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Guaranteeing the right to education for children with illnesses or disabilities

Report¹

Social, Health and Family Affairs Committee

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Summary

In spite of existing legislation, children with disabilities often lack sufficient government and social support for their full integration into society. This also applies to education systems, where professionals and administrators are not always certain how to guarantee the right of children with disabilities to education or how to cater for their individual needs successfully and efficiently.

In this regard, the committee supports the approaches of inclusive education as it guarantees the right to education for all children regardless of their physical, intellectual, emotional, cultural or other conditions. Moreover, a diverse population of children and young people being educated in the same school is bound to create an increased degree of tolerance and will contribute to a growing acceptance of difference in society.

Inclusive education should be the responsibility of all and must be seen as an important step towards the development of an inclusive society for all. It will only be achieved by partnerships, networking and joint learning by all stakeholders.

1. Reference to committee: [Doc. 11342](#), Reference 3412 of 25 January 2008.



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A. Draft resolution²

1. The Parliamentary Assembly reaffirms that the right to education is universal and should include all children and youth with disabilities. This right is enforced in a number of conventions, as well as in several major, internationally approved declarations, such as the World Declaration for Education for All (1990), the UNESCO Salamanca Statement and Framework for Action (1994), the Dakar Framework for Action (2000) and the United Nations Convention on the Rights of Persons with Disabilities (2006). This right is also enforced in the relevant instruments of the Council of Europe, such as the European Convention on Human Rights (ETS No. 5), the revised European Social Charter (ETS No. 163), and the Council of Europe Disability Action Plan 2006-2015.
2. Each document clearly states that all children and adults with disabilities (and their families):
 - 2.1. have the same right to high quality and appropriate education as everyone else in order to maximise their potential and to make their contribution to an inclusive society;
 - 2.2. have the right to choose and receive education in an inclusive environment;
 - 2.3. have the right to specific resources and expertise to meet their educational, therapeutic and citizenship needs;
 - 2.4. have the right to services which at all times act in their best interest.
3. The Assembly is convinced that inclusive education guarantees the right to education for all children regardless of their physical, intellectual, emotional, cultural or other conditions. Moreover, a diverse population of children and young people being educated in the same schools is bound to create an increased degree of tolerance and will contribute to a growing acceptance of “differences” in society. Inclusive education is the responsibility of all and must be seen as an important step towards the development of an inclusive society for all. It will only be achieved by partnerships, networking and joint learning by all stakeholders.
4. The Assembly therefore takes the view that in future, mainstream services, including day care centres, pre-school set-ups, schools, places of worship and leisure services should be required to accept children with disabilities and to provide the necessary support to facilitate their inclusion and their participation.
5. Wherever possible, children with disabilities should be educated – in all phases of their schooling – within the schools attended by other children and they should receive the support required to facilitate their adaptation to regular education or vocational training within the mainstream systems. Where special schools or units are deemed necessary or appropriate, these special schools or units should be linked to regular schools and should be operated as resource centres for their local communities.
6. The movement towards inclusive education should encompass policymakers, teachers, children, family members, communities and society in general. Family members/guardians and teachers in particular should take active roles in the lives of children with disabilities both in and out of school.
7. To make inclusive education work, mainstream professionals in education, health and social care services should receive additional training and assistance from local centres of excellence to equip them to work with children with disabilities, and specifically to support their work with the individual needs of children with disabilities.
8. These services should incorporate a range of personalised support measures to assist children with disabilities so that they can aim for the same kind of life and aspirations as their peer group. They are entitled to growing independence, autonomy, age-appropriate possessions, and assistive technology, especially with regard to mobility and communication, in accordance with their specific needs.
9. Aware of the fact that inclusive education is about improving learning environments and providing opportunities for all children, and bearing in mind that all children are unique and should have a chance to become successful in their learning experiences, the Assembly therefore calls on member states to:
 - 9.1. accept that the right to education is universal and step up action in the field of education of children with disabilities so as to ensure that disability-related programmes are sufficiently resourced and that children with physical and/or mental disabilities are able to enjoy full citizenship on an equal basis with others whilst being individually accompanied according to their specific needs;

