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RECOMMENDED GUIDELINES FOR WRITING CEDAW SHADOW REPORTS WITH A FOCUS ON THE RIGHTS OF WOMEN WITH DISABILITIES

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WOMEN'S RIGHTS
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Recommended Guidelines for Writing CEDAW Shadow Reports with a Focus on the Rights of Women with Disabilities

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Articles 1, 2, 4 and 5: Equality

- Has a law guaranteeing equal opportunities for persons with disabilities been drafted and/or adopted?
- Does the definition cover practices which, although not intending to discriminate, are discriminatory in effect and not reasonable or justifiable?
- Are affirmative action or other temporary measures such as a quota system mandated by law in order to guarantee substantive equality or equality of result for persons with disabilities?
- Is the establishment of a national machinery for the protection and promotion of persons with disabilities mandated by law?
- What is the official role of the national machinery? Does it have any adjudicatory or quasi-adjudicatory powers or is the role primarily advisory?
- Have training programmes for persons with disabilities been established?
- Do women with disabilities have access to the National Human Rights Institution and/ or other redress mechanisms.
- Do persons with disabilities including women with disabilities have the same access as men, in law and in fact, to the political process, social services, health and medical care, education, labour, marriage, child care, ownership of property and inheritance and access to justice?
- Are there programmes for women and other persons with disabilities to participate in law and policy making and in the political process.
- Have any laws, regulations, or policies been promulgated that regulate the conduct of official institutions, public authorities and public officials towards women with disabilities?
- Have any special remedies or avenues of redress been developed to enable women to pursue their rights? If so, how effective have these been in regards to women with disabilities? How many cases of discrimination have been brought before the

courts or other bodies in the last years concerning women with disabilities? How were they decided?

- If non-discrimination on the basis of culture or tradition is a part of constitutional law, do any examples of case law exist where this has been used in defense of harmful traditional practices against women with disabilities?

Article 4: Affirmative Action to Achieve Substantive Equality

- What positive temporary special measures, or affirmative action policies, have been adopted to achieve equality for persons with disabilities? Are there special provisions for women
- Are quotas established in educational and employment fields where women with disabilities are underrepresented?
- Are there special measures adopted in access to health care, and education information on reproductive health?
- What enforcement mechanisms have been established to ensure that those quotas are met?
- Develop effective programmes that can lead to the creation or the strengthening of such policies and mechanisms

Article 5: Addressing Sex Roles and Stereotyping

- What measures and steps have been taken to train and inform law enforcement officials of the issue of violence against women with disabilities?
- Is there a place for women with disabilities to go when faced with violence within the family? Are there special law enforcement units to deal with domestic violence?
- What legal and policy measures have been taken to change social and cultural patterns that lead to stereotyping or reinforcing the idea of inferiority of women with disabilities?
- What provisions have been taken in the legal system to address violence against women with disabilities, including rape, sexual violence, and marital rape?
- Are there provisions in the law that cover rehabilitation and reintegration of women and children with disabilities?

Article 6: Trafficking

- What provisions have been taken in the legal system to address violence against women with disabilities, including rape, sexual violence, and marital rape?
- What provisions cover prostitution? Is commercial sex work criminalized or regulated?
- Are there provisions in the law that cover rehabilitation and reintegration of women and children?
- What provisions cover illicit trafficking in men, women and children with disabilities?
- What data has been collected on trafficking of women and children with disabilities?
- What provisions for rehabilitation are available for women and children with disabilities who are trafficked?

Article 7: Equal Access to Political Participation

- Is there a legislative provision for minimum quotas of women in Parliament and or in political parties?
- What percentage of elected officials are women? Are there women with disabilities among elected officials?
- If equal political and civil rights are guaranteed by law, what barriers might exist for greater political participation of women with disabilities?

For example:

- stereotypical attitudes towards women and women with disabilities in politics
- masculinity political culture
- lack of adequate personal resources

- Have any public awareness or education campaigns been undertaken regarding gender balance in decision-making bodies?
- Is the right of free association and forming of associations, including trade unions, explicitly guaranteed for persons with disabilities and for both men and women?

- Does constitutional law include any provisions on minimum participation of persons with disabilities and women with disabilities at any level of decision making
- Are any restrictions placed on who may hold political office?
- Do women with disabilities have equal opportunity to represent government at the International level?
- Do programmes to train women to run for public office and to take leadership roles include women with disabilities?
- Ensure that women with disabilities are included in leadership programmes for women?

Article 9: Citizenship

- Is birth registration of all children mandatory according to the CRC?
- Is there data on the gap in the registration of children with disabilities?

