

PROHIBITING AND ELIMINATING ALL CORPORAL PUNISHMENT OF CHILDREN WITH DISABILITIES IN AFRICA



Global Initiative to
End All Corporal Punishment
of Children

Briefing sent by Sonia Vohito, African Project Coordinator, Global Initiative to End All Corporal Punishment of Children
(vohito@endcorporalpunishment.org;
www.endcorporalpunishment.org) for the Day of the African Child
2012

*This briefing has been produced in response to the Day of the African Child 2012 theme “**The rights of children with disabilities: the duty to protect, respect, promote and fulfil**” and in particular area of concern 4 “**Violence against children with disabilities**”. Prohibiting and eliminating all corporal punishment of children is central in addressing violence against children with disabilities. We therefore urge organisations working for the rights of children with disabilities in Africa, including NGOs, CSOs and NHRIs, to use the opportunities presented by the 2012 Day of the African Child to:*

- *highlight to African governments the obligation under international and regional human rights law to prohibit and eliminate all corporal punishment of children, including children with disabilities, and*
- *ensure that the issue is included in their existing and planned work on violence against children with and without disabilities, children’s rights in schools, care settings and the penal system, domestic violence and other related areas of concern.*

Introduction

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”. Much violence against children often referred to as “abuse” is corporal punishment – adults using violent and other humiliating methods to control children. Social acceptance of corporal punishment is linked to tolerance of violence in other areas, including domestic violence and violence against adults with disabilities.

There has been accelerating progress towards law reform in Africa, with five African states prohibiting all corporal punishment, including in the home, and 24 states prohibiting it in all schools. However, the pace of reform is still slow. Too many governments on the one hand claim to support ending all forms of violence against children, with and without disabilities, while on the other they fail to prohibit violence disguised as discipline or punishment. **Prohibiting and eliminating all corporal punishment is an essential issue for all organisations working for the rights of children with disabilities to be free from violence.**

The human rights imperative to prohibit all corporal punishment

The Committee on the Rights of the Child, which monitors implementation of the **UN Convention on the Rights of the Child**, has consistently made it clear that the Convention 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) the Committee consolidated and confirmed these obligations, and it systematically recommends prohibition in its concluding observations. The **UN Convention on the Rights of Persons with Disabilities** states that children with disabilities should enjoy human rights on an equal basis with other children (article 7) and that everyone has the right to freedom from torture, exploitation, violence and abuse within and outside the home and to respect for their physical and mental integrity (articles 15-17). The monitoring bodies of other international treaties also increasingly recommend prohibition and the issue is regularly raised in the Universal Periodic Review of states' overall human rights records.

The **African Charter on the Rights and Welfare of the Child** states that children who are mentally or physically disabled have the right to special measures of protection in keeping with their physical and moral needs and under conditions which ensure dignity and promote self-reliance and active participation in the community (article 13.1). The Charter also requires states to ensure that discipline by parents and at school respects the child's human dignity (articles 11 and 20) and that children are protected from all forms of torture and inhuman or degrading treatment by parents and others caring for the child (article 16) and in detention (article 17). The **African Charter on Human and Peoples' Rights** states that everyone should have equal protection of the law (article 3), respect for personal integrity (article 4) and respect for human dignity (article 5) and prohibits torture and cruel, inhuman or degrading punishment and treatment (article 5).

Corporal punishment and children with disabilities

Like other children, children with disabilities experience painful and degrading corporal punishment in the home, school, penal system and other settings in which they are cared for, in Africa as in all other world regions. A major UNICEF study in more than 30 low- and middle-income countries found that on average 75% of children experienced physical punishment and/or psychological aggression, with 17% on average experiencing severe physical punishment,¹ while another UNICEF study found that children with disabilities were significantly more likely to experience severe physical punishment than other children in seven of the 15 countries studied, including **Cameroon, Central African Republic, Ghana and Sierra Leone.**² A study on violence against children with disabilities in **Cameroon, Ethiopia, Senegal, Uganda and Zambia** found that 52% of the sample had been beaten as children, and more than half of those who had been beaten had suffered broken bones, teeth, bleeding or bruising.³ Corporal punishment is the direct cause of many children's physical disabilities,⁴ and is a risk factor for mental health problems in childhood and adulthood.⁵

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, International Disability Alliance, Disabled Peoples' International, Disability Rights International, Inclusion International and many other international and national organisations.

Briefing prepared by the Global Initiative to End All Corporal Punishment of Children
www.endcorporalpunishment.org; yohito@endcorporalpunishment.org, May 2012

¹ UNICEF (2010), *Child Disciplinary Practices at Home: Evidence from a Range of Low- and Middle-Income Countries*, NY: UNICEF

² UNICEF & University of Wisconsin (2008), *Monitoring Child Disability in Developing Countries: Results from the Multiple Indicator Cluster Surveys*

³ African Child Policy Forum (2010), *Breaking the Silence: Violence Against Children With Disabilities in Africa*, Addis Ababa: African Child Policy Forum

⁴ Krug, E. G. et al. (eds) (2002), *World Report on Violence and Health*, Geneva: World Health Organization

⁵ Gershoff, E. T. (2002), "Corporal Punishment by Parents and Associated Child Behaviors and Experiences: A Meta-Analytic and Theoretical Review", *Psychological Bulletin*, 2002, Vol. 128, No. 4, 539–579