BEIJING PLUS 20 REVIEW:
THE SITUATION OF WOMEN AND GIRLS WITH DISABILITIES
IN
THE UNITED STATES
QUESTIONS AND COMMENTS FOR THE UNITED STATES REPORT
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Beijing+20 is a process to assess how far Member States and other stakeholders have come in implementing the commitments made at the Fourth World Conference on Women in Beijing, China, in 1995. Since 1995, the Commission on the Status of Women has played a central role in monitoring, reviewing and appraising progress achieved and problems encountered in implementing the Beijing Declaration and Platform for Action – the most comprehensive global policy framework to achieve the goals of gender equality, development and peace, which world leaders committed to in 12 critical areas of concern. This review will take place at the 59th Session of the Commission on the Status of Women, to be held in March 2015. The inclusion of
The rights of women and girls with disabilities, as enumerated in the Beijing Declaration, must have a prominent place in this review.

The Government of the United States has embarked on its preparation of its Beijing+20 review process and on Thursday, June 26, 2014 held a briefing on this process with civil society at the White House. Women enabled, Inc. participated in this process and offers these preliminary general comments on the situation of women and girls with disabilities and herein outlines some key areas and questions which must be addressed in the final United States Government’s Beijing+20 report. Women enabled, Inc. is in the process of finalizing a more detailed report which provides factual data on the situation of women and girls with disabilities, addressing several issues which are to be included in any government’s Beijing+20 review.

The inclusion of women and girls with disabilities in the Beijing + 20 review is provided for within the provisions of both the Convention on the Rights of Persons with Disabilities (CRPD), and the Beijing Declaration and Platform for Action, among other international and regional treaties, and including the pronouncements of the CRPD’s treaty body and the Convention on the elimination of All Forms of Discrimination’s (CEDAW) treaty body.

**INTRODUCTION - VOICES AND VISIONS OF DISABLED WOMEN AT BEIJING**

At the Beijing 4th World Conference on Women, disabled women were actively engaged, among other non-government organizations. In the video “Disabled Women: Visions and Voices from the 4th World Conference on Women,” those attending tell their stories, describe their experiences and demonstrate their powerful presence engaging with governments and other NGOs.3

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[http://www.youtube.com/watch?v=adfHKfZdvzI](http://www.youtube.com/watch?v=adfHKfZdvzI) and a transcript is also available on this website.
INTRODUCTION – THE CRPD

Several provisions of the CRPD explicitly address women and girls with disabilities: Articles 6 Women with Disabilities, 8 Awareness Raising, 16 Freedom from exploitation, violence and abuse, 17 Protecting the integrity of the person, 24 Education, 25 Health and 27 Work and Employment. Of course, all articles of the CRPD are relevant to women and girls especially Articles 7 Children, 11 - Situations of risk and humanitarian emergencies, 12 Equal recognition before the law, 13 Access to justice and 23 Respect for home and the family.

INTRODUCTION – THE BEIJING DECLARATION

Due to the vigorous engagement and strong presence of women and girls with disabilities at the Beijing Fourth World Conference on Women, several provisions of the Beijing Declaration reference women and girls with disabilities. Among other provisions, the Beijing Declaration states:

“Strengthen and encourage the implementation of the recommendations contained in the Standard Rules on the Equalization of Opportunities for Persons with Disabilities, paying special attention to ensure non-discrimination and equal enjoyment of all human rights and fundamental freedoms by women and girls with disabilities, including their access to information and services in the field of violence against women, as well as their active participation in and economic contribution to all aspects of society.”

Drawing on the disability-inclusive nature of the original Beijing Declaration itself, the 2000 Special Session of the United Nations General Assembly, reviewing the progress of the outcomes of the Fourth World Conference on Women, also addressed the concerns and role of women with disabilities by indicating that Governments should:

“Adopt and promote a holistic approach to respond to all forms of violence and abuse against girls and women of all ages, including girls and women with disabilities, as well as vulnerable and marginalized women and girls in order to address their diverse needs, including education, provision of appropriate health care and services and basic social services.”

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Furthermore, it also stated that Governments should:

“Design and implement policies and programmes to address fully specific needs of women and girls with disabilities, to ensure their equal access to education at all levels, including technical and vocational training and adequate rehabilitation programmes, health care and services and employment opportunities, to protect and promote their human rights and, where appropriate, to eliminate existing inequalities between women and men with disabilities.”

