



**CBM's submission to the Expert Committee on the  
UN Convention on the Elimination of all forms of  
Discrimination against Women on Article 10: The  
Right to Education**

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For further information contact  
Lars Bosselman, Acting Director  
CBM International Advocacy and Alliances  
**Lars.Bosselmann@cbm.org**  
[www.cbm.org](http://www.cbm.org)

## 1. Introduction

CBM welcomes the decision by the Expert Committee on the UN Convention on the Elimination of all forms of Discrimination against Women to host a half-day general discussion on Article 10 of the Convention (girl/women's right to education) and submits this short paper in response to the Committee's request for submissions. We particularly welcome the opportunity to provide suggestions and recommendations so that State Parties can ensure full compliance with their obligations under article 10 of the Convention, which are to respect, protect and fulfill the right of women and girls to education, specifically including women and girls with disabilities.

The paper suggests three key areas for the CEDAW committee to consider:

First of all it starts with a short discussion highlighting how women and girls with disabilities are at risk of multiple and intersectional discrimination based on the grounds of disability and gender.

Secondly, building on a previous submission by CBM to the UN Convention on the Rights of Persons with Disabilities' Committee highlighting the intersection of disability and gender<sup>1</sup>, this paper continues to emphasise the need for synergy between both treaties. De Silva describes this synergy between treaties as an interlocking web of the human rights framework'.<sup>2</sup> With that in mind, this paper attempts to highlight how articles from the CRPD and CEDAW can interlock and enable each other to strengthen the right of women and girls with disabilities to education. Finally the paper highlights how the post-2015 agenda must be cognisant of the intersection between gender and disability in order to promote and protect women and girls' right to education.

The final section offers some short conclusions and recommendations to the Committee for future consideration.

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<sup>1</sup> CBM (2013), CBM submission on women and girls with disabilities to the Committee on the Rights of Persons with Disabilities as requested by CRPD/C/8/3, available online at [http://www.ohchr.org/Documents/HRBodies/CRPD/DGD/2013\\_Submissions/22.ChristianBlindMission.pdf](http://www.ohchr.org/Documents/HRBodies/CRPD/DGD/2013_Submissions/22.ChristianBlindMission.pdf)

<sup>2</sup> De Silva (2009), 'Mining the Intersections: Advancing the Rights of Women and Children with Disabilities within an interrelated web of Human Rights', Pacific Rim Law and Policy Journal Association, Vol. 18 No.1 294

## 2. Context

It is widely recognised that women and girls with disabilities are subject to multiple discrimination; in that they not only face discrimination and exclusion from the perspective of being disabled, but also from being a women/girl. Some commentators have gone further to suggest that women with disabilities face 'triple discrimination' particularly those women who live in low income and poor countries.<sup>3</sup>

With respect to education trends, disability is strongly associated with being out of school. On average across seven developing countries, a child with a disability is half as likely to be in primary school as a child without a disability.<sup>4</sup> Women and girls with disabilities face a double-discrimination because of gender inequalities. This multiple discrimination or double discrimination manifests itself through a range of barriers to education for women and girls with disabilities resulting in less access to education when compared with disabled men and non-disabled women and girls. For example, statistics from the World Report on Disability highlight that 50.6% of males with a disability have completed primary school, compared with 61.3% of males without a disability. For females with a disability the report notes that 41.7% completed primary school compared to 52.9% of females without a disability.<sup>5</sup> School enrollments suggest that only 2% of children with disabilities are in school, with girls who are disabled particularly underserved. Furthermore, in developing countries, the estimated literacy rates for women with disabilities are reported as being as low as 1%, and less than 20% of women and girls with disabilities receive rehabilitation services. Lack of access to education and rehabilitation services by women and girls with disabilities it can be argued denies them the opportunity to create a sustainable future, as education be it formal or technical (vocational training) is considered one of the key routes out of poverty.

## 3. Barriers faced by women and girls with disabilities in accessing education

According to official UN statistics, of the estimated 72 million children who are not in school, girls are the majority and this is

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<sup>3</sup> UNESCAP (1995), Hidden Sisters: Women with Disabilities in the Asia Pacific Region, Social Devt Division, Bangkok

<sup>4</sup> UNESCO (2008), "Education for All by 2015. Will we make it?", EFA Global Monitoring Report 2008, Paris: UNESCO.

