

Women and Gender Aspects

Article 6

Women with disabilities

Justification for Twin Track Approach:

As CEDAW does not explicitly refer to women with disabilities, IDC emphasizes the necessity of a comprehensive approach (twin track) to cover gaps in the Convention regarding the protection of human rights and fundamental freedoms of women with disabilities. The stand alone article is necessary to give visibility to multiple discrimination of women with disabilities, to address State Parties comprehensively on the obligation to ensure equal human rights and fundamental freedoms for women and girls with disabilities and to mobilize for undertaking adequate gender sensitive measures in this regard. But to meet needs of women and men with disabilities adequately gender sensitive measures have also to be part of relevant other articles.

Article 6

Women with disabilities

(REPLACE “1. States Parties recognise that women and girls with disabilities are subject to multiple discrimination and that focused empowerment and gender sensitive measures are necessary ensure the full and equal enjoyment by women and girls with disabilities of all human rights and fundamental freedoms”)

BY:

1. States Parties shall take all necessary measures to ensure the full enjoyment by women and girls with disabilities of all human rights and fundamental freedoms and ensure the equal rights of women and girls with disabilities to the enjoyment of all rights set out in this Convention

Justification: The text as proposed here by IDC is much stronger than the proposed working text and is similar to that under Article 7.1 Within this Convention the rights of women should not be less addressed than that of children.

(REPLACE: “2. States Parties shall take all appropriate measures to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of the human rights”)

BY:

2. State Parties recognise that women and girls with disabilities are subject to intersectional discrimination and shall take all necessary measures to eliminate all forms of discrimination against women and girls with disabilities and shall take focused, empowering and gender sensitive measures to enable women with disabilities to live in freedom, safety and autonomy and to ensure the full advancement and development of women and girls with disabilities”

Justification: It is important to stipulate the discrimination that women with disabilities encounter on the basis of their disability and gender as well as on other elements (e.g. ethnicity, class, geographical difference), therefore the term intersectional is a better choice than multiple. Women should be further guaranteed to live in freedom and autonomy as this often does not apply to women with disabilities in the same way as to men with disabilities or women without disabilities on the basis of their gender and disability. It is essential that women with disabilities are empowered to reach their full advancement and can develop on an equal basis with others.

(ADD: "NEW

3. State Parties shall ensure to women with disabilities the right to make their own decisions free from discrimination, coercive influence and violence and shall guarantee to women with disabilities the same rights as others concerning their reproductive rights including their sexuality, pregnancy, childbirth, and motherhood and the right to gender sensitive information, education and related support on these matters"

Justification: For women with disabilities the right to make one's own decisions in all areas of life including those related to sexuality and reproduction are fundamental to autonomy and equality. Discrimination based on both gender and disability impedes women with disabilities from exercising these rights on an equal basis with others. Article 23 is insufficient since it does not address the gender dimension and only covers aspects of reproductive rights in the private sphere, while reproductive rights effects all areas of a woman's life, including work, education and political participation.

Article 24 Education

1. States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive (**ADD: "and gender-sensitive"**) education system at all levels, and life-long learning, directed to:

.....

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 that children (**ADD: "especially girls"**) with disabilities are not excluded from free and compulsory primary and secondary education on the basis of disability;

Justification: Education is one of the most valuable means of achieving gender equality. Gender-sensitive education meets the gender-specific needs of both women and girls as well as men and boys with disabilities. It enhances autonomy, empowerment and economic independence.

The education levels and literacy rates of women with disabilities are significantly lower than those of men with disabilities. Girls with disabilities are less often sent to school than boys with disabilities and seldom follow further education

Article 25 Health

....

(a) Provide persons with disabilities with the same range, quality and standard of free or affordable health services as provided other persons (LIFT THE BRACKETS: [including sexual and reproductive health services]¹ and population-based public health programmes;

Justification: Sexual and reproductive health service, is provided for in several general comments and recommendations, for instance in ICESCR No 14 and further, IDC does not interpret "service" with any forms of contraception or abortion services, but only to provide women and men with disabilities with the same health care, information and service as to others. These rights are especially denied to women with disabilities, because Women with disabilities are seen as asexual and subordinated and also placed in a passive or subservient role where our self-determination is not supported

...

