**Input of the Office of the Special Representative of the Secretary-General on Violence against Children for OHCHR report on empowering children with disabilities for the enjoyment of their rights, including through inclusive education**

The lives of children with disabilities are fraught with stigma, discrimination, cultural prejudices, misperceptions and invisibility. Their capacity and their positive potential are often ignored. Their existence is often marked by neglect, violence, injury and exploitation. Indeed, in spite of the limited amount of data and research in this area, available studies reveal an alarming level of risk for violence against children with disabilities, ranging from neglect, abuse and exploitation to high vulnerability to physical and emotional violence when they are young and greater risks of sexual violence as they reach puberty.

Although there are no agreed definitions, and little internationally comparable data on its incidence, it is estimated that more than a billion people, or 15 percent of the world’s population, have some form of disability. According to available data[[1]](#footnote-1), more than 5% (93 million) of children below 14 years of age experience moderate or severe disability.

Children with a disability are also often victims of convergent levels of vulnerability. Children concerned frequently come from poorer households and/or a minority group and lack effective access to basic social services of quality, services which are so crucially needed for early detection, treatment and recovery, and for promoting children’s active participation in social life with dignity. Poverty may lead to disability, including as a result of poor health care, malnutrition and unsafe living conditions. At the same time, available studies reveal an alarming prevalence of violence against children with disabilities as described in 2006 by the *UN Study on Violence against Children*. Violence may lead to disability and aggravates poverty, as families of children with disabilities endure social exclusion, often missing employment opportunities and facing extra medical, housing and transport costs.

Children’s rights to education is enshrined in human rights treaties, including articles 28 and 29 of the CRC. However, UNICEF estimates that 90 percent of children with disabilities in low-income countries have not received any form or education.[[2]](#footnote-2) This figure is further aggravated by the fact that, once enrolled, students with disabilities are more likely to drop out of school and it is estimated that only 5 percent of all students with a disability complete primary school.[[3]](#footnote-3) Unfortunately when in school these children are often segregated and endure beatings, bullying and abuse - by ill-prepared teachers who fail to understand and attend to their special needs; and also by peers.[[4]](#footnote-4)

Agenda 2030 calls for investment in children who should be envisaged as agents of change with no child left behind. Sustainable Development Goal (SDG) 4 deals specifically with inclusive, safe and equitable quality education and promote lifelong learning opportunities for all and target 4.a elaborates further regarding education facilities and learning environments: “Build and upgrade education facilities that are child, disability and gender sensitive and provide safe non-violent inclusive and effective learning environments for all.” However, inclusive education also relates to a number of other goals for example, quality inclusive education helps break the vicious cycle of violence, poverty and disability, working towards goals 1 and 16.2. Another example is Goal 5 on gender equality, since quality inclusive education helps to achieve gender equality and empower girls with disabilities who often face a double discrimination.

Furthermore, and perhaps most notably in this context, article 29 of the CRC states that the education of the child, all children including those with disabilities, shall be directed to the development of the child’s personality, talents and mental and physical abilities to the fullest potential.

Historically, a medical approach to disability has often been promoted which emphasized ‘special education’ as the best remedial treatment for children with disabilities. This has often been supported by health care and other officials who would argue that a special and separate education track was the best for these children. In certain cases, this approach was connected to a perception that these children are better taken care of by State institutions than by their own families.

There is by now ample research on how detrimental institutions are for children’s development and well-being. Children experience developmental delays, especially during early childhood, and potentially irreversible psychological damage by growing up in such environments. Even in a well-staffed institution, a child rarely gets the amount of attention he or she would receive from their own parents and families, or from substitute caregiver families in the community. More often, these institutions have staff that are ill-trained and ill-paid, they are surrounded by stigma and prejudice in the community and children are at heightened risk of physical violence, verbal and emotional abuse and neglect. Moreover, larger residential institutions are often situated in remote areas so that residents have little or no contact with the world which deprives them from the vital opportunity to learn from other children, a crucial component in children’s learning.