2. Draft resolution unanimously adopted by the committee on 29 March 2010.

- 9.2. develop a policy and legal framework to promote the development of inclusive education, emphasising the importance of a strong cross-sectoral, multidisciplinary co-operation which encompasses all key stakeholders including those belonging to the child's direct environment;
- 9.3. give preference to inclusive practices in educational policy and establish or reorganise educational systems and infrastructures accordingly. In doing so, member states should bear in mind that transition to inclusive education requires not just a technical or organisational change based on a new approach to educational training, methodologies, programmes or evaluation systems, but also a turn towards a new philosophical direction including changes in public awareness, attitudes and values;
- 9.4. strive to eliminate existing physical, as well as attitudinal barriers, and avoid the creation of new obstacles that might exist within the context of school settings;
- 9.5. grant equal access to education at every level to children with disabilities, whatever the nature and severity of their disabilities, giving particular attention to the educational needs of children living in specialised institutions, especially those in hospital settings;
- 9.6. develop an action plan aimed at reforming the existing educational system, including funding for transition costs and devise standards, methodologies and financing mechanisms for inclusive education;
- 9.7. ensure that all syllabuses and teaching materials within the general education system are accessible to children with disabilities;
- 9.8. reform the teacher training system in order to enable future teachers and school staff to meet the requirements of an inclusive school system, and create research-based opportunities and mobilise resources so as to implement inclusive education practices;
- 9.9. help existing special schools to make the transition towards resource centres and to enable their staff to achieve the new task of supporting inclusive schools in realising special needs education programmes;
- 9.10. promote an exchange of good practices and effective strategies in inclusive education at a European level, as revealed in inclusive education pilot schools or classrooms;
- 9.11. collect and update statistical information on children with disabilities including gender, age, degree of disability (for those in mainstream school settings as well as for those out of their realm);
- 9.12. take initiatives to transform special schools as well as residential institutions in which children with disabilities are segregated, into inclusive settings or settings for resource centres where all individuals receive information about disabilities;
- 9.13. make early identification and intervention services widely available for children with disabilities and ensure that parents, guardians, other stakeholders as well as the children themselves are better informed about the availability and importance of these services;
- 9.14. promote positive attitudes towards inclusion at all levels of education and take action – in collaboration with NGOs and universities – so as to change perceptions as well as expectations as regards the right to education for children with disabilities and raise public awareness of this problem in the different segments of society.

B. Draft recommendation³

1. The Assembly refers to its Resolution ... (2010) on guaranteeing the right to education for children with illnesses or disabilities, as well as the current Committee of Ministers *acquis* on the education of people with disabilities as established by Recommendations Rec(2006)5, CM/Rec(2009)8, CM/Rec(2009)9 and CM/Rec(2010)2, and recommends that the Committee of Ministers:

- 1.1. forward this resolution to the governments of member states and request them to take it into account when developing their national education policies for children with disabilities and their full and active integration in society;
- 1.2. encourage member states to step up action in the field of education of children with disabilities;
- 1.3. create a special intergovernmental committee of experts on the education of children with disabilities under the aegis of the European Co-ordination Forum for the Council of Europe Disability Action Plan 2006-2015 (CAHPAH) in order to ensure the follow-up of the implementation at national level of Action Line 4 on Education of the Action Plan;
- 1.4. instruct the competent services of the Council of Europe to produce a stocktaking report on the education of children with disabilities within the next three years and, subsequently, to prepare a set of specific recommendations to member states on the implementation of educational strategies.

3. Draft recommendation unanimously adopted by the committee on 29 March 2010.

C. Explanatory memorandum by Mr Ayva, rapporteur

1. Introduction⁴

1. As a group, children and adults with disabilities often suffer different forms of discrimination and, despite existing legislation, they often lack sufficient government and social support for their full integration into society. This also applies to education systems, where professionals and administrators are not always sure how to guarantee the right of children with disabilities to an education and/or how to cater for their individual needs successfully and efficiently.

2. About 10% of the world's population are estimated to have some form of a disability⁵ and of this number, totaling 650 million individuals, one third are children with disabilities. Based on a UNESCO report (2006),⁶ one third of the 75 million children of primary school age who do not attend school, are children with disabilities. Therefore, children with disabilities are “among the most marginalised and least likely to go to school”.⁷ The picture is getting even worse for girls with disabilities, children from rural areas, children from low socio-economic status, children of minority status, and those affected by HIV/Aids.

