

Human Rights Education, Inclusive Education And Special Education: approaches and specificities¹

*Educação em Direitos Humanos, Educação Inclusiva e Educação Especial:
aproximações e especificidades*

*Educación En Derechos Humanos, Educación Inclusiva Y Educación Especial:
enfoques y especificidades*

Alexandre Silva Guerreiro²

Universidade do Estado do Rio de Janeiro

Abstract: This paper aims at providing a conceptual discussion on the definitions of Human Rights Education, Inclusive Education and Special Education. The aim is to understand the approximations and specificities of each of these concepts, which are often used without the necessary accuracy. To this end, a qualitative and analytical study was carried out, based on documentary analysis and a bibliographic review, using laws and public policies concerning the concepts in question as a basis, as well as research into books and articles on these concepts, Comparing their uses and meanings in order to distill these concepts. It is concluded that there is a gap between the most common use marked by common sense, or even in some academic studies, and some definitions that we find in legal instruments and in the history behind each of these concepts which shows the importance to reflect on them.

Keywords: Human rights education; Inclusive education; Special education.

Resumo: O presente trabalho propõe uma discussão conceitual sobre as definições de Educação em Direitos Humanos, Educação Inclusiva e Educação Especial. Tem-se por objetivo entender as aproximações e especificidades de cada um desses conceitos que, com frequência, são usados sem a acuracidade necessária. Para tal, realizou-se um estudo qualitativo e analítico, a partir de análise documental e revisão bibliográfica, tendo como base leis e políticas públicas concernentes aos conceitos em tela, além de pesquisa em livros e artigos sobre esses conceitos, confrontando seus usos e sentidos com o intuito de decantar tais conceitos. Conclui-se que há um hiato entre o uso mais corriqueiro marcado pelo senso comum, ou mesmo em alguns estudos acadêmicos, e algumas definições que encontramos nos instrumentos legais e na própria história por trás de cada um desses conceitos, o que revela a importância de refletir sobre eles.

Palavras-chave: Educação em Direitos Humanos; Educação Inclusiva; Educação Especial.

Resumen: Este trabajo propone una discusión conceptual sobre las definiciones de Educación en Derechos Humanos, Educación Inclusiva y Educación Especial. El objetivo es comprender las aproximaciones y especificidades de cada uno de estos conceptos, que muchas veces se

¹ English version by Priscila Nascimento Pires. Contato: priscila.npires@gmail.com.

² PhD in Communication. Universidade do Estado do Rio de Janeiro / Faculty of Teacher Training / Post-graduate Program in Education - Formative Processes and Social Inequalities (Processos Formativos e Desigualdades Sociais - UERJ/FFP/PPGEDU), São Gonçalo, RJ, Brazil. E-mail: alexandregruerreirouerj@gmail.com; Lattes: <http://lattes.cnpq.br/1123647112802381>; ORCID: <https://orcid.org/0000-0003-0767-5054>.

utilizan sin la precisión necesaria. Para ello, se realizó un estudio cualitativo y analítico, basado en el análisis documental y la revisión bibliográfica de leyes y políticas públicas relativas a los conceptos en cuestión, así como en la investigación de libros y artículos sobre los mismos, comparando sus usos y significados para decantar dichos conceptos. Se concluye que existe un desfase entre el uso más común marcado por el sentido común, o incluso en algunos estudios académicos, y algunas definiciones que encontramos en los instrumentos jurídicos y en la historia detrás de cada uno de estos conceptos, lo que nos muestra la importancia de reflexionar sobre ellos.

Palabras clave: Educación en derechos humanos; Educación inclusiva; Educación especial.

Received: January 21, 2024

Accepted on: July 17, 2024

Introduction

The history of human rights is intrinsically linked to education. The promotion of values that guarantee the effectiveness of the conditions of human dignity around the world involves educational processes that aim to create a culture of human rights. As such, the relationship between these rights and education is obvious, but while it is true to say that education has been present since the Universal Declaration of Human Rights in 1948, it is equally correct to think that Human Rights Education has acquired greater relevance over time, notably through a series of national and international instruments aimed specifically at the field of education.

If, on the one hand, we can understand that education is part of the historical struggle for the effective realization of human rights from the current perspective, on the other hand, the way in which the concepts of Human Rights Education, Inclusive Education, and Special Education relate to each other makes it clear that we need to distill these concepts, without losing sight of the fact that they all share the same goal: the realization and guarantee of the dignity of the human person.

Therefore, this paper proposes a conceptual discussion on the definitions of Human Rights Education, Inclusive Education and Special Education, with the aim of understanding the possible convergences, but also the specificities of each of these concepts, bringing elements to distill their meanings and recognising the links between them. To this end, a qualitative and analytical study was carried out, based on documentary analysis and a bibliographical review of laws and public policies concerning the concepts in question, as well as research into books and articles, with the aim of finding the particularities and symmetries that are indispensable for thinking about the meanings in question. From this, it can be concluded that there is a hiatus between the trivial use of these concepts and a more in-depth approach, making it important to distill these concepts and rethink/reaffirm their uses.

