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**The right to Education for children with mental particularities:  
An insight to primary special education  
in France and in Greece.**

Author **Aikaterini Chyta**

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AIKATERI CHYTA

THE RIGHT TO EDUCATION FOR CHILDREN  
WITH MENTAL PARTICULARITIES:  
AN INSIGHT TO PRIMARY SPECIAL EDUCATION  
IN FRANCE AND IN GREECE 2011

*To Vaggelis and to Takis,  
for the wonder I saw in their eyes.*

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## INTRODUCTION

The present thesis is an insight to the ways the right to education for children with mental particularities that are understood as mental disabilities in primary education is implemented in France and Greece.

In this framework, theoretical and field research took place in order to identify the legal and moral obligations of the states and their actual policies in the field of special needs education. For the needs of the present research, visits took place and interviews were conducted in mainstream and Special Schools with teachers, specialised and not specialised and directors, in four French and Greek cities. In particular, we visited medico-educational institutes (IMPs) and integration classes (CLIS) in mainstream primary schools in Paris, Strasbourg, Besançon and Corsica and to Greek Special Schools and Integration Classes (TE) in mainstream schools of the corresponding context of Athens, Thessaloniki, Larissa and Corfu. The findings of the field research are presented mostly in the form of statistic data, under indicators that are in line with the considerations of the European Agency for Development in Special Needs Education. But, as statistic data may sometimes create false impressions and fail to address disability issues<sup>1</sup>, in order to avoid wrong interpretation of the findings, the statistic tables are followed by additional information coming from the interviews and reading instructions.

As progress in the field of educating children with mental particularities and in claiming properly their right to education has been achieved so far through inter-disciplinary cooperative procedures, various sources coming from the relevant disciplines have been used for

<sup>1</sup> European Commission, Employment, Social Affairs and Inclusion, EU Launches Disability Strategy 2010-2020, p. 11, at <http://ec.europa.eu/social/main.jsp?langId=en&catId=89&newsId=933&furtherNews=yes> (consulted on 20 June 2011).

the redaction of the present thesis. As the present thesis is addressed to all the people coming from different disciplines and work together for implementing in the best way the right to education for children with mental particularities, explanations and descriptions are given at every step of this research in order to make sure that everyone understands everything, as it should be in all inclusive procedures.

#### LIMITATIONS

There are many limitations in the present thesis. First of all, it covers totally neither the French, nor the Greek primary special needs education system, but the segregated and integrated structures where the majority of the children with mental particularities are educated. Secondly, it covers only the case of children having special education needs due to the mental particularities understood as mental «disabilities» and not due to other impairments. Thirdly, time and budget limits as well as French and Greek bureaucratic procedures did not allow for more extended and exhaustive research; especially regarding French IMPs, only two out of the four regions provided the present thesis with findings. Bureaucratic reasons and lack of will from the part of the parents, especially in France, prevented this thesis from including the parents' and the children's point of view and to limit it only to teachers', directors' and education officers' interviewing. Finally, the information lost during the translation procedure cannot be excluded from the limitations that the present thesis has faced. The interviews were conducted in the mother tongue of the interviewees and then the material has been translated, edited and presented in the English language.

#### WHY THIS STUDY?

There are 80million citizens in Europe having some kind of «disability»<sup>2</sup>. Education has been highlighted by the international community as a key factor for the elimination of barriers for persons with disabilities in the enjoyment of their rights<sup>3</sup>. Inclusive education is the model that is

<sup>2</sup>European Disability Forum, Annual Report 2010, p. 4, at [http://issuu.com/europeandisabilityforum/docs/edf\\_2010\\_en\\_3](http://issuu.com/europeandisabilityforum/docs/edf_2010_en_3) (consulted on 15 March 2011).

<sup>3</sup>European Commission, Employment, Social Affairs and Inclusion, EU Launches Disability Strategy 2010-2020, at <http://ec.europa.eu/social/main.jsp?langId=en&catId=89&newsId=933&furtherNews=yes> (consulted on 20 June 2011).

proposed as the best for the promotion of a human right culture and for the development of individuals and societies<sup>4</sup>. However, if successful schooling is difficult for children with mobility, visual and auditory particularities mostly due to lack of appropriate infrastructure and qualified personnel provisions, children with mental particularities face multiple barriers in the enjoyment of their right to education, as the nature of the education provided by the current educational systems along with the lack of the appropriate infrastructure and qualified human and material preconditions, is inconsistent with their needs to develop their potential. As a result, children with mental particularities usually face «social stigma, fears, overprotection, discriminative attitudes, misbeliefs, prevailing prejudices<sup>5</sup>» during their schooling that marginalise them and affect negatively the development of their potential and self-esteem.

The discrimination and segregation of children with mental particularities in education not only has negative effects for the society but also deprives the society of the force that has the not explored potential of persons with mental particularities and the positive implications that their real inclusion would have in the educational system and the educational procedure.

The cost of offering low quality education or even excluding a child with the mental particularities understood as mental disabilities from the appropriate education, is a real cost to the development and the welfare of its family and its community and violates the human rights both of the child and his or her family. The reason is simple: children with mental «disabilities» need special quality education in order to develop autonomy and social skills. If not such quality education is offered to them, then they never become neither autonomous, nor social and suffer from crisis coming from their not developed skill to explain situations and reason on their feelings. Consequently, they are always depended on their families. According to the findings of the present thesis, usually the birth of a child with mental particularities results either in a divorce or in the abandonment of both mother and child. In France and in Greece, usually mothers are the ones to undertake alone the responsibilities and the social stigma of having a child

<sup>4</sup>United Nations Educational, Scientific and Cultural Organisation (UNESCO), *Open File on Inclusive Education - Support Materials for Managers and Administrators*, Paris, UNESCO Section for Combating Exclusion through Education, 2001, pp. 15-22, at <http://unesdoc.unesco.org/images/0013/001321/132164e.pdf> (consulted on 1 June 2011).

<sup>5</sup>United Nations, Committee on the Rights of the Child, General Comment No. 9 - The Rights of Children with Disabilities, II.A.8, Index: CRC/C/GC/9, adopted on 27 February 2007, at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G07/407/02/PDF/G0740702.pdf?OpenElement> (consulted on 20 June 2011).

with a mental particularity. They cannot work, as their child is always depended on them and they get socially marginalised. This means that women's role in community is weakened and communities lose women's contribution to their development. Moreover, in cases where children face severe mental impairment, if they do not receive the appropriate care and education on time, they can become unconsciously very violent towards other people and experience severe painful constant crisis that are difficult to be managed and that, finally, consist in human psychological, mental and corporal suffering.

On the other hand, the lost benefits of providing children with mental «disabilities» with quality education in inclusive educational settings are plenty. First of all, for the child with the mental particularities, an inclusive environment has been proven to be beneficiary for developing his or her social and autonomy skills. During the field research, it has been found that the presence of children with mental particularities in the framework of the school has made the rest of the pupils more tolerant and sensitised towards disability issues. Secondly, the education of these children in inclusive settings, gives them the chance to fully discover their potential and develop their special skills from which the whole community could benefit. Thirdly, the schooling procedure is enriched as creating inclusive educational settings means, changing to the better the whole educational system with infrastructure, qualified teachers and material and a network of supportive services. Furthermore, the families are relieved from their anxiety for the future of their child and guidelines and support is provided to them by special services of the school. They don't feel alone anymore and they are not finger-pointed by the other parents. To the contrary, their problems are discussed within the parent's associations and their needs are taken into account in various actions. The list of the benefits is endless and not yet discovered.

This thesis aspires to precise the degree of both effectiveness and inclusiveness of the special needs education system of two countries of the European Union (EU) between which the intercultural dialogue on education issues and the exchange of education practices, techniques and policies is lost in centuries and has been affected by elements of the so-called common European history. However, it is important to underline that the economic reality of these two EU countries is totally different. By the time this thesis is written the world is facing a general financial crisis. France is in a significantly better position if we consider that Greece has almost touched bankruptcy and at the moment is implementing the dispositions of International Monetary Fund's imposed Memorandum.

After precisising their position in their journey towards inclusive education, this thesis aspires, through comparison and analysis of the findings, to provide both states with recommendations or ideas for solutions that come out of the mutual exchange of experience. For, it is obvious that gathering statistical data, without solutions' exchange to actual problems is both a time and energy wasting. An important clarification that needs to be done at this point is that in this thesis it is not examined the compatibility of the solutions proposed by the states with the legal, social and cultural context. The solutions are given as ideas that could be integrated in the policies of the states to make them more efficient. However, the existing coordination of policies between the two states due to their participation in the European Union makes each other's proposed solutions compatible in general.

Finally, the upper ideas that this thesis aspires to serve is that inclusive education is a key element for the protection of world peace, security and human rights, in other words the dominant principles in the Preamble of the United Nations (UN) Charter<sup>6</sup> to which its member states committed themselves. The link, the use and abuse of the two latter principles in the UN policies is known and is constantly being widely discussed. On the other hand, peace is a principle that has been overlooked by most of the states that prefer to invest the majority of their annual budget on arms claiming security rather than on sectors that consist in peace, meaning education, health, culture, employment, etc. The present thesis, contributes in the efforts of the two European states for achieving inclusive education, supporting that human rights and security are better defended by the establishment, among others, of an inclusive educational system that forms tolerant and sensitised citizens, with both intellectual and emotional intelligence skills.

<sup>6</sup>United Nations, United Nations Charter, at <http://www.un.org/en/documents/charter/preamble.shtml> (consulted on 20 June 2011).

## CHAPTER 1

### DEFINITIONS

At first place, it is important to define and understand what it is about the education for children with the mental particularities understood as disabilities. Notions such as special need and disability vary from country to country, even in the EU level<sup>7</sup>. For this reason, medical, educational and sociological reports, reviews and articles and official definitions agreed and adopted on international level from the UN bodies have been used so that to have a better understanding not only of the notions as such but also of the relations among the notions. As this research is addressed to human rights students, the promotion of understanding among disciplines is found to be necessary so that no point is left in shadow that could contribute to the fulfilment of the right to education for all. This chapter is meant not only to define the terms used along the present thesis but also to present how the evolution of the concepts and the consciousness of this evolution have finally led to a better understanding of the reasons that have led children with mental particularities not to be given so far equal opportunities in education.

As *mental particularities* we define the characteristics that some people have due to:

– *Genetic conditions*

Sometimes an intellectual disability is caused by abnormal genes inherited from parents, errors when genes combine, or other reasons. Examples of genetic conditions are Down syndrome, fragile X syndrome, and Phenylketonuria (PKU).

– *Problems during pregnancy*

An intellectual disability can result when the baby does not develop inside the mother properly. For example, there may be a problem with

<sup>7</sup>Kyriazopoulou & Weber (eds.), 2009, p. 13.

the way the baby's cells divide as it grows. A woman who drinks alcohol or gets an infection like rubella during pregnancy may also have a baby with a mental impairment.

– *Problems at birth*

If a baby has problems during labour and birth, such as not getting enough oxygen, he or she may have a mental impairment.

– *Health problems and environment*

Diseases like whooping cough, the measles, or meningitis can cause intellectual disabilities. They can also be caused by extreme malnutrition, not getting enough medical care, or by being exposed to poisons like lead or mercury.

These situations can lead to impairment of the nervous system of the child that can take different form such as Down syndrome, fragile X syndrome, autism, Rett syndrome, Williams's syndrome, Phenylketonuria (PKU) and Hypothyroidism. Their symptoms are mental, sensory, corporal and development particularities<sup>8</sup>.

Mental particularities are attached to the intelligence, to the memory and to the reason centres of the brain. The term used for these particularities is mental retardation and the indicator for such a particularity is the IQ (Intelligence quotient). Mental retardation of different levels includes people who have an IQ lower than 70<sup>9</sup>.

Such a mental particularity is not a disease. It's also not a type of mental illness, like depression. There is no cure for such mental particularities. However, most children with an intellectual particularity due to these reasons can learn to do many things, especially if their particularity is diagnosed and treated with the appropriate way at an early stage. It just takes them more time and effort than other children<sup>10</sup>. Training procedures cannot eliminate the degree of their *particularity* but the degree of their *disability* which is identified as *mental or intellectual disability*.

Someone may wonder why in this thesis it is used the word «particularity,» instead of the word «impairment.» This decision is based on the consideration that any kind of impairment a person has either for short of for long term, it becomes a part of his or her indi-

<sup>8</sup>National Institute of Child Health & Human Development, Eunice Kennedy Shriver, at [http://www.nichd.nih.gov/health/topics/developmental\\_disabilities.cfm](http://www.nichd.nih.gov/health/topics/developmental_disabilities.cfm) (consulted on 8 June 2011).

<sup>9</sup>World Health Organisation, 1988, pp. 48-49.

<sup>10</sup>National Institute of Child Health & Human Development, Eunice Kennedy Shriver, at [http://www.nichd.nih.gov/health/topics/developmental\\_disabilities.cfm](http://www.nichd.nih.gov/health/topics/developmental_disabilities.cfm) (consulted on 8 June 2011).

vidual identity and therefore it is a human characteristic, such as the colour of the skin.

*Disability* is any restriction or lack of ability, resulting from a human particularity, to perform an activity in the manner or within the range considered normal for a human being<sup>11</sup>. As *intellectual or mental disabilities* we define the restriction or lack of ability to perform an activity in the manner or within the range considered normal for the majority of the persons, due to a *mental particularity* (e.g. which is a symptom of an impairment, such as Down syndrome, that qualifies the person with a IQ lower than 70). So, disability due to mental characteristics, thus *mental* or *intellectual* or *cognitive* disability can be the limited skills of communication, socialisation and personal autonomy.

At this point, it is important to clarify that there are children with mental «disabilities» which are caused not because of impairment of their corporal health but as a result of an impairment of their psychical health. For instance, children that have experienced great stress because of living conditions in a violent environment or an environment that was not prosperous for the development of their mental skills, in other words their IQ. This means that even though the mental symptoms or mental particularities of a child due to physical impairment can be translated into low IQ, a low IQ does not necessarily mean a physical impairment in the brain of the child. So, the treatment provided should be different<sup>12</sup>.

However, these limitations will cause a child to learn and develop more slowly than a typical child. It may take longer to learn to speak, walk, and take care of their personal needs such as dressing or eating. They are likely to present a *handicap* in many aspects of their life, including their learning in school. They will learn, but it will take them longer. There may be some things they cannot learn<sup>13</sup>.

As handicap it is defined the «disadvantage for a given individual,

<sup>11</sup>United Nations, World Programme of Action Concerning Disabled Persons, C6, Index: A/RES/37/52, adopted on 3 December 1982, at <http://unstats.un.org/unsd/demographic/sconcerns/disability/A-RES-37-52.htm> (consulted on 14 June 2011).

<sup>12</sup>The Czech Republic has been condemned in the European Court of Human Rights for not having made this distinction in the schooling of Roma children, which were found to have a low IQ due to the conditions of their living, treating them equally as the children with low IQ due to physical impairments. European Court of Human Rights, *D.H. and Others v. The Czech Republic*, Grand Chamber Decision on 17 November 2007, at <http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=825443&portal=hbkm&source=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649> (consulted on 9 June 2011).

<sup>13</sup>National Institute of Child Health & Human Development, Eunice Kennedy Shriver, at [http://www.nichd.nih.gov/health/topics/developmental\\_disabilities.cfm](http://www.nichd.nih.gov/health/topics/developmental_disabilities.cfm) (consulted on 8 June 2011).



resulting from an impairment or disability that limits or prevents the fulfilment of a role that is normal, depending on age, sex, social and cultural factors, for that individual<sup>14</sup>.» This definition recognised by the international community provides that the *handicap* is produced by the relationship between the *mentally particular* child and its environment due to his or her *disability*<sup>15</sup>. Thus, handicap is the loss or limitation of opportunities to take part in the life of the community on an equal level with other, meaning finally that their human rights are not fulfilled, if they are at least protected or respected. But, for these persons, the longer it takes for their rights to be fulfilled, the more they are violated. The principle of early prevention is essential in their case as no effective remedy exists after some point of impairment caused by the feeling and the treatment as a handicap. Prevention means a set of measures taken in order to prevent the onset of mental, physical and sensory impairments or at the preventing impairment, when it has occurred, from having negative physical, psychological and social consequences<sup>16</sup>.

So, if nature has limited the potential of these children, the society can limit to zero their potential by not giving them the opportunity to develop it and to turn their particularity into advantage. This is a violation not only of human rights but of all the elements that make life worth living, dignity at first place.

On the other hand, if the societies understand how much they lose by marginalising these persons, they will provide them at the early stages of their life with the conditions that will let them fulfil their potential and be included in the society. One of these conditions is an educational system that will promote inclusion. A system of *inclusive education* or *inclusive learning* refers to the inclusion and teaching of all children in formal or non-formal learning environments without regard to gender, physical, intellectual, social, emotional, linguistic, cultural, religious, or other characteristics with a goal to help them develop their potential<sup>17</sup>.

The term *inclusion* differs from the term *integration* and is completely opposite to the term *segregation* regarding education. The distinction between inclusion and segregation in education is obvious as the former concept has room for all the children under a common educational roof while the latter provides for different educational settings

<sup>14</sup> United Nations, World Programme of Action Concerning Disabled Persons, C6, Index: A/RES/37/52, adopted on 3 December 1982, at <http://unstats.un.org/unsd/demographic/sconcerns/disability/A-RES-37-52.htm> (consulted on 14 June 2011).

<sup>15</sup> *Ibidem*.

<sup>16</sup> *Ibidem*.

<sup>17</sup> United Nations Educational, Scientific and Cultural Organisation, 2004, pp. 10-12.

and environment for each child due to his or her *special educational needs (SEN)*. In European level there is not a common definition for what are special educational needs. In France there is no established term which refers to the population of children for which specific measures adopted on the basis of special educational needs due to a child's particularity. The terms used (disabled children, non-adapted children, etc.) are all very specific, based on the existence of a diagnosed impairment, linked to certain connotations and marked by a historical situation<sup>18</sup>. In Greece, special educational needs present children with:

- difficulties in learning due to sensory, intellectual, cognitive, developmental, mental and neuro-psychiatric disorders which are localised after a scientific and pedagogical evaluation. These difficulties influence the process of learning and school adjustment. Pupils with special educational needs are considered those pupils who have disabilities in motion, vision, hearing, who suffer from chronic diseases, disorders in speech, attention deficit, and all pervasive developmental disorders;
- special needs are also considered behaviours due to complex factors, i.e. cognitive, emotional, mental and social disadvantages deriving from the family and social environment;
- special educational needs are also the educational needs of «pupils who have one or more mental abilities developed to a degree that exceed a lot the expected abilities of their age range.»

Difficulties in learning that derive from the social and economic background of the learner as well as low achievers are not considered as pupils with special needs<sup>19</sup>.

So, in Greece and in France, the children that have been diagnosed with mental particularities, as described above, are recognised as having a special need so they are entitled to receive a special needs education. When this education takes place in isolation from the mainstream education settings then it is a segregated educational system. When this education is implanted in the framework of the mainstream education then there is what is called integration in the mainstream education. Inclusive education goes beyond mainstream education. When special

<sup>18</sup> European Agency for Development in Special Needs Education, *Special Needs Education Country Data 2010*, Odense (Denmark), European Agency for Development in Special Needs Education, 2010, p. 23, at <http://www.european-agency.org/publications/ereports/special-needs-education-country-data-2010/SNE-Country-Data-2010.pdf> (consulted on 9 June 2011).

<sup>19</sup> *Ibidem*.

needs education and mainstream education are considered as one this concept of education is found to be the one that means real education for all, that promotes social cohesion, development towards many directions and a human rights culture and that is a key to equalising the opportunities for persons with disabilities and various particularities, for every child and every person is particular and unique.

In order to avoid any misunderstandings, there are given below some definitions of terms used in the present thesis which are considered to be evident but sometimes they are not. Consequently, as *mainstream education* it is defined the curricula and the activities that take place in settings and with methods designed for children without special educational needs. These children are considered to be *ordinary children*, a term opposed to *children with special needs*. As children, they are defined all persons that are below the age of 18 years old in France and in Greece. As *special needs education* is defined the curricula and the activities that take place in settings and with methods developed for pupils with special educational needs and usually it is personalised. *Pupil* or *student* is anyone who is participating in formal or non-formal learning. The terms are used interchangeably<sup>20</sup>. As *teacher*, it is defined any individual who systematically guides a child's education within a specific formal or non-formal learning environment<sup>21</sup>. As *specialised teacher*, it is defined any individual who systematically guides a child's learning within a specific formal or non-formal learning environment and has specialised knowledge on how to treat the special educational needs of his or her pupils. As *school*, it is defined the institution which is under the national authority of the state and is responsible for the education of all of its pupils. However, there are more agents that provide people with education. These may be the church, cultural associations, sports association, the *community* where the child lives and, first of all, the *family* of the child. With the term *family*, it is defined the main social unit within which a child is raised, while *community* refers to the wider social group to which the child and family belong.

Having understood all those notions and how they interact with each other, it will be easier to understand how the right to education for children with mental particularities is implemented in France and in Greece, what is missing, what is challenging, what is problematic and

<sup>20</sup> United Nations Educational, Scientific and Cultural Organisation, 2004, pp. 10-12.

<sup>21</sup> *Ibidem*.

what is effective. The insight will be given starting with the legally binding dispositions to which France and Greece are contracting parties in international and regional level and the legal framework they have designed in order to protect, respect and fulfil the right to education for these children.

## CHAPTER 2

### LEGAL FRAMEWORK

In this chapter, there are presented the legal texts that create legal and moral obligations for the French and the Greek state to respect, protect and above all fulfil the right to education for the children with particularities understood as mental disabilities as well as the particular current domestic legal framework they have configured for primary education. Starting with the morally and legally binding texts in the international level, advancing with the more specific and sociologically adjusted binding conventions in the regional level for the two European countries, this chapter finally concludes by presenting their current relevant domestic law for special primary education.

#### 2.A. INTERNATIONAL AND REGIONAL LEGAL FRAMEWORK

Both France and Greece are contracting parties in a large number of treaties and conventions in international and regional level where we find dispositions that guarantee: a) the right to education for all without discrimination, b) the rights of the child, and c) the rights of persons with disabilities. If we add the obligations that are created by these treaties and conventions, the states are finally bound to respect, protect and fulfil the right to education for children with mental «disabilities» as a human right. The declarations that have been adopted by some organs of the United Nations, even if they do not create any legally binding obligations directly they create moral obligations, enhance the understanding of disability and highlight the way of how to deal with this issue, providing guidelines, at least at the level of policy planning for the states. These dispositions have also drawn so far the picture of how this education should be implemented. As human rights are indivisible, then a system of inclusive education is needed in order to promote their fulfilment.

### 2.a.i. *The United Nations (UN)*

The General Assembly of the United Nations has adopted the following declarations, treaties and conventions where the right to education for children with mental particularities is directly or indirectly alleged and guaranteed. Children as human beings are stakeholders of the human rights guaranteed by the international treaties and conventions. Persons with the particularities understood as mental disabilities, as human beings are also entitled to these rights. Thus, children with the particularities understood as mental disabilities are entitled to these rights. In the following international legal texts, it can be observed the direct or indirect guarantee of the right to education for these particular children, legally and/or morally the states.

#### *Universal Declaration of Human Rights (UDHR)*

On 10 December 1948, the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights and called upon all member countries to publicise the text of the Declaration and «to cause it to be disseminated, displayed, read and expounded principally in schools and other educational institutions, without distinction based on the political status of countries or territories<sup>22</sup>.» This significant text, even though it has not the status of a treaty and is not legally binding for the members states of the UN, it has ended up to be part of the international customary law, for its principles are universal<sup>23</sup>.

The Article 25 (b) of the UDHR, concerning the right to an adequate standard of living makes special reference to childhood and motherhood that «are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection<sup>24</sup>.» This social protection, as defined by the first paragraph of the same article includes «food, clothing, housing and medical care and necessary social services<sup>25</sup>» and «the right to security in the event of [...] disability<sup>26</sup>.» Education is considered to be a necessary social service.

<sup>22</sup> United Nations, Universal Declaration of Human Rights, UN Index: A/RES/217 (III) A, adopted on 10 December 1948, at <http://www.un.org/en/documents/udhr/index.shtml> (consulted on 15 May 2011).

<sup>23</sup> United Nations Audiovisual Library of International Law, Universal Declaration of Human Rights, at <http://untreaty.un.org/cod/avl/ha/udhr/udhr.html> (consulted on 15 May 2011).

<sup>24</sup> United Nations, Universal Declaration of Human Rights, Article 25 (b), UN Index: A/RES/217 (III) A, adopted on 10 December 1948, at <http://www.un.org/en/documents/udhr/index.shtml> (consulted on 15 May 2011).

<sup>25</sup> *Ibidem*, Article 25 (a).

<sup>26</sup> *Ibidem*.

So, it is explicitly guaranteed by the Article 26(1) of the UDHR 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<sup>27</sup>.» The quality of the education guaranteed is described in the second paragraph of the Article 26 where it is defined that «education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace<sup>28</sup>.» Moreover, the significant role of the parents for the final configuration of the education their children are going to get is underlined in the third paragraph of the article guaranteeing that the «parents have a prior right to choose the kind of education that shall be given to their children<sup>29</sup>.» This statement was the first universal form of recognition that education is a good and a right that all human beings should be entitled to.

*International Covenant on Civil and Political Rights (ICCPR)*

Adopted and opened for signature, ratification and accession by the General Assembly Resolution 2200A (XXI) on 16 December 1966, the International Covenant on Civil and Political Rights entered into force on 23 March 1976<sup>30</sup>. All of the rights guaranteed by the ICCPR concern every human being and consequently disabled persons of all ages. Relative to the right to education for children with the particularities understood as mental disabilities are the dispositions in the covenant concerning the right to freedom of thought, conscience and religion in Article 18(1) where it is guaranteed that «everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching<sup>31</sup>» and in the fourth paragraph that «the States

<sup>27</sup> *Ibidem*, Article 26(1).

