Landscape of our practice: provisions of international conventions for ECD for children with disabilities

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The three sisters

• UN Convention on the Rights of the Child

• African Charter on the Rights and Welfare of the Child

• UN Convention on the Rights of Persons with Disabilities
Sources

• Discussions of working group
• General Comments
  – 7 (2005) Implementing rights in early childhood
• Concluding observations
Key themes

1) The right to development and link to other rights
2) The rights of children with disabilities (non-discrimination and participation)
3) Duty-bearers: parents and the state
The right to development

- Survival and development

UN Declaration on the Right to Development defines development as

“A comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation... and in the fair distribution of benefits resulting therefrom.”
Development in relation to other rights

• Right to an adequate standard of living
  – Child’s development cannot be divorced from their conditions of living
  – Impact of poverty and link to disability

• Right to health
  – Provision of health care
  – Addressing underlying determinants of health
  – Early identification and intervention
  – Habilitation and rehabilitation
Development in relation to other rights...

• **Education**
  – To be directed towards “the development of the child’s personality, talents and mental and physical abilities to their fullest potential”
  – Without discrimination and on the basis of equal opportunity; inclusive education
  – Reference to basic, secondary and higher education
  – MDG and EFA: expand and improve comprehensive early childhood care and education... especially for the most vulnerable and disadvantaged children
The rights of children with disabilities

People with disabilities

– “are those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others” (CRPD)

• Response is to remove the barriers
Non-discrimination

• “Multiple inequities” may impact on children’s rights in early childhood
  – Family situation
  – Powerlessness of young children

Does not imply that everyone must be treated the same: “There is nothing more unequal than the equal treatment of unequals” (Ken Alston)
Participation

• Every child, even the very youngest, to be respected in their own right
• Importance of communication

Requires:
  – Space – opportunity express a view
  – Voice – facilitation to express a view
  – Audience – view must be listened to
  – Influence – view must be acted upon as appropriate  

(Lundy 2007)
Duty bearers: parents

Parents have primary responsibility for bringing up children and promoting their development and well-being, with child’s best interests as their basic concern

– includes securing an adequate standard of living
– Intended to protect parents against excessive intervention of the state
Duty bearers: the State

• Provide “appropriate assistance” to parents in their child-rearing responsibilities
  – Adequate living conditions
  – Child protection and care
  – Advise and educate parents about their responsibilities
  – Information, services and support

• Ensure “development of institutions, facilities and services for the care of children”
  – Ensure adequate standards
A framework for advocacy

• Early childhood development a right for children with disabilities
• What reasonable measures must be taken by the state to develop comprehensive and inclusive ECD services for children with disabilities?