Human Rights Education

A series of international treaties and conferences related to human rights have created a transnational legal framework that is used as a parameter, an incentive and also as an instrument of pressure for national states to enact laws in line with those established by the international community engaged in this issue. By becoming a signatory to a declaration, as a result of these meetings, each country is obliged to build legislation internally in line with current human rights guidelines.

According to Pequeno (2016), human rights "are those principles or values that allow a person to affirm their human condition and to fully participate in life." (p. 25). The idea of human rights has been developed and expanded since the creation of the Universal Declaration of Human Rights (UDHR), promulgated in 1948. The role of education is fundamental if human rights are to be effective. Therefore, it is interesting to take a closer look at this legal framework.

The UDHR points to education as a means of achieving the document's goals. In its preamble, it calls on everyone to endeavor, through education, to promote respect for the rights asserted by the declaration. So education appears as a way of achieving the document's objectives. For instance, Article 26 states that schools must offer quality education.

1. 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.
2. 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.
3. Parents have a prior right to choose the kind of education that shall be given to their children. (UN, Art. 26, 1948)

But it is in the preamble that the UDHR emphasises the importance of education as central to achieving the document's objectives. After the initial considerations and before Art. 1, the Declaration states that

The General Assembly proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and

education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction. (UN, Preamble, 1948)

In the Brazilian context, the Federal Constitution of 1988 can be seen as an important milestone in the way education is conceived in the country. Article 205 of the Constitution states that education is a right for all and a duty of the State and the family.

Education, a right for all and a duty of the State and the family, will be promoted and encouraged with the collaboration of society, aiming at the full development of the person, their preparation for the exercise of citizenship and their qualification for work. (BRASIL, 2020, p. 109)

The Federal Constitution is a symbolic and legal milestone in the democratic transition and the institutionalisation of human rights in Brazil. Its first article states that the Federative Republic of Brazil (formed by states, municipalities and the federal district) is a Democratic State governed by the Rule of Law. This article also asserts that among the foundations of the state are citizenship and the dignity of the human person, which attests to the intrinsic character of the Democratic Rule of Law State and the human rights in our country. The situation of constant human rights violations does not change the fact that the citizens' constitution incorporated advances in human rights, as well as the strength of social movements, especially within the context of the struggle of the previous period, marked by the civil-military dictatorship (1964-1985).

Besides the legal landmarks mentioned above, countless other treaties and conferences have been held, creating a basis for the dignity of the human person to be guaranteed in different contexts. However, it is undeniable that all the guarantees set by these documents do not reverberate with the expected speed and efficiency, which makes the establishment of human rights the major challenge today, but it is clear that this cannot happen without going through education first.

Defenders and detractors of human rights clash over the concept of universality, the basic foundation for the framing of this struggle. Universality generates constant attacks on human rights and, to a certain extent, it is possible to understand why. Diniz (2001) wonders "whose voice is above cultural contingencies" (p.60), while at the same time reaffirming the universality of human rights. In addition, we can think about how the discourse of human rights can be captured for purposes other than defending the dignity of the human person. Is it possible for human rights to be used as a form of domination by one country or culture over

other regions, especially peripheral regions of the planet? In the meantime, Zizek (2010) points to human rights as an arm of Western imperialism. This brings us to the polysemic dimension of this concept.

Is the gap between universalism and cultural relativism unbridgeable? How can this equation be solved while preserving, defending and promoting Human Rights? Examples of the repression of demonstrations in favor of LGBTQIAPN+ rights during the FIFA World Cup in Qatar in 2022 are proof that the universality of human rights generates tensions, but it is also the metrics we need to take in order to assume ourselves as defenders of the non-negotiable dignity of the human person. It is in this sense that Santos and Martins (2019) point to the notion of counter-hegemonic human rights, aimed at defending those who have historically been subalternized. Defending human rights means assuming their universality, with regard to education as well.

In this sense, among the numerous international meetings that are part of the trajectory of human rights, it is worth highlighting the Vienna Conference of 1993, which gave an important signal in relation to universality, as well as education, by encouraging the National Human Rights Programs (PNDHs). Brazil has had three editions of the PNDH so far. The first edition began with the Presidential Decree No. 1,904, with 228 proposals for actions, but in the end it emphasized civil and political rights, which was a reason for criticism. The second, launched by the Presidential Decree No. 4,229 of 2002, incorporated social, economic and cultural rights and included 518 proposals. But it was PNDH3 that definitively expanded the government's commitment to the Human Rights agenda. It was created by Decree No. 7,037 in 2009 and was divided into six thematic areas and 25 guidelines, with a specific one addressing Human Rights education and culture. The existence of one section dedicated to this issue is of great importance and demonstrates how this front is taking center stage.