<sup>28</sup> *Ibidem*, Article 26(2).

<sup>29</sup> *Ibidem*, Article 26(3).

<sup>30</sup> United Nations, International Covenant on Civil and Political Rights, Index: A/RES/2200 (XXI) A, adopted on 16 December 1966, at <http://www2.ohchr.org/english/law/ccpr.htm> (consulted on 15 May 2011).

<sup>31</sup> *Ibidem*, Article 18(1).

Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions<sup>32</sup>.» As parents are considered to have once more the main responsibility for their child's education, it is guaranteed the right to protection for the child in cases of dissolution of the family meaning the protection of the child's rights, among them the right to education. The Article 23(4) for the protection of the family explicitly says that «In the case of dissolution, provision shall be made for the necessary protection of any children<sup>33</sup>» and the Article 24(1) completes that «every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the state<sup>34</sup>.» Obviously, there is an obligation for the states to assure that among others, the right to education of every child, even though the way of implementing it depends on the parents, will be protected from a possible dissolution of the family with no discrimination. Children with mental particularities and people working with them only know how important it is this kind of protection to them as usually their coming in life results in the dissolution or the malfunctioning of the family<sup>35</sup>.

*International Covenant on Economic, Social and Cultural Rights (ICESCR)*

The International Covenant on Economic, Social and Cultural Rights was adopted and opened for signature, ratification and accession by the same General Assembly Resolution as the ICCPR, entered into force on 3 January 1976. Out of the three documents that consist in the International Bill of Human Rights, meaning the UDHR, the ICCPR and the ICESCR, the last one guarantees more explicitly the right to education for children with mental particularities. Firstly, the Article 10 which recognises the educational role of the family and protects it guarantees in its first paragraph that «the widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the

<sup>32</sup> *Ibidem*, Article 18(4).

<sup>33</sup> *Ibidem*, Article 23(4).

<sup>34</sup> *Ibidem*, Article 24(1).

<sup>35</sup> Interview with A.G., Special School Director, Area C, Greece, 3 May 2011.



intending spouses<sup>36</sup>» and in its third paragraph specifies that «Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions<sup>37</sup>.» Secondly, the right to education and its values and quality is explicitly described and guaranteed in the Article 13(1) as follows: «The States Parties to the present Covenant recognise the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace<sup>38</sup>.» But it doesn't stop there; the Article 13(2) describes how the educational systems of the contracting members should be articulated and function. Specifically, «The States Parties to the present Covenant recognise that, with a view to achieving the full realisation of this right: (a) Primary education shall be compulsory and available free to all; (b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education; (c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education; (d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education; (e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved<sup>39</sup>.» Moreover, it gives a guideline for the regulation of the relationship between the parents and the relevant public authorities by providing in its third paragraph that «the States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their chil-

<sup>36</sup> United Nations, International Covenant on Economic, Social and Cultural Rights, Article 10(1), Index: A/RES/2200 (XXI) A, adopted on 16 December 1966, at <http://www2.ohchr.org/english/law/cescr.htm> (consulted on 15 May 2011).

<sup>37</sup> *Ibidem*, Article 10(3).

<sup>38</sup> *Ibidem*, Article 13(1).

<sup>39</sup> *Ibidem*, Article 13(2).

dren schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the state and to ensure the religious and moral education of their children in conformity with their own convictions<sup>40</sup>.» Also, it creates the obligation for the contracting parties to ensure that minimum educational standards are met even by non public educational agents by stating in the fourth paragraph of Article 13 that even though «no part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions» they should be «subject always to the observance of the principles set forth in paragraph I of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the state<sup>41</sup>.» Even though not explicitly said, children with mental particularities, as a sub-group of the human and the children's community are also entitled to enjoy the respect, the protection and the fulfilment of these rights.

#### *Declaration on the Rights of Mentally Retarded Persons*

Proclaimed by General Assembly Resolution 2856 (XXVI) of 20 December 1971<sup>42</sup>, the Declaration on the Rights of Mentally Retarded Persons is the first text adopted by the United Nations recognising explicitly the right to education, as a human right, for a category of mentally particular persons, the ones with mental retardation. The first paragraph of the Declaration recognises that even though there is a different degree of feasibility for the enjoyment of their rights, mentally retarded persons are entitled, «the same rights as other human beings<sup>43</sup>.» The second paragraph guarantees a set of rights which are directly attached to the first needs of mentally retarded persons so as to proceed to the full enjoyment of their rights. The right education is among them: «The mentally retarded person has a right to proper medical care and physical therapy and to such education, training, rehabilitation and guidance as will enable him to develop his ability and maximum potential<sup>44</sup>.» However, this Declaration although it provides mentally retarded people with a set of rights that actually represent their particular needs, indispensable for the enjoyment of their rights,

<sup>40</sup> *Ibidem*, Article 13(3).

<sup>41</sup> *Ibidem*, Article 13(4).

<sup>42</sup> United Nations, Declaration on the Rights of Mentally Retarded Persons, Index: A/RES/2856 (XXVI), adopted on 20 December 1971, at <http://www2.ohchr.org/english/law/res2856.htm> (consulted on 15 May 2011).

<sup>43</sup> *Ibidem*, para. 1.

<sup>44</sup> *Ibidem*, para. 2.

in its seventh paragraph it sets some limits to these special rights when «the severity of their handicap, to exercise all their rights in a meaningful way or it should become necessary to restrict or deny some or all of these rights, the procedure used for that restriction or denial of rights must contain proper legal safeguards against every form of abuse. This procedure must be based on an evaluation of the social capability of the mentally retarded person by qualified experts and must be subject to periodic review and to the right of appeal to higher authorities<sup>45</sup>.» This last paragraph of the Declaration is a proof that at that time, the importance to guarantee the rights of mentally «disabled» persons was not completely understood, neither the fact of how much interlinked these rights are with the fulfilment of the rights of the other members, not only of these people's families but also for the whole society.

*Declaration on the Rights of Disabled Persons*

Four years after the Declaration of Mentally Retarded Persons, the need for clarification regarding the condition and the rights of the people with disabilities led the General Assembly to proclaim by Resolution 3447 (XXX) on 9 December 1975 the Declaration on the Rights of Disabled Persons<sup>46</sup>. This limited understanding of the importance of the rights of the disabled persons and the underdevelopment of many countries, led the General Assembly to accept the fact that limited efforts could be made at that moment to guarantee the rights to mentally «disabled» people. However, in order to enhance this understanding, the Declaration starts by giving a definition to disability, defining in its very first paragraph the «disabled person» as «any person unable to ensure by himself or herself, wholly or partly, the necessities of a normal individual and/or social life, as a result of deficiency, either congenital or not, in his or her physical or mental capabilities<sup>47</sup>.» The Declaration guarantees the right to education among others in its sixth paragraph, together with a set of special «medical, psychological and functional treatment, including prosthetic and orthetic appliances, to medical and social rehabilitation, education, vocational training and rehabilitation, aid, counselling, placement services and other services which will enable them to develop their capabilities and skills to the maximum and will hasten the processes of their social integration or

<sup>45</sup> *Ibidem*, para. 7.

<sup>46</sup> United Nations, Declaration on the Rights of Disabled Persons, Index: A/RES/3447 (XXX), adopted on 9 December 1975, at <http://www2.ohchr.org/english/law/res3447.htm> (consulted on 15 May 2011).

<sup>47</sup> *Ibidem*, para. 1.

reintegration<sup>48</sup>.» We can observe however that still the reasoning of the Declaration and the understanding of the international community is based on the concept of integration and not that of inclusion of disabled persons in the enjoyment of rights. The same attitude concerning the restriction of these rights that existed in the seventh paragraph of the Declaration on the Rights of Mentally Retarded Persons is adopted here as well. Finally, even though the aim of this Declaration is to clarify that the special needs that people with disabilities have, do not deprive them neither from their human dignity, nor from the enjoyment of human rights with no discrimination, the final effect seems restrictive and instead of introducing a set of rights that would assist the enjoyment of human rights as recognised for all human beings in the International Bill of Human Rights, they introduce a particular list of rights, as if disabled people are entitled only to this list of rights. On the other hand, we have to admit that considering the evolution in the field of special needs and special education, this Declaration was quite innovative and set new standards in the understanding of disability.

*World Programme of Action Concerning Disabled Persons (WPA)*

The World Programme of Action Concerning Disabled Persons was adopted by the General Assembly of the United Nations on 3 December 1982. It was the outcome of the International Year of Disabled Persons. The WPA has been the first text at the UN level to clarify different concepts of disability, to give an overview of the world situation and to promote disability prevention, rehabilitation and equalisation of opportunities, which pertains to full participation of persons with disabilities in social life and national development from a human rights perspective. As «Equalisation of opportunities» is a central theme in the WPA, there derives an important principle that issues concerning persons with disabilities should not be treated in isolation, but within the context of normal community services. Education is recognised as a milestone in the efforts for equalising opportunities for children with among other mental particularities. The WPA recognises that children who are disabled «have the same right to education as nondisabled persons and they require active intervention and specialised services<sup>49</sup>.» But «most disabled children in developing countries receive neither

<sup>48</sup> United Nations, Declaration on the Rights of Disabled Persons, Index: A/RES/3447 (XXX), adopted on 9 December 1975, para. 6, at <http://www2.ohchr.org/english/law/res3447.htm> (consulted on 15 May 2011).

<sup>49</sup> United Nations, World Programme of Action Concerning Disabled Persons, para. 64, Index: A/RES/37/52, adopted on 3 December 1982, at <http://unstats.un.org/unsd/demographic/sconcerns/disability/A-RES-37-52.htm> (consulted on 14 June 2011).

specialised services nor compulsory education.» The WPA identifies the situation of the time where «significant advances in teaching techniques and important innovative developments have taken place in the field of special education and much more can be achieved in the education of disabled persons. But the progress is mostly limited to a few countries or only a few urban centres<sup>50</sup>.» Finally, the WPA recognises the key role of education in the achievement of providing persons with disabilities with all the set of rights guaranteed in the UDHR.

*Convention on the Rights of the Child (CRC)*

The previous declarations had promoted so far the recognition of special needs, even though the concept was not clear and the states were by no means legally bound by their dispositions. The first time that the right to education for children with the particularities understood as mental disabilities was guaranteed by legally binding dispositions, it was in the Convention on the Rights of the Child that was adopted and opened for signature, ratification and accession by General Assembly Resolution 44/25 on 20 November 1989 and entered into force on 2 September 1990<sup>51</sup>. France ratified the CRC immediately after it entered into force, on 7 August 1990 and Greece three years later, on 11 May 1993. The Article 23 of the convention at first place recognises 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<sup>52</sup>.» For the first time, after two restrictive declarations concerning the group of mentally «disabled» people, the contracting parties of the CRC in the second paragraph of Article 23 recognise «the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child<sup>53</sup>.» As we can observe, a significant progress has been made in the conception of disability and now states are willing to commit themselves and the appropriate budget to the fulfilment of the human rights of the mentally disabled persons, starting from the childhood. The third

<sup>50</sup> *Ibidem*, para. 67.

<sup>51</sup> United Nations, Convention on the Rights of the Child, Index: A/RES/44/25, adopted on 20 November 1989, at <http://www2.ohchr.org/english/law/crc.htm> (consulted on 15 May 2011).

<sup>52</sup> *Ibidem*, Article 23(1).

<sup>53</sup> *Ibidem*, Article 23(2).

paragraph of Article 23 explicitly indicates where a part of this budget should be allocated as assistance to the mentally particular children «shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development<sup>54</sup>.» Finally, as the concept and the ways to treat disability were still to be discovered and still a lot of room for research existed at the moment, the fourth paragraph of the article underlines the need to «promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas<sup>55</sup>.» Also, as underdevelopment should not be a reason not to strive for the educational rights of mentally «disabled» children «in this regard, particular account shall be taken of the needs of developing countries<sup>56</sup>.»

The Article 28 of the CRC provides in its dispositions, direct guidelines on how the educational system, in which mentally particular children have a right to join, should be. More specifically, the first disposition recognising the right of the child to education with a view to achieving this right progressively and on the basis of equal opportunity<sup>57</sup>, binds the contracting members to «(a) make primary education compulsory and available free to all; (b) encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need; (c) make higher education accessible to all on the basis of capacity by every appropriate means; (d) make educational and vocational information and guidance available and accessible to all children; (e) take measures to encourage

<sup>54</sup> *Ibidem*, Article 23(3).

<sup>55</sup> *Ibidem*, Article 23(4).

<sup>56</sup> *Ibidem*.

<sup>57</sup> *Ibidem*, Article 28(1).

regular attendance at schools and the reduction of drop-out rates<sup>58</sup>.» The way of implementing the right of the children to education, should be «administered in a manner consistent with the child's human dignity and in conformity with the present Convention<sup>59</sup>.» International cooperation, with a stress on the needs of the developing countries is promoted and encouraged «in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods<sup>60</sup>.»

The quality of education that children with mental particularities or not are entitled to, it is described by a synthesis of dispositions of the CRC. First of all, the Article 29 qualifies that the education provided by the state should be directed to «(a) the development of the child's personality, talents and mental and physical abilities to their fullest potential; (b) the development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations; (c) the development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilisations different from his or her own; (d) the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin; (e) the development of respect for the natural environment<sup>61</sup>.» Moreover, according to the Article 19, education, among others, should be functioning as a measure «to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child<sup>62</sup>.» The quality of education guaranteed by the CRC also means that children, as well as their families, receive «education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breast-feeding, hygiene and environmental sanitation and the prevention of accidents<sup>63</sup>» and that they learn how to protect themselves «from the

<sup>58</sup> *Ibidem*.

<sup>59</sup> *Ibidem*, Article 28(2).

<sup>60</sup> *Ibidem*, Article 28(3).

<sup>61</sup> *Ibidem*, Article 29(1).

<sup>62</sup> *Ibidem*, Article 19.

<sup>63</sup> *Ibidem*, Article 24(2).

illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances<sup>64</sup>.» Concluding, human rights orientation, personal development, health protection, environmental respect and respect for cultural diversity are the main elements for the education that the CRC is guaranteeing for the children. The General Comment No. 9 on the Rights of the Children with Disabilities under the CRC makes states responsibilities more concrete regarding among others the right to education and gives explicit guidelines on six axons: quality education, self-esteem and self-reliance, education in school systems, inclusive education, career education and vocational training, recreation and cultural activities and sports<sup>65</sup>.

*World Declaration on Education for All and Framework of Action to Meet Basic Learning Needs*<sup>66</sup>

The Declaration adopted by the World Conference on Education for All in 1990 in Jomtien, Thailand, as well as its framework of action, enhanced the international understanding on the value of education and provided governments, international organisations, educators and development professionals with useful guidelines. The Declaration recognises the role of education in building peaceful and progressive societies and for the respect of human dignity and human rights<sup>67</sup>. The third article of the Declaration regarding the universalisation of access and the promotion of equity makes explicit reference to the special learning needs of the disabled persons that should be faced «as an integral part of the education system<sup>68</sup>.» The World Declaration on Education for All, even though it is not a legally binding text, it is clarifying many aspects regarding the implementation of the right to education. Thus, through deeper understanding and know-how sharing the states are made morally more responsible towards their obligations to educate their people in an integral way.

<sup>64</sup> *Ibidem*, Article 33.

<sup>65</sup> United Nations, Committee on the Rights of the Child, General Comment No. 9 - The Rights of Children with Disabilities, VIII, Index: CRC/C/GC/9, adopted on 27 February 2007, at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G07/407/02/PDF/G0740702.pdf?OpenElement> (consulted on 20 June 2011).

<sup>66</sup> World Conference on Education for All - Meeting Basic Learning Needs, World Declaration on Education for All and Framework of Action, adopted on 5-9 March 1990, at [http://www.unesco.org/education/pdf/JOMTIE\\_E.PDF](http://www.unesco.org/education/pdf/JOMTIE_E.PDF) (consulted on 25 May 2011).

<sup>67</sup> *Ibidem*, Article 1.

<sup>68</sup> *Ibidem*, Article 3(5).



*Standard Rules on the Equalisation of Opportunities for Persons with Disabilities*<sup>69</sup>

In 1993, as a result of the International Year of Disabled Persons in 1981 and the United Nations Decade of Disabled Persons from 1983 to 1992, member states of the United Nations agreed on the Standard Rules on the Equalisation of Opportunities for Persons with Disabilities to focus worldwide attention on the need for equal rights and opportunities for persons with disabilities. The sixth rule regarding education recognises «the principle of equal primary, secondary and tertiary educational opportunities for children, youth and adults with disabilities, in integrated settings<sup>70</sup>» and provides detailed guidelines on how to integrate the special learning needs of children with disabilities in the mainstream education. The Standard Rules maintained the concept of integration in their wording along with the World Declaration on Education for All. However, this concept has been lately proven insufficient to address an effective approach of special needs education.

*The Salamanca Statement and Framework of Action on Special Needs*<sup>71</sup>

More clarifications were needed regarding the education of children with special needs. For this reason, between 7 and 10 June 1994, ninety-two governments and twenty-five international organisations assembled in Salamanca, Spain in a World Conference on Special Needs Education and adopted The Salamanca Statement and a Framework of Action on Special Needs Education. The Salamanca Statement introduces and clarifies the meaning of the principle of inclusive education<sup>72</sup> by urging the enrolment of all children in regular schools which should accommodate them within a child-centred pedagogy<sup>73</sup>. This inclusive approach is based on the recognition of the fact that «every child has unique characteristics, interests, abilities and learning needs<sup>74</sup>» and for this reason the educational systems and programs implemented should «take into account the wide diversity of these characteristics and needs<sup>75</sup>.» The Salamanca Statement calls governments as well as the

<sup>69</sup> United Nations, Standard Rules on the Equalisation of Opportunities for Persons with Disabilities, Index: A/RES/48/96, adopted on 20 December 1993, at <http://www.un.org/esa/socdev/enable/dissre00.htm> (consulted on 15 May 2011).

<sup>70</sup> *Ibidem*, Rule 6.

<sup>71</sup> World Conference on Special Needs Education: Access and Quality, The Salamanca Statement and Framework of Action on Special Needs Education, adopted on 7-10 June 1994, at [http://www.unesco.org/education/pdf/SALAMA\\_E.PDF](http://www.unesco.org/education/pdf/SALAMA_E.PDF) (consulted on 25 May 2011).

<sup>72</sup> *Ibidem*, Article 3(2).

<sup>73</sup> *Ibidem*, Article 2(4).

<sup>74</sup> *Ibidem*, Article 2(2).

<sup>75</sup> *Ibidem*, Article 2(3).

international community and UNESCO for mobilising funds, programs, campaigns and other kinds of efforts in order to give priority for the establishment of inclusive educational systems<sup>76</sup>. The attached framework of action provides governments and the concerned agents with effective guidelines regarding the philosophy and the implementation of an inclusive education system and programs in national and international level. This contribution of the World Conference on Special Needs Education provided the states not only with new perceptions of education but also with tools on how to implement inclusive education, making them more responsible towards their commitment towards the right to education for all.

### *The Millennium Declaration*

At the dawn of the new millennium, the heads on the member states of the United Nations gathered at the headquarters of the organisation in New York in order to reaffirm «faith in the Organisation and its Charter as indispensable foundations of a more peaceful, prosperous and just world<sup>77</sup>.» Among their commitments, the member states of the UN undertook to ensure that by 2015 «children everywhere, boys and girls alike, will be able to complete a full course of primary schooling and that girls and boys will have equal access to all levels of education<sup>78</sup>.» This reaffirmation includes also the right of mentally particular children to primary education.

### *Convention on the Rights of Persons with Disabilities (CRPD)*<sup>79</sup>

Finally, a legally binding text regarding the right of disabled persons appeared in 2006. The Convention on the Rights of Persons with Disabilities was adopted on 6 December 2006 during the sixty-first session of the General Assembly by Resolution A/RES/61/611 and together with its Optional Protocol opened for signature by all states and by regional integration organisations on 30 March 2007. France ratified the convention and its Optional Protocol on 18 February 2010, while Greece has not ratified yet any of them<sup>80</sup>. The CRPD guarantees

<sup>76</sup> *Ibidem*, Articles 3, 4 and 5.

<sup>77</sup> United Nations, Millennium Declaration, Index: A/RES/55/2, adopted on 8 September 2000, at <http://www.un.org/millennium/declaration/ares552e.htm> (consulted on 26 May 2011).

<sup>78</sup> *Ibidem*, Article 19(2).

<sup>79</sup> United Nations, Convention on the Rights of Persons with Disability, Index: A/RES/61/611, adopted on 6 December 2006, at <http://www.un.org/esa/socdev/enable/rights/convtexte.htm> (consulted on 26 May 2011).

<sup>80</sup> *Ibidem*.

with the most explicit way the rights of the people with disabilities. As mental particularities of persons are understood as mental disabilities in the wording of the lawmakers, children with mental particularities are also entitled to the rights of the CRPD. Regarding their right to education in particular, it is the Article 24 which provides that «with a view to realising this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and lifelong learning directed to the full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity; the development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential; enabling persons with disabilities to participate effectively in a free society<sup>81</sup>.» The second paragraph of the Article 24 makes clear the need to ensure access to an inclusive educational system that will not exclude the children from free primary and secondary education, on the basis of their disability<sup>82</sup>. Moreover, it states that reasonable accommodation and effective individualised support measures should be provided in environments that maximise academic and social development to facilitate their effective education<sup>83</sup>. Additionally, measures including the Braille system, alternative script, augmentative and alternative modes, means and formats of communication and orientation and mobility skills, peer support and mentoring, learning of the sign language and the promotion of the linguistic identity of the deaf community are explicitly indicated as ways for implementation of an inclusive education system<sup>84</sup>. Towards this goal, the states parties of CRPD should make sure that they employ teachers, including teachers with disabilities, who are qualified in special needs and will train professionals and staff who work at all levels of education in Braille system and/or sign language as well as in disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities<sup>85</sup>. Last but not least, the Article 24 guarantees the access of persons with disabilities in general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others with the

<sup>81</sup> *Ibidem*, Article 24(1).

<sup>82</sup> *Ibidem*, Article 24(2).

<sup>83</sup> *Ibidem*.

<sup>84</sup> *Ibidem*, Article 24(3).

<sup>85</sup> *Ibidem*, Article 24(4).

appropriate reasonable accommodation provided<sup>86</sup>. Complimentarily to the right to education, the right to organised, strong and extended comprehensive habilitation and rehabilitation services and programs in the area of education, among others, is guaranteed in the Article 26 of CRPD<sup>87</sup>. These services and programs should «begin at the earliest possible stage, and are based on the multidisciplinary assessment of individual needs and strengths» so that they «support participation and inclusion in the community and all aspects of society» for the people with disabilities<sup>88</sup>.

*Reasonable Accommodation in Education Provided by the UN Legal Framework*

This CRPD landmarks the international approach, threshold and standards for implementing the right of the children with the mental particularities, understood as mental disabilities to education. Article 24 creates explicitly an obligation for the contracting parties for reasonable accommodation in the area of education<sup>89</sup>. However, the CRPD provides reasonable accommodation provisions for the enjoyment of the whole range of human rights by persons with disabilities. As reasonable accommodation, it is defined in Article 2 every «necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms<sup>90</sup>.» Article 5 states explicitly that reasonable accommodation is obligatory in order to promote equality and avoid discrimination and that the special measures that are needed to be adopted in order to achieve *de facto* equality for the persons with disability should not be considered as discriminatory<sup>91</sup>. Consequently, lack of reasonable accommodation for persons with disability in every aspect of the exercise of their rights results in discrimination and therefore violation of their rights. Regarding education, common forms of reasonable accommodation for children with mental and other particularities have been identified by Price, Mayfield, McFadden, and Marsh, such as:

- accessible classroom/location/furniture;

<sup>86</sup> *Ibidem*, Article 24(5).

<sup>87</sup> *Ibidem*, Article 26(1).

<sup>88</sup> *Ibidem*.

<sup>89</sup> *Ibidem*, Article 24(2).

<sup>90</sup> *Ibidem*, Article 2.

<sup>91</sup> *Ibidem*, Article 5(3) (4).

- advance notice of assignments;
- alternative ways of completing assignments (e.g., oral presentation *versus* written paper);
- assistive computer technology;
- assistive listening devices;
- auxiliary aids and services (note takers, lab or library assistants, readers, interpreters);
- captions for film and video material;
- course or program modifications;
- document conversion (alternative print formats: Braille, large print, tape, electronic, raised lettering);
- test modifications;
- study skills and strategies training;
- time extensions;
- taped lectures<sup>92</sup>.

The Convention on the Rights of Persons with Disabilities, along with the World Programme of Action Concerning Disabled Persons and the Standard Rules on the Equalisation of Opportunities for Persons with Disabilities are the three disability-specific instruments that have been recognised by the General Assembly Resolution 62/127 as the core international documents for action concerning disability<sup>93</sup>.

In the European level, two big regional institutions, the Council of Europe and the European Union have introduced their own concepts and legal obligations towards the right to education for mentally «disabled» children.

#### *2.a.ii. The Council of Europe (CoE)*

##### *European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)*

The European Convention for the Protection of Human Rights and Fundamental Freedoms (from now on ECHR) has been ratified by all 46 member states of the Council of Europe. France ratified the ECHR<sup>94</sup>

<sup>92</sup> Price, Mayfield, McFadden & Marsh, 2000-2001, Chapter 6, at [http://www.parrotpublishing.com/Inclusion\\_Chapter\\_6.htm](http://www.parrotpublishing.com/Inclusion_Chapter_6.htm) (consulted on 5 July 2011).

<sup>93</sup> United Nations, 55th Review and Appraisal of the World Programme of Action Concerning Disabled Persons, Index: A/RES/63/183, at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N08/442/48/PDF/N0844248.pdf?OpenElement> (consulted on 6 June 2011).

