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Guaranteeing a right to schooling for children with illnesses or disabilities

Motion for a recommendation
presented by Mr Pozzo di Borgo and others

This motion has not been discussed in the Assembly and commits only the members who have signed it

The Council of Europe has formulated some 200 conventions to safeguard human rights in our societies.

Several of these conventions concern children's rights, but none of them so far has enshrined any right to schooling for all children, including children with illnesses or disabilities.

More often than not, such children suffer twofold segregation: first of all, their illness or disability seems to preclude a "normal" childhood; and secondly, this segregation is often combined with inequality of access to education, which is supposed to be compulsory for all.

Many Council of Europe States have admittedly conducted sporadic experiments on improving provision for children with illnesses or disabilities, including schooling.

The right to schooling for children with illnesses or disabilities is being hotly debated in France, and in fact the Senate recently held a colloquy on the subject.

The President of the French Republic even said on 9 June last that he would be introducing an enforceable right for all children with disabilities to attend their local schools. The aim would be to extend the experiments already being conducted in the *classes d'intégration scolaire* (CLIS – educational integration classes).

Experiments are also developing in other Council of Europe States, eg Sweden, Denmark, Germany, Slovenia, Italy and Spain. It would probably be useful to organise a conference of all 47 Council of Europe member States to take stock of all these "good practices", exchange the *acquis* and prepare the work on a new separate convention.

The preference for integration in school classes for the different age brackets has a twofold advantage:

- first of all, it helps children accept the diversity of personal situations and develops mutual solidarity;
- secondly, it has observable and observed beneficial effects on the health of the children, who become joint protagonists in their own physical and intellectual progress.

Wherever possible, this type of schooling should be effected in public or private schools open to all, although care provision considerations may necessitate specifically adapted educational institutions.

At all events, it is no longer acceptable for children who are already suffering a protracted illness or a serious disability to be excluded from education. Our Assembly must remain steadfast in its role as a crucible for formulating human rights within conventions that constitute the foundation shared by all the Council of Europe's 47 member States.

There can be no question of excluding the most vulnerable in our midst, namely children with illnesses or disabilities, from this framework.

The Assembly therefore recommends:

- formulation of a Council of Europe Convention guaranteeing a right to schooling for children with illnesses or disabilities;
 - it should be possible for such children to attend classes in private or public schools for the different age brackets;
 - in this case the public authorities should provide the necessary support and defray the related expenses. Where the child's illness or disability completely precludes such schooling, a different formula should be offered in order to secure the right to education for all children, including in establishments where the children are receiving treatment;
- the creation of reception centres for children with the severer pathologies, eg autism. Member States must provide as many places as necessary as close as possible to the main urban areas in order to prevent the children from being cut off from their families. Such facilities should provide the children not only with the care and treatment necessitated by their condition, but also with occupational therapy and specially trained teachers.

Member States must also ensure that prolonged care provision does not cause traumatic disruption to the most vulnerable children.

*Signed*¹:

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