




EDF CEDAW Seminar  
(2 June 2019, Brussels)

How to use CEDAW for the defence of the rights of  
women and girls with disabilities

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# ADVOCATING FOR THE RIGHTS OF WOMEN WITH DISABILITIES:

1. Advocating for the rights of women with disabilities in the CEDAW Committee
  2. Advocating for the rights of women with disabilities using the CEDAW
  3. Building partnerships and alliance
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# ADVOCATE FOR THE RIGHTS OF WOMEN WITH DISABILITIES IN THE CEDAW

1. By participating in State review process (written submissions and in person in Geneva)
  - Prior and for the list of issues
  - For constructive dialogue (based on State report)
  - For adoption of concluding observations
2. By submitting individual complaints & inquiry
3. By contributing to General Recommendations
4. Holding side-event for CEDAW Committee



# USE THE CEDAW FOR NATIONAL ADVOCACY

CEDAW and CRPD as complementary advocacy tools

- Concluding Observations
- General Recommendations/General Comments
- Decisions on individual complaints and inquiries
- Committees' statements

Visit:

<https://www.ohchr.org/EN/HRBodies/CEDAW/pages/cedawindex.aspx>

# BUILD PARTNERSHIPS AND NETWORK

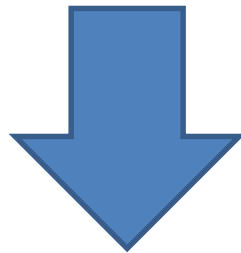
- Organisations of persons with disabilities



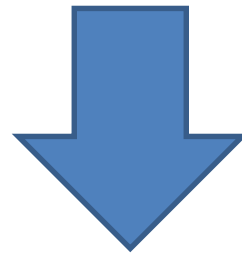
- Women's organisations



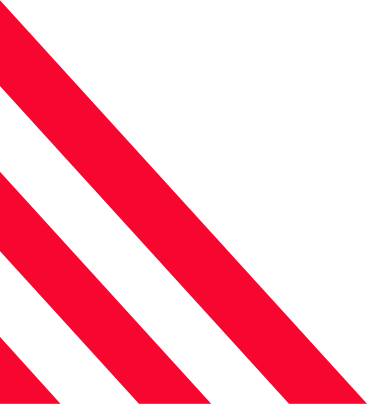
- Organisations of women with disabilities



CRPD



CEDAW



# Thank you for your attention!



WE ARE ALL WONDERWOMEN!



*John  
C. S. J.*

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# Women with disabilities in Lithuania National context

Dovilė Juodkaitė



# Focus on women with disabilities: challenges and weaknesses

- No active organisation of women with disabilities
- Active women organisations, but do not focus on disabilities
- Lithuanian disability forum cover issues related to women with disabilities on the mainstream level

# Specific initiatives of LDF

- **Submission of comments to CEDAW for the Pre-sessional Working Group, on CEDAW 58th session with regards to its review of Lithuania (2014)**
- **Submission of Responses to the List of Issues for CRPD Committee on the situation of Women with disabilities (2016).**
- **Plans for submitting alternative report on women with disabilities for CEDAW with regards to its review of Lithuania in 2019**

# Lack of targeted studies and data on women with disabilities

- 2014 “Quality of Life of Women Who Have Disabilities” (hereafter – Research) which provided in-depth analysis of personal experiences related to health, family, housing, education, labor participation, income, civic and political participation, security and other aspects of life of women who have disabilities Šumskienė, E. and others, 2014. Equality Ombudsman office.
- Statistical data analysis on women with disabilities – victims of domestic violence (LDF, 2018)
- Survey “Analysis of the situation of women and girls with disabilities, considering the effective implementation of the CRPD in Lithuania” (2018), initiated by the Disability affairs department

# CRPD recommendations, 2016

- The Committee recommends that the State party revise its action plan for the National Programme on Equal Opportunities for Women and Men 2015-2021 **to include an explicit focus on prevention and eradication of discrimination against women and girls with disabilities**, including multiple and intersectional discrimination, as well as **measures for their development, advancement and empowerment, in particular to foster their participation in public life.**

# Actions after Recommendations (Monitoring report of 2018)

1. Action plan for the years 2018-2021 of the National Programme on Equal Opportunities for Women and Men 2015-2021, was only approved on 27 June, 2018, coming into force from 1 July, 2018
2. There are 2 measures foreseen:
  1. 4.9. The measure provides support for initiatives that contribute to promoting the participation of disabled women and girls in public life or reducing multiple discrimination.
  2. Yet, the support is planned with approximately 1 thousand eur on average per project. In total for the years 2018-2021 - 17 projects planned, with 22 thousand Eur budget.
  3. Measure 8.3 focuses on the collection of statistics on the situation of women with disabilities in monitoring compliance with the provisions of the Convention, but ... no funds are made available for the collection of statistics, although it is planned to conduct one survey on the situation of women with disabilities annually.
  4. All other measures are foreseen for the prevention of discrimination on gender basis, not considering or taking into account multiple discrimination and no focus on the disability.