<sup>94</sup> Council of Europe, European Convention for the Protection of Human Rights and Fundamental Freedoms, Index: CETS - No. 5, opened to signature on 4 November 1950, at <http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=005&CM=8&DF=29/05/2011&CL=ENG> (consulted on 29 May 2011).

and its first Additional Protocol<sup>95</sup> on 3 May 1974 and Greece ratified them six months later, on 28 November 1974.

Starting from the Additional Protocol to ECHR, the Article 2 regarding the right to education provides that «no person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the state shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions<sup>96</sup>.» This right should be enjoyed «without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status<sup>97</sup>» according to Article 14 of the ECHR. This way, the right to education for children with the mental particularities, understood as mental disabilities is guaranteed in an implicit way.

### *European Social Charter (ESC)*

More explicit guarantees and legally binding dispositions for this right to education we find in the revised European Social Charter of 1996. France ratified the revised version on 7 May 1999 while Greece has ratified only the first version of 1961 on 6 June 1984<sup>98</sup>. Relative to the right to education for mentally «disabled» children, the revised Article 15 regarding the right of persons with disabilities to independence, social integration and participation in the life of the community provides that «with a view to ensuring to persons with disabilities, irrespective of age and the nature and origin of their disabilities, the effective exercise of the right to independence, social integration and participation in the life of the community, the Parties undertake, in particular: (a) to take the necessary measures to provide persons with disabilities with guidance, education and vocational training in the framework of general schemes wherever possible or, where this is not possible, through specialised bodies, public or private<sup>99</sup>» and this

<sup>95</sup> Council of Europe, Additional Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms, Index: CETS - No. 155, opened to signature on 20 March 1952, at <http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=009&CM=7&DF=29/05/2011&CL=ENG> (consulted on 29 May 2011).

<sup>96</sup> *Ibidem*, Article 2.

<sup>97</sup> Council of Europe, European Convention for the Protection of Human Rights and Fundamental Freedoms, Article 14, Index: CETS - No. 5, opened to signature on 4 November 1950, at <http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=005&CM=8&DF=29/05/2011&CL=ENG> (consulted on 29 May 2011).

<sup>98</sup> Council of Europe, European Social Charter, Index: CETS - No. 035, opened to signature on 18 October 1961, at [http://www.coe.int/t/dghl/monitoring/socialcharter/Presentation/Overview\\_en.asp](http://www.coe.int/t/dghl/monitoring/socialcharter/Presentation/Overview_en.asp) (consulted on 29 May 2011).

<sup>99</sup> Council of Europe, European Social Charter (revised), Article 15(a), Index: CETS - No.

should be done in order «to promote their full social integration and participation in the life of the community in particular through measures, including technical aids, aiming to overcome barriers to communication and mobility and enabling access to transport, housing, cultural activities and leisure<sup>100</sup>.» These provisions are much more explicit regarding the implementation of the right to education for these people than the mediocre Article 15 of the ESC of 1961 that makes a vague reference that «with a view to ensuring the effective exercise of the right of the physically or mentally disabled to vocational training, rehabilitation and resettlement, the Contracting Parties undertake: (a) to take adequate measures for the provision of training facilities, including, where necessary, specialised institutions, public or private<sup>101</sup>.» Moreover, the new version of Article 17 that used to guarantee the rights of mothers and children to social and economic protection by the states just by the «establishment or maintenance of appropriate institutions or services» among others<sup>102</sup>, is now guaranteeing the right of children and young persons to social, legal and economic protection, promoting equality between mothers and fathers. In particular, it is ensuring regarding the right to education that the state parties undertake «either directly or in co-operation with public and private organisations, to take all appropriate and necessary measures designed: (a) to ensure that children and young persons, taking account of the rights and duties of their parents, have the care, the assistance, the education and the training they need, in particular by providing for the establishment or maintenance of institutions and services sufficient and adequate for this purpose; (b) to protect children and young persons against negligence, violence or exploitation; (c) to provide protection and special aid from the state for children and young persons temporarily or definitively deprived of their family's support<sup>103</sup>» and to «provide to children and young persons a free primary and secondary education as well as to encourage regular attendance at schools<sup>104</sup>.» Finally, the additional Article E regarding non-discrimination, that

163, opened to signature on 3 May 1996, at <http://conventions.coe.int/Treaty/en/Treaties/Html/163.htm> (consulted on 29 May 2011).

<sup>100</sup> *Ibidem*, Article 15(c).

<sup>101</sup> Council of Europe, European Social Charter, Article 15(a), Index: CETS - No. 035, opened to signature on 18 October 1961, at [http://www.coe.int/t/dghl/monitoring/social-charter/Presentation/Overview\\_en.asp](http://www.coe.int/t/dghl/monitoring/social-charter/Presentation/Overview_en.asp) (consulted on 29 May 2011).

<sup>102</sup> *Ibidem*, Article 17.

<sup>103</sup> Council of Europe, European Social Charter (revised), Article 17(1a) (1b) (1c), Index: CETS - No. 163, opened to signature on 3 May 1996, at <http://conventions.coe.int/Treaty/en/Treaties/Html/163.htm> (consulted on 29 May 2011).

<sup>104</sup> *Ibidem*, Article 17(2).

appears only in the revised version of the ESC, provides that «the enjoyment of the rights set forth in this Charter shall be secured without discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national extraction or social origin, health, association with a national minority, birth or other status<sup>105</sup>» guaranteeing that way the non-discriminatory way with which should be implemented also the right to education for the children with mental particularities.

*Disability Action Plan: Improving the Life of People with Disabilities 2006-2015*<sup>106</sup>

The Disability Action Plan that was adopted by the Committee of Ministers on 5 April 2006 provides in its fourth Action Line for recognition of the important role of inclusive education both for people with disabilities and for the rest of the society. It sets the objectives and the specific action that are needed by the member states in order to ensure a quality inclusive education. Action Line No. 4 provides for early prevention, access, participation, monitoring and reasonable adjustment of the educational settings along with non-discriminative legal framework in order to meet the needs of children with mental and other particularities<sup>107</sup>.

*Case Law of the European Court of Human Rights*

The European Court of Human Rights rendered two decisions concerning the right to education of disabled children, the case *Graeme v. the United Kingdom* (Commission's Decision on 5 February 1990) and the case *Persson v. Sweden* (2 July 1993)<sup>108</sup>. These decisions condemned the compulsory placement of the children in special nursing homes for children with disabilities against their parent's wishes. Moreover, the jurisdiction of the case *Thlimmenos v. Greece* (4 June 2000)<sup>109</sup> is relative to the implementation of the right to education for children with mental «disabilities» as the principle of equality and the right not to be

<sup>105</sup> *Ibidem*, Article E.

<sup>106</sup> Council of Europe, Disability Action Plan 2005-2015, Index: Rec (2006)5, adopted on 5 April 2006, at [http://www.coe.int/t/e/social\\_cohesion/soc-sp/Rec\\_2006\\_5%20Disability%20Action%20Plan.pdf](http://www.coe.int/t/e/social_cohesion/soc-sp/Rec_2006_5%20Disability%20Action%20Plan.pdf) (consulted on 5 July 2011).

<sup>107</sup> *Ibidem*.

<sup>108</sup> Autism-Europe, Autism & Case Law, Protecting the Right to Education for Children with Autism Spectrum Disorders, p. 4, at <http://www.autismeurope.org/files/files/caselaw-uk.pdf> (consulted on 29 May 2011).

<sup>109</sup> European Court of Human Rights, *Thlimmenos v. Greece*, 4 June 2000, at <http://cmiskp.echr.coe.int/tkp197/view.asp?item=1&portal=hbkm&action=html&highlight=THLIMMENOS%20%20GREECE&sessionid=71590192&skin=hudoc-en> (consulted on 29 May 2011).



discriminated against in the enjoyment of the rights are violated when states without an objective and reasonable justification fail to treat differently persons whose situations are significantly different. Consequently, democratic states should view positively human difference and respond to that with discernment in order to ensure real and effective equity<sup>110</sup>. The principle of reasonable accommodation, as it is defined in the UN CRPD seems to be dominant in the area of education in order to avoid discrimination on the basis of disability in the educational sector.

*Case Law of the European Committee of Social Rights*

In November 2003, the European Committee of Social Rights deciding on the case *Autism Europe v. France* concluded that France failed to fulfil its educational obligations to persons with autism under the European Social Charter. That decision has set a number of principles which can purposefully be presented before national courts of the ratifying countries<sup>111</sup>. These are that (a) «securing a right to education for children and adults with disabilities plays an obviously important role in advancing their citizenship rights<sup>112</sup>,» (b) that the «Article 15 applies to all persons with disabilities regardless of the nature and origin of their disability and irrespective of their age. It thus clearly covers both children and adults with autism<sup>113</sup>,» (c) that «as stated by Article 17, the need to ensure that children and young persons grow up in an environment which encourages the full development of their personality and of their physical and mental capacities is just as important for children with disabilities as it is for others and arguably more in circumstances where the effects of ineffective or untimely intervention are ever likely to be undone<sup>114</sup>.» Moreover, «the insertion of Article E into a separate article in the revised Charter indicates the heightened importance of the principle of non-discrimination with respect to the achievement of the various substantive rights contained in the treaty. The function of Article E is to help secure the equal effective enjoyment of all the rights concerned regardless of difference. Although disability is not explicitly listed as a prohibited ground of discrimination under Article E, it is adequately covered by the refer-

<sup>110</sup> Autism-Europe, *Autism & Case Law, Protecting the Right to Education for Children with Autism Spectrum Disorders*, pp. 4-5, at <http://www.autismeurope.org/files/files/caselaw-uk.pdf> (consulted on 29 May 2011).

<sup>111</sup> *Ibidem*.

<sup>112</sup> *Ibidem*.

<sup>113</sup> *Ibidem*.

<sup>114</sup> *Ibidem*.

ence to “other status.” This approach is consistent with the Political Declaration adopted by the second European Conference of ministers responsible for integration policies for people with disabilities (Malaga, April, 2003)<sup>115</sup>.» For, «the Article E not only prohibits direct discrimination but also all forms of indirect discrimination. Such indirect discrimination may arise by failing to take due and positive account of all relevant differences or by failing to take adequate measures to ensure that the rights are genuinely accessible<sup>116</sup>.» It is also underlined that «the implementation of the Charter requires the States Parties to take not merely legal action but also practical action to give full effect to the rights recognised in the Charter. When the achievement of one of the rights in question is exceptionally complex and particularly expensive to resolve, a State Party must take measures that allow it to achieve the objectives of the Charter within a reasonable time, with measurable progress and to an extent consistent with the maximum use of available resources<sup>117</sup>.» Last but not least, «the States Parties must be particularly mindful of the impact that their choices will have for groups with heightened vulnerabilities as well as for others persons affected, including especially their families on whom the heaviest burden falls in the event of institutional shortcomings<sup>118</sup>.»

*Reasonable Accommodation in Education Provided by the CoE*

Even though not explicitly stated as reasonable «accommodation,» but mostly as reasonable «adjustment» the Disability Action Plan and the relevant case law of the CoE provide for reasonable accommodation in education for children with mental «disabilities» in order to ensure equality and non-discrimination. Actually, the concept of reasonable accommodation is under the umbrella of the concept of inclusive education. The establishment of inclusive settings in education means reasonable accommodation pupil’s special needs, thus prevention of discrimination. In this way it has been introduced a positive obligation for the European states to fulfil the right to education to children with mental «disabilities,» in a non-discriminative way. The only way to reach this goal is by establishing real inclusive educative systems.

<sup>115</sup> *Ibidem*.

<sup>116</sup> Autism-Europe, Autism & Case Law, Protecting the Right to Education for Children with Autism Spectrum Disorders, p. 5, at <http://www.autismeurope.org/files/files/caselaw-uk.pdf> (consulted on 29 May 2011).

<sup>117</sup> *Ibidem*.

<sup>118</sup> *Ibidem*.

### 2.a.iii. *The European Union (EU)*

#### *Charter of Fundamental Rights of the European Union*

In the European Union level, the first text guaranteeing a range of civil, political, economic and social rights of European citizens and all persons resident in the EU has been adopted for the first time by the Presidents of the European Parliament, the Council and the Commission signed and proclaimed the Charter on behalf of their institutions on 7 December 2000 in Nice<sup>119</sup>. In December 2009, with the entry into force of the Lisbon Treaty, the Charter was given binding legal effect equal to the treaties. To this end, the Charter was amended and proclaimed a second time in December 2007. The dispositions of the Charter concern the protection of a number of rights while European policies are being implemented. Relevant articles to the right to education for children with the mental particularities understood as disabilities are the Article 14, regarding the right to education, the Article 24 on the rights of the child and the Article 26 regarding the integration of persons with disabilities. Starting from the Article 26 providing that «the Union recognises and respects the right of persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community<sup>120</sup>» we observe the passive attitude of the Union towards the fulfilment of the rights for this group of people. The EU policies try not to harm the already existing national system for the integration of disabled people, but by no means to claim a better system on their part. The same, mediocre attitude has also towards the rights to education providing that while everyone has the right to education and to vocational and continuing training, free compulsory education is a «possibility» and not an obligation for the states to provide<sup>121</sup>. However, there is included «the right of parents to ensure the education and teaching of their children in conformity with their religious, philosophical and pedagogical convictions shall be respected, in accordance with the national laws governing the exercise of such freedom and right<sup>122</sup>.» Moreover, the wording of the Article 24 on the rights of the

<sup>119</sup> European Union, Charter of Fundamental Rights of the European Union, adopted on 7 December 2000, at [http://www.europarl.europa.eu/charter/default\\_en.htm](http://www.europarl.europa.eu/charter/default_en.htm) (consulted on 29 May 2011).

<sup>120</sup> European Union, Charter of Fundamental Rights of the European Union (2000/C 364/01), first proclamation on 7 December 2000, at [http://www.europarl.europa.eu/charter/pdf/text\\_en.pdf](http://www.europarl.europa.eu/charter/pdf/text_en.pdf) (consulted on 16 May 2011).

<sup>121</sup> *Ibidem*, Article 14(1) (2).

<sup>122</sup> *Ibidem*, Article 14(3).

child is also providing for a vague and loose protection when it provides that «children shall have the right to such protection and care as is necessary for their well-being<sup>123</sup>» instead of «children should have the right to...» On the other hand we recognise the strong wording of the second paragraph providing that «in all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration<sup>124</sup>.» However, the same attitude in the wording is adopted also for the right of the children to maintain on a regular basis a personal relationship and direct contact with both their parents, unless that is contrary to their interests<sup>125</sup>. These dispositions have as legal effect to leave untouched the national education systems as they do not create new positive obligations neither for the member states of the EU, nor for the policy-makers of the Union to adopt policies that would guarantee in a better way the right to education for children with mental «disabilities.»

#### *Reasonable Accommodation in Education Provided by the EU*

So far, in the EU level there are no explicit provisions regarding reasonable accommodation in education for children with mental particularities and in general for disabled persons. The EU law provides for reasonable accommodation of persons with disabilities in employment, particularly by the Employment Equality Directive<sup>126</sup> but not in the field of education. However, the signature of the UN CRPD by all EU member states has created an implicit responsibility in the EU to provide a legal framework ensuring reasonable accommodation in education and in other fields in order to prevent and prohibit discrimination and inequality.

Regarding France and Greece, reasonable accommodation in education for children with mental «disability» is provided by the domestic legislation. The following sections explain the legal provisions both states have adopted in order to accommodate the need of children with mental particularities in education.

<sup>123</sup> *Ibidem*, Article 24(1).

<sup>124</sup> *Ibidem*, Article 24(2).

<sup>125</sup> *Ibidem*, Article 24(3).

<sup>126</sup> European Union, European Council, Employment Equality Directive, Index: 2000/78/EC, adopted on 27 November 2000, at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0078:en:HTML> (consulted on 5 July 2011).

## 2.B. FRENCH DOMESTIC LEGISLATION

The Preamble of the French Constitution of 1946, the principles of which are adopted also by the next Constitution of 1958, provides that «the Nation guarantees equal access for children and adults to instruction, vocational training and culture» and that «the provision of free, public and secular education at all levels is a duty of the state<sup>127</sup>.» The Education Code includes all laws in force in the field of education. It discusses the major principles of education, educational administration and organisation of school teaching.

It follows a presentation of the existing legal framework for implementing the right of the children with mental «disabilities» to primary education. Since the law of 11 February 2005 on equal rights and opportunities, participation and citizenship of persons with disabilities, disability is considered in its social dimension: public and private life, social integration, school integration. Two principles arise from this approach. The first one is accessibility (access for everyone) and the second is compensation (individual measures bringing about equal rights and opportunities)<sup>128</sup>. For this reason, the law of 2005 is providing in general terms:

- access to ordinary schools as close as possible to the students' home;
- close cooperation with the parents in the decision process of orienting their child and in all phases of the definition of his Personalised Schooling Project (PPS);
- guaranties for the continuity of the schooling career, adapted to the capacities and needs of the student;
- guaranties for the equality of opportunities for disabled and other candidates, by ensuring a legal basis for the adjustment of examination conditions<sup>129</sup>.

In particular, disabled children have the right to be enrolled upon to

<sup>127</sup> «La Nation garantit l'égal accès de l'enfant et de l'adulte à l'instruction, à la formation professionnelle et à la culture. L'organisation de l'enseignement public gratuit et laïque à tous les degrés est un devoir de l'Etat», National Assembly, French Constitution, p. 46, Index: JORF 5 October 1958, p. 9151, at [http://www.assemblee-nationale.fr/connaissance/constitution\\_0311.pdf](http://www.assemblee-nationale.fr/connaissance/constitution_0311.pdf) (consulted on 31 May 2011).

<sup>128</sup> Ministère de l'Éducation Nationale (French Ministry of Education), *Guide pour la scolarisation des enfants et adolescents handicapés*, 2010, p. 4, at [http://media.education.gouv.fr/file/Actualite\\_pedagogique/44/2/Guide-handicapes-2010\\_146442.pdf](http://media.education.gouv.fr/file/Actualite_pedagogique/44/2/Guide-handicapes-2010_146442.pdf) (consulted on 31 May 2011).

<sup>129</sup> European Agency for Development in Special Needs Education, at <http://www.european-agency.org/country-information/france/national-overview/special-needs-education-within-the-education-system> (consulted on 1 June 2011).

their parents' request to the local school<sup>130</sup>. Each school is intended to accommodate children within its correspondent region. In order to meet the special needs of disabled students, a personalised educational program is being designed by the Commission for the Rights and Autonomy of Handicap Persons (Commission des Droits et de l'Autonomie des Personnes Handicapées - from now on CDAPH) which is organised by the correspondent Department House for Handicap Persons (Maison Départementale des Personnes Handicapées - MDPH)<sup>131</sup>. The MDPH is the responsible agent to provide children, among others, with a diagnosis on their mental or/and corporal particularity by a multidisciplinary team of experts composed by doctors, ergotherapists, logotherapists, psychologists, sociologists, etc. This multidisciplinary team is also indicating a Personalised Schooling Project (Projet Personnalisé Scolaire - PPS) for the child<sup>132</sup>. Schooling can be individual or collective, in the mainstream or in a medical institute.

The PPS is precisising how the schooling of the child should be carried out regarding the quality and the nature of the necessary instruments and treatments, especially the therapeutic and the re-educative ones, the need of a School Life Assistant (Auxiliaire de Vie Scolaire - AVS)<sup>133</sup>, in other words a person who will assist the «disabled» student in his or her practical needs, and the need of adapted pedagogic material. It is the CDAPH that decides, in association with the parents, on the personalised schooling schedule of the child<sup>134</sup>. The public educational services are responsible to implement the education of the child that will be due to regular monitoring by a multidisciplinary team of experts.

It is the teacher of reference for each student who is responsible to ensure the continuity and the consistency in the implementation of the PPS, since he or she is the main link between the child and the MDPH. The teacher of reference is present in every stage of the child's schooling and he or she is responsible for monitoring the progress of the students enrolled in establishments of the primary and secondary education and in nursing homes. He or she brings together the special schooling teams that exist for each of the students under his or her responsibility and provides a permanent link with the multidisciplinary team of the MDPH.

<sup>130</sup> Education Code, Article D 351-4, Law 2005-102, at <http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000809647&dateTexte> (consulted on 31 May 2011).

<sup>131</sup> *Ibidem*, Article L 146-3.

<sup>132</sup> *Ibidem*, Article D 351-5.

<sup>133</sup> *Ibidem*, Article L 351-3.

<sup>134</sup> *Ibidem*, Article D 351-7.

As the success of the educational experience of a student with a disability may depend significantly on the use of suitable teaching material and techniques, the multidisciplinary team of the MDPH is responsible to assess and report such needs. Equipments for individual use are made available to students through a loan agreement, including appropriate hardware like Braille keyboard, computers, specific software, etc.<sup>135</sup>.

When a child in the age of 6-12 years old gets a diagnosis from the MDPH that has some mental particularity, for instance, autism, Down syndrome or other mental impairment due to environmental or even social reasons, he or she is given four solutions in order to be educated. These are:

### 1. Individual Schooling

The conditions of individual schooling in mainstream education for a student with a mental «disability» in an elementary school vary according to the nature and severity of the «disability.» After having estimated the circumstances, the schooling is carried out either without any special assistance and it is subject to adjustments when it is required by the student's needs or with the help of an AVS-i combined with adapted teaching materials<sup>136</sup>.

### 2. Schooling in Group

In elementary schools, there are organised special classes, named as Classes for Scholar Inclusion (Classes d'Inclusion Scolaire - CLIS), which are meant to assist children with various disabilities to integrate into mainstream schooling. There are different types of CLIS. The first category of CLIS, the category CLIS 1 is designed for children with mental «disabilities,» more or less severe. The students receive the appropriate education within the CLIS and share some activities with other students. The majority of students in CLIS can also benefit from courses in other school classrooms<sup>137</sup>.

In the framework of a mainstream school, special provisions exist in order to enable mentally «disabled» students to participate in the exams and the competitions organised for the students of the mainstream

<sup>135</sup> Decree no. 2001-061 of 5 April 2001, at <http://www.education.gouv.fr/bo/2001/15/ensel.htm> (consulted on 31 May 2011).

<sup>136</sup> Education Code, Article L 351-3, Law 2005-102 and Circular no. 2003-092 of 11 June 2003, at <http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000809647&dateTexte> and at <http://www.education.gouv.fr/bo/2003/25/MENP0301316C.htm> (consulted on 31 May 2011).

<sup>137</sup> Decree no. 2002-113 of 30 April 2002, at <http://www.education.gouv.fr/botexte/bo020409/MENE0201158C.htm> (consulted on 31 May 2011).

classes. These provisions include the assistance from another person, the prolongation of the duration of the exam by one third of the fixed time as well as the use of specialised equipment upon decision of the MDPH. Moreover, they might be permitted to use their notes or to be examined on smaller sections and according to the rules for each examination they are entitled to an adjustment or exemption from the testing<sup>138</sup>.

### 3. Medico-Educative Institutes (Instituts Médico-éducatifs - IME)

In case that it is necessary for a child to be hospitalised there are special institutes that offer both medical and education services. Although these institutes are established either by the Ministry of Labour, Social Relations, Family, Solidarity and City or by private initiatives, such as parents associations, etc., there is a provision for assisting the continuity in education by a team of teachers who are sent there by the Ministry of Education. They are responsible to implement the PPS of the student, responding with flexibility and adaptability to the specific needs of each child<sup>139</sup>.

### 4. Distance Learning

The National Centre for Distance Learning (Centre National d'Enseignement à Distance - CNED) provides public distance learning courses as a solution for the continuity of education of the students who can neither be accommodated in mainstream schools nor be fully or partially educated in a special institute. Particularly, for disabled students between the ages of 6 and 16 years old, CNED offers a special possibility to implement the PPS of the child through the intervention of a tutor in the child's household<sup>140</sup>.

## 2.C. GREEK DOMESTIC LEGISLATION

The rendering of free education to all citizens and at all levels of the state education system is a constitutional principle of the Greek state established by Article 16. Education is compulsory from the age of 6 up to 15 years old<sup>141</sup>. National laws issued both by the Parliament and by presidential

<sup>138</sup> Education Code, Article D 351-28, Law 2005-102, at <http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000809647&dateTexte> (consulted on 31 May 2011).

<sup>139</sup> *Ibidem*, Article L 311-1.

<sup>140</sup> *Ibidem*, Article D 351-9.

<sup>141</sup> Official Journal of Hellenic Republic, p. 2182, Greek Constitution, Article 16, Index: 2008 τ.Α' 120/27.6.2008, at [http://www.et.gr/images/stories/eidika\\_themata/a\\_120\\_2008.pdf](http://www.et.gr/images/stories/eidika_themata/a_120_2008.pdf) (consulted on 1 June 2011).



decrees and ministerial acts prevail within the educational system. The central Administration Agency of the state education system is the Ministry of National Education and Religious Affairs, which also oversees the evaluation and the support services of people with special educational needs. A number of public services report directly to the Ministry and contribute in fulfilling its functions, such as the Pedagogical Institute, the Centre of Educational Research and others. In addition, the pre-school education advisors, the primary and secondary education advisors and the special education advisors belong to the Ministry of National Education and Religious Affairs. The schools are directly administrated by the local authorities of education with the Directors of Education coordinating and supervising the schools in their responsibility area<sup>142</sup>.

