

The Society of Public Education Planning  
Senshu University - office No.9514 JAPAN

05 January 2016

Submission on draft General Comment on Article 24 of the CRPD

The Society of Public Education Planning is an academic association for studies on theory and reform of public education in Japan. We welcome the CRPD Committee's draft General Comment on Article 24 which presents very important insight into the challenges faced by children with disabilities, namely, exclusion and segregation from regular classes.

However, we concern that this draft may not contribute to promote of the inclusive education in Japan there is no clear definition of inclusive education in this draft.

The Japanese government introduced an "inclusive education system", however, the special schools, special classes in the regular school and the regular classrooms are treated as equivalent environment by defining the inclusive education system as "diverse and flexible system to provide the most appropriate learning environment that fits individual educational needs of children with disabilities in accordance with their impairment and severity of disability. On the ground, this interpretation allows education authorities to evade reasonable accommodations in regular classrooms, leading parents to choose special classes or special schools. The Japanese government intentionally interpret the inclusive education in this vague way to maintain its separated system.

Based on these facts, we demand the committee to amend the draft in following 6 contents.

Clarifying the definition of the Inclusive Education (Para 9)

While paragraph 9, 11, and 27 mention on the definition and interpretation of inclusive education, they do not confirm that inclusive education should be principally provided in regular classrooms.

Clarifying the definition of inclusive education is one of the most common requests in the submission for the general discussion on 15th April, 2015. More specifically, the definition should clarify whether inclusive education is principally provided in regular classrooms.

Also, this sentence should define inclusive education itself rather than the right to inclusive education. While inclusive education can be understood as a process of transferring education to

accommodate diverse needs of learners, the definition of the right to inclusive education cannot be a process of reforming education as it is an inherent entitlement of individuals to education rather than an action to reform education system.

Therefore we recommend paragraph 9 to add an underline parts as follows.

“ The Committee defines inclusive education as a process that transforms culture, policy and practice in all educational environments to accommodate the differing needs of individual students without segregating them from regular classrooms against their will, together with a commitment to remove the barriers that impede that possibility.”

The shift from deficit approach (Para 16)

We appreciate para 16 of the draft as it illustrates the shift in understanding “ability”, namely from the deficit approach based on the medical model, in accordance with the Art. 24 Para 1 of the convention. In Japan, this shift is not reflected in legislations and practices. Based on the negative assumptions of ability and potential of children with disabilities, children with disabilities in regular classrooms are often requested to transfer to special classrooms or special schools.

Therefore, we request the committee to emphasize the necessity of the shift from deficit approach to end unnecessary segregation.

Direct and Non-direct exclusion (Para 18)

In Paragraph 18 that raises examples of direct and non-direct exclusion, we recommend that the CRPD committee should add that any arrangement to enroll children with disabilities in special schools or special classes against their or their parents' will is a direct exclusion. It is a non-direct exclusion to lead parents or children with disabilities to choose special settings due to the insufficient support in regular classrooms, or imposing extra burden for parents of children with disabilities.

Concerning this recommendation, several cases of the enrollment of children with disabilities in special schools or special classes against their or their parents' will are reported as the following two examples.

- 1) A regular primary school rejected the enrollment of a child with down-syndrome with the explanation of "troublesome task". The parents called for a remedy of their human rights. (Osaka,2014)
- 2) Other parents were told to accompany their child in the school everyday when they requested his or her enrollment in a regular school by local education board.

In Japan, the parents of children with disabilities are unable to exercise their right to choose regular schools. Also, in many cases, the parents are advised to transfer their children to special schools or special classes when their children proceed to higher grades.

Placing children with disabilities in segregated environment against their and their parents' will is a different treatment on the basis of disabilities, thus defined as discrimination.

#### Monitoring and Remedy System (Para 30)

We support paragraph 30 on the monitoring and remedy system for reasonable accommodations. To make the monitoring system effective, we point that the monitoring and remedy system should be independent from authorities in accordance with Article 33.2 of the convention.

#### Transforming special schools (Para 73 b)

We recommend that the expression of “Adapting and empowering special schools” should be amended as “transforming and empowering special schools” as we concern the word “adapting” is weak to require states to transform its entire education system toward inclusive education.Paragraph

#### Outcome indicators of Inclusive education (Para78)

While the definition of inclusive education is not clearly defined, the indicator based on the term “inclusive learning environment” would make it harder to monitor the situation as the term can be interpreted differently. In Japan special needs schools are officially interpreted as a part of inclusive education system. If inclusive education contains diverse modes of education and environment in consistent with the goal of full inclusion, the number of students with disabilities in regular classrooms with necessary support should be the outcome indicator to be monitored.

Therefore we recommend paragraph 78 to add an underline parts as follows.

“ Outcome indicators also need to be established, for example, percentage of students with disabilities in inclusive regular classrooms obtaining final certification, and the percentage of students admitted to secondary education.”

The Society of Public Education Planning

Senshu University - office No.9514

2-1-1, Higashi-mita, Tama, Kawasaki, Kanagawa, 214-8580 JAPAN

TEL 81-44-900-7988      FAX 81-44-900-7849

E-mail: [info.spe@gmail.com](mailto:info.spe@gmail.com)      <http://koukyouiku.la.cocan.jp/>