<sup>5</sup> WHO and the World Bank (2011), The World Report on Disability

particularly the case for girls with disabilities.<sup>6</sup> Girls are less likely than boys to be in school, and more likely than boys never to enroll.<sup>7</sup> A range of reasons contribute to the low participation rates of women and girls in education and these include social traditions and deep-rooted religious and cultural beliefs.<sup>8</sup> As outlined in section two, women and girls with disabilities encounter barriers related to their gender and also because they have a disability and often they face barriers as a combination of both. Some of the key barriers are elaborated below<sup>9</sup>:

**Cultural bias:** In general women face barriers in accessing education due to the commonly held belief that a woman's role is as a wife and/or mother/caregiver. This belief leads to the promotion of education of boys over girls in accessing educational opportunities as boys are viewed as the traditional 'bread winners'. Women and girls with disabilities face a double disadvantage as not only are they not deemed worthy of education, neither are they viewed as a positive contributors to their family or to society.

**Stereotyping of women and girls with disabilities:** As disability is a source of stigma in many cultures, many women and girls with disabilities are hidden away by their families. The stigma is reinforced by stereotypical views that portray disabled women and girls as sick, helpless, childlike, dependent, incompetent and asexual, greatly limiting their options and opportunities in areas such as education.

**Gender bias in the provision of education:** While information on outcomes of education between boys and girls with disabilities is difficult to obtain, there is some evidence to show that some gender bias exists. For example, in India despite the fact that there is a higher rate of blindness among females, out of ten schools for blind students in New Delhi, eight of them are exclusively for boys.<sup>10</sup>

**Differential treatment between boys and girls with disabilities:** Patriarchal attitudes towards the ability of women to take advantages of opportunities such as education are intensified if you are a women or girl with disabilities. Women and girls with disabilities can experience over protectiveness from family, resulting in them not being able to leave their home to travel to

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<sup>6</sup> OHCHR (2010), Women and the Right to Education

<sup>7</sup> Ibid

<sup>8</sup> See Save the Children at

[http://www.savethechildren.org/site/c.8rKLIXMGIpI4E/b.6196511/k.846C/Girls\\_Education.htm](http://www.savethechildren.org/site/c.8rKLIXMGIpI4E/b.6196511/k.846C/Girls_Education.htm)

<sup>9</sup> UNESCO (2003) Education for all: a gender and disability perspective, the list below is taken from this report

<sup>10</sup> Ibid

school. Where boys with disabilities who are perceived as being more independent experience this less and in many cases are permitted to travel long distance to school. This particularly can be an issue when accessing schools that provide specific supports and services for students with disabilities, as typically they are located in urban areas.

**Inaccessible transport and Inaccessible education infrastructure:** Lack of access to accessible transport is a major barrier for women and girls with disabilities. So also are a lack of accessible school facilities and in particular lack of accessible and non-unisex hygienic toileting facilities and assistance in toileting for such times as menstruation.

**Violence against women and girls with disabilities:** Women and girls with disabilities are more likely to experience gender-based violence than those without disabilities. Additionally, women and girls with disabilities living in residential facilities or schools are even more likely to experience such abuse.

**Shortage of role models of women and girls with disabilities in education:** Women with disabilities are underrepresented in as role models in education e.g. as teachers. There is also underrepresentation of women and girls in educational material within the curriculum.

## **4. The International normative framework: Women and girls with disabilities**

The rights of women and girls with disabilities are protected by a number of human rights treaties. In general terms, the International Convention for Civil and Political Rights (ICCPR) and the International Convention for Economic and Social Rights (ICESR). More specifically the Convention on the Elimination of forms of Discrimination Against Women with Disabilities (CEDAW), the Convention on the Rights of the Child (CRC), and the Convention on the Rights of Persons with Disabilities (CRPD) also provide protection. Each of these treaties providing clarification of human rights for its constituent groups e.g. women, children and persons with disabilities.

### **4.1. The right to education and women and girls with disabilities**

The majority of international treaties make specific provisions with respect to the right to education. Article 13 of the ICESR recognises

that the right to education is a universal entitlement and its provisions include the right to free compulsory education for all, an obligation to develop secondary education accessible to all and an obligation to develop equitable access to higher education.<sup>11</sup> Article 13 also includes a responsibility to provide basic education for those who have not completed primary education. General Comment No.13 further elaborates the provisions set out in Article 13.<sup>12</sup> Article 28<sup>13</sup> of the CRC recognises the right of children to a primary education, and Article 10 of CEDAW recognises the right of women to have the same opportunities as men in all aspects of education and training throughout the whole education cycle.<sup>14</sup> Finally, the most recent elaboration of the right to education is contained in the CRPD, Article 24 recognises the right of persons with disabilities to education and sets out a range of obligations to ensure inclusion of women and men and boys and girls with disabilities including reasonable accommodation.<sup>15</sup> In addition, Article 26 of the CRPD also recognises the right of women and girls with disabilities to comprehensive habilitation and rehabilitation services and programmes, particularly in the areas of health, employment, education and social services.

