

Inclusive Education And Its Relationship With The Fundamental Rights Of People With Disabilities

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Abstract: Background: the segregation and exclusion of students with disabilities from general education amounts to serious violations of the right to education of these students. **Objective:** to determine if inclusive education guarantees fundamental rights such as; civil and political rights, accessibility, health and rehabilitation, education and sports, work and employment and social protection of people with disabilities. **Results:** Inclusive education in general is perceived as very efficient. The dimensions associated with inclusive education (non-discrimination, availability, physical and economic accessibility, adaptability and acceptability) are perceived at a very efficient level. **Conclusion:** there is a perception that the fundamental rights of people with disabilities are fully guaranteed and that civil and political rights, accessibility, health and rehabilitation, education and sports, work and employment and social protection are in a very efficient level. It was evidenced that inclusive education through its dimensions guarantees the fundamental rights (civil and political rights, accessibility, health and rehabilitation, education and sports, work and employment and social protection) of people with disabilities.

Key words: People with disabilities, inclusion, education, human development.

INTRODUCTION

In recent years the most elementary issues of a basic right such as education have been diluted. Actions, structures and mechanisms have been adopted from the premise of quality and, in reality, models of segregation among students are being articulated, which entails the loss of good educational work and the essence of pedagogy. For development to occur in a society; both individuals and the state should have access to quality education. Education, therefore, becomes the indices for measuring the development capacity of both the individuals and state (Daura and Audu, 2015). Many countries are still grappling with being able to articulate a coherent and consistent approach to inclusion, which has impacted the success of its implementation (Schwab et al. 2018; Sheikh et al ,2020). The segregation and exclusion of students with disabilities from general education, because of their disability, amounts to serious or systematic violations of the right to education of these students under the Convention on the rights of persons with disabilities. In some countries, having a disability can more than double a child's schooling options compared to those without. Resolving this serious discrimination is an urgent matter and for several reasons. First, to deny the right to education is to rob children of the future benefits that education brings and the opportunity to access other rights - for example, by limiting job opportunities or active civic participation during the lifetime. UNESCO (2017) indicates that education is essential for human, inclusive and sustainable development promoted by knowledge societies capable of facing the challenges of the future with innovative strategies. The concept of inclusive education is broader than that of integration and starts from a different assumption. Inclusive education implies that all children in a given community learn together regardless of their personal, social or cultural conditions, including those with a disability. In the inclusive school, all students benefit from teaching adapted to their needs and not only those with special educational needs (Casanova, 2011). In this sense, (Cardona, 2010) indicates that, for the educational offer for people with disabilities to be inclusive, the existence of a series of reasonable adjustments is necessary, in order for education to be relevant and accessible. As Gómez (2011) indicates to make a school improve towards school inclusion and forget the segregationist or integrationist character that until now had occurred with visibly different students, we must know that school inclusion is based on a series of principles that go to serve as pillars in the construction of an inclusive school where all students will have a place.

Blanco (2010) assumes that the ultimate goal of inclusive education is to help eliminate social exclusion that results from attitudes and responses to racial diversity, social class, ethnicity, religion, gender or skills,

among others possible. Therefore, it is based on the belief that education is an elementary human right and the basis of a more just society. Operti and Guillinta (2015) mention that, based on the concept of schools for all and the aforementioned characteristics, there are a series of good practices that favor inclusion in the school environment. Education goes beyond the acquisition of knowledge. It requires experiences, coexistence, discrepancies and approaches. Therefore, options that limit these experiences should be ruled out in a society that respects human rights. The relationship with people with disabilities is necessary for the configuration of a society in which they are not seen as deserving of pity, but as useful members of the society in which they all live. In Peru, inclusive education in the educational system means a paradigm shift based on the concept of human rights, which allows overcoming the model of homogeneity that for decades has reproduced the exclusion of the vulnerable population due to social and cultural conditions, ethnic, linguistic, physical, sensory and intellectual (Minedu, 2013). The advances in inclusive education in the country take into account the great socioeconomic, cultural and geographical disparities of the regions, as well as the attitudes assumed by the actors, which have led to the increase in barriers and the deepening of the exclusion gaps to vulnerable populations. In this sense, this research aims to determine if inclusive education through the dimensions of non-discrimination, availability, physical accessibility, economic accessibility, adaptability and acceptability, serves as a mechanism to guarantee fundamental rights such as: civil and political rights, accessibility, health and rehabilitation, education and sports, work and employment and social protection of people with disabilities in the city of Trujillo, 2018.

METHODOLOGY

The research was carried out in Public Educational Institutions of the city of Trujillo, Peru in 2018. The population was divided into strata according to the analysis; lawyers specializing in educational law and directors, teachers, parents and disabled students (see Table 1).

Table 1: Distribution of population.

