

From Formal Recognition to Transformative Inclusion: Assessing the Right to Education of Persons with Disabilities under International Human Rights Law

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Abstract

The right to education of persons with disabilities has undergone a significant transformation in international human rights law. Earlier international instruments recognised education as a universal right and prohibited discrimination, but they did not provide a sufficiently detailed legal framework for transforming educational systems in response to disability. The Convention on the Rights of Persons with Disabilities (CRPD) marked a decisive development by requiring States Parties to ensure an inclusive education system at all levels and by prohibiting exclusion from the general education system on the basis of disability. This article examines the extent to which contemporary international human rights law has transformed formal educational equality into a legally meaningful requirement of inclusion. It argues that the principal challenge is no longer the recognition of inclusion as a normative objective, but the identification of concrete legal criteria through which State compliance can be assessed. Using a doctrinal and analytical methodology, the article examines the evolution of the right to education, the normative content of Article 24 CRPD, the distinction between exclusion, segregation, integration and inclusion, and relevant European human rights jurisprudence. It then develops a seven-element legal compliance framework based on non-exclusion, accessibility, reasonable accommodation, individualized support, participation, non-segregation and effective remedy. The article argues that these elements should be assessed cumulatively but contextually, taking into account proportionality and resource constraints without allowing resource limitations to become a blanket defence. The proposed framework seeks to move the debate from formal recognition towards measurable institutional compliance.

Keywords: disability; inclusive education; substantive equality; CRPD; reasonable accommodation; human rights.

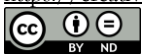
1. INTRODUCTION

Education occupies a distinctive position within the international human rights system. It is itself a fundamental right, while simultaneously functioning as an enabling condition for the exercise of numerous other rights. Access to education influences personal autonomy, social participation, employment opportunities, political participation and human dignity. The universal formulation of the

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right to education, however, has historically concealed significant differences in the ability of particular groups to exercise that right in practice.

Persons with disabilities provide one of the clearest examples of this problem. For much of the twentieth century, disability was addressed primarily through medical, welfare and protective approaches. Educational systems frequently responded to disability by establishing separate institutions or by requiring children with disabilities to adapt to educational structures that had been designed without them in mind. The existence of special schools could therefore be presented as evidence that education was available to persons with disabilities, even where those arrangements produced systematic separation from the general educational community.

International human rights law has gradually challenged this approach. Article 26 of the Universal Declaration of Human Rights established education as a right belonging to everyone.[1] The International Covenant on Economic, Social and Cultural Rights subsequently developed the legal content of that right and linked education to the development of human personality and dignity.[2] The Convention on the Rights of the Child strengthened the principle of non-discrimination and recognised the particular educational needs of children with disabilities.[3] The Salamanca Statement of 1994 further contributed to the international development of inclusive education by promoting the capacity of ordinary schools to accommodate diverse learners.[4]

The decisive development occurred with the adoption of the Convention on the Rights of Persons with Disabilities (CRPD) in 2006. Article 24 requires States Parties to recognise the right of persons with disabilities to education without discrimination and on the basis of equal opportunity, and to ensure an inclusive education system at all levels and lifelong learning.[5] It further requires States to ensure that persons with disabilities are not excluded from the general education system on the basis of disability and that reasonable accommodation and individualised support are provided within that system.

The Committee on the Rights of Persons with Disabilities has developed these obligations through General Comment No 4, which distinguishes exclusion, segregation, integration and inclusion and treats inclusive education as a systemic requirement rather than merely an educational policy preference.[6] The Committee describes inclusion as a process involving transformation in culture, policy and practice throughout the education system. The significance of this interpretation is considerable: the legal question is no longer merely whether a person with a disability has access to some form of education, but whether the educational system itself has been transformed sufficiently to permit equal participation.

This development has generated an important conceptual debate. The expression “right to inclusive education” is now widely used in international human rights scholarship and institutional practice. Yet Article 24 does not establish a separate textual right bearing that exact formulation. Rather, it requires the right to education of persons with disabilities to be realised through an inclusive education system. The distinction matters because it directs attention to the legal content of inclusion rather than treating “inclusive education” as a self-explanatory concept.[7]

The recent literature demonstrates that the meaning of inclusion is not entirely settled. Gauthier de Beco, for example, argues that the concept requires further normative clarification and proposes participatory parity as a useful framework for understanding the inclusive dimension of Article 24.[8] This article builds

upon that debate but addresses a different question. Rather than asking only what inclusive education means, it asks how the legal compliance of a State can be assessed.

