



Non-Discrimination and Inclusion at School for Children and Youth with Disabilities



More than twelve years since the landmark adoption of the Convention on the Rights of Persons with Disabilities (CRPD) and over three years since the Sustainable Development Goals (SDGs) were launched with the ambitious mission to “leave no one behind”—have countries taken necessary action to advance equal rights and inclusion for persons with disabilities? Meeting the transformative goals outlined in both the CRPD and the SDGs requires that the global community regularly examine the steps countries are taking—to highlight countries in every region that are leading the way to dismantle barriers to equal opportunity, who can serve as resources for other nations in the development of legal frameworks that embody the commitments outlined in the CRPD and the SDGs. This fact sheet series examines the steps countries are taking in national legislation and constitutions to prevent discrimination, guarantee equal rights, and provide children, youth, and adults with disabilities with equal opportunities in education and work during this important time.

Introduction

- For seventy years, there has been global consensus that education is a fundamental right. Research has documented its extensive individual and societal benefits; access to education supports health, civic participation, and higher earnings, while yielding significant economic benefits for countries.
- Higher levels of education can be especially critical for employment opportunities. While early childhood and primary education set a strong foundation, access to education at the secondary and post-secondary levels can significantly broaden long-term prospects for decent work.
- Yet children and youth with disabilities remain more likely than children and youth without disabilities to be excluded from schools, and less likely to complete school in low-income and high-income countries alike. In addition to those children and youth with disabilities who are excluded from schools entirely, many attend separate schools, rather than learning in the same settings as students without disabilities.
- Only inclusive education can ensure quality, universality, and non-discrimination in the right to education for persons with disabilities. The CRPD was the first legally binding international agreement to call for inclusive education; Article 24 calls on States Parties to realize the right to education “without discrimination and on the basis of equal opportunity” by “ensur[ing] an inclusive education system at all levels and lifelong learning.” SDG 4 also emphasizes the importance of equal access to quality education that includes persons with disabilities.
- Evidence suggests that children and youth both with and without disabilities are able to learn effectively when classrooms are inclusive. Further, inclusive education is important not just for individual students but also for broader efforts to create more inclusive and informed societies.
- National laws and policies can play a meaningful role in addressing existing

gaps and advancing access to inclusive education by beginning to dismantle the social and environmental barriers that maintain educational disparities. In countries with strong legal guarantees, raising awareness of these critical rights can be an important way to broadly support their implementation.

Guaranteeing Access to Mainstream Education

- The CRPD calls on countries to ensure that children and youth with disabilities are not excluded from the general education system. Currently, a majority of countries (85%) explicitly guarantee students with disabilities access to public education at both the primary and secondary levels.
- Previous educational models primarily provided schooling for children and youth with disabilities in segregated, separate schools within the general education system. The current global demand for integrated education represents a marked shift from this model and today, 74% of countries commit to providing both primary and secondary education for children and youth with disabilities in integrated, mainstream education environments.

Advancing Inclusive Education

- Provision of truly inclusive education goes beyond integration in the same education environment; integration must be paired with individualized supports for all students with disabilities. Educational supports and accommodations can take the form of assistive devices, curricular adaptations, and adjustments in exams, among other approaches.
- Nearly two-thirds (65%) of countries have importantly paired legislative commitments to integrated education in mainstream environments with explicit guarantees to individualized supports and accommodations for students with disabilities.

Legislative Guarantees to Non-Discrimination in Education

- Realizing the SDGs and truly “leaving no one behind” requires ensuring that previously marginalized groups—including children and youth with disabilities—can access education without discrimination of any kind.
- Prohibiting any form of disability-based discrimination at school is one important way to protect and advance the right to education on an equal basis with others. However, only about half of all countries (54%) broadly guarantee non-discrimination in education on the basis of disability at both primary and secondary.
- While countries at all income levels have taken important steps to advance equal access to education by extending this guarantee, absence of this foundational protection is a notable gap around the globe.