The current law 3699/2008 on «Special education and education of people with disability or special educational needs» defines special needs as follows: the difficulties in learning, due to sensory, intellectual, cognitive, developmental, mental and neuropsychiatric disorders which are localised after a scientific and pedagogical evaluation. These difficulties influence the process of learning and school adjustment. Pupils who have disabilities in motion, vision, hearing, who suffer from chronic diseases, disorders in speech, attention deficit, and all pervasive developmental disorders are considered as having special educational needs. As special needs are also considered behaviours due to complex factors, i.e. cognitive, sentimental, mental and social disadvantages deriving from the family and social environment, difficulties in learning that derive from the social and economical background of the learner as well as low achievers are not considered as pupils with special needs<sup>143</sup>. This law is regulating all the issues concerning the degree of the learning difficulties that pupils may meet during the everyday education process either in the mainstream or in the special system of education. It has incorporated the former existing laws and leads to a form of legal unity with the general national policy for education. It is based on the internationally recognised characteristics of «Design for all<sup>144</sup>» and on the European Union principles for inclusion and equal opportunities. In addition it simplifies the existing presidential decrees and facilitates the implementation of educational reforms.

<sup>142</sup> European Agency for Development in Special Needs Education, at <http://www.european-agency.org/country-information/greece/national-overview/special-needs-education-within-the-education-system> (consulted on 1 June 2011).

<sup>143</sup> Official Journal of Hellenic Republic, Law 3699/2008, p. 3500, Article 3, Index: 2008, τ.Α' 199/2.10.2008, at [http://www.et.gr/index.php?option=com\\_wrapper&view=wrapper&Itemid=108&lang=el](http://www.et.gr/index.php?option=com_wrapper&view=wrapper&Itemid=108&lang=el) (consulted on 1 June 2011).

<sup>144</sup> *Ibidem*, p. 3500, Article 2(5d).

The implementation of special education is based on two structures:

#### A. Diagnostic and Support Services

The new law of 2008 reconsiders and reorganises the operation and services of the Directorate of Special Education. It also reconsiders the operation of the Diagnostic Evaluation and Support Centres (KEDDY)<sup>145</sup> and reorganises their framework aiming at their functional and scientific upgrading, e.g. introducing services of consultancy and support with early intervention programs. The KEDDY enacts the principle of inter-scientific evaluation of special educational needs and has the responsibility of composing individual reports for every child with the participation of parents. It introduces the institution of annual evaluation of the Centres of Evaluation and Support based on their annual report and demonstrates the procedures of assessment of a child's special educational need by a committee made up of five pedagogical experts where the participation of parents is needed. Last but not least, it collaborates with the parents in organising the personalised educational schedule of the child<sup>146</sup>.

#### B. Educational Services

The law 3699/2008 describes systematically all possibilities and conditions for learning and studying in the existing structures, offered – for free – by the state, to all pupils, at all levels of education. Children with special educational needs, among them children with mental «disabilities» may receive education in the following settings:

##### 1. Mainstream schooling (Παράλληλη Στήριξη)<sup>147</sup>

Mainstream schooling with the co-teaching model (Παράλληλη Στήριξη) applied by a specialised teacher. This solution is provided either to children who do not face very severe difficulties and they can attend the curriculum of the school providing they receive assistance from a special education teacher according to a set of pre-arranged visits, or to children who live in an area where there is not a special education setting (special school or inclusion settings). Under this circumstance a special education teacher has always to be in the school. This inclusion of the student in the mainstream class is accompanied by an adaptation of the teaching methods according to the personalised

<sup>145</sup> *Ibidem*, p. 3506, Article 12.

<sup>146</sup> *Ibidem*, p. 3501, Articles 4 and 5.

<sup>147</sup> *Ibidem*, p. 3501, Article 6(1a, b).

educational schedule provided by the KEDDY. This adaptation is a product of the co-operation among the special education teacher, the mainstream teacher (or teachers) and the advisors of special and general education. Moreover, periodical or permanent support is provided by a special education teacher, appointed by the KEDDY, in co-operation with the advisor of special education. Special education educators or other member of the specialised staff of the KEDDY are in charge for the duration, the methods and the means of support. The whole responsibility for the successful operation of the applied programs is on the KEDDY in co-operation with the advisor of special and general education<sup>148</sup>.

## 2. Schooling in Integration Classes (Τμήματα Ένταξης-TE) within Mainstream Schools<sup>149</sup>

The attendance of children with mental «disabilities» in inclusive classes of primary education is suggested by the KEDDY when children face special educational needs and they need a systematic support some hours per day or per week from a special education teacher in order to follow the curriculum of their school. There must be more than three pupils with special education needs in a school to form an integration class. The educational programs, which are implemented in the inclusive classes, are according to the children's personalised educational schedule provided by the KEDDY. Children receive sessions of individual education or team teaching in particular classrooms according to a pre-arranged program, along with the mainstream education they receive in the ordinary class. The purpose of these sessions is the support of the student so that the latter will achieve a continuity and direct link with mainstream educational curriculum. The total number of hours a student can take in an inclusive class is not more than ten hours. However, under the presence of special circumstances some pupils may receive lessons more than ten hours. An indispensable presupposition for the previous case is the suggestion of the KEDDY. The attendance of children with special educational needs in inclusion classes implies an adaptation of the teaching methods according to the child's personalised educational schedule, the offer of a set of courses in the inclusion class performed by a special education teacher and the attendance of classes in the mainstream class with the support of a special education teacher.

<sup>148</sup> *Ibidem*, p. 3503, Article 6(1b).

<sup>149</sup> *Ibidem*, p. 3501, Article 6(1c).

### 3. Schooling in Special Schools (Ειδικά Σχολεία)<sup>150</sup>

The schooling of a child in a special school is proposed by the KEDDY when students' special needs are considered to be particularly serious and consequently need special assistance provided by educators and specialists with the appropriate infrastructure. In the Special Schools, children attend special educational programs adapted to their needs which are executed by special trained educators. These programs are usually constituted by the KEDDY in the personalised educational schedule of the child. Additionally, the children participate in socialisation programs and if it is necessary they are urged to participate in full integration programs or to move on to another level of special education. Students' integration and classification in the appropriate educational settings depend on the assessment which is conducted by the KEDDY.

In all the schooling options mentioned above, the children who are not autonomous regarding their personal needs are entitled to be assisted by a Special Assistance Personnel (Ειδικό Βοηθητικό Προσωπικό - ΕΒΠ)<sup>151</sup>.

### 4. Schooling at Home<sup>152</sup>

When severe short-term or long-term health problems prevent children from joining one of the schooling options provided for them, then they are entitled to receive individual education at home upon decision of the District Education Director. Among others, it is indicated that a tele-education system might be used.

In general, the structure of students' schooling and graduation from a specific level of education is built up to ensure the continuation of the student's personalised educational schedule to the next level of their studies (high schools, lyceum, college, polytechnic schools, etc.). This procedure aims at the provision of integrated and appropriate programs of education for students with special educational needs.

## 2.D. REMARKS ON DOMESTIC LEGAL FRAMEWORKS

We can easily observe that the two systems have very similar structures. Both of them guarantee individual schooling in mainstream

<sup>150</sup> *Ibidem*, p. 3501, Article 6(4a, b).

<sup>151</sup> *Ibidem*, p. 3501, Article 6(2).

<sup>152</sup> *Ibidem*, p. 3501, Article 6(4c).

classes, collective schooling in integration classes in the framework of ordinary schools, schooling in special medico-educational centres as well as individual schooling at home. Moreover, both of them provide that all children, no matter what their particularity might be have the right to be registered in the local school of their area. Furthermore, the French and the Greek system have provisions for the establishment of special services that will be responsible for the evaluation of the needs of each child, the creation of a personalised educational schedule for the child and the orientation of the parents regarding the enrolment of the child in one of the above mentioned schooling options. Both of the systems are looking to ensure continuity in the education of the mentally «disabled» children, as a group of students which is characterised by special educational needs, in a way as much inclusive as possible.

A major difference between the French and the Greek educational system regarding special needs education has to do with the format of the so-called inclusion units, the correspondent French CLIS and Greek TE. The difference is that the French CLIS are designed in such a way that the children who are enrolled there have the curricula of the CLIS as their main curricula and the teacher of the CLIS is the responsible teacher for the activities of these children, while in the Greek TE the child is enrolled in the mainstream class, he or she is under the responsibility of the mainstream teacher and attends the TE courses as a supplementary help that will allow him or her to catch up with the mainstream class. Another difference is that the French medico-educational centres are established by the private initiative of various associations and only the specialised teachers are provided by the Ministry of Education while in Greece there are public and free of charge Special Schools along with the private ones. Moreover, while for the Greek students there is a minimum amount of money provided for the materials need for his or her education by the state, in the French system there is not such a provision and the teacher of the class is responsible to find a way to fund these material needs. Usually this kind of funding comes from the budget of the local authorities. Last but not least, the two systems are totally different in the way they form specialised teachers. On the one hand, in Greece the specialised teachers are either degree holders from a faculty of special education or they are teachers coming from mainstream education who have undergone a specialisation session of two years and/or some seminars. On the other hand, in France all the specialised teachers hold a degree in mainstream education and have at least two years experience in a mainstream class before undergoing a special competition for being selected to attend the specialisation classes. At the end of the specialisation session, the

certification of their specialisation is given to them upon a successful presentation of a thesis. Summing up, we observe differences in the design of the schooling options, in the formation of the teaching personnel and in the financing of the classes.

We observe however that, despite their differences, both systems have a view to meet the standards set by the international treaties, conventions and acknowledgements and significant progress has been done during the last years regarding the way both national systems approach special needs education. A question of effectiveness arises for both systems in terms of social inclusion and of educational progress. Another question is that of the parallel effects created by the two systems. These questions have been the main axons of the interviews conducted in the framework of the present thesis. In the next chapter, a presentation of the views of the people who are directly engaged in the field of special education will give an insight of both systems.

### CHAPTER 3

## FROM THEORY TO PRACTICE

Theoretically, France and Greece are on the way towards inclusive education where children with mental particularities, among others, will have the possibility to take advantage of the knowledge that results from the experience of living and learning together. New legal frameworks have been introduced in recent years by both countries with a view to make the educational system more inclusive. A great step has been the introduction of the possibility for individual schooling in the mainstream with the help of a School Life Assistant. Children with light cases of mental particularities are now able to attend mainstream classes and develop their potential regarding literary knowledge and socialisation. Integration classes have been introduced in the mainstream schools offering education to children with various backgrounds, all with a diagnosis on their particularity from a specialised service. For children that continue to receive education in segregated structures, special programs are running in order to promote their socialisation and contact with the mainstream settings.

The transition from segregation to integration with a view to a real inclusion seems to be problematic for both states. In this chapter, it is examined the nature and the function of the segregated and integrated structures in France and in Greece for the pupils of primary education. In particular, it is examined the nature of the French CLIS and the Greek TE as well as the nature of the French IMP (Medico-Pedagogic Institutes) and that of the Greek Special Schools. The assessment concerns the effectiveness of the structures regarding: 1) students' literary knowledge and skills development, and 2) socialisation and establishment of a spirit of equality among the students. But it doesn't stop there. The assessment concerns also the factors that are responsible for the outcome. In other words, the examination of the present institutions concerns not only their outcome but also their inputs, their resources and the processes that take place in their framework.

For the assessment of the following data there have been used qualitative methods. In particular, four French and four Greek cities were chosen: the capital, one other urban city, a rural city/town and an island town. There, visits in integration classes and in special schools or institutes took place and we conducted interviews with people working in the field, either as teachers or/and as directors. In total, we visited five (5) CLIS, two (2) IMP and 1 MDPH in France and four (4) TE and four (4) Special Schools in Greece. In order to maintain the anonymity of the interviewees, the four areas from each country are named as area A, area B, area C and area D.

The interviews were based on nine axons: 1) the classes that children attend, 2) the material and the infrastructure used, 3) the relations between the teacher or the institution and the families, 4) the interaction between children with mental particularities and other children, 5) their integration in the local society, 6) the existence of teacher's network, 7) the existence of relations between the institutions or schools and other institutions, 8) the problems they face, and 9) their proposals for solving the problems and becoming more effective. These axons cover the sphere of action and influence of the education structures and the educational process. In order to present the material gathered from the interviews, the indicators used are in line with the instructions of the European Agency for Development in Special Needs Education. In particular, the indicators used:

- cover all relevant areas (without «blind» where changes remain undetected);
- are sensitive enough to detect changes when they occur;
- and are informative<sup>153</sup>.

The indicators are given in the form of open-close questions, which receive a yes or no answer. All the data have been introduced in Excel tables and two procedures were followed. The first was to count the sum of yes and no for every indicator under each axon of examination. The second was to give to the answers a positive (+1) or negative (-1) value according to the way they influence the procedure, having always as ideal the real integration, and then to add the values for each indicator and for each category. Special attention was given to the axon regarding the importance of the presence of the teacher in the procedure of interaction between the children with mental particular-

<sup>153</sup> Kyriazopoulou & Weber (eds.), 2009, pp. 14-17.



ities and other children. We consider that real inclusion in terms of interaction among the children means spontaneous and friendly interaction without the enforcement or the intervention of a teacher. This indicator can get the prices of important, relatively important, not important and useless. The more important teacher's presence is the higher the price the indicator gets. So, this particular indicator gets correspondingly the prices of 3, 2, 1 and 0. Regarding the axon of relations between the teacher and the parents of the pupil, there are indicators concerning frequency. They get only positive prices which are added and give a final sum. The more frequent the informing of the parents is the higher the score they get for the category. This procedure has been useful for the presentation and the comparison of the findings. In the axon regarding the existence of problems, a low score means lack of serious problems.

Even though, we tried to establish indicators for all stages of the implementation of the education procedure, its inputs and its outcome we need to precise that there are elements that cannot be presented by numbers and statistic schemes, just because they come from personal decisions and philosophy of the persons that are engaged in the procedure. For instance, elements like smile, love for the children, care, positive attitude, passion for the educational procedure, etc. cannot be measured, for they come from more complicated procedures that has to do both with the social context where the persons live but also with their individual choices and lifestyle. However, the presence or absence of such elements can affect a procedure and its outcome in positive or negative way. If we put these elements under the umbrella of the personal motivation, we take for granted<sup>154</sup> that the people consciously engaged in special needs education have such a motivation for doing this job and for running the procedure of special needs education. In other words, their motivation results not only from their trust in the results that have been already proved regarding the potential of children with mental particularities, but also the existence of a belief, or a hypothesis if we need to use a more scientific term, that this potential is not yet discovered. This hypothesis is also adopted and recognised by the international community<sup>155</sup>. For this reason, we examine the presence and the effectiveness of collaboration and communication among

<sup>154</sup> We also assessed, but this kind of assessment could be considered as subjective.

<sup>155</sup> United Nations, World Programme of Action Concerning Disabled Persons, D.66, Index: A/RES/37/52, adopted on 3 December 1982, at <http://unstats.un.org/unsd/demographic/sconcerns/disability/A-RES-37-52.htm> (consulted on 14 June 2011).

the institutions and the people engaged rather than the existence of personal motivation. Where we find lack of collaboration, of communication and of relations with other agents, we consider that there is a lack of motivation, along with material support.

It follows a presentation and analysis of the findings we collected from France and Greece in segregated and integrated educational settings, presented by category.

### 3.A. PRIMARY SPECIAL EDUCATION IN FRANCE

In 2008, according to an official report of the French Ministry of Education, 114,482 pupils with various corporal or mental particularities had been educated in adapted mainstream education settings while 59,210 pupils had been attending the schedule of a Medico-Pedagogic Institute (IMP). The IMPs that exist are specialised and receive their pupils' according to their type of particularity. As a result there are many types of such institutes: for children and adolescents who are deaf, blind, or who have motor problem, or who have a mental «disability,» or who have a combination of «disabilities,» etc. On the other hand, regarding mainstream education setting, 17,078 children with mental particularities attend the classes of the mainstream receiving individually the help of a School Life Assistant. The majority of the children with such particularities are schooled in Collective Integration Classes (CLIS). As it is the case for the IMPs, the CLIS in France are also specialised according to the needs of the pupils and they are registered differently. The appropriate CLIS for pupils with mental particularities is the CLIS 1. In 2008, 29,369 pupils had been schooled in CLIS 1. In general, in mainstream education settings, 48% of the children with special educational needs are children with mental particularities<sup>156</sup>. There are also other structures that receive and provide education to children with special needs, but these two, the IMPs and the CLIS are the ones that receive the majority of the cases. They also represent the dominant structures of the two parallel systems that co-exist at the moment in France: segregation and integration educational settings. For these reasons they are the ones to be examined in the present thesis.

<sup>156</sup> Ministère de l'Éducation Nationale, *Repères et références statistiques sur les enseignements, la formation et la recherche*, 2009, pp. 26-27, at [http://media.education.gouv.fr/file/2010/16/9/RERS\\_2010\\_152169.pdf](http://media.education.gouv.fr/file/2010/16/9/RERS_2010_152169.pdf) (consulted on 16 June 2011).

### 3.a.i. Segregated Structures Examined - IMP (Medico-Pedagogic Institutes)

IMPs are the most common segregated settings to accommodate children with severe cases of mental or other particularities. They are established by associations and they are under local regional legal framework. They are for free, so parents do not have to pay a tuition fee as they are funded by the social security services. In these institutes, along with other therapeutic activities, children receive education by teachers who are sent by the Ministry of Education of France, but also who have been approved by the Director of the IMP. By 2008, children with severe cases of various mental and corporal particularities or disabilities were educated in the framework of IMPs, 3,400 cases of whom had been hospitalised there for a short period.

We visited two IMPs, in areas B and C, where directors and head officers gave us an insight in the procedures followed by the institutes<sup>157</sup>.

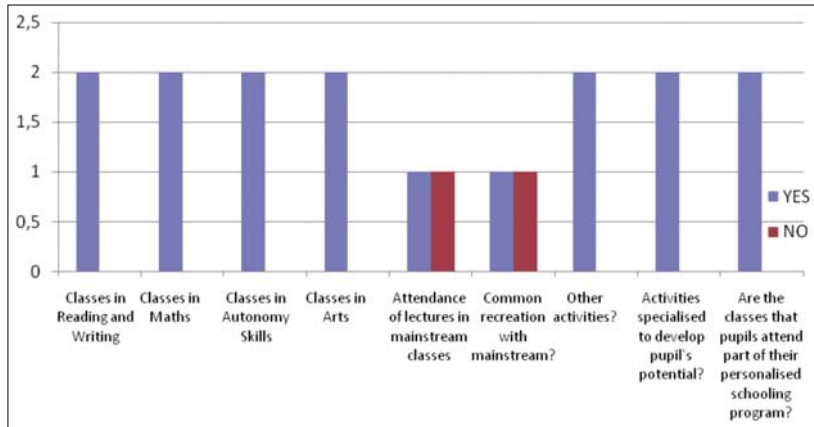
#### 1. Classes

Children that enter IMPs have the opportunity to receive some literary knowledge, following various classes. As it can be seen in Table 1, these classes include reading and writing skills, maths, autonomy skills and arts. These classes take place in classrooms that resemble a lot the integration classes that recently are introduced in mainstream education. The classes are part of the personalised schedule of the children and additional activities are included in order to assist the development of pupil's potential in learning as well as in socialising. Moreover, the IMP that was found in area B, the big city area, has developed a program where children can attend classes and take part in activities of a neighbouring mainstream primary school and give the children the opportunity to experience the learning procedure as well as recreation in the settings of mainstream primary education<sup>158</sup>.

<sup>157</sup> Interview with S.R., Head Officer of Education Service, Area B, 3 June 2011; Interview with M.-F.P., Head Officer of Education Service, Area C, 27 May 2011.

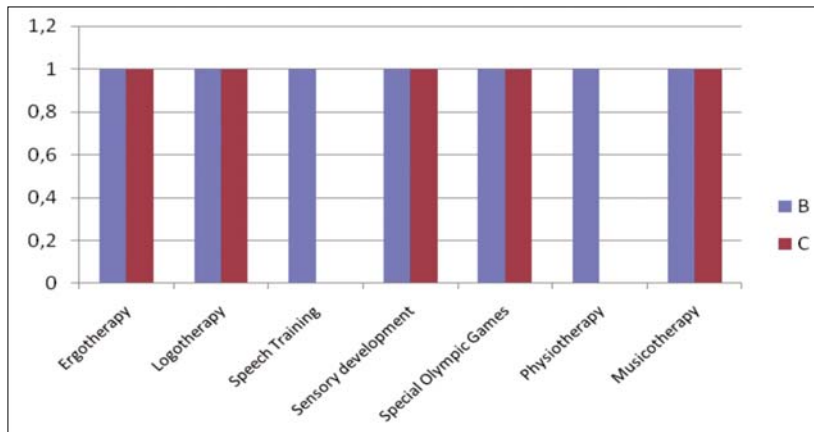
<sup>158</sup> *Ibidem*.

Table 1. Classes in IMP - France



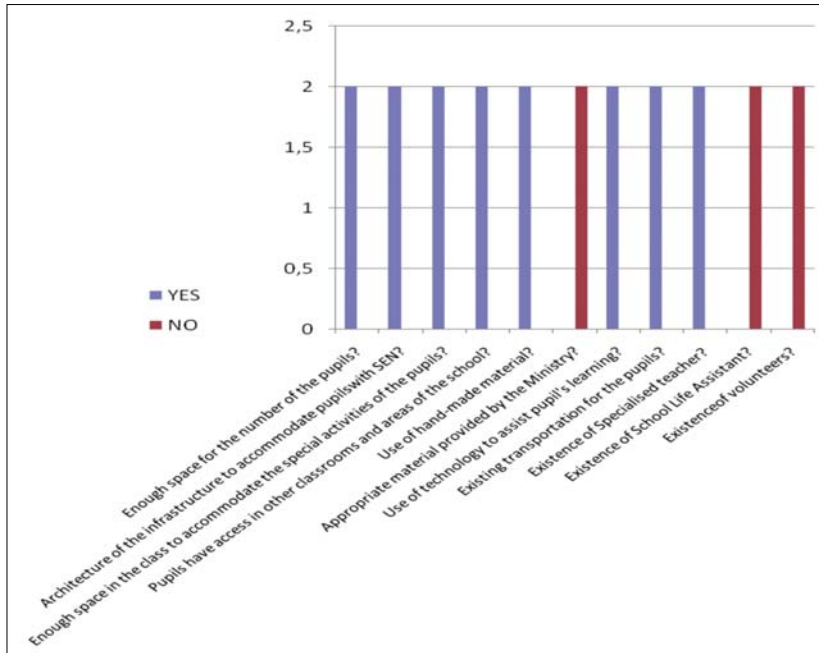
In the framework of the IMPs, various activities and therapies take place with a view to develop the potential of the children with mental particularities on the social, scholar and personal sphere of their life. These procedures have been proven effective and essential for acquisition of important mental, social and autonomy skills that will also prevent children from suffering or other crisis they may experience due to their particularities. Table 2 gives a picture of the activities-therapies that pupils attend in the IMPs of areas B and C.

Table 2. Specialised classes in IMPs



## 2. Material-Space

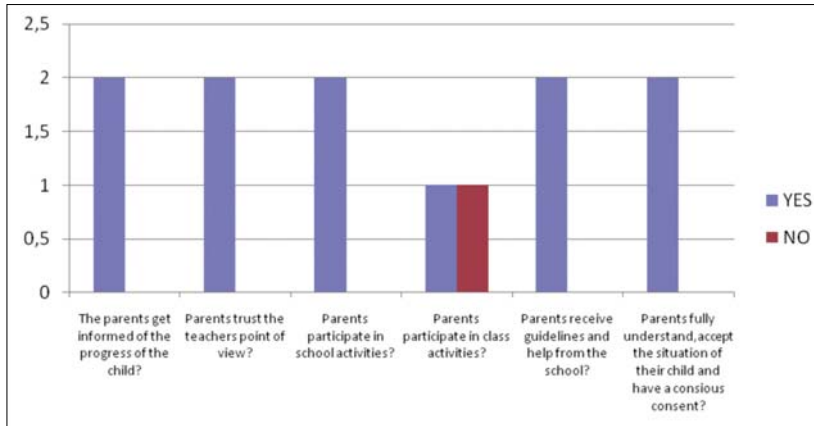
Table 3. Material and space in IMPs



As it can be seen in Table 3, IMPs have a really good infrastructure and provide their pupils with all the materials needed for their proper education. The Ministry of Education of France provides the IMPs with a specialised teacher but with no more budget. The resources come from the social security and fund raising activities of the association that has founded the IMP. As the whole personnel is specialised, the IMPs are not entitled to receive School Life Assistants from the Ministry for their needs. However, they are also reluctant to engage volunteers in different posts, even though such proposals have been made to them. Common standards can be observed in both IMPs that took part in the present research and this can be translated with no fear as a common code of practise and standard settings in French IMPs.

3. Relations with Parents/Families

Table 4. Relations between IMPs and families



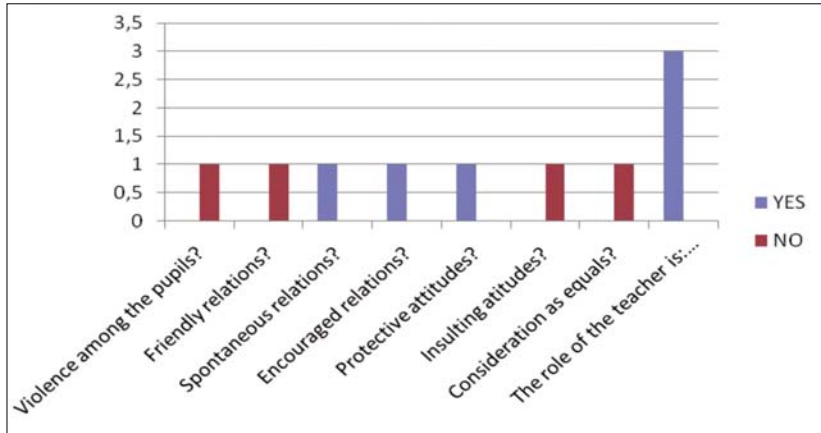
From the very first time in the IMPs, parents are treated with special care and they receive essential psychological support and precious guidelines on how to understand and help their child. The French IMPs could be considered as a model institution regarding the link they do with one of the most important factors for the school and the individual life of the child with mental particularities. They include in their annual program participatory school activities for the parents, as well as parental education and continuous informing about the progress of their child.

