

FROM HUMAN RIGHTS TO THE RIGHT TO INCLUSIVE EDUCATION

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Abstract

The adoption by acclamation of the Convention on the Rights of the Child at the United Nations General Assembly was the most important milestone in the history of child protection. It is therefore essential that all actors, at the political and civil society, who somehow interfere, directly or indirectly, in the lives of children, do everything possible to ensure that these rights are guaranteed. The children themselves should know them so that they can understand when they are, or are not, being respected and to have an active role in denouncing situations of violation of these rights. This study aimed to analyse the perception of forty-two students from a private school, regarding the fulfilment of their rights and also to understand the differences in perception that exist, according to gender. As an instrument, a previously validated questionnaire was applied, whose questions were organized for analysis into three categories of rights: *participation*, *provision* and *protection*. The results indicate that there is still a long way to go. It is concluded that many children's rights continue to be violated by not having, for example, access to health, nutrition and adequate education or protection from violence.

Keywords

Human rights. Children's rights. Inclusive education. Children's context/environment.

Summary

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1. Introduction

The Convention on the Rights of the Child (CRC) was adopted by the General Assembly of the United Nations in 1989 and ratified by Portugal on 21 September 1990, through the Decree of the President of the Republic no. 49/90. This 'primordial instrument' represents 'one of the best examples of the effort of the global society to try to regulate and legislate on childhood, and it is characterised by the attempt to articulate different logics and practices at international, national and local level'.⁵

Previously, on 20 November 1959, the United Nations General Assembly had already proclaimed the Declaration of the Rights of the Child (DDC), a document of paramount importance for the emergence of civil rights in the legal sphere of children, although with no binding nature. It should be noted that the emergence of this document is, in turn, the consequence of a path started on 26 September 1924 by the adoption, by the members of the League of Nations, of the document that would become known as the Geneva Declaration on the Rights of the Child, promulgated a year earlier by the non-governmental organisation Save the Children International Union.⁶ Later, in 1948, the proclamation of the Universal Declaration of Human Rights by the United Nations General Assembly recognised rights that children themselves should also benefit from. Article 25.2 is explicit in stating that 'Motherhood and childhood are entitled to special help and assistance' and that 'All children, whether born in or out of wedlock, shall enjoy the same social protection'.

The aim of this research is to find out the perception of a group of primary school students about the Convention on the Rights of the Child and its compliance. Thus, the quantitative method was used, through the application of a previously validated questionnaire, thus ensuring a greater reliability of results, and which is entitled 'Convention on the Rights of the

⁵ Tomás 2007, 335.

⁶ Albuquerque 2001, 23.

Child: Knowledge and Compliance'. The questionnaire was applied in accordance with ethical standards, and written permission was requested to the school management, accompanied by the declaration of the Instituto de Estudos Superiores de Fafe (IESF) to apply the questionnaire to students from two classes. Parents' permission was also requested in writing form to allow their children to participate in this study. After explaining to the students, the purpose and uses of the questionnaire, they were given the paper questionnaire to fill in and the answers were treated confidentially.

2. Literature review

2.1. The Convention on the Rights of the Child: from theoretical construction to practical reality

Briefly, the CRC contains fifty-four articles which, according to Hammarberg,⁷ can be grouped, from a theoretical point of view, in three categories: rights of provision, which refer to the social rights of the child, namely the rights to health, education, social security, physical care, family life, recreation and culture; rights of protection, which offer special attention to the child in order to protect him/her from situations of discrimination, physical and sexual abuse, exploitation, injustice and conflict; participation rights which refer to the civil and political rights of the child, namely the rights to be consulted and heard, to information, to freedom of expression and opinion and to the right to make decisions for the child's benefit.

Underlying this document is the fundamental idea that children cannot be seen, on the one hand, as objects at the mercy of any kind of decision taken by their parents and, on the other hand, as adults in the process of formation. Moreover, in the preamble, the Convention states "the recognition of the inherent dignity of all members of the human family", in conformity with the Charter of the United Nations, and in article 1, it is clearly understood that childhood is independent of adulthood, since it ends

⁷ Hammarberg 1990.

at the age of eighteen, unless national legislation confers an earlier age of majority. Thus, children are persons with their own rights which must be protected and respected by all.

The fundamental principles governing each of the articles of the Convention are four: 'non-discrimination', 'the best interests of the child', 'life, survival and development', 'the views of the child'. With regard to 'non-discrimination', the Convention states in Article 2 that these rights apply to all children, without exception. Thus, countries must ensure the recognition of these rights for all children in their territory, regardless of any consideration of race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, economic status, physical disability, birth or any other condition of the child, his or her parents or legal representatives. With regard to the principle concerning the 'best interests of the child', the Convention states in article 3 that all bodies should always consider the interest or wishes of the child as paramount in making any decision involving his or her care and well-being. As to the principle concerning 'life, survival and development', the Convention states in article 6 that every child has the right to life and that States should ensure, through all possible means, their survival and development. Finally, regarding the principle concerning the 'views of the child', the Convention states in article 12 that every child with discernment has the right to express his or her views freely in all matters affecting the child in accordance with his or her age and maturity. According to this principle, the child must have the opportunity to express his or her opinion and to be heard in all judicial or administrative proceedings involving the child. Major global changes such as advances in digital technology, as well as environmental changes, protracted wars and large-scale migration, are transforming childhood as never before. The pandemic of COVID-19, which has been most severe in the poorest countries and communities, has also undeniably transformed the lives of many children. School closures, increased risk of abuse, mental health problems for parents and families, separation from friends, difficulties in

accessing healthcare and protection services, all constitute violations of children's rights.⁸

Specifically, with regard to the right to education, the pandemic has exacerbated inequalities, leading to a significant delay in achieving the fourth goal of the Sustainable Development Goals (SDGs) which aims to ensure, by the year 2030, access to 'inclusive, quality and equitable education and promote lifelong learning opportunities'.⁹ In developing countries, over half of children by the age of ten cannot read or understand a simple story. Around the world, more than half of children and young people lack digital resources with connectivity. Thus, unable to access education through digital tools, these pupils are further excluded from access to education.¹⁰

On the occasion of the celebration of World Children's Day on 20 November 2021, the European Commission and the High Representative issued the following statement with very worrying data on the impact of the pandemic: 'an estimated 466 million children worldwide have not had access to distance learning. Many of these children have left school for good, thus compromising their chances of ensuring a life of well-being, development and protection'. And they recalled that 'all children should have the same rights and be able to grow up without being victims of discrimination or intimidation'.¹¹

In Portugal, according to the annual report of the National Commission for the Promotion of the Rights and Protection of Children and Young People (CNPDPJ),¹² the pandemic has also accentuated inequalities and significantly affected vulnerable population groups.