The intersections of the provisions of the CRPD with the provisions of the Beijing Declaration are discussed in the attached document in detail to assist in the preparation of a Beijing + 20 Review by governments, non-government organizations and the UN Commission on the status of women as it prepares for the review at its 59th session in 2015.

To frame the specific relevant issues set forth in the Beijing Declaration, the attached document is a comparison between the Beijing Declaration and specific Articles of the UN Convention on the Rights of Persons with Disabilities. Provisions of the Beijing Declaration that specifically address women and girls with disabilities are reproduced therein. If there is a similar provision in the U.N. Convention on the Rights of Persons with Disabilities or G.A. Res. S23/3, it has also been included. Specific provisions of the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) are not discussed therein but the CEDAW Committee has made numerous General Recommendations addressing the Rights of women and girls with disabilities. The document is further organized thematically.

To assist the Government of the United States as it prepares its Beijing+20 Report, these significant intersections are discussed specifically with respect to the situation of women and girls with disabilities in the United States and some questions which should be addressed are enumerated. Additionally, The Beijing Declaration and Platform objectives for these areas of concern are set forth, as elaborated by UN Women.

THE SITUATION OF WOMEN AND GIRLS WITH DISABILITIES: SOME STATISTICS

According to the U.S. Census Bureau, approximately 18.7 percent, or 56.7 million people, had a disability in 2010 in the civilian population, which does not account for individuals in institutions or nursing homes. Broken down by gender, 17.4% of males and 19.8% of females had a disability in 2010.

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With respect to violence against women with disabilities, the Bureau of Justice Statistics within the U.S. Department of Justice analyzed the 2010 census data to find that the age-adjusted rate of violent crime committed against persons with disabilities occurred at a rate of 28 violent victimizations per 1,000 persons, in comparison to 15 violent victimizations per 1,000 persons for persons without disabilities.\(^\text{10}\) In 2010, the age-adjusted rate of violent crime for males with disabilities was 26 per 1,000 in comparison to 16 per 1,000 for males without disabilities. For females with disabilities, the rate of violent crime was 29 per 1,000, compared to 15 per 1,000 for females without disabilities.\(^\text{11}\) Serious violence (aggravated assault, rape/sexual assault, and robbery) accounted for approximately 50% of the violence perpetrated against persons with disabilities in 2010.\(^\text{12}\) Serious violent victimization against persons with disabilities occurred at a rate of 16 per 1,000 persons with disabilities, compared to a rate of 5 per 1,000 for persons without disabilities.

A Fact Sheet from the Center for Disease Control on the “Victimization of Persons with Traumatic Brain Injury or Other Disabilities” cites a 2001 study concluding that persons with disabilities are four to ten times more likely to be victims of abuse, violence, or neglect in comparison to persons without disabilities.\(^\text{13}\) The CDC cited the CROWD study for the idea that similar proportions of women with and without disabilities report experiencing emotional abuse, physical violence, or sexual violence; however, women with disabilities reported longer durations of abuse for individual episodes and a greater number of perpetrators.\(^\text{14}\)

With respect to access to sexual and reproductive health care, one report revealed that the quest for such care for women and girls with disabilities is almost impossible. In New York City one woman reported:

"This woman in a white coat comes down the hall, her arms flailing around waving, and looks at me, and she says, 'No, no, no. People like you can't come here,'" says Marilyn


Another woman reported: "I couldn't even come in the room. I had to leave my chair outside the door," says patient Manyon Lyons. "I went to another place. I could actually get in, but I couldn't get on the table."

Women Enabled, Inc.’s final Beijing+20 Report on the United States will include greater detail on these and other issues confronting women and girls with disabilities. This report will also include footnoted and detailed sources.

**ISSUES CONCERNING WOMEN AND GIRLS WITH DISABILITIES TO BE ADDRESSED IN THE REPORT OF THE UNITED STATES FOR THE BEIJING+20 REVIEW**

The Beijing+20 Report of the United States should address the following issues, providing detailed information and documentation for what has been achieved or not achieved since Beijing+15, as required by Sections One and Two of the National Review Guidelines. Each section below also includes mention of the area(s) of concern to which the issue relates.

