

What do states need to do to ensure inclusive education?

Aleksandra Ivankovic
Inclusion Europe



International human rights law

Universal Declaration of Human Rights, 1948

- Art. 26: everyone has the right to education



International human rights law

International Covenant on Economic, Social and Cultural Rights, 1966

- Art. 13: the right of everyone to education



International Covenant on Economic, Social and Cultural Rights

Educational objectives

Education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms.

Education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship.



International human rights law

Convention on the Rights of the Child

- Article 28: the right of the child to education



Convention on the Rights of Persons with Disabilities

Article 24 – right of persons with disabilities to education

- not excluded from the general education system on the basis of disability
- access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live



Convention on the Rights of Persons with Disabilities

- Reasonable accommodations
- Support within the general educational system
- Individualised support



International human rights law

- Respect
- Protect
- Fulfill



Respect

Avoid measures that hinder or prevent the enjoyment of the right to education.

This includes legislation excluding certain children with disabilities from education.



Protect

Take measures that prevent third parties from interfering with the enjoyment of the right to education

This includes the will of parents to have children in segregated schools



Fulfill

Take affirmative action measures that enable and assist persons with disabilities to enjoy the right to education

This includes reasonable accommodation



Maximum available resources

- Minimum core obligation
- Progressive realisation

Minimum core obligation

- Non-discrimination
- Reasonable accommodations
- Compulsory, free primary education
- National educational strategy
- Educational objectives



Progressive realization

- A specific and continuing obligation to move as expeditiously and effectively as possible towards the full realization of article 24
- Prohibition of retrogressive measures

