

Article 7: Children with disabilities

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Definition from the Convention on the Rights of Persons with Disabilities and Optional Protocol



1. States parties shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on a equal basis with other children
2. In all actions concerning children with disabilities, the best interest of the child shall be a primary consideration
3. States Parties shall ensure that children with disabilities have the right to express their views freely on all matters affecting them, their views being given due weight in accordance with their age and maturity, on an equal basis with other children, and to be provided with disability and age-appropriate assistance to realize that right.

Why is this important?



1. Children are more vulnerable to discrimination and violations of their rights.
2. Children face double threat because of their age and their impairment.
3. Children with disabilities are more likely to be taken advantage of or abused by parents and/or guardians.
4. Children with disabilities have a difficult time receiving justice for their rights being violated or discriminated against by an adult.

Example 1

A Case study on Abuse of children with disabilities in the schools of Botswana.

- Participants comprised a sample of 31 pupils with disabilities (15 children with vision impairment and 16 children with hearing impairment) selected from special schools in Botswana.
- The method used; A questionnaire on child abuse
- The study found that the majority of participants were involved in doing domestic chores. They were also sexually, physically and emotionally abused by their teachers.





Example 2

Violence against primary school children with disabilities in Uganda.

- 3706 children and young adolescents aged 11-14 were randomly sampled from 42 primary schools.
- 8.8% of boys and 7.6% of girls reported a disability.
- The school environment is one of the main venues for this violence.
- Results: Disabled girls report slightly more physical and considerably more sexual violence than non-disabled girls; for disabled and non-disabled boys, levels are not statistically different.
- Conclusion: In Uganda, disabled girls are at particular risk of violence, notably sexual violence.

Example 3

Filicide-Suicide involving children with disabilities.

- Filicide- Suicide, or murder of a child by a parent followed by a suicide Male children or children with autism are at risk for this method
 - Twenty-two news articles were found describing a total of 26 disabled children as victims of filicide-suicide between 1982 and 2010.
 - Age, gender of child and parent, method used, and diagnoses of parent and child were recorded.
 - Eighty-one percent of children killed were male, and 54% were autistic. Thirty percent of perpetrators had a reported mental illness.
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Example 4

Sexual abuse in children with intellectual disabilities

- Participants; 43 in-patients with intellectual disability aged between 9 and 21 years
- Method of data collection; A retrospective case note review
- Results; In 13 out of the 43 cases, the issue of sexual abuse was identified after admission. Victimization alone occurred in 21 cases, perpetration alone in six cases, and both victimization and perpetration in 16 cases. Fifty per cent of the victims had been abused by a member of their close or extended family. Most cases (62%) were adolescents. There was only one instance of a victim being abused by a female. However, there were five girls who were perpetrators, all of whom had previously been victims. By contrast, 11 out of the 17 male perpetrators had been victims.

Examples of the effects of Article 7



Example 1:

Fry Vs. Napoleon

- school's refused to allow a child's service dog to accompany her in school.
- Parents sued for damages under section 504 and ADAA.
- Court ruled in favor of the child and requested the school allow the service dog in school.

Example 2:

Endrew F. v. Douglas County School District RE-1

- the parents argued that their child with autism did not make measurable progress on his IEP goals and that the school failed to address his worsening behavior problems. Parents advocated for a heightened 'meaningful educational benefit' standard.
- Court ruled in favor of the child in requiring the school to provide more progress.

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