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Advocating for the Rights of All Women!

United Nations Commission on the Status of Women 57<sup>th</sup> Session, 8 March 2013

Gender and Disability Stereotyping: Double Bind, Double Stigma

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## Introduction

The ground-breaking book authored by Rebecca J. Cook and Simone Cusack entitled “Gender Stereotyping: Transnational Legal Perspectives” published in 2010, set the stage for women’s rights advocacy and legal reform efforts to eradicate gender stereotypes, understand the implications for such stereotypes on the human rights of women and outlined the possible strategies for eliminating gender stereotypes through transnational legal strategies and mechanisms and human rights advocacy. Gender stereotypes are addressed in domestic and international law as well as on decisions rendered by courts and human rights treaty bodies.

The authors define stereotyping as: a generalized view or preconception of attributes' or characteristics possessed by, or the roles that are or should be performed by members of the particular group (e.g., women, lesbians, adolescents, older women, women with disabilities, women of color, etc.)

However, generally legal and policy analysis fails to consider the impact of gender stereotyping on women and girls with disabilities, as well as the compounded implications of disability stereotyping, when combined with gender stereotyping, on the human rights and lives of women and girls with disabilities. (Henceforth, the term “women with disabilities” should be considered to include both women and girls with disabilities unless otherwise stated.)

In April 2013, the Committee on the Convention on the Rights of Persons with Disabilities . (CRPD Committee) will embark on a General Discussion on Women’s Rights under the

Convention on the Rights of Persons with Disabilities)CRPD,)<sup>1</sup> in preparation for the elaboration of a General Recommendation on the subject, presenting a fantastic opportunity to add to the jurisprudence on the subject of gender stereotyping as it relates to women with disabilities

GENDER STEREOTYPES have a major impact on all women and girls, with additional negative effects on women and girls with disabilities. Despite the fact that women and girls with disabilities experience many of the same forms of violence as non-disabled women, violence against women with disabilities has unique forms, unique causes and unique consequences. These negative impacts are felt all over the world and in every sphere of life. Women with disabilities are our forgotten sisters. As you consider the manifestations of stereotyping on women with disabilities listed below, think of how these impacts are both similar to and different from the barriers experienced by non-disabled women:

- Devaluation of basic dignity, autonomy and legal capacity;
- Normalization and Justification and Impunity for Violence;
- Deprivation of basic human rights, including civil and political rights and economic, social and cultural rights;
- Restrictions on Equality for women and women with disabilities;
- Negative and Harmful Images in the Media and Impacts on and Definitions of Body Image and Beauty;
- Barriers in Access to Health Care Services, including Sexual and Reproductive health Care
- Restrictions on access to the Justice System;
- Termination of Parental Rights and Forced Sterilization and Other Restrictions on Motherhood;
- Barriers to Access to Education;
- Denials of Opportunities in the labor Market;
- Limits on participation in Political and Election Processes.

In media images, marketing and advertising, cultural attitudes and traditions, religious prohibitions and societal values, gender stereotypes and disability stereotypes prevail. They are often the covert dimensions of power and control, patriarchy, and profit. Even though such stereotypes have continued through history, it remains a challenge to address gender stereotypes with substantive and accountable actions, despite significant advances in the human rights of women generally and women with disabilities in particular. The implementation of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of Persons with Disabilities (CRPD) and significant decisions and statements of its implementing and monitoring Committees, and strong advocacy and activism

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<sup>1</sup> Office of the High Commissioner for Human rights, Committee on the rights of Persons with disabilities, Half-day of General Discussion on Women and Girls with Disabilities, 17 April 2013, (12:00-6:00 pm), and CRPD Committee Statement on Half-day of General Discussion on Women and Girls with Disabilities, available at: <http://www.ohchr.org/EN/HRBodies/CRPD/Pages/DGD17April2013.aspx>.

within the women's and disability rights communities has only led to very limited progress in eradicating such harmful stereotypes.

- Gender Stereotyping and Women with Disabilities

Women with disabilities experience both the stereotypical attitudes toward women and towards persons with disabilities.