# Analysis of the situation of women and girls with disabilities, result from the survey of 2018 Monitoring report of 2018

1. 800 women and 150 girls with disabilities participated in the survey;
2. 52,7 % of women and 41 % girls felt they are experiencing discrimination;
3. Worst assessed situation in the areas and with regards to violence, employment and family creation
4. 8,6 % of respondents had to deal with the discouragements to give birth, sterilization, forced contraception or abortion.
5. Suffered discrimination in finding a partner, creating a family and getting children
6. 43 % of the disabled women do not have work experience. Half of the ones who have such experience do not have possibility to freely choose the work;
7. 16 % agree that women with disabilities suffer discrimination in the field of income and social guarantees in comparison to men with disabilities;
8. Has experienced psychological (about 35 percent), physical (about 22 percent), sexual (about 6.5 percent) violence;
9. The issue of violence is very sensitive, so researchers noted that not all respondents were willing to disclose this fact. Nearly 18 percent women could not or did not want to answer this question.

# Lithuanian situation, analysis of the statistical data on the domestic violence

Persons with disabilities who are victims of domestic violence :

		2013	2014	2015	2016	2017
<b>Total:</b>		202	197	163	161	216
<b>Gender</b>	Men	42	36	33	40	52
	Women	160	161	130	121	164

Informatikos ir ryšių departamento prie VRM duomenis



# Violence that people with disabilities have suffered

	2013 - 2015 m.
Physical	757
Psychological	65
Property damage	9
Neglect	2
Sexual violence	0

Informatikos ir ryšių departamento prie VRM duomenis



# Age of the disabled affected by domestic violence:

## Women:

50 – 59 metų	286
40 – 49 metų	157
60 – 69 metų	125
30 – 39 metų	93
25 - 29 metų	31
18 - 24 metų	20

## Men

40 – 49 metų	157
60 – 69 metų	125
30 – 39 metų	93
25 - 29 metų	31
18 - 24 metų	20

Informatikos ir ryšių departamento prie VRM duomenis

# Analysis of statistical data showed

- It is not possible to present real situation of victimization of disabled people, including disabled women, since there was no victimological research, including on domestic violence, that has studied this aspect.
- Comparing the experience of domestic violence between women and men with disabilities, women experience **three times** more frequent violent victimization than men.
- Comparing the experience of violence between women with disabilities and without disabilities, in 2017 In total, 272 women of disability were affected by crimes, with 164 or 60% affected by domestic violence. Whereas, with regards to women without disabilities, from 21523 women affected by crimes 6304 or 29,3 % were affected by domestic violence.
- Thus, comparing the victimization of disabled women with women without disability to victimization shows that **women with disabilities are twice as likely to experience violence in the close environment.**

# Analysis of statistical data showed

- **International victimological studies, expert findings indicate that people with disabilities are considered to be at greater risk of being subjected to criminal offenses.**
- Yet, from the Lithuanian statistical data we see, that disabled people who are victims of criminal offenses account for just 0.19 percent (242,000 persons with disabilities in 2017, 483 people with disabilities suffered from criminal offenses) among all persons with disabilities.
- Whereas, the prevalence of victimization in general population was 1.76 percent. (2017: 2606000 persons, victims' statements 45918).
- So, comparing these social groups, one can reasonably raise the question of the **extreme latency of victimization of disabled people.**

# Legal capacity

- The CRPD Committee highlighted in its jurisprudence that the right to legal capacity is a crosscutting right which is closely linked to other rights embodied in CRPD: to give and withdraw informed consent for medical treatment, to access justice, to vote, to marry, to work, and to choose a place of residence.
- With respect to the personal rights, such as the right to vote, the right to marry, it is inscribed even in the Constitution of the Lithuania, that persons being declared as incapable cannot vote.
- Civil Code indicate that persons being declared as incapable cannot marry, cannot raise children.
- In Lithuania legal capacity reform was introduced, yet, there is still possibility for restricting legal capacity in specific areas of life (sometimes even in all areas of life).

# Persons declared as legally incapable

Number of incapacitated people whose capacity is restricted in all areas or in areas specifically related to voting				Number of incapacitated people who are not restricted in the voting rights			
	Men	Women	Total		Men	Women	Total
VISO:	1917	1998	3915	VISO:	2481	2528	5009

- In total of 8924 incapacitated persons, there are 4526 women (50,7 %).
- There is no critical difference between men and women with disabilities who are incapacitated, yet there is big tendency of women with disabilities being incapacitated with aging.