3. Although the right to education is enshrined in Article 2 of the 1952 Protocol to the European Convention on Human Rights, it is evident that children with disabilities always face particular obstacles in attending and completing schools.⁸ In some countries, children with disabilities cannot go to school either because their families do not know of their child's right to education, or because families prefer to spend their resources on their non-disabled children, or the schools cannot accommodate these children and their individual needs. Therefore, these children are not allowed to enroll, or enroll, but soon drop out, or some of these children can go to a type of school called a “special school”, which is often at a considerable distance from the family environment and separates the children from their peers.

2. Understanding disability

4. Throughout the world, individuals with disabilities are confronted with significant barriers to their fundamental human rights. They experience stigma, societal prejudice and they suffer many different forms of exclusion from society be it economic, cultural or political.⁹

5. Our modern society fortifies the binary systems of able/disabled or normal/abnormal. Disability is seen as a physical problem to be “cured” – it is a medically-based perception and the social assembly of these views results in cultural representations of “the other”. Even children with disabilities face these binary systems regardless of their young age.

6. The different conceptual models that are used to understand and to explain disability can help us to change the binary systems as well as the representations of “the other” in our society. We may see the expressions of these models within a dialectic continuum of “medical model” versus “social model”. The medical model describes disability “as a problem of the person, directly caused by disease, trauma or other health condition, which requires medical care provided in the form of individual treatment by professionals”.¹⁰ Within the medical model, disability is seen as a physical problem to be “cured”.

4. The rapporteur would like to thank Professor Z. Hande Sart-Gassert for her help with the preparation of this report.

5. Although no satisfactory international working definition of “disability” exists, the consensus is that any eventual definition must (i) be broad to encompass the complexity of disability in all its visible and non-visible forms; (ii) be based on the World Health Organization's International Classification of Functioning, Disability and Health (ICF); and (iii) reflect the social, rather than medical model of disability (UNESCO, 2009; p 82).

6. United Nations Educational, Scientific and Cultural Organisation (UNESCO) (2006), *EFA Global Monitoring Report: Strong Foundations: Early Childhood Care and Education*, UNESCO, Paris.

7. United Nations Educational, Scientific and Cultural Organisation (UNESCO) (2009), *EFA Global Monitoring Report: Overcoming inequality: Why governance matters*, UNESCO, Paris.

8. Filmer D. (2008), “Disability, poverty, and schooling in developing countries: results from 14 household surveys”, *Economic Review*, Vol. 22(1), pp.141-63.

9. Barnes M. (2002). “Social exclusion and the life course”, in Barnes M., et al. (eds), *Poverty and social exclusion in Europe*, Edward Elgar, Cheltenham.

10. World Health Organisation (WHO, 2001), *International Classification of Functioning, Disability, and Health (ICIDH-2)*, WHO, Geneva.

7. On the other hand, the social model describes disability “not as an attribute of an individual, but rather as a complex collection of conditions, many of which were created by the social environment”.⁹ Therefore, disability is seen as a socially created problem. Possible consequences of this socially created problem are oppression, stigmatisation and/or exclusion for all individuals with disabilities.

8. Are the stated models sufficient to explain disability and to overcome oppression, stigmatisation and/or exclusion? Again thinking of children with disabilities who have the right to education, is it possible to create “barrier-free”, learning-friendly and accessible environments in every school so that children will have the opportunities to reach their academic, social, emotional and physical potentials?

9. To answer these questions, a new approach is necessary. This new model should integrate the “medical model” and the “social model”. The WHO International Classification of Functioning, Disability and Health (ICF) uses a “bio psychosocial model” to classify functioning and disability in an interactive process. According to the ICF, disability is defined as “the outcome or result of a complex relationship between an individual’s health condition and personal factors, and of the external factors that represent the circumstances in which the individual lives”.⁹ Additionally, the WHO initiated International Classification of Functioning, Disability and Health for Children and Youth¹¹ (ICF-CY) which is derived from the ICF. ICF-CY emphasises key issues such as the developing child in the context of the family, developmental delay, nature of cognition, language, play and behavior. ICF and ICF-CY both describe the situation of each individual (child, youth and adult) “within the context of environmental and personal factors” rather than only classify each individual according to his/her health or health-related conditions.¹⁰

10. Therefore, environmental factors as well as personal factors are important in understanding disabling conditions. We all know that every child is unique and different and we also know that children with disabilities are not a homogenous group. Just like their non-disabled peers, children with disabilities have individual needs and experience different barriers. The “bio psychosocial model” helps us to see that children with disabilities have different abilities, learn in different ways and at different paces depending on their environmental factors (such as access to early identification and intervention programmes, legal and regulatory systems; inclusive school and classroom environments, supportive family environment) as well as on their personal factors (such as low self-esteem, lack of self-confidence and motivation). Overall, this model integrates the human rights perspective and positions itself against any form of discrimination.

