



Global Initiative to  
**End All Corporal Punishment  
of Children**

## **Briefing for the Committee on the Rights of Persons with Disabilities**

### **Prohibiting and eliminating all corporal punishment of children with disabilities**

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**Corporal punishment is the most common form of violence against children. It is a direct cause of disability, and children with disabilities are particularly vulnerable to it. In the majority of states worldwide it is lawful. We hope that the Committee on the Rights of Persons with Disabilities will confirm in its work the right of children with disabilities to be free from all forms of corporal and other cruel or degrading forms of punishment by:**

- **including the issue of corporal punishment in its lists of issues for states it examines under the Convention;**
- **urging governments to prohibit and eliminate corporal punishment of children in all settings in its concluding observations; and,**
- **where relevant, reflecting the obligation to prohibit and eliminate all corporal punishment in its General Comments and jurisprudence.**

#### **Corporal punishment of children with disabilities**

There is no more powerful symbol of the low status of children, with and without disabilities, than the legal and social acceptance of corporal punishment – violence inflicted on children by parents, teachers, caregivers and others in the name of “discipline”. As well as violating children’s right to physical integrity, corporal

punishment can also violate their rights to life, development, health, education and participation. Social acceptance of corporal punishment is linked to tolerance of violence in other areas, including violence against adults with disabilities and domestic violence. As the Committee on the Rights of the Child emphasises in its General Comment No. 8 (2006),<sup>1</sup> addressing corporal punishment is “a key strategy for reducing and preventing all forms of violence in societies”.

Much violence against children often referred to as “abuse” is, in fact, corporal punishment – adults using violence and other humiliating methods to control children. Enormous numbers of children are subjected to painful and humiliating corporal punishment in their own homes, and children with disabilities often experience this even more frequently and/or severely than other children. A 2012 meta-analysis of 17 studies, which included data from over 18,000 children, found that children with disabilities were 3.6 times more likely to be victims of physical violence, including “spanking”, than children without disabilities.<sup>2</sup>

A major UNICEF analysis of data from more than 30 countries found that on average, 75% of children experienced physical punishment and/or psychological aggression in the home.<sup>3</sup> Another analysis of the same data found that children with disabilities were significantly more likely to experience severe physical punishment than children without disabilities in seven of the 15 countries studied.<sup>4</sup> The same is true in some schools: in the USA, students with disabilities are up to twice as likely as students without disabilities to be “paddled” (beaten with a wooden paddle).<sup>5</sup>

In some countries, children with disabilities experience extremely severe corporal punishment in institutional settings: studies in Mexico<sup>6</sup> and Serbia<sup>7</sup> found that children with disabilities in psychiatric hospitals, institutions, care facilities and shelters were kept in permanent restraints, including being tied to chairs, tied up with bedsheets and kept in cribs.

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<sup>1</sup> Committee on the Rights of the Child (2006), *General Comment No. 8: The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (arts. 19; 28, para. 2; and 37, inter alia)*, para. 11, available at [www2.ohchr.org/english/bodies/crc/index.htm](http://www2.ohchr.org/english/bodies/crc/index.htm)

<sup>2</sup> Jones, L. et al (2012), “Prevalence and risk of violence against children with disabilities: a systematic review and meta-analysis of observational studies”, *The Lancet*, 12 July 2012

<sup>3</sup> UNICEF (2010), *Child Disciplinary Practices at Home: Evidence from a Range of Low- and Middle-Income Countries*, NY: UNICEF

<sup>4</sup> UNICEF & University of Wisconsin (2008), *Monitoring Child Disability in Developing Countries: Results from the Multiple Indicator Cluster Surveys*

<sup>5</sup> Human Rights Watch & American Civil Liberties Union (2009), *Impairing Education: Corporal Punishment of Students with Disabilities in US Public Schools*

<sup>6</sup> Rosenthal, E. et al. (2010), *Abandoned & Disappeared: Mexico's Segregation and Abuse of Children and Adults with Disabilities*, Disability Rights International & Comisión Mexicana de Defensa y Promoción de los Derechos Humanos

