



Committee on the Rights of Persons with Disabilities
Office of the High Commissioner on Human Rights
Geneva, Switzerland.
By email to: jaraya@ohchr.org

22 June 2016

Re: Draft Guidelines for periodic reporting to the Committee on the Rights of Persons with Disabilities (CRPD).

Introduction

The [World Federation of the Deaf](#) (WFD) and the [World Blind Union](#) (WBU) ('the Organisations') present their compliments to the Committee and are pleased to provide the following comments on the *Draft Guidelines for periodic reporting to the Committee on the Rights of Persons with Disabilities (CRPD)* ('draft Guidelines'). The Organisations thank the Committee for the extension of time provided to make this joint submission.

The Organisations wish to express concerns about the indicators proposed for Article 24, and are concerned to ensure that these do not unduly downplay the role of specialist education in assisting deaf children, deafblind children and blind children to achieve their potential.

Indeed, the indicator in paragraph 234 contains a proposition that could be read as seeking to eliminate deaf schools and blind schools in favour of mainstreaming and is of great concern to the Organisations.

We provide some background about the needs of particular categories of learners below.

The needs of deaf children/learners

WFD strongly emphasises the right to bilingual education with quality content direct instruction (and assessment) in sign language. WFD is concerned that none of the proposed indicators appear to be in favour of any form of deaf bilingual education, except for that at paragraph 260. WFD strongly advocates - as an urgent and high priority - for indicators which measure the right to bilingual education with quality content instruction (and assessment) in sign language in both mainstream and deaf schools, provided that the instructional quality in all educational contexts is either directly provided by qualified teachers of the deaf or qualified educational interpreters.

Proposed additions and deletions are provided below in underline against the relevant paragraphs of the draft Guidelines. The Organisations also propose a number of new or additional indicators, as highlighted in underline below.

The needs of blind children/learners

Children who are blind and have low vision may need training in:

- Mobility skills (e.g. using white canes, guide dogs)
- Braille instruction
- Skills in using assistive technology
- Other skills for successfully living as a person who is blind or has low vision.

For blind and partially sighted persons key factors are not only Braille instruction but also the supports that go along with that – trained teachers, accessible materials, Braille writing equipment and technologies.

Deafblind children cover the spectrum of those who may be slightly low vision and slightly hard of hearing through to being both fully blind and deaf. Indicators need to be carefully crafted to take into consideration this wide range of experiences and educational preferences.

Article 24: Education

The indicator in paragraph 234 contains a proposition that could be read as seeking to eliminate deaf schools and schools for students who are blind or deafblind in favour of inclusion and is of particular concern to the Organisations.

WFD strongly emphasises the right to bilingual education with quality content instruction (and assessment) in sign language. WFD strongly advocates for indicators which measure this in both mainstream and deaf schools, provided that the instructional quality in all educational contexts is either directly provided by qualified teachers of the deaf or qualified educational interpreters. WFD is concerned that none of the proposed indicators appear to be in favour of any form of deaf bilingual education, except for that at paragraph 260.

Paragraph 1

Para 233: there is need to also identify early 'language' needs (language is defined in Art 2 to include sign languages). This includes sign languages for deaf and a range of sign languages for some deafblind persons. Proposed amendment to:

(P) Measures taken by the State party to ensure the early identification of persons with disabilities and their education and linguistic/communication needs.

Paras 234 and 237:

The Organisations are extremely concerned that these indicators as currently drafted appear to suggest that all specialist schools are inherently undesirable and should be gradually phased out or closed in favour of 'inclusive' mainstream schools.

This is not the position of the Organisations. Nor does this reflect the "sensory exception" to inclusion in local schools that was written into the CRPD by State Parties in Art 24(3)(c).

WFD notes that it is also not the view of millions of deaf people globally in respect of deaf schools which provide a locus not only for language acquisition but for the development of deaf cultural identity (CRPD Art 30).

These indicators must not undermine the intent of Art 24(3)(c) which clearly recognises that ensuring that the education of persons, and in particular children, who are blind, deaf or deafblind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development. This is not necessarily in a 'mainstream' classroom.