# Plans for reporting to CEDAW

- To report on those lack of specific data, huge discrepancies and discrimination risks with regards to women with disabilities
- In the context of catastrophic situation with women in the Governmental positions (0) in Lithuania
- Very low (or no) participation of women with disabilities in political arena

# Recommendations:

- Include targeted measures to prevent and eliminate discrimination against women and girls with disabilities (Action Plan of the National Program).
- Prepare programs and organize trainings for professionals (social workers who visit a person at home, nurses, police, educational staff) to identify and prevent abuse against persons with disabilities.
- Providing assistance to people with disabilities who have experienced domestic violence to take into account their individual needs is physical accessibility, informational accessibility, alternative communication, psychological conditions
- Collect statistical information on the social situation, health and education of women and girls with disabilities.
- Organize trainings for women and girls with disabilities to recognize and combat discrimination

# **CEDAW: a key instrument for the defence of the rights of women and girls with disabilities**

**Sharing good practices from a recent past**

**Monitoring mechanism in Italy**

**Luisa Bosisio Fazzi**



# HR Treaties reporting cycle made by FID

- UPR 2° cicle (2014)
- CESCO (September 2015)
- CRPD (March and August 2016)
  - Alternative Report and List of Issues (January 2016)
  - Written Replies (July 2016)
- CCPR (March 2017)
- **CEDAW (April 2017)**
- **Istanbul Convention (CoE) (October and December 2018)**
- UPR 3° cicle (March 2019)

# Good Teachers.....good job

- Training provided by EDF and IDA
- IDA consultation on -line, support and close collaboration on-site during the State exams by the UN Committes in Geneva.

Were important support to improve knowledge, methodologies and strategies on the UN Convention reporting cicle.

After the hard work on CRPD Italy State's Report and the darft of the Alternative Report everything seemed easier

# CEDAW, the mainstreaming and Others things

- In 2017 two consideration of Italy State's Reports on different Convention CCPR and CEDAW
- Due to the limited time available, FID decided to submit written documents and not Alternative Report
- As usual, the 9 reports sent by civil society associations to the CEDAW Committee did not report any reference to women and girls with disabilities
- None of these associations asked us to participate in their shadow relations

# CEDAW monitoring mechanism in Italy made by FID

- Moving from the CRPD Alternative Report
- The transfer needed to adapt the CRPD arguments to the specific nature of the CEDAW for example:
  - Discrimination – multiple discrimination – intersectoral discrimination
  - Sex role and stereotype
  - Specific lack of gender policies
  - Social, economic, education, employment policies are not for women and girls with disabilities
- In practice, observations on some specific issues that were important to be evaluated because were lacking in the Italian Report to the CEDAW Committee.

# Suggestions to CEDAW Committee

- Mainstreaming disability and disability gender perspective on the base of the UNCRPD principles in the Countries' review.
- To take in account the Concluding Observations of the UN Committee CRPD to the Countries, that often includes some recommendations related to the rights of girls and women with disabilities.
- To take always in account the General comment n. 3 (2016) of the UN Committee CRPD on the article 6 of the UNCRPD concern women with disabilities.

# Impact of our suggestions on Concluding Observations

## Specific reference to Women with disabilities (§47 and 48)

- (a) Adopt targeted measures to promote the access to:
  - inclusive education,
  - the open labor market,
  - health care,
  - including sexual and reproductive health and rights,
  - public and social life and decision-making processes;
- (b) Increase and effectively implement the inclusion of persons with disabilities, in particular women with disabilities, in the open labor market;
- (c) Increase budgetary support to enable women with disabilities to live independently throughout the country and have equal access to services, including personal assistance;
- (d) Implement awareness-raising campaigns and provide capacity-building for State officials on the rights and special needs of women and girls with disabilities.

# What to do and not to do

## TO DO

- Know the CEDAW deeply, General Comments and Concluding Observation to SPs
- Look for references to disability in the other UN Conventions, in particular CRC.
- Try to work with Civil Society NGO
- Make an Alternative Report but also wait and revise the State Report

## NOT TO DO

- Exclude your network even if you don't have time
- If you are not satisfied with the collaboration with civil society, make a report on your behalf
- Feel self sufficient **better** ask for help to EDF - IDA



# CEDAW – Rapport Belgique

Liste de questions

**Genève 11-15/11/2019**

BDF – 02/06/2019







# Remerciements & Excuses

- Remerciements

- Invitation
- Aide « Liste questions CEDAW »
- Ana Pelaez, membre du Comité + pour le mouvement

