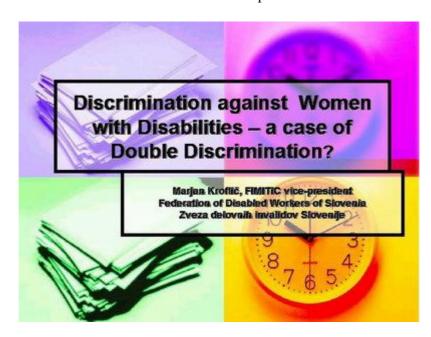
Marjan Kroflič

"Disabled women discrimination - an example of twofold discrimination?"

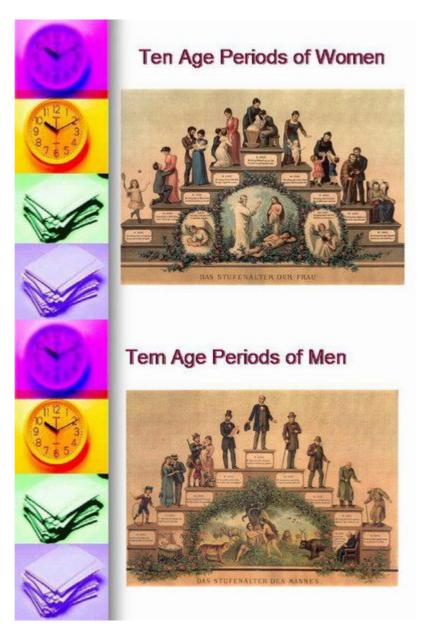


Introduction

The title of my presentation for the symposium is "Disabled women discrimination - an example of twofold discrimination?". My decision to participate is based on my belief that disabled women's problems are not theirs only and that they can be solved in cooperation with the male part of the population.

This year's 3rd December - International Disability Day - slogan is 'VOX NOSTRA – A Voice of Our Own'. This slogan was chosen by United Nations Organization. The aim of it is to make governments and other institutions consult disability organizations when creating disability policy. I think that this conference gives a chance to make this slogan popular. I also hope that the voice of disabled women will be stronger after this conference. Since this is the time around 25th November, The International Day against Violence towards Women, let the voice of disabled women be clearly heard.

For a clearer view and for our consideration let us look 100 years back. Two slides by the unknown author show a biological process of aging man and woman in ten 10 year periods. Each period shows interpersonal relations within close and extended families. It includes a religious interpretation of the beginning and end of life. Life expresses beauty and peace the first 50 years and then this slowly disappears in the process of aging. If we imagine a disabled male and disabled female version of the picture none of the period would have been this idealistic. In those times disabled people would have been presented as beggars who need charity up to whatever year.



Even nowadays the picture would be different because of discrimination. Discrimination starts in the first period, increases in the next and so on, we can speak about accumulation of the discrimination. Lives of disabled women (and men) are totally different from lives of people who are not disabled.

The problems of disabled women have touched me because of my personal experience and because of my knowing of disguised or even obvious forms of disabled women of all ages' discrimination. I cannot do much about it as an individual. Still, I will have done my duty as a human being if I manage, on their behalf, to find a way to as much information as possible, if I find a way to information that will serve them as a help in their daily lives and in finding their rights against discrimination.

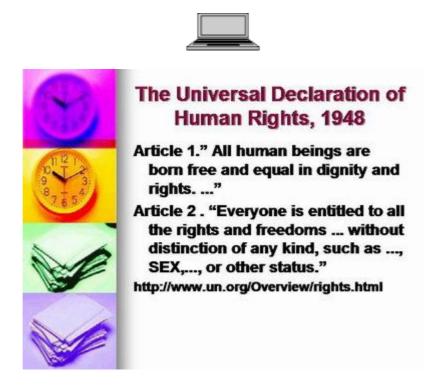
I started examining the problem of discrimination through internet. I have found important documents. In these documents many problems have been solved in theory. These declarations, resolutions, conventions and treaties should be put into practice. However, knowing these documents is essential because one can use them to support one's arguments. By the use of these documents one's problems with discrimination can be presented as human rights, and in case of violation is possible to make a complaint to ombudsman.