The increase in domestic violence by 7.7 per cent, compared to 2019, the high levels of danger situations regarding neglect, namely exposure to

⁸ UNICEF 2021.

⁹ UN General Assembly 2015, 17.

¹⁰ UNICEF 2021, 16.

¹¹ European Commission 2021.

¹² 2021.

behaviours that may compromise the well-being and development of the child and the lack of family supervision and monitoring stand out in this CNPDPCJ report,¹³ as well as truancy, dropping out of school and serious anti-social and/or in disciplinary behaviour.¹⁴ In general, hazardous situations mainly concern children between the ages of six and seventeen. Many children's childhoods are interrupted when they have to leave school to help support their families through often life-threatening work or to marry, or when they are abducted and forced to become soldiers, messengers or sex slaves.

On the recommendation of the Committee on the Rights of the Child, made in 2014 and reinforced in 2019, the Portuguese State has drawn up the so-called 'National Strategy for the Rights of the Child 2021-24',¹⁵ for the 'implementation of the Convention, including specific, quantifiable and time-bound goals and targets, in order to effectively monitor progress in the implementation of child rights throughout the territory of the State Party'.¹⁶ This recommendation reflects the Committee's concern about the consequences of the economic and financial crisis that led Portugal in 2011 to have to resort to international assistance, increasing the risk of the most vulnerable children being exposed to poverty and jeopardising the implementation of many of the rights enshrined in the Convention, such as access to health, education and social protection.¹⁷

This document recalls the ratification of the CRC in 1990, recognising the 'universality of the rights of the child and committing to promote their implementation and to respect, protect and fulfil these rights for all children

¹³ CNPDPCJ, 48.

¹⁴ *Idem*, 41.

¹⁵ ENDC 2021-24.

¹⁶ Portugal, Resolution of the Council of Ministers n.º 112/2020. Diário da República n.º 245/20 - I Série de 18 de dezembro de 2020. Lisboa: Presidência do Conselho de Ministros. <https://files.dre.pt/1s/2020/12/24500/0000200022.pdf>

¹⁷ UN Committee on the Rights of the Child, 2014, point 7.

under its jurisdiction' (point 2) and focuses on the achievement of five priorities. The first, 'promoting well-being and equal opportunities', reflects the need to intensify efforts to 'ensure a standard of living adequate for the development of children and youth, promote a safe and healthy environment and implement effective responses to health, including mental health, and the inclusion and empowerment of children and youth'. The second one, 'supporting families and parenthood', recognising 'the importance of children and young people growing up and developing in an adequate family environment and where the exercise of parenthood is supported and successful', intends to contribute to 'the increase of the adoption and civil sponsorship system as well as to reinforce the foster care system'. The third, 'promoting access to information and participation of children and young people' seeks to 'promote information and knowledge of children and young people about their rights and to ensure appropriate training for professionals who systematically interact with children and young people in the education, judicial, health and social security systems'. The fourth one, 'to prevent and combat violence against children and young people', aims to prevent and combat all forms of violence in various contexts. The fifth one, 'to promote the production of instruments and scientific knowledge that enhance a global vision of the rights of children and young people', aims to deepen 'knowledge of the situation of children and young people and to strengthen national legislation to promote the rights of the child, implementing child-friendly justice'.¹⁸

As the European Union Guidelines for the Promotion and Protection of the Rights of the Child state, 'children's rights are human, indivisible, universal and inalienable'¹⁹. It is therefore up to all States, but also to all public or private organisations, and generally to all people, to fulfil the aim

¹⁸ N.º 3.

¹⁹ 2017, n.º 3.

of the Sustainable Development Goals (SDGs) of the UN Agenda 2030 to 'leave no child behind'.²⁰

3. The right to inclusive education

The right to inclusive education concerns all children, according to articles 23, 28 and 29 of the CRC and article 24 of the Convention on the Rights of Persons with Disabilities, a document ratified by Portugal in 2009, and represents a paradigmatic change in the way most education systems are designed. Compliance with this right implies a commitment to building a universal school system, which can meet the needs and individual characteristics of all children, without excluding from the classroom or school space children who manifest any difficulties, whether at cognitive, motor, hearing or visual level, or, on the contrary, children who prove to be gifted. According to Carvalho & Peixoto,²¹ 'equal treatment should form the basis of the planning of societies. Therefore, in the name of the principle of equality, the needs of each person are of equal importance and all resources should be applied in order to guarantee everyone equal opportunities and a place in community participation. As Rebelo and Guimarães underline, 'these and other national, european and global legislative instruments have enshrined in their texts measures to protect children's rights in digital communication, pointing out ways to exercise responsible citizenship and testing solutions that include inclusion and innovation in education'.²² At the international level the authors highlight, first, the Convention on the Rights of the Child (CRC), considered 'the maximum universal exponent of safeguarding the rights of the child, having created a Committee on the Rights of the Child, to monitor compliance by States Parties with compliance with the CRC'.²³

²⁰ European Union Guidelines, 6.

²¹ Carvalho & Peixoto 2001, 65.

²² In addition to this Convention, many others can be referred. On these national and international instruments, for further development, see Rebelo & Guimarães, 2020, 3746.

²³ Idem.

According to the Salamanca Statement,²⁴ the principles of inclusion and participation are fundamental to human dignity. Therefore,

Children and young people with special educational needs should have access to mainstream schools, which should be adapted to them through child-centred pedagogy, capable of meeting these needs. Regular schools are the most capable means of combating discriminatory attitudes, creating open, supportive communities, building an inclusive society and achieving education for all.

In this way, inclusion should be understood as a process capable of 'meeting and responding to the diversity of needs of all learners through increasing participation in learning, cultures and communities, and reducing exclusion from education and within education'.²⁵

In Rodrigues' perspective,²⁶ inclusion marks a break with traditional education values: 'inclusive education is not a set of legal documents nor is it a new name for integration,²⁷ is a new paradigm of school organised according to a set of values of respect, solidarity and quality for all students.²⁸ Diversity and heterogeneity should be read 'as a potential source

²⁴ UNESCO 1994.

²⁵ UNESCO 2005.

²⁶ Rodrigues 2013. 19.

