

Post-2015 Sustainable Development Goals

Policy brief

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Gender equality and women's empowerment: women and girls with disabilities

Gender inequality is acknowledged as the most pervasive form of inequality, and failure to achieve gender equality, impacts on the rights of women and girls everywhere, and slows growth and progress from a development perspective¹. This short policy briefing paper prepared for the Open Working Group meeting on 'Gender Equality and Women's Empowerment', **sets out key five issues for women and girls with disabilities**, each of which, highlight the intersectionality between gender and disability, and resonate with the current narrative for crosscutting goals on gender equality and the need for the post-2015 framework to be underpinned by human rights. The recommendations are both overarching (relating to gender equality and human rights) and are also specific to women and girls with disabilities.

Overarching recommendations on gender and disability and sustainable development goals

- Ensure that goals and measures adopted by the post-2015 development framework to support gender equality **recognize the intersectionality between gender and disability**.
- Ensure that goals adopted by the post-2015 development framework to **support the protection of women and girls are inclusive of women and girls with disabilities**.

Recommendations specific to women and girls with disabilities and sustainable development goals

- Inclusive **growth strategies must address the barriers women and girls with disabilities face** in accessing education and employment opportunities.
- Responses to **gender based violence must address the unique aspects of violence against women and girls with disabilities**, including their access to vital support and recovery services.
- Measures to improve **women's access to justice must address the barriers faced by women and girls with disabilities**, and in particular include a range of measures to build capacity and knowledge of their rights.
- Measures to support the rights of women in **exercising control over their own bodies and family planning must be inclusive of women and girls with disabilities**.
- Action taken to improve **women's participation in political and public life must include women and girls with disabilities**.

Overall Recommendation

1: Ensure that goals and measures adopted by the post-2015 development framework to support gender equality recognize the intersectionality between gender and disability.

The policy narrative on the post-2015 sustainable development agenda, has so far acknowledged the limitations of current development goals with respect to gender equality, and commitments have been given to ensure that the next global framework for development builds a society where all women and girls are able to realize their full potential². Women and girls with disabilities make up a significant percentage of the world's female population; yet their issues, which are mostly similar to issues faced by all women and girls, have traditionally remained invisible from both disability and gender policies³. In fact, some international human rights lawyers go so far as to suggest that women and girls with disabilities have failed to be afforded, or benefit from provisions in international, regional and national laws, standards and agreements⁴. Aside from the law, from a policy perspective women and girls with disabilities do not receive sufficient attention, and when they do, it's usually within the context of vulnerable populations, or as 'special concerns' or at the end of a list of marginalized groups⁵. This lack of prioritization of women and girls with disabilities has resulted in the current global development goals failing to address the barriers they face.



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Beatrice participates in business management training through the support of the Association of Women with Disabilities in Togo (APROFETHO). This will enable her to access a micro-credit, which she plans to use to start a restaurant in the Bé neighborhood of Lomé.

Gender and disability are inextricably linked, yet the intersection between the two remains disconnected

It is acknowledged that disability and gender in the developing world are inextricably linked. Studies show that gender can be considered a risk for acquiring a disability. The World Health Organization (WHO) estimates that more than 30 women every minute are seriously injured or disabled during labor, thus rendering vast numbers of women in the developing world

physically and socially disabled. For every woman who dies from pregnancy-related complications, between 30 and 100 more live with painful and debilitating consequences⁶. Equally, women with disabilities are excluded from the majority of development interventions due to the fact they are disabled and indeed, as a woman, they are also more vulnerable to poverty. For example the UN has stated, "the combination of male preference in many cultures and the universal devaluation of disability can be deadly for disabled females"⁷. However, despite this interconnectedness disability and gender are generally viewed separately (in their own silos) from both a legal and policy perspective, and issues that crossover both are responded to uniquely rather than taking a common approach⁸.

Overall Recommendation

2: Ensure that goals adopted by the post-2015 development framework to promote and protect the rights of women and girls are inclusive of women and girls with disabilities.

