

**Recommendation CM/Rec(2012)6
of the Committee of Ministers to member States
on the protection and promotion of the rights of women and girls with disabilities**

*(Adopted by the Committee of Ministers on 13 June 2012
at the 1145th meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

Having regard to the Universal Declaration of Human Rights (1948), the United Nations Declaration on the Elimination of Violence Against Women (1993), the Beijing Declaration (1995), the United Nations Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights (1966), the United Nations Convention on the Elimination of All Forms of Discrimination against Women (1979) and its Optional Protocol (1999), the United Nations Convention on the Rights of the Child (1989) and its Optional Protocols (2000), the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (1993) and the United Nations Convention on the Rights of Persons with Disabilities and its Optional Protocol (2006), which recognise to all women the universal right to equality before the law and protection against discrimination;

Having regard to the relevant provisions of the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5), particularly Article 14 "Prohibition of discrimination", and Protocol No. 12 (ETS No. 177), particularly its Article 1 "General prohibition of discrimination", the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201) and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210);

Bearing in mind the principles embodied in the European Social Charter (ETS No. 35) and the revised European Social Charter (ETS No. 163), in particular its Article 15 "The right of persons with disabilities to independence, social integration and participation in the life of the community";

Having regard to the relevant provisions of the United Nations Convention on the Rights of Persons with Disabilities on women with disabilities, particularly its Article 6 "Women with disabilities" which highlights the measures to be taken in order to "ensure the full development, advancement and empowerment of women";

Recalling that in the Warsaw Declaration adopted at the Third Summit of the Heads of State and Government of the Council of Europe (2005), the member States affirmed that "effective democracy and good governance at all levels are essential for preventing conflicts, promoting stability, facilitating economic and social progress, and hence for creating sustainable communities where people want to live and work, now and in the future", and that this presupposes the active involvement of citizens and civil society;

Taking into account the *acquis* of the Council of Europe in the fields of equal opportunities, non-discrimination and social cohesion over the last fifteen years, including the following legal texts:

1. Committee of Ministers' recommendations and resolution:
 - Recommendation Rec(85)2 on legal protection against sex discrimination;
 - Recommendation Rec(92)6 on a coherent policy for people with disabilities;
 - Recommendation Rec(98)14 on gender mainstreaming;
 - Recommendation Rec(2002)5 on the protection of women against violence;
 - Recommendation Rec(2003)3 on balanced participation of women and men in political and public decision making;
 - Recommendation Rec(2004)10 concerning the protection of the human rights and dignity of persons with mental disorder;
 - Resolution ResAP(2005)1 on safeguarding adults and children with disabilities against abuse;

- Recommendation CM/Rec(2005)5 on the rights of children living in residential institutions;
 - Recommendation CM/Rec(2006)5 on the Council of Europe Action Plan to promote the rights and full participation of people with disabilities in society: improving the quality of life of people with disabilities in Europe 2006-2015;
 - Recommendation CM/Rec(2007)13 on gender mainstreaming in education;
 - Recommendation CM/Rec(2007)17 on gender equality standards and mechanisms;
 - Recommendation CM/Rec(2008)1 on the inclusion of gender differences in health policy;
 - Recommendation CM/Rec(2009)3 on monitoring the protection of human rights and dignity of persons with mental disorder;
 - Recommendation CM/Rec(2009)6 on ageing and disability in the 21st century: sustainable frameworks to enable greater quality of life in an inclusive society;
 - Recommendation CM/Rec(2009)8 on achieving full participation through Universal Design;
 - Recommendation CM/Rec(2009)9 on the education and social inclusion of children and young people with autism spectrum disorders;
 - Recommendation CM/Rec(2010)2 on deinstitutionalisation and community living of children with disabilities;
 - Recommendation CM/Rec(2010)10 on the role of women and men in conflict prevention and resolution and in peace building;
 - Recommendation CM/Rec(2011)12 on children's rights and social services friendly to children and families;
 - Recommendation CM/Rec(2011)14 on the participation of persons with disabilities in political and public life;
2. Parliamentary Assembly recommendations and resolutions:
- Recommendation 1229 (1994) on equality of rights between men and women;
 - Recommendation 1371 (1998) on abuse and neglect of children;
 - Recommendation 1413 (1999) on equal representation in political life;
 - Recommendation 1450 (2000) on violence against women in Europe;
 - Resolution 1337 (2003) on migration connected with trafficking in women and prostitution;
 - Recommendation 1592 (2003) "Towards full social inclusion of people with disabilities";
 - Recommendation 1601 (2003) on improving the lot of abandoned children in institutions;
 - Resolution 1464 (2005) on women and religion in Europe;
 - Recommendation 1698 (2005) on the rights of children in institutions: follow-up to Recommendation 1601 (2003) of the Parliamentary Assembly;
 - Resolution 1558 (2007) and Recommendation 1800 (2007) on the feminisation of poverty;
 - Resolution 1615 (2008) on empowering women in a modern, multicultural society;
 - Recommendation 1853 (2008) on involving men in achieving gender equality;
 - Resolution 1642 (2009) and Recommendation 1854 (2009) on access to rights for people with disabilities and their full and active participation in society;
 - Resolution 1669 (2009) and Recommendation 1872 (2009) on the rights of today's girls: the rights of tomorrow's women;
 - Resolution 1662 (2009) on action to combat gender-based human rights violations, including the abduction of women and girls;
 - Recommendation 1949 (2010) on promoting the most favourable gender equality laws in Europe;
3. Congress of Local and Regional Authorities recommendations and resolutions:
- Resolution 85 (1999) and Recommendation 68 (1999) on women's participation in political life in the regions of Europe;
 - Resolution 134 (2002) and Recommendation 111 (2002) on women's individual voting rights: a democratic requirement;
 - Resolution 176 (2004) and Recommendation 148 (2004) on gender mainstreaming at local and regional level: a strategy to promote equality between women and men in cities and regions;
 - Resolution 279 (2009) and Recommendation 260 (2009) on combating domestic violence against women;