The central research question is therefore: To what extent does contemporary international human rights law require States to transform education systems from formal access to genuine inclusion, and what legal criteria can be used to assess State compliance with that obligation?

The article advances two hypotheses. First, international human rights law has moved beyond a purely formal conception of equality towards substantive equality, under which States must remove structural and individual barriers preventing persons with disabilities from participating equally in education. Secondly, despite the significant normative development represented by Article 24 CRPD, implementation remains uneven because domestic legislation, administrative structures, resources, accessibility measures, professional training and remedies have not consistently been transformed in accordance with the international standard.

The article uses a doctrinal and analytical methodology. It examines international treaties, General Comments, international declarations, academic literature and regional human rights jurisprudence. Its principal contribution is the development of a Seven-Element Legal Compliance Framework for Inclusive Education, consisting of non-exclusion, accessibility, reasonable accommodation, individualized support, participation, non-segregation and effective remedy.

The argument is not that every failure within an educational institution automatically constitutes a violation of Article 24. Nor is it suggested that States are required to achieve identical educational conditions immediately and irrespective of available resources. Instead, the proposed framework provides a structured method for assessing whether a State has discharged its legal obligations, taking into account the nature of the obligation, the circumstances of the individual learner, proportionality, available resources and the existence of effective remedies.

The article consequently moves through three stages. It first examines the evolution of the international legal framework. It then analyses the transformation of equality and the legal meaning of inclusion. Finally, it develops and tests the proposed seven-element framework against the international legal framework and European jurisprudence.

2. FROM FORMAL EQUALITY TO SUBSTANTIVE EQUALITY

2.1 The Limitations of Identical Treatment

The principle of equality is indispensable to the protection of the right to education. Yet equality cannot always be achieved through identical treatment.

A formally neutral rule may produce unequal consequences when individuals experience different barriers. A school may admit all students under identical conditions, for example, while remaining inaccessible to a wheelchair user. A university may apply identical examination procedures to all students while providing no accessible format for a blind student. A classroom may formally accept deaf students but provide no mechanism through which they can communicate effectively with teachers or peers.

In such circumstances, formal equality exists at the level of legal language while substantive inequality persists at the level of experience.

The CRPD responds to this difficulty by combining equality and non-discrimination with accessibility and reasonable accommodation. Article 5 recognises equality before and under the law and requires States Parties to prohibit discrimination on the basis of disability.[9] Article 2 further defines discrimination to include the denial of reasonable accommodation.

This is significant because it transforms the legal meaning of equality. The State may sometimes be required to treat persons differently precisely in order to ensure that they can enjoy a right on an equal basis with others.

Substantive equality therefore requires attention to the actual conditions under which a right is exercised.

2.2 Disability and the Transformation of Legal Responsibility

The CRPD reflects a human rights approach to disability in which disability is understood not merely as an individual characteristic but as a condition whose social consequences are shaped by environmental, institutional and attitudinal barriers.[10]

This approach changes the distribution of responsibility. Under a purely medical approach, the problem is located primarily within the individual. The individual is expected to adapt to the educational institution through treatment, rehabilitation or placement in a specialised environment.

Under a human rights approach, responsibility is also placed upon the institution. The educational system must identify and remove barriers that prevent participation.

This does not mean that individual impairments become legally irrelevant. On the contrary, Article 24 expressly recognises the need for individualised support and reasonable accommodation. The important change is that impairment can no longer be used as a sufficient legal reason for exclusion from the general educational system.

The transformation can therefore be expressed as follows:

$$\begin{aligned} & \text{\texttt{\text{Formal Equality}}} \rightarrow \text{\texttt{\text{Substantive Equality}}} \rightarrow \\ & \text{\texttt{\text{Accessibility}}} \rightarrow \text{\texttt{\text{Accommodation}}} \rightarrow \text{\texttt{\text{Participation}}} \\ & \rightarrow \text{\texttt{\text{Inclusion}}} \end{aligned}$$

Each stage adds a further dimension to the legal responsibility of the State.

