

## 31<sup>st</sup> session of the Human Rights Council

Geneva, 29 February – 24 March 2016

### Item 3: Interactive Dialogue with the Special Rapporteur of the rights of persons with disabilities

Thank you Mr. President,

BICE and its partner organizations from the Russian Federation (Center for Curative Pedagogics (CCP)) and Kazakhstan (Kenes) congratulate the Special Rapporteur of the rights of persons with disabilities, Catalina Devandas Aguilar, for focusing her thematic study on the right of persons with disabilities to participate in decision-making, which echoed her 2015 report on the right of persons with disabilities to social protection to the General Assembly.

She underlines the core principle of participation. Unfortunately, in the Russian Federation and in Kazakhstan, the participation of children with disabilities is jeopardized by their institutionalization.

**Question:** *Could the Special Rapporteur focus her next thematic reports and studies on the institutionalization of children with disabilities and on inclusive education?*

#### 1. **Russian Federation (A/HRC/31/NGO/134)**

Whilst placement in residential institutions can be justified in some cases, researches revealed that up to 70% of institutionalized children are not orphans and that “forced” placement has not significantly decreased despite recent legislations. In addition, the insufficiency of alternatives to institutionalization is an obstacle to placement review and ultimately to de-institutionalization. Furthermore, the great majority of children can only pretend to go to “auxiliary schools” or “remedial classes” despite the inclusive education policy. Participation of children with disabilities and institutions defending them could be reinforced if the 21 July 2014 Federal law on public control is effectively implemented. We recommend to:

- **Prohibit permanent placement of non orphan children and children deprived of parental care, and conduct periodic review of all types of placement, bearing in mind that institutionalization must be a measure of last resort and limited to cases where it responds to the best interests of the child;**
- **Develop alternative placement models (e.g. homes for children with disabilities; autonomous residence; supervised autonomous residence, community-based care services, etc.);**
- **Improve efforts in including children with disabilities in the mainstream system of education and avoid their education in corrective schools.**

#### 2. **Kazakhstan (A/HRC/31/NGO/135)**

Despite the government efforts, child-care institutions lack specialized and trained professionals to deliver adequate support than can improve stimulation and development of children. In addition, violence, neglect and ill-treatments occurring in residential centers remain an issue of concern. NGOs that provide alternative services do not receive long-term adequate support, and are compelled to interrupt service delivering due to lack of resources with serious impact on children and progress made so far. Early interventions need due attention as well as the full implementation of inclusive education policies. In reference to the 2008 Special Social Services law and the 2011-2020 State Program of Education Development, we recommend to:

- **Effectively implement early identification and intervention programs for early support and care to avoid systematic institutionalization and irremediable situations;**
- **Provide professionals and care givers working with or for children with disabilities with innovative approaches to special education, severe disability management, and genuine stimulation methods;**
- **As alternatives to institutionalisation, ensure family-based care options with adequate support services and sufficient social benefits for families to provide care at home for their children, and when institutionalisation is inevitable, place children as nearer as possible to their parents’ home.**

Thank you Mr. President.