²⁷ The concept of 'integration', according to Correia, 1997, "has its origins in the concept of 'normalisation' and is very close to the concept of 'least restrictive environment possible' which is used in a broad sense to refer to the practice of integrating - physically, socially and pedagogically -, as much as possible, the child with special needs in the regular school" (p. 19). According to Costa MB 1995, the concept of 'integration' differs from the concept of 'inclusion', since the latter idea underlies 'someone who is outside and we want to put inside the school; in the inclusive school idea there is no one outside'. Thus, the concept of 'inclusion' goes far beyond the concept of 'integration' in that all learners, in their diversity and heterogeneity, are contemplated and participate in this process of learning development.

²⁸ Costa, 13.

of richness that should be put to good use and not as an obstacle to teaching and learning activities'.²⁹

Guaranteeing the right to inclusive education implies that schools are able to recognise and create all possible conditions to meet, as far as possible, the diverse needs of their students. They should adapt to their learning rhythms and promote a 'differentiated pedagogy centred on cooperation'.³⁰ so that no pupil is excluded from the most appropriate path to success. Schools should look at differences between students not as barriers, but as opportunities for learning.

In this whole process, teachers are 'the most important resource in teaching pupils with special needs'.³¹ The Salamanca Statement recognises the importance and centrality of teachers when it encourages governments to 'ensure that (...) teacher education programmes (...) include responses to special educational needs in inclusive schools'.³² In the Summary of the Global Education Monitoring Report: Inclusion and education for all, teachers are required to 'be open to diversity and be aware that all students learn by relating the classroom and their life experiences'. Teachers must therefore 'be prepared to teach all students' by being 'agents of change, with values, knowledge and attitudes that enable all students to succeed'.³³

Ensuring the right to inclusive education also implies that, in addition to the implementation of a collaborative culture between teachers and other intra-school stakeholders, headmasters, parents, staff and other members of the community, a true collaborative culture between schools must also be implemented. Schools are not islands, nor are they static and can help each other in various areas, particularly at the level of inclusive education.

²⁹ Cortesão 1998, cited by Carvalho & Peixoto, 2000, 83.

³⁰ Niza 1996, cited by Carvalho & Peixoto, 2000, 83.

³¹ Porter 1997, cited by Carvalho & Peixoto, 2000, 97.

³² UNESCO, 1994.

³³ UNESCO, 2020, 18.

According to Muijs, Ainscow, et al.,³⁴ collaboration between schools can strengthen the capacity of each school to respond to the diversity of its students. Collaborative practices can lead teachers from different schools to share experiences, to question their own work and to improve it.³⁵

In the Portuguese education system, with the promulgation of Decree-Law 54/2018, of 6 July, a new time is inaugurated, a paradigm shift that means a major advance in achieving the right to inclusive education.³⁶ In addition to this document, the promulgation of Decree-Law 55/2018, of 6 July, and the publication of a body of regulations, such as the Profile of Students Leaving Compulsory Schooling, the Autonomy and Curricular Flexibility Project, the Essential Learning and the National Strategy for Education for Citizenship also came to promote not only the quality of teaching and learning, but also the development of an inclusive school.³⁷

About Decree-Law 54/2018, the Practice Support Manual states that this document 'does not intend to ignore the unquestionable path in terms of inclusion that Portugal has been following in recent decades, but it does, however, force us to rethink the role of the school, the way in which it sees students and how it organises itself to respond to all of them'.³⁸ According to Article 1(1), this decree aims to establish 'the principles and standards that ensure inclusion, as a process that aims to respond to the diversity of needs and potential of each and every student, by increasing participation in

³⁴ 2011, cited in the project article Erasmus + ReHaRe, Reaching the 'Hard to Reach': inclusive responses to diversity through child-teacher dialogue (2017-20).

³⁵ P. 3.

³⁶ Decreto-Lei n.º 54/2018 do Ministério da Educação (2018). Diário da República: I série de 2018-07-06, n.º 129/2018. <https://data.dre.pt/eli/dec-lei/54/2018/07/06/p/dre/pt/html>

³⁷ Decreto-Lei n.º 55/2018 do Ministério da Educação (2018). Diário da República: I série de 2018-07-06, n.º 129/2018. <https://data.dre.pt/eli/dec-lei/55/2018/07/06/p/dre/pt/html>

³⁸ Pereira, F. et al. 2018, 12.

learning processes and in the life of the educational community'. To this end, it identifies three levels of 'measures to support learning and inclusion': universal, selective and additional, which should be defined 'based on evidence arising from systemic monitoring, evaluation and the effectiveness of measures in meeting the needs of each child or pupil'³⁹ and mobilised throughout their school career according to their educational needs. Contrary to the previous Decree-Law 3/2008, this document moves away from 'the concept that it is necessary to categorise in order to intervene' and aims to ensure that all students are configured in the Profile of Students Leaving Compulsory Schooling, with 'the commitment of the school and all those who work there, the action of teachers and the commitment of families and parents' being 'decisive'.⁴⁰

In fact, inclusion policies are important, but they can never be imposed 'top-down'. It is necessary to ensure that all learners 'feel valued and respected and can enjoy a real sense of belonging'.⁴¹

4. The ecological model of development as a theoretical support for inclusion

As explained in the previous section, the school should create a welcoming, inclusive environment, capable of understanding the context in which each student develops, so that he or she is stimulated, in multiple dimensions, to follow a path that leads to success.

In this sense, Bronfenbrenner's ecological model, as an approach to understanding human development, proves to be very useful for understanding the context/environment of children and young people, thus serving as theoretical support for inclusion. It is a conceptual framework that 'allows us to understand the subject/world interaction and consequent development, highlighting the dynamism, the individual's capacity for

³⁹ Article 7.º, n.º 3.

⁴⁰ Martins, G. et al. 2018, 9-10.

⁴¹ UNESCO 2020, 7.

structuring and creation, in the environment in which he/she finds him/herself.⁴²

Bronfenbrenner⁴³ distinguishes environments into four types of systems that are organised, each within the other, like 'a set of Russian dolls'⁴⁴ the *microsystem*, *mesosystem*, *ecosystem* and *macrosystem*.

