

## *Taking action to eliminate gender-based violence against women and girls with disabilities, NOW<sup>1</sup>*

*The [Committee on the Rights of Persons with Disabilities](#), the [Committee on the Elimination of Discrimination against Women](#), the [Committee on the Rights of the Child](#), and the [Special Rapporteur on the Rights of Persons with Disabilities](#) join the commemoration of the **International Day for the Elimination of Violence against Women** and the [16 Days of Activism against Gender-based Violence](#), which presents an opportunity to look at the specific and unique forms of gender-based violence against women and girls with disabilities. International experts call [States parties to the CEDAW, CRC and CRPD Conventions](#) and all stakeholders to take decisive action in preventing and eliminating these forms of violence, and to ensure that women and girls with disabilities and their representative organizations are involved in policies aimed at eliminating gender-based violence against women.*

*Women and girls with disabilities are active members of their communities and have widely contributed to bring change in the way society perceives persons with disabilities. Yet, fifteen years after the adoption of the [Convention on the Rights of Persons with Disabilities](#), they continue to face systemic and structural barriers to participation in society and are disproportionately represented in situations of poverty as a consequence of multiple and intersecting forms of discrimination in all spheres of life.*

*International experts reaffirm that women and girls with disabilities around the world should be included in the fight to advance gender equality and women's rights. They are entitled to all human rights and fundamental freedoms on an equal basis with others and should be actively involved in all campaigns fighting for women's rights. States parties, civil society, national human rights institutions should continue promoting and empowering women and girls with disabilities' participation in all areas of life.*

\* \* \*

### **I. Need for a stronger international legal and policy framework that recognises the greater risks of violence faced by women and girls with disabilities**

“Violence against women” constitutes any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life,<sup>2</sup> and is underpinned by inequality, discrimination and harmful norms and

---

<sup>1</sup> This statement is joined and/or endorsed by the **Committee on the Elimination of Discrimination against Women (CEDAW)**; the **Committee on the Rights of the Child (CRC)**; and the **Special Rapporteur on the rights of persons with disabilities, Gerard Quinn**.

<sup>2</sup> Declaration on the Elimination of Violence against Women, <https://www.ohchr.org/en/professionalinterest/pages/violenceagainstwomen.aspx>



practices.<sup>3</sup> Gender-based violence against women is directed against the woman because she is a woman or that affects women disproportionately<sup>4</sup>.

The [Convention on the Rights of Persons with Disabilities](#) recognizes that women and girls with disabilities are often at greater risk of violence, injury and abuse and that disability adds another layer of discrimination and deprivation. The CEDAW Committee has also expressed its concern about the aggravated discrimination suffered by women with disabilities and the scarce information on this issue in States parties' reports.<sup>5</sup> Disability and gender-based discrimination may lead to a greater likelihood of poverty, limited access to protective services and resources, and heightened risk of violence and abuse over a lifetime. Hence, the obligation of States parties under [article 16 of the CRPD](#) to put in place effective legislation and policies, including gender and child-focused legislation and policies, to ensure that instances of exploitation, violence and abuse against persons with disabilities, are identified, investigated and, where appropriate, prosecuted. This is complemented by the provisions under the [Convention on the Rights of the Child](#) (article 19 – right to freedom from violence)<sup>6</sup>. [Article 25 of the CRPD](#) also highlights the importance of access to health care services that are gender-responsive and to quality reproductive health services for persons with disabilities, and the [Convention on the Elimination of All Forms of Discrimination Against Women](#) calls States parties to eliminate discrimination in the field of health care ([article 12](#)), which includes the recognition of [sexual and reproductive rights and health for all women](#)<sup>7</sup>.

The [Convention on the Rights of Persons with Disabilities](#) also recognizes multiple forms of discrimination faced by women and girls with disabilities, which means that women and girls with disabilities do not experience discrimination as “a homogenous group but, rather, as individuals with multidimensional layers of identities”.<sup>8</sup> Moreover, under the [Convention on the Elimination of All Forms of Discrimination Against Women](#), there is recognition that discrimination against women, including gender-based violence, is shaped by intersecting dimensions of inequality, including disability<sup>9</sup>. The [Agenda 2030 for Sustainable Development](#) also calls for the elimination of “all forms of violence against all women and girls in the public and private spheres” [and making the SDG 5 is inclusive of women and girls with disabilities](#)<sup>10</sup>.

The prohibition of gender-based violence against women has evolved into a principle of customary international law<sup>11</sup>. While the international framework has developed, many forms of gender-based violence against women and girls with disabilities continue to be invisible to the public and to policy-makers.

---

<sup>3</sup> CEDAW, General Recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19, 26 July 2017, UN Doc. CEDAW/C/GC/35, paras. 10 – 20.

