



THE RIGHT TO INCLUSIVE EDUCATION AS A SUBJECTIVE RIGHT FOR PERSONS WITH DISABILITIES

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Abstract

The article examines the right to inclusive education as a subjective right of persons with disabilities. International and national legal frameworks for ensuring the right to inclusive education are analyzed. Special attention is paid to the role of inclusive education in integrating persons with disabilities into society and ensuring equal access to education. The main principles and mechanisms for implementing the right to inclusive education are considered.

Keywords: inclusive education, human rights, persons with disabilities, right to education, equal access to education, educational integration.

Introduction

The right to education is one of the fundamental human rights. It represents an integral part of the human rights system and society as a whole, contributing to personal and social development, as well as human progress. This right provides access to civilizational achievements, engages people in culturally-formed society, promotes respect for universal values, develops national culture, and facilitates social progress.

The right to education is a subjective right that provides every person with opportunities they can utilize throughout their life. In this context, the right to education is understood as a real opportunity, guaranteed at national and international levels, for individuals to acquire and use knowledge, skills, and competencies that contribute to their cultural development and serve society's interests.

The right to education represents a complex legal construct encompassing various aspects, such as the right to receive education at different levels, the obligation to



obtain basic general education, the right to education in various forms, and the right to choose the language of instruction.

Due to its specificity and important social role, the right to education is often considered in scientific and legal research as a constitutional-legal phenomenon related to state-individual relations. In this work, this right is analyzed as a unique individual subjective right in its historical evolution, empowering individuals to interact with both individual and collective subjects.

The right to education covers a broad spectrum of issues, among which several aspects possess special legal status. One such category includes people with disabilities and children with developmental challenges. The unique features of legal regulation of their position in education are due to the need to create guarantees for implementing their right to education and preventing situations where they might be effectively excluded from the educational system and public life.

Ensuring the state-guaranteed right to quality education and comprehensive development is a fundamental condition for the effective functioning of the educational system and the general welfare of the state. People with disabilities should have equal opportunities for education alongside other citizens. However, this group of young people has special needs and requirements. It is important to implement educational forms that create optimal conditions for learning and development of children with special needs.

As known, inclusive education represents an approach to the educational process based on equal access to learning for all students, including those with disabilities. In other words, inclusive education doesn't require students to adapt to the existing educational environment but rather modifies this environment so that all students, including those facing learning difficulties, can more easily acquire knowledge.[1] This implies that inclusive education is not oriented toward a specific category of students but encompasses everyone, including people with disabilities.

Inclusive education serves as one form of alternative education for persons with disabilities. The word "inclusion" comes from the French term "inclusive," meaning "including." This term refers to organizing an educational system that allows students with special needs and health limitations to study in regular groups or classes alongside their healthy peers in institutions of primary, secondary, and higher professional education. Inclusion represents an approach that considers the



diverse needs of different people, while the educational environment, curricula, and programs are adapted to individual requests of each student.[2]

The issue of ensuring the right to inclusive education is becoming increasingly relevant for people with disabilities, as it opens up numerous opportunities to improve their quality of life and enhance their integration into society. The right to inclusive education is a subjective right guaranteed by international conventions and legislation in many countries worldwide. This right implies that every child with disabilities has the right to receive education under the best conditions and on equal terms with other students without disabilities. In other words, every person with disabilities should have the opportunity to receive comprehensive and adapted education. This right is enshrined in various legislative acts and international human rights treaties, including the UN Convention on the Rights of Persons with Disabilities.

According to the UN Convention on the Rights of Persons with Disabilities, every child with disabilities should have the opportunity to receive general education on par with other children in their local school.[3] Educational institutions bear the responsibility to ensure accessibility of education for children with disabilities in conditions that best meet their individual needs. This includes not only access to specialized and equipped facilities but also the availability of qualified specialists and appropriate educational materials. Moreover, it is important to implement measures aimed at facilitating access to buildings and grounds of educational institutions.

The implementation of provisions laid down in the Convention on the Rights of Persons with Disabilities, as well as the adoption of relevant regulatory documents in this field, will allow Uzbekistan to transition to international standards for protecting the rights of persons with disabilities, create conditions where persons with disabilities fully feel part of our society, and contribute to practical solutions for the pressing problems faced by people with disabilities.[4]

The right to education is part of universal and inalienable rights guaranteed by the Universal Declaration of Human Rights. Specifically, Article 26 of this declaration states that "Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available, and higher education shall be equally accessible to all on the basis of merit." [5]



Furthermore, the Constitution of the Republic of Uzbekistan also guarantees equality of all citizens in all spheres of public life. According to Article 19 of the Constitution of the Republic of Uzbekistan, "All citizens of the Republic of Uzbekistan shall have equal rights and freedoms, and shall be equal before the law, without discrimination by sex, race, nationality, language, religion, social origin, convictions, personal or social status." [6]

According to Article 50 of the Constitution of the Republic of Uzbekistan, every citizen has the right to education. Educational institutions provide inclusive education and upbringing for children with special educational needs, creating conditions for their full participation in the educational process. [6]

Furthermore, Article 38 of the Law of the Republic of Uzbekistan "On the Rights of Persons with Disabilities" states: "Persons with disabilities have the right to education in educational organizations and throughout life for the fullest development of their abilities and participation in the life of society and the state. The state guarantees the development of inclusive education for persons with disabilities, creating necessary conditions for their access to education and professional training, retraining, and skills improvement." [7]

Also, according to Article 20 of the Law of the Republic of Uzbekistan "On Education," inclusive education aims to ensure equal access to educational services for all students, taking into account the diversity of their special educational needs and individual capabilities. [8]

Nevertheless, to date, many people with disabilities face difficulties in receiving full education. In this regard, the right to inclusive education becomes an important tool for protecting the rights of this category of people. Violation of rights to inclusive education can lead to social isolation, lack of self-confidence, decreased self-esteem, and other psychological problems among students with disabilities, which in turn can provoke professional and social discrimination in the future.

The right to inclusive education implies that persons with disabilities should have access to educational programs and services, as well as individualized support capable of helping them in the learning process. This right is a crucial condition for integrating people with disabilities into society, as it provides them with the opportunity to develop their skills and knowledge on par with other members of society, thereby avoiding feelings of isolation from the educational process.



Furthermore, the principle of inclusive education suggests that all students should participate in educational activities on equal terms, regardless of their disability status. This requires teachers and administrators of educational institutions to take an individual approach to each student, adapting the learning process and teaching methods so that students with disabilities can fully participate in educational activities and achieve success alongside their peers.

To implement the right to inclusive education, it is necessary to develop appropriate policies and create the necessary infrastructure that will provide persons with disabilities with equal opportunities for education alongside their peers. In this process, it is crucial to consider the unique needs and requirements of each student with disabilities, creating conditions that will allow them to receive education comparable to that received by other students.

Undoubtedly, inclusive education represents a key element for integrating people with disabilities into society. That is why its importance in the modern world cannot be overestimated. Fostering tolerance, respect, and providing early support to children with disabilities is just a small part of what inclusive education can offer. By implementing the principles of inclusive education in our educational institutions, we can perceive people with disabilities as equal members of society. Thus, the right to inclusive education is a subjective right that guarantees every child with disabilities access to quality education and equal opportunities to receive it. Educational institutions and public organizations should work together with students and their families to create conditions for equal access to education and full integration of students with disabilities into public life.

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