

## CRPD Committee 13th Session

# Submission to the Day of General Discussion on the Right to Education for Persons with Disabilities 15<sup>th</sup> April 2015

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## 1. Introduction

This submission addresses the progress of inclusive education for children and young people with intellectual disabilities around the globe. As part of our submission we present data from a survey of disability organisations and experts (researchers and academics in the field of (intellectual) disability) we completed in early 2015.

### Definitions

Intellectual disability is defined as:

- Significant impairment of intellectual (cognitive) functioning, indicated by a full scale IQ below 70;

Alongside significant impairment of adaptive (social) functioning that affects how a person copes with everyday tasks in three areas (American Psychiatric Association, 2013):

- The conceptual domain includes skills in language, reading, writing, math, reasoning, knowledge, and memory.
- The social domain refers to empathy, social judgment, interpersonal communication skills, the ability to make and retain friendships, and similar capacities.
- The practical domain centers on self-management in areas such as personal care, job responsibilities, money management, recreation, and organizing school and work tasks."

These difficulties must be of early onset, i.e. they are not the result of trauma or deterioration experienced during adulthood.

### Education and Children with Intellectual Disabilities

Prior to the CRPD, the *Education for All* initiative launched in 1990 was meant to include children with disabilities. In reality though they are often excluded and forgotten, unless advocacy organisations and parent groups insist on their inclusion.

The principle of inclusive education was adopted at the Salamanca World Conference on Special Needs Education (UNESCO, 1994) and was re-stated at the Dakar World Education Forum (2000). The Salamanca Statement and Framework for Action defined inclusive education thus: "*schools should accommodate all children regardless of their physical, intellectual, social, emotional, linguistic or other conditions*".

Therefore the right of children with intellectual disabilities not only to education, but also to inclusive education as the default has been firmly enshrined in international policy for two decades. However, there are reports that these rights are frequently violated. Not only are many children with intellectual disabilities often still educated in segregated learning environments, but in many countries they are denied the right to education altogether and are among the most marginalised of children (UNESCO, 2015. *Fixing the Broken Promise of Education for All*).

## 2. Overview of our Project

As part of a large, global research project we are currently conducting we have collected data from disability organisations, and experts (researchers and academics in the field of (intellectual) disability), and advocates for people with intellectual disabilities. This project has been conducted in partnership with Leonard Cheshire Disability, Inclusion International, and distributed globally with support from IASSID (International Association for the Scientific Study of Intellectual Disabilities) and Special Olympics. This broad partnership and support has allowed us to collect full data from 657 (intellectual) disability experts and representatives of organisations advocating for people with (intellectual) disabilities and/or providing education and support to people with intellectual disabilities from 90 countries around the world. Of the respondents, 44% were experts in the intellectual disability field, 28% representatives of organisations advocating for people with intellectual disabilities, 19% experts in the disability field, and 9% representatives of general disability organisations.

The data were collected between January and March 2015 through a web based survey that was distributed through Leonard Cheshire Disability’s global network, advertised on the website of Inclusion International (see ‘Survey on Attitudes to People with Intellectual Disabilities at <http://inclusion-international.org>), and also distributed globally by IASSID and with support from Special Olympics. As part of this survey we asked all respondents to provide the following information:

- where children with intellectual disabilities typically receive their schooling in their country;
- whether special schools exist in their country;
- comments on the schooling provided for children with intellectual disabilities and attitudes generally.

Here we provide a summary of the responses, and highlight countries where education for all children with intellectual disabilities seems to be far from a reality, as well as countries that appear to be furthest ahead in providing inclusive education for children with intellectual disabilities.

### 3. Findings

#### 3.1 Where are children with intellectual disabilities typically schooled?

Responses to this question are presented in Table 1. In the survey the term ‘mainstream schools’ was used to denote inclusive schools and clearly defined as such.

Table 1: Where children with intellectual disabilities are typically schooled

| <b>Where Schooled</b>                | <b>Number of Responses</b> | <b>Proportion of Responses</b> |
|--------------------------------------|----------------------------|--------------------------------|
| In both mainstream & special schools | 379                        | 58 %                           |
| All/most in special schools          | 135                        | 20.6 %                         |

|  |     |        |
|--|-----|--------|
| All/most in mainstream schools                           | 109 | 16.7 % |
| Typically not sent to school at all                      | 17  | 2.6 %  |
| Either special school or often not sent to school at all | 13  | 2.0 %  |
| Unsure   | 1   | 0.2 %  |
| Total  | 654 | 100%   |

Countries where respondents said children with intellectual disabilities are often not sent to school at all are the following: Dem. Rep. of Congo, Hong Kong, India, Liberia, Nepal, Nigeria, Sierra Leone and Uganda. Countries where respondents said children with intellectual disabilities either attend special school or are often not sent to school at all: Albania, Bangladesh, Bulgaria, Iran, Kenya, Paraguay, and Russia. Some respondents in Argentina, Colombia and South Africa also reported that such children are often not sent to school at all but the majority of respondents from these three countries did not say this, suggesting regional and likely urban/rural variation.

