

# Inclusive education and children rights to development in Latvia

ENOC 20th ANNIVERSARY CONFERENCE

«EQUAL OPPORTUNITIES FOR ALL CHILDREN IN EDUCATION»

20-21 September 2016

Vilnius, Lithuania

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Presentation is based on

- Legal framework of Latvia
- The Ombudsman's experience
- Final considerations by the UN Committee on the Rights of the Child on the third through fifth unified periodic report of Latvia (on 29 January 2016)

**The Committee is concerned about the ongoing differences between the legislation and practice and recommends the Member State to take all the required measures to provide implementation of the legislation in practice**

# What is inclusive education?

**Inclusive education** - process, within which the **varied needs** of all the students are being provided, increasing participation opportunities in the process of studies, culture and various communities for each student and decreasing exclusion opportunities from the education and education attainment process.

(Guidelines for the education development 2014 – 2020, approved by the Saeima in the sitting of 22 May 2014)

# What are the varied needs?

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- **Talented, gifted children**
- **Children who need support**

# Why is inclusive education important?

## **Child's right to development**

Member States shall ensure to the maximum extent possible the survival and development of the child. (Article 6 of the UN Convention on the Rights of the Child)

Every child has an inalienable right to the protection of life and development. (Section 7 of the Protection of the Rights of the Child Law)

## **Prohibition of discrimination**

Member States shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind. (Article 2 of the UN Convention on the Rights of the Child)

## **Priority of the Rights of the Child**

In all actions concerning children, the best interests of the child shall be a primary consideration. (Article 3 of the UN Convention on the Rights of the Child)

# Is educational institution obliged to implement the inclusive education?

The State shall ensure that **all** children have **equal rights** and **opportunities to acquire education commensurate to their ability**. (Section 11, Paragraph 1, of the Protection of the Rights of the Child Law of the Republic of Latvia, RCL)

# Is every educational institution obliged to implement the inclusive education?

Each local government has a duty to ensure that the children, the declared place of residence of which is in the administrative territory of the local government, have the opportunity to acquire pre-school education and basic education at the educational institution closest to the place of residence of the child or at the closest educational institution, to ensure that youths have the opportunity to acquire secondary education.

(Section 17, Paragraph 1, of the Education Law of the Republic of Latvia)

# What are special needs?

**A child with special needs** is a child who in connection with an illness, trauma or functional impairment of an organ system caused by an innate defect has need of additional medical, pedagogical and social assistance irrespective of whether there is a determination of disability in accordance with procedures laid down in law. (Section 53 of the RCL)

**A child with special needs** has the same right to an active life, the right to develop and acquire a general and professional education corresponding to the physical and mental abilities and desires of the child, and the right to take part in social life, as any other child. (Section 54 of the RCL)



# What are special needs?

**Special needs** — a necessity to receive such support and rehabilitation, which creates an opportunity for a student to acquire educational programme, taking into account his or her state of health, abilities and level of development.

(Section 1, Paragraph 2, Clause 14, of the General Education Law of the Republic of Latvia, GEL)



The head of a general educational institution shall be responsible for **noting** the special needs of students and their education in conformity with special educational programmes. (Section 11, Paragraph 2, Clause 3, of the GEL)