I used Goggle to find websites about disabled women (1,240.000 targets), about disabled women and education, employment, violence, abuse (up to 500.000).

I couldn't see a tree in the forest! Then I only looked for disabled women in relation to international institutions, organizations and information centers. So, let us go through the slides I have prepared.

In my slides there are only essential documents and their sources that are related to the theme of this

conference. In some cases I cite the complete paragraphs, in others only parts of it. I have prepared a commentary for each slide and internet homepage where information can be found.



Slide 1: Available at http://www.un.org/Overview/rights.html

Commentary: The expression 'other status' also includes 'disability'! Constituions of some countries are formulated almost in the same fashion, but only few of them contain also 'disability' as non-discrimination clause'. Such examples are Constitution of Finland, Canada, Germany, Swizerland.



Slide 2: information available at

<u>http://www.peacewomen.org/un/conf/womenconf.html#mex</u> - 1st Conference on Women, Mexico City, 1975;

http://www.peacewomen.org/un/conf/womenconf.html#cop - 2nd Conference on Women, Copenhagen, 1980;

http://www.earthsummit2002.org/toolkits/women/un-doku/un-conf/narirobi.htm - 3rd World Conference on Women, Nairobi, 1985;

http://www.un.org/womenwatch/daw/beijing/platform; http://www.iisd.ca/women.html;

Beijing Platform for Action, adopted at the 1995 Fourth World Conference on Women in Beijing - 4th World Conference on Women, Beijing, 1995:

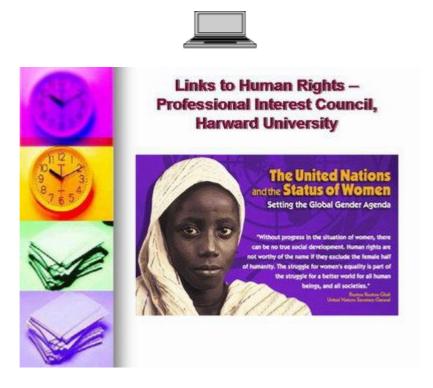
To itemize:

- (1) Section of Outcome Document devoted to Equality of Women and Their Contribution to Development and Peace, 1975
- (2) Sections on women and peace from the Report of the World Conference of the United Nations Decade for Women: Equality, Development and Peace, held in Copenhagen from 14 to 30 July 1980, A/CONF.94/35
- (3) Nairobi Forward-looking Strategies for the Advancement of Women ,adopted in 1985 at the World Conference to Review and Appraise the Achievements of the UN Decade for Women: Equality, Development and Peace. See also:

Sections of The Nairobi Forward-looking Strategies for the Advancement of Women devoted to peace

(4) Platform for Action!

Commentary: In the UN human right policy until 1985 women with disabilities were invisible. This practice continued until 1985, when on the 3rd World Conference on Women in Nairobi women with disabilities became more visible.



Slide 3: Links to Human Rights Websites Available at http://www.un.org/Conferences/Women/PubInfo/Status/Home.htm

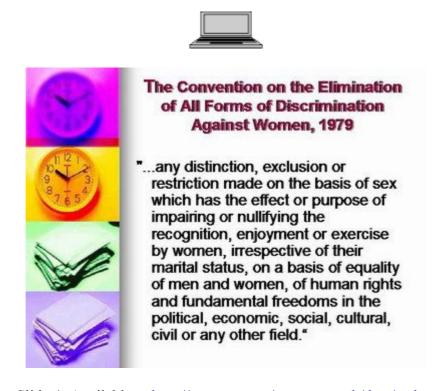
Commentary: The United Nations document on Status of Women and setting the Global Gender Agenda were clearly summarized by following words of Boutros Boutros-Ghali, former UN Secretary General:

"Without progress in the situation of women, there can be no true social development. Human rights are

not worthy of the name if they exclude the female half of humanity. The struggle for women's equality is part of struggle for better world for all human beings, and all societies."