3. Understanding the right to education for children with disabilities

11. The right to education is universal and includes all individuals with disabilities. This right has been enshrined in a number of conventions, international declarations, recommendations and plans.

12. Article 26 of the Universal Declaration of Human Rights (1948) declares that “everyone has the right to education. Education shall be free, at least in elementary and fundamental stages. Elementary education shall be compulsory. Education shall be directed to the full development of human personality and to the strengthening of respect for human rights and fundamental freedom.”

13. Articles 2 and 23 of the United Nations Convention on the Rights of the Child (1989) state that States Parties shall “respect and ensure the rights to each child within their jurisdiction without discrimination of any kind, irrespective of the child’s or his or her parent’s or legal guardian’s race, color, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status” (Article 2 [1]), and that “a mentally or physically disabled child should enjoy a full and decent life, in conditions, which ensure dignity, promote self-reliance and facilitate the child’s active participation in the community” 9 (Article 23 [1]).

14. The United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (1993) emphasises the importance of equalisation of opportunities for individuals with disabilities. Especially, Rule 6 emphasises “the principle of equal primary, secondary and tertiary educational opportunities for children, youth and adults with disabilities, in integrated settings”. Some of the areas related to rights to schooling in these standard rules are accommodating educational provisions for individuals with disabilities in the mainstream school system, therefore states should have “a clearly stated policy, understood and accepted at the school level and by the wider community”.

11. World Health Organisation (WHO, 2007), International Classification of Functioning, Disability, and Health – Children and Youth Version (ICF-CY), WHO, Geneva.

15. The Salamanca Statement (UNESCO, 1994), which was proclaimed by delegates representing 92 governments and 25 international organisations, states in Paragraph 2 these important clauses: Every child has a fundamental right to education, and must be given the opportunity to achieve and maintain an acceptable level of learning; every child has unique characteristics, interests, abilities and learning needs; 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 regular schools which should accommodate them within a child-centered pedagogy capable of meeting these needs; regular schools with this inclusive orientation are the most effective means of combating discriminatory attitudes, creating welcoming communities, building an inclusive society and achieving education for all; moreover, they provide an effective education to the majority of children and improve the efficiency and ultimately the cost-effectiveness of the entire education system. Clauses emphasise each child's right to education, the uniqueness of each child, operations of educational systems, inclusive orientation for children with disabilities, rationale for regular school for all children. Moreover, the Salamanca Statement supports the inclusive orientation for children with disabilities with a broader societal goal for a democratic society stating: "The trend in social policy during the past two decades has been to promote integration and participation and to combat exclusion. Inclusion and participation are essential to human dignity and exercise of human rights".

16. Another important document is the European Social Charter (1961, revised in 1996). According to Article 15, individuals with disabilities have the right to be independent, to be socially integrated and to participate in the community where they live. Moreover, Article 17 guarantees the right of children and young individuals to grow up in an environment that encourages the full development of their personality and their physical and mental capacities. It also addresses a free primary and secondary education and supports regular attendance at schools.

17. Education for All (EFA: The World Education Forum in Dakar [2000]) advocates the idea of expanding and improving comprehensive early childhood care and education, especially for the most vulnerable and disadvantaged children, including ones with disabilities. The forum states that all children should have the opportunity to practice their right to "basic" education in schools or alternative programmes. The international agreement on the 2015 target date for achieving Universal Primary Education (UPE) includes children with disabilities, children from disadvantaged ethnic minorities and migrant populations, from remote and isolated communities and from urban slums and others excluded from education.

18. The Council of the European Union decided that the year 2003 be declared as the European Year of People with Disabilities (EYPD) to promote the notion of a barrier-free society for Europeans with disabilities. The European Year was organised by the European Commission in collaboration with the European Disability Forum (EDF). Some of the goals of the 2003 EYPD were: to raise awareness in relation to disability issues and rights of individuals with disabilities; to promote the exchange of experience of good practice and effective strategies; to pay special attention to the right of children and young people with disabilities for equality in education.¹² It should also be noted that in that year, 2003, the Council of Europe organised the Second European Conference of Ministers responsible for integration policies for people with disabilities, in Malaga, Spain, 7 to 8 May 2003. The Political Declaration, adopted by Ministers at the Malaga Conference includes several explicit references to the right to education of people with disabilities (paragraphs 20 to 22, 35 and 41).

