

CONCEPT NOTE

CAMPAIGN FOR THE GOOD TREATMENT OF GIRLS, BOYS AND ADOLESCENTS WITH DISABILITIES IN THE WORLD

1. INTRODUCTION

The United Nations Convention on the Rights of Persons with Disabilities (CRPD) in its article 7 establishes that the States Parties shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children.

In its articles 15, 16 and 17 it grants freedom from torture or cruel, inhuman or degrading treatment or punishment, freedom from exploitation, violence and abuse, and protection of Personal Integrity (physical and mental), respectively.

For its part, the Convention on the Rights of the Child, CRC, in addition to pointing out in its article 2 the principle of non-discrimination, article 19 protects children from all forms of violence. "States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child".

The fundamental right of girls, boys and adolescents to physical and personal integrity, is related to the fundamental right to life and personal and social development, to the maximum extent possible.

Article 37 of the CRC expressly prohibits children from being subjected to torture, other cruel, inhuman or degrading treatment or punishment.

All forms of physical, sexual and emotional abuse against girls and boys may have serious negative short-term and long-term physical, mental and reproductive health consequences. These include physical injury, sexually transmitted infections, anxiety, depression, suicidal ideation, unplanned pregnancy and in some cases death. Evidence suggests that toxic stress associated with exposure to violence in childhood can impair brain development and damage other parts of the nervous system, with lifelong consequencesⁱ.

Therefore, children with disabilities should always be treated well, like other children, eliminating all forms of violence and abuse. This message must be internalized by their families, caregivers, educators and society as a whole. It is the duty of the States Parties to ensure compliance with international regulations.

A good treatment will produce positive effects on the physical and mental development of children.

No disability or other condition that presents in these rights holders is justification for aggravating them.

2. JUSTIFICATION OF THE CAMPAIGN

In UNICEF's Child Protection Strategy 2008, it is noted that "Preventing and responding to violence, exploitation and abuse is essential to ensuring children's rights to survival, development and well-being. The vision and approach of UNICEF is to create a protective environment, where girls and boys are free from violence, exploitation, and unnecessary separation from family; and where laws, services, behaviours and practices minimize children's vulnerability, address known risk factors, and strengthen children's own resilience" ⁱⁱ

We emphasize that this approach is based on "human rights-based"ⁱⁱⁱ and promotes that "successful child protection begins with prevention"^{iv}.

For its part, the report on the "State of the World's Children 2013 Unicef", in relation to children with disabilities, points out that the discrimination against them "... makes them excessively vulnerable to violence, abandonment and mistreatment. Some forms of violence occur only with the children with disabilities. They can be produced in the form of a treatment aimed at modifying their behavior, such as, for example, electroconvulsion, drug therapy or electroshock. In many countries, girls with disabilities are subjected to forced sterilization or forced to abort"^v.

According to the same report, "children with disabilities are between 3 and 4 times more prone to suffer violence. Research teams from John Moores University in Liverpool and WHO practiced the first systematic analysis of existing studies on violence against children with disabilities, which included a meta-analysis. The review analyzed 17 studies from high-income countries, because there were no studies from low and middle income countries with the necessary quality"^{vi}.

This research estimates that children with disabilities have a greater risk of experiencing violence than their peers without disabilities: 3.7 times more likely to suffer from combined forms of violence, 3.6 times more likely to be victims of physical violence and 2.9 times more likely to suffer sexual violence. Children with intellectual disabilities are 4.6 times more likely to be victims of sexual violence than children without disabilities^{vii}.

The explanation given in the Unicef report is that children with disabilities incur a much greater risk of violence because, first of all, caring for a child with a disability can "place a greater burden" on the parents, which increases the risk of mistreatment. Second, the numbers of children with disabilities who enter institutions remain high, which is an important risk factor for sexual and physical abuse. Finally, the impediments that affect communication make some children especially vulnerable, since they could not report experiences of abuse^{viii}.

The Committee on the Rights of Persons with Disabilities is the body of independent experts that monitors implementation of the Convention by the States Parties. Within its functions, it issues recommendations in relation to the reports of the countries and, therefore, constitutes jurisprudence. During the sessions of the Committee (2011-2017), out of a total of 61 reviews, we found 25 recommendations for countries regarding the elimination of violence against children with disabilities (Article 7 of the Convention)^{ix}.

