The rights of young children with disabilities: moving beyond the UNCRC

Gerison Lansdown

ISSOP, Bonn, 27/29th Sept 2018
A snapshot

- Up to 100 million children are born with a disability or become disabled before age 19
- Only around 10% of children with disabilities in the developing world receive an education.
- More than 80% live in developing countries and have no access to services
- Many are excluded and invisible within their communities
- Many are in institutions with no contact with their families
- In many countries, their birth is never registered
in other words...

Children with disabilities commonly experience:

- Widespread discrimination
- Social exclusion, social isolation and fewer opportunities for friendship and play
- Disproportionate levels of physical and sexual violence
- Extreme poverty
- Denial of access to education
- In some circumstances, denial of the right to life
Approaches to disability

Charity model
- Recipients of charity
- Dependent on goodwill

Medical model
- Problem rooted within individual
- Individual must change and adapt

Human rights model
- Subjects of human rights
- Disability a product of interaction between level of functioning and barriers in the environment
## Implications of the models

<table>
<thead>
<tr>
<th></th>
<th>Medical Model</th>
<th>Human Rights Model</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disability definition</td>
<td>Disability is an abnormality or deformity</td>
<td>Disability is a difference</td>
</tr>
<tr>
<td>Being disabled</td>
<td>Being disabled is negative</td>
<td>Having an impairment is, in itself, neutral</td>
</tr>
<tr>
<td>Disability location</td>
<td>Disability resides in the individual</td>
<td>Disability derives from interaction between the individual and society</td>
</tr>
<tr>
<td>Remedy</td>
<td>The remedy for disability-related problems is to cure or ‘normalise’ the individual</td>
<td>The remedy for disability-related problems is a change in the interaction between the individual and society</td>
</tr>
<tr>
<td>Agent of remedy</td>
<td>The agent of remedy is the professional</td>
<td>The agent of remedy is the individual or their advocate</td>
</tr>
</tbody>
</table>
In other words........

Human rights based approach

Charity based or medical approach
Changing recognition of rights of children with disabilities

UN Convention on the Rights of the Child, adopted by the UN General Assembly in 1989

Adopted by the UN General Assembly in 2006
Implications of the CRC

General measures: laws, policies, national strategy, data, monitoring, training, dialogue, independent accountability

General principles: non-discrimination, best interests, life and development, being heard

Holistic implementation of CRC rights: provision, protection, participation

Child
Implications of the CRPD for children

Identifies and highlights those rights that are commonly disregarded for children with disabilities eg birth registration, protection from violence, health, play and recreation

Provides further interpretation and elaboration on the implementation of key rights eg inclusive education, right to family life and ending institutionalisation, freedom from inhuman treatment, reasonable accommodation

Elaborates additional measures required by governments eg ending discrimination, removing all barriers (legal, physical, communication, transport, cultural and attitudinal), habilitation and rehabilitation
...and establishes the right to inclusive education
Why does inclusive early education matter?

The human rights of the child

The social case

The educational case

The economic case
Implications for work of health professionals: Applying both CRC and CRPD

<table>
<thead>
<tr>
<th>National level</th>
<th>Community level</th>
<th>Clinical level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advocacy for laws and policies</td>
<td>Services and support</td>
<td>Attitudes and practice</td>
</tr>
<tr>
<td>Prohibition of discrimination, positive commitment to equality</td>
<td>Support provision of integrated early years assessment, services and support</td>
<td>Apply principle of best interests of children with reference to all their rights</td>
</tr>
<tr>
<td>End institutionalisation and invest in community based services</td>
<td>Encourage transfer of resources to community based services</td>
<td>Engage in awareness raising to inform and educate</td>
</tr>
<tr>
<td>Formal commitment to inclusive education at all levels</td>
<td>Support rights-based inclusive schools including early years education</td>
<td>Identify and remove all the barriers impeding inclusion</td>
</tr>
<tr>
<td>Prohibition of all forms of violence</td>
<td>Establish effective, safe and accessible complaints mechanisms for children and families</td>
<td>Involve expertise of DPOs</td>
</tr>
<tr>
<td>Training in children’s rights for all professionals working with children</td>
<td>Institute feedback mechanisms and dialogue to learn from children’s experiences</td>
<td>Listen to and promote partnerships with parents and children</td>
</tr>
</tbody>
</table>

Disaggregated data collection, monitoring and accountability
A rights based approach for the child

A right to non discrimination, best interests, optimum development and being heard

Sonia is born with intellectual and physical disabilities

Integrated early assessment, information and services

Inclusive early years education

Inclusive education

Inclusive opportunities to play

Investment in accessible environments (buildings, transport and communications)

Social protection to address poverty

Commitment to listening and respect for dignity

Mechanisms to identify and address violence

Legislation to prohibit discrimination

Health assessment based on dialogue and engagement with functioning and feelings not disability labels

Community-based, multi-sectoral care and support

Investment in accessible environments (buildings, transport and communications)
Summary

- Children with disabilities are subjects of rights not merely recipients of charity, support or protection.
- Both CRC and CRPD contribute to a rights-based approach and need to inform policy and practice.
- Ending discrimination requires both removal of barriers and commitment to inclusion.
- Important to focus on a holistic approach to the rights of the child.
- Optimum health and well-being requires measures beyond health services.
- Collaboration across professions, parents and people with disabilities essential.
Equality or equity?

FOR A FAIR SELECTION EVERYBODY HAS TO TAKE THE SAME EXAM: PLEASE CLimb THAT TREE