



Women Enabled International
Submission to the Committee on the Rights of Persons with Disabilities: Preparation of a General Comment on Article 27 of the CRPD (the right to work and employment)

I. Introduction

Women Enabled International (WEI) appreciates the opportunity to provide the Committee on the Rights of Persons with Disabilities (CRPD Committee) with information on the right to work and employment of women, girls, and gender non-conforming persons with disabilities, to inform the drafting of a general comment on Article 27 of the Convention on the Rights of Persons with Disabilities (CRPD).

Women and gender non-conforming persons with disabilities experience myriad barriers to fulfilling their right to work and employment, due to factors based on both their gender and disability. For instance, women and gender non-conforming persons with disabilities are overrepresented in precarious employment, often outside of the formal work sector.¹ They also experience higher rates of unemployment, receive unequal remuneration for work of equal value, and are denied reasonable accommodation.² Furthermore, due to both their gender and disability, women and gender non-conforming persons with disabilities experience sexual and psychological harassment, and sometimes violence, in the labor market and workplace. Similar to other women, they are not recognized for unpaid care and domestic work they perform. The right to work for women and gender non-conforming persons with disabilities is also indivisible and interdependent on a number of other rights in the CRPD that disproportionately impact the intersection of gender and disability, including the right to education, to sexual and reproductive health, and to freedom from violence. Many of these issues have deepened since 2020 due to the economic crisis stemming from the COVID-19 pandemic, where employment for everyone, and particularly persons in precarious work situations, has been significantly affected.

This submission presents an overview of common rights violations against women and gender non-conforming persons with disabilities in the context of work and employment, as well as how existing human rights standards guide States towards addressing those violations. This submission will also highlight how the right to work and employment intersects with other rights for women, girls, and gender non-conforming persons with disabilities, including access to education and training; freedom from violence, exploitation and abuse, the right to health, including sexual and reproductive health, and to exercise bodily autonomy; and the need for data. This submission will then conclude with recommendations that we hope will help inform the forthcoming general comment from the CRPD Committee or Article 27 of the CRPD.

III. Common Violations of the Right to Work at the Intersection of Gender and Disability

Women and gender non-conforming persons with disabilities face unique and increased barriers when exercising their right to work and employment. In a 2012 report on violence against women with disabilities from the Special Rapporteur on violence against women, its causes and consequences, the Special Rapporteur underlines that "women with disabilities have fewer career opportunities owing to employer unwillingness to provide relevant accommodations; they receive lower pay; and they may be forced to take less prestigious career paths in order to be able to obtain employment."³ This section will explore these and other violations of the right to work that occur at the intersection of gender and disability, providing analysis of previous human rights jurisprudence on topics where available.

A. Discriminatory employer attitudes

Employer discrimination against women with disabilities may take many forms, leading to negative consequences in several factors related to employment, such as lower wages and higher rates of unemployment, which will be further addressed in this submission. The Committee on Economic, Cultural, and Social Rights (ESCR Committee) in its general comment on equality between men and women in the

exercise of economic, social, and cultural noted that "[d]iscrimination on the basis of sex may be based on the differential treatment of women because of their biology, such as refusal to hire women because they could become pregnant; or stereotypical assumptions, such as tracking women into low-level jobs on the assumption that they are unwilling to commit as much time to their work as men."⁴

This gender-related discrimination combines with stereotypes and discrimination related to disability to particularly impact work and employment for women and gender non-conforming persons with disabilities. In general terms, harmful stereotypes about women with disabilities' capabilities and stigma around disability and gender create barriers to opportunities for meaningful employment. For instance, women with disabilities in the **United States** report feeling that they must "prove they can do things"⁵ and women with physical disabilities have described how difficult it is to get recruiters to move past their physical disability and to move on to discussing their qualities as an applicant.⁶ In **Poland**, the limited research on the lived experiences of women with disabilities relating to employment stresses that there are significant social, architectural, and procedural barriers that permeate even those workplaces which do seek to include women with disabilities.⁷ Anecdotal evidence indicates that employers and counterparts with no disability often hold negative attitudes towards women with disabilities, viewing them as burdens to the company, or undermining their effectiveness at work.⁸