The National Plan for Human Rights Education (Plano Nacional de Educação em Direitos Humanos - PNEDH), concluded in 2006, was divided into five areas, namely basic education, higher education, non-formal education, education for professionals in the justice and public security systems, education and the media, and is based on the Action Plan of the World Program for Human Rights Education (WPHRE). According to 2005 WPHRE, education contributes to: a) creating a universal culture of human rights; b) exercising respect and appreciation for diversity and solidarity between peoples; c) ensuring that all people have access to effective participation in a free society. It becomes evident how human rights, education and the Democratic Rule of Law State have an intensely reciprocal connection. Thus, Inclusion and Human Rights Education associated with the relevant documents are, as we seek to demonstrate, closely connected.

In this sense, it is important to point out that the PNEDHs were stimulated by the WPHRE, launched in December 2004 and implemented from 2005 onwards, which sought to promote strategies, through an action plan with several stages, for the development of sustainable national Human Rights education programs. WPHRE is a product of previous discussions, such as the Vienna Conference. In item no. 5, the document indicates that Human Rights Education encompasses: a) knowledge and skills, b) values, attitudes and behavior, c) action.

The National Guidelines for Human Rights Education (Diretrizes Nacionais para a Educação em Direitos Humanos - DNEDH) were approved in 2012. National and international documents indicate Human Rights Education as education for citizenship, a mandatory training space for educators (especially in Article no. 8 of the DNEDH). They also point to education as a paradigm built on diversity and the inclusion of all students, which should permeate curricula and everyday relationships across the board. Both the PNEDH and the DNEDH serve to guide, encourage, support and enable different actions, and are supported by national and international agreements.

We can therefore say that a series of documents are the basis for Human Rights Education in Brazil and around the world. These documents deepen the struggle to create a culture of human rights, and pave the way for the formulation of the concept of Inclusive Education, which is not to be conflated with Human Rights Education. Inclusive Education reaffirms this struggle and embrace additional fronts of advocacy, such as the universalization of education and the understanding that schools should be spaces where everyone can be present and learn together.

Inclusive Education

Inclusion from a school perspective is crossed by human rights. Everyone should be part of schools, which includes the intended audience of Special Education, but is not limited to them, which is why it is important to distill these concepts. Inclusive Education stipulates that it is not the student who molds or adapts to the school, it is the school that makes itself available to the students. The inclusive school must recognize diversity as a positive value, promoting education for all.

Silva Neto *et al.* (2018) state that Inclusive Education "brings with it a change in the values of traditional education, which implies developing new policies and restructuring education." (p. 82). Inclusion, in this sense, promotes a revolution in

education, constituting a new educational paradigm and inaugurating a new phase of education in modern society.

Despite being crossed by human rights, inclusion raises specific issues, such as the universalization of basic education and meeting the needs of each student, guaranteeing equality and difference as indissociable values. According to Carvalho (2005), Inclusive Education is a very subtle concept as it involves a process. The author states that the mere physical presence of students in a regular classroom does not guarantee that they are fully included, learning and participating with their peers. In other words, we can coexist in the same space, but still reproduce forms of exclusion. For inclusion to really happen, a whole set of actions is needed, including political will, democratic management, legislation, curriculum adaptation, as well as qualified teachers through initial and ongoing training. The realm of inclusion is based on the concept of difference and the uniqueness of individuals.

The concept of inclusion is broad; Inclusive Education makes no exception. According to Sassaki (1998), school inclusion is a form of insertion. The traditional regular school must be modified to be able to receive any student unconditionally and to provide high-quality education for all.

The main issues when we discuss inclusion are investments in teacher training, school adaptations and, above all, a change in the way professionals and family members look at differences in regular schools. In this sense, Stainback and Stainback (1999) point out that some important steps are needed to develop an inclusive school environment, including the development of a democratic philosophy and the promotion of school cultures that welcome diversity.

The inclusion paradigm has progressively brought new demands to the craft of teaching. Training teachers from the perspective of Inclusive Education means establishing an educational practice that is committed to the diversity of a classroom. Teachers must put into practice an inclusive pedagogy that aims to enable their students to manifest their potential, and it is essential to think of a pedagogy centered on them.

At an international level, documents relating to human rights, such as the previously mentioned UDHR and the Vienna Declaration (1993), emphasize education, but Inclusive Education takes center stage with the World Declaration on Education for All (1990) and the Salamanca Declaration (1994), which focuses more on Special Education. In this context, it is interesting to note how the specific field of Human Rights Education is expanding and contributing to the formulation of Inclusive Education, without being merged with it. While we can talk about the importance of Human Rights

Education since the UDHR of 1948, it is also true to say that until the 1990s, Inclusive Education had not yet taken center stage in the educational field.

The World Conference on Education for All highlights the dualism between the segregative models that still persist and the educational policies aimed at Inclusive Education. It emphasizes the need for child-centered education. Above all, it supports the universalization of basic education, which is a pressing issue in the document.