More information on human rights documents are Available at the website 'Professional Interest Council (PIC)': http://www.ksg.harvard.edu/hrpic/links.htm

Overview, list and links to them - click on: <u>International HR Treaties and Documents</u>, <u>HR Treaty Monitoring Bodies</u>, <u>UN Human Rights Conferences</u>, <u>International Organizations</u>, <u>Human Rights NGOs</u>, <u>Human Rights Databases</u>, <u>National HR Commissions/Ombudspersons</u>, <u>Country Reports – Human Rights Programs/Centers – Human Rights Journals</u>



Slide 4: Available at http://www.un.org/womenwatch/daw/cedaw

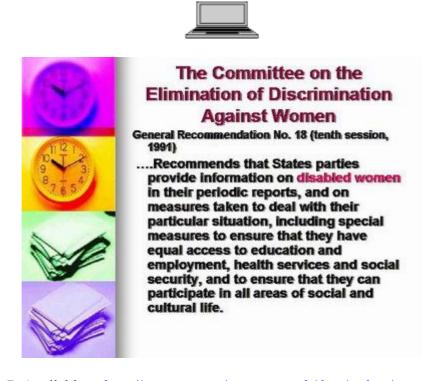
Commentary: Convention was adopted in 1979 by the UN General Assembly. It's often described as an international bill of women's rights. In its papreamble and 30 articles a convention defines what constitutes discrimination against women and sets up an agenda for national measures to end such discrimination. 20 years later was adopted 'Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women' - General Assembly resolution A/54/4, 6 October 1999, opened for signature on 10 December 1999, Human Rights Day, entry into force 22 December 2000. Available at http://www.unhchr.ch/html/menu3/b/opt_cedaw.htm





Slide 5: More available so far at http://www.unhchr.ch/html/menu5/wchr.htm

Commentary: The aim of the two-week World Conference on Human Rights was to present to the international community a common plan for the strengthening of human rights dimension world-wide. It was marked by a unprecedented degree of participation by government delegates and the international human rights community.



Slide 7: Available at http://www.un.org/womenwatch/daw/cedaw/committ.htm

Commentary: The Committee on the Elimination of Discrimination Against Women (CEDAW) was established in accordance with the Convention on the Elimination of All Forms of Discrimination Against Women adopted by the General Assembly in its resolution 34/180 in December 1979.





Standard Rules on the Equalization of Opportunities for Persons with Disabilities I.

I. Gender

"56. Women with disabilities are often exposed to double, or even triple, discrimination. They suffer discrimination as women, as disabled persons and on the grounds of their economic status.

"57. they less frequently get married and have children. They are often exposed to discrimination in medical care and rehabilitation, education, vocational rehabilitation and employment.



Standard Rules on the Equalization of Opportunities for Persons with Disabilities II.

"58. The initial sentence of every Rule in the Standard Rules document contains the term "persons with disabilities". This should always be understood as referring to "girls, boys, women and men with disabilities". ...

"59. In gender-sensitive development programmes, women and girls with disabilities should be identified as target beneficiaries.

"60. Organizations of persons with disabilities should take action to get the concerns of women and girls with disabilities onto their agenda, ...

Slide 8 and 9: Available at http://www.un.org/esa/socdev/enable/disecn520024e2.htm

Commentary: This proposals are taken from Mr. Bengt Lindqvist's Report on monitoring the implementation of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities, submitted to the Commission for Social Development on his third mandate, 2000-2002 as Annex: Reaching the most vulnerable; proposed supplement.

I am sure that this FIMITIC Conference on Women with Disabilities strongly supports this draft of supplement submitted by former UN Special Rapporteur Bengt Lindqvist.





Slide 10: Available at http://www.disabilityworld.org/06-08 03/un/gender.shtml

Commentary: It's a bimonthly web-zine of international news and views on disability issues • Issue no. 19 June-August 2003. It says there, that on June 24 in New York City, approximately 35 participants of the UN second Ad Hoc meeting on disability discussed ways to integrate gender sensitive areas of concern into International Convention to Promote and Protect the Rights and Dignity of Persons with Disabilities.