Article 10: Achieving Inclusive Education for Children with Disabilities

- Is there legislation that mandates children with disabilities equal access to education?
- Is there legislation that creates special measures for the advancement of girl child to education?
- Are there incentives to broaden the girl child's access to education?
- Are there programmes that facilitate children with disabilities participation in sports or recreational activities?
- Is family life (reproductive and sexual health) education compulsory in schools?
- Is reproductive and sexual health education conducted for children with disabilities? For example, are there gender sensitive guidelines for the dissemination of these programmes?
- What kind of sexual harassment policies and anti-violence against girls policies have been enacted in educational institutions? Does this cover State/school provided travel to educational institutions? Are these policies monitored as regards the special vulnerabilities of girls with disabilities?
- Persons with disabilities have different transport needs for purposes of attending school or engaging in economic activity. This includes safety in transportation. Are there disability-related restrictions on educational experience?

- Do educational materials and teacher training convey harmful stereotypes about disability?

Article 11 of the CEDAW: Employment and Earnings

- Do women with disabilities have the right to own property, sign contracts and enter into financial transactions including ownership of bank accounts, savings or access to credit?
- Do women with disabilities have access to telephones, the internet, and other information sources?
- Are there laws and policies that mandate equal employment opportunities for women and men with disabilities?
- Are certain occupations or professions closed to women or men with disabilities by law or practice?
- Within the formal sector, are women with disabilities concentrated in employment in managerial and professional positions?
- Do women with disabilities have equal rights to contract under law?
- Do laws have an indirect effect on women entering into contracts?
- Do these laws and policies address gender stereotypes and disability stereotypes?
- Are training and employment opportunities available for women with disabilities?
- What is the mandatory retirement age for men and for women? Do these policies apply to women and men with disabilities?
- Are sufficient regulations put into place to protect women and men with disabilities from harmful chemicals, injuries at work that might affect the general health and reproductive health of both men and women employees?
- Have sexual harassment policies in the workplace been introduced? Do these policies pay attention to women with disabilities?
- Do workplace policies have a quota for women and men with disabilities?
- Are firms (public and private) penalized for not meeting these quotas?
- Is maternal/paternal leave considered employment for the purposes of calculating pensions or other benefits?
- Are there any legal provisions ensuring special protection to women with disabilities?

- Do any professions or workplaces legally exclude the possibility to hire women with disabilities?
- If protective legislation does exist, do these provisions limit opportunities for women with disabilities? Are they subject to regular review in light of scientific and technology achievements, new industry standards and international practice?
- What implementation, monitoring and reporting mechanisms exist for anti-discrimination provisions?
- Have any cases of gender-based discrimination been filed on behalf of women with disabilities? What was the outcome?
- Is data being collected to monitor the *de facto* situation and the effectiveness of legislation?
- How do salaries for men compare with salaries for women performing similar tasks in the public and private sector?
- What is the common practice regarding hiring and dismissing women with disabilities?
- Do women with disabilities claim bias in hiring practices? What reasons do they state?
- What percentage of the total workforce are part-time workers? What percentage are full-time workers?
- What percentage of part-time and full-time workers overall are women with disabilities?

Article 12: Rights to Health and Sexual Reproductive Rights of Women with Disabilities

- Are adequate healthcare services available for women with disabilities?
- Do women with disabilities have the resources to access healthcare, either for self or for children (money, transportation, information about healthcare providers, the right to determine when and where to seek health care)?
- Is there adequate reproductive health care for women and girls with disabilities?
- Does the legal framework discriminate on the basis of disability with respect to education, health, or employment, either directly or indirectly?

- Is there a high degree of occupational segregation based on ability; i.e., are most women with disabilities in different occupations?
- Are women with disabilities concentrated in lower-level occupations than their male counterparts?
- Are women with disabilities adequately represented in local, regional, and national levels of governance such that their needs, constraints, and interests are considered and incorporated into policy and programs?
- How are disability-related issues in rural areas different from those in urban areas, and how does this affect the design and implementation of programs in these locations?
- Is there a law on sexual and reproductive health? What areas refer to the rights to sexual and reproductive health of women?
- Is affordable and accessible health care including sexual and reproductive health and mental health guaranteed to all, including women with disabilities according to the law?
- Does the law include any provisions that would restrict a woman' with disabilities free choice in regards to family planning?
- Is sex education mandated by law for women and men with disabilities according to international rights and norms?
- What enforcement and monitoring mechanisms pertain to any law on sexual and reproductive health?
- Are there any policies put into place to address the high maternal mortality and morbidity and information on different forms of family planning?
- Are there any policies put into place to address the issues of HIV and AIDS and other sexually transmitted infections as one form of unequal power relations based on women and adolescent girls often being unable to refuse sex or insist on safe and responsible sex practices?
- Is information on sexual and reproductive health available to women and children with disabilities?
- Are there policies to ensure safe pregnancies, childbirth, post-partum periods in both physical and mental health for women with disabilities?
- Are there policies that ensure women's right to safe motherhood and emergency obstetric care to the same range, quality and standard of free or affordable care as provided to other persons?

