

Appendix 2

The Long Road to Inclusive Education for Disabled Children

The Universal Declaration of Human Rights (1948)

At the core of inclusive education is the human right to education pronounced in the Universal Declaration of Human Rights in 1948. On 10 December 1948, the UN General Assembly of adopted and proclaimed the Universal Declaration of Human Rights. The issue of education is particularly mentioned in Articles 26 and 27.

Article 26

- (1) Higher education shall be equally accessible to all on the basis of merit.
- (2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
- (3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

- (1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
- (2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Despite these clauses and a later UN International Covenant on Economic, Social and Cultural Rights (1966, came into force in 1976), Article 13 of which states 'primary education shall be compulsory and free to all', and a UNESCO Convention Against Discrimination in Education (1960), disabled children were often not given their rights to education.

The exclusion of disabled children occurred for a variety of reasons, including being viewed as a medical problem, lack of resources, stigma, prejudice, and lack of capacity of teachers and schools. In considering why disabled people were often excluded from the human rights approach, Gerald Quinn and Theresia Degener make the following statement in a study commissioned by the UN Office of the High Commissioner for Human Rights in 2002:

A dramatic shift in perspective has taken place over the past two decades from an approach motivated by charity towards the disabled to one based on rights. In essence, the human rights perspective on disability means viewing people with disabilities as subjects and not objects. It entails moving away from viewing people with disabilities as a problem towards viewing them as holders of rights. Importantly it means locating problems outside the disabled person and addressing the manner in which various economic and social processes accommodate the difference of disability – or not as the case may be ... The disability rights debate is not so much about the enjoyment of specific rights as it is about ensuring the equal effective enjoyment of all human rights, without discrimination, by disabled people.³⁴⁵

This transformation began with the Convention on the Rights of the Child (1989), was strengthened by the Standard Rules on Equalisation (1993) and the paradigm shift has now been completed in the UN Convention on the Rights of People with Disabilities (2006).

UN Convention on the Rights of the Child (1989)³⁴⁶

The UN Convention on the Rights of the Child has been ratified by all the member states of the UN, with the exception of two countries. The four principles of CRC apply to children with disabilities:

- Article 2: Non-discrimination: 'All rights apply equally to all children without exception'
- Article 3: Best interest of the child
- Article 6: Survival and development
- Article 12: The child's participation in decisions made about them

In addition:

Article 28 of the CRC insists that all children have 'the right to education on the basis of equal opportunity'.

Article 29 emphasises that the education of children shall be directed to:

- The development of a child's personality, talents and mental and physical abilities to their fullest potential;
- The development of respect for human rights and fundamental freedom;
- Parents, own cultural identity, language and values including national values;
- Participation of the child for a responsible life in a free society.

Article 23 states that '... a disabled child has a right to special care, education and training to help him or her enjoy a full and decent life ...'

Unfortunately, the emphasis on special care, and the fact that this was the only Article that specifically mentioned disabled children, led to the Article being misinterpreted and meant that it could be used to encourage the segregation of disabled children. This welfare approach did not help to promote inclusive education, although a more accurate reading of the whole CRC would have left legislators with no alternative but to promote inclusive education.

In September 2006, the Committee on the Rights of the Child adopted its *General Comment No. 9 on the Rights of Children with Disabilities*. This general comment specifically views inclusive education as the goal of educating children with disabilities and indicates that states should aim to provide schools 'with appropriate accommodation and individual support' for these persons.³⁴⁷

Education for All, Jomtien Declaration (1990)

The basic idea of inclusion can also be found in the Jomtien Declaration. Education for All emphasises the inherent right of every child to a full cycle of primary education and the commitment to a child-centred pedagogy, where individual differences are accepted as a challenge and not as a problem. The *Declaration* also emphasises the need for improvement in the quality of primary education and teacher education, recognising and respecting the wide diversity of needs and patterns of development among primary school children.³⁴⁸

Standard Rules on the Equalization of Opportunities for Persons with Disabilities (1993)³⁴⁹

The UN *Standard Rules* comprise 22 rules adopted at the end of the UN Decade on Disability as a guide to UN member states in developing national plans and policies for disabled persons. Monitoring is conducted through reports submitted to the Commission for Social Development by the Special Rapporteur on Disability.

Rule 6. Education: States should recognise the principle of equal primary, secondary and tertiary educational opportunities for children, youth and adults with disabilities, in integrated settings.

Bengt Lindqvist, the first UN Special Rapporteur on Disability, stated in 1994:

All children and young people of the world, with their individual strengths and weaknesses, with their hopes and expectations, have a right to education. It is not our education systems that have a right to certain types of children. Therefore, it is the school system of a country that must be adjusted to meet the needs of all children.

Salamanca Declaration, World Conference on Special Needs Education (1994)

While the *Jomtien* (1990) and *Dakar* (2000) *Declarations* focused on education for all and included disabled children only implicitly, the *Salamanca Statement on Principles, Policy and Practice in Special Needs Education* (UNESCO, 1994) was the most important and explicit statement of educational rights for disabled children. The *Statement* provides a framework for thinking about how to move policy and practice forward. '*Indeed, this Statement and the accompanying Framework for Action, is arguably the most significant international document that has ever appeared in special education*' (UNESCO, 2005: 9).

The *Statement* says that every child has a fundamental right to education and must be given

the opportunity to achieve and maintain acceptable levels of learning, and that every child has unique characteristics, interests, abilities and learning needs.

It argues that mainstream regular or ordinary schools with an inclusive orientation are:

... the most effective means of combating discriminatory attitudes, building an inclusive society and achieving education for all. Moreover, they provide an effective education for the majority of children (without special needs) and improve the efficiency and ultimately the cost-effectiveness of the entire education system.

Schools should accommodate all children's conditions. Education systems should be designed and educational programmes implemented to take into account the wide diversity of these characteristics and needs.

Those with special educational needs must have access to mainstream schools which should accommodate them within a child-centred pedagogy capable of meeting these needs.

The statement goes on to urge governments to:

1. Give the highest policy and budgetary priority to improve the education system to enable them to include all children regardless of individual differences or difficulties.
2. Adopt as a matter of law or policy the principle of inclusive education, enrolling all children in mainstream schools, unless there are compelling reasons for doing otherwise.
3. Develop demonstration projects in conjunction with LEAs in every locality and introduce a teacher exchange programme with countries having more experience with inclusive schools.
4. Establish decentralised and participatory mechanisms for planning, monitoring and evaluating educational provision for children and adults with special educational needs.
5. Encourage and facilitate the participation of parents, communities and organisations of disabled people in the planning and decision making processes concerning the provision for special educational needs.
6. Invest greater effort in early identification and intervention strategies, as well as in vocational aspects of inclusive education.
7. Ensure that, in the context of a systematic change, teacher education programmes, both pre-service and in-service, address the provision of special needs education in inclusive schools.

More than 300 participants, representing 92 governments and 25 international organisations, met in Salamanca, Spain, 7–10 June 1994 to further the objective of Education for All by considering the fundamental policy shifts required to promote the approach of inclusive education, namely enabling schools to serve all children, particularly those with special educational needs.³⁵⁰

Inclusive education was adopted at the World Conference on special needs education as a principle in addressing the learning needs of various disadvantaged, marginalised and excluded groups. This included children with disabilities, gifted children, street and working children, children from ethnic minorities, refugee children and other marginalised or disadvantaged children. In this context 'special educational needs' refers to all children who experience barriers in equal access and equal participation in education. Since the *Salamanca Declaration*, SNE has been viewed as an integral part of all EFA discussions.

In a report for UNICEF, Bengt Lindqvist, the UN Special Rapporteur, made the following challenge:

*A dominant problem in the disability field is the lack of access to education for both children and adults with disabilities. As education is a fundamental right for all, enshrined in the Universal Declaration of Human Rights, and protected through various international conventions, this is a very serious problem. In a majority of countries, there is a dramatic difference in the educational opportunities provided for disabled children and those provided for non-disabled children. It will simply not be possible to realise the goal of Education for All if we do not achieve a complete change in the situation.*³⁵¹

Dakar Framework (2000)

The need for inclusive education has been repeated in the *Notes on the Dakar Framework for Action*, which state:

In order to attract and retain children from marginalised and excluded groups, education systems should respond flexibly. ... Education systems must be inclusive, actively seeking out children who are enrolled and responding in a flexible way to the circumstances and needs of all learners.

The achievements ten years on since the aim of Education for All was adopted have been assessed and analysed. The Jomtien goals have not been reached and some of them were taken on board again in Dakar, when the deadline for achieving them was extended to 2015.

E-9 Declaration (2000)

The Declaration on EFA was agreed upon at the fourth summit of the nine high population countries (which include Bangladesh) in February 2000, and also highlights as one of the main goals that *'all children with special needs will be integrated in mainstream schools'*.

The Flagship on Education for All and the Right to Education for Persons with Disabilities: Towards Inclusion (2001)

The Flagship on Education for All was established to act as a catalyst to ensure that the right to education, and the goals of the Dakar Framework, are realised for individuals with disabilities. The Flagship was formed by an alliance of diverse organisations, including global disability organisations, international development agencies, intergovernmental agencies and experts in the fields of special and inclusive education from developed and developing nations. The Flagship welcomes as members all those who share its goals. It is led by UNESCO and includes the World Bank, UNICEF, the International Disability Alliance and other NGOs.³⁵²

The Flagship goal

Recognising the universal right to education, the Flagship seeks to unite all EFA partners in their efforts to provide access to education and promote the completion of quality education for every child, youth and adult with a disability.

