

The Conceptual Shift from Adaptable Children to Adaptable Education

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Salamanca - 15 years on

Inclusion - A School For All

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INTRODUCTION

- Salamanca - Milestone in Education Policy
- Progress to Date and Plan for the Future
- International Legal Framework
- Recent Developments - United Nations, Council of Europe, and European Union

Inclusive Education

“ Inclusion should not be viewed as an add-on to a conventional school. It must be viewed as intrinsic to the mission, philosophy, values, practices and activities of the school...Full inclusion must be embedded deeply in the very foundation of the school, in its missions, its belief system, and its daily activities, rather than an appendage that is added to a conventional school.”

Segregated Education

- Isolation, exclusion, stigmatisation and discrimination
- Damages Diversity
- Burdens - Best dealt with in separate system
- Science of defectology
- Re-conceptualisation of disability

United Nations Legal Framework

- The Universal Declaration of Human Rights - Article 26
- The World Summit for Children 1990 – paragraph 13
- The World Conference on Education for All 1990
- The Standard Rules on the Equalization of Opportunities for Persons with Disabilities 1993 – Standard Rule Number 6
- The Salamanca Statement and Framework for Action 1994
- The Dakar Framework for Action 2000
- The UNESCO Convention against Discrimination in Education 1960
- The International Covenant on Economic, Social and Cultural Rights 1966 – see specifically General Comment No.5
- The Convention on the Rights of the Child 1990 – Article 23, 28 & 29
- The United Nations Convention on the Rights of Persons with Disabilities 2006 – Article 24

What use is International Law?

- Requires means of transmission - Rhetoric to Reality
- Article 33 - The Apparatus to Animate the Convention
- Focal Point within Governments
- Independent body/bodies involved in implementation
- Actively involve persons with disabilities

The Council of Europe

- **MDAC v. Bulgaria** - Laws and policies if left unimplemented will be an insufficient defence for a state where it fails to provide education to children with disabilities.
- **Autisme-Europe v. France** - ECSR stated: "Human difference in a democratic society should be responded to with discernment in order to ensure real and effective equality."

DH & Other v. the Czech Republic

- Welcome development in the Courts interpretation of discrimination under the European Convention
- The Lower Chamber - Question whether there should be segregated education on the ground of disability is solely a matter of “expediency” and does not raise issues of high principle or rights
- No regard to case law of ECSR, the Council of Europe Disability Action Plan or the United Nations Convention on the Rights of Persons with Disabilities

The Legitimacy of Segregated Education

- Permits future challenges to discriminatory education policies
- Change from Medical Model to Social Model
- Change from Adaptable Children to Adaptable School
- Inclusion - An issue for Everyone
- Must address the acceptability of segregated education

The European Union

- Civil Rights approach to disability discrimination
- Member States retain responsibility for Education
- Voluntary Co-operation - Open Method of Coordination (OMC)

EU Official Texts

- Avoid “tracking” students at an early stage
(Commission communication, 8.9.2006)
- Integrate students with disabilities into mainstream education
(Council Resolution, 3.7.1990)
- Train teachers for the challenges of diversified societies
(Commission report, 27.4.1984)

Recent Developments

- European Commission relationship with civil society
- Commission Online Consultation on anti-discrimination 2007
- NGO's - Need for anti-discrimination legislation covering education
- Lisbon Strategy 2000 - EU Education Policy gained momentum
- Mainstreaming of Disability Policies
- Inter-Service Disability Group

Conclusion

- Some failures and some successes
- The Inclusion Movement is, without doubt, gaining momentum.
- The future belongs to us, let us be brave and enthusiastic and make change happen.