- Are there laws that protect of women's health and safety in working conditions, including the safeguarding of the reproductive function, special protection from harmful types of work during pregnancy and with the provision of paid maternity leave?
- In practice, is affordable, accessible and high quality care available to women with disabilities? What mechanisms are in place to ensure that it is?
- What is included in the curricula of sex or health education classes about the rights of women and girls with disabilities? Are teachers adequately trained?

Women and Mental Health

- What are policies including health care protocols and hospital procedures to address the appropriate health services including both physical and mental health services for girls and women with disabilities?
- What are the appropriate legislative, judicial, administrative, budgetary, economic and other measures put in place to ensure the maximum extent of their available resources to ensure that women realize their rights to health care?
- Do women and men with disabilities have equal access to health care services? Does the health service integrate mental health and psychosocial care?
- What are the policies, programmes and services available for women seeking mental health care and for women with mental or intellectual disabilities?
- Establish services and programmes to identify health problems including problems related to reproductive health and mental health of girls and women with disabilities?
- Revise the curricula of sex or health education classes to include information on the rights of women and girls with disabilities?

Women and HIV/AIDS

- What are the policies, laws and programmes put into place to combat HIV/AIDS? Are there any policies specific for women with disabilities?
- Are there policies on increasing public awareness of the risk of HIV infection and AIDS, especially concerning women and children with disabilities and its effects on them?
- Do these policies and programmes focus on the rights of women and children with disabilities in relation to their reproductive role and their vulnerability to HIV infection?
- Harmful traditional practices, such as female genital mutilation, as well as marital rape, may also expose girls and women to the risk of contracting HIV/AIDS and other sexually transmitted infection. What are the policies effected to address harmful traditional practices with a special focus on women and girls with disabilities?

Articles 13 and 15: Access to Land, Property and Social Benefits

- Do women with disabilities have access to land, loans, mortgages, and other forms of financial credit?
- What are the social security benefits such as children's allowances, housing allowances, health insurance, and educational allowances available to both men and women with disabilities?
- What provision exists regarding financial support (regular or occasional) or social assistance to women with disabilities?
 - Women with disabilities on maternal leave
 - What is the support available financial help and otherwise to care-givers of children and adults with disabilities?
 - Women and men with disabilities who are unemployed
 - Workers or employees seeking medical leave or leave for recuperation for work-related injuries or disabilities

Article 16: Equal Access to Family

- Is birth registration mandatory by law?
- Does the law allow all women the right to choose to marry or remain unmarried, when to marry and whom to marry?
- Do all women have equal rights to divorce?
- Do widows have a legal right to inherit land and other property if there is no will?
- In country's where this is a custom, is bride price and dowry prohibited?
- Does the law allow women and men the equal rights to choose the place of domicile of the family and religion of their children after marriage?
- At divorce, do women and men have equal rights in respect to property?
- If these laws are absent from the statute books, create programmes to make these changes?

- Are there any accepted cultural or traditional practices that contravene laws related to equality in marriage (e.g. “bride trafficking,” forced marriage, ghost wives the practice of marrying disabled women to dead men and burying them with corpses)?
- What trends exist regarding *de facto* ownership of property and inheritance for persons with disabilities?

Violence against Women with Disabilities

- Do specific provisions (criminal and/or civil) regarding domestic violence exist?
- Does the law cover psychological abuse?
- Are domestic violence cases publicly prosecuted or does the victim have to file charges against the perpetrator to initiate criminal investigation?
- Are there any temporary measures available (civil and/or criminal) such as restraining orders which protect victims’ rights to stay in their household without the perpetrator?
- What kind of preventive measures can the police use (restraining order, temporary arrest) in cases of domestic violence?
- Is there any governmental plan of action regarding domestic violence?
- Does a victim of violence have the right to refuse to testify?
- Do any legal provisions refer to the perpetrator’s child custody and visitation rights in the case of conviction for domestic violence?
- Are any of the following considered crimes under national legislation:
 - foeticide
 - infanticide
 - child abandonment
 - bride kidnapping
- What provisions apply to rape?
- Are any provisions on rape disability specific?

- Are there any special provisions concerning the right to life and safety of women and girls with disabilities?
- Does the law cover marital rape?
- Is rape publicly prosecuted or does the victim have to initiate the case?
- Are law enforcement officers, prosecutors and judges adequately trained to handle sexual assault cases with appropriate sensitivity?
- What data exists on the prevalence of rape, incest and other sexual assaults against women and girls with disabilities?
- What statistics are available on domestic violence? Does any data exist concerning the scale of the problem, the number of domestic violence interventions, official refusal to intervene or to initiate a case, dismissal of cases, and sentencing?