Empowerment for women and girls with disabilities through human rights protection

In order for the new sustainable development vision to be truly transformative for all women and girls, including those with disabilities, it must ensure that human rights and equality and non-discrimination are recognized as core values. The Convention on the Rights of Persons with Disabilities (CRPD) adopted by the UN General Assembly in 2006 and ratified by over 138 countries provides a normative framework, which promotes and protects the rights of women and girls with disabilities. So also do the Convention on the Elimination of Discrimination against Women (CEDAW)⁹, and the Convention on the Rights of the Child (CRC)¹⁰. The CRPD takes a twin track approach in protecting women and girls with disabilities, ensuring that Articles in the Convention take account of issues specific to gender equality (Article 5, 8, 16 and 24), while also providing specific protection for women with disabilities (Article 6) and children with disabilities (Article 7). The Committee monitoring the CRPD has formed a working group to provide a General Comment on women and girls with disabilities to ensure a thorough understanding of the issue.

Women and girls with disabilities – the key issues

This section outlines five key issues and makes a number of recommendations on how to include women and girls with disabilities in the post-2015 sustainable development framework.

1. Exclusion from participating in a sustainable inclusive economy

It is acknowledged that women and girls with disabilities face barriers in accessing traditional routes used to escape poverty, including education and employment. While precise data remains limited, it is generally accepted that women and girls with disabilities have less access to education, social services and employment opportunities than non-disabled women and disabled men. **With respect to education**, statistics from the World Report on Disability highlight that 50.6% of males with disability have completed primary school, compared with 61.3% of males without a disability. **For females with disability the report notes that 41.7% completed primary school compared to 52.9% of females without a disability**¹². Furthermore the UNDP reports the literacy rate for women with disabilities may be as low as 1% and UNICEF reports that women and children with disabilities receive 20% less rehabilitation services. However with appropriate access and support women and girls with disabilities are eager to take up education. **In terms of employment opportunities**, the World Report on Disability

"I started this business because I did not have enough money to care for my six children, three orphans who are deaf and three relatives.

I do not pity myself because I am a deaf woman, a widow and a single mother. I am able to do anything and I am proud that I can support my children and send them to school. You know, the joy of a woman is to be able to support the needs of her children"¹¹

(highlighting findings from the World Health Survey) states that results for 51 countries gives **employment rates of 52.8% for men with disability and 19.6% for women with disability, compared with 64.9% for non-disabled men, and 29.9% for non-disabled women**¹³. This lack of access to employment opportunities becomes more acute for women with disabilities in rural areas, where research has found that more than 80% of women with disabilities have no independent means of livelihood, and are totally dependent on others for their very existence¹⁴. Yet, there is some positive news with progress being made in areas such as entrepreneurship for women with disabilities and decent work for women with disabilities¹⁵.

Articles 24 (Education) and 27 (Work and Employment) of the CRPD protect the rights of women and girls with disabilities to access education, vocational and employment opportunities. Women and girls with disabilities are also protected by Article 10 (Education) and Article 11 (Employment) of CEDAW.

Specific recommendation

Inclusive growth strategies must address the barriers facing women and girls with disabilities in accessing education, employment and income opportunities.

Case study

Ruth's story

Ruth first joined the CBR program in Santo Tomás municipality in El Salvador in 2003. She was then six years old, had started to stand up but did not yet speak. Ruth and her mother joined the Early Education meetings, accompanied by the CBM co-worker. Ruth quickly developed her knowledge and abilities and in 2005 was able to enter the first grade at school. Her first teacher was very positive about Ruth joining the class, but unfortunately this teacher died and her replacement was not in favour of inclusive education. Although the CBR volunteer accompanied Ruth to school, Ruth felt unhappy and decided to stop attending.

The CBM co-worker offered, in cooperation with the Ministry of Education, teacher training in inclusive education to which Ruth's new teacher was invited. The Ministry of Education also agreed to the request of the CBR program to pay itinerant teachers to accompany the inclusion program, which could then be extended to 12 schools in the municipality.

From then on, everything went well. The itinerant teacher visited Ruth's home and encouraged her to return to school; Ruth's teacher was persuaded to change his attitude to children with disabilities, and instead to focus on Ruth's capabilities and potential. This CBR program and early attempts of inclusive education made sustainable changes in the community and Ruth has become an appreciated student in her class.



