Children with disabilities have rights that Government has an obligation to respect and enforce.

The UN Convention on the Rights of the Child was ratified by Ireland in 1992, without reservation. The Convention is international law which Ireland has agreed to uphold.

Children with disabilities enjoy all of the rights stipulated under the Convention, including the following:

Developmental rights for children with disabilities (Article 23)
Children with a physical disability or learning difficulty have the right to special care, education and training designed to help them to achieve the greatest possible self-reliance and to lead a full, active life in society.

Right to an Adequate Standard of Living (Article 27)
The child has the right to a standard of living adequate for the child’s physical, mental, spiritual, moral and social development.

Right to Health Care (Article 24)
The child has the right to the enjoyment of the highest attainable standard of health possible and to have access to health and medical services.

Right to Education (Article 28)
The child has the right to education; the State has a duty to ensure that education supports the development of the child’s personality, talents and mental and physical abilities to their fullest potential.

Assistance to Parents (Article 18)
To promote and guarantee the rights of children set forth in the Convention, the State must render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities.

Non-discrimination (Article 2)
All rights in the Convention apply to all children without exception, and the State has an obligation to protect children from any form of discrimination.

Enforcement (Article 4)
The State is obliged to undertake all legislative, administrative and other measures necessary for the implementation of the rights outlined in the
Convention. Following its review of Ireland’s performance in implementing the Convention, the Committee on the Rights of the Child has called on Ireland to fully incorporate the Convention into domestic law.

The Children’s Rights Alliance Supports Rights-Based and Enforceable Disability Legislation.

In its submission to the Department of Education and Science in relation to the Education for Persons with Disabilities Bill, the Children’s Rights Alliance has called for the adoption of rights-based legislation that will make it a statutory requirement to conduct an assessment of need and to provide the services required flowing from that assessment of need.

While it is the responsibility of various Government Departments to deliver these services, there must be an independent body (e.g., the courts) with the legal authority to enforce the rights of children with disabilities if their rights are violated. Recourse would be available after internal appellate mechanisms have been exhausted.

Unless such a back-up provision for enforcement is provided, children with disabilities will have no guarantee that the entitlements contained in legislation will be fully implemented. They must be able to secure a legal remedy if their rights are violated. Without the ability to access a legal remedy, the children will remain in jeopardy of having their rights denied because of changing priorities, budgetary difficulties, or simply at the discretion of public officials or the Government of the day.

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