

Protecting the Rights of Children with Disabilities: Civil Society discussions (2019)

On Monday 10 June 2019, over 400 representatives from Organisations of Persons with Disabilities, Civil Society, Governments, Multilateral Organisations, and the Private Sector met through a [Civil Society Forum](#) to discuss issues related to the protection of the rights of children with disabilities.

Collectively, we wish to convey the following key points as a summary of our discussions:

1. We recognise the right of every child with a disability, regardless of support needs, to grow up in the community on an equal basis as all other children, with access and choices to use community-based support services and all other services provided for the general population.
2. We emphasise the importance of the role of the family, and the need for children with disabilities to remain with their families, or where this is not possible, with extended family or kin.
3. We highlight that children with disabilities are disproportionately institutionalized, and that this harmful practice must be completely eliminated. Institutionalization is unacceptable.
4. We note that children with disabilities have the right to quality education in an inclusive, supportive, and appropriate environment on an equal basis with other children.
5. We are concerned that children with disabilities and their families are excluded from or have limited access to community-based services that enhance their wellbeing, such as health, communication, recreation, which impacts short- and long-term access to and participation in other aspects of life.
6. Discrimination, prejudice, and stigma against children with disabilities can cause serious and long lasting irreversible negative effects. Support to affected children must be provided, alongside efforts to educate other children and the wider community to ensure an inclusive and safe environment.

Further information on these points:

1. **Community.** Children with disabilities must enjoy the same rights, access, and choice in the community as other children, while also respecting that some children with disabilities and their families will have specific support needs and increased risk to stigma and discrimination.
2. **Family.** CRPD Article 23 affirms that the right to family life shall be equally enjoyed by children with disabilities, and they must be included as an ordinary member of a loving, supportive family. States must have appropriate legislative safeguards to prevent discriminatory separation of a child from parents based on the disability of either the child or of one or both parents. Where children are living without parental care, States must create supportive services to enable them to live in a community-based family setting, such as extended kinship care, foster care, or adoption, and including the maintenance of the child's sibling relationships. Older adolescents transitioning to adulthood may choose a non-family community-based supported living arrangement.
3. **Institutions.** Institutions carry increased risks of stigmatization, discrimination, exclusion, violence, abuse, neglect, maltreatment, and exploitation. Institutionalization is primarily due to lack of effective policies and programmes by the governments that encourage parental and community care for children. States should replace institutionalization with appropriate measures to support family and community-based services. Ombudsman institutions and national human rights institutions should make special efforts to mainstream the rights of children with disabilities in mandate and performance of their routine functions.
4. **Education.** CRPD Article 24 covers the right to an inclusive education, acknowledging its importance in the full development of human potential and sense of dignity and self-worth. All children deserve inclusive, equitable, and quality education opportunities that provide the opportunity to reach their full potential alongside their peers. Schools can be transformative, establishing self-esteem and confidence, as well as empowering children to know their rights and express their will and preferences. Sign Language is key to achieving the human rights of deaf children, being the only language deaf children can use without additional support. The majority of deaf children are born to

hearing parents, so often receive late exposure to sign languages. States should have official recognition of national sign languages. Deaf children should have the option to choose education that will maximize their individual academic and social development. Inclusive education for deaf children is best achieved through sign language-medium education by fluent teachers, surrounded by their deaf peers. Placement in mainstream schools with an interpreter creates a barrier to direct interaction with teachers and peers.

5. **Support services.** States should ensure access to resources, services, and supports that enable families with parents and/or children with disabilities to stay together. This includes appropriate health and rehabilitation services delivered in the home and/or community. Children with communication disabilities in particular are often excluded and marginalised. It is essential for children, families, and educators to have access to services that identify such disabilities, and provide supports and accommodations to reduce negative impacts, facilitate inclusive education, and ensure a child's full participation in all aspects of their life and community. Children with disabilities are particularly higher risk of human rights violations in situations of risk or crisis, including armed conflict, humanitarian emergencies, and natural disasters. Community-based responses and supports to such situations should be inclusive of an accessible to children with disabilities.
6. **Discrimination.** Children with disabilities can face isolation and exclusion in their communities due to pervasive stigma, including forced separation from their parents, secluded lives in institutions, denied access to education, and limited health and rehabilitation services. This is particularly the case for children with disabilities related to leprosy, autistic children, and children with intellectual disabilities. Deprivation of family life on the basis of disability amounts to discrimination and must be prohibited by law. Such discrimination can have more profound and compounded effects as a result of multiple and intersecting forms of discrimination have more profound and compounded effects as a result of multiple and intersecting forms of discrimination. Other forms of discrimination such as bullying by peers are also harmful.