

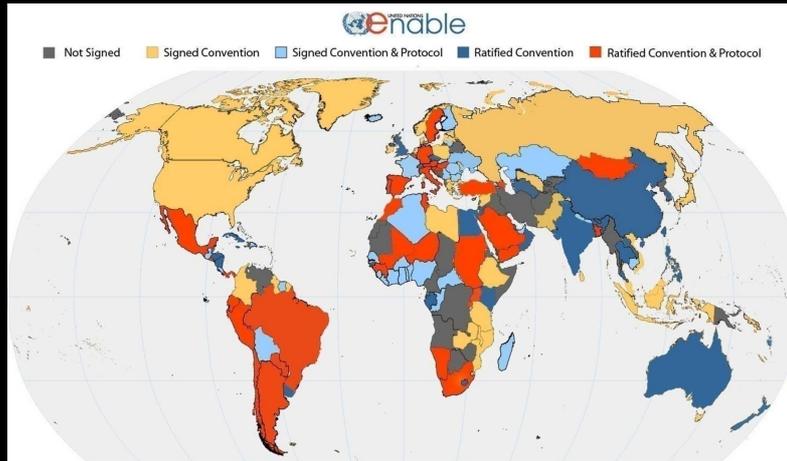
What does CRPD say about violence and abuse towards persons with disabilities

*By Giampiero Griffo
DPI World Council member*

**3.5.2008 Entry in force of UN Convention
on the rights of PwD :
Higher recognition of the rights of PwD**



154 States has signed CRPD
90 States has signed Optional Protocol
125 States has ratified CRPD
75 States has ratified Optional Protocol



CRPD Framework

Definition of disability and PwD (preamble e) and art. 1)

Principles (art. 3)

Non discrimination and equality (art. 5)

Article 8 - Awareness-raising

1. States Parties undertake to adopt immediate, effective and appropriate measures:

(a) To raise awareness throughout society, including at the family level, regarding persons with disabilities, and to foster respect for the rights and dignity of persons with disabilities;

(b) To combat stereotypes, prejudices and harmful practices relating to persons with disabilities, including those based on sex and age, in all areas of life;

(c) To promote awareness of the capabilities and contributions of persons with disabilities.

Article 8 - Awareness-raising

2. Measures to this end include:

(a) Initiating and maintaining effective public awareness campaigns designed:

(i) To nurture receptiveness to the rights of persons with disabilities;

(ii) To promote positive perceptions and greater social awareness towards persons with disabilities;

(iii) To promote recognition of the skills, merits and abilities of persons with disabilities, and of their contributions to the workplace and the labour market;

(b) Fostering at all levels of the education system, including in all children from an early age, an attitude of respect for the rights of persons with disabilities;

(c) Encouraging all organs of the media to portray persons with disabilities in a manner consistent with the purpose of the present Convention;

(d) Promoting awareness-training programmes regarding persons with disabilities and the rights of persons with disabilities.



Syndrome of Peter Pan

The persons with disabilities not have sex



Syndrome of Peter Pan



In some part of the world
sexual abuse towards women
with intellectual disabilities are
consider an appropriate
behaviour



CRPD on violence and abuse

Articles direct to violence and abuse

Art. 10

Art. 15

Art. 16

Art. 17

CRPD on violence and abuse

Articles on the Right to have access to

Art.12

Art. 13

Art. 23

Art. 25

CRPD on violence and abuse

Particular vulnerable groups

Preamble q)

Art. 6

Art. 7

Intellectual disability

Articles direct to violence and abuse

Article 10 Right to life

States Parties reaffirm that every human being has the inherent right to life and shall take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others.

Protocol of Groeningen

Children with spina biphida
not have right to born or to
life

The Royal college of Obstetricians and Gynaecology

Senior doctors are urging health professionals to consider permitting the euthanasia of seriously disabled newborn babies. The college is arguing for "active euthanasia" to be considered for the overall good of parents, sparing them the emotional burden and financial hardship of bringing up the sickest babies

Article 15
**Freedom from torture or cruel, inhuman or
degrading treatment or punishment**

1. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his or her free consent to medical or scientific experimentation.

2. States Parties shall take all effective legislative, administrative, judicial or other measures to prevent persons with disabilities, on an equal basis with others, from being subjected to torture or cruel, inhuman or degrading treatment or punishment.

**OFFICE OF THE HIGH
COMMISSIONER FOR HUMAN
RIGHTS**

**Expert seminar on freedom from
torture and ill treatment and
persons with disabilities**

Geneva, 11 December 2007

Chemical multinational industries develop medical or scientific experimentation and research in development countries where the standards of information consent are lower than developed countries

Article 16

Freedom from exploitation, violence and abuse

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, 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 programmes designed to serve persons with disabilities are effectively monitored by independent authorities.

