



**Joint Submission to the United Nations Universal Periodic Review:
The United Kingdom of Great Britain and Northern Ireland
Third Cycle**

Submitted by: Women Enabled International (WEI) and Sisters of Frida (SOF)

Women Enabled International (WEI) and Sisters of Frida (SOF) jointly submit this report for consideration during the third Universal Periodic Review of the United Kingdom of Great Britain and Northern Ireland. WEI advocates and educates for the human rights of all women and girls, emphasising women and girls with disabilities, and works to include women and girls with disabilities in international resolutions, policies, and programs addressing women's human rights and development. SOF is a disabled women's collective in the UK, bringing disabled women together, mobilising and sharing through lived experiences.

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I. Introduction

1. Women and girls with disabilities¹ around the world face discrimination and human rights abuses based on both their gender and their disability status. In the United Kingdom of Great Britain and Northern Ireland (UK), approximately 21% of women, or 6.6 million people, are women with disabilities, making up a significant portion of the population.² Despite the UK's international commitments to ensuring the rights of women with disabilities, these women experience human rights violations that are distinct from and more frequent than those experienced by others. In particular, women with disabilities in the UK experience gender-based violence at higher rates than other women, due to both discrimination and economic disempowerment. Women with disabilities also face additional barriers to accessing justice in the UK, compounding the effects of violence committed against them.
2. During the UK's previous Universal Periodic Reviews (UPRs) in 2008 and 2012, it did not receive any recommendations specifically addressing violence against women with disabilities. However, the UK did receive recommendations addressing violence against women generally. In 2008, the UK accepted a recommendation from India to '[s]et up a strategic oversight body, such as a Commission on Violence Against Women to ensure greater coherence and more effective protection for women,' although the UK argued that another existing commission already played this role.³ In 2012, the UK received and accepted several recommendations related to adopting and implementing a strategy to combat violence against women, including by bringing perpetrators to justice.⁴ It also received a recommendation from Australia to 'sign the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence,'⁵ and although the UK signed the treaty in 2012, it has not ratified it.⁶
3. As this submission documents, the UK has not yet done enough to ensure that women—and particularly women with disabilities—are free from violence. This submission first provides background on the situation of women with disabilities, including the UK's international human rights obligations and national laws and policies that attempt to address violence faced by women with disabilities. This submission also illustrates how women with disabilities in the UK experience gender-based violence, drawing on how financial constraints, state funding cuts, and barriers to accessing justice compound this violence and keep women with disabilities from escaping abuse. Finally, this submission provides suggestions for questions and recommendations to direct towards the UK about violence against women with disabilities during the UK's third UPR.

II. Legal Background

International Obligations

4. The United Kingdom is party to several international human rights treaties that protect the rights of women with disabilities, including, among others, the Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its Optional Protocol, and the International Covenant on Economic, Social and Cultural Rights (ICESCR).⁷
5. The CRPD aims to 'promote respect for [a person with a disability's] inherent dignity.'⁸ States parties to the CRPD have a positive obligation to 'take all appropriate measures to eliminate discrimination

on the basis of disability by any person, organization or private enterprise,' while recognising that denial of reasonable accommodation is a form of discrimination.⁹ As recognised in Article 6 of the CRPD, women and girls with disabilities are subject to multiple and intersecting forms of discrimination,¹⁰ and throughout its articles, the CRPD references specific rights abuses faced disproportionately by women with disabilities. In particular, under Article 16, the CRPD enumerates that states parties have an obligation to take all appropriate action to 'protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse, including their gender-based aspects.'¹¹ Article 13 of the CRPD also guarantees 'effective access to justice for persons with disabilities on an equal basis with others,' including through the provision of reasonable accommodations, while mandating training for all justice system actors, including police and prison staff.¹² Finally, the CRPD recognises a right to an adequate standard of living for all persons with disabilities, a right reinforced in the ICESCR.¹³