4. Interaction with Other Children

Children in IMPs are treated with very high quality standards of teaching methods and therapies. However, this is a protected and idealised environment created to meet their needs. Some IMPs are located in remote, calm neighbourhoods or at the outskirts of a city. As a result, in some cases their pupils do not have the opportunity to socialise in everyday basis with ordinary children. Table 5 shows the findings only from area B, as that IMP had developed a program in collaboration with a neighbouring mainstream school and its pupils were in everyday contact with the mainstream pupils. In area C, no such a program existed as the school was located at the outskirts of the town. Regarding such a program, it is important to note that although it has positive effects in the socialisation of the pupils with mental particularities, still they are not

considered as equals from their peers and the role of teacher in the procedure of socialisation still remains very important.

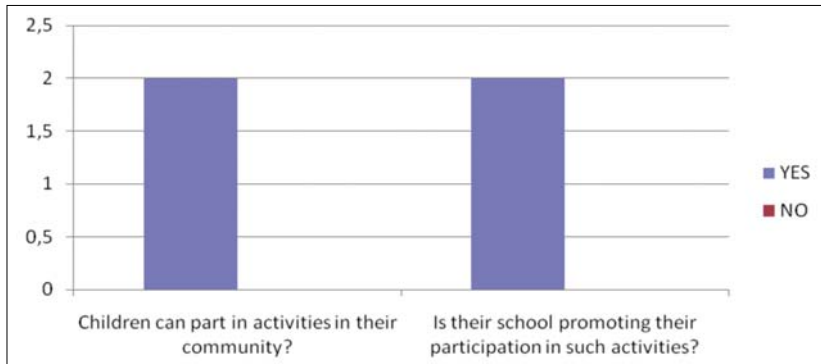
Table 5. Interaction with other children (Area B)



### 5. Integration in the Local Society

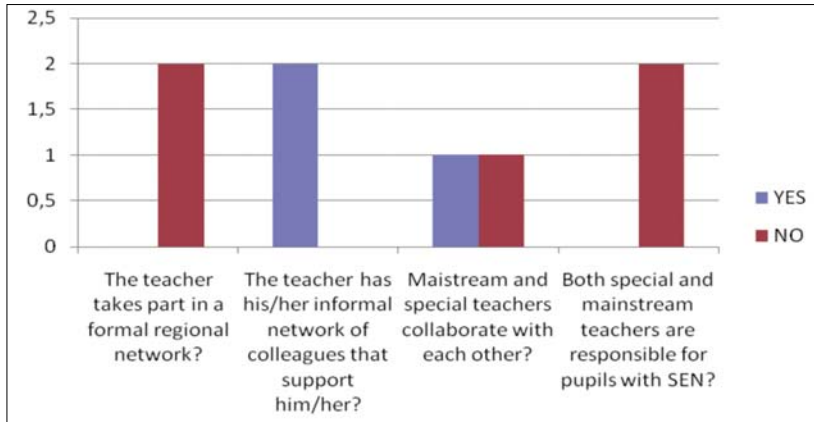
IMPs are trying to engage children in activities that will help them integrate better in the local society. These activities vary and depend each time on the potential of the pupils. IMPs promote, when necessary, the transit of a pupil from the IMP to a CLIS, where he or she could socialise and integrate better in the social context.

Table 6. The role of IMPs in the integration of the children in the local society



6. Teachers' Network

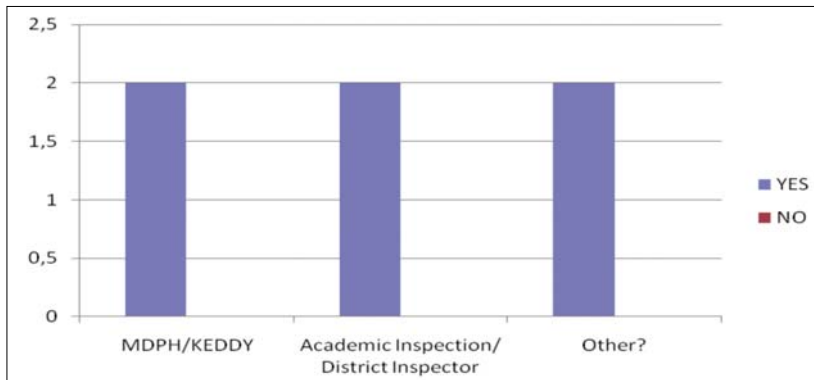
Table 7. Teachers' network in IMPs



No real official network exists among the specialised teachers of the IMPs. Most of them have their personal network, bigger or smaller, that provides them with fresh material and support. Where special programs in collaboration with mainstream schools take place, specialised and mainstream teachers collaborate while the responsibility for the success of the program is always on the specialised teacher.

7. Relations with Other Institutions

Table 8. Existence of relations between IMPs and other institutions



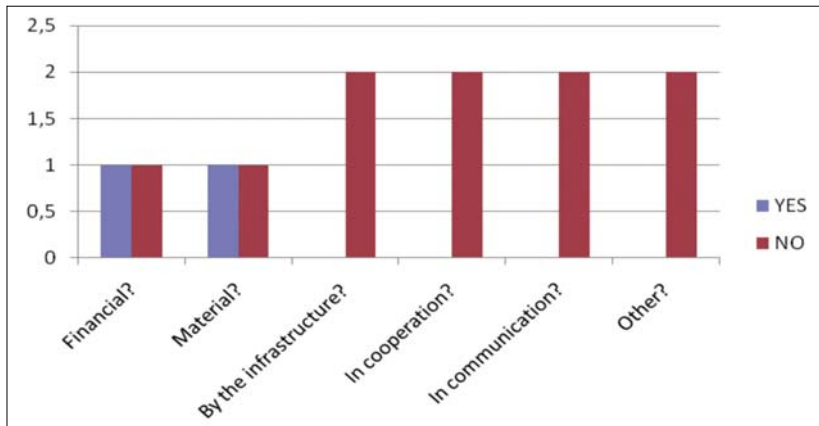


IMP's have developed a network of supporting institutions, apart from the basic MDPH and the academic inspection, in order to provide their pupils with transportation and a range of activities that will enhance their potential and prevent them from suffering.

### 8. Problems

IMPs, since their building are meant to accommodate children with mental or corporal particularities. The whole design of their infrastructure, as well as the qualifications of the people who work inside solves many problems. The worries that remain for some IMPs concern their financing and their material resources. Worries, however, that should not be overlooked, especially before a world economic crisis.

Table 9. Problems that IMPs face

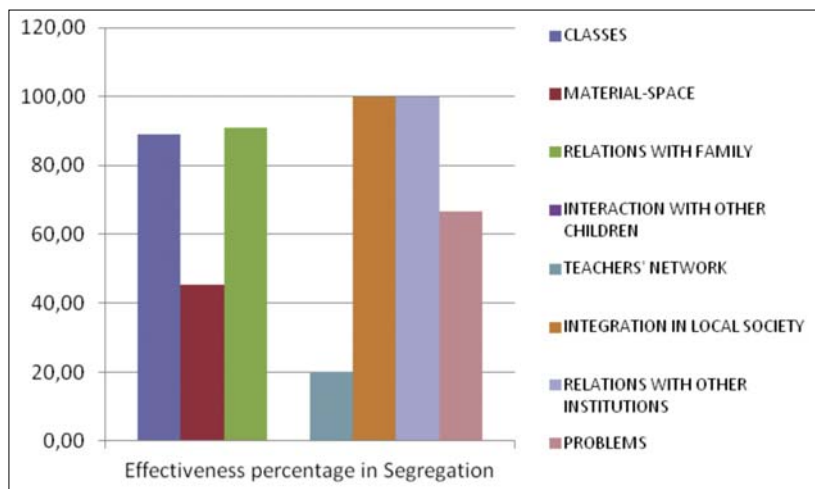


Summing up:

French IMPs achieve a high score of effectiveness in many levels. The development of good communication and relations with pupil's families and with other supporting institutions are key issues for their success. The specialised infrastructure along with the specialised material and teaching methods is proven to be effective for the pupils' scholar success. It is important to attach the due attention to the fact that French IMPs are meant to accommodate mostly children with severe cases of mental «disabilities» and the priorities in their everyday schedule do not concern their literary education but the development of the child's potential as a whole, along with special therapies. Autonomy is a priority, socialisation

comes next, scholar success with the classic meaning of mainstream education might be the last concern in a IMP. However, pupils in IMP gain precious knowledge, different of the one that mainstream education offers.

Table 10. IMPs' effectiveness percentage



### 3.a.ii. Integration Settings in Mainstream Education Examined - CLIS (Classes of Scholar Inclusion)

Precision: CLIS at the beginning meant Classes of Scholar Integration. Recently, the terminology changed to Classes of Scholar Inclusion but their function was not modified. Consequently, they are still considered as integration structures.

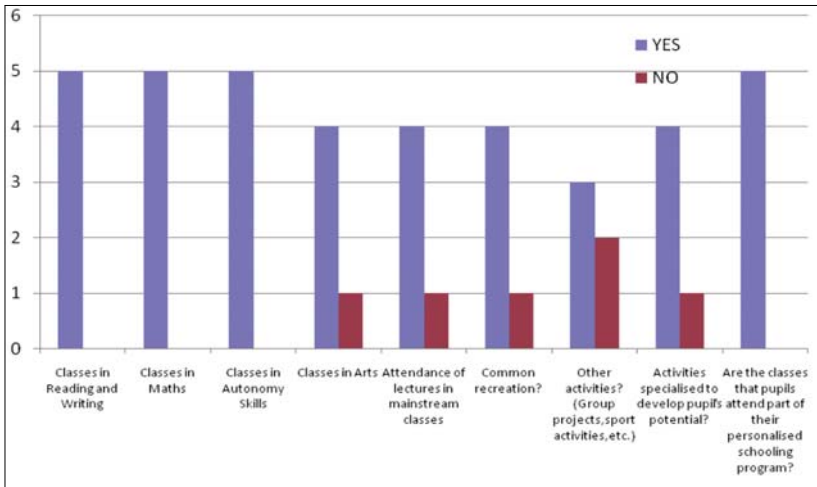
In the framework of the present thesis, we visited five (5) CLIS of the category meant for children with mental «disabilities» that are registered as CLIS 1, in the framework of mainstream primary schools. Some of them were also a bit more specialised in order to accommodate, for example, severe cases and autism<sup>159</sup>.

<sup>159</sup> Interview with E.B., Non-specialised CLIS (Autism) Teacher, Area A, 28 March 2011; Interview with O.B., Specialised CLIS Teacher, Area A, 29 March 2011; Interview with E.D., Specialised CLIS Teacher, Area B, 17 May 2011; Interview with O.R., Non-specialised CLIS Teacher, Area C, 27 May 2011; Interview with A.G., Specialised CLIS (ASTED) Teacher, Area D, 25 March 2011.

### 1. *Classes*

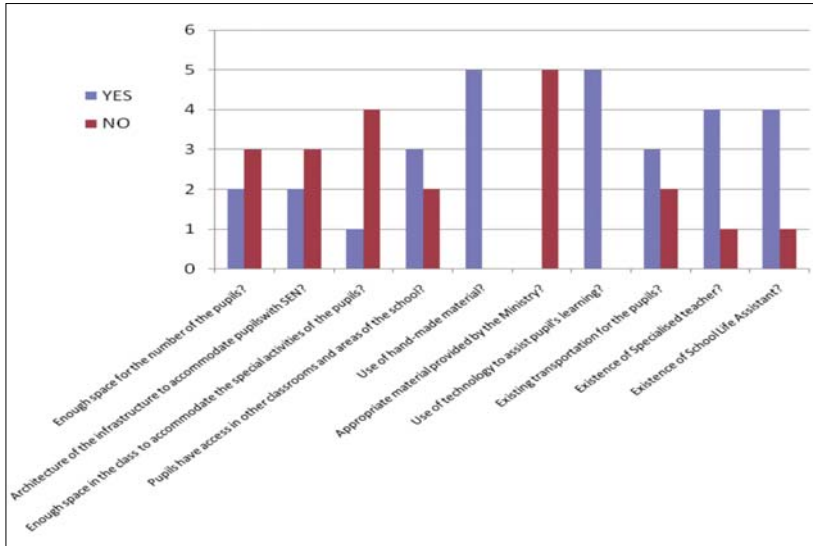
The classes of the CLIS try to resemble to the ones of the mainstream classes where the material is given to the students through specialised or adapted teaching techniques and more time is given to the pupils in order to succeed in receiving literary knowledge. However, the CLIS are not limited to the scholar part but they try to help the students develop their personal potential, become autonomous, get functional education and socialise with the rest of the children in the mainstream school. In the CLIS, there can be found children with mental particularities of severe, medium and light case, as well as, children whose mental development has been disturbed due to the level of their economic and social environment. They are collectively schooled in a classroom and the teacher of the CLIS is implementing their personalised schooling schedule. Some of them can also attend classes of the mainstream schedule with the consent of the responsible teacher. However, the general responsibility is on the teacher of the CLIS.

*Table 11. Classes in CLIS*



2. *Material-Space*

Table 12. *Material and space in CLIS*



The material and the infrastructures are among the challenges that face the pupils and the teachers of the CLIS everyday (Table 12). The Ministry of Education does not provide the CLIS with a budget to cover its material expenses and teachers have to do fund raising in order to run their class. Moreover, the CLIS are located in mainstream buildings that do have the necessary facilities to accommodate children with severe cases of mental disabilities or with mixed syndromes. However, the existence of School Life Assistants is very important and facilitates significantly the running of the classes and the teachers make the arrangement of the space in a way as much effective as possible to accommodate the needs of their pupils.

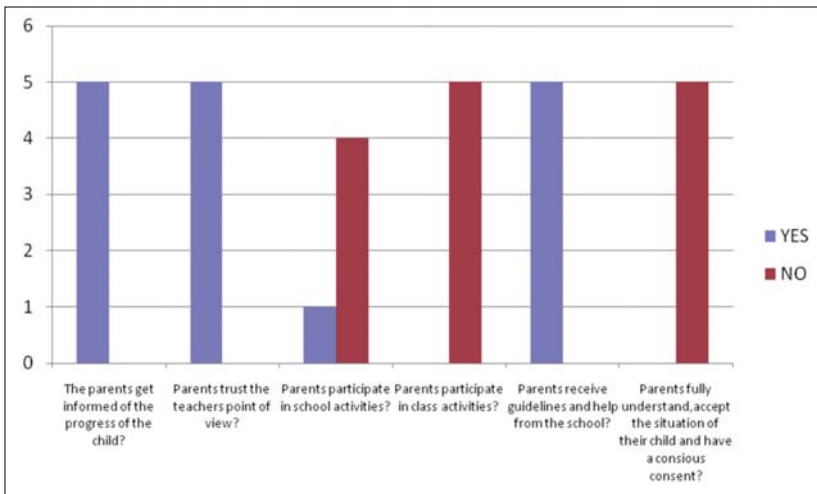
3. *Relations with Parents/Families*

In general, there are good relations between the parents of the pupils and CLIS teachers. However, it has been stated that teachers do «not really see them often. Children come and go in a taxi<sup>160</sup>.» Regarding

<sup>160</sup> Interview with E.B., Non-specialised CLIS (Autism) Teacher, Area A, 28 March 2011.

cases of severe mental «disability» that are found in a CLIS, teachers declare that it is big challenge for them and that «the consent of the parents concerning the way of schooling of their child is not informed and it has been used in the game of politics. As a result children enter CLIS where the appropriate infrastructures do not exist<sup>161</sup>.» On the other hand, when parents ask the teachers for guidelines, they always receive help even though the teachers believe that «this is not their role to play<sup>162</sup>.» In general, the contact between the school and the parents depends «mostly on the will of the parents to get informed<sup>163</sup>.»

Table 13. Relations between CLIS and pupil's family



#### 4. Interaction with Other Children

Even though the CLIS is located in the framework of a mainstream school, no spontaneous relationships are developed. However, the violent and insulting incidents towards CLIS pupils are treated with a lot of strictness from the teachers' part and explanations are given to the mainstream pupils about the situation that CLIS pupils find

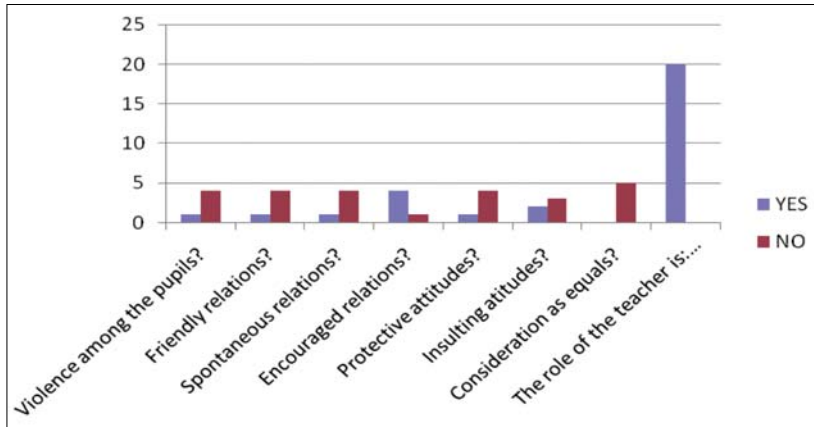
<sup>161</sup> Interview with O.B., Specialised CLIS Teacher, Area A, 29 March 2011.

<sup>162</sup> *Ibidem*.

<sup>163</sup> Interview with A.G., Specialised CLIS (ASTED) Teacher, Area D, 25 March 2011.

themselves. For the time being, no bad but also no good is done in the sector of interaction between the two groups (Table 14). There is co-existence but «this means neither integration, nor inclusion<sup>164</sup>.» The role of the teacher is still important to enforce an interaction between CLIS and mainstream pupils and to make sure for the security of his or her pupils.

Table 14. Interaction between the pupils of the CLIS with other mainstream pupils



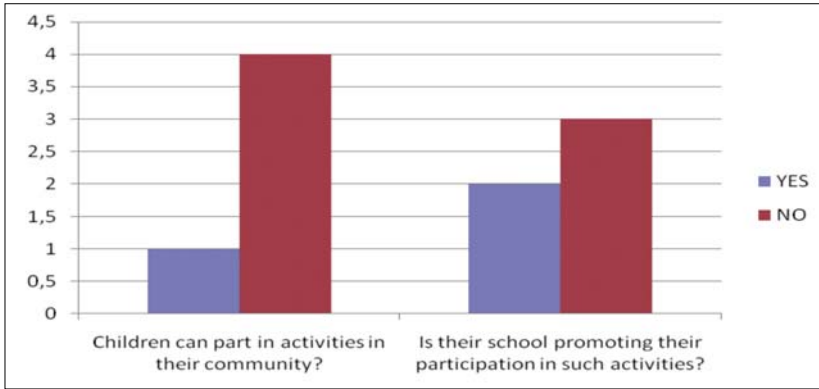
### 5. Integration in the Local Society

Even though CLIS are working on the development of autonomy skills of their pupils, they are not effective or they do not even try to promote their integration out of the framework of the school. There are however teachers who take the initiative and engage their pupils in activities in neighbourhood or community level that are significant for their integration in the local society (e.g. participation in gardening competition for neighbourhoods)<sup>165</sup>.

<sup>164</sup> Interview with E.D., Specialised CLIS Teacher, Area B, 17 May 2011.

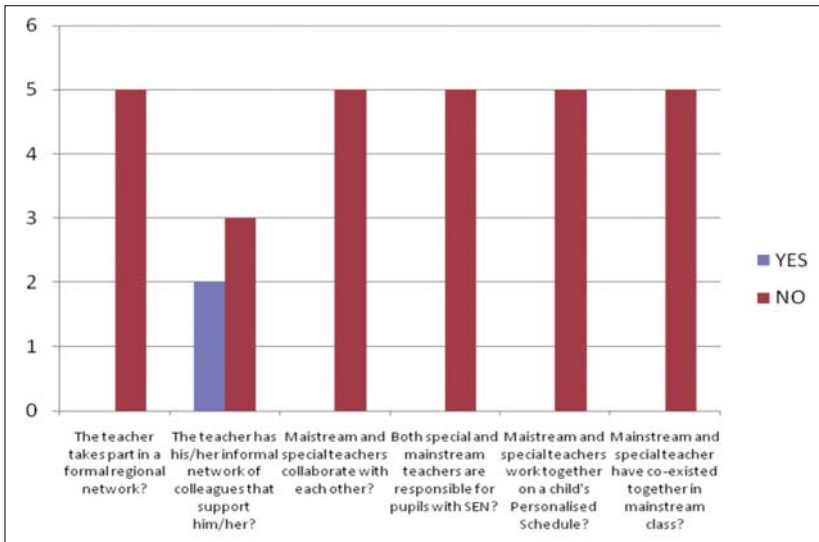
<sup>165</sup> *Ibidem*.

Table 15. The role of CLIS in the integration of the children in the local society



## 6. Teachers' Network

Table 16. Teachers' network in CLIS



As it can be observed in Table 16, there is not an official and usually not even an unofficial supporting network for the teachers of CLIS. But the most problematic is that no real collaboration exists with the mainstream colleagues, with whom they may face problems also to make them accept a pupil in order to attend a class.

7. Relations with Other Institutions

Table 17. Relations between CLIS and other institutions

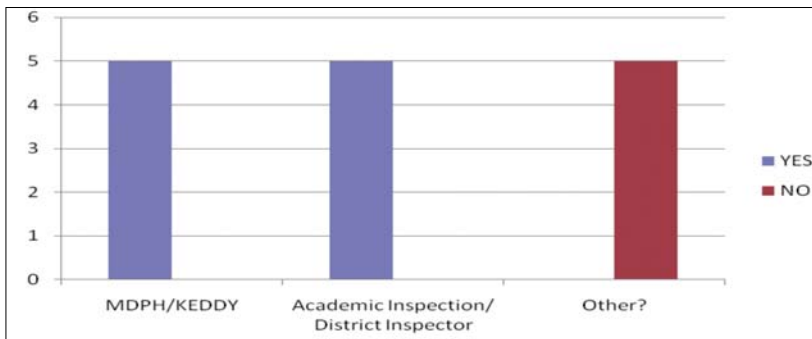
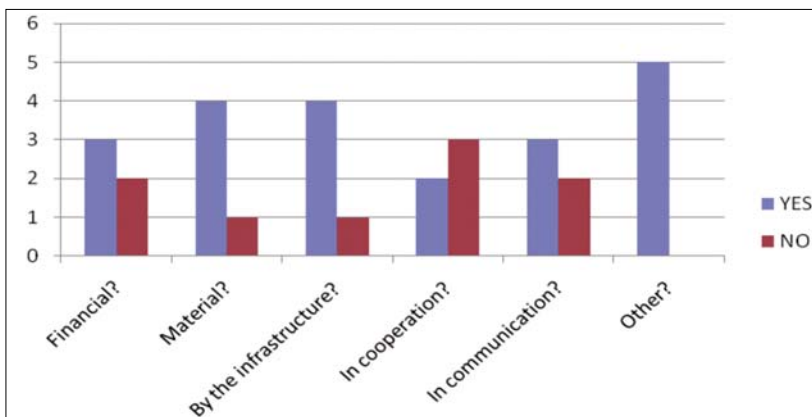


Table 17 above shows clearly that the relations of the CLIS are limited to the basic contact with the MDPH and the academic inspection.

8. Problems

Table 18. Problems in CLIS



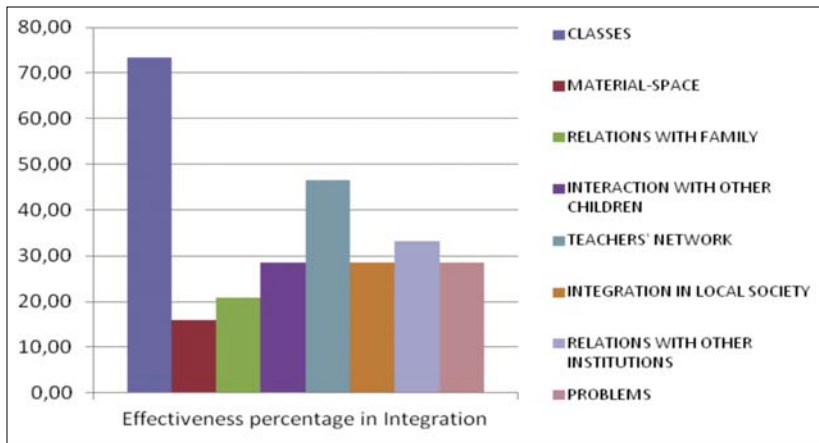


The function of the CLIS is really challenged by problems of various types.

Under the indicator «Other problems,» there is the lack of personnel, there are children with wrong diagnose from the competent MDPH, wrong goal setting, there are negative attitudes from mainstream colleagues, lack of transportation for the pupils, lack of social servant to deal with the families and lack of specialised activities, like the ones used in segregation settings, to develop pupils' potential.

Summing up:

*Table 19. CLIS' effectiveness percentage*



In Table 19 can be seen the mediocre effectiveness of a structure that is in force since six years. The CLIS are trying to cover the demanding special educational needs of their pupils but the inputs are limited. As a result, their effectiveness is limited to their existence in the framework of mainstream schools, pretending they are following personalised schooling schedules while their goal setting is similar to the one of the mainstream and while there is no support from the mainstream sector. Families fail to understand the particular needs of their child, specialised teachers are abused in their efforts to cover various types of needs and feel «alone» in this struggle towards an inclusive educational system.