3. THE EVOLUTION OF THE INTERNATIONAL RIGHT TO EDUCATION OF PERSONS WITH DISABILITIES

3.1 Universal Recognition

The Universal Declaration of Human Rights provides that everyone has the right to education.[11] Its universal language was historically significant because it established education as an entitlement rather than a privilege.

The International Covenant on Economic, Social and Cultural Rights subsequently transformed this general principle into a treaty obligation. Article 13 recognises the right of everyone to education and connects education with the development of the human personality and dignity.[12]

The Covenant also establishes the principle of progressive realisation. Article 2(1) requires States to take steps, to the maximum of their available resources, towards the full realisation of the rights recognised in the Covenant. This principle is important in the disability context but cannot be interpreted as eliminating immediate obligations. The obligation to refrain from discrimination and to take deliberate steps towards implementation remains legally significant.

3.2 The Convention on the Rights of the Child

The Convention on the Rights of the Child developed the protection of children with disabilities more explicitly. Article 2 prohibits discrimination, including discrimination on the basis of disability, while Article 23 recognises the right of children with disabilities to special care and assistance designed to ensure effective access to education and other services.[13]

The CRC therefore contributed to the transition from universal recognition towards differentiated measures designed to make rights effective. Nevertheless, the CRC did not establish the comprehensive legal framework for inclusive education later developed under the CRPD.

3.3 The Salamanca Statement

The Salamanca Statement and Framework for Action on Special Needs Education represented an important development in educational policy. It promoted the principle that ordinary schools should accommodate children irrespective of their physical, intellectual, social, emotional, linguistic or other conditions.[14]

Although the Salamanca Statement is not a treaty, its influence on the subsequent international understanding of inclusion is considerable. Its principal conceptual contribution was to challenge the assumption that educational difference necessarily requires institutional separation.

3.4 The CRPD

The CRPD transformed these earlier developments into a specific legal framework for disability equality.

Article 24 is particularly important because it expressly requires an inclusive education system at all levels and lifelong learning.[15] The provision also prohibits exclusion from the general education system and requires reasonable accommodation and individualised support.

General Comment No 4 confirms that this development represents a significant change in the international understanding of disability and education. It identifies inclusion as the key approach to

achieving the right to education and distinguishes it from earlier models based upon segregation or integration.[16]

The evolution of international law can therefore be understood not simply as the addition of a new treaty, but as a transformation in the conception of how equality must operate.

4. ARTICLE 24 CRPD AND THE LEGAL MEANING OF INCLUSIVE EDUCATION

4.1 A Right to Education Realised Through Inclusion

Article 24 begins with a recognition of the right of persons with disabilities to education. The objective is to realise this right without discrimination and on the basis of equal opportunity through an inclusive education system.[17]

The provision should therefore be read as creating an integrated legal structure. It is inaccurate to treat inclusion as merely an optional policy objective separate from the right to education. At the same time, it is equally important not to treat “inclusive education” as an undefined slogan.

The legal significance of Article 24 lies in the obligations through which inclusion is operationalised:

- Non-exclusion from the general education system;
- Equal opportunity;
- Reasonable accommodation;
- Support within the general education system;
- Individualised support measures;
- Accessible communication;
- Trained educational personnel; and
- Access to education at all levels.

4.2 Availability, Accessibility, Acceptability and Adaptability

The right to education has traditionally been analysed through the dimensions of availability, accessibility, acceptability and adaptability.[18] These dimensions are particularly useful when applied to disability:

- **Availability:** Requires functioning educational institutions and sufficient personnel and resources.
- **Accessibility:** Requires that educational facilities, services, information and communication be accessible to persons with disabilities.
- **Acceptability:** Requires education to respect human dignity, rights and cultural and individual differences.
- **Adaptability:** Requires education to respond to the diverse circumstances of learners.

