Book Review

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In The Rights to Inclusive Education in International Human Rights Law, the editors provide an informative and forward-looking introduction followed by a comprehensive volume of 27 chapters divided into four parts, including background, theoretical foundations, implementation, and practice-focused considerations. Part Two on Theoretical Foundations explores conceptual and substantive issues, while Part Three on Implementation examines strategies and mechanisms. The contributing authors of the chapters are mainly legal academics and lawyers from various countries around the world. They bring forth insights from international human rights and disability rights perspectives and diverse understanding and practice regarding the right to inclusive education under the framework of international human rights law. The book highlights the inadequate inquiry on this topic within legal scholarship. It encourages legal academics and lawyers to engage in further examination of complex and challenging issues relating to human rights and inclusive education, in particular via cross-disciplinary interactions.

The book recalls that access to inclusive education is a fundamental human right and vital to realising and exercising all other human rights. Central to this topic is the role of international human rights laws in improving understanding and advancement of the right to inclusive education.

The book provides an informative description of the evolution of inclusive education in international human rights law, specifically focusing on the UN Convention on the Rights of Persons with Disabilities (CRPD). The CRPD in general, its Article 24 specifically, together with the General Comment No.4 on the Right to Inclusive Education (Committee on the Rights of Persons with Disabilities [CRPD Committee] 2016),

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have the intention to protect the right to inclusive education. State Parties, under the requirements of the CRPD, should develop laws and policies in compliance with the principle of inclusive education enshrined in the CRPD.

Nevertheless, as the book rightly points out, 15 years after the passage of the CRPD, the development of inclusive education in many countries remains less than encouraging and in some cases has not happened in any meaningful way – even amongst State Parties that were early to ratify the CRPD. The key concerns hindering a promising realisation of the rights to inclusive education are (but are not limited to) conceptual debates regarding the definition of inclusive education, inequalities in participation of all learners in learning and assessment, the marginalisation of this topic in legal scholarship, and the huge gap between what legislation and policies promise to achieve and actual implementation in practice. There is consensus among disability advocates and educators that discrimination and disabling attitudes remain the fundamental barriers behind all these challenges. Low public awareness of disability rights and negative attitudes towards the equal participation of persons with disabilities in society have remained unchanged for decades, globally. Many, perhaps most State Parties, have inadequate empowerment and capacity mechanisms to promote the leadership role of organisations of persons with disabilities for this endeavour. The development of inclusive education has been continuously hampered by misinformation about the feasibility of inclusion, as well as fear of disability and resistance to change within the education system.

The effective translation of the principle of inclusive education into domestic measures and legislation by governments, compatible with their treaty obligations and duties, is crucial. Despite the disparities in the development of inclusive education and persistent segregation and exclusion facing persons with disabilities in education, there has been encouraging documentation of effective inclusive schools (Hehir, 2012). Good examples indicate the powerful role that effective law and policy can play, as well as the vital role of determined practitioners who enact these policies within schools. Inclusive schools meet the goals of attaining equal and full participation of all learners, building ethical and supportive communities and partnerships, and ensuring personal dignity. A basic disability policy framework should include (but is not limited to) core concepts, such as accountability, anti-discrimination, classification, empowerment, and participatory decision-making, individualised and appropriate service for capacity building, professional and system capacity development, and protection from harm (Turnbull and Stowe, 2014). These core concepts have the capacity to shape the components of the domestic law and policy context in the field of education, their targeting outcomes, and human and financial services.

Inspired by these core concepts and this background, this review examines, from an educational perspective, how *The Rights to Inclusive Education in International Human Rights Law* addresses the core “theoretical foundations and core content of the right to inclusive education in international human rights law conceptual and practical aspects of the rights to inclusive education in international human rights law” (de Beco, 2019: i).
The book offers a careful analysis of the historical development of provisions concerning inclusive education in various human rights treaties culminating in the CRPD Article 24. A picture is painted of strenuous efforts as well as controversy and dispute. The text provides substantial coverage of the challenges to inclusive education, the evolution of international law to address these challenges, and the strengths and weaknesses of each treaty and document to feature inclusive education as an explicit and universal guarantee. This book consistently affirms that the CRPD is the first international treaty to proclaim rights to inclusive education with the “transposed” and “reformulated” existing rights from the human rights treaties prior to the CRPD within the context of disability (Kayess, 2019: 123).

A compelling feature of the CRPD is its recognition of the significance of equal participation of persons with disabilities through their representative organisations to promote disability rights. The book also vividly shows its readers the difficult negotiation process that took place during the final phase of the convention’s drafting, in order that inclusive education became enshrined within Article 24. By doing so, this book reflects upon the complicated views of governments and stakeholders concerning inclusive education and the potential challenges of inclusive education practice according to human rights treaties.