Both the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of Persons with Disabilities (CRPD) recognize the role of stereotypes in the denial of human rights to women with disabilities (the CEDAW Article 5(a) and<sup>2</sup> the CRPD Article 8 (1)).<sup>3</sup>

For those advocating for a separate article on women with disabilities, as well as the inclusion of a gender perspective throughout the CRPD, the recognition of this compounded discrimination was crucial. In their paper in support of the inclusion of women-specific references in the CRPD, Sigrid Arnade and Sabine Haefner wrote: "Gender is one of the most important categories of social organization, and gendered differences are also reflected in different life experiences of women with disabilities and men with disabilities..." and "In addition to the multiple discrimination women with disabilities have to experience, they face the problem of a double invisibility as women and as disabled persons."<sup>4</sup>

Michelle Fine and Adrienne Asch, authors of "*Disabled Women: Sexism without the Pedestal*," note a significant impact of these stereotypical views of women with disabilities, discussing the important role of social roles: "Rolelessness, the absence of sanctioned social roles and/or institutional means to achieve these roles, characterizes the circumstances of disabled women in today's society. ... The absence of sanctioned roles can cultivate a psychological sense of invisibility; self-estrangement, and/or powerlessness."<sup>5</sup> Nonetheless, the authors strongly note that we should not: "... see disabled women as neither helpless nor hopeless victims unwilling to change their circumstances."<sup>6</sup> Thus, these stereotypes of women with disabilities would certainly contribute to an understanding as to why women and girls with disabilities are so often absent from discussions addressing women's rights and gender equality, except when they are occasionally seen as "victims" needing protection.

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<sup>2</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, art. 5(a) (Dec. 18, 1979), available at <http://www.unhcr.org/refworld/docid/3ae6b3970.html>.

<sup>3</sup> See Convention on the Rights of Persons with Disabilities, G.A. Res. 61/106, U.N. Doc. A/RES/61/106, art. 8(1)(b) (Dec. 13, 2006), available at <http://www.unhcr.org/refworld/docid/45f973632.html>.

<sup>4</sup> See Sigrid Arnade & Sabine Haefner, Gendering the Comprehensive and Integral Int'l Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities 10 (Disabled Peoples' International 2006) available at: <http://www.netzwerk-artikel-3.org/un-konv/doku/papier-02.pdf> (last visited Mar. 13, 2013).

<sup>5</sup> Michelle Fine & Adrienne Asch, *Disabled Women: Sexism without the Pedestal* 8 J. Soc. & Soc. Welfare 233, 239 (1981) available at <http://heinonline.org/HOL/LandingPage?collection=journals&handle=hein.journals/jrlsasw8&div=26&id=&page=> (last visited Mar. 26, 2011).

<sup>6</sup> Michelle Fine & Adrienne Asch, *Disabled Women: Sexism without the Pedestal* 8 J. Soc. & Soc. Welfare 233, 241 (1981) available at <http://heinonline.org/HOL/LandingPage?collection=journals&handle=hein.journals/jrlsasw8&div=26&id=&page=> (last visited Mar. 26, 2011).

- What is Gender Stereotyping & What is Disability Stereotyping under the CRPD, the CEDAW & the CRC?

The CRPD adopts a gender lens in its terms and provisions, as reflected in the Preamble, Article 3, Article 6,<sup>7</sup> and throughout other specific substantive CRPD provisions, such as Article 8 on awareness-raising, Article 16 on freedom from exploitation, violence and abuse, and Article 25 on health. As a result, the CRPD explicitly mandates the inclusion of women in all of the rights enumerated in the CRPD and also addresses the fact that the CEDAW does not explicitly reference women with disabilities in its provisions.<sup>8</sup>

Article 8 of the CRPD and Article 5 of the CEDAW emphasize the negative role that stereotypes can play in the lives of persons with disabilities, including women with disabilities and women in general. Under the CEDAW, States hold the responsibility to “[t]o combat stereotypes, prejudices and harmful practices”<sup>9</sup> and to eliminate “prejudices and customary and all other practices.”<sup>10</sup> Article 8 of the CRPD lists ways in which a state may combat stereotypes against women and persons with disabilities.<sup>11</sup> Article 8 of the CRPD recommends that States employ programs “to raise awareness throughout society, including at the family level... and to foster respect for the rights and dignity of persons with disabilities...including those based on sex and age...”<sup>12</sup> The CRPD goes further than the CEDAW in CRPD Articles 6 and 8 by recognizing that gender and disability stereotypes coincide to have a compounded effect on women with disabilities.<sup>13</sup>

