Good morning everyone, and thank-you for the invitation to be here with you today. I appreciate the opportunity to learn more about the situation of people with disabilities in Europe, and especially the challenges in achieving inclusive education. I am sure the lessons you provide can be translated to help others engaged in similar struggles around the world.

My work promoting the rights of people with disabilities and their families has brought me to over 60 countries in all regions of the world. What I have found most amazing in my travels is how similar are the hopes, dreams and struggles of people everywhere. That gives me energy, believing that successes in one country can provide valuable inspiration and tools elsewhere.

So I am here today not with recipes for how to achieve inclusive education, but with my understanding of the current trends, challenges and opportunities.

I have three messages to deliver to you today. First, there is an internationally recognized right to inclusive education. Second, inclusive education isn’t just good for students who have disabilities; it leads to better education for all. And third, we need to fundamentally transform existing systems to support inclusion.

Before I visit any country I always like to do a bit of research. My strongest memories of previous visits to Austria are of the beauty of the Alps around Salzburg, the excellent inclusive education system in the province of Styria and the wonderful gruner veltliner wine. But my research before this trip turned up something else. The philosopher Karl Popper, who lived from 1902-1994 and who developed the concept of an “open society” was Austrian. Although the concept was first articulated by the French philosopher Henri Bergson in the 1930s, Popper is credited with its proliferation. Popper described an “open society” as the opposite of authoritarian or tribal regimes. Open societies question tradition, are inclusive, tolerant, democratic, and transparent. One of Popper’s students at the London School of Economics was George Soros, who then chose to name the Foundation he founded in honour of Popper’s ideas. The Open Society Foundations, of which I am a member of the Human Rights Advisory Board, is now one of the most active global supporters of human rights. And the Open Society Foundations recognize the denial of inclusive education as one of the most egregious abrogations of human rights in the world today.

The concept of inclusive education is still relatively new. Even the concept of rights for persons with disabilities is new – and still not universally accepted.

For how long have most of you been working to promote the rights of persons with disabilities? How many have been involved for less than 5 years? How many for 5-10 years? 10-15? 15-20? 20 or more?
I have been involved for more than 40 years, although initially no one considered the challenge to support people with disabilities to fully participate in their communities as human rights work. I had the privilege of working with Dr. Wolf Wolfensberger in the early 1970’s. Dr. Wolfensberger was largely responsible for importing the concept of normalization from Scandinavia to North America. In his ground-breaking text, he articulated the long history of changing perspectives on people with disabilities, from ancient times when they were thought to be a sign of the displeasure of the gods, through medieval days when they were thought to be possessed by the devil. People with disabilities have been seen as less than human, as a menace to society, as objects of dread or ridicule, or as holy innocents or eternal children. These various perceptions had different implications for education. If people with disabilities were thought to be “uneducable” there was no reason to admit them to school. If they were thought to be educable, but the regular system wouldn’t admit them, then special classes and schools were created.

Codes of human rights have existed for over 5000 years, but framing disability as a human rights issue is a relatively new concept. Until the late 1940’s, struggles for human rights focussed almost exclusively on civil and political rights and protection from the state. Early examples are the English revolution, the French revolution, the anti-slavery movement and the women’s suffrage movement. The Universal Declaration of Human Rights, adopted by the United Nations in 1948 is the first international agreement to articulate economic and social rights – including the right to education – because many argued that individuals could not enjoy their civil and political rights as long as their social rights were denied. The International Covenant on Economic, Social and Cultural Rights, adopted in 1966 and which came into force in 1976, formally entrenched the universal right to education in law in the countries that are parties to the convention.