<sup>7</sup> Ahern, L. et al. (2007), *Torment not Treatment: Serbia's Segregation and Abuse of Children and Adults with Disabilities*, Mental Disability Rights International

Corporal punishment is the direct cause of many children's physical disabilities,<sup>8</sup> and is a risk factor for mental health problems in childhood and adulthood.<sup>9</sup>

## **The obligation to prohibit and eliminate all corporal punishment**

The Preamble to the **Convention on the Rights of Persons with Disabilities** recognises that children with disabilities should enjoy human rights on an equal basis with other children and recalls the obligations to this end of States Parties to the Convention on the Rights of the Child. The Convention obliges States Parties to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children (article 7).

States Parties to the Convention must ensure the protection of persons with disabilities from all forms of exploitation, violence and abuse, within and outside the home, and must put in place child-focused legislation to ensure that instances of violence and abuse against persons with disabilities are identified, investigated and, where appropriate, prosecuted (article 16). States Parties must ensure the effective enjoyment by persons with disabilities of the right to life (article 10), prevent persons with disabilities from being subjected to torture or cruel, inhuman or degrading treatment or punishment (article 15) and ensure respect for the rights of persons with disabilities to respect for their physical and mental integrity on an equal basis with others (article 17). The obligation to enact prohibition is also linked to the obligations of States Parties to fulfil the rights of children with disabilities to an education (article 24) and to the highest attainable standard of health (article 25).

At the Committee's seventh session in April 2012, the issue of corporal punishment was included in the list of issues to be taken up in connection with the consideration of the initial report of Macao, China, and was raised during the examination of Peru.

The Committee on the Rights of the Child has consistently made it clear that the **Convention on the Rights of the Child** requires prohibition of all corporal punishment in all settings – the home, schools, penal systems and alternative care settings. In its General Comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment the Committee consolidated and confirmed these obligations.<sup>10</sup> General Comment No. 13 (2011) on the right of the child to freedom from all forms of violence also covers

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<sup>8</sup> Krug, E. G. et al. (eds) (2002), *World Report on Violence and Health*, Geneva: World Health Organization

<sup>9</sup> Gershoff, E. T. (2002), "Corporal Punishment by Parents and Associated Child Behaviors and Experiences: A Meta-Analytic and Theoretical Review", *Psychological Bulletin*, 128(4), 539–579

<sup>10</sup> Committee on the Rights of the Child (2006), *General Comment No. 8: The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (arts. 19; 28, para. 2; and 37, inter alia)*, available at [www2.ohchr.org/english/bodies/crc/index.htm](http://www2.ohchr.org/english/bodies/crc/index.htm)

corporal punishment, and recognises that children with disabilities are particularly vulnerable to violence.<sup>11</sup> The Committee systematically recommends prohibition in its concluding observations.

The monitoring bodies of other international treaties, including the **Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**, the **International Covenant on Civil and Political Rights**, the **International Covenant on Civil and Political Rights** and the **Convention on the Elimination of Discrimination against Women** increasingly recommend prohibition of corporal punishment. The issue is regularly raised in the **Universal Periodic Review** of states' overall human rights records.

## **About the Global Initiative**

Launched in 2001, the Global Initiative to End All Corporal Punishment of Children aims to act as a catalyst for the prohibition and elimination of corporal punishment of children across the world. Supporters of its aims include UNICEF, UNESCO and many other international and national organisations. The Global Initiative has been regularly briefing the Committee on the Rights of the Child on this issue since 2002; since 2004 it has similarly briefed the Committee Against Torture, the Committee on the Elimination of Discrimination Against Women, the Committee on Economic, Social and Cultural Rights, and the Human Rights Committee and, since 2011, the Committee on the Rights of Persons with Disabilities.

Further information on all aspects of this briefing is available at [www.endcorporalpunishment.org](http://www.endcorporalpunishment.org); for technical support and advice on the issue email [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org).

Briefing prepared by the Global Initiative to End All Corporal Punishment of Children  
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September 2012

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<sup>11</sup> Committee on the Rights of the Child (2011), *General Comment No. 13: The right of the child to freedom from all forms of violence*