The idea of a “special education” track stands in stark contrast to the idea of inclusive education which is based on a human rights approach that shifts the focus from a child’s limitations to instead look at the barriers within the society that prevents the child from accessing basic services, developing to the fullest potential and enjoying his or hers rights. Most notably this paradigm shift was promoted by the Convention on the Rights of the Child, particularly in article 23, and by the adoption of the UN Convention on the Rights of the Person with Disabilities (CRPD) where instead of seeing disability as a clinical and social welfare issue addressed disability through the lens of human rights.

Inclusive education allows the child to attend age appropriate classes at the child’s local school, with individually tailored support. Inclusive education means that schools must change to accommodate a much wider range of children. For example, the curriculum needs to be differentiated to ensure access to a wide range of children – not just children with disabilities – and should reflect the needs and interests of children in the local community. Children are taught in small groups and are helped to support one another rather than to compete. Inclusive schools pay particular attention to developing appropriate methods of assessment and avoid all unnecessary segregation of children within the ordinary classroom. They also pay particular attention to school-based teacher preparation and support and to involving parents in the life of the school and in fostering the development of their child. Above all, the leadership provided by the head teacher/principal of the school has been shown to be the key to the successful management of change to more inclusive practice.[[5]](#footnote-5)

Experience from many countries has shown that many children who would previously have been automatically referred to specials schools can benefit from quality education in mainstream schools, given support tailored to their individual needs, often through an individual educational programme. For example, Italy went from a system of well-developed system of segregated schools for children with disabilities in the 1960s to at present some 98 percent of children who have been assessed some with some kind of impairment attending regular classes.[[6]](#footnote-6)

Ensuring inclusive education would not only realize the right to education for disabled children, but also contribute to the realization of several other rights. The lack of inclusive education has for example been one of the major driver behind the institutionalization of disabled children. Parents, with the best of intentions, have in many cases decided to place their child in an institution as a means for them to get an education when there are no inclusive schools or day-care facilities in their communities. Providing access to inclusive education would therefore contribute to the realization of CRC, especially article 23 that states that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child’s active participation in the community. In line with the Convention, it would also make it possible for children to grow up in their families and be cared for by their parents and not be separated from their parents unless a competent authority determines this to be in the child’s best interest.

Providing for a disabled child puts additional strain on families, both emotional and economical and it is there necessary to complement access to inclusive education with additional support services in order to ensure that families can provide for disabled children at home. CRC General Comment 9[[7]](#footnote-7) recognizes that ‘children with disabilities are best cared for and nurtured within their own family environment provided that the family is adequately provided for in all aspects.” This is reinforced by article 23 in the CRPD, which requires that: “States parties shall undertake that where the immediate family is unable to care for a child with disabilities, to take every effort to provide alternative care within the wider family, and, failing that, within the community in a family setting.” Overall, social support to children with disabilities is weak, inadequately funded and also hard to sustain. For these children to enjoy their fundamental rights it is crucial to ensure that they access universal, quality and affordable social services, and in addition benefit from targeted social safety measures. Clearly, resource allocation from national budgets and international cooperation need to be effectively matching these priority concerns.

At the same it is important to note that inclusive education does not necessarily require large additional means, experience has shown that there are ways of developing inclusive practices at the local level that do not involve additional funding: collaborative work between students, parental involvement in the classroom and teacher problem-solving and mutual support have been shown to be effective. Some of the most innovative and radical developments on inclusive education take place in the low-income countries such as Lao PDR, Lesotho, Morocco, Uganda, Viet Nam and Yemen.[[8]](#footnote-8) In fact, studies have shown that establishing segregated, separate and parallel education systems within a country is more expensive and less sustainable that inclusive education models.[[9]](#footnote-9) Furthermore, excluding children with disabilities from education ultimately leads to a financial liability to a country when these persons are excluded from the labour market.