<sup>4</sup> Ibid, para. 1

<sup>5</sup> CEDAW, General Recommendation No. 18 (1991) disabled women.

<sup>6</sup> CRC, General comment No. 13 (2011) on the right of the child to freedom from all forms of violence

<sup>7</sup> CEDAW, General Recommendation No. 24 (1999) article 12 women and health.

<sup>8</sup> Committee on the Rights of Persons with Disabilities, General comment No. 3 (2016), 25 November 2016, UN Doc. CRPD/C/GC/3, para. 16

<sup>9</sup> See for example CEDAW, GR No. 18 (1991), GR No. 28 (2010), GR No. 33 (2015) and GR No. 35 (2017)

<sup>10</sup> <https://www.ohchr.org/EN/Issues/Disability/Pages/SDG-CRPD-Resource.aspx#policy>

<sup>11</sup> CEDAW, General Recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19, para. 2)



## II. Increasing risks of gender-based violence against women and girls with disabilities, including during the pandemic

As revealed by [their experiences and testimonies](#), women and girls with disabilities, who make up almost one-fifth of the world's population of women, are at least two to three times more likely than other women to experience gender-based violence in the private and public spheres, including at their homes and family settings, schools, psychiatric settings, residential facilities or institutions, as well as online and in emergency situations. While they experience both the same forms of gender-based violence as women and girls without disabilities they continue to be subjected to specific and unique forms of gender-based violence due to gender and impairment, including institutional and structural forms of violence, such as forced treatment, denial of legal and decision-making capacity, and violations of sexual and reproductive rights.<sup>12</sup>

Harmful stereotypes and stigmatization against women and girls with disabilities heighten the risk of experiencing violence, as women and girls with disabilities are undermined, and considered unable, to make judgments and decisions. Women and girls with disabilities' lack of access to high-quality and inclusive education reinforce stereotypes, and curtail control over their health and sexual and reproductive decisions<sup>13</sup>, which results in higher risks of violence, including sexual violence, and abuse against them. Indigenous women and girls with disabilities and those who are living in remote and rural areas are often subjected to intersecting forms of discrimination due to gender, ethnicity and disability, particularly in the absence of public awareness-raising and strategies to prevent and tackle particular risks of violence affecting them. Older women with disabilities are more likely to be institutionalized and subject to violence, abuse and neglect.

The Committees are alarmed about the prevalence of different forms of gender-based violence against women and girls with disabilities:

- Rape and sexual abuse across different contexts, within State and non-State institutions and within the family or the community;
- Forced, coerced and otherwise involuntary pregnancy, contraception, abortion or sterilization and medical procedures or interventions performed without free and informed consent;
- Invasive and irreversible surgical practices such as psychosurgery, female genital mutilation;
- Abandonment and neglect;
- The removal or control of communication aids and the refusal to assist in communicating;
- The denial of personal mobility and accessibility;

---

<sup>12</sup> Committee on the Rights of Persons with Disabilities, General comment No. 3 (2016), paras 29–37.

<sup>13</sup> Committee on the Elimination of Discrimination against Women, General Recommendation No. 36 (2017) on the right of girls and women to education. 27 November 2017 (para. 28).



- The infliction of fear by intimidation through bullying, verbal abuse and ridicule on the grounds of gender and disability; threats; psychological manipulation; and the exercise of control, for example by restricting face-to-face or virtual access to family, friends or others;
- Surgery or treatment without informed consent on women and girls with disabilities and intersex children;
- The administration of electroshock treatment and the use of chemical, physical or mechanical restraints; and isolation or seclusion;
- Higher risks of violence against older women with disabilities both in the community and in institutionalized settings, including hospitals, nursing homes and other residential settings, and include physical, psychological and sexual abuse, caregiver neglect and financial exploitation.<sup>14</sup>

During the ongoing coronavirus (COVID-19) pandemic, human rights mechanisms, including the CEDAW and CRPD Committees have received reports about severe impacts on women and girls with disabilities, such as the increase in the number of cases of gender-based violence against women and girls with disabilities in the private sphere, including by family members, particularly during confinement. Furthermore, institutions and psychiatric facilities were closed to the community, leading to complete isolation of women and girls with disabilities living still in institutions. The resulting closed environments increased the incidence of gender-based violence. This is particularly concerning as the Committee has observed a pattern of gender-based violence against women and girls with disabilities in institutions and psychiatric facilities prior to the pandemic.

Overall [reports indicate that there is a clear and very worrying higher incidence of violence against women and girls with disabilities](#), however, existing laws, policies and programmes on gender-based violence rarely address the situation of women and girls with disabilities, and it is difficult to find comprehensive data disaggregated by both gender and disability, preventing an accurate understanding of the magnitude of violence against women and girls with disabilities.

