

Shadow Report
from

Sisters of Frida

On the

UK Initial Report on the
UN Convention on the Rights of Persons
with Disabilities

February 2017



Introduction

This short submission prepared by Sisters of Frida, disabled women's collective, relates particularly to disabled women¹ in the United Kingdom, with the aim of identifying the restrictions they face in the exercise of their rights including the barriers for disabled women to benefit from accessible and inclusive services for women victims of violence, including access to justice. This submission refers to Articles 6, 12, and 13.

Sisters of Frida is a member of women organisations such as the **National Alliance of Women's Organisations** (NAWO), **UKNGO CSW Alliance** (Commission on the Status of Women), **Women's Resource Centre** as well as Disabled People's Organisations such as **Reclaiming Our Futures Alliance** (ROFA).

Figures from 2012/13 show that there were 6.6 million disabled women which made up 21%² of the UK population.

Article 6 – Women with disabilities

6.1 Rashida Manjoo, the special rapporteur on violence against women in 2014, stated that, 'It is crucial to recognize that violence against women is rooted in multiple and intersecting forms of discrimination and inequalities, and strongly linked to the social and economic situation of women. Therefore, the intersections between gender-based discrimination and other forms of discrimination that contributes to and exacerbates violence against women should also be taken into consideration when designing and implementing the State's response.'³

6.2 Recognition of this intersection of discrimination between gender and disability is not often not considered, for example, in the drafting of the amendment of the Serious Crime Act 2015 Section 76 where no disabled people's/women's organisation was consulted despite the huge impact of this amendment to disabled women.⁴ (More below under Article 12). Or with issues arising from intersections with culture. Obstacles arose from perpetrators, family members, people considered to be 'carers' or other individuals as well as those associated with accessing formal or informal support. For some women, family members perpetrated violence such as in the case of Black and ethnic minority women. Other barriers imposed by

¹ We used the term '**disabled people**', instead of the term 'persons with disabilities' as used by the UNCRPD. This is to follow the Social Model of Disability by the UK Disabled People's movement

² PAPWORTH TRUST, DISABILITY IN THE UNITED KINGDOM: 2014 FACTS AND FIGURES (2014), <http://www.papworthtrust.org.uk/sites/default/files/UK%20Disability%20facts%20and%20figures%20report%202014.pdf>.

³ See <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?newsid=14514&>

⁴ See our submission to the Human Rights Committee http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT/CCPR/CSS/GBR/20884&Lang=en

ethnic minority families included restrictions on the choice of partners and forced marriage, which further led to abuse by women's husbands and in-laws. For some, it was not considered culturally appropriate to ask for external support and challenge the familial arrangement. The 'keep it in the family' philosophy was reported as typical in the Asian community. Another barrier faced was the inability to communicate with members due to lack of knowledge of use of sign language by family members.

6.3 Women facing violence often experience it in a form directly related to their impairments, such as having medicine or care withheld.⁵ It is estimated that there are 22 Deaf women at risk of domestic abuse every day.⁶ Disabled People 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.⁷

6.4 Disabled women and women of ethnic minorities have suffered disproportionate additional public spending cuts, as well as systemic discrimination, making significant impacts on their lives.⁸ In a hearing at the European Parliament on disabled women and domestic violence, disabled women spoke on the impact of disproportional cuts⁹ - that 'the welfare reforms the UK government have implemented are a targeted attack on disabled people. Not only do they perpetuate domestic violence by making it incredibly difficult for victims to leave their abusive partners, but these policies in themselves are abusive'. Women of ethnic minorities are more likely to be living in poverty, live in households which on average receive a higher proportion of their income through benefits or tax credits; work in the public sector or be unemployed. The heightened impact of cuts on black and ethnic minority women comes alongside historic and ongoing disadvantage, discrimination and prejudice¹⁰

6.5 Healthcare providers can question disabled women's right to have children even suggesting abortion or sterilisation, particularly if the disabled woman is said to have any degree of learning difficulties. The effects of sexuality-based discrimination on the sexual and reproductive health of disabled LBT women are of equal significance.¹¹ Trans people/women

⁵ 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>.

⁶ <https://www.signhealth.org.uk/deafhope-tackels-domestic-abuse/>

⁷ Dr. Kath Browne, COUNT ME IN TOO: LGBT LIVES IN BRIGHTON AND HOVE iii-iv (2007) http://www.realadmin.co.uk/microdir/3700/File/CMIT_DV_Report_final_Dec07.pdf.

⁸ A Fair Deal for Women - Report 2016 Part 1: Women Speak Out on the Economy and Work and Family Life <http://womenspeakout.wrc.org.uk/wp-content/uploads/2015/08/Fair-Deal-for-Women-Report-1-Women-Speak-Out-on-Work-and-Family-life-.pdf>

⁹ At the European Parliament: Domestic violence against people with disability (Jan 2017) <http://www.sisofrida.org/domestic-violence-against-people-with-disability/>

¹⁰ 'Layers of Inequality,' a joint report with Coventry Ethnic Minority Partnership, Foleshill Women's Training and the Centre for Human Rights in Practice at Warwick University. https://www.barrowcadbury.org.uk/wp-content/uploads/2013/09/layers_of_inequality.pdf

¹¹ Women's Resource Centre (2010) *In All Our Colours: Lesbian, bisexual and trans women's services in the UK*. WRC: London http://www.wrc.org.uk/resources/wrcs_research_and_reports/lesbian_bisexual_and_trans_women_services_in_the_uk.aspx

are particularly likely to encounter discrimination and harassment in accessing health services.¹² Trans people are frequently pathologised, even as international guidelines increasingly emphasise "trans diversity" rather than pathology. Moreover, trans people are particularly likely to experience severe mental health issues, and this can arise from discrimination and harassment they experience in everyday life.¹³