Article 16

Freedom from exploitation, violence and abuse

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.

Article 17

Protecting the integrity of the person

Every person with disabilities has a right to respect for his or her physical and mental integrity on an equal basis with others.



Bioethics must be founded on the social model of disability based on the respect of Human Rights

Articles on the Right to have access to

Article 12 - Equal recognition before the law

1. States Parties reaffirm that persons with disabilities have the right to recognition everywhere as persons before the law.
2. States Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life.
3. States Parties shall take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity.
4. States Parties shall ensure that all measures that relate to the exercise of legal capacity provide for appropriate and effective safeguards to prevent abuse in accordance with international human rights law. Such safeguards shall ensure that measures relating to the exercise of legal capacity respect the rights, will and preferences of the person, are free of conflict of interest and undue influence, are proportional and tailored to the person's circumstances, apply for the shortest time possible and are subject to regular review by a competent, independent and impartial authority or judicial body. The safeguards shall be proportional to the degree to which such measures

Article 13 - Access to justice

1. States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages.
2. In order to help to ensure effective access to justice for persons with disabilities, States Parties shall promote appropriate training for those working in the field of administration of justice, including police and prison staff.

Carmen Pardo-Valcarce
Foundation

Article 23 - Respect for home and the family

1. States Parties shall take effective and appropriate measures to eliminate discrimination against persons with disabilities in all matters relating to marriage, family, parenthood and relationships, on an equal basis with others, so as to ensure that:

(a) The right of all persons with disabilities who are of marriageable age to marry and to found a family on the basis of free and full consent of the intending spouses is recognized;

(b) The rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children and to have access to age-appropriate information, reproductive and family planning education are recognized, and the means necessary to enable them to exercise these rights are provided;

(c) Persons with disabilities, including children, retain their fertility on an equal basis with others.

Article 23 - Respect for home and the family

2. States Parties shall ensure the rights and responsibilities of persons with disabilities, with regard to guardianship, wardship, trusteeship, adoption of children or similar institutions, where these concepts exist in national legislation; in all cases the best interests of the child shall be paramount. States Parties shall render appropriate assistance to persons with disabilities in the performance of their child-rearing responsibilities.

3. States Parties shall ensure that children with disabilities have equal rights with respect to family life. With a view to realizing these rights, and to prevent concealment, abandonment, neglect and segregation of children with disabilities, States Parties shall undertake to provide early and comprehensive information, services and support to children with disabilities and their families.

Article 25 - Health

1. States Parties recognize that persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability. States Parties shall take all appropriate measures to ensure access for persons with disabilities to health services that are gender-sensitive, including health-related rehabilitation. In particular, States Parties shall:

(a) Provide persons with disabilities with the same range, quality and standard of free or affordable health care and programmes as provided to other persons, **including in the area of sexual and reproductive health and population-based public health programmes;**

(b) Provide those health services needed by persons with disabilities specifically because of their disabilities, including early identification and intervention as appropriate, and services designed to minimize and prevent further disabilities, including among children and older persons;

The Vatican is against the CRPD
because the reference on sexual
and reproductive services in art.
23 and 25

Particular vulnerable groups

Preamble

(q) *Recognizing that* women and girls with disabilities are often at greater risk, both within and outside the home of violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation,

Article 6 Women with disabilities

1. 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.

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.

Condition of women with disabilities

Between 39 to 68% of woman can't represent herself is raped before 18° years

100% wwd are beat in house, 25% of women with intellectual disability are raped, 6% is forced sterilized (Orissa, India 2004)

68% of man with disabilities is married in front to 50% of women with disabilities

High risk of sterilization, denied of maternity, more risk of diseases

Article 7

Children with disabilities

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.

Other related articles

CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

Article 31 - Statistics and data collection

1. States Parties undertake to **collect appropriate information**, including statistical and research data, **to enable them to formulate and implement policies to give effect to the present Convention**. The process of collecting and maintaining this information shall:

(a) Comply with legally established safeguards, including legislation on data protection, to ensure confidentiality and respect for the privacy of persons with disabilities;

(b) Comply with internationally accepted norms to protect human rights and fundamental freedoms and ethical principles of statistics.

2. The **information collected** in accordance with this article **shall be disaggregated as appropriate and used to help assess the implementation of States Parties' obligations under the present Convention, and to identify and address the barriers faced by persons with disabilities in exercising their rights**

3. States Parties shall assume the responsibility for the **dissemination of these statistics and ensure their accessibility** to people with disabilities and others.

Data and violence and abuse toward persons with disabilities

No data No policies

Poor data Poor policies

Appropriate data New policies

Live own **sexuality**
is a **human right**?

Support the Value
of human diversity

Old Greece

*Kalòs = healthy man and
beauty*

Kai = is also

Agathòs = good