As highlighted in the working paper published by the International Labor Organization on the right to decent work of persons with disabilities (2003), employment initiatives developed for persons with disabilities do not target women with disabilities, whereas policies to promote female employment are not inclusive of disability.⁹ ILO underlines the importance of implementing strategies specifically designed for women with disabilities, as opposed to the general trend of having initiatives aimed at persons with disabilities, but without targeting women with disabilities. According to ILO, this trend leads to an allegedly gender-neutral framework, in which "discrimination against women with disabilities can easily take place without being registered."¹⁰ In this sense, ILO emphasizes the need to promote equal opportunities for women and men, with recruitment guidelines on the basis of their individual merit, skills and experience, equal pay for equal work and access to further education and training.¹¹

B. Higher rates of unemployment and lack of secure and meaningful employment

Women and gender non-conforming persons with disabilities face social, architectural, and procedural barriers to accessing employment, which lead to higher rates of unemployment. A study in the **United States** has concluded that women with disabilities are more than twice as likely to be unemployed as other women and that 72% of women with disabilities were unemployed in 2018, compared to 68.3% of men with disabilities.¹² According to data from 2011 in **Malawi**, women with disabilities face a 47% unemployment rate, whereas the same rate for men with disabilities is 41%.¹³ In the same year, more than half of the working-age population of women with disabilities in the **European Union** were economically inactive.¹⁴ Previously, a survey conducted in 51 countries showed unemployment rates of 80.4% for women with disabilities and 47.2% for men with disabilities.¹⁵

Unemployment threatens the economic equity and social inclusion of women with disabilities that work promotes. As a woman with a disability employed in **Poland** highlighted, "Employment enables me to gain resources for living on a decent level which gives me a chance for independence. Work constitutes for me an indicator of independence and resourcefulness. By working the personality develops, it is an occasion for social interaction and gives me a higher sense of self-value and satisfaction. It also guards from passivity and boredom."¹⁶ For that reason, fostering employment among women with disabilities is not only essential to ensure their economic independence but also to promote their participation in society and boost their self-esteem.

In addition, women with disabilities are more likely to work in the informal sector, lacking job security and financial protections such as unemployment insurance, paid sick, maternity, and caregiver leave.¹⁷ Women with certain types of disabilities, such as intellectual and psychosocial disabilities, are frequently relegated to sheltered and segregated jobs, denying them the opportunity to perceive employment as a powerful tool to promote participation in society.¹⁸

C. Unequal remuneration for work of equal value

The gender pay gap remains a barrier to ensuring equality in employment. For instance, in the **United States**, there is a lower prevalence of women, including women with disabilities, in fields that commonly lead to high-paying careers—such as engineering, finance, and technology¹⁹--despite the fact that women have outnumbered men at university since the 1980s.²⁰ The glass ceiling, which prevents women from achieving leadership roles due to discrimination, and sectoral segregation—with women overrepresented in fields that pay less but do not have less value to society than others, such as care and education—have had direct financial consequences for women.²¹

The gender pay gap affects women broadly, but women with disabilities are especially impacted by pay gaps due to both their gender and disability. A survey conducted in the **United Kingdom** in 2019 on the disability pay gap concluded that although all women on average receive lower pay than both disabled and non-disabled men, pay for women with disabilities is even more significantly impacted. More specifically, women with disabilities on average receive approximately 26% lower pay than non-disabled men, around 14% lower pay than men with disabilities and nearly 11% lower pay than non-disabled women.²² A study of the European Parliament on discrimination and access to employment for female workers with disabilities upheld that "despite qualifications, disabled women have lower participation rates in higher-skilled jobs and work fewer hours than both non-disabled women and disabled men. As a result, women with disabilities have both lower earnings and fewer opportunities to progress up the career ladder."²³

Several international human rights and worker's rights treaties and bodies have addressed the issue of equal pay for work of equal value, particularly for women. For instance, to guarantee the rights of female employees and prevent gender pay gaps, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) ensures the right to employment under Article 11, stating that women have the right to equal remuneration for work of equal value, as well as the same employment opportunities as men and that States Parties must eliminate discrimination against women in employment.²⁴ In addition, the CEDAW Committee, in its General Recommendation No. 13 on equal remuneration for work of equal value, has encouraged States to undertake a study on the value of work performed predominantly by women and to ratify International Labour Organization (ILO) Convention No. 100 (1951) on the matter.²⁵

