**WORLD BLIND UNION**

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World Blind Union (WBU) submission to UN Working Group on the discrimination against women with regard to right to health care and safety leading to thematic report.

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The World Blind Union (WBU) is a global organisation that represents the worldwide community of 285 million blind and partially sighted persons. “We envision a community where people who are blind or partially sighted are empowered to participate on an equal basis in any aspect of life they choose”. We have been working for more than 3 decades to make a significant difference in the lives of millions of Blind/Partially sighted persons through our work in the areas of Representation, Capacity Building, Resource Sharing and Accessibility which includes our efforts to influence the policies and regulations of the UN and other international agencies to reflect the needs and views of blind and partially sighted persons. WBU operates through 6 regional unions which are comprised of organizations of and for the blind in some 190 countries.

The WBU is one of the key, active and founding members of the International Disability Alliance and also has consultative status with UN ECOSOC, World Bank, WHO and a number of other relevant UN and international agencies.

The WBU wholeheartedly welcomes and sincerely appreciates the initiative of UN Working Group on the discrimination against women with regard to right to health care and safety leading to thematic report.

**Introduction:**

According to world report on disability by WHO and World Bank, there are 1 billion persons with disabilities in the world. 70% of them live in developing countries. 80% of them live with chronic poverty. Approximately 50% or little less of them are Women/Girls with disabilities. 285 million persons live with visual disabilities who constitute 28.5% of the total disabled population of the world. Approximately 2/3 of them are Women/Girls with visual disabilities who experience chronic poverty, dense and multiple marginalisation and exclusion due to the various identities. The world report on disability clearly reveals that the exclusion of Women/Girls with visual disabilities from education, employment, socio cultural aspects, decision making, and political spheres is 4 times higher than other marginalised communities. (Source: World report on disability, WHO and WB, 2011)

**General Issues:**

* United Nations Convention on the Rights of Persons with Disabilities (hereinafter referred as( “UNCRPD” recognises the factors of multiple and dense marginalisation and exclusion which Women/Girls with disabilities in general and Blind/Partially sighted women/girls in particular suffer in day to day life as a result of poverty, gender, ethnicity, religion, caste and cultural identities. UNCRPD adopts the twin track approach through the dedicated article and explicit mention of Women/Girls with disabilities throughout the convention text. Article 3 “General principles” proclaims the gender equity and justice by incorporating an important principle of “Equality between men and Women”.
* Article 4(3)- mandates the states parties to ensure the active participation and involvement of women/girls with visual disabilities and their representative organisations through the Consultation process In the development and implementation of legislation and policies to implement the Convention and other decision-making processes concerning issues relating to women with visual disabilities.
* Due to the intersections of discrimination on the basis of gender and disability, Blind/Partially sighted women and girls are at a higher risk of diverse nature such as gender based violence, sexual abuse, neglect, maltreatment, harassment and exploitation. They suffer violence in the home, institutions and the community, perpetrated by family, caregivers, healthcare or school personnel, and strangers, including rape (also marital rape), forced marriage, forced abortion, forced contraception, forced sterilisation, female genital mutilation (FGM) and other harmful practices in peacetime, conflict and post conflict contexts.
* Majority of the countries have specific policy and legislations in order to protect the women/girls against discrimination with regard to right to health care and safety but these policies and legislations are not inclusive of Women/girls with visual disabilities.
* The key issue which results in denial and violation of health care and safety of Women/Girls with visual disabilities is access to right to health care and safety. The information relating to health care and safety is not in the most accessible formats such as Braille, large print, audio, electronic text and other accessible formats.

**Specific issues:**

WBU makes this submission to the working group by commenting on several key and important articles that are of particular importance and significance to women/girls with visual disabilities in order to draw the attention towards the unique and specific issues of Women/Girls with visual disabilities.

* **Article 6 – Women with disabilities** The World Health Organization now estimates that approximately two-thirds of the world’s blind persons are women. Any programs, therefore, must ensure that the unique needs of blind and partially sighted women are addressed so as to ensure their equitable access and participation since they face many additional barriers imposed as a consequence of being both blind and being women. These include reduced access to education, health care, rehabilitation and a reduced likelihood of securing employment. In addition, blind and partially sighted women are very vulnerable to abuse and violence and are more likely to be infected with HIV/AIDS or other infectious diseases. (Source: World report on disability, WHO and WB, 2011)
* **Article 13** mandates the states parties to ensure access to justice. Access to justice has historically been a challenge for Blind/Partially sighted persons. The act of lodging a complaint, seeking police assistance, engaging a lawyer, obtaining legal aid, testifying in court, participating in court proceedings or in investigations, among others, has, in most jurisdictions, been overwhelmingly frustrated by inaccessible mechanisms and procedures, lack of awareness and training of actors in the justice system, lack and inaccessible formats of information, and general visual disability-based discrimination exercised in the law, policy and practice pertaining to the administration of justice.
* Despite the grave nature of these violations, access to justice remains out of reach for many women and girls with visual disabilities. First, the law itself may deny judicial mechanisms from treating the complaints of women with visual disabilities if they have been deprived of their legal capacity. While such practices violate Article 15 of CEDAW, Article 12 of the Convention on the Rights of Persons with Disabilities (CRPD) and Article 16 of the International Covenant on Civil and Political Rights (ICCPR), in many jurisdictions, women with visual disabilities continue to be denied their legal personhood.

