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**Committee on the Rights of Persons with
Disabilities**

***Topic area B: 'General Comment on articles
6, 7 and 16: Combating violence against
women and girls with disabilities.'***



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Topic Area B: ' General Comment on articles 6, 7 and 16: Combating violence against women and girls with disabilities.

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1) Welcoming Letter

Honorable Delegates,

We would like to welcome you officially on board, at ThessISMUN 2018 and of course at the Committee on the Rights of People with Disabilities. It is our utmost pleasure to meet you all and cooperate with through this year's committee works and sessions, discussing very important issues concerning the rights on people with disabilities.

At this year's CRPD edition we will discuss upon two very crucial topics concerning the rights of the people with disabilities. These will be the role that the media play in order to raise public awareness and combat any existing stereotypes, examining at the same time the referred article number 8, and the combat against the violence towards the women and girls with disabilities, while examining also the referred articles number 6,7 and 16.

Both of the already mentioned topics are of great importance and critical solutions should be found aiming to the combat of the aforementioned problems. But we are very sure that firstly via your personal research and studying, and secondly via your united and important committee work and our cooperation with you, a lot of crucial proposals towards these two topics will be proposed and implemented from you. So, we would like to welcome you again on board and wish you good luck!

The Board of the CRPD

2) Introduction to the topic

As it seems, the current topic under analysis is the fight against the violence towards women and girls with disabilities, via the examination also of the related articles to this phenomenon. Nowadays, it is well-known that the phenomenon of violence against women and girls is very severe in many countries around the world. As Kofi Annan, the former United Nations Secretary-General has mentioned in a 2006 report published on the site of the United Nations Development Fund for Women (UNIFEM): “Violence against women and girls is a problem of pandemic proportions. At least one out of every three women around the world has been beaten, coerced into sex, or otherwise abused in her lifetime with the abuser usually someone known to her”¹. And it appears that this mentioned phenomenon, affects also a lot the disabled women and girls too.

More specifically, the United Nations World Program of Action concerning Disabled Persons mentions that the effects of the deficiencies and disablement, such the violence against the people with disabilities, are particularly serious for women and girls. In general, disabled women and young girls are victims of social, cultural and economic disadvantages, and as it appears in our case, victims of violence, a situation that their participation in community and social life more difficult for them. Moreover, women and girls with disabilities usually experience more discrimination, and that is why they are placed at higher risk of gender-based violence, sexual abuse, neglect, maltreatment and exploitation.

For this reason, is very important to promote gender equality and the empowerment of women and girls, via the achievement of the internationally agreed sustainable development goals, such as the Millennium Development Goals and the UN Sustainable Development Goals (more specifically goals Number 5 and 10).

¹ Moradian, Azad (10 September 2010). "Domestic Violence against Single and Married Women in Iranian Society". Tolerancy.org. The Chicago School of Professional Psychology. Archived from the original on 25 April 2012. Retrieved 1 March 2015.

3) Definitions

Before proceeding with a further and more detailed analysis of the current topic, the definition of the violence against women and girls and the term of disability must be thoroughly explained.

Violence against women and girls

First of all, according to the Declaration on the Elimination of Violence against Women (A/RES/48/104), which was adopted by the UN General Assembly in 1993, violence against women and girls is “any action of gender-based violence that results in or maybe results in physical, sexual or psychological harm or suffering to women and girls. They are also included threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”². All the same apply also for the disabled women and girls.

Furthermore, the violence against women and girls in general, and more specifically to those with disabilities, is a problem met all around the world. This problem occurs, to a greater or lesser degree, in all the regions, countries, and their societies and cultures, and affects the women and girls without concerning their income, class, race or ethnicity. The numerous forms of the violence to which disabled women and girls are usually victims include forms like battering, sexual abuse of girls (disabled or not) in their own or other household, dowry-related violence, marital rape, female genital mutilation, dowry-related violence and other local and traditional and regional practices harmful to women and girls, killings in the name of "honor". Moreover, other forms can be the non-spousal violence and violence related to exploitation, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women, forced prostitution and violence perpetrated by the state.