Strategic objectives

- To combat discrimination and remove structural barriers to learning and participation in education;
- To promote a broad concept of education, including essential life skills and life-long learning;
- To contribute to a focus on the needs of persons with disabilities when resources and activities address the realisation of EFA goals.

Flagship actions and activities

In order to reach this goal, the Flagship will:

- Have the full participation of persons with disabilities and families in the design of all Flagship activities;
- Promote the full participation of persons with disabilities and families in the development of policies and practices related to the education of persons with disabilities at local, national, regional and global levels;
- Seek to ensure that all governmental entities, donors and NGOs endorse the universal right of education for all children, youth, and adults with a disability;
- Act as a catalyst to fully incorporate the Flagship goal into national plans of action and regional policies;
- Work in partnership with all other EFA Flagships to fully endorse and incorporate the right of educating every person with a disability into their efforts.

Return to Salamanca (2009)

In November 2009, Inclusion International organised a conference of 500 delegates representing families, disabled people's organisations and educational professionals from 58 countries. At the end of their deliberations the following statement was adopted:

We the undersigned participants in the Global Conference on 'Inclusive Education – Confronting the Gap: Rights, Rhetoric, Reality? Return to Salamanca', held at the University of Salamanca, Salamanca, Spain (October 21–23 2009):

- 1. Reaffirm the commitment of the Salamanca Statement (1994) and the Conclusions and Recommendations from the 48th Session of the International Conference on Education (ICE) and commit to develop an inclusive education system in every country of the world. We welcome the UN Convention on the Rights of People with Disabilities (UNCRPD) and in particular Article 24 which gives new impetus to the Human Right of inclusive education for all people with disabilities.*
- 2. We understand inclusive education to be a process where mainstream schools and early years settings are transformed so that all children/students are supported to meet their academic and social potential and which involves removing barriers in environment, communication, curriculum, teaching, socialisation and assessment at all levels.*
- 3. We call on all Governments to ratify the UNCRPD and to develop and implement concrete plans to ensure the development of inclusive education for all. In addition we call on international agencies such as UNESCO, UNICEF and the World Bank to increase and prioritise their efforts to support the development of inclusive education.*
- 4. We commit ourselves to form an alliance to transform global efforts to achieve Education for All, creating better education for all through the development of inclusive education, and hereby launch INITIATIVE 24 as a vehicle to achieve our goal.*

Notes

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- 4 European Foundation Centre, *Final Report: Study on Challenges and Good Practices in the Implementation of the UN Convention on the Rights of Persons with Disabilities*, VC/2008/1214, Brussels, 2010, p. 122.
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- 7 Every Disabled Child Matters, www.edcm.org.uk/
- 8 European Foundation Centre, 2010, p. 128.
- 9 <http://www.un.org/esa/socdev/enable/rapporteur.htm>
- 10 *World Declaration on Education for All and Framework for Action to Meet Basic Learning Needs*, Jomtien, Thailand, 1990, http://www.unesco.org/education/pdf/JOMTIE_E.PDF
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- 15 UNICEF, 'Promoting Rights for Disabled Children', *Innocenti Digest* 13, 2007, Florence, Italy.
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- 21 *Education's Missing Millions. Summary Report and Proposals*, World Vision, 2007, para. 1.5, http://www.worldvision.org.uk/upload/pdf/Education%27s_Missing_Millions_-_Summary_Report.pdf
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- 38 UNESCO, 2011.
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- 40 UNESCO, 'Inclusive Education: The Way of the Future', Final Report, International Conference on Education, 48th session, International Bureau of Education, Geneva, 2009, p. 18, http://www.ibe.unesco.org/fileadmin/user_upload/Policy_Dialogue/48th_ICE/ICE_FINAL_REPORT_eng.pdf
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- 78 WHO, 2010.
- 79 Developed from R Rieser (2007), 'Implementing Article 24 – Inclusive Education: A Challenge for the Disabled People's Movement', Paper prepared for the 7th DPI World Summit, Seoul, September 2007.
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- 85 UNESCO, *EFA Global Monitoring Report 2011*, p. 82, drawing on Kashfi, 2009.
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- 95 Article 12 <http://www.ohchr.org/EN/HRBodies/CRPD/Pages/DayGeneralDiscussion21102009.aspx>
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- 100 *Ibid.*, p. 26.
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- 102 International Disability Alliance, <http://www.internationaldisabilityalliance.org>
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- 104 http://www.thecommonwealth.org/shared_asp_files/GFSR.asp?NodeID=173184
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- 145 See www.worldofinclusion.com for these tools (such as the wall activity for barriers and the language activity), which were developed from 1990 onwards by Disability Equality in Education.
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