This important evolution from a focus on purely civil and political rights to a focus on social, cultural and economic rights led to a shift from protecting the individual from harm (largely from the state) to influencing public policy for the greater good. Subsequent international commitments clarified that children, youth and adults with disabilities had not just a right to education, but also to inclusive education. The Convention on the Rights of the Child, which came into force in 1990 requires that the “disabled child receives education...in a manner conducive to achieving fullest possible integration and development”. UNESCO’s 1994 Salamanca Statement on Principles, Policy and Practice in Special Needs Education signed by 92 governments was the first international recognition that the goal for these students with special educational needs should be changed from inclusion in education to inclusive education. Yet despite this progress, a study, entitled Better Education For All When We’re Included Too, conducted by Inclusion International during my presidency, found that most children with intellectual disabilities around the world were still not in school, and those who were in school were usually in special programs. These findings have been corroborated by UNICEF which states that 1/3 of the 58 million children now out of school have a disability. Because the data are not disaggregated by type of disability I cannot prove my hypothesis that most of those children have an intellectual disability.

Largely because of the strength of the disability movement there has been an increased recognition of disability as a matter of human rights. This led to the adoption of the Convention on the Rights of Persons with Disabilities by the United Nations General Assembly in 2006 which has now been ratified by 159 countries, plus the European Union, the first time a regional entity has ratified a UN convention.

I have to admit that when the idea of a convention to protect the rights of persons with disabilities was first debated I was a skeptic. I was especially worried that the convention might actually cause more harm than good for people with intellectual disabilities. My fears were based on the fact that most
disability organizations appeared to be promoting a treaty that would be a list of entitlements based on type of disability. For example, it would guarantee availability of materials in Braille to people who were blind, guarantee the use of sign for people who were deaf, etc., and it would ensure the access to schools where people could learn those skills. Other disability advocates asked Inclusion International what our list of requirements would be and we couldn’t provide it, because what we wanted was the elimination of barriers to the participation of people with intellectual disabilities in ordinary society – in schools, in employment, in community activities. That is, we wanted societies to be inclusive. We were especially fearful that protection for separate schools for some students with disabilities would mean their perpetuation for students with intellectual disabilities.

Once the process to prepare a convention began, after a surprise resolution from Mexico at the 2001 United Nations General Assembly, Inclusion International needed to be active to ensure that people with intellectual disabilities would be helped and not hurt by a new treaty. We decided to focus on four main issues: the role of families; the right to live in the community; the right to make one’s own decisions with support; and inclusive education. All four were contentious – and we were successful with all of them --but I will address only the challenge of inclusive education today.

When we began the negotiations it seemed that there were irreconcilable difference between our position and that of most other disability groups. However, the members of the International Disability Alliance – which at that time was made up of Disabled People’s International, the World Blind Union, the World Federation of the Deaf, the World Federation of the Deafblind, the World Network of Users and Survivors of Psychiatry, Rehabilitation International and Inclusion International – together with the International Disability Caucus made up of hundreds of other disability organizations and non-governmental organizations – agreed that none of us would support a position that was seen as harmful by another group. So we had to find a compromise, and one that would be supported by the governments who were the ones with control over the text. We were able to convince other disability groups to avoid any reference to special education and special schools as long as the there was a guarantee for people who are blind, deaf or deafblind to education “in the most appropriate languages and modes and means of communication in environments which maximize academic and social potential” The final solution, which became Article 24 of the Convention guarantees the provision of:

- An Inclusive education system at all levels
- Quality and free primary education and secondary education on an equal basis with others
- Reasonable accommodation and
- Effective individualized support measures such as Braille, Sign language and an Adapted Curriculum

That means that states need to include students with disabilities in regular education while at the same time providing the individualized supports they need.

The CRPD has a built-in monitoring process whereby all States which have ratified the Convention must present a report to the Committee responsible for its implementation within 2 years of ratification. There is an opportunity for civil society organizations to present alternate reports to the committee which meets with representatives of the government and issues a list of issues for the state to respond to in writing. Finally, the committee issues its Concluding Observations which include recommendations. From the concluding observations issued by the Committee so far we can see that they are interpreting Article 24 to mean:

- There is an enforceable right to inclusion;
- There must be a guarantee of appeal;
• Reasonable accommodation is immediately applicable;
• There must be a transfer of students to regular schools;
• Inclusion needs to be distinguished from “integration”;
• Special education funds must be reallocated to inclusion;
• Quality must be ensured.