# How to determine special needs?

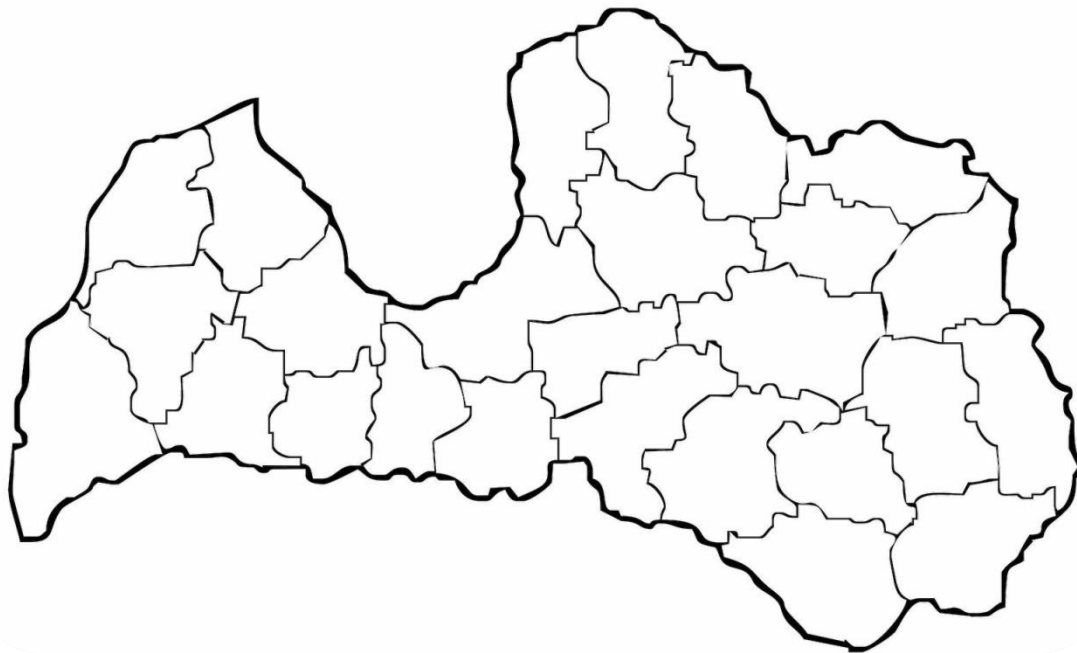
Educationally medical commission **shall not adopt decision** on education of a child in a particular school.

Educationally medical commission **shall recommend** the educational programme most suitable to the special needs of the student and the necessary support measures.

(Cabinet Regulations No. 709 of 16 October 2012  
“Regulations Regarding Educationally Medical Commissions”)

