

# Leveraging Worldwide Perspectives on Serving Survivors with Disabilities

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November 19, 2019

# Women Enabled International

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- ❖ **Our Mission:** Women Enabled International advances human rights at the intersection of gender and disability to: respond to the lived experiences of women and girls with disabilities; promote inclusion and participation; and achieve transformative equality.
- ❖ **Our Vision:** Women Enabled International envisions a world where women and girls with disabilities claim human rights, act in solidarity and lead self-determined lives.



# A Framework for the Guidelines

# Overview and Application of the International Human Rights Framework

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- ❖ The Convention on the Rights of Persons with Disabilities (CRPD)
  - ❖ First international treaty on the rights of persons with disabilities adopted in 2006.
  - ❖ Reflects a social/human rights model of disability.
  - ❖ Definition of Disability: “Persons with disabilities include those who have long-term **physical, mental, 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.” (Article 1)

# Application of the International Human Rights Framework (2)

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- ❖ Articles on range of disability rights topics – E.g. Equality and Non-Discrimination (Art. 5); Women with Disabilities (Art. 6); Accessibility (Art. 9); Equal Representation before the Law (Art. 12); Access to Justice (Art. 13); Freedom from Exploitation, Violence and Abuse (Art. 16); Living Independently and Being Included in the Community (Art. 19); Work and Employment (Art. 27).

# Application of the International Human Rights Framework (3)

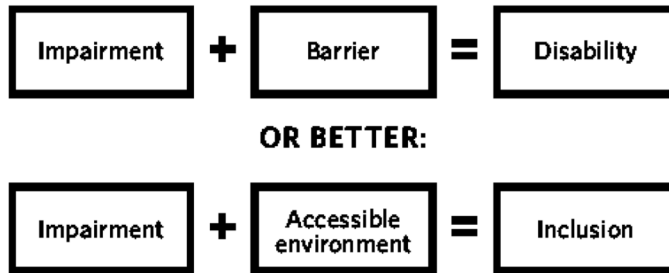
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- ❖ Further guidance from the U.N. Special Rapporteur on the Rights of Persons with Disabilities and the Committee on the Rights of Persons with Disabilities.
  - Report of the Special Rapporteur on the rights of persons with disabilities (theme: legal capacity reform and supported decision-making) (2017)
  - CRPD Committee General Comment No. 2 – Article 9: Accessible (2014)

# