



Briefing for GREVIO: Including women and girls with disabilities in the evaluation of the implementation of the Istanbul Convention

European Disability Forum

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**Briefing for the Council of Europe's Group of Experts on Action against Violence
against Women and Domestic Violence**

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Introduction

About European Disability Forum

EDF is an umbrella organisation of persons with disabilities that defends the interests of over 100 million persons with disabilities in the European Union. We are a unique platform that brings together representative organisations of persons with disabilities from across Europe. We are run by persons with disabilities and their families, and as such represent a strong, united voice of persons with disabilities in Europe.

EDF is committed to women's rights, gender equality, and the women's movement. [EDF Women's Committee](#) brings the perspective of women with disabilities and mothers of persons with disabilities into the work of EDF. We also encourage and support our members to contribute to the

work of the Council of Europe's Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), especially by submitting alternative report on the implementation of the Istanbul Convention.

We are an active member of the European Women's Lobby and the European Coalition to end violence against women and girls.

Objective of the document

This briefing aims to give guidance to the GREVIO to further address the perspective of, and specific abuses faced by, women and girls with disabilities, in its evaluation of the implementation of the Istanbul Convention.

The document assesses the scope, prevalence, and incidence of violence against women with disabilities.

It also inform the GREVIO on how to concretely include women with disabilities and their organisations in the evaluation process.

EDF welcomes the work already done by GREVIO to include the rights and perspectives of women and girls with disabilities in the implementation and monitoring of the Istanbul Convention.

Context

Violence against women and girls with disabilities in the European Union

Women and girls with disabilities constitute 25.9% of the total population of women in the European Union (EU)¹ and around 60% of the overall population of 100 million persons with disabilities.

They face multiple and intersectional forms of discrimination in all areas of life and are more at risk to face violence, abuse, and harmful practices.

The situation has [worsened with COVID-19](#).

Violence may take place in various settings (including at home, in institutions and segregated schools) and take different forms, including harassment and sexual violence, but also forced abortion and sterilisation, as well as disability-specific violence.

¹ EU-SILC UDB release 1, 2021. Data available in European comparative data on Europe 2020 and persons with disabilities (December 2021), page 19.

Available data

Data on violence against women and girls with disabilities is very limited, but shows that women and girls with disabilities living in the EU are at higher risk of violence than those without disabilities:

- Women with disabilities are 2 to 5 times more likely to face violence than other women.²
- 34 % of women with a health problem or a disability have experienced physical or sexual violence by a partner in their lifetime (compared to 19% of women without disabilities).³
- 61% of women with a health problem or a disability have experienced sexual harassment since the age of 15 (compared to 54% of women without disabilities).⁴

In addition to the high risk of violence, women and girls with disabilities face many difficulties in exercising their rights under the Istanbul Convention, including to report violence and access justice and services for victims/survivors.

Why is it important that for the GREVIO to include the perspective of women and girls with disabilities?

Women and girls with disabilities are more vulnerable to any type of discrimination and violence in all areas of life.

As women, they are more likely to face discrimination and violence whether psychological, physical or affecting their sexual and reproductive health and rights.

They are also subject to **disability specific violence**. Examples of disability specific violence are restraint, sexual abuse during daily hygiene routines, removal or control of communication aids, violence in the course of treatment, overmedication, or withholding medication.

Perpetrators may often take advantage of the barriers and discrimination faced by women and girls with intellectual or psychosocial disabilities, deafblind women and girls, and women and girls with high support needs.

The exacerbated violence in their daily lives must be recognised and addressed: their unique situation cannot be entirely treated as a situation similar to that of women without disabilities.

² European Parliament resolution of 29 November 2018 on the situation of women with disabilities (2018/2685(RSP)).

³ FRA, Survey on violence against women (2014), page 186.

⁴ Ibid, page 187.

Hence, it is crucial to include the perspectives of women and girls with disabilities in the GREVIO evaluation process, and to assess how the implementation of the Istanbul Convention does or does not include them.

It is also important to note that all European countries have ratified the UN Convention on the Elimination of Discrimination Against Women (CEDAW), and that all of them have signed the UN Convention on the Rights on Persons with Disabilities (CRPD), with only one still in the process to ratify it.⁵ This means that all States parties to the Istanbul Convention have to address the specific situation of women and girls with disabilities in line with the CRPD.

Inclusions of organisations of persons/women with disabilities in the evaluation process

EDF encourages and supports its members and interested organisations to report to the GREVIO on the implementation of the Istanbul Convention by their countries.

[Information on the Istanbul Convention](#), including the [recording of a webinar](#), is available on our website.