Besides, all these forms of violence go further any oppressive behavior or discrimination in general and comprises any harm which is forced or made from coercion. Furthermore, these are not exactly examples of a random victimization, but

² Declaration on the Elimination of Violence against Women,(A/RES/48/104), 20 December 1993, Available on : [<http://www.un.org/documents/ga/res/48/a48r104.htm>]

they are directly connected to the inequality between female and male people (with or without disabilities), and the strategies to perpetuate or establish such a type of inequality.

During last twenty years, the UN and its related to the topic bodies, such the CRPD and Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and other international organizations, have also provided the States' governments, the wider public and the academic community, with knowledge concerning the forms, some incidences, the causes and the consequences of such gender-based violence acted towards women and girls with disabilities, as well as with measures in order to confront it.

Disability

As it is stated in the Article 2 of the Convention on the Rights of Persons with Disabilities:

“Discrimination on the basis of disability means any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation”³.

Moreover, the World Health Organization⁴ states that disabilities is a wider group of terms, which includes covering impairments, activity limitations, and participation restrictions. WHO also mentions that a disability is not only a health problem. It is a perplex phenomenon, which reflects to the interaction between features of a person's body and features of the society where it lives. Lastly, the procedure of overcoming the difficulties which people with disabilities face, needs interventions in order to remove any probable environmental and social barriers.

³ Convention on the Rights of Persons with Disabilities, Article 2-Definitions, Available on: [<http://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx#2>]

⁴ World Health Organization, Terminology: Disabilities, Available on: [<http://www.who.int/topics/disabilities/en/>]

4) The Committee on the Rights of Persons with Disabilities

As far as the Committee on Rights of People with Disabilities⁵ is a body of 18 independent experts which monitors the implementation of the CRPD Convention. The members of the Committee serve their duty in their individual capacity as individual experts and not as government representatives.

The aforementioned Convention (GA resolution A/RES/61/106) is an international human rights treaty adopted by the UN General Assembly on 13th December 2006 and it came into force on 3rd May 2008, alongside its Optional Protocol (GA resolution A/RES/61/106) which establishes two additional mandates for the Committee on the Rights of People with Disabilities:

- a) The receipt and examination of individual complaints
- b) The undertaking of inquiries in the case of reliable evidence of grave and systematic violations of the Convention.

This Convention also adopts a wider categorization of disabled people and affirms again that all the persons with all types of disabilities must enjoy equally all the human rights and the fundamental freedoms. The Convention also clarifies and qualifies how all categories of rights apply to persons with disabilities. It also identifies the areas where adaptation has to be made for the disabled people in order to effectively help them to exercise their rights, find the areas where their rights have been violated, and find also where protection of their rights must be reinforced.

Moreover, except of the Convention, the CRPD Committee on 25 November 2016 has proceeded to the publication of the “General Comment No. 3 (2016) on women and girls with disabilities”, via which the Committee has succeeded to reaffirm some of the points and the proposals upon the issues concerning the women and the girls

⁵ Committee on Rights of People with Disabilities, Introduction, Available on: [<http://www.ohchr.org/EN/HRBodies/CRPD/Pages/CRPDIndex.aspx>]

with disabilities, and more specifically among others, the fight against the violence, the abuse and the exploitation towards them (Paragraphs IV.A and IV.B).⁶

Of course, more specifically, in the Convention on the Rights of People with Disabilities, three exact articles (articles 6, 7 and 16) are referring to the topic under examination. These articles are thoroughly presented as stated in the Convention, right below.

5) Related Articles of the CRPD

As it is already mentioned, the topic under analysis is covered from three articles of the Convention on the Rights of People with Disabilities. These three articles, with disabilities, the Article 7, concerning the children with disabilities and the Article 16 concerning the freedom from exploitation, violence and abuse. More specifically:

a) Article 6 - Women with disabilities

The first article related to the topic under examination, is the article 6 of the CRPD, which talks about the women with disabilities. More specifically:

“1. States Parties recognize that women and girls with disabilities are subject to multiple discrimination, and in this regard, all take measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms.

