

# Celebrating the CRC & beyond.

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# The International Frameworks.

- The Convention on the Rights of the Child – article 23
- General comment 9
- The Convention on the Rights of Persons with Disabilities- article 7

# The CRC

- CRC establishes rights for all children, including children with disabilities.
- The key principle of non-discrimination.
- It is a holistic treaty addressing all rights:
  - Social, economic and cultural rights, protection rights, civil and political rights
  - Article 23 - states that governments must provide services to children with disabilities to promote their fullest possible social integration.

# General comment 9

- A GC sets out how the Committee on the Rights of the Child expect governments to implement a particular right in the CRC or a particular issue affecting children.
- In 2006, the Committee developed GC9 on children with disabilities
- It details recommendations and expectations on how the CRC needs to be implemented for children with disabilities.
- It does not have the explicit force of international law but does carry significant weight.

# CRPD

- CRPD addresses measures to protect the rights of children with disabilities in three ways:
  1. Re-affirms that existing rights apply on an equal basis to children with disabilities
  2. Introduces specific obligations on governments to ensure their effective realisation
  3. Includes additional provisions where children with disabilities experience specific difficulties in realising their rights.

# The CRPD and children

- *Full enjoyment of human rights on equal basis*
- *General principles of the CRPD applying to all persons*
- *Article 3 (h): “Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities”*
- *Article 6: recognizing the particular situation of girls with disabilities*

# The CRPD (cont)

- *Article 7: Children with disabilities*
  - *Enjoyment of rights on an equal basis with other children*
  - *The best interests of the child*
  - *The right to express views and have them taken seriously*
- *Other rights in the Convention*
  - *Access to justice*
  - *Age-sensitive assistance for protection against violence & abuse*
  - *Registration immediately after birth*
  - *Right to family life*
  - *Inclusive education, including all necessary support and aids*
  - *Play, recreation, leisure and sporting activities*

# Barriers to inclusion

- *Social model of disability: obstacles in the environment*
- *Policies and regulations*
- *Physical barriers*
- *Social barriers and stigma*
- *Attitudes and self-fulfilling expectations*
- *Poverty as a cause and a consequence of disability*

# UN study on violence against children

- Found that some groups or categories of children are especially vulnerable to different forms of violence.
- For example, higher levels of vulnerability are associated with children with disabilities.

# Heightened risk of violence

- **For a variety of reasons:** ranging from deeply ingrained cultural prejudices to the higher emotional, physical, economic, and social demands that a child's disability can place on his or her family.
- In the USA, children with physical, sensory, intellectual or mental health disabilities endure almost double the number of violent incidents compared to their non-disabled peers.
- Research undertaken for the Study reported that children with disabilities were at heightened risk for all types of violence (physical, sexual, emotional and neglect), much of it in the home.
- In some regions children with disabilities are viewed as cursed; for example in West and Central African such children are likely to be exposed from birth to tacit or open neglect, and violence may be accepted or even encouraged.

# Right to protection from violence

- Article 19 of the CRC provides a right to protection from all forms of violence, together with obligations to introduce measures to ensure that protection
- GC outlines examples of measures to be taken to provide protection to children with disabilities
- CRPD introduces a number of additional obligations:
  - Disability, age and gender sensitive measures to prevent violence and abuse
  - Support for children with disabilities and their families on how to avoid, recognise and report abuse
  - Protection services which are disability, age and gender sensitive

# Some Advancements

- Increasing there is reference to children with disabilities in concluding observations of the CRC committee.
- More legislation and policies to ensure violence and abuse is identified and investigated makes specific reference to children with disabilities.

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# In conclusion

- Children with disabilities continue to face serious violations in respect to all their rights.
- The CRC has advanced the issue of children with disabilities.
- It is further strengthened by the CRPD.
- We need to continue the advocacy and the monitoring of implementation of the 2 conventions.
- Implement the recommendations from the UN study on violence against children.

# Finally,

- Stigma continues to contribute to violence against children with disabilities.
- Support for children with disabilities to ensure their participation
- Support for families of children with disabilities
- Appropriate services available.

*“In all countries children with disabilities continue to experience violence at equal to or higher rates than children without disabilities. They are often perceived as not worthy of dignity and respect.*

*We must remember that children with disabilities are first and foremost children. They, like children without disabilities, must have the right to be free from violence, they too have the right to be respected and protected.*

*It is our legal responsibility to ensure that this happens”.*

# Thank You

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