**CREATING EQUALITY** – What efforts have specifically been undertaken to address the profound inequality experienced by women and girls with disabilities due to their gender, disability and other multiple and intersecting dimensions of their identity, including race, ethnicity, rural status, indigenous status, age, religion, and socio-economic status, among the other factors outlined in the Beijing Declaration? Describe specific and targeted programs both in the arenas of women’s rights and the rights of persons with disabilities. (Beijing Declaration, Area of Concern: All.)

**LEGISLATIVE EFFORTS** – Describe efforts to review all U.S. laws to determine if they discriminate against women and girls with disabilities or fail to include them in the protections contained in such laws. Such a review should include both laws on women’s rights and disability rights. (Beijing Declaration, Area of Concern: All, dependent on the law at issue.)

**ACCESS TO JUSTICE** – Describe the situation of women and girls with disabilities with respect to access to justice, including physical access to the courts, police stations and prosecutor’s offices, provision of reasonable accommodations (for example, sign language interpreters,

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materials in accessible formats,) training for judges and other court personnel, training for police and other law enforcement personnel, availability of attorneys with experience working with clients with disabilities, materials available on the legal system and the rights of persons with disabilities, in accessible formats, treatment of women and girls with disabilities who are witnesses, etc. Describe specific efforts to address the exclusion of testimony of women and girls with disabilities solely on the basis of their disability and related misperceptions about competency. (Beijing Declaration, Area of Concern: Human Rights, Power and Decision-Making, Poverty.)

ACCESS TO GOVERNMENT PROGRAMS – Describe efforts taken to ensure that women and girls with disabilities have access to all government social welfare and anti-poverty programs. Describe how the effectiveness and reach of such programs is measured and monitored. Describe how programs for the advancement of women and girls work to include women and girls with disabilities and what efforts are underway to improve levels of inclusion in such programs. (Beijing Declaration, Area of Concern: Poverty.)

ACCESS TO EDUCATION, INCLUDING TECHNICAL, VOCATIONAL AND UNIVERSITY EDUCATION – What efforts have been undertaken to eliminate discriminatory barriers to education at all levels for women and girls with disabilities, especially in the fields of science, technology, engineering and math as well as college and university education? Describe specific efforts to reduce illiteracy rates among women and girls with disabilities and outline the current levels of illiteracy and education achievement among women and girls with disabilities and progress made since the U.S. Beijing+15 Report.

How are complaints of discrimination addressed? Describe trends in such complaints. Document the extent to which women and girls with disabilities are educated in an inclusive environment rather than segregated facilities/programs and outline efforts made to ensure that they are not steered into certain educational areas or subjects. Describe efforts to eliminate bullying and sexual harassment of women and girls with disabilities in all levels of education and what efforts are underway to provide leadership and self-esteem training to assist women and girls, particularly those with special needs, women with disabilities and women belonging to racial and ethnic minorities to strengthen their self-esteem and to encourage them to take decision-making positions.

Describe efforts at coordination between Title IX of the Education Amendments and Section 504 of the Rehabilitation Act with respect to these issues. Outline how the recently-issued April 2014 White House Task Force to Protect Students From Sexual Assault First Report and the

U.S. Department of Education Office for Civil rights, Questions and Answers on Title IX and Sexual Violence\(^\text{19}\) works to include women and girls with disabilities in its training and monitoring programs. Describe efforts to ensure that girls with disabilities in so-called special education are provided with education on sexual and reproductive health. (Beijing Declaration, Area of Concern: Education, Poverty, Girl-Child, Advancement.)

