

## **DISABLED CHILDREN**

### Should be: Children with disabilities

Children with disabilities (Disabled children) are children under 18 years of age that have sensory, physical, motor, intellectual, communication or behavioural problems. In Europe moderate to severe disability constitutes 1-2% of all children with a further 10% who often have very significant problems such as ADHD and learning difficulties such as dyslexia.

The majority of these children in many Eastern European countries and partly in the EU countries are:

- living in families who have financial hardship
- still denied access to mainstream education in many Eastern European countries,
- they lack support service, assistance and technical aids which can allow them to complete their education with a result which correspond to their maximum ability
- denied access to family life,
- to adequate health care,
- opportunities for play or vocational activity,
- the right to participate in mainstream children's lives,
- they are three or four times more likely to suffer physical and/or sexual violence and abuse than non-disabled children – more often than not, at the hands of those who are supposed to help and protect them,
- denied opportunities to assert their rights for themselves,
- they are often being denied the right to viability of their quality of life.
- they are often facing daily discrimination and ignorance due to their disability, which will follow them into the adulthood

A data base of violations against disabled individual's rights, administered by Disability Awareness in Action, has shown that 10% of violations against disabled children have ended in death and that

disabled children suffer three times more violations of their rights than disabled adults.

Disabled children are rarely included in general discussions on children's rights nor are they high on national or international agendas. They are invisible.

### **Convention on the Rights of the Child**

All the articles under the Convention cover disabled children, though it is often assumed that they are only covered under Article 23. All children's rights belong to disabled children.

Of particular importance to disabled children are the following articles for which considerable evidence of violations has been reported:

Article 6 – the inherent right to life and optimum development

Article 9 – the right to non-separation from parents must be strictly applied to children with disabilities, therefore giving them the right to the best possible family life

Articles 12 & 13 – the rights to hold and express views.

Article 17 –as soon as a disabled child can comprehend he/she has the right to information at their verbal or non-verbal level in accessible formats.

Article 19 – the right to protection from all forms of violence

Article 20 – the right to alternative care, which must include the rights to habilitation and rehabilitation including technical aids and how to use them

Article 23 – the right of disabled children to the fullest possible social integration which must include support service and disability friendly environments

Article 24 – the right to the best possible health despite the disabilities

Article 25 – the right of children in institutions to periodic reviews at least on an annual basis and the involvement of both family and professionals in making any decisions.

Article 26 and 27 – the right to benefit from social security and to an adequate standard of living without discriminating factors in practice, in laws and/or in legislations

Article 28 – the right to education

Article 31 – the right to play

Article 34 – the right to protection from sexual exploitation

Article 37 – the right to protection from torture, cruel, inhuman or degrading treatment

### **Rules, declarations and standards**

The United Nations proclaimed 1981 as the first International Year of Disabled Persons changing from a perspective of charity to full and equal participation of disabled persons in the society. The definition of handicap as a relation between the person and the environment was stated 1983, followed by a Decade of Disabled Persons 1983 - 1992. The UN Standard Rules on the Equalisation of Opportunities for Disabled Persons were accepted in December 1993 and devised as measures to implement the World Programme of Action. The ultimate goal of the Standard rules is full participation and equality expressed in four main groups of 22 rules; conditions, main subjects, implementation and evaluation. The UN CRC is enforceable and the UN Standard Rules are merely recommendations and unenforceable but partly with complementary contents, the former are pointing out the principles and the later make them more specified.

In 1994 the World Conference on Special Education was hold in Salamanca, Spain. The 92 governments adopted a declaration that children with special needs have the right to participate in the education at the regular school system.

European Academy of Childhood Disabilities, member of European Disability Forum, held a conference in Paris 1995 where a number of

topics were identified which should be useful to place some emphasis with respect to health services for disabled children and their families. At a follow up meeting in Dublin September 1996 some standards, conclusions and recommendations were made on philosophy, procedures and structure of services offered to disabled children<sup>1</sup>.

An international conference was held in Vilnius, Lithuania, November 1996, with the theme "Integration: Is this the answer for children with disabilities?" Some of the application countries took part, Romania and Estonia but also Belorussia. One of the workshops held underlined the support to families raising a disabled child. This is one of the most important factors in changing the panorama for disabled children in Eastern Europe.

### **Recommendations for Action**

1. that the EU commits itself to highlighting the situation of disabled children and the need for concrete measures to ensure recognition of their rights, including; the right to life and maximum survival and development; the right to the best possible educational and health services, social inclusion and participation; the right to habilitation, rehabilitation and technical aids and education in how to use them; emphasising that the monitoring of the situation of disabled children in all States must be undertaken to promote the collection of statistics and other information to allow constructive comparisons;
2. that the EU promotes the Standard Rules on the Equalisation of Opportunities for Persons with Disabilities as providing relevant standards and strategies for implementation of the Convention on the Rights of the Child and works with the Special Rapporteur and the Rights for Disabled Children Working Group;

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<sup>1</sup> McConachie, H., Smyth, D., Bax, M.: Services for Children with Disabilities in European Countries, Developmental Medicine & Child Neurology, suppl. Nr 76, Oct. 1997, Vol. 39.

3. that the EU encourages research into the provision of statistics and empirical evidence to: promote awareness of the extent to which the right to inherent life of disabled children is denied and to challenge the widespread existence of discrimination, superstition, prejudice and social stigma and denial of access to education in relation to disabled children and to see that ethical issues are addressed;
4. that the EU challenges the persisting laws in many countries affecting disabled children which are not compatible with the principles and provision of the Convention, such as legislation which denies disabled children an equal right to life, survival and development, discriminatory access to health services, discriminatory practices arising from the issues raised by genetic science and bio-ethical policies and legislation which compulsorily segregates disabled children in separate institutions for care, treatment or education;
5. that the EU work in co-operation with UNESCO, UNICEF, EASE and other relevant agencies to ensure that inclusive education is an integral part of the agendas of meetings, conferences and seminars;
6. that the EU encourage the development of emancipatory research with disabled children on methods of undertaking consultation, involving them in decision-making and giving them greater control over their lives;
7. that the EU (and) support(s) evidence based research on interventions in health care, habilitation and rehabilitation, technical aids support, education and social (affairs) policies;
8. that the EU promotes the dissemination of examples of good practice supported by training materials produced in collaboration with families with severely disabled children and disabled people's organisations and made available at the community level in appropriate forms for disabled children and adults;

9. that the EU work towards the inclusion of the interests and rights of (disabled children) children with disabilities, in conjunction with organisations of persons with disabilities, and include the issue in the agendas of all EU divisions, development agencies, donor agencies, funding organisations and technical co-operation agencies;
10. that the EU ensures that all bodies seeking funding from or co-operating with the EU on children's projects include the perspective of disabled children;
11. that the EU ensures that all programmes and policies specifically targeted at children with disabilities are based on their inclusion into society and their full and equal participation and that children with disabilities themselves have a direct voice in the implementation of the programmes or policies; and that organisations of persons with disabilities are included in the implementation of programmes and/or policies; and that those children who for whatever reason are unable to represent themselves have advocates (often their parents) who speak on their behalf.
12. European states should develop skilled services for disabled children based on the needs and aims of the child and his/her family, and they should as far as possible be locally based for ease of access.