4. The ultimate goal of the World Declaration on Education for All is to meet the basic learning needs of all children, young people and adults. The long-term effort to achieve this goal can be sustained more effectively once intermediate objectives have been set and their progress measured. (UNESCO, 1990, p. 8)

Inclusive Education points to the desire to build a new, radically inclusive society. In this sense, it's important to remember that Inclusive Education distances itself from a bourgeois perspective on education, which is market-oriented and which largely reproduces the *status quo*. The educational concept that Dermeval Saviani in his book *School and democracy* (1999) calls critical-reproductive theory, based on authors such as Bourdieu, Althusser, Baudelot and Establet, has no place in an inclusive perspective. We must be together in the same classroom, regardless of our differences, limitations, aspirations. This breaks with a movement of homogenization and instrumentalization of teaching that has marked education for a long time.

It's worth remembering Carlos Skliar's discussion on inclusion. According to the author, it is through "small gestures" that we have to start thinking about inclusion, which involves discussing our relationship with the "other". Commenting on the issue of the inclusion of people with disabilities, which we will discuss below, Skliar (2015) gives us a good clue for defining inclusion by suggesting that its pedagogical thinking should focus on the idea of "being together" as the core educational issue.

The great leap that the author mentions, which is a challenge when we think about teacher training for inclusion, is that inclusion takes place through "minimal gestures" by looking at the other without judgment or prior condemnation. Understanding how to act from an inclusive perspective extends beyond the prescriptions of educational policies and legal frameworks. It resides in how each individual behaves towards one another, even in the smallest gestures, fostering a sense of togetherness. This approach points to an evolving educational model, still in its embryonic stage, aspiring towards a society that transcends traditional notions of inclusion by transforming the 'other' into an integral part of the 'self'. As Skliar (2015, p.26) states, "in the thought of difference, there are no different subjects".

In the same vein, Mendes (2017) states that inclusion refers to the system, not to a particular student. This means that it is the system itself that should be described. Regarding individuals, it is a misconception to say that certain students are or have been "included". This obstacle needs to be overcome in the sense that we must understand that the school and society belong to everyone, and exclusion has been anchored in culturally erected barriers. Once these barriers are dismantled, inclusion flourishes organically. According to Mendes (2017, p.72), "where the term "school inclusion" is used in reference to school enrollment, the term "schooling in the ordinary class of the regular school" should be used, since this is what it is really about."

This is a necessary movement if we are to think about inclusion. The classroom should not be seen as a space that belongs to those who are extra-included, based on an "I" perspective in relation to the "other" who needs inclusion. Here lies the obstacle that causes inclusion to be seen as an action to bring those who have historically been excluded into certain spaces. All spaces belong to everyone and the differences that color the environments are neither greater nor lesser, severe or mild, difficult or simple; the differences are just what they are.

Special Education

Currently, Special Education is approached from the perspective of Inclusive Education. Nevertheless, a historical approach shows us the profound transformations that Special Education has undergone. This approach gives the real dimension of the importance of upholding the achievements made within the context of the struggle for human rights and inclusion as a paradigm. This alone points to the specificities of the concept of Special Education in relation to Inclusive Education. While the concept of inclusion first emerged and consolidated in the 1990s, Special Education has a long history with distinct phases and a notable evolution until it aligned with the inclusion paradigm.

In the realm of Special Education, the Salamanca Declaration of 1994 became a milestone in the defense of an inclusive perspective, considering mainly the intended audience of Special Education. The Declaration emphasizes the right to education on the basis of the characteristics of each student, pointing to a child-centered pedagogy that respects and values difference. It states that the preparation of all education staff is key to promoting progress towards inclusive schools. The positioning of educators in the face of a given situation and their intervention depend on the ideas and theoretical conceptions that support their practice. This Declaration reaffirms inclusive human rights education.

2. The right of every child to education is proclaimed in the Universal Declaration of Human Rights and was strongly reconfirmed by the World Declaration on Education for All. Every person with³ a disability has a right to express their wishes with regard to their education, as far as this can be ascertained. UNESCO (1994, p. 3).

In Brazilian legislation, Special Education is a good example of the transformations in educational policies, since it has undergone different approaches, if we consider the Law of Guidelines and Bases (Lei de Diretrizes e Bases - LDB) and its versions, for instance. Law No. 4024/61 specifies the right to education for the intended audience of Special Education, using the term 'exceptional' in the document. However, Law No. 5,692/71 represented a setback by advocating for special treatment and reinforcing special classes and schools. Lastly, Law No. 9,394/96, in article 59, states that education systems must guarantee an adequate school curriculum, methods, resources and specific organization to meet the needs of students, and emphasizes the importance of both initial and ongoing teacher training. These transformations attest to the achievements on the way to Inclusive Education as a paradigm. In this context, it is important to note, as Sant'Ana (2005) emphasizes, that both the Salamanca Declaration and LDB 9,394/96 mandate adequate teacher training, which, as previously discussed, is essential for the effective implementation of Inclusive Education.

The history of exclusion that marked Special Education has been changed thanks to the struggle of people with disabilities and their families, as well as public policies addressing this educational modality. Special education was born under the segregationist paradigm of education. Before international debates and official documents prompted domestic policies to address the rights of people with disabilities, exclusion from both education and society at large was the norm.

