



## **Women Gaining Ground**

### **Written Submission on the draft of General Recommendation no. 40 on the Equal and Inclusive Representation of Women in Decision-making systems – with a focus on young women and women with disabilities**

#### **for Discussion and Adoption at the 89<sup>th</sup> session of CEDAW**

This written submission is made on behalf of Women Gaining Ground (WGG) a Global South-led consortium of three organizations and 16 strategic partners with deep experience in feminist leadership, movement-building, advocacy, and working with structurally excluded groups: CREA; Akili Dada; and International Women's Rights Action Watch Asia Pacific (IWRAW AP). WGG is collaborating in a five-year program (2021-2025), in five priority countries: Bangladesh, India, Kenya, Rwanda, and Uganda, through sixteen strategic in-country partners, several of whom are led by and support persons with disability and young women.

This submission provides commentary on the draft text of GR 40 intending to highlight and focus on women with disabilities and young women. We welcome the Committee's attention to the intersectional nature of discrimination and exclusion of women from decision-making systems, particularly less visible groups such as women with disabilities as well as noting the global context of the rise in polarization and conflicts that pose a challenge to the human rights framework. We take this opportunity to reinforce the strategic importance of political participation of Young Women and Women with disabilities who have been excluded or silenced from long-term social and structural change processes. This has meant that their vision, needs or narratives are usually not forefronted in these global and country-level frameworks. The idea of inclusive representation is meaningless if it does not reflect the diversity of lived experiences of these structurally excluded groups. Without women with disabilities and young women shaping these conversations about themselves, the environment around these rights cannot be changed or made more responsive. However, challenges remain, especially since many aspects of intersectional women's human rights norms are still contested. Topics such as sexual and reproductive health and rights, and the agency and autonomy of women with disabilities and young women, can be a wedge issue in the women's rights movement where political agendas are being shaped in exclusionary ways and also based on certain context-specific and ableist norms.

Understanding the importance of bringing to light these reflections, we engaged in a consultative process with on-the-ground activists and WGG partners, based on which we present the following recommendations:

**Recommendations:**

1. We want to highlight the importance of incorporating a stronger disability rights perspective within the GR40 text to efficiently address the intersectionality between gender and disability, especially since the CEDAW convention is a framework and a process that helps challenge the binaries that impair young women and women with disabilities from realizing their rights. We also note that the issues that women with disabilities face in political participation have not been presented in sufficient and detailed ways. We call for better integration of the standards brought by the UN CRPD including in Article 6 focusing on women with disabilities. The UN CRPD offers important tools that can enhance the political participation of women with disabilities, and we call for them to be included in the GR this includes references to:
  - a) Article 12 on Equal recognition before the law so that legal capacity is not used to limit political participation. Discriminatory laws, practices, and regulations that curb the legal capacity of women with disabilities whether it is through enforcing proxy decision-making, or restrictive health laws need to be reviewed. Women with disabilities need to be involved in reforming legislation on legal capacity and specific good practices on supported decision-making (SDMs) alternatives as basic guarantees of equal recognition/operation in or of the law (expand the content of Article 15 of CEDAW to substantively address women with disabilities).
  - b) Articles 13, 16, and 17 which focus on addressing access to justice, freedom from exploitation, torture, and abuse; and addressing protection of integrity are key to addressing intersectional ableist and gender-based violence that significantly impact the political participation of women. While the connection between GBV and political participation is noted in the draft text more emphasis needs to be put on the intersectional aspects, noting that despite several measures and schemes in place that ensure political participation, the real and perceived threat of GBV is one of the key factor that keeps women away from these positions.
  - c) Article 19 of the CRPD ensuring independent living and deinstitutionalization, paired with the recent Guidelines on deinstitutionalization need to be reiterated as important tools impacting equal and inclusive representation of women and gender-diverse persons with disabilities in the decision-making systems, similar to maternity and paternity politics already addressed in the draft text of GR40.

- d) Moreover, concerning disability rights it has to be highlighted that action plans that are addressed in paragraph 32 need to be compatible with the national disability strategies.
- e) The State Parties should ensure that women with disabilities and their representative organizations are always consulted on all issues, not only the ones related to gender and disability, in the spirit of the CRPD General comment No. 7 (2018) on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention

2. We call for creating a separate paragraph on accessibility and reasonable accommodations as tools ensuring the political participation of women with disabilities that States are obliged to adhere to Articles 5 and 9 of the UN CRPD. Budgeting for accessibility needs to become a standard practice, as well as a commitment to continuously following the evolving accessibility standards. Change in the global human rights systems should happen in parallel with the community and national levels. For example, deaf women are being deprived of the possibility of political participation as the burden to organize and pay for interpreters is put on them. GR 40 should also address and recommend the recognition of sign languages as official languages, included in school syllabi and integrated within all government offices, and treat recognition and availability of Sign Languages and ACC as a tool that enhances the political participation of women with disabilities, which is one of the ways they can access decision-making systems.