They have agreed that "disabled women and girls must be mentioned in an introductory clause covering equality/non-discrimination. The Equality of disabled women should be compared to that of non-disabled women, disabled men and non-disabled men. Disabled women and girls must be mentioned in the Equality text due to the well-established double or multiple forms of discrimination they experience in every culture and every economy."

Proposals are based on some articles of Universal Declaration of Human Rights, CEDAW, Convention on the Rights of the Child, Convention on the Elimination of All Forms of Discrimination against Women, Declaration on the Elimination of Violence against Women, Cairo Declaration).

On the following slides there are more detailed proposals on 'Towards Gender Sensitive Disability Rights Convention'.





Right to Equality

- "Disabled women and girls must be mentioned in an introductory clause covering equality/nondiscrimination.
- The Equality of disabled women should be compared to that of non-disabled women, disabled men and non-disabled men."
- "Disabled women and girls must be mentioned in the Equality text due to the well-established double or multiple forms of discrimination they experience in every culture and every economy."

(Universal Declaration of Human Rights, articles 2 & 16; CEDAW, articles 2 & 4; Convention on the Rights of the Child, article 2)

Right to education

"It is well known that disabled girls have the least access to education of any group and that disabled women have the least access to training and further education."

(Universal Declaration of HR, article 26; CEDAW, article 10; CRC, articles 23 & 28)



Right to protection against all forms of violence

"This includes physical violence, sexual assault, sterilization, forced drugging.

Disabled women and girls are much more frequently subjected to violence than other groups; are institutionalized at twice the rates of men; and are more frequently subjected to forced treatment and other abrogations of their autonomy."

(Universal Declaration of HR, articles 3 & 5 & 12; CRC, articles 23 & 24 & 36; UN Declaration on the Elimination of Violence against Women, 1993)



Right to protection against eugenic health programs and practices

"This includes forced abortion and sterilization. **Disabled women** frequently lose their rights to motherhood and a family life through forced abortions and sterilizations."

(CEDAW, article 16; Cairo Declaration)



Right to access health services and family life

"In many cultures and countries disabled girls and women have the least access to health services and disabled mothers are often neglected and discriminated against by health and family planning programs. Yet they are the primary caregivers both in the family and in health services. They also often deprived of their own or adopted children."

(Universal Declaration of HR, article 25; CEDAW, articles 12 & 16; CRC, articles 23 & 24)

Action Programme - Adopted at the ETUC 10th Statutory Congress, 26-29/05/2003

h. Gender equality

- "16.Demand the inclusion of gender equality among the fundamental values of the EU and its inclusion in the shared competencies of the EU;..."
- "17.Ensure the acquis communautaire regarding equal pay and gender mainstreaming is maintained across all policies and encourage women's representation in all decision-making bodies."

Commentary: "The group agreed to submit appropriate text for consideration by the Ad Hoc Committee; to initiate contact with CEDAW independent experts and governmental and nongovernmental groups advancing the human rights of women, to request their collaboration in integrating areas of concern to disabled women and girls into their work; to review these core areas of concern in forthcoming conferences and meetings; and to remain in contact to identify other approaches to ensure that the

disability convention process and text be representative of and fully inclusive of all disabled women."

My proposal to the FIMITIC Conference on Women with Disabilities is to submit the text, prepared by the group to be Convention more gender sensitive on disability rights for consideration to the Ad Hoc Committee.



Slide 13: Available at http://www.worldenable.net/wadbangkok2003/recommendations.htm

Commentary: In the period just mentioned a conference took place in Bangkok, Thailand 18-22 August 2003: UN ESCAP Workshop on Women and Disability - Promoting Full Participation of Women with Disabilities in the Process of Elaboration on an International Convention to Promote and Protect the Rights and Dignity of Persons with Disabilities. Statements and Recommendations from that conference were:

- "1. Despite their significant numbers, women and girls with disabilities, especially in the developing countries, remain hidden and silent, their concerns unknown and their rights unrecognized;
- "2. Throughout the region, in urban and rural communities alike, they face triple discrimination because of their disabilities, being female and poor.