Stratum	Condition	Gender		
		Men	Women	Total
Quantitative	Principal	945	530	1475
	Teachers	3405	4190	7595
	Parents	50386	69332	119718
	Disabled students	93	82	175
	Total	54829	74134	128963
Qualitative	Specialists	3	2	5
	Total	3	2	5

Fuente: Minedu-Perú – Censo Escolar, 2017.

The sample for the qualitative stratum was 5 lawyers specialized in educational law considered at the author's convenience. The sample for the quantitative stratum was 384 directors, teachers, parents, and students with disabilities (see Table 2).

Table 2: Sample distribution.

Stratum	Condition	Gender		
		Men	Men	Total
Quantitative	Principal	30	20	50
	Teachers	100	70	170
	Parents	80	50	130
	Disabled students	20	14	34
	Total	230	154	384
Qualitative	Specialists	3	2	5
	Total	3	2	5

Fuente: Minedu – Censo Escolar, 2017.

A survey on inclusive education and the fundamental rights of persons with disabilities was carried out. The independent variable questionnaire: Inclusive education, consisted of 6 dimensions with 7 items each: non-discrimination, availability, physical accessibility, economic accessibility, adaptability and acceptability. The dependent variable questionnaire: fundamental rights of people with disabilities, consisted of 6 dimensions with 7 items each: civil and political rights, accessibility, health and rehabilitation, education and sports, work and employment, and social protection.

Statistical analysis

For the data analysis, a score matrix was constructed with the dimensions of the independent and dependent variables, frequency distribution tables, and Kendall's Tau-b contingency coefficient was used. The statistical analysis was performed using R software (R Core Team 2020).

RESULTS AND DISCUSSION

Table 3 shows that inclusive education in general is perceived by specialists in educational law, principals, teachers, parents and students with disabilities in the city of Trujillo between a very efficient (83%), and efficient (17%) level. Likewise, the dimensions associated with inclusive education are perceived at a very efficient level; non-discrimination (57%), availability (75%), physical accessibility (68%), economic accessibility (67%), adaptability (73%) and acceptability (77%).

Table 3: Levels of inclusive education and its associated dimensions in the city of Trujillo, 2018.

Inclusive education	Niveles									
	Very poor		Poor		Regularly efficient		Efficient		Very efficient	
	P	%	P	%	P	%	P	%	P	%
	0	0	0	0	0	0	65	17	319	83
Dimension	P	%	P	%	P	%	P	%	P	%
Nondiscrimination	0	0	0	0	8	2	158	41	218	57
Availability	0	0	0	0	12	3	84	22	288	75
Physical affordability	0	0	0	0	8	2	116	30	260	68
Economic affordability	0	0	0	0	8	2	120	31	256	67
Adaptability	0	0	0	0	8	2	97	25	279	73
Acceptability	0	0	0	0	9	2	81	21	294	77

Table 4 shows that the fundamental rights of people with disabilities in general are perceived by specialists in educational law, directors, teachers, parents and disabled students in the city of Trujillo at a level that is highly guaranteed (70 %) and guaranteed (29%), respectively.

Table 4: Levels of fundamental rights of people with disabilities in the city of Trujillo, 2018.

Levels	Fundamental rights of people with disabilities	
	P	%
Nonguaranteed	0	0
few guaranteed	0	0
Regularly guaranteed	4	1
Guaranteed	112	29
Very guaranteed	268	70
Total	384	100

Table 5 shows that in general the perception that specialists in educational law, principals, teachers, parents and disabled students have in the city of Trujillo in relation to the dimensions of the fundamental rights of people with disabilities, is found at the very efficient level, namely; civil and political rights with 45%, accessibility with 69%, health and rehabilitation with 68%, education and sports with 56%, Work and employment with 67% and social protection with 71%.

Table 5: Levels of the dimensions associated with fundamental rights of people with disabilities in the city of Trujillo, 2018.

Dimension	Niveles									
	Very poor		Poor		Regularly efficient		Efficient		Very efficient	
	P	%	P	%	P	%	P	%	P	%
Civil and political rights	0	0	0	0	19	5	194	51	171	45
Accessibility	0	0	0	0	16	4	102	27	266	69
Health and rehabilitation	0	0	0	0	9	2	184	30	191	68
Education and sport	0	0	0	0	17	4	152	40	215	56
Work and employment	0	0	0	0	8	2	117	30	259	67
Social protection	0	0	0	0	13	3	100	26	271	71

In Table 6, the Kendall Tau-b test statistic, with a level of significance ($P < .01$), allows to verify that

inclusive education through non-discrimination, availability, physical accessibility, economic accessibility, adaptability and acceptability act significantly to guarantee fundamental rights of people with disabilities in the city of Trujillo, 2018. In this way, the academic impact of inclusion has been studied in many ways with diverse student populations around the world. Multiple systematic analyzes of the academic research literature indicate that students with disabilities who were educated in general education classes outperformed their peers who were educated in segregated environments, achieving their full participation and full development, starting from human dignity guaranteeing the protection of their fundamental rights (Baker et al., 1995). At present, inclusion is an educational approach, accepted in the field of special needs, based on the fact that every student, regardless of their characteristics, has the right to an education following an essential principle of normalization, based on fundamental rights, together with with students of their age and in the appropriate educational center. All this, framed in a set of processes that imply restructuring the culture, policies and practices of educational centers so that they can attend to the diversity of students (Palacios and Romañach, 2006).

