a full and active member of the International Disability and Development Consortium (IDDC). The goal of Plan International's education work is that "every child completes a quality, inclusive education that covers at least early learning, primary and secondary education in formal or non-formal settings, at the appropriate age, in a safe and supportive learning environment".¹

Plan International welcomes the CRPD Committee's Draft General Comment (GC) on Article 24, particularly the various references made to children with disabilities (e.g. paragraphs 3 and 12) and to the intersecting discrimination faced by excluded groups with disabilities, including women and girls (paragraphs 13 and 44). Building on our experience, this submission highlights specific areas and paragraphs which could be improved upon, in order to ensure that States parties and stakeholders meaningfully implement the obligations of the Convention in relation to inclusive education.

Sustainable Development Goals: Paragraph 2

Plan International welcomes the reference to the Sustainable Development Goals (SDGs). However, **Plan International recommends that there should be stronger reference to the commitments agreed upon in the SDGs and 2030 Agenda for Sustainable Development.** In particular, the GC should specifically mention and elaborate on the commitment made in SDG Goal 4 which aims to "ensure inclusive and equitable quality education and promote lifelong learning opportunities for all". The specific targets related to SDG Goal 4 should also be referenced where relevant throughout the text. **Additionally, Plan International recommends that the term 'inclusive and equitable quality education' is used throughout the document to align with the SDGs.**

Caregivers and guardians

Plan International welcomes the reference to the active role of "parents", "family members" and the "community" throughout the draft GC. State parties should consider parents, family members and the community are valued partners in ensuring the right to inclusive education is achieved at multiple levels. However, it is noted that there is limited reference to caregivers throughout the text, and no mention of the role of guardians. From our experience, a caregiver is anyone in the household or community who is involved in raising and/or the daily care of a child. In most instances, caregivers are parents although in many cases caregivers are uncles, aunts, adult siblings or grandparents. Additionally a guardian may not necessarily refer to a parent or family member. Plan International has found that caregivers and guardians play a crucial role in both supporting and limiting a child's right to inclusive education. For example negative caregiver attitudes are a barrier to children with disabilities enrolling, staying in and regularly attending school.² Additionally, in many cases, caregivers are not provided with adequate support, including both social and psychological support, from local and state services. Caregivers may suffer from health problems, financial hardship and social isolation as a result of the time and services that they provide for children and adults with

¹ Plan International, 'The Right to Inclusive, Quality Education: Global Education Strategy 2015 – 2020', available from <https://plan-international.org/the-right-to-education>

² Plan International, 'Include us in education! A qualitative research study on barriers and enablers to education for children with disabilities in Nepal' (2014) available from <https://plan-international.org/include-us-disability-inclusion-education>

disabilities. As a result, children and adults with disabilities can face greater barriers to accessing their right to inclusive education.

In light of this, Plan International recommends that caregivers and guardians are systemically referenced throughout the text. Furthermore, Plan International recommends that the GC address the needs, rights and responsibilities of caregivers and guardians of children and adults with disabilities.

Education levels: Paragraph 8

Plan International welcomes the provision in paragraph 8, which demands that States parties ensure the realisation of the right of persons with disabilities to “an inclusive education system at all levels, including pre-schools, primary, secondary and tertiary education”. However, the draft GC does not provide a definition of the multiple levels of education.

Therefore, Plan International recommends that the GC include a definition of the multiple levels of education, to ensure that education covers life-long learning, from early years in line with the SDGs. With regards to pre-school learning, the GC should align with the language used in SDG Goal 4.2, which aims to “ensure that all girls and boys have access to quality early childhood development, care and pre-primary education so that they are ready for primary education”. Building on this, paragraph 40 must also ensure that States parties are obliged to implement national education strategies at all levels of education, including early childhood development, care and pre-primary education.

Definition of Inclusive Education: Paragraph 9

Plan International welcomes the statement on inclusive education in the draft GC. Inclusive education acknowledges that every student has unique characteristics, interests, abilities and learning needs and that those learners with special education needs must have access to and be accommodated in the general education system through a child-centred pedagogy.

Inclusive education is an approach that involves all education processes (as a system, as a theory, as a right, as a public policy) and it is a state obligation and a community responsibility. Inclusive education is a core characteristic of human rights based education.

As noted by the Committee, an “inclusive approach involves strengthening the capacity of an education system” and “seeks to enable communities, systems and structures to combat discrimination”. This process involves building the capacity of communities and duty bearers and raising awareness on the needs and rights of persons with disabilities at multiple levels in society. Plan International strongly supports the numerous provisions in the text which highlight the importance of community participation.