If these indicators are retained, then the Organisations consider it imperative to disaggregate by impairment type so we can clearly monitor which children are moving into mainstream schools and to track the longer term impact of this on educational outcomes.

Proposed amendments are:

234 : (P) Measures to enable all children with disabilities to attend inclusive educational settings, namely to decrease the number of children with disabilities not attending school, [delete : ~~attending segregated schools or~~] attending school on a part-time basis, or attending segregated schools [add : (other than specialist schools for blind, deaf, or deafblind children who choose to attend those schools as their preference)], and to increase the number of those attending mainstream primary and secondary schools.

237: Either delete this indicator entirely, or amend as requested: (P) Number and percentage of students with disabilities transferred from special schools to regular schools (disaggregated by impairment type).

The Organisations strongly urge inclusion of **four new (additional) indicators**:

(P) Number of students receiving direct instruction in sign language in all classes (disaggregated by deaf and deafblind students).

(P) Number of schools which teach classes by direct instruction in sign language.

(P) In respect of deaf students: Number of **schools** which provide instruction and assessment by trained bilingual teachers in sign language.

AND

(P) In respect of blind and deafblind students: the number of **schools** which provide instruction and assessment in Braille, alternative communication formats and orientation and mobility training.

Para 235: "(P) Number and percentage of accessible schools." As currently drafted this indicator is overly broad and vague. E.g. does it mean simply having ramps to access classrooms? Some guidance would be useful. We submit that our proposed **new indicators** above will assist measure accessibility for deaf and blind learners.

Additionally, WBU proposes a further **new indicator** be included as follows:

(P) Number of schools which meet accessibility standards for blind and partially sighted students.

Para 238: For comparison and tracking of which environments are most conducive to educational outcomes of students with disabilities (Art 24(3)(c)) we request that the indicator also include statistics on the number progressing to secondary school from specialist schools as a comparator as follows:

(O) Percentage and proportion of students with disabilities in [delete: ~~mainstream schools~~ and replace with: (a) mainstream schools and (b) specialist schools] that started basic education and obtained their final certification, and the percentage and proportion of students [add : in (a) mainstream schools and (b) specialist schools] admitted to secondary education.

Para 244: It is not clear what this indicator means or requires in practice. We submit that this indicator should be **deleted** as the subject is already adequately covered by the indicator at para 233 (about assessing educational and language needs). If this indicator is nevertheless retained against our advice, we submit that it be amended as follows:

(P) Measures taken to discontinue assessments of persons with disabilities based on impairments to assign schools and instead carry out early identification of the support requirements of persons with disabilities for their effective participation in mainstream schools or schools of the student's/ family's choosing which use sign language/bilingual teaching.

Paragraph 2d

Para 255: amend this indicator to include extra words as follows:

(P) Information on the support measures that exist for persons with disabilities to exercise their right to education, including the use of a learning support assistant [add: or a sign language interpreter].

Paragraph 2e

Para 256: proposed amendment as follows:

(P) Measures to ensure that all persons with disabilities, in particular children, have access [add: (including language access)] to education in environments that maximize their academic, [add: cognitive, linguistic] and social development.

Paragraph 3a

Para 258: this indicator as currently drafted misses the intent of Art 24(3)(a) which is about measures a State party must take to facilitate learning or skills that will stand a student in good stead to participate in learning (not simply providing access to materials in e.g. Braille or sign language without them having been learned). WFD and WBU strongly urge a redraft of this indicator as follows:

(P) Steps to facilitate ~~access to~~ learning of Braille, other alternative scripts, augmentative and alternative modes, diverse means and formats of communication [add: (including the learning of sign language)], learning of orientation and mobility skills, and [add: to facilitate] peer support and mentoring.