* Regardless of one’s legal capacity status, women and girls with visual disabilities are frequently denied access to justice because they are not considered as credible or competent witnesses, and their complaints are not taken seriously if they are reported to the authorities. To the police, judges and other justice delivery actors may discount their testimony on the basis of stereotypes- in sexual assault cases, the general failure of society to see women with visual disabilities as sexual beings may result in judges and juries discounting the testimony of witnesses.
* **Article 15 and 16** mandates the states parties to protect Women/Girls with visual disabilities from violence, abuse, inhuman, degrading treatment or punishment. Women and girls who are Blind/Partially sighted experience violence in many ways. In their homes or in institutions, at the hands of members of their immediate family, care-givers or strangers, in the community, in schools and in other public and private institutions. According to a report by the European Parliament, almost 80 per cent of women with disabilities are victims of violence and they are four times more likely than other women to suffer sexual violence. The report also found that 80 per cent of those who live in institutions are exposed to violence from the people around them, whether health and service personnel or care-givers. Research has also found that women and girls with visual disabilities are at particularly high risk of violence, including sexual violence.
* Women/Girls with visual disabilities face other forms of physical and psychological violence and neglect, including: the withholding of medication and assistive devices, such as low vision devises, mobility aids and white canes; the removal of a railing or mobility devices; refusal of care-givers to assist with daily living needs; denial of food or water or threat of any of these acts; verbal abuse and ridicule related to the disability; removing or controlling communication aids; causing fear by intimidation; harming or threatening to harm, take, kill or destroy objects or pets; psychological manipulation; controlling behaviours involving restricting access to family, friends, phone calls. Women and girls with visual disabilities are also particularly vulnerable to forced sterilisation and forced medical treatment.
* Children, especially girls with visual disabilities have increased vulnerability to violence and abuse.
* There is evidence that Women/girls with visual disabilities are directly linked to different patterns of trafficking (forced begging, labour exploitative practices). There have been reports of persons, particularly women and girls with visual disabilities being trafficked into forced begging because a visible disability may have a stronger impact on public sympathy.
* Women and girls with visual disabilities are also particularly vulnerable to violence during situations of conflict and other natural disasters which may force migration and or displacement. Disasters compound the social effects of disability, especially for girls and women who face other barriers. A 2010 report by Human Rights Watch on violence against women with disabilities in Northern Uganda documented frequent abuse and discrimination by strangers, neighbours, and even family members against women and girls with visual disabilities in the northern part of the country during the conflict. Women/Girls with visual disabilities are more vulnerable to conflict and emergency since warning system, relief, rehabilitation and other operations are not accessible to them.
* Article 25 promotes the right to health of all including those with visual disabilities. According to World report on disability by WHO and World Bank, Women/Girls with visual disabilities are often denied right to general health care and specific to their disability. They do not have full access to Sexual and reproductive health services. Sexual and reproductive health services include family planning, maternal health care, prevent­ing and managing gender-based violence, and preventing and treating sexually transmitted infections including HIV/AIDS. While little information is available, it is widely thought that Women/Girls with visual disabilities have significant unmet needs. Adolescents and adults with visual disabilities are more likely to be excluded from sex education programmes.
* The information on general health care, child and reproductive health, sexual health and other aspects of health and rehabilitation is not in the accessible formats such as braille, large print, audio, electronic text and other most accessible formats in order to ensure its access to them.
* Women/girls with visual disabilities face higher degree of social isolation and they do not get in to contact of other friends with or with disabilities.

**Recommendations:**

On the basis of above stated facts and ground realities, World Blind Union makes the following **recommendations** to the UN working group: Call upon the states parties to;

1. Amend existing law or enact new law to end discrimination against women/girls with visual disabilities with regard to health and safety; and ensure their access in most accessible formats
2. Sensitise, orient and train all the concerned stakeholders particularly, health, safety, administration of justice and legal personnel towards the unique and specific issues, needs and concerns of women/girls with visual disabilities in order to enable them to access health care and safety;
3. Ensure all the information especially health and safety in most accessible formats such as braille, large print, audio, electronic text and other forms;
4. Take legal, administrative, adjudicative and other measures to prevent gender and visual disability based discrimination against women/girls with visual disabilities to prevent violence, abuse, exploitation, inhuman, degrading treat or punishment;
5. Ensure active participation and involvement of women/girls with visual disabilities and their representative organisation in all the policy formulation and decision making processes by ensuring accessible formats of information and materials;

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