



PROMOTING POSITIVE  
ATTITUDES AND EVIDENCE-  
BASED POLICY FOR  
INCLUSIVE EDUCATION

# IE+ Training Course: Chapter I

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## Acknowledgements

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## 1. Laws

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This chapter explains which laws talk about inclusive education in Europe and in the world.

To explain them, we will refer to the Convention on the Rights of Persons with Disabilities of the United Nations.

The Convention is a law.  
It has a list of rights like the right to work, to play or to receive an education.

The United Nations is an organisation that unites most countries in the world.

This Convention is from 2006.

### 1.1 Types of Laws

Many laws say that education is a very important right.

These laws can be classified into 2 types:

- Binding law.

If a country signs these laws, it must obey them.



- Non-binding law.

There are documents that countries are not obliged to obey to.

But they are very important, and the countries must try to obey them.

Education is a social right.

This means that:

- Education is basic to having a dignified life.
- Each country must fulfil the right to education step by step.
- Each country must do everything possible to fulfil the right to education.

And that means investing as much money as possible.

Other basic rights are work, housing and health.



## 1.2 Reasonable accommodation

These are changes and adaptations  
so that people with disabilities  
can have a good education.

The countries must do them.

If they do not do them, they are discriminating.

To discriminate is to treat someone badly or differently.

## 2. United Nations

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The United Nations is an international organisation  
that unites many countries.

It makes many laws to protect  
the rights of individuals.

Some of the most important laws it makes  
are called conventions.

It also has teams of people working  
to make sure that the countries are obeying the conventions.

Those teams are called committees.



For example: The Committee on the Rights  
of Persons with Disabilities  
is responsible for checking if the countries are obeying  
the Convention on the Rights of Persons  
with Disabilities.

## 2.1 First Laws

Education appears in many United Nations documents.  
The right to education appears for the first time  
in a document that is over 70 years old.

There were many documents over the years  
that were talking about education.

But they did not talk about:

- Inclusive education
- Persons with disabilities

## 2.2 Convention on the Rights of the Child

The Convention on the Rights of the Child  
is 17 years older than the Convention  
on the Rights of Persons with Disabilities.  
It is from 1989.



It is a legally binding law.

Remember: that means it is obligatory.

This law talks about education,  
but it does not use the words "inclusive education."

### Integration or inclusion?

In 1997, a debate was held  
on the rights of children with disabilities.

This discussion made the difference  
between inclusion and integration in the school clear:



#### Integration

Change the child  
to fit in the school.



#### Inclusion

It changes the school and its surroundings  
to educate children with and without disabilities.  
It also takes into account their needs.



### General Comment 9

A document that talks about inclusive education.

It was made by the Committee on the Rights of the Child in 2006.

This document says that inclusive education:

- It is a good or quality education.
- It is for all students.
- It takes diversity into account: each person has their own needs.
- With it, children with disabilities learn with children without disabilities.

## 2.3 Salamanca Statement

It is a historical document from 1994.

This document:

- Calls on governments to make education inclusive.
- Demands that all children with disabilities  
go to the same schools  
of children without disabilities.

This is then repeated by many other documents and laws.

This statement also gives many ideas.

For example, it proposes that schools should count on their communities.

That is, with what is around them:

families, neighbors, libraries, town halls...



## 2.4 General Comments of the Committee on Economic, Social and Cultural Rights

The Committee of Economic, Social and Cultural Rights of the United Nations has also published important documents that talk about the right to education.

These documents are called General Comments.

General Comment 5 says that persons with disabilities can be better educated if they learn in schools with persons without disabilities.

General Comment 13 speaks of the spaces where we learn. For example: schools or universities. It says they must be accessible for everybody and that each government is responsible for achieving it.



## 2.5 The Convention on the Rights of Persons with Disabilities

It is the most important law  
about disability  
we are going to talk about.  
It is from 2006.

Until this law,  
most people were focusing  
on the limitations of persons with disabilities.

After the approval of this law,  
the rights of the persons with disabilities  
became the focus.

This law says that inclusive education  
is a right and it is the best way  
to achieve the right to education.

It also says that inclusive education  
must be good and quality education.  
If not, it is not inclusive education.



According to this law,  
the education that segregates  
children with disabilities  
and children without disabilities  
is not good education.

This law is also binding.

Remember: this means that the countries that signed it  
have an obligation to obey it.

This was the first binding law  
that talks about inclusive education.

### General Comment 6

This document is from the Committee on the Rights  
of Persons with Disabilities.

And it also talks about education.

It says that:

- The education system must do more  
to reach every single student  
regardless of their disability.



- There are many barriers to get inclusive education:  
discrimination on the grounds of disability,  
the lack of interest from politicians  
and the way of thinking about disability.
- There are millions of people who are discriminated against because of their disability.  
Their right to education is not fulfilled.  
They are excluded from education,  
separated from persons without disabilities.

The most important thing it says is that if countries do not promote inclusive education what they are doing is to discriminate.

This document is very useful to fight for inclusive education.

He gives very important recommendations:

- Participation is essential.  
Governments must ask the opinion of persons with disabilities to achieve inclusive education.