The microsystem refers to the ecological system most closely circumscribed to the individual,⁴⁵ which develops in a given environment with particular characteristics. It refers to a pattern of activities, roles and interpersonal relationships, involving other people with different characteristics. The family, the school and the neighbourhood are elements that make up this system.⁴⁶ According to Bailey & Wolery,⁴⁷ this is the ecosystem where children spend most time, and the family context is probably the most common⁴⁸. Thus, it is fundamental that the inclusive school is able to understand the influence and perceive the characteristics of the different family contexts on the development of its students and to intervene, through preventive or monitoring actions or in conjunction with the Commissions for the Protection of Children and Young People, in the modification of environments considered harmful for the child's development whenever necessary.

The mesosystem comprises the relationships between two or more environments in which the person participates. These may be interactions, for example, between school and family or between neighbourhood and family. 'A mesosystem is therefore a system of microsystems'⁴⁹ that forms or enlarges whenever the developing person moves to a new environment.

⁴² Carvalho 2011, 74.

⁴³ 1979.

⁴⁴ Bronfenbrenner,3.

⁴⁵ P.7.

⁴⁶ P. 22.

⁴⁷ 1992. cited by Carvalho, 2011.

⁴⁸ P. 76.

⁴⁹ Bronfenbrenner, 1979, 25.

For example, the relationships between parents and educators and between family and community produce interactive, reciprocal effects on children and families.⁵⁰ School-age children or adolescents are not confined to one environment or one role: they may change school, change class, or join a dance group or a football club. These changes, called 'ecological transitions', are consequences of and promoters of development and occur when a person moves from a micro-system, they already know to one they do not yet know.⁵¹

The exosystem refers to the environments that influence a person's development, without them being an active participant. These may be, for example, the characteristics and employment experiences of a child's parents or a sibling's class friends.⁵²

The macrosystem encompasses all the other lower order systems that exist at the level of the subculture or culture as a whole, together with any belief or ideology systems underlying such consistencies. Thus, macrosystems are 'patterns' that define ways of living in society.⁵³ For example, the conceptions or policies that exist in a given society regarding health, education or poverty have an impact on people's lives, including on children's development.

5. Method

A questionnaire was applied in accordance with ethical standards, and written permission was requested to the school management, accompanied by the declaration of the Instituto de Estudos Superiores de Fafe (IESF) to apply the questionnaire to students from two classes. Permission was also requested in writing to the parents of these students to allow their children to participate in this study.

⁵⁰ Carvalho, 2011, 76.

⁵¹ Bronfenbrenner, 1979, 27.

⁵² P. 25.

⁵³ P. 26.

After explaining to the students, the purpose of the questionnaire and the purposes for which it would be used, they were given the questionnaire on paper for completion, and the answers were treated confidentially.

5.1. Participants

The universe under study consists of forty-two 8th grade students attending a private school in the Tâmega e Sousa region, northern Portugal. Regarding the sociodemographic sample, we can verify that it consists of half female subjects, 50 per cent (n=21) and half male subjects, 50 per cent (n=21). Most of the subjects are in the age group 13 years, 85.7 per cent (n=36); the remaining are in the age group 14.3 per cent (n=6). No pupil has ever failed or dropped out of school.

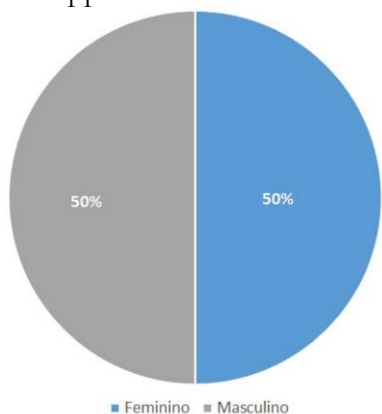


Figure 1 - Gender

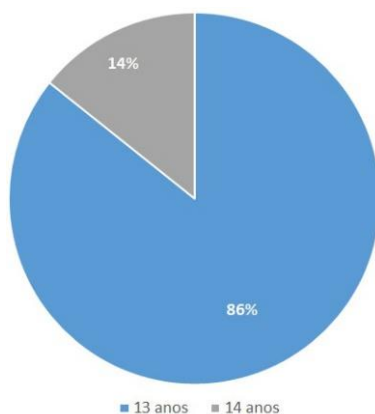


Figure 2 - Age

Most of the students surveyed are of Portuguese nationality, 92.9 per cent (n=39), with one student (2.4 per cent) of Spanish nationality, one student (2.4 per cent) of French nationality and one student (2.4 per cent) of Swiss nationality. However, all respondents live in Portugal, 100 per cent (n=42), with the following geographical prevalence: Amarante 59.5 per cent (n=25), Baião 2.4 per cent (n=1), Celorico de Basto 9.5 per cent (n=4), Lousada 2.4 per cent (n=1), Marco de Canaveses 16.7 per cent (n=7), Mondim de Basto

4.8 per cent (n=2), Paços de Ferreira 2.4 per cent (n=1), Paredes 2.4 per cent (n=1).

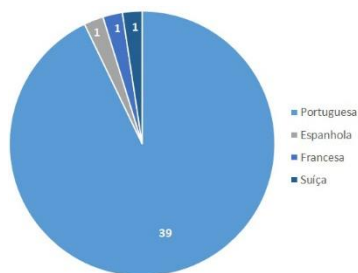


Figure 3 - Nationality

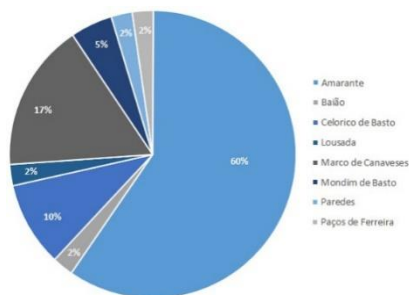


Figure 4 - City

With regard to the household, most students, 76.2 per cent (n=32), indicate that those who have responsibility for themselves are the father and mother; 19 per cent (n=8) indicate that it is the father or mother; one student (2.4 per cent) indicates another relative; one student (2.4 per cent) indicates the mother.