The Convention on the Rights of the Child (CRC),<sup>14</sup> does not address the issue of stereotyping explicitly in its provisions, however General Comment Numbers 4, 10, 11, 12 and 13 do address this issue. General Comment Number 4 calls for “effective measures to eliminate all acts and activities which threaten the right to life of adolescents, including honour killings” and the development of “awareness-raising campaigns, education programmes and legislation aimed at changing prevailing attitudes, and address gender roles and stereotypes that contribute to harmful

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<sup>7</sup> Convention on the Rights of Persons with Disabilities, G.A. Res. 61/106, U.N. Doc. A/RES/61/106, pmbll., (q), (s), arts. 3, 6, 8 (Dec. 13, 2006), available at <http://www.unhcr.org/refworld/docid/45f973632.html>;

see also Peter Blanck et al., *Defying Double Discrimination*, 8 GEO. J. INT’L AFF. 95, 96-97 (2007) (detailing the genesis and negotiation process for CRPD Article 6 to achieve rights for women with disabilities).

<sup>8</sup> Convention on the Rights of Persons with Disabilities, G.A. Res. 61/106, U.N. Doc. A/RES/61/106, arts. 8, 16, 25 (Dec. 13, 2006), available at <http://www.unhcr.org/refworld/docid/45f973632.html>.

<sup>9</sup> Convention on the Rights of Persons with Disabilities, G.A. Res. 61/106, U.N. Doc. A/RES/61/106, art 8, para. 1(b) (Dec. 13, 2006), available at <http://www.unhcr.org/refworld/docid/45f973632.html>.

<sup>10</sup> Convention on the Elimination of All Forms of Discrimination against Women, G.A. Res. 34/180, U.N. Doc. A/RES/34/180, art. 5(a) (Dec. 18, 1979), available at <http://www.unhcr.org/refworld/docid/3ae6b3970.html>.

<sup>11</sup> Convention on the Rights of Persons with Disabilities, G.A. Res. 61/106, U.N. Doc. A/RES/61/106, arts. 8(1) (a)-(b) (Dec. 13, 2006), available at <http://www.unhcr.org/refworld/docid/45f973632.html>.

<sup>12</sup> Convention on the Rights of Persons with Disabilities, G.A. Res. 61/106, U.N. Doc. A/RES/61/106, arts. 8(1) (a)-(b) (Dec. 13, 2006), available at <http://www.unhcr.org/refworld/docid/45f973632.html>.

<sup>13</sup> Convention on the Rights of Persons with Disabilities, G.A. Res. 61/106, U.N. Doc. A/RES/61/106, art. 6, para. 1 (Dec. 13, 2006), available at <http://www.unhcr.org/refworld/docid/45f973632.html>.

<sup>14</sup> Convention on the Rights of the Child, G.A. Res. 44/25, U.N. Doc. A/RES/44/25 (Sept. 2, 1990) available at <http://www2.ohchr.org/english/law/pdf/crc.pdf> [hereinafter CRC] (Articles 2 General Principles, 23 Children with disabilities, 28 and 29 Education).

