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Guaranteeing the right to education for children with illnesses or disabilities

Reply to Recommendation[1]: Recommendation 1938 (2010)
Committee of Ministers

1. The Committee of Ministers has examined Parliamentary Assembly Recommendation 1938 (2010), together with the Resolution 1761 (2010) on "Guaranteeing the right to education for children with illnesses or disabilities", which it has brought to the attention of the members states' governments. It has also communicated it to the Steering Committee for Education (CDED), the European Co-ordination Forum for the Council of Europe Disability Action Plan 2006-2015 (CAHPAH) and to the Council of Europe Platform on Children's Rights, the comments of which have been taken into account in the present reply.

2. The Committee of Ministers shares the commitment of the Parliamentary Assembly to fully guaranteeing the right to education for children with illnesses or disabilities. In this respect, it would underline that both education and disability-related issues have long been areas for Council of Europe action. It would in particular recall Article 15 of the Revised European Social Charter, which provides for the right of people with disabilities to independence, social integration and participation in the life of the community.

3. As the Assembly rightly notes, the Committee of Ministers has also adopted a number of other pertinent legal instruments with a view to promoting the rights of people with disabilities, including children (for example on achieving full participation through universal design, on the education and social inclusion of children and young people with autism spectrum disorders, and on community living and deinstitutionalisation of children with disabilities) certain of which include specific provisions relating to education. Like the Assembly, the Committee of Ministers would draw particular attention to its Recommendation Rec(2006)5 on the Action Plan to promote the rights and full participation of people with disabilities in society: improving the quality of life of people with disabilities in Europe 2006-2015. The aim of the Action Plan is to translate the Council of Europe's aims in the fields of human rights, non-discrimination, equal opportunities, full citizenship and the full participation of people with disabilities into a European policy framework on disability.

4. The Committee of Ministers considers that the implementation of the Council of Europe Disability Action Plan will contribute to the aim of effectively ensuring the right to education to all children, without the social segregation which still currently affects many children with disabilities. In particular, the Committee of Ministers would refer, *inter alia,* to the cross-cutting component "Children and young people with disabilities" (cf paragraph 4.3) and Action line No. 4 on Education (cf paragraph 3.4). Inclusive education is one of the recommendations and aims of Action line No. 4 which covers all stages of life, including pre-school, primary, secondary and higher education and vocational training, as well as lifelong learning. Its aim is full inclusion and it promotes, where necessary, close and appropriate co-operation between mainstream education and specialised structures.

1. adopted at the 1110th meeting of the Ministers' Deputies (30-31 March 2011)

5. Against this background, the Committee of Ministers has taken particular note of the Parliamentary Assembly's call to all member states to adjust their national education policies and draw on the work of the Co-ordination Forum for the Disability Action Plan. It would draw the attention of member states in particular to paragraph 9 of Assembly Resolution 1761 (2010), pertaining to the present recommendation, enumerating a number of measures to promote inclusive education for children with illnesses or disabilities.

6. The Committee of Ministers would inform the Assembly, that the mid-term review of the Disability Action Plan[2] revealed a need to take things further in some cross-cutting areas including the education of children with disabilities. In this respect, the CAHPAH will present specific proposals for 2012-2013 devoted to the needs of children with disabilities, focusing on improved social integration during their childhood to increase their well-being, including through education, and help them live more rewarding and successful lives at work and in the community as adults.

7. The Committee of Ministers would also underline the relevance of the work carried out in the field of education, and in particular with regard to raising awareness of children's rights. With reference to paragraphs 1.2, 1.5 and 1.6, it would inform the Assembly that, in the field of training and non-formal education, a series of manuals have been prepared to help teachers promote democratic citizenship and human rights in schools. The main aim of the manual entitled "Exploring Children's Rights", which was published in 2007, is to teach children, including children with disabilities, how to appreciate and to use their rights.

8. Finally, it would also point out, in relation to the recommendation set out in paragraph 1.4, that at the initiative of the Office for Democratic Institutions and Human Rights of the Organisation for Security and Co-operation in Europe (OSCE/ODHIR), four partner organisations – the Council of Europe, the Office of the UN Human Rights Commissioner (OHCHR), the United Nations Educational, Scientific and Cultural Organisation (UNESCO) and the ODHIR – have devised a practical tool to provide examples and advice for all persons involved in human rights education in the European school system. The outcome – a Compendium of 101 good practices in Europe, North America and Central Asia – is a resource document for practitioners and policy-makers and a platform for exchange between institutions and individuals. The Compendium, launched in October 2009, contains examples of good practices in teaching about the human rights of children with disabilities and teaching about the rights of people with disabilities, including children.

2. Mid-Term Review Conference on the Council of Europe's Disability Action Plan "Achievements and Challenges – taking stock and showing the way forward" (Istanbul, 9-10 December 2010)