2. States Parties shall 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 set out in the present Convention.”⁷

⁶ Committee on the Rights of Persons with Disabilities, General comment No. 3 (2016) on women and girls with disabilities (CRPD/C/GC/3), 25 November 2016

⁷ Convention on the Rights of Persons with Disabilities, Article 6-Women with Disabilities, Available on:
<http://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx#6>

b) Article 7 - Children with disabilities

The next related to the topic article, is the article number 7, concerning the children with disabilities, and specifically in the current case, the young girls.

“1. States Parties shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children.

2. In all actions concerning children with disabilities, the best interests of the child shall be a primary consideration.

3. States Parties shall ensure that children with disabilities have the right to express their views freely on all matters affecting them, their views being given due weight in accordance with their age and maturity, on an equal basis with other children, and to be provided with disability and age-appropriate assistance to realize that right.”⁸

c) Article 16 - Freedom from exploitation, violence and abuse

Lastly, the third article of the CRPD under examination, is the article number 16, which covers all the perspectives of the right of the women and girls with disabilities to freedom from exploitation, violence and abuse. More specifically:

“1. States Parties shall take all appropriate legislative, administrative, social, educational and other measures to protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse, including their gender-based aspects.

2. States Parties shall also take all appropriate measures to prevent all forms of exploitation, violence and abuse by ensuring, inter alia, appropriate forms of gender- and age-sensitive assistance and support for persons with disabilities and their families and caregivers, including through the provision of information and education on how to avoid, recognize and report instances of exploitation,

⁸ Convention on the Rights of Persons with Disabilities, Article 7-Children with Disabilities, Available on:
<http://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx#7>

violence and abuse. States Parties shall ensure that protection services are age-, gender- and disability-sensitive.

3. In order to prevent the occurrence of all forms of exploitation, violence and abuse, States Parties shall ensure that all facilities and programs designed to serve persons with disabilities are effectively monitored by independent authorities.

4. States Parties shall take all appropriate measures to promote the physical, cognitive and psychological recovery, rehabilitation and social reintegration of persons with disabilities who become victims of any form of exploitation, violence or abuse, including through the provision of protection services. Such recovery and reintegration shall take place in an environment that fosters the health, welfare, self-respect, dignity and autonomy of the person and takes into account gender- and age-specific needs.

5. States Parties shall put in place effective legislation and policies, including women- and child-focused legislation and policies, to ensure that instances of exploitation, violence and abuse against persons with disabilities are identified, investigated and, where appropriate, prosecuted.”⁹

All in all, is clear that via the articles 6,7 and 16 of the Convention on the Rights of People with Disabilities, the Committee is fully concerned upon the topic of the combat of the violence towards handicapped women and girls, proposes viable solutions to the that problem and urges the member States to act properly, nationally or internationally, in order to facilitate the whole situation.

⁹ Convention on the Rights of Persons with Disabilities, Article 16-Freedom from exploitation, violence and abuse, Available on:
<http://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx#16>

6) The Convention on the Elimination of Discrimination Against Women

Another text, which is referred as the pinnacle of the fight for the protection against the violence towards women and girls, disabled and not, is the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). This Convention was adopted in 1979 by the UN General Assembly, and it is usually described as an universal text containing the rights for women and girls. CEDAW includes a preamble and 30 articles, which provides the definition of the discrimination against women and girls and sets an agenda for national and international action in order to terminate this kind of discrimination.

Moreover, this Convention also defines discrimination against women and girls as *"...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."*¹⁰

With the acceptance of the aforementioned Convention, the States commit themselves to implement a number of measures and tasks in order to end discrimination against women and girls, disabled or not, in all forms. Some of these tasks that States have, are to incorporate the principle of equality of men and women, with or without disabilities, in their legal system, abolish all discriminatory laws and adopt appropriate ones prohibiting discrimination against women and girls, establish tribunals and other public institutions to ensure the effective protection of women and girls against discrimination, and furthermore the violence that comes through it, and ensure also the elimination of all actions of discrimination (and violence) against women by persons, organizations or enterprises.

¹⁰ Convention on the Elimination of All Forms of Discrimination Against Women, Part I, Article 1- Discrimination Available on [http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm#article1]

Even though the Convention doesn't make a specific reference to violence against women and girls, but does refer to the trafficking of women, the exploitation of prostitution and the sexual harassment in the women's workplace.