traditional practices.”<sup>15</sup> General Comment Number 10 states “[c]hildren who commit offences are often subject to negative publicity in the media, which contributes to a discriminatory and negative stereotyping of these children and often of children in general.”<sup>16</sup> General Comment Number 11 “strongly urges States parties to develop and implement awareness-raising campaigns, education programmes and legislation aimed at changing attitudes and address gender roles and stereotypes that contribute to harmful practices.”<sup>17</sup> General Comment Number 12, on the Right of the Child to be Heard, discusses “the right of the girl child to be heard, to receive support, if needed, to voice her view and her view be given due weight, as gender stereotypes and patriarchal values undermine and place severe limitations on girls in the enjoyment of the right set forth in article 12.”<sup>18</sup> General Comment Number 13, on Violence in the mass media, states that “[m]ass media, especially tabloids and the yellow press, tend to highlight shocking occurrences and as a result create a biased and stereotyped image of children, in particular of disadvantaged children or adolescents, who are often portrayed as violent or delinquent just because they may behave or dress in a different way. Such stirred-up stereotypes pave the way for State policies based on a punitive approach, which may include violence as a reaction to assumed or factual misdemeanours of children and young persons.” General Comment Number 13 also calls on the need to address “gender-based stereotypes, power imbalances, inequalities and discrimination which support and perpetuate the use of violence and coercion in the home, in school and educational settings, in communities, in the workplace, in institutions and in society more broadly. Men and boys must be actively encouraged as strategic partners and allies, and along with women and girls, must be provided with opportunities to increase their respect for one another and their understanding of how to stop gender discrimination and its violent manifestations”<sup>19</sup> The CRC explicitly applies its provisions to children with disabilities, thereby incorporating the General Comments discussed above to girls with disabilities with respect to stereotyping.<sup>20</sup>

- Gender Mainstreaming and Disability Inclusion

The gender-mainstreaming disability-inclusive approach suggested in this paper, draws upon a feminist-disability approach. Noted scholar Rosemarie Garland-Thomson asks the question: “Just what is feminist disability studies?” She answers: It is more than research and scholarship about women with disabilities, just as feminist scholarship extends beyond women to critically analyze the entire gender system. Like feminist

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<sup>15</sup> Committee on the Rights of the Child, 33rd Session, *General Comment No. 4: Adolescent health and development in the context of the Convention on the Rights of the Child*, (CRC/GC/2003/4) 1 July 2003.

<sup>16</sup> Committee on the Rights of the Child, 44th Session, *General Comment No. 10: Children’s rights in juvenile justice*, (CRC/C/GC/10) 25 Apr. 2007.

<sup>17</sup> Committee on the Rights of the Child, 50th Session, *General Comment No. 11: Indigenous children and their rights under the Convention*, (CRC/C/GC/11) 12 Feb. 2009.

<sup>18</sup> Committee on the Rights of the Child, 51st Session, *General Comment No. 12: The right of the child to be heard*, (CRC/C/GC/12) 20 July 2009.

<sup>19</sup> Committee on the Rights of the Child, *General Comment No. 13: The right of the child to freedom from all forms of violence*, (CRC/C/GC/13) 18 Apr. 2011.

<sup>20</sup> Convention on the Rights of the Child, G.A. Res. 44/25, U.N. Doc. A/RES/44/25 (Sept. 2, 1990) available at <http://www2.ohchr.org/english/law/pdf/crc.pdf> [hereinafter CRC] (Articles 2 General Principles, 23 Children with disabilities, 28 and 29 Education).

studies itself, feminist disability studies is academic cultural work with a sharp political edge and a vigorous critical punch. Feminist disability studies wants to unsettle tired stereotypes about people with disabilities. It seeks to challenge our dominant assumptions about living with a disability. It situates the disability experience in the context of rights and exclusions. It aspires to retrieve dismissed voices and misrepresented experiences. It helps us understand the intricate relation between bodies and selves. It illuminates the social processes of identity formation. It aims to denaturalize disability. In short, feminist disability studies re-imagines disability. Feminism challenges the belief that femaleness is a natural form of physical and mental deficiency or constitutional unruliness. Feminist disability studies similarly questions our assumptions that disability is a flaw, lack, or excess. To do so, it defines disability broadly from a social rather than a medical perspective. Disability, it argues, is a cultural interpretation of human variation rather than an inherent inferiority, pathology to cure, or an undesirable trait to eliminate. In other words, it finds disability's significance in interactions between bodies and their social and material environments. By probing the cultural meanings attributed to bodies that societies deem disabled, feminist disability studies does vast critical cultural work.<sup>21</sup> As described by noted scholar Rosemarie Garland-Thomson, disability-feminism "rejects the homogeneous category of women and focuses on the essential effort to understand just how multiple identities intersect. This analysis rejects an approach that obscures other identities and categories of cultural analysis – such as race, ethnicity, sexuality, class, and physical ability."<sup>22</sup> With respect to women with disabilities, gender must be seen as "an ideological and material category that interacts with but does not subordinate other social identities or the particularities of embodiment, history, and location that informs personhood."<sup>23</sup> Through this philosophical approach, we can address issues such as violence, body image, sexuality, discrimination, access to education, employment and political and public life, all the issues that are vital in addressing stereotyping and the rights of women with disabilities.

