

Women with disabilities' rights in the Middle East

# *Are We Moving Forward?*

Regional study on rights of women with disabilities in the Middle East



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## Preface

Women with disabilities continue to face discrimination on a daily basis all over the world. In the Middle East and North Africa region poor rule of law and governance, traditional and cultural practices and prejudice, poverty are all factors impeding the successful fulfilment of the human rights of the most vulnerable section of society.

The signing and ratification of the 2006 Convention on the Rights of Persons with Disabilities (CRPD) by many countries from the MENA region is a great prospect for advocacy, for bridging the inequality gap and making effective change that affects the lives of these girls and women. However, the way forward is to implement nationally the human rights principles of this convention and other human rights treaties such as the 1979 Convention to Eliminate All Forms of Discrimination Against Women (CEDAW) and to challenge change in society through a bottom-down approach, engaging women with disabilities and empowering them to lead the social and institutional changes they require to be free and equal citizens in their countries.

Stars of Hope Society (SHS) was founded in Palestine as an effort to address these issues and to support Palestinian women with disabilities in realising their rights. Since its foundation in 2006, SHS has been eager to increase awareness about women with disability, their status, reality and needs as an endeavour to promote equality in education, employment and all walks of life. Furthermore, SHS has been successful at increasing the awareness of women with disabilities on their rights, as well as building their capacities and developing their professional skills to increase their chances on reaching out for equal job opportunities.

Increasingly Stars of Hope has engaged at a regional level and is now part of a regional movement struggling together towards this common goal in highly volatile and uncertain times for a region which is witnessing a so-called 'Arab Spring'. This presents great opportunities for civil engagement and great challenges due to political instability, internal conflict and warfare.

As a step in Stars of Hope Society's continuous effort to strengthen the women's disability movement in the Arab world, SHS targeted women with disability in Palestine, Jordan, Egypt, Lebanon and Yemen at local and national levels to empower them and engaged them in advocacy for the implementation of the UN CRPD and CEDAW.

This project constitutes the fourth phase from the project "A Step Forward",

aimed at ensuring that WWDs in the target countries have adequate knowledge and resources and are therefore engaged in the process. Stars of Hope provided support to national teams of WWDs through technical assistance to ensure active engagement in monitoring and reporting effort by training, consultancy, on-line support and small grants.

This study has sought to fill the gap existing in data and studies on women with disabilities in the region. It sought to collect analytical data, reviews and factual records to assess marginalization and discrimination against women with disabilities in terms of policy and laws. Through this plan, women with disabilities were fully engaged with local authorities and members of parliament, the media and other outlets to disseminate their message widely, which is their right to be involved in national movements. Moreover, national and local laws will be reviewed against the UNCRPD, therefore gender and disability will be the key factor of analysis.

It is hoped that this study will be useful for the advancement of the rights of women with disabilities and serve as a tool for regional and national governmental institutions and members of parliaments of Jordan, Egypt, Palestine, Yemen and Sudan. It is also expected to be useful for advocacy and future project planning for Donors, NGOs and UN agencies, media and public outlets, Human Rights, Women and Youth organizations and finally for Stars of Hope itself.

**Ola Abu-ALGhaib,  
Director of Stars of Hope**

# Acknowledgements

Stars of Hope would like to thank all actors that have made this study process possible.

First of all SHS would like to thank Open Society Institute for the support both technical and financial that has allowed us to carry out this ambitious project.

We would to thank DRPI team mainly Marcia Rioux & Paula Pinto, who participated in the trainings and carried out the analysis for this report, as well as all the Stars of Hope team for its constant support and presence on and offline.

In particular, the women with disabilities' teams collected information for the country reports in Jordan, Palestine, Egypt, Yemen, Sudan and Lebanon. A special thanks to the Palestinian refugee women engaging in the focus groups in the Palestinian Refugee Camps in Lebanon who shared their personal experiences with our team.

We are also grateful to the key informants who participated in collecting the individual country reports, including the authorities and the partners from local organisations - mainly local women and Disabled People's Organisations (DPOs) - who welcomed the team of researchers in the various countries and were keen to engage in fruitful discussions and t engage in the net wok of civil society actors for the advancement of the rights of women with disabilities.

**Ola Abu-ALGhaib,**  
**Director of the Boeard**  
**Stars of Hope Society - Palestine**

# Glossary <sup>1</sup>

## **Accessibility:**

An accessible environment allows for free and safe movement, function and access for all, regardless of age, sex or condition. It is a space or a set of services that can be availed by all, without obstacles, with dignity and as much autonomy as possible.

### **Accessibility can be defined at three levels:**

1. Accessibility of the built environment, which includes housing and private buildings, as well as public spaces and structures.
2. Geographic accessibility, which refers to the ability to circulate. Everybody should have the opportunity to choose their means of transport, to go from one place to another according to their needs, abilities and budget. This dimension is usually included within the previous one, as in CRPD Article 9, but various field experiences have shown that in many cases, free movement has to be addressed per se in addition to the settings and buildings.
3. Access to information and communication which means, accessible media, easy information dissemination and data that are within reach.

## **Community Based Rehabilitation (CBR):**

CBR is a strategy within general community development for the rehabilitation, equalization of opportunities and social inclusion of all persons with disabilities. It is implemented through the combined efforts of persons with disabilities, their families, organizations and communities, and relevant government and non-government health, education, vocational, social and other service providers.<sup>2</sup>

## **Disability:**

Disability is an evolving concept and results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others.<sup>3</sup>

Persons with disabilities include those who have long-term physical, mental,

1. From: Stars of Hope (2011) A step forward to the social inclusion of girls and women with disabilities in the Middle East Multifaceted challenges and combined responses, pp. 6-9.
2. ILO, UNESCO, WHO, CBR: A Strategy for Rehabilitation, Equalization of Opportunities, Poverty Reduction and Social Inclusion of People with Disabilities: Joint Position Paper, Switzerland, 2004
3. United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), 2006



intellectual or sensory impairments, which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.<sup>4</sup>

Mental health disability – is a term that describes persons with disabilities due to mental disorders or illnesses. Examples include: schizophrenia, paranoia, major depressions, bipolar disorders, substance and drug abuse disorders or Alzheimer’s disease.

Intellectual disability, sometimes still wrongly referred to as ‘mental retardation’ – is a disability characterized by significant limitations both in cerebral or logical functions such as reasoning, learning, problem solving and in adaptive behaviour, which covers many everyday social and practical skills. This disability commonly originates before the age of eighteen.<sup>5</sup>

However, the paper will discuss the different meaning of the term disability according to national legislation of each of the studies countries.

## **Perceptions of disability: a shift of paradigm<sup>6</sup>**

Over the ages, society’s perception of disability has dramatically changed. This evolution may be represented with the 6 following steps:

### **1. Disabled people as supra or infra-human:**

Everything that cannot be explained in its context is a manifestation of the gods, and a source of beliefs. In this environment, society’s responses on disability are unquestioned practices and duties. Examples: Deformed new-born babies abandoned to die in the wild, as a sacrifice to gods; mental illnesses seen as abilities to communicate with the gods; hunchback attract good luck; persons with mental health disorders considered as innocent, etc.

Persons with disabilities are a burden to society, they live mainly on charity and have a lower social status; they have to be protected. Society’s response: charity work, basic medical treatment with no questioning on their social position. Examples: persons with disabilities considered as paupers, their suffering makes them «pure». They are fed and clothed in charity hospitals.

### **2. A precarious step towards equality:**

A theoretical equality has been progressively introduced and universally put in place:

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4. United Nations Convention on the Rights of Persons with Disabilities, Article 1

5. American Association on Intellectual and Developmental Disabilities (AAIDD), [http://www.aamr.org/content\\_100.cfm?navID=21](http://www.aamr.org/content_100.cfm?navID=21)

6. Dixon Catherine, “Perceptions of disability”, Handicap International, 2007

The basis of modern western human rights philosophy lies on the assumption that all human beings are equal

This principle is not universal and persons with disabilities are not always or sometimes reluctantly recognised as human beings

Example: questions arise about the condition of persons with intellectual disability or mental health disorders.

### **3. Scientific classification and curiosity:**

Physically different persons are designated as « freaks » and are sometimes displayed to the public. A classification is established, based on the description of 'characteristics' or symptoms. Society's response is exposure and medical care. On the economical side, industrialisation and productivism leave no place for persons with disabilities.

### **4. Repair the “broken”:The beginning of medical rehabilitation:**

After World War II, the State was seen as accountable for the situation of mutilated or injured war veterans. Persons with physical disabilities were seen as defective, 'broken'; they therefore have to be repaired, 'restored to normality'. Example: State provision of prosthetics, wheelchairs; Special treatment for injured veterans, who are viewed as national 'heroes'.

### **5. Disability as a social issue:**

The disability movement emerges and brings along the concept of social inclusion: Persons with disabilities are part of the social body and attention is paid to enabling their full inclusion in society (health, education, training, employment sectors); Accessibility is a public issue; Disabled People's Organisations gain strength and visibility.

In the same time the Health/social sector experts define needs and services: Persons with disabilities have access services but in a « separate » system; Institutions provide basic services, shelter, « protection »; the responsibility of society lies on few specialists.

### **6. Disability: a human rights approach**

The latest development of the perception of disability with: The whole community has a duty to enable disabled people to fully participate in society; Persons with disabilities and their representatives claim their rights and fight to have them implemented.

## **Disabled People's Organisations (DPOs) / Organisations of persons with disabilities:**

A DPO is an organisation representing people with disabilities, focused on the promotion of their rights. In the majority of cases these organisations have to be mainly composed of and led by people with disabilities.

## **Empowerment:**

The empowerment of a group or community increases its strengths and improves its capacity to accomplish its goals. According to a World Bank definition, “empowerment is the expansion to participate in, negotiate with, influence, control, and hold accountable institutions that affect their lives”.

## **Gender:**

Gender is a concept that refers to differences that are non-biological, such as psychological, mental, social-economic, demographic and political characteristics, whilst the term “sex” is used to refer to physical differences (often linked to reproduction) between men and women. Gender is defined as a social identity produced by the process of “socialisation” perpetuated by the environment in which people live. Gender describes the social roles and male-female relations within society; it defines men and women’s status within the family, community and nation; it is linked to the way in which power is used and shared; it designates the behaviour and actions attributed to and expected from men and women<sup>7</sup>.

## **Gender Mainstreaming**

Gender Mainstreaming is the “process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women’s as well as men’s concerns and experiences an integral part dimension of the design and implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women can benefit equally and inequality is not perpetuated.”<sup>8</sup> Gender mainstreaming is the main approach adopted by the Platform for Action of the Fourth World Conference on Women in Beijing in 1995, aiming to achieve gender equality. Mainstreaming measures may therefore be aimed at women only, men only, or at both genders. It is important to note that deciding to mainstream gender into programmes does not mean simply adding a “gender” component to development projects, but trying to incorporate this perspective into the way the

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<sup>7</sup> Handicap International (HI), Guide to Gender and Disability, Lyon, 2009

<sup>8</sup> United Nations Economic and Social Council resolution, July 1997

project is designed and implemented.<sup>9</sup>

### **Impairment:**

Impairment refers to the degree of anatomical, histological or physiological anomaly or alteration of an organic system.

### **Inclusive Development:**

Inclusive development is a rights-based change process that promotes equality among and the participation of the largest possible section of society, especially groups that face discrimination and exclusion. It ensures that persons with disabilities are recognized as rights-holding equal members of society, entitled to contribute to the development process. Inclusive development can be implemented at both the national and local levels<sup>10</sup>.

### **Mainstreaming disability:**

It is “ the process by which the State and the community ensure that persons with disabilities can fully participate and be supported to do so within any type of structure and service intended for the general public, such as education, health, employment and social services...”<sup>11</sup> . Effective mainstreaming of disability issues into legislation, policies and services requires the inclusion and participation of persons with disabilities in decision-making processes in all its aspects, at all levels of government, and at every stage, including planning for, implementation and evaluation of the effectiveness of these policies<sup>12</sup>. In the preamble, the Convention on the Rights of Persons with Disabilities emphasizes “the importance of mainstreaming disability issues as an integral part of relevant strategies of sustainable development”.

### **Rights-based Approach:**

There is no specific definition to the Rights Based Approach but it can be understood with its main characteristics:

1. A permanent reference to rights (Definition of objectives in terms of rights that are legally enforceable through international legal instruments; rights are indivisible and interdependent: civil, political, economic, social and cultural rights; Concern all fields: health, education, accommodation, jus-

9 International Labour Organization, “Gender Equality Tool”, <http://www.ilo.org/public/french/bureau/gender/newsite2002/about/defin.htm>

10 Handicap International, SHIA, HSO, A Guidance Paper for an Inclusive Local Development Policy Lyon, 2008, [www.make-development-inclusive.org](http://www.make-development-inclusive.org)

11 Handicap International, SHIA, HSO, A Guidance Paper for an Inclusive Local Development Policy Lyon, 2008, [www.make-development-inclusive.org](http://www.make-development-inclusive.org)

12 Disability Monitor Initiative-Middle East, Access to Social Services for Persons with Disabilities in the Middle East, Multi-stakeholder reflections for a Policy Reform, 2009

tice, security, political participation...; Impossible to choose between development and human rights)

2. Concept of accountability
3. Empowerment(give people the capacities, the capabilities and the access needed to improve their own lives and to influence their own destiny)
4. Participation
5. Non-discrimination and attention to vulnerable groups

### **Social Services:**<sup>13</sup>

In this report, the concept of social services covers a large and diversified range of services, intended to improve the standard of living of the population, especially of individuals and groups in vulnerable situations. They are linked to national welfare schemes and are important tools for the implementation of public policies in the fields of social protection, non-discrimination, poverty reduction and exclusion. They are not conditioned by the contribution of the users, but enhance the capacities of individuals for full inclusion and participation in society. They respond to social needs and social deficits, which the market either cannot manage or can even be generated by the market. States are responsible for ensuring the access of all citizens to social services.

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<sup>13</sup> Description based on the EC Communications, as well as on the perspective of several European platforms that are active in the field of social services - Social Platform, Eurodiaconia, EASPD



# Introduction

This report was commissioned by Stars of Hope Society and sets out the findings and recommendations based on a study that examined the human rights situation of women and girls with disabilities in five jurisdictions of the Middle East and North Africa Region (MENA) - Egypt, Jordan, Palestine, Sudan and Yemen. Due to the scope of the report and the complexity of the Palestinian case, the analysis on Palestine will focus mostly on the West Bank area, as Gaza and East Jerusalem are under different legislatures.<sup>14</sup>

Stars of Hope Society for the empowerment of women with disabilities was established in 2006, as a result of this discrimination against women with disabilities, and the lack of stakeholders addressing this issue at national and regional levels. Based in Ramallah, Stars of Hope (SHS) seeks to ensure the advancement of education in Palestinian society, concerning the status and needs of women with disabilities, in order to promote equity and reduce the suffering, poverty, exploitation of, and discrimination against, Women with Disabilities. SHS is an organization led by women with disabilities that works with, and for, women with disabilities. It has been increasing the awareness of women with disabilities of their rights, as well as building their capacities and developing their professional skills to improve their chances of reaching out for equal job opportunities.

As the only organization of rights of women with disabilities prevailing in the Middle East, and based on its experience in Palestine, SHS is keen to strengthen the movement of women with disabilities in the region. In order to achieve this, SHS has been implementing a project entitled “A step forward”, since 2009. This project aimed to empower women with disabilities to engage in local and national advocacy for the implementation of the UN Convention on the Rights of Persons with Disabilities (CRPD); to enhance the collaboration between women with disabilities and national stakeholders involved in the field of disabilities; and to establish regional coordination among women with disabilities from the countries in this study.<sup>15</sup>

Stars of Hope has extensive experience working throughout the MENA region with women with disabilities and their representative DPOs as well as working with International Organizations with the aim of strengthening the civil society

14 For more information on the historical complexities of Palestinian law, see for example BirZeit University, Legal Status in Palestine, available at: [http://lawcenter.birzeit.edu/iol/en/index.php?action\\_id=210](http://lawcenter.birzeit.edu/iol/en/index.php?action_id=210) (last accessed August 4 2013)

15 Stars of Hope (2011) A step forward to the social inclusion of girls and women with disabilities in the Middle East - Multifaceted challenges and combined responses, p. 3.

networks which are crucial to raise awareness and lobby the rights of WWDs. In particular SHS is based in Palestine and has long worked with Palestinian women the occupied Palestinian territories and in neighbouring countries where they are to this day refugees and minorities. With this in mind, the report also discusses some of the barriers and circumstances facing Palestinian women with disabilities who live in refugee camps in Lebanon.

Taking the standards of the 2006 UN Convention on the Rights of Persons with Disabilities (CRPD) as benchmarks as well as the 1979 UN Convention on the Elimination of all forms of Discrimination against Women (CEDAW), the report covers all areas of rights concerning the most important issues affecting women with disability in the region. It focuses on three main issues: violence against women, access to justice and political participation. Stars of Hope and its network of DPOs and women with disability who participated in the planning stages and data collection of this paper, decided together to focus on these issues as identified by them as the ones that have remained largely unexplored in the region. While study on the human rights of persons with disabilities is still generally scarce, previous studies have addressed themes such as access to services, social participation and accessibility (e.g. DMI Report, 2008).