**ACCESS TO HEALTH CARE, INCLUDING SEXUAL AND REPRODUCTIVE HEALTH CARE** — Describe and document the health status of women and girls with disabilities, generally. Also describe it as compared with women and girls, generally. Include statistics on changes with respect to health from the U.S. Beijing+15 report and the current report. Outline efforts to improve the health of women and girls with disabilities and the specific barriers addressed and how they are addressed. Describe efforts at specific outreach to women and girls with disabilities including deaf women, blind women and women and girls with learning disabilities, and also to disability organizations. What specific efforts have been undertaken to ensure that health care services are both gender sensitive and disability sensitive and inclusive? Describe access for women and girls with disabilities to sexual and reproductive health care services, including ob/gyn care, mamogrammes, cancer screenings, maternity health care, access to the wide range of reproductive technologies, access to all forms of birth control and contraception as well as abortion. How is free and informed consent to all health care ensured for women and girls with disabilities, including in the areas of forced psychiatric interventions and medications, forced, non-consensual sterilization and abortion? How are complaints of such forced and non-consensual treatment addressed? How are health care personnel trained on these issues as well as the specific health care needs of women and girls with disabilities? Describe levels of access and provision of reasonable accommodation in the provision of health care. Outline efforts to ensure that health care is available to, and affordable by women and girls with disabilities, especially in light of the fact that many states have not taken advantage of opportunities to extend AFCA to women and girls eligible for Medicaid and specific programs for people with disabilities. Explain how the June 30, 2014 U.S. Supreme Court Hobby Lobby decision\(^\text{20}\) will impact women and girls with disabilities since they are often the least able to afford birth control and contraception. Describe the current research on the specific health needs and issues facing women and girls with disabilities, rather than just conducting such research on women in general or on both men and women jointly. (Beijing Declaration, Area of Concern: Health, Education, and Girl-Child.)

**VIOLENCE AGAINST WOMEN AND GIRLS WITH DISABILITIES** — Explain the reduction of funding to programs addressing violence against women and girls with disabilities under the

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2013 Violence Against Women Act was reduced the mere $10 Million to an even more devastating $9 million.\textsuperscript{21} Explain how this already low funding is addressing the disproportionately high rates of violence, including domestic violence and institutional violence against women and girls with disabilities in the United States, as well as the inaccessibility of such programs. Compare levels of such violence since the issuance of the United States Beijing+15 Report and efforts undertaken to more carefully measure such violence, desegregated by both sex and disability. Describe efforts under the Prison Rape Elimination Act to both measure the levels and collect data on violence on women and girls with disabilities in the prison system, with data desegregated by sex and disability. Outline the current levels of accessibility of sexual and domestic violence shelters and programs, comparing the current status to the situation when the U.S. Beijing+15 report was issued. What efforts have been undertaken to address violence against women and girls with disabilities in institutions and nursing homes? Describe programs for protection and recovery. (Beijing Declaration, Area of Concern: Violence against Women, Armed Conflict, Human Rights, Girl-Child.)

**ARMED CONFLICT**– Describe all efforts to ensure that women and girls with disabilities are included in all conflict and post-conflict protection and participation programs, including those specifically focused on women and their participation in post-conflict peacebuilding. Describe current efforts undertaken and accomplishments with respect to women and girls with disabilities in the U.S. National Action Plan on Women, Peace and Security\textsuperscript{22} and how the failure to include some critical issues of concern to women and girls with disabilities in that plan will be addressed. (Beijing Declaration, Area of Concern: Armed Conflict, Violence, Girl-Child, Poverty, Human Rights.)

**EMPLOYMENT AND WORK**– Describe measures being undertaken to ensure that women and girls with disabilities have meaningful access to employment opportunities without discrimination and equal remuneration for work. Describe efforts underway to address the fact that a large percentage of women and girls with disabilities are employed in so-called sheltered workshops,” which often pay below minimum wage. Describe specific efforts to recruit women and girls with disabilities for employment in the federal government and with federal contractors, and what efforts are undertaken to ensure that women and girls with disabilities are not only placed in lower level jobs but also have opportunities at the management, leadership and decision-making levels and opportunities for training and advancement. What efforts are underway to promote self-employment and entrepreneurship for women with disabilities through programs administered by the Small business Administration, for example? What supports and incentives are available to ensure that women with disabilities receive reasonable


accommodation at work? How is trafficking of persons with disabilities within and outside the United States addressed? Have such issues been addressed in the U.S. Department of State’s Trafficking in Persons Report? (Beijing Declaration, Area of Concern: Economy, Education, Poverty, Advancement, Girl-Child.)

DATA COLLECTION — Women and girls with disabilities systematically have not been included in data collection relating to the rights of women or related to the rights of persons with disabilities. One severe situation in which such desegregated data is not being adequately collected in the United States relates to the U.S. Strategy to Prevent and Respond to Gender-Based Violence Globally. 23 Although there are a limited few references to women and girls with disabilities in the document, in the statistics and data collection section, women and girls with disabilities are completely ignored. Without this critical data, the pervasive violence against women and girls with disabilities will continue to be inadequately documented. Explain this serious oversight and how it will be addressed. Data should also be collected in regard to other issues concerning the situation of women and girls with disabilities. Such data also assists in identifying and addressing the barriers faced by women and girls with disabilities in exercising their rights. ((Beijing Declaration National Review, Section 3—Status of Data Collection.)