19. The United Nations Convention on the Rights of Persons with Disabilities (2006) is an important convention that states: "...children with disabilities should have full enjoyment of all human rights and fundamental freedoms on an equal basis with other children, and recalling obligations to that end undertaken by States Parties to the Convention on the Rights of the Child ... " (Preamble, r.). Under the Article 24-2 of the convention; "that children with disabilities are not excluded from free and compulsory primary education, or from secondary education on the basis of disability" and again under the Article 24-3 of the convention; "facilitating the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication and orientation and mobility skills, and facilitating peer support and mentoring; facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community; ensuring that the education of persons, and in particular children, who are blind, deaf or deaf blind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximise academic and social development". Article 30 of the convention focuses on participation in cultural life, recreation, leisure and sport. This article supports the idea of enabling children with disabilities to have equal access with other children to participation in play, recreation and leisure and sporting activities, including these activities in the school system.

12. European Union (2002), "Proposal for a council decision on the European year of people with disabilities", *Official Journal of the European Communities*, 45, 2003, pp. 589-99.

20. The Parliamentary Assembly has generated many disability-related recommendations and resolutions. Some of them are very specific, such as [Recommendation 1598 \(2003\)](#) on protection of sign language in the member states of the Council of Europe and [Recommendation 1562 \(2002\)](#) on controlling the diagnosis and treatment of hyperactive children in Europe. Some of them are more general and comprehensive, such as [Recommendation 1185 \(1992\)](#) on rehabilitation policies for the disabled, [Recommendation 1592 \(2003\)](#) "Towards full social inclusion of persons with disabilities" and [Recommendation 1854 \(2009\)](#) on access to rights for people with disabilities and their full and active participation in society.

21. The Council of Europe Disability Action Plan 2006-2015¹³ promotes equality of opportunities, active participation, independent living, and education for people with disabilities within an anti-discriminatory and human rights framework. The plan consists of 15 key action lines to improve the situation of people with disabilities in Europe. The plan regroups certain groups of people with disabilities who may face multiple discrimination under so-called cross-cutting aspects, such as women and girls with disabilities, people with disabilities in need of a high level of support, children with disabilities (referring to their right to education, amongst other issues), ageing of people with disabilities and people with disabilities from minorities and who are migrants. The plan's Action Line No. 4 on Education lists four specific objectives and 13 specific actions to be taken by member states, such as promoting legislation, policies and planning for the prevention of discrimination in the access to education in all phases; encouraging and promoting a unified system with the goal of full inclusion; enabling early assessment; implementing and monitoring individualised educational plans, keeping in mind that parents of children are active agents in the preparation; encouraging staff training based on disability awareness and appropriate use of educational techniques and materials; making all educational techniques and materials accessible to children with disabilities in inclusive educational settings. The Action Plan also provides action lines which are directly related to guaranteeing rights, such as health care, awareness raising, transportation, the built environment based on the principles of Universal Design.¹⁴

22. Although many conventions, international declarations, recommendations and plans have been formulated concerning children's rights and the right to education, schools have still been permitted to exclude children with disabilities, and have often done so. This is because the right to education for children with disabilities is enforced within a framework that is targeting mostly special schools, specialised institutions and special education teachers. If our aim is to guarantee the right to schooling for children with disabilities, even in the case where the disabling condition precludes this right, what kind of framework should we need for our schools in general? We need a kind of framework that accepts diversity of personal situations and develops mutual solidarity, and functions within the society. This is only possible within the framework of inclusive education.

4. Guaranteeing the right to education within an inclusive framework

23. Inclusion is a "philosophy that urges schools, neighbourhoods, and communities to welcome and value everyone, regardless of differences".¹⁵ This philosophy reflects itself in educational practices where a notion of social justice advocates access to equal opportunities for all students regardless of their physical, intellectual, emotional, cultural or other conditions.¹⁶

24. Of course, legal arrangements/regulations, materials, resources, support services and effective cooperation/collaboration between institutions play important roles in the practices of inclusion.

