

International Disability Alliance (IDA)

Disabled Peoples' International, Down Syndrome International, Inclusion International,
International Federation of Hard of Hearing People,
World Blind Union, World Federation of the Deaf,
World Federation of the Deaf Blind,
World Network of Users and Survivors of Psychiatry,
Arab Organization of Persons with Disabilities, European Disability Forum,
Latin American Network of Non-Governmental Organizations of Persons with Disabilities and
their Families (RIADIS), Pacific Disability Forum

IDA intervention to the CEDAW Committee's General Discussion on Girls'/Women's Right to Education 58th session, 7 July 2014

The International Disability Alliance (IDA) welcomes the initiative of the Committee to hold a Half Day of General Discussion on Girl's/Women's Right to Education in the lead up to the adoption of a General Recommendation.

Universal right to education

Education is recognised as essential to the development of the individual and of fair societies that reduce inequality and poverty and build citizenship. As confirmed by the CESCR Committee, "[e]ducation is both a human right in itself and an indispensable means of realizing other human rights".

Nevertheless, persons with disabilities continue to be excluded from access to quality education worldwide, either by continued segregation in special schools or by the lack of access to any education. Children with disabilities represent approximately 25 million of almost 75 million primary school age children with no access to education, and in developing countries, the percentage of children with disabilities attending schools has been estimated at around 1% and 5%.¹ A recent monitoring report of the Convention on the Rights of the Child by the UN Secretary-General acknowledged that "the challenges faced by children with disabilities in realizing their right to education remain profound" and that they are "one of the most marginalized and excluded groups in respect of education."²

Obstacles such as failure of birth registration, inaccessible school environments, curricula, equipment and materials, lack of teacher training, supports and assistive technology, among others, reflects the long-standing discrimination against them. Til recently in many countries,

¹ Peters, Johnstone & Ferguson, *A Disability Rights in Education Model for Evaluating Inclusive Education*, 9 *International Journal on Inclusive Education* 139, 142 (2005) (quoting United Nations Educational, Scientific and Cultural Organization & Ministry of education and science of Spain, *The Salamanca Statement and Framework for Action on Special Needs Education* (1994), and Gulbadan Habibi, *UNICEF and children with disabilities*, 2 *Education Update* (1999), available at <http://www.unicef.org/education/files/vol2disabileng.pdf> Household survey data from low- and middle income countries show that children with disabilities aged 6–17 years are significantly less likely to be enrolled in school than peers without disabilities, Filmer, 'Disability, Poverty, and Schooling in Developing Countries: Results from 14 household surveys', *World Bank Economic Review*, vol 22, no 1, 2008, p 141–163, as cited in World Health Organization and the World Bank, *World Report on Disability*, 2011

² United Nations, Report of the Secretary- General on the Status of the Convention on the Rights of the Child, A/66/230, United Nations, New York, 3 August 2011, p 8

children with disabilities were considered to be uneducable. And many countries continue to mandate the education of disabled children away from the Ministry of Education and place it under social affairs leading to substandard levels of education.

With respect to women and girls with disabilities, they are subjected to multiple and intersectional discrimination based on their gender and disability which impacts negatively on the enjoyment and exercise of all their rights. Girls with disabilities are less likely to attend and complete school in comparison with boys with disabilities and non-disabled girls. The absence of facilities like accessible toilets and appropriate support has been identified as a barrier to education for girls with disabilities.³ Further, the considerable distances to schools render disabled girls vulnerable to harassment, abuse and violence both going to and coming from school. Boys also often have priority in obtaining assistive devices and other rehabilitation services needed to get to and participate at school, reflecting gender bias in access to rehabilitative services and devices.

As a result, women and girls with disabilities are at a disadvantage in their educational outcomes. UNESCO and others estimated that the literacy rate for disabled women is one per cent, while three per cent for people with disabilities as a whole. Excluded from basic education, girls with disabilities cannot access vocational training programmes, minimising their employment opportunities in comparison with boys with disabilities or girls without disabilities.

The CRPD came to address this situation. Its article 24 of the CRPD sets out the right to inclusive education, acknowledged "as the most appropriate modality for States to guarantee universality and non-discrimination in the right to education", and endorsed by several human rights bodies within the UN.

Inclusive education emerged in response to the discriminatory approaches of schools systems towards persons with disabilities, i.e. complete exclusion, segregation by special schools (usually by disability constituency), and integration. Segregated education/special schools are the main form of education for children with disabilities in many parts of the world, and entails lower quality education, deprivation of interaction with non-disabled peers, perpetuation of ignorance and stigma, and no access to higher education. The integration model provides for the placement of students with disabilities in mainstream school, "so long as [they] can adjust to fit.. the school"⁴, thereby focusing on adapting the student to the school.