#### **4.2 CEDAW and the CRPD: Interlocking the right to education for women and girls with disabilities**

As outlined earlier, both CEDAW and the CRPD protect women and girls with disabilities, both treaties also provide for the right to education for women and girls with disabilities through Article 10 and Article 24 respectively, albeit with different emphasis. In 2013, CBM made a submission to the CRPD Committee highlighting the need for greater cooperation and synergy between CEDAW and the CRPD in order to provide effective human rights protection for women and girls with disabilities.<sup>16</sup> Education is one of the areas where cooperation between both could enhance the rights of women and girls with disabilities to education.

As discussed earlier in this paper the CRPD does not create any new rights for women and girls with disabilities but instead clarifies their existing rights under previous treaties and this is helpful particularly

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<sup>11</sup> ICESR, Article 13

<sup>12</sup> ICESR, General Comment no 13: The Right to Education (Article 13 of the Covenant)

<sup>13</sup> CRC, Article 13

<sup>14</sup> CEDAW, Article 10

<sup>15</sup> CRPD, Article 24

<sup>16</sup> CBM (2013), CBM submission on women and girls with disabilities to the Committee on the Rights of Persons with Disabilities as requested by CRPD/C/8/3

when treaties do not specifically reference disability or persons with disabilities e.g. in the case of CEDAW.

While CEDAW does not explicitly reference women and girls with disabilities, the CRPD recognises the double disadvantage faced by women and girls with disabilities. It recognises that women and girls with disabilities face gender inequality on grounds not related to their disability but specific to their gender and face other inequalities based on their disability. In order to encompass how both gender and disability can create vulnerabilities for girls and women with disabilities the CRPD takes a twin track approach to progressing the rights of women and girls with disabilities. It does so through (a) the inclusion of specific articles (Article 6 and 7) ensuring the rights which could be considered specific to the situation of women with disabilities (such as institutionalization and forced sterilization) are protected and (b) the general rights contained in the CRPD such as anti-discrimination (Article 5) awareness raising (Article 8), protection from exploitation (Article 16), violence and abuse and education (Article 24) are gender sensitive. At the time of submitting this paper, the CRPD Committee is preparing a General Comment on Article 6, and in 2015 will begin preparing a General Comment on Article 24.

#### **4.2.1 Implementing Article 24 of the CRPD with a gender perspective**

In terms of implementing Article 24 of the CRPD and ensuring that all provisions are gender sensitive, Article 6 of the CRPD provides guidance on this. Furthermore, the Committee on the Rights of Persons with Disabilities has issued a number of Concluding Observations on reports submitted to date, which provide further guidance to States Parties on ensuring Article 24 is gender sensitive. For example, the Committee makes a specific recommendation to Paraguay on the implementation of Article 24 and calls on the Paraguay to incorporate a gender perspective:

*"Implement a strategy to give all children and adolescents with disabilities access to the national education system and that education should be inclusive at all levels and throughout the country and incorporate the gender perspective and be ethnically and linguistically relevant."<sup>17</sup>*

The Committee also recommends to Austria to enhance the education of deaf and hearing-impaired boys and girls.<sup>18</sup> With

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<sup>17</sup> CRPD Committee Concluding Observations on Paraguay (2012)

<sup>18</sup> CRPD Committee Concluding Observations on Austria (2013)

respect to the other published Concluding Observations on State Party reports to the CRPD, the Committee has issued a number of recommendations to improve gender sensitivity which include; the development of gender indicators for measuring progress with respect to all policies (including education); supports for increased participation of women and girls with disabilities in decision making and training and increasing awareness on gender and disability. All of these recommendations encourage States Parties to look at policies and programmes they implement under the auspices of the CRPD with a disability and gender lens.<sup>19</sup>

In addition to the twin track approach taken by the CRPD to rights such as education as discussed above, CEDAW provides further clarity on obligations of States Parties to ensure equal opportunity in education between men and women. **Applying some of the measures adopted through CEDAW implementation could help states implement their commitments to gender equality between men and women with disabilities as well as men and women without disabilities.**

#### **4.2.2 Implementing Article 10 (CEDAW) with a disability perspective**

CEDAW while applicable to all women and girls does not explicitly reference women and girls with disabilities in its original treaty text. However General Recommendation number 18 by the CEDAW Committee calls for measures to ensure that women and girls with disabilities have equal access to education and employment and range of other services.<sup>20</sup> The obligations set out in Article 10 covers the whole education life cycle, its infrastructure for delivering education, the content and material for education use and grants and supports to access education. Each of the obligations are aimed at ensuring equality between men and women in accessing educational opportunities and are applicable to women and girls with disabilities.

