

THE UNITED NATIONS CONVENTION ON THE  
RIGHTS OF PERSONS WITH DISABILITIES

**INCLUSIVE EDUCATION**

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**OBJECTIVES**

Principal objectives:

- .- to explain the meaning,
- .- the rationale
- .- and the legal implications of inclusive education

## METHOD

Analysis from the perspective of legal philosophy:

- of the **concept** of inclusive education in the light of the evolving rights of persons with disabilities
- of its **rationale**, based on the particular vulnerability of children with disabilities (illustrated by some current data), which is rooted in the persistence of myths and prejudices about children with disabilities which must be countered through human rights and the values on which they are founded
- of the basic aspects of recognition and protection of this **right**

## The concept of inclusive education

Inclusive education is based on the assumption that:

- **all** children can **access** regular schooling under equal conditions
- in regular schools **all** children are given a **quality education**.  
This implies:
  - that the education is **child-centred**
  - that any necessary **reasonable accommodation** is made to respond to the different educational needs of different children

## The concept of inclusive education

Inclusive education seeks to overcome the “non-participatory” model of disability, which implies not educating children with disabilities, or possibly placing them in segregated education

## The concept of inclusive education

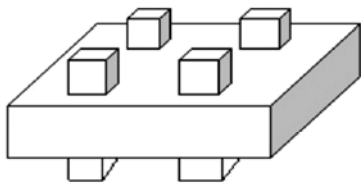
Inclusive education seeks to overcome the medical model of disability, which implies segregated education, or at any rate integrated education

## The concept of inclusive education

Inclusive education is the result of a social model of disability, embedded in respect for human rights

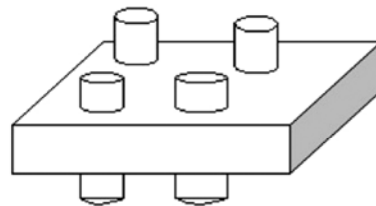
## The concept of inclusive education

### Special education



Special child  
Square pegs for square holes  
Special teachers  
Special schools

### 'Normal' education

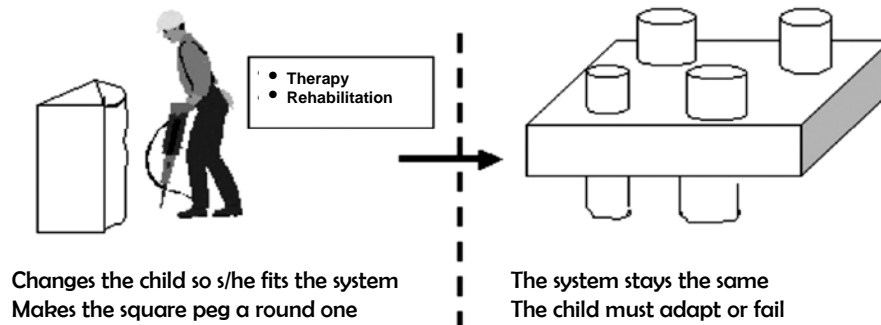


'Normal' child  
Round pegs for round holes  
'Normal' teachers  
'Normal' schools

Source: El impacto de la Convención internacional sobre los derechos de las personas con discapacidad en la legislación educativa española, M.J. Alonso and I de Araoz, Cermi

## The concept of inclusive education

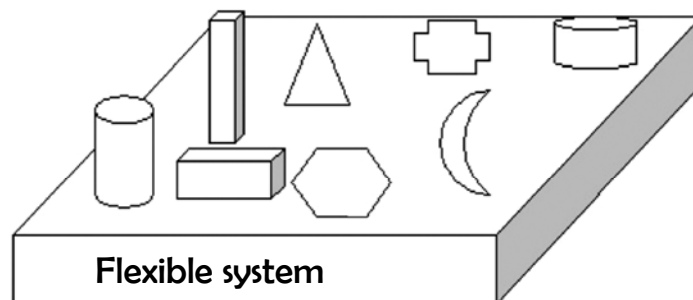
### Integrated education



Source: El impacto de la Convención internacional sobre los derechos de las personas con discapacidad en la legislación educativa española, M.J. Alonso and I de Araoz, Cermi

## The concept of inclusive education

### Inclusive education



Children are different.  
All children can learn.  
There are different abilities, ethnic groups, sizes,  
ages, family environments and genders.  
The system adapts in response to the child.