3.a.iii. Segregation v. Integration Settings in France

As segregate educational structures are much older than the recently introduced integration classes, it is normal that their effectiveness would be bigger, just because of experience and right management. However, the design of the newly made CLIS is quite problematic, but they give hope for a real evolution in the education scene of France. In Tables 20a and 20b can be seen how much way has to be covered so that high standards are reached by the CLIS. The only sector that CLIS appear to be better than IMPs, is the sector of interaction with other children and it is true that in the framework of a mainstream school, the children with mental particularities have more possibilities to socialise with their peers, take advantage of their social environment and also contribute themselves to the development of their social environment, gaining their self-esteem.

Table 20a. IMPs v. CLIS

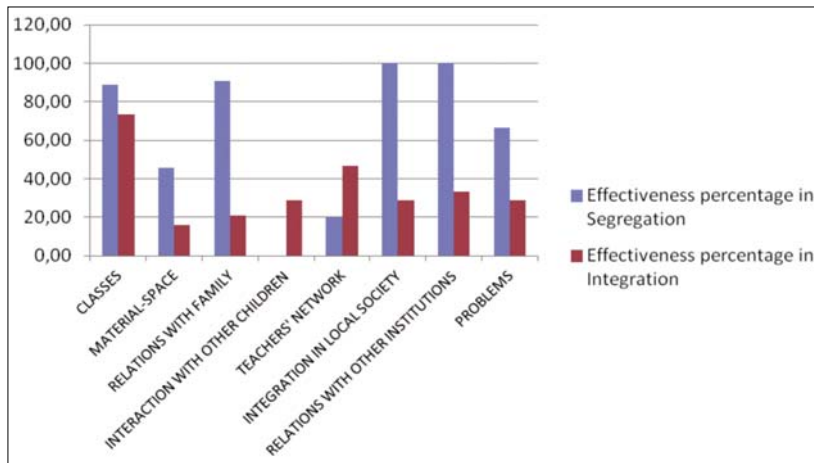
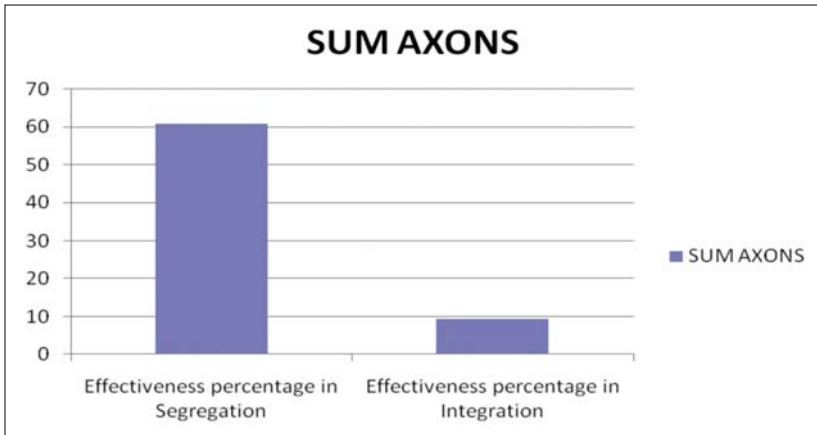


Table 20b. IMPs v. CLIS



### 3.B. PRIMARY SPECIAL EDUCATION IN GREECE

According to the official report that has been published for the school year 2009-2010 by the European Executive Agency Education, Audiovisual and Culture (EACEA) and the Eurydice Network, in Greece there are segregation and integration settings for the schooling of children with special educational needs. At that moment, there were 23,599 pupils in the total range of public national education (primary and secondary) with special educational needs. There is no specific indicator for the number of the children with special educational needs due to mental particularities. As segregation settings we define the Special Schools in primary and secondary education and as integration ones, the collective integration classes (TE) and the individualised schooling of some children in mainstream classes, assisted by a School Life Assistant. In Greece, there are 178 public special primary schools which provide 2,997 children with special needs education. It is important to underline that these schools are not specialised, which means that in their framework can be found children with different kind of «disabilities,» from light to very severe cases, from simple to complex particularities and special needs. In the integration classes, the TE, the situation is the same. They are addressed to all cases of special education needs with no specialisation. At the moment of the assessment, there were 5,433 public primary schools, 1,526 of which have a TE in

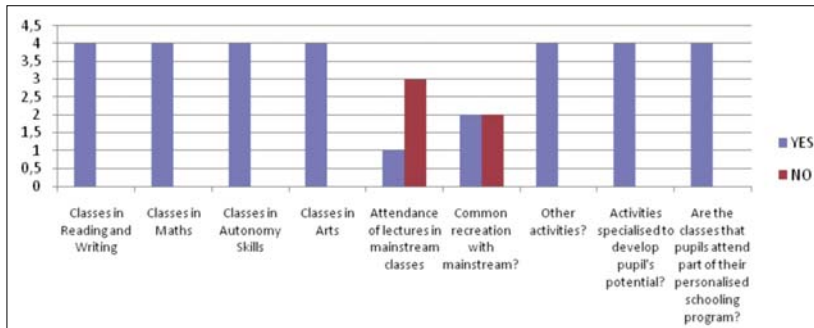
their framework. These TE accommodate in total 14,348 pupils with various special education needs. Only 241 pupils in the whole country were entitled to receive individualised help in the framework of a mainstream class. There are also students with special needs education found in private primary schools, special or not<sup>166</sup>. For the time being, no relevant statistics exist for the private sector. The education that is provided both in Special Schools and in TE is free from tuition fees and those are structures that this thesis is meant to examine as the most important and representative of the whole system of special education in Greece.

*3.b.i. Segregated Structures Examined - Special Schools*

The statistic data that follow come from interviews conducted in the framework of the present thesis in Special Schools of the four selected areas<sup>167</sup>.

*1. Classes*

*Table 21. Classes in special primary schools*



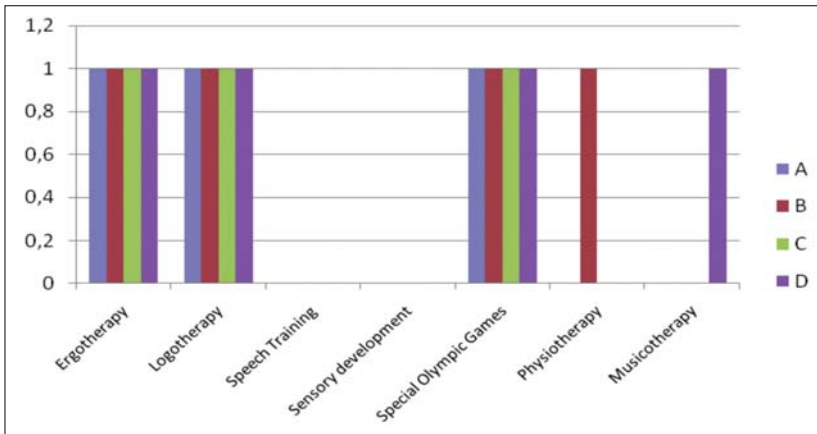
In the framework of special primary schools, children attend classes that are designed to enhance their autonomy and their social skills and to provide them with literal knowledge (Table 21). Special activities and

<sup>166</sup> EACEA, Organisation of the Education System in Greece 2009/2010, 2010, pp. 215-233, at [http://eacea.ec.europa.eu/education/eurydice/documents/eurybase/eurybase\\_full-reports/EL\\_EN.pdf](http://eacea.ec.europa.eu/education/eurydice/documents/eurybase/eurybase_full-reports/EL_EN.pdf) (consulted on 16 June 2011).

<sup>167</sup> Interview with I.P., Special School Director, Area A, 11 April 2011; Interview with C.G., Special School Director, Area B, 5 May 2011; Interview with A.G., Special School Director, Area C, 3 May 2011; Interview with C.S., Special School Teacher, Area D, 15 April 2011.

therapies take place to support the learning procedures. These activities and therapies include mainly ergotherapy, logotherapy and special Olympic sports (Table 22). The existence of further activities, such as musicotherapy and physiotherapy have been proved to have positive results on the pupils education. In some cases, activities are organised in collaboration with mainstream schools and common recreations with neighbouring mainstream schools are intended to promote pupils' integration and socialisation in the local context.

Table 22. *Specialised classes in primary Special Schools*



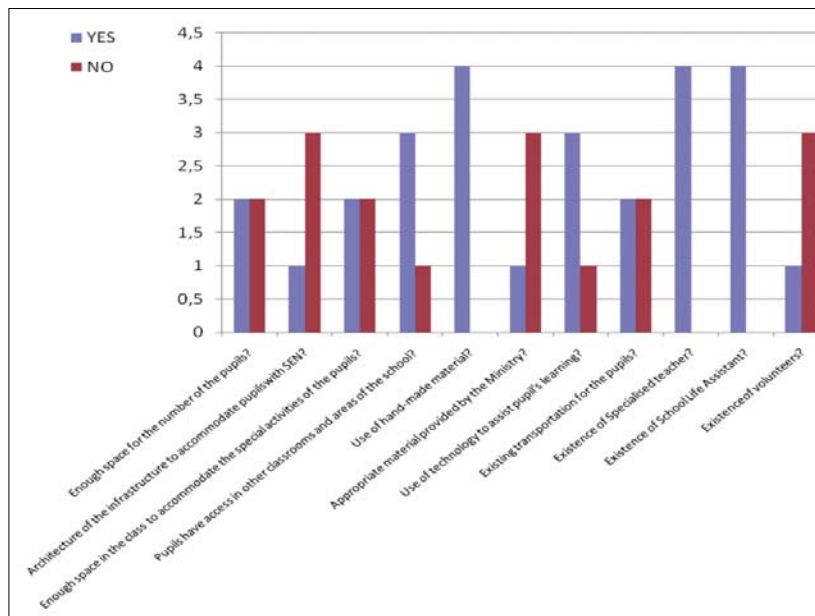
## 2. *Material-Space*

Even though Greek Special Schools were meant since their creation to accommodate pupils with more or less severe cases of mental or corporal disabilities, this does not seem to be taken into consideration by the architects that the state had appointed for their designation. Many problems and challenges arise due to lack of space or wrong space management. In terms of material, the demand of specialised material is big, but the only offer from the part of the Ministry of Education is a limited budget. Directors, sometimes find themselves in a dilemma between covering the functional expenses of the school (water and electricity bills) and covering the educational expenses of the school (material, activities, production of specialised school auxiliaries, etc.)<sup>168</sup>.

<sup>168</sup> Interview with A.G., Special School Director, Area C, 3 May 2011.

As sometimes, usually in provincial areas, the specialised personnel is not enough, help is provided by volunteers, such as university students<sup>169</sup>. Luckily though, every Special School is entitled to School Life Assistants (Table 23).

Table 23. Material and space conditions in Special Schools



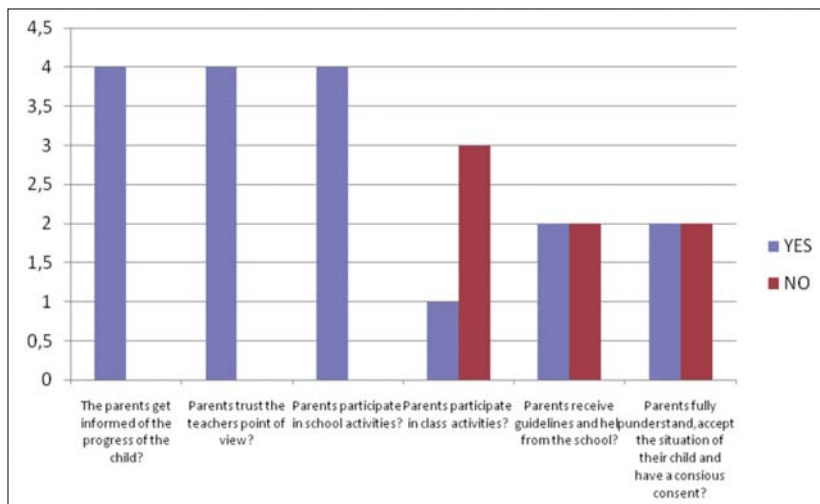
### 3. Relations with Parents/Families

In general, there are good relationships between the Special Schools and pupils' families and the parents get informed on their child's progress on a regular basis. However, as families play a key role in the general education and development of the pupils, Special Schools are not as much effective as they should be in order to assist the parents in a psychological and material way (Table 24). Usually, this happens because not all Special Schools have in their personnel a social servant

<sup>169</sup> Interview with C.G., Special School Director, Area B, 5 May 2011; Interview with C.S., Special School Teacher, Area D, 15 April 2011.

to deal with the families. Because of this, the charity efforts<sup>170</sup> that are conducted by the Special Schools with a view to support pupils coming from very poor families, even though they make the problem a bit smoother, they don't give a real solution to the problem. Many times, teachers and directors find themselves in situations where effective educational and psychological help should be provided both to the parents and the pupils. As, it has been stated by 75% of the interviewees, mothers are the ones who need real psychological support and education in order to understand, accept and treat their child in an appropriate way. Mothers are proved to be the ones who bear the responsibility for the care of a non-autonomous child with mental particularities and in most of the cases they are abandoned by their husband. Such situations affect the child and disturb his or her development, scholar or social<sup>171</sup>.

*Table 24. Relations between Special Schools and pupils' families*

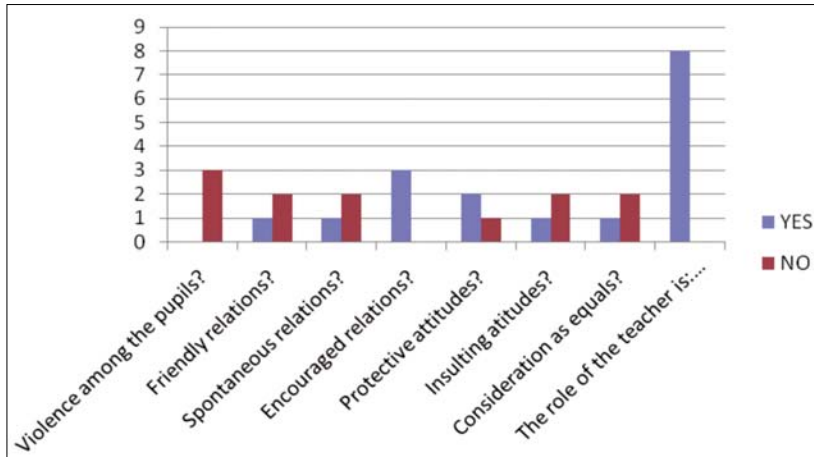


<sup>170</sup> Interviews with C.S., Special School Teacher, Area D, on 15 April 2011; Interview with A.G., Special School Director, Area C, 3 May 2011.

<sup>171</sup> Interview with C.S., Special School Teacher, Area D, 15 April 2011; Interview with A.G., Special School Director, Area C, 3 May 2011; Interview with C.G., Special School Director, Area B, 5 May 2011.

4. Interaction with Other Children

Table 25. Interaction between the Special School pupils and other children



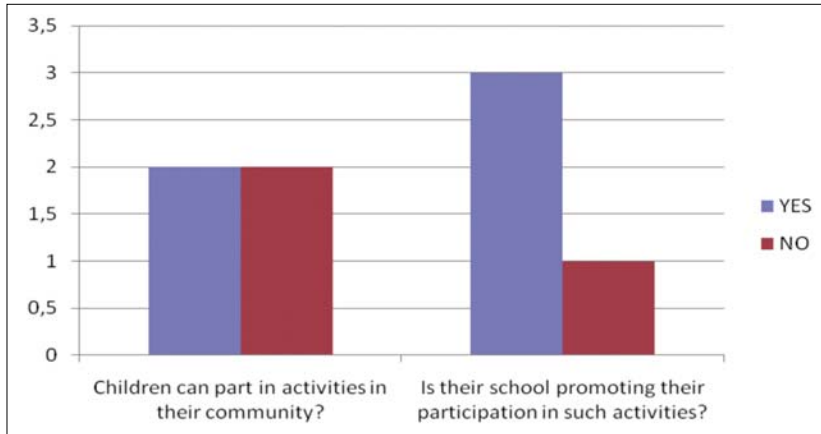
It has been assessed that where schools run common activities and recreations with mainstream schools, then friendly and even spontaneous relations can take place between the Special School pupils and the mainstream pupils (Table 25). However, negative attitudes still exist but they are never left without the intervention of a teacher, specialised or not. Thus, the role of the teacher is still important for the encouragement of such relations and in order to make sure that no violent or insulting attitudes take place in the school yards.

5. Integration in the Local Society

Special Schools are promoting the integration of pupils with mental particularities in the local society through a range of educational activities and visits to local public and cultural institutes (Table 26). Also, they urge pupils who prove their competencies, to move to integration settings in the mainstream schools. However, steps are very small and slow in the community level, as stereotypes remain and lack of understanding diversity is translated into indifference from the social environment.



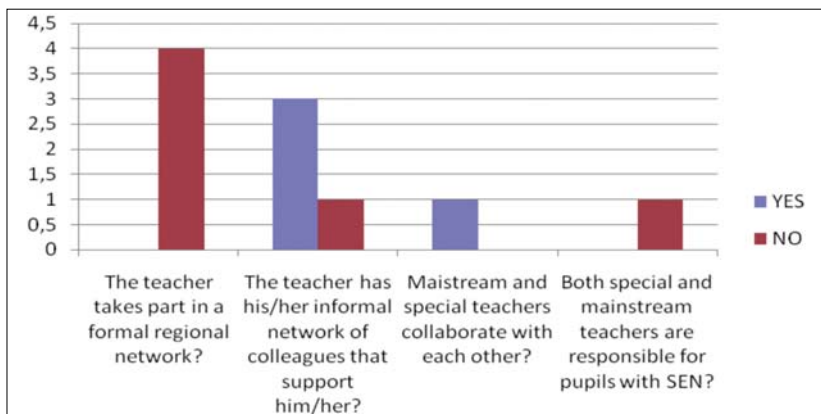
Table 26. *The role of Special Schools in the integration of the children in the local society*



### 6. Teachers' Network

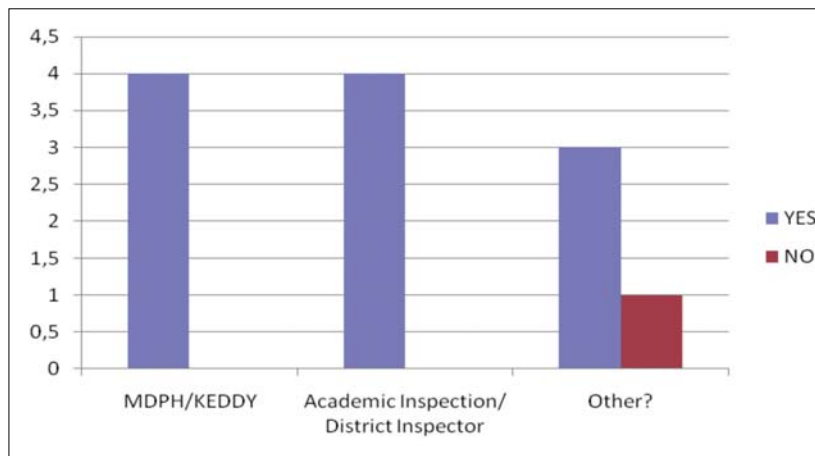
There is not an official teachers' network established in order to assist teachers of the Special Schools and other academics to exchange material, activity plans, practices and experiences. This happens only in an unofficial, personal level for each teacher (Table 27). Where activities in collaboration with mainstream schools take place, the whole responsibility for the success of the activity is put on the specialised teacher.

Table 27. *Teachers' network in Special Schools*



### 7. Relations with Other Institutions

Table 28. Existence of relations between Special Schools and other institutions



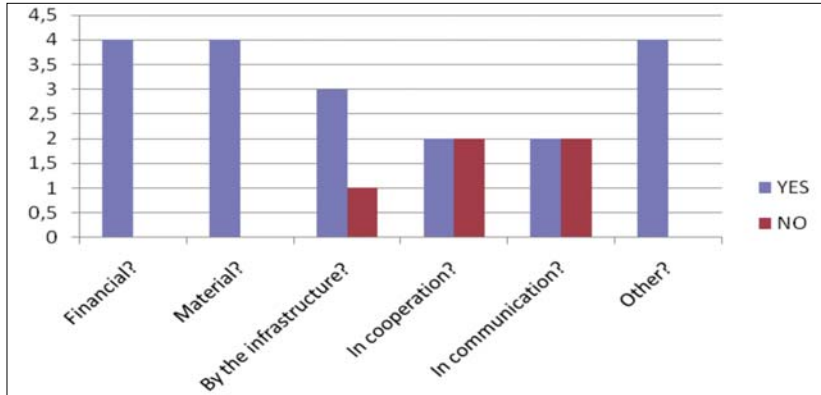
Most of the Special Schools, in order to implement their educational programs, build collaboration relations with other institutions, apart from the essential KEDDY and district inspection (Table 28). These institutions may be the local university, the local public services, cultural associations, etc. However the existence of relations with other institutes and the running of various programs depend on the initiatives of the school directors and teachers.

### 8. Problems

Greek Special Schools face lots of problems of different types. Poor financing and material and also lack of supportive attitudes from people in significant positions of related institutions are challenging seriously the function of Special School and are impediments in the educational procedures. Under the indicator «other problems,» there is a lack of deeply specialised personnel, a problem with the non-permanent status of the teachers and a lack of complete supporting multi-disciplinary teams (physiotherapists, music therapists, social servants, etc.). The limited function of the school, four hours per day, does not allow for much progress and effectiveness in the treatment of the pupils. As a result, their education is incomplete and «Special Schools

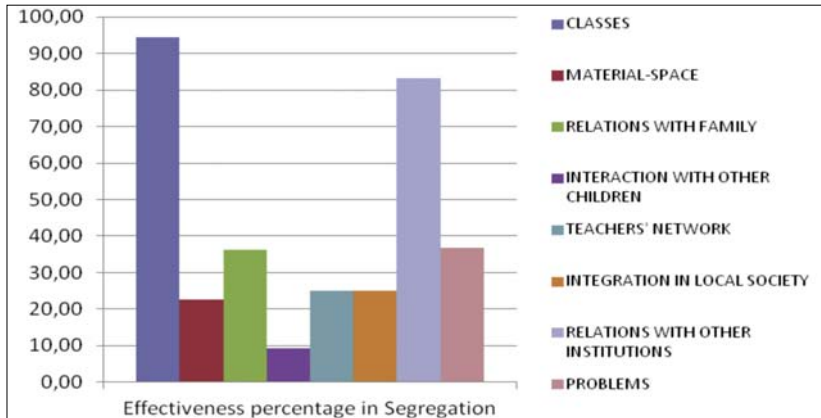
take more the form of day-care institutes<sup>172</sup>,» rather than real education providers. As a parallel effect, parents do not receive sustainable help and are not even liberated for enough time during the working days so that they could find a job and support their families<sup>173</sup>.

Table 29. Problems that Special Schools face



Summing up:

Table 30. Special Schools' effectiveness percentage



<sup>172</sup> Interview with A.G., Special School Director, Area C, 3 May 2011.

<sup>173</sup> Interview with C.S., Special School Teacher, Area D, 15 April 2011; Interview with A.G., Special School Director, Area C, 3 May 2011.

Greek Special Schools could be characterised as heroes who try to satisfy as much as possible the special educational and medical needs of their pupils with very limited resources in material, space and personnel (Table 30). Their dependency from the district educational authorities put their needs in the political game of the local leaders. As their inputs are limited, their effectiveness depends only on the personal will of the people who are engaged in their frameworks as employees or as volunteers. Personal will and commitment are the basic elements that move the Greek system as resources and political will are limited. Advantage has been taken of various European programs for children with special educational needs as well as of the precious presence of volunteers. However this is not a stable thing and it is not enough to meet the concrete needs of the pupils with mental disabilities, among others, whose development and education is very critical for their personal non-suffering and progress and for their family and society well being.

### *3.b.ii. Integration Settings in Mainstream Education Examined - TE (Integration Classes)*

The statistic data presented below come from interviews with TE teachers of the four Greek areas selected in the framework of the present thesis<sup>174</sup>.

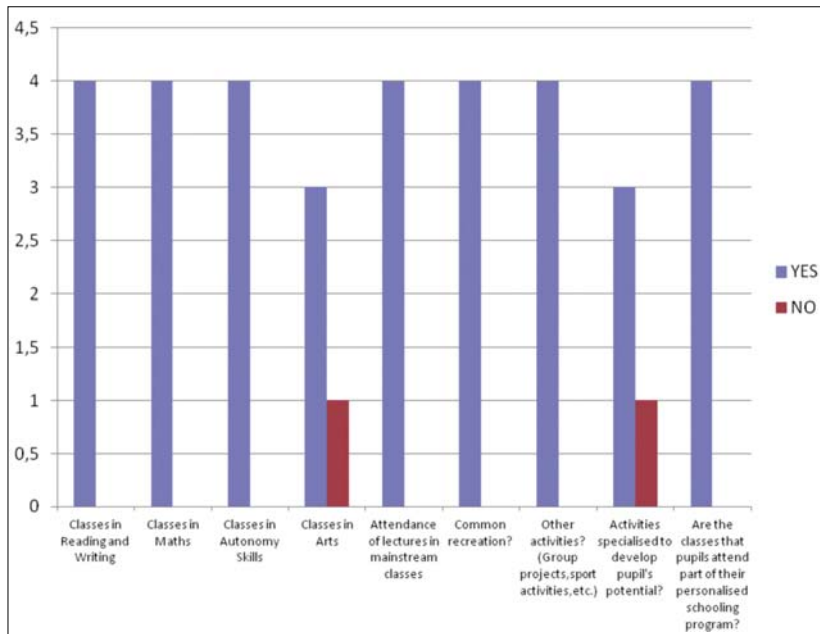
#### *1. Classes*

Even though the same indicators are used to identify the existence and efficiency of several standards in the TE, as with the CLIS, special attention should be paid to the fact that pupils of the TE are registered in a mainstream class, attend the mainstream class schedule and in the TE they receive some specialised help for two hours per day maximum. So, in this limited time, they receive mostly supplementary help in order to catch up with the mainstream schedule. The only specialised help they receive in order to develop their potential is some activities to enhance their autonomy skills and activities with educational software provided by the Ministry of Education. Even though the classes they attend in the mainstream are supposed to be part of their personalised schooling schedule, in fact they are not adjusted and the goal setting for

<sup>174</sup> Interview with K.P., Specialised Teacher in TE, Area A, 12 April 2011; Interview with A.A., Specialised Teacher in TE, Area B, 5 May 2011; Interview with S.K., Specialised Teacher in TE, Area C, 6 May 2011; Interview with A.M., Specialised Teacher in TE, Area D, 15 April 2011.

the child with mental particularities is the same to their peers. So, even though they are supposed to take part in all the mainstream classes, this is meaningless for the child as they cannot follow. The only real progress in literal level is the one done in the framework of the TE and this is to be evaluated by the mainstream teacher applying usually the mainstream criteria. After these explanations, it can be understood that the statistic effect of Table 31 does not correspond to procedures that are meaningful for the child.