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Ruth and her classmates in school

"My husband beat me seriously. He beat me intentionally many times, when he came home drunk. He beat me because of my disability. He said to others that I was useless, could not make love or cook."¹⁶

2. Increased risk of violence and abuse

Women and girls with disability, by virtue of being a woman as well as having a disability, are at an increased risk of violence¹⁷. While women and girls with disabilities face similar experiences to non-disabled women with respect to gender-based violence, they also face unique issues as a result of their disability. For example women and girls with disabilities can be at risk of violence and abuse by a caregiver, who is also responsible for providing them with assistance and support with daily living. Also women and girls with disabilities institutionalized as a result of their disability are at an increased risk of violence and abuse, due to the closed nature of their living space¹⁸. Not only do women and girls with disabilities face an increased risk of violence and abuse in all spheres of life, they also face barriers in accessing the vital support services to recover and escape from violence. For example, a study by the UNDP found that women with disabilities were less likely to access support, refuge or legal redress than their peers without disabilities¹⁹.

Articles 15 and 16 of the CRPD protect the rights of women and girls with disabilities from torture or cruel, inhuman or degrading treatment or punishment, and from exploitation, violence and abuse, with Article 17 protecting the integrity of women and girls with disabilities. CEDAW also provides protection for women and girls with disabilities.

Specific recommendation

Responses to gender based violence must address the unique aspects of violence against women and girls with disabilities, including their access to vital support and recovery services.

3. Lack of access to justice

Both the CEDAW and the CRPD protect the rights of women and girls with disabilities. However in **practice many barriers exist for women and girls with disabilities in seeking justice, particularly in the area of redress for violence and abuse and control over their own bodies**²². For example, in some instances there is a perception that women with disabilities (particularly those with an intellectual disability) are not seen as 'credible witnesses'. A study by Human Rights Watch in Uganda in 2010 **reported that women and girls with disabilities they interviewed had tried to seek redress for sexual violence but failed**. Also some court rulings have violated the rights of women and girls by enforcing sterilization²³. Other barriers to women and girls accessing justice include weak implementation of laws on disability, low levels of knowledge about law and the process of participating in the formal justice system by women and

"For women and girls with disabilities, the process of reporting rape is not accessible – in terms of physical access (long distances to travel, no ramps or other accessibility needs) and communication (such as no sign language interpretation)"²⁰

"[The nurse] was very rude to me, and she didn't know sign language. She couldn't even tell me to push. She wasn't guiding me. One of my children died"²¹

girls with disabilities and finally a lack of resources to promote laws that protect the rights of persons with disabilities²⁴.

Article 12 (Equal recognition before the law) and Article 13 (Access to justice) of the CRPD and Article 15 (Law) of CEDAW protect the rights of women and girls with disabilities in accessing justice.

Recommendation

Measures to improve women's access to justice must address the barriers faced by women and girls with disabilities from legal, medical and police systems and in particular include a range of measures to build capacity and knowledge of women and girls with disabilities of their rights.

4. Prejudice and discriminatory attitudes in sexual health, reproductive rights and in the right to family life

Society generally views women with disabilities as "asexual, dependent, recipients of care rather than caregivers, and generally incapable of looking after children"²⁵. This prejudicial view of women and girls with disabilities impacts negatively on their rights to access information and programs on sexual and reproductive rights and can also manifest itself in **decisions about reproduction and family planning being made by a third party in the 'best interests of women with disabilities', and in some circumstances without the consent of the woman or girl with a disability**²⁶. Additional to the barriers faced by women and girls with disabilities in accessing information enabling them to make informed choices, they also face numerous barriers due to inaccessible clinics, programs that are not inclusive of their specific needs, and the negative attitudes of staff working in this area.

Article 17 (Protecting the integrity), Article 23 (Respect for home and family) and Article 25 (Health) of the CRPD protect the rights of women and girls with disabilities to the necessary support and services related to their sexual health and also their right to have a family. Article 16 (Marriage and family life) of CEDAW also protects women and girls with disabilities.

Recommendation

Measures to support the rights of women in exercising control over their own bodies and family planning must be inclusive of women with disabilities.

"...they told me that schizophrenics don't have the right to vote"²⁷

5. Minimal participation in political and public life

Women with disabilities, much like non-disabled women, face challenges in participating in political and public life.

While non-disabled women's political participation rates are low, disabled women's participation rates are low to non-existent. More often than not, women with disabilities are invisible during consultations and decision making processes and are under represented in civil society organizations, which represent disability, and also organizations that represent women's issues. With respect to women with disabilities holding public office **additional barriers are faced which include, legal capacity (being considered not capable to vote or to hold office due to having specific disabilities, e.g. intellectual and psychosocial), lack of access to polling stations and inaccessible voting material.**

Article 29 (Participation in political and public life) of the CRPD and Article 7 (Political and public life) of the CEDAW protect the rights of women and girls with disabilities to access political and public life.

