



Women Enabled, Inc.  
[www.WomenEnabled.org](http://www.WomenEnabled.org)  
[WomenEnabled@gmail.com](mailto:WomenEnabled@gmail.com)  
Advocating for the Rights of All Women!

September 1, 2012

Michelle Bachelet,  
Under-Secretary-General of the UN  
Executive Director, UN Women

Noeleen Heyzer,  
Under-Secretary-General of the UN  
Executive Secretary, Economic & Social  
Commission for Asia and the Pacific

Babatunde Osotimehin  
Under-Secretary-General of the UN  
Executive director, UN Population Fund

Marjon V. Kamara  
CSW Chair & Ambassador  
Mission of the Republic of Liberia to the  
United Nations

Irina Velichko  
CSW Vice-Chair & Second Secretary  
Mission of the Republic of Belarus to the  
UN

Ana Marie Hernando  
CSW Vice-Chair & Second Secretary  
Mission of the Philippines to the UN

Carlos Enrique García González  
CSW Vice-Chair & Deputy Representative  
Mission of El Salvador to the UN

Filippo Cinti, CSW Vice Chair  
First Secretary Mission of Italy to the UN

Nduku Kilonzo  
Exec. Director, Liverpool VCT (Kenya)

Marai Larasi, Co-Chair  
End Violence against Women (UK)

Margarita Quintanilla  
Director, PATH/InterCambios  
(Nicaragua)

Soon-Young Yoon,  
Chair, NGO CSW/NY

Dear CSW Leadership & Partners,

We write with respect to the importance of the inclusion of issues of concern to women and girls with disabilities in the agenda of the United Nations Commission on the Status of Women

(CSW), especially as it considers its priority thematic issue on the prevention and elimination of all forms of violence against women at its 57<sup>th</sup> session in March 2013.)<sup>1</sup>

Despite the implications for more than 500 million women and girls with disabilities and their families, issues concerning women with disabilities receive only limited, or even invisible, coverage in influential CSW Expert Group Meetings and preparatory papers. There is also scant inclusion of issues concerning women with disabilities in side events at CSW sessions, other than those organized by women with disabilities themselves. CSW can contribute to a more inclusive and effective awareness of violence against all women by welcoming women with disabilities to these discussions

We draw your attention to our just released 228-page Report: Stephanie Ortoleva and Hope Lewis, *Forgotten Sisters - A Report on Violence Against Women with Disabilities: An Overview of its Nature, Scope, Causes and Consequences* (August 21, 2012). Northeastern University School of Law Research Paper No. 104-2012. Available at SSRN: <http://ssrn.com/abstract=2133332>.

This report, prepared by two international human rights lawyers and a team of law student research assistants, reviews available information on the scope, nature, causes and consequences of violence against women and girls with disabilities, drawing on research by academics, practitioners, women with disabilities, Disabled Peoples Organizations (DPOs), governments and international and regional organizations and discusses significant gaps in the research and makes recommendations for future action. We urgently request that this valuable resource be included as part of the CSW57 preparatory papers to ensure that issues concerning violence against women and girls with disabilities are addressed.

The timing of the issuance of this Report is fortuitous as the Commission on the Status of Women prepares for its 57<sup>th</sup> Session with the thematic issue of the prevention and elimination of violence against women. As the CSW embarks on its Expert Group Meeting<sup>2</sup> and the development of the associated preparatory papers for CSW 57, it is urgent that women with disabilities have a significant role in these processes. Determining viable policy on the prevention and elimination of violence against women requires the inclusion of all stakeholders, including women with disabilities who are experts on these issues. Drawing on the core principle of “Nothing About Us Without Us” which was an intrinsic element of the drafting of

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<sup>1</sup> UN Commission on the Status of Women, 57<sup>th</sup> Session, Priority Theme - Elimination and prevention of all forms of violence against women and girls, 4 – 14 March 2013, available at: <http://www.un.org/womenwatch/daw/csw/57sess.htm>.

<sup>2</sup> We note that the June 2012 Concept Note for the September 17-20, 2012 Expert Group Meeting did not mention violence against women and girls with disabilities, see, Expert Group Meeting Concept Note, EGM/PP/INF.1 (June 2012), available at: <http://www.unwomen.org/wp-content/uploads/2012/06/Concept-Note-for-EGM-on-Prevention-of-Violence-Against-Women-and-Girls.pdf>.

the United Nations Convention on the Rights of Persons with Disabilities (CRPD,) women with disabilities should be part of these CSW processes.<sup>3</sup>

We discuss below the urgent need for the inclusion of a detailed discussion of violence against women and girls with disabilities at the Expert Meeting and its subsequent set of preparatory papers for CSW 57. We provide some general discussion of the situation of women and girls with disabilities globally and then with a specific focus on violence against women and girls with disabilities. We then explore the international legal basis for the requirement of inclusion of women with disabilities in CSW's work and processes. Greater detail on these issues can be found in the Ortoleva and Lewis paper referenced above.