6. The CRPD Committee—which monitors state implementation of the CRPD—has recognised in its General Comment No. 3 that harmful stereotypes perpetuate violence against women with disabilities. These stereotypes 'infantilize women with disabilities, call into question their ability to make judgments, and [reinforce] perceptions of women with disabilities as being asexual, or hypersexual....'¹⁴ The CRPD Committee also notes that '[s]ome women with disabilities, in particular, deaf and deafblind women, and women with intellectual disabilities, may be further at risk of violence and abuse because of their isolation, dependency or oppression.'¹⁵
7. While gender-based violence is not specifically mentioned in CEDAW, the CEDAW Committee—which monitors state implementation of CEDAW—has interpreted the treaty to prohibit gender-based violence as a form of discrimination.¹⁶ Under CEDAW, states must work to prevent and punish acts of violence against women committed by the state and exercise due diligence to prevent and punish violence against women committed by non-state actors.¹⁷ Related to women with disabilities in particular, in its General Recommendation No. 18, the CEDAW Committee recognised the importance of ensuring 'special measures to ensure that [women with disabilities] have equal access to education and employment, health services and social security, and to ensure that they can participate in all areas of social and cultural life.'¹⁸ The CEDAW Committee has also noted that women with disabilities may face particular barriers to accessing the justice system, including physical barriers, and recommended that states '[p]ay special attention to access to justice systems for women with disabilities.'¹⁹
8. Recent reviews of the UK by treaty monitoring bodies and experts indicate that the UK has not fulfilled its obligations to ensure that women with disabilities are free from violence. In its 2016 review of the UK, the ESCR Committee—the expert body that reviews state implementation of the ICESCR—noted that although the UK had adopted a March 2016 strategy on gender-based violence, there was a 'lack of information specifying how it effectively addresses violence against women and girls with disabilities.'²⁰ The ESCR Committee requested that in its next review, the UK should provide 'information on the impact of the implementation of the national strategy on gender-based violence, particularly with regard to violence against women and girls with disabilities.'²¹ In its 2013 review of the UK, the CEDAW Committee expressed concern about austerity measures in the UK, which have led to program cuts that have a disproportionate impact on women with disabilities.²² It also expressed concern about the high rate of unemployment for women with disabilities,²³ a situation that, as described below, can lead to higher rates of violence and also create barriers to leaving abusive relationships. In the report of her visit to the UK in 2014, the former UN Special Rapporteur on Violence against Women, Rashida Manjoo, expressed concern about the treatment of and access to justice for marginalised groups in the UK, including women with disabilities.²⁴

UK Legislation

9. Rights protections for women with disabilities to be free from violence are enshrined in several UK laws. The Equality Act 2010 provides an overall framework for ensuring the rights of women with disabilities by prohibiting discrimination in the UK on a number of grounds, including sex and disability, in work, public accommodations, education, and associations.²⁵ It also prohibits intersectional discrimination based on multiple protected characteristics.²⁶ Furthermore, the Equality Act 2010 recognises that failure to provide reasonable accommodation is itself a form of discrimination,²⁷ requiring that both public services and public accommodations, such as support services like shelters for victims of violence, be accessible ‘as is reasonable.’²⁸ Concerning public services, including police and courts, the Equality Act 2010 requires that they anticipate the needs of persons with disabilities in advance of them accessing services, removing any barriers—whether in policies and practices or physical features—and providing additional aid for access when needed.²⁹ In order to ensure enforcement, the Equality Act 2010 provides individuals a right of action to bring claims against those who discriminate against them and also establishes some issue-specific tribunals, such as employment tribunals, to adjudicate discrimination claims.³⁰
10. UK law also includes protections for all victims of violence, including women with disabilities. In addition to criminal laws prohibiting several forms of violence,³¹ the Domestic Violence, Crime, and Victims Act of 2004 (as amended in 2012) expands protections for victims of domestic violence, including children and vulnerable adults, against not only death but serious harm committed by people within their households due to violence, abuse, or neglect.³² A ‘vulnerable adult’ is defined as ‘a person aged 16 or over whose ability to protect himself from violence, abuse or neglect is significantly impaired through physical or mental disability or illness, through old age or otherwise,’³³ a definition which includes many women with disabilities.
11. Other recent laws and policies adopted by the UK to address violence against women have failed to adequately recognise particular abuses women with disabilities face. For instance, in 2015, the UK adopted the Serious Crime Act, which includes a prohibition on exercising ‘coercive behaviour’ over another person, a form of violence often used by domestic abusers.³⁴ This provision, however, still allows those accused of coercive behaviour to claim that they believed they were acting in the person’s ‘best interests’ and raise this as a defence.³⁵ Because women with disabilities are often reliant upon their partners for some caregiving responsibilities, this provision may allow abusive partners and other caregivers of women with disabilities to claim this so-called caregiver defence, even when they are engaged in behaviours that undermine the women’s autonomy and would otherwise be forms of abuse. Giving this statutory deference to caregivers means it would be up to the courts to decide whether their actions were reasonable,³⁶ putting a burden on women with disabilities to prove, beyond a reasonable doubt, that abusers were not acting in their best interests.³⁷
12. Furthermore, in March 2016, the UK adopted the ‘Ending Violence against Women and Girls: Strategy 2016-2020.’³⁸ This strategy acknowledges that women with disabilities may face barriers in accessing services and contains a provision to ‘[p]romote understanding of the needs of BME [black and minority ethnic], LGB&T and disabled women who are victims of VAWG [violence against women and girls] and victims of domestic abuse with multiple complex needs and support commissioners to provide appropriate support.’³⁹ The strategy, however, does not define what constitutes ‘appropriate support’ nor does it specifically identify and seek to address the particular barriers that women with disabilities face, as will be described in more detail below. It also does not contain any targeted provisions as part of its Action Plan to tackle abuses faced by women with disabilities.⁴⁰

