



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

**Submission to the Committee on the Rights of Persons with Disabilities Day of  
General Discussion on the right to education for persons with disabilities**

## **Prohibition of corporal punishment: a key element in realising the right to education for persons with disabilities**

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March 2015

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### **Summary**

*Legal protection from all corporal punishment, in schools and all other settings including the family home, is children's right. International law requires states to prohibit and eliminate corporal punishment. Prohibition of corporal punishment is essential to ensure the full realisation of the right to education for children, including children with disabilities. The Global Initiative to End All Corporal Punishment of Children hopes that prohibition of corporal punishment will be addressed during the Day of General Discussion and that the outcome of the*

*discussion will recommend prohibition and elimination of corporal punishment in schools and all other settings of children's lives.*

## **Introduction**

Corporal punishment remains lawful in schools in 75 states worldwide (for details, see the annex). The legality and practice of corporal punishment is a severe violation of the rights of children, with and without disabilities, to education. All corporal punishment violates children's right to respect for their human dignity and physical integrity. Children have a right to education in line with the principles of human rights; a school in which they experience violent punishment can never provide this.

## **The human rights imperative to prohibit and eliminate all corporal punishment in schools and all other settings**

*"The Committee emphasizes that eliminating violent and humiliating punishment of children, through law reform and other necessary measures, is an immediate and unqualified obligation of States parties."*

(Committee on the Rights of the Child, General Comment No. 8, 2006)

Prohibition of violent punishment in schools and all other settings of children's lives is required under international law. The **Committee on the Rights of the Child** has consistently made it clear that the Convention on the Rights of the Child requires that all corporal punishment of children be prohibited in law. Article 19 of the Convention requires states to protect children from all forms of physical or mental violence and article 28(2) requires states to ensure that school discipline is administered in a manner consistent with children's human dignity. In its General Comment No. 1 (2001) on the aims of education the Committee explained that school corporal punishment is incompatible with an education which respects the inherent dignity of the child. In its General Comment No. 8 (2006) on the right of the child to protection from corporal and other cruel or degrading forms of punishment the Committee consolidated and confirmed the obligation to prohibit and eliminate corporal punishment in all settings of children's lives.<sup>1</sup> The Committee systematically recommends prohibition of all corporal punishment during its examination of states' implementation of the Convention.

The Convention on the Rights of Persons with Disabilities confirms the right of children with disabilities to enjoy human rights on an equal basis with other children (article 7), to respect for their physical and mental integrity (article 17), to be free from exploitation, violence and abuse within and outside the home (article 16) and to be free from torture and cruel, inhuman or degrading treatment or punishment (article 15). Article 24 of the Convention requires states to ensure an inclusive education system directed to the full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and

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

human diversity. The **Committee on the Rights of Persons with Disabilities** has already raised the issue of corporal punishment of children in its examinations of some states.

The **Committee on Economic, Social and Cultural Rights'** General Comment No. 13 states that corporal punishment is inconsistent with the dignity of the individual and that states are required to take measures to ensure that discipline which is inconsistent with the Covenant does not occur in any public or private educational institution. The Committee has made many recommendations to states to prohibit all corporal punishment. Many states have also received recommendations to prohibit and eliminate corporal punishment of children from the **Committee Against Torture** and the **Human Rights Committee**, and during the **Universal Periodic Review** of their human rights records.

The 2013 **Office of the High Commissioner on Human Rights** report on the right to education of persons with disabilities expresses deep concern at the violence faced by persons with disabilities, which leads to their exclusion and hinders and often prevents their access to education, and urges states to take effective measures to address and prevent all forms of violence and bullying against persons with disabilities, in particular in and around schools.

### **Prohibition of corporal punishment: a key element in realising the right to education for persons with disabilities**

*“Children do not lose their human rights by virtue of passing through the school gates.... Compliance with the values recognized in [the Convention on the Rights of the Child] clearly requires that schools be child-friendly in the fullest sense of the term and that they be consistent in all respects with the dignity of the child.”*

(Committee on the Rights of the Child, General Comment No. 1, 2001)

A school in which children are subjected to painful and humiliating punishment can never be a safe or violence-free environment and cannot provide an education that is acceptable under international human rights standards. A huge body of research from states in all world regions has made visible the painful and humiliating corporal punishment which children, with and without disabilities, experience in their schools, homes and elsewhere.<sup>2</sup>

A major 2009 study in the **USA** found that children with disabilities were more likely than children without disabilities to experience school corporal punishment (being hit with a wooden paddle) – up to twice as likely in some states.<sup>3</sup> Another 2009 study found that nearly all of the cases in the past 20 years in which children had died or in which “abuse” had been alleged as a result of “restraint and disciplinary techniques” in

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<sup>2</sup> For more summaries of research on the prevalence of and attitudes towards corporal punishment, see [www.endcorporalpunishment.org](http://www.endcorporalpunishment.org).

