

EO Files (August 2009)

“THINGS WE DO, PEOPLE WE MEET - Reflections in Brief”

An Important Battle for Equal Education Opportunities to Children with Intellectual Disabilities

On 4 and 5 August this year, the EOC, in the capacity of an interested party, took part in the judicial review (HCAL73/2009) concerning the disputes about the upper age limit for students with intellectual disabilities in receiving secondary education.

The courage and strength of the students and the parents involved in this judicial challenge should be commended. Whatever may be the outcome from the proceedings, the determination to seek equal education opportunities for children with intellectual disabilities calls for much praise.

The Government and the Applicant have different views on the relevant facts and legal provisions relating to the upper age limit for children with intellectual disabilities to remain at school. It is for the Court to resolve and adjudicate on all these matters. The EOC participated in this judicial review mainly to assist the Court in determining certain facts and legal issues and on the relevant clauses in the International Convention of Rights of Persons with Disabilities and the Disability Discrimination Ordinance.

We believe access to education is a basic human right and considers that this review is very important. Besides looking into the matter regarding the upper age limit for school education, the EOC takes an inclusive approach by bringing the following issues to the Court's attention:

- The importance of individual assessments at different developmental stages for children with intellectual disabilities
- Experience of other countries
- Issues relating to the appropriate accommodation for students with intellectual disabilities upon leaving school
- The need for the Government to consider the overall benefits for the students when allocating resources

The counsel representing EOC explained the concept of direct and indirect discrimination to the Court. Whilst there may be difficulties in making direct comparison between students with intellectual disabilities and mainstream students, the current measures may raise issues of indirect discrimination.

As stated above, whatever may be the results from the review, this subject matter has aroused considerable discussion and concern in the community regarding the education needs of children with intellectual disabilities. On 5 August 2009, local media reported news related to children with intellectual disabilities striving for education opportunities. Coincidentally, that day was also the day HKCEE results were announced. Many local newspapers carried articles with headlines that highlighted candidates with disabilities achieving impressive results. Their achievements stand in the testimony of their strength and perseverance and their courage to overcome difficulties along the way in their quest for knowledge and personal success. The road to education for the affected students has never been easy. It is, therefore, incumbent upon us as a community to ensure that there is in place a system, whereby the children will have an equal opportunity to receive education.

Related online resources:

EOC YouTube Video "[Education Changes Life](#)"