Existing flexible education approaches can often be used to promote more inclusive education for all children. The Colombia ’Escuela Nueva’ model, designed as a multigrade approach for rural areas, promotes active learning and provides an excellent opportunity to respond to individual learning rates and needs. Flexible promotion from one level to the next and individualized instruction allow students to advance at their own pace. Students are encouraged to help others; peer instruction is practised, with older students tutoring younger ones. In Brazil, the Child Friendly School Model and ’speed-up classes’ also represent important opportunities to expand inclusive education for all through approaches focused on the child or adolescent.[[10]](#footnote-10)

Successful inclusive education experiences in numerous countries are also linked to the expansion of early intervention programmes – guaranteeing an early start for children and families. In addition, important steps are now being taken to initiate inclusive education

programmes at the preschool level.

Conflict and situations of natural disasters put particular strain on the education systems. However, as the systems are building built back there is an opportunity to build back better. It is important to ensure that all new schools are designed to be accessible to students with disabilities, for example by building ramps and ensuring that doors are wide enough to admit children in wheelchairs, that toilets are fully accessible and that classrooms can be wired for loop systems for children with hearing impairments.

Many countries, such as Honduras, Costa Rica and Brazil have enacted laws that require all new schools to be accessible and all existing schools be retrofitted over time.[[11]](#footnote-11)

Is important to note that promoting inclusion need not mean losing the resources represented by special schools: for example, there is the opportunity for such schools to act as resource centres during a period of transition and staff with specific experience in the field of disability can become an invaluable resource in local schools. National support is crucial for the success of

such processes. In Costa Rica, for example, efforts began in 1999–2001 to establish a National Resource Centre for Inclusive Education that supports schools for more inclusive approaches to serving children with disabilities, and at the same time to improve the quality of education for all students.[[12]](#footnote-12)

In any country, and especially where material resources are scarce, the key resource in the learning environment is teachers themselves. It is important that teachers have a commitment to teaching all children. Where teachers can receive relevant pre-service and in-service training and have access to continuing support, they are well placed to become leaders and pacesetters in inclusive education. Some qualities that are required include the ability to assess pupils’ strengths and needs, the skill to individualize teaching procedures to suit a wide range of abilities, the flexibility to adapt the content of subject matter to pupils’ interests and abilities and ensure its relevance to the social and cultural context, teamwork within the school and with outside professionals, linking with other learning environments for reinforcement, a working partnership with parents, using available technologies capable of supporting learning, and monitoring the success of approaches being employed.

There are new exciting opportunities with the development of new technologies for children with disabilities. The physical inaccessibility of everything from being able to travel to and enter a school or work site, perceiving and understanding what is written on the blackboard, hearing, understanding, and communicating with teachers, managers, clients, and peers, accessing paper and print based content, and recreation and socialization can become a barrier for these children. ICT enables the use of multiple means of communication to access information and engage with others, and hence can help to address longstanding barriers of communication and interaction.[[13]](#footnote-13) However, social media offers both opportunities as well as dangers, and many children with disabilities report that they are actively discouraged from going online because caregivers fear that they may be bullied or because of concerns about internet safety. Research reveals, however, that using the Internet can be empowering for these children because it allows them to connect with others with similar experiences, provides them with support through social forums and helps them to build personal networks to help combat bullying or isolation.[[14]](#footnote-14) Furthermore, it enables children with disabilities to have access to information about their rights and about ways of ensuring their protection. Currently, however, only 5-15 percent of children with disabilities have access to assistive technologies or assistive devices.[[15]](#footnote-15)