### Rationale for the Inclusion of Women and Girls with Disabilities in the work of the UN Commission on the Status of Women

Women and girls with disabilities are a part of all societies. They need to be an active part of the advancement of the human rights of all and shaping how societies affect their lives. The justifications for inclusion are numerous. Representation and fairness are the most obvious: women account for more than half of the population of the world. There are approximately one billion persons with disabilities in the world, which constitutes 15 percent of the global population<sup>4</sup> The World Health Organization (WHO) and the World Bank (WB) recent (9 June 2011) ground-breaking report entitled "World Report on Disability," notes a dramatic increase in estimates of the number of persons with disabilities worldwide, stating: About 15% of the world's population lives with some form of disability, of whom 2-4% experience significant difficulties in functioning. There are significant differences in the prevalence of disability between men and women in both developing and more developed countries: male disability prevalence rate is 12% and female disability prevalence rate is 19.2%.<sup>5 6</sup>

Although significant progress has been made in bringing awareness of and attention to the issues of women in human rights treaties, and in intergovernmental outcomes, the United Nations has recognized that more attention needs to be directed to the situation of specific groups of women, including women with disabilities.<sup>7</sup>

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<sup>3</sup> See, e.g., Convention on the Rights of Persons with Disabilities, G.A. Res. 61/106, U.N. Doc. A/RES/61/106 (Dec. 13, 2006), (Preamble (e), Art. 1, 3 (requiring the full integration of persons with disabilities in all segments of society so that they may fully participate and express themselves independently in social, legal, and political life, promoting, protecting and ensuring the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and promoting respect for their inherent dignity, and including those persons with disabilities who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.) *available at* <http://www.unhcr.org/refworld/docid/45f973632.html>.

<sup>4</sup> WORLD HEALTH ORGANIZATION & WORLD BANK, WORLD REPORT ON DISABILITY, xi (2011), *available at* [http://whqlibdoc.who.int/publications/2011/9789240685215\\_eng.pdf](http://whqlibdoc.who.int/publications/2011/9789240685215_eng.pdf).

<sup>5</sup> *Id.* at 261.

<sup>6</sup> World Bank, Women with Disability (2009)(last accessed Oct. 2009), <http://go.worldbank.org/O14DRFLK90>.

<sup>7</sup> U.N. COMM'N ON THE STATUS OF WOMEN EXPERT GROUP MEETING 'ENABLING RURAL WOMEN'S ECONOMIC EMPOWERMENT: INSTITUTIONS, OPPORTUNITIES AND PARTICIPATION', CONCEPT NOTE, U.N. DOC.

Studies on women with disabilities in rural areas of many countries in the Asian and Pacific region have found that more than 80% of women with disabilities have no independent means of livelihood, and are thus totally dependent on others for their very existence.<sup>8</sup> The myriad of issues that confront women with disabilities are significantly more pronounced in rural areas due to inaccessible environments and lack of services, lack of information, awareness, education, income, and contact resulting in extreme isolation and invisibility.<sup>9</sup>

### The Situation Of Women with Disabilities and Violence

Given how greatly women and girls with disabilities are affected by the double discrimination and gender and disability stereotyping they face because of both gender and disability, they deserve to be heard. The 2011 Report of the United Nations Special Rapporteur on Violence Against Women focused on the multiple and intersecting forms of discrimination that contribute to and exacerbate violence against women, noting that factors such as ability, age, access to resources, race/ethnicity, language, religion, sexual orientation and class can exacerbate the violence women with disabilities experience.

Violence against women and girls with disabilities is perpetrated and/or condoned by the State and private actors within public and private institutions and in the transnational sphere. The forms of violence to which women with disabilities are subjected are varied; physical, psychological, sexual or financial violence, neglect, entrapment, degradation, and forced sterilization and psychiatric treatment. Women with disabilities are twice or three times as likely to experience domestic and other forms of gender-based and sexual violence as non-disabled women, and are likely to experience abuse over a longer period and to suffer more severe injuries as a result of the violence. Their abuser may also be their caregiver, someone that the individual is reliant on for personal care or mobility, frequently they do not report the violence, often lack access to legal protection, law enforcement officials are ill-equipped to address the violence and they are not privy to the same information available to non-disabled women. Sexual and gender-based violence contributes to the incidence of disability among women and girls.