- The entire education system must be changed so that children can participate.
- The right to inclusive education is of the children, not their parents.
- Inclusive education believes in dignity, abilities and autonomy of every student.
- There must be enough teachers.
- Learning must become easier to understand.  
For example: having books that are easy to read or to use more videos.



## 2.6 Sustainable Development Goals

These are goals that governments must achieve  
to end poverty.

They are also called SDG.

There are 17 targets to achieve by 2030.

It is a proposal of the United Nations.

Inclusive education is in goal 4.

It is also fundamental to achieve  
the rest of the targets.

It says the inequality in education  
suffered by women or persons with disabilities  
must end.

These Goals give a series of data  
to be achieved  
to move towards inclusive education.

To achieve all this,  
there are also 2 interesting documents:



- The Incheon Declaration of 2015.
- A guide to ensuring education and equity in education. It is from 2017.

## 2.7 Other important documents

A report from the United Nations in 2013

says that inclusive education

is the best one not to discriminate.

It also prohibits a student

to be rejected because of a disability.

Other report from 2019 says that:

- The education system must be accessible.
- Education must change a lot to be inclusive.
- Persons with great support needs must be included

For example: persons who have difficulties to speak.

- The support given in schools in which there are only children with disabilities must be given in all schools.



- Governments must stop giving money to special education and give it to the regular schools instead. Little by little, all children must study in the same schools.

There are other important documents:

- World Declaration on Education for All.  
It is from 1990.
- The rules for equal opportunities.  
It is from 1993.
- The United Nations Action Plan to educate on human rights.  
This action plan began in 1995 and ended in 2004.
- The Report on Equality and Non-Discrimination.  
It was written by the Committee on the Rights of Persons with Disabilities.  
It is from 2016.

All these documents are important to understand inclusive education.



If the right to education is fulfilled,  
it makes it easier for other rights  
to be fulfilled  
like the right to employment or to culture.

## 3. European Union

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### 3.1 The laws of the European Union

The European Union is composed  
by some European countries like Spain  
and their governments.

It has mandatory laws  
that all countries must obey.

We also name the European Union by the letters EU.

Its most important document  
is the Charter of Fundamental Rights.

This charter says that all persons have the same rights.

It is from 2000.

The European Union helps countries



to fulfill these rights.

All the countries of the European Union  
are responsible for the education  
and the training of their citizens.

And the European Union helps them to achieve this.

It also has laws to provide quality education.

All countries must work together to achieve it.

That is what Article 165 of the Treaty  
on the Functioning of the European Union says.

The Council of the European Union also said in 2017  
that inclusive education  
must also be for people with little money,  
people who are of a different **sexual orientation**,  
people of other faiths  
or fleeing from a war.

### Sexual orientation

Attraction to a person from a  
different sex or the same sex.

For example: a woman

. . .

The European Union also says  
that education in the university  
must also be inclusive.



The European Union thinks that there are 3 things  
that needs to be changed urgently:

1. Improving the quality of education  
and making it inclusive.
2. Supporting teachers  
so they can improve their teaching.
3. Change how schools are run.

The European Union is going to work on these 3 things.

There are organizations that say the European Union  
must do more to make education inclusive.

For example: support countries  
so that special education schools  
are turned into inclusive schools.

There are many more important documents  
of the European Union that talk about education.

Some of them are:

- A publication on special needs in Europe.



It is from 2003.

- The Paris Declaration, which speaks of freedom and tolerance.

It is from 2015.

- A Council Recommendation that says  
that continuous learning is very important.

It is from 2018.



## 3.2 The European Union and the Convention

The European Union signed the Convention  
on the Rights of Persons with Disabilities.

Every country in the European Union has also signed this convention,  
so they have a double obligation to obey it.

But the European Union did not sign the Optional Protocol,  
a document that allows people to file complaints.

It means the European Union does not allow  
that we make complaints to the Committee  
if the European Union does not follow the law itself.

If the European Union signed this document,  
anyone could report cases  
in which the right to inclusive education is not fulfilled  
in the European Union.

So far, the United Nations has not analyzed  
any complaints about the right to education.

It is important to report  
when the right to inclusive education



is not fulfilled.

The European Union has a plan to obey the Convention.

That plan is called the European Disability Strategy.

The plan started in 2010 and ends in 2020.

The plan says that inclusive education must be achieved  
and with supports designed for each student.

All European Union countries  
and the European Union  
must make reports that explain  
if they fulfill the rights of persons with disabilities.

The Committee on the Rights of Persons with Disabilities  
reviews the reports and gives recommendations for improvement.

The Committee published its first recommendation  
to European Union in 2015.

It said that in the European Union  
the right to inclusive education is not fulfilled  
and there is a lot to be improved.



## 4. Conclusions

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The Convention is the most important law  
to demand inclusive education.

Thanks to the Convention,  
other education laws take into account  
the needs of people with disabilities.

Inclusive education is not only  
to put students with and without disabilities  
in the same schools.

It must also:

- Be a quality education
- Give the necessary support  
for everyone to learn.

## 5. Summary

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This chapter explains the laws  
that talk about inclusive education  
in the United Nations and the European Union.



Inclusive education is the best way  
to get the right to education.

Inclusive education is not only  
put in the same schools  
to students with  
and without disabilities.

It also must:

- Be a quality education.
- Give the necessary support  
for everyone to learn.

