

# Prohibiting and eliminating all corporal punishment of children with disabilities



All those working for the rights of people with disabilities are urged to:

- highlight to governments their obligation under international human rights law to prohibit and eliminate all corporal punishment of children, including children with disabilities, and
- incorporate the issue of corporal punishment into their work on related topics such as violence against children, violence against adults with disabilities, children's rights in schools, care settings and the penal system and gender-based violence.

Briefing prepared by the  
Global Initiative to End All Corporal  
Punishment of Children  
([www.endcorporalpunishment.org](http://www.endcorporalpunishment.org))  
September 2012



Global Initiative to  
End All Corporal Punishment  
of Children

# Corporal punishment is a key issue for 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”. Much violence against children often referred to as “abuse” is, in fact, corporal punishment – adults using violence and other humiliating methods to control children.

As recognised by the report of the UN Secretary General’s Study on Violence against Children,<sup>1</sup> children with disabilities are especially vulnerable to violence from adults, in the home, at school and elsewhere. The reasons range from the reduced abilities of some children with disabilities to recognise danger, protect themselves or report their experiences, their dependence on others to provide care, and the disbelief they may encounter if they report violence.



## Progress towards universal prohibition

As at August 2012, 33 states across the world have prohibited all corporal punishment of children, including in their families; 40 have prohibited in all forms of alternative care and a majority of states (117) have prohibited all school corporal punishment.

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 domestic violence and violence against adults with disabilities.

# Children with disabilities experience corporal punishment in all settings of their lives

Enormous numbers of children are subjected to painful and humiliating corporal punishment in their own homes, and children with disabilities may experience this even more frequently and/or more 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 UNICEF study of 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 study 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, school students with disabilities are up to twice as likely as students without disabilities to be “paddled” (beaten with a wooden paddle).<sup>5</sup>



*Young people in St Lucia preparing for a research and advocacy project on children’s rights, including corporal punishment*

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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.

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>

## Compliance with international law requires prohibition of corporal punishment

The Committee on the Rights of the Child has consistently made it clear that the **UN 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, and it systematically recommends prohibition after examining governments' implementation of the Convention.<sup>10</sup>

The **UN Convention on the Rights of Persons with Disabilities** states that children with disabilities have a right to enjoy human rights on an equal basis with other children (article 7) and that everyone

has a right to life (article 10), 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). The obligation to enact prohibition is also linked to the rights of children with disabilities to an education (article 24) and to the highest attainable standard of health (article 25).

The monitoring bodies of other international treaties and of regional human rights instruments increasingly recommend prohibition of corporal punishment. The issue is regularly raised in the Universal Periodic Review, in which the overall human rights record of every state in the world is reviewed every four/five years.

**“Addressing the widespread acceptance or tolerance of corporal punishment of children and eliminating it, in the family, schools and other settings, is not only an obligation of States parties under the Convention. It is also a key strategy for reducing and preventing all forms of violence in societies.”**

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

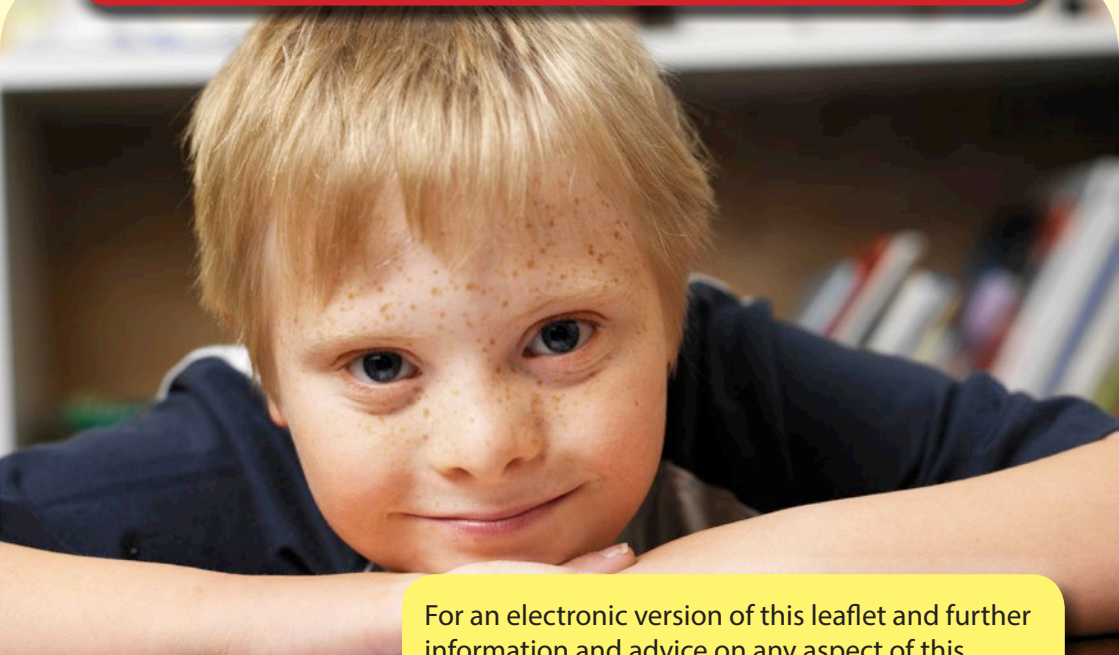
# Notes

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2. 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
3. UNICEF (2010), *Child Disciplinary Practices at Home: Evidence from a Range of Low- and Middle-Income Countries*, NY: UNICEF
4. UNICEF & University of Wisconsin (2008), *Monitoring Child Disability in Developing Countries: Results from the Multiple Indicator Cluster Surveys*
5. Human Rights Watch & American Civil Liberties Union (2009), *Impairing Education: Corporal Punishment of Students with Disabilities in US Public Schools*
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8. Krug, E. G. et al. (eds) (2002), *World Report on Violence and Health*, Geneva: World Health Organization
9. 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
10. 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/](http://www2.ohchr.org/english/bodies/crc/)

## Credits

Photos from Centers for Disease Control and Florida Office on Disability and Health (p. 2), RISE St Lucia Inc (p. 3). Other photographs depict models and are used for illustrative purposes only.

Prohibiting and eliminating all corporal punishment is key for children with disabilities. Research shows the particular vulnerability of children with disabilities to punitive violence from their parents, teachers, caregivers and others. International human rights law makes clear their absolute right to protection from all corporal punishment in law and practice.



For an electronic version of this leaflet and further information and advice on any aspect of this briefing see [www.endcorporalpunishment.org](http://www.endcorporalpunishment.org) or email [elinor@endcorporalpunishment.org](mailto:elinor@endcorporalpunishment.org).

## 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.



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