In the context of the Arab Spring and the social and political changes that ensued in countries throughout the region, it was thought as relevant to examine how women with disabilities fare and what are the particular challenges that they face in realizing their rights to participate in the public life, to access justice and be protected from all forms of abuse and violence, on equal terms with all other citizens. As explained by the Arab Social media Report, the “societal and political transformations taking place across the region played an instrumental role in challenging stereotypes about Arab women as oppressed and subservient”. Women have in fact, played a the leading role “in orchestrating and participating in social movements in Tunisia, Egypt, and Yemen has cemented their position as equal partners to men in transforming the political landscapes in their countries”.<sup>16</sup> To date is still early to precisely measure the extent and influence of women in the Arab Spring on Arab societies.

It should also be taken into consideration that this context of political instability has also arose serious negative consequences particularly for the most

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<sup>16</sup> Dubai School of Government, 'The Role of Social Media in Arab Women's Empowerment', Arab Social media Report, Vol 3(1), November 2011.



vulnerable sections of society such as for women and children. However, it is safe to say that civil society has seen somewhat a ‘rebirth’ after a long period of inactivity and repression from authoritarian regimes and societal pressures. Civil Society Organizations (CSOs) including Disabled People’s Organizations (DPOs), have been able to raise the voices of their respective representative populations and bring their issues to the forefront of media and political agendas.

In this light, it is hoped and expected that the findings and recommendations derived from this study can inform advocacy work and be used to impact positive change for women with disabilities across the region.

Stars of Hope and the members of its partner network of DPOs in each targeted country, notably mostly women with disabilities who were the lead agents for this study, collected and analysed the data in collaboration with York University. This report uses a methodology developed through the Law and Policy Monitoring Template developed by Disability Rights Promotion International (DRPI<sup>17</sup>). Launched in 2002, DRPI is an international project that works to establish a global system for monitoring and reporting discrimination and violations of the human rights of persons with disabilities. Within the scope of this study the tool was tailored in collaboration with SHS, to a more gender sensitive approach, in line with both the data collectors and respondents.

In line with SHS’s principles, DRPI has made it a guiding principle that persons with disabilities and representatives of their organizations have a central role as key stakeholders in disability rights monitoring. They are the primary target group for participation in the DRPI training and monitoring activities, as a strategy to promote their empowerment and increase the sustainability of disability rights monitoring work. Additionally, governments, communities and the private sector are also called upon for knowledge mobilization and for stimulating cultural and social change.

In accordance with this methodology, twelve women with disabilities, following an initial training organized by SHS, engaged in fieldwork in their respective countries and gathered the bulk of information on the basis of which this report was written (a detailed description of this process is provided in the Methodology section in this report). While this was an empowering experience for all of them, women had unequal access to data and resources, which impacted the depth and breadth of the information provided in this report. Future studies will be able to build on this work to deepen and widening this first pioneering regional effort.

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17 For more information about DRPI visit the website at <http://drpi.research.yorku.ca/>.

This report constitutes one of the first attempts to examine, the interplay of gender and disability, from a rights perspective in the MENA region. Yet the complexity of these relations, the density of the social and cultural dimensions that they entail, and the shifting political contexts in which they are taking place, make this an audacious and wide-ranging endeavour. It is also hoped that this study will inform and lead the way for other research which is needed to continue this effort and address the many questions that at this historic point for the region still remain unanswered.

## Methodology

This report builds upon SHS's work in previous study within the scope of the 'A Ste Forward' project.<sup>18</sup> It was compiled from information collected by representative of DPOs in each of the targeted countries through the DRPI Law and Policy Monitoring Template. As stated above, SHS and DRPI take a long-term perspective recognizing that fundamental change at the local, national and international level is evolutionary. The project principals recognize that to address the myths, beliefs and attitudes toward persons with disabilities will require long-term monitoring and evaluation. A major common concern and challenge of the project has been to ensure that the process of data collection and the findings of the study are sustainable and can be realized over the long term. This is possible only when persons with disabilities and their organizations take ownership of disability rights monitoring processes. It is important to highlight that representatives of each partner DPO from each of the countries here studied co-validated the findings with a group of local experts in disability and human rights.

For this particular study, DRPI has therefore developed a methodology and a set of tools in collaboration with SHS, that are accessible, available, user-friendly and geared towards a gender sensitive approach. Building on their experience, DRPI and SHS provided training and support to grassroots organizations and persons with disabilities in various countries around the world, building capacity to monitor disability rights on an on-going basis. In fact, while the DRPI model could guide a detailed assessment of existing laws and policies there was less focus given from a disability rights perspective, there was no specific attention given with in the used tools to gender issues. Thus, in the context of this project, the DRPI team refined and adapted the template to provide a clear gender focus or lens. The new, adapted version includes additional questions and specific instructions for monitors to guide a detailed gender- and disability-based examination of national legislative and policy frameworks. This modified version measures both the laws and the programs currently on the books and the degree to which women with disabilities enjoy their rights in practice. It does so by guiding and supporting monitors to conduct a critical analysis that goes beyond the description of existing policy and legislation to accomplish an assessment of their effectiveness in fulfilling key human rights principles of dignity, autonomy, equality and non-discrimination, participation, inclusion and accessibility, and respect for difference for

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<sup>18</sup> Stars of Hope (2011) A step forward to the social inclusion of girls and women with disabilities in the Middle East Multifaceted challenges and combined responses.

women with disabilities.<sup>19</sup>

This methodology has three focus areas: systemic (that is, monitoring laws, policies and programmes), individual (that is gathering and analysing individual stories) and societal (that is looking at broader social attitudes through media analyses). The reports that are coming from field interviews are evidence based – not speculation or restricted to the systemic data (laws, policies and programs) but more importantly provide evidence of what is happening to women with disabilities in their communities, in their everyday lives. This model is a solid base on which advocacy groups can create realistic plans of action; governments can plan change over time; and the UN can make solid evidence-based reports with real understanding of what needs to be done in order to advance advocacy for women with disabilities for positive change in the region.

The assessment tool used in this project – the DRPI Law and Policy Monitoring Template - was created to collect, evaluate, report and track information about protections of the rights of persons with disabilities found in national laws, policies and programs and to measure their effectiveness on the ground. The template uses as benchmarks the principles and rights established in the Convention on the Rights of Persons with Disabilities (CRPD), and other international human rights instruments, with particular focus on CEDAW.

### **The study process – Emancipatory research**

This study embraces an emancipatory research approach that seeks to self-empower women with disabilities and their organizations through capacity building actions and active participation at all stages of disability rights monitoring. According to Barnes (2008), emancipatory research “requires researchers to fully involve disabled people in all aspects of the study process” (p.5). In this sense, it transforms the traditional interactions between researchers and researched, reducing the power of researchers and shifting it to the hands of persons with disabilities. In fact it involves researchers “putting their knowledge and skills at the disposal of disabled people and their organizations” (Oliver, 1992:111) and making study processes “transparent from study design to data collection, analysis, dissemination and recommendations” (Barnes, 2008:6) to facilitate “the self-empowerment of disabled people” (Barnes, 2008:9). Given that doing emancipatory disability study has also the potential

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19 A more detailed explanation of the assessment tool is provided in Annex 1

to strengthen disability organizations' struggles for social change and the realization of rights of persons with disabilities (Barnes, 2008), it appeared the obvious choice in the context of this project.

Stars of Hope is a firm believer of the importance of combining practical hands-on work with WWD with study that does not have a mere end in itself but that can further the participating women's awareness and ability to evaluate their situation not in isolation as a personal problem but as a human rights issue affecting other women in their country region and on a global scale. Ultimately the end goal of participatory research is that of putting this knowledge gained through collaborating with the researchers in the hands of the "researched" so that it can be utilized to further the cause of WWD.

In the current project, the involvement of local teams of women with disabilities from the five countries under analysis and their self-empowerment was sought throughout the study process. Once the modified version of the template was completed and translated into Arabic, SHS organized a training seminar with DRPI team in which a group of five-country teams of twelve women with disabilities from Jordan, Egypt, Sudan, the Palestinian Territories and Yemen, respectively participated. The training took place in Amman, Jordan, July 12-14th 2012. During this hands-on intensive training, the women were introduced to the study methodology and data collection instruments, its key principles and tools. Through lectures, discussions and practice, the women also learnt how to use the template to collect and analyse systemic data at a national level.

To ensure sustainability, a Training of Trainers (ToT) approach was used during the seminar under SHS guidance. SHS planned the meeting, prepared the training content according to the project's objectives and co-delivered the training in collaboration with DRPI team. The training focused on understanding systematic monitoring of women rights, its advantages, methodology and tools. Discussions among participants were encouraged as a means to building solidarity in the region and facilitating mutual learning through the exchange of experience and know-how. At the end of the training, each country team designed their own working plan for data collection and analysis, and discussed it with all the other participants and the DRPI team. They finally reached an agreement around methods, roles of participants and timeframes for submission of country reports.

Following the training, country teams, using their working plan for data gathering, engaged in data gathering and analyses. Empowering women with disabilities to collect the data at national level that concerns them deeply has been a distinctive feature of this project giving substance to the overall goal

of creating sustainability through capacity building. While all the women used the same instrument to collect the data, it should be however noted that the data resources available to country teams were diverse which may contribute to explain variations in the depth and breadth of the data collected.

Depending on the resources and networks available in each country, the strategy used by the teams varied. In some cases, teams conducted mainly desk-based study and analysis. In other cases, the women who participated in the training became trainers themselves, instructing other women at national level on how to use the template and creating local teams to ensure a wider process of data collection.

SHS subcontracted a regional consultant to support the participating DPOs and to technical guidance as well as coaching in Arabic throughout this process to ensure accuracy and mutual understanding. Moreover both SHS and the consultants were constantly available for online discussions to provide feedback and prompt support.

The teams collected data in all areas of rights comprising the CRPD and CEDAW, with a particular focus on three key issues: participation in political and public life, violence against women and access to justice. These topics were chosen given their relevance in the region in the context of the political changes brought about by the Arab Spring and also because of the lack of information that exists on these areas in relation to women with disabilities.

Stars of Hope took the lead in coaching and supporting the country teams which followed a variety of methods to collect data at national level. As they gathered the data, the country teams filled out sections of the template that were then translated and analysed by the DRPI team. Through Skype meetings and calls, mediated through the staff of Stars of Hope who guided the process through translation and communications as well as providing financial support throughout, DRPI team provided feedback on these partial reports, answered questions and developed more detailed guidelines to support fieldwork. A draft report with initial analysis was prepared on the basis of this information by the DRPI team. SHS sent feedbacks based on the individual teams reviews and the country feedbacks following expert meetings organized in each country.

Furthermore Stars of Hope organized a visit to Lebanon by the DRPI team accompanied by a national team member throughout the visit. The aim of the visit was to gather information on the human rights situation of Palestinian refugee women with disabilities living in refugee camps in Lebanon. This field visit took place from 27th January to 1st February 2013, and involved a focus

group meeting with 16 Palestinian women with disabilities living in refugee settlements gathered by SHS. There were, in addition, a series of meetings with other stakeholders organized and provided by respectively by SHS. SHS took advantage of its long experience and wide net of contacts among DPOs, in accordance with its philosophy of strengthening networks for the benefit of advancing the rights of women with disabilities region wide. This report thus also provides a glance on human rights issues faced by this particular group, around the three topic areas of focus in this project.

## Objectives of this Study

- In line with Stars of Hope's mandate and mission statement and overall goal of its program, this study is an integral part of an a step forward working towards the following objectives:
- To develop a network of women with disabilities throughout the region, to work together for their mutual benefit.
- To advocate for every woman with a disability to have the opportunity for true involvement in all levels of society.
- To develop leadership and the sharing of responsibilities to enable women with disabilities to take their place in whatever section of society they choose.
- To change social attitudes, practices, and power relationships which discriminate against women with disabilities.
- To lobby for the implementation of procedures and enactment of legislation this will advance and benefit all women with disabilities and combat sexism.
- To inform and educate the public with a view to advancing the opportunities for women in the political, creative, civil and social fields. To improve the functional and medical status of women with disabilities through guidance and support.<sup>20</sup>

This report constitutes the final stage of the fourth phase of the 'A Step Forward' project, whose overall goal is to inform national authorities and key stakeholders in order for them to develop and implement policies in consultation with people with disabilities including women with disabilities, policies that aim at reducing poverty and providing preconditions for equalization of opportunities and full participation of people with disabilities, with a particular attention to women with disabilities. Moreover, in line with the spirit of the project this

<sup>20</sup> Stars of Hope (2013), website retrieved at: <http://www.starsofhope.org/etemplate.php?id=34> (last accessed 21 July 2013).



study works to establish and reinforce networks of women with disabilities the regional level for information and knowledge sharing and effort to mainstream women with disabilities in both the disability and women movement across the Arab countries. Furthermore, this study builds upon past study conducted by SHS to follow the objectives of the 2011 A Step Forward Report, as well as addressing some of the recommendations raised therein.

In particular the objectives of this fourth phase were of A Step Forward were aimed at: fourth phase of the project is

- That women with disabilities develop sustainable capacities to advocate and to become active members of committees reporting to the CRPD, and to analyze and develop relevant policies promoting principles and provisions of the CRPD and sanitization of regional structures from a gender perspective.
- For Stakeholders to acknowledge women with disabilities as equal players in advocating for Disability and gender rights and are more sensitized towards building clear gender balanced indicators in their sit strategies of policies and programs

The findings of this stage will be the base for future advocacy strategies and interventions in each of the surveyed countries.



## **An overview of the human rights situation of women with disabilities** *in Jordan, Egypt, Sudan, Palestine and Yemen*

This section of the report provides a gender-based analysis of the legal and policy frameworks in five of the Middle East countries involved in this study - Jordan, Egypt, Sudan, Yemen and Palestine - to assess the ways in which they respect, protect and fulfil the human rights of women with disabilities. It is not the intention of the report to contrast and compare the countries among one another, as they differ culturally, politically, socially and economically. In addition, the researchers in each country who collected the information had different levels of access to data and information. Instead, the report will point to similarities and differences among the four countries only with the aim to provide the basis for a discussion around how change might be approached across the region.

It is important to note, at the outset of a report such as this, that countries have moved at different paces in terms of ratifying the CRPD and then bringing their national laws and policies into line with the agreement. The gaps in knowledge are significant enough that it is not possible to assume that any of the countries studied is a model; nevertheless, this report provides some guidance in terms of where countries can learn from each other in their quest for full compliance and implementation.

### **DEFINITIONS, GENERAL PRINCIPLES AND SPECIAL MEASURES [CRPD, Arts. 1-5, 7]**

#### **Definitions in Jordan, Egypt, Sudan, Palestine and Yemen:**

How disability is defined in legislation is a key element to assessing the extent to which a country is shifting towards a rights-based approach. The CRPD advances an understanding of disability that is removed from a strictly medical framework, and takes into account the role of the environment (physical and attitudinal) in producing disability.

However, even within one country, we find a plurality of disability definitions can be found in laws and policy papers, each related to a specific area of public policy. So there will be, for example, a definition in place in the health and rehabilitation sector, another in the field of education,

yet another one determining access to social benefits. These are usually administrative definitions, used for the specific purpose of deciding who is entitled to benefits. In this study we have looked for the definition included in

the key document, framing disability policy within each country.

While Jordan, Egypt, Sudan and Yemen have signed and ratified the CRPD; the definitions of disability found in their legal frameworks do not reflect the rights-based approach of the Convention. Instead, the definitions tend to depict disability mainly as a medical condition. For example in Jordan, the Law for Disabled People Rights (no. 31, of 2007),: “A person with disability is every person with total or partial failure in a stable manner in any of the senses or physical abilities, psychological or mental, that limits the possibility of education, rehabilitation or work so that he cannot meet the requirements of normal life” (art.2). Similarly, the Yemenis Law No. 61 of 1999 for the Welfare and Rehabilitation of the Disabled defines as disabled “any person, male or female, proven by medical examination to be in a permanent or total disability, caused by an injury or illness, and leading to his/her inability to learn or engage in any activity, in whole or in part” (art.6). These definitions contain no reference to the role played by social and physical environments in the production of disability. Rather, they describe disability as inner-feature of some individuals that in itself prevents them from fully participating in social life. This understanding is contrary to the one advanced by the CRPD which recognizes that disability is the outcome of a complex interplay between individual and social factors, thus placing the onus on societies to make changes in order to enable a wider participation of persons with disabilities.<sup>21</sup>

Similar definitions are found in Sudan ,Palestine and Egypt. Indeed, according to the report of the monitoring team in Sudan, the Sudanese National Disability Act of 2009 states that a person with disabilities is “every person born or wounded with a physical or a mental disability and who has permanently been affected in whole or in part”. In Palestine, article 1 of Law 4 of 1999 considers disabled “a person with partial or total permanent disability, whether it is congenital or non-congenital, in any of his senses or in his physical and/or mental abilities and mental health to the extent that it limits the possibility of meeting the requirements of normal life”. In Egypt, law No. 39 of 1975 (Amended in 1982) on the rehabilitation of Disabled Persons is still adopted despite all the efforts to introduce new law after the CRPD ratification. This law defines disabled person as “any individual who became unable to rely on himself in doing the work or do another job and remains in it and his inability

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21 Department for International Development (DFID) Disability and Poverty, Issues, February 2000.

to do so due to physical, mental, sensory or congenital impairment.” (Art 2)

In short, none of the provisions found in the five countries monitored reflect the broader definition of disability that is found in the Convention – a definition which shifts towards a recognition of disability as encompassing both impairments (bio and psycho factors located in the individual) and social conditions (social factors located in society) that are barriers to full inclusion. Such an understanding is crucial to stimulating new policies and services that address disability, not as a medical but as a social problem. There is, in this sense, an urgent need to update national legislations in order to bring them closer to the broad bio-psychosocial understanding of disability that is advanced by the CRPD.