(RESTRUCTURE THE FOLLOWING: (d) Require health professionals to provide care of the same quality to persons with disabilities as to others, including on the basis of free and informed consent by, inter alia, 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;

¹ The Ad Hoc Committee notes that the use of the phrase "sexual and reproductive health services" would not constitute recognition of any new international law obligations or human rights. The Ad Hoc Committee understands draft paragraph (a) to be a non-discrimination provision that does not add to, or alter, the right to health as contained in Article 12 of the International Covenant on Economic, Social and Cultural Rights or Article 24 of the Convention on the Rights of the Child. Rather, the effect of paragraph (a) would be to require States Parties to ensure that where health services are provided, they are provided without discrimination on the basis of disability.

TO INSTEAD READ:

(d) **Require health professionals to provide care of the same quality to persons with disabilities as to others, including on the basis of free and informed consent.**

(d) bis Provide (**ADD: “information and”**) training to health professionals in order to raise awareness of the human rights, dignity, autonomy and needs of persons with disabilities (**ADD: “and to enhance knowledge and understanding of the combined element of disability, age and gender;”**)

(d) ter Promulgate ethical standards for public and private health care (**ADD: “reflecting the obligations contained in this article;”**)

***Justification:** This restructuring (based on Mexico’s proposal at the 7th Session) separates elements of paragraph d that deserve independent attention. It is not a substantive change. The IDC additions indicated are designed to address a gender perspective and to improve the text in minor ways. The addition to (d) ter is necessitated by the restructuring.*

Article 26

Habilitation and rehabilitation

1. States Parties shall take effective and appropriate measures, including through peer support, to enable persons with disabilities to attain and maintain their maximum (**ADD: “individual”**) independence, full 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 habilitation and rehabilitation services (**ADD: “and programs, applying to all persons with disabilities irrespective of gender, culture, age, covering all stages in life, degree, duration and complexity of disability and place of residence”**), particularly in the areas of health, employment, education and social services, in such a way that:

.....

***Justification:** Habilitation and rehabilitation services have to be gender-sensitive to meet specific needs and life circumstances of women and men with disabilities. This is particularly important with respect to the fact that women with disabilities are underrepresented in all areas of habilitation and rehabilitation. This is the case in developed as well as in developing countries.*

Article 27

Work and employment

(ADD: “(j bis) Ensure that women with disabilities enjoy the rights to work on an equal basis, including protective rights during pregnancy and maternity leave”;

***Justification:** Three quarters of women with disabilities worldwide and up to 100% in some developing countries are excluded from the workforce.*

Depending on the work place general employees protection law is not always implemented. Furthermore, trade union protection is often lacking. Therefore, the needs of women with disabilities are often not met when being pregnant or having a child, which affects them in their equal enjoyment of their right to work.

Article 30

Participation in cultural life, recreation, leisure and sport

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(New 5 (f): “To ensure that women and girls with disabilities are especially encouraged to participate into recreational, cultural and sporting activities and its organisational structures.”)

***Justification:** Research (during the International Women and Sport 4-year conference revealed in Japan) has proven that the participation of girls and women with disabilities in all these fields is minimal and they are hardly encouraged, not facilitated to participate into these activities. This is even more the case for women and girls with disabilities in third world countries or with specific cultural backgrounds. When resources are made available for sport, men and boys (with and without disabilities) profit far and foremost. Wording stipulating the importance of full participation and encouragement of participation of women and girls is essential for their full enjoyment of life and finding self esteem if (full-time) employment is not an option.*

Article 31
Statistics and data collection

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

(ADD:

”(0) involve organizations of PWD with a gender balanced approach 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, gender, age, ethnic, categories reflecting the diversity of people with disabilities, and economic categories and ensure that the data provides information on issues that may affect differently to different groups”)

Justification: *gender and other categories disaggregated data is needed for proving the real situation of all people with disabilities*