*Recommendations:*

* Promote the universal ratification and effective implementation of human rights treaties on the rights of children with disabilities – including the CRC and its Optional protocols, and the CRPD. This includes supporting advocacy and public information activities to place these questions at the heart of the policy agenda and of the public debate of each country.
* Urgently adopt in all countries legislation explicitly banning all forms of violence against children – all children, including children with disabilities – and in all settings – including in the education system, in care institutions and in the private sphere of the family and, as enshrined in both the CRC[[16]](#footnote-16) and the CRPD[[17]](#footnote-17).
* Promote effective and well-coordinated actions by all relevant governmental departments on violence against children, with a distinct attention to those with disabilities. This will be crucial to overcome the invisibility and stigmatization of children concerned, and the social acceptance of violence; and it will imply a sound investment in the capacity building of all those working with and for children, with strong skills on disability and on the prevention of violence in all its forms; and also funding for securing effective oversight and the protection of those at risk, including through the establishment of child sensitive counseling, reporting and complaint mechanisms for incidents of violence.
* Invest in information, including data and research about child disability and the forms of violence affecting their lives. Information is vital to break the invisibility and overcome the stigma and discrimination affecting the life of children with disabilities; and it is indispensable to inform policy making, planning of needed services and funding to secure the safeguard and fulfillment of fundamental rights of these children.
* Develop partnerships with children and young people with disabilities and support their families and organizations in securing the protection of their rights. Violence against children is a major concern for young people in all regions. It is critical to involve children in violence prevention and in advocacy and mobilization actions. This will help us understand the hidden face of violence, consolidate children’s protection and rebuild their lives with confidence.
* Establish in all countries well-resourced, and child and disability sensitive mechanisms to provide counseling, and enable reporting and complaints for incidents of violence within schools and on the way to school.
* Develop national plans for implementing inclusive education and policies. These plans should reflect international commitment, plan for the main aspects of provision, make sufficient funds available, and include provisions on monitoring and evaluation.

1. Global Burden of Disease data, referred to in World report on disability 2016. [↑](#footnote-ref-1)
2. UNICEF, Global initiative on out-of-school children: South Asia regional study. [↑](#footnote-ref-2)
3. World Bank Disability Group, Achieving education for all by including those with disabilities and special needs. [↑](#footnote-ref-3)
4. Office of the Special Representative of the Secretary General on Violence Against Children, Thematic report: Ending the torment: tackling bullying form the schoolyard to cyberspace 2012, https://violenceagainstchildren.un.org/sites/violenceagainstchildren.un.org/files/documents/publications/10.\_tackling\_violence\_in\_schools\_a\_global\_perspective.pdf. [↑](#footnote-ref-4)
5. Innocenti Center Digest No. 13, Promoting the rights of children with disabilities, 2007. [↑](#footnote-ref-5)
6. Vianello, Renzo and Guiliana Truffa, “Integrating Children with Diabilities in Italy” Children in Europe, No. 2, March 2002. [↑](#footnote-ref-6)
7. CRC/C/GC/9 [↑](#footnote-ref-7)
8. Mittler, Peter, Overcoming Exclusion: Social Justice through Education [↑](#footnote-ref-8)
9. RTI Press: Occassional Paper, Disabilities Inclusive Educational Systems and Policies Guide [↑](#footnote-ref-9)
10. Innocenti Center Digest No. 13, Promoting the rights of children with disabilities, 2007. [↑](#footnote-ref-10)
11. RTI Press: Occassional Paper, Disabilities Inclusive Educational Systems and Policies Guide [↑](#footnote-ref-11)
12. Innocenti Center Digest No. 13, Promoting the rights of children with disabilities, 2007. [↑](#footnote-ref-12)
13. World Bank Group Bridging the Disability Divide through Digital Technologies [↑](#footnote-ref-13)
14. Report of the Secretary General, Protecting Children from Bullying A/73/265 [↑](#footnote-ref-14)
15. RTI Press: Occassional Paper, Disabilities Inclusive Educational Systems and Policies Guide [↑](#footnote-ref-15)
16. CRC articles 4 and 19 in particular [↑](#footnote-ref-16)
17. CRPD article 16 in particular [↑](#footnote-ref-17)