For persons with disabilities, accessibility must not be reduced to physical infrastructure. It includes communication, information, transportation, educational materials, digital platforms, examinations and administrative procedures. This broad conception is consistent with the CRPD's understanding of accessibility under Article 9.

4.3 Reasonable Accommodation

Reasonable accommodation represents the individual dimension of substantive equality. Article 2 CRPD defines reasonable accommodation as necessary and appropriate modifications and adjustments that do not impose a disproportionate or undue burden and that are required in a particular case to ensure enjoyment of rights on an equal basis with others.[19]

The distinction between accessibility and accommodation is important. Accessibility concerns the system generally; reasonable accommodation concerns the needs of a particular person. A school may therefore be generally accessible while still being required to provide a specific accommodation to a particular learner. Conversely, an institution cannot rely exclusively on individual accommodations while leaving systemic barriers untouched. An effective inclusive system requires both.

5. EXCLUSION, SEGREGATION, INTEGRATION AND INCLUSION

The distinction between exclusion, segregation, integration and inclusion is central to understanding Article 24.

Category	Definition & Operational Approach	Primary Burden	Legal Implication under Article 24 CRPD
Exclusion	Direct or indirect denial of access to any form of education.	Placed on the individual (denied entry).	Direct violation of the right to education.
Segregation	Provision of education in separate environments specifically designed for persons with disabilities.	Systemic separation.	Impermissible if used to justify permanent separation.
Integration	Placement in mainstream institutions on condition that the individual adapts to existing structures.	Placed on the individual to adapt.	Insufficient; fails to transform systemic barriers.
Inclusion	Systemic transformation of environment, curriculum, teaching methods and policies to accommodate diversity.	Shared institutional responsibility to adapt.	Core mandate of Article 24 CRPD.

General Comment No 4 places particular emphasis on these distinctions.[20] The legal test hinges on two contrasting questions:

- Integration asks: Can the individual fit into the existing educational system?
- Inclusion asks: Has the educational system been designed and adapted so that the individual can participate equally?

6. INCLUSIVE EDUCATION AND SUBSTANTIVE EQUALITY

6.1 Inclusion as an Equality Obligation

General Comment No 6 on equality and non-discrimination confirms the broader movement within the CRPD towards substantive rather than purely formal equality.[21]

This approach is particularly relevant to education because educational systems frequently reproduce social inequality through apparently neutral structures. A curriculum may exclude a learner because materials are inaccessible. An examination may exclude a student because it assumes a particular method of communication. A school building may exclude a student because its design assumes physical mobility.

The legal problem is therefore not always discriminatory intent. A structurally inaccessible system can produce discrimination even where no individual decision-maker intends to discriminate.

6.2 Participatory Parity

The concept of participation provides an important bridge between equality and inclusion. Gauthier de Beco has argued that participatory parity can help clarify the inclusive dimension of Article 24 by requiring educational systems to treat learners as equal participants rather than merely as recipients of services.[22]

Participation should not be measured only by physical presence. A learner participates meaningfully when they can:

1. Communicate freely;
2. Access educational content;
3. Interact with teachers and peers;
4. Participate fully in extracurricular activities;
5. Undertake fair assessment;
6. Contribute to decisions concerning their education; and
7. Develop their abilities on an equal basis.

6.3 Communication and Linguistic Inclusion

Article 24 recognises Braille, sign language and alternative modes and means of communication.[23] This confirms that inclusion does not mean identical educational treatment. For some learners, differentiated communication is precisely what makes equal participation possible. A legal framework that recognises inclusion but ignores communication would therefore remain incomplete.

7. EUROPEAN HUMAN RIGHTS JURISPRUDENCE

7.1 Çam v Turkey

In Çam v Turkey, the European Court of Human Rights (ECtHR) examined the exclusion of a visually impaired applicant from a music academy.[24] The case is significant because the Court analysed the educational issue through Article 14 of the European Convention on Human Rights (ECHR) in conjunction with Article 2 of Protocol No 1.

The judgment illustrates the importance of examining disability discrimination within the framework of the right to education rather than treating educational admission as a purely administrative matter. It also demonstrates that reasonable adaptation may be relevant to determining whether a difference in treatment is objectively justified.

