



**FRA**

EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS



To the attention of:

Mr Craig Mokhiber  
Chief, Development and Economic and Social Issues Branch  
Office of the United Nations High Commissioner for  
Human Rights Civil Society Section  
Palais Wilson, Office 2-031 – Geneva  
Switzerland

Vienna, 18 September 2013  
Ref: 2013-outgoing-001534

**Subject: Contribution to the OHCHR study on the right to education of persons with disabilities**

Dear Mr Mokhiber,

I am pleased to provide you with the EU Agency for Fundamental Rights' (FRA) contribution to the above-mentioned study.

FRA has recently completed a project on *Fundamental rights of persons with mental health problems and persons with intellectual disabilities*, which involved comprehensive legal research into existing national and international human rights guarantees, as well as sociological research focusing on how these two groups of persons experience barriers to autonomy and inclusion in everyday life. Fieldwork research for this project was carried out between November 2010 and July 2011 in nine EU Member States and consisted of one-to-one interviews and focus groups with persons with intellectual disabilities and persons with mental health problems (psychosocial disabilities) and with relevant stakeholders.

In the context of this project the FRA published the report "*Choice and control: the right to independent living*" in 2012. The report examines how persons with disabilities experience the principles of autonomy, inclusion and participation in their day-to-day lives. The report provides in-depth understanding of some of the obstacles to independent living encountered by persons with disabilities. In particular, it highlights the importance of education to the realisation of the right to work and employment.

Evidence from persons with intellectual disabilities indicated that many respondents had received no or little education and that the majority who had attended school were educated in segregated settings. Some respondents said they felt little effort had been put into their schooling by education authorities. Those research respondents who were active in self-advocacy groups strongly supported the inclusion of children with intellectual disabilities in mainstream education. Some stakeholders suggested, however, that this can be difficult because schools either fail to provide reasonable accommodation due to lack of resources or because of discriminatory attitudes towards children with intellectual disabilities (see: 1.2. *Daily Living, Education*, p. 26-29).



European Union Agency for Fundamental Rights

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While most respondents with mental health problems had experienced mainstream education and finished secondary school, they frequently reported having their first symptoms of mental health problems in their teenage years, coinciding in some cases with their university education. Two experiences related to education were commonly reported by these respondents: first, bullying by either classmates or teachers in school and second, disruption of secondary and university education due to episodes of mental health problems. Secondary school was described as a difficult period by respondents in Greece, Latvia, Romania, Sweden and the United Kingdom, where half of the respondents said they had been bullied. Several respondents described how they felt unable to protect themselves or to ask for help from their teachers or parents. One particular challenge was the lack of reasonable accommodation and the failure of authorities to account for the fluctuating nature of mental ill health (see: 2.2. *Daily Living, Education*, p. 46-47).

Based on this evidence, the report concluded that Member States could go beyond the requirements of the Equality Employment Directive (Council Directive 2000/78/EC) to enact more robust anti-discrimination legislation which would protect persons with disabilities in areas of life beyond employment, including education. In addition, FRA's research shows that enforcement of non-discrimination legislation requires awareness raising efforts and support in lodging complains (see: *Conclusions*, p. 69).

Additional information on Member States' provisions on reasonable accommodation for persons with disabilities in employment, and beyond, can be found in FRA's report "[The legal protection of persons with mental health problems under non-discrimination law](#)".

Finally, FRA is currently implementing a [project on violence and hostility against children with disabilities](#). A significant part of this research focuses on education, with one-on-one interviews conducted in 13 EU Member States with stakeholders with expertise or professional experience related to children with disabilities' experiences of violence and hostility, including bullying. Research results will be published in 2014.

I enclose copies of the abovementioned reports for your information. I hope that the information provided will be useful for the thematic study that you are preparing. Should you need any further information, please consult the [thematic page on our website](#) and do not hesitate to contact me.

Yours sincerely,



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European Union Agency for Fundamental Rights (FRA)

