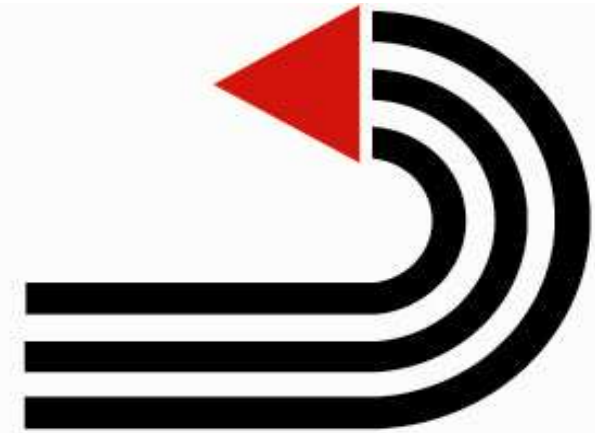


Violence against Women with Disabilities

**Protection of women with
disabilities against violence –
obligations under international law**

March 28th 2012
EP Hearing, Brussels
Wiebke Schär, DPI Germany

- umbrella organization of the Centers of Independent Living of people with disabilities in Germany



Interessenvertretung
Selbstbestimmt Leben
Deutschland e.V. - ISL

- German branch of the international organization of people with disabilities "Disabled Peoples' International - DPI"

overview

- short introduction: the Convention on the Rights of Persons with Disabilities (CRPD)
- the CRPD and women
- obligations under International Law
- conclusion

Convention on the Rights of Persons with Disabilities (CRPD)

- obligations: respect, protect, fulfill
- Optional Protocol
- treaty body: Committee on the Rights of Persons with Disabilities
- paradigm shift: disability, inclusion, participation,...
- DPOs: „nothing about us without us“
- national monitoring mechanism

The CRPD and women

- CRPD:
 - Art. 6
 - mainstreaming (art.3, 8, 16, 25, 28, 34)
 - preamble
- “twin track” – approach

Legal study: Standard Interpretation of the CRPD from a Female Perspective

- Why?: to enrich international discussion; clarify how the women and gender specifications in the CRPD can be interpreted; to determine the ensuing practical consequences for the States parties
- **Intersectionality**: *"an integrated approach that addresses forms of multiple discrimination. Intersectional discrimination is ... a distinct and particular experience of discrimination unified in one person or group"* (UN 2001)
- focus on the intersectionality of gender and disability; ensure that the full range of relevant issues set out in the CRPD is addressed

What obligations result under international law?

- CRPD, Preamble (q):

„ *The states parties to the present Convention – [...]*

(q) Recognizing that women and girls with disabilities are often at a greater risk, both within and outside the home, of violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation“

Freedom from exploitation, Violence and Abuse

- Art. 16, paragraph 1:
 - “ *States parties shall take all appropriate legislative, administrative, social, educational and other measures to protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse, including their gender-based aspects.”*
 - all forms of violence (CEDAW general Recommendation No.19; UN General Assembly’s Declaration on the Elimination of Violence against Women 1993)
 - scientific studies on violence against women with disabilities
 - extension of the Protection against Violence Act
 - trainings provided by Youth and Social Assistance Authorities

- Art. 16, paragraph 2:

“ [...] take all appropriate measures to prevent all forms of exploitation, violence and abuse by ensuring, inter alia, appropriate forms of gender- and age sensitive assistance and support for persons with disabilities and their families and caregivers, including through provision of information and education on how to avoid, recognize and report instances of exploitation, violence and abuse. States parties shall ensure that protection services are age-, gender- and disability-sensitive”

- the right to same gender care
- Women´s Affairs Commissioners/Equal Opportunities Commissioners
- female living groups
- education and counselling
- Protective Services training

- Art. 16, paragraph 4:

“ [...] appropriate measures to promote the physical, cognitive and psychological recovery, rehabilitation and social reintegration of persons with disabilities who become victims of any form of exploitation, violence or abuse, including through the provision of protection services. Such recovery and reintegration shall take place in an environment that fosters the health, welfare, self-respect, dignity and autonomy of the person and takes into account gender- and age-specific needs.”

- accessible Counselling Service locations
- accessible women shelters
- Social Services Providers' obligations
- improvement of detection of violence

- Art. 16, paragraph 5:

“States parties shall put in place effective legislation and policies, including women- and child-focused legislation and policies, to ensure that instances of exploitation, violence and abuse against persons with disabilities are identified, investigated and, where appropriate, prosecuted.”

→ training

→ reform of Sexual Crime Legislation

→ increasing consideration of victim’s perspective required

conclusion

- gender and disability addressed as separate issues; bringing together gender and disability in order to properly acknowledge interests and needs; EU and states policies must take appropriate measures to secure equality

- United Nations (2001): **Background briefing on intersectionality**. Working Group on Women and Human Rights, 45 th session of the UN, quoted in Bradley, H., Healy, G., Forson, C. and Kaul, P. (2007) Moving on up? Ethnic minority women and work, Manchester, Equal Opportunities Commission
- Dr. Arnade, Sigrid; Haefner, Sabine (2011): **Standard Interpretation of the UN Convention on the Rights of Persons with Disabilities (CRPD) from a Female Perspective** - Position and Reference Paper on the Significance of References to Women and Gender in the Convention on the Rights of Persons with Disabilities

Available at: http://www.netzwerk-artikel-3.de/attachments/100_crpd_interpretation_women_and_gender_provisions_nw3-de_2011.pdf