



THE RIGHT OF CHILD WITH AUTISM TO INCLUSIVE EDUCATION

This study proposes an analysis of the extent and limits of the right of child with autism to inclusive education. After addressing the major steps of its normative evolution, the focus is on State obligations to fulfil the right to inclusive education, considering the current «autism epidemic» and Covid-19 pandemic situation. This paper mainly questions the meaning of «reasonable accommodation» to special educational needs of autistic children within non-discrimination and substantial equality regulatory frameworks. Specific attention is devoted to the most recent international jurisprudence dealing with two main legal issues: Firstly, the legitimacy of the denied access to the mainstream education institutions, when the denial is based on the autistic condition; and, secondly, the legitimacy of placing an autistic child in the mainstream school, without accompanying structural changes to make inclusion effective. Finally, the paper proposes an assessment of the adequacy of the international legal framework and the incidence of States' discretion in the reorganization of a mainstream education system that is truly inclusive.