Furthermore, the ESCR Committee has affirmed in its general comment on the right to just and favourable conditions of work that "workers should not only have equal remuneration when they perform the same or similar jobs, but their remuneration should be equal even when their work is completely different but nonetheless of equal value, when assessed by objective criteria."²⁶ The ESCR Committee goes on to state that "[a]ny assessment of the 'value' of work must avoid gender stereotypes that could undervalue work predominantly performed by women."²⁷ In its general comment on equality between men and women, the ESCR Committee further concludes that States parties have an obligation to "identify and eliminate the underlying causes of pay differentials, such as gender-biased job evaluation or the perception that productivity differences between men and women exist."²⁸

D. Lack of recognition of unpaid work and caregiving

Globally, women and girls, including those with disabilities, bear the primary responsibility for caregiving, dedicating substantially more hours to unpaid care work than men. The disproportionate burden of care work for women affects their opportunities for employment and education.²⁹ The cumulative impact that caregiving responsibilities have on the economic well-being of women is undeniable. There is a strong correlation between care work and poverty, and caregiving obligations—as well as stereotypical assumptions about women's role as caregivers—can lead to unemployment, employment in jobs with low wages and poor benefits, and early retirement.³⁰ Furthermore, unpaid care work is a major contributing factor to the gender pay gap.³¹ As the Special Rapporteur on extreme poverty and human rights has explained, "the gendered division of unpaid work is a major reason why women do not enjoy equal rights at work, including fair and equal wages and safe and healthy working conditions. All too often, unpaid care and lack of institutional support for this work trap women between stereotyped gender roles and economic expediency, pushing them into precarious informal employment that is badly paid and involves long hours in difficult conditions."³²

Additionally, women caregivers who also work outside of the home still face a double burden and are less likely to receive necessary rest, essentially working double shifts when their unpaid care work is taken into consideration.³³ Time out of the formal work sector for caregiving also has long-term financial consequences, as the cumulative impact of care work affects total earning potential and contributions to retirement savings or pensions.³⁴

Likewise, where caregivers or care recipients are persons with disabilities, the opportunity costs of care work are often exacerbated. Parents with disabilities are more likely than parents without disabilities to be unemployed,³⁵ and mothers of children with disabilities alter their employment situation at much higher rates to address their child's caregiving needs.³⁶ This occurs more often to women than men due to stereotyped assumptions that women should bear the main responsibility for caregiving, which reinforces gendered roles in the family and affects their participation in the labor market on equal terms. To address this issue, the ESCR Committee recommends that measures aimed at assisting workers to reconcile work with family should benefit both women and men on an equal footing.³⁷ All of the above demonstrates the importance of promoting a paradigm shift in how caregiving is perceived by society (as an undervalued duty), who should be taking this responsibility (the family as a whole instead of primarily women, with support from the State and community), and how the social protection systems guarantee the rights of those undertaking unpaid care work, considering disability and gender-related factors and the unequal burden of this type of work on women, including women with disabilities.³⁸

International human rights treaties and bodies have established some guidelines on the issue of unpaid work and caregiving. For instance, the CEDAW Committee issued a decision on an individual communication related to work and caregiving in 2019. In this case, a woman in **Moldova** had her retirement pension significantly reduced due to caregiving as, after 19 years in the labor market, she resigned from a job to provide care for her daughter with a disability. The author claimed to have faced intersectional discrimination on the grounds of gender and association with persons with disabilities, which negatively affected her right to social security. The CEDAW Committee considered that the intersection of the gender discrimination and discrimination on the grounds of her association with her child with disabilities makes her particularly vulnerable to discrimination in comparison with the general population in the country and that the State failed to take all appropriate measures to ensure the full development and advancement of women providing care for their children with disabilities in a society that traditionally attributes caregiving responsibilities to women. In its recommendations to the State, the CEDAW Committee recommended the State ensure the availability of adequate support services to allow mothers of children with disabilities to remain in employment.³⁹ The ESCR Committee has further found, in its general comment on equality between men and women, that States parties "should reduce the constraints faced by men and women in reconciling professional and family responsibilities by promoting adequate policies for childcare and care of dependent family members."⁴⁰

