

Facilitator's proposal on women

PREAMBLE

The States Parties to the present Convention,

(m) *Concerned* about the difficult conditions faced by persons with disabilities who are subject to multiple or aggravated forms of discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

(n) *Emphasizing* the need to incorporate a gender perspective in all efforts to promote the full enjoyment of human rights and fundamental freedoms by persons with disabilities,

[n bis) Recognising that women and girls with disabilities are often subject to multiple discrimination and therefore face particular disadvantages, and bearing in mind the obligation of States to ensure the full enjoyment of all human rights and fundamental freedoms by women and girls with disabilities on an equal basis with others;]

ARTICLE 4

GENERAL OBLIGATIONS

[(e bis) To take all necessary including sex-specific and gender – sensitive measures to ensure the full and equal enjoyment of all human rights by women with disabilities on an equal basis with others, bearing in mind the general obligations to ensure equality between women and men;]

[ARTICLE 6

WOMEN WITH DISABILITIES

State Parties recognise that women and girls with disabilities are subject to multiple discrimination and that focused, sex-specific and gender sensitive measures are necessary to ensure the full and equal enjoyment by women and girls with disabilities of all human rights and fundamental freedoms .

State Parties shall take all appropriate measures to ensure the equal right of women with disabilities to the enjoyment of all rights set out in this Convention.]

**ARTICLE 3
GENERAL PRINCIPLES**

The fundamental principles of the present Convention shall be:

(g) Equality between men and women.

ARTICLE 4

[(b bis) To recognize the particular vulnerability and additional disadvantages of specific population groups of persons with disabilities, including women, children, elderly persons, minority groups and indigenous people;]

ARTICLE 8

RAISING AWARENESS REGARDING DISABILITY

1. States Parties undertake to adopt immediate and effective measures:

(b) To eliminate stereotypes and prejudices about persons with disabilities including those on gender in all areas of life;

2. Measures to this end include:

(a) Initiating and maintaining effective public awareness campaigns designed:

(ii) To change negative perceptions and social prejudices towards persons with disabilities in all matters of {sexuality,} marriage, parenthood and family relations of persons with disabilities;

PREAMBLE

**ARTICLE 16
FREEDOM FROM EXPLOITATION, VIOLENCE AND**

[n ter Recognizing that persons with disabilities, in particular women and girls, are often at greater risk, both within and outside the home, of violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including their gender based manifestations;]

ABUSE

[(1 bis) When implementing these measures States parties shall take particularly into account that women and girls with disabilities are at great risk of all forms of violence, abuse and exploitation in private and public settings, particular on a basis of sex and disability.]

ARTICLE 16

2. States Parties shall also take all appropriate measures to prevent all forms of exploitation, violence and abuse by ensuring, inter alia, appropriate gender sensitive forms of 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.

3. In order to prevent the occurrence of all forms of exploitation, violence and abuse, States Parties shall ensure that all facilities and programmes designed to serve persons with disabilities are effectively monitored by independent authorities.

4. States Parties shall take all appropriate measures to promote the physical, cognitive and psychological recovery, rehabilitation and social reintegration of persons with disabilities who become victims of any form of exploitation, violence or abuse, including through the provision of protection services. Such recovery and reintegration shall take place in an environment that fosters the health, welfare, self-respect, dignity and autonomy of the person and takes into account the specific needs of women and girls with disabilities.

ARTICLE 23

RESPECT FOR THE HOME AND THE FAMILY

1. States Parties shall take effective and appropriate measures to eliminate discrimination against persons with disabilities in all matters relating to marriage, family and personal relations, and in particular shall ensure, on an equal basis with others:

on the basis of gender equality.
(b) That the right of all {men and women}-[persons] with disabilities who are of marriageable age to marry and to found a family on the basis of free and full consent of the intending spouses is recognized [and that spouses should be equal partners];

ARTICLE 24

EDUCATION

d) ensuring women and girls with disabilities the right to access and enjoy education on an equal basis [in a violence free environment.]

