

## *EDICATION, SOCIAL STUDIES, LAW, GENDER STUDIES*

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### THE PROBLEMS OF THE LEGAL REGULATION FOR INCLUSIVE EDUCATION IN THE REPUBLIC OF BELARUS

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*The article analyzes the problems of the disabled person's legal right to get education; the author has also studied and systematized the theoretical provisions on the research topic, searched the regulatory legal acts of international and national legislation, examined problems in this area and proposed some solutions.*

**The introductory part.** At present the questions about how the disability affects the processes of socialization and education are becoming more widespread around the globe, and this is also true about the Republic of Belarus. That is why a number of questions have arisen, in particular, about how it is necessary to legislatively regulate the aspects of the education process implementation with regard to people's characteristics with disabilities. The aim of the paper is to analyze the regulatory legal acts, to identify the gaps in the legal regulation of inclusive education, to analyze the problems associated with the implementation of the constitutional right to education, and to make recommendations for solving these problematic issues.

Therefore the paper seems to be modern and necessary.

**The main part.** Before considering the topic, let us define the term "inclusive education." The legislation of the Republic of Belarus does not classify this term. To establish the meaning of this term, we turn to the doctrine. Inclusion involves the process of creating an accessible environment for people with special needs, adapting the system to the needs of every individual ("special") person [1]. Accordingly, inclusive education is a learning process with the use of an accessible environment.

The main international document that governs the situation with people with disabilities in the society is the Convention on the Rights of People with Disabilities, adopted in 2006 and which came into force in the Republic of Belarus in October, 29th, 2016. It accepts a broad classification of people with disabilities and confirms that all persons with any form of disability should enjoy all human rights and fundamental freedoms. The Convention clarifies how all categories of rights apply to persons with disabilities, and identifies areas where adaptation for people with disabilities is necessary so that they can effectively exercise their rights in areas where their rights are violated and where the protection of rights needs to be strengthened [2]. In order to monitor the implementation of the document, the Committee on the Rights of Persons with Disabilities was created. This Committee is authorized to consider the official reports of the States parties to the Convention, to make proposals and general recommendations, as well as to consider reports of violations of the Convention by States parties.

The report that the Republic of Belarus submitted to the Committee in 2018 contained the information about the advances that had been made during the 2 years period of implementation of the Convention. After signing the Convention, the efforts to ensure the accessibility were intensified in the following areas: the improvement of the existing legislation; the standardization of work; the responsabilization, and the monitoring of the compliance with the applicable laws; the assessment of the transport accessibility and other social infrastructure facilities to help people with disabilities; the legislative and financial support for creating the affordable transport infrastructure; the accessibility of public services for people with disabilities [3].

In addition to the official report that is presented by the Republic of Belarus to the Committee on the Rights of Persons with Disabilities about the situation in the inclusive sphere, the alternative report will be presented by the organization named "OFFICE on the Rights of Persons with Disabilities". This is a non-profit organization that provides legal assistance, advice on issues of the rights of people with disabilities, creates and promotes innovative resources and services for people with disabilities as well as the accessibility databases, guides, and maps. The office is also engaged in educational activities [4].

In 2016, even before the ratification of the Convention, the OFFICE submitted a "zero" report [5] providing statistical information and the facts about whether people with disabilities were discriminated in Belarus or not, as well as it determined the degree of the accessibility of the environment, etc. This report considered that, in general the level of the accessibility of the environment can be estimated as "below average". The report also

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provided a number of recommendations that should be followed in order to make the lives of people with disabilities the same as those of ordinary people. The main ones were:

- To introduce a new term into the law - a person with a disability.
- To create the information policy.

• To insure punishments for the violations of the accessibility requirements in the design, in the construction and in the operation of facilities. Otherwise the established procedural administrative sanctions as well as the practice of law enforcement cannot be considered as the effective legal protection and should require review. There should also be an increase in the attention of authorized bodies in order to collect the facts of the violation, and after they should systematize and apply adequate immediate measures.