Slide 14: Available at http://www.ilo.org

Commentary: The International Labour Organization is the specialized UN agency which seeks to promote social justice and internationally recognized human rights including the right to labour. It was founded in 1919 and is the only surviving major creation of the Treaty of Versailles which brought into being the League of Nations and it became the first specialized UN agency of the in 1946.

The ILO formulates international labour standards in the form of conventions and recommendations setting minimum standards of basic workers' rights: freedom of association, the right to organize, collective bargaining, abolition of forced labour, equality of opportunity and treatment, and other standards regulating conditions across the entire spectrum of work related issues.

See also Code of Practice on the Managing Disability in the Workplace, Tripartite Meeting of Experts of the Management of Disability on the Workplace, ILO, Geneve, October 2001. Available at http://www.ilo.org/public/english/standards/relm/gb/docs/gb282/pdf/tmemdw-2.pdf



Slide 15: Available at http://www.etuc.org/EN

Commentary: European Trade Union Confederation (ETUC) was established in 1979 and recognized by

the EU, CE and EFTA as the only representative cross-sectoral trade union organization at European level. In the Action Programme of ETUC there is a paragraph i. entitled: 'Combating discrimination, racism and xenophobia':

"18. Fight discrimination in all its forms with respect to gender, nationality, race, ethnicity, disability, sexual orientation and gender identity, age, religion and social origin in the European Union, in particular in the form of specific Directives implementing Article 13 on all grounds;

Complete list of the Council of Europe's treaties at http://conventions.coe.int/Treaty/EN/CadreListeTraites.htm

Source: Treaty Office at http://conventions.coe.int

About Conventions and Agreements in the European Treaty Series (ETS)

Article 1, paragraph b of the Statute of the Council of Europe, signed in London on 5 May 1949, runes as follows: "This aim shall be pursued through the organs of the Council by discussion of questions of common concern and by agreements and common action in economic, social, cultural, scientific, legal and administrative matters and in the maintenance and further realisation of human rights and fundamental freedoms."

"Once a "Convention" or an "Agreement" is concluded, they have the same legal effect. The only distinguishing feature is the form in which a State may express its wish to be bound by one or the other. While a European Convention is usually the object of the deposit of an instrument of ratification, acceptance or approval, a European Agreement may be signed with or without reservation as to ratification, acceptance or approval. Moreover, the model final clauses adopted by the Committee of Ministers in 1963 and revised in 1980 contain clauses regarding the procedure whereby non-member States of the Council of Europe may become Parties to European Conventions or Agreements; in principle, these clauses enable them only to accede."



Slide 16: Available at http://conventions.coe.int

Commentary: On the 'Portal of the Council of Europe, Legal Affairs – Treaty Office' one can find all Conventions and Agreements in the European Treaty Series (ETS) via 'search' engine. From the disability prospective is the most important part of the Charter Article E - Non-discrimination.





Amsterdam Treaty establishing the European Community, 1997

Article 13 (*)

"1. Without prejudice to the other provisions of this Treaty and within the limits of the powers conferred by it upon the Community, the Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, may take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation."

Slide 17: Available at http://europa.eu.int/eur-lex/en/treaties/dat/EC consol.pdf

Commentary: Article 13. of the Treaty of Amsterdam is the most important, because this is the first time that disability was incorporated in such a legally binding treaty. EU member States are therefore obliged to implement disability into national legislation.

In brief - the new Article 13 contains measures to combat discrimination on the ground of disability. The Treaty of Amsterdam elaborated two Articles to include equality between men and women, which previously figured only in Article 141 (previously Article 119) of the EC Treaty.

So, in the Consolidated Version of the Treaty Establishing the European Community one can find in Article 2 "the list of tasks facing the Commission will include the promotion of equality between men and women" and in Article 3, that "In all the other activities referred to in this Article, the Community shall aim to eliminate inequalities, and to promote equality, between men and women."



Slide 18: http://european-convention.eu.int/docs/treaty/cv00850.en03.pdf

Commentary: Draft of the Treaty Establishing a Constitution for Europe was adopted with consensus by the European Convention. Article II-21 prohibits discrimination also on the ground of sex and disability.