With regard to the number of brothers, 59.5 per cent (n=25) of the students indicate having one brother; 26.2 per cent (n=11) indicate having two brothers; 4.8 per cent (n=2) indicate having three brothers 9.5 per cent (n=4) indicate having no brothers

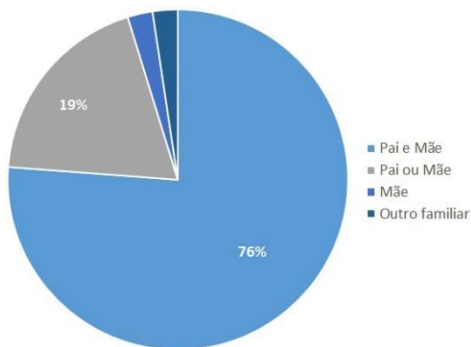


Figure 5 - Parental responsibility

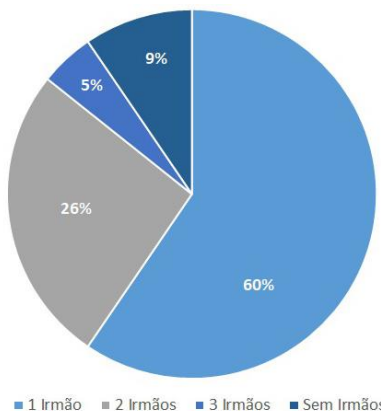
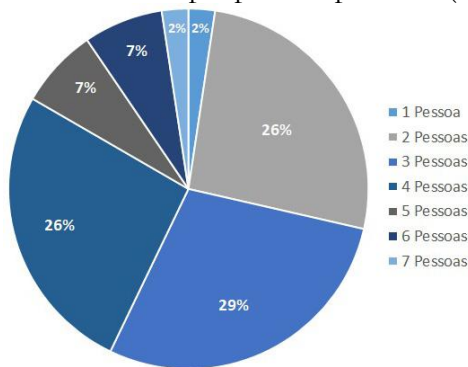


Figure 6 - Number of brothers

With regard to household composition (number of people living in the same space as respondents), 28.6 per cent (n=12) of pupils live with three people; 26.2 per cent (n=11) of pupils live with four people; 26.2 per cent (n=11) of students live with two people; 7.1 per cent (n=3) of students live with five people; 7.1 per cent (n=3) of students live with six people; 2.4 per cent (n=1) live with seven people; 2.4 per cent (n=1) of students live with one



person.

Figure 7 - Number of cohabitants

6. Results

For the statistical analysis, a set of tables was created where the questions of the questionnaire are presented, filtered by gender, organised into three categories: participation rights, provision rights and, finally, protection rights. These categories, in turn, were subcategorised into six thematic sets: Identity and freedom; Health habits and care; Healthy eating; Education, sports, culture and leisure; Parental responsibility and Family life; Risk situations and behaviours.

Participation rights

Table 1 - Identity and freedom

Question	Gender	Yes		No		I do not know		N/A	
		n.º	%	n.º	%	n.º	%	n.º	%
15 I have birth certificate	F	20	95,2%	1	4,8%	0	0%	0	0%
	M	20	95,2%	1	4,8%	0	0%	0	0%
16 I have a citizen card	F	19	90,5%	0	0%	1	4,8%	1	4,8%
	M	20	95,2%	1	4,8%	0	0%	0	0%
19 At school, my classmates give importance to my opinions	F	19	90,5%	0	0%	2	9,5%	0	0%
	M	15	71,4%	2	9,5%	4	19%	0	0%
20 At school, teachers give importance to my opinions	F	19	90,5%	1	4,8%	1	4,8%	0	0%
	M	18	85,7%	1	4,8%	2	9,5%	0	0%
29 My parents listen to my opinions	F	19	90,5%	1	4,8%	1	4,8%	0	0%
	M	20	95,2%	1	4,8%	0	0%	0	0%
30 My parents respect my opinions	F	18	85,7%	2	9,5%	1	4,8%	0	0%
	M	20	95,2%	1	4,8%	0	0%	0	0%
57 My parents have already told me about the Convention on the Rights of the Child	F	15	71,4%	3	14,3%	3	14,3%	0	0%
	M	12	57,1%	6	28,6%	3	14,3%	0	0%
	F	19	90,5%	2	9,5%	0	0%	0	0%

58 At school I was told about the Convention on the Rights of the Child	M	12	57,1%	4	19%	5	23,8%	0	0%
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Analysing the answers to the questionnaire, Table 1 shows that 95.2 per cent of students of both genders have a birth certificate and a citizen's card. With regard to the importance given by peers to their own opinions, there is a slight difference between the perception of female students (90.5 per cent) and male students (71.4 per cent). 2.5 per cent of male students even reported that their classmates did not attach importance to their opinions. As regards the importance given by teachers to students' opinions, there was a balance of positive perceptions between the two genders, between 85.7 per cent (male students) and 90.5 per cent (female students). With regard to the receptiveness of the students' parents towards their opinions, there is also a balance of positive perceptions between the two genders, despite the slightly lower percentage shown by female students (85.7 per cent) with regard to the parents' respect for their opinions compared to the percentage of male students (95.2 per cent). With regard to the knowledge provided to the students by their parents and the school concerning the Convention on the Rights of the Child, there is a difference between students of both genders, with a percentage of 71.4 per cent of female students informed by their parents about this document, compared with 57.1 per cent of male students, and a percentage of 90.5 per cent of female students informed by the school about this document, compared with 57.1 per cent of male students.

Rights of Provision

Table 2 - Habits and health care

Question	Gender	Yes		No		I do not know		N/A	
		n.º	%	n.º	%	n.º	%	n.º	%
18 I have already had vaccinations	F	20	95,2%	1	4,8%	0	0%	0	0%
	M	20	95,2%	1	4,8%	0	0%	0	0%
	F	20	95,2%	1	4,8%	0	0%	0	0%

41 I brush my teeth every day	M	20	95,2%	1	4,8%	0	0%	0	0%
42 I go regularly to the dentist	F	19	90,5%	0	0%	2	9,5%	0	0%
	M	19	90,5%	2	9,5%	0	0%	0	0%
62 I have been to the psychologist	F	14	66,7%	7	33,3%	0	0%	0	0%
	M	12	57,1%	8	38,1%	1	4,8%	0	0%
64 I have already been to the paediatrician	F	18	85,7%	2	9,5%	1	4,8%	0	0%
	M	16	76,2%	3	14,3%	2	9,5%	0	0%
66 I have been to the ophthalmologist	F	18	85,7%	2	9,5%	1	4,8%	0	0%
	M	18	85,7%	2	9,5%	1	4,8%	0	0%
69 I have been a mother/father	F	0	0%	21	100%	0	0%	0	0%
	M	0	0%	21	100%	0	0%	0	0%
70 I have been pregnant	F	0	0%	21	100%	0	0%	0	0%
	M	0	0%	19	90,5%	0	0%	2	9,5%

Analysing the answers to the questionnaire, Table 2 shows that a high percentage (above 90 per cent) of pupils of both genders expressed health habits and care with regard to vaccinations, brushing teeth and regular visits to the dentist. The percentage of pupils who have been to the psychologist (66.7 per cent of female pupils; 57.1 per cent of male pupils) is clearly lower than that for visits to the paediatrician (85.7 per cent of female pupils; 76.2 per cent of male pupils) and the optician (85.7 per cent of male and female pupils). Finally, no pupil was ever a parent and no female pupil was ever pregnant.