III. Violence against Women with Disabilities in the UK

Forms of Violence against Women with Disabilities

13. Violence against women with disabilities worldwide takes many unique forms and has several distinct causes. According to the former UN Special Rapporteur on Violence against Women, Rashida Manjoo, violence against women with disabilities can be of a ‘physical, psychological, sexual or financial nature and include neglect, social isolation, entrapment, degradation, detention, denial of health care, forced sterilization and psychiatric treatment.’⁴¹ This violence is perpetuated by stereotypes ‘that attempt to dehumanize or infantilize, exclude or isolate [women with disabilities], and target them for sexual and other forms of violence.’⁴² Worldwide, women with disabilities are more likely to be in unstable romantic relationships that can lead to violence, as due to discrimination they are often considered less eligible for marriage.⁴³ Indeed, women with disabilities worldwide experience domestic violence—including physical, sexual, emotional, psychological, and financial abuse—at twice the rate of other women.⁴⁴
14. In the UK, while approximately one in four women experiences domestic violence in their lifetime, nearly one in every two women with disabilities does.⁴⁵ A 2015 review from Public Health England—a government body—indicated that 15.7% of women with disabilities in England experienced domestic violence in 2012-2013, as compared to 7.1% of non-disabled women, 8.1% of disabled men, and 4% of non-disabled men.⁴⁶ The review also found that persons with psychosocial disabilities were four times as likely to have experienced violence in the past year and that women with ‘anxiety disorder’ or ‘depressive disorder’ were 2-4 times more likely to have experienced domestic violence.⁴⁷ The abuse committed against women with disabilities was also exacerbated by their disability status. For instance, in a 2007 survey of 30 women with disabilities who were victims of domestic violence, all of them reported that being disabled worsened the abuse and also put up barriers to them leaving abusive homes.⁴⁸ Abuse against women with disabilities was also committed at the hands of a wider variety of people, including intimate partners, family members, caregivers, and health care workers.⁴⁹
15. Women facing violence often experience it in a form directly related to their disability, such as having medicine or care withheld.⁵⁰ Indeed, the 2015 Public Health England review found that persons with disabilities who experienced greater limitations on their daily activities also experienced violence, including domestic violence, at rates 2-3 times the rate of others.⁵¹ Persons with disabilities who were members of other marginalised groups also experienced higher rates of violence. In a study of LGBT persons in Brighton, 51% of LGBT persons with physical disabilities and 42% of deaf LGBT persons reported experiencing domestic violence, as opposed to 36% of LGBT women and 27% of LGBT men overall.⁵²
16. For women with disabilities in the UK, leaving a violent home environment can prove difficult. Those fleeing abusive homes may be physically unable to leave, particularly where public transportation is inaccessible.⁵³ Women with disabilities may also be reliant on the abuser to meet personal needs; indeed, when the abuser is also a caregiver, it is frequently impossible for women with disabilities to get help.⁵⁴ These factors, combined with discrimination and lack of financial resources that will be described in more detail below, mean that women with disabilities often experience domestic violence for a longer period of time before attempting to leave their abusers.⁵⁵
17. Women with disabilities in the UK are also subjected to sexual violence and harassment at higher rates than other women. Overall, they are twice as likely to be assaulted or raped.⁵⁶ According to a 2014 report from an advisor to the Metropolitan Police Service, 18% of women who report rape in London are women with psychosocial disabilities, and many more rapes against persons with disabilities go unreported.⁵⁷ In Northern Ireland, children with disabilities are 2.9 times more likely to

experience sexual violence than are other children.⁵⁸ Women with disabilities also experience rape, sexual assault, and harassment in situations distinct from other women. For instance, women with disabilities in the UK are still subjected to assault, abuse, and neglect in residential care homes.⁵⁹ Persons with disabilities in general also face higher rates of bullying and harassment than do others. A report from the Papworth Trust in 2011 indicated that 66% of people with intellectual disabilities were bullied regularly, while 32% reported that they experienced bullying or harassment on a daily or weekly basis.⁶⁰ Indeed, young persons with disabilities in England reported higher rates of bullying than other young people, including verbal abuse, harassment, physical attacks, and cyber bullying.⁶¹

Financial Constraints and Funding Cuts to Support Services for Victims of Violence

18. Economic independence has long been recognised as a major factor in preventing and responding to violence against women, particularly domestic violence. As the former UN Special Rapporteur on Violence against Women, Radhika Coomaraswamy, found in a report from 1994, '[d]enying women economic power and economic independence is a major cause of violence against women because it prolongs their vulnerability and dependence. Unless economic relations in a society are more equitable towards women, the problem of violence against women will continue.'⁶² In its General Recommendation No. 19 on violence against women, the CEDAW Committee also recognised that '[I]ack of economic independence forces many women to stay in violent relationships.'⁶³ Concerning women with disabilities in particular, economic constraints can also lead to violence, and the CRPD Committee has recognised in its General Comment No. 3 that women with disabilities face multiple and intersecting forms of discrimination in access to education and economic opportunities and may be more susceptible to economic coercion and exploitation.⁶⁴ In its General Comment No. 4, the CRPD Committee linked education with women's empowerment and called on states to remove barriers to accessing education for women and girls with disabilities, including by combating traditional norms and stereotypes that devalue their education and by making school accessible and safe for them to attend.⁶⁵
19. Studies worldwide, including in England and Wales, have indicated that the main risk factors for domestic violence for all women are lower education, unemployment, and poverty.⁶⁶ Women with disabilities in the UK are more vulnerable to violence because they are more likely to live in poverty, have low levels of education, or have low incomes. One-third of persons with disabilities in the UK are considered 'low income,' twice the rate of others. Further, it costs 25% more to live with a disability in the UK than without one, considering additional expenses for support services and health care.⁶⁷
20. Persons with disabilities, including women, also have lower education levels in the UK, leading to lower earning potential, limiting employment opportunities, and perpetuating the cycle of poverty.⁶⁸ One-third of people with disabilities have education levels that translate into 'no qualifications' for work, as compared to less than 10% of non-disabled people.⁶⁹ Furthermore, persons with disabilities are half as likely to have pursued higher education, due to discrimination and inaccessibility. Indeed, only 11% of persons with disabilities have obtained a university degree, as compared to 22% of non-disabled persons.⁷⁰
21. Women with disabilities are also underemployed or unemployed at higher levels than others, though this varies by type of disability.⁷¹ According to a 2010 survey report of the National Equality Panel, 14% of women with a 'work-limiting' disability were employed full-time, compared to 42% of all women and 21% of men with a 'work-limiting' disability.⁷² While women in general received wages that were nearly one-quarter lower than men, the wages for women with work-limiting disabilities were even 12% lower than for other women.⁷³