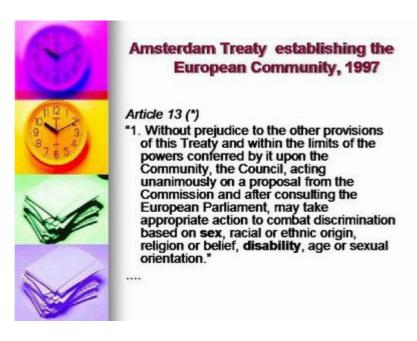


Slide 19: Avaiable at http://european-en.htm and http://european-en.htm and <a href="

Commentary: Political Declaration - Malaga Ministerial Declaration on People with disabilities - "Progressing towards full participation as citizens" is important, because with this political declaration the Union declares its commitment to the respect of the right of persons with disabilities, who will benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community.

The Declaration of Malaga, May 2003, "Improving the quality of life of people with disabilities: enhancing a coherent policy for and through full participation" was accepted on the Conference, attended by Ministers responsible for integration policies for people with disabilities of the Council of Europe member and observer states, or their representatives. There were present also representatives of the Council of Europe's Committee of Ministers, the Parliamentary Assembly, the Congress of Local and Regional Authorities of Europe (CLRAE), representatives of the Council of Europe Commissioner for Human Rights, of the Council of Europe Development Bank and of several Council of Europe Steering Committees, a representative of the Commission of the European Communities, and observers from the International Labour Organization (ILO), the Organization for Economic Co-operation and Development (OECD), and international non-governmental organizations.





Slide 20: Available

1) Manifesto you can find at http://www.sre.gob.mx/discapacidad/paperedf.htm

Commentary: Manifesto by disabled Women was adopted in Brussels in 1997 by the European Disability Forums' Working Group on Women and Disability (Chair Person Lydia Zijdel). The Manifesto is a compilation of recommendations to improve the lives of women and girls with disabilities in the European Union, based on a revision of recommendations from the United Nations Experts Seminar on Disabled Women in Vienna 1990, and endorsement of the UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities.

2) Madrid Declaration you can find at http://www.madriddeclaration.org/en/dec/dec.htm

Commentary: On the portal one can find the integral text, endorsement form for signature, the list of endorsers (from Croatia are endorsers Association for Promoting Inclusion and Croatian Paraplegic and Tetraplegic Association; FIMITC, and myself. I wonder why other FIMITIC members have not endorsed it). Erszebet Szollosi, member of the FIMITIC Member organization MEOSZ, Hungary, also read a statement on the European Congress on Disability in Madrid.

3) Osaka Declaration on Women with Disabilities, 2003 you can find at http://www.disabilityworld.org/11-12 02/women/osaka.shtml

Commentary: Quatation from the Declaration:

"Being a woman itself has proven to be a disadvantage. But a woman with a disability means being twice disadvantaged."

"The foremost aim of the RNWWD is the emancipation, independence and equalization of opportunities for women with disabilities in the region. This is translated through access, education, employment, leadership, social policy and networking at national, regional and international levels."





Slide 21:

1) Women and Disability Resources Available at http://soeweb.syr.edu/thechp/wpreface.htm

Commentary: For all who want to know something about the living conditions of women and girls with disabilities and obstacles to Equality there is Overview Article - The Double Discrimination of Women with Disabilities; Annotated Bibliography examples of articles, journals, books, and other resources on women with disabilities, see also http://members.tripod.com/~Barbara Robertson/Women.html

2) Council of Europe – Web site dedicated to Equality between Women and Men: http://www.humanrights.coe.int/equality/Eng/AboutEquality.htm

from the Web: http://www.humanrights.coe.int/equality/default.htm

Commentary: Citation from the web, see Introduction:

"In the general perspective of the protection and promotion of human rights, the Council of Europe seeks to combat any interference with women's liberty and dignity (for example violence against women, trafficking in human beings for purpose of sexual exploitation, free choice in matters of reproduction), to eliminate discrimination based on sex and to promote a balanced representation of women and men in political and public life."