Sassaki (2005) argues that, historically in Brazil, Special Education has been characterized by schooling as a privilege for the so-called 'normal' and by exclusion. Thus, it is only recently that we have come to see disability as a feature of human diversity. In the 19th century, under the paradigm of segregation, the understanding was that school failure was a direct result of the child's body. The segregationist school promoted the homogenization of people according to their biological characteristics. Based on this biomedical approach and the pathologization of disability, the role of Special Education would be to either 'cure' or render the disability of students invisible through educational practices.

³ It is important to note that the terms "disabled" and "people with special needs" have fallen into disuse and must not be used. The term "people with disabilities" was adopted in the UN International Convention on the Rights of Persons with Disabilities in 2006 and ratified in Brazil by the Decree 6,949 of 2009.

Sánchez (2005) states that the era of exclusion persisted in Brazil until the mid-20th century due to a lack of both political and pedagogical commitment to integrating Special Education into the Brazilian education system. But the fact is that, even in the international context, exclusion remained an ever-present prospect. The first Special Class in the country was established in São Paulo in 1911, and in the same year, in Rio de Janeiro. This marked the beginning of the instructional integration model, in which individuals considered unsuitable for regular classes were placed in special classes.

As Garcia and Barcelos (2021) note, until the late 1920s and early 1930s, private initiatives, particularly the Pestalozzi Society, played a significant role in Special Education. During this period, the government largely omitted its responsibilities regarding Special Education. The special classes were conducted by teachers lacking specialization, bringing to center stage the importance of proper training for educators to work within this teaching modality.

From the second half of the 20th century, particularly from the 1990s onward, the global stage saw the emergence of the advocacy for the inclusion paradigm as a political, cultural, social, and pedagogical action. This movement is grounded in the philosophical and ideological foundation of human rights, viewing equality and difference as indissociable values. Thus, a brief historical overview reveals the transition from the segregationist model to the integrationist model, and ultimately to the inclusive model, highlighting that inclusion is a relatively recent development in the history of Special Education.

When discussing Inclusive Education, it is important to remember that it should not be conflated with Special Education. While inclusion functions as a paradigm, Special Education is a modality of education that has a specific intended audience. Inclusive Education, in this sense, encompasses Special Education and guides not only Special Education, but all other modalities, stages and levels of education. This modality only enhances the importance of inclusion. As observed, it was from the 1990s that Inclusive Education became a new educational paradigm, notably following the World Declaration on Education for All and the Salamanca Statement. However, Special Education can be discussed from an earlier period considering the paradigms of segregation and integration from a historical perspective.

Thus, it was indeed during the 1990s that significant changes occurred, shaping the current landscape. The relations between Human Rights Education, Inclusive Education and Special Education thus become evident, as do their particularities. Since the UN designated a decade for Human Rights Education (1995-2004), several milestones have contributed to the concepts discussed here besides those mentioned above, such as the Vienna Conference, the

World Conference on Education for All and the World Conference on Special Needs Education. These other events are worth noting.

Another significant milestone is the Guatemala Convention (1999) - The Inter-American Convention on the Elimination of all forms of Discrimination Against Persons with Disabilities, which advocates that states should implement legislative, educational, social, and labor measures to eliminate discrimination. Additionally, the National Policy for the Integration of People with Disabilities (1999) established Special Education as a cross-cutting modality across all levels and modalities of education. It's worth noting that the term "disabled" ("portador de deficiência") is now outdated, but it does appear in some documents that have become references.

It is important to remember the difficulties faced internally in guaranteeing the rights of the intended audience of Special Education. This is proven by the fact that in 1994, the same year as the Salamanca Declaration and four years after the World Declaration on Education for All, Brazil approved a National Special Education Policy that was not yet in line with the inclusion paradigm, since this policy reinforced the implementation of Special Classes and integrationism. We had to wait for the 2001 National Guidelines for Special Education in Basic Education (Diretrizes Nacionais para a Educação Especial na Educação Básica) and, above all, for the National Policy for Special Education from the Perspective of Inclusive Education (Política Nacional da Educação Especial na Perspectiva da Educação Inclusiva - PNEEPEI), which only came about in 2008, in order to reverse this situation of lateness and detachment from the international movement for inclusion.

The National Policy for Special Education from the Perspective of Inclusive Education (PNEEPEI) is a fundamental point of connection between the rights of people with disabilities and education. Within the Inclusive Education paradigm, it is important to guarantee that the intended audience of Special Education is included in regular classes, with access to specialized educational support and the guarantee of a quality education that respects their wishes and possibilities. This audience is made up not only of people with disabilities, but also people with giftedness/high abilities and autism spectrum disorder. So this policy aims to distance itself from a history of injustice against this group, which went from a situation of segregation to an approach of integration, before arriving at the paradigm of inclusion.