Some other issues which exacerbate violence against women and girls with disabilities, include the following: women with disabilities are the poorest among the poor because of discriminatory employment practices; they are denied educational opportunities because education was not provided for girls, or school facilities were not accessible to them and programs were not designed to meet their needs; they are unable to travel from place to place because of the dangers of violence, which cannot be mitigated because they cannot afford

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EGM/RW/2011/INF.1 (June 2011), available at <http://www.un.org/womenwatch/daw/csw/csw56/egm/Concept-noteFINAL.pdf>.

<sup>8</sup> U.N. 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, *Final Report*, Bangkok, Thailand, Aug. 18-22, 2003, available at [www.wwda.org.au/unescapwwd1.doc](http://www.wwda.org.au/unescapwwd1.doc).

<sup>9</sup> *Id.*

assistive devices like wheelchairs or access transportation systems; they are often the last in the family to receive food because they are viewed as useless, and because they may be too indigent to afford food; they are more likely than men with disabilities or women without disabilities to experience violence and other forms of discrimination, and are unaware of helpful services, or such services are not accessible to them; they are not able to receive health care services, including sexual and reproductive health care services, because these services are not in accessible locations (due to the fact that the availability of these services are communicated in ways that are not accessible to them), and because health care providers cannot communicate with them or believe they are asexual; they are unable to access the justice system, especially for sexual violence cases, either because the police and judges cannot communicate with them or do not find their testimony credible, or because they have no information on how to access the system; and they are sometimes unwilling to return to their former home communities because of the fear of being ostracized based on their disability, or because the shelter in the refugee camp was slightly more accessible than their former home.

### Legal and Policy Basis for Inclusion

The recommendation for the inclusion of issues of concern to women and girls with disabilities in the work of the Commission on the Status of Women is drawn from and is consistent with the gender-sensitive, disability-inclusive approaches outlined in the United Nations Charter,<sup>10</sup> and consistent with the provisions of the United Nations Convention on the Rights of Persons with Disabilities (CRPD), especially its Article 6 on Women with Disabilities,<sup>11</sup> the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), especially its Article 14<sup>12</sup> and the Convention on the Rights of the Child (CRC), as well as the<sup>13</sup> 1995 Beijing Declaration and<sup>14</sup> and the 2000 Special Session of the United Nations General Assembly, reviewing the progress of the outcomes of the Fourth World Conference on Women.<sup>15</sup>

We also encourage CSW to take into consideration the joint statement of commitment of the inter-agency support group for the Convention on the Rights of Persons with Disabilities (IASG),<sup>16</sup> which was established by the United Nations Chief Executives Board in 2006, with the

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<sup>10</sup> U.N. Charter (1945), available at <http://www.un.org/en/documents/charter/index.shtml>.

<sup>11</sup> See Convention on the Rights of Persons with Disabilities, G.A. Res. 61/106, U.N. Doc. A/RES/61/106 (Dec. 13, 2006), (Article 6 on Women and several other articles of the CRPD focus on the rights of women and girls with disabilities) available at

<http://www.unhcr.org/refworld/docid/45f973632.html>.

<sup>12</sup> See, Convention on the Elimination of All Forms of Discrimination Against Women, G.A. Res. 34/180, U.N. Doc. A/RES/34/180 (Dec. 18, 1979)[hereinafter CEDAW], available at <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>.

<sup>13</sup> Convention on the Rights of the Child, G.A. Res. 44/25, U.N. Doc. A/RES/44/25 (Nov. 20, 1989) [hereinafter CRC] (Article 23 of the CRC recognizes the special needs of disabled children and specifically calls on the community to make the necessary accommodations so that disabled children are fully integrated into society and can enjoy a fair and decent life.), available at <http://www2.ohchr.org/english/law/pdf/crc.pdf>.

<sup>14</sup> Fourth World Conference on Women, Beijing, P.R.C., Sept. 4-15, 1995, *Beijing Declaration and Platform for Action*, ¶ 232(p), available at <http://www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20E.pdf>.

<sup>15</sup> G.A. Res. S-23/3, ¶ 69(j), U.N. Doc. A/RES/S-23/3 (Nov. 16, 2000). At ¶ 83(d).

