

25th session of the Human Rights Council

ANNUAL INTERACTIVE DEBATE ON THE RIGHTS OF PERSONS WITH DISABILITIES

Wednesday, 19 March 2014, 12:00 to 15:00, Room XX; Palais des Nations, Geneva

DRAFT 27 January 2014

Background

The right to education is a universal right recognized by international human rights law and, as such, applies to all persons, including persons with disabilities. Several international instruments, inter alia, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child, affirm the core principles of universality and non-discrimination in the enjoyment of the right to education.

Notwithstanding, persons with disabilities face various forms of discrimination in educational settings. The most serious barriers to participation in schools arise from prejudice and misconceptions that lead to deliberate exclusion and segregation. Students with disabilities are stigmatized as people who cannot be educated in regular schools, or at all. This results in education systems in which persons with disabilities are denied the right to education as enshrined in article 24 of the Convention on the Rights of Persons with Disabilities.

Inclusive education has been acknowledged as the most appropriate modality for States to guarantee universality and non-discrimination in the right to education. Article 24 of the Convention on the Rights of Persons with Disabilities recognizes that, for persons with disabilities to exercise the right to education, inclusive education systems must be in place. The Convention provides for two-pronged implementation of that right: firstly, non-discrimination in mainstream schools for students with disabilities, reinforcing this right with reasonable accommodation; secondly, a systemic change that requires progressive realization and a transformation plan to counter exclusion and segregation. Meaningful implementation is based upon a complex change process that requires a transformation of the existing legislative and policy framework and the full involvement of all relevant stakeholders, particularly persons with disabilities and their representative organizations.

Through inclusive education laws, States should establish an inclusive education system under the sphere of their respective ministries of education that prohibits rejection from mainstream schools on the basis of disability and provides for reasonable accommodation. A transformation plan should provide the framework for the implementation of an inclusive education system with measurable goals. States should put in place training programs for teachers, create reasonable accommodation funds, provide for accessible materials, promote inclusive environments, improve testing methods, promote the transfer from special schools to

mainstream schools, promote monitoring through indicators on inclusive education, provide adequate support to students, and use appropriate communication means and formats. Schools need to be properly funded, while at the same time availability of resources should not be a basis for denying access to the right to education for a student with disability.

Inclusive education implies more than placing students with disabilities in mainstream schools; it means making them feel welcomed, respected and valued. Inclusive education is built on values that enhance a person's ability to achieve their goals and embrace diversity as an opportunity to learn. Students with disabilities need adequate support to participate on equal terms with others in the education system. Mainstream schools must provide for an environment that maximizes academic and social development.

In its resolution 22/3, the Human Rights Council requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to prepare a study on the right of persons with disabilities to education, in consultation with States and other relevant stakeholders, including the United Nations Children's Fund (UNICEF), the United Nations Educational, Scientific and Cultural Organization (UNESCO), regional organizations, the Special Rapporteur on disability of the Commission for Social Development, civil society organizations, including organizations of persons with disabilities, and national human rights institutions. The resolution also requested that the study be made available on the OHCHR website, in an accessible format, prior to the twenty-fifth session of the Human Rights Council.

To this end, OHCHR invited contributions from Member States, UNICEF, UNESCO, regional organizations, civil society organizations and organizations of persons with disabilities, the Special Rapporteur on disability of the Commission for Social Development, and national human rights institutions, transmitting a set of questions related to education of persons with disabilities. As a result, OHCHR received 39 responses from States, 12 from national human rights institutions and 31 from civil society organizations and other stakeholders. The study and the submissions received are available on the OHCHR website: <http://www.ohchr.org/EN/Issues/Disability/Pages/StudyRightOfPersonsWithDisabilitiesToEducation.aspx>.