Recommended questions for the CRPD committee to ask:

- 1. Will the UK government take steps to consult with disabled women and relevant intersecting agencies on legislation which will impact on them as directed in CRPD rights?**
- 2. How will the UK government demonstrate that they will take gender and all the intersections with disability with due consideration to CRPD for healthcare provision for example? Will they collect disaggregated data so that they can monitor it?**
- 3. What remedies would the UK government offer for the cuts that have impacted on the provision of support for domestic violence victims which impinge on their CRPD rights?**

Article 12 Equal recognition before the law

12.1 Some barriers faced by disabled women and of those, disabled women from black and ethnic minorities are identified in the report concluded by the University of Leeds in June 2014 from that report which pertains to the UK.¹⁴ Disabled women experienced different types of violence. Psychological violence, control and isolation, were common experiences. Sometimes this was connected to their impairment, other times it was not. In the majority of cases the perpetrators were intimate partners, and the abuse took place in their private homes. Despite experiencing on-going violence from partners, some women could not access formal or informal support, with safeguarding services reported by some as especially problematic. Issues mentioned included disabling attitudinal barriers from support services, including social services, women's support services and the court and barriers to women's safety.

¹² [http://www.thelancet.com/pdfs/journals/lancet/PIIS0140-6736\(16\)00683-8.pdf](http://www.thelancet.com/pdfs/journals/lancet/PIIS0140-6736(16)00683-8.pdf)

¹³ Trans Mental Health Study 2012 https://www.gires.org.uk/assets/Medpro-Assets/trans_mh_study.pdf

¹⁴ Also referred to at our submission to the Human Rights Committee <http://www.sociology.leeds.ac.uk/assets/files/research/cds/vadw/Empirical-Report-UK.pdf>

12.2 In a context where violence against disabled women is barely addressed within the Criminal Justice system, we believe the amendment Serious Crime Act 2015 Section 76¹⁵ would put the onus on the victim to prove that the abuser was not acting in her best interest. There are complex issues here related to the disproportionate power relationship and cultural and social stereotypes which impact on what is considered to be in one's "best interest" and which continue to result in more weight given to the views of partners/carers over those of the individual concerned (all the more so when it concerns a disabled woman).¹⁶

Article 13 - Access to justice

13.1 There is a grave failure to protect disabled women from rape and sexual abuse to the extent that it has been described as the decriminalisation of rape and abuse of disabled women in the judicial system. This has huge consequences for disabled women and violates their right to non-discrimination, effective protection from violence, right to dignity and bodily integrity and access to justice. Research shows that 18% of women who report rape have a mental health issue. People with mental health issues were 40% less likely to have their case referred to the police for prosecution than people without these difficulties. People with learning difficulties were 67% less likely to have their case referred for prosecution.¹⁷

This means that disabled women are less likely to seek help or redress because acts perpetrated against them are **not** effectively investigated, perpetrators are **not** prosecuted and appropriately sanctioned, and disabled victims have much less access to adequate remedies.

A 2014 study¹⁸ found that only around 15% of rapes recorded by police as crimes resulted in rape charges being brought against a suspect. The research shows that more than 80% of people reporting rape to the Metropolitan Police are vulnerable to sexual attack (women with mental health issues and women with learning difficulties) but that these same vulnerabilities mean their cases are less likely to result in a suspect being charged.

13.2 Disabled women also face discrimination, and 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

¹⁵ <http://www.legislation.gov.uk/ukpga/2015/9/section/76/enacted>

¹⁶ See explanatory notes to Section 76, Annex I :

"This defence is intended to cover, for example, circumstances where a person was a carer for a mentally ill spouse, and by virtue of his or her medical condition, he or she had to be kept at home or compelled to take medication, for his or her own protection or in his or her own best interests. In this context, the person's behaviour might be considered controlling, but would be reasonable under the circumstances."

¹⁷ <https://www.thebureauinvestigates.com/2014/02/28/rape-has-been-decriminalised-for-the-most-vulnerable-says-senior-met-adviser/>

¹⁸ <https://www.thebureauinvestigates.com/2014/02/28/revealed-why-the-police-are-failing-most-rape-victims/> also 'From Report to Court: Rape cases and the Criminal Justice System in the North East' by Professor Marianne Hester at the University of Bristol <http://www.nr-foundation.org.uk/downloads/From-Report-to-Court-final-5-july-13.pdf>

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 disabled women in particular may be subjected to stereotypes that infantilise them.¹⁹

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 violence 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, deterring these women from seeking justice. 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 disabled women, thereby limiting their access to justice.

Recommended questions for the CRPD committee to ask:

- 4. How will the UK government demonstrate that they will take steps to protect disabled women from rape and sexual abuse in the judicial system under CRPD rights and implement a system to monitor police decisions for dropping cases relating to sexual violence?**
- 5. How does the UK government intend to support disabled women victims of violence to afford them their CRPD rights? Will they put legal aid in place and train police, health workers, court personnel, judges, lawyers and other interlocutors of victims of violence on communicating with disabled women and on their rights including the risks to which they are exposed on account of multiple and intersectional discrimination?**

¹⁹ See SOF and WEI UN UPR report <http://www.sisofrida.org/submission-to-the-human-rights-councils-universal-periodic-review-upr/upr-submission-september-2016-2/>