³ See Rousso, CSW, Disabilities Unlimited, *Education for All: A gender and disability perspective*, Report prepared for the World Bank which cites studies from Uganda, Mexico and Australia in which menstruation is identified as a compounding factor impeding attendance at school for girls with disabilities. Inaccessibility of toilets in schools as an obstacle to the right to education is a gender issue which has been elaborated upon extensively by other human rights mandates including the Special Rapporteur on the human right to safe drinking water and sanitation, UNICEF, and the World Bank and WHO. See Special Rapporteur on human rights obligations related to access to safe drinking water and sanitation, [speech presented during the CEDAW Committee's half day of general discussion on rural women](#), October 2013; report on Stigma and the realization of the human rights to water and sanitation, A/HRC/21/42, 2 July 2012, para 25; UNICEF State of the World's Children: Children with Disabilities, 2013, p 26, 36; UNICEF, Equity in School Water and Sanitation: Overcoming Exclusion and Discrimination in South Asia – A Regional Perspective; WHO & World Bank, World Report on Disability, Barriers to education for children with disabilities, 2011, p 215

⁴ OHCHR, Thematic study on the right of persons with disabilities to education, A/HRC/25/29/ENG, 18 December 2013, para 4

In contrast, inclusive education recognises the obligation to eliminate barriers that restrict or ban participation, and the need to change culture, policy and practice of mainstream schools to accommodate the needs of all students.

Article 24 of the CRPD requires States Parties to ensure:

- Inclusive quality education system at all levels and lifelong learning directed to, among other things, 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
- Quality and free primary education and secondary education on an equal basis with others
- Reasonable accommodation, whose denial constitutes discrimination on the basis of disabilities, as confirmed by the CRPD Committee on the area of education
- Effective individualised support measures
- Delivery of education to persons, and in particular children, who are blind, deaf, hard of hearing or deaf-blind in the most appropriate languages and modes and means of communication for the individual in environments that maximise academic and social development including learning Braille, sign languages, augmentative and alternative modes, means and formats of communication and the promotion of the linguistic identity of the deaf community
- Adapted curricula
- Qualified teachers
- Access to tertiary education, vocational training, adult education and lifelong learning
- awareness-raising and training of teachers.

The CRPD Committee's jurisprudence consistently calls for the need to ensure an inclusive education system, which is beneficial not only for students with disabilities but all students. It has highlighted the need to incorporate the gender perspective in schooling as well as the provision of sex education for children with disabilities, who are often denied any education or information and render them more vulnerable to sexual abuse and violence.

The practice of UN treaty bodies, notably the CRC Committee, has adopted the model of inclusive education. The CESCR Committee has qualified inclusive education as “the preferred model” of education and called on states to incorporate it into national legislation as well as the obligation to provide reasonable accommodation.⁵

The CEDAW Committee has previously expressed “its concern about the lack of measures *to provide inclusive education for girls and women with disabilities*” regarding Dominican Republic.⁶ We encourage the Committee to continue raising the need to provide inclusive education in line with the latest international human rights standards and practice.

Finally, IDA would like to seek clarification on what “alternative learning programs, [that] are by definition, *outside of the mainstream educational system*”, according the Committee Concept Note signify, and kindly requests the Committee to be vigilant in ensuring that these

⁵ It also recommends “the new concept for better accessibility of schools at all levels of education for children, pupils and children with disabilities fully promotes inclusive education for children with disabilities, including by allocating resources for the provision of reasonable accommodation and of any additional professional support needed, and by training teachers.” CESCR Committee Concluding Observations on Czech Republic, E/C.12/CZE/CO/2, 2014, para 19

⁶ CEDAW Committee Concluding Observations on Dominican Republic, CEDAW/C/DOM/6-7, 2013, para 32

neither serve to put in place, nor maintain, segregated education which is contrary to the spirit and letter of the CRPD and to reconsider such reference in the light of the right to inclusive education.

In conclusion, IDA encourages the Committee to:

- Elaborate and adopt a General Recommendation that guides States and other actors in ensuring the perspective of women and girls with disabilities within education and the development of the right to inclusive education, as advanced by the CRPD, for implementation throughout education laws, policies and programmes engaging both public and private actors, in consultation with a diverse range of women and girls with disabilities and their representative organisations, and which calls for the systematic collection of data disaggregated by gender and disability with a view to recognition of intersections of multiple discrimination and evidence based law, policy, decision-making, awareness-raising campaigns, training and consultation to uphold the rights to inclusive education of women and girls with disabilities.
- Adopt explicitly the model of inclusive education as the most appropriate modality for States to guarantee universality and non-discrimination in the right to education at all levels including general, technical, professional, higher education, lifelong learning, as well as in all types of vocational training, in both urban and rural settings.
- Call on States to adopt measures in law, policy and the budget to ensure the implementation of inclusive education of students with disabilities, in consultation with and actively involving women and girls with disabilities, including the express prohibition of disability based discrimination and the explicit recognition that the denial of reasonable accommodation constitutes disability based discrimination.
- Call on States to provide awareness-raising and training on inclusive education to both public and private actors, including for teachers, families and communities, involving women and girls with disabilities and their representative organisations.
- Call on States to provide for monitoring and evaluation, research, studies and the systematic collection and publication of data, disaggregated by sex and disability among other criteria, and to closely consult with and actively involve women and girls with disabilities.
- Call on States, the private sector, bilateral and multilateral donors, and development agencies to adopt measures in the context of international cooperation and the post-2015 development framework to promote the right to inclusive education of women and girls with disabilities.

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