# Republic of Latvia

Administrative division into 119 municipalities



**Number of residents of Latvia – 1 968 957**

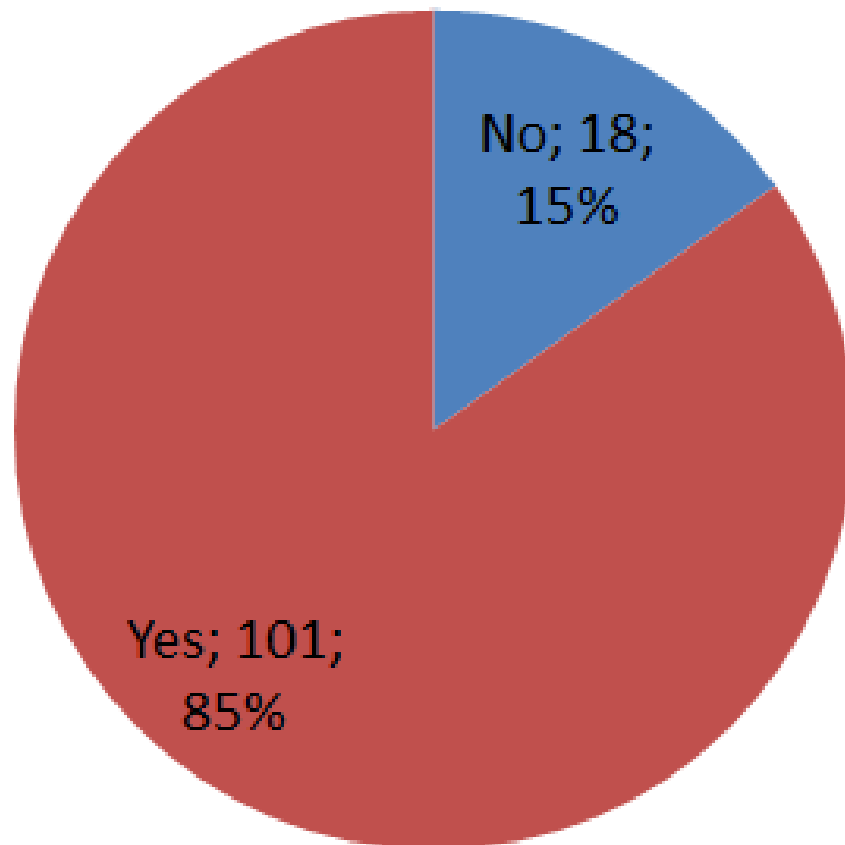
**Number of children – 352 298**

**Number of disabled children – 8 111**

(Data as of 1 January 2016)

# Results of the questionnaire of municipalities (2014)

Opportunity for the disabled children to receive education in a school closest to the place of residence of the child in conformity with appropriate programme



# Findings of the Ombudsman

Submitter indicates on pressure aimed at him to choose a special educational institution (boarding-school) for the child. Assertion of the father was confirmed by the information provided by municipal institutions that “according to the responsible institutions and specialists, acquiring of education at a boarding-school, which implements such a special programme with options to provide the necessary supporting personnel, environment, as well as medical care, would be the most suitable solution for the child’s interests”.

[..]