We are mindful that in at least some of the countries detailed above many children without disabilities are not regularly sent to school for a host of reasons. This is particularly the case in rural and/or disadvantaged areas, as one respondent in Nepal commented: *Only 10% have access to school. Others in rural parts of the country are not sent to school.* However, other comments provided by respondents indicate that children with intellectual disabilities are particularly marginalised, and are often subject to a failure to recognise their fundamental human rights and their right to education due to their disability.

Countries where children with intellectual disabilities reportedly attend both mainstream and special schools include: Austria, Australia, Chile, Costa Rica, Iceland, Ireland and Israel.

A very mixed picture emerged for Colombia and Argentina, suggesting regional variation in educational provision. Of 50 respondents from Colombia, 28 noted that children with intellectual disabilities attend both inclusive and special schools, but 9 noted that they typically either attend special school or are often not sent to school at all. For Argentina, 25 of the 41 respondents said such children are schooled in both special and inclusive schools, 13 that they are mostly sent to special schools, but 3 noted that they are often not sent to school at all.

Of note, Canada and Italy were the only countries where all (Italy) or most (Canada) respondents to our survey reported that children with intellectual disabilities typically attend inclusive (mainstream) schools. A respondent from Italy noted: *According to the Italian Constitution any person has the right to (mainstream) education.* In Canada, according to the 53 Canadian respondents to our survey, only a small minority attend special schools as

their complex needs are most appropriately supported in such schools. However, even here there seems to be regional variation as one Canadian respondent observed: *In the English sectors, mainstream is favoured. In the French sectors, special schools are favoured.*

### 3.2 Where do special schools still exist?

Responses to this question are presented in Table 2.

Table 2: Where special schools still exist

| <b>Special school existence</b>                                 | <b>Number of Responses</b> | <b>Proportion of Responses</b> |
|---|----------------------------|--------------------------------|
| Yes   | 517                        | 78.8%                          |
| Not special schools but special units within mainstream schools | 115                        | 17.5%                          |
| No special schools or units exist                               | 16                         | 2.4%                           |
| Unsure  | 8                          | 1.2%                           |
| Total   | 656                        | 100%                           |

The majority of respondents reported that special schools still existed in their country.

Countries where reportedly no special schools are in existence include: Cambodia, Italy, Papua New Guinea and Sierra Leone. In Liberia reportedly there are no special schools but, as noted above, this appears to be because children with significant intellectual disabilities are excluded from schooling altogether.

A mixed picture was reported for Canada, Colombia, Nepal and the USA. For Canada half of respondents reported that special units within mainstream schools exist, and a small number of special schools still appear to be in existence. For Colombia 40 or 52 respondents noted that special schools still exist. For Nepal 1 of 4 respondents said there are special schools and special units. For the USA (which signed the CRPD in 2009 but as yet has not ratified it), 60% of the 104 respondents noted that special schools still exist.

### 3.3 Qualitative Data

Respondents also provided general comments in relation to schooling for children with intellectual disabilities in their countries and attitudes towards people with intellectual disabilities more generally. Below we present key themes that emerged from these comments, together with participants' comments (in italics) and the respective country's status in relation to the CRPD.

#### **Continuing Segregation in Education Settings**

In clear contrast to Article 24, and despite international legislation and policy which emphasises every child's right to attend an inclusive school as default, in many countries there is a continuing, clear preference for children with intellectual disabilities to be sent to special schools.

*The majority (of the population) are in favour of special schools.* Respondent from Austria (ratified CRPD in 2008)

*People prefer people with intellectual disabilities to be schooled in special schools and to live with their family.* Respondent from Argentina (ratified CRPD in 2008)

*In Argentina there is still a very high proportion of pupils who attend special schools. This modality has a lot of power in decision-making and there is clearly a double discourse: "yes to integration, but we have to decide where this child with disabilities goes to school." There have been changes to the quantity but not the quality of inclusive education.* Respondent from Argentina

*Many in mainstream schools are still segregated in special units and there is limited inclusion particularly in high schools.* Respondent from New Zealand (ratified CRPD in 2008)

*Safety and access to special school programmes...are for many people seen as good solutions.* Respondent from Sweden (ratified CRPD in 2008)

*People believe that people with intellectual disabilities should go to special schools.* Respondent from Tanzania (ratified CRPD in 2009)

*Despite ratification of Article 24, special school is still recommended most of the time.* Respondent from Germany (ratified CRPD in 2009)

[Authors' comment: In Germany parents receive a recommendation where their child should be schooled, and although theoretically possible, it is notoriously difficult to go against this recommendation.]