3. We must work towards ensuring that states are accountable for the implementation of Article 29 of the CRPD, especially as it relates to protecting and promoting the right of persons with disabilities to access the support of their choice in voting by secret ballot, to participate in all elections and referendums without discrimination, as well as to contest for election, to hold office effectively and to perform all public functions at all levels of government through the creation of support systems that are accessible, the use of innovations and technology that may aid and enhance the process, and finally, the financial resources to deliver them effectively.<sup>1</sup>

4. We recommend that reporting on the progress on the inclusive representation of women in decision-making systems is regularly monitored through disaggregated data. While the draft text acknowledges that inclusive representation is not just at the public level, there must be measures to understand the achievement or progress made at the family and community level.

5. It is key to ensure that organizations representing women with disabilities have access to funds to participate in decision-making processes, both mainstream and disability-specific; it is equally important to support the representative organizations in conducting independent monitoring

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<sup>1</sup> <https://disabilityrightsfund.org/achieving-rights/the-right-to-political-participation/>

and evaluation on the implementation of their rights enshrined in Conventions. Moreover, the states should encourage private sector consultations and engagement with women with disabilities especially when there are opportunities through existing and new public-private partnerships.

6. While reservations and quota systems are being implemented in some countries we need to ensure that they do not limit the representation of women with disabilities - e.g. if the reservation is 2 places, other places should be also available for women with disabilities.

7. The proposed parity system of 50/50 is built on a very binary concept of gender and does not take into consideration all gender diversities.

8. We want to highlight that there is no focus on young women in the GR40 draft text, which is an omission that calls for course correction, because of the role that young women have in leading social justice movements and working for the betterment of their families and communities. We should shed notions ageist notions around leadership and decision-making IN GR40 and the issues of young women need to be addressed holistically in the text. We need to ensure that the youth are involved in the process, can make effective decisions, are resourced, and are not infantilized or met with a tokenistic approach or measures.

9. Political participation in international space remains limited for women including young women and women with disabilities especially from Global South countries due to visa regimes that do not allow for participation in international gatherings. There needs to be substantial change in the handling of international travel for participation in decision-making spaces that would support and not limit the participation of women. Moreover, all efforts to make international spaces accessible online need to be strengthened. Yet at the same time, there needs to be cognizance of the digital divide which includes unequal access to internet facilities, data privacy, and security concerns with online platforms among other limitations in accessing digital spaces. These need to be mitigated through the possibility of in-person participation of representatives, wherever possible.

10. The GR should also better address economic empowerment that includes mentorship programs as important tools for enhancing the political participation of women, especially young women and women with disabilities. This includes financial aid and incentives that encourage such models in both the public and private sectors for these programs for there to be sustainability of results in the community in the long term.

11. There needs to be sensitization to the State Parties on these recommendations and the process of devolving this information to the organizations that are working particularly with youth and women with disabilities, many of them self-led and based at the community level.

12. The language used in the GR 40 should be clear, concise, and devoid of ambiguity. This will ensure that all signatories have a uniform understanding of the GR's provisions. The GR should explicitly outline the mechanisms for accountability, including the processes for reporting, monitoring, and reviews. This will enhance transparency and ensure that states are held responsible for their commitments.

13. Concepts such as leadership, representation, and participation need to be examined and used with an intersectional, inclusive lens so that they do not continue to promote ableist notions of capacity and performance.

14. GR 40 is an opportunity for State parties to express and recognize the legitimate role of NGOs in the CEDAW process, global gender equality agenda as well ecosystem. While many of these international processes are intergovernmental, interstate, or simply state-driven, there should not be any doubt or questioning of NGO/activist role in CEDAW monitoring and implementation whether at the international/UN level or domestic level. This is the object and purpose of international human rights treaties, that the state commits to be held accountable both at UN level constituents (UN and other states) as well as to its domestic level constituents which are the legislative bodies, women, and all citizens/taxpayers. The participation of civil society organizations/NGOs in state reviews is a life cycle that starts with their work at their community and national levels. Surveillance and control over NGO registrations, their areas of intervention, foreign exchange restrictions, and other forms of controls should be seen as a clear breach of Article 7. This particularly impacts women with disabilities and young women-led organizations who are mobilizing for their rights and are already less visible in the international human rights space.