Furthermore, the Article 17¹¹ of the part V of the same Convention has provided the international community with the creation of the Committee on the Elimination of Discrimination against Women, whose task is to overview the implementation of the CEDAW from the States. Another task of this Committee is to publish regularly Recommendations based on the implementation of the Convention, clarifies the clauses and its meaning to the States members and examines also the petitions made from individuals, organizations or States, concerning the violation of the rights of women and girls in general and them with disabilities specifically, such as the acts of violence towards them.

Lastly, in 1989 the Committee introduced the general recommendation number 12 on violence against women which recommended that States include information in their reports to the Committee on the incidence of violence against women and girls.

7) International Framework

Except the unanimous efforts made from the United Nations as whole, its Member States and its specific to the topic committees of the CRPD and the CEDAW, there are also other UN bodies and international organizations, which are actively acting against the violence towards the women and girls with disabilities. These are exactly, other bodies of the United Nations and the Council of Europe. More specifically:

a) United Nations

Under the auspices of the UN, as it was mentioned previously, there are other UN bodies, except the CRPD and the CEDAW, which are fighting against the serious problem of the violence towards the disabled women and girls. Such a UN body is the

¹¹Convention on the Elimination of All Forms of Discrimination Against Women, Part V, Article 17- Committee on the Elimination of Discrimination against Women, Available on <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm#article17>

UN Women organization, which is actively proclaiming and protecting the rights of women in general (including of course the ones with disabilities). UN Women also recognizes the unique and difficult challenges that women and girls with disabilities face, and specifically in the cases when they are facing violence and urges the CRPD to continue exploring the intersectionality of disability and the violence towards the women and girls who possess one, also through the general recommendations of the Committee on the Elimination of Discrimination against Women.

Moreover, the United Nations have proceeded, expect from the signing of crucial conventions and texts overall, to other actions aiming towards the stop of the violence against women in general. Such actions were firstly the appointment in 1994 of the Special Rapporteur on violence against women, its causes and consequences, who is responsible alongside the UN bodies, for the supervision of the implementation of the Declaration on the Elimination of Violence against Women from the Member States and examines several violations of it from all over the globe.

Furthermore, another very important document for the struggle against the violence against the aforementioned group of persons, could be the Report of the Secretary General, provided by the UN General Assembly (A/73/227)¹², considering the “Situation of women and girls with disabilities and the Status of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto”. More specifically, this report, that pursues the resolution number 70/145 of the General Assembly, overviews the already in action efforts of the States and of the UN organs, concerning all the issues considering the women and girls with disabilities, such as the issue of the violence against them. The report also updates the status of the CRPD Convention and its Optional Protocol and recommends the further inclusion of women and girls with disabilities in the clauses of the aforementioned Convention and the 2030 Agenda for Sustainable Development.

¹² General Assembly, “Situation of women and girls with disabilities and the Status of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto”, Report of the Secretary-General (A/73/227), 28 July 2017

Lastly, the violence against women and girls in an overall has been mentioned also in other crucial documents and summits on gender equality and against violence towards women, with or without disabilities, which include the Beijing Declaration, the Platform for Action, the outcome of the twenty-third special session of the General Assembly entitled: “Women 2000: gender equality, development and peace in the twenty-first century”, the campaign entitled “UNiTE to end violence against women” and Kofi Anan’s 2006 “Secretary-General’s in-depth study on all forms of violence against women”.

b) Council of Europe

Moreover, focusing primarily in the European continent but having an international impact, the work of the Council of Europe in the domain of the violence towards the women and girls of any kind, including those with disabilities, is of high importance. Specifically, the Council of Europe plays an important role in the prevention and the combat towards all forms of violence against women and girls via ground-breaking and new standards and awareness-raising activities and campaigns. The Council of Europe is so concerned, because violence against women and girls of any kind, still is a widespread problem in all of its member States with devastating consequences for women, but also for the societies and the economies they are part of.