22. Furthermore, women with disabilities face several barriers to accessing benefits programs that would otherwise help boost their incomes and ensure their economic independence. The Employment and Support Allowance (ESA) benefit system—which provides financial support for those unable to work—has proven problematic for persons with disabilities, who report that the application process is difficult, the medical assessments are stressful and often exacerbate impairments, and that their complaints about ‘generalised pain and exhaustion’ are not taken seriously.⁷⁴ While these issues affect both men and women with disabilities, there is a significant impact on women with disabilities because they face higher rates of unemployment in general. The fact that women with disabilities have lower incomes and less access to employment than other groups, and the difficulties women with disabilities may face in accessing benefits, puts them in a financial position that can force them to stay in abusive relationships.
23. Women with disabilities in the UK who do receive state benefits may face violence in the form of financial coercion at the hands of family and intimate partners. According to a 2014 study conducted by Women’s Aid, women with disabilities may be particularly at risk of financial abuse both because of their disability and because of the disability benefits they receive.⁷⁵ Indeed, family members and partners often control access to disability benefits that women are entitled to because of their disability, increasing their isolation.⁷⁶ This control not only leads to financial abuse against women with disabilities but may also make it harder for them to leave abusive relationships because of both safety concerns and lack of financial resources. For instance, women with disabilities who were not UK citizens or who were returning to the UK after leaving abusive relationships in another country reported that they had no access to their disability benefits.⁷⁷ Furthermore, a woman with a disability who had a joint claim with her abusive partner for ESA benefits was told she would have to get his permission in order to separate the accounts, a situation that would have alerted him to her intention to leave and possibly led to more abuse.⁷⁸ Another woman with a disability was able to switch to a sole account for disability benefits, but she was only given a two-week window to leave her abuser after filing for this account before he would be notified of the change.⁷⁹ Due to her disability, she needed a lot of help to leave her abuser,⁸⁰ but, as described below, support services for victims of violence are frequently not accessible to women with disabilities.
24. Funding cuts to social services that support women who are victims of violence—the result of the UK’s recent financial austerity measures—have had an impact on the ability of women with disabilities to leave abusive relationships and exercise their right to be free from violence. In her 2014 visit to the UK, former UN Special Rapporteur on Violence against Women, Rashida Manjoo, found that cuts to social support services disproportionately impacted women from marginalised groups, including women with disabilities, particularly when they experienced violence.⁸¹ This was because these groups ‘are often subjected to entrenched discriminatory practices in the political, social and economic spheres and are more likely to depend on benefits and support from an increasingly underresourced non-profit sector.’⁸²
25. For instance, state funding for rape crisis centres and domestic violence shelters has been cut in recent years, leading to closures and threats of closures. As of November 2015, nearly half of the rape crisis centres in England and Wales—which help women in these areas access services and the justice system when they are victims of sexual violence—were on the verge of closing due to national budget cuts.⁸³ Funding cuts have also led to the closure of many domestic violence shelters, particularly ones that do not take men, without adequate housing alternatives for those leaving violent relationships.⁸⁴
26. Funding issues have also affected the accessibility of the support services that do still exist for victims of violence in the UK. The CRPD Committee recognised in General Comment No. 3 that it is important for states to ensure that safe houses, support services, and procedures to ensure that women are protected from violence are fully accessible to women with disabilities.⁸⁵ However, a 2014

European Union and University of Leeds study found that the accessibility of support services in the UK for women with disabilities who were victims of violence varied greatly by disability, and that many of these services were not fully accessible.⁸⁶ In particular, nearly half of these services—which included shelters, advice centres, helplines, and intervention centres, among others—reported that they were ‘not accessible’ to blind women, women with visual impairments, and women living in institutions.⁸⁷ Nearly half of these services reported they were only ‘partially accessible’ to wheelchair users and women with other physical disabilities, while more than half stated they were only ‘partially accessible’ to women with intellectual disabilities or deaf and hard-of-hearing women.⁸⁸ Support services reported that they thought that they would need to make significant and costly changes in order to accommodate more women with disabilities, and that public and private funding was not available for these updates.⁸⁹ In a small qualitative study in 2012, women with intellectual disabilities reported particular problems when accessing support services, stating that they received inappropriate or unhelpful responses to their requests for help.⁹⁰ Because of the unhelpfulness of these services and lack of services targeted specifically for women with intellectual disabilities, two of the five women in the study reported that they had to stay in their abusive homes and felt even more powerless in the face of these barriers.⁹¹

