

DISABILITY, INCLUSION & HUMAN RIGHTS

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'NEEDS' VERSUS HUMAN RIGHTS POSITIONS

Needs' position

- disempowering
- state seen as mediator/ problem-solver
- ignores possibility of change brought about by individuals, groups/ communities taking responsibility & undertaking action themselves.

Human rights position

challenges power relations, structures and practices in society which are held together and sustained by the state.

INCLUSION necessitates removal of

- Material
- Ideological
- Political
- Economic barriers

that legitimate and reproduce inequality and discrimination in the lives of disabled people.

DISABILITY RIGHTS: OUR ROOTS

1950s - 60s	<ul style="list-style-type: none">● the Black-American Civil Rights Movement (USA)● the Consumer Movement (Intl)
1970s – 80s	<ul style="list-style-type: none">● the Women's Movement (Intl)● Vietnam Veterans (USA)● Independent Living Movement (USA/ Intl)● UPIAS (UK)

1980s – 90s	<ul style="list-style-type: none"> ● the United Nations Decade of Persons with Disability
1990s ff	<ul style="list-style-type: none"> ● Anti-Discriminatory Legislation
2007 ff	<ul style="list-style-type: none"> ● UN Convention on the Rights of PWDs

DPI Definitions (1981)

a Social Model Perspective

- “Impairment is the loss or limitation of physical, mental or sensory function on a long-term or permanent basis.”
- “Disablement is the loss or limitation of opportunities to take part in the ordinary life of the community on an equal level with others due to physical and social barriers.”

INTERNATIONAL PERSPECTIVES

Disability as social oppression and infringement of human and civil rights

1981 - Nations World Programme of Action Concerning Persons with Disability & World Health Organisation’s International Classification of Impairment, Disability & Handicap

1994 - Standard Rules on the Equalisation of Opportunities for Persons with Disability

ANTI-DISCRIMINATORY LEGISLATION: PROTECTION OF CIVIL RIGHTS

1990

- Americans with Disabilities Act
- Canadians with Disabilities Act
- Australians with Disabilities Act

1995

- Disability Discrimination Act (UK)

2000

- Equal Opportunities (Persons with Disability) Act (Malta)
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INTEGRATION

- the 'right' of disabled children to attend their local schools provided the 'rights' of others are not threatened.
 - Contingent
 - Provisional
 - Dependent upon the 'efficient use of resources'
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INCLUSIVE EDUCATION

- A human right for all children to attend their local school.
 - Not an end in itself, but a means to an end, which is the establishment of an inclusive society.
 - Notion of inclusivity is a radical one, placing the welfare of all citizens at the centre of consideration.
 - Belonging seen as solidarity
 - Recognises the importance of the politics of difference.
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EXCLUSIONARY POLICIES & PRACTICES

- Disabled pupils in ordinary schools, in essentially segregated settings, supported by limited resources and little meaningful organisational change.
 - Disabled young people within ordinary schools are excluded from full participation.
 - Disabled pupils who have never participated in an ordinary school, spending all their school careers in segregated forms of provision.
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THREAT OF EXCLUSION

On average exclusion amongst students with SEN or emotional/ behavioural difficulties is around 6 times higher.

Threat of exclusion also exists in Malta and may be pursued deliberately by a school in order to secure faster access to additional resources for a young person ... or sometimes merely for the school.

HOW EXCLUSION CAN OCCUR

- in the ways schools and colleges are organized
 - the content of the curriculum
 - the ways in which teaching and learning are understood
 - by selecting particular kinds of knowledge rather than others,
 - by fostering particular value systems and privileging
 - emphasizing certain conceptualizations of teaching and learning over others
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THE TWO NATION MENTALITY

- a minority of academically able pupils, and
 - a majority of 'ordinary', 'average', 'less able' children.
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TRADITIONAL REGIME IN SPECIAL (SEGREGATED) SCHOOLS

- 'restrictive', 'harsh' & unstimulating
 - remediation, care and control provided an organising framework for the daily lives of those ..."
 - children denied experiences & opportunities of going to their local school with their peers.
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A RIGHTS-BASED EDUCATION: MALTESE MILESTONES 1

1987 - Kummissjoni Nazzjonali Persuni b'Diżabilità (KNPD) Social Model (Rights-based) approach – Gives voice to disabled people & parents. Encourages self-advocacy. Education in the mainstream an immediate priority.

1988 - Education Act

- **Part I Para. 6** – Parents have right to decide on any matter concerning the education which the minor is to receive.
- **Part III Para. 18. (1)** - State must provide special schools for the Maltese children with SENs.
- **Part VI Para. 41. (1)** – Free education at all levels. Parents right of choice of school.

