

## **Draft update General recommendation No. 19: Violence against women**

### **Comments of**

- **Weibernetz, German Network of Women Lesbians and Girls with Disabilities and**
- **DPI Germany (ISL)**

### **Preliminary remarks**

In principle the preamble of the CRPD emphasizes, “g) ... the importance of mainstreaming disability issues as an integral part of relevant strategies of sustainable development”.

These Comments are written with regard to the consideration of the rights of women and girls with disabilities.

The Convention of the United Nations on the rights of persons with disabilities (CRPD) recognizes in the Preamble that “q)... women and girls with disabilities are often at greater risk, both within and outside the home, of violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation”.

However the support system for combating violence against women is mostly not accessible for women and girls with disabilities, their situation and their needs are often not taken into consideration. The same applies to measures and programs to combat violence and to support victims/survivors.

International exchange with organizations of women with disabilities show, that this is a fundamental problem.

Just as well experiences show, that mentioning women with disabilities and the consideration of their needs only in a preamble or a general explanation of the scope does not lead to a consideration of their needs or their areas of Life while planning and implementing measures to combat violence or to support victims/survivors - as would be necessary to ensure that women and girls with disabilities can exercise the same rights and opportunities on an equal basis with other women.

To make sure women and girls with disabilities are being taken into account, they have to become visible - and therefore they have to be mentioned in all relevant passages concerned.

For the same reason – to make visible and therefore take into consideration – we specially mention institutions for psychosocial disabled persons. The situation often is much worse and the amount of gender based violence even higher than in institutions for persons with disabilities

In using the term accessible we refer to Article 9 Accessibility of the CRPD.

## Scope

9. Insertion: ... These are affected by cultural, economic, ideological, political, religious, social and environmental factors **or on grounds of disability**, as evidenced in the case of harmful practices or in crimes against women human rights defenders or activists.

12. Insertion: Gender-based violence against women occurs in all spheres of human interaction, whether public or private. These include family, **institutions for persons with disabilities, including those for persons with psychosocial disabilities and residential care homes**, the community, the workplace, **including sheltered workshops**, leisure, sport, educational settings and technologically mediated environments, such as cyberspace.

## General obligations of States parties under the Convention relating to gender-based violence against women

13. Insertion: ... This is an obligation of an immediate nature; delays cannot be justified on any grounds, including on cultural or religious **or disability** grounds.

### a) Responsibility for acts or omissions of State actors

i. Insertion: ... Besides ensuring that laws, policies, programmes and procedures do not discriminate against women, according to article 2 (c) and (g), States parties must have an effective legal and services framework in place to address all forms of **(intersectional)** gender-based violence against women, including that committed by State agents.

14 a) Insertion: ... The convention also requires the repeal of all laws that constitute discrimination against women, including those which cause, promote or justify gender-based violence or perpetuate impunity for these acts. Such laws may be part of statutory, customary, religious, indigenous or common law, civil law, including family law, **disability law, health law**, criminal law, evidentiary and procedural law...

## Recommendations

### Prevention

b) Develop and implement effective measures...

ii. Insertion: ... These programmes should target: (a) women and men at all levels of society; (b) all education, health, **disability**, social services and law enforcement personnel; (c) traditional and religious leaders; and (d) perpetrators of any form of gender-based violence.

Insertion of a new iii:

**iii. Adopt and implement nationwide accessible empowerment programmes for all women and girls.**

d) Insertion: Provide mandatory, recurrent and effective capacity-building, education and training for the judiciary, lawyers and law enforcement officers, including forensic

medical personnel, legislators, health-care, education and social personnel, including that working with women in institutions such as residential care homes, ***institutions for people with disabilities including those for persons with psychosocial disabilities*** and prisons, to equip them to address gender-based violence against women adequately.

f) Insertion: Ensure that all parts of legal system, including plural legal systems, protect and provide victims/survivors of gender-based violence against women ***accessible*** access to an effective remedy in line with the guidance provided in the Committee's General Recommendation No. 33 (2015).

j) Insertion: Repeal all legal provisions that directly or indirectly discriminate against women, and thereby encourage, justify or tolerate gender-based violence against them; including in customary, religious and indigenous ***and disability*** laws.

Insertion of a new iii:

***iii. provisions that allow forced sterilization of women with disabilities or measures that deny their right to decide freely and responsible on the number and spacing of their children.***

## **Protection and redress**

a) Insertion: Adopt and implement effective ***accessible*** measures to protect and assist women complainants and witness of (***intersectional***) gender-based violence before, during and after legal proceedings, including through:

iii. Ensuring ***accessible*** access to financial aid and free or low-cost legal aid, medical, psychosocial and counseling services,...

iv. Providing protective and support measures, ***such as guide-lines***, in relation to gender-based violence to women in institutions, including residential care homes, ***institutions for people with disabilities including those for persons with psychosocial disabilities*** and all forms of prison;

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**Weibernetz, German Network of Women Lesbians and Girls with disabilities**

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