Let me share some of the specific concerns and recommendations of the Committee for the European countries which have had their reports considered to date, and which contribute to the jurisprudence related to Article 24.

States must guarantee:
  • Right to appeal placement decisions (Spain)
  • No exclusion of categories of children (Denmark)
  • Claims must be dealt with by an independent authority (Denmark)
  • Denial of reasonable accommodation constitutes discrimination (Spain, Hungary)
  • Duty to provide reasonable accommodation is immediately applicable and not subject to progressive realization (Spain)
  • Parents are not obliged to pay for reasonable accommodation (Spain)
  • Denial of reasonable accommodation constitutes discrimination (Spain, Hungary)
  • Duty to provide reasonable accommodation is immediately applicable and not subject to progressive realization (Spain)

Regarding special education institutions the Committee has noted the confusion between “integration” and “inclusion” (Germany) and the need to allocate more resources to inclusion (Hungary, Belgium).


Regarding specific rights, the Committee is concerned
  • that EU Directives failed to prohibit discrimination based on disability and provide reasonable accommodation to persons with disabilities ... in education; and
  • about the number of boys and girls with disabilities living in institutions across the European Union who have no access to mainstream inclusive quality education.

The Committee therefore recommends that:
  • the European Union develop support services for boys and girls with disabilities and their families, foster deinstitutionalization and prevent any new institutionalization, and promote social inclusion and access to mainstream inclusive quality education for boys and girls with disabilities.
  • the renewed Agenda on the Rights of the Child include a comprehensive rights-based strategy for boys and girls with disabilities and safeguards to protect their rights.
  • all disability strategies address and mainstream the rights of boys and girls with disabilities.
  • the European Union develop a comprehensive campaign to raise awareness of the Convention and combat prejudice against persons with disabilities, including women and girls, and
especially persons with psychosocial disabilities, intellectual disabilities, and older persons with disabilities.

- all materials related to capacity building and training, awareness raising, public statements and other, be made accessible.

Regarding EU Institutions’ compliance with the Convention the Committee expressed its concern that in different European Union Member States many boys and girls, and adults with disabilities cannot access inclusive quality education in line with the Convention. The Committee therefore recommends that the European Union evaluate the current situation, and take measures to facilitate access to, and enjoyment of, inclusive quality education for all students with disabilities in line with the Convention, and include disability-specific indicators in the Europe 2020 Strategy when pursuing the target on education.

International cooperation is a particular concern of mine. I have seen too many situations where educators whose only experience is in outmoded methods use their retirement years to teach those methods in countries receiving aid. I was especially pleased to see the Committee note “with concern...that European Union international development funding is utilized to create or renovate institutional settings for the placement of persons with disabilities, segregated special education schools and sheltered workshops, contrary to the principles and provisions of the Convention” and “recommends that the European Union interrupt any international development funding that is being used to perpetuate the segregation of persons with disabilities, and reallocate such funding towards projects and initiatives that aim at compliance with the Convention.”

The EU is supposed to respond to the Committee’s concerns and recommendations within 12 months, after widely circulating them and seeking further input from people like those of you in this room. I am sure that EASPD will contribute to that process.

