

## **Inclusive Education and the UN Convention on the Rights of Persons with Disabilities: A Comprehensive Reflection**

### **Abstract<sup>1</sup>**

*Approximately 10% of the global population experiences some form of disability, encountering various forms of discrimination and social exclusion. It is incumbent upon both the state and society to institute protective measures for individuals with disabilities, recognizing this as a matter of human rights. In alignment with the Universal Declaration of Human Rights, individuals with disabilities are entitled to the full spectrum of rights, ensuring their freedom for the complete enjoyment of their entitlements. The Convention on the Rights of Persons with Disabilities, building on the Universal Declaration of Human Rights, affirms that everyone deserves all rights and freedoms without any form of discrimination. This paper concentrates on three fundamental rights crucial for the dignified existence of individuals with disabilities in society: education, health, and employment. Additionally, it sheds light on the particularly vulnerable segment of society, namely women with disabilities, who may encounter various forms of discrimination in their quest for survival within the community. The study concludes that while the convention acknowledges the rights of individuals with disabilities and outlines comprehensive provisions for their basic rights in education, health, and employment, the actual implementation of these rights remains contentious. The recommendation is for both the state and civil society to take appropriate measures to safeguard the rights of individuals with disabilities and ensure the fulfillment of their entitlements.*

**Keywords:** Education, Inclusive, Persons with Disabilities, UN Convention

### **INTRODUCTION**

The global conversation around education has changed in recent years to emphasize inclusivity and the value of giving everyone, including those with disabilities, equal chances. With a focus on the concepts and difficulties involved in fostering inclusive practices, this study examines the relationship between inclusive education and the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). The United Nations estimates that approximately 500 million people worldwide suffer from various forms of disability, with the number rising annually as a result of various disasters, conflicts, acts of terror, unhygienic living circumstances, and a lack of awareness and education on disabilities. Physical, intellectual, or any other type of mental illness can all result in disability (Langenbach, 2003). The convention's main goals are to uphold the dignity and personal identity of all people with disabilities and to promote and safeguard their fundamental freedoms and human rights. The United Nations General Assembly adopted the Convention

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on the Rights of Disabled Persons on December 13, 2006, and it became operative on May 3, 2007, after being made available for signing on March 30, 2007 (United Nations, 2006).

The convention has fifty articles on all types of human rights necessary for the person with disability. Following are the general principles of the convention:

- i) Respect for inherent dignity, individual autonomy including the freedom to make one's own choice and independence of persons.
- ii) No Discrimination
- iii) Full and effective participation and inclusion in society
- iv) Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity
- v) Equal opportunity
- vi) Accessibility
- vii) Equality between men and women
- viii) Respect for the evolving capacities of children with disabilities and respect for the rights of children with disabilities to preserve their identities.

Following is the reflection on the important articles addressed, education, health, employment and vulnerability of women & children addressed under the convention:

#### **Rights of Education (Article 24)**

The Convention recognizes the rights of education for the persons with disabilities without discrimination and on the basis of equal opportunity. It also emphasizes an inclusive education system at all levels (Guernsey *et al*, 2007).

The important aspects of the rights to education are:

- a) Development of human potential and sense of dignity and self-worth.
- b) The development of the personalities of persons with disability and to enhance their talent and creativity as well as their mental and physical abilities.
- c) Effective participation at all levels of society.
- d) Children with disabilities are not excluded from free and compulsory primary education.
- e) People with disabilities can access an inclusive, quality and free education on equal basis with others in the communities in which they live.
- f) Provision of support services for the academic and social development
- g) Enable people with disabilities to learn life and social development skills to facilitate their full and equal participation in education.
- h) Ensuring that the education of persons who are blind, deaf or deaf-blind is delivered in the most appropriate languages and modes and means of communication for the individual.

It is an important step in the recognition and advancement of people with disabilities' rights, especially their access to education. It advocates for a change in educational methods from isolated to inclusive ones that allow people with disabilities to fully engage in society. It's crucial to remember that different nations may have their own national laws and regulations that elaborate on and put these concepts into practice (Slee, 2011).

The right to inclusive education is strongly established by the UN Convention on the Rights of Persons with Disabilities; yet, successful implementation of these principles necessitates

coordinated efforts at the institutional, societal, and policy levels. To identify obstacles and opportunities and make sure that inclusive education becomes a reality, ongoing critical analysis and review are crucial (Ainscow, 2005).

### **Health (Article 25)**

The Convention entitles all persons with disabilities with the rights to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability. States' parties should take all appropriate measures to ensure access for persons with disabilities to health services that are gender sensitive, including health related rehabilitation (Guernsey *et al*, 2007).