When it comes to article 16, on the protection of exploitation, violence and abuse in persons with disabilities, we detected 52 references to children with disabilities, out of a total of 60 reviews of State reports by the aforementioned Committee on human rights^x.

In turn, this treaty body requests that there be specific statistics regarding violence in children with disabilities in the case of 5 countries, and data on violence to persons with disabilities in 4 other countries, out of a total of 55 reviews in relation to the article 31 of the CRPD^{xi}.

The 10th anniversary of the entry into force of the CRPD is an appropriate time to reflect on the challenges that are still pending in its application, emphasizing the need to increase awareness of the right of children and adolescents with disabilities to good treatment, promoting the development of synergies and alliances between all the stakeholders.

In this context, it is proposed to carry out a campaign for the good treatment of children and adolescents with disabilities in the world.

In this way, we join the vision of "a world in which every child grows up without violence" promoted by the Global Partnership to End Violence Against Children (www.end-violence.org), where UNICEF is founding member, as well as we adhere to UNICEF's commitment to the rights and needs of children living in situations of vulnerability^{xii}.

3.- OBJECTIVES

a. General purpose:

Increase global awareness raising of good treatment of girls, boys and adolescents with disabilities, especially by encouraging the message to families, caregivers, educators and society as a whole.

b. Specific objectives:

- Share "10 Principles" for the good treatment of girls, boys and adolescents with disabilities. This principles emphasize the most relevant milestones for the awareness raising of the importance of good treatment, and they are formulated in an understandable way for the different communities and regions in the world.
- Promote the good treatment of children and adolescents with disabilities through an audiovisual message, including sign language and printed material. The video and printed material will be based on the 10 Principles indicated in the previous objective.
- Exhibit audiovisual messages in which actors, organizations or agencies linked to the issue are pronounced.
- Carry out the launch of the campaign in scheduled regional events.
- Promote the development of synergies for the fulfillment of the aforementioned objectives.

4.- LOGISTICAL ASPECTS

- Provide adequate communication and information systems, sign language and accessible formats, both for the production of audiovisual material and for the launching.

- Provide simultaneous interpretation for the event in the place, as well as for the audiovisual material that will be disseminated.
- The call should be extended to representatives of States Parties, civil society, national human rights institutions, international agencies and other stakeholders.
- It is important the participation of the media, both local and international, in the launching acts.

5. DURATION OF THE PROPOSED CAMPAIGN

The proposed global campaign will start in the second semester of 2018 and the regional launches will be developed also during 2019.

ⁱ United Nations International Children's Emergency Fund (UNICEF), Preventing and Responding to Violence Against Children and Adolescents: Theory of Change 2017, p.12.

ⁱⁱ United Nations International Children's Emergency Fund (UNICEF), UNICEF Child Protection Strategy 2008, p.1.

ⁱⁱⁱ United Nations International Children's Emergency Fund (UNICEF), UNICEF Child Protection Strategy 2008, p.1.

^{iv} United Nations International Children's Emergency Fund (UNICEF), UNICEF Child Protection Strategy 2008, p.2.

^v United Nations International Children's Emergency Fund (UNICEF), Estado Mundial de la Infancia 2013: "Niñas y niños con discapacidad", Resumen Ejecutivo, p. 11.

^{vi} United Nations International Children's Emergency Fund (UNICEF), Estado Mundial de la Infancia 2013: "Niñas y niños con discapacidad", Resumen Ejecutivo, p. 12.

^{vii} United Nations International Children's Emergency Fund (UNICEF), Estado Mundial de la Infancia 2013: "Niñas y niños con discapacidad", Resumen Ejecutivo, p. 12.

^{viii} United Nations International Children's Emergency Fund (UNICEF), Estado Mundial de la Infancia 2013: "Niñas y niños con discapacidad", Resumen Ejecutivo, p. 12.

^{ix} International Disability Alliance (IDA), IDA's Compilation of the CRPD Committee's Concluding Observations (2017), p. 83-102.

^x International Disability Alliance (IDA), IDA's Compilation of the CRPD Committee's Concluding Observations (2017), p. 224-243

^{xi} International Disability Alliance (IDA), IDA's Compilation of the CRPD Committee's Concluding Observations (2017), p. 417-431.

^{xii} United Nations International Children's Emergency Fund (UNICEF), Preventing and Responding to Violence Against Children and Adolescents: Theory of Change 2017, p.13.