**DGD on the Right to Education of Persons with Disabilities**

**Closing Statement**

Madam Chair, Distinguished Rapporteurs and Panelists:

Three distinct themes have been addressed during the course of today’s discussion and several issues which facilitate but, more importantly, constrain the right to inclusive education of persons with disabilities, have emerged. Based on these issues, I have regrouped the themes to coincide with the three dimensions of rights presented in my opening statement– rights to, within and through education. The concern of non-exclusion on the basis of disability and the right to inclusive education is the central concern of access **to education**. The provision of reasonable accommodation and individualised support mechanisms which would both contribute to quality education fall within the ambit of **rights within** education. Although **rights through** education were raised from the floor by the speaker from Thailand, it was not explicitly addressed in any of the three panels but the need to **protect rights** to education in law and policy was a concern of the first panel.

In this closing statement I wish to point to some gaps in the dialogue from a CEDAW perspective. Firstly, the discussion in relation to **rights to** education has been mostly gender blind which points to a gap in the analysis of the issues raised. Gender is a system of social organisation and to ignore this structure of organisation of schools and of the teaching/learning process is to miss the mark. I, therefore, reiterate the point made in my Opening Statement – in analysing barriers to inclusion, a gender lens must be used and , at the very least, identification of solutions must be based on a gender analysis of the situation.

In relation to **rights within** education – a major omission relates to issues of harassment and abuse including sexual abuse of disabled girls/women in educational institutions. CEDAW dialogues with States parties reveal that sexual abuse and harassment of girls in school is a pervasive problem in many regions of the world which is exacerbated by a culture of silence and impunity which, in turn, lead to an invisibility of the problem. In the preamble of the CRPD as well as in Article 16, the greater risk to violence that women and girls with disabilities face, both within and outside the home, is acknowledged but without specific reference to violence in educational instituions. I, therefore, propose that the GC explicitly address this concern and States parties be encouraged to establish clear policies and/or legislation, covering abuse of girls with disabilities in educational institutions, with specific provisions to prosecute and punish perpetrators, when warranted, and to offer redress to victims.

Concerns about **rights through** education did not emerge until the previous interactive panel but not as an explicit concern in the dialogue; but, Madam Chair, as was pointed out by the ILO speaker, building of a skilled labour force is a major objectiveof education and persons with disabilities must equally be prepared for meaningful engagement in paid work, as are their abled bodied counterparts. A graphic caption is used in one publication to describe the situation of persons with disabilities in relation to the guarantee of rights through education and the transition to jobs and adulthood – ‘Dead-End Training and Education’ and it is stated that a common concern is that vocational training is not preparing youth with disabilities for descent jobs or assisting them in accessing the labour market’. The proposed GC must therefore give special attention to this domain of rights by proposing strategies that link training to real employment opportunities.

The focus of today’s discussion has been on factors that create structural barriers to inclusive quality education but in developing the GC the CRPD must bear in mind that inequality is not only **structural** but also **ideological.** Today’s dialogue, however, has been mostly silent on the ideological dimension of .inequality. Efforts to address structural deficiencies in relation to rights to, within and through education must be also be supported with a concomitant concern about the cultural attitudes and norms that undermine enjoyment of rights in all three dimensions of rights. In the CRPD, combating stereotypes, prejudices and fostering respect for the dignity of persons with disabilities, is addressed in Article 8b; but, in my opinion, although this concern was mentioned in passing, dismantling negative attitudes did not emerge as central to the debate about inclusive education for persons with disabilities,

The view is expressed that these ‘social attitudes are a powerful driver of the marginalisation of disabled children in and from education …and can contribute to low rates of access and even lower completion rates’.[[1]](#footnote-1) The CRPD general comment, must therefore contain clear strategies for modifying the social and cultural patterns of conduct in the family and the school that run counter to the principle of ‘the full and effective participation and inclusion of persons with disabilities in society’ and particularly in mainstream education.

Madam Chair, my final remark is to point to the fact that both the CEDAW and CRPD emphasise the obligation of States parties to ‘take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination’ and this was addressed in the first panel. Based on the routine monitoring undertaken by the CEDAW Committee it is clear, however, that there is a huge gap between formal equality as represented by legal provisions, some of which remains discriminatory, and *de facto* or substantive equality and this gap was raised by a speaker on the first panel.

I close by borrowing from the *2009 Global Report on Better Education for All* to highlight that the main challenge that confronts us as monitoring bodies is to recommend strategies that States parties can implement to close the gap between ‘law and reality, between policy and attitude and between knowledge and practice’[[2]](#footnote-2), and, I would add, between legal obligation and political commitment. Legislation can guarantee rights but cannot change ideologies and believe systems. The transformation of existing education systems for inclusion of persons with disabilities and provision of quality education, therefore, is dependent on simultaneous action on both fronts - structural and ideological. I expect that a major objective driving the development of a general comment on the Right to Education of Persons with Disabilities will be to identify solutions for overcoming identified barriers in order to guarantee rights to, within and through education as well to devise strategies to close the crucial gap between policy/law and practice. I wish you every success in this endeavour and, in this regard, hope that further opportunities will arise for collaboration with the CEDAW Committee to ensure that a clear gender perspective is integated thoughout the General Comment.

Thank you.

Barbara Bailey

Vice-Chair, CEDAW Committee

1. Equal Rights Equal Opportunities. *Op. cit.* [↑](#footnote-ref-1)
2. Better Education for All: When we Are Included too. A Global Report 2009. <http://www.inclusive-education.org/publications/better-education-all-when-were-included-too-global-report-people-intellectual> [↑](#footnote-ref-2)