Source: El impacto de la Convención internacional sobre los derechos de las personas con discapacidad en la legislación educativa española, M.J. Alonso and I de Araoz, Cermi

## The rationale for inclusive education

The facts: vulnerability of children with disabilities

Vulnerable groups are composed of individuals identified by certain personal characteristics who are particularly unable to defend themselves within society, resulting in discrimination and social exclusion

- .- Children with disabilities suffer from social exclusion in at least two ways
- .- The role of myths in discrimination against vulnerable groups
- .- The need to overcome the myths and to recognise and protect rights

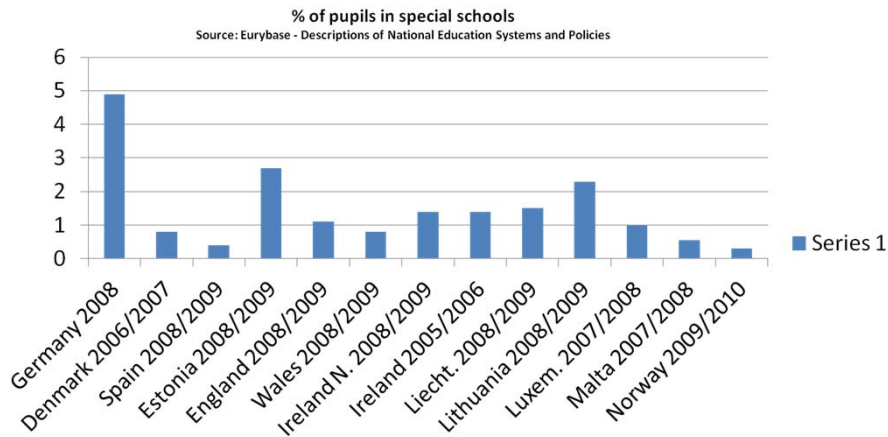
## The rationale for inclusive education

Some data about discrimination in the exercise of the right to education:

- .- 75 million children of primary school age are not in school
- .- More than half the children not in school are girls
- .- Seven in ten of the children not in school live in sub-Saharan Africa or in Southern and Eastern Asia
- .- Children with disabilities account for a third of the children who are not being given an education

Source: UNESCO

## The rationale for inclusive education



## The rationale for inclusive education

It is time to do away with myths claiming that:

- .- Children with disabilities cannot be given a quality education as their impairments prevent them from learning
- .- Inclusive education holds back education standards among children without disabilities
- .- Inclusive education is more expensive than the current system, where the regular and special systems exist side by side

## The rationale for inclusive education

Inclusive education is founded in the values of public ethics in the Modern era:

- .- Liberty
- .- Equality
- .- Solidarity

## The rationale for inclusive education

The key value here is liberty

Individuals are understood to need **liberty** in order to be able to make their own plans for life and to be in a position to put these into practice, which is predicated upon the free development of one's own personality

Accordingly, we must conclude that the duty to recognise, respect and protect **human rights** derives from this duty to recognise, respect and protect the ability of each to develop, in accordance with their own will, their own conception of what constitutes a life in dignity – their own life plans



The rationale for inclusive education

**Equality** is the value which enables us to see that these human rights must be recognised **for all** individuals in society, who must be able to exercise them equally in order to achieve free personal development

The rationale for inclusive education

**Solidarity** is the value that enables us to incorporate new and essential dimensions. By accepting this value, we understand that the **ultimate common objective** for society as a whole is for the **largest possible number of people to achieve free personal development to the greatest possible degree**

## The rationale for inclusive education

Implications of the development in law of the value of solidarity:

- The **importance of the collective** in enabling us to build and develop our own life plans
- The possibility of requiring **individual sacrifices** so that the life plans of **other individuals** may be satisfied
- The possibility of requiring **individual sacrifices** to satisfy the objectives and interests of the entire **collective**
- The vital importance of relying on the **participation of all** in all spheres of social, political and legal life

## The rationale for inclusive education

Inclusive education is necessary:

- for the adequate development and education of **children with disabilities**
- for the adequate development and education of **children without disabilities** who share the education experience with children with disabilities
- for the construction of a **fairer society**, where the free personal development, dignity and human rights of every member are respected

## Some basics about recognition and protection of the right to inclusive education

Inclusive education is a human right

- The holder of the right is the child (final acknowledgment in Art. 24 CRPD)
- The right may be exercised by the child, or by his/her parents (competent third parties) with the child's due participation

## Some basics about recognition and protection of the right to inclusive education

Exercise of the right to education by parents

- It is the **child's right**
- Proper satisfaction of the right requires the **parents** to fulfil **duties** in which they are invested by dint of their responsibility and suitability
- These parental duties require the recognition of powers that can be translated into "**secondary rights**"
- These "secondary" rights held by the parents correlate with "**secondary**" **duties** on the part of the child and the State
- The State has the **duty** to satisfy the direct right of the child to receive an inclusive education of quality; the **duty** to satisfy the parents' "secondary" rights; and a general **duty** to monitor and protect the right of all children to an education

## Some basics about recognition and protection of the right to inclusive education

Inclusive education requires:

- The **active participation** of the children themselves (with and without disabilities), the teachers, the parents, the public agencies (especially the educational institutions) and the community as a whole
- The **adaptation of regular schools** to meet the new demands of providing an inclusive education of quality to **all** pupils (adaptation of the curriculum, timetable, classrooms, materials, etc.)
- The **conversion of special schools into resource centres** for imparting specialist knowledge and support to everyone involved in inclusive education, with a special format to help regular schools function as places of inclusive education



*We are all different but we all have the same rights.*

<http://usuarios.discapnet.es/ajimenez>

Muchas gracias

Thank you very much