7.2 Enver Şahin v Turkey

The reasoning in *Enver Şahin v Turkey* is particularly important. The applicant, who was paraplegic, was unable to access university buildings because suitable facilities had not been provided. The Court found a violation of Article 14 ECHR taken together with Article 2 of Protocol No 1.[25]

The judgment established four critical principles:

1. Physical accessibility is linked directly to the effective enjoyment of the right to education.
2. Institutional compliance must be evaluated against the applicant's actual circumstances rather than general policy declarations.
3. The individual's dignity, safety, and independence are paramount when evaluating proposed accommodations.
4. Although public authorities possess a margin of appreciation concerning resource allocation, they must demonstrate that they have acted with requisite diligence and actively explored viable solutions.[26]

8. THE IMPLEMENTATION GAP

Although Article 24 of the Convention on the Rights of Persons with Disabilities (CRPD) establishes an international legal obligation to ensure an inclusive education system at all levels, a significant implementation gap remains between these legal commitments and their practical realization at the domestic level. The UNESCO Global Education Monitoring Report 2020 emphasises that achieving inclusive education requires systemic changes in governance, financing, curricula, assessment, teacher education, infrastructure, and the relationships between educational institutions and learners.[27] In practice, however, several structural barriers continue to undermine the effective implementation of the right to inclusive education. Legislative barriers may persist where domestic rules tolerate exclusionary practices or continue to treat segregated education as the default response to disability. Administrative fragmentation can also impede implementation when responsibility for education, health, and social welfare is divided among different institutions without effective coordination. In addition, insufficient teacher preparation limits the capacity of educational professionals to provide differentiated instruction and accessible forms of assessment.[28] The rapid digitalisation of education has introduced another dimension of exclusion, particularly where online learning platforms, educational materials, or examinations are not designed according to accessibility standards. Finally, attitudinal barriers, including stereotypes, low expectations, and social isolation, may continue to affect students with disabilities even where formal legal admission to mainstream educational institutions has been achieved. The implementation gap therefore demonstrates that the recognition of inclusive education as a legal right is insufficient in itself; effective compliance requires corresponding institutional, administrative, professional, technological, and social measures capable of translating the normative requirements of international law into educational practice.

9. PROGRESSIVE REALISATION, RESOURCES AND PROPORTIONALITY

9.1 Progressive Realisation

The principle of progressive realisation is frequently invoked in relation to education. Article 2(1) ICESCR requires States to take steps, to the maximum of their available resources, towards achieving progressively the full realisation of economic, social and cultural rights.[29]

However, progressive realisation cannot become a general suspension of legal obligations. A State may require time to make every school physically accessible, but it cannot use gradual implementation to justify discriminatory admission policies.

9.2 Resource Scarcity as a Limited Consideration

Resource scarcity should be treated as a factor in assessing the reasonableness and proportionality of particular measures rather than as a blanket defence. Following Enver Şahin, the correct legal query is not whether a State's resources are limited, but whether the State has taken reasonable, deliberate and proportionate measures—using available resources and alternatives—to remove the barrier.[30]

10. OBLIGATIONS OF RESULT AND OBLIGATIONS OF CONDUCT

The obligations arising from Article 24 of the Convention on the Rights of Persons with Disabilities may be understood through the distinction between obligations of result and obligations of conduct. Certain requirements impose immediate obligations on States, particularly the principles of non-discrimination and non-exclusion, the provision of reasonable accommodation, and the prohibition of discriminatory forms of segregation in education. These obligations require States to eliminate legal and administrative barriers that directly prevent persons with disabilities from exercising their right to education on an equal basis with others. At the same time, Article 24 also entails obligations of conduct that require States to take sustained and appropriate measures towards the progressive realisation of an inclusive education system. These measures may include expanding access to inclusive education, strengthening teacher training, progressively increasing the availability of educational and support services, and establishing effective systems for data collection, monitoring, and implementation planning. The distinction is therefore important because progressive realisation cannot be invoked to justify inaction where an obligation is immediate in nature. Rather, States must simultaneously comply with their immediate duties while demonstrating continuous, measurable, and good-faith efforts to develop the institutional and material conditions necessary for the full realisation of inclusive education.