*The vast majority of children with mild intellectual disabilities attend mainstream schools. Some go to special schools. Children with severe and profound intellectual disabilities are often excluded from the educational system.* Respondent from South Africa (ratified CRPD in 2007)

## **Exclusion from Education**

In some countries, as noted in section 3.1, children with intellectual disabilities are typically excluded from education altogether, or are included only if family means and regional availability allow.

*Most times children with intellectual disabilities do not go to school.* Respondent from Sierra Leone (ratified CRPD in 2010)

*Special Schools have very little capacity to accommodate all children with intellectual disability, and many of them are at home.* Respondent from Albania (ratified CRPD in 2013)

*Governmental special schools in Hong Kong are free for students with mild learning difficulties. For children who are more severely affected, or who have more challenging impairments (such as an intellectual impairment, cerebral palsy, Down syndrome, autism, etc.), private international (fee paying) day-centre placements are available. However, for some years, these services have been few, are only available in the inner metropolitan areas, and as they incur high tuition fees, are really only available to the more affluent families. Respondent from Hong Kong (ratified CRPD in 2008)*

*The quality of special education in Malaysia is very poor. Most teachers are not trained to handle children with learning disabilities and poor support and resources are given to the teachers and students. Parents who have the financial means often send their children to international schools or pay privately to have their children attend special private services. Respondent from Malaysia (ratified CRPD in 2010)*

### **Moves towards Change**

There was clear evidence of a desire for change in line with Article 24 in some countries.

*Our organisation is seeking inclusiveness. That is why the government has allowed people with intellectual disabilities to go to normal schools by establishing classes within those schools at primary level and total inclusion at secondary level. After primary school, those who exhibit some improvement are enrolled in centres where skills development lessons and practicals are taught. Such centres are funded by the government but others are funded by religious organisations. Respondent from Tanzania (ratified CRPD in 2009)*

*For 45 years, during communism, people with intellectual disabilities officially didn't exist and most people believed that children with intellectual disabilities need to be schooled only in special schools, not mainstream ones. But little by little, the mentality toward people with intellectual disabilities is changing and they are more accepted than before. Respondent from Romania (ratified CRPD in 2011)*

Despite progress though, responses indicated that in many countries inclusive education for all children with intellectual disabilities is still not viewed as realistic or appropriate, or that children are included in name but in fact still educated in settings that are entirely or largely segregated:

*Special school can offer more adequate support than mainstreaming practices producing the natural second exclusion. Respondent from Poland (ratified CRPD in 2012)*

*Most attend mainstream schools, however, in the state where I work, most students with intellectual disabilities are educated in segregated settings -- typically a classroom apart from their typically developing peers and those classrooms are often physically separated from the general education classrooms, either in a different part of a building, in a different building, or sometimes, on the same schools grounds, but in a separate "campus" (a school within a school). Respondent from USA (signed CRPD in 2009 but not yet ratified)*

## **Being guided by the needs of the individual child**

Some countries appear to be clearly driven by the needs of the individual child and the wishes of their parents.

*All children have the right to education, independent of what disability the child has. There are different alternatives for schools, but many are included in mainstream schools. Many times this is on the basis of discussions of what parents want for their child.* Respondent from Finland (signed CRPD in 2007 but not yet ratified)

*Only students with a moderate-severe/profound intellectual disability or complex disabilities attend a special school in my state.* Respondent from New South Wales, Australia (ratified CRPD in 2008)

*Depending on the severity of intellectual disability. If it is mild-moderate then they are sent to integrated schools and if severe/profound they are sent to special schools, some of which are based in residential care centres.* Respondent from Israel (ratified CRPD in 2012)

*As far as schools are concerned, most people would say that it depends on the needs of the individual child. Where they can benefit from mainstream schools they should have the right to attend those schools.* Respondent from Wales, UK (ratified CRPD in 2009)

But, it seems there are constant fluctuations and regional variation even within the most progressive countries:

*Numbers in special schools have been increasing since 2010.* Respondent from the UK

[Authors' comment: This statement is confirmed by recent UK data which shows an increase in the number of pupils in special schools and the proportion of children educated in such settings since 2007, indicating a reversal of a 30-year trend towards inclusion, which has been attributed at least in part to an emphasis on academic results (Times Educational Supplement Connect 10/8/2014).