<sup>16</sup> United Nations Enable, Inter-Agency Support Group, <http://www.un.org/disabilities/default.asp?navid=43&pid=323> (last visited July 28, 2010). The IASG was created to

purpose of “demonstrating our will to ensure the promotion and protection of the rights of persons with disabilities by working towards the full inclusion of persons with disabilities in the work of the United Nations.”<sup>17</sup> Furthermore, the UN interagency network on women and gender equality (IANWGE) also reinforces the concept of gender inclusion within the United Nations.<sup>18</sup>

The United Nations General Assembly has over the last few years issued a series of resolutions, especially Resolutions A/65/186 and A/64/131,<sup>19</sup> calling for the mainstreaming of persons with disabilities in development, and has specifically called upon Governments to promote gender equality and the empowerment of women with disabilities

### Experience at CSW 56 and Women and Girls with Disabilities

UN Women in collaboration with other UN entities, convened an expert group meeting (EGM) on the thematic issue of CSW 56. Of the approximately 15 papers presented at this meeting,<sup>20</sup> only three of the papers had any references to women and girls with disabilities and these references lacked detail. The limited points presented in these three papers were described in a paper prepared by women with disabilities for the CSW 56<sup>th</sup> session, demonstrating the need for greater discussion of the concerns of women and girls with disabilities at CSW.<sup>21</sup>

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ensure “the commitment to the internationally agreed development goals; the need for system-wide coherence within the ‘delivering as one’ framework; the importance of inclusion of persons with disabilities in the work of the United Nations; the need for a participatory approach; and the role of the United Nations in supporting Member States and specifically States parties.” The IASG includes many UN entities, including the Department of Economic and Social Affairs (DESA), United Nations Educational, Scientific and Cultural Organization (UNESCO), World Health Organization (WHO), United Nations Development Programme (UNDP) and the United Nations Children’s Fund (UNICEF) all of which work on the issues raised in this paper.

<sup>17</sup> *Id.*

<sup>18</sup> Inter-Agency Network on Women and Gender Equality, <http://www.un.org/womenwatch/ianwge/index.html> (last visited Mar. 28, 2011). The IANWGE was created to champion for gender equality throughout the programs, resolutions and goals of the UN bodies and to support and monitor the implementation of the Beijing Platform for Action and other gender related recommendations pertaining to the UN system. The IANWGE is comprised of many UN entities, including the Department of Economic and Social Affairs (DESA), United Nations Educational, Scientific and Cultural Organization (UNESCO), United Nations Development Programme (UNDP), United Nations Population Fund (UNFPA), United Nations Children’s Fund (UNICEF), World Health Organization (WHO), and the World Bank (WB).

<sup>19</sup> Realizing the Millennium Development Goals for Persons with Disabilities Towards 2015 and Beyond, G.A. Res. 65/186, U.N. GAOR, 65th Sess., 71st plen. mtg., U.N. Doc. A/RES/65/186 (Dec. 21, 2010), available at: <http://www.un.org/disabilities/default.asp?id=36>; Realizing the Millennium Development Goals for Persons with Disabilities, G.A. Res. 64/131, U.N. GAOR, 64th Sess., 65th plen. mtg., U.N. Doc. A/RES/64/131 (Dec. 18, 2009), available at: <http://www.un.org/disabilities/default.asp?id=36>.

<sup>20</sup> Expert Papers from U.N. Comm’n on the Status of Women Expert Group Meeting ‘Enabling rural women's economic empowerment: institutions, opportunities and participation’, (Accra, Ghana, Sept. 20-23, 2011)(available at <http://www.un.org/womenwatch/daw/csw/csw56/egm.htm>).

<sup>21</sup> Stephanie Ortoleva, Expert Contribution to CSW 56 Panel Discussion on Rural Women and Girls with Disabilities - Economic Empowerment and Political Participation, February 28, 2012, available at: <http://www.un.org/disabilities/default.asp?navid=46&pid=1594>.

The undersigned look forward to participating in CSW 57 and hope that the comments and resources we have shared will result in the greater inclusion of a substantive discussion of violence against women and girls with disabilities at the session as well as the greater participation of women and girls with disabilities. Please contact Ms. Ortoleva at +1.202.359.3045 or [WomenEnabled@gmail.com](mailto:WomenEnabled@gmail.com).

Signed,<sup>22</sup>

*Stephanie Ortoleva*

Stephanie Ortoleva, Esq.  
President, Women Enabled, Inc.

*Hope Lewis*

Hope Lewis, Professor of Law  
Chair, Global Law Committee,  
Northeastern University School of Law

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<sup>22</sup> Note: The co-signers are Co-Chairs of the International Disability Rights Interest Group (IDRIG) of the American Society of International Law (ASIL), but the views expressed herein and in the above-referenced Report do not necessarily reflect those of the IDRIG or the ASIL more broadly.

Cc:

Charlotte Bunch  
International Center for Research on Women  
Rutgers, The State University of New Jersey

Silvia Judith Quan-Chang, Member  
Committee on the UN Convention on the  
Rights of Persons with Disabilities

Maria Soledad Cisternas Reyes, Member  
Committee on the UN Convention on the  
Rights of Persons with Disabilities

Theresia Degener, Member  
Committee on the UN Convention on the  
Rights of Persons with Disabilities

Ana Pelaez Narvaez, Member  
Committee on the UN Convention on the  
Rights of Persons with Disabilities