Similar to Article 10 of CEDAW, Article 24 of the CRPD sets out a range of obligations on States Parties to ensure that women and girls with disabilities are able to access educational opportunities on an equal basis with others. Each of the obligations, much like Article 10, are aimed at creating a level field so that persons with disabilities can have an equal choice with respect to education and

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<sup>19</sup> See various CRPD Committee Concluding Observations at

<sup>20</sup> CEDAW, General comment no 18: Disabled Women

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=4&DocTypeID=5](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=4&DocTypeID=5)



attain the best outcomes. Some of the obligations in Article 24 include;

- Reasonable accommodation of individual requirements e.g. a person with a disability requiring texts in alternative formats, a persons with a hearing impairment requiring a sign language interpreter
- Effective individualised support measures to maximize academic and social development, consistent with the goal of full inclusion.
- Accessible learning environments that maximise academic and social development including learning Braille, sign languages, augmentative and alternative modes, means and formats of communication, and using audio amplification devices and speech-to-text systems, adapted curricula

In addition to Article 24, Article 9 of the CRPD sets out a range of obligations on accessibility which are applicable to education systems such as accessible buildings, accessible communication methods, material and information technology.<sup>21</sup> Whilst Article 6 provides the gender specific guidance for women and girls with disabilities.

With respect to **implementing Article 10 of CEDAW, Articles 24 and 9 and 6 of the CRPD provide a clear road map of measures that need to be taken to ensure that education is inclusive of women and girls with disabilities.** Implementing Article 10 of CEDAW through the lens of Articles 6, 24 and 9 of the CRPD could provide states with a number of measures where equality between men and women may be the main focus but also equal opportunities for women and girls with disabilities are considered.

## **5. The role of international cooperation in implementing the right to education for women and girls with disabilities**

The CRPD includes a stand-alone Article on the role of international cooperation (art. 32) in realising the rights of persons with disabilities. The OHCHR thematic study on the right to education identifies how international donors such as Finland and Norway have funded inclusive education for persons with disabilities for

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<sup>21</sup> CRPD, Article 9

many years.<sup>22</sup> It is also one of the areas of cooperation funded through the United Nations Partnership to Promote the Rights of Persons with Disabilities. Persons with disabilities were invisible from the previous set of global goals on development, which were a key driver in influencing international cooperation during the first decade of the 21<sup>st</sup> century. The High Level Meeting on Disability and Development Outcome Document from 2013 recommends that the post-2015 development framework urges governments to strengthen national efforts on addressing the rights and needs of women and girls with disabilities. With respect to education, it asks that the post 2015 framework recognises the right to education on the basis of equal opportunity and non-discrimination, so that no one is left behind from future education targets and opportunities.<sup>23</sup>

## **6. CBMs work in education – girls and women with disabilities**

One of the key values of CBM's work is inclusion and to this end CBM strives to deliver programmes that are disability and gender-inclusive and part of this includes women and girls with disabilities. As CBM takes steps to ensure that its programmes are compliant with the CRPD (particularly Article 32), there is a need to ensure that the programmes delivered meet both the specific needs of women and girls with disabilities and are also sensitive to wider gender issues. An example from CBM's work on measures taken to include women and girls with disabilities is worth referencing. A toolkit prepared by CBM Australia highlights a number of important points for including women with disabilities in development programmes. These include the need to have the voice of women with disabilities heard; for barriers to education for girls with disabilities to be removed so they can participate in meaningful work later in life; the visibility of women with disabilities issues to be increased so that disability and gender biased can be tackled and finally integration of disability into gender programmes and vice versa.<sup>24</sup>

## **7. Conclusion and Recommendations**

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<sup>22</sup> OHCHR (2013) Thematic study on the rights of persons with disabilities to education

<sup>23</sup> UN (2013), Outcome document from the High Level Meeting on Disability and Development

<sup>24</sup> CBM Australia (2012), Inclusion Made Easy: A quick program guide to disability in development

CBM's submission to the CEDAW Committee has attempted to highlight the barriers faced by women and girls with disabilities in realising their right to education. These barriers, some are specific to the situation of women and girls with disabilities while others fit within the continued struggle of all women and girls for equal rights and opportunities.

CBM makes the following recommendation to the CEDAW Committee to further strengthen the rights of women and girls with disabilities to education:

1. States Parties implementation and CEDAW monitoring of Article 10 CEDAW should consider Article 24 and Article 9 of the CRPD to provide guidance on how to achieve inclusive education for all
2. The CEDAW Committee should consider asking States to include disability disaggregated data when reporting on their implementation of Article 10
3. Women and girls with disabilities must be included in post-2015 goals on gender and education.