



Cap sur l'école inclusive
en Europe



Resource sheet

International and european laws

Section of the module / D

1/ Scope and content

This sheet presents international solutions pertaining to inclusive education. It also indicates some international development trends regarding inclusive education.

All the relevant international documents indicate the most important issue of education as a fundamental right of all people regardless of their race, gender, place of living or disability.

The source materials for this sheet are legal documents issued by, in particular, the UN, the European Union and the Council of Europe.

2/ The Background

I. International solutions

The UN's Universal Declaration of Human Rights (1948) ^[L]_[SEP]

The Declaration recognises the equal rights and freedoms of all humans and their right to protection from any kind of discrimination. As regards education, the Declaration stipulates that everyone shall have the right to free and compulsory elementary education. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit Article 26).

UN Convention on the Rights of the Child (1989) ^[L]_[SEP]

The Convention stipulates the right of children to education and a gradual exercise of the right on an equal opportunity basis and free from any discrimination, including discrimination on the grounds of disability (Article 2 and Article 28).

UNESCO World Declaration on Education for All (1990) ^[L]_[SEP]

UNESCO's priority and one of the aims of the document is to ensure that educational needs of all people are met. In order to implement this objective, it was necessary to develop and carry out a range of measures to make sure that, among others, persons with disabilities have equal access to education.

The UN's Standard Rules on the Equalization of Opportunities for Persons with Disabilities (1993)

The document contains a commitment of public authorities to organise inclusive education . It also stipulates that education for disabled students should form an integral part of nationwide education plans and ought to be considered when developing curricula and school organisation rules.

The Salamanca Statement and Framework for Action on Special Needs Education (1994) ^[L]_[SEP]

The statement emphasizes, among others, that children with special educational needs must have access to mainstream schools which ought to accept such students and organise student-centred and needs-based education for them.

The document also contains general guidelines on how to plan activities linked to special education needs. The guidelines ought to be adapted to local circumstances.

UN Convention on the Rights of People with Disabilities (2006)

Based on the Convention, States Parties are obliged to ensure inclusive education systems to facilitate integration at all levels of education and life-long learning.

The Convention also emphasizes the need for reasonable accommodation based on individual needs, and the need to ensure effective, individual support within the framework of mainstream education systems. States - Parties are also obliged to facilitate the learning of Braille's alphabet, alternative writing formats, augmentative and alternative communication/orientation methods, forms and means as well as facilitation of acquisition of mobility skills and sign language skills.

Moreover, the document emphasises the importance of employment of teachers with disabilities.

II. European solutions

European Convention on Human Rights of the Council of Europe. Protocol no. 1 to the Convention from 1952.

No person shall be denied the right to education, which is a commitment concerning state education systems of all the parties to the document (Article 2 of Protocol 1 to the Convention)

Charter of Fundamental Rights of the European Union

The Union recognises and respects the right of persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community (Article 26).

European Disability Strategy 2010–2020

The Strategy promotes inclusion of disabled children in mainstream education and recognizes the need to ensure individual support designed to facilitate access to mainstream education for disabled children.

European Agency for Special Needs and Inclusive Education (established in 1996, an independent agency set up by member states)

The Agency implements projects aimed at fostering the exchange of experience and best practices among the member states, and the development of recommendations for national policies in the field.

3/ Objective

Part P – for presentation of the problem and setting the boundaries – this sheet presents international acts of law which initially focused only on equal access to education, and eventually developed to recognise the problem of segregation and the need to shape integration-focused solutions evolving to inclusive solutions.

4/ Constraints

Inclusive education requires dissemination of knowledge about the system of inclusive education. This, in turn, requires time to train teachers and change teacher training systems.

Authorities in charge of managing schools must acquire knowledge concerning the necessary equipment and work organisation to cater to the requirements of inclusive education.

We must also remember what is not generally accepted by all, i.e. that through inclusive education among parents we also understand the so-called “spatial inclusion”. As part of spatial inclusion, children with intellectual disability and calosciowymi developmental impairment learn in smaller classes but within a mainstream school.

5/ Perspectives

In order to minimize the constraints indicated above we need to become even more involved in implementing the international and European solutions in inclusive education – so that the scope and reach of the method can be expanded.
We must also monitor adherence to international law on the national level.