

Jonathan Shaw, MP
Minister for Disabled People
The House of Commons
London
SW1 OAA



20 October 2008

Dear Jonathan Shaw,

CSIE would like to congratulate you on your new appointment, and draw your 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 UK government to ratify the Convention without reservation or limitation.

Your predecessor will have received from the DCSF some statement of their intention to insert an interpretive declaration on Article 24, 2a ("Persons with disabilities are not excluded from the general education system") in order to clarify that by "the general education system" is meant both mainstream schools and segregated, "special" schools.

They 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 indicated that it would be open to the idea of not making a reservation, but possibly two or one interpretive declarations.

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 already existing legislation in their own country but that it does express an aspiration.

Any conditions 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 who overwhelmingly recommend mainstream schooling for disabled children and to 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 principle 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".

Both your own department, with the Getting a Life programme, and the Department of Health, with Valuing People and Our Health Our Care Our Say, have taken the lead in enacting for disabled adults the human right to inclusion in ordinary life and mainstream institutions. These programmes are rightly viewed with envy by our NGO colleagues across Europe. It will be especially disappointing from your point of view that colleagues elsewhere in government are excluding children from this process.

We hope you can bring your influence to bear and recommend to the Minister of Justice that the Convention may be ratified as it is, without the attachment of any conditions.

Yours sincerely,

Chris Goodey
Assistant Director