



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

**Submission to the Committee on the Rights of Persons with Disabilities
for the half day of general discussion on women and girls with
disabilities in April 2013**

Prohibiting and eliminating all corporal punishment of girls with disabilities

From Elinor Milne, Global Initiative to End All Corporal Punishment of Children

www.endcorporalpunishment.org
elinor@endcorporalpunishment.org

Summary

Girls with disabilities are at particular risk of corporal punishment: enormous numbers of them experience painful and humiliating punitive violence from family members, teachers, carers and others in states in all regions. Despite the consensus in international human rights law that girls with disabilities, like all other children, have a right to protection in law and practice, this violation of their rights to human dignity and physical integrity remains lawful in the majority of states worldwide. No consideration of the rights of girls with disabilities is complete if it does not acknowledge the huge scale and legality of punitive violence against them and call for its prohibition and elimination.

The Global Initiative therefore hopes that the Committee on the Rights of Persons of Disabilities will explicitly include the issue of violent punishment in its half day of general discussion on women and girls with disabilities and that any document arising from the discussion will reflect the obligation under international law to prohibit and eliminate all corporal punishment.

Violent punishment of girls with disabilities

The enormous scale of the problem of violence against children is increasingly recognised.¹ Violent punishment by parents, teachers and others is the most common form of violence against children. Research shows that in many states, a large majority of children experience corporal punishment.² This punishment often takes the form of hitting children with hands or implements such as belts and sticks, but can also involve a wide range of other painful and degrading treatment, for example kicking, shaking, pinching or biting children and forcing them to maintain uncomfortable positions.³ As well as violating children's right to physical integrity, corporal punishment can also violate their rights to health, education and participation.

Girls with disabilities are at greater risk than other children due to the double discrimination they experience based on their disability and their gender. Acceptance of corporal punishment arises from the low social status of children – for children with disabilities the problem is compounded by the low worth ascribed to them and the discrimination they face on the grounds of their disability. Research has shown that children with disabilities are nearly four times more likely to experience physical violence, including corporal punishment, than children without disabilities.⁴ The punishments they experience may be more severe: a UNICEF study found that in seven countries, children with disabilities were more likely than children without disabilities to be hit or slapped on the face, head or ears or be hit over and over with an implement in the home.⁵ Children with disabilities are also at greater risk in school⁶ and in institutional settings.⁷

International law recognises that violence against women has a gender dimension. Similarly, girls' experience of violent punishment is gendered. Girls may experience different types of punishment from boys and may be punished for different behaviours. Corporal punishment is used to control and regulate girls' behaviour, including their social and sexual behaviour,⁸ and to encourage deference. Violence against girls has been shown to cause "submission" and "timidity".⁹ Corporal punishment is closely linked to domestic

¹ Pinheiro, P. S. (2007), *World Report on Violence Against Children*

² UNICEF (2010), *Child Disciplinary Practices at Home: Evidence from a Range of Low- and Middle-Income Countries*, NY: UNICEF

³ 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 \(arts. 19; 28, para. 2; and 37, inter alia\)](#) (CRC/C/GC/8)

⁴ 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

⁵ UNICEF & University of Wisconsin (2008), *Monitoring Child Disability in Developing Countries: Results from the Multiple Indicator Cluster Surveys*

⁶ Human Rights Watch & American Civil Liberties Union (2009), *Impairing Education: Corporal Punishment of Students with Disabilities in US Public Schools*, NY: Human Rights Watch

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

⁸ Stavropoulos, J. (2006), *Violence Against Girls in Africa: A Retrospective Survey in Ethiopia, Kenya and Uganda*, Addis Ababa: African Child Policy Forum

⁹ Ministère de la Famille et de la Solidarité Nationale (2009), *Les Violences Faites aux Femmes au Bénin*, Observatoire de la Famille, de la Femme et de L'Enfant

violence against women: the perpetrators may be the same and tolerance of corporal punishment increases acceptance of other kinds of violence in family relationships. For too many girls, with and without disabilities, childhood experience of corporal punishment is the beginning of a life of violent victimisation by authority figures and family members: corporal punishment of girls is a form of gender-based violence.

The importance of explicitly addressing corporal punishment of girls with disabilities

The reality of corporal punishment of girls with disabilities is shocking – but its widespread legality compounds the outrage. Corporal punishment is assault which, if perpetrated on an adult, would be unlawful. However, violent punishment remains lawful in some or all settings of children’s lives in the majority of states worldwide: girls and boys, including those with disabilities, can legally be hurt by family members, teachers, carers and others.

Despite the consensus in international human rights law around children’s right to protection (see below) and accelerating progress towards prohibition globally,¹⁰ some governments continue to ignore their obligations and a small minority even openly defend the legality and use of corporal punishment. No state can claim to be fulfilling their human rights obligations towards girls or towards children with disabilities while allowing this form of violence, to which they are particularly vulnerable, to remain lawful.