### **III. Challenges to effective access to justice experienced by women and girls with disabilities**

Women and girls with disabilities also experience multiple barriers to accessing justice owing to harmful stereotypes, discrimination and lack of procedural and reasonable accommodations, which can lead to their credibility being doubted and their evidence being dismissed, such as the case of older women with intellectual disabilities. Such barriers include the absence of, or complicated or degrading reporting procedures, the referral of survivors to social services rather than the provision of legal remedies, the inaccessibility of legal information and procedures to report such violations and abuses, the restrictive procedural

---

<sup>14</sup> Special Rapporteur on the Rights of Persons with Disabilities. Older persons with disabilities, 17 July 2019. (para. 37).



rules concerning witnesses and survivors, and the stigma among the judiciary that affects negatively affects access to justice and access to effective remedies and redress by women, and in particular women with disabilities. For instance, older women with disabilities who are survivors of sexual violence face particular barriers to disclosure and access to justice, resulting in their experiences remaining hidden<sup>15</sup>. Moreover, the Committee is concerned that women and girls with disabilities who are subjected to gender-based violence are often unaware of their rights and the remedies available to them.

The CEDAW Committee has recommended that States parties pay special attention to [access to justice systems for women with disabilities](#)<sup>16</sup> as well as to repeal of all laws that prevent or deter women from reporting gender-based violence, such as guardianship laws that deprive women of legal capacity or restrict the ability of women with disabilities to testify in court.<sup>17</sup>

### ***A renewed commitment towards gender equality for women***

States should recognize women and girls with disabilities as human rights holders, and empower them to participate in all initiatives and measures to make gender equality a reality. Today, the Committee calls to all stakeholders to renew and uphold their commitment to combat gender inequality and eliminate gender-based violence against women and girls with disabilities. ***Recalling the recommendations made in the CRPD Committee's [General Comment No. 3 on women and girls with disabilities](#), CEDAW Committee General Recommendation No. 18 on disabled women and subsequent jurisprudence, international experts call upon States parties to the Conventions and stakeholders to:***

(a) Adopt comprehensive legal and policy frameworks to combat gender-based violence against women and girls with disabilities, in the private and public spheres, ensuring that all forms of gender-based violence against women and girls with disabilities are appropriately defined as criminal offenses;

(b) Ensure the meaningful participation and involvement of women and girls with disabilities and their representative organizations in the design of laws, policies and strategies to prevent and eliminate all forms of gender-based violence against women, to provide adequate redress for women and girls with disabilities,<sup>18</sup> and conduct awareness raising campaigns targeting women and girls with disabilities on gender-based violence and the available remedies;

---

<sup>15</sup> Ibid, Older persons with disabilities, 17 July 2019. (para. 37)

<sup>16</sup> Committee on the Elimination of Discrimination against Women, General Recommendation No. 33 (2015) Women's access to justice.

<sup>17</sup> Ibid, General Recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19.

<sup>18</sup> Committee on the Rights of Persons with Disabilities General Comment No. 7 (2018), 9 November 2018, UN Doc. CRPD/C/GC/7, paras 11 and 12(e).



(c) Mainstream gender perspective in all general legislation, public policies and programmes, and in all frameworks to promote the full enjoyment of human rights and fundamental freedoms by persons with disabilities;

(d) Recognize and actively include women and girls with disabilities and their representative organizations in strategies towards gender equality and women's rights and the elimination of all forms of violence against women, including in civil society initiatives;

(e) Take steps to combat stereotypes, raise awareness and change perceptions and attitudes among teachers, community and social services, legal and health professionals and family members of women and girls with disabilities, to create a supportive environment, and to promote openness and knowledge in the field of sexual and reproductive rights, ensuring that counselling services, education, information about sexual and reproductive rights in the community, are made available and accessible for women and girls with disabilities;

(f) Eliminate gender, age and disability-related stigma and stereotypes, prejudices and harmful practices in society, which lead to violence against women, ensuring the involvement of women and girls with disabilities and their representative organizations in all initiatives and reaching out to the wider public;

(g) Adopt measures to ensure effective access to justice for women and girls with disabilities. including those whose legal capacity has been withdrawn or limited, without discrimination, and the provision of procedural, age-appropriate and gender-responsive accommodations in complaint mechanisms and the justice system, in all areas of law, and provide systematic training and capacity-building programs targeting judges, public prosecutors and law enforcement on gender-based violence against women and girls with disabilities;

(h) Bring perpetrators of gender-based violence against women and girls with disabilities accountable to justice, and take measures to avoid repetition of these acts;

(j) Collect systematically disaggregated data on violence against women and girls with disabilities to identify all instances of gender-based violence against women and girls with disabilities, in the private and public spheres.

---

