

Roundtable II: Recognising and combating multiple discrimination of persons with disabilities Women and girls with disabilities Ms Pirkko Mahlamäki

Good morning ladies and gentlemen. I would like to express my thanks for this opportunity to participate in this important discussion on recognising and combating multiple discrimination of women and girls with disabilities. The Convention of the Rights of Persons with Disabilities in Art 6 Women with disabilities, and the work of the CRPD Committee provide an important reference for the Council of Europe Disability Strategy. This meeting is indeed most timely as the CRPD Committee adopted on 26 August General Comment 3: 'Women with disabilities'.

The General Comment addresses the States Parties' General Obligation under Article 6 of the CRPD to recognise that women and girls with disabilities are subject to multiple discrimination. In this regard, States Parties have a duty to take measures to ensure the full and equal enjoyment by women with disabilities of all human rights and fundamental freedoms.

The General Comment points out that there is strong evidence to affirm that women and girls with disabilities face barriers in most areas of life. These barriers create situations of multiple and intersecting forms of discrimination against women and girls with disabilities, particularly with regard to equal access to education, access to economic opportunities, access to social interaction, access to justice and equal recognition before the law, the ability to participate politically and the ability to exercise control over their own lives across a range of contexts.

In many EU Member States, anti-discrimination legislation also fails to address multiple and intersectional discrimination as mentioned in paragraph 9. We welcome the recognition that experiences of heightened disadvantage of individuals caused by multiple and intersecting forms of discrimination.

The CRPD Committee explains that multiple discrimination encompasses those situations where a person can experience discrimination on two or more grounds. Intersectional discrimination refers to a situation where several grounds operate and interact with each other at the same time in such a way that they are inseparable. Grounds for discrimination include, but are not limited to: age; disability; ethnic, indigenous, national or social origin; gender identity; political or other opinion; race, refugee, migrant or asylum status; religion; and sex or sexual orientation.

The CRPD Committee therefore expresses serious concern about the prevalence of multiple discrimination and intersectional discrimination against women with disabilities on account of their gender, disability and other factors which are not sufficiently addressed in legislation and policies. In addition, the CRPD Committee emphasises the persistence of violence against women and girls with disabilities, including sexual violence and abuse, forced sterilisation, female genital mutilation (FGM), sexual and economic exploitation, and institutionalisation.

The General Comment also highlights the lack of, or insufficient participation of, women with disabilities in decision-making processes in public and political life. Women and girls with disabilities indeed encounter many barriers to participation in public decision-making. Due to power imbalances and multiple forms of discrimination, they still have fewer opportunities to establish or join organisations that can represent their needs as women and as persons with disabilities.

The General Comment concludes with recommendations for the full implementation of Article 6 at the national level. The CRPD Committee urges States Parties to: 1) combat multiple discrimination through repealing discriminatory laws, policies and practices that prevent women with disabilities from enjoying all the rights of the CRPD; 2) adopt appropriate laws, policies and actions to ensure the rights of women with disabilities are included in all policies; 3) remove all barriers that prevent or restrict the participation of women with disabilities and ensure that women with disabilities, through their representative organisations, are included in the design, implementation and monitoring of all programmes which have an impact on their lives; and 4) take all appropriate measures to ensure the development, advancement and empowerment of women with disabilities in political and public life on an equal basis with others by promoting the creation of organisations and networks of women with disabilities, and by ensuring adequate support for women with disabilities to take leadership roles in public decision-making bodies at all levels.

Council of Europe DISABILITY STRATEGY – work in progress

Discrimination and barriers to participation persist and that there are significant **challenges** in ensuring compliance with international standards **to combat discrimination and to achieve the full respect of all human rights of persons with disabilities**. The disparity between the standards and practice, referred to as the **implementation gap**, needs to be addressed as a matter of priority.

How to close this implementation gap?

continued commitment of governments, including funding and the full involvement of organisations representing persons with disabilities, the persons with disabilities themselves, and other relevant stakeholders.

Sharing of know-how and exchanging of promising practices is needed to ensure that Europe becomes a democratic, welcoming home for all, and upholds its values of democracy, respect for human rights and diversity.

Five cross-cutting issues that need to be considered in all the Council of Europe work and in all its activities supporting member States. These issues are also essential for member States to take into consideration in their legislation, policies and activities and in all areas of life to improve the lives of persons with disabilities. It is important that among the cross cutting issues, multiple discrimination and gender equality perspective are included.

The Strategy recognizes that many persons with disabilities are at risk of **multiple and/or intersecting forms of discrimination and segregation** from the society due to their specific situations (e.g. financial or educational status, living or housing arrangement, level of assistance needed, disability or combination of multiple disabilities etc.) or to certain grounds (e.g., race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, birth, age, sexual orientation, gender identity¹⁷ or other status).

Gender equality perspective

38. Gender equality means equal visibility, empowerment, responsibility and participation for both women and men in all spheres of public and private life.

39. In the context of Council of Europe this means that gender equality concerns are included in the **planning, budgeting, implementation, monitoring and evaluation** of all policies, programmes and activities in the field of disability and *vice versa*. It also

requires the use of **gender and disability disaggregated data** and the equal participation of women and men in all programmes and activities in this field.

40. Women and girls with disabilities often face **additional barriers** and higher levels of discrimination in their access to human rights and activities in comparison to men.

Women and girls with disabilities are also often at greater risk of all forms of violence, both within and outside the home¹⁶.

41. In order to mitigate these additional barriers and improve equality, a **gender equality perspective** needs to be employed in all work and activities within the Council of Europe and at the national and local levels, including in the work of independent monitoring mechanisms.

In conclusion,

what is required: targeted measures with respect to disaggregated data collection, consultation, policymaking, enforceability of non-discrimination and provision of effective remedies. so that we can achieve the goal of autonomy and empowerment of women with disabilities.

The involvement of persons with disabilities through their representative organisations in decision-making processes lies at the heart of the CRPD. The CRPD Committee on several occasions expressed its concerns about the insufficient participation of persons with disabilities and their representative organisations in the review and design of disability-related legislation and policies. In particular, the CRPD Committee urged countries to take effective measures to consult with and actively involve persons with disabilities, including children and women with disabilities, through their representative organisations in the planning, execution and monitoring of public decision-making processes at all levels and in particular in the matters affecting them. The committee highlights the need to give DPOs reasonable and realistic timelines for providing their views, and to provide them with adequate funding in order to enable them to fulfil their role under Article 4, 3 of the CRPD.