Table 3 - Healthy eating

Question	Gender	Yes		No		I do not know		N/A	
		n.º	%	n.º	%	n.º	%	n.º	%
	F	18	85,7%	2	9,5%	1	4,8%	0	0%

33 I eat vegetables and/or fruit daily	M	14	66,7%	7	33,3%	0	0%	0	0%
34 I drink milk or eat yoghurt daily	F	18	85,7%	3	14,3%	0	0%	0	0%
	M	16	76,2%	5	23,8%	0	0%	0	0%
35 I eat pizzas / hamburgers / snacks two or more times a week	F	7	33,3%	14	66,7%	0	0%	0	0%
	M	6	28,6%	15	71,4%	0	0%	0	0%
36 I drink soft drinks regularly	F	3	14,3%	16	76,2%	2	9,5%	0	0%
	M	6	28,6%	15	71,4%	0	0%	0	0%
37 I spend many hours hungry	F	2	9,5%	18	85,7%	1	4,8%	0	0%
	M	0	0%	21	100%	0	0%	0	0%

Responses to Table 3 on healthy eating habits show that, in general, female pupils have healthier eating habits than male pupils when it comes to eating vegetables and/or fruit daily (85.7 per cent compared to 66.7 per cent), drinking milk and yoghurt daily (85.7 per cent compared to 76.2 per cent) and regularly consuming soft drinks (14.3 per cent compared to 28.6 per cent). Frequent consumption of pizzas / hamburgers / sweets is exceptionally slightly higher by female students (33.3 per cent compared to 28.6 per cent). On the last question in this table, only two female students (9.5 per cent) say they spend many hours hungry.

Table 4 - Education, sport, culture and leisure

Question	Gender	Yes		No		I do not know		N/A	
		n.º	%	n.º	%	n.º	%	n.º	%
23 My school has a library	F	20	95,2%	0	0%	1	4,8%	0	0%
	M	19	90,5%	2	9,5%	0	0%	0	0%
24 My parents give me books	F	20	95,2%	0	0%	1	4,8%	0	0%
	M	15	71,4%	6	28,6%	0	0%	0	0%
	F	19	90,5%	1	4,8%	1	4,8%	0	0%

26 Near where I live, there are places to do sport	M	19	90,5%	2	9,5%	0	0%	0	0%
44 My parents say that going to school is very important for me	F	20	95,2%	0	0%	1	4,8%	0	0%
	M	20	95,2%	1	4,8%	0	0%	0	0%
45 I participate in cultural activities (theatre, cinema, visits to museums, ...)	F	12	57,1%	8	38,1%	1	4,8%	0	0%
	M	12	57,1%	9	42,9%	0	0%	0	0%
46 I have time for the activities I like	F	16	76,2%	3	14,3%	2	9,5%	0	0%
	M	17	81%	2	9,5%	2	9,5%	0	0%
51 I participate in student organisations at my school	F	6	28,6%	12	57,1%	3	14,3%	0	0%
	M	4	19%	16	76,2%	1	4,8%	0	0%
52 There are student organisations / associations at my school	F	6	28,6%	7	33,3%	7	33,3%	1	4,8%
	M	5	23,8%	7	33,3%	9	42,9%	0	0%
54 Near where I live, there are leisure facilities	F	16	76,2%	4	19%	1	4,8%	0	0%
	M	17	81%	3	14,3%	1	4,8%	0	0%
65 I have special needs (visual, auditory, motor,...)	F	1	4,8%	19	90,5%	1	4,8%	0	0%
	M	1	4,8%	19	90,5%	1	4,8%	0	0%
68 I have support for Special Education measures (visual, hearing, motor, ...)	F	3	14,3%	15	71,4%	3	14,3%	0	0%
	M	0	0%	18	85,7%	3	14,3%	0	0%

Given the answers in Table 4, with regard to students' knowledge of whether the school they attend has a library, almost all students of both genders responded positively (95.2 per cent of female students and 90.5 per cent of male students). Similarly, almost all the pupils (95.2 per cent in both genders), also responded positively to the fact that their parents make them aware of the importance of school. As regards the perception of the existence of student organisations/associations in the school they attend, 42.9 per cent of male students and 33.3 per cent of female students were

unaware of their existence, with 33.3 per cent of students of both genders stating that they did not exist.

In view of these data, it is understandable that only 28.6 per cent of female pupils and 19 per cent of male pupils participate in student organisations beforehand. As far as special needs are concerned, 90.5 per cent of the pupils of both genders reported not having any; however, as far as support with Special Education measures is concerned, the percentage differs: 71.4 per cent of the female pupils reported not having any, 14.3 per cent reported having any and 14.3 per cent reported not knowing. 14.3 per cent of male pupils also reported not knowing, while 85.7 per cent of pupils reported not having any. With regard to the existence of places close to home for doing sports, 90.5 per cent of pupils of both genders replied that there are such places. With regard to leisure facilities, only 76.2 per cent of female pupils and 81 per cent of male pupils reported that such facilities existed. As regards the number of books given to them by their parents, female pupils clearly receive more books (95.2 per cent) than male pupils (71.4 per cent). Finally, the participation of pupils in cultural activities is 57.1 for both genders and, with regard to the time they have for the activities they like, the percentage is higher for male pupils (81 per cent) compared with female pupils (76.2 per cent).