Palacios (2008) indicates that the right to access inclusive schools without discrimination implies that people with disabilities can be part of regular schools on equal terms with other students. There is growing evidence that people with disabilities learn more when they are allowed to attend a public school in their neighborhood. Often, it is also the only realistic opportunity they will have to receive an education (Casanova, 2011). As well as education, also school transport, water facilities, sanitary services, cafeterias and school recreation spaces must be inclusive, accessible and safe (García and Cotrina, 2011). Izuzquiza (2012) refers that education is free and suitable for all, therefore, there must be adequate infrastructure and trained teachers to support the service to education, since it is a right to have inclusive schools in sufficient number. Holmes (2012) refers that disability generates various costs. A true inclusion must also take into account that these costs cannot become barriers. In this sense, it is necessary for educational institutions to plan to carry out curricular and methodological modifications that allow students with disabilities to be on an equal footing with others (Rieser, 2008). Likewise, all facilities, goods and services related to education must be designed and used in a way that fully takes into account the needs, cultures, opinions and languages of people with disabilities and respects them, being that, the way and the education fund must be acceptable to all (Tomasevski, 2005).

Table 6: Analysis of inclusive education and its dimensions (non-discrimination, availability, physical and economic affordability, adaptability and acceptability) to guarantee the fundamental rights of people with disabilities in the city of Trujillo, 2018.

Inclusive education	Fundamental rights of people with disabilities	
	Kendall-r correlation	
	Coefficient	P value
	0,693**	.000
Nondiscrimination	0,741**	.000
Availability	0,726**	.000
Physical affordability	0,718**	.000
Economic affordability	0,773**	.000
Adaptability	0,735**	.000
Acceptability	0,743**	.000
n = 384		

** : Correlation significant at 1%.

In table 7 the Kendall's Tau-b test statistic, with a level of significance ($P < .01$), allows us to verify that inclusive education serves as a mechanism to significantly guarantee fundamental rights such as; civil and political rights, accessibility, health and rehabilitation, education and sports, work and employment and social protection of people with disabilities in the city of Trujillo, 2018. In this sense, given that people with disabilities need appropriate social support to eliminate obstacles in the environment, it is important to focus on capabilities rather than deficiencies, this is how their civil and political rights will be respected (Echeita, 2011). Some of the state tasks envisaged in the Fundamental Charter for people with disabilities, which have historically been marginalized from many spaces, are aimed at advancing policies for social security, rehabilitation and integration, to whom the specialized care they require should be provided. The foregoing are guidelines that clearly propose additional or reinforced protection by the State for this population group. This rights approach plays a fundamental role in guaranteeing the right to inclusive education for people with disabilities (Muñoz, 2015). Giné (2001) points out that it is fair to recognize that the movement in favor of inclusion goes beyond the educational sphere and is also strongly manifested in other sectors such as sports, social participation, etc. In other words, the concern around inclusion clearly points to all spheres that

in some way have to do with people's quality of life. Likewise, it is important to also create awareness in education curriculum for special need children and youth so they do not see themselves as outcast of the society and the society should encourage special education as an occupation and it should be embedded in the constitution of the country (Kusimo and Chiidozie, 2019).

Table 7. Analysis of inclusive education to guarantee civil and political rights, accessibility, health and rehabilitation, education and sports, work and employment and social protection of people with disabilities in the city of Trujillo, 2018.

Fundamental rights	Inclusive education	
	Kendall- <i>r</i> correlation	
	Coefficient	<i>P</i> value
Civil and political rights	0,648**	.000
Accessibility	0,645**	.000
Health and rehabilitation	0,675**	.000
Education and sport	0,609**	.000
Work and employment	0,611**	.000
Social protection	0,611**	.000
n = 384		

** : Correlation significant at 1%.

FINAL CONSIDERATIONS

Inclusive education in general is perceived as very efficient. The dimensions associated with inclusive education (non-discrimination, availability, physical and economic accessibility, adaptability and acceptability) are perceived at a very efficient level. There is perception by specialists in educational law, principals, teachers, parents and students with disabilities in the city of Trujillo that the fundamental rights of people with disabilities are fully guaranteed. Likewise, there is a perception that civil and political rights, accessibility, health and rehabilitation, education and sports, work and employment and social protection are at a very efficient level. It was shown that inclusive education through non-discrimination, availability, physical accessibility, economic accessibility, adaptability and acceptability is a mechanism that guarantees fundamental rights (civil and political rights, accessibility, health and rehabilitation, education and sport, work and employment and social protection) of people with disabilities in the city of Trujillo.

Conflict of Interest:

Authors declare no conflict of interest

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