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Follow-up to the Fourth World Conference on Women and to the special session of the General Assembly entitled “Women 2000: gender equality, development and peace for the twenty-first century”: implementation of strategic objectives and action in critical areas of concern and further actions and initiatives

Statement submitted by European Disability Forum, a non-governmental organization in consultative status with the Economic and Social Council

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.



Statement

Reports of the Office of the United Nations High Commissioner for Human Rights and the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, state, among other facts, that women with disabilities are two times more likely to experience domestic violence than women without disabilities. The reports recognize and condemn the prevalence and often systematic nature of violence against women and girls with disabilities. The European Disability Forum commends and welcomes both reports as unprecedented symbols of the need to address discrimination leading to the increased violence faced by women and girls with disabilities for what it really is: distinct, intersectional and multidimensional.

Women and girls with disabilities experience violence by a variety of different actors in a variety of different situations. However, it is currently difficult to quantify the exact prevalence of the situation owing to both the widespread and problematic lack of data and to the fact that women and girls with disabilities may face violence in situations and settings where women and girls without disabilities do not.

The unique factors, settings and situations exacerbating the risk of violence against women and girls with disabilities are numerous. For example, the lack of sexual education for women and girls with disabilities, often a result of stigmas about their sexuality, contributes to sexual violence. Communication barriers faced by women with sensory disabilities lead to the targeting of them, and prevent women from lodging complaints and seeking legal redress, rehabilitation or support. Insufficient economic opportunities for women increase their vulnerability and dependence on others. The exclusion and isolation of women with disabilities from society in residential institutions and the lack of mobility aids or assistive devices increases vulnerability to violence and contributes to impunity. Discriminatory legislation failing to recognize the autonomy and legal capacity of persons with disabilities increases their vulnerability to violence, often violence with impunity. This legislation can be part of systematic violence against women with disabilities.

In many countries, the lack of respect for the equality of persons with disabilities translates into a culture of impunity for violence. This dangerous situation is often compounded by systematic discrimination against women and girls with disabilities. Such violence includes rape, forced sterilization (often State-sanctioned) and involuntary treatment including forced psychiatric interventions, involuntary abortions, domestic violence and corporal punishment. This treatment can amount to torture or inhuman or degrading treatment or punishment. States bear responsibility for such acts when committed by public authorities or when States fail to prevent such acts by private actors.

Many harmful practices that affect all women, such as female genital mutilation, forced marriage, forced sterilization and rape, are also committed against women and girls with disabilities, but with consequences that aggravate existing disabilities, create new ones or magnify their existing vulnerability and social exclusion. Rape of women and girls with disabilities committed by persons living with HIV/AIDS is exacerbated by the myth of virgin cleansing. Some communities reason that mothers of children with disabilities have given birth to a child with a disability as punishment for personal wrongdoing. In the eyes of the community,

this justifies violence against the mother of the child or the departure of her spouse and the withdrawal of family support.

The compounded risk of violence faced by women and girls with disabilities is largely a result of the double discrimination they face on the basis of both gender and disability. Specific groups such as indigenous, older women or young women with disabilities who face multiple discrimination are thus also at greater risk of domestic and other violence, including that committed by the State itself.

Systemic inequalities and the still often prevailing medical model lead many to view disability as a problem to be fixed, leading to equally problematic solutions such as institutionalization, which is common among women and girls with disabilities, despite article 19 of the Convention on the Rights of Persons with Disabilities, which protects against this. Institutionalization leads to unique forms of violence that may remain invisible or unaddressed. For example, girls and women with disabilities who have different impairments are subjected to forced treatment, drugs, electroshock and other forms of violence in institutions or medical settings and by health-care providers. Trauma occurring as a result of violent medical practices is often unacknowledged as such, since it is done in the name of therapeutic treatment.

Another issue affecting all children, but especially children and girls with disabilities, is corporal punishment, or violence inflicted in the name of “discipline” or punishment — in all settings, including in the home, schools and other institutions. Corporal punishment has a detrimental effect on women and girls with disabilities, ranging from physical to emotional and psychological effects.

Prevention and protection from violence and remedies in case of its occurrence need to take into account the different kinds of violence, exploitation and abuse that occur against persons with disabilities. Currently, there is often no investigation done at all. Some women and girls, such as those who are living in an institution or those who have been deprived of legal capacity, are not able to ever press charges at all. Also to be taken into account in terms of prevention, protection and remedies for women and girls who experience violence is the potential difficulty for a woman or girl with a disability who has experienced violence to tell family and friends about it. She may not think they will believe her, and even supportive families may feel helpless; fear that the State will not take any action; or lack the money needed to pay for lawyers and get help.

The Convention on the Rights of Persons with Disabilities shows a progressive approach to mainstreaming gender issues throughout its text, and is the first convention to recognize multiple discrimination. The Convention on the Rights of Persons with Disabilities embodies a paradigm shift in thinking about persons with disabilities, seeing them as equal, human-rights-holding members of society. The Convention may therefore be a useful tool in combating both the surface instances of violence against women and girls with disabilities and in addressing the root causes of violence, such as the structural power dynamics embedded in many societies.

The Convention on the Rights of Persons with Disabilities directly addresses the rights of women, with article 6 requiring States parties to ensure the equal enjoyment of all human rights and fundamental freedoms and take measures to ensure the full development, advancement and empowerment of women. Article 16

sets out the right of persons with disabilities to be free from exploitation, violence and abuse, including gender-based aspects of such actions, both inside and outside the home.

The Forum welcomes the theme of the 2013 session of the Commission on the Status of Women. The Forum encourages all Governments, United Nations agencies, civil society actors and other relevant stakeholders to address, prevent and eliminate the devastating and multiple forms of violence inflicted against women and girls with disabilities to their utmost capabilities. Governments and other key actors must commit to concrete steps to face the trivialization and invisibility of varied and serious abuses suffered by women and girls with disabilities everywhere. The Forum concludes with the following recommendations:

Protection

- Implement and enforce the relevant articles of the Convention on the Rights of Persons with Disabilities, including articles 6 and 7 and 12 to 17
- Review existing legislation and adopt new legislation where needed banning all forms of violence against women and girls with disabilities and eliminating impunity for such violence in all settings in all countries
- Promote the deinstitutionalization of women and girls with disabilities
- Enforce the absolute prohibition of torture and ill treatment of women and girls with disabilities, especially focusing on medical or other institutional settings
- Protect all women and girls with disabilities from enforced or involuntary sterilization. Enact national legislation on its prohibition
- Enact legislation explicitly prohibiting corporal punishment in the home, schools and all other settings

Prevention

- Collect information on all forms of violence experienced by women with disabilities and ensure that data on violence against persons is disaggregated by disability and sex
- Design multisectoral programmes and national projects with the substantive participation of and in consultation with disabled persons organizations
- Train police and relevant public authorities on non-discrimination and on specific vulnerabilities of women and girls with disabilities to violence
- Inform women and girls with disabilities of their rights under the Convention on the Rights of Persons with Disabilities and other laws regarding family and domestic violence and create public education campaigns to increase respect for all persons in the home

Remedies

- In consultation with women and girls who have survived or witnessed violence, design accommodations and options that are neutrally available to all and that target specific effects of violence

- Design safe spaces for women and girls with disabilities to discuss violence and its effects
 - Support rehabilitation for women and girls with disabilities who are being subjected to violence, or who have survived or witnessed violence
 - Ensure that the Government is providing adequately funded and staffed crisis intervention and other needed services for women and girls with disabilities
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