The definition adopted is determinant because it provides the general framework on which policies and programmes are developed, and societal representations about persons with disability and their place in the community are constituted. When the definition in place emphasizes an understanding of disability as a medical condition (as it is currently the case), the problem of disability is located within the person with impairments. This leads persons with disabilities to be viewed as other, as a group whose needs (medical, educational, etc) are special which makes them unable to take part in social life with others. Consequently, segregated, medicalized services are defined as the appropriate societal response to them. So, for instance, a girl with an intellectual disability will be placed in a special school since her low IQ is said to prevent her to learn at the same pace as the other children. On the contrary, when there is an acknowledgement of the impact of social and physical barriers in the production of disability, it becomes governments', and indeed society's responsibility to remove those barriers in order to promote the full inclusion and participation of persons with disabilities. To use the same example, within this model the same girl with an intellectual disability will be given the chance to attend the mainstream school and it will be the classroom curriculum and activities that will need to be changed in order to accommodate her and help her learn and progress with the other children. Such is the new policy paradigm that the CRPD brings about, but one that is still not reflected in the framing law and policy of the four countries studied, a gap that urgently needs to be filled up.

**Table 1: CRPD and CEDAW Ratification status in the region** <sup>22 23 24</sup>

Countries	CRPD	CEDAW
Egypt	Ratification, 14 April 2008	Ratification, 18 September 1981
Jordan	Ratification, 31 March 2008	Ratification, 1 July 1992
Lebanon	Signature, 14 June 2007	Ratification, 16 April 1997
Yemen	Ratification, 16 March 2009	Ratification, 30 May 1984
Sudan	Ratification, CRPD 24 April 2009	Not Signed or Ratified to date
Palestine	Observer State: cannot ratify international conventions due to its specific international status. It should also be noted that Israel is a signatory to both CEDAW (ratified 1979) and CRPD (ratified 2012) and under the Fourth Geneva Convention (ratified 1951) as an occupying force Israel has the obligation to protect the rights of Palestinians.	

### **The general principles in *Jordan, Egypt, Sudan, Palestine and Yemen:***

The general principles of the CRPD provide further guidance to State parties and other stakeholders on interpreting and implementing the Convention. The eight general principles identified in the CRPD are:

- Non-discrimination;
- Respect for dignity, autonomy and independence; participation and inclusion;
- Respect for difference and acceptance of persons with disabilities as part of human diversity;
- Equality of opportunity;
- Accessibility;
- Equality between men and women;
- Respect for the evolving capacities of children and their right to preserve their identity.

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) defines what constitutes discrimination against women and

<sup>22</sup> Adapted from: SoH (2011) A Step Forward, Table 3 at p. 59.

<sup>23</sup> UN Enable, [http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-8&chapter=4&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en) (last accessed 28 July 2013)

<sup>24</sup> UN Treaty Collection, CEDAW, [http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-8&chapter=4&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en) (last accessed 28 July 2013).

promotes maximum participation of women on equal terms with men in all fields, setting up an agenda for national action to end such discrimination.<sup>25</sup>

CEDAW three basic core interrelated principles are:<sup>26</sup>

- Principle of Substantive equality
- Principle of non-discrimination
- Principle of State obligation

In the DRPI monitoring model, these principles have been incorporated and organized into five categories which are: (1) autonomy, (2) dignity, (3) accessibility, inclusion and participation, (4) equality and non-discrimination, and (5) respect for difference. In this section we review the findings related to each of these categories.

### **Equality and non-discrimination [art. 6 CRPD, art. 1 CEDAW]**

Equality and non-discrimination is about treating persons with disabilities in ways that enable them to achieve the same human rights as all others. This may imply putting in place special measures in some cases but not in other cases.

The principle of non-discrimination is a founding principle of both the CRPD and CEDAW. Therefore it is an underlying principle underlying all other articles and provisions discussed in this paper will be related to non-discrimination. The CRPD dedicates article 6 specifically to women with disabilities. It states that: “ States Parties recognize that women and girls with disabilities are subject to multiple discrimination, and in this regard shall take measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms”.<sup>27</sup>(Art. 6.1) Moreover art 6.1 specifies that state parties to the conventions have an obligation to “take all appropriate measures to ensure the full development, advancement and empowerment of women, for the purpose of guaranteeing them the exercise and enjoyment of the human rights and fundamental freedoms” as set out by the Convention.

Non-discrimination and the general principle of equality are enshrined in the Constitutions of Egypt, Sudan and Yemen, and specifically addressed in the

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<sup>25</sup> Extract from: SoH (2011) A Step Forward, p. 60.

<sup>26</sup> International Women’s Rights Action Watch Asia Pacific (IWRAP Asia Pacific), The CEDAW Principles - The principles of substantive equality, non-discrimination and State obligation as prescribed by the CEDAW Convention

<http://www.spp.nus.edu.sg/ips/docs/events/all/The%20CEDAW%20Principles.pdf> (last accessed 28 July 2013)

<sup>27</sup> CRPD Full Text: <http://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx#6> (last accessed 3 August 2013).

context of disability in Jordanian Law for Disabled People Rights (no. 31, of 2007) and Disability Strategy (2010-2015) as well as in the Palestinian Labour Law. However, none of the countries has yet introduced specific legislation that prohibits discrimination on the basis of disability.

An example is the quota system in place to promote access to employment for persons with disabilities. All five States have implemented quota systems, although with slight differences among them: in Egypt and Palestine quotas for workers with disabilities are applied in both the public and the private sectors, whereas in Sudan and Yemen they apply only to the public sector. In Sudan in fact, a 2% employment quota policy is in place for persons with disabilities in public services, however the country team reported that in practice it was currently only implemented in River Nile and Al Jazirah states.

Under Jordanian law, “every public or private sector institution and every commercial firm having no fewer than 25 and not more than 50 employees is required to hire one person with a disability. Institutions and firms with more than 50 employees are required to hire a number of persons with disabilities corresponding to 4 per cent of their total workforce, in so far as the nature of the work permits. The Civil Service Regulations, for their part, provide that persons with disabilities shall be appointed where the disability is not such as to prevent the person concerned from discharging the duties of his or her post. The Civil Service Regulations and guidelines specify that 6 per cent of the persons selected and appointed to fill vacancies in governmental departments and agencies shall be humanitarian cases, of which there are four categories, one of them persons with disabilities. In all, 295 men and 678 women have applied for such posts, and 91 of the men and 90 of the women have been appointed”.<sup>28</sup> Furthermore, in Jordan companies, which do not comply with this obligation, are fined and these funds are given to the National Council of Persons with Disabilities.

In addition to quotas, Yemen and Palestine have a number of other special measures in place. These include tax and customs exemptions for prosthetic devices (Yemen) and for personal means of transportation (Yemen and Palestine) as well as reduced fares in transports (Yemen) and free basic health insurance for persons with disabilities (Palestine).

In Egypt, law 39 on the rehabilitation of Disabled Persons 1975 has been amended by law No. 49 of 1982. These amendments focused on rehabilitation, financial assistance, vocational training, quotas, and less around competitive open employment initiatives. Whilst individual interventions such as rehabilitation and vocational training are important to assist a person with a

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<sup>28</sup> Ibid. pp. 2-.



disability obtain and maintain a minimum standard of living and access to employment opportunities, they fail to address system-wide factors such as market regulation, school-to-work transition and supported employment<sup>29</sup>.

However, according to the reports collected from the country teams, the general perception is that the enforcement of all these regulations is weak, which in practice reduces the effectiveness of this legislation. In practice women with disabilities continue to suffer from being at the cross roads of multiple layers of discrimination. As also found by SHS's report *A Step Forward*, it is a common trend for women with disabilities in the MENA region, neither equal to other women nor is she equal to disabled men...<sup>30</sup> In fact, "women and girls with disabilities have to face multi-faceted and complex barriers resulting from both a remaining discriminatory status of women in society and the multiple challenges faced by persons with disabilities in general. This combination leads to dramatic differences in the living conditions between women with disabilities and, on one hand, men with disabilities, as well as on the other hand, women without disabilities, in terms of access to social services, economic inclusion, political participation and of personal status".

The lack of anti-discrimination legislation in the countries under discussion, that would reinforce obligations to accommodate persons with disabilities, for example in the labour market, is another reason for the weak effectiveness of the quota systems in place in these countries.

But this is only one of the issues at stake when it comes to women with disabilities. An example of a crosscutting issue with regards to discrimination and human rights violations of WWDs is the common practise of sterilization of women and girls and especially with regards to women and girls with disability. According to shadow report to Jordan's implementation of CEDAW, for example, has found that "approximately three - fourths of annual hysterectomies are performed on girls and women with intellectual disabilities. Families defended this practice as a social issue (i.e. these girls and women cannot take care of themselves during menstruation, etc.) Whereas case studies, interviews and other activities demonstrated that the main reason behind this discriminatory and illegal practice is to avoid social stigma and honour - related issues, if the girl or woman becomes pregnant as a consequence of rape".<sup>31</sup>

Inter alia this is a violation of women and girls with disabilities basic human rights fundamental freedoms [art.1, CEDAW], and inter alia the principles of

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29 Ghanem, A. *Livelihood of Persons with Disabilities in Egypt*, Unpublished report, 2009

30 SoH (2011) *A Step Forward*, p. 13.

31 AWO-Mosawa, *Substantive Equality and Non - Discrimination in Jordan Shadow Report - Submitted to CEDAW Committee at the 51s Session February 2012*, available at: [http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/AWOMosawa\\_forthesession\\_Jordan\\_CEDAW51.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/AWOMosawa_forthesession_Jordan_CEDAW51.pdf)

right to life [art. 10 CRPD], freedom from torture or cruel, inhuman or degrading treatment or punishment [art 15 CRPD, Freedom from exploitation, violence and abuse [art. 16, CRPD] Health Care and Family Planning [art. 12 CEDAW], and is in violation of state obligations inter alia addressing the elimination of cultural and traditional practices “based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women” [art 5].

Importantly the report also sheds light on the existence provisions in the national penal code “criminalizing such operations without a clear or urgent medical reason”. It urged “urgent specific regulations for Article 4-A-5 on Law 31 for year 2007 to ensure: -Effective policies and strategies that provide integral health insurance to “Persons with Disability”. -Adequate “Reproductive Health” services for women and girls with disabilities.

## **Autonomy**

Autonomy is about being able to make decisions on matters that are relevant to one’s own life. This is a capacity often taken away from persons with disabilities on the basis that they are unable to make good decisions on their own.

Not all the country reports addressed this issue. In those that did (Jordan, Sudan Egypt, and Palestine) it appears that practices on the ground are still denying girls and women with disabilities the chance to make decisions about their own lives, even when this principle, autonomy, is protected under the law and in policy. For instance, article 3 of the Jordanian Law for Disabled People Rights (no. 31, of 2007) proclaims the right to self-determination, which is further reinforced in the National Disability Strategy that advances the concept of citizenship for people with disabilities. However, as reported by the country team, initiatives and campaigns have had to be undertaken by private and public bodies, to raise awareness about the right to self-determination of persons with disabilities, including those of women and girls. Cultural factors impact particularly this area. According to the Sudanese and Egyptian team, achieving autonomy is particularly difficult for girls and women with disabilities, as they are marginalized, not just by society but also by the male leaders in the disability movement; furthermore, families hide their children with disabilities from society, particularly if they are female, and this makes it even more difficult for them to achieve independence and self-determination.

## **Dignity**

Dignity is about a sense of self-worth that should be granted to all human beings simply because of their shared humanity. Respect for the inherent dignity



of all human beings is a principle explicit in the Constitution of all these nations and in the Amended Basic Laws of Palestine. It is understood, therefore, as having a broad scope that is also inclusive of persons with disabilities.

Despite these formal guarantees, the country reports suggest that charity, rather than respect for the human dignity of persons with disabilities, frame societal responses to disability. Moreover, a gender lens is largely absent from legal provisions, which further silences the issues facing women and girls with disabilities. This is compounded by the poverty in which many persons with disabilities and their families are living in these countries - as it is noted by the Yemeni and Egyptian team, lack of a strong welfare state providing the resources to ensure an adequate standard of living is another obstacle preventing persons with disabilities, particularly girls and women, to live a life with dignity.

## **Accessibility, inclusion and participation,**

Inclusion is the right of all persons with disabilities to fully and effectively participate in society. It involves making sure that society is organized to be accessible and is without physical or social barriers.

In Jordan the National Disability Strategy(2007 – 2011) and the Law for Disabled People Rights (no. 31, of 2007) cover the right to inclusion and participation. Jordan goes a step further and through its National Strategy for Women it “devotes particular attention to women with disabilities, deeming it essential to adopt the programmes of organizations focusing on the issues of women in that group”.

Therefore, Jordan takes the principles of inclusion and participation in line with both conventions. The International Disability Alliance report of CEDAW recommendations to Jordan presented states that “In an effort to make progress with the task of changing attitudes and convictions held over from a long heritage of social customs and traditions, a review of the Ministry’s policies has been undertaken with a view to ensuring their consistency with contemporary thinking by incorporating a gender perspective into the main principles and objectives of the National Education Strategy, including gender concepts and issues in development plans, systems and guidelines, empowering the Ministry’s women employees, developing a vocational education plan, encouraging the integration of women into the workforce, encouraging the use of information about job market opportunities as a guide to educational choices, reducing school wastage in general and wastage among girls in particular, providing school allowances, health programmes and school meals, reviewing and developing curricula and training teachers to use them efficiently, linking

teaching methods and learning skills to life needs and job market demand, and providing support services and special programmes to meet the needs of disabled students”.<sup>32</sup>

However, in all other jurisdictions covered by this study no specific legislation or policy was found addressing this principle in relation to girls or women with disabilities. The Sudan country team noted that one of the key concerns for the disability movement agenda was accessibility and the promotion of a Building Code on physical accessibility, also mentioned by the government National Council for Disability strategic plan 2012-2016.

Cultural traditions are amongst the strongest barriers to participation of girls and women with disabilities in the public sphere. The traditional roles of women and their secluded lives within the family sphere are features also imposed on girls and women with disabilities who in addition have to deal with the stigma and shame attached to disability. Therefore many girls with disabilities are prevented from getting an education, holding a job or even moving around freely in their communities. By failing to consider gender issues in the formulation of law or policy, existing legal frameworks are failing to contribute to overcome these cultural barriers.

## Respect for difference

Respect for difference involves recognizing and accepting persons with disabilities as part of human diversity. According to the reports of the country teams, in this region respect for difference as a general principle, even when it is recognized in the law, is seldom put into practice on the ground.

For instance in Jordan, respect for difference is provided for in article 3 of the Law for Disabled People Rights (no. 31, of 2007) and taken up on the National Disability Strategy, article 2. Moreover the National Disability Strategy calls attention to the need for awareness-raising campaigns that promote the principle of respect for difference throughout the Jordanian society.

In Palestine, respect for difference is also advocated in Law no. 4 of 1999 on the Rights of Persons with Disabilities as well as on the Amended Basic Laws of 2003 and 2005. However, the available statistics (the Disability Survey) show the high levels of illiteracy and unemployment among this population, as well as the many barriers that remain for them in transportation and the built environment, showing that the needs of persons with disabilities are not yet

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<sup>32</sup> International Disability Alliance (IDA), suggestions for disability-relevant recommendations to be included in the Concluding Observations CEDAW Committee 51st session (13 February - 2 March 2012), available at: [http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/IDA\\_CEDAW51\\_Jordan\\_for\\_the\\_session\\_en.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/IDA_CEDAW51_Jordan_for_the_session_en.pdf) (last accessed 28 July 2013)

properly taken into account in the Palestinian society.

While the country teams in Egypt and Yemen reported that there is no legal provision covering this principle, the Sudanese report points to the National Council for the welfare of the Disabled as the mechanism that ensures respect for difference within Sudan.

### **Obligation to change and adapt legislation to CEDAW [Art. 2 CEDAW]**

With the ratification of the CRPD comes the obligation to change and adapt national legislation in order to make it compliant with the Convention. According to the country monitoring reports, in Jordan, Egypt, Sudan, Yemen and Palestine, the State is committed to modifying existing legislation in order to comply with the standards of the Convention.

In Egypt, The disability-specific legislations are still not in line with the CRPD. Although, there were several attempts to draft a new law for disability, Law no.39 year 1979 is still adopted. However, the Child Law no. 126 of 2008 has brought major advancements in the protection of children's with disability rights by amending the previous 1996 based Convention on the Rights of the Child and CRPD. Article 76 states that "A child with disability shall have the right to enjoy special social, health and psychological care to develop self-reliance and to help his or her integration and participation in society". Article 76demands that "A child with disability shall have the right to education, training, vocational education in the same institutions available to other children, except in cases where the degree and type of disability prevents the child from doing so". After Arab Spring the then prime minister established the National Council on Disability Affairs to confront absence of agreement among the competent authorities on the adoption and development of a national strategy to deal with disability through a partnership and through the distribution of tasks to give disability priority in development plans.However, there are still a lack of a legal framework to guarantee persons with disability their rights and equality of treatment instead of the charitable approach.

Jordan and Palestine have enacted disability-specific legislation that reflects the rights-based approach embodied in the CRPD. In Sudan ,Palestine , and Yemen, National Councils of Persons with Disabilities have been set up, to ensure the involvement of persons with disabilities and their organizations in the implementation of the Convention. The legal and social change required by the Convention, however, is a long process, and for the moment discrepancies and contradictions are still visible. For example, Law No. 6 of 1990 on Yemeni Nationality (article 4) directly discriminates against persons with disabilities by excluding children born in Yemen from foreign parents to acquire nationality

if the child has impairments. This form of disability-based discrimination violates the Convention and runs against provisions of the Yemeni Constitution, which asserts the principle of equality and the prohibition of discrimination.