Para 259: The Organisations are very concerned that this indicator as currently drafted does not measure/ address the intent of Art 24(3) which is to recognise that certain categories of students with disabilities may wish to exercise freedom of choice to attend specialist schools that can provide the support, culture and environment for them to thrive. Additionally WFD is concerned that deaf students must have freedom to choose schools which allow them to exercise their linguistic and cultural rights as deaf persons. We *strongly* urge a review of this indicator to ensure it appropriately addresses the core issue of receiving instruction in appropriate modalities, and not duplicate issues already addressed under existing indicators for Article 24 Paragraph 1. Proposed new indicator:

(P) Steps to ensure that persons facing communication barriers [add: (particularly those who are deaf and deafblind)] ~~are not excluded from the general education system and that they~~ receive instruction in the appropriate languages [insert: including sign languages], modes and means of communication in environments which maximize their academic and social development.

The Organisations strongly urge the inclusion of four **new indicators** which will strengthen monitoring of Art 24(3)(c) as well.

(P) Number of students receiving direct instruction in sign language in all classes (disaggregated by deaf and deafblind students).

AND

(P) Number of schools which teach classes by direct instruction in sign language.

AND

(P) In respect of deaf students: Number of **schools** which provide instruction and assessment by trained bilingual teachers in sign language and number of deaf students receiving such instruction.

AND

(P) In respect of blind, low vision and deafblind students: the number of **schools** which provide instruction and assessment in Braille, alternative communication formats and orientation and mobility training.

Paragraph 3b

Para 260: WFD **strongly welcomes** this indicator: (P) Steps to facilitate access to the learning of sign language, and promotion of the linguistic identity of the Deaf Community.

Paragraph 3c

Para 261: Amend this indicator for emphasis given Art 2 defines 'languages' as including sign languages:

(P) Steps taken to ensure that the education of persons, and in particular children, who are blind, deaf or deafblind, is delivered in the most appropriate languages and modes and means of communication for the individual [add for emphasis: (including in sign languages)], and in environments which maximize academic and social development.

Paragraph 4

Para 262:

(S) Mandatory training policies and programmes for teachers and school personnel, both in the public and private sectors to support the development of inclusive education [add: and deaf bilingual education (including fully qualified teachers with professional qualifications in sign language).]

Para 263: WFD proposes to amend this indicator to have a clearer focus on individual learning instead of setting:

(P) Number and proportion of teachers trained in inclusive education [add: and deaf bilingual]

education]

Emphasising the important role of teachers with disabilities as role models and mentors for students, the Organisations propose a new indicator to measure outcomes in this regard for paragraph 4:

(O) Number and proportion of teachers with disabilities (disaggregated by impairment type) teaching in (a) specialist schools which use sign language and (b) in mainstream schools.

WBU also proposes additional indicators:

(P) Number of teachers who know Braille and alternative communication formats.

(P) Number of training programs for teachers in how to interact with blind and partially sighted students.

WFD emphasises the need to incorporate deaf role models within schools (classroom aides, teachers, residential advisors, counsellors, coaches etc...). WFD wishes to propose a further **new indicator** for Paragraph 4:

(O) In schools teaching deaf children: proportion of deaf staff employed as deaf role models (classroom aides, teachers, residential advisors, coaches, counsellors etc).

Paragraph 5

Para 265: amend this indicator as follows :

(S) [insert: Legislative and policy requirements in place for] reasonable accommodation ~~provisions~~ and other measures ~~in place~~ to ensure [add: persons with disabilities have effective] access to general tertiary education, vocational training, adult education and lifelong learning [delete education].

Para 266:

(P) Measures [insert: including budget allocations for the provision of reasonable accommodation] to ensure access to general tertiary education, vocational training, adult education and lifelong learning for persons with disabilities without discrimination and on an equal basis with others.

Proposed **new indicators** for Paragraph 5:

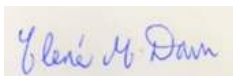
(O) Number and proportion of students with disabilities completing tertiary education, disaggregated by disability type and further disaggregated by students using of sign language teachers and/or interpreters.

(P) Percentage of budget allocated for assistive technology for blind and partially sighted students.

We trust that these comments will be useful to the Committee in reviewing and strengthening the standard reporting guidelines for Article 24 to better reflect the needs and rights of our constituencies.

Please do not hesitate to contact us regarding any clarification required to the above.

Yours sincerely,



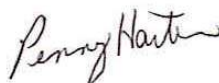
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