Mandate

At its twenty-second session, the Human Rights Council decided that its next annual interactive debate on the rights of persons with disabilities would be held at its twenty-fifth session, and that it would focus on the right of persons with disabilities to education. The Council also requested the Office of the High Commissioner for Human Rights (OHCHR) to prepare a study on the right of persons with disabilities to education, in consultation with relevant stakeholders, and to make the study available on the OHCHR website, in an accessible format, prior to the twenty-fifth session of the Human Rights Council (Human Rights Council

resolution 22/3, paras. 15 and 16). The study is available at <http://www.ohchr.org/EN/Issues/Disability/Pages/ThematicStudies.aspx>.

Date and venue

Wednesday, 19 March 2014, 12:00 to 15:00, Room XX; Palais des Nations, Geneva, Switzerland.

Aims and objectives

- Share experiences, lessons learned and good practices in the implementation of Article 24 of the Convention on the Rights of Persons with Disabilities (CRPD) on the right to education. Two levels of implementation will be looked at:
 - the first one (i) calling for immediate non-discrimination measures in mainstream schools and
 - the second one (ii) entailing a systemic change that requires a progressive transformation of the existing legislative and policy framework to establish inclusive education systems;
- Discuss the main barriers that persons with disabilities face in the enjoyment of the right to education and identify the challenges that States and other stakeholders encounter in ensuring that persons with disabilities enjoy this right on an equal basis with others, in particular through the access to inclusive schools;
- Propose strategies to promote the establishment of inclusive education systems;
- Discuss the role of international cooperation in supporting transformation towards inclusive education systems; and
- Analyze the importance of ensuring the end of educational exclusion and to ensure inclusive quality education on the agenda of post-2015 development with special emphasis on the most excluded groups, highlighting among them, persons with disabilities.

Chairperson/Moderator:

- Vice-President of the HRC, Bureau Focal Point on Accessibility (tbc)

Opening statement: Ms. Navi Pillay, High Commissioner for Human Rights (tbc)

Panelists:

- Ms. Ana Peláez Narváez, Member of the CRPD Committee
- Ms. Maria Magdalena Orlando, Independent Expert, Argentina

- Ms. Marie Schoeman, Chief Education Specialist, Department of Basic Education, South Africa
- Mr. Gordon Porter, Senior Advisor of the Ministry of Education of New Brunswick, Canada
- Mr. Philippe Testot-Ferry, Senior Education Advisor, UNICEF Regional Office CEE/CIS

Format

The opening and the presentations by the panelists will be followed by an interactive discussion. This discussion will be divided in two slots of 60 minutes each (45 minutes for comments and questions from the floor, followed by 15 minutes for comments and replies by panelists). The modalities of the panel are: 7 minutes for panelists, 3 minutes for Member States and 2 minutes for Observers. Depending on the number of speakers inscribed, the moderator may readjust the speaking time appropriately in order to enhance the interactive nature of the discussion. The interactive debate will be followed by concluding remarks by the moderator.

States, national human rights institutions, international organizations and non-governmental organizations are encouraged to participate and make their contributions to the debate, subject to the modalities and the practice of the Council. In particular, NGO coordination is strongly encouraged to maximize the use of time.

Accessibility

In an effort to render the Human Rights Council more accessible to persons with disabilities and to allow them to participate in the work of the Council on an equal basis with others, this panel will be made accessible to persons with disabilities. During the debate, international sign language interpretation and real time captioning will be provided and webcasted. Physical accessibility will be promoted by making room facilities wheelchair friendly. As per established guidelines, braille printing will be available on demand. The “Accessibility guide to the Human Rights Council for persons with disabilities” is available for further reference at: <http://www.ohchr.org/EN/HRBodies/HRC/Pages/AboutCouncil.aspx>.

Outcome

The debate will seek to identify good practices in promoting the right of persons with disabilities to inclusive education. It will also contribute to raising awareness of the challenges that persons with disabilities continue to face in enjoying the right to education, and to highlight the measures that States and other stakeholders can take with a view to promoting the establishment of inclusive education systems. Finally, the debate will provide an opportunity to highlight the importance of having an inclusive education goal in the post2015 development agenda. An informal summary of the interactive debate will be prepared by the Office of the High Commissioner for Human Rights and posted on the OHCHR website.