11. A SEVEN-ELEMENT LEGAL COMPLIANCE FRAMEWORK

To determine whether a State has fulfilled its obligations under Article 24 CRPD, compliance should be evaluated across seven cumulative elements:

1. **Non-exclusion:** Prohibition of disability as a ground for exclusion from general education.
2. **Accessibility:** Systemic physical, informational, linguistic, and digital accessibility.
3. **Reasonable Accommodation:** Tailored, individualised modifications that do not impose an undue burden.

4. **Individualised Support:** Provision of effective, ongoing personal support measures within inclusive settings.[31]
5. **Participation:** Active, dignified engagement in academic, social, and decision-making activities.
6. **Non-segregation:** Elimination of separate educational structures as a systemic default.
7. **Effective Remedy:** Access to timely, actionable judicial or administrative review mechanisms.

12. THE CUMULATIVE AND CONTEXTUAL APPLICATION OF THE FRAMEWORK

The framework must be applied through a structured four-stage evaluation model:

\$\$\text{Stage 1: Barrier Identification} \rightarrow \text{Stage 2: Obligation Classification} \rightarrow \text{Stage 3: Proportionality Test} \rightarrow \text{Stage 4: Legal Remedy}\$\$\$

- **Stage One:** Identify the specific environmental, attitudinal, or legal barrier.
- **Stage Two:** Classify whether the duty is immediate (result) or progressive (conduct).
- **Stage Three:** Apply the proportionality test balancing individual needs against administrative burdens.
- **Stage Four:** Determine whether effective domestic remedies exist to rectify the breach.

13. APPLYING THE FRAMEWORK TO STATE RESPONSIBILITY

State responsibility operates across multiple institutional levels under Article 4 CRPD:[32]

- **Legislative:** Repealing discriminatory legal provisions.
- **Administrative:** Establishing clear inter-agency protocols.
- **Financial:** Allocating targeted budget lines for accessibility.
- **Institutional:** Mandating structural adaptations in public and private schools.
- **Professional:** Delivering mandatory inclusive-pedagogy training.
- **Procedural:** Guaranteeing administrative appeal channels.
- **Monitoring:** Collecting disaggregated demographic and educational data.

14. MONITORING, PARTICIPATION AND ACCOUNTABILITY

Under Article 33 CRPD, monitoring mechanisms must extend beyond formal statutory compliance.[33] Data collection must track attendance, dropout rates, accommodation request approvals, and actual learning outcomes disaggregated by disability type. Persons with disabilities and representative organisations must directly participate in monitoring procedures to ensure accountability.

15. THE LEGAL SIGNIFICANCE OF THE FRAMEWORK

The proposed framework advances existing human rights doctrine by:

1. Translating broad normative ideals into concrete legal compliance indicators.
2. Bridging systemic structural duties (accessibility) with individualised rights (reasonable accommodation).

3. Operationalising a strict proportionality test that prevents resource defenses from nullifying human rights guarantees.

16. IS INTERNATIONAL HUMAN RIGHTS LAW SUFFICIENT?

The international normative architecture—comprising Article 24 CRPD, General Comment No 4,[34] General Comment No 6,[35] and regional case law[36]—is comprehensive. The primary deficit is not normative, but institutional and operational. Ratification alone fails to secure inclusion where domestic legal frameworks and educational practice remain unchanged.

17. CONCLUSION

The right to education of persons with disabilities has evolved from protective segregation toward a normative requirement of systemic inclusion. The Seven-Element Legal Compliance Framework established in this article offers a structured mechanism for measuring compliance, shifting the global focus from abstract recognition to practical, enforceable inclusion.