However, to make sure the Group of Experts can receive and interact with the organisations, it is essential that it takes into consideration the **accessibility requirements** necessary to enable the participation of women with disabilities in all their diversity.

All information, communication and meetings organised by the Group of Experts, should be made accessible to persons with disabilities, including:

- Information published on the website about the Convention and the reporting process
- Communication by emails concerning meetings with civil society organisations part of the evaluation process
- Meetings in the country

For example:

- The Group of Experts could consider increasing the use of Easy-to-Read formats for the information and documents it publishes.

⁵ Liechtenstein still has to ratify the Convention.

- The documents posted online should be accessible to blind persons using screen-readers.
- The language used by experts should be simple to understand, and avoid jargons and acronyms.
- Online platform and meeting rooms should be accessible for persons with disabilities (e.g. accessible online platforms for users of screen-readers, accessible meeting rooms for wheelchair-users)
- Meetings with civil society organisations should include, when necessary, live captioning and sign language interpretation.

For more guidance on accessibility, you can refer to the following EDF toolkits:

- [Guide for Accessible Meetings for All](#)
- [Accessible Online Meeting Toolkit](#)
- [Accessible Website Toolkit](#)
- [Accessible Video Toolkit](#)
- [Accessible Social Media Toolkit](#)
- [Accessible Word Toolkit](#)
- [Accessible PowerPoint Toolkit](#)

Specific issues to consider in countries' evaluation

EDF recommends that the perspective and issues faced by women and girls with disabilities are considered in the review of all the articles of the Convention.

Below we highlight particular important issues the GREVIO could address.

This is not an exhaustive list: the situation of women and girls with disabilities have to be taken into account in every aspect, and specific policies created or adapted in that sense, when needed.

Adoption of gender-sensitive policies (articles 6, 7 and 9)

Ensuring that policies on combating violence are gender and disability sensitive is essential to make them impactful. Unfortunately, women and girls with disabilities are often not included in gender-sensitive policies. Similarly, the gender perspective is also rarely included in disability policies.

While [reviewing different European countries' reports](#), the CRPD Committee noted the insufficiency of measures to promote gender equality in disability-related legislation and policies, and the rights of women and girls with disabilities in gender equality legislation and policies. The Committee also pointed out the lack of specific indicators and mechanisms to measure and monitor the outcomes of public such policies, when they are created.

It is then necessary that countries recognise multiple and intersectional forms of discrimination against women and girls with disabilities and adopt specific legislation and strategies that reflect a gender perspective and intersectionality. It is crucial in laws, policies and measures addressing gender-based violence. Women with disabilities should also be able to participate in their development. It is important to use gender and disability disaggregated data while monitoring and assessing the implementation of laws, policies and mechanisms.

In that sense, the GREVIO should pay particular attention to countries' policies, in determining if women and girls with disabilities are included in them, if they can participate in their design, implementation and monitoring, and if such policies are effective.

Data collection and research (article 11)

As mentioned above, there is a lack of data and research on violence against women and girls with disabilities. Few European countries collect comparable data disaggregated by disability, and none of them collect and publish comprehensive information on violence in closed settings, such as institutions for persons with disabilities, psychiatric hospitals, asylum centres and prisons.

As [underlined by the CRPD](#), it is then essential to promote and support the systematic collection and analysis of data on women with disabilities in all areas relevant to them, and in consultation with organisations of women with disabilities.

The GREVIO should ask States whether they collect data disaggregated by disability, including by different types of disabilities, including in closed-settings, and if it is not the case, they should recommend that they do so.

Awareness-raising (article 13)

In promoting and conducting awareness-raising campaigns and programmes (especially about the Istanbul Convention), European

countries have to cooperate with organisations of persons/women with disabilities to increase understanding of their situation regarding all forms of violence and discrimination they are facing.

It is crucial to ensure that all awareness campaigns and programmes include the particular situation of women and girls with disabilities. They should be available in various accessible formats (including Easy-to-Read, sign language, braille) and reduce stigmatisation and gender and disability stereotypes.

The GREVIO should assess the inclusion of women and girls with disabilities in awareness-raising campaigns and programmes and their accessibility. It should recommend that they are inclusive, accessible and include specific measures to combat violence against women and girls with disabilities and protect their rights.

Training of professionals (article 15)

Professionals dealing with victims of violence (health professionals, members of justice or public order, government officials, representatives of civil society organisations) must receive compulsory trainings on the rights and needs of women and girls with disabilities, including on disability-specific violence and accessibility.