The links between corporal punishment and other forms of violence mean that prohibiting corporal punishment of children is also important in ensuring respect for the rights of other groups to freedom from violence. As the Committee on the Rights of the Child has emphasised, addressing corporal punishment is “a key strategy for reducing and preventing all forms of violence in societies”.¹¹ Far from distracting from violations of other rights, addressing corporal punishment complements, reinforces and strengthens other human rights work. Prohibiting corporal punishment helps societies move away from the view that it is acceptable to use violence to control and punish others, including family members.

No consideration of the rights of girls with disabilities is complete if it does not acknowledge the huge scale and legality of punitive violence against them and call for an end to it. The widespread legal and social acceptance of corporal punishment means that it is commonly not understood as “violence”; this necessitates explicitly referring to it. Where corporal punishment is not directly mentioned (for example, where documents refer only to “all forms of violence” or to “abuse”) it inevitably remains invisible – just as the lack of a gender or a disability perspective makes violations of the rights of women or people with disabilities invisible. Meaningfully addressing corporal punishment requires explicitly calling for its prohibition and elimination.

¹⁰ Thirty-three states have prohibited corporal punishment in all settings, including the home, and law reform is under way in many more; for further details see www.endcorporalpunishment.org

¹¹ 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 \(arts. 19; 28, para. 2; and 37, inter alia\)*](#) (CRC/C/GC/8), para. 11

The obligation to prohibit and eliminate all corporal punishment

Several articles of the **Convention on the Rights of Persons with Disabilities** are relevant to the obligation to prohibit and eliminate all corporal punishment, including States Parties' obligations:

- 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)
- to ensure the protection of persons with disabilities from all forms of exploitation, violence and abuse, within and outside the home (article 16(1))
- to 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(5))
- to ensure the rights of persons with disabilities to respect for their physical and mental integrity on an equal basis with others (article 17)
- to prevent persons with disabilities from being subjected to torture or cruel, inhuman or degrading treatment or punishment (article 15)
- to ensure the effective enjoyment by persons with disabilities of the right to life (article 10)
- to fulfil the rights of children with disabilities to an education (article 24)
- to fulfil the rights of people with disabilities to the highest attainable standard of health (article 25).

The Committee on the Rights of Persons with Disabilities has already raised the issue in its examinations of China¹², Paraguay¹³ and Tunisia¹⁴.

The Preamble of the Convention 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 Committee on the Rights of the Child has consistently made it clear that the Convention requires prohibition of all corporal punishment, including in the home. 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.¹⁵ General Comment No. 13 (2011) on the right of the child to freedom from all forms of violence¹⁶ also covers corporal punishment, and both it and General Comment No. 9 (2006) on the rights of children with disabilities¹⁷ recognise that children with disabilities are particularly

¹² Committee on the Rights of Persons with Disabilities (2012), *List of issues to be taken up in connection with the consideration of the initial report of China* (CRPD/C/CHN/Q/1), para. 62

¹³ Committee on the Rights of Persons with Disabilities (2012), *List of issues to be taken up in connection with the consideration of the initial report of Paraguay* (CRPD/C/PRY/Q/1), para. 19

¹⁴ Committee on the Rights of Persons with Disabilities (2011), *Concluding observations on initial report of Tunisia* (CRPD/C/TUN/CO/1), paras. 6 and 16

¹⁵ 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 \(arts. 19; 28, para. 2; and 37, inter alia\)](#) (CRC/C/GC/8)

¹⁶ Committee on the Rights of the Child (2011), *General Comment No. 13: The right of the child to freedom from all forms of violence* (CRC/C/GC/13)

¹⁷ Committee on the Rights of the Child (2006) *General Comment No. 9: The rights of children with disabilities* (CRC/C/GC/9)

vulnerable to violence. 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 **Convention on the Elimination of All Forms of Discrimination against Women**, the **International Covenant on Civil and Political Rights** and the **International Covenant on Economic, Social and Cultural Rights** also recommend prohibition of corporal punishment. The issue is regularly raised in the **Universal Periodic Review** of states' overall human rights records.

A 2012 study from the Office of the **High Commissioner for Human Rights** on violence against women and girls and disability confirms that children with disabilities are more vulnerable to corporal punishment in all settings. It recommends reviewing and/or amending legislation on violence against women to ensure that it expressly prohibits all forms of violence against women and girls with disabilities, in line with international law including the Convention on the Rights of the Child.¹⁸

The **Beijing Declaration and Platform for Action** emphasises states' determination to prevent and eliminate all forms of violence against women and girls. The review of the Platform for Action in 2000 stated that governments should treat all forms of violence against women and girls of all ages as a criminal offence punishable by law.¹⁹

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, Disabled Peoples' International, Disability Rights International, Inclusion International, International Disability Alliance, Rehabilitation International, the World Network of Users and Survivors of Psychiatry 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.

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www.endcorporalpunishment.org; info@endcorporalpunishment.org

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¹⁸ General Assembly (2012), *Thematic study on the issue of violence against women and girls and disability: Report of the Office of the United Nations High Commissioner for Human Rights* (A/HRC/20/5)

¹⁹ General Assembly (2000), *Further actions and initiatives to implement the Beijing Declaration and Platform for Action* (A/RES/S-23/3)