

Works and National Housing and Minister of Lands and Rural Resettlement (High Court of Zimbabwe HH 114/16, HC 820/16).

Updates

The United Nations Convention on the Rights of Persons with Disabilities has published two important General Comments on its interpretation of articles 6 and 24 of the Convention on the Rights of Persons with Disabilities (CRPD). These General Comments codify the Committee's views on these issues in order to give states which have ratified the Convention a clear understanding of their obligations and to indicate to government officials, legal practitioners and civil society where policy, laws and programmes may be failing and how they can be improved. The two General Comments are as follows:

General comment No. 3 (2016) on women and girls with disabilities

In this significant General Comment, Committee on the Convention on the Rights of Persons with Disabilities notes that women and girls with disabilities encounter serious challenges in every facet of life, which in turn lead to a situation of multiple and intersecting discrimination against them, especially in the areas of education, economic opportunities, social interaction and justice, health including sexual and reproductive health.

The Committee further explains that historically, laws and policies on disability at the international and national levels have tended to neglect the peculiar experiences of women and girls. At the same time, laws and policies focusing on women have omitted to address disability. In the Committee's view, women with disabilities are not homogenous in nature but rather include indigenous women; refugee, migrant, asylum-seeking and internally displaced women; women in detention; women with albinism; and lesbian, bisexual and transgender women, as well as intersex persons. The Committee affirms that gender equality is central to all human rights and that gender stereotypes can prevent women from enjoying their fundamental rights.

According to the Committee, article 6 of the Convention imposes obligations on states to ensure that they eliminate all forms of discrimination against women with disabilities. It identifies three areas of concerns for women with disabilities: violence, sexual and reproductive health and rights, and discrimination. In conclusion, the Committee observes that article 6 of the Convention must be read together with other provisions and that states have the obligations to respect, protect and fulfil the human rights of women with disabilities.

General comment No. 4 (2016) on the right to inclusive education

The Committee notes that while progress has been made in addressing the human rights of persons with disabilities, millions of 'persons with disabilities continue to be denied the right to education and for many more education is available only in settings where persons with disabilities are isolated from their peers and where the education they receive is of an inferior quality'. According to the Committee, barriers to inclusive education, include among others lack of knowledge about inclusive education, persistent discrimination against persons with disabilities, failure to apply the human rights model of disability, poor funding, lack of political will and lack of disaggregated data and research.

The Committee reasons that article 24 of the Convention imposes obligations on states to realise the right of persons with disabilities to education, including inclusive education. In this regard, the Committee describes inclusive education as a fundamental right of learners. It further describes inclusive education to mean 'A principle that values the well-being of all students, respects their inherent dignity and autonomy, and acknowledges individuals' requirements and their ability to effectively be included in and contribute to society'. Drawing on the recommendation of the Committee on Economic, Social and Cultural Rights, the Committee reasons that for states to fulfil their obligations under article 24, education system must satisfy the elements of availability, accessibility, acceptability and adaptability.

For more General Comments of the Committee on the Rights of Persons with Disabilities see

<http://www.ohchr.org/EN/HRBodies/CRPD/Pages/GC.aspx>

Call for contributions to the ESR Review

The Socio-Economic Rights Project at the Dullah Omar Institute at the University of the Western Cape welcomes contributions to be published in the ESR Review.

The ESR Review is a quarterly publication that aims to inform and educate politicians, policymakers, NGOs, the academic community and legal practitioners about key developments relating to socio-economic rights at national and international levels. It also seeks to stimulate creative thinking on how to advance these rights as a tool for poverty alleviation in South Africa and abroad.

Contributions

- * should reflect contemporary debate or spark new debate;
 - * should be opinion pieces or serve an advocacy function, rather than simply stating legal principles or being descriptive in nature;
 - * should not be on a topic already published in the ESR Review, unless they take the debate forward;
 - * should not be a marketing exercise for a particular project or programme; and
 - * should be written in a simple, clear style that avoids technical language and legal jargon where possible, taking into account that the ESR Review is read by both legal practitioners and grassroots human rights organisations.
- *Send contributions in electronic format (MSWord) to serp@uwc.ac.za. Provide your full name and present position. Titles and qualifications are not necessary.

If the article has already been published elsewhere, give full details, including whether it has been shortened, updated or substantially changed for the ESR Review and whether the required authorisations have been granted.

Length

Contributions should be no longer than 3 000 words, except contributions for the Events section (1 500 words) and the Publications (Book Review) section (1 000 words).

Previous issues of the ESR Review are available online: <http://dullahomarinstitute.org.za/socio-economic-rights/esr-review>