• In order to broaden the list of technical means for rehabilitation, it is necessary to introduce special means for spatial orientation (including guide dogs with a set of equipment), for education and/or training (including resources for people with visual impairments), work, and special sports and training equipment [5].

The analysis of the legislation and the report itself has shown that the Republic of Belarus has created sufficient conditions for the development of inclusive education, but it should also be noted that there are some gaps in this area that need to be filled in by legal regulations.

Let us consider the characteristics of inclusive education on the example of Novopolotsk city.

Novopolotsk is a regional city, and it is obvious that there is not enough attention to people with disabilities, in particular in the field of education. The lack of necessary equipment, of a sufficient number of ramps and of specialists who have special training skills, all this creates difficulties for the socialization of people with disabilities in regional cities like Novopolotsk.

In 2015 the project called "Novopolotsk - from an inclusive school to an inclusive city" was implemented. The project aims at providing children and the youth with disabilities with equal access to education, and it introduces innovative technologies into the activities of local authorities. The ideas of the project should subsequently help to make the city mobile, convenient for every resident, and to create a tolerant attitude towards people with disabilities in the society. As a result of the project implementation, the following steps have been made for inclusiveness: the elevator was installed in the Secondary School No. 8; an online learning class was organized in the Secondary School No. 8; a sports ground near the Secondary School No. 8 was also built. After the reconstruction of the Palace of Children and Youth, the management adapted places for children with disabilities using wheelchairs. Now, one can say that the ideas of the project are fully recognized and implemented. But is it enough to make people with disabilities comfortable while getting education in Novopolotsk? The answer is no. Most educational institutions are still inaccessible for children/youngsters with disabilities.

What should be done to develop furthermore inclusive education?

In order to create a "barrier-free" environment, it is most effective to use the experience of foreign countries. First of all, it is the creation of anti-discrimination legislation.

The basics of legal regulation in the field of education are given in the Code of the Republic of Belarus on Education, dated from January 13th, 2011. N 243-Z, according to which the State 1) ensures the availability of education for everyone (including people with special psychophysical conditions, taking into account their health and cognitive capabilities) at all levels of basic education and while getting extra-curriculum education, as well as 2) creates appropriate education possibilities for people with special psychophysical conditions and 3) provides these people with correctional and pedagogical assistance [6]. Nowadays the Republic of Belarus has adopted the Law "On Social Protection of Disabled People in The Republic of Belarus", but it doesn't contain enough regulations that would really reflect the equal status of people with disabilities in comparison to other people.

Many countries have adopted special documents that are directly aimed at anti-discrimination policy for people with disabilities. For example, in Norway the law on discrimination and accessibility is applied in higher education, and the Department of education has provided basic instructions, outlining the responsibilities of universities. In addition, the law on universities and university colleges contains an article on the "Learning Environment" which states that the space must be designed and built so that it is accessible to people with disabilities. All higher education institutions are also required to take action plans of the learning environment for students with disabilities.

Creating an accessible environment in the field of education.

Equally important, when ensuring the access to education, is having a specific person or organization at school and/or at university. In Ireland, for example, there should be specific employees at universities or institutes who are responsible for supporting students with disabilities.

One more way to create comfortable environment for people with disabilities is by providing them with information and educational activities.

Unfortunately, still a lot of people are not ready to accept people with disabilities as full members of the society. There are also certain stereotypes about people with disabilities which need to be dealt with. Information campaigns, class hours at schools and additional classes at universities – all this will help to overcome the mistrust of the society towards people with disabilities. We need to show that they are equal members of the society, only with some peculiarities.

**The conclusion.** In conclusion we note that the problems that arise when exercising the right of citizens to inclusive education in the Republic of Belarus require a comprehensive solution in terms of state regulation and effective resource provision. State legal regulation and improvement of legislation in this area will ensure the quality implementation of the constitutional right of people with disabilities to education and will make it possible to comprehensively solve the accumulated problems of the state legal system.

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