The Government of Sudan has enacted a National Disability Act (2009), which calls for the establishment of the National Council for Persons with Disabilities and a national disability fund.<sup>33</sup> According to the country reports, it has yet to implement any disability policy, the only strategic framework in this matter is the 5 years strategy of the National Disability Council (2012- 2016) which may be used as a reference point for advocacy and monitoring efforts.

Ratifying the Convention is certainly an important step, but more important is to take action in order to make change happen. The National Disability Strategy the Hashemite Kingdom of Jordan launched in 2007 and now in its second phase (2010-2015) has many elements of a program that might be taken into consideration by other countries in the region. The Strategy aims to reduce the prevalence of disability and to allow people with disabilities to achieve full participation, fairness and respect. Its main objectives are: to achieve a decline in the occurrence of disability; to achieve greater equity; to promote the empowerment of persons with disabilities and an improved integration of people with disabilities in the life of their community. These are goals that are consistent with the CRPD.

In sum, in relation to guiding principles and the definitions of disability in place, the record in the countries monitored is mixed. While some improvement can still be introduced on paper, to bring legal and policy texts more in compliance with the CRPD, it is on the ground that the major challenges remain in translating such general provisions into reality in the lives of women with disabilities. Nevertheless, acknowledging these principles in law and policy is in itself an important step as language is determinant in shaping new policy and practice that is grounded in human rights rather than in medical conceptions of disability.

## **Obligation to change and adapt legislation to CEDAW [Art. 2 CEDAW]**

### **Article 2 states that:**

“States Parties condemn discrimination against women in all its forms, agree to pursue by all

appropriate means and without delay a policy of eliminating discrimination against women and, to this

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<sup>33</sup> UNICEF, Analysis of the situation of children with disabilities in Sudan, available at: [http://www.unicef.org/sudan/children\\_7485.html](http://www.unicef.org/sudan/children_7485.html) (last accessed 5 August 2013).

end, undertake:

(a) To embody the principle of the equality of men and women in their national constitutions or other

appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate

means, the practical realization of this principle;

(b) To adopt appropriate legislative and other measures, including sanctions where appropriate,

prohibiting all discrimination against women; (c) To establish legal protection of the rights of women

on an equal basis with men and to ensure through competent national tribunals and other public

institutions the effective protection of women against any act of discrimination;

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that

public authorities and institutions shall act in conformity with this obligation;

(e) To take all appropriate measures to eliminate discrimination against women by any person,

organization or enterprise;

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws,

regulations, customs and practices which constitute discrimination against women;

(g) To repeal all national penal provisions which constitute discrimination against women.”

Moreover it is worth mentioning that Under General Recommendation 18, the CEDAW Committee recommends that “States parties take further direct measures in accordance with article 4 of the Convention to ensure the full implementation of article 8 of the Convention and to ensure to women on equal terms with men and without any discrimination the opportunities to represent their Government at the international level and to participate in the work of international organizations”.<sup>34</sup>This should include special measures “taken

<sup>34</sup> UN, General recommendations made by the Committee on the Elimination of Discrimination against Women, available at: <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm> (last

to deal with women's disability –including special measures to ensure that they 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".<sup>35</sup>

Also in this case de jure, Jordan can be seen as a success story in the region in that in 2000 it "withdrew its reservation to article 15(4) of CEDAW, which gives women freedom of mobility and choice of residence without the consent of their husbands or other male family members".<sup>36</sup>

Egypt also signalled a step in this direction when in 2008 Egypt "officially withdrew its reservation to article 9(2), which concerns gender equality regarding the nationality of a woman's children. This significant step also followed reform of the nationality law in 2004, which established such equality and paved the way for Egypt to strengthen its commitment to the principles of CEDAW by removing one of its reservations". Moreover, it should be noted that since the start of the Arab Spring in Egypt civil society organisations have mobilized to lobby for change change national legislation and to eliminate discrimination and violence against women by modifying Personal Status and Family Laws<sup>37</sup>

With regards to Yemen, the Committee on the Elimination of Violence Against Women, noticed some serious steps of Yemen which with its Women National Committee, "has made the convention one of the most important goals of the National Strategy for Women's/Gender Development (2003-2005) and also of the updated strategy (2006-2015). The WNC worked on gender mainstreaming the components of this strategy in the General Development and Poverty Eradication Plan (2006-2010) to be translated into general development projects and programs".<sup>38</sup> However, the committee was still concerned that "legal amendments and legislative reform to eliminate all forms of discrimination against women in the national laws so as to be in line with the Sharia jurisprudence and the Yemeni constitution" were slow to come. In fact, only, "five amendments have been achieved and the efforts are still ongoing for another 27 proposed amendments being forwarded to the Parliament by the Supreme

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accessed 1 August 2013).

35 UNIFEM for Women Caribbean Office (December 2004) CEDAW Made Easy, available at: <http://www.unifem.org/attachments/products/CEDAWMadeEasy.pdf> (last accessed 1 August 2013).

36 UNIFEM, Success Stories, available at: [http://www.unifem.org/cedaw30/success\\_stories/#egypt](http://www.unifem.org/cedaw30/success_stories/#egypt) (last accessed 28 July 2013).

37 See for example for a legal review in comparison to other Arab countries, Network of Women's Rights Organizations (NWRO), Legal Guide for developing a more just integrated family law, 2011. Available at: [http://www.powregypt.org/upload/Family\\_law\\_Eng.pdf](http://www.powregypt.org/upload/Family_law_Eng.pdf) (last accessed 28 July 2013).

38 Committee on the Elimination of Discrimination against Women Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women Sixth periodic report of States parties – Yemen, 2007, p. 3, available at: <http://daccess-dds.ny.un.org/doc/UNDOC/GEN/N07/278/33/PDF/N0727833.pdf?OpenElement> (last accessed 28 July 2013)



Council for Women”.<sup>39</sup>

As already noted Sudan has not yet signed or ratified CEDAW, therefore has not committed to these principles.

Palestine has taken serious steps in the direction of mainstreaming gender in its legislation in recent years, however as already noted it cannot sign nor ratify the Convention due to its political status. It is worth here mentioning that although it will not be the focus of this study, Israel has obligation to protect the rights of Palesinians under occupation. With regards to this the CDEAW committee has “noted with deep concern that Palestinian women and girls continued to suffer from violent attacks from both State and non-State actors and it urged the State party to take immediate action to prevent human rights abuses and violations against women and girls in the Occupied Palestinian Territories and to protect them against such act”.<sup>40</sup>

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<sup>39</sup> Ibid.

<sup>40</sup> Committee on the Elimination of Discrimination against Women concludes forty-eighth session -FINAL ROUND-UP, 7 February 2011, Committee Adopts Conclusions on the Reports of Bangladesh, Belarus, Israel, Kenya, Lichtenstein, South Africa and Sri Lanka, available at:<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10713&LangID=E> (last accessed 4 August 2013).





## RIGHTS AND FREEDOMS

### **Right to life, protection of integrity, liberty and security of the person [CRPD, Arts. 10, 14, 17, CEDAW, Art. 3]**

The CRPD recognizes the inherent right to life of all persons, regardless of their disability (art.10), and calls upon States to put in place the measures necessary to ensure that persons with disabilities can enjoy their lives with full respect for their mental and physical integrity (art. 17), and are not deprived of liberty (art. 14), on the basis of their disability.

Art. 3 of CEDAW also recognizes “political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men”.

These rights are generally covered in the Constitutional texts of Egypt, Jordan, Sudan, Yemen, and in the Basic Law of Palestine. In Sudan for example, the Constitution specifies that “the State shall guarantee to persons with special needs the enjoyment of all the rights and freedoms set out in the constitution, access to suitable education, employment and full participation in society.” Article 21 also stipulates that ‘all Sudanese are equal before law in respect of rights and duties, men and women without discrimination in gender, race, religion or wealth’.

In Jordan, Yemen and Palestine they are also addressed in the context of disability-specific legislation. Thus the Disability Law in Palestine recognizes that persons with disabilities are entitled to enjoy a free life and a decent living as all other citizens have and the Jordanian Law for Disabled People Rights (no. 31, of 2007) and National Disability Strategy promote the acceptance of disability “as part of the human diversity” and respect for their freedom of choice and private lives. Yemen, in turn, through the Code for the Care and Rehabilitation of Persons with Disabilities, establishes that every person with disabilities is entitled to enjoy the rights enshrined in the Constitution for all citizens, while the Yemeni Rights of the Child law No.45 of 2002 commits the State to guarantee children with physical and intellectual disabilities the right to enjoy a decent living and to receive adequate care. Sudan does not explicitly address these rights in the context of disability.

In practice, however, according to the reports of the country teams, a lack of appreciation for the lives of persons with disabilities and negative perceptions

about their abilities are still widespread, and these attitudes lead to discrimination against persons with disabilities, especially women, and devaluation of their lives as well as severe constraints to their liberty and integrity. In other words, the gap between the principles and the practices remains very large. It is this gap that States need to address by moving beyond principles enshrined in the books to consider establishing mechanisms that enforce and monitor compliance with rights-based provisions on the ground.

### **Freedom of movement, expression and opinion [CRPD, Arts. 18, 20, 21, CEDAW Art. 9]**

Due to physical and legal barriers, barriers in communication and information systems, and demeaning social attitudes, persons with disabilities are often prevented from moving freely in the public space, and are limited in their ability to express opinions and to seek, receive and impart information and ideas with others. Recognizing these barriers, the CRPD calls upon State Parties to put in place measures to ensure that persons with disabilities are free to move and choose their nationality on equal basis with others and are provided with information in accessible formats (including Braille and Sign language). Moreover under art. 9 of CEDAW grants women equal rights with men to acquire, change or retain their nationality” which is often in practice arbitrary modified to fit to her husband’s nationality during marriage.

The Constitution of Egypt, Jordan, Sudan and Yemen and the 2003 Amended Basic Law of Palestine ensures every citizen the right to liberty of movement and the freedom to choose their place of residence.

To improve mobility for persons with disabilities in accordance with the provisions of the CRPD, governments of the region are starting to implement some measures. For instance, the Jordanian Law for Disabled People Rights (no. 31, of 2007) recognizes the right of persons with disabilities to technical devices and exempts these products from customs taxes, including vehicles for personal transportation. The law also requires transportation companies, tourist offices and car rental offices to provide at least one accessible vehicle. Furthermore, in the Great Amman Municipality area, there is now a fleet of accessible taxis.

However, with regards to women Article 12 of Civil Status and Passports Department of 1969 bars married women from obtaining passports without the approval of their husbands or legal guardians<sup>41</sup> This is clearly in contravention of CEDAW’s right to freedom of mobility and the right to choose where they live “without permission from male family members”.<sup>42</sup>

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41 <http://jordantimes.com/civil-status-department-to-propose-new-passports-law-amendments>

42 Ibid.

Egypt, Palestine and Yemen provide customs duties exemptions on the import of vehicles for persons with disabilities. The Yemeni Law No. 61 of 1999 for the Welfare and Rehabilitation of the Disabled further requires compliance with accessibility standards in new public buildings and the removal of barriers in the old ones, and imposes 50% reductions in travel fares.

In Egypt, law 39 on the rehabilitation of Disabled Persons (1975) says that the state should provide the rehabilitation services, the technical aids and appliances free of charge and according to the budget allocated for this purpose and exempts these products from customs taxes, including vehicles for personal transportation. In addition there are several attempts to use the Egyptian Buildings Code in the assessment of external spaces and buildings accessibility for PWD in the construction requirements according to Egyptian building law (no. 119 year 2008).

In Palestine, an Executive Regulation of the Ministries of Transportation and Social Affairs of 2004 introduced reserved parking for persons with disabilities, and stressed the importance of creating accessible buses in the main roads accompanied by providing training for drivers on disability issues. Moreover it indicates the obligation of the Ministry of Transportation to grant discounts on the prices of tickets, including airline tickets, for persons with disabilities, who should pay only 25% of the full cost. However none of this is implemented on the ground and the freedom of movement in general in Palestine is severely curtailed by measures implemented by Israeli authorities which adds additional barriers for people with disabilities mainly women to move freely. In 2011, OCHA reported that a total of 70 Palestinian villages and communities, with a combined population of nearly 200,000, were “compelled to use detours that are between two to five times longer than the direct route to the closest city, undermining access to basic services”.<sup>43</sup>

This is particularly the case with restricted access in the West Bank to specialized hospitals in Jerusalem through checkpoints and an overly restrictive permit system which prevents people in need including pregnant women and women with disabilities to reach the needed services which are absent in the rest of the occupied Palestinian Territories. As OCHA reported “[a]s the occupying power, Israel is responsible for ensuring that the humanitarian needs of the local population in the oPt are met, and that Palestinians are able to exercise their human rights.<sup>61</sup> Indeed, the right to freedom of movement can be limited under international law if legitimate security needs so require. However, the limitation must only be “to the extent strictly required by the exigencies of the situation”, it should not involve discrimination on prohibited

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43 OCHA, West Bank Movement and Access Update, Special Focus, August 2011.

grounds, and must be consistent with other legal obligations applicable to the state”.<sup>44</sup>

In Sudan the country team pointed out that the government has issued regulations establishing special parking for disabled drivers and accommodations for the driver’s license examinations and Include the White Cane signals in all drivers’ license exam. Moreover the Sudan country report reported that as part of the National Council for Disability plan for 2012-2016, the plan with regards to accessibility for Yemen would include the following: “the approval of building code, renovations and re-design of public transport and buildings, importing accessible transport, making streets and pavements accessible, promoting PWDs access to technology, information and communication systems”.<sup>45</sup>

Despite these provisions, as reported by the country teams, cultural traditions and the lack of consideration of disability issues in the design of public policies is hindering the enjoyment of freedom of movement for persons with disabilities. Women with disabilities, in particular, face invisible but very real barriers: restrictions imposed by parents and brothers as well as the customs and traditions of the community. The lack of accessibility in the built environment and the lack of accessible transportation are two additional obstacles preventing women with disabilities from moving freely in their communities. According to a survey recently conducted in Palestine over three quarters (3/4) of the population with a disability do not use public transportation because of its lack of accessibility and the negative attitudes and harassment experienced, especially towards those with physical impairments who often require more time to get on and off the vehicles. For women and girls with disabilities, who face social and cultural barriers and restrictions, the reality is likely even harsher.

Also important to enjoy freedom is the ability to express oneself and exchange information and ideas using the forms of communication of one’s choice. These rights are provided in the CRPD in article 21 and CEDAW article 3 which guarantees all basic human rights.

Freedom of expression is a right enacted in the law of Jordan, Egypt, Palestine, Yemen and Sudan. Jordan and Palestine have specific legislation and policy providing supports to enable persons with disabilities rights of communication and information. The Jordanian Law for Disabled People Rights (no. 31, of 2007) for example, recognizes the right to access technologies and information systems to persons with disabilities, highlighting their role at all levels of education (including higher education). Moreover, Law 47 of 2007

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44 Ibid., p. 32.

45 Stars of Hope, Situation analysis Report – SUDAN March 201, written by Susanne Wilm, p. 6. Internal Report ,in file with Stars of Hope.

ensures the right of communication to those who are Deaf, through the provision of sign language interpreters and other forms of assistance.

In the Palestinian Territories, the Disability Rights Law of 1999 introduced the right to sign language in government facilities and called upon the responsibility of the Ministry of Communications to improve access for persons with disabilities to Telecom services. More recently, the Council of Ministries Resolution 40 of 2004 encouraged the wider use of sign language in Palestinian society, including on television. It also recommended the use of print, audio and visual media to raise public awareness on disability. However, according to the findings of the Palestinian team, these efforts are quite recent and, therefore, they found that persons with sensory impairments are still facing significant limitations to access information and to having a voice within the wider community.

These data suggest that, despite the apparent advances found in legislation and policy, persons with disabilities are still largely curtailed in their freedom of movement due to lack of accessible transportation and an unfriendly environment. Their freedom of opinion and communication is also constrained by the insufficient provision of information in accessible formats. Unable to move around in the public space and to communicate with others, persons with disabilities are left without a voice and more marginalized. These are, therefore, important areas that governments in the region must address in order to promote their rights on an equal basis with all other citizens.

### **Rights to inclusion, participation in political and public life [CRPD, Arts. 3c and 19, 29 and 30; CEDAW Art. 7 and 8]**

In the CRPD, participation is both a general principle (art.3c) and a right (arts. 19, 29 and 30). Recognizing that numerous obstacles have historically prevented people with disabilities from fully participating in the life of their communities, the CRPD reaffirms rights to participation and calls upon States to take the necessary steps to ensure that persons with disabilities engage in family, social, cultural and political life<sup>46</sup>, as well as in sports and recreation, on equal terms with all other citizens.

Moreover article 7 of CEDAW affirms that all women, including women with disabilities, have an equal right to political and public life without discrimination. This includes:

- women's right to vote and hold public office
- participation in government policy making and implementation

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<sup>46</sup> Since participation in political life was one of the focus areas of this study, this item will be analysed on its own, later in this report.