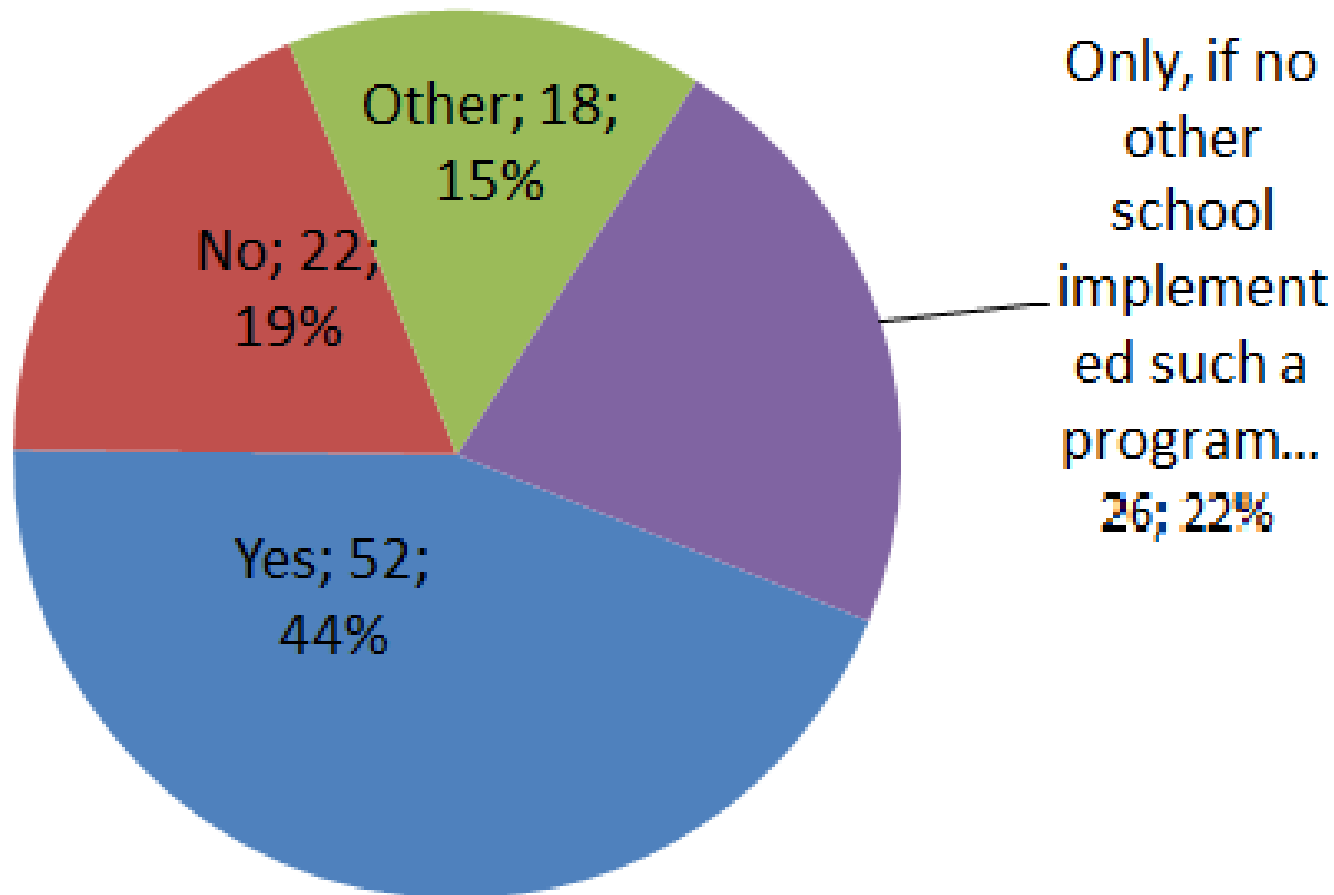
# Findings of the Ombudsman

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Father was called for a discussion at the orphan's court and recommended to “familiarize with Dzelzavas and Adamovas boarding primary schools and children's neuropsychiatric hospital “Ainaži”, where children are being educated in conformity with special educational programmes.”

# Results of the questionnaire of municipalities (2014)

Duty of the educational institution, which is closest to the place of residence of the child, to license the special education programme recommended for the child.



# Findings of the Ombudsman

A child acquired special educational programme at the preschool. First school year arrived, and the only school at the place of residence refused to license the special educational programme necessary for the child. Local government supported the decision adopted by the school and recommended education of the child at a special boarding-school located in other district. In such a case, the child would be obliged to spend entire week at the boarding-school. Parents appealed the decision before the court, and the court imposed a duty on the school to license the programme necessary for the child.





# Recommendations of the UN Committee on the Rights of the Child for Latvia (2016)

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47th Committee recommends the Member State to implement approach to disability, which is based on human rights, particularly:

- To adopt special legislation to protect rights of disabled children pursuant to international standards;
- To develop comprehensive measures for the development of inclusive education and giving of priority to inclusive education instead of commitment of children in specialized institutions and classes, as well as to educate and assign specialized teachers and professionals to the integrated classes, in order to provide individual support and appropriate attention to the children with learning disabilities.

# Why do children with special needs receive special support?

The State shall protect and support the rights of the child.

The State shall provide special support to disabled children, children left without parental care or who have suffered from violence (Article 110 of Satversme (Constitution of the Republic of Latvia))

Member States shall ensure that persons with disabilities are able to access an integration-oriented, good quality and free elementary education and secondary education on equal basis with others, in the community they reside in. (Article 24 of the UN Convention on the Rights of Persons with Disabilities)

# What risks may appear in case of failure to implement inclusive education?

- Behavioural disorders, danger to safety
- Decline of educational quality to the entire class
- Suspension of studies, social exclusion etc.

# Recommendations of the UN Committee on the Rights of the Child (2016)

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**57th Committee recommends to the Member State the following:**

- Implementation of measures for the reduction and prevention of cases, when school-children suspend studies,
- Provision of investments for the improvement of educational system quality, in order to reach internationally recognized standards, paying special attention to training of teachers;
- Development of programmes for early identification and individualized prevention for the children in risk situations.

(Recommendations of the UN Committee on the Rights of the Child 2016)

# Questions for discussion

- Are the varied needs of the entire spectrum of all students being studied? (including talents, strengths)
- Are the child's needs being identified early? (at the preschool) How does this happen?
- Are the children being provided with supporting measures according to the needs of each child? How does this happen?

**Thank you!**