Very importantly, we must not lose sight of children's needs, which are often poorly met in inclusive schools unless it is carefully considered how to make reasonable adjustments to the curriculum, the social and physical environment, and to teaching methods to provide actual inclusion for these children rather than physical presence but by no means inclusion. This recognition was reflected in this comment by a respondent from Fiji:

*Only mainstream schools who have received some awareness training on inclusive education enrol children with intellectual impairments.* Respondent from Fiji (signed CRPD in 2010 but not yet ratified)

*Some children have transferred from special schools to mainstream but this is not often successful. The children have encountered bullying from peers without intellectual disabilities, this has been one of the main reasons they wanted to return to a special school. In some special schools some students with intellectual disabilities have asked to join mainstream schools but this has been discouraged by*



*staff. The reasons given by staff are to protect the children from children at mainstream schools without intellectual disabilities.* Respondent from the UK

*There are diverse views. There has been a strong movement for inclusion in schools and communities led by parent organisations. However, there is also a strong pull toward exclusion as people with intellectual disabilities might not be seen to be safe or protected in regular schools and communities.* Respondent from South Africa (ratified CRPD in 2007)

*Inclusive education has been supported for physical and sensory disabilities but special education is still considered as a better option for children with intellectual disabilities...Prejudice towards people with intellectual disabilities continues to prevail. There is plenty to do, within the public and private system.* Respondent in Nicaragua (ratified CRPD in 2007)

*Some mainstream school staff believe that children with an intellectual disability are better catered for in a special school, but I believe this is due to the lack of support offered in the mainstream school for the child with intellectual disabilities.* Respondent from Australia

However, the fact that in countries where a 2 tier system exists raises the question how the decision to send some children with intellectual disabilities are sent to inclusive schools and others to special schools is reached, and to what extent it is based on evidence about the scenario likely to promote the best outcomes for the individual child. This seems particularly indicated in some countries where clear criteria underpinning such decisions have been reached yet without any discernible basis in research evidence.

*The situation will change in September: children with an IQ greater than 65 will be sent to mainstream schools.* Respondent from Belgium (ratified CRPD in 2009)

[Authors' comment: The Flemish government has approved a decree to prevent students "with slight mental disabilities" from being referred to the special education system too quickly. However, if this were interpreted as only applying to children with an IQ of 65 or above, in our view, it would exclude a large number of children from inclusive education settings who with reasonable adjustments may well be able to benefit from inclusive education.]

## 4. Conclusions

At least in some countries there appears to be a clear willingness on the part of the government and the education system to ensure that children with intellectual disabilities attend inclusive schools as default, and that reasonable adjustments are made to inclusive learning environments to accommodate the needs of such children. However, at present such countries appear to be very much in the minority. Instead in most countries the right of children with intellectual disabilities not only to education, but also to inclusive education as the default firmly enshrined in international policy for two decades, is frequently still violated. Not only are many children with intellectual disabilities still educated in segregated learning environments, but in many places they are denied the right to education altogether and are among the most marginalised of children. Clearly, much more needs to be done to

assert the right of children with intellectual disabilities to education, and to inclusive education.

In countries where such children are educated within inclusive learning environments, low quality support delivered by poorly trained teaching assistants, and a general lack of resources to make effective reasonable adjustments has resulted in some parents preferring special education settings over mainstream settings in countries where they have a choice. Overall, it seems the provision of "effective individualised support measures" referred to in Article 24, provided "in environments that maximise academic and social development, consistent with the goal of full inclusion" needs much more careful attention where children with intellectual disabilities are concerned. Their disabilities are often 'invisible' and poorly understood relative to children with physical or sensory disabilities, indicating a need for more awareness raising. As a result, they are often not provided with the necessary support or excluded from inclusive education, or in some countries, as well as in many rural regions of developing countries, excluded from education altogether.

A reversal of progress towards inclusive education in some countries, possibly as a result of parental concerns about the quality of what is delivered in inclusive learning environments, cut-backs and an educational culture that emphasises results, is deeply worrying. A respondent from Ireland (signed the CRPD in 2009 but has not yet ratified it) noted: *There are moves towards support in mainstream education although recent cutbacks have halted this progression.* A respondent from the UK also commented: *While the general principle of inclusion is stated in most schools, it is not unusual for inclusion to be a secondary concern, below the desire for other students to achieve high grades.*

In some countries, policies do not appear to clearly favour inclusive education, as indicated by a respondent in Taiwan: *Both special schools and institutions are still welcomed by parents and policy makers.* In others, such as Tanzania, there seem to be real efforts at grass roots level to push for inclusive education. However, in some countries there may be a wide gap, at least at present, between will and resources available to support effective inclusive education.

Evidence presented elsewhere indicates that they still very often experience name calling, bullying and rejection by their peers, and not infrequently negative attitudes from teachers. Efforts to combat bullying of children with disabilities in inclusive schools are happening in many places and countries. However, in line with Article 24 and Article 8 (awareness raising and combating prejudice and discrimination) of the CRPD, more needs to be done to raise awareness of the needs of children with intellectual disabilities, to combat negative attitudes towards such children among their peers and teachers, and to work actively towards the social, not just physical, inclusion of such children within school environments.