- Resolution 303 (2010) and Recommendation 288 (2010) on achieving sustainable gender equality in local and regional political life;

Having specific regard to Recommendation Rec(2006)5 of the Committee of Ministers to member States on the Council of Europe Action Plan to promote the rights and full participation of people with disabilities in society: improving the quality of life of people with disabilities in Europe 2006-2015, especially subparagraph 4.2, under "Cross-cutting aspects", entitled "Women and girls with disabilities", which states that "obstacles which prevent women with disabilities from enjoying their rights on the same basis as men and other women" should be removed in such areas as "relationships, parenthood, family life, sexuality and protection from violence and abuse" and member States should take appropriate measures to "ensure equal opportunities to participate in political and public life, education, training, employment and social and cultural life" for women and girls with disabilities;

Recalling that the aforementioned cross-cutting aspect stresses the importance of encouraging all citizens to participate in society and taking account of the diversity of the members of society in order to develop and implement policies and measures "so as to ensure a balance of opportunities between disabled men and women";

Considering that the 15 action lines in the Council of Europe Disability Action Plan (Rec(2006)5) are complementary and that they all set specific goals in pursuit of the aim of constructing inclusive and participatory societies that respect the human rights of all members in their diversity;

Considering that this aim cannot be achieved without involving people with disabilities, particularly women and girls with disabilities, whatever their individual impairment(s) may be. Such involvement requires positive action from member States in favour of people with disabilities in order to provide them with necessary reasonable accommodation and legal guarantees concerning the exercise of their rights under conditions of equality and non-discrimination;

Being convinced that, in all relevant fields of action, at the international, national, regional and local levels, an approach based on human rights, which are universal, indivisible and interdependent, has to be applied, and that member States have several means at their disposal of doing so, recognising that there is not just one tried and tested approach to combating discrimination;

Acknowledging that, where the social integration of persons with disabilities is concerned, a conceptual and methodological change has taken place in international law since the end of the 20th century, as people with disabilities are no longer considered as patients or objects of charity but as holders of rights and full citizens who, when interacting with social and environmental barriers, may be prevented from participating in society;

Acknowledging that it is incumbent on the governments of member States to identify and eliminate any obstacles impeding the participation of women and girls with disabilities in society and to prevent the creation of any new obstacles, in order to guarantee equal and democratic rights in society for all individuals by recognising that society as a whole should benefit from the diversity and equal participation of all;

Considering that the intergovernmental work on the participation of persons with disabilities at national, local and regional levels, which has been conducted since the adoption of the Council of Europe Disability Action Plan 2006-2015 (Rec(2006)5), and the 2010 mid-term review report on the implementation of that plan, have highlighted a number of questions which are worth addressing in a specific recommendation to member States related to the cross-cutting aspect "Women and girls with disabilities",

Recommends that the governments of member States:

1. continue their efforts to reach the objectives of the Council of Europe Disability Action Plan 2006-2015, in particular its cross-cutting aspect "Women and girls with disabilities", and set up a mechanism that will allow them to monitor and evaluate the implementation of the provisions of the said aspect and of the present recommendation at national level;

