



## **Inclusion, the only possible way**

**The subscribing organizations express our deep concern regarding policies and speeches against the right to inclusive and equitable education and against the principle of non-regression that are being adopted in Latin American countries.** In that sense, we highlight the importance of ensuring every student quality education within regular schools as a means of building fairer societies, and reaffirm our commitment to achieve it.

The right to inclusive education is recognized in article 24 of the Convention on the Rights of Persons with Disabilities -which expressly prohibits that persons with disabilities be excluded from general education systems-, other international treaties which embody the right to education without discrimination and has also been included within the framework of the 2030 Agenda for Sustainable Development (SDG 4). In line with those instruments, some United Nations bodies, such as the Committee on the Rights of Persons with Disabilities and the Office of the United Nations High Commissioner for Human Rights, have been assertive when they established that the referral of students to institutions designed to respond to a particular “impairment”, constitutes a segregation and therefore entails a discriminatory practice<sup>1</sup>. Likewise, other entities specialized in childhood, education and human rights, such as UNESCO, UNICEF, the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child, have reaffirmed the importance of moving towards inclusive education.

On the basis of the foregoing, **access of persons with disabilities to regular schools is not an option nor a choice, but States have the obligation to guarantee this right since the ratification of the abovementioned treaties. Inclusive education allows for no exceptions and does not understand of diagnosis or categorizations: is a right of every person. And rights are not questioned, they are exercised.**

Nevertheless, **in many of our countries there are attempts to reinstall segregated education**, which are evidenced not only in public officials or education stakeholders’ speeches, but also through concrete governmental actions. For example, some States of the region are allocating budgetary resources to strengthen special schools. These attempts are in many cases motivated by

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<sup>1</sup> See paragraph 11 of General Comment No. 4 of the Committee on the Rights of Persons with Disabilities on the right to inclusive education and paragraphs 4 and 5 of the Thematic study on the right of persons with disabilities to education of the Office of the United Nations High Commissioner for Human Rights.



economic interests and are often undertaken on behalf of an alleged “inclusion” that is far from being such. This results in a conceptual misunderstanding regarding the construction of a true inclusive education system and prevents from advancing in the direction imposed by international regulations. In this vein, it is frequently argued that special schools can be inclusive, depending on the educative approach they offer. It is also contended that attending both a special and a regular school simultaneously is an “inclusive” alternative or that regular schools are only for children with certain types of disabilities, but not for others.

The Committee on the Rights of Persons with Disabilities has expressed that the obligation to progressively move towards the full realization of article 24 of the CRPD “*is not compatible with sustaining two systems of education: mainstream and special/segregated education systems*”<sup>2</sup> and that States have the duty to achieve a transfer of resources from segregated to inclusive environments<sup>3</sup>. **In this process of transformation towards inclusive education systems, special schools must necessarily turn into regular ones or into resource centers to support inclusion<sup>4</sup>, and by no means can they continue enrolling students with disabilities. All resources, both human and budgetary, and all State and educational personnel efforts, should be targeted at strengthening regular schools to make them environments for valuing diversity.**

**We are also concerned by the fact that some perspectives still focus on some characteristics that are socially perceived as impairments.** Disability is not a disease, but the result of the lack of adequacy of the environment to human diversity, of a rigid society that has failed to include all. Diagnosis-based perspectives foster the paradigm of school specialization, by installing the idea that there should be specific schools for each one of them, as if all persons that share a diagnosis learned in the same manner, as if there was only one way of teaching them and as if learning together with other children was detrimental for them. States and schools that have advanced towards inclusive education, as well as various research that have been carried out in the field, prove that building inclusive education systems is possible and that educating us all in the same school, with the supports and accommodation that each one requires, is more beneficial for students with and without disability and for educational staff.

<sup>2</sup> Committee on the Rights of Persons with Disabilities, General Comment No. 4 on the Right to Inclusive Education, CRPD/C/GC/4, 2016, par. 39.

<sup>3</sup> *Ibid.*, par. 68.

<sup>4</sup> Office of the United Nations High Commissioner for Human Rights, Thematic study on the right of persons with disabilities to education, A/HRC/25/29, 2013, par. 49.



It is important to highlight that **inclusive education is not achieved with the mere attendance of students with disabilities to regular schools**. This is a necessary condition, but is not enough to guarantee this right. The High Commissioner asserted that *“inclusive education implies more than placing students with disabilities in mainstream schools; it means making them feel welcome, respected and valued (...)”*<sup>5</sup>. The building of educational institutions that are open to all implies offering methodologies that consider different learning styles, transitioning from a competitive to a collaborative logic, implementing accessibility measures, designing support systems and adopting reasonable accommodation when needed by a student, always keeping high expectations over his/her abilities. **We are fully aware of the fact that regular schools in our countries are not yet under good conditions to provide a quality education for all students. Notwithstanding, this cannot be a pretext to retain special schools as separate settings, since it is misleading to wait until “the education system is prepared”, as if changes could be produced in the abstract. Our educational institutions will never change if children with disabilities are kept out of regular schools.** The task of including, like every educational mission, demands contact and permanent and continuous work with learners.

Without prejudice of the relevant role that special schools originary had in the involvement of persons with disabilities within education systems, segregated education has not achieved inclusion of persons with disabilities within society nor has it reversed the systematic violations they still face when exercising their rights. Nowadays, persons with disabilities are overrepresented among those in situation of poverty and unemployment, are more likely to be exposed to violence, mistreatment and institutionalization and constitute one of the most affected groups in contexts of economic and humanitarian crisis. This situation evidences we must produce a change. The logics of segregation that prevailed within education systems -and that hindered persons with and without disabilities to interact and value each other- are replicated in all domains of community life and allows for the systematic reproduction of sociocultural patterns resulting in serious inequalities and in societies unable to cope with diversity. **Inclusion can never rise from segregation. A school that excludes, is teaching to exclude.**

To conclude, we emphasize that States have the obligation to guarantee inclusive education to all students without exception, by implementing accessibility and teacher training policies, introducing effective mechanisms to prevent and overturn discrimination and by transferring resources from segregated settings to inclusive ones. We also insist on the fact that every measure

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<sup>5</sup> *Ibid.*, par. 68.



adopted with the aim of strengthening segregated modalities of education violates human rights conventions and may result in State responsibility in the international level.

As Robert Martin affirms<sup>6</sup>, there are no special jobs nor special societies. Then why should there be special schools? How do we pretend to build just societies with schools teaching their students that there are persons that are not worthy to be educated in the same places? **In an inclusive education system, no child is “uneducable”, no child is dispensable. Inclusive education teaches us that we are all equal in dignity and in rights, that we can all learn and that we must do it together. The only possible and respectful of human rights way is that of inclusion.**

Regional Network for Inclusive Education (RREI Latin America)

Latin American Campaign for the Right to Education (CLADE)

Inclusion International

Latin American Network of Non-governmental Organizations of Persons with Disabilities and their Families (RIADIS)

Iberoamerican Federation of Down Syndrome (FIADOWN)

LINC Network Latin America

Down Spain

Validity Foundation

Economic, Social and Cultural Rights Lab (DescLAB)

Piña Palmera A.C

Arariwa Association

Nicaraguan Association for Community Integration (ASNIC)

Wiñaypac Pro Human Development Association

<sup>6</sup> Member of the United Nations Committee on the Rights of Persons with Disabilities.