- Excuses

- Gisèle Marlière
- Emilie De Smet
- Veerle Van Den Eede

- Aménagement « raisonnable »

- Olivier Magritte





# Belgian Disability Forum asbl (BDF)

- 18 ORPH
- Belgique fédérale
- Toutes situations de handicap
- Pas d'organisation « femme handicapée »
- Membre EDF : "Conseil national"
- UNCRPD = "structure de travail"

# Expérience UNCRPD

- Depuis 2003
- Élément structurant depuis 2010
  - Système de l'ONU
  - Travail avec nos organisations membres
    - » Production de rapports
    - » Comité de suivi
    - » Premier rapport UNCRPD 2011-2013 = 33 réunions !!!
  - = apprentissage :
    - » Connaissance réciproque
    - » Réalités de vie / Fonctionnement
    - = confiance

# Résultat et déclinaison

- Résultat

- Rapport alternatif (11 février)
- Travail avec le Comité des Droits UNCRPD
- List of Issues (fin avril)
  - discriminations croisées + discriminations par association

- Déclinaisons

- Autres instruments internationaux :
  - » Charte sociale européenne révisée
  - » Convention contre la torture
  - » CEDAW : rapport alternatif BDF 2014
  - » ...
- Processus plus léger : projet + e-mail

# Processus CEDAW

- Processus similaire
- Méthodologie similaire
  - Travail avec 18 associations membres
  - Documentation : Récolte Faits / Témoignages
  - Rédaction projet de propositions Q (secrétariat)
  - Discussion – Echanges : amélioration → e-mail
  - Finalisation – Traduction
  - Soumission
- BDF : rapport alternatif CEDAW en 2014

# CEDAW : difficultés

- Pas d'organisation de femmes handicapées
- Thématique présente
- Beaucoup de réalités vécues
  - Discriminations
  - Mauvais traitements / Contraceptions forcées
  - Violences y compris avortements forcés
- Peu d'éléments probants (plaintes)
  - Peurs / Sensibilisation / Capacity building
  - Poids structurels
  - Difficultés techniques → charge de la preuve



# CEDAW processus : difficulté

- Problème de temps
  - Pour nos associations membres
  - Juin = Assemblées générales
  - Juillet – août = période de “vacances”
  - Investissement en temps (processus UNCRPD)
  - Pour le secrétariat
  - ➔ Obligés d’en tenir compte

# Un élément nouveau

- Etude Professeure Tina Goethals - UGent
- Rapport sur la violence sexuelle chez les femmes atteintes d'un déficit en Flandres
- 120 témoignages
  - Non « probant » en droit
  - Mais crédibilité « universitaire »



# Rétro-planning

- 11-15 novembre : Comité CEDAW
- 10 octobre : soumission BDF
- Septembre : Finalisation + Traduction
- Août : Rédaction projet (secrétariat)
- Juillet : Documentation
- 3 juillet : réunion de lancement
  - Méthodologie
  - Pr. Tina Goethals

# Impliqués

- 18 organisations membres
- 5 Conseils d'avis de personnes handicapées
  - CSNPH
  - CWPH (Commission wallonne)
  - Conseil bruxellois de la personne handicapée
  - Vlaamse Raad voor personen met een handicap
  - Conseil bruxellois francophone des personnes handicapées

# Invités

- Persephone (j→ 2012)
  - Institut pour l'égalité des hommes et des femmes
  - UNIA (égalité des chances)
  - Conseil des Femmes Francophones de Belgique
  - Vrouwenraad
- = Collaboration / Expertise

# Sharing good practices from a recent past

Rachel O'Brien, Sisters of Frida



**SISTERS OF  
FRIDA**  
DISABLED WOMEN

# Pre-CEDAW Preparation

- Worked with other UK Women's NGOs via the National Alliance of Women's Organisations
- Worked with Janet Veitch and the Women's Resource Centre for England – providing information on disabled women's issues.
- Attended English Human Rights Commission's discussions and roundtables on CEDAW – access to funding to go to CEDAW
- Wrote own briefing on disabled women with Women Enabled International



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DISABLED WOMEN

# At CEDAW

- Gave oral statement to CEDAW committee on key issues affecting disabled women as part of the larger UK NGO oral statement.
- Had meetings with key committee members (e.g. Ana Peláez Narváez) to talk through key issues facing disabled women in the UK.
- Networked with UK Women's organisations and discussed potential future collaboration



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# Reflections and Improvements

- Further engagement with UK based DDPOs – both collaborating on projects and encouraging them to attend and submit evidence to CEDAW themselves.
- Increased engagement and publicity of CEDAW to disabled women – expanding evidence base, more collective voice and influence.



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