INTRODUCTION

The Convention on the Rights of Persons with Disabilities (CRPD) was adopted by the United Nations General Assembly on 13th December 2006.

It is based on the United Nations Charter - Universal Declaration of Human Rights (1948) and it recalls and recognizes the dignity and equal and inalienable rights of all members of the human family for freedom, justice and peace in the world.

The World Health Organization (WHO) estimates about 10% of the world’s population are persons with disabilities (over 650 million persons) and most of them (80%) are living in developing countries without basic services (health, school, job policy...).

In Europe, 17% of population suffer from a disability or a chronic illness. Unemployment rate of persons with disabilities is about three times the level for persons without disabilities. Employees with disabilities receive a lower salary and in many countries, they experience segregation through early experience in parallel education networks.

The CRPD purpose in the 1st article is „To promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity. Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.”

Aims

The CRPD is an instrument based on the human rights development and binding the full inclusion policy for person of disabilities in the society. It declares full human rights (all categories) and fundamental freedoms for persons with all types of disabilities.
With CRPD new „paradigm shift” was created based on the attitudes and approaches to persons with disabilities; they have changed from «„objects” of charity, medical treatment and social protection towards „subjects” with rights (capable of claiming those rights, making decisions; lives based on freedom and being active members of society)».

In accordance with ICF (WHO, 2000) the 1st CRCP article:
„Disability is an evolving concept, and that disability results from the interaction between persons with impairments and attitudinal, environmental barriers that hinders full and effective participation in society on an equal basis with others” (Preamble) and „Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.”

Disability results from an interaction between individuals and non-inclusive society and from this the new convention terminology „Person with disabilities” instead of „handicapped” was created.

The CRCP Guiding Principles are:

a. Respect for the dignity, individual autonomy and the freedom to make one’s own choices, and independence of persons
b. Non-discrimination
c. Full and effective participation and inclusion in society
d. Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity
e. Equality of opportunity
f. Accessibility
g. Equality between men and women
h. Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities (Articles 3).

The Participation and the Inclusion in society became full and effective and it is declared in:
• the general principle (article 3); general obligation (article 4); rights (articles 29 and 30).
Participation, inclusion and accessibility are included under the general principles (article 3) and also under several provisions:

- The right to take part in the conduct of public affairs (article 29)
- The right to take part Participation in cultural life, recreation, leisure and sport (article 30)
- Inclusion is referred to in several articles e.g. right to education (article 24), right to live in the community (article 19), habilitation and rehabilitation (article 26)
- The needs and concerns of persons with disabilities have become clearer
- Persons with disabilities have the opportunity to raise issues and hold decision-makers accountable

The inclusion is a two-way process: persons with disabilities have become more visible and persons without disabilities have the opportunity to learn and change from the experience of persons with disabilities – and vice-versa.

All persons with disabilities must participate in all activities and according to the dictum: ‘Nothing about us without us’.

Another important part of the CRCP is Non-discrimination principle, as declared in Human Rights Chart (UN, 1948). The Convention does not include any new rights but identifies the specific actions that States must take to protect against discrimination of persons with disabilities.

The Accessibility is another important general principle for the development of empowerment and inclusion by: justice (article 13); living independently and being included in the community (article 19); Information and communication services (article 21); education (article 24); health (article 25); habilitation and rehabilitation (article 26); work and employment (article 27) - human resource policies and practices; adequate standard of living and social protection (article 28); participation in political and social life (article 29); participation in cultural life, recreation, leisure and sport (article 30).

The CRCP structure is based on a Preamble and 50 articles:
The right of persons with disabilities to education (article 24) declares the right of persons with disabilities to receive education through an inclusive education system at all levels and lifelong learning directed to:

a. The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;

b. The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;

c. Enabling persons with disabilities to participate effectively in a free society.

Realizing this right shall ensure for the persons with disabilities general education system in the free and compulsory school from primary to the secondary education with other members of the communities in which they live.
The States Parties shall provide accommodation, individualized support and facilitation which will guarantee effective education and full inclusion of a person with disabilities.

The States Parties shall teach persons with disabilities about life and social skills to facilitate their full and equal participation in education as members of the community using appropriate methods (facilitating learning Braille, alternative script, augmentative and alternative modes and orientation to mobility skills, and facilitating peer support; mentoring; sign language).

The States Parties shall take appropriate teacher training programme for the inclusion (qualified in sign language and/or Braille, augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities) and train professionals and staff who work at all levels of education; and employ teachers with disabilities.

The States Parties shall ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination.

The right of persons with disabilities to Participation in cultural life, recreation, leisure and sport (Article 30).

The States Parties shall take all appropriate measures to ensure persons with disabilities the access to: cultural materials and programme (television, films, theatre and other cultural activities) through accessible format and participation at performance or service (theatre, museum, cinemas, libraries, tourism service, monuments and site of national cultural importance).