Furthermore, ILO advanced human rights when it included unpaid work in the definition of work, in 2006.⁴¹ Unpaid care and domestic work is also reflected in Goal 5 of the Sustainable Development Goals (Target 5.4). As part of the indicators for this target, States are expected to collect data on the proportion of time spent on unpaid domestic and care work, disaggregated by sex, age, and location.

E. Harassment in the workplace

Many women, including women with disabilities, face psychological or sexual harassment in the workplace, which may lead to low self-esteem, poor performance at work, depression, and resignation. As UN Women has found, "Sexual harassment in the world of work and on university campuses undermines the realization of fundamental rights, including the right to work in an environment free of violence and the right to an education. With such rights violated, many women with disabilities do not have full access to the world of work."⁴²

A 2010 study of harassment in the workplace concluded that persons harassed in the workplace frequently experience mistreatment on multiple grounds, such as disability and gender or ethnicity and gender. In spite of that, research primarily examines the outcomes for each ground of discrimination separately,⁴³ and the legal system usually analyzes harassment on single grounds,⁴⁴ rendering intersectional experiences invisible.⁴⁵ A woman with a physical disability reported to UN Women that "[q]uite often things happen to me that would not happen to an able-bodied woman that are deemed appropriate for me but inappropriate for an able-bodied woman. For example, several times random men who have wanted my attention have grabbed my wheelchair and forcefully pushed me to a place where they wanted me."⁴⁶

In addition, when reporting the harassment, women with disabilities may be perceived by their employer, the police, and the judiciary as being less credible witnesses than others, and their testimony may be questioned, discouraging them from reporting the crime.⁴⁷ Several women with disabilities shared with UN Women that they do not report sexual harassment at work for fear of retaliation. Some of them declared that "they do not

report to avoid being perceived as 'trouble-makers', given that their workplace has already made specific accommodations for them."⁴⁸

Concerned about this alarming situation, ILO adopted in 2019 the Violence and Harassment Convention (No. 190), acknowledging that "harassment disproportionately affects women and girls, and recognizing that an inclusive, integrated and gender-responsive approach, which tackles underlying causes and risk factors, including gender stereotypes, multiple and intersecting forms of discrimination, and unequal gender-based power relations, is essential to ending violence and harassment in the world of work."⁴⁹ Article 6 of the Convention also states that "[e]ach Member shall adopt laws, regulations, and policies ensuring the right to equality and non-discrimination in employment and occupation, including for women workers, as well as for workers and other persons belonging to one or more vulnerable groups or groups in situations of vulnerability that are disproportionately affected by violence and harassment in the world of work."⁵⁰

Concerning harassment in the workplace, the ESCR Committee, in its general comment on just and favourable conditions of work, has found that "[a]ll workers should be free from physical and mental harassment, including sexual harassment."⁵¹ The ESCR Committee has then recommended that States parties, in legislation and labor-related policy, "should define harassment broadly, with explicit reference to sexual and other forms of harassment, such as on the basis of sex, disability, race, sexual orientation, gender identity and intersex status."⁵² According to the ESCR Committee, national policies on sexual harassment in the workplace should also ensure that prohibitions on harassment apply to all workers, prohibit all forms of harassment, including sexual harassment, identify the duty of employers related to harassment, outline avenues for access to justice and redress for victims of harassment, and ensure protection for victims, among other actions.⁵³

Likewise, UN Women, the CEDAW Committee, and the CRPD Committee released in 2020 a joint statement on Ending sexual harassment against women and girls with disabilities, in line with CEDAW General Recommendation No. 35 (2017) on gender-based violence against women, updating General Recommendation No.19. In the statement, they commit to "ending stereotypes that undermine credibility on matters of sexual harassment and violence, addressing structural and intersectional discrimination and ensuring autonomous and supported decision-making" and to prevent all instances of sexual violence, including sexual harassment against women and girls with disabilities who work at occupational employment centers.⁵⁴