Table 5 - Parental responsibility and family life

Question	Gender	Yes		No		I do not know		N/A	
		n.º	%	n.º	%	n.º	%	n.º	%
17 Whenever I needed it, someone took me to a health centre or hospital	F	20	95,2%	0	0%	1	4,8%	0	0%
	M	19	90,5%	1	4,8%	1	4,8%	0	0%
22 My parents go through my personal things	F	5	23,8%	14	66,7%	2	9,5%	0	0%
	M	1	4,8%	18	85,7%	2	9,5%	0	0%
27 I have my own room	F	17	81%	4	19%	0	0%	0	0%
	M	19	90,5%	2	9,5%	0	0%	0	0%

39 I have always lived with my family	F	19	90,5%	1	4,8%	1	4,8%	0	0%
	M	18	85,7%	3	14,3%	0	0%	0	0%
47 There have been times when I thought my family would not protect me	F	5	23,8%	16	76,2%	0	0%	0	0%
	M	0	0%	19	90,5%	2	9,5%	0	0%
50 When I get sick, my family takes care of me	F	20	95,2%	0	0%	1	4,8%	0	0%
	M	19	90,5%	1	4,8%	1	4,8%	0	0%
53 I had to leave home as my family could not afford to raise me	F	0	0%	21	100%	0	4,8%	0	0%
	M	0	0%	21	100%	0	0%	0	0%
55 I share a room with someone I don't like	F	0	0%	20	95,2%	1	4,8%	0	0%
	M	0	0%	21	100%	0	0%	0	0%
60 My family can't take care of me	F	5	23,8%	15	71,4%	1	4,8%	0	0%
	M	4	19%	17	81%	0	0%	0	0%
63 I was in hospital and nobody came to visit me	F	0	0%	20	95,2%	1	4,8%	0	0%
	M	0	0%	21	100%	0	0%	0	0%

The data in Table 5 show that the vast majority of students (95.2 per cent of female students and 90.5 per cent of male students) reported that, whenever they needed it, someone took them to a health centre or hospital. Respectively, the same percentage of students of both genders reported that their families take care of them when they are ill. Paradoxically, 23, 8 per cent of female students and 19 per cent of male students reported that their families could not take care of them. When they were in hospital, almost all female students (95.2 per cent and all male students (100 per cent) reported that they received visitors. With regard to the students' perception of whether their parents went through their personal belongings, there was a clear difference between female and male students: 23.8 per cent said that their parents went through their things, compared with 4.8 per cent of male students. 9.5 per cent said they did not know whether their parents went

through their personal belongings or not. Most female students (90.5 per cent) and male students (81 per cent) responded positively as to whether they had their own room. Of the few students who share a room, only 1 female student (4.8 per cent) said she did not know if she shared her room with someone she did not like. With regard to home, the majority of female students (90.5 per cent) and male students (85.7 per cent) said they had always lived with their own family and no one had ever had to leave their home due to a lack of family conditions. With regard to family protection, 23.8 per cent of female students reported that there were times when they thought that their family did not protect them. *Direitos de proteção*

Table 6 - Risk situations and behaviours

Question	Gender	Yes		No		I do not know		N/A	
		n.º	%	n.º	%	n.º	%	n.º	%
12 I have worked and/or work to help support the family	F	1	4,8%	20	95,2%	0	0%	0	0%
	M	2	9,5%	19	90,5%	0	0%	0	0%
13 My working hours do not jeopardise my school or study	F	3	14,3%	15	71,4%	0	0%	3	14,3%
	M	1	4,8%	18	85,7%	2	9,5%	0	0%
14 I have been assaulted by an adult	F	1	4,8%	20	95,2%	0	0%	0	0%
	M	1	4,8%	20	95,2%	0	0%	0	0%
21 I have already bought cigarettes	F	1	4,8%	20	95,2%	0	0%	0	0%
	M	2	9,5%	19	90,5%	0	0%	0	0%
25 I have had problems because of my religion	F	0	0%	20	95,2%	1	4,8%	0	0%
	M	1	4,8%	19	90,5%	1	4,8%	0	0%
28 When I had problems and asked older people for help, they helped me	F	19	90,5%	1	4,8%	1	4,8%	0	0%
	M	20	95,2%	1	4,8%	0	0%	0	0%
31 I have already bought magazines for over 18s	F	1	4,8%	19	90,5%	1	4,8%	0	0%
	M	2	9,5%	18	85,7%	1	4,8%	0	0%

32 I have visited adult (internet) sites	F	1	4,8%	20	95,2%	0	0%	0	0%
	M	9	42,9%	12	57,1%	0	0%	0	0%
38 I have lived with people who used drugs	F	1	4,8%	18	85,7%	2	9,5%	0	0%
	M	2	9,5%	19	90,5%	0	0%	0	0%
40 I have already bought alcoholic drinks	F	0	0%	21	100%	0	0%	0	0%
	M	2	9,5%	19	90,5%	0	0%	0	0%
43 I've had problems with the police	F	1	4,8%	19	90,5%	1	4,8%	0	0%
	M	1	4,8%	20	95,2%	0	0%	0	0%
48 I have already bought tobacco	F	1	4,8%	20	95,2%	0	0%	0	0%
	M	1	4,8%	19	90,5%	0	0%	1	4,8%
49 I've had problems because of the colour of my skin	F	1	4,8%	19	90,5%	1	4,8%	0	0%
	M	0	0%	21	100%	0	0%	0	0%
56 Drug use/consumption	F	0	0%	20	95,2%	1	4,8%	0	0%
	M	0	0%	20	95,2%	1	4,8%	0	0%
59 I have ever felt uncomfortable with someone touching my private parts of the body	F	4	19%	15	71,4%	2	9,5%	0	0%
	M	2	9,5%	19	90,5%	0	0%	0	0%
61 Consumption/consumption of alcoholic beverages	F	0	0%	19	90,5%	1	4,8%	1	4,8%
	M	5	23,8%	16	76,2%	0	0%	0	0%
67 I have already needed help from a lawyer and have not had any	F	2	9,5%	16	76,2%	3	14,3%	0	0%
	M	0	0%	19	90,5%	2	9,5%	0	0%

In analysing the data, only one female student (4.8 per cent) and two male students (9.5 per cent) work or have worked to support their families. However, three female pupils (14.3 per cent) and one male pupil reported that their working hours jeopardised their attendance at school and study, which seems incongruous with the previous response, unless some of these

pupils do not refer to working to support the family. When asked whether they had been assaulted by an adult, had problems due to religion, skin colour or with the police, the majority of students of both genders responded negatively, within a percentage variability between 90.5 per cent and 100 per cent. In these cases, the vast majority of the students (90.5 per cent of females and 95.2 per cent of males) reported that whenever they asked for help from older people, it was always provided. On the question about help from a lawyer, 9.5 per cent of female students said that they had needed such help, but had not received it, and 14.3 per cent of female and 9.5 per cent of male students said that they did not know whether or not they had ever needed such help. When asked whether they had ever bought cigarettes, tobacco, magazines for people over 18 and alcoholic drinks, the majority of pupils of both genders responded negatively, within a percentage range of 85.7 per cent to 100 per cent. With regard to the use of drugs and alcoholic beverages, 23.8 per cent of male students indicated that they had already consumed alcoholic beverages. The question about visiting websites with adult contents should be highlighted, since nearly half (42.9 per cent) of the male students and only 4.8 per cent of the female students have visited them. Finally, it is worth noting that 19 per cent of female students and 9.5 per cent of male students have felt uncomfortable with someone touching their private parts.