(URL: <http://www.cepes.ro/hed/policy/legislation/pdf/Malta.pdf>)

A RIGHTS-BASED EDUCATION: MALTESE MILESTONES 2

1994 - KNPD National Policy on the Education of Children with Special Needs A consensus document. 16 major principles briefly outlined
URL: <http://www.knpd.org>

1994 - Introduction of an Inclusion Policy in all Maltese Schools The introduction of the principle of inclusion (with appropriate support) witnessed a substantial increase in disabled pupils attending the mainstream schools & a corresponding decrease in students in special schools.
(URL: <http://www.gov.mt/newsletterarticle.asp?a=173&l=2>)

1994 - Transport for Independent Living Foundation - introduced partly to ensure access to education in the mainstream for 16+ students.

A RIGHTS-BASED EDUCATION: MALTESE MILESTONES 3

1997-98 - [Examination] Arrangements For Candidates With Particular Requirements Guidelines. Ministry Of Education – Removal of avoidable barriers. Guidelines adopted informally by the University of Malta's MATSEC Board.
URL: http://www.education.gov.mt/ministry/doc/pdf/guidelines_of_special_examintions.pdf

1999 - The National Minimum Curriculum - Reaffirms main principles of inclusive education.

URL: http://www.curriculum.gov.mt/docs/nmc_english.pdf

A RIGHTS-BASED EDUCATION: MALTESE MILESTONES 4

2000 - Ministerial Committee on Inclusive Education (MCIE) - Inclusive Education Policy regarding students with a disability

1. describes function of IEP
2. differentiates between informal process IEP implementation and formal statementing process
3. Establishes & regulates composition, functions & procedures of the Statementing Monitoring Panel & an Appeals Board.

URL:

http://www.education.gov.mt/ministry/doc/pdf/policy_on_inclusion_of_students_with_disability_of_mcie.pdf

A RIGHTS-BASED EDUCATION: MALTESE MILESTONES 5

2001 - The Foundation for Tomorrow's Schools - was set up to build new schools, convert existing ones & ensure that all schools are fully accessible to all, including wheelchair users.

URL: <http://www.fts.com.mt/fts/profile.aspx>

2001 - Foundation for Information Technology Accessibility (FITA) - provides assessment, advice & support on the procurement, training and use of ICT equipment to disabled children, adults and their families & carries out web audits.

URL: www.knpd.org/mittsfita/

2005 - Inclusive & Special Education Review (Spiteri Report) - undertaken with a view of reorganising the inclusive and special education sector. A Network Coordinator was appointed to champion the changes recommended in the review.

URL: http://www.education.gov.mt/ministry/doc/pdf/inclusive_edu.pdf

A RIGHTS-BASED EDUCATION: MALTESE MILESTONES 6

2005 - For All Children To Succeed 2005 - supports the inclusion policy in many of its principles and recommendations.

URL: http://www.education.gov.mt/ministry/doc/pdf/for_all_children_to_succeed.pdf

2005 - Maltese Sign Language Service in Schools – for Deaf students in the mainstream. Agreement between Education Ministry & the Deaf People’s Association (Malta). Deaf not only require facilitators and other services, such as sign-language interpretation.

URL: http://www.4hearingloss.com/archives/2005/12/new_sign_langua_1.html

FROM SEGREGATION TO INCLUSION

“... the transition from segregated special schools to inclusive ordinary schools will involve not just careful planning, sensitivity and consultation, but a massive leap of the imagination on the part of the whole community.”

(Armstrong & Barton, 1999: 226)

MAKING CONNECTIONS

“Only by *making connections* between exlusions in society through poverty, unemployment, access to benefits and representation in official discourses and the media will the vision of building a system of education based on human rights become realisable.”

(Armstrong & Barton, 1999: 227)

THE STRUGGLE FOR AN INCLUSIVE SOCIETY

“The necessity of struggle for an inclusive society arises from the inequalities and discriminatory nature of the social relations and conditions within society.”

“To engage in these is to engage in a a ‘form of cultural politics’ (Slee, 1999).

“ Making connections between different kinds of social relations and inequalities, and building an understanding of their entrenchment and pervasiveness and complexity in a multitude of setting in society, are necessary parts of the struggle for human rights.”]

WRESTLING WITH THE BARRIERS TO INCLUSION

“Only when we begin to wrestle with the barriers to inclusion lodged in our own attitudes, thinking and practice can we begin to engage with the struggles ‘out there’. These must never be underestimated. The struggles for inclusion comes out of that.”
(Armstrong & Barton, 1999: 227-228)

Ref: Armstrong, F. and Barton, L. (1999) *Disability, Human Rights and Education: Cross-cultural Perspectives*, Buckingham, Open University Press.

QUESTIONS TO ASK

1. How far is an interest in human rights realistic in contemporary contexts?
 2. What role has education to play in the struggle for an inclusive society?
 3. To what extent can connections be made concerning how difference is defined?
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