

The Scope and Foundations of the Right to Education of Children with Disabilities, in Jurisprudence, Law and International Documents¹

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Abstract

The right to education as one of the inalienable rights of children is the responsibility of parents and guardians in Imami jurisprudence, Iran's legal system and international legal documents and the scope of this right and the extent of its application are not absolute like many human rights and can be restricted. The right to education in the field of children with disabilities, in terms of the scope of the said right and the overlap of this responsibility of parents towards their healthy and disabled children, creates ambiguities in the mind, and finding the answer in the sources of Imamiyyah jurisprudence requires a more detailed investigation. The current study aims to examine the "right to education of children with disabilities" from the perspective of Imami jurisprudence and then its position in Iran's internal laws and international documents and jurisprudential foundations and principles in order to resolve the conflict between the rights of children with disabilities and healthy children. Finally, there is no doubt about the duty of parents to respect the said right in the case of disabled children, but the scope of the right to education should be defined in terms of the type of mental and physical disability of the disabled person and its extent should be defined based on the interests of the disabled child. In the juxtaposition of this right with the rights of healthy children, the scope of parents' duties based on jurisprudential principles such as preservation of property, age, gender and degree of disability of children, etc., can be determined according to different areas of education. In this regard, the adoption of protective laws for maintaining the education and upbringing of such children by special centers such as welfare can prevent the creation of conflicts.

Key words: The right to education, disabled children, conflict of rights, convention on the rights of disabled people

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