25. Based on the research conducted to understand the important determinants of the inclusive education practices,¹⁷ the general barriers (for example, non-accessible physical structure of the school, lack of transportation to the school, shortages of trained professionals) and as well as facilitating factors (for example, trained professionals, positive attitudes towards disabilities) seem very significant. Pivik et al. (2002) summarise the barriers as environmental, intentional attitudinal, and unintentional attitudinal. Environmental barriers are the barriers related to the architectural and physical accessibility problems which prevent or inhibit

13. Recommendation Rec(2006)5 of the Committee of Ministers to member states on the Council of Europe Action Plan to promote the rights and full participation of people with disabilities in society: improving the quality of life of people with disabilities 2006-2015.

14. Recommendation CM/Rec(2009)8 of the Committee of Ministers on achieving full participation through Universal Design and *Achieving full participation through Universal Design*, Council of Europe Publishing, Strasbourg, 2009.

15. Renzaglia A., Karvonen M., Drasgow E., and Stoxen C. C. (2003), "Promoting a lifetime of inclusion", *Focus on autism and other developmental disabilities*, 18, pp. 40-49.

16. Foreman P. J. (2001), *Integration and inclusion in action*, Harcourt Brace & Company, New South Wales.

17. Pivik J., McComas J. and LaFlamme M. (2002), "Barriers and facilitators to inclusive education", *Exceptional Children*, 69, pp. 97-107.

children with disabilities from attending or participating within regular education settings. But how can we have equal access to educational opportunities or overcome environmental barriers? The solution is to start by modifying existing architecture and ensuring all new construction meets with federal guidelines as stated in the Council of Europe Disability Action Plan 2006-2015.

26. For example, in Turkey, this is enshrined also in Article 15 of the Disability Act (2005): the right of education of people with disabilities cannot be prevented for any reason. Children, youngsters, and adults with disabilities are provided with equal educational opportunities in inclusive environments with the people without disabilities.

27. While overcoming the environmental barriers, and applying the universal design approach, a more challenging endeavour awaits us: the change of the intentional and unintentional attitudes that some individuals have against children with disabilities. For example, in school settings, students without disabilities often congregate with those with whom they feel most comfortable while excluding those with disabilities – intentionally or unintentionally. But this leads to de facto segregation from their peers with disabilities.¹⁸

28. Unfortunately, attitudinal prejudice by individuals against children with disabilities is not limited to their classmates. A study had shown that many mainstream education teachers identified that their initial reactions to having students with disabilities in their classrooms were negative.¹⁹

29. Even if all legal regulations are fulfilled and resources are provided, the inclusive education approach has a smaller chance of being successful if the individuals who are implementing it and the individuals who are affected by the approach have a negative attitude from the beginning. Therefore, the success of inclusive education depends on the positive attitudes of children, teachers, parents, guardians, government, culture and society in general that advocate “not just active participation in the schools but active participation in the society”.

5. Inclusive education applications at international level

30. In each country, the conceptualisation and implementation of inclusion have been affected by national contexts as well as international advancements. First of all, inclusion is rooted in the right to education as stated in Article 26 of the Universal Declaration of Human Rights (1948). Additionally, the UNESCO *Guidelines for Inclusion* (2005)²⁰ establish cross-governmental support for inclusive education. With UNESCO's report, integration is defined as the simple movement for students with special needs and practices into mainstream schools. However, more organisational changes are needed for student diversity in schools, such as changes in curricula, teaching strategies, learning approaches. These changes are only possible with inclusive education. The UNESCO international guideline does not guarantee uniformity of approaches among nor even within countries. As Mitchell states,²¹ inclusive education reflects “the relationships among the social, political, economic, cultural, and historical contexts that are present at any one time in a particular country and/or local authority”. Therefore, inclusion requires commitment from a range of stakeholders including governments, teachers, the school community, students, parents and society in general within a given time period.

31. But is it possible to see some examples of inclusive education applications around the world? Let's give a brief picture about the key issues related to the application of inclusive education.

32. Starting with Germany: the Ministers of Education and Cultural Affairs of the Federal Republic of Germany, the KMK, organised the special education in each *Länder* especially by the Recommendations on the Organisation of Special Education (decision of March 1972), and recommendations for all types of special schools (*Sonderschulen*). The current situation is acknowledged in the Recommendation on Special Education in the Schools of the Federal Republic of Germany (decision of 6 May 1994). The main purpose of this recommendation is to create equal opportunities for individuals with disabilities by enforcing higher standards of special educational support in mainstream schools as well as schools for children with disabilities only. Until 1999, the KMK endorsed recommendations for the “emphasis of individual education support”

18. O'Shea D.J. (1999), “Making uninvited inclusion work”, *Preventing School Failure*, 43, pp. 179-92.

19. Giangreco M. F., Cloniger C., Edelman S. and Shattman R. (1993), “National validation of COACH: congruence with exemplary practice and suggestions for improvement”, *Journal of the Association for Persons with Severe Handicaps*, 18, pp. 109-20.