Methodology Overview

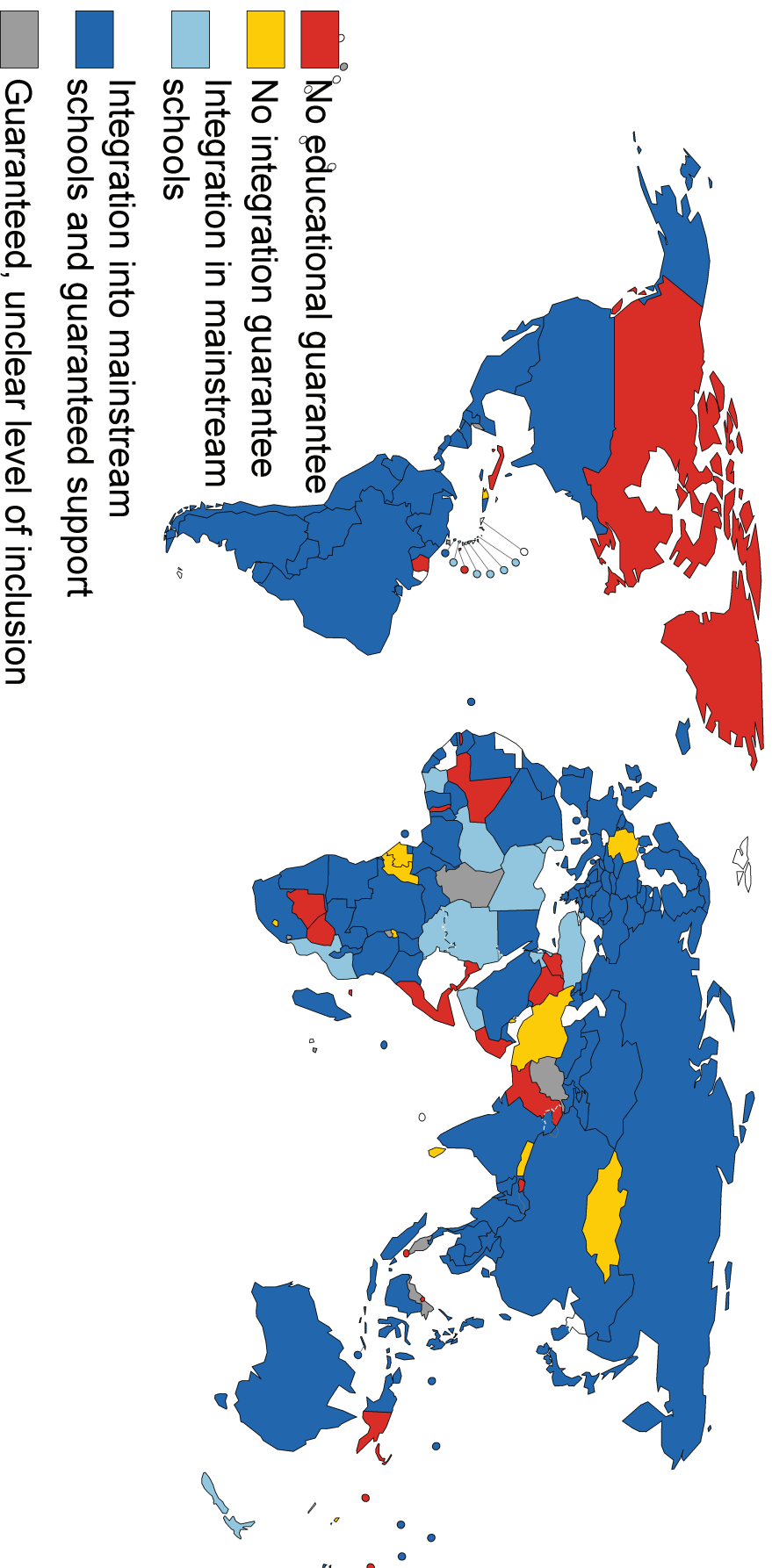
- This analysis relies on review of original legislation and statutory guarantees extended to public education in education acts, child protection legislation, and anti-discrimination legislation in place as of June 2018 for all 193 United Nations member states. In federal systems where these guarantees vary by subnational unit, analysis reflects the least protective subnational provision in place in countries such as Canada, Germany, and Pakistan.
- Guarantees on the basis of ‘disability’ refer to guarantees based on general references to disability, “special education needs,” or guarantees extended on the basis of mental, physical, sensory, or intellectual disability.
- This analysis captures legislative language that explicitly applies to education and the public sector. In some countries, like Canada, case law has applied less explicit guarantees to education; however, systematic review of case law is outside the scope of this analysis, and rights extended through litigation are not reflected in these findings.

■ Further details on full methodology can be found at: <https://www.worldpolicycenter.org/topics/education/methods>

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Map 1. What is the guaranteed level of inclusion in primary education for students with disabilities?



Note: Integration into mainstream schools includes three countries that guarantee very limited forms of support.

