

UN Human Rights Council Resolution on the Empowerment of Children with Disabilities for the Enjoyment of their Rights, including through Inclusive Education

Children with disabilities are particularly vulnerable to discrimination and face several barriers to the full enjoyment of the rights enshrined in the CRC and CRPD Conventions: they experience what the Committee on the Rights of the Child (CRC Committee) has referred as "double denial", suffering discrimination grounded on age and of their disability¹. Their exclusion and marginalisation are often stronger in school, public and cultural life, employment and access to public services². **Moreover, the lack of information, opportunities and space for expressing their opinion,** leads children with disabilities to **be disproportionately vulnerable** of risk of violence.

To ensure the empowerment of children with disabilities and thus guarantee the protection and full enjoyment of their rights, a Human Rights Council Resolution on this topic should be based on the following **cross-cutting children's rights principles**:

- **Grounded by the principle of non-discrimination:** Children with disabilities belong to one of the most vulnerable groups of children; they face in many cases several forms of discrimination, which affect various aspect of their life and lead them to be stigmatized and marginalized and thus and more vulnerable to violence: yearly, they are 1.7 times more likely to be victims of violence than their peers^{3 4}. This discrimination is even greater if multiple factors, such as gender⁵, social and living conditions are considered together⁶. For that reason, **this principle** must be **based on an intersectionary approach** and **take into account a broad and inclusive definition of disability**⁷.
- **Grounded by the best interest of the child:** This principle must be considered in all the aspects of the life of a child with disabilities and in relation to the enjoyment of all the rights provided for in the CRC^{8 9}. The significance of this principle is particularly relevant for institutions, parents and other professionals that provide services and care for children with disabilities, as they are expected to conform to regulations and should have the protection and care of children as their primary consideration, under all circumstances¹⁰. At the same time, however, this principle should **not be used as justification for paternalistic approaches** and it should promote a **fostering participatory approach**.
- **Ensuring the right to life, survival and development:** In many countries of the world children with disabilities are more likely to be subject to practices that completely or partially compromise this right; they are for example more vulnerable to infanticide¹¹. The many risks and practices that affect the right to live and development of children with disabilities need to be **systematically identified and adequately responded to**.
- **Ensuring and promoting the right of every child to be heard:** The right to be heard in all procedures affecting children with disabilities and the obligation to take their opinion into account - in accordance with their evolving capacities - **is of utmost importance for their empowerment and inclusion**. However, the right to express their views on a wide range of issues that affect children is constantly blocked by attitudes, political and economic barriers, which are even greater for children with disabilities.¹² In fact, most of the time, policies and decisions related to children with disabilities are made without involving them in the process. Member States must promote participation by including all methods of communication which may be necessary to facilitate their expression. This leads to inclusion and empowerment and also it guarantees that the policies are effective and focused to the

¹ [CRC/C/69/par.334](#).

² [CRC/GC/9/par.2](#)

³ [CRC/GC/9/par.8](#)

⁴ [UNICEF \(2005\) Summary Report on Violence Against Disabled Children – Findings and Recommendations](#).

⁵ [CRDP/GC/3/par.16](#)

⁶ [CRC/GC/9/par.8-10](#)

⁷ [CRPD/GC/6/par.8](#)

⁸ [CRC/GC/9/par.29](#)

⁹ [CRPD/GC/6/par.38](#)

¹⁰ [CRC/GC/9/par.30](#)

¹¹ [CRC/GC/9par.31](#)

¹² [CRC/GC/12/par.4](#)



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needs of children with disabilities¹³. Based on this principle, it is necessary to stress the obligation of States to **guarantee the empowerment - as well as the protection - of children with disabilities acting as human rights defenders**, and in addition, the support of child-led initiatives and children's rights organisations, as they can provide meaningful spaces for this¹⁴.

For this Human Rights Council Resolution to be effective, should prioritize the following topics:

- **Inclusive education:** Empowerment of children with disabilities to enjoy their rights can happen through inclusive education¹⁵. Even if education is a fundamental right, millions of children are out of school. Even when this right is complied to, most of the time education is not inclusive: children with disabilities are often isolated from their peers and teaching is of inferior quality.¹⁶ Fulfilling a child's right to an inclusive education promotes their well-being, dignity and autonomy and can offer more job opportunities in the future¹⁷. It is also a primary means for children living in poverty to break this cycle, to protect themselves from exploitation and to promote an inclusive society^{18,19}. In line with the UNCRPD, CRC and the SGD Goal 4, Member States must adopt all of the appropriate **measures to ensure to that all children with disabilities receive an inclusive, equitable and quality education**²⁰. They should also, through international cooperation, share information and exchange best practices and researches on inclusive education²¹.
- **Promote and support the role of parents:** According to the CRC, parents have a key role in the development and protection of children with disabilities²²; they are central actors to the creation of an enabling environment for children and to **supporting the opportunity to express their views** and act in their own organisations. Moreover, children are best cared for within their own family, if families are adequately provided for in all aspects²³. Thus, Member States should take all the **appropriate measures** (e.g. financial assistance, supportive social services for parent, training and respite care when needed²⁴) and provide to **support parents or guardians to perform their caregiving role**. In particular, Member States should support families whose competencies to perform their role are limited by various factors (such as addiction, disability, financial situation or living in armed conflict region,..)²⁵.
- **Ensure the access to information and adapted tools for children with disabilities:** Access to information enables children with disabilities to live independently, to express their views freely and to enjoy the participation principle²⁶. However, access to information is more challenging for children with disabilities²⁷, especially children with a visual impairment. Member States should provide relevant, **accessible and age-appropriate information** for children with disabilities and ensure that it is available **in any format with the appropriate technology** (e.g. Braille and sign language). States must also provide the **access** to all forms of media, including radio, Internet, television, and printed paper.
- **Promote quality care for children with disabilities in a family setting or within the community:** In the line with the CRC Committee and the UN Guidelines for Alternative Care of Children, Member States should **promote-through social policies - family and community-based care** or small care facilities, based on the needs and the rights of the child^{28 29}. Member States should ensure that children with are included in the planning, implementation and evaluation of these measures. Children should also be appropriately encouraged and

¹³ [CRC/GC/9/par.32](#)

¹⁴ [CRPD/GC/6/par.38](#)

¹⁵ See: UNICEF (2017). *Inclusive education. Including children with disabilities in quality learning: what needs to be done?* .

¹⁶ [CRPD/CG/4/par.3](#)

¹⁷ [CRC/GC/9/par.8](#)

¹⁸ [CRPD/GC/4/par.10](#)

¹⁹ [Committee on Economic, Social and Cultural Rights/GC/13](#).

²⁰ [CRPD/GC/4/par.24](#)

²¹ [CRPD/GC/4/par.43](#)

²² CRC, Article 5.

²³ [CRC/GC/9/par.41](#) ; [A/RES/64/142/par.3](#).

²⁴ [A/RES/64/142/par.34](#) ; [38](#).

²⁵ [A/RES/64/142/par.9](#).

²⁶ See: UNICEF (2013). *Take Us Seriously! Engaging Children with Disabilities in Decisions Affecting their Lives*, p.7.

²⁷ [CRC/GC9/para.37](#)

²⁸ [A/RES/64/142/par.34](#).

²⁹ [CRC/GC/9/para.47](#); [A/RES/64/142](#).



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supported to participate in the planning of their aftercare life³⁰. The quality of medical and educational care provided in institutions is often inferior to the standard required for the care of children with disabilities. For that reason, **Member States must ensure that placement in institutions is only a last resort measure**, considering the best interest of the child.

- **Implement training tools for parents and professionals working with children with disabilities:** Ensure that parents or guardians and professionals in contact with children with disabilities receive **training and tools**^{31 32}, **that allow the empowerment of children** with disabilities in decision affecting their lives and in **the participatory process**. There should be a specific **focus** on police officers, juvenile magistrates and all the professionals involved in the judicial process. They must have appropriate training to empower children with disabilities to express their views in the judicial process and thus ensure to them effective access to justice³³.
- **Encourage the improvement of data collection:** Specific call for Member States to implement the **collection of qualitative and quantitative data on children with disabilities, to qualify their situation**. Much of the time States continue to not prioritise data collection and underestimate its importance³⁴. However, data collection is one of the general measures of implementation according of the CRC Committee³⁵ and it is relevant to **quantify the and adequately respond to the full extent of discrimination** against children with disabilities³⁶.

³⁰ [A/RES/64/142/par.134.](#)

³¹ [A/RES/64/142/par.34.](#)

³² See as example: [Sammon, E. and Burchell, G. \(2018\). *Community-level Case Management Guidance to Support Family Care for Children with Disabilities.*](#)

³³ CRPD, Article 13.

³⁴ [CRC/GC/9/par.19](#)

³⁵ [CRC/GC/9/par.19](#)

³⁶ [CRPD/GC/6/par.34;71](#)