7. Discussion

Ensuring compliance with the rights enshrined in the CRC is an in delegable and urgent challenge that concerns everyone, not only those who interact directly with children, such as parents, teachers or paediatricians, but also those who indirectly may have a very significant impact on children's lives, such as governments, artists or sportspeople. According to Rebello, 'Also, the CRC sets out the rights to freedom of expression, access to information sources and to participation in cultural life, what enable us to make media education a basic human right'⁵⁴.

⁵⁴ Rebello, 2019, 272.

With the results of this study, we conclude that the participants' perception of compliance with the CRC is generally positive. However, the answers given to some questions reveal that there is still a long way to go, namely regarding the dissemination of the UNCRC among children, the adoption of a healthy diet, education for associative and culture, family care and protection and the fight against risky and abusive behaviours.

With regard to identity and freedom, namely the dissemination of the CRC, either by parents or by the school, the results show a greater lack of knowledge of these rights by male students. The percentage difference in the perception of information given by the school between male and female students is 33.4 per cent, which reveals the little attention given by these students to the issue of the CRC.

With regard to healthy eating, the results of the questionnaire generally show that female pupils have healthier eating habits than their male counterparts, although to a lesser extent. However, 9.5 per cent of female students said they spent many hours hungry and 4.8 per cent said they did not know. If, on the one hand, there is a tendency among female students to eat healthily, on the other hand, the hunger situations suggest that, as there are no factors such as food shortages or a lack of economic capacity in the families of the students to justify these answers, according to the data in their class plans, eating disorders, highly restrictive diets in the name of a certain standard of body beauty to be attained or reasons related to poor diet, either at school or at home, may explain these situations. This line of interpretation should overlap with the reason given by 11 per cent of sixth, eighth and tenth graders participating in the study called Health Behaviour in School-aged Children (HBSC) published in 2018⁵⁵ and carried out in state schools throughout the country. In this study, students were asked the same question and replied that hunger was due to not having enough food at home.

⁵⁵ Matos & Equipa Aventura Social, 2018.

The data concerning education, sport, culture and leisure are quite clear as regards the perception of the existence of student organisations/associations at the school they attend. Out of a universe of forty-two students, only eleven students (26.2 per cent) report their existence and ten students (23.8 per cent) state that they participate in these organisations/associations. In view of these data, the following questions emerge: would a truly active and mobilising students' organisation/association not be known by the vast majority of the students? Do the students of this school not manifest an associative spirit, nor a willingness to express themselves? With regard to the participation of students in cultural activities, we find that just over half do so. The national data from the HBSC study corroborates the difficulty of participation of young people in the various areas of social life. This situation favours a social isolation that should be combated with actions that encourage cultural, artistic or sports activities.⁵⁶ In this sense, it is essential that the school visibly creates conditions for student organisations/associations to comply with the right to freedom of association enshrined in Article 15 of the CRC, so that students can actively participate in school life within the framework of Law 57/2019 and thus develop a sense of responsibility in community life, acquiring and consolidating skills of active citizenship.⁵⁷ In relation to the results concerning parental responsibility and family life, with regard to the care provided by the family in the event of illness, almost all students of both genders reported that they enjoyed this care. Surprisingly, 23.8 per cent of female students responded that there were times when they thought their own family did not protect them and 21.4 per cent of all students reported that their families could not provide them with care. Cross-checking these data, it can be understood that the perception of the lack of protection and care will relate to other situations

⁵⁶ *Idem*.

⁵⁷ Lei n.º 57/2019 da Assembleia da República (2019). Diário da República: I série de 2019-08-07, n.º 150/2019. <https://data.dre.pt/eli/lei/57/2019/08/07/p/dre/pt/html>

in the lives of these children. However, it is possible to hypothesize the perception of the existence of an environment devoid of affection, which may reflect a situation of parental separation, domestic violence, abuse or deprivation of liberty. In any case, it is therefore important that communities are able to find the best ways to ensure that families exercise their fundamental responsibility to care and protect.⁵⁸

Looking at the data on risk situations and behaviours, there are several behaviours worth thinking about: 23.8 per cent of male students say they have already consumed alcoholic drinks; 42.9 per cent of male students have already visited sites with adult contents. These behaviours are mainly concentrated among male students, perhaps because they are already more distanced from the psychological representations they had of their parents, from the world they experienced in childhood, and are looking for new sensations, especially among peers, in the world around them. According to Fonseca,⁵⁹ these behaviours can signal emancipation, a desire for recognition, a change in status or an attempt to break the rules. It is also worth noting that 19 per cent of female students and 9.5 per cent of male students have felt uncomfortable with someone touching their private parts. Given this situation, the role of the school is decisive in preventing behaviours of sexual abuse, approaching the themes of sexuality in a natural way, either within the scope of the subjects Citizenship and Development and Catholic Moral and Religious Education or within the scope of educational actions and interdisciplinary projects, involving not only the children, but also the parents and other community stakeholders who can make a significant contribution in this fight.

8. Conclusion

UN Secretary-General António Guterres, in his speech as part of the 2017 World Children's Day celebrations, said: 'the future of our world is in the hands of children. But we must not forget that the future of children is in

⁵⁸ Ver CDC, preâmbulo.

⁵⁹ 2002.

our hands'. More than 30 years after the ratification of the CRC, ensuring its implementation is not an option, but an everyday obligation incumbent on everyone.

In the name of the principles of human dignity and equality, the right to inclusive education represents a paradigm shift that should be guaranteed not only by public educational policies, but above all by educational communities. It is true that in the Portuguese education system this change, in terms of normative framework, has already taken place, albeit belatedly. However, effective change can only be achieved with teachers who are open to diversity and prepared to mobilise specific responses and environments conducive to the learning of all students, and with the involvement of parents or guardians, specialised technicians, psychology and social support services and other community structures. It is essential that the school knows its students, not only from a cognitive and motivational point of view, but also from the point of view of the family, socio-economic and cultural context. They are the centre of its educational action, which has the mission of preparing them adequately for post-school life. And in this trajectory, the attention and intervention of the school in situations that constitute violations against children's rights is an absolute priority and decisive for the guarantee of the rights of its students.

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