

Teaching Students with Special Needs in the General education Classroom

The Rights of Persons with Disabilities in Jamaica

- The United Nations International Children's Emergency Fund (UNICEF) is a United Nations' (UN) programme that provides humanitarian and developmental assistance to children and mothers in developing countries. It was created by the United Nations General Assembly on 11 December 1946, to provide emergency food and healthcare to children in countries that had been devastated by World War II. UNICEF's headquarter is located in New York.
- Out of UNICEF's work came **The United Nations Convention on the Rights of the Child (UNCRC)**, which is the most complete statement of children's rights ever produced and is the most widely-ratified (widely-signed or widely approved) international human rights treaty in history.
- The UNCRC concerns itself with the fact that...Every child has rights, whatever their ethnicity, gender, religion, language, abilities or any other status.
- Jamaica has signed in agreement to a number of international conventions ensuring the political and civil rights of persons with disabilities. This commitment is broadened to involve all persons providing not only access to information but services that enrich the lives of its people.
- Jamaica's vision for education is:
"A prosperous and dynamic Jamaica which upholds the fulfillment of human rights, dignity for all persons, and builds continual social progress based on shared values and principles of partnerships. Minds are transformed and extra ordinary results are produced in this the most caring and secure country in the Americas, where individuals fulfill their potential, and are in control of their destiny, take responsibility for their lives and work always to the larger good."

Caribbean Symposium on Inclusive Education (2007)
- The World Declaration on Education for All, to which Jamaica is committed, supported by the Universal Declaration of Human Rights and the Convention on the Rights of the Child, give credence to the value Jamaica places on education as an agent of National Development. This commitment, among others, is grounded in the philosophy that "**Every Child Can Learn and Every Child Must Learn**".
- The Convention on the Rights of the Child (CRC) reminds us that children, whilst retaining their entitlement to the full range of human rights, are often marginalized or excluded and represent a special case requiring additional safeguards. However, within the constituency of children, particular groups remain vulnerable to further risk factors requiring additional measures for state ratification.
- The UN Convention on the Rights of the Child was signed and ratified by the Jamaican Government 25 years ago (May, 1991). It addresses the rights of all children to **survival, development, protection and participation**.
- The UN Convention consists of 41 articles, each of which details a different type of right. These rights are not ranked in order of importance; instead they interact with one another

to form one integrated set of rights. A common approach is to group these articles together under the following themes:

1. **Survival rights:** include the child's right to life and the needs that are most basic to existence, such as nutrition, shelter, an adequate living standard, and access to medical services.

2. **Development rights:** include the right to education, play, leisure, cultural activities, access to information, and freedom of thought, conscience and religion.

3. **Protection rights:** ensure children are safeguarded against all forms of abuse, neglect and exploitation, including special care for refugee children; safeguards for children in the criminal justice system; protection for children in employment; protection and rehabilitation for children who have suffered exploitation or abuse of any kind.

4. **Participation rights:** encompass children's freedom to express opinions, to have a say in matters affecting their own lives, to join associations and to assemble peacefully. As their capacities develop, children should have increasing opportunity to participate in the activities of society, in preparation for adulthood.

- On March 2004, as a result of the ratification of the UNCRC, The Child Care and Protection Act came about. This Act was passed in an effort to enhance the protection of children as a vulnerable group in the Jamaican society. It provided for the establishment of specialized agencies and offices to increase protection and care of children in Jamaican.

The Child Care and Protection Act covers three groups of children's rights:

1. **PROTECTION RIGHTS:** Rights that protect children from all types of violence, abuse, neglect and exploitation.

2. **PROVISION RIGHTS:** Rights that guarantee the basic things that children need for their survival, growth and development.

3. **PARTICIPATION RIGHTS:** Rights that ensure children's views are considered when making decisions that affect them and that opportunities are provided for them to share their views.

The National Policy for Persons with Disabilities

- The National Policy for Persons with Disabilities was tabled in Parliament on September 26, 2000. The policy committee was convened in 1993 and has had numerous meetings and forums throughout the island. The objective is to enlighten Jamaicans about disability issues. The National Policy has given the country a blueprint to make further gains towards the inclusion of the disabled in every sphere of Jamaican life.
- The appointment of Sen. The Hon. Floyd Morris as Minister of State in the MLSS further underscored the Government's commitment to putting the concerns of the persons with disabilities at the forefront of Government policy.
- **The National Policy for Persons with Disabilities is geared towards:**
 1. Setting guidelines and directions for the Government, for the equalization of opportunities for people with disabilities.
 2. Assisting government in strengthening its capacity to address disability issues as well as assist individual agencies to improve their capacity to address disability issues within their area of functional responsibility.
 3. Providing a framework for agencies of government to cooperate in developing and implementing policies designed to provide equal opportunities for people with disabilities in all aspects of life.
 4. Assisting government in implementing the United Nations Standard Rules on the Equalization of opportunities for persons with disabilities.

The agencies for persons with disabilities that come under the umbrella of the MLSS are the Jamaica Council for Persons with Disabilities, the Abilities Foundation of Jamaica and the Early Stimulation Project.

Ministry of Labour and Social Security (2006)

- The Hon. Floyd Morris is served two terms as Senator during the period 1998 to 2007. He returned to the Senate in 2012 and was elected as President in 2013. Senator Morris is the first person who is blind to become President of the Jamaican Senate.