F. Lack of reasonable accommodation

As the CRPD outlines, the denial of reasonable accommodation constitutes discrimination on the grounds of disability.⁵⁵ Ensuring this right in the workplace and during recruitment processes is crucial to enable the employee to pursue certain types of careers, such as in the public sector, and perform their job in equal conditions as their counterparts. Although research analyzing reasonable accommodation at the workplace through a gender perspective is scarce, a study conducted in the **United States** in 1998 found that 33% of the requests of women for reasonable accommodations at the workplace were denied, in comparison to 24% of requests from men.⁵⁶ A 2014 study in the **United States** also indicated that, when some type of reasonable accommodation was provided, women were 13% less likely than men to find the accommodation effective.⁵⁷

Furthermore, although women with disabilities—like all persons with disabilities—have a clear right to reasonable accommodations in the workplace, employers routinely fail to comply with this requirement. Women with disabilities report having to advocate for accommodations to which they are entitled,⁵⁸ and evidence suggests that they may "self-accommodate," meaning that women with disabilities opt or are pressured to provide their own reasonable accommodations.⁵⁹ Even when a workplace provides accommodations, these can be exclusionary. For instance, women with disabilities may be physically isolated because their accessible office space is not with the rest of their department or is separated from their colleagues.⁶⁰

G. Barriers to work during the COVID-19 pandemic and other emergencies

The COVID-19 pandemic has deepened the barriers to equality in the workplace for women with disabilities, due to the lack of accessible devices for remote work and policies to encourage work-life balance, especially for caregivers. Their unstable employment situation has been exacerbated during the pandemic, as they are more likely to work in the informal sector, lacking job security and financial and social protections⁶¹ such as

unemployment insurance, as well as paid sick, maternity, and caregiver leave.⁶² Another gendered impact of the pandemic on employment is that some of the most affected economic sectors were hospitality, tourism, and education, which employ more women than men. Consequently, women—including women with disabilities—have been at greatest risk of unemployment throughout the pandemic.⁶³ According to the **United States** Census, the unemployment rate among women with disabilities increased from 7.3% in January 2020 to 11.3% a year later.⁶⁴ They may also take longer to rejoin the labor market once restrictions are eased due to intersectional discrimination, inaccessible environments, and lack of public policies to foster their inclusion through employment.

In view of the above, the U.N. Office of the High Commissioner for Human Rights has stated in their recent report on the relationship between the realization of the right to work and the enjoyment of all human rights by persons with disabilities that "the COVID-19 pandemic has magnified the importance of comprehensive and inclusive social protections that provide the income security necessary for an adequate standard of living, and cover disability-related costs, including assistive devices and access to support services."⁶⁵

To better understand how the pandemic has impacted the lives of women, girls and gender non-conforming persons with disabilities, including regarding employment, WEI, in conjunction with the U.N. Population Fund (UNFPA) and seven women-led organizations of persons with disabilities around the world,⁶⁶ has conducted a global human rights study. The study includes 20 virtual consultations and written surveys with over 250 women, girls, and gender non-conforming persons with disabilities (Consultations). Furthermore, in March and April 2020, WEI conducted a survey with 100 women and gender non-conforming persons with disabilities about issues impacting them during the crisis (WEI Survey).⁶⁷

According to WEI Survey respondents, lockdowns, shelter-in-place orders, and other restrictions on movement during the COVID-19 crisis have had a significant impact on their ability to meet basic needs, achieve an adequate standard of living, and live independently. This impact is because many respondents had lost their sources of income, among facing other barriers. The majority (57 Survey respondents) shared that their access to employment and income had been impacted by the COVID-19 crisis, including several who had lost their jobs or had to take sick leave due to the pandemic,⁶⁸ who had found the job market was not friendly to them obtaining other employment,⁶⁹ and/or who were having financial hardships as a result of the pandemic.⁷⁰

