

Inclusive education as a form of realization of human rights

Implementation of legal norms is understood as the actual implementation of their prescriptions in the behavior of subjects. Realization of law is a necessary side of life, existence of law without which it loses its social meaning.

At that time Sh.L.Montesquieu correctly observed: «When I am going to go to any country, I do not look which laws are; I only look at how they implemented». These words confirm an old truth: people care about the implementation of laws more than existence of laws themselves, which can be good on paper and ineffective in the process of implementation.

It can have the most perfect legislation, wonderful wise laws, but if they are not perceived and implemented by anyone, then all this stops in a set of good wishes; efforts of legislators and law-making bodies will be nullified. The law is strong not by its abstract merits, but by its real, positive action. Dead, non-functioning laws are not necessary to anyone, since they don't bring any benefit.

Legal implementation is transformation of requirements laid in legal norms into the lawful behavior of subjects. If it does not happen authorities are unable to ensure stability and order in society. At the same time, lawful behavior can be either voluntary or forced, i.e. committed under threat and sanctions [1].

Depending on the nature of actions of subjects, there are four forms of implementation of the law: compliance, execution, application, and use.

One of the form of law as use is expressed in the realization of subjective rights whereby a person satisfies his own interest and thereby achieves a certain good; example of such form of realization is right to education which is implemented by subjects of law.

According to Article 30 of the Constitution of the Republic of Kazakhstan, citizens shall be guaranteed free secondary education in state educational establishments. Secondary education shall be obligatory. The right to education is guaranteed by the state by developing education system, improving the legal basis for its functioning and creating the necessary socio-economic conditions for obtaining education in accordance with the Constitution of the Republic of Kazakhstan.

State, realizing goals of inclusive education, provides citizens with disabilities with special conditions for getting education, correction of developmental disorders and social adaptation at all levels of education.

Inclusive education is internationally recognized tool of realization of each human right to education and also main direction in transformation of system of special education in many countries of the world.

Transformation of system of special education in the global context and development of inclusive approaches in education are primarily based on the most important legal acts of human rights of the United Nations (UN) and the United Nations Educational, Scientific and Cultural Organization (UNESCO).

Taken together, all these international documents proclaim the right of every person to education and the right to receive such an education that would not discriminate against him on any of the grounds, be it gender, racial, religious, ethnic or linguistic affiliation, health status, social origin, social economic situation, refugee status, immigrant status, etc.

Inclusive education, in addition to solving purely educational tasks, significantly contributes to improving the quality of life of all children (especially children from socially vulnerable groups).

There is no official definition of the term «inclusive education» in Germany, Italy, the United Kingdom, the USA, Sweden. In Sweden, in particular, the education system operates on the principle of «school for all» and focused on providing equal access to education to students based on their individual needs. Children with special educational needs are not considered as a separate group, different from other children [2].

Main questions of inclusive education in our country are reflected in the following normative legal acts: Constitution of the Republic of Kazakhstan (1995); Law of the Republic of Kazakhstan «On social and medical-pedagogical correctional support for children with disabilities» (2002); Law of the Republic of Kazakhstan «On children rights in the Republic of Kazakhstan» (2002); Law of the Republic of Kazakhstan «On social protection of disabled people in the Republic of Kazakhstan» (2005); Law of the Republic of Kazakhstan «On education » (2007); Law of the Republic of Kazakhstan «On special social services» (2008); Decree of the Government of the Republic of Kazakhstan «On approval of State program of development of education and science of the Republic of Kazakhstan for 2020-2025 » (2019); On approval of the Standard Rules for the Activities of Types of Special Educational Organizations // Order of the Ministry of Education and Science of the Republic of Kazakhstan dated February 14, 2017 № 66 [3].

However, some normative legal acts concerning inclusive education do not sufficiently disclose a meaningful description of conditions for students with special educational needs, taking into account their individual needs. For example, the law of the Republic of Kazakhstan «On education» defines the term «special conditions for education», but does not provide a description of specific conditions, taking into account categories with special educational needs.

The introduction of these conditions into by-laws will contribute to creating a clearer vision of the policy of inclusive education and the effective implementation of inclusive practices.

On the data of 57 regional and city psychological, medical and pedagogical consultations (PMPC) at the beginning of 2017, their number at the age from 0 to 18 years was 144 783 children or 2,65% of the total child and adolescent population. 7285 young children (0-3 years old) with special educational needs (SEN) are covered by correctional assistance 4360 (59.9%). 40,943 children (3-6 years old) with SEN, 29,849 (72.9%) are educated and trained in the education system. In the 2016-2017 academic year, 88899 (92.1%) of 96555 children (7-18 years old) with SEN were enrolled in education.

According to sociological survey of JSC «IAC» in the Republic of Kazakhstan 30% of University students of pedagogical specialties do not want to teach children with disabilities. 22% of University students of pedagogical specialties do not know what inclusive education is. 20% of teachers indicated a lack of special knowledge to work with children with SEN. 50% of children with disabilities feel the joy of learning and being in school [2; 13].

At the level of general secondary education, the inclusion of children with SEN in general classes is regulated, but there is no mechanism for support, assessment, and certification. Not all teachers know methods and technologies of teaching children and focused on the variety of opportunities for students. At the same time, a single conceptual framework and mechanism for implementing this policy at all levels of education from pre-school to higher education have not yet been developed. There are no clear indicators for monitoring inclusive education and methods for calculating them.

According to results of the research of scientists of Academician E.A.Buketov Karaganda University the need to review content of educational programs of pedagogical specialties of University was proposed in connection with the need for modern schools in personnel with a high level of new professional competencies. Thus, the training of specialists in the new general education teacher program can guarantee that the successful implementation of inclusive practices is possible only when universities begin to produce qualified personnel [4].

Introduction to mass practice must be necessarily accompanied by qualified assistance and support from teachers at all levels of the education system. Teachers need to feel support of the entire vertical of education management and know that those who determine educational policy respect human rights and social justice. In turn, the task of teachers and psychologists is to ensure awareness of value and semantic foundations of inclusive education by students and their parents and to contribute formation of inclusive culture in the modern society.

System of constitutional human rights of person and citizen in the Republic of Kazakhstan covers theoretically the most comprehensive range of rights and

freedoms in the choice of methods and means of life of every person who lives or is located in the country. And this is, of course, positive asset of our society. However, practical realization and protection of rights and freedoms almost every time encounter significant obstacles and barriers that are both objective and subjective in nature and are the basis for unresolved problems in this sphere.

Literature

1 Marchenko M.N. Theory of state and law: textbook. – 2nd edition, revised and added. - "Prospect", 2016.

2 Framework for monitoring inclusive education in the Republic of Kazakhstan /G.Nogaibaeva, S.Zhumazhanova, Ye.Korotkikh.-Astana: JSC IAC, 2017.-185 p.

3 https://online.zakon.kz/document/?doc_id=30008935

4 Shkutina L.A., Rymkhanova A.R. and others. Human resources potential as a key factor in the successful implementation of an inclusive education system //Bulletin of Novosibirsk NPU, 2017.-Volume 7.- № 1.- P. 26