The CRPD Committee already raised the issue in the review of several European countries, recommending that training programmes for professionals working with and/or for women and girls with disabilities should be strengthened and include government officials.

The GREVIO should encourage and promotes funded training and capacity building of professionals in contact with women and girls with disabilities, such as support service providers, healthcare and criminal justice professionals (including providers of services for victims', doctors, midwives, police officers, judges), and representatives of civil society organisations.

All professionals should be trained on violence against women and girls, in particular those working with marginalised groups of women such as women and girls with disabilities, including those living in institutions.

Protection and support (articles 18, 19, 20, 22, 23, 24 and 27)

Appropriate measures should be taken to provide protection and support including women and girls with disabilities who are at higher risks of (secondary) discrimination, marginalisation and double victimisation.

Women and girls with disabilities face a lot of issues in reporting violence. The main reasons are a lack of trust in the services, distant services, sometimes physical and communication barriers in accessing them, and a lack of information.⁶

Women and girls with disabilities do not always receive adequate and timely information on available support services and legal measures in format accessible to them. This may for example be the case for Deaf women and girls, or those with intellectual disabilities.

In addition, reporting mechanisms, helplines for victims, police offices, court buildings and shelters may often not be accessible for all women and girls with disabilities. For instance, a police station may not be accessible for women using a wheelchair, or an emergency number or helpline not accessible for Deaf women and deafblind women. Moreover, existing shelters are often not accessible and adapted to the needs of women with disabilities or mothers of children with disabilities.

The GREVIO should pay particular attention to whether general measures and targeted measures to ensure support and protection to victims of violence are accessible to women and girls with disabilities in all their diversity. If an appropriate level of protection and support is not reached, the GREVIO should underline it and recommend effective and swift changes.

Children and domestic violence (preamble, article 13 and article 31)

While it is important to recognise that most victims of domestic violence are women, it is equally important to underline that [many children are also victims of domestic violence](#). In others cases, they are not the direct targets of this violence, but witnesses, and can equally suffer from it when orphaned by femicide for instance. In that scenario, if there is no family network, means has to be found to assure their protection and provide them an adequate home and life.

Children with disabilities living in condition of domestic violence are the least listened to and the least seen. The abuse suffered by these children, de facto, is a phenomenon widely underestimated.

Children with disabilities (autistic children, with tetraplegia, deaf, blind, deaf-blind, children with intellectual disabilities...) may have great difficulty in expressing themselves and very few opportunities to explain their suffering, such as hunger, pain, discomfort to adults.

⁶ UNFPA Evidence Brief "Violence Against Women Living With Disabilities In South East and Eastern Europe", 2020.

Child victims or witnesses of domestic violence are often not taken away from their abuser (mostly father). They can also be separated from their mother in the name of the child's 'best interest'. A very careful balance is essential and is needed to be struck in such cases. Services such as shelters should be adequately equipped to provide support to children with disabilities who accompany their mothers. It is also essential to prevent their further institutionalisation, that may lead to long-term seclusion from society.

In that sense, the GREVIO should encourage countries to support awareness and acknowledge the situation of children -and especially girls with disabilities- as primary victims of domestic violence. It should also lead to better protection and specialised support services, taking into account the disability of the child and their wellbeing. The GREVIO should recommend to the countries to create or develop accessible shelters and appropriate psycho-social counselling.

Substantive law, including sanctions (article 45) and aggravating circumstances (article 46)

In relation to substantive law, it is important to ensure that women and girls with disabilities (especially those under substituted decision-making regimes) are not directly or indirectly discriminated against comparing to women and girls without disabilities.

Forced abortion and forced sterilisation (article 39)

Forced abortion and forced sterilisation of persons with disabilities is a pervasive abuse and a gross violation of their fundamental rights.

[EDF's new report on forced sterilisation in the EU](#) reveals that, as of September 2022, at least 13 EU countries still authorise forced sterilisation of persons with disabilities in their legislation.

Even in countries in which the law does not authorise forced sterilisation and abortion, such violations may still take place when they are performed without the understanding and consent of the girl or woman with disabilities.

In its evaluations, the GREVIO should check if a legal guardian or a court can authorise the forced abortion or forced sterilisation of women and girls with disabilities. If the country's legislation still allows it, or contains loopholes that might lead to abuses or restrictions of women with disabilities' legal capacity, the GREVIO should have recommendations on how the law should be modified.

GREVIO members can find information about the law on sterilisation in EU Member States and additional information on [EDF's dedicated webpage](#).