- Multiple and Intersecting Dimensions

Social sanctions on poverty, race/ethnicity, religion, language, and other identity status or life experiences can further increase the risk of group or individual violence for women with disabilities.<sup>24</sup> The recognition of this reality variously referred to as "intersectionality," "multidimensionality," and "multiple forms of discrimination," is important to any examination of violence against women with disabilities. Additional disaggregated data is needed on how

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<sup>21</sup> Rosemarie Garland-Thomson, *Feminist Disability Studies*, SIGNS: 30 J. WOMEN CULTURE & SOC. 1557 (2005) available at <http://userwww.service.emory.edu/users/rgarlan/pdfs/RGT%20Feminist%20Disability%20Signs%2005.pdf>.

<sup>22</sup> Insert footnote

<sup>23</sup> Rosemarie Garland-Thomson, *Re-shaping, Re-thinking, Re-defining: Feminist Disability Studies*, Barbara Waxman Fiduccia Papers on Women and Girls with Disabilities, (Center for Women Policy Studies 2001) available at <http://www.centerwomenspolicy.org/pdfs/DIS2.pdf>; Sarah N. Heiss, *Locating the Bodies of Women and Disability in Definitions of Beauty: An Analysis of Dove's Campaign for Real Beauty*, 31 DISABILITY STUDIES QUARTERLY (2011), available at <http://www.dsq-sds.org/article/view/1367/1497>.

<sup>24</sup> Johanna Bond, "International Intersectionality: A Theoretical and Pragmatic Exploration of Women's International Human Rights Violations," 52 Emory L.J. 71 (2003), noting the possibility that during armed conflict, human rights activists should examine how disability rights intersect with gender and ethnicity to get a sense of the types of violence committed, the victims' access to healthcare and rehabilitation as well as their enjoyment of disability rights in general. See also Rashida Manjoo, *Report of the Special Rapporteur on Violence Against Women, its Causes and Consequences*, ¶ 41, delivered to the General Assembly, U.N. Doc. A/66/215 (Aug. 1, 2011);

gender, race, ethnicity, indigenous status, class, religion, sexual orientation, sexual identity, age, ability, migration status, and other identity categories impact or compound discrimination and violence against women with disabilities. Women with disabilities who also belong to (or are perceived as belonging to) disfavored or minority groups may face compounded violence and discrimination based on several factors simultaneously rather than one or two. For example, linguistic barriers or immigration status may keep some women with disabilities from reporting violence to governmental authorities for fear that they, or their partners, or their children, will be detained or deported. The 2011 Report of Rashida Manjoo, the Special Rapporteur on Violence Against Women, Its Causes and Consequences, recognizes the need for a multi-faceted response to discrimination at points of intersection, not only focusing on the inter-gender differences between men and women, but also intra-gender differences among women.<sup>25</sup>

- Conclusions & Recommendations

Women and girls with disabilities face double or intersectional discrimination based on both gender and disability (as well as other identities such as race, sexuality, indigenous status, etc.). Stereotypical attitudes towards women in general and persons with disabilities contribute to misconceptions and derogations of the opportunities, abilities and potential of women and girls with disabilities, re-enforcing patriarchal attitudes and assumptions and depriving them of even the most basic human rights.

As we advance jurisprudence on gender stereotyping, the inclusion of women and girls with disabilities in the dialog is essential. Both the CEDAW Committee and the CRPD Committee can advance this objective as they develop additional General Recommendations and as they review country reports submitted under their respective conventions. Additionally, the women's rights community should expand its dialog with women with disabilities to ensure that they are included in dialogues on stereotyping and that the evolving jurisprudence is comprehensive and inclusive. In the LEGAL SPHERE some progress is being made to examine and dismantle Gender Stereotypes and engage international law and constitutional principles to challenge gender stereotypes and advance gender rights and equality. Nonetheless, much work remains to transform these gains into meaningful changes in the rights of women and girls on the ground, especially for women and girls with disabilities. Please join us in this critical work, women with disabilities are women too!