As noted by the former Special Rapporteur on the right to education, Vernor Muñoz, “there are a number of educational alternatives for children and young persons with disabilities, which are organized outside the formal education system. NGOs, informal education centres, rehabilitation centres subordinate to health ministries and departments, religious groups and community organizations offer a variety of activities ranging from home schooling to leisure and recreational facilities”.³ However, the current definition of inclusive education outlined in the draft GC fails to accommodate for the different structures and facilities available in different contexts, such as non-formal education alternatives for out-of-school children with disabilities. Additionally, non-formal education alternatives are not referenced in the rest of the text.

³ United Nations General Assembly, ‘Report of the Special Rapporteur on the right to education on the right to education of persons with disabilities’, UN Doc. A/HRC/4/29, 19 February 2007.

In light of this, Plan International suggests that reference is made to both formal and non-formal education settings throughout the text. A clear and non-exhaustive definition of non-formal education settings is required.

Segregation, integration and inclusion: Paragraph 11

Plan International welcomes the explanation of the differences between segregation, integration and inclusion. As noted in paragraph 11 of the draft GC, “students with disabilities often benefit from learning in separate environments designed [or used] to respond to particular or various impairments, in isolation from students without disabilities”.

Plan International supports the argument for the abolishment of segregation systems and recommends that State parties be encouraged to transform existing special education resources, both state-run and private resources, into valued resources that support the mainstream education system to enable effective inclusion of children with disabilities in a coherent manner.

Core features of inclusive education: Paragraph 12

Plan International recommends that the core features of inclusive education make specific reference to the need for the protection from and prevention of abuse faced by students with disabilities. As noted by the Committee, “inclusive learning environments must create an environment where everyone feels safe and comfortable”. In order for all students to feel safe and comfortable, education systems must take specific measures to prevent violence against students with disabilities and be better able to identify, prevent and respond to instances. This requires collaboration and dialogue between communities, education systems and child protection services.

Education in Emergences: Paragraph 14

Plan International welcomes the specific reference to the importance of inclusive education in the context of emergencies and humanitarian disasters. From our experience, we have found that gender inequality and exclusion are often exacerbated during times of emergencies, fragility and conflict. For instance, Plan International’s *State of the World’s Girls 2013* report found that during and after disasters, violence against girls increases. Girls and young women are more vulnerable to sexual harassment and abuse because adequate actions to address gender-based violence in emergencies are not put in place, and child marriage is sometimes used by families as a coping mechanism.⁴ **Plan International recommends that this paragraph include specific reference to the need for safe learning environments for girls and women, both with and without disabilities.**

Accessibility: Paragraphs 21 and 22

In line with paragraph 13, which highlights the fact that persons with disabilities can experience intersectional discrimination based on, for example, ethnic or racial origin, accessibility also relates to language. **Plan International recommends that States parties must ensure that all information and communications, such as textbooks and learning materials, are available in a language that is understood by all students.**

In order to ensure the accessibility of the entire education system, Plan International recommends that specific reference should be made regarding the need for toilets and sanitation facilities to be accessible for women and girls with disabilities to ensure that they can use toilet facilities and manage their menstruation effectively, hygienically and safely.

Quality: Paragraph 26

Plan International welcomes the specific paragraph on quality and the reference to the ‘Key Principles for promoting quality in inclusive practice’ by the European Agency for Development in

⁴ Plan International, ‘State of the World’s Girls 2013: Adolescent Girls and Disasters’ (2014) available from <https://plan-international.org/state-worlds-girls-2013-adolescent-girls-and-disasters>

Needs Education (2011). However, the paragraph should be improved upon and the key principles integrated into the text. **Plan International recommends that the key principles of quality in inclusive education are elaborated and defined in the text, and referenced throughout the GC.**

Teachers and Teacher Education: Paragraphs 35, 36, 73, 74 and 75

Plan International welcomes the acknowledgement that “a lack of understanding and capacity among many teachers remains a significant barrier to inclusion” (paragraph 35). It is noted that the GC calls on States parties to “invest in the inclusion of disability in initial teacher training”. **Plan International recommends that States parties ensure that teacher training also includes broader principles and practices of inclusive education, to ensure that teachers have the understanding, cultural sensitivity and capacity to support other excluded groups, such as indigenous groups.**

Paragraph 73(a) calls on states to consider the use of a ‘trainer-of- trainers’ approach, in which an initial group of teachers are trained in inclusive education, and in turn educate others in the education system. However, this paragraph falls to discuss what level of training is required by trainers, before they train others. Although this model is common and economical, it is often an inadequate approach for inclusive education. Effective and quality inclusive education requires continuous practice-based inclusive training for teachers and teachers must be guided and supported by someone with extensive practical experience. **Plan International recommends that the GC should include a stronger emphasis on the need for practice-based inclusive training for teachers and education professionals.**

Women and girls with disabilities: Paragraph 44

Plan International welcomes the reference to the multiple discrimination and specific barriers faced by women and girls with disabilities, calling on States parties to ensure that their right to education is not impeded by “either gender or disability discrimination, stigma or prejudice”.