Moreover, the book analyses the dominant influence of the medical model of disability and its misconceptualisation of disability, and reveals how this way of understanding disability underpins segregated education for disabled people. Similarly, ableism leaves people with impairments with low-esteem regarding their capabilities (via internalised ableism) and acts as a major barrier to the general education system’s ability to educate learners with diverse needs and potentials. Equally importantly, negative attitudes toward disability have impacted upon the integration of Disability Studies into law, creating segregation and marginalisation of disability in law, legal education, research, and practice (Kanter, 2019: 15–57; Stein, Waterstone, and Wilkins, 2010; Cui, 2020). By also pointing out the latter problem, the book has made a unique and much-needed contribution to deepening our understanding of why promoting the rights to inclusive education as enshrined in international law has its primary challenges in the profession of law itself.

Another strength of the book is its examination of conceptual issues that are in many ways unsettling. The in-depth discussion demonstrates the lack of consensus on constituting inclusive education as a norm and achieving inclusive and accessible education for all with individualised support. It examines the “more harm than good” domestic policies that allow segregated education as an alternative and temporary measure. Some major consequences of the latter approach of course include creating obstacles to the development of inclusive education, validating a segregated education, and weakening the obligation to achieve inclusive education with specific and mandatory measures in law and policy. A policy approach based on substantive equality in inclusive education (Kayess, 2019: 130) is critical in order to inspire concrete public policy that enables the translation of the principles of inclusive education depicted in the CRPD to domestic implementation.
The authors are inspired by their different backgrounds and ideologies to discuss to what extent Article 24 prohibits a segregated system of education for persons with disabilities, showcasing a range of different perspectives. This allows room for further dialogue and examination into the implicit areas of the treaty on inclusive, equal education for all learners—see, for example, Chapters 3 and 5 (de Beco, 2019: 58–92; Kayess, 2019: 122–140).

However, while substantial discussion around challenging the conditions of segregation and exclusion in the education of disabled people is contained within this book, the book might have included further analysis regarding the question of why such significant barriers hindering the achievements of quality inclusive education remain. Special education as a parallel system and temporary measure persists. The general education system continues to face barriers to inclusion and to be unwelcoming to learners with impairments, despite good examples of inclusive education practice. How international human rights law can address these challenges requires serious attention from legal scholarship.

The book would have been even more powerful and useful if it had included more discussion regarding how international human rights laws can help effectively address the challenge of many State Parties allowing segregated education for people with disabilities. Closely connected to this issue is the limited discussion on how maintaining a segregated education system diverts the allocation of resources away from the sustainable development of inclusive education. We should be mindful that, in many parts of the world, if not all, the issue is more about how to allocate resources (human and financial) in the right ways rather than whether or not sufficient resources exist. Nevertheless, it is still active practice—justified by domestic law and policy but against the principles of disability human rights—to allow resource allocations to reinforce medical rehabilitation approach to disability and segregated arrangements in education, employment, and community life.

The main focus of the book is the right to inclusive education for persons with disabilities. Perhaps as a result, the benefits of quality inclusive education to non-disabled students is not considered. This was, in my view, a missed opportunity. Educators have long recognised the idea of inclusive education for all. Research demonstrates that inclusive education enables students without disabilities to develop a better understanding of diversity and disability (Odom, Buysse, and Soukakou, 2011). In many cases, a lack of awareness of the benefits of inclusive education for all students continues to be a significant barrier to the development of inclusive education. It causes resistance to changing the existing general education system and the false belief that inclusion diverts opportunities and resources from students without disabilities. It is imperative to show that practices of general education that do not involve a deep commitment to valuing diversity and the richness of human capacity fail to provide quality education to those without disabilities.

I would also have liked to have seen the book give more attention to the legal foundation in international human rights law for inclusion in early childhood education. Early childhood inclusive education is crucial to the effective realisation of full
inclusion for all people in all facets of society, throughout the life course. It sets a trajectory for inclusive life-long learning (US Department of Health and Human Services and Department of Education, 2015). Disability Studies, neuroscience, and human development theories strongly indicate the importance of appropriate early education and support for success in school and future life. However, in many countries where early childhood education is not compulsory, many children, especially those with disabilities and in poverty, do not have access to education and support services. As a result, many are left without protection from harm, and their concerning educational status can pose a tremendous challenge to inclusive education at school age. Governments need to be held accountable by international human rights treaties to protect the rights to early childhood inclusive education for all children.

In sum, this book is a timely contribution to a pressing agenda for promoting rights to an inclusive education through the avenue of international human rights law jurisprudence with a collection of deeply thoughtful chapters. This review highlights the comprehensive analysis and convincing arguments made. It also highlights areas that I believe were worthy of inclusion or further consideration, and which I continue to believe demand our attention.

REFERENCES