The United Nations Convention on the Rights of Persons with Disabilities (UN, 2007) establishes that an inclusive education system must be guaranteed at all levels of education. This convention, ratified in Brazil by Decree No. 6,949 of 2009, obligates the state to promote Inclusive Education, prohibiting the exclusion of people with disabilities from the education system on the grounds of their disability. In the same vein, the Statute

of the Person with Disabilities (Estatuto da Pessoa com Deficiência) is the designation of the Brazilian Law for the Inclusion of Persons with Disabilities, National Law No. 13,146, dated July 6, 2015, and it constitutes another important milestone in the fight for the guarantee of dignity of the human person.

Article 24 of the Convention stated that people with disabilities must not be excluded from the education system. Several legal frameworks refer specifically to people with disabilities, but it is important to point out that, for legal purposes, people with autism spectrum disorder are considered to be people with disabilities. Therefore, the Berenice Piana Law (Law 12,764/12) guarantees the rights of these people as the target group for Special Education.

Among all the milestones mentioned above, the PNEEPEI represents the most evident connection between Inclusive Education and Special Education. It is important to note that this Policy arises from a global movement for inclusion, representing a political, cultural, social, and pedagogical initiative aimed at ensuring the right for all individuals to be together without any form of discrimination. The role of the school in overcoming the logic of exclusion and building inclusive educational systems is emphasized. This means structural and cultural changes in the school so that students have their specific needs addressed. This national policy was presented by the Ministry of Education/Secretariat for Special Education with the aim of building public policies.

The PNEEPEI has been integrated into the pedagogical proposal of the regular school, promoting support for the students with disabilities, autistic spectrum disorders and high abilities, who constitute the intended audience of Special Education. Among the objectives of this policy are the integration of Special Education, specialized educational support, continuity of education at higher levels, professional development for both specialized educators and general teachers regarding inclusion, active involvement of families and communities, urban and architectural accessibility, provision of accessible furniture, and intersectoral coordination in the implementation of public policies. The Guidelines of the National Policy of Special Education In the Inclusive Education Perspective reiterate that Special Education is a modality that permeates all levels of education, provides Specialized Educational Support, makes resources and services available and guides their use in regular classes.

As a result, the new National Special Education Policy (PNEE), established by Decree No. 10,502 of September 30, 2020, has been viewed as a significant drawback because it places the decision regarding the enrollment of students with disabilities in regular education in the hands of their family members. The risk of segregating the

intended audience of Special Education is a serious concern since the inclusive perspective is an achievement that we cannot neglect. The new PNEE was suspended by the Supreme Court in January 2021. This situation highlights the current tensions and the potential risk of undermining the undeniable achievements of recent decades. Finally, Decree No. 10,502 was revoked by Decree 11,310 on January 1, 2023.

It is clear that it is the historical evolution of public policies in Brazil, as a direct result of an international movement for the rights of people with disabilities, that leads us to Special Education from the perspective of Inclusive Education: it is necessary to guarantee access, permanence and participation of the intended audience of Special Education in the regular school based on the elimination of pedagogical, architectural, communicational and attitudinal barriers. National and international documents argue that it is not the individual limit that defines exclusion, but the barriers that exist in spaces and in society. Above all, we need to work on building the school as a space that radically welcomes differences and values diversity.

Final Considerations

Human Rights Education, Inclusive Education and Special Education are concepts that dialogue and mark contemporaneity in the spirit of building a more fair and egalitarian society. The connections between these concepts are evident, as must be their particularities.

Education is a human right. This realization is key to building a new, fairer and more humane future. In this sense, it is worth remembering that the legal framework presented here, consisting of legal frameworks and public policies, is a point of connection between Human Rights Education, Inclusive Education and Special Education. However, the fight for education for all becomes evident when we examine these concepts separately, highlighting both the similarities and the specificities of the instruments developed over time through various treaties and conventions.

Ross (2004) states that Brazilian legislation is one of the most advanced in terms of respect for educational guarantees, but there is a picture of constant violation of rights; the social inequality of those excluded from education leads to economic inequality, maintaining the cycle of poverty and social exclusion that is perpetuated.

At the intersection with human rights, education assumes the function of humanizing the human. Within this Freirean perspective of education as a process of humanization, it becomes necessary to encourage quality education for all, without which it is not possible to form citizens who are aware of their condition as subjects of rights. Education is a vital

condition for the realization of citizenship. Withholding a high-quality education constitutes a violation of the principle of human dignity.

Human Rights Education finds its trajectory closely linked to the UDHR of 1948, going hand in hand with treaties, conferences, declarations, in the sense of guaranteeing the right to education as fundamental in the fight for the realization of the dignity of the human person. Education, as we know, is a field of dispute and tension. Therefore, it is fundamental to reaffirm the education we defend as Human Rights Education.

This fight culminated in the development of the concept of Inclusive Education, which was strengthened in the 1990s, becoming an educational paradigm that has illuminated educational directions, policies and practices ever since. Inclusive Education is not restricted to a specific group, but raises the question of a school for all, a child-centered pedagogy, an education that aims to be truly democratic.

Special education has evolved through the paradigms of segregation and integration, ultimately being transformed by the concept of inclusion. In contrast to Inclusive Education, Special Education has a specific target group, which today is formed by people with disabilities, giftedness and high abilities and those with autism spectrum disorder. Special Education from an inclusive perspective is undoubtedly intertwined with human rights. Therefore, the concepts discussed here are closely related, yet they also possess specific characteristics that deserve close attention and observation to ensure these concepts are properly understood.

Based on this, it is worth emphasizing the importance of the training processes for teachers and students. Training students in an education aimed at being inclusive - whether in Human Rights Education or Special Education from an inclusive perspective - involves establishing educational practices committed to embracing diversity within the classroom. Teachers must adopt an inclusive pedagogy that aims to enable their students to manifest their potential, in order to form conscientious citizens who see themselves and everyone else as subjects of rights.

This paper reflects on the concepts of Human Rights Education, Inclusive Education, and Special Education, aiming to highlight their specificities and to weave connections between them. We understand that the limitations of this research indicate the need for future studies that deepen these conceptual discussions, and that continue to highlight the intersections and particularities of the concepts in question. The invention of a more just society involves an education based on the concepts discussed here, which remain open to further investigation from the perspective of knowledge in ongoing construction.

References

BRASIL. Constituição (1988). *Constituição da República Federativa do Brasil*. Brasília: Senado Federal, 2020.

BRASIL. *Convenção Interamericana para a Eliminação de Todas as Formas de Discriminação contra as Pessoas Portadoras de Deficiência* – Convenção da Guatemala (Decreto n.198). Brasília. 2001.

BRASIL. *Convenção sobre os Direitos das Pessoas com Deficiência* (ONU/2006), promulgada no Brasil com status de emenda constitucional por meio do Decreto n° 186/2008 e do Decreto n° 6.949/2009.

BRASIL. *Decreto n° 1.904*, de 13 de maio de 1996. Institui o Programa Nacional de Direitos Humanos – PNDH. Brasília, DF: Presidência da República, 1996.

BRASIL. *Decreto n° 4.229*, de 13 de maio de 2002. Dispõe sobre o Programa Nacional de Direitos Humanos – PNDH. Brasília, DF: Presidência da República, 2002.

BRASIL. *Decreto n° 7.037*, de 21 de dezembro de 2009. Aprova o Programa Nacional de Direitos Humanos — PNDH-3 e dá outras providências. Brasília, DF: Presidência da República, 2009.

BRASIL. *Decreto n° 10.502*, de 30 de setembro de 2020. (Nova Política Nacional de Educação Especial).

BRASIL. *Decreto n° 11.310*, de 1° de janeiro de 2023. (Revogação da Nova Política Nacional de Educação Especial).

BRASIL. *Diretrizes Nacionais para a Educação em Direitos Humanos* (Resolução n° 1). Brasília, 2012.

BRASIL. *Diretrizes Nacionais para a Educação Especial na Educação Básica* (Resolução n.12/2001), Brasília, 2001.

BRASIL. *Lei 12.764*, de 27 de dezembro de 2012. (Lei Berenice Piana).

BRASIL. *Lei 6.949*, de 25 de agosto de 2009. Promulga a Convenção Internacional sobre os Direitos das Pessoas com Deficiência e seu Protocolo Facultativo, assinados em Nova York, em 30 de março de 2007.

BRASIL. *Lei 13.146*, de 6 de julho de 2015. Estatuto da Pessoa com Deficiência. Brasília, 2015.

BRASIL. *Lei de Diretrizes e Bases da Educação Nacional (Lei n° 4.024/61)*. Brasília, DF, 28 dez. 1961.

BRASIL. *Lei de Diretrizes e Bases da Educação (Lei n° 5.692/71)*. Brasília, DF, 1971.

BRASIL. *Lei de Diretrizes e Bases da Educação (Lei n° 9.394/96)*. Brasília: DP&A, 2000.

BRASIL. *Plano Nacional de Educação em Direitos Humanos* (PNEDH). Brasília: SEDH/MEC/MJ/ UNESCO, 2007.

BRASIL. *Política Nacional de Educação Especial na Perspectiva da Educação Inclusiva*. Brasília: MEC/SEESP, 2008.

BRASIL. *Política Nacional para a Integração da Pessoa Portadora de Deficiência* (Decreto n.3.298). Brasília, 1999.

CARVALHO, R. *Educação Inclusiva com os Pingos nos Is*. Porto Alegre: Mediação, 2005.

DINIZ, D. Valores universais e direitos culturais. In: NOVAES, R. (org.). *Direitos Humanos: temas e perspectivas*. Rio de Janeiro: Mauad, 2001.

FREIRE, P. *Pedagogia da Autonomia: saberes necessários à prática educativa*. Rio de Janeiro: Paz e Terra, 2015.

GARCIA, R.; BARCELOS, L. A Constituição do Público-alvo na Política de Educação Especial Brasileira: movimentos e disputas no interior do Estado Integral. *Rev. Bras. Educ. Espec.*, 27, 2021. Disponível em: <https://www.scielo.br/j/rbee/a/wM3sNT4FRMqRdqYTR8YX4M/?lang=pt>. Acesso em: 28 julho. 2024. DOI: <https://doi.org/10.1590/1980-54702021v27e0170>.