Regarding the right of health, the convention focuses on the following points:

- a) Provision of quality free and affordable health care services and programs to persons with disabilities including in the area of sexual and reproductive health programs
- b) Provide the specific health service related to the disabilities including early identification and appropriate intervention
- c) Provision of health services to minimize further disabilities among children and older persons
- d) Provide these health services close to where the people with disabilities lived
- e) Require experienced health professionals.

It is important to note that specific health-related measures and policies are often implemented at the national level. Governments and healthcare systems are responsible for creating and implementing inclusive health policies that address the unique needs of individuals with disabilities, ensuring they can access healthcare services on an equal basis with others.

### **Work and employment (Article 27)**

1. The convention recognizes the rights of persons with disabilities to work on equal basis with others.
2. Promote the realization of the right to work including those who acquire a disability during the course of employment.
3. Prohibit discrimination from all forms of employment, including conditions of recruitment, hiring, career advancement, equal payment and safe & healthy working conditions.
4. Ensure that persons with disabilities are able to exercise their labor and trade union rights on equal basis with others.
5. Employ persons with disabilities in the public sector and private sector through appropriate policies and measures.
6. Ensure that proper accommodation is provided to persons with disabilities in the workplace.
7. Ensure that persons with disability are not held in slavery or in servitude

The convention places a strong emphasis on equality and expressly forbids discrimination on the basis of disability. In order to guarantee that people with disabilities have equal access to

all facets of life, including public services, work, healthcare, and education, it requires reasonable accommodations.

### **Women with disabilities (Article 6)**

1. The convention ensures that state parties recognize that women and girls with disabilities are subject to multiple discriminations therefore it takes measures to ensure the full and equal enjoyment of all human rights.
2. All appropriate measures must be taken to ensure the full development, advancement and empowerment of women.
3. Article 6 acknowledges that women and girls with disabilities are often subject to multiple forms of discrimination based on both gender and disability. It underscores the need to address these intersecting forms of discrimination to ensure equal enjoyment of rights.
4. The article emphasizes the importance of eliminating stereotypes and prejudices concerning women with disabilities. It calls for efforts to modify societal perceptions that may contribute to the marginalization or exclusion of women with disabilities.
5. It affirms that women with disabilities should have equal opportunities with men with disabilities and women without disabilities. It emphasizes the importance of ensuring that women with disabilities can fully and actively participate in all aspects of life on an equal basis with others.
6. The article also recognizes the specific healthcare needs of women with disabilities, including access to sexual and reproductive healthcare services. It calls for measures to ensure that healthcare and rehabilitation services are provided without discrimination.

Thus, in order to ensure that women with disabilities have full and equal involvement in society, Article 6 of the UNCRPD provides requirements that acknowledge the special problems that these women experience. In order to advance inclusivity and defend the rights of women with disabilities, it emphasizes how crucial it is to address the intersections of gender and disability.

### **Children with Disabilities (Article 7)**

1. All obligatory measures are guaranteed for the full enjoyment by children with disabilities of all human rights.
2. In all actions concerning children with disabilities, the best interests of the child shall be focused.
3. Children with disabilities have the right to express their views freely on all matters affecting them.
4. Children with disabilities shall be provided assistance to realize their rights (Langenbach, 2003).

The UNCRPD emphasizes the significance of defending and advancing the rights of children with disabilities, as do other international instruments. These rights include a wide range of areas in their life and guarantee that they can develop in a welcoming and encouraging

environment. Governments, communities, and other stakeholders must work together to achieve these rights in order to build an inclusive society that is accessible to all children.

## **CONCLUSION**

Realizing the rights of people with disabilities as stated in the UNCRPD requires inclusive education. We, in Pakistan, need to work on this Declaration, in tune with other countries, if we are to ensure the rightful place of our men, women and children in the committee of nations. This thorough analysis emphasizes how crucial it is to match inclusiveness ideals with educational practices and calls for a deliberate effort to overcome the obstacles preventing inclusive education from being fully implemented. Societies need to endeavor to create learning settings that empower every person, regardless of ability or disability, by adopting the spirit of the UNCRPD. Even with the admirable goals expressed in the UNCRPD, there are a number of obstacles to overcome before inclusive education may be fully implemented. These difficulties include the absence of specialized resources, poor infrastructure, inadequate training of teachers, and the attitudes of society toward people with disabilities. A comprehensive strategy involving legislators, educators, communities, and people with disabilities is needed to overcome these obstacles. Governments, like ours, need to work in collaboration with civil society in order for the Declaration to be understood and implemented in letter and spirit.

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