

Non-paper prepared by the delegation of the REPUBLIC OF KOREA:
Why an article on WOMEN WITH DISABILITIES as part of the convention
on the rights of persons with disabilities

Ad Hoc Committee on a Comprehensive and Integral International Convention on the
Protection and Promotion of the Rights and Dignity of PWDs

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The drafting of a convention on the human rights of persons with disabilities (PWDs) should strive to strike a balance between the general and the concrete, so as to provide for the flexibility required by would-be signatories in implementing the convention as well as the specificity that gives the convention ecological validity and relevance for the real-life experiences of PWDs. It should proceed in such a way as to maximize the positive consequences that the implementation of the convention would bring to the people that it aims to benefit.

In gender-equal societies, such a convention would have the same desired benefits for men and women with disabilities. The fact is, in most societies to various degrees, gender equality is yet a goal to be strive for, women and girls continue to suffer gender-based discrimination of various forms, and women with disabilities remain one of the most marginalized groups in society. Under the circumstance, to draft a human rights convention for PWDs that is gender-neutral, without addressing the special circumstances of women with disabilities, would be to overlook the human rights of half of the people for whom the whole exercise aims to address.

While the drafting should resist the temptation to address all the various subgroups of PWDs lest the convention becomes too long and unwieldy, the largest subgroups that call for the attention of all would-be signatories, such a women and children, should be given meaningful mention in the convention, so as to enhance the value and universal relevance of the convention. Furthermore, in sheer quantitative terms, women with disabilities are more than a subgroup. They constitute half of the people for whom the convention is being drafted, as well as half of all the subgroups that can be located in the population of PWDs everywhere.

In qualitative terms also, the experience of women with disabilities is such that it requires special mention in a human rights convention for PWDs. The plight of women with disabilities is not the simple sum of the barriers faced by PWDs and the barriers faced by women. The consequence of the combination of disabilities and the inferior status as women goes beyond the mechanical doubling of the discriminations that must be faced to a qualitative difference in the way life mistreats women with disabilities.

Women with disabilities are ready victims of social alienation and policy neglect. In many cases, they remain literally invisible and nameless, kept inside the home or abandoned by families that do not wish to acknowledge their existence, often neglected and abused while undetected by the corrective processes of larger society. They remain invisible in the policy domain, where disabilities are addressed and women's rights are addressed but in separate realms, and to governments and the political leadership to whom they are hardly a significant and vocal constituency. Discrimination, which at least assumes the existence of those discriminated against, maybe too mild a term to capture the plight of women with disabilities whose very existence is often overlooked. In many cases, women with disabilities themselves are ~~relegated to the self-perception of being undeserving of policy attention and not~~ entitled to enjoy the rights and freedoms as human beings.

The combination of the social neglect and self-denial results in wide gaps between women and men with disabilities in terms of the major socio-economic indicators. While men with disabilities have serious employment problems, women with disabilities are significantly worse off. Women with disabilities are significantly poorer than men with disabilities. The impediments to their access to health care, education, vocational training and employment are much higher than for men with disabilities. In cultures where the preference for male offspring still persists, there are few educational opportunities for girls with disabilities, women with disabilities are the last policy priority, and efforts to help disabled women become productive members of society is considered a waste of resources. Women and girls with disabilities are exposed to greater risk of physical and sexual abuse, denial of their reproductive rights, and reduced opportunity to enter marriage and family life. Stigmatized and rejected from earliest childhood and denied opportunities for development, girls with disabilities grow up lacking a sense of self-worth and self-esteem.

Women with disabilities are also invisible for the most part in the existing international norms covering PDWs as well as those covering women's rights, both of which give them only brief passing reference:

The Standard Rules on the Equalization of Opportunities for Persons with Disabilities, so far the primary international norm for advancing the human rights of PWDs, lacks gender-specific analysis and recommendation. Rule 9.3 provides that States "should promoted measure to change negative attitudes towards marriage, sexuality and parenthood of persons with disabilities, especially of girls and women with disabilities, which still prevail today." In his final report, the former Special Rapporteur of the Commission on Social Development on the Implementation of the Standard Rules notes: "Both the child and the gender perspective are vague in the texts of the Rules. Both the needs of the child and the gender perspective should receive more attention in future implementation efforts."

The World Programme of Action concerning Disabled Persons, in Article 45 speaks of the special situation of women with disabilities. It speaks of social, cultural and economic obstacles that affect the health of women, and the lack of access to health care, vocational training and employment for women with disabilities.

The Beijing Declaration, in article 32, commits member states to "intensify efforts to ensure equal enjoyment of all human rights and fundamental freedoms for all women and girls who face multiple barriers to their empowerment and advancement because of such factors as their race, age, language, ethnicity, culture, religion, or disability, or because they are indigenous people.

The gap between the scarcity of provisions on women with disabilities in existing global norms and the reality of the daily plight they face remains very wide. A meaningful attempt to bridge the gap should be a part of any endeavor to strengthen the global norms for PWDS, as currently being played out in the drafting of a convention on the human rights of PWDs. The convention, with focused and extensive language on women with disabilities, can lift them out of invisibility and accord them their rightful place policy discourse. Without such content, the convention would be incomplete and too removed from the real experience on the ground. /end/