Table 31. *Classes in TE*

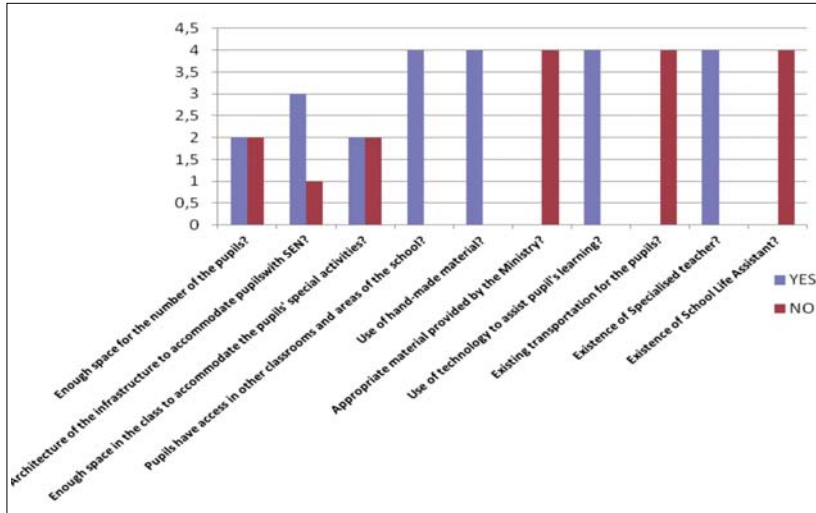


## 2. *Material-Space*

Greek TE are located in the framework of mainstream schools that initially had not been designed to accommodate children with special needs. Even when the architecture of the school is not problematic, TE face a lack of space to accommodate their pupils and the specialised activities needed. There are TE that have room only for three persons. Moreover, TE don't have School Life Assistants to facilitate the work of the specialised and mainstream teacher. The budget for the acquisition

of specialised material is limited, most of it is hand-made and the Ministry has not designed specialised school auxiliaries to meet the special educational needs of the pupils. Personalised help is provided to the pupils only by the TE specialised teacher.

Table 32. Material and space in TE



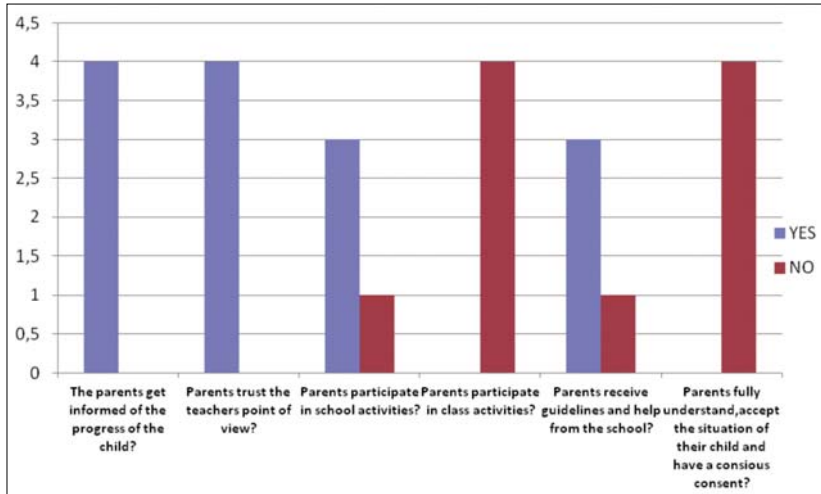
### 3. Relations with Parents/Families

The TE teacher is not the responsible teacher for the evaluation of his/her pupils. The competent teacher is the mainstream teacher of the pupil. As a result, parents just consult TE teachers on issues about their child but judge their progress with the same criteria as the mainstream children<sup>175</sup>. As a result, TE pupils are considered to be more as low achievers and not as pupils with different potential. This situation creates confusion to the parents and the lack of a social servant in the framework of the school prevents them from deciding consciously on the type of education that is best for their child. At this point we need to underline that parents of pupils with severe «disabilities» find themselves in the most complicated situation as they prefer integration

<sup>175</sup> Interviews with A.A. Specialised Teacher in TE, Area B, 5 May 2011; Interview with S.K., Specialised Teacher in TE, Area C, 6 May 2011.

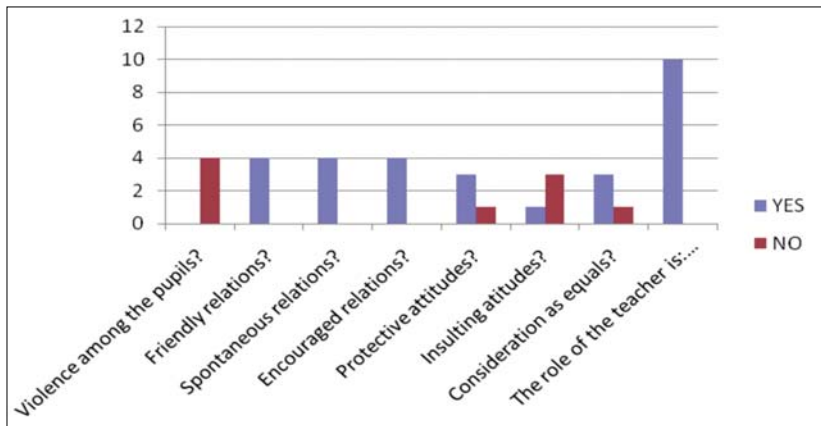
settings for their child but they lack the appropriate infrastructure. The role of the TE teacher is supportive for them but not really effective in the triangle school-family-pupil (Table 33).

Table 33. Relations between TE and pupils' families



#### 4. Interaction with Other Children

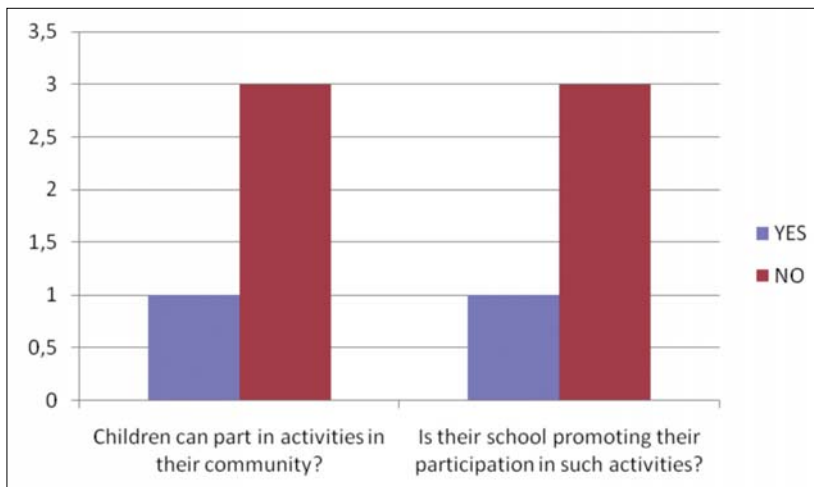
Table 34. Interaction between the TE pupils and other children



As TE pupils are mainly part of mainstream classes, spontaneous and friendly relationships occur. Even though there are discriminative insulting attitudes sometimes, the intervention of the teachers promote a spirit of respect and equality among the pupils. However, the role of the teacher is important for the existence of positive interaction among the children and explications on pupils' diversity and differences are important. TE pupils develop friendly relations with their classmates in the mainstream and have a big advantage for their socialisation. Parallel special programs that the school may run for all the students, such as anti-bullying programs<sup>176</sup>, have a positive result on the coherence of the school classes.

5. Integration in the Local Society

Table 35. The role of TE in the integration of the children in the local society



The role of the TE is mostly to assist pupils to catch up with the mainstream schedule. However, activities under TE teachers' initiative that develop aspects of children's potential and let them contribute to their local community have always a positive effect on the degree of

<sup>176</sup> Interview with K.P., Specialised Teacher in TE, Area A, 12 April 2011.

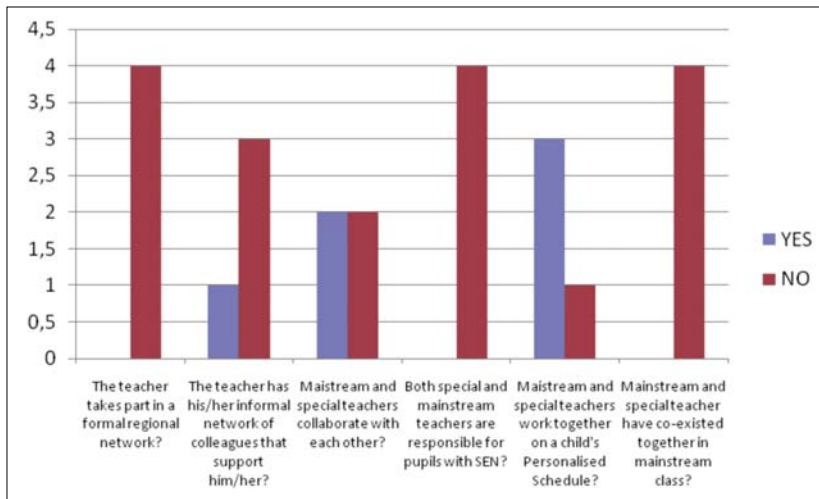


their integration in their local environment, the development of the self-esteem of the students and their recognition as active persons of the society<sup>177</sup>.

### 6. Teachers' Network

There is not an official network for the TE teacher's and specialists in special needs education. Some teacher's have an unofficial network of friends in the field of special education. Usually they collaborate at a basic level with the mainstream teacher that is responsible for the children but their intervention to their mainstream colleague teaching is limited and so far specialised teachers are reluctant to propose co-teaching classes (Table 36).

Table 36. Teachers' network in TE



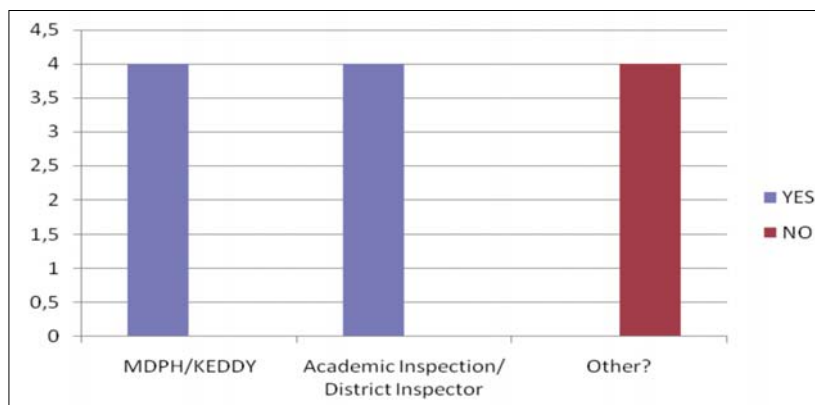
### 7. Relations with Other Institutions

Greek TE typically have a relation with the diagnostic centres KEDDY and the district inspector, as it is indicated by the law. In fact, the only link they have with the KEDDY is the paper of the diagnosis they get from them, that sometimes is proved to be a wrong diagnosis,

<sup>177</sup> Interview with K.P., Specialised Teacher in TE, Area A, 12 April 2011: initiative of photography project implemented by an autistic pupil that later was used as material for an anti-bullying project addressed to all the pupils of the school.

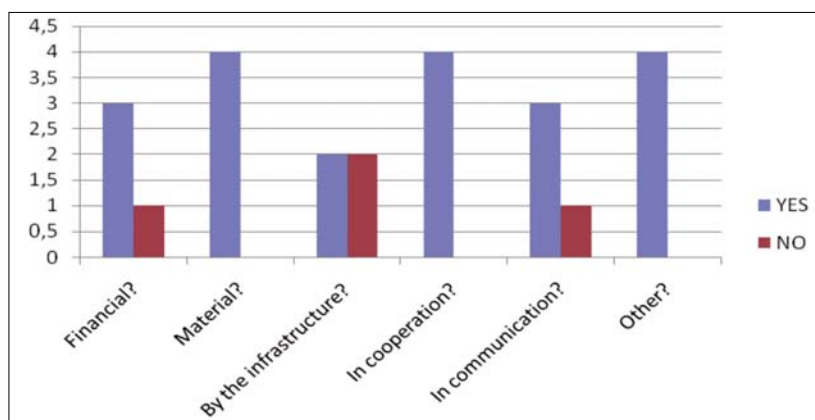
and no other form of communication and collaboration takes place. The district inspector visits the schools rarely and in fact no real monitoring takes place. No other relations exist with other institutions. The statistic data that appear on Table 37 regarding KEDDY and district inspection may be high but they are meaningless for the procedure of special needs education. One word was dominant in the interviews with all the four TE teachers, loneliness.

Table 37. Existence of relations between Special Schools and other institutions



### 8. Problems

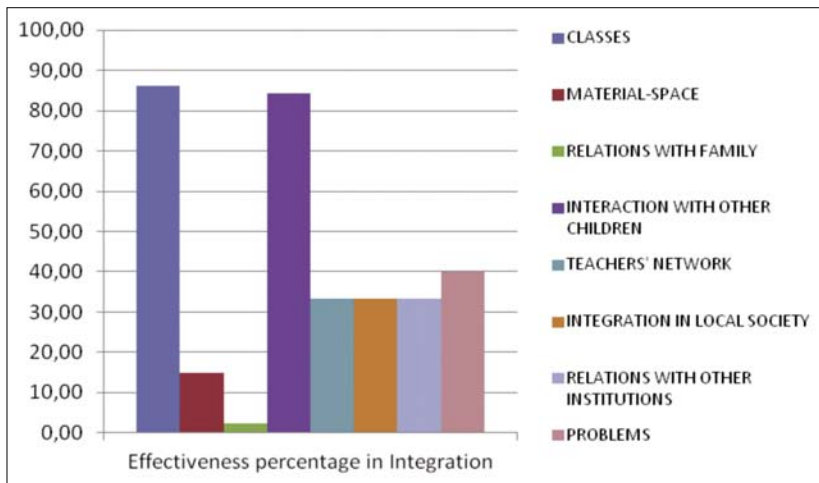
Table 38. Problems that TE face



Greek TE face many problems in many levels. The most common are the problems concerning their financing and material resources. In new-built schools infrastructure problems have been taken in consideration and appropriate space is given to TE. The most serious problems are the ones at the communication and collaboration level among the TE and mainstream teachers, the competent institutions and the families. Negative attitudes from colleagues are a serious problem for TE teachers. All of them agree that the designation and the function of the TE is problematic and that the existing evaluation system and structure of the mainstream school does not allow for a meaningful goal setting and development of children's potential. In particular, they all agree that «there should not exist anymore the distinction between special and mainstream education.»

Summing up:

Table 39. TE's effectiveness percentage



The role of the TE is not so far neither clear, nor well established. Their function is more like the one of a supplementary supportive class where children receive further help in order to catch up with the mainstream schedule. Under this approach of education they cannot be really efficient, many problems arise, TE teachers feel segregated from the actual educational procedure and pupils' potential is hardly developed and recognised. On the other hand, the fact that the children are not segregated from the rest of the school and are registered in the

mainstream classes, has a positive result on their social skills and social integration. Many steps need to be done in order to achieve a real inclusive education. The first one is a new approach of education that goes beyond mainstreamism.

### *3.b.iii. Segregation v. Integration settings in Greece*

Special Schools are the very first institutes to accommodate children with special educational needs and they are equipped with a multi-disciplinary team that works together with a view to develop children's development in autonomy, social and scholar level. Their infrastructure, specialised personnel and approach on special needs make them more efficient than the TE. The TE have only one specialised teacher in charge for maximum 12 pupils with various needs that are under the responsibility of mainstream teachers. Their intervention is limited, their competencies are limited, they work in loneliness without even the assistance of a School Life Assistant and the whole approach is mainstream centred. However, for pupils with light cases of special educational needs, TE give them the opportunity to follow a mainstream class and socialise and integrate better in their peers' community. For children with medium or severe special needs due to mental or other particularities, TE are inappropriate and this is a thing that TE teachers cannot make it clear for families, for no appropriate infrastructure and competent persons exist (Table 40a). Finally, for the time being, segregated Special Schools are proved to be more efficient for children with medium and severe mental particularities and we should add that for the light cases, the most effective solution (that has not been examined in the present thesis as still it is exceptional) is the individualised help by a School Life Assistant in the framework of a mainstream class (Table 40b).

Table 40a. Special Schools v. TE

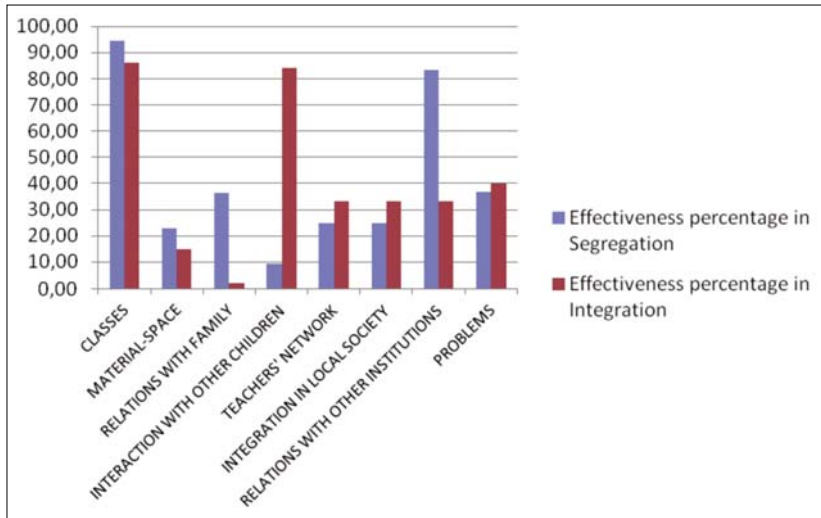
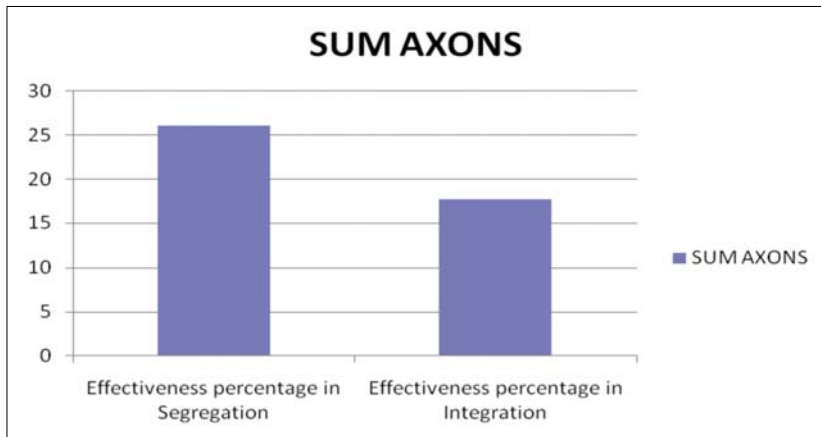


Table 40b. Special Schools v. TE



CHAPTER 4

BACK TO BACK (COMPARISON)

4.A. SEGREGATED STRUCTURES

French IMPs are proved to be more effective in many essential levels than Greek Special Schools. Their inputs in terms of infrastructure, personnel and funding are significantly better, they offer specialised help to pupils with mental particularities and they have a positive effect on the development of pupils' potential and on their family environ-

*Table 41a. French IMPs v. Greek Special Schools*

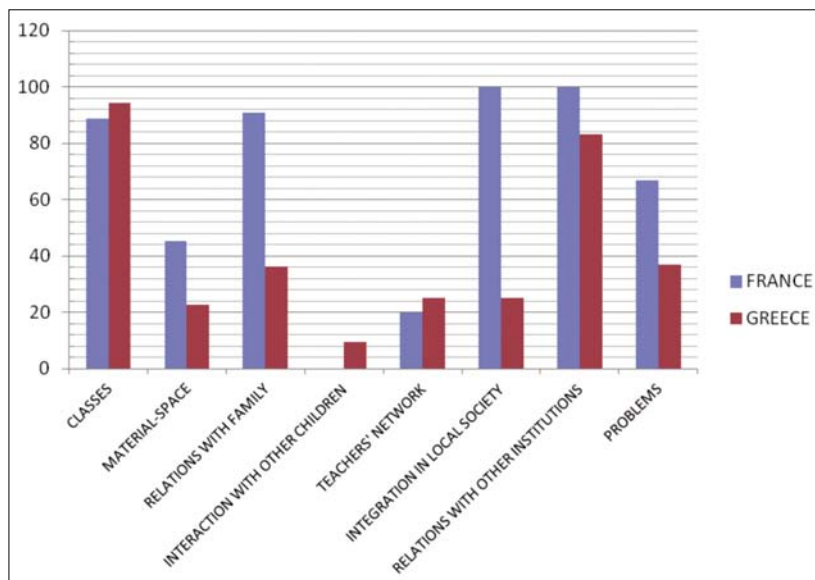
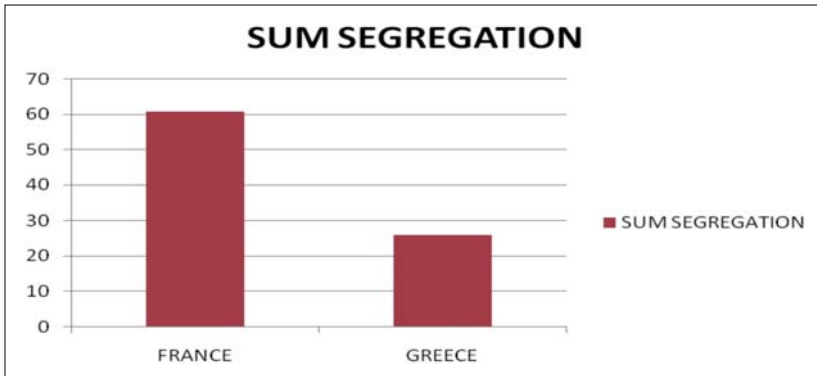


Table 41b. French IMPs v. Greek Special Schools



ment. They may not allow for much interaction with pupils from the mainstream settings but they do significant work on the autonomy skills of their pupils that later allows them to be better integrated in the local society, for the success and happiness in life are not so much linked to literary knowledge. On the other hand, Greek Special Schools face many problems due to their nature that includes every kind of special need and inputs are limited in all levels. As a result their effectiveness is much lower (Tables 41a and 41b).

