



UN ESCAP Workshop on Women and Disability: Promoting Full Participation of Women with Disabilities in the Process of Elaboration on an International Convention to Promote and Protect the Rights and Dignity of Persons with Disabilities

18-22 August 2003, Bangkok, Thailand

13 October 2003, Bangkok, Thailand

Main | Programme | Materials | Online | Bangkok | **WorldEnable**

Main

→ Statement of Recommendations

→ Final Report

→ Joint Statement
→ | Supplementary

→ Proceedings

→ Organization

→ Annex I:
→ Participants

→ Annex II:
→ Programme

Annex III:
→ Working
→ Groups: [1] [2]
[3]

Advanced Information

→ Provisional
→ Agenda

→ Provisional
→ Programme

→ Background
→ Reading

→ Overview

→ Meeting Brief

→ Participants
→ Registration
→ Hotel
→ Reservation
→ Getting to
→ Bangkok

Final Report

STATEMENT OF RECOMMENDATIONS

(Adopted by participants on 22 August 2003)

We, the participants in the UNESCAP workshop on women and disability and the promotion of full participation of women with disabilities in the process of elaborating an international convention to promote and protect the rights and dignity of persons with disabilities, having met from 18-22 August 2003 in Bangkok,

Representing governmental and non-governmental organizations, national disability and human rights institutions, and independent experts, unanimously recognize that,

1. Despite their significant numbers, women and girls with disabilities, especially in the developing countries, remain hidden and silent, their concerns unknown and their rights unrecognized;

2. Throughout the region, in urban and rural communities alike, they face triple discrimination - because of their disabilities, being female and poor;

3. Studies on women with disabilities in rural areas of many countries in the Asian and Pacific region have found that more than 80 percent of women with disabilities have no independent means of livelihood, and are thus totally dependant on others for their very existence;

4. UNICEF has reported that women and children receive less than 20 percent of rehabilitation services;

5. Disabled women are less likely than men to make use of many other existing social services, including residential services, due to social, cultural and religious factors;

6. The problems that confront women with disabilities are even more severe in the rural areas due to lack of information, awareness, education, income, and contact resulting in extreme isolation and invisibility;

We, further recognize that,

7. CEDAW is a human rights treaty, which seeks to promote de facto equality for women with men, but lacks a clear disability perspective. As a consequence, the State Parties inadequately report on instances of discrimination and violations to the rights of girls and women with disabilities;

8. Article 32 of the Beijing Platform for Action recognizes that certain groups of women face multiple barriers to their empowerment because of, inter alia, race, age and disability, but in reality, disability mainstreaming in gender empowerment initiatives remains unaccomplished;

✓ 9. The launch of the Asian and Pacific Decade of Disabled Persons in 1993 gave a definite boost to the gender issues within the disability movement by adopting additional targets for gender strengthening of the Decade Agenda;

10. To give further impetus and visibility to the concerns of girls and women with disabilities, Biwako Millennium Framework, policy guidelines for the Second Asian and Pacific Decade of Disabled Persons, (2003-2012), has identified gender equity as one of its seven priority areas.

While women the world over are striving for equality with men, women with disabilities struggle to be recognized first as human beings and secondly as females. Therefore, we the participants of the workshop on women and disability in the ESCAP region, strongly urge all actors involved in the treaty elaboration process to ensure,

That the elements of the Convention be so structured and its provisions elaborated in a manner that girls and women with disabilities enjoy the full range of human rights and freedom with dignity and without any discrimination,

✓ The new Convention should reaffirm and build on human rights norms laid down in the existing United Nations human rights treaties, including CEDAW, and treaties adopted by the specialised agencies and norms in the soft instruments such as Beijing Platform of Action and Biwako Millennium Framework,

The Treaty should be founded on the principle of non-discrimination and equality; in particular, it should address the compound effect of discrimination on grounds of gender and disability,

It is further recommended that the preamble to the new Convention should inter alia stress the impact of dual disadvantage and multiple discriminations caused by the intersection of gender and disability,

The convention should primarily contain rights that are enforceable, and should incorporate measures for equal and effective enjoyment of rights by women and men, girls and boys with disabilities,

The definition of equality should recognize that equality of opportunity and of outcome requires that any relevant restrictions or limitations caused directly or indirectly by a disability, or the intersection of disability with gender, poverty, race, caste and class should be remedied by appropriate modifications, adjustments or assistance and requires affirmative action, reasonable accommodation or special measures,

The term "access" is not an act or state, but a liberty to enter, to approach, to communicate with, to pass to or from, or make use of physical, environmental and societal structures, systems and processes regardless of type and degree of disability, gender or age.

State parties should have an obligation to implement various

provisions of the treaty ensuring equal protection and promotion of the rights of women and girls with disabilities. In pursuance of this objective, gender sensitive measures must be consistently deployed.

State Parties have an obligation to provide support for other stakeholders, including care-givers and families of persons with disabilities.

Existing human rights bodies and mechanisms are urged to intensify their efforts to address issues of disability; particularly the monitoring body under CEDAW must adopt a more progressive rights based approach with regard to discrimination faced by girls and women with disabilities,

An independent, effective and dynamic monitoring mechanism must be an integral element of the new Convention. The composition of the structure should ensure disability, gender and regional balance, with particular emphasis on the participation of women with disabilities. The guidelines for the preparation of reports must be evolved to ensure gender disaggregated reporting by the State Parties. This approach must be consistently maintained and adequately resourced in the national monitoring mechanisms.

The meeting noted that the rights and freedoms guaranteed through existing instruments be tailored to the specific circumstances of girls and women with disabilities and highlighted the need for further elaboration of certain human rights.

The meeting strongly recommends equal participation of women with disabilities throughout the treaty elaboration, implementation and monitoring process.

→Supplementary: Additional Rights

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