3) United Nation Division for the Advancement of Women: Available at http://www.un.org/womenwatch/daw/ and http://www.un.org/womenwatch/daw/ and http://www.un.org/womenwatch/

Commentary - Citation from the Web on Mission Division for the Advancement of Women: "Grounded in the vision of equality of the United Nations Charter, the Division for the Advancement of Women (DAW) advocates the improvement of the status of women of the world and the achievement of their equality with men. Aiming to ensure the participation of women as equal partners with men in all aspects of human endeavour, the Division promotes women as equal participants and beneficiaries of sustainable development, peace and security, governance and human rights. As part of its mandate, it strives to stimulate the mainstreaming of gender perspectives both within and outside the United Nations system."

- 4) FACT SHEET Available at the Website of the Council of Canadians with Disabilities, which at the federal level tries improve the living conditions of men and women with disabilities in Canada. There are some facts collected about position of disabled women in society, here are some of them:
 - ...are the poorest...
 - ...discriminated as women, as disabled and because they are from the developing world

- ...few educational opportunities..
- Abuse: physical, emotional and sexual.

See more on http://www.pcs.mb.ca/~ccd/womefact.html

The slide 22 shows some more links to important websites dealing with the topic of Women with disabilities. First of all is Center for research on women with disabilities (CROWD), Available at http://www.bcm.tmc.edu/crowd/ - One can find information of CROWD mission, history, faculty, research projects, training mentorships.



Slide 22

Commentary:

- 1) Links to other Research on Women with Disabilities are Available at: http://www.bcm.tmc.edu/crowd/links/index.html
- 2) Access to Health Care by Women with Disabilities Available at http://www.bcm.tmc.edu/crowd/access health care/access health care.html
- 3) Abuse and Women with Disabilities available at http://www.bcm.tmc.edu/crowd/abuse women.html
- 4) Community Living Available at http://www.bcm.tmc.edu/crowd/community_living/community_living.html
- 5) The DRM WebWatcher is Available at http://www.disabilityresources.org/DRMwww.html and is probably the best source of information on disability issues on the Internet: how to find specific topics or disabilities in it. Go to the complete index, the alphabet index on the masthead of every page, or the search engine on the home page.





Commentary:

- 1) United Nation Persons with Disabilities Available at http://www.un.org/esa/socdev/enable/
- 2) Meetings of the Ad Hoc Committee Available at: http://www.un.org/esa/socdev/enable/rights/adhocinputs.htm#top
- 3) International Women's Disability Networks Available at: http://www.dpi.org/en/resources/topics/women/05-23-03 WWD email.htm

On this web you can find information on international women's disability networks. One can find also email addresses of women interested on inquiries from different countries.

2) European Women Lobby Available at http://www.womenlobby.org/home-en.asp?LangName=english

European Women Lobby is the largest co-ordinating body of national and European non-governmental women's organizations in the European Union. The goal of the EWL's is to achieve gender equality in Europe and to serve as a link between political decision-makers and women's organizations at the EU level.

- 3) MADRE is an international women's human rights organization that works in partnership with women's community-based groups in conflict areas worldwide and is Available at website: http://www.madre.org/
- 3) WHRnet is 'Association for Women's Rights in Development (AWID)', Available at http://www.whrnet.org/

AWID is an international member organization, which brings together information and mobilizes people and organizations that strive to achieve gender equality, sustainable development and women's human rights. WHRnet is a project of the Association for Women's Rights in Development (AWID), or http://www.whrnet.org/docs/issues.html - Issues 1999 – 2002 contains special paragraph: Women with Disabilities;

Women with Disabilities and Health Problems you can find on http://nursing.villanova.edu/WomenWithDisabilities/welcome.htm, it contains information on Health Promotion for Women with Disabilities Website, where women with disabilities talked over various types of disabilities. Information can be of use to women who want to learn more about their own health status and about the ways to improve their health and quality of life. a

National Womens' Health Information Center - Women with DisAbilities: http://www.4woman.gov/wwd/ index.htm





Conclusion

Women with disabilities are discriminated as women and as disabled.

The equality (= equal opportunities and equal treatment) of women with disabilities in the fields of work, private and public lives can and must only be implemented on the basis of human rights philosophy.