



Women and Intellectual Disability

Position Paper

Position Paper of Inclusion Europe

- Adopted by the 2009 Annual General Assembly of Inclusion Europe -

Intellectual disabilities directly affect an approximately equal number of men and women in Europe. However, there are many indications that the impact of this condition on women is far greater than on men. The reasons for this are twofold:

- Girls and women with an intellectual disability face greater social exclusion and are at higher risk of discrimination than men.
- In most societies, mothers are still the primary carers for children and also adults with intellectual disabilities. Thus they often do not have the same opportunities for employment and personal development. They also are more often subject to discrimination because of their association with the disabled family member.

The United Nations Convention on the Rights of Persons with Disabilities (hereinafter CRPD) is based on some core principles among which the equality between men and women enshrined in its Article 3.

In its Preamble, the CRPD underlines the first issue by recognizing “that 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” (Recital q). In addition, it acknowledges the “difficult conditions faced by persons with disabilities who are subject to multiple or aggravated forms of discrimination on the basis of [...] sex... (Recital p). The second issue, linked to the recognition of unpaid care as well as to discrimination by association, is concerned with the general debate about gender issues and to principles enshrined for example in the UN Convention on the Elimination of All Forms of Discrimination against Women.

Both issues were addressed by Inclusion Europe during a European seminar on “The situation of disabled women and mothers of disabled children in Europe” in Warsaw. In 2008, Inclusion Europe organized again a reflection on these issues during a seminar in Prague. This Position Paper is one of the results of these events and addresses both issues from an intellectual disability perspective. It formulates concrete demands by Inclusion Europe and its members.

Inclusion Europe

Galleries de la Toison d'Or
29 Chaussée d'Ixelles #393/32
B-1050 Bruxelles
Tel.: +32-2-502.28.15
Fax.: +32-2-502.80.10
secretariat@inclusion-europe.org
www.inclusion-europe.org

Girls and Women with Intellectual Disabilities

The UN Convention addresses the situation of girls and women with disabilities specifically in its Article 6. States Parties to the Convention fully recognize that women and girls with disabilities are subject to multiple discrimination and that they are often at greater risk of violence, abuse, neglect, maltreatment or exploitation. Women and girls with intellectual disabilities often cannot defend themselves against these risks and thus are even more vulnerable than women with other kinds of disabilities.

The UN Convention commits States Parties to take measures to ensure that girls and women can fully and equally enjoy all human rights and fundamental freedoms. It also commits them to “take all appropriate measures to ensure the full development, advancement and empowerment of women, for the purpose of guaranteeing them the exercise and enjoyment of the human rights and fundamental freedoms set out in the present Convention.”



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For girls and women with intellectual disabilities the fulfillment of this commitment has to be based on the following main lines of action:

- **Awareness-raising of girls and women with intellectual disabilities about their rights.**
Inclusion Europe and its members call upon the States Parties to take urgent actions towards awareness-raising in all areas of life. They should also incorporate a gender perspective in all relevant policies and actions to allow girls and women with intellectual disabilities to fully enjoy their rights and freedoms.
- **Empowerment training for girls and women with intellectual disabilities.**
Inclusion Europe and its members call upon the States Parties to provide with priority the necessary resources for empowerment training directed at girls and women with intellectual disabilities specifically designed to improve their possibilities to defend themselves against abuse and discrimination, as stated in Article 16(1). States Parties shall also take all appropriate measures to prevent all forms of exploitation, violence and abuse by ensuring, inter alia, appropriate forms of gender- and age-sensitive assistance and support for persons with disabilities and their families and caregivers, including through the provision of information and education on how to avoid, recognize and report instances of exploitation, violence and abuse.

Funds need to be allocated for the empowerment, leadership-training and capacity-building of and for women with intellectual disabilities, and to support girls and women with intellectual disabilities in their self-identification process.

