

Andrew Dismore MP,
Chair, Joint Committee on Human Rights
The House of Commons
London
SW1 OAA



20 October 2008

Dear Andrew Dismore,

Our organisation would like to draw your committee's attention to the government's impending ratification of the United Nations Convention on the Rights of Disabled People. In doing so we are supporting the UNCCC coalition of 22 organisations which is campaigning for the government to ratify *without reservation or limitation*. We note that the government's resistance to doing so has coalesced around Article 24, on education.

You will be aware that the DCSF originally signalled its intention to insert an interpretive declaration on Article 24, 2a ("Persons with disabilities are not excluded from the general education system") to clarify that the general education system included both mainstream schools and segregated, "special" schools.

It also signalled an intention to reserve on Article 24, 2b ("Persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live"), on the grounds that not all disabled children can currently be included in local provision, that children in rural areas may not be able to access a local school, and that this may undermine parental choice in education.

Following meetings with organisations working with and on behalf of disabled children, the DCSF has indicated that it would be open to the idea of not making a reservation, but possibly two or one interpretive declarations. However, we do not understand why it should be necessary to make any reservations or interpretive declarations at all. Many countries have already ratified the Convention unconditionally, on the commonsense understanding that it does not have to be matched clause by clause against the already existing legislation in their own country but that it does express an aspiration.

Any limitations of any kind attached to the UK government's ratification of the Convention will cause alarm to the community of disabled adults in the UK. They and their organisations overwhelmingly recommend mainstream schooling for disabled children, as indeed does the DCSF's own inspection mechanism Ofsted, which in 2006 published results to show that disabled children and those with other difficulties do best in mainstream settings.

It is highly likely that any reservation or interpretive declaration would be deemed to contravene the principles enshrined in the Convention and diminish Britain's status at the UN. It also threatens to bring the UK government into disrepute with other countries in respect of its commitment to the rights of children. In this respect you may have already seen the UN report on this country's implementation of the Convention on the Rights of the Child, particularly 53 (d) which calls upon the government "to develop a comprehensive national strategy for the inclusion of children with disability in the society." If children are entitled to full human rights, and if disabled adults are entitled to full human rights, then disabled children are surely entitled to the same.

Your committee may have noted that cross-government policies on disabled adults (e.g. Our Health Our Care Our Say, Valuing People, Getting a Life) explicitly refer to inclusion in ordinary life and mainstream institutions as a human right – policies which are sometimes the envy of our NGO colleagues in other parts of Europe. We do not see why children should be left out of this. Ratification of Article 24 without reservation or interpretive declaration on Article 24 will tell us that government policy is consistent across departments. Our disabled children are, after all, the disabled adults of the future.

We trust therefore that your Committee will bring all its influence to bear in order to ensure that the Convention will be ratified as it is, without reservation, limitation or interpretation.

Yours sincerely,

Chris Goodey
Assistant Director

