

Proposals of Lydia la Rivière-Zijdel for supplements to the Draft Convention to fulfil the principles of Gender Mainstreaming.

First of all I would like to compliment you with this excellent paper which is a very good attempt to fill in the gap on equality between women and men and the various gender related issues in the draft convention. The struggle with semantics is always how to phrase the wording that it can hold in court too when the convention articles are used to debate or file lawsuit cases.

It is still a pity that the scientific discourse is not used to distinct social and medical model approaches to disability. I feel that this will lead in the future to misunderstanding if things are brought to courts. From a disability science perspective it is better to speak in the English version about disabled people or disabled men and women as a social construct indicating therewith that society is obstructing, or disabling people to fully participate in society on the basis of having an impairment or chronic illness. By using the words people with disability (used often to indicate that we are people first, but what else are we, we are no animals, trees or cars, but people) and diminishing the fact that we are disabled by society because of having an impairment or chronic illness. Now the medical and social model are mixed, but moreover it makes it even more complicated if the gender component is than brought into it. Sticking to the social model (which is the human rights approach) makes it also easier to bring in the equality between women and men aspect, as the discriminational aspects of being a disabled woman or man who is also a lesbian, black, old, young or other oppressed group among disabled people¹.

In your preamble you indicate the multiple discrimination that disabled women and girls encounter. The danger with the way you are describing it is that before you know it we are linked to oppressed groups of disabled people like black, migrant, lesbian, older, young etc. We should make it clear first that women and girls and not a group. And maybe start within the **preamble** with

Recognizing that disabled women of all ages form half of the universe and that due to the patriarchal cultures and structures in our societies women's human rights and disabled women and mothers of disabled children alike are systematic oppressed, it is essential to focus on the intersectional discrimination that disabled women of all ages are subjected to on the basis of their impairment, gender and or belonging to a minority group.

And that specific measuresequality”.

In **Art. 10** Liberty and Security of the person

“4 The States Parties..... the different types of (impairments) disabilities as well as the equality between women and men and adapt..... a crime.

The Gender perspective is more a social construct than a real human rights approach, as it is a comparative element between 'real' people and not only referring

¹ I am making this observation as a disability social scientist (studied in the UK in Leeds Disability Studies and studied and teach Social Science and Gender and Diversity at the University of Leicester and Amsterdam resp.)

to a social and/or biological attached construct. The word gender like in gender mainstreaming, gender perspective, gender awareness have become more and more distorted and misused to really look to the advancement of women in general. It focuses often more on the gender elevation of men's domain than that of women's domain.

But in **Art. 12** for instance Freedom of violence and abuse it is right to speak about gender based forms of violence as it is referring to the social construct.

Under Art. 12 add to the list of gender based forms of violence: *genital mutilation; rape and genital maiming as a war instrument*. Especially in those areas where wars are taking place many women either become disabled due to rape and genital maiming. Also genital mutilation is carried out on disabled women/girls or women/girls become disabled as a result of such.

Maybe it would be good to indicate *that (disabled) women/girls suffer from all these forms of violence that are carried out to them by 95% male perpetrators and that this type of violence carried out by men form an obstacle to the empowerment of disabled women/girls to the full achievement of women's human rights*. (link to CEDAW).

Art. 14 Respect for privacy, the home and the family.

Apart from making disabled women visible it is also essential to indicate the diversity of women.

2. States Parties... Shall ensure: That all disabled women, regardless of their impairment, their sexual orientation, their ethnicity, religion, etc. shall not be deprived of her sexual and reproductive rights, including motherhood and/or prevention of such with her consent.

Are we all talking about the same if we are talking about family? Do we therewith include also disabled lesbian or gay couples with or without children? (in the proposal of Qatar).

Art. 15. Living independently ...

c. That disabled persons have access to a range of support... and that special attendance is given to disabled mothers and fathers and to mothers of disabled children.

The situation of especially mothers with disabled children is not recognised in any of the other conventions specifically and is so much different than that of fathers of. Most marriage break up (74% recent researches) of couples having or becoming a disabled child. The same inequality that disabled women face is than also seen with mothers of .

Further I would like to stipulate under this article the ***life-long poverty that disabled women*** are more subjected too than disabled men. Most benefit systems, pension systems and unemployment or disability benefit systems are either means-tested or focussed on the breadwinner model, or not meant for women in the first place. This means life-long poverty for those disabled women not being able to get economic

independence via employment, or married and becoming disabled, or divorced and being disabled after dependent on the income of their partners, disabled widows etc.

Art 17. Art. 21 Education. Rather speak of equality **between** women and men and not of equality **of** women and men

Art. 22 Right to work here maybe also something on life-long poverty and/or the aspect of pension programs for disabled women and disability allowances not being means-tested to secure economic independence of disabled women.

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