#### 4.B. INTEGRATION STRUCTURES

French CLIS are specialised, they have different goals and evaluation systems adjusted to their pupils' potential and are equipped with School Life Assistants. The children are enrolled in the CLIS and are under the supervision of the specialised teacher. Some of them may attend some mainstream classes. Their effectiveness percentage however is lower than that of the Greek TE, because even though they have better inputs they function as segregated structures that are parallel to the mainstream structure. They are like the classrooms that exist in IMPs that may include a wide range of cases, from light to severe, without the support of a multidisciplinary team in the framework of an ordinary school. The consent of the parents is neither conscious nor fully informed as in the schools there are not social servants. Continuous monitoring however from the academic inspection is proved to be helpful. TE are shown to be more effective in terms of integration

Table 42a. French CLIS v. Greek TE

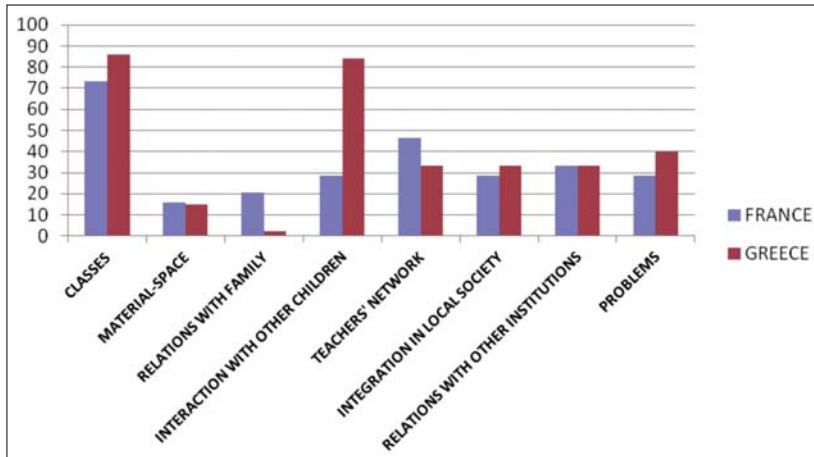
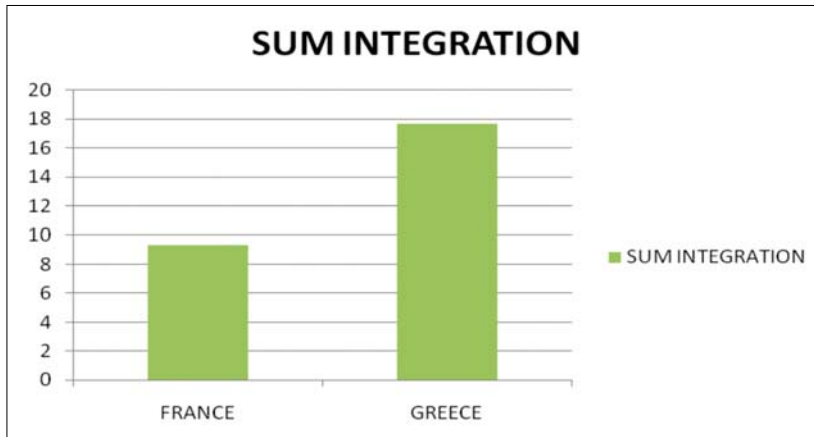


Table 42b. French CLIS v. Greek TE



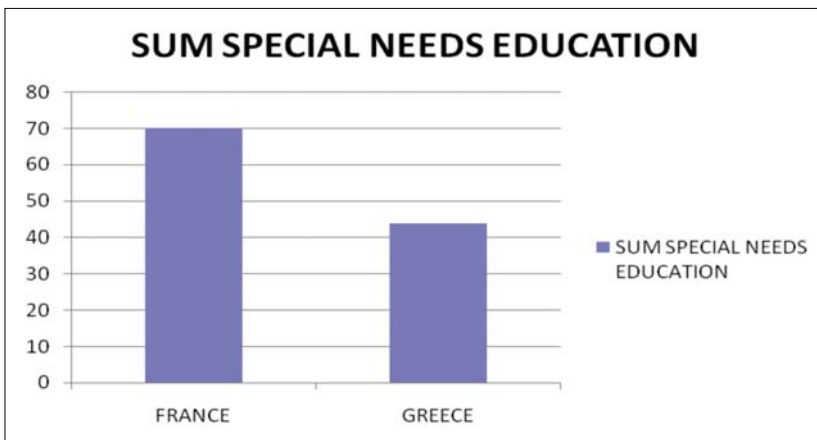
even though their role is problematic. Actually, their positive point is that their existence allows children with light mental and other particularities to be registered in mainstream education that in other cases they would join a Special School. However, TE play a positive role only for children with light cases of special educational needs as they allow them to integrate in the mainstream by offering them further



scholar support and developing their autonomy skills. For children with more severe cases, TE are proved to be inappropriate as their design, material and human inputs and infrastructure are insufficient. Here as well, the decision of the parents is neither conscious nor informed as no continuous monitoring of the pupils takes place and no social servants exist in the framework of the schools (Tables 42a and 42b). Finally, Greek TE appear to be more effective regarding integration as they are integrative structures. CLIS on the other hand, even though they are better organised they still remain segregated structures that just co-exist with the mainstream but are not integrated in the mainstream.

#### 4.C. FRENCH SPECIAL NEEDS EDUCATION V. GREEK SPECIAL EDUCATION

*Table 43. French special needs education v. Greek special needs education*



According to the findings of the field research that took place in the framework of the present thesis the French special needs education is found to be better than the Greek special needs education (Table 43). The segregated structures are much better equipped and organised and offer higher standards of treatment to their pupils. Such standards in Greece are found only in private Special Schools where parents have to pay expensive tuition fees for their children. The CLIS, even though still work as segregated structures in the framework of mainstream schools offer meaningful education to their pupils. The only really

significant step of the French state towards inclusion is that children with light cases of mental particularities are entitled to enrol in mainstream classes and receive individualised help by a School Life Assistant. On the other hand, Greek Special Schools face a lot of problems, as they have been described above. The creation of TE is a step towards integration but still their design and their inputs do not allow for much success. Again, the only significant and effective step for the Greek state towards inclusion is that a limited number of pupils with light cases of mental particularities are entitled to attend the mainstream classes assisted by a School Life Assistant. However, as this option concerns a limited number of pupils for both France and Greece, it is not examined in the framework of the present thesis, even though it has been over-advertised by both governments and has become part of the political game.

It is obvious that the two systems have to move towards inclusion following different ways. Probably for France this could be harder than for Greece as the segregated and mainstream structures are very solid and their unmaking and remaking demands strong political will and consciousness sensitisation. For Greece, neither the mainstream nor the segregated structures are really solid. Even though this is very problematic for the moment, it is also hopeful as sensitisation is bigger. The unmaking and remaking of the Greek education system following the inclusion approach demands at first place organisation and management skills and to keep the agenda of the competent agents away from the political parties game. The two countries, despite their different points of departure, have lots of things to contribute the one to the other through dialogue and experience exchanges in order to assist each other in forming more inclusive educational systems with a really positive effect on pupils' lives, societies' coherence, human rights protection and the establishment of peace.

## CHAPTER 5

## FACE TO FACE (PROPOSALS)

This chapter is an effort to discover how different practises and proposals that have been assessed during the present research on the field could be provided as solutions to the needs/problems that have also been assessed.

In segregation:

<b>French IMPs needs:</b>	<b>Greek Special Schools answer to such needs by:</b>
Need for more specialties.	-
Need for better socialisation of the pupils.	Common activities and recreation with neighbouring mainstream schools. Inclusion of parents and volunteers in school activities.

<b>Greek Special Schools needs:</b>	<b>French IMPs answer to such needs by:</b>
Need for more financing.	Financing coming from the social security. The Ministry of Education is paying only for the teachers.
Need for personnel of all specialties (teachers, social servants, physio/ergo/logo/music-therapists, etc.).	Collaboration with other ministries.
Need to test the skills of the personnel before recruitment.	The Director of the IMP is the one who chooses the recruited personnel according to their skills.
Need for expertise.	Teachers have to have a degree and experience in mainstream education before being entitled to get their specialisation. The procedure of specialisation is also demanding).
Need for appropriate material and infrastructure.	Collaboration among disciplines for the designation of appropriate infrastructures.
Need for autonomous initiatives.	IMPs are running under the local legal dispositions.

THE RIGHT TO EDUCATION FOR CHILDREN WITH MENTAL PARTICULARITIES

<b>Greek Special Schools needs:</b>	<b>French IMPs answer to such needs by:</b>
Need to let the child participate in decision process regarding education.	Significant role of social servant in the IMP.
Need for public consultancy in the creation of law framework for special education.	-
Need for continuous training, teachers exchanges and co-teaching sessions.	Seminars and conferences.
Need to keep in distance the political games played on education.	IMPs are created by private actors, associations and thus they are distant from political games.

In integration:

<b>French CLIS needs:</b>	<b>Greek TE answer to such needs:</b>
Need for real integration and not just co-existence.	Children are enrolled in a mainstream class.
Need for infrastructure and space.	Consideration of such needs is taken for new-built schools.
Need for specialised material and material resources (not only books but also audiovisual material, educational toys, projects, etc.).	Handmade material produced by the teachers.
Need for specialised teachers.	Only teachers with specialisation cover TE vacancies.
Need for cooperation and co-teaching with the mainstream teachers.	Only basic collaboration between TE and mainstream teacher concerning their expectations from the pupil.
Need to enhance socialisation.	Autonomy skills developed along with scholar skills. The inclusion of the pupil in mainstream class has very positive effect.
Need for positive attitudes from the mainstream teachers.	-
Need for shared responsibility.	The mainstream teacher is responsible for the pupils with mental particularities by legal obligation, the TE teacher by moral obligation (so far).
Need for specialised activities and therapies.	-
Need for more artistic and sportive activities.	-
Need for a new approach where special and mainstream education are indivisible.	-

<b>French CLIS needs:</b>	<b>Greek TE answer to such needs:</b>
Need for social servants.	-
Need to give children the possibility to receive recognition by their peers.	Running of individualised projects for the TE pupils that are presented to their peers in the mainstream.

<b>Greek TE needs:</b>	<b>French CLIS answer to such needs:</b>
Need for infrastructure and space.	Teachers stand up for getting classrooms with as much appropriate size and conditions as possible in the schools.
Need for specialised material and material resources (not only books but also audiovisual material, educational toys, projects, etc.).	Handmade material produced by the TE teachers.
Need for other evaluation system.	The CLIS teacher is responsible for the evaluation of the pupils with special educational needs and applies appropriate criteria.
Need for different goal setting.	The CLIS teacher is responsible for the evaluation of the pupils with special educational needs and applies appropriate criteria.
Need for supportive personnel.	Existence of School Life Assistant for the students of the CLIS.
Need for cooperation and co-teaching with the mainstream teachers.	-
Need to enhance socialisation.	Common recreations and sport activities.
Need for positive attitudes from the mainstream teachers.	-
Need for shared responsibility.	-
Need for specialised activities and therapies.	Pupils leave the school during the day in order to go under specialised therapies in medical institutes (physiotherapy, ergotherapy, etc.).
Need for monitoring and follow-up of the progress of the students by the KEDDY or other competent specialised authority.	Often reunions and consultation among the CLIS teacher, the parents, the MDPH and the academic inspection.
Need for more artistic and sportive activities.	-
Need for a new approach where special and mainstream education are indivisible.	-
Need for social servants and psychologists.	Psychologist visits the CLIS once a week.

<b>Greek TE needs:</b>	<b>French CLIS answer to such needs:</b>
Need to give children the possibility to receive recognition by their peers.	Projects that allow CLIS pupils to show their ability to learn different things and contribute to society.

However, as the question is how to create more inclusive educational systems it is important to think at a basic need of both French and Greek integration structures, which is a new approach of the education where special and mainstream education are indivisible. The point is not to make perfect segregated educational structures but to apply the high standards of segregated structures such as IMPs in inclusive settings, such as CLIS and TE and ameliorate their function. But even this will not be enough if the mainstream approach is left intangible<sup>178</sup>. This is why many of the needs above have not found yet their satisfaction. Unmaking and remaking of the educational system has to be done in the fields of legislation, infrastructure, allocation of funds, teachers' training, supportive and monitoring services as well as in the field of education as such, regarding its orientation, its content and its priorities.

Mainstream education has as priority to develop pupils' IQ rather than other aspects of their potential attached to their emotional intelligence. However many people that had been excellent students during their school life fail to establish balanced relations with their social environment due to low emotional intelligence. This is also a kind of disability. On the other hand, pupils with mental particularities have by nature more developed emotional quotient (EQ). Their disability is attached to their low intellectual intelligence (IQ)<sup>179</sup>. Inclusive education should take into consideration and set as priority the development of both quotients of the pupils' potential as much as possible. As it has explicitly been stated in the General Comment No. 9 under the CRC, «school's curricula must be re-evaluated and developed to meet the needs of children with and without disabilities<sup>180</sup>.» This is the only way the education could promote a human rights culture, «for the human beings do not consist only of intellect and reason, they consist also of heart, emotions and sensitivity<sup>181</sup>.»

<sup>178</sup> United Nations Educational, Scientific and Cultural Organisation, 2004, p. 10.

<sup>179</sup> Juhel, 1998, pp. 263-264.

<sup>180</sup> United Nations, Committee on the Rights of the Child, General Comment No. 9 - The Rights of Children with Disabilities, VIII D, Index: CRC/C/GC/9, adopted on 27 February 2007, at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G07/407/02/PDF/G0740702.pdf?OpenElement> (consulted on 20 June 2011).

<sup>181</sup> «Car l'être humain n'est pas qu'intellect et raison, il est aussi cœur, émotion et sensibilité.» Juhel, 1998, pp. 263-264.

Moreover, for the time being, the establishment of networks and forums in local and district level is of great significance for the teachers who are always looking for material that fits to their pupils' needs and innovative ideas that will give solution to various challenges they face in their everyday school life. The Ministry of Education should encourage the creation of such networks and also collect the most effective material for publishing specialised auxiliaries and equip the teachers with them.

At the level of municipality, it would be very helpful the creation of toy libraries that would function as interactive museums with room and toys for children with and without special needs, where children with different characteristics could meet and play together, with specialised animators, fully capable to handle heterogeneous groups. These toys libraries could also lend temporarily some of their material, their staff and infrastructure to schools for the implementation of various projects and workshops. In Serbia and Montenegro, toy libraries have been set up in 20 towns with the support of Save the Children and UNICEF. These libraries are staffed by teachers, specialised teachers and psychologists that provide services on a voluntary basis. Once a week, creative workshops are run for the children, including drama, drawing and discussion groups where parents and children can share their experiences<sup>182</sup>.

These are just some proposals that could help ameliorate the conditions in special and general education. The list however is not exhaustive. Additionally, it is strongly recommended that Greece ratifies the UN Convention on the Rights of Disabled Persons. Unified effort in the EU level is needed in order to assure reasonable accommodation of children's special needs in education. The exchange of international experience and innovations could provide the states with unbelievable easy, effective and often low-cost solutions.

<sup>182</sup> The United Nations Children's Fund (UNICEF), *Promoting the Rights of Children with Disabilities*, in «Innocenti Digest», no. 13, 2007, p. 25, at [http://www.un.org/esa/socdev/unyin/documents/children\\_disability\\_rights.pdf](http://www.un.org/esa/socdev/unyin/documents/children_disability_rights.pdf) (consulted on 26 June 2011).

CHAPTER 6

HAND BY HAND (INTERNATIONAL COOPERATION)

The international community has recognised that the potential of the children with mental particularities has not been discovered yet<sup>183</sup>. We would add to this that, in general, children's potential and its development in space, time and social context is to be discovered. For this reason it is essential the existence of cooperation, communication and knowledge exchange in regional and international level.

Funds and sustainable fund management experience should be shared among the states at regional and international level so that educational systems with quality standards are established everywhere. This is essential, especially for the developing countries as although more than 90% of children and families affected by mental particularities come from poor and under-developed countries, it appears that more than 90% of research, preventive efforts and services related to mental particularities is directed toward the populations of the world's wealthier countries<sup>184</sup>. The UN Convention on the Rights of Persons with Disabilities (CRPD) recognises, in Article 32, the importance of international cooperation and its promotion for the realisation of the rights of persons with disabilities and their full inclusion into all aspects of life<sup>185</sup>. In particular, Article 32 stipulates that international cooperation measures should be «inclusive of and accessible to persons with disabilities; facilitate and support capacity-building, including through the exchange and sharing of information, experiences, training programs and best practices; facilitate cooperation in

<sup>183</sup> United Nations, World Programme of Action Concerning Disabled Persons, D66, Index: A/RES/37/52, adopted on 3 December 1982, at <http://unstats.un.org/unsd/demographic/sconcerns/disability/A-RES-37-52.htm> (consulted on 14 June 2011).

<sup>184</sup> World Health Organisation, 2007, p. 71.

<sup>185</sup> United Nations, Convention on the Rights of Persons with Disability, Article 32 Index: A/RES/61/611, adopted on 6 December 2006, <http://www.un.org/esa/socdev/enable/rights/convtexte.htm> (consulted on 26 May 2011).



research and access to scientific and technical knowledge; and provide technical and economic assistance, including by facilitating access to and sharing of accessible and assistive technologies, and through the transfer of technologies<sup>186</sup>.»

The UN mechanisms such as the CRC and the recent CRPD have monitoring committees in order to assist the states on their way towards establishing inclusive educational systems. Experience exchange on an international level can provide states with effective solutions and prevent them from wasting resources on fruitless procedures. Specialised bodies, such as UNESCO and UNICEF through consultation of the international scientific community provide in their publications practical guidelines and tools for school teachers, directors and policy-makers. Education rights issues should be taken into account in the Universal Periodic Review of the states and regular forums should be established that will supply teachers and policy-makers with new material, practical advice and *ad-hoc* solutions.

Experience has shown that identifying common goals creates synergies that make international efforts more effective<sup>187</sup>. For instance, the synergy created at the end of the Decade of Disabled Persons (1983-1992), consisted of an inter-agency working group of the World Health Organisation (WHO), the United Nations Educational, Scientific and Cultural Organisation (UNESCO), the International Labour Organisation (ILO) and the United Nations Children's Fund (UNICEF), is building joint technical capacity developing training materials, workshops and guidelines with indicators for early detection and is designing effective interventions, promoting access to mainstream education and social services. New and more inclusive synergies on an international level where people with disabilities will be included are necessary for reaching the Millennium Goals set by the UN as «the UN Millennium Declaration Goals are applicable to persons with disabilities and in elaborating the Poverty Reduction Strategy Papers (PRSP) it is important to include them. Unless they are specifically included in planning and implementation, the MDGs will not be reached<sup>188</sup>.»

At the European level, the European Disability Strategy 2010-2020 of the European Union and the Action Plan of the Council of Europe

<sup>186</sup> *Ibidem*.

<sup>187</sup> The United Nations Children's Fund (UNICEF), *Promoting the Rights of Children with Disabilities*, in «Innocenti Digest», no. 13, 2007, p. 36, at [http://www.un.org/esa/socdev/unyin/documents/children\\_disability\\_rights.pdf](http://www.un.org/esa/socdev/unyin/documents/children_disability_rights.pdf) (consulted on 26 June 2011).

<sup>188</sup> European Commission, Study of Disability in EC, Development Cooperation, November 2010, p. 39, at [http://ec.europa.eu/europeaid/what/social-protection/documents/223185\\_disability\\_study\\_en.pdf](http://ec.europa.eu/europeaid/what/social-protection/documents/223185_disability_study_en.pdf) (consulted on 20 June 2011).

call both institutions for coordinated actions that will eliminate barriers in eight internationally highlighted areas of accessibility, participation, equality, employment, education and training, social protection, health, and external action<sup>189</sup>.

European agencies such as the European Agency for Development in Special Needs Education and the Eurydice Network are collecting data and work on indicators that will allow comparing European educational systems with each other with a view to take advantage of the European experience. The European states are urged to provide these agencies with as much clearer data on their situation as possible and keep special needs education away from the political parties' game.

Advocacy initiatives are in line with the efforts to reach these goals and should be organised and supported at the national and international level<sup>190</sup>. The European Court of Human Rights should take into account the approach, the necessity and the goals of inclusive education for cases that concern discrimination in education and consult experts before making decisions that will affect the whole educational policy of a country.

The role of the civil society is recognised in the effort to provide children with mental particularities with support, self-help, empowerment and rehabilitation services and also promote their having equal opportunities to education<sup>191</sup>. International NGOs such as the International Disability Alliance and regional ones like the European Disability Forum are constituted by disabled persons and their consultation for the forming of international and national guidelines will permit to make more effective policies and avoid wasting resources on meaningless procedures.

International cooperation with inclusive procedures is valuable and it pushes governments to prove real political will for the well-being of their people. The justification of limited resources, even in the times of global financial crisis, is not relevant as it is obvious that investment on structures that will eliminate the barriers to education for children with mental or other particularities is one of the few ways out of the vicious circle of states' impoverishment. As time is precious in the case of mental particularities, the principle of early intervention should be applied and inclusive education settings should be established, before it is too late for more children.

<sup>189</sup> European Commission, Employment, Social Affairs and Inclusion, EU Launches Disability Strategy 2010-2020, at <http://ec.europa.eu/social/main.jsp?langId=en&catId=89&newsId=933&furtherNews=yes> (consulted on 20 June 2011).

<sup>190</sup> World Health Organisation, 2007, p. 72.

<sup>191</sup> *Ibidem*, p. 71.

## CONCLUSION

This thesis gave a thorough view of two basic structures of the primary special needs education systems of France and Greece, the segregated and the integrated ones where the majority of the children with mental particularities receive public education. Their comparison allowed for identification of their nature, their weak points and their effectiveness, the precision of their progress on their journey towards inclusive education and mutual assistance to this effort. By no means it should be confused the level of effectiveness of a system with the level of inclusiveness. At the moment, the French system appears to be more effective than the Greek one but it is less inclusive, as high standards take place only in the framework of segregated structures. This means that it may provide *ad-hoc* effective help but as a system it reproduces segregation and exclusion from general education. It also deprives the educational procedure from challenges that would open new horizons to children's potential and understanding of the world.

The data analysis and the outcome of the research provide for identifying the real need to be satisfied and for giving an end to the dilemma between high standards segregated education and low standards inclusive education. The experience gained so far on special needs education in the framework of segregated structures is essential to be introduced in the mainstream school, avoiding double expenses and change the whole concept of the educational system in favour of all children, as when something works well for disabled persons, it works better for the rest of the society.

At the moment, educational goals in both countries concern IQ development of the pupils that exclude children with mental particularities from active participation in school life. New educational approach for EQ development will make the educational system more inclusive; children with mental particularities will be able to prove their value as well, and will promote better the human rights culture. This is import-

ant for every person because intelligence may be enough to ensure security but real peace means people who have found the harmony between reason and emotion. Implementing the right to education of the children with mental and other particularities is the biggest challenge and the biggest chance to make schools places where children, apart from reading, writing and counting, will learn to think and to feel, to reason on their thoughts and on their feelings, to respect each other's thoughts and feelings and to manage their thoughts and feelings (emotional intelligence skills)<sup>192</sup>, where both knowledge and imagination will be evaluated, where learning will not be a one way procedure and where children's rights will be defended and implemented despite the potential of the parents. This means educating future citizens with freedom of thought and freedom from fear, where security will be assured by people's tolerant attitude, mutual understanding and celebration of diversity and not by arms and fear dissemination.

If states are really committed to these principles then inclusive education with a new vision should be at the top of their agenda, enforced by the necessity that the world economic crisis has created for concrete actions and solutions. The scientific and academic international community of various disciplines, the civil society and human right defenders will be at their side.

<sup>192</sup> Servan-Schreiber, 2005, pp. 15-20.

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#### INTERVIEWS

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Interview with A.G., Special School Director, Area C, Greece, 3 May 2011.  
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Interview with A.M., Specialised Teacher in TE, Area D, Greece, 15 April 2011.  
Interview with C.G., Special School Director, Area B, Greece, 5 May 2011.  
Interview with C.S., Special School Teacher, Area D, Greece, 15 April 2011.  
Interview with E.B., Non-specialised CLIS (Autism) Teacher, Area A, France, 28 March 2011.  
Interview with E.D., Specialised CLIS Teacher, Area B, France, 17 May 2011.  
Interview with O.B., Specialised CLIS Teacher, Area A, France, 29 March 2011.  
Interview with I.P., Special School Director, Area A, Greece, 11 April 2011.  
Interview with K.P., Specialised Teacher in TE, Area A, Greece, 12 April 2011.  
Interview with M.-F.P., Head Officer of Education Service, Area C, France, 27 May 2011.  
Interview with O.R., Non-specialised CLIS Teacher, Area C, France, 27 May 2011.  
Interview with S.K., Specialised Teacher in TE, Area C, Greece, 6 May 2011.  
Interview with S.R., Head Officer of Education Service, Area B, France 3 June 2011.

## ANNEX 1

## ACRONYMS

<b>Acronym</b>	<b>English</b>	<b>French</b>	<b>Greek</b>
AVS	School Life Assistant	Auxiliaire de Vie Scolaire	-
CDAPH	Commission for the Rights and Autonomy of Handicap Persons	Commission des Droits et de l'Autonomie des Personnes Handicapées	-
CLIS	Integration Class	Class d'Intégration Scolaire	-
CNED	National Centre for Distance Learning	Centre National d'enseignement à distance	-
CoE	Council of Europe	-	-
CRC	Convention on the Rights of the Child	-	-
CRPD	Convention on the Rights of Persons with Disabilities	-	-
EBP	Special Assistance Personnel	-	Ειδικό Βοηθητικό Πρωσωπικό
ECHR	European Convention for the Protection of Human Rights	-	-
ESC	European Social Charter	-	-
EU	European Union	-	-
ICCPR	International Covenant on Civil and Political Rights	-	-
ICESCR	International Covenant on Economic, Social and Cultural Rights	-	-
ILO	International Labour Organisation	-	-
IME	Medico-Educative Institute	Institut Médico-éducatif	-

THE RIGHT TO EDUCATION FOR CHILDREN WITH MENTAL PARTICULARITIES

<b>Acronym</b>	<b>English</b>	<b>French</b>	<b>Greek</b>
IMP	Medico-Pedagogic Institute	Institut Médico-pédagogique	-
KEDDY	Diagnostic Evaluation and Support Centres	-	Κέντρο Διάγνωσης, Διαφοροδιάγνωσης και Υποστήριξης
MDG	Millennium Declaration Goal	-	-
MDPH	Department House for Handicap Persons	Maison Départementale de Personnes Handicapées	-
NGO	Non-Governmental Organisation	-	-
PPS	Personalised Schooling Project	Projet Personnalisé Scolaire	-
SEN	Special Educational Needs	-	-
TE	Integration Class	-	Τμήμα Ένταξης
UDHR	Universal Declaration of Human Rights	-	-
UN	United Nations	-	-
UNESCO	United Nations Educational, Scientific and Cultural Organisation	-	-
UNICEF	The United Nations Children's Fund	-	-
WHO	World Health Organisation	-	-
WPA	World Programme of Action Concerning Disabled Persons	-	-

## ANNEX 2

## PARALLEL ACRONYMS (STRUCTURES WITH SIMILAR FUNCTION)

<b>Acronym</b>	<b>English</b>	<b>French</b>	<b>Greek</b>
CLIS	Integration Class	Class d'Intégration Scolaire	-
TE	Integration Class	-	Τμήμα Ένταξης
<b>Acronym</b>	<b>English</b>	<b>French</b>	<b>Greek</b>
AVS	School Life Assistant	Auxiliaire de Vie Scolaire	-
EBP	Special Assistance Personnel	-	Ειδικό Βοηθητικό Προσωπικό
<b>Acronym</b>	<b>English</b>	<b>French</b>	<b>Greek</b>
MDPH	Department House for Handicap Persons	Maison Départementale de Personnes Handicapées	-
KEDDY	Diagnostic Evaluation and Support Centres	-	Κέντρο Διάγνωσης, Διαφοροδιάγνωσης και Υποστήριξης
<b>Acronym</b>	<b>English</b>	<b>French</b>	<b>Greek</b>
IMP	Medico-Pedagogic Institute	Institut Médico-pédagogique	-
-	Special (primary) School	-	Ειδικό (δημοτικό)