Access to Justice for Women with Disabilities

27. Effective access to justice is essential to ensuring the respect, protection, and fulfilment of all human rights, including the right to be free from violence. As the CEDAW Committee has recognised, women may face particular barriers to accessing justice because of ‘gender stereotypes, stigma, harmful and patriarchal cultural norms and gender-based violence, which affects women in particular...’⁹² Barriers to accessing justice are compounded for women with disabilities, based on both their disability and gender. The CRPD Committee noted in its General Comment No. 3 on women with disabilities that ‘[w]omen with disabilities face barriers to accessing justice including with regard to exploitation, violence and abuse, due to harmful stereotypes, discrimination and lack of procedural and reasonable accommodations, which can lead to their credibility being doubted and their accusations being dismissed.’⁹³ As the former UN Special Rapporteur on Violence against Women, Rashida Manjoo, recognised, this perception about credibility—as well as the ‘infantilisation’ of and stereotypes about many women with disabilities—leads to a ‘systematic failure of the court system to acknowledge them as competent witnesses.’⁹⁴ This situation is particularly acute in cases concerning sexual or domestic violence, where courts often rely on victims to provide key evidence.⁹⁵ Discrimination that women with disabilities face in society and in accessing justice may also lead them to remain in abusive relationships, as otherwise they may have a ‘[f]ear of unjustified termination of parental rights’ based on harmful misperceptions about their ability to parent.⁹⁶
28. A 2014 report from the University of Leeds, based on extensive interviews with women with disabilities in the UK, noted that disabled women who were victims of violence had little knowledge about the law and how it was implemented in practice, sometimes because the perpetrators of violence isolated these women and controlled what information they received.⁹⁷ Women with disabilities in the study were frequently unaware of or not clear about their formal rights under criminal law and about the criminal prosecution process,⁹⁸ and if they were somewhat aware of their rights, they expressed confusion about which rights applied to them in certain situations based on their gender, disability, or other statuses.⁹⁹ As a result, women with disabilities lacked confidence to engage with the criminal justice process and were also sceptical about its effectiveness.¹⁰⁰
29. An unprepared police force and judicial system exacerbate the problem of gender-based violence against women with disabilities in the UK. In the 2014 University of Leeds study, women with disabilities, particularly deaf and hearing-impaired women, commented that they encountered or were

afraid of communications accessibility problems when working with the police.¹⁰¹ While improvements in recent years were reported, women with disabilities also stated that the police were judgmental towards them and applied mistaken assumptions and stereotypes about their mental abilities and living situations.¹⁰² As a result, women with disabilities sometimes felt that the police actually hindered their access to justice.¹⁰³

30. Concerning sexual violence in particular, the 2014 Metropolitan Police Services report found that only 15% of rapes reported to the police in 2013 resulted in prosecutions, but those reported by women with disabilities were even less likely to be prosecuted.¹⁰⁴ Women with psychosocial disabilities were 40% less likely than other victims to have their rape cases referred by police for prosecution, while persons with intellectual disabilities were 67% less likely to have their cases referred.¹⁰⁵ The decision of a detective to refer a rape case for prosecution was rarely subjected to outside scrutiny.¹⁰⁶ As the author of the 2014 Metropolitan Police Services report noted, '[v]ictim vulnerabilities effectively protect suspects from being perceived as credible rapists,' indicating that it is often the status of the victim herself as a woman with a disability and the stereotypes associated with that disability that leads to these low rates of referral.¹⁰⁷
31. Women with disabilities may also face discrimination, including lack of reasonable accommodation, in courts when they are victims of violence, based on both their gender and disability. In the report of her visit to the UK, the former UN Special Rapporteur on Violence against Women, Rashida Manjoo, noted that the justice system is 'widely perceived to be biased in favour of men and is focused on individual incidents of violence, rather than addressing the cumulative nature of domestic violence,' and women with disabilities in particular may be subjected to stereotypes that infantilise them.¹⁰⁸ For instance, disabled women who were victims of violence in the UK have reported that they have had their children taken away from them, because they failed to protect the children from violence¹⁰⁹ or because courts or service providers assumed that they would not be able to take care of children on their own because of their disability,¹¹⁰ deterring these women from seeking justice. Recent funding cuts to social services in the UK have also had an impact on the ability of women with disabilities to access justice and exercise their rights. As the UN Special Rapporteur on Violence against Women noted, legal aid cuts have had a disproportionate impact on marginalised groups in the UK, including women with disabilities, thereby limiting their access to justice.¹¹¹
32. As noted above, the Equality Act 2010 requires that public services—including criminal justice services—take measures to anticipate the reasonable accommodation needs of persons with disabilities and make adjustments to ensure that women with disabilities can access these services. The justice system, however, appears to have inconsistently prioritised this issue, leading to widely varying experiences for women with disabilities.¹¹² The 'Ending Violence against Women and Girls: Strategy 2016-2020' and accompanying Action Plan also fail to provide guidance about how to ensure that justice is accessible for all women, including women with disabilities, when trying to combat violence against women in the UK.¹¹³

IV. Conclusions and Recommendations

33. During its 2008 and 2012 UPR reviews, states recommended that the UK accelerate efforts to ensure that women are free from gender-based violence. As this submission demonstrates, there are still many ways in which the UK has failed to fulfil this human rights obligation, particularly for women with disabilities. With this in mind, WEI and SOF recommend that states ask the following questions and give the following recommendations to the UK during its upcoming UPR.