2. adopt the appropriate legislative measures and conduct other positive actions likely to encourage the participation of women and girls with disabilities in all areas of life as citizens holding equal rights and obligations, particularly considering the following fields included in the appendix to this recommendation:

1. equality and non-discrimination legislation,
2. research, data and statistics,
3. participation in political and public life as well as decision making,
4. education and training,
5. employment and economic situation,
6. health care and rehabilitation,
7. access to social protection and community-based services,
8. sexual and reproductive rights, motherhood, and family life,
9. access to justice and protection from exploitation, violence and abuse,
10. participation in culture, sport, leisure and tourism,
11. raising awareness and changing attitudes;

3. initiate or continue work to evaluate the participation of women and girls with disabilities and its impact at the national, regional and local levels, so as to consolidate co-operation among decision makers, researchers, academic institutions and NGOs in their respective countries, in order to secure reliable and comparable information and statistics as well as to collect good practices;

4. reinforce their co-operation within the Council of Europe by exchanging good practices and developing intergovernmental activities and networks with a view to creating the conditions for including all people with disabilities in the life of the community and ensuring their equal rights and opportunities;

5. translate this recommendation into their official language(s), including production in accessible formats, using equivalents of the internationally recognised term “people with disabilities”, and circulate the recommendation, together with the Council of Europe Disability Action Plan (Rec(2006)5) to:

- national, regional and local administrative bodies,
- political parties,
- organisations of and for people with disabilities and other non-governmental organisations,
- national human rights institutions, ombudspersons’ offices, equality bodies,
- the media,
- other relevant stakeholders;

6. involve women and girls with disabilities, through their representative organisations, in disseminating and implementing this recommendation;

7. integrate the gender equality dimension into all policies for people with disabilities;

8. undertake information and awareness-raising programmes, targeting the general public, women and girls with disabilities, their families, friends and professional groups, the business community and political decision makers;

9. apply relevant guidelines without bias in different fields, such as health, education, employment, vocational guidance and training, social protection and social services, urban planning and construction, for full involvement and integration of women and girls with disabilities into society.

Appendix to Recommendation CM/Rec(2012)6

The objective of the present appendix is to propose principles and measures to increase full and active participation of women and girls with disabilities in society in the Council of Europe member States. It is noted that women and girls with disabilities may suffer multiple discrimination based on disability and gender. The aim is to achieve full equality, participation in society and enjoyment of all rights on an equal basis with others.

1. Equality and non-discrimination legislation

- i. Member States should devise, with the participation of women and girls with disabilities, national legislation, policies and programmes of relevance to them, with effective provision for their implementation and evaluation.
- ii. Member States should systematically, and in line with a gender mainstreaming approach, integrate the gender equality dimension into all legislation, policies and programmes for people with disabilities, and specifically consider women and girls with disabilities as part of gender equality legislation, policies and programmes to ensure that needs of women and girls with disabilities are addressed.
- iii. Member States should verify that their national legislation, policies and programmes respond to the needs of women and girls with disabilities and that they comprise a gender equality dimension.
- iv. All those involved in fields such as health, education, employment, vocational guidance and training, social protection and social services, urban planning and construction should be instructed, at the relevant levels in the various member States, to include women and girls with disabilities, as a matter of course and to the fullest possible extent, into all normal forms of provision of services. Special systems and facilities should only be used where it is not possible to make use of ordinary structures even when all possible adaptation and support facilities have been provided. It should be ensured that relevant guidelines are applied without gender bias; the existence of such bias justifies the introduction of specific guidelines in relation to women and girls.
- v. Special attention should be paid to elderly women with disabilities.

2. Research, data and statistics

- i. National authorities and all other relevant bodies should strive to ensure that statistics on people with disabilities are disaggregated by sex, and that research is carried out to provide a clearer picture of the situation of women and girls with disabilities. The combined effect of disability and sex should be statistically measured.
- ii. Statistics should be broken down by sex and analysed to establish the impact of policies on women and girls with disabilities. Data should be defined to review progress and establish factors influencing the participation level of women and girls with disabilities.
- iii. Research should be undertaken into the situation of women and girls with disabilities who care for their family members, and specific measures to protect such women and girls should be introduced where necessary.
- iv. Specific research into violence against women and girls with disabilities should be carried out in order to learn more about its causes and identify more effectively measures to combat it.
- v. Wherever women or gender issues are the subject of research or particular measures, specific attention should be paid to the situation of women and girls with disabilities.