- participation in NGOs and civil-society groups<sup>47</sup>

CEDAW goes a step further and with Article 8 it affirms the obligation of participation at the international level. It states that all State parties should “take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations”.<sup>48</sup>

Moreover the principle of non-discrimination forbids “any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.”<sup>49</sup>

Jordanian Law for Disabled People Rights (no. 31, of 2007) guarantees freedom of choice and respect for the private life of persons with disabilities. It further promotes their rights to participation in all walks of life, including culture, sports and recreation, and addresses the issue of accessibility in connection to these rights. Moreover, in protecting family rights, the law provides for the right to primary health care to women with disabilities during pregnancy, childbirth and postpartum, and advances the training of families to raise their awareness about the rights of persons with disabilities. These rights are taken up in the Jordanian National Disability Strategy that establishes independence and the right to self-determination as guiding principles for disability policy in the Kingdom. In order to implement this right, a number of initiatives have been developed, such as, for example, the organization of group homes for persons with disabilities with greater personal care needs.

The reality on the ground is reported to be somewhat different according to the findings of the Jordanian team who found that women with disabilities are hampered with traditions and social customs which keep them in a subordinated position within the family and oblige them to stay in their parents’ home until marriage. As the rate of marriage is lower within this group than within the female population in general, many women with disabilities are not being given the opportunity to live on their own or to decide with whom or where to live.

Rights to participation in social, political, economic and cultural life are en-

47 Women’s Aid Organisation (WAO), ‘What is CEDAW?’ [http://www.wao.org.my/Convention+on+the+Elimination+of+All+Forms+of+Discrimination+Against+Women+\(CEDAW\)\\_52\\_5\\_1.htm#sthash.d2aFcjCh.dpuf](http://www.wao.org.my/Convention+on+the+Elimination+of+All+Forms+of+Discrimination+Against+Women+(CEDAW)_52_5_1.htm#sthash.d2aFcjCh.dpuf) (last accessed 28 July 2013)

48 CEDAW Full Text available at: v (last accessed August 4 2013).

49 UN CEDAW, <http://www.un.org/womenwatch/daw/cedaw/> (last accessed 28 July 2013).



shrined for all citizens in the Constitution of Yemen. The Law for the Welfare and Care of Persons with Disability in Yemen stipulates the provision of all aspects of institutional, social, community and mental health care for children with disabilities in the areas of education, training, health, rehabilitation and culture. However, the fact that this statute is framed around a notion of welfare and care, rather than a conception of rights, may suggest that a medical, and not a human rights perspective, is still prevalent in the State's approach to disability. The Yemeni law also requires the State to develop accessible environments for persons with disabilities to enjoy recreational activities and sports but a wide gap is found between the promise of the law and the reality on the ground where, according to the Yemeni report, few opportunities are available for persons with disabilities to enjoy these kinds of activities. In fact, and according to the report of the country team, events and activities accessible to people with disabilities are almost inexistent in rural areas, which deprives many from taking part in cultural and social events. Moreover, despite the establishment of a fund for culture by the State, persons with disabilities are not benefitting on equal terms with others from this fund.

In Yemen, the right to family is addressed in the context of the Constitution, where the family gets portrayed as the natural foundation of society. Consequently, the Yemeni legislation includes a number of statutes directed to support families, notably through the social welfare system, the Labour Law and the Personal Status Law (this last regulating the relations between family members).

The Interim Constitution of Sudan also addresses the right to family and defines families as being based upon "religion, morality and patriotism". This law is unique in specifically asserting the rights of persons with disabilities to participate in social, educational, professional, recreational and cultural activities (art.12), while also establishing the formal equality of men and women to enjoy all rights. The Sudanese Disabilities Act 2009 promotes access of persons with disabilities to sports activities and events that highlight their capabilities and talents. Nevertheless, as reported by the country team, the social participation of women with disabilities is more restricted than that of men, due to social and cultural norms.

Finally, in Palestine, rights to participation are included in the Executive Regulations of Law 40 on the Rights of Persons with Disabilities, which establish that it is the responsibility of the Ministry of Social Affairs to determine the degree of disability and provide the necessary assistance including care, education, training, rehabilitation, employment and family development services. Available data in the country, however, shows that women with disabilities



face many obstacles to their participation in society: from lack of accessibility in the home and the public space to lack of accessible transportation (Palestinian Disability Survey 2011). According to this data, 33.7% of individuals with disabilities need adapted bathrooms, 24.6% urgently need some kind of an escalator in their homes to help them move, and 9.6% need adapted kitchens, while 7.8% need a visual alarm system. As in all the other countries researched in the region, and in accordance with the country teams reports, traditional values contribute to restrain even more the participation of women with disabilities in family and social life and perpetuate their subordination and marginalization. Women with disabilities are often viewed as incapable of raising healthy children and this is a prejudice that excludes them from marriage and from having a family of their own.

While none of the countries monitored seems to address the full range of issues related to ensuring the right to participation, as these are laid out in the CRPD, it is encouraging to note that small steps are being taken everywhere. For women with disabilities, however, unless there is a very strong overall strategy, inclusion in society will continue to be restricted. Having access to services, while important, does not in itself result in full inclusion without a comprehensive and serious commitment to a new culture of human rights, based upon the recognition of human diversity and the respect for the equal rights of all – whether women or men, children or elderly – as the CRPD highlights and advances.<sup>50</sup>

### **Rights to health, habilitation and rehabilitation and to an adequate standard of living [CRPD Arts. 15.1, 26, 28]**

Achieving the highest possible standard of health (CRPD, art.25), accessing appropriate habilitation and rehabilitation services (CRPD, art. 26) and an adequate income (CRPD, art. 28) are basic conditions to live a life with dignity, as recognized in the CRPD. For persons with disabilities these areas of rights however, are often at risk – many persons with disabilities face added costs related to medical care and assistance, and yet lack the opportunities to work and obtain an adequate income. Many women are also denied appropriate health and rehab care, because of the lack of knowledge about the intersections of disability and health among healthcare staff, inaccessibility of health facilities, lack of financial means to pay for medication and needed treatments and shortage of rehabilitation services and professionals. The CRPD

<sup>50</sup> The right to be included in the community (art 19 of the CRPD) encompasses three main dimensions: the availability of personal assistance services, the availability of accessible community services and the right to choose where and with whom to live which is directly linked to the deinstitutionalization of persons with disabilities. Unfortunately none of the reports collected from the country teams addressed these issues. Given their importance to the full and effective exercise of the right to inclusion, we recommend that future research on this subject explores these issues in greater detail.

calls upon States to take appropriate measures to change this situation. Specifically, attention to women with disabilities' sexual and reproductive health is highlighted in the CRPD, which requires that persons with disabilities are provided with services of the same quality and range as all other citizens.

In the countries monitored, the issues dealing with the health, habilitation and rehabilitation of persons with disabilities are typically addressed in the context of disability-specific legislation. For example in Jordan, the Law for Disabled People Rights (no. 31, of 2007) covers topics such as prevention and health, education as well as early intervention programs, medical rehabilitation services, psychological and therapeutic services and vocational training. Furthermore, the Jordanian National Disability Strategy proposes similar goals by promoting study programs directed at diagnosis and early intervention, linking diagnostic centres with a national mechanism for referral and counseling and the national registry of persons with disabilities. It also advances the provision of high quality services in the field of rehabilitation, notably through the development of national standards, provision of financial support and enforcement of services, and the provision of reproductive health services. Even with these goals, however, financial resources allocated to rehabilitation are reported to be insufficient, and there is a lack of training among the medical staff to deal with persons with disability, particularly in areas of girls and women's reproductive health issues.

In the Palestinian Territories, the Persons with Disabilities Rights Law of 1999 provided coverage of health services for persons with disabilities and allocation of assistive devices (with the person with disabilities paying for 25% of the cost). However, a 2006 regulation of the health insurance system challenges this provision, by excluding auxiliary medical devices and supplies, including artificial limbs and wheelchairs, eyeglasses and hearing aids, from the list of products supplied by the health system. Not surprisingly then, the Disability Survey conducted in 2011 found a high level of unmet needs among persons with disabilities: 46% unmet need for hearing aids, up to 37% for mobility devices, 27% for functional therapies, 38% for speech therapy, 38% for mental health services, and 30% for lack of medicines. Among persons with physical impairments the rate of unmet medical needs rose to 79% and among those with hearing impairments it was as high as 65%. Experts in the area (e.g. Dr Malik Hassan, n.d.) have also remarked on the huge lack of rehabilitation services that persist in the Territories, especially for people with mental health needs, whose numbers appear to be on the rise. There were attempts on the part of the Ministry of Health to integrate psychiatric services in public general hospitals but they met with resistance and the lack of adequate training from the medical staff.

The 1999 Palestinian Disability Law further guaranteed rights to rehabilitation and vocational training and promoted the training of staff in this area. More recently, in 2004, Executive Regulations ensured the development of rehabilitative, education and functional programs, appropriate to various age levels and types of disabilities and granted persons with disabilities and their families the right to participate in policy development in the domain of rehabilitation. Nevertheless, the coverage of the country in terms of rehabilitation services remains insufficient and the government relies heavily on the initiative of NGOs to provide services to this population.

In Yemen, the Code for the Care and Rehabilitation of Persons with Disability establishes the responsibility of the Ministry of Health to provide prosthetic devices and artificial limbs as well as to set up workshops for the production of these technical aids. The same law guarantees rights to rehabilitation, education, and vocational training, and provides technical and financial support to rehabilitation centers, notably by exempting the tools and equipment used in the rehabilitation, education and care of children with disabilities from taxes and customs duties, while fostering coordination with universities to prepare educators and other specialized staff. The State certifies the training provided in vocational training centers and the law supports persons with disabilities to create their own associations and local committees with the purpose of providing rehabilitation services in more remote and deprived areas. However, reportedly, service provision in the health and rehabilitation sectors is poor in the country. Health and rehabilitation facilities are inadequately equipped and they generally lack financial and human resources. The healthcare needs of women with disabilities, in particular, have not yet been taken in consideration when designing the facilities or training the medical staff. As a result, the healthcare needs of women with disabilities are often neglected.

In Sudan, while 60% of persons with disabilities are covered by health insurance through the Ministry of Welfare and Social Security, the National Disability Act of 2009 requires the government to allocate funds annually for the vocational training of persons with disabilities. Moreover, the Sudanese Child Act ensures the rights of children with disabilities to rehabilitation services and to be provided with adequate medical, educational, psychological, vocational training and prosthetic services, free of charge or with minimal fees. These goals were taken up at a recent National Conference on Education (2012) that emphasized in its recommendations the need to establish learning and rehabilitation services in the country.<sup>51</sup>

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51 According to the CRPD, no person with disability should be subject without his or her free consent to medical or scientific experimentation (art. 15.1) or to medical treatment (art. 25.d). To know the extent to which these rights are being protected for girls and women with disabilities is an important research question that this study could not address. A follow-up study should attempt to fill in this gap.

Provisions assuring an adequate standard of living were reported as scarce in all jurisdictions studied. While the laws in Jordan, Yemen and Egypt recognize the right of persons with disabilities to enjoy a decent living, references to actual measures that would ensure this right was implemented are scarce. Jordan and Yemen described steps taken by those governments to improve the living conditions of persons with disabilities. For example, in Jordan a National Aid Fund has been created to provide financial aid to families of persons with more severe disabilities and very specific diagnosis (attested to by medical reports) including severe intellectual disability, cerebral palsy associated with multiple disabilities, complex physical impairments and mental illness, in cases where the person is dependent on the care of others.

In Yemen, in turn, the Ministry of Labour and Social Affairs (MoLSA), according to article 2 of Law No. 61 of 1999 for the Welfare and Rehabilitation of the Disabled, encourages the establishment of small projects, generating income for persons with disabilities by providing facilities, privileges and easy-term loans and promotes the marketing of their products, notably through the organization of permanent exhibitions and from exempting these products from taxes. Moreover, the Yemeni Social Welfare law of 1996 grants rights to assistance in cash and kind to needy families in order to raise their standard of living. While not specific to persons with disabilities, these measures include them as well.

In Egypt, according to law 39 of 1975 (Amended in 1982) on the rehabilitation of Disabled Persons, the rehabilitation services were defined as: “All social, psychological, medical, educational and vocational services required to enable the disabled and his/her family to overcome the consequences of his/her disability.” (art 1). In addition, The Egyptian child law No. 126 of 2008. Article 75 “The State shall be responsible for the rehabilitation, education and guaranteeing employment for disabled children when they reach the working age.”. However there are several challenges in the implementation; First the absence of accurate information and data about numbers and types of disability, availability of services and the effectiveness of these services.

Second, there is a lack of qualified staff in all areas of specialization and adequate fund required to provide good quality services.

In short, in all the countries examined there are laws and policies in place to ensure rights to health and rehabilitation and the right to an adequate standard of living for persons with disabilities; however, in all of them wide gaps are found between what there is on paper and the reality on the ground. The lack of concrete mechanisms that translate rights into practice, and the lack of adequate public funding to address disability-related needs is particularly

evident in these areas. In consequence, a life in poverty, dependence and marginalization is the harsh reality facing many persons with disabilities in these countries. In such a context women with disabilities experience double discrimination in situations in which cultural traditions and gender norms work to reinforce their subordinated position as women and persons with disabilities, within the family and in society. In fact, no country reported any policies or practices specifically addressing women with disabilities' sexual and reproductive health needs, another strong indication that gender issues remain largely neglected within disability policy and law across the region.

### **Rights to education, work and employment [CRPD, arts. 24 and 27; CEDAW art. 10, 11]**

Access to education is a key step to empowering persons with disabilities and can be viewed as a long-term investment that has the potential to offer individuals the prospects of an active and productive life (CRPD, art. 24). The CRPD advances a vision of universal education that is respectful of the rights and needs of all the students. In this sense, it calls upon State Parties to take appropriate measures to ensure the accessibility of school facilities, materials and learning processes to a diversity of students and at all education levels (art. 24). This may involve the use of a variety of communication systems the provision of sufficient supports, adequate training of teachers and other staff, and provision of reasonable accommodations to address individual needs. The right to work, in turn, is protected in the CRPD under article 27 that prohibits disability-based discrimination in all matters related to employment while recognizing the right of persons with disabilities “to the opportunity to gain a living by work freely chosen in a labour market and work environment that is open, inclusive and accessible” (art.27).

Within domestic law, rights to education are usually enshrined in Constitutions as basic rights of all citizens and taken up in statutes that define and address specific features of the education system. In more carefully examining these specific issues across the four countries studied, it becomes much clearer whether and how they are aligned with the standards of the CRPD.

The provisions contained in the Yemeni Public Education Law, show the State commitment to providing over time a public education free of charge to all students at all levels, while recognizing the current shortages of aids, means and teachers and the absence of special curricula. The Care and Rehabilitation Act, in turn, provides for the development of curricula and special aids and also for the training of teachers and other professionals and guarantees the provision of written curriculum in Braille.



In Sudan, through the National Disabilities Act (art.4(2)), exemption from tuition fees is granted to students with disabilities. The same statute guarantees the development of special curricula and the provision of assistive devices, as well as the use of alternative forms of communication in schools such as sign language and Braille. Moreover, the Sudanese Education Act of 2002 explicitly recognizes the right of children with disabilities to education and the Strategic Plan of the Council of Persons with Disabilities 2012-2016 highlights the importance of the inclusion of persons with disabilities in public and higher education, although it also recognizes the challenges ahead such as the lack of accessible environments, the absence of special curricula and the shortage of aids, means and teachers. Therefore, the 2012 National Education Conference recommended the hiring of additional teachers, social workers and psychologists, and the activation of provincial legislation in order to preserve the rights of persons with disabilities to education.

The Palestinian Authority (PA) has also enshrined the right to education in its Amended Basic Law for the year 2003. According to this law, education is the right of every citizen and is compulsory until the end of the basic stage. Furthermore, the Disability Rights Law of 1999 promoted equal opportunities in admission to educational facilities and universities for students with disabilities, notably by providing adapted curricula and appropriate educational means and by training qualified teachers. More recently, Executive Regulations of Law 40 on the Rights of Persons with Disabilities, for the year 2004 support inclusion of students with disabilities in regular schools and reserves special schools only for those individuals with more complex needs. The same regulations create a special section in the Ministry of Education to handle issues related to the needs of students with disabilities, and the development of curricula and educational programs for this group. But in practice, it was reported that many Palestinian students with disabilities lack access to appropriate education, given the gaps in implementing existing legislation.

There are many laws and policies in Jordan dealing with the issue of education, all of which are written to achieve the goal of promoting access to education to students with disabilities and developing an inclusive educational system. Both the Rights of Persons with Disabilities Law of 2007, and the National Disability Strategy, for instance, provide for access to education, vocational training and higher education and encourage the development of integration programs involving students with and without disabilities in educational facilities. The same documents address the provision of forms of assistance to communication in educational contexts, including the availability of sign language interpreters. Issues such as the provision of qualified staff, the education and awareness-raising of families and students and the access

of students with disabilities to higher education are other topics covered in legislation and policy.

Despite these guarantees, the researcher/monitors in the countries examined in this study reported a number of challenges to ensure education for all persons with disabilities. Some of the barriers highlighted include obstacles to the access to education due to barriers in the built environment and lack of accessible transportation, social barriers in the attitudes of school administrations, teachers, students, and the families of the persons with disabilities, lack of assistive devices and lack of facilities, especially in rural areas. Illiteracy rates are therefore extremely high among the population with disabilities, particularly for girls and women: 49% in Sudan and as high as 95% in Yemen<sup>52</sup>.