34. Questions for Interactive Dialogue:

- How will the UK implement its March 2016 national strategy on combating violence against women to address the specific issues faced by women with disabilities, including economic disempowerment, inability to access justice, and reliance on abusers as caregivers?
- What actions has the UK taken or will it take to reverse funding cuts to benefits programs and support services that assist victims of violence against women, particularly women with disabilities?
- What is the UK doing to combat stereotypes about women with disabilities in the police force and courts and to provide reasonable accommodation, so as to ensure that women with disabilities can access justice mechanisms when their right to be free from violence is violated?

35. Recommendations to the UK:

Violence against Women with Disabilities, General

- Amend the March 2016 national violence against women strategy to explicitly include and address the particular issues faced by women with disabilities—including dependence on intimate partners and caretakers, economic disempowerment, and barriers to accessing justice.
- Amend the Serious Crime Act 2015 to remove the so-called caregiver defence to the crime of coercive behaviour, as this defence disproportionately impacts women with disabilities who are more likely to be in the care of a caregiver or whose abusive partners may take on some caregiving responsibilities.
- Ratify the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence and take special measures to ensure that it is implemented in a way that addresses the issues faced by women with disabilities.
- Undertake a public awareness campaign to tackle stereotypes about women with disabilities—including those that infantilise women with disabilities and portray them as reliant on public benefits programs—and instead portray women with disabilities as rights holders and contributors to society. Use this campaign to also raise awareness about and stigmatise violence against women with disabilities.

Financial Constraints and Funding Issues

- Reform the ESA benefit system to make the application process simpler. Improve the quality of medical assessments, and allow ‘generalised pain and exhaustion’ to be considered as part of the determination for eligibility.
- Create specific programs for the recruitment of disabled women in the workplace, and restore funding to provide stipends for employers who want to ensure that their workplaces are accessible to women with disabilities.
- Restore state funding for rape crisis centres and domestic violence shelters, and ensure that some of this funding is specifically allocated to ensuring that these support services are available and accessible to all women with disabilities.

Access to Justice

- Create accessible ‘know your rights’ programs targeted at women with disabilities to ensure that they have the information they need to be confident in accessing justice mechanisms when they are victims of violence.
- Train the police force, other emergency responders, and other justice system actors on how to assist victims of violence who are persons with disabilities. This training should be targeted to ensure that violence and abuse against women with disabilities is appropriately investigated and prosecuted, regardless of the disability status of the victim, and that the needs of women with disabilities are reasonably accommodated in police investigations and in legal proceedings.

