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**Triple Vulnerability: Violence Against Women and Children with Disabilities**

**Wednesday, July 13, 2011, 10:45 - 12:15am**

*Session Organizer:*

**Stephen A. Foster, The Overbrook Foundation; Catherine H. Townsend, Wellspring Advisors**

*Facilitator:*

**Stephen Foster, President and CEO, Overbrook Foundation**

*Panelists:*

**Tirza Leibowitz, Legal adviser, Disability Rights Initiative, Open Society Foundations  
Eric Rosenthal, Executive Director, Disability Rights International  
Marta Santos Pais, Special Representative of the UN Secretary General on Violence Against Children, United Nations**

*Sponsors:*

**Wellspring Advisors; The Overbrook Foundation; Open Society Foundations; Disability Funders Network; IHRFG Disability Rights Working Group**

**Eric Rosenthal** opened the session by highlighting the importance of supporting the interaction of disability rights, women's rights and children's rights. Disabled women and children are amongst the most vulnerable of our population. Through institutionalization, disabled children and women essentially face life sentences and segregation from society.

As an example, he has encountered cases in Mexico where children are disappearing into the system, as parents are obligated by the state to send their children to institutions, only to later learn that their children are no longer there. With no tracking mechanisms, trafficking of the disabled is widespread in Mexico, and this problem is not only specific to Mexico. Sending disabled persons to institutions has become so mainstream that oftentimes other options are not even considered. Women's rights groups often refer women with mental health issues to institutions because alternative solutions have not been discovered. At one of the best funded women's shelters in Kosovo where there are targeted funded programs to help women subject to violence, the intake forms state an exclusion, "if women exhibit psychiatric symptoms, refer to the mental health system". In

the name of treatment and rehabilitation, children and women are being sent to facilities that are most often abusive.

Eric recommended that funders not exclude disability from their work. Women's rights groups and shelters need to realize that psychiatric symptoms will be common amongst people they work with and that referring those individuals to the mental health system will often result in greater abuse. People segregated from society are inherently vulnerable. It is a fundamental human right to live within community and be part of a family. Funders must work to promote the incorporation and integration of the disabled into communities, where they will be safer, healthier, and can make greater contributions to society.

**Tirza Leibowitz** shared that criminal justice systems frequently do not respect the competency of persons with disabilities and offenders know that they are less likely to be held accountable. There is a need for research that explores how criminal justice systems have responded to these issues. Tirza provided an example of a court case that illustrated a few good practices: allowing individuals to testify within an informal setting, away from the accused perpetrator and bringing in an expert witness to testify as to how that specific disability affects testimony. It is important to neutralize the aspects that do not have bearing on the case so that the real issues can be tackled. Procedural accommodations need to be made to account for additional barriers persons with disabilities face.

Tirza then emphasized the importance of donors being mindful of those most marginalized within target groups and ensure that they are present at the table. In one example, Open Society Foundations supported a women's group to write a baseline survey about violence against women in a certain region. Upon reading the draft, OSF staff saw that the largest group of women exposed to violence was women with physical disabilities. This was surprising because the percentage of those with intellectual disabilities was greater than those with physical disabilities. When asked about this the organization responded that they had a hard time identifying those with intellectual disabilities for the study. They will now convene special focus groups and create a sub-report to address this gap.

Barriers to access to justice are typical in any country. Weak judicial systems, police corruption and cultures of silence around violence strengthen these barriers. The key to addressing this is mainstreaming disability within all human rights issues.

**Marta Santos Pais** shared that children with disabilities are usually considered very low priority for governments and societies. Typically children with disabilities come from poorer families and are more likely to face malnutrition and unsafe living conditions. It is also common for families to not register a child with a disability because of the stigma associated or because they expect the child will die early. Without birth documentation, the child does not enjoy legal protection and it is impossible to collect proper data and information about children with disabilities. Children with disabilities are at ten times higher risk for facing violence than others. In Europe, one out of five children with a disability experiences some form of sexual violence. In schools, children with disabilities are often separated from other students or abused by their teachers, resulting in more bullying and sexual violence by other

students. Violence against children with disabilities is prevalent in within the household, where additional challenges and higher stress leads to neglect, violence and isolation.

Marta recommended several actions for funders:

- Support advocacy efforts to ratify without reservations the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities.
- Support policy change efforts in all countries to ensure that no form of violence against children is legitimized.
- Support work that provides a platform for children and young people to speak on these issues.

### **Question and Answer:**

Q: What advice do you have for women's rights groups in how best to refer women to mental health systems?

A: Proceed with great caution in referring. In much of the world, mental health institutions are abusive. Providing counseling in community setting is essential to proper treatment. We must avoid segregating and institutionalizing persons with disabilities.

Q: How do we distinguish strategies in outreach between urban and rural areas? Where are the points of intervention in rural areas?

A: Social networks are the most important resource people have. Often social networks are stronger in rural communities than in urban communities. It is easier to institutionalize in urban areas, as these types of facilities are more prevalent in urban areas. If the choice is between being institutionalized for treatment or remaining with one's community and receiving no treatment, persons with disabilities are usually better off in the community.

Q: Are you working to strengthen local healthcare systems?

A: We are working to improve community-based (not segregated) services.

We need to take the conversation away from the health arena where disability is too often placed. There is an assumption that people with disabilities need professionals to live and are incapable of speaking for themselves or living by themselves, and this is untrue.

The speakers concluded by emphasizing the importance of supporting advocacy by persons with disabilities for social inclusion, as well as the importance of providing support to families with persons with disabilities.