MENDES, E. Sobre alunos “incluídos” ou “da inclusão”: reflexões sobre o conceito de inclusão escolar. In: VICTOR, S. L. *et al.* Educação Especial Inclusiva: conceituações, medicalização e políticas. Campos dos Goytacazes, RJ: Brasil Multicultural, 2017.

ORGANIZAÇÃO DAS NAÇÕES UNIDAS. *Convenção Internacional sobre os Direitos das Pessoas com Deficiência*, aprovada pela Assembléia Geral da ONU em dezembro de 2006.

ORGANIZAÇÃO DAS NAÇÕES UNIDAS. *Declaração e Programa de Ação de Viena*. II Conferência Internacional de Direito Humanos. 1993.

ORGANIZAÇÃO DAS NAÇÕES UNIDAS. *Declaração Universal dos Direitos Humanos*. 1948.

PEQUENO, M. O Fundamento dos Direitos Humanos. In: FERREIRA, L. et al.(orgs.) *Educação em Direitos Humanos: fundamentos histórico-filosóficos e político-jurídicos*. João Pessoa: Editora da UFPB, 2016.

ROSS, P. R. Conhecimento e Aprendizado Cooperativo na Inclusão. *Educar*, Curitiba, n.23, p.203-224, Editora UFPR, 2004. Disponível em: <https://www.scielo.br/j/er/a/QSvmzxjLMG7b7Q78zPHZxPC/?lang=pt> . Acesso em 28 julho. 2024. DOI: <https://doi.org/10.1590/0104-4060.339>

SÁNCHEZ, P. A Educação Inclusiva: um meio de construir escolas para todos no século XXI. *Inclusão - Revista da Educação Especial*. Out. 2005. Disponível em: <http://portal.mec.gov.br/seesp/arquivos/pdf/revistainclusao1.pdf> . Acesso em: 28 julho. 2024.

SANT'ANA, I. Educação Inclusiva: concepções de professores e diretores. *Psicol. Estud.* 10 (2), Ago 2005. Disponível em: <https://www.scielo.br/j/pe/a/TGkrQ6M6vvXQqwJvLmTFRGw/?lang=pt>. Acesso em: 28 julho. 2024. DOI: <https://doi.org/10.1590/s1413-73722005000200009>

SANTOS, B. S.; MARTINS, B. S. Introdução. In: SANTOS, B. S.; MARTINS, B. S. (org.). *O Pluriverso dos direitos humanos: a diversidade das lutas pela dignidade*. Belo Horizonte: Autêntica: 2019.

SASSAKI, R. Inclusão: o paradigma do século 21. *Inclusão - Revista da Educação Especial*. Out. 2005. Disponível em: <http://portal.mec.gov.br/seesp/arquivos/pdf/revistainclusao1.pdf>. Acesso em: 28 julho. 2024.

SASSAKI, R. Kazumi. Integração e Inclusão: do que estamos falando? *Temas sobre Desenvolvimento*, v.7, n.39. 1998.

SAVIANI, D. *Escola e Democracia*. Campinas, SP: Autores Associados, 1999.

SILVA NETO, A de O. *et al.* Educação Inclusiva: uma escola para todos. *Revista Educação Especial*, vol. 31, núm. 60, jan/mar, 2018, pp. 81-92. Disponível em: <https://periodicos.ufsm.br/educacaoespecial/article/view/24091>. Acesso em: 28 julho.2024. DOI: <https://doi.org/10.5902/1984686x24091>.

SKLIAR, C. Incluir as diferenças? Sobre um problema mal formulado e uma realidade insuportável. *Artes de Educar*. Rio de Janeiro, v.1, n.1, fev-mai 2015, pp.13-28. Disponível em: <https://www.e-publicacoes.uerj.br/index.php/riae/article/view/11724>. Acesso em: 28 julho. 2024. DOI: <https://doi.org/10.12957/riae.2015.11724>.

STAINBACK, S.; STAINBACK, W. *Inclusão: um guia para educadores*. Porto Alegre: Artmed, 1999.

UNESCO. *Declaração de Salamanca sobre Princípios, Políticas e Práticas na Área das Necessidades Educativas Especiais*. Salamanca. 1994.

UNESCO. *Programa Mundial para Educação em Direitos Humanos (Plano de Ação)*. Primeira Etapa. Nova York e Genebra, 2006.

UNESCO. *Declaração Mundial sobre Educação para Todos*. Jomtien, 1990.

ZIZEK, S. Contra os direitos humanos. *Mediações*, v.15. n.1. Londrina, 2010. Disponível em: <https://ojs.uel.br/revistas/uel/index.php/mediacoes/article/view/6541>. Acesso em: 28 julho. 2024. DOI: <https://doi.org/10.5433/2176-6665.2010v15n1p11>.