In addition to its Concluding Observations, another instrument for the Committee to create jurisprudence is through the issuing of General Comments. The CRPD Committee has already issued General Comments on Article 12 (Equal Recognition before the Law) and Article 9 on Accessibility. They are now drafting a General Comment on Article 24 on the Right to Education, a draft of which should be ready by next summer. Inclusion International organized a side session at the last meeting of the Committee to outline our interpretation of Article 24. The session included Council members from Asia, Europe and Africa, plus Zero Project outlining examples of good inclusive practice around the world as well as concerns and challenges. http://inclusion-international.org/wp-content/uploads/2015/09/Inclusion-International-Side-Session-28-08-15-final.pdf

Inclusion Europe highlighted the discrepancy between laws and policies in Europe which favour inclusive education and actual practice. Their presentation cited country reports by the Academic Network of European Disability Experts, ANED, which concluded that European countries offer education to students with disabilities following three patterns. Students may be placed in:

- the same classes as non-disabled pupils (Italy, Norway, Spain, Portugal, Austria, Cyprus, Slovenia, Estonia, Malta, Ireland, United Kingdom)
- in special classes located in regular schools (Sweden, Switzerland, Denmark)
- or mainly in segregated special schools (Belgium, Germany, Netherlands, Bulgaria, Latvia, Luxembourg) and
- in some countries all three options may be offered (Finland, France).
The report from Inclusion Europe went on to raise many of the concerns cited by the CRPD Committee such as lack of a non-rejection policy and lack of resources and support.

Inclusion Europe also reports that statistics from European countries show that the segregation of students with disabilities has been increasing since 2008, although there are huge differences between countries, with almost no segregation in Italy compared to high percentages in Switzerland, Belgium, Germany and the Czech Republic.

Not surprisingly, children with intellectual disabilities, children with complex needs or behaviour challenges are frequently excluded from inclusive education. Inclusion Europe also raised an issue so far absent from the Committee’s work. That is that where the systems are more inclusive the numbers of children with these difficulties is lower. One of the implications is the need to make early inclusive childcare and education a priority.

From a rights perspective, the CRPD machinery is a powerful tool in the promotion of inclusive education. We have just gained another weapon, and that is the Sustainable Development Goals adopted by the United Nations last month. Whereas the former Millennium Development Goals (MDGs) focused on achieving universal primary education, the reality was that people with disabilities were ignored in the formulation of the MDGs and in their monitoring. The new Sustainable development Goals make frequent reference to persons with disabilities and the new education goal is to ensure inclusive and equitable quality education and promote lifelong learning opportunities for all.

The new SDGs reinforce inclusive education as a development goal which is essential for eliminating poverty and disparities both between and within countries. Although there are no penalties for states which do not comply with the SDGs they are powerful influencers of the actions of institutions such as the UN agencies – UNICEF, UNESCO, UNDP, funders such as the World Bank, EU and national agencies for international cooperation, and indirectly on Ministries of Education.

I hope that my comments so far have helped to confirm that there is a right to inclusive education. But many people fear that the trend to include students with disabilities in regular education will weaken quality for others. I couldn’t disagree more. My passion for inclusive education comes from my experience that inclusive education is both a right and is better education for all.

Let me clarify what I understand by “inclusive education”. My starting point is the position reached by the International Disability Alliance, the network of all the major global and regional disability organizations. We recognized that the text of Article 24 of the CRPD is very general, and worked to develop a more in-depth description of its implications.

The IDA position paper will be made available on our website as soon as it is available in all formats, so what I am presenting here today is a sneak preview.

The IDA position clarifies our intention of the meaning of Article 24 of the CRPD which calls for “an inclusive education system at all levels and lifelong learning”. The implication of Article 24 is that all national and global efforts to educate persons with disabilities must contribute to achieving an inclusive system which respects the following:

• States need to adopt a coherent, comprehensive plan to foster fully inclusive education systems through the coordinated action of one ministry. There must be one system responsible for all students at each level (e.g. preschool, primary, secondary and higher education, as well as the nature of education –public, private, formal, non-formal, lifelong learning)
  • Delivery at the national, regional and local level is by one system
• There must be coordination across all relevant Ministries and in the context of international cooperation

• Schools welcome all students from their community and arrange for individualised supports (See for example: http://www.gnb.ca/hrc-cdp/e/g/Guideline-Accommodating-Students-Disability-New-Brunswick.pdf)
  • There is a no-rejection clause within legislation and policy, constituting an essential element of non-discrimination on the basis of disability in education, and an obligation to provide reasonable accommodation in education as one of immediate effect.
  • There is the establishment of available and effective and legal remedies to enforce the right to inclusive education and have access to timely adjudication by independent bodies
  • Inclusive pre-school programs and early intervention support is provided to children and parents