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- ¹ This report will address the situation of women with disabilities throughout the life cycle. Any reference to ‘women with disabilities’ should be interpreted to include girls with disabilities unless otherwise indicated.
- ² PAPWORTH TRUST, *DISABILITY IN THE UNITED KINGDOM: 2014 FACTS AND FIGURES* (2014), available at <http://www.papworthtrust.org.uk/sites/default/files/UK%20Disability%20facts%20and%20figures%20report%202014.pdf>.
- ³ Human Rights Council, *Report of the Working Group on the Universal Periodic Review, United Kingdom of Great Britain and Northern Ireland: Addendum*, ¶¶ 24-25, U.N. Doc. A/HRC/8/25/Add.1 (2008).
- ⁴ Human Rights Council, *Report of the Working Group on the Universal Periodic Review, United Kingdom of Great Britain and Northern Ireland*, Recs. 110.69-110.71, U.N. Doc. A/HRC/21/9 (2012) (‘Adopt a national strategy to combat all forms of violence against women and girls (Brazil); Continue making progress in implementing the Action Plan on violence against women and girls (Colombia); Take more effective measures to combat all forms of violence against women and girls and to ensure that the perpetrators of violence are taken to justice and punished (Malaysia)’).
- ⁵ Human Rights Council, *Report of the Working Group on the Universal Periodic Review, United Kingdom of Great Britain and Northern Ireland*, Rec. 110.74, U.N. Doc. A/HRC/21/9 (2012).
- ⁶ Council of Europe, *Chart of signatures and ratifications of Treaty 210* (updated 2016), https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/signatures?p_auth=LahO35sf.
- ⁷ The UK has also ratified the International Covenant on Civil and Political Rights (ICCPR) and its Second Optional Protocol, the Convention against Torture (CAT) and its Optional Protocol, the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), and the Convention on the Rights of the Child (CRC) and its Optional Protocols. See UN Office of the High Commissioner for Human Rights, *Ratification Status for the United Kingdom of Great Britain and Northern Ireland* (updated 2016), http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=185.
- ⁸ Convention on the Rights of Persons with Disabilities (CRPD), adopted Dec. 13, 2006, arts. 6, 16, G.A. Res. A/RES/61/106, U.N. GAOR, 61st Sess., U.N. Doc. A/61/611, (entered into force May, 3 2008) [hereinafter CRPD].
- ⁹ *Id.*, arts. 2 & 4.
- ¹⁰ *Id.*, art. 6.
- ¹¹ *Id.*, art. 16.
- ¹² *Id.*, art. 13.
- ¹³ International Covenant on Economic, Social and Cultural Rights, adopted Dec. 16, 1966, art. 8, G.A. Res. 2200A (XXI), U.N. GAOR, Supp. No. 16, U.N. Doc. A/6316 (1966) (entered into force Jan. 3, 1976).
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- ¹⁸ CEDAW Committee, *General Recommendation No. 18: Disabled women* (1991).
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- ²⁰ ESCR Committee, *Concluding Observations: United Kingdom of Great Britain and Northern Ireland*, ¶ 45, U.N. Doc. E/C.12/GBR/CO/6 (2016).
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- ²³ *Id.*
- ²⁴ Human Rights Council, *Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo: Mission to the United Kingdom of Great Britain and Northern Ireland*, U.N. Doc. A/HRC/29/27/Add.2 (2015) [hereinafter SRVAW, *UK Mission Report*].
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- ²⁶ *Id.*, § 14.
- ²⁷ *Id.*, § 20; Anna Lawson, *Reasonable Accommodation and Accessibility Obligations: Towards a More Unified European Approach* 11 EUROPEAN ANTI-DISCRIMINATION LAW REVIEW 11, 17 (2010).
- ²⁸ Equality Act 2010, § 20 & Schedule 2 (U.K.)

²⁹ *Id.*, § 29(7), § 20 and Schedules 2 & 13.

³⁰ *Id.*, Part 9.

³¹ Domestic violence is not itself a statutory criminal offence, but there is a range of possible offences for which a perpetrator could be prosecuted depending on the crime, which include assault and harassment or threatening behaviour (The Crown Prosecution Service, *Domestic Abuse Guidelines for Prosecutors: Annex C - Examples of domestic violence offences*, available at www.cps.gov.uk/legal/d_to_g/domestic_abuse_guidelines_for_prosecutors/#a92). The domestic nature of the crime may also be an aggravating factor, leading to potentially harsher sentence (Sentencing Council, *Overarching Principles - Domestic Violence: Definitive Guidelines 3-7* (2006), available at www.sentencingcouncil.org.uk/publications/item/overarching-principles-domestic-violence-definitive-guideline/).

³² Domestic Violence, Crime and Victims (Amendment) Act of 2012 (U.K.), available at <http://services.parliament.uk/bills/2010-12/domesticviolencecrimeandvictimsamendment.html>

³³ *Id.*, § 5(6).

³⁴ Serious Crime Act 2015, § 76 (U.K.).

³⁵ *Id.*, § 76(8) (2015) (U.K.); Karen McVeigh, *Women with disabilities excluded from domestic abuse law, say campaigners*, THE GUARDIAN, Jan. 28, 2015, <https://www.theguardian.com/society/2015/jan/28/coercive-control-women-carers-disability-serious-crime-bill>

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⁴⁹ PHE, *DISABILITY AND DOMESTIC ABUSE*, *supra* note 46, at 9.

⁵⁰ Frances Ryan, *Domestic Violence and disabled women: an abuse of power*, THE GUARDIAN, Nov. 19, 2012, <https://www.theguardian.com/society/2012/nov/19/domestic-violence-disabled-women-abuse>.

⁵¹ PHE, *DISABILITY AND DOMESTIC ABUSE*, *supra* note 46, at 11.

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⁶⁴ CRPD Committee, *Gen. Comment No. 3*, *supra* note 14, ¶¶ 2, 31 & 34.

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