

24 October 2007

European Network of Ombudspersons for Children (ENOC)**Statement on Children and Young People with Disabilities**

“We must remember that children with disabilities are first and foremost children. They, like children, without disabilities, must have the right to be free from violence, they too have the right to be respected and protected. It is our legal responsibility to ensure that this happens.” (C. Mc Clain-Nhlapo, editorial board of the UN SG Study on Violence against children)

We, the members of the European Network of Ombudspersons for Children (ENOC), call upon our governments to ratify - without delay - the UN Convention on the Rights of Persons with Disabilities (UN, 13 December 2006) and its optional protocol and to do whatever necessary to fully implement it.

The Convention sets out a rights-based approach to children and young people with disabilities and complements the rights of the child set out in the UN Convention on the Rights of the Child.

The Convention sets out eight general principles, including “respect for the evolving capacities of children with disabilities and respect for the rights of children with disabilities to preserve their identities”. It calls on governments to initiate a cultural change, emphasising equality, inclusion and non-discrimination for children with disabilities.

In order to achieve this, we urge our governments – and other competent authorities - to proceed and invest in the following actions:

Awareness raising:

1. Provide general information to children and young people with disabilities, their peers and the general public on disability with a view to combating stereotypes and nurturing receptiveness to difference.
2. Familiarise public opinion about disability and promote positive images of children with disabilities, respect for children with disabilities and respect for their rights.
3. Disseminate information on the dangers of the use of alcohol, tobacco and certain drugs during pregnancy,

Participation:

1. Bearing in mind Article 12 of the Convention on the Rights of the Child, promote participation of children, really listen to children with disabilities and involve them in policy planning.

2. Recognise that children with disabilities are experts on their own living conditions; therefore structures must be set up to enable and encourage children and young people to share their experiences in a positive way and to fully participate in decisions about them as individuals and in policy and public life.

3. Facilitate full access for children and young people with disabilities to all cultural, leisure and sport activities, including disability-specific activities, and facilitate the exercise of choice by children and young people with regard to involvement in activities.

Inclusion:

1. Take all necessary measures to fully include children with disabilities in all aspects of life on an equal basis with other children so as to ensure the full realisation of their human rights and fundamental freedoms.

2. Invest, more specifically, in the promotion and the implementation of inclusive education and undertake measures to ensure an inclusive education system on all levels. Such investment must not be constrained on resource grounds. Evaluation systems that take into account diverse capacities should be developed and implemented.

Peer support:

1. Take measures within educational and leisure settings to meet the needs of children with disabilities to associate with children in similar life settings.

Care in residential or disability-specific centres and other settings:

1. Use care in residential or disability-specific centres only in the best interests of the child and never just because of a disability or financial considerations.

2. Invest in and guarantee the allocation of adequate numbers of staff with sufficient and continuous training within residential or disability-specific centres.

3. Treatment within residential or disability-specific centres must be compliant with human rights standards and kept under constant review, including periodic review of individual placements and treatment. 4. Adequate supports should be put in place to prepare older children and young people for transition to adult life and adult service provision.

Support for families and siblings:

1. Make available and facilitate access to respite periods for families of children with disabilities.

2. Make available specific, additional support including self-help and peer support groups to siblings of children with disabilities.

Abuse and violence:

1. Recognising the fact that children with disabilities, especially girls, are even more vulnerable to abuse and provide sufficient measures to prevent abuse, including initiatives to support positive parenting. 2. Allocate additional funding for the treatment of victims of abuse and violence.

Accessibility:

1. Actively promote full access to all aspects of life through inclusive participation in social life and the promotion of universal design in all public settings by all means including through legislation. 2. Ensure access for children with disabilities to: all public areas including schools, colleges, shopping areas; public transport; and play and leisure facilities.

Health:

1. Provide children with disabilities with the best possible health care, including early identification and intervention, as well as any adjusted aid and assistance needed for their specific disability.

2. Clearly prohibit forced sterilisation of and forced use of contraception by children with disabilities.

Strategic instruments:

1. Fully implement the Convention on the Rights of Persons with Disabilities and meet the obligations set out in Article 33 to establish focal points within Government, a coordination mechanism regarding implementation of the Convention and (Paris Principles compliant) independent mechanisms to monitor implementation of the Convention.

2. Complaints mechanisms, where not already in existence, should be established and access to independent advocates facilitated. Information campaigns to raise awareness of their existence and enhance their accessibility for children with disabilities are needed.

Appendix 1: resources

Salamanca Declaration and Framework of Action: Final Declaration of the UNESCO Conference organised in collaboration with the Spanish Ministry of Education in Salamanca, 7-10 June 1994; updates on the website: (English/French) http://portal.unesco.org/education/en/ev.php-URL_ID=7560&URL_DO=DO_TOPIC...

The Standard Rules on the Equalisation of Opportunities for Persons with Disabilities (French, English, Russian etc); Resolution of the General Assembly 20 December 1993 www.un.org/esa/socdev/enable/dissre00.htm

The Innocenti Digest on 'Promoting the Rights of Children with Disabilities' <http://www.unicef-irc.org/publications/pdf/digest13-disability.pdf>

Athens Youth Declaration; Ministry of National Education and Religious Affairs of the Hellenic Republic, Athens, 17 May 2003

Inclusive Education in Europe: Website as a result of University collaboration under Erasmus programme (actually Socrates): www.uva.es/inclusion/index.htm

Integration in Europe: Provision for Pupils with Special Educational Needs. Trends in 14 European Countries: http://european-agency.org/publications/agency_publications/integration/main.htm

No one is to suffer disadvantages by being disabled; document issued by the German National Coalition, October 2000 (German/English)

The Convention on the Rights of Persons with Disabilities and its Optional Protocol <http://www.un.org/esa/socdev/enable/conventioninfo.htm>

Council of Europe Disability Action Plan to promote the rights and full participation of people with disabilities in society: improving the quality of life of people with disabilities in Europe 2006-2015 http://www.coe.int/t/e/social_cohesion/soc%2Dsp/integration/02_council_of_europe_disability_action_plan/Council_of_Europe_Disability_Action_Plan.asp#TopOfPage

Madrid Declaration about Discrimination

http://www.disabilityworld.org/09-10_02/news/madrid.shtml

Appendix 2: Organisations

United Nations Enable <http://www.un.org/disabilities/>

Inclusion International: www.inclusion-international.org

European Disability Forum www.edf-feph.org/

Disabled Peoples' International <http://v1.dpi.org/lang-en/index>

Disability Rights Promotion International (D.R.P.I.) <http://www.yorku.ca/drpi/>

Child Rights Information Network (CRIN) <http://www.crin.org>

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