20. United Nations Educational, Scientific and Cultural Organisation (UNESCO). (2005). *Guidelines for inclusion: Ensuring access to education for all*, UNESCO, Paris.

21. Mitchell D. (2005), “Sixteen propositions on the contexts of inclusive education”, in Mitchell D. (ed.), *Contextualizing inclusive education*, Routledge, London, pp. 22-36.

(*Förderschwerpunkte*) with respect to certain disabling conditions such as; hearing disabilities, visual disabilities, intellectual disabilities, physical disabilities, learning disabilities, autism. Each of these *Förderschwerpunkte* includes information about disabling conditions, diagnosis, the provision of special needs education and possible placements. In all of the 16 *Länder*, children with disabilities are integrated in mainstream schools – especially in primary schools.²² However, within the signature of the UN Charter, 2009, the KMK-Working Group starts to develop concepts towards a more inclusive educational system. The *Länder* have established a system of co-operation between special schools and mainstream schools. And later all special schools work as “resource centers”. From this perspective, there are even some schools for children with disabilities coming from minority groups. In these schools, children with disabilities from minority groups benefit from the same curriculum as the majority groups (for example, Phalzinstitut für Hörsprachbehinderte).

33. In England, the principles of the Salamanca Statement of UNESCO and guidance documents to schools such as the *Index for Inclusion*²³ assert that schools should educate increasing numbers of children with disabilities including *all* groups of learners who have historically been marginalised as well.²⁴

34. In the United States; the process of special education has its roots in the 19th century. During the 1970s, the first legal issue regarding inclusion arose with the protest of parents of children with disabilities due to the stigmatisation of these children within the general school setting. The No Child Left Behind Act (NCLB) of 2001 and the reauthorisation of the Individuals with Disabilities Education Improvement Act (IDEIA, 2004) mandate providing accountability measures for instruction and assessment of children with disabilities.²⁵ These laws include the adaptation of all public schools to serve all children with disabilities, a non-discriminatory evaluation process, individualised educational programmes (IEPs), least restrictive environment (LRE), family involvement and the usage of appropriate methods.

35. In Italy, since 1971, the government has mandated that all children with disabilities have the right to attend general education classes in public schools (National Law 118). Additionally, in 1977, National Law 517 was declared, which more clearly specifies strategies for achieving the full inclusion of students with disabilities. As a result of this legislation, Italy has dramatically reduced the number of special schools for students with disabilities and has made general education classrooms accessible to nearly all students, even those with severe disabilities.²⁶ Although Italy’s initial attempts at inclusive practices were faced with some resistance from parents as well as teachers, more current research and anecdotal reports have showed that the large majority of parents and educators in Italy are supportive of including all students in the general education classroom.²⁷ Not surprisingly, Italy has become a good example of how inclusive practices can be managed.

36. In Turkey, according to the Special Education Regulation of Minister of Education, “inclusion” is defined as “special education applications that provide supportive educational services to individuals who are in need of special education, based on the principle that they continue their learning and education with peers who are not in need, throughout public and private preschool, primary, secondary schools and informal education” (2000, Section 7, item 67). One principle of the National Education Law (2000) is that education for children with disabilities should be provided in the “least restrictive environment (LRE)”, meaning that the environment that is most similar to, if not the same as, the general education setting, in which a child with disabilities can receive a regular education.²⁸ Therefore the Turkish Special Education Legislation states that all children, regardless of their disabilities, have the right to education. It also promotes inclusive practices in all levels of schools. And recently, the Turkish President, with the collaboration of one non-governmental organisation working on disability rights, started a campaign named “education enables” for inclusive practices in all levels of schools.

22. European Agency for Development in Special Needs Education (EADSNE), (2003a), *Inclusive education and classroom practices: Summary Report*, Middelfart, Denmark.

23. Booth T. and Ainscow M. (2002), *Index for inclusion: developing learning and participation in schools* (2nd edn) Bristol, Centre for Studies on Inclusive Education.