They will develop the artistic and intellectual potential and ensure laws protecting intellectual property rights, and support their specific cultural and linguistic identity (sign languages and deaf culture, Braille, augmentative and alternative modes …).

The States Parties shall take appropriate measures to ensure: participation in sport, recreation and leisure time activities on an equal basis with others by allowing participation in mainstream sporting activities at all levels; opportunity to organize, develop and participate in disability-specific sporting and recreational activities and encourage the provision of appropriate instruction, training and resources; access to sporting, recreational and tourism venues; that children with disabilities have equal access to participation in play, recreation and leisure and sporting activities, including those activities in the school system and consequently in Physical Education.

Article 17 declares protecting the integrity of a person with disabilities as the right to respect his or her physical and mental integrity.

Article 25 says that the States Parties shall ensure access for persons with disabilities to health services: gender-sensitive, including health-related habilitation.
and rehabilitation (Art 26) with highest standard of health without discrimination on the basis of disability.

The Physical Activity access has become the right for all persons with disabilities during all life for: leisure time and sport practices (Art. 30); protecting the physical integrity (Art. 17); habilitation and rehabilitation (Art. (art 26); health prevention on an equal basis with others.

The CRCP declares the right for all persons with disabilities to attend Physical education and participate in the school sport (Art. 30), and inclusion in the free and regular compulsory primary and secondary school (Art. 24).

The Convention on the Rights of Persons with Disabilities (CRPD) was signed by 147 countries all over the world (Update on 30th January 2011).

DISCUSSION AND CONCLUSION

The CRPD is a human rights instrument and is legally binding in assuring full inclusion in the society for persons with disabilities.

Human rights and fundamental freedoms are recognized for persons with all types of disabilities.

The UN Convention (CRPD) signed by the States Parties, has become national adoption of general principle, obligation and juridical right, and with the ratification it has become a legally binding national law.

Inclusive education has become international right and it is becoming a national law in all the States Parties that ratified UN Convention (CRPD).

The realization of inclusive education for students with disabilities needs new cultural approach. The differences will translate the point of view from the functional model based on the medicine to inclusive model based on one-track approach: for all the students in the free and regular primary and secondary schools. The diversities in the regular schools should provide more opportunity (Cazzoli S. 2008). The „inclusion is a two-way process: persons with disabilities have become more visible and persons without disabilities have the opportunity to learn and change from the experience of persons with disabilities – and vice-versa“.

All persons with disabilities must participate in all activities and according to the dictum: ‘Nothing about us without us’

Also, inclusive Physical Education should be the right for all the students with the disabilities at all school levels. And it needs: structural resources (environment, tools, equipment, curricula,) and human resources (teachers, para-educators) trained in Adapted Physical Education (APE) (Cazzoli S, 2010). The APE is defined as „a sub-discipline of general Physical Education, concerning Physical Education for
students with disabilities“ (Block, 2000) and it is „allowing students with disabilities to experience safety, self-satisfaction and success“ (Winnick, 2005)( Hutzler Y., Sherrill C. 2007).

The APE should be a part of the Physical Education teacher training curricula at all levels (graduate, Bachelor/Master/Doctoral University System ) (Bologna Process, 1999, Statement by the Bologna Policy Forum 2009). The APE should be a part of lifelong learning from the pre-service to in-service teacher training (Cazzoli S, 2007) (LLP 2007-2013).

Participation in cultural life, recreation, leisure and sport should be enabled through structural resources (environment, financial tools, equipment, curricula) and human resources (trainer, and para-educator). Educators should be trained for working with persons with disabilities in the recreation and leisure time and also in the elite sport performance in the general sport federation and in the special sport federation (European Charter for Sport for All: Disabled Persons, 1987) (White Paper on Sport, 2007).

The implementation of the culture of the inclusion of persons with disabilities needs global action planning for monitoring the best practices for inclusion and attitudes of all the participants involved in the inclusion process (teachers, students, para-educators, managers and decision makers...)

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According to the World Health Organization (WHO), persons with disabilities constitute 10% of the world’s population (over 650 million persons) and most of them (80%) are living in developing countries without basic services (health, school, job...).

The UN Convention mission is „To promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity“.

The UN -CRPD approach is in accordance with ICF (International Classification of Functioning, WHO 2000), and the term „handicapped person“ has been changed into the „person with a disability/disabilities“.

The human rights for persons with disabilities are based on: accessibility and inclusion in article 24 (education); article 25 (health); article 26 (habitation and rehabilitation); article 30 (participation in cultural life, recreation, leisure and sport).

The CRPD was signed by 147 and ratified in 97 States all over the world (Update on 30th January 2011).

**Key words:** Physical education, human rights, persons with disabilities, inclusion in school and sport