2. In realizing this right, States Parties shall ensure:

(a) That persons with disabilities are not excluded from the general education system on the basis of disability and sex, and that children especially girls with disabilities are not excluded from free and compulsory primary and secondary education on the basis of disability;

ARTICLE 25

HEALTH

States Parties recognize that persons with disabilities have the right to the enjoyment of the highest attainable standard of physical and mental health without discrimination on the basis of disability. States Parties shall take all appropriate measures to ensure access for persons with disabilities to gender sensitive health services, including health-related rehabilitation. In particular, States Parties shall:

(d) Require health professionals to provide care of the same quality to persons with disabilities as to others, taking into account the needs of women with disabilities and on the basis of free and informed consent by, where necessary, raising awareness of the human rights, dignity, autonomy and needs of persons with disabilities through training and the promulgation of ethical standards for public and private health care;

ARTICLE 26

HABILITATION AND REHABILITATION

1. States Parties shall take effective and appropriate measures to enable persons with disabilities to attain their maximum independence, fullest physical, mental, social and vocational ability, and full inclusion and participation in all aspects of life. To that end, States Parties shall organize, strengthen and extend comprehensive gender sensitive habilitation and rehabilitation services, particularly in the areas of health, employment, education and social services, in such a way that:

(c) habilitation and rehabilitation services do not discriminate against girls and women with disabilities.

ARTICLE 27

WORK AND EMPLOYMENT

(f) To encourage employers to hire persons with disabilities, particularly women, through appropriate policies and measures, which may include affirmative action programmes, incentives and other measures

- (j) [ensure that women with disabilities enjoy their rights to work on a basis of equality and that women and men with disabilities are protected from sexual or other harassment at the workplace on an equal basis with others.]

ARTICLE 28

ADEQUATE STANDARD OF LIVING AND SOCIAL PROTECTION

2. States Parties recognize the right of persons with disabilities to social protection, and to the enjoyment of that right without discrimination on the basis of disability, and shall take appropriate steps to safeguard and promote the realization of this right, including measures:

- (a) To ensure access by persons with disabilities to appropriate and affordable services, devices and other assistance for disability-related needs;

- (b) To ensure access by persons with disabilities, **TAKE OUT BRACKETS RE WOMEN AND GIRLS** [in particular women and girls with disabilities and the aged with disabilities,] to social protection programmes and poverty reduction strategies;
- (c) To ensure access by persons with disabilities and their families living in situations of poverty to assistance from the State to cover disability-related expenses (including adequate training, counselling, financial assistance and respite care), which should not become a disincentive to develop themselves;
- (d) To ensure access by persons with disabilities to public housing programmes.

ARTICLE 29

PARTICIPATION IN POLITICAL AND PUBLIC LIFE

- (c) ensure that discrimination against women with disabilities in political and public life is eliminated and actively promote their participation in these fields, including where appropriate through the use of quotas, targets and other appropriate measures.

ARTICLE 31

STATISTICS AND DATA COLLECTION

1. Where necessary, States Parties undertake to collect appropriate information, including statistical data, to enable them to formulate and implement policies to give effect to this Convention. The process of collecting and maintaining this information should:

(add before a)

- (0) involve both men with disabilities and women with disabilities and their organisations in the design of relevant indicators and the collection and analysis of the data;
- (0.1) enable States Parties to disaggregate all data on the basis of sex and ensure that the data provides information on issues that may affect differently women with disabilities and men with disabilities

ARTICLE 33

NATIONAL IMPLEMENTATION AND MONITORING

[2. States Parties shall, in accordance with their legal and administrative system, maintain, strengthen, designate or establish at the national level a framework to promote, protect and monitor implementation of the rights recognized in the present Convention **including focusing on gender and specific issues.**]

3. Civil society, in particular ~~persons~~ **men and women** with disabilities and their organizations, shall be involved and participate fully in all levels of the monitoring process.

ARTICLE 34

INTERNATIONAL MONITORING

- *Ensure that monitoring shall be age and disability specific. (abgewandelt von Norwegen)*
- *Ensure that experts on the issues of women with disabilities are members of the Monitoring Committee.*
- *Include a provision regarding balanced gender representation of the Monitoring Committee*