3. Participation in political and public life as well as decision making

- i. All authorities in the member States should ensure that women and girls with disabilities and/or their legal representatives and/or their representative organisations are consulted and have a role to play in determining legislation, policies and programmes, in all fields, for women, and should undertake to seek and respond to their views.
- ii. Authorities should ensure that women and girls with disabilities are represented in a balanced way in public organisations.

iii. This balanced representation approach should be applied to all situations where the individual circumstances of women and girls with disabilities are being assessed, whether in the context of action taken by the authorities or professionals (as, for example, when deciding on admission to a vocational rehabilitation programme or providing health care, especially in relation to reproductive health), or when any other decision affecting the person's private life has to be made.

iv. Women with disabilities should be encouraged and given the ability to take part in the electoral and voting process. They should be provided with information on the importance of their participation in an accessible format as well as in the environment where they live.

v. Peer support groups as well as organisations and networks of women and girls with disabilities should be encouraged at national, regional and local levels. Resources – including funding, premises, transport and facilities for childcare or the care of other dependants – should also be made available to them.

vi. Measures taken to increase the participation of women and girls with disabilities in their community and the political system should take account of the need for such participation and of its advantages for society as a whole.

vii. Women and girls with disabilities should receive training in decision-making processes and in defending their rights. Information technology and Internet training programmes should be set up for women and girls with disabilities to enable them to participate more easily in society.

4. Education and training

i. Advisory services, schools and universities, vocational training services, and decision makers and trainers in the area of education and vocational rehabilitation should be properly informed and prepared to take the necessary steps to ensure that women and girls with disabilities receive education and preparation for employment that should procure them fulfilment and independence. All staff working in education should be educated and trained to avoid and reject all forms of prejudice and to combat any prejudice held against or by women and girls with disabilities or their families.

ii. Encouragement should be given to the setting up of consultative bodies on education and training that pay particular attention to women and girls with disabilities, including those who become disabled as adults.

iii. Schools, universities, and vocational training centres should be encouraged to provide support for students with disabilities to promote their participation, paying specific attention to female students.

iv. Women and girls with disabilities should be channelled towards effective training in all professional areas, enabling them to find financially rewarding employment or occupation, guaranteeing their independence and equal opportunities and using each person's abilities to the fullest.

v. Women and girls with disabilities should be provided with education on sexuality and reproductive health, and the possibility of following training programmes in self-esteem and self-defence, if they so wish.

vi. Vocational training programmes should be developed and implemented bearing in mind the particular needs of women and girls with disabilities.

vii. A pro-active, targeted approach should be implemented in order to provide information to, and promote opportunities for, women and girls with disabilities to return to education and resume training, especially for women and girls who are particularly disadvantaged, for example due to isolation.

viii. Information technology and Internet training programmes should be set up for women and girls with disabilities to enable them to participate in education and training at all levels and in lifelong learning.

5. Employment and economic situation

- i. All employment-relevant services, employers, trainers, agencies, co-workers and trade unions should be made aware of the needs of women and girls with disabilities in order to understand, accept and promote their rights to obtain and remain in employment that is commensurate with their abilities.
- ii. Public authorities should set an example by employing women with disabilities.
- iii. Career guidance services should seek to offer women with disabilities the full range of employment possibilities.
- iv. Employers should provide reasonable accommodation to make workplaces accessible to women and girls with disabilities, and to introduce other feasible measures such as, where appropriate, home-based work, extended assignment times, part-time work or flexible working hours.
- v. Employment support schemes, including quota systems – where appropriate – should be adapted to the needs of women with disabilities and evaluated in terms of how they benefit the employment situation of women with disabilities.
- vi. Labour-market measures specifically targeting women with disabilities, and in particular women with disabilities in need of a high level of support, should be developed.

6. Health care and rehabilitation

- i. Women and girls with disabilities should not be discriminated against on the grounds of disability in questions of access to diagnosis, treatment or rehabilitation.
- ii. Hospitals admitting women and girls with disabilities should be in a position to ensure that their education or studies continue while they are hospitalised.
- iii. Support for childcare or the care of other dependents, and the possibility of access to appropriate modes of transport, should be guaranteed to women and girls with disabilities who are attending training, particularly in the case of rehabilitation.
- iv. Equipment and facilities, such as gynaecological examination tables and mammography facilities, modified to meet the needs of women and girls with disabilities, should be available.
- v. Women and girls with disabilities should not be subjected to forced medical treatment or required to take part in experiments.
- vi. Vocational rehabilitation of women and girls with disabilities is one of the areas in which discrimination in the application of rules is a particular problem. This is why staff should be educated to combat prejudice and the women and girls themselves should be actively involved in the procedures by making their choices clear.

