

Towards a comprehensive inclusion of women's issues in the Convention!

Women's IDC, (20 Jan 2006)

Women's IDC appreciates the proposals put forward by the state delegates through the facilitator and regards the proposal as valuable to meet women's issues in the Convention.

Women's IDC supports a combination of a specific article in part I of the Convention (article 6), concentrating on equality of women with disabilities, and specific references to women's issues in various relevant articles of the Convention (**twin track approach**).

The reaffirmation of equality of men and women is necessary but not sufficient to meet the obligation to eliminate all forms of discrimination against women and to ensure de-facto equality. **International human rights law requires actions and appropriate measures as immediate obligation.** Formally inclusive, but gender-neutral treaties have not worked effectively in this respect.

Women with disabilities are not just a group. Gender is one of the most important categories of social organisation, and gendered differences are also reflected in different life experiences of women with disabilities and men with disabilities. **Women with disabilities face particular disadvantages in the areas of education, work and employment, family rights, health, violence and abuse.**

Furthermore a specific article on women with disabilities (**article 6**) in the general part of the Convention is necessary to highlight the multiple discrimination of women with disabilities and to ensure a gender approach throughout the Convention. It rises the attention of governments and gives the chance that also ministries, departments or other authorities for women's affairs are included into the implementation and monitoring of the present Convention. This is especially of great importance for women and girls with disabilities in the developing countries. The reference to the reproductive rights has to be included into article 6 because this fundamental right of all women influences the participation of women with disabilities in important areas of life.

Therefore the women's IDC proposes the following text:

Article 6

1. State Parties recognise that women and girls with disabilities are subject to multiple discrimination and to this end undertake focused, sex-specific and gender sensitive measures to ensure that women and girls with disabilities enjoy all human rights and fundamental freedoms on the basis of equality with men and boys with disabilities.
2. States Parties shall ensure that women with disabilities can exercise their reproductive rights.
3. State parties shall assess the implications for women and girls with disabilities of any planned action concerning disability, *inter alia*, legislation, policies or programmes, including the implementation, monitoring and evaluation, in all areas and at all levels, as a strategy so that women with disabilities benefit equally to men with disabilities.

Special references to women with disabilities have to be included in the following articles:

Art. 8 RAISING AWARENESS REGARDING DISABILITY Women with disabilities are especially affected by stereotypes and stigmatisation.

Art. 16 FREEDOM FROM EXPLOITATION, VIOLENCE AND ABUSE According UN sources women with disabilities are twice as much victims of gender based violence as women without disabilities. Furthermore they are subject to forced sterilisation and abortion. Therefore women's IDC proposes the following text:

Article 16

(1bis) When implementing these measures States parties shall take into account that women and girls with disabilities are at greater risk of all forms of violence, neglect and exploitation as adopted in the Declaration on the Elimination of Violence against Women¹ in private or public settings particular on the basis of sex and disability.

Violence against women with disabilities shall be understood to encompass, but not be limited to physical, sexual and psychological violence occurring in the family, other private sphere and the general community.

¹ A reference to the Declaration on the Elimination of Violence against Women could alternatively be mentioned in the preamble.

Violence encompasses also forced sterilisation, abortion and traditional practices like genital mutilation.

Art. 23 RESPECT FOR THE HOME AND THE FAMILY The rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children and the equal opportunity to retain their fertility have to be guaranteed on a non-discriminatory basis and on a basis of equality between men and women. This amendment is necessary to ensure e.g. that women with disabilities can raise their children.

Art. 24 EDUCATION The proposed amendments are necessary because the education levels and literacy rates of women with disabilities are significantly lower than those of men with disabilities.

Art. 25 HEALTH The proposed amendments are necessary to enable women with disabilities to decide freely about their pregnancy and motherhood.

Art. 27 WORK AND EMPLOYMENT The fact that three quarters of women with disabilities world-wide and up to 100% in some developing countries are excluded from the workforce makes particular action necessary. Additionally when working they often are subject to sexual exploitation. Furthermore States Parties shall prevent discrimination against women with disabilities on the grounds of maternity.

Art. 29 PARTICIPATION IN POLITICAL AND PUBLIC LIFE The proposed amendments are necessary to ensure the equal participation of women with disabilities in all areas of political and public life for they are underrepresented.

Art. 31 STATISTICS AND DATA COLLECTIONS Men and women with disabilities have to be included in all stages of data collection to identify the relevant issues and to avoid a purely medical perspective. Only gender disaggregated data show the situation of women with disabilities and make need for actions evident.

Art. 33 NATIONAL IMPLEMENTATION AND MONITORING It has to be ensured that women and men with disabilities participate in all levels of the monitoring process.

Art. 34 INTERNATIONAL MONITORING The proposed provisions are necessary to ensure that the gender perspective is included in the monitoring process.