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6. Conclusions

37. The rapporteur believes that the right to education is universal and should extend to all children, youth and adults with disabilities. This right is enforced in the conventions as well as in several significant, internationally approved declarations such as the World Declaration for Education for All (1990), the UNESCO Salamanca Statement and Framework for Action (1994), the Dakar Framework for Action (2000) and the United Nations Convention on the Rights of Persons with Disabilities (2006) as well as in relevant instruments of the Council of Europe, such as the European Convention on Human Rights, the European Social Charter and revised European Social Charter, and the Council of Europe Disability Action Plan 2006-2015.

38. The rapporteur is convinced that inclusive education includes four pillars of education for the 21st century: “learning to know, learning to do, learning to be and learning to live together”.²⁹ Therefore, inclusive education should include teachers, students, parents, guardians and society in general as well as methodologies, curricula, textbooks, materials. The advantage of inclusion is that it allows children with disabilities to become more integrated into their local communities and to get to know other children, who in turn learn how to relate to them and see them as children first and foremost. Another advantage is that the care, services and support made available to children with disabilities can be evaluated using criteria that are relevant for all children.

39. It is hard to calculate the cost of inclusive education for children with disabilities. However, the cost of providing special educational services in separate settings such as special schools for children with disabilities is about two to four times higher than the cost of providing regular education for children who do not need these services. Based on this estimate, the cost of inclusive education would be higher but still lower than in separate/special settings. In addition, inclusive education is not only cost-efficient but also cost-effective and “equity is way to excellence”.³⁰

40. To make inclusive education work, mainstream professionals in education, health and social care services should indeed receive additional training and assistance from local centres of excellence to equip them to work with children with disabilities, and to support their work with the specific needs of these children. These services should incorporate a range of personalised support to assist disabled children so that they can aim for the same kind of life and aspirations as their peer group, as they are entitled to growing independence, autonomy, age-appropriate possessions, and assistive technology, especially with regard to mobility and communication, in accordance with their needs.

41. The rapporteur believes that in future, mainstream services, including day care centres, pre-school set-ups, places of worship, schools and leisure services should be required to accept children with disabilities and make available the necessary support to aid their inclusion and participation. Wherever possible, children with disabilities should be educated – in all phases of their schooling – within the schools used by other children and receive the support required to facilitate their effective education or vocational training within the mainstream systems. Where special schools or units are deemed necessary or appropriate, these should be linked to ordinary schools, be helped to build bridges and be open to their local communities.

42. In this context, the rapporteur wishes to mention that during the debate in committee some members questioned the costs of inclusive education in relation to specialised schools. Moreover, often the additional funds earmarked for mainstream schools are not invested in actions targeted at the children most in need. On the other hand, children in special schools could benefit from highly qualified teachers and adequate support. Therefore, inclusive education could have both positive and negative effects. These need to be carefully investigated in order to find the right approach and policy to overcome the possible negative effects of inclusive education.

43. But how about the costs that we need to pay later for children with disabilities who are excluded socially, politically and culturally because we cannot guarantee their right to education? Or, for that matter, what are the general costs to society when we do not provide education to children with disabilities? The rapporteur believes that decisions for the education of children with disabilities should not be based exclusively on economic considerations. They should also take into consideration the estimated costs of social, political and cultural exclusion from society. And from a holistic social perspective, we can also say that the development of a nation depends crucially on education. Therefore, no compromises and cost cutting measures should be taken when guaranteeing the right to education for children with disabilities.

29. United Nations Educational, Scientific and Cultural Organisation (UNESCO) (1996), *Learning: the treasure within*. Report of the International Commission on Education for the 21st Century, Chair: J. Delors, Paris, UNESCO.

30. OECD-CERI (1999), *Inclusive education at work. Students with disabilities in mainstream schools*, Paris, OECD.

44. If the goal is to guarantee the right to education for children with disabilities within the framework of “inclusive education for all”, the rapporteur believes that it will only be accomplished under certain conditions as set out in the draft resolution.

45. To conclude, the rapporteur believes that “a diverse population of children and young people in schools will produce schools which are more sensitive and more people-oriented. And it will produce a younger generation which is more tolerant and accepting of difference”.³¹ With inclusive education, this is possible. Moreover, inclusive education guarantees the right to education for all children regardless of their physical, intellectual, emotional, cultural or other conditions.

31. Thomas G., Walker D. and Webb J. (eds.) (1998), *The making of the inclusive school*, Routledge, London, p. 199.