ACCESS TO INFORMATION ON THE RIGHTS OF WOMEN AND GIRLS WITH DISABILITIES — Describe efforts to make such information available, ensuring that such information is available in accessible and alternate formats. What measures are being undertaken to improve access to information and computer technology? (Beijing Declaration, Area of Concern: Human Rights.)

WOMEN AND PRISONS — Women with disabilities face increased challenges and additional challenges in prison than women without disabilities. What efforts are being made to ensure women with disabilities have physical access to facilities in prison, including education and training programs? Describe efforts made to decrease violence against women with disabilities, as they are seen as a more vulnerable target. The State of California recently conducted an audit after a report found many incarcerated women underwent coerced and/or forced sterilization in violation of several state and federal laws. Due to the audit’s findings, a new bill restricting sterilization in California prisons is going to a vote in the California legislature. What is the status of medical conditions and the review process for procedures in federal and state prisons and what efforts are underway to ensure that women and girls in prisons throughout the U.S. are not forceably sterilized? What efforts are being made to provide proper medical care for

incarcerated women with physical and mental disabilities? (Beijing Declaration, Area of Concern: human rights)

**WOMEN AND THE ENVIRONMENT—** The Beijing Declaration objectives for this area of concern are three-fold: (1) involving women in environmental decision-making, (2) integrating women’s concerns and perspectives in policies and programmes, and (3) establishing ways to assess the impact of development and environmental policies on women. Describe efforts to involve disabled women in environmental decision-making and to include their perspectives in environmental policies and programmes and the specific issues of concern to them in terms of environmental impacts.

Natural disasters have a dramatic impact on women and girls with disabilities because emergency shelters are generally not accessible and women and girls with disabilities are more vulnerable to rape and sexual assault. During Hurricane Katrina, and after the storm, numerous reports showed that women with disabilities were more often than other women to experience sexual assault, rape and violence. What specific efforts are being undertaken to ensure that post-disaster planning addresses these concerns? What efforts are being made to include women with disabilities in natural disaster planning and preparedness? In addition, natural disasters result in additional members of the population becoming disabled for numerous reasons, including the inability to escape the disaster environment to a shelter.

Because polluting industries are often located in economically disadvantaged residential neighborhoods and women and girls with disabilities often live in such neighborhoods due to economic poverty, they are more likely to experience the health and increased disability-related effects of such environmental devastation. What efforts are being undertaken to minimize such risks?

**WOMEN AND THE MEDIA—**

The Beijing Declaration and Platform objectives for this area of concern are two-fold: (1) increase participation and access of women to expression and decision-making in and through the media and new communication technologies, and (2) promote a balanced and non-stereotyped portrayal of women in the media.

Media images are a potent force in countering stigma and misinformation and a powerful ally in changing perceptions, eliminating discrimination, and raising public awareness. The current media images contribute to the presumptions that the bodies of women with disabilities are unattractive, asexual and outside the societal ascribed norms of “beauty.” What efforts have been made to ensure that women and girls with disabilities are included in publications, presentations, and other media products regarding women’s rights and gender equality? What efforts have been
made to ensure positive imagery in the media of women and girls with disabilities, such as the use of positive language (e.g., able, capable) instead of negative language (e.g., physically challenged, victim, afflicted)? Additionally, what efforts are made to make the media aware that women with disabilities are capable and that capable people with disabilities are not just “inspirational” as many women with disabilities are highly skilled and talented. Has the government made use of organizations like the National Center on Disability and Journalism to advance such efforts?

Describe efforts to encourage women and girls with disabilities to pursue journalism and communications education. Describe efforts made to employ women with disabilities in the media field and to ensure fair employment practices in the media field. What grants or funding is available for women with disabilities to study communications/journalism and/or work in the communications/journalism fields?

With continual advancement of technology, there are various ways to ensure women and girls with disabilities have access to media. This includes alternate formats, television captions for women who are deaf, audio description for women who are blind, and web and information and communication technologies (“ICT”) accessibility. What efforts have been made to ensure the accessibility of access to media for women and girls with disabilities? Have new technologies been looked to for allowing greater access to media for women and girls with disabilities?

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