• Schools are accessible: including sign language environments, materials and methods, Braille, augmentative and alternative modes of communication, easy-to-read materials

• Schools are based on the principles of universal design including spaces for sports, recreation and leisure

• Children go to a regular school
  • Teachers are trained to teach children with diverse learning styles
  • Supports and resources are available to teachers and students for specific needs, e.g. adapting the curriculum, orientation skills, Braille, sign language training, hearing loops, speech-to-text
  • Teacher training on inclusive education is integrated into compulsory core curricula

• Multilingual education is available to respond to the linguistic needs and culturally diverse backgrounds of students
  • Students who are deaf have the right to be educated in their national sign language.
  • Classes or schools for students who are deaf are based on the perspective of language and culture and not on special education.
  • For students choosing to attend non-signing classes there must be reasonable accommodation using professional sign language interpretation

The IDA position paper also recognizes that many articles of the CRPD contribute to achieving inclusive education—

• Preamble: Family members receive necessary protection and assistance
• Article 3: General Principles: Full and effective participation and inclusion in society
• Article 5: Equality and Non-discrimination
• Article 7: Children
• Article 8: Awareness-raising
• Article 9: Accessibility
• Article 23: Respect for Home and Family
• Article 27: Work and Employment
• Article 30: Culture, Recreation, Leisure, Sport
• Article 31: Statistics and Data Collection
• Article 32: International cooperation
• Article 33: Implementation and Monitoring

For those of us involved in inclusive education the IDA position paper may not sound new, but it is a huge breakthrough to have all IDA members supporting it.
Having all of these elements in place translates into a school where everyone feels welcome, where teachers feel supported to do their best, where all students are encouraged to succeed. Having diverse learners in a school should be celebrated as contributing to richness, not an imposition of the unwanted. What I love about visiting truly inclusive schools is their vitality. I visited some schools in neighbouring Graz together with some teachers from other countries who were shocked to see students working in little groups in stairwells, hallways, on the floor. There was a buzz of noise and energy everywhere. Groups of two students sat reading together or working on computers. The teachers kept moving between the groups, answering questions, giving encouragement. Behind the activity was a thoughtful approach that marks all inclusive settings – recognition that children learn in different ways and have different kinds of intelligence; that different students could learn different things from the same curriculum; that the environment needed to be set up to foster learning for all; that the teachers needed support to meet the needs of all their students, and that the school was for all the children of the community.

According to Melody Musgrove, Director of Special Education Programs in the United States Department of Education, the smallest unit for achieving inclusion is the school. In a recently published article in the journal Inclusion, Giangreco and Suter spell out a model for organizing a school to provide support to teachers. Gordon Porter from the Canadian province of New Brunswick emphasizes the importance of getting teachers in a school to work as a team, to accept responsibility for meeting the needs of all the students in the school, to be open about the challenges they are facing in their classes and to have an efficient system in place to solve problems together. Much pre- and in-service training for teachers focusses on differentiated instruction and methodologies such as cooperative learning and peer instruction, but not enough focuses on how teachers can support each other to succeed.

The system in New Brunswick developed by Gordon Porter and his colleagues has been recognized as one of the best inclusive systems in the world, and one of the few that guarantees inclusion and provides individual supports while improving quality for all students. In his presentation to the United Nations Human Rights Committee in Geneva last year, Gordon Porter outlined why he thought inclusive education was better for all students, not just those with disabilities. He said that:

- Inclusive settings raise academic standards for all. There is an expectation that each child will reach his or her potential and not just an artificial minimum standard;
- Inclusive settings develop peer relations that are conducive to citizenship in a diverse and democratic society;
- Inclusive settings develop social capital for students – which is particularly important for students who need it most and benefit from getting it in their school years;

I often think of the mother I heard testifying to a parliamentary committee that was reviewing the benefits of inclusive education. She told how inclusion was good not only for her son with a disability, but also of her non-disabled son. She recalled how the first time she met a person with a disability was when her own son was born with Down Syndrome, and how frightened she was. She was glad that the non-disabled students in her sons’ school would never have that experience – as parents, as teachers, as bus drivers, as librarians, as doctors, they would be much more comfortable with people with disabilities than the previous generation.