FOOTNOTES

1. Universal Declaration of Human Rights (adopted 10 December 1948) UNGA Res 217 A(III) (UDHR) art 26.
2. International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3 (ICESCR) arts 2(1), 13.
3. Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3 (CRC) arts 2, 23, 28.
4. UNESCO, The Salamanca Statement and Framework for Action on Special Needs Education (UNESCO 1994).
5. Convention on the Rights of Persons with Disabilities (adopted 13 December 2006, entered into force 3 May 2008) 2515 UNTS 3 (CRPD) art 24(1).
6. UN Committee on the Rights of Persons with Disabilities (CRPD Committee), General Comment No 4 (2016) on the Right to Inclusive Education, UN Doc CRPD/C/GC/4 (25 November 2016).
7. Gauthier de Beco, 'The Right to "Inclusive" Education' (2022) 85 Modern Law Review 1329, 1329–56.
8. *ibid.*
9. CRPD (n 5) art 5.
10. Theresia Degener, 'Disability in a Human Rights Context' (2016) 5 Laws 35.
11. UDHR (n 1) art 26.
12. ICESCR (n 2) art 13.
13. CRC (n 3) arts 2, 23.
14. UNESCO (n 4).
15. CRPD (n 5) art 24.
16. CRPD Committee, General Comment No 4 (n 6).
17. CRPD (n 5) art 24(1).
18. UN Committee on Economic, Social and Cultural Rights, General Comment No 13: The Right to Education, UN Doc E/C.12/1999/10 (8 December 1999).
19. CRPD (n 5) art 2.
20. CRPD Committee, General Comment No 4 (n 6).
21. UN Committee on the Rights of Persons with Disabilities, General Comment No 6 (2018) on Equality and Non-discrimination, UN Doc CRPD/C/GC/6 (26 April 2018).

22. de Beco (n 7).
23. CRPD (n 5) art 24(3).
24. Çam v Turkey App no 51500/08 (ECtHR, 23 February 2016).
25. Enver Şahin v Turkey App no 23065/12 (ECtHR, 30 January 2018).
26. *ibid.*
27. UNESCO, Global Education Monitoring Report 2020: Inclusion and Education – All Means All (UNESCO 2020).
28. CRPD (n 5) art 24(4).
29. ICESCR (n 2) art 2(1).
30. Enver Şahin (n 25).
31. CRPD (n 5) art 24(2)(e).
32. CRPD (n 5) art 4.
33. CRPD (n 5) art 33.
34. CRPD Committee, General Comment No 4 (n 6).
35. CRPD Committee, General Comment No 6 (n 21).
36. Çam (n 24); Enver Şahin (n 25).

BIBLIOGRAPHY

International Treaties & Instruments

- UN General Assembly, Universal Declaration of Human Rights (10 December 1948) Res 217 A(III)
- UN General Assembly, International Covenant on Economic, Social and Cultural Rights (16 December 1966) 993 UNTS 3
- UN General Assembly, Convention on the Rights of the Child (20 November 1989) 1577 UNTS 3
- UN General Assembly, Convention on the Rights of Persons with Disabilities (13 December 2006) 2515 UNTS 3
- UN Committee on Economic, Social and Cultural Rights, General Comment No 13: The Right to Education (8 December 1999) UN Doc E/C.12/1999/10
- UN Committee on the Rights of Persons with Disabilities, General Comment No 4 (2016) on the Right to Inclusive Education (25 November 2016) UN Doc CRPD/C/GC/4
- UN Committee on the Rights of Persons with Disabilities, General Comment No 6 (2018) on Equality and Non-discrimination (26 April 2018) UN Doc CRPD/C/GC/6
- UNESCO, The Salamanca Statement and Framework for Action on Special Needs Education (UNESCO 1994)

Cases

- Çam v Turkey App no 51500/08 (ECtHR, 23 February 2016)
- Enver Şahin v Turkey App no 23065/12 (ECtHR, 30 January 2018)

Books & Articles

- de Beco G, 'The Right to Inclusive Education According to Article 24 of the UN Convention on the Rights of Persons with Disabilities: Background, Requirements and (Remaining) Questions' (2014) 32 *Netherlands Quarterly of Human Rights* 263
- de Beco G, 'The Right to "Inclusive" Education' (2022) 85 *Modern Law Review* 1329
- Degener T, 'Disability in a Human Rights Context' (2016) 5 *Laws* 35
- Fraser N, 'Rethinking Recognition' (2000) 3 *New Left Review* 107
- UNESCO, *Global Education Monitoring Report 2020: Inclusion and Education – All Means All* (UNESCO 2020)
- World Health Organization and World Bank, *World Report on Disability* (WHO 2011)