7. Access to social protection and community-based social services

- i. Additional support, including access to childcare, care for other dependants, transport to their place of work and access to a personal assistant, should be made available to women and girls with disabilities to enable them to work.
- ii. National authorities should ensure that appropriate resources are set aside for personal assistance services where they are necessary.
- iii. Entitlement to assistance with transport, adaptation of vehicles, childcare or care of others should not be restricted to women and girls with disabilities in paid employment but should also be made available to facilitate women's and girls' involvement in voluntary activities and enable them to participate in society in general.

iv. National authorities should review their social security systems in order to eliminate indirect discrimination against women and girls with disabilities. Those who manage social security systems should be trained so that they themselves do not introduce forms of discrimination.

v. Authorities should ensure that specific gender-sensitive training is organised and provided to personal assistants of women and girls with disabilities.

vi. Women with disabilities who employ (a) personal assistant(s) should receive special gender-sensitive training concerning their role as employers.

8. Sexual and reproductive rights, motherhood and family life

i. The right of women and girls with disabilities to sexuality should be guaranteed.

ii. Parents should be informed and educated about questions concerning the sexual identity of their daughters with disabilities.

iii. Sex education classes should include issues concerning the sexuality of women and girls with disabilities, when appropriate.

iv. Decisions taken by women and girls with disabilities about their own sexual or reproductive rights should be given the same consideration as those taken by others.

v. With regard to motherhood, the choices of women with disabilities should be respected.

vi. Health professionals should be trained to deal with and assist women with disabilities in the area of sexuality, reproductive health and motherhood and to accept and respect the choices they make with regard to motherhood, in compliance with national legislation.

vii. Effective measures should be taken against the forced sterilisation of women and girls with disabilities and against coerced abortion.

viii. Women with disabilities should have the right to child-rearing responsibilities with regard to guardianship, wardship, trusteeship, custody and adoption of children or similar roles, if these concepts are provided for in national legislation. An appropriate assistance should be provided to them. In all cases, the best interest of the child should be respected.

ix. Disability should never be used as a justification for separating boys or girls from their mothers with disabilities, or boys or girls with disabilities from their mothers in legal proceedings. Any assistance required by mothers with disabilities to support them in their role should be provided in accordance with their individual and personal needs and the best interest of the child.

9. Access to justice and protection from violence and abuse

i. Governments should ensure that effective measures are taken to combat violence against women and girls with disabilities, both within and outside the home.

ii. Women and girls with disabilities should be taught to know and respect their own physical and psychological integrity, to recognise violence or abuse and to defend themselves, to assert their rights if violence or abuse have occurred and to report cases of violence and abuse.

iii. Staff employed to provide support or assistance to victims of violence or abuse should be made aware of the specific needs of women and girls with disabilities and should be trained to handle reports of incidents of violence or abuse filed by women or girls with disabilities.

iv. Institutions should prevent the occurrence of violence and abuse. If incidents of violence or abuse have occurred, a record should be kept. Security and surveillance in institutions should be compulsory and rigorously implemented.

v. In the event of violence or abuse, women and girls with disabilities – including those placed in an institution or those in situations of particular dependence or distress – should be able to obtain immediate and appropriate support, assistance or services, with access, where necessary, to psychological support, health services adapted to their needs or security measures.

vi. Hostels and refuges for women or girls who have been victims of violence or abuse should be fully accessible to women and girls with disabilities.

10. Participation in culture, sport, leisure and tourism

i. Authorities, particularly at local level, should take appropriate measures to ensure that women and girls with disabilities can participate in culture, sports, leisure and tourism, both as actors and as spectators.

ii. Women and girls with disabilities should be given the opportunity to participate in artistic, cultural, sports and tourism activities from pre-school age and throughout their life.

iii. Governments should ensure that measures are taken to encourage the participation of women and girls with disabilities in culture, sports, leisure and tourism.

iv. Governments should encourage the media to increase the coverage of women's sporting events, both for ordinary and high-level athletes.

11. Raising awareness and changing attitudes

i. Information and awareness-raising programmes on women and girls with disabilities should be undertaken at all levels, targeting the general public, families and friends of women and girls with disabilities, professionals, the business community and most importantly political decision makers. These programmes should be implemented with the participation of women and girls with disabilities.

ii. Governments should take measures to make public and private media aware of the need to present positive images of women and girls with disabilities in order to combat stereotypes and prejudices. The same applies to public and private advertising, public relations and marketing.

iii. All initiatives aimed at changing attitudes and behaviour towards women and girls with disabilities should draw on the experience and expertise of all relevant stakeholders, and in particular of organisations defending the interests of women and girls with disabilities.