Her analysis was confirmed to me by another mother who talked of her daughter Catherine who has cerebral palsy. Catherine made frequent visits to the hospital emergency ward and they were usually a nightmare for her and her mother since the staff were very nervous about how to treat someone who didn’t speak and whose body always seemed uncooperative. That is until the day they arrived at the hospital and were greeted by a young doctor who had grown up down the street from Catherine. He was completely relaxed talking to her and examining her, and he helped put the others at ease.
The implication for creating education systems that are truly inclusive is that we can’t achieve quality inclusion in a piecemeal incremental way. We need to transform existing systems so that inclusion and quality are the defining characteristics. One Ministry of Education I visited had the staff working on inclusion on one floor and the staff working on curriculum on another, and the two groups never talked. In fact, the staff working on curriculum refused to meet with the team working on inclusion. Achieving inclusive systems that meet the needs of all students needs to become an over-riding preoccupation of everyone in the system. And it means learning to make new choices and decisions. It requires profound changes in traditional ways of doing things.

The originator of the concept of “cognitive dissonance”, Leon Festinger, was the first to point out that people experience mental conflict when their beliefs are contradicted by new information. The discomfort produces a disequilibrium which can lead to stress, frustration, guilt, embarrassment and anxiety. Nietzsche said that “People don’t want to hear the truth because they don’t want their illusions destroyed.” So for example, smokers who hear evidence of the health risks of smoking either decide to quit or convince themselves that the research is inconclusive, or that the benefits of relaxation outweigh the risks. Similarly, many who fight to maintain outmoded and segregated education systems refuse to consider the human rights of persons with disabilities and the advantages of an education system that recognizes the individual educational needs of each student. Even though there is no proof that segregation leads to better results, people who have only known such systems continue to defend them. The testimony of representatives of disabled people’s organizations during the negotiations of the CRPD expressed deep dissatisfaction with the existing systems for not preparing students for the real world and good jobs. In Canada we found that the longer professionals had worked in special education the more opposed they were to inclusion, and often the best teachers to support inclusion were simply excellent teachers with no special education training.

All this is not to say that it is easy to transform systems which continue to perpetuate a model based on excluding students who don’t fit a norm. Inclusion requires investment. But in places like Europe, the resources exist – they have just been misallocated. No public system has enough resources to provide quality inclusion while still running a separate special education system. All of the resources currently invested in special systems need to be redirected to supporting inclusion. This needs to happen within a short time frame so that the savings from closing down the segregated system can be captured. In this time of austerity we need to be vigilant so that financial savings are not achieved on the back of students with disabilities. Cuts to individual supports or accommodation are discriminatory. But savings can be achieved by reducing the resources allocated to diagnosis, assessment and placement, and redirecting the funds to teacher training, salaries and supports.

The transformation can start in many places – with a strong group of parents, with a dynamic school director, an enlightened politician. It takes leadership and persistence. Andy Warhol said “They always say that time changes things but you actually have to change them yourself.” Anyone in this room can be the initiator of the transformation.

Let me go back to Karl Popper and his idea of an open society – a society where everyone belongs. Schools are where the young people of today are shaped to be the citizens of tomorrow. Former President Bill Clinton has said that there are two kinds of people in this world – those who look for our similarities and those who exploit our differences. Inclusive education allows young people to discover the humanity in others, and not to fear difference. It’s up to us to give them that opportunity.