Sanctions and aggravating circumstances (articles 45 and 46)

In some countries, the criminal law discriminates against victims with disabilities by providing for lesser penalties to the perpetrator when the victim is a person with disabilities. This is something that was addressed by the GREVIO in past evaluation of countries⁷ and that is extremely important to address.

The GREVIO should **consistently assess in the evaluation process whether sanctions for violence include lesser penalties to the perpetrator when the victim was a person with disabilities**. It should also **assess whether on the opposite the disability of the victims constitutes an aggravating circumstance of the crime, and if not, recommend countries to institute such aggravating circumstances when the perpetrator took advantage of the disability of the victim**.

Key conclusion and recommendations for GREVIO

Including the perspective and issues faced by women and girls with disabilities in the implementation of the Istanbul Convention is essential to leave no one behind. Whether in prevention, protection or sanction of gender-based violence, European countries should ensure that women and girls with disabilities are adequately included and their rights protected.

The European Disability Forum calls on the GREVIO to continue to include the perspective of women and girls with disabilities in the countries' evaluation process, but also to strengthen their inclusion, including by ensuring participation of organisations of persons/women with disabilities.

Recommendations to engage with organisations of women and girls with disabilities and/or organisations of persons with disabilities

- **Reach out to, and include, organisations of women and girls with disabilities, and/or organisations of persons with disabilities in the review process:** EDF informs its members about the evaluation and provides support. We can also help you with contacts of other relevant organisations. When no

⁷ GREVIO, [Baseline Evaluation Report on Denmark](#) (2017).

organisations of persons/women with disabilities are able to participate, ask questions about the situation of women and girls with disabilities to other civil society organisations contributing to the evaluation process.

- **Ensure the GREVIO engagement with civil society is accessible to women and girls with disabilities**, this includes:
 - Accessible meeting rooms (for example for wheelchair users, all areas should be equipped with lifts and stairs fitted with ramps) in a building also including accessible toilet(s), and in a place accessible by public transport and/or including parking spot(s) for persons with disabilities.
 - Accessible information and communication (for example the use of simple language, and the provisions of sign language interpretation and/or live captioning at the request of the participants) - the Easy-to-Read version of the Convention is a very good practice. Interpretation and transcription should also be provided upon request.
 - Alternative to in-person meetings (e.g. accessible video conference), also important for those living in remote areas, or more comfortable with meeting online.
- **Ensure information about the process and meeting(s) is disseminated in advance**, to ensure accessibility settings are provided at the request of the participant(s) with disabilities and allowing enough time for preparation of both the participants and the GREVIO team.

Recommendations regarding the evaluation of the country

1. **To identify the forms of violence faced by women and girls with disabilities, the place they take place in (e.g. institutions) and the perpetrator(s)** (in particular when it is a parent/legal guardian, healthcare professional or someone working in an institution).
2. **To include information on the situation of women and girls with disabilities and specific recommendations in the evaluation report**, for example in relation to policies on combating violence against women, accessibility of victims' services, access to justice, research and data collection.
3. **Use accurate and non-judgemental languages.** We recommend using the language of the UN Convention on the Rights of Persons

with Disabilities. Examples of language can also be found in: infographic on FGM and Disability.⁸

4. **To ensure that there is no exception made in the implementation of the Convention based on legal capacity.** Women under guardianship or curatorship should not face discriminatory treatment. For example, no sterilisation or abortion should be authorised without the direct informed consent of the women with any type of disability. The consent given by a guardian or curator should not be considered as amounting to the consent of the woman. Similarly, access to justice should not rely on the participation/decision of the legal guardian, who in some cases, may also be the perpetrator of violence.

List of resources

Please find below several resources that can help to understand the difficulties faced by women and girls with disabilities and to include them in the evaluation of the implementation of the Istanbul Convention.

Information on gender-based violence against women and girls with disabilities

- [EDF position paper on violence against women and girls with disabilities in the European Union \(May 2021\)](#)
- [International Disability Alliance's compilations of CRPD concluding observations \(October 2022\)](#)
- EDF report on "[Forced sterilisation of persons with disabilities in the European Union](#)" (September 2022)
- [EDF webpage on legislation of EU Member States on forced sterilisation](#)
- [EIGE Gender Equality Index 2021 on violence against women in the European Union](#)
- Infographic on FGM and Disability

Information on accessibility

- [Guide for Accessible Meetings for All](#)
- [Accessible Online Meeting Toolkit](#)
- [Accessible Website Toolkit](#)

⁸ Soon to be available on EDF's website.

- [Accessible Video Toolkit](#)
- [Accessible Social Media Toolkit](#)
- [Accessible Word Toolkit](#)
- [Accessible PowerPoint Toolkit](#)

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