In Egypt it can be noticed the illiteracy are greatly prevailed among women with disabilities (61% for males & 70% for females) as compared with all population (29% for males, 50% for females)<sup>53</sup>. Likewise, the proportion of women with disabilities having any educational certificate is nearly half of those of all population. As expected, the participation rate for them (26%) is nearly half of that of all population (46.5%). Most of them are working in services or in agricultural occupations (due to their disability and their lower level of education). However, about two-thirds of them are employees and about one-fifth is employers. Moreover, when we know that recent report for the ILO notes that approximately 80% of people with disabilities are unemployed<sup>54</sup>. It could be argued that the statistics of disability in Egypt are highly affected by under reporting specially if it is compared with the proportion of disability in all developed countries.

The 2011 Disability Survey conducted in Palestine also showed that more than one fifth of individuals with disabilities were forced to leave school due to environmental and material constraints. In this context, girls with disabilities are likely to face particular disadvantages, due to cultural norms and traditions that limit their movements and keep them restricted to the private sphere of the family and the home.<sup>55</sup>

Lacking adequate education it becomes more difficult for persons with disabilities to find and retain jobs. Rights to work and employment (CRPD, art. 27) for persons with disabilities are enshrined in the legislation of Jordan, Sudan, Yemen and Palestine. All four countries have also developed voca-

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52 WNC (1999) National Report on the Implementation Level of the Convention on Elimination of All Forms of Discrimination Against Women. Women National Committee (WNC), Sana'a.

53 National Report on Disability Statistics in Egypt, CAPMAS, 2005

54 The International Labor Organization (ILO), "Time for Equality in Work"

55 Ministry of Social Affairs and Palestinian Central Bureau of Statistics (June 2011) Disability Survey, 2011 Press conference report, available at: [http://www.pcbs.gov.ps/Portals/\\_pcbs/PressRelease/disability\\_e2011.pdf](http://www.pcbs.gov.ps/Portals/_pcbs/PressRelease/disability_e2011.pdf) (last accessed 21 July 2013)



tional training systems specifically for persons with disabilities and all have established quota systems, with rates that go from 2% of the jobs in the public sector (Sudan) to 5% (Egypt, Palestine, Yemen and Jordan). However, data from the Disability Survey in Palestine shows that the rate of unemployment among this population remains huge, rising to as much as 87%. Despite the right rhetoric and the formal guarantees, the resources allocated to vocational training of persons with disabilities in the region are reportedly insufficient and there is a lack of awareness as well as negative attitudes among employers in the private sector. Women with disabilities face even greater challenges as traditions and cultural norms hinder their ability to work outside the home, due to the overprotective attitudes of families, particularly when the workplace includes both men and women. Nevertheless, it is important to note that some progress is taking place.

In short, despite legal protections such as the existence of quota systems, and the policies in place in the areas of education and vocational training, women with disabilities in the four countries monitored are still faced with inequalities and discrimination in access to education and jobs. Many are excluded from any form of education and consequently become unable to access the labour market. No child will succeed in life if she is denied the opportunity of an education; in this sense, education and training should be regarded as crucial investments to ensure full citizenship for all. These are areas that governments in the Middle East region seriously need to address in order to comply with the CRPD.<sup>56</sup>

## **OTHER PROVISIONS [CRPD, arts. 8, 9, 4.1, 4.3, 11, 32 and 33]**

In addition to the rights discussed above, to ensure that persons with disabilities exercise their citizenship on equal terms with others, States need to put in place a number of conditions. These include provisions related to raising awareness and disseminating information about disability (CRPD, art. 8), improving accessibility (CRPD, art. 9), developing study, collecting statistics and data on disability (CRPD, arts. 4.1g and 31), and involving persons with disabilities in the implementation and monitoring of the CRPD (arts. 4.3 and 33). States must also mainstream disability in situations of humanitarian action (CRPD, art. 11) as well as in international cooperation (art.32). In this section we assess the legal and policy frameworks adopted by Jordan, Sudan, Yemen and Palestine along these axes.

The Jordanian Law for Disabled People Rights (no. 31, of 2007) recogniz-

<sup>56</sup> In relation to the right to education, training and work further issues would have been important to address, notably the principle of reasonable accommodation, the existence of shelter, supported and self-employment schemes and their uptake by women with disabilities. Unfortunately the country teams were unable to collect the information on time on these topics. A follow-up study should attempt to fill in this gap.

es the need to promote awareness and education on disability and disability rights and therefore the National Disability Strategy includes several measures aimed at achieving this goal, such as setting up training and workshops, publishing information brochures and mobilizing opinion leaders to advocate for the rights of persons with disabilities. The media is also called upon. Actions have been developed to educate media editors, journalists and columnists about the rights of persons with disabilities, including gender issues. Consequently, the country monitors reported that persons with disabilities have regular access to the media and are able to disseminate their stories and events through a variety of media outlets (television, radio, newspapers). The Disability Law further encourages the development of scientific study and the collection of information on disability, notably through the creation of pilot national centers for training and study. Taking up this mandate, the Supreme Council for the Affairs of Persons with Disabilities has launched a data system in order to identify the number of persons with disabilities in the country and to plan services for them. Moreover, a committee has been formed involving women with disabilities and members of the Council to develop a study on issues affecting girls and women with disabilities. Accessibility is another area covered by the Rights of Persons with Disabilities Act. Jordan has established accessibility standards to which new buildings, in both the public and private sectors, must comply. In addition, the National Disability Strategy requires the State to remove barriers in the buildings of all the ministries and public services and to improve accessibility in public transportation. Access to technology and information systems is also provided for in the Disability Law. Despite these guarantees, and according to the Jordanian monitors' report, access to information for people with hearing impairments remains low in the country, and there is a wide variation between the situation in urban and rural areas, with the latter lacking resources to implement and enforce accessibility norms.

In Palestine, the Bureau of Statistics, in collaboration with the Ministry of Social Affairs conducted a representative survey of disability in 2011. While there are no references to legal or policy sources establishing formal obligations for the government in the area of disability study and data collection, this study provides a comprehensive view of the rights status of persons with disabilities and the gaps in the implementation of the law in the State. The survey was planned with the involvement of persons with disabilities and their organizations, which participated in preliminary workshops, aimed at defining the issues and indicators for the questionnaire and provided consultation throughout the data collection and analyses stages. Unfortunately the results released from this study generally lack a gender-based analysis, and thus

specific issues affecting women and girls with disabilities remain uncovered.

The record of Palestine, when it comes to promoting accessibility, is limited, and as the data from the disability survey clearly shows, this is an area requiring further development. Certainly, the Palestinian Law No. (4) of 1999 On the Rights of the Disabled recognizes the right of all persons with disability to enjoy a safe environment that enables their mobility and independence. The law thus spells out the responsibility of the various Ministries in creating such an environment, notably the role of the Ministry of Education (in ensuring accessible schools, colleges and universities), and that of the Ministry of Communications in providing facilities for persons with disabilities to use telecom services. Moreover, the Strategic Plan of the Ministry of Transports for 2009-2011 creates a new regulatory body, the Public Transport Authority, which shall, among other tasks, meet the requirements of persons with disabilities in all aspects of the transportation sector. Giving expression to these rights, Executive Regulation number 2 requires social facilities and public areas to be adapted in order to become accessible to persons with disabilities. However, in its article 13, the regulation identifies a number of exceptions to the norm that include situations in which promoting accessibility puts at risk the historical heritage of a particular place, or when the cost involved is unreasonable. Recently, the Palestine Authority has taken steps to improve accessibility, notably by allocating the amount of 200,000 dollars to create accessibility in the post offices (Decision of the Council of Ministers of 2005).

Much more, however, needs to be done In order to bring Palestine to the effective implementation of the standards of the CRPD in matters of accessibility. Indeed, according to the Disability Survey, 76% of individuals with disabilities in the Palestinian Territories do not use public transport due to lack of accessibility and 34,5% of those with physical impairments reported needing accessible transportation to get to work. The Survey also found that almost 55% of persons with disabilities have difficulty in movement as the sidewalks are not appropriate and 60% have trouble crossing streets due to lack of appropriate infrastructure while 40% have trouble walking on and crossing streets due to the inaccessibility of indicative signals. There is a lack of policy emphasis in areas concerning awareness raising and the education of the general public about disability rights.

Egypt, Sudan and Yemen initiatives in these areas are also scarce. It is amongst the responsibilities of Egyptian National Council of Disability Affairs, the Sudanese Council for Disability and the Yemeni National Supreme Committee for the care of disabled have, amongst their responsibilities, to develop study on disability and to raise awareness about the rights of persons with disability.

However, these obligations are reportedly not fulfilled in practice. Accessibility is a topic that is absent from the law and policy framework of Yemen. In Sudan, in turn, through the National Disabilities Act the need to take measures to facilitate the mobility of persons with disabilities to buildings, roads and other facilities, and to provide, to the extent possible, for the use of sign language is recognized but these rights are far from being guaranteed on the ground. Moreover according to the feedback of women with disabilities in Yemen's country report, the media persists in portraying women with disabilities according to very stereotypical images, which is contrary to the advancement of women's rights in this country.

The CRPD and CEDAW specifically call for the participation of persons with disabilities and especially women, in the implementation and monitoring of the Convention. Their participation is important to bring about the social change that the Convention envisions. The three States that have signed and ratified the CRPD – Jordan, Sudan and Yemen – have set up National Councils charged with the task of implementing and monitoring the Convention, raising awareness about disability rights and reviewing and changing existing law and policy to make it compliant with human rights standards. These Councils include persons with disabilities. There is, however, according to the country monitors, a sense of dissatisfaction with the current degree of involvement of the disability movement, and particularly of women with disabilities, in decision-making processes and policy implementation. In Sudan, for example, the Disability Council is not working to its full capacity, because of the lack of resources. In Jordan, disability organizations were consulted during the preparation of the official report, but were not informed about the final draft submitted to the CRPD committee. This suggests the need to reinforce mechanisms of democratic participation of women and men with disabilities in monitoring their rights, a strategy that is made even more necessary given that enforcement mechanisms of the law in the region are generally weak or non-existent.

Issues of disability appear more prominently in the context of international cooperation. Unsurprisingly, given that these countries struggle with a lack of resources and the pressure of competitive social needs, governments try to channel international funds and supports to stimulate developments in the disability field and fill in the gaps of national provisions. This is in contrast to the lack of awareness that persists, when it comes to mainstreaming disability in situations of risk and humanitarian emergencies. Given the isolation in which many persons with disabilities live, their diminished access to information and the existing barriers in the environment that limit their mobility, this is likely to place the lives of many in jeopardy. In Sudan, for example, the Civil

Defence Act does not include customize care for persons with disabilities in situations of emergency and humanitarian interventions.

In summary, these findings highlight the many challenges that remain for governments across the four countries monitored to bring into life the standards of the CRPD. Despite the incremental progress visible in law and policy reform, tangible progress will only be achieved through the implementation and enforcement of these new laws. This requires political will, adequate financial resources and the mainstreaming of disability across all societal sectors. It also requires the engagement of people with disabilities in the process of outlining the regulations, standards and programs. To achieve this broad and profound change, it is crucial that the voice of persons with disabilities is heard and that disability organizations take an active role in the implementation and monitoring of their rights, as the CRPD also mandates. The reinforcement of National Disability Councils, already existent in all countries studied, might provide an avenue to achieve just that.



## **A more focused analysis:** Participation in public and Political Life, Protection against Violence and Access to Justice

In this section we turn our attention to the three areas that are the focus of this study: Participation in political and public life, violence against women and access to justice. These topics were chosen due to the wide knowledge gap regarding the situation of women with disabilities in relation to each of them, and also because of their specific relevance in the context of the political and social changes brought about by the ArabSpring in the region. With this report we aim at beginning to address this gap. Our discussion in this section brings together the data collected by the country teams in Jordan, Sudan, Yemen, Palestine and Egypt, as well as the information gathered through the focus groups and the meetings with stakeholders held in Beirut, Lebanon, by DRPI team. For a more thorough analysis, each country is reviewed separately.

### **PARTICIPATION IN PUBLIC AND POLITICAL LIFE [CRPD, Art. 29]**

Rights to participation in public and political life are fundamental to ensure that the voice of individuals and groups count in the conduct of the government of their countries. Historically, persons with disabilities have been prevented from exercising these rights on the basis of their impairments, either because they were deprived of legal capacity or because they faced obstacles that inhibited their full participation. These restrictions to the participation in public and political life contradict the provisions of the CRPD and have furthered the social and economic exclusion and marginalization of persons with disabilities. How are these rights protected for women with disabilities in the countries studied, what mechanisms exist to facilitate their participation, and what has been (if any) the progress achieved for them in this area as a result of the adoption of the CRPD are the key questions that guide our analysis. While it is not possible to make comparative statements among the countries monitored, we show in this section how each country has addressed participation in public and political life and its impact on women with disabilities.

#### **Egypt**

In Egypt the right to vote is protected by the 2012 Constitution, states that all citizens are equal before the law without any discrimination “Citizens are equal before the law and are equal in general rights and duties without discrimination between them based on gender, origin, language, religion, belief, opinion, social status or disability.” It also explicitly states in article 68 that



“The State is committed to taking all measures to establish equality between women and men in political, cultural, economic and social life and all other fields without prejudice to the provisions of Islamic Sharia.”

However, is contradicted by the Egyptian Law 73/1956 on exercising of political rights (amended by decree #46/2011), which prohibits people with blind or deaf disability from casting election ballots; persons with these disabilities have to vote through the Chairman of the committee and therefore the law appears to be discriminatory towards blind and deaf women and men, as it removes their right to cast a secret vote. Not to mention the accessibility problems faced by person with physical disabilities. Moreover, report on Egyptian woman conditions in 2012 indicated “the rise of fundamental voices calling for constraining women into certain types and roles and limiting her right to participate on all levels, especially politically” which affect women political participation after Arab Spring<sup>57</sup>. Now, 2012 Constitution are suspended by the constitutional declaration issued on July 8th 2013. Which raise a lot of concerns about participation of women and women with disabilities in decision-making positions throughout the transverse phase, especially participation in the committee for constitution amendments which would grant greater gender and disability representation of women with disabilities and their issues. For example in issuing new election law more inclusive and gender sensitive.

## Jordan

The right of persons with disabilities to run and vote in elections is guaranteed by the Law for Disabled People Rights (no. 31, of 2007, art. 4g). Under the same law, the State should provide for suitable premises so as to enable persons with disabilities to exercise the right to vote by secret ballot in all elections. Moreover, the National Strategy, Article 3 (Goals (9)) envisions the expansion of the participation of persons with disabilities and their inclusion in public life, including participation in the political and cultural life of sports and leisure activities.

Despite these formal guarantees there is a lack of engagement of persons with disability in political live as a result of the discrimination faced in the community, limited financial resources and the lack of accessibility in the House of Representatives as well as in polling stations. Demeaning perceptions about

<sup>57</sup> Women get out to the streets, The Egyptian Center for Women’s Rights (ECWR) Report on Egyptian woman conditions, 2012

persons with disabilities, especially women, and a lack of networking between disability organizations and local organizations further contribute to the marginalization of disabled people and disability issues in political life.

To ensure the participation of persons with disabilities in political life, particularly in matters related to the implementation and monitoring of the CRPD, Jordan has established the Supreme Council for the Affairs of Persons with Disabilities, in which persons with disabilities are represented. The Committee of Women with Disabilities, formed in 2009, is the right arm of the Council, representing the specific concerns and interests of women with disabilities. Every year, the Committee designs and implements activities and develops information and awareness-raising programs focused on issues of interest to women with disabilities. The Committee works to empower women with disabilities in various aspects of life – social, economic, civil, political and cultural.

## **Palestine**

The Amended Basic Law of the Palestinian Territories establishes the rights of all Palestinians to participate in political life, whether individually or collectively, through the formation of parties, associations, trade unions, and so on. Moreover, the 1994 Charter of Palestinian Women's Rights in Jerusalem puts forward an agreement on women's political rights, recalling that women have the right to vote in all elections on equal terms with men and also to be elected. Law no.10 of 2005, covering the election of local councils, adopts quotas in local elections for women - in any jurisdiction with up to 13 seats, two seats are reserved for women. These mechanisms are important because of the many barriers that restrict the political participation of women. As reported, such barriers are even more significant for women with disabilities. In fact, in addition to the low levels of literacy, financial obstacles and poverty, and the lack of accessibility that make it difficult for voters with disabilities in general to reach polling stations, women with disabilities have to put up with a number of social barriers that devalue and discredit their social roles and their mental and physical abilities. It is important to note that the same law that establishes quotas for women in local elections (lawno.10) withholds the political rights of persons with disabilities, as it forbids men and women from participating in electoral affairs, either as candidates or as voters, as a result of their disabilities and on the basis of a lack of legal capacity.

## **Sudan**

The Sudanese Constitution provides for the equality of men and women and their equal right to enjoy all civil, political, social, economic and cultural rights. The electoral quota system is applied to ensure access to 25% of women as

a representative in the National Council at national and state levels, as well as party registration law provides the same percentage for all members of any party considering that the quota system does not refer to women with disabilities in particular.

Sudan established a National Council for Persons with Disabilities in 2010 in which persons with disabilities are represented – they make up 50% of the membership, the other 50% being professionals and activists who work to promote the inclusion of persons with disabilities. There are nine women; five of them are women with disabilities among the members of this Council. However, the structure of the Council is not yet complete and it lacks resources to fulfill its mandate. Moreover the five year Strategic Plan of the Council, 2012-2016 only makes one reference to women with disabilities denoting a lack of awareness to issues of intersectionality. Similarly, the National Plan for Women's Empowerment does not include any measure focused on women with disabilities.