Centre for Disability Studies (2015)

- **The National Policy for Persons with Disabilities paved much of the way for what is now The National Disability Act.**

The National Disability Act 2014

Vision Statement

The Vision Statement for PWDs for Vision 2030 Jamaica is:

“A society that is inclusive, accessible, provides opportunities for all and recognizes the rights, freedoms and responsibilities of persons with disabilities in the process of nation building”

(Persons with Disabilities Draft Sector Plan, 2009)

- On Tuesday July 22, 2014, The House of Representatives has passed the long-awaited legislation to fight against discrimination on the grounds of disabilities.
- The National Disabilities Act proposes, among other things, that no employer should discriminate against a person on the grounds of disability if the person is qualified for the job.
- Additionally it will establish the Jamaica Council for Persons with Disabilities a statutory body.
- The Bill also makes provision for persons with a disability to be entitled to the enjoyment of privileges, interest, benefits and treatments as every other Jamaican.
- The Act came about 14 years after the country adopted a National Policy for Persons with Disabilities.
- The new law makes provisions for changes to buildings, to facilitate persons with disabilities. This will mean that newly constructed buildings will be required to have facilities for the disabled and older building will be required to construct these facilities.

Sleight, K. (2014) Lower House Passes Disability Act. Retrieved from <http://rjrnewsonline.com/local/lower-house-passes-disabilities-act>

The Gleaner, (2014) The Long-awaited Disabilities Act Passed. Retrieved from <http://jamaica-gleaner.com/power/54397>

The National Disability Act 2014

1. Part 1 –Preliminary that deals with how the Act may be otherwise titled how it should be interpreted and the objects of the Act.

The Principal Objects of the Act are to: (as outlined in Part 1)

- reinforce and promote recognition and acceptance within Jamaica of the principle that a person with a disability, has the same fundamental rights as any other person in Jamaica;
- promote individual dignity and individual autonomy, including the freedom of choice and independence of a person with disability;
- ensure full and effective participation and inclusion in the society for persons with disabilities on an equal basis with others;
- prevent or prohibit discrimination against a person with a disability; and
- promote respect for differences and acceptance of persons with disabilities as part of human diversity and humanity.

2. Part 2 – Jamaica Council for Persons with Disabilities

Jamaica Council for Persons with Disabilities, the legal body to act on behalf of persons with disabilities carrying certain functions such as: (including but not limited to)

- advising the Minister on matters pertaining to persons with disabilities in an effort to promote effective measures for:
 - prevention of circumstances causing disabilities
 - rehabilitation of PWD
 - public education concerning disabilities; and
 - improvement in living conditions of PWD by facilitating their social and economic development.
- advising the Minister on
 - current trends, policies and programmes concerning disabilities; and
 - developments internationally, regarding the rights of PWD with a view of improving the service delivery to, and the status of, persons with disabilities;
- monitoring the operation of such trends, policies and programmes, and reporting to the Minister the results of such monitoring
- conducting public education programmes about the Act and highlighting the requirements thereafter;
- preparing codes of practice for the avoidance of discrimination of the ground of a person's disability;
- make recommendations to the Minister regarding the enforcement of the Act and other national measures for the avoidance of against PWD.

These are among other functions.

3. **Part 3 – *Disabilities Rights Tribunal* which is** the body to carry out functions such as dealing with specific complaints and carry out dispute resolution procedures or make referrals to the Council.

4. Part 4 – Protection from Discrimination

- PWD shall be entitled to the enjoyment of privileges, interests, benefits and treatment, whether directly, or through contractual, licensing, or other arrangements.
- PWD shall not, by any reason of such disability, be subject to any form of discrimination.

5. Part 5 – Education and Training

Section 26 – :

(1) An educational or training institution shall not deny a PWD from being enrolled at, or attending, the institution, by reason of their disability.

(2) – An educational or training institution shall provide the support necessary to ensure that, in relation to the institution, a PWD

- has the most reasonable access to the education or training provided;
- has access to facilities in the least restrictive environment and best suited to the individual needs.
- is not placed at a disadvantage in relation to the services provided
- is provided with reasonable arrangement and receives the support required to effectively facilitate his education.

(3) Caregivers shall monitor persons within their care as far as is practicable and file complaints to the Council where PWD are subjected to discrimination.

(4) An educational or training institution shall have regard to the provisions of any applicable code of practice as stipulated by the Council under section 9 and take steps to comply therein.

6. Part VI – Employment

Deals with employment of persons with disabilities and includes non-discrimination provisions and an obligation on the employer to make adjustments to the workplace to ensure that the employee is not at a disadvantage. It also provides for the redeployment of an employee to a position that is at equivalent to their previous position.

7. Part V11 – Political Office and Public Life

Deals with the right of PWD to participate in programmes, activities or work that relate to political office.

8. Part V111 – Health Care and Facilities

Deals with access to and nondiscrimination of PWD as it relates to health care facilities and services.

9. Part 1X – Premises and Housing

Accessibility and usability of rent or lease property.

10. Part X – Public Passenger Vehicles

Accessibility and usability of public passenger vehicle by PWD as far as is practical.

11. Part X1 – Miscellaneous

Other important area relating to PWD are addressed