Resources:

- Cook, Rebecca J. and Cusack, Simone, *Gender Stereotyping: Transnational Legal*

*Perspectives*, University of Pennsylvania Press, Philadelphia, 2010

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<sup>25</sup> Rashida Manjoo, *Report of the Special Rapporteur on Violence Against Women, its Causes and Consequences*, ¶ 41, delivered to the General Assembly, U.N. Doc. A/66/215 (Aug. 1, 2011).

- Simone Cusack, “Stereotyping Updates, an e-alert which includes scholarship, jurisprudence, social science and psychology, and all jurisdictions on recent developments in the field of stereotyping. To subscribe to the stereotyping updates and/or submit information of interest on the issue, via email, with your name, organization and email address or author, title, full citation and hyperlink of any resource to [simone\\_cusack@yahoo.com](mailto:simone_cusack@yahoo.com). The Stereotyping Update is on-line at: <http://stereotypingandlaw.wordpress.com/>.
- Stephanie Ortoleva & Hope Lewis: “Forgotten Sisters - A Report on Violence against Women with Disabilities: & Overview of Its Nature, Scope, Causes & Consequences,” available at: [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2133332](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2133332).

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), available at <http://www.unhcr.org/refworld/docid/3ae6b3970.html>. In CEDAW, see especially its Article 5(a) on Stereotyping.

- Convention on the Rights of Persons with Disabilities, G.A. Res. 61/106, U.N. Doc. A/RES/61/106 (Dec. 13, 2006), available at

<http://www.unhcr.org/refworld/docid/45f973632.html>. In CRPD, see especially its Article 6 on Women and its Article 8 on Stereotyping.

- Convention on the Rights of the Child, G.A. Res. 44/25, Nov. 20, 1989, 1577 U.N.T.S. 3 *available at* <http://www.unhcr.org/refworld/docid/3ae6b38f0.html>.
- Rashida Manjoo, Special Rapporteur on Violence Against Women, Report of the Special Rapporteur on Violence Against Women, Its Causes and Consequences, Report on Violence Against Women with Disabilities, U.N. Doc. A/67/227 (August 3, 2012), available at: [http://www.un.org/ga/search/view\\_doc.asp?symbol=A%2F67%2F227+&Submit=Search&Lang=E](http://www.un.org/ga/search/view_doc.asp?symbol=A%2F67%2F227+&Submit=Search&Lang=E)
- Rashida Manjoo, UN Special Rapporteur on Violence Against Women, Report to the Human Rights Council: Gender-Related Killings of Women, 23 May 2012, A/HRC/20/16, available at:

[http://www.ohchr.org/Documents/Issues/Women/A.HRC.20.16\\_En.pdf](http://www.ohchr.org/Documents/Issues/Women/A.HRC.20.16_En.pdf)

- Rashida Manjoo, Special Rapporteur on Violence against Women, Report of the Special Rapporteur on Violence against Women, its Causes and Consequences, (considering multiple and intersecting forms of discrimination) U.N. Doc. A/HRC/17/26 (May 2, 2011), available at <http://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A-HRC-17-26.pdf>
- Philip Alston, UN Special Rapporteur on extrajudicial, summary or arbitrary executions, REPORT TO THE Human Rights council, 27 May 2009, A/HRC/11/2

27, available at: <http://www2.ohchr.org/english/bodies/hrcouncil/docs/.../A.HRC.11.2.pdf>.

- U.N. High Commissioner for Human Rights, Women’s Rights and Gender Section, Responses to the Note Verbale on Human Rights Council Resolution 17/11: “Violence against women and girls and disability,” <http://www2.ohchr.org/english/issues/women/docs/A.HRC.20.5.pdf>.
  - World Health Organization and World Bank, [World Report on Disability](http://www.who.int/disabilities/world_report/2011/en/index.html) (2011), available at [http://www.who.int/disabilities/world\\_report/2011/en/index.html](http://www.who.int/disabilities/world_report/2011/en/index.html).