## Yemen

Rights to political participation, for both men and women, are enshrined in article 24 of the Constitution of Yemen. Furthermore, the Constitution provides for freedom of association and requires the State to take all steps to ensure this right. According to article 43, every citizen has the right to vote and stand for election and to express an opinion in the referendum, and the law regulates the provisions relating to the exercise of this right.

Law 13 (2001) on general elections and referendums establishes in article 100 the procedures that must be followed to cast a vote. According to this article, blind persons and those who have physical impairments and are dependent on others, can use a voter they trust to prove their choice and mark the ballot. Although this constitutes an accommodation that enables persons with disabilities to vote, it still represents a discriminatory treatment in the sense that persons with disabilities are not provided the same conditions as other voters, notably, the opportunity to cast a secret vote.

Yemen established in 1991 a National Committee of Persons with Disabilities. The Committee is chaired by the Minister for Social Affairs and Labour and consists of 18 members, of which nine are persons with disabilities. However, according to the country report, the Council has only met once since it was established.

Within the disability movement the participation of women with disabilities while still weak has been increasing. Women with disabilities now make up

20% of the Executive Office of the Yemenis Federation of Disabled People and the organization seeks to encourage this trend, notably by stimulating the participation of women with disabilities in local associations.

## Refugee Palestinian Camps in Lebanon

The opportunities for political participation of women with disabilities in refugee camps are very limited. Due to the precarious political status and the imperatives of the “right to return”, Palestinian refugees living in camps in Lebanon are deprived of basic rights such as owning property, voting or standing for elections. Lebanon is not a signatory of the 1951 U.N. Refugee Convention and its 1967 protocol and therefore it does not recognize the basic rights and legal obligations to people with refugee status, including Palestinian refugee women with disabilities. This leaves the majority of the refugee population living in camps (38% of the whole refugee population) “completely dependent on UNRWA and other nonprofits- local and international - for everything from schools to humanitarian assistance”.<sup>58</sup> The only opportunities of political participation for Palestinian refugees are within the camps, and through the Palestinian political organizations within the camps.

Approximately 53% of registered refugees are women.<sup>59</sup> For women with disabilities the opportunities to access these rights are even more limited. The women’s committee in the camp is the single structure of political participation available for them.

Women described this structure as a place where they can express opinions, meet with other women and plan activities; the majority of participants in the focus group were members of such a committee. These committees consider issues such as organizing an event or an outing and establish priorities for the distribution of assistive devices. However, the committee does not make final decisions on any of these issues; it only formulates proposals that are then submitted to, and ultimately decided by, an external male authority.

In short, rights to participation in public and political life are still very limited to women with disabilities in the countries studied due to discriminatory legislation that allows the removal of their legal capacity and the lack of efficient and democratic mechanisms for political participation; to this is added the pervasive impact of customs and traditions which perpetuate the subordinated status of women, particularly those with a disability, within the family and in society. Excluded from the public arena and deprived of a political voice,

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58 ANERA, Palestinian Refugees in Lebanon, ANERA Reports on the ground in the Middle East Volume 3, June 2012, available at [www.anera.org/documents/Refugees.pdf](http://www.anera.org/documents/Refugees.pdf) (last accessed 5 August 2013).

59 American University of Beirut (AUB Study), December 2010, Socio-Economic Survey of Palestinian Refugees in Lebanon.

women with disabilities become more vulnerable to all sorts of inequalities and discriminations and are denied respect and human dignity. For women with disabilities the promise of an ‘Arab spring’ is yet to come. All these barriers to participation constitute severe breaches of the provisions of the CRPD. It is urgent that governments tackle these issues in order to truly move their policies and legislation towards a rights approach and show their commitment to the norms and spirit of the CRPD.

### **Box 1: Refugees, Gender and Disability: Specific Challenges<sup>60</sup>**

It is estimated that 3.5 million refugees and internally displaced people with disabilities live in refugee camps and urban slums<sup>61</sup>. They are excluded from or unable to access mainstream assistance programs as a result of attitudinal, physical and social barriers, and they are often forgotten when specialized and targeted services are established. Amongst them, women and children are considered to be the most vulnerable to exclusion and violence.

In 2007, the Women’s Refugee Commission led a six-month project in partnership with the United Nations High Commissioner for Refugees (UNHCR) aiming to address the rights and needs of displaced persons with disabilities, with a particular focus on women (including older women), children and youth. Based on field study in five refugee situations, as well as a global desk study, the Women’s Refugee Commission sought to map existing services for displaced persons with disabilities, identify gaps and good practices and make recommendations on how to improve services, protection and participation for displaced persons with disabilities in a report entitled *Disabilities among Refugees and Conflict-Affected Populations*<sup>62</sup>.

The main findings about women and girls with disabilities from the study were that in general women with disabilities had access to reproductive health care, but in regard to the access to education, a gender disparity in school attendance and dropout rates among children with disabilities were observed. In all the refugee camp situations surveyed, more boys with disabilities were attending school than girls with disabilities. In Thailand, for example, data available from World Education and the Karen Women’s Organization show that among children with disabilities attending schools in the Karen camps, 61% were male and only 39% were female. Regarding protection issues, displaced women with physical and mental disabilities are more likely to be exposed to sexual exploitation and physical abuse. According to UNHCR in Nepal, in 2007 women with disabilities made up approximately 25% of rape survivors.

It is also necessary to point out that families and caregivers of children with disabilities, especially women (more often the main caregivers), can also suffer from isolation and marginalization. The added burden of looking after disabled family members, com-

60 From : SoH (2011) *A Step Forward*, pp. 34-35.

61 Women’s Refugee Commission, *Factsheet on Refugees with Disabilities*, 2009

62 Women’s Refugee Commission, “*Disabilities among Refugees and Conflict-Affected Populations*”, June 2008

bined with the requirement to cope with a newly challenging environment can put an enormous strain on families. Caritas assisted 55 mothers of children with disabilities from the Bhutanese refugee camps in Nepal to attend one-month training and capacity-building courses for mothers of children with disabilities (2007), with the objective being to support them and enhance their capacities to look after their children in a complex environment.

As demonstrated by the report, there are a range of innovative programmes aiming to improve the access of refugees and displaced persons with disabilities to mainstream services, as well as specific services implemented by stakeholders, aiming to address the needs and demands of refugees with disabilities. Some of them have a specific focus on women and children with disabilities. Those pilot initiatives are a source of potential material and useful experiences in the mainstreaming of gender and disability in every programme targeting refugees and displaced persons.

In October 2010, the UNHCR released a specific Conclusion on refugees with disabilities and other persons with disabilities protected and assisted by UNHCR. Amongst the recommendations, this conclusion “encourages States, UNHCR and partners to enable children and youth with disabilities to access appropriate protection, assistance and education, and to ensure the inclusion of women and girls with disabilities, protected and assisted by UNHCR, in programmes to prevent and respond to sexual and gender-based violence and other forms of exploitation”<sup>63</sup>.

## Box 2: Palestinian refugees in Lebanon

### Facts and figures

- 436,154 registered refugees
- 12 camps
- 68 schools, with 32,213 pupils
- Two vocational and technical training centres
- 28 primary health centres
- One community rehabilitation centre
- Nine women’s programme centres

Last available figures: 1 January 2012.

Source: UNRWA Lebanon, available at: <http://www.unrwa.org/etemplate.php?id=65> (last accessed 1 August 2013)

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63 <http://www.unhcr.org/4cbeb1a99.html>



## **VIOLENCE AGAINST WOMEN WITH DISABILITIES [CRPD, arts. 6 and 16]**

Violence against women is a human rights violation that occurs, often repeatedly, in the lives of many women around the world. Violence against adults with disabilities, both men and women, is also a widespread phenomenon (Hughes et al., 2012). According to the World Health Organization, “factors which place people with disabilities at higher risk of violence include stigma, discrimination, and ignorance about disability, as well as a lack of social support for those who care for them. Placement of people with disabilities in institutions also increases their vulnerability to violence. In these settings and elsewhere, people with communication impairments are hampered in their ability to disclose abusive experiences.” (WHO, 2013)

Among persons with disabilities, study (e.g. INWWD, 2011) has shown that women are even more likely to experience violence and abuse than non-disabled women and disabled men. Despite the large extent of the problem violence against women with disabilities often remains invisible because of the isolation in which many of them live and/or because it involves behaviours, attitudes and norms that are culturally accepted in society. There is a recognized imperative for countries to specifically address violence that intersects of disability and gender and this issue and to counter its impact.

Article 16 of the CRPD calls upon State Parties to take all appropriate legal, administrative, social, educational and other measures to protect persons with disabilities from gender-based violence and to ensure age and gender appropriate assistance and support to victims. Moreover, in recognizing in article 6, that women and girls with disabilities may experience multiple forms of discrimination, the CRPD also acknowledges their specific vulnerability to gender-based violence. Moreover, article 2 of CEDAW, governments commit to take all policy measures against discrimination against women, including implementing new laws to protect the rights of women, and abolishing all laws customs and regulations that are discriminatory. Finally CEDAW recommendation 18 on the protection of women with disabilities through the implementation of 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.

In this section we look at the monitoring reports from the teams in Egypt, Jordan, Palestine, Sudan, Yemen to find out what legal, policy and other measures are in place in these countries to protect women and girls with disabilities from abuse and violence and how successful they are on the ground. We also provide a summary of experiences reported by refugee women with disabilities living in camps in Lebanon during the focus group.



## Egypt

Prohibition of violence against women and of female genital mutilation was introduced in 1997 by a decision of the Egyptian Ministry of Health. Moreover, the Amended Personal Status Law of January 2000 provided women with the possibility of asking for a divorce from their husbands without having to prove ill treatment. More recently, the Revolution Party's electoral program proposed to review all legislation that discriminates against women to ensure the criminalization of violence against women and the establishment of the principle of equality and respect for women and for their dignity in all laws. This change, however, has not yet been accomplished which constitutes a clear breach of international human rights law.

Not surprisingly then, available research shows a very high incidence of gender violence and abuse in Egyptian society (Ammar, 2000). A study by Marlyn-Tadros (1998) on a sample of 100 girls and women aged 14 to 64 years, all from the Nasser facility in Cairo, a slum settlement, reports that 30% of the women are subjected to violence on a daily basis; 34% are subjected to violence once a week and 22% are subjected to violence more sporadically, violence here including beating by hand, cane, belt and electric wire. A study conducted by the Association of the Candle of Life and that of Protectors of Peace in Egypt, on 100 women with disabilities in three provinces, concluded that as much as 32% of women are exposed to violence in various forms, 24% do not get education and 27% cannot access the judicial system, while 17% cannot access health services. As reported by the country monitors, disability is often the cause of divorce, particularly when the mother gives birth to a female child with a disability – this is seen as a shame and a dishonour to the family and becomes the justification for the husband to abandon the home and remarry.

Reporting of violence against women in the context of the Egyptian revolutions was high, being conveyed also by international media. However, several civil society initiatives led by women have addressed these issues, signalling how the Arab Spring has had an effect on participation of women. For example HarassMap is one such volunteer initiative launched in December 2010, and re-launched in October 2011, whose objective is to “help raise awareness of and tackle sexual harassment of women in Egypt through an SMS reporting and online mapping system”. HarassMap “uses mobile and online technology together with a huge offline community mobilization effort in neighbourhoods throughout Egypt to end the social acceptability of sexual harassment”.<sup>64</sup>

The year 2012 witnessed continuity of all kinds of violence against

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64 HarassMap, <http://harassmap.org/en/> (last accessed 4 August 2013).

women, domestic violence and circumcision, early marriage and sexual harassment, a study<sup>65</sup> was issued confirming that 60% of women exposed to domestic violence, 88% have been subjected to female genital mutilation, and 38% were forced into early marriages.

## **Jordan**

The elimination of all practices that may cause violence, abuse and exploitation of persons with disabilities is among the goals of the National Disability Strategy in Jordan (Art.3.11). This aim is achieved through: (1) raising community awareness; (2) increasing the efficiency and speed of response of society and government institutions, national and non-governmental organizations in addressing all practices that cause violence, abuse and exploitation of persons with disabilities; (3) raising the efficiency of institutions working in the field of protection of persons with disabilities to strengthen their roles towards the prevention. Recognizing that the violence experienced by women with disabilities is rooted in their devalued status in society, both the Law for Disabled People Rights (no. 31, of 2007) and the Disability Strategy establish the principle of equality between men and women in all rights and duties.

Nevertheless, as reported by the country team, customs and traditions prevailing in the society hide the exposure of persons with disabilities to violence and exploitation, especially that of girls and women with disabilities. Women in particular, are subordinated to the decision of the male in the family; they are restricted in their movements and deprived of decision-making in matters related to their own lives. All of this may increase their vulnerability to situation of exploitation, abuse and violence.

## **Palestine**

The Palestinian Law no.4 of 1999, on the Rights of Persons with Disabilities, and its Executive Regulations, as well as the Council of Ministers Resolution no. 4 for the year 2004 ensure protection for persons with disabilities from all forms of violence, exploitation and discrimination and provide the necessary controls and standards to prevent persons with disabilities from facing physical, verbal, and psychological violence from disability-related service providers. Furthermore, these statutes establish a special section to receive grievances and complaints from persons with disabilities. As in most other countries in the region, there is no law or policy in the Palestinian Territories specifically addressing gender-based violence or violence against women with disabilities. As one of the most brutal forms of violence against women, honour killings are reportedly still practiced in Palestine and there is no norm in

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65 National Council for Women, study on violence against women, Egypt, 2012

the Penal Code that criminalizes this practice.

## **Sudan**

There is no law addressing the problem of gender-violence in Sudan or that of discrimination against women. Likewise, there are no indicators to measure the issue or any budget to address it. This legal void leaves women with disabilities particularly vulnerable to situations of gender and disability-based abuse and violence. Reportedly, violence against women is widely found in Sudan - one of its most common forms is domestic violence. As well there is violation of the sexual freedom of women through customs such as circumcision although there was a slight decrease in recent years. Conflict-related violence is also widespread, especially in the conflict and war zones of Darfur and the Blue Nile and South Kordofan. According to the country report, all these forms of violence impact women with disabilities, but this issue needs to be further researched in order to determine its full dimension and consequences.

## **Yemen**

There are no specific laws or policies in the Yemeni State addressing the issue of gender-based violence or that of violence against women with disabilities. In theory, and according to the Yemenis Constitution, women are the sisters of men, and their rights and duties are guaranteed and assigned by the requirements of the Islamic Law (Shari'ah) and also by what is provided in the State's Law.

Even talking about violence and discrimination against women reportedly remains a taboo at all levels of society. Nevertheless, non-governmental organizations working in the field of disability are aware of the fact that women with disabilities are subjected to many forms of violence and forced to live in war zones, where rape is common. While attitudes and services remain inappropriate and inadequate for people with disabilities in general in Yemen, it is even worse for women when compared to men with disabilities, because of gender-based discrimination (Colburn, 2001). The illiteracy rate among women with disabilities, according to estimates is 95%, well above the 67% found for women in general, a situation that helps to keep women with disabilities in subordinated positions in their homes and communities and thus aggravating their vulnerability to abuse and violence.

## **Refugee Palestinian Camps in Lebanon**

Life in Palestinian refugee camps in Lebanon is fraught with structural and systemic violence. Women with disabilities living in the camps are subjected

to all forms of violence that others are exposed to, just by the fact they are living in extremely deprived conditions; in addition, they face particular forms of abuse and violence, taking place both within the private sphere (the family) and the public sphere, both of which emerge at the intersection of disability and gender. The women who participated in the focus group reported situations of sexual violence and abuse, harassment, economic exploitation, exclusion and isolation.

- **Sexual violence and abuse reported:**

- Persons with intellectual disability are more vulnerable to sexual abuse—there are a lot of cases of rape of women with intellectual disabilities, although boys with intellectual disabilities are also victims; there is also a widespread belief that persons with intellectual disabilities can't control their sexual instincts and that some boys with disabilities have homosexual tendencies;

- **Harassment reported:**

- A woman reported not daring to take public transport because of her fear of harassment; many others said they would never leave the home alone;
- Women with physical disabilities are mocked and laughed at for the way they walk;

- **Economic exploitation reported:**

- Some cases of families use their family member with disabilities to beg on the streets;
- Many women with disabilities are kept at home and forced by the family to do domestic work and look after family members, otherwise they are beaten;
- Women who get a job feel they are exploited and not paid enough due to their disability – one woman reported working 8 hours a day, 6 days a week for a salary of two dollars a day;
- Even when they have jobs women feel they have no rights; if they complain about their low salaries for example, they risk losing their jobs;

- **Exclusion and isolation reported:**

- Many women with disabilities are hidden in the home and not allowed to do anything;
- One woman who was living alone had to crawl around the house which was not adapted to her needs and one consequence was that her clothes

were always dirty, a situation she found humiliating.

- **Lack of access to education reported:**

- High percentage of women with disabilities don't go to school;
- A blind woman reported finding it very difficult to access books in Braille and study in a crowded house where there is lot of noise around her;
- Women with disabilities are often guided to very traditional professions (e.g. embroidery, crafts), professions in which jobs are scarce and not easy to find;

- **Lack of access to necessary medication and therapies reported:**

Several women reported that they are going without needed medication because they cannot afford to buy it; some women also reported that they are delaying needed surgery and therapies for lack of economic resources.

In sum, violence against women with disabilities lacks appropriate legal and policy protection, and remains a taboo in the context of prevailing social and cultural norms. According to the reports collected, with the exception of Jordan and Egypt, domestic violence and violence against women in general are still not criminalized, and neither are there any measures in place to support the victims. This is a clear violation of international human rights law, including the CRPD and the CEDAW that urgently needs to be tackled. Not surprisingly then, the reports collected across the five countries monitored denounced the many forms of violence, abuse and rape that women with disabilities endure. Women with disabilities are more vulnerable than men to violence in the context of their families as well as in the community for a number of reasons that were identified: because they are socialized to be compliant to others and because they tend to be treated as children; and because many of them are dependent on family members for care which increases their vulnerability. Violence and abuse are serious threats to the dignity and a violation of women's basic rights. Thus governments urgently need to address this issue and raise awareness about violence as a serious social problem and a human rights crime; in addition to educating society, governments need to put in place adequate supports to protect victims of violence and abuse and create strong mechanisms to punish perpetrators.

Violence, abuse and exploitation against women with disabilities are serious violations of human rights that affect women's dignity, their physical and psychosocial wellbeing and their opportunities to participate as equal in society. In most extreme circumstances, it is women's lives themselves that can be at risk. This report only begins to address these issues. Much more study is needed to fully understand the scope of this problem in countries across

the region, how it affects women and girls with disabilities and which are the groups most affected, how do women resist, what supports are available to victims and what is lacking, as well as to investigate the role that legal provisions could play in protecting women and girls with disabilities against this form of rights violation. Follow-up studies should definitely pursue these questions.

### **ACCESS TO JUSTICE [CRPD, arts. 12 and 13, CEDAW art. 15]**

As highlighted above, women and girls with disabilities in the countries monitored experience multiple forms of discrimination which create barriers to the exercise of rights. Intersections of gender and disability, as well as structural conditions of poverty, illiteracy and lack of adequate supports, place women and girls with disabilities at a higher risk of violence, sexual abuse, neglect, maltreatment, harassment and exploitation, in the home, in the context of disability-related services providers and the community, and perpetrated by family, caregivers, healthcare or school personnel and strangers. In the face of these serious rights violations, assessing the extent to which women and girls with disabilities can access the justice system in order to redress and look for remedies becomes critical. Article 12 of the CRPD states that persons with disabilities are equal before the law and should not be deprived of legal capacity, on the basis of their disability. Instead, States must put in place adequate systems to support their decision-making in all matters relevant to their lives. Article 13 further requires State Parties to ensure effective access to justice to all persons with disabilities, notably by providing reasonable accommodations and appropriate training of the judiciary staff. Moreover, article 15 of CEDAW states equality of women equality with men before the law.

Throughout this section we look at the legal and policy provisions reported by the country teams of Egypt, Jordan, Palestine, Sudan, and Yemen to ensure these rights, as well as to the accounts collected from refugee women with disabilities living in Lebanon camps during the focus group. How is the right to access to justice respected, protected and fulfilled for women and girls with disabilities in these countries, are the key questions that guide our study.

### **Egypt**

The Arab Republic of Egypt has made an interpretative declaration in relation to article 12 of the CRPD, which deals with the recognition of persons with disabilities on an equal basis with others before the law. With regard to the concept of legal capacity, dealt with in paragraph 2 of the said article, Egypt stated that persons with disabilities enjoy the capacity to acquire rights and assume legal responsibility but not the capacity to perform, under Egyptian law. This interpretation contributes to undermining the spirit of the Convention



and places a limit on the exercise of this right for all persons with disabilities. This limitation may be aggravated for women with disabilities. In fact, while the Egyptian State is signatory to CEDAW and the CRPD, and despite the guarantee in the Constitution, which establishes the equality of women and men before the law and the right of women to reconcile family duties and work in the community, the law still perpetuates gender inequalities and discrimination. An example can be found in the Family Law issued in 2002. According to this law, if a woman resorts to divorce she is forced to waive many of her legal rights, as a 2009 Shadow Report developed for the CEDAW Committee by the Egyptian Association for Community Participation Enhancement (Ma-rei, 2009) signals:

*“b)... It is evident that women are rarely granted access to same rights and responsibilities during marriage or after its dissolution. Men have the exclusive right to divorce women, where women would embark on a tumultuous journey of litigations that take years to resolve in courts, forcing them to resort to “khul” which means divorcing the husbands by paying compensation and releasing their pecuniary consideration.*

*c) With regard to guardianship, tutelage and custodianship, it is conferred to the father/husband.*

*d) Despite the fact that women have a separate financial estate, they share with the husbands in bearing the matrimonial financial costs without a regulating law or specific measure, allowing the wives to maintain their pecuniary rights in cases of divorce. As a consequence, they come out without a home or property, even if they shared in the possession such home or property.”*

## **Jordan**

In accordance with the Jordanian Law for Disabled People Rights (no. 31, of 2007), in order to ensure access to litigation for persons with disabilities the Jordanian State undertakes to provide assistive technology, including sign language translation. Furthermore, the National Disability Strategy stipulates the re-enforcement of the right of persons with disabilities to resort to the judiciary, and takes the necessary steps, notably by: (1) Promoting the training of judges; (2) Promoting the training of sign language interpreters for the courts; (3) Following-up cases of persons with disabilities who are dealing with courts; (4) promoting the training of other judicial staff; (5) providing environmental amenities and an accessible environment; and (6) providing training to lawyers.

None of these regulations, however, take into account specific issues of concern for women with disabilities, such as for example, those related to gender



discrimination and violence against women with disabilities. In general, there remain many barriers in access to justice for persons with disabilities, and particularly for women, which aggravates their vulnerability and disempowerment.

## **Palestine**

Despite some protections offered by the Palestinian law, which for example reaffirms the principle of equality before the law for all Palestinians, a recent study by the Center for Development in BirZeit<sup>66</sup> there is a lack of awareness of disability discrimination in the judicial system, due to the absence of law practitioners and students with disabilities. Disability awareness and equality issues are not a compulsory part of initial professional training programs for lawyers. In addition, there remains a lack of information among persons with disabilities about their rights and this, according to the Monitors' report, also creates barriers to access justice for this group.

## **Sudan**

Although the Sudanese National Constitution 2005 consider access to justice as granted legal gains however it is not yet fully retained and reflected in laws, the practices and procedures that can protect women and promote their potential to contribute to the country's development. Justice Sectors represented in the Judiciary, Ministry of Justice, the Police, and the Lawyers need to improve access to justice for women with disabilities through enhance the capacity of state government, civil society and build the capacity of local officials and traditional leaders to develop and sustain a rule of law culture in Sudan and finally improve availability of legal information and resources on rule of law.

For example, Persons with hearing, communication or mental disabilities in general and women in particular face the difficulty in obtaining justice due to lack of support services (e.g. translators or interpreter), especially in the initial stages of the investigation. Often the final judgment is based on distorted facts distorted caused by bad communication. Recently these issues came to the attention of Legal Aid Department of the Ministry of Justice and they are starting a process of appointment of certified translators.

## **Yemen**

According to the Constitution of Yemen, all citizens have the right to resort to the judiciary to protect their legitimate rights and interests and all have the right to submit complaints, criticisms and proposals to state bodies and in-

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<sup>66</sup> A Participatory Study from the Perspective of People with Disabilities in the West Bank and the Gaza Strip. (English & Arabic). Nader I. Said, Ayman Abdulmajaid, Laila Atshan.

stitutions, either directly or indirectly. Moreover, Civil Law No 14 for the year 2002, article 47 states that anyone suffering from an unlawful assault on any of his/her personal rights can demand the cessation of such violation, with compensation for the damage caused to him/her. The same law adds in article 54 that the court of jurisdiction, in case of a person with an intellectual disability or anyone with an impairment that deprives him/her of legal capacity or the ability to sign should the person have no guardian, will have to appoint an Assistant who would assist the person for that purpose. However, it is not permissible for the Assistant to proceed alone on something private from which the Assistant could take benefit

The Law No. 61 of 1999 for the Welfare and Rehabilitation of the Disabled further protects the rights of this group of citizens by stipulating in Chapter V, Article 32 that The aggrieved of an action against him/her by the Minister or the competent ministry has the right of recourse to the judiciary during a period of 60 days from the date of notification of such action. Reportedly, the weak enforcement of these laws, which in principle are available to men and women with disabilities alike, may in part explain their lack of effectiveness.

## **Refugee Palestinian Camps in Lebanon**

The reports and stories collected from the 16 women in the focus group show that women feel that they do not access justice. Indeed, women who experience violation and abuse cannot talk openly about that due to traditions and religion. Moreover, women with intellectual disabilities are discredited when they report cases of sexual abuse, and they are often viewed as being the cause of these actions due to their inappropriate behaviour. Women shared that those men who abuse women do not always get arrested. Particularly those men who are powerful and wealthy are always protected, while the poor are not protected. Women also feel that their needs are neglected – while there is an ID card issued to each person with disabilities living in the camps, this card does not give access to any services or benefits. Women feel very vulnerable and disempowered.

In summary, according to the reports of the country teams, the standards of the CRPD related to the right of access to justice are far from being met in the region. Jordan offers the most comprehensive provision through the Law for Disabled People Rights (no. 31, of 2007). Yet while some of the norms established in this legislation may constitute an example of good-practice for the other countries (e.g. the provision of accessibility and sign-language interpretation in the courts, the consideration of accessibility issues in conditions of detention, or the provision of training to the judiciary staff, among others) from a gender perspective, the norms fail to take into account specific issues

of concern for women with disabilities, including those related to gender discrimination and violence against women with disabilities. When norms are apparently neutral, they generally disadvantage women because they obscure their specific needs and concerns. The reports collected from women in the refugee camps point to some of the problematic areas for women with disabilities in accessing justice, notably the distrust they face when they try to bring claims to the justice, which takes away their dignity and creates inequalities and discrimination. The exercise of human rights is restricted without an accessible and fair justice system. To comply with their CRPD obligations, States must seriously consider these issues when developing new regulations and policies in this area.

## Conclusions and Recommendations

This report looked at the legal and policy provisions in five countries of the Middle East – Egypt, Jordan, Palestine, Sudan and Yemen – and assessed them in comparison to human rights standards, particularly those provided under the CRPD and CEDAW. With the exception of Palestine who is not a UN member state to-date but maintains observer status, all countries have signed and ratified the CRPD while CEDAW has been ratified by all except Palestine and Sudan.<sup>67</sup>

The analysis was based on information collected by country teams of women with disabilities, using an adapted gender-focused version of the DRPI template for law and policy assessment explicitly designed for this project in collaboration with SHS. Despite using the same instrument to collect the data, country teams had very different resources to tap into when conducting their fieldwork and this explains some variety in the depth and breadth of the data collected. Nevertheless, the analysis has allowed the identification of gaps and critical areas where law and policy development is needed in order to bring countries closer to their human rights obligations under the CRPD.

The data collected by the country monitors was complemented with information gathered through a focus group with refugee women with disabilities living in refugee camps in Lebanon and interviews with key informants in Beirut. While this group of women might experience some extreme conditions of exclusion and marginalization we believe that their accounts only amplify, rather than distort, the major challenges facing women with disabilities in the region.

In what follows we present the key conclusions emerging from this study, organized into four categories:

### **1. conclusions related to comparisons of domestic legal frameworks vs. the CRPD**

- All countries are taking steps that move them towards a rights-based approach to disability; yet efforts need to continue steadily in order to promote and enforce CRPD principles and norms in laws, policies, practices and value systems across the region;
- This report also found that there are a number of areas where legal frame-

<sup>67</sup> With the exception of the interpretation submitted by the Arab Republic of Egypt in relation to article 12, mentioned above, no reservations or interpretations have been presented by the States monitored in this study.

works in place do not comply with the standards of the CRPD. Violence against women and access to justice are two particularly problematic issues for women with disabilities in all the countries studied. In these areas, States will need to develop legislation more in accordance with the CRPD provisions and put in place strong mechanisms to provide a context in which the human rights of women with disabilities are effectively upheld and safeguarded.

## **2. conclusions related to the process of implementation of the law**

- Translating rights in the paper into reality on the ground remains a challenge for the countries examined in this report. Obstacles to the implementation of legislation and policy advancing the rights of girls and women with disabilities were found in cultural traditions, pervasive views of disability as a medical condition, poverty, and lack of awareness within society of women's and disability rights,
- Strong enforcement mechanisms need to be built into rights-based legislation to ensure their effectiveness on the ground.

## **3. conclusions related to the inclusion of the gender dimension**

- Despite the seeming progress achieved, the gender dimension in disability law and policy has been systematically neglected; furthermore, countries that have developed gender specific legislation have also failed to mainstream the disability dimension. The result has been the marginalization of women with disabilities' needs and concerns and their increased vulnerability to abuse, exploitation and violence. The CRPD acknowledges that the intersectionality of gender and disability increases the risk of multiple discriminations for women and girls with disabilities. Failing to engage with gender issues in domestic law and policy is thus an infringement of the Convention that States need urgently to start addressing.
- In order to move towards a rights-based, gender-sensitive approach to disability, States need to address the structural disadvantages that women with disabilities have experienced in these countries. A rights-based approach is about more than just providing services. It is about securing dignity and well-being for all women with disabilities and redressing the structural inequities that have kept them isolated, subordinated, discrimi-

nated against and excluded in the family and in their communities. Human rights are interdependent, indivisible and interrelated which means that it is impossible to achieve progress in one area of rights without considering all the others. To improve the human rights situation of women with disabilities will require an overall strategy and a serious commitment to a new culture of human rights that values human diversity and is based on equal rights for women and men, as the CRPD advances.

- The voice of women with disabilities is crucial to make States move towards a rights and gender-sensitive legal framework and culture. However, the participation of women with disabilities in public and political life is still very limited across the region, due to a lack of efficient and democratic mechanisms enabling their participation, and prevailing customs and traditions that perpetuate the subordinated role of women in the family and society. The CRPD requires State Parties to involve persons with disabilities in the design, implementation and monitoring of disability rights. Supporting and stimulating women with disabilities' involvement in these processes, in equal terms with men, is thus another area that States need to focus upon to fulfill their human rights obligations.

#### **4. Conclusions related to the methodology of this study**

- The emancipatory approach followed in this study proved to be viable and effective – this report would not have been possible without the study conducted by the monitoring teams of women with disabilities and the wealth of information that they were able to collect. Women with disabilities participating in the study were empowered through this experience, which provided them not just the mastery of monitoring tools that can replicate in the future, but also valuable data that they can use for their advocacy work.
- Being the first comprehensive report that uses a gender lens to assess how domestic legal frameworks comply with the standards of the CRPD in five countries of the Middle East, this report could not exhaustively assess all the issues that are involved in implementing a rights-based policy agenda. However, it serves as a blueprint on which future, more focused work can be built.

# Recommendations

Following from the conclusions above this report advances a number of recommendations, directed at specific groups:

## Recommendations for policy-makers:

- States should undertake the revision of their legislation to make it compliant with the CRPD and CEDAW and to put in place strong mechanisms of enforcement to ensure that the rights of persons with disabilities, as established by the CRPD and CEDAW, are fulfilled and safeguarded by State and non-State actors;
- In the process of legal reform, States should consider the intersections of disability and gender to avoid adopting gender-neutral provisions that in fact work to disadvantage women with disabilities by not taking into account their specific interests and needs; particular attention should be given to areas such as gender violence and access to justice;
- States should establish and/or strengthen mechanisms to support and facilitate the participation of women with disabilities participation in the development, implementation and monitoring of disability rights, notably through the establishment of political representation bodies at national and local levels, where women with disabilities make up no less than 40% of the membership;
- States should improve accessibility to the built environment, to transportation and to communication systems in order to increase the participation and visibility of persons with disabilities in the public space;
- States should develop training programmes for teachers, judges, other judicial staff, civil servants and community leaders to educate them about the CRPD and raise awareness about the harmful attitudes, opinions and practices that maintain unequal treatment of women and men with disabilities and perpetuate the exploitation, abuse and violence against women and girls with disabilities;
- States should systematically collect data disaggregated by sex to monitor progress in the effectiveness of their policies to redress the structural inequities facing women with disabilities.



### **Recommendations for Disabled Persons Organizations (DPOs):**

- DPOs should encourage and support the involvement of women with disabilities in their local and national structures, notably by ensuring their representation in decision-making bodies at a proportion of no less than 40%;
- DPOs should get involved in the process of legal reform, and in the implementation and monitoring of the CRPD and advocate for the inclusion of provisions that reflect gender-based needs and concerns;
- DPOs should participate in the development of training programmes for teachers, judges, other judicial staff, civil servants and community leaders to educate them about the CRPD and raise awareness about the harmful attitudes, opinions and practices that maintain unequal treatment of women and men with disabilities and perpetuate the exploitation, abuse and violence against women and girls with disabilities

### **Recommendations for Women with Disabilities:**

- Women with disabilities should be educated about their rights and about approaches that they can use to monitor their rights;
- Women with disabilities should be empowered to get involved in disability organizations, women's rights organizations, and local and national political representation bodies to advocate for their rights;
- Women with disabilities should participate in the development of training programmes for teachers, judges, other judicial staff, civil servants and community leaders to educate them about the CRPD and raise awareness about the harmful attitudes, opinions and practices that maintain unequal treatment of women and men and perpetuate the exploitation, abuse and violence against women and girls with disabilities.

### **Recommendations for Women's Rights Organizations:**

- Women's rights organizations should facilitate and support the participation of women with disabilities in their local and national structures;
- Women's rights organizations should be educated about the CRPD and about the harmful attitudes, opinions and practices that maintain unequal treatment of women and men and perpetuate the exploitation, abuse and violence against women and girls with disabilities;
- Women's rights organizations should include in their political agendas the rights issues that are of concern for women with disabilities and advocate for their human rights.

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