Recommendation

Action taken to improve women's participation in political and public life must include women and girls with disabilities.

References

¹ See the 'Issues brief prepared by the TST for the Open Working Group meeting on Gender Equality and Women's Empowerment', which highlights that despite gains made for women in equality over the years, the inequalities faced by women and girls worldwide continue to exist and in many countries, they continue to grow. The issue brief lists a range of areas where inequalities for women and girls are reflected, for example, the higher number of women and girls living in poverty, likelihood of abuse and violence, lack of control over their own bodies, sexual health and reproduction and inequalities in the enjoyment of social and economic rights.

² United Nations (2013). "A New Global Partnership: Eradicate Poverty and Transform Economies Through Sustainable Development: The Report of the High-Level Panel of Eminent Persons on the Post-2015 Development Agenda", New York.

United Nations (2012). "Realizing the Future We

Want for All: Report to the Secretary General". New York.

³ Ortoleva, S. and Lewis, H. (2012). "Forgotten sisters - a report on violence against women with disabilities: an overview of its nature, scope, causes and consequences". School of Law Faculty Publications. Paper 184.

⁴ Ortoleva, S. and Frohmader, C. (2013). "The Sexual and Reproductive Rights of Women and Girls with Disabilities". ICDP Beyond 2014, International conference on human rights, Issues paper, July 1st 2013.

⁵ For example, see "Issues brief prepared by the TST for the Open Working Group meeting on Gender Equality and Women's Empowerment", p. 6.

⁶ See Female Genital Mutilation on World Health Organization website: accessed January 20th 2014. <http://www.who.int/mediacentre/factsheets/fs241/en>

- ⁷ UN Enable. Rights of Special Groups with Disabilities, International Norms and Standards relating to disability. Accessed January 20th 2014. <http://www.un.org/esa/socdev/enable/comp001.htm>
- ⁸ Groce, N. (1997). Women with Disabilities in the Developing World, Arenas for Policy Revision and programmatic change, Journal of Disability Policy, (8), 177. It could also be reasonable then to suggest that the experience of women with disabilities falling between the gaps of gender and disability could be described as similar to that of the case made by Kimberley Crenshaw on race and gender where she claims that the "intersection of racism and sexism factors into black women's lives in ways that cannot be captured wholly by looking at the race or gender dimensions of those experiences separately; also for further reading on intersecting identities and their invisibility' see Crenshaw, K. "Mapping the Margins: Intersectionality, Identity, Politics, and Violence Against, Women of Color". Stanford Law Review, Vol. 43, July 1991.
- ⁹ Women with Disabilities Australia. (2009). "Parenting Issues for Women with Disabilities in Australia".
- ¹⁰ See pages 7 and 8 of http://www.un.org/esa/socdev/unvin/documents/children_disability_rights.pdf
- ¹¹ International Labour Organization (ILO). (2008). "Count us In: How to make sure that women with disabilities can participate effectively in mainstream women's entrepreneurship development activities". ILO: Geneva.
- ¹² Takamine, Y. (2003). "Disability Issues in East Asia: Review and Ways Forward". World Bank East Asia and Pacific Region.
- ¹³ World Health Organization and World Bank. (2011). "World Report on Disability", Geneva: WHO Press.
- ¹⁴ UNESCAP. (2003). Final Report of the 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.
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- ¹⁷ United Nations. (2012). Report of the Special Rapporteur on Violence against women, its causes and consequences. <http://www.ohchr.org/Documents/Issues/Women/A.67.227.pdf>
- ¹⁸ Ortoleva, S. and Lewis, H. (2012). "Forgotten sisters- a report on violence against women with disabilities: an overview of its nature, scope, causes and consequences". School of Law Faculty Publications. Paper 184.
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- ²¹ Ibid.
- ²² Ortoleva, S. "Women with Disabilities and the Justice System: Rights without Remedies", A blog from The World Justice Project. Accessed January 20th 2014. <http://worldjusticeproject.org/blog/women-disabilities-and-justice-system-rights-without-remedies>
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- ²⁷ Human Rights Watch (2012). "I Want To Be A Citizen Just Like Any Other. Barriers to Political Participation for People with Disabilities in Peru". Human Rights Watch: USA.