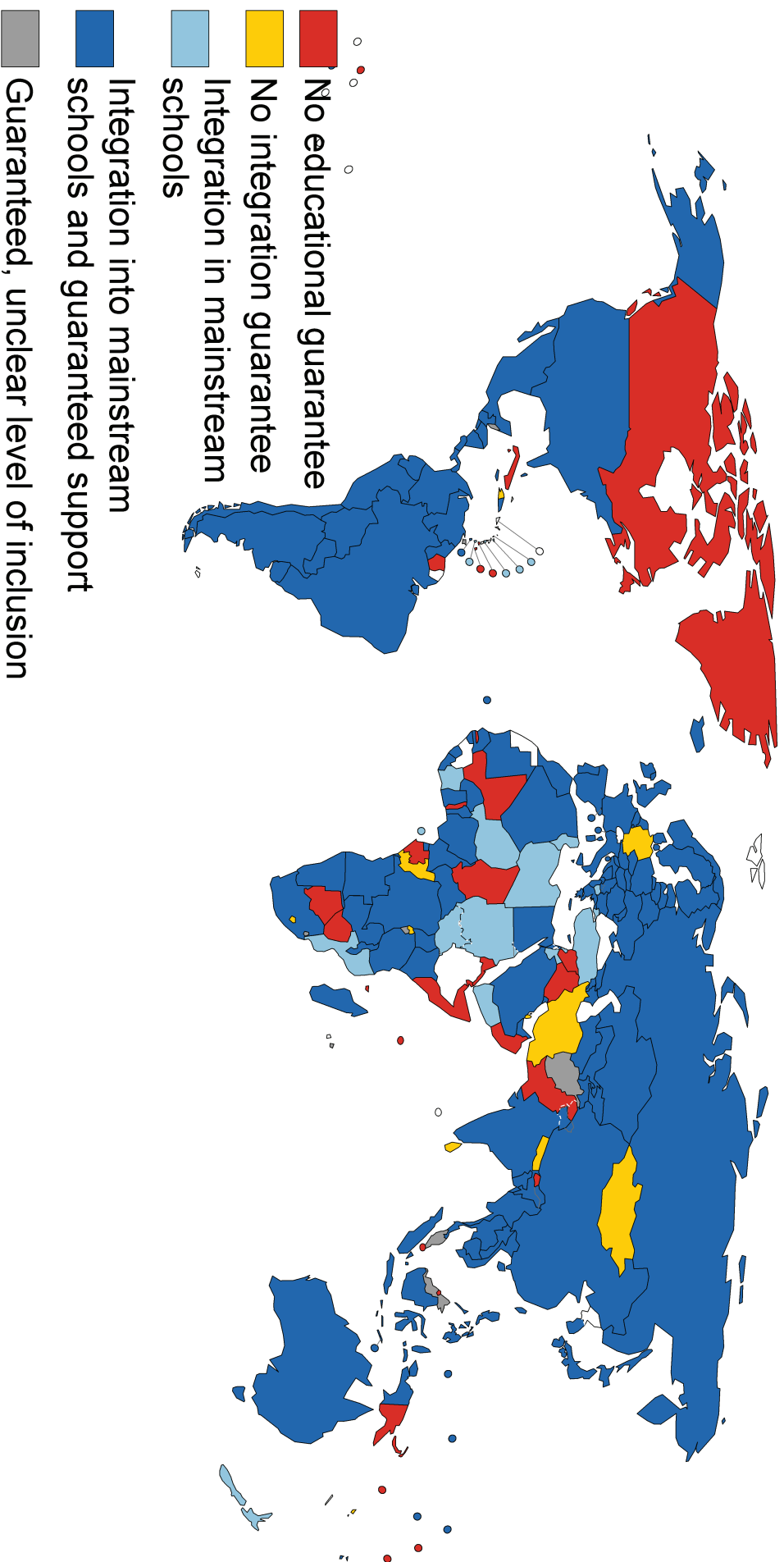
Source: WORLD Policy Analysis Center, Education Database, 2018

Table 1. Prohibitions of Disability-based Discrimination in Primary Education, by Income Level

	Low-income	Middle-income	High-income	Total Countries
No prohibition	19 (61%)	34 (34%)	22 (38%)	75 (40%)
Discrimination prohibited in admissions	0 (0%)	9 (9%)	2 (3%)	11 (6%)
Discrimination broadly prohibited	12 (39%)	56 (57%)	34 (59%)	102 (53%)

Source: WORLD Policy Analysis Center, Education Database, 2018

Map 2. What is the guaranteed level of inclusion through the completion of secondary education for students with disabilities?



Note: Integration into mainstream schools includes three countries that guarantee very limited forms of support.

Source: WORLD Policy Analysis Center, Education Database, 2018

Table 2. Prohibitions of Disability-based Discrimination through the Completion of Secondary Education, by Income Level

	Low-income	Middle-income	High-income	Total Countries
No prohibition	19 (61%)	34 (34%)	23 (40%)	76 (40%)
Discrimination prohibited in admissions	0 (0%)	9 (9%)	2 (3%)	11 (6%)
Discrimination broadly prohibited	12 (39%)	56 (57%)	33 (57%)	101 (54%)

Source: WORLD Policy Analysis Center, Education Database, 2018

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