Many women, non-binary, and gender non-conforming persons with disabilities who are freelancers or work in informal arrangements expressed particular difficulties related to work and income. One of them, an autistic woman in the **United Kingdom**, reported that: "I lost everything. I left my former job at the beginning of February and started to work on a freelance basis when everything collapsed. I am not entitled to government help and also wouldn't know how to apply for it."⁷¹

Likewise, a Deaf woman in **Nepal** noted that her entire family was dependent on her salary. She described that losing her job has meant that she has "to borrow daily food and vegetables from the stores" near her house.⁷² Another respondent, a woman with a physical disability from **Palestine**, reported that: "My father and I stopped working [due to the pandemic]. I was not able to pay my university tuition. I don't know any programs to help." Moreover, a participant with a visual impairment from **Uruguay** shared that, as her company did not have accessible equipment to work from home, her supervisor suggested that she take sick leave during the lockdown for being from a risk group, even though she was not. Many women with disabilities can relate to these experiences, as the consequences of the pandemic, including regarding employment, have affected them disproportionately.⁷³

IV. Relationship between the Right to Work and Other Rights for Women and Gender Non-conforming Persons with Disabilities

The right to work impacts, and is impacted by, several other rights enumerated by the CRPD, including rights that particularly impact the lives of women and gender non-conforming persons with disabilities. These include the right to education, the right to be free from violence, the right to health, including sexual and reproductive health and to bodily autonomy, as well as rights related to data.

A. The right to inclusive education and training (art. 24)

Although girls with disabilities have the same rights to education as their male counterparts and peers without disabilities, they are the most excluded group of children from all educational settings due to intersecting forms of discrimination on the grounds of both gender and disability.⁷⁴ Global estimates indicate that only 41.7% of girls with disabilities have completed primary school, compared to 50.6% of boys with disabilities and 52.9% of girls without disabilities.⁷⁵ In 29 developing countries, only 69% of women with disabilities ever attended school.⁷⁶ Likewise, in the **European Union**, young women with disabilities are more than twice as likely as other women to leave education and training with only a lower secondary education.⁷⁷ Children with disabilities also have lower transition rates to higher levels of education.⁷⁸

Inclusive education is not a reality in most countries, and students with disabilities face a lack of accessibility, denial of reasonable accommodation, bullying, and educational support when in the educational system, commonly segregated.⁷⁹ Girls with disabilities experience heightened rates of bullying and teasing by their peers based on both disability and gender.⁸⁰ In addition, girls with disabilities are often not encouraged to study by their families, due to an expectation for them to become caregivers and perform household chores, related to a stereotypical view of women's role in a family.⁸¹ Families, especially those living in poverty, frequently prioritize the education of boys with and without disabilities, due to the prevailing assumption that a male child can contribute financially to the family.⁸² When girls with disabilities require disability-related equipment or special transportation, families with limited resources may be even less likely to allocate resources to their education.⁸³ These factors determine why there are fewer women with disabilities in the labor market, especially in high-skilled jobs, when compared to both men with disabilities and women broadly.

B. The right to be free from violence, exploitation, and abuse (art. 16)

Economic independence has long been recognized as a major factor in preventing and responding to gender-based violence. In its General Recommendation No. 19 on violence against women, the CEDAW Committee stated that "[l]ack of economic independence forces many women to stay in violent relationships."⁸⁴ and studies in the **United Kingdom** have indicated that the main risk factors for domestic violence for women are lower education, unemployment, and poverty.⁸⁵ According to the 2012 report on violence against women with disabilities from the Special Rapporteur on violence against women, women with disabilities may be financially dependent on their abuser, which may then lead to reluctance to report violence to avoid losing economic support.⁸⁶

When women with disabilities are employed, they may experience gender-based violence (GBV) in the workplace, as they are overrepresented in occupations that, according to research, are at higher risk of violence, including sexual harassment, such as teachers and domestic, social, and healthcare workers.⁸⁷ Those who have experienced violence are at increased risk of unemployment, since the abuser may harass or intimidate them in the workplace or prevent them from going to work at all,⁸⁸ and the trauma may impact their effectiveness and productivity at work.⁸⁹ In addition, precarious employment may increase their risk of GBV, as economic insecurity and low wages may contribute to vulnerability to violence, and workers without stable employment are less likely to report GBV for fear of losing their jobs.⁹⁰ Furthermore, the lack of access to free or affordable legal assistance can also prevent women with disabilities from pursuing legal remedies against the violence.⁹¹