<sup>3</sup> Human Rights Watch and American Civil Liberties Union (2009), *Impairing Education: Corporal Punishment of Students with Disabilities in US Public Schools*

schools involved children with disabilities.<sup>4</sup> A 2010 report on a residential school for children with mental disabilities documented widespread and severe corporal punishment, including electric shocks, long-term restraint, food deprivation and isolation.<sup>5</sup>

In 2012, studies in **Australia** have found that children with disabilities are subjected to painful and humiliating “restrictive practices”, including being thrown to the ground and pinned down, solitary confinement and chemical restraint, in both mainstream and “special” schools.<sup>6</sup> A 2011 study in **Nepal** found that the corporal punishment inflicted on children with disabilities at home and at school contributed to their lack of access to education.<sup>7</sup>

**The legality of any level of corporal punishment of children in any setting of their lives is incompatible with respect for the right to education for children, including children with disabilities. The Global Initiative to End All Corporal Punishment of Children hopes that prohibition of corporal punishment will be addressed during the Day of General Discussion and that the outcome of the discussion will recommend prohibition and elimination of corporal punishment in schools and all other settings of children’s lives.**

*Submission prepared by the Global Initiative to End All Corporal Punishment of Children*  
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March 2015

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<sup>4</sup> United States Government Accountability Office (2009), *Seclusions and Restraints: Selected cases of death and abuse at public and private schools and treatment centers*

<sup>5</sup> Ahern, L. and Rosenthal, E. (2010), *Torture not Treatment: Electric Shock and Long-Term Restraint in the United States on Children and Adults with Disabilities at the Judge Rotenberg Center*, Mental Disability Rights International

<sup>6</sup> Australian Centre for Disability Law et al (2012), *Disability Rights Now: Civil Society Report to the United Nations Committee on the Rights of Persons with Disabilities*; Victorian Equal Opportunity and Human Rights Commission (2012), *Held back: the experiences of children with disabilities in Victorian schools*, Victoria: Victorian Equal Opportunity and Human Rights Commission

<sup>7</sup> Human Rights Watch (2011), *Futures Stolen: Barriers to Education for Children with Disabilities in Nepal*

# Annex: Global progress towards prohibiting all corporal punishment in schools



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## States where corporal punishment is prohibited in all settings

The following 44 states have prohibited corporal punishment in all settings, including the home and in all schools:

**Albania, Argentina, Austria, Bolivia, Brazil, Bulgaria, Cabo Verde, Congo (Rep.), Costa Rica, Croatia, Cyprus, Denmark, Estonia, Finland, Germany, Greece, Honduras, Hungary, Iceland, Israel, Kenya, Latvia, Liechtenstein, Luxembourg, Malta, Netherlands, New Zealand, Nicaragua, Norway, Poland, Portugal, Republic of Moldova, Romania, San Marino, South Sudan, Spain, Sweden, TFYR Macedonia, Togo, Tunisia, Turkmenistan, Ukraine, Uruguay, Venezuela.**

## States where corporal punishment is prohibited in schools but not in all other settings

In the following 79 states, corporal punishment is prohibited in all schools but it is not yet prohibited in all other settings, including the home:

**Afghanistan, Algeria, Andorra, Armenia, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Belize, Bosnia and Herzegovina, Burundi, Cambodia, Cameroon, Canada, Chad, Chile, China, Colombia, Cook Islands, Cuba, Czech Republic, Djibouti, Dominican Republic, DR Congo, Ecuador, El Salvador, Ethiopia, Fiji, France, Gabon, Georgia, Guinea-Bissau, Haiti, Ireland, Italy, Japan, Jordan, Kazakhstan, Kiribati, Kuwait, Kyrgyzstan, Lao PDR, Libya, Lithuania, Madagascar, Malawi, Mali, Mauritius, Mexico, Micronesia, Monaco, Mongolia, Montenegro, Namibia, Nauru, Oman, Peru, Philippines, Russian Federation, Rwanda, Sao Tome and Principe, Serbia, Slovakia, Slovenia, South Africa, Switzerland, Taiwan, Tajikistan, Thailand, Tonga, Turkey, UK, United Arab Emirates, Uzbekistan, Vanuatu, Viet Nam, Yemen, Zambia**

## States where corporal punishment is not yet fully prohibited in schools

In 75 states, corporal punishment is not prohibited by law in all schools. In some of these states there is policy which advises against corporal punishment, and in some others there is legislation prohibiting corporal punishment in some education institution (e.g. in primary schools, or in pre-schools), but full legal prohibition has not yet been achieved:

**Angola, Antigua and Barbuda, Australia, Bahamas, Barbados, Benin, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, Central African Republic, Comoros, Cote d'Ivoire, Dominica, DPR Korea, Egypt, Equatorial Guinea, Eritrea, Gambia, Ghana, Grenada, Guatemala, Guinea, Guyana, India, Indonesia, Iran, Iraq, Jamaica, Lebanon, Lesotho, Liberia, Malaysia, Maldives, Marshall Islands, Mauritania, Morocco, Mozambique, Myanmar, Nepal, Niger, Nigeria,**

**Niue, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Qatar, Republic of Korea, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, Sri Lanka, St Kitts and Nevis, St Lucia, St Vincent and the Grenadines, State of Palestine, Sudan, Suriname, Swaziland, Syrian Arab Republic, Timor-Leste, Trinidad and Tobago, Tuvalu, Uganda, UR Tanzania, USA, Western Sahara, Zimbabwe**