Power relations, social norms and social values determine how children of different sexes, ages or abilities are treated in their homes and in society. For instance, a recent study on the rights of children with disabilities to education and protection in West Africa, found that girls with disabilities face the greatest challenges to inclusion. Girls with disabilities face increased stigmatisation, have less access to opportunities, and are more likely to be excluded in comparison to boys with disabilities.⁵ Plan International also supports the reference to the views of the Committee on the Elimination of all Forms of Discrimination against Women, which highlights that education “plays a vital role in combatting traditional notions of gender that perpetuate patriarchal and paternalistic social and economic frameworks”. Plan International welcomes the call to action by the Committee in paragraph 44 on States parties to ensure “access and retention of girls and women with disabilities in education and rehabilitation services”.

Plan International recommends that the GC include reference to the importance of meaningful and active participation of all learners, particularly girls. Explicit reference to participation will ensure that States parties implement the Convention in a positive manner and do not see this guidance as one which is related to enrolment and statistics alone.

Violence and abuse: Paragraph 50

Plan International welcomes the provisions related to the protection from and prevention of all forms of violence and abuse towards persons with disabilities. A recent study identified that children with disabilities are **3.7 times** more likely than children without disabilities to be victims of any sort of violence, **3.6 times** more likely to be victims of physical violence, and **2.9 times** more likely to be victims of sexual violence. Children with mental or intellectual impairments appear to be among the most vulnerable, with **4.6 times** the risk of sexual violence than children without disabilities.⁶

⁵ Plan International, ‘Outside the Circle: A research initiative by Plan International into the rights of children with disabilities to education and protection in West Africa’ (2013) available from <https://plan-international.org/outside-circle>

⁶ Study commissioned by the World Health Organisation: Lisa Jones et al. 2012, ‘Prevalence and risk of violence against children with disabilities: a systematic review and meta-analysis of observational studies’, *The Lancet*, 280.

However, it is noted there is no mention of sexual violence in the GC. Furthermore, Plan International's *Outside the Circle* research initiative found that girls with disabilities are considered more vulnerable compared to boys with disabilities and at greater risk of mistreatment, abuse and rape.⁷

Plan International recommends that specific mention of sexual violence is included to ensure that States parties effectively address the vulnerability of persons with disabilities, particularly girls and women with disabilities who are vulnerable to gender-based violence. It is also suggested that State parties, in partnerships with students with disabilities and their representatives, develop and implement accessible protection mechanisms in the education system. This will ensure that students with disabilities can report instances of all forms of abuse and bullying in a safe and user-friendly manner.

Commitment to inclusive education: Paragraphs 60 and 61

Plan International welcomes the provision that “States parties must ensure a comprehensive and intersectoral commitment to inclusive education across governments, as it cannot be realized by education ministries in isolation”. However, this paragraph slightly contradicts Paragraph 61 which mentions that “Responsibility for the education of persons with disabilities, together with the education of others, must rest with the education ministry”.

In light of this, Plan International recommends that the GC should include specific reference to the fact that the responsibility rests with the education ministry, in collaboration with other ministries to achieve the fulfilment of the right to inclusive education.

Partners in providing education: Paragraph 80

Plan International supports the need for “education institutions to work with families of students with disabilities as partners in providing education” as well as DPOs and other civil society institutions. From Plan International's experience, local, national and international organisations are in a position to address and support the specific needs of children with disabilities, such as Disabled Persons Organisations (DPOs). States parties and education institutions should also be encouraged to work with specialised organisations as partners in providing education, and to involve them closely in the development and implementation of learning programmes.

In light of this experience, and as referenced in earlier paragraphs of the GC, Plan International recommends that this paragraph should also mention the importance of working in partnership with local disabled person's organisations, civil society organisations and community leaders.

For further information please contact:

Vernor Munoz, Global Advisor on Education (Vernor.Munoz@plan-international.org)

Aidan Leavy, Inclusion Specialist, Plan International (Aidan.Leavy@plan-international.org)

Plan International Headquarters

Dukes Court, Block A, Duke Street

Woking, Surrey GU21 5BH

United Kingdom

⁷ Plan International, 'Outside the Circle: A research initiative by Plan International into the rights of children with disabilities to education and protection in West Africa' (2013) available from <https://plan-international.org/outside-circle>