- **Effective legal protection of girls and women with intellectual disabilities.**
Inclusion Europe and its members call upon the States Parties to live up to their commitment in the Convention to “put in place effective women- and child-focused legislation and policies to ensure that instances of exploitation, violence and abuse against persons with disabilities are identified, investigated and, where appropriate, prosecuted.”
- **Respect and highest attainable quality in the area of sexual and reproductive rights**
Upholding women’s human rights, including their sexual and reproductive rights, is essential to preventing discrimination and violence. Inclusion Europe and its members call upon States Parties to ensure that girls and women with intellectual disabilities are involved in decision-making about their reproductive rights and on family matters (marriage, children) with the means necessary to exercise these rights, while retaining their fertility on an equal basis with others (Article 23 CRPD). Girls and women with intellectual disabilities must have the same access as others to family-planning methods, counseling and services or programme regarding sexual and reproductive health and must receive information in accessible format on the sexual functioning of their bodies, as stipulated in article 25 of the CRPD.
- **Full and equal participation of girls and women with intellectual disabilities in the life of society.**
Inclusion Europe and its members call upon the States Parties to develop positive action and specific action plans to enable their full participation in the life of society. This will strengthen a continuous dialogue on priority topics related to women and girls with intellectual disabilities, as well as mothers of boys and girls with intellectual disabilities.
- **Awareness-raising of the main stakeholders about the situation of girls and women with intellectual disabilities.**
Inclusion Europe and its members call upon all relevant stakeholders to recognize the situation of girls and women with intellectual disabilities and to take active measures to promote their participation. It is of specific importance that they can participate equally and effectively in the decision making processes within all relevant structures, including those of disability organisations.
Inclusion Europe and its members ensure that all their relevant communications are used to promote the views and opinions of girls and women with intellectual disabilities as well as those mothers of people with intellectual disabilities. They also include information about the situation of girls and women with disabilities in all aspects of their work.

Mothers of People with Intellectual Disabilities

The UN Convention unfortunately addresses the situation of mothers who are caring for people with disabilities only in its general principles and indirectly through the prohibition of discrimination “based on” disability. However, since there are already many national and European provisions regarding gender-based discrimination as well as regarding the compatibility of professional life and family life in place, Inclusion Europe and its members want to reiterate in this Position Paper only the two most important principles:

Prohibition of discrimination by association.

Inclusion Europe and its members call upon the States Parties to ensure that national legislation recognizes the concept of discrimination by association¹ and prohibits it along the same lines as other forms of discrimination.

Full recognition of and support for unpaid family care.

Inclusion Europe and its members call upon the States to ensure appropriate recognition and support for family members who care for persons with intellectual disabilities to prevent social exclusion. They must ensure that this care does not lead to the risk of poverty, a decreased pension, less future job opportunities, etc.

States must ensure appropriate support and counseling services for caring family members². States should offer a wide array of services, preferably in mainstream settings, to support and complement the informal unpaid care work. This includes the provision of respite care services, which are extremely important to reconcile family life, social life and working life.

Inclusion Europe and its members also demand a revision of the working-time Directive³ which should contain specific provisions to answer the need to better reconcile work and family life. These provisions include quality part-time or flexible time arrangements, with similar work conditions as full-time employees, and a gender-friendly policy related to working time.

Inclusion Europe and its members are committed to promoting and supporting the work of Inclusion Europe’s Women’s Committee encouraging all women and men in decision-making positions within the disability movement at all levels to work towards the realization of these demands.

¹ See the decision of the European Court of Justice C – 303/06, *S. Coleman v Attridge Law and Steve Law* in its preliminary ruling, the Court answers the question of the Employment Tribunal as follows: “the Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation protects people who, although not themselves disabled, suffer direct discrimination and/or harassment in the field of employment and occupation because they are associated with a disabled person.”

² See also Inclusion Europe’s Position Paper on Children with Intellectual Disabilities and their Families.

³ The revision of the Working time Directive 2003/88/CE is currently being examined by the European Parliament.