Due to all of the above, ILO addressed GBV in its Violence and Harassment Convention, stating that each Member "shall adopt laws and regulations to define and prohibit violence and harassment in the world of work, including gender-based violence"⁹² and "provide that victims of gender-based violence and harassment in the world of work have effective access to gender-responsive, safe and effective complaint and dispute resolution mechanisms, support, services and remedies."⁹³ It sets an important international standard on how to prevent and respond to GBV in the world of work.

C. The right to health, including sexual and reproductive health (art. 25) and to respect for home and family (art. 23)

The right to work deeply impacts sexual and reproductive health and rights (SRHR) for all persons, including persons with disabilities. As the ESCR Committee has found in its general comment on sexual and reproductive health (SRH), the right to SRH is dependent on a number of other rights. This includes the right to "safe healthy working conditions and environment."⁹⁴ Furthermore, the right to SRH is also dependent on

social determinants of health. As such, the ESCR Committee concludes that "[p]overty, income inequality, systemic discrimination and marginalization based on grounds identified by the Committee are all social determinants of sexual and reproductive health, which also have an impact on the enjoyment of an array of other rights as well."⁹⁵ As such, in order to ensure the right to SRH, States must also reduce poverty and ensure freedom from income inequality.

Furthermore, fulfillment of SRHR is frequently necessary for the full realization of the right to work on an equal basis with others, particularly for women and others who can become pregnant. As the ESCR Committee has found, the right to work, in combination with the right to SRH, "requires States to ensure employment with maternity protection and parental leave for workers, including workers in vulnerable situations, such as migrant workers or women with disabilities, as well as protection from sexual harassment in the workplace and prohibition of discrimination based on pregnancy, childbirth, parenthood, sexual orientation, gender identity or intersex status."⁹⁶

An example of the interdependence of the right to work and the right to SRH comes from **Mexico**, where women working in export processing were not being guaranteed their right to SRH. An investigation found that all women applying for work in this sector were routinely required to undergo pregnancy testing and that employed women were forced to resign when they became pregnant. In some factories, women were obliged to show sanitary napkins to company nurses as a condition of ongoing employment.⁹⁷ Such practices violate the aforementioned ILO Convention, as employers must not be allowed to "require a pregnancy test or proof of sterilization as a condition of employment, nor should they be allowed to question a job applicant about their plans for childbearing."⁹⁸

D. Statistics and data collection (art. 31)

Issues affecting women with disabilities in employment are rarely addressed in global studies, reports and statistics, as the research and data collection available on the matter often fails to disaggregate data by both types of disability and gender. Disaggregated data is crucial to highlight the situation of women with disabilities among employees in general and design and implement policies that better respond to their specific needs. If a paradigm shift does not happen soon, the specific barriers women and gender non-conforming persons with disabilities face in employment will remain invisible to research. For instance, in **Poland**, labor statistics are only disaggregated by gender, not disability.⁹⁹ This invisibility allows for unchecked discrimination against women with disabilities in employment and perpetuates the discrimination they face in realizing their right to work. This reality is reflected in the 2017 European Union case study on employment for women with disabilities in Poland, which concluded that "[a]t the moment, women with disabilities do not exist in public discourse as a specific group with specific needs. As a consequence, their problems are not being tackled."¹⁰⁰

It is essential for States to abide by Article 31 of the CRPD and collect appropriate information, including statistical and research data, on work and employment. In this sense, the ESCR Committee has explicitly called for States to "identify indicators and benchmarks to monitor the implementation of the right to [...] work" that are disaggregated by sex, age, and disability, among other grounds.¹⁰¹ Likewise, the World Health Organization has noted in its guide to disability statistics that "disability statistics can play a pivotal role in all areas of policy-making, and in each every stage from development and implementation, to monitoring and assessment of effectiveness, to the analysis of cost-effectiveness. Policy without valid and reliable data is potentially costly and wasteful guesswork."¹⁰²

V. Recommendations

Women, girls, and gender non-conforming persons with disabilities face increased and specific barriers to fulfilling their right to work and employment. To tackle this issue and implement effective solutions to the problem, States must incorporate gender and disability perspectives in the design and implementation of policies to promote employment.

With this in mind, we hope that the CRPD Committee will consider including the following recommendations in its preparation of a general comment on work and employment:

- In the interpretation of Article 27(b) on measures to eliminate discriminatory attitudes and harassment, particularly against women, migrants, and refugees with disabilities, include as part of the obligations of the State under the CRPD to monitor employer policies on the prevention and response to harassment, as well as policies related to pregnancy and parental leave, while requiring that employers provide training to their staff and raise awareness on how to identify and report harassment and discrimination, as well as collect data on the matter. Furthermore, recommend that States develop laws and policies to ensure that companies prevent and respond to gender-based violence efficiently, training staff to identify cases both in and outside the company and to promote a paradigm shift related to cultural and societal norms that contribute to GBV.
- In the interpretation of Article 27(d) and (j) on access to inclusive education and inclusive vocational training, include as part of the obligations of the State under the CRPD to ensure inclusive, accessible, appropriate, and quality education for children with disabilities; facilitate transportation and financial support for families who need it and raise their awareness on the importance of education for girls with disabilities in order to increase the participation of girls with disabilities in the educational system.
- In the interpretation of Article 27(f) and (g) on self-employment, microfinance, business and employment in the public sector, include as part of the obligations of the State to develop laws and policies to promote the inclusion of women with disabilities in the formal work sector, both private and public. This includes ensuring their access to training, providing accessible services and reasonable accommodation in recruitment processes and at the workplace, and guaranteeing incentives for hiring women with disabilities, where needed.
- In the interpretation of Article 27(j) on promoting the acquisition of work experience in the open labor market, include as part of the obligations of the State under the CRPD to promote supported employment to ensure the participation of women with all types of disabilities in the labor market, especially those who currently work in a sheltered environment, and encourage the support strategies to be inclusive of both disability and gender.
- In the interpretation of Article 27(i) on the obligation to provide reasonable accommodation in the workplace, include as part of the obligations of the State under the CRPD to monitor how employers made the transition from in-person to remote work during the COVID-19 period, requiring States to regulate how employers provide employees with accessible equipment and reasonable accommodations to work from home.
- In the interpretation of Article 27 and its interrelation with other articles of the CRPD, such as Article 16, recognize the importance of economic independence in escaping violence, including gender-based violence, and the importance of access to decent work, with equal wages and without discrimination, towards ensuring that economic independence.
- In the interpretation of Article 27 and its interrelation with other articles of the CRPD, include reference to SRHR as outlined in Articles 23 and 25. Include that the right to equality in the workplace and SRHR are interdependent, in that States must ensure freedom from discrimination based on pregnancy, childbirth, parenthood, sexual orientation, gender identity, intersex status, and other factors. Furthermore, include that these rights are further interdependent in that safe and healthy working environments, as well as freedom from poverty and income inequality, are social determinants of health, including sexual and reproductive health. As such, include that States must develop laws and policies to allow for sufficient paid parental leave and affordable, accessible, appropriate, and quality childcare, as well as social protection measures that do not negatively affect pregnant persons or those who must take temporary leave to meet caregiving obligations.
- In the interpretation of Article 27 and its interrelation with other articles of the CRPD, such as Article 28, recommend that States develop laws and policies to include unpaid work, such as caregiving and performing household chores, in the definition of work, and adapt social protection systems accordingly, to ensure an adequate standard of living for caregivers, both active and retired.
- In the interpretation of Article 27 and its interrelation with other articles of the CRPD, such as Article 31, disaggregate data related to work and employment by sex, gender, age, and type of disability. In addition, guarantee that the data and its impact are analyzed accordingly, conducting intersectional analysis to show how multiple forms of discrimination and inequality may shape access to employment.

Thank you for your consideration of this submission. If you have any questions or would like further clarification on any point outlined above, please do not hesitate to contact Alana Carvalho, a.carvalho@womenenabled.org and Amanda McRae, a.mcrae@womenenabled.org.

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