

Child sensitive counselling, complaint and reporting mechanisms.

Implications for children with disabilities

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# Defining disability

Article 1 of the Convention on the Rights of Persons with Disabilities states:

*‘Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.’*

# A snapshot.....

- Up to 200 million children - 10% of the world's young people – are born with a disability or become disabled before age 19
- Only around 2% of children with disabilities in the developing world receive an education
- More than 80% live in developing countries and have no access to services
- Many are excluded and invisible within their communities
- Many are in institutions with no contact with their families
- In many countries, their birth is never registered

# Violence against children with disabilities

- Children with a physical, sensory, intellectual or mental health impairment are at increased risk of becoming victims of violence.
- Research data limited but some evidence in Western nations to indicate that children with disabilities may be as much as 4-5 times more likely to experience sexual or physical violence
- Insufficient research undertaken in developing countries where the problem remains widely hidden from view
- Forms of violence include severe neglect, physical punishment to 'correct' their behaviour, sexual assault and rape, murder and abandonment

# CRPD provision on violence: Article 16

## PROTECTION

1. States Parties shall take all appropriate legislative, administrative, social, educational and other measures to protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse, including their gender-based aspects.

## PREVENTION

2. States Parties shall also take all appropriate measures to prevent ...violence and abuse by ensuring..... appropriate forms of **gender- and age-sensitive** assistance and support for persons with disabilities and their families and caregivers, including through the provision of information and education on how to **avoid, recognize and report** instances of exploitation, violence and abuse. States Parties shall ensure that protection services are **age-, gender- and disability-sensitive**.

## SUPPORT AND REHABILITATION

4. ....recovery and reintegration shall take place in an environment that ....takes into account **gender- and age-specific needs**.

## PROSECUTION

5. States Parties shall put in place effective legislation and policies, including **women- and child-focused legislation and policies**, to ensure that ....exploitation, violence and abuse against persons with disabilities are identified, investigated and, where appropriate, prosecuted

# CRPD provision on access to justice;

## Article 13

- 1. States Parties shall ensure effective access
- to justice for persons with disabilities on an
- equal basis with others, including through the
- provision of procedural and ***age-appropriate***
- accommodations, in order to facilitate
- their effective role as direct and indirect
- participants, including as witnesses, in all
- legal proceedings, including at investigative
- and other preliminary stages.

# Causes of vulnerability to violence (1)

Causes are complex, but include:

- Widespread social attitudes of rejection and hostility to disability
- Lack of understanding as to the nature of disability
- Greater levels of dependency among children with disabilities
- Greater degrees of social isolation

# Causes of vulnerability to violence (2)

- Lower worth placed on their lives
- Belief that disability is a curse or punishment
- Lack of services and support leading to pressure on families and rejection
- More limited capacity to challenge or protect themselves from violence
- Presumptions that children with disabilities are 'non-sexual' and unlikely to attract sexual attention




# Impact of attitudes to disability on reporting and complaints

- Very low levels of reporting
- Invisibility of the problem
- Lack of targeted services
- No access to justice
- Impunity for abusers

# Low level reporting: Example from East Africa



# Barriers in reporting violence

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- **Understanding that violent or abusive behaviour has taken place**
  - **Knowing they have a right to protection**
  - **Knowing how, who to or where to report**
  - **Having the capacity /ability to report**
  - **Being accepted as a credible witness**

# Overcoming the barriers

- Ratification and incorporation of CRPD
- Providing information to children
- Establishing communication with children –eg pictorial, ICT
- Getting children into school
- Building capacity among professionals
- Outreach, safe and confidential reporting mechanisms
- Introducing accessible justice
- Recognition of children with disabilities as competent witnesses
- Involving children with disabilities as advisers/mentors
- Twin track approaches
- Disaggregated data
- Awareness raising

# Examples of pictorial images



I feel sad



I don't like  
being tickled  
like that



That hurts



Go away



Please stop



I am  
confused/don't  
understand