For this reason, the Council has succeeded with the conduct of two very important documents aiming to the protection of women and girls in general from violence, and these are the Convention on Preventing and Combating Violence against Women and Domestic Violence (known also as the Istanbul Convention) ¹³ and the Recommendation Rec (2002) 5¹⁴ of the Council of Europe. These two very important documents refer to the protection of the women and girls with disabilities from all the possible forms of violence, conduct measures to prevent such actions, to a further

¹³ Council of Europe, Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) Available on [<https://www.coe.int/en/web/istanbul-convention/home>]

¹⁴ Council of Europe, Recommendation Rec (2002)5 Available on [https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805e2612]

extent legally prosecute the culprits and lastly both of the propose various clauses in order to tackle viably this crucial issue.

c) European Union

The European Union is another organization which has an active presence in the matter of the protection of the women and girls in general, from the danger of the violence towards them. More specifically, with the occasion of the International Day for the Elimination of violence against women, which is in the 25th of November, the EU Agency for Fundamental Rights (FRA), launches two EU campaigns the #SayNoStopVAW¹⁵ and the global #metoo Campaign, both in order to help to put an ultimate stop to the widespread violence that affects millions of women and girls, with or without disabilities, all around Europe.

Moreover, the aforementioned Agency, it is also a part of the EU Framework for the monitoring and protection of the CRPD Convention¹⁶ and has also launched an official work-program, with a one year duration (2017-2018) in order to properly overview its implementation by the EU member States. Lastly, with the very important document entitled “Challenges to women’s human rights in the EU”, FRA inform the EU member state for the challenges that women’s and girl’s rights face and it races awareness about them.

All in all, at the same time except the aforementioned actions and campaigns of the international organizations below, mostly countries of the European continent and its governments, have already contacted their own campaigns and actions concerning the issue of the violence against women and girls, who have or not disabilities.

¹⁵ European Union Agency on Fundamental Rights, Campaign “Say No to Violence” Available on: [<http://fra.europa.eu/en/news/2017/say-no-violence-against-women>]

¹⁶ European Union Agency on Fundamental Rights, EU Framework for the UN Convention on the Rights of Persons with Disabilities (2017-2018), Available on: [<http://fra.europa.eu/en/theme/people-disabilities/eu-crpd-framework>]

8) Ways to tackle the issue

In this section, they are written some possible proposed ways to tackle the aforementioned issue of the combat against the violence towards women and girls with disabilities, which set a general guideline for the future proposals that will be heard during the committee sessions.

For instance, a major role, during the combat against this kind of violence, can be played by the raising of awareness for that issue, via the organisation of public campaigns, seminars etc, and the spread of information and details from all the educational and academic institutes, upon the aforementioned matter.

Furthermore, it was also stretched from above, the urgency of the States and the international organizations around the globe, to secure the existence of an international legal framework and promote the implementation of the CRPD, CEDAW and other conventions concerning the protection of the women and girls with disabilities from any actions of violence and the combat against it.

Lastly, some other alternatives can possibly be proposals such as the the adoption of an International Day for the Elimination of Violence towards Women and Girls with Disabilities, or more specific ones such as the need of the existence of more than one female representatives in the CRPD Committee, in order to raise more awareness in issues like the acts of violence against the handicapped women and girls.

9) Conclusion

As it was seen above, the issue of the violence against women and girls with disabilities, is a very sensitive matter that appears in severe ways in several countries around the globe and which calls for more actions from the international organizations like the UN, its bodies, the Council of Europe, the EU etc., from NGOs and from the governments of every state. A lot of steps towards the solution of this

matter have been made, but its perplex and very unique nation, calls upon more work and actions which will aim specifically to the women and girls with disabilities, in order to bring this matter more to the international spotlight and finally resolve it with the one way or another.

10) Points to be addressed during debate

At this moment, they are presented 8 points in the form of questions, which will be very useful to be addressed during the committee sessions. They are also paving the probable suggested way that the debates and discussions during CRPD committee sessions can follow. Those are the following:

- Which is the definition of the term “violence towards women and girls” ?
- Which are the emerging forms that violence against women and girls with disabilities and how can we be combat them ?
- How can awareness raising be succeeded?
- How can the CRPD overview the implementation of the three articles concerning this issue and its Convention as a whole?
- Which are the possible ways of protecting women and girls with disabilities respectively from any form of violence?
- How can international co-operation be succeeded towards this matter?
- How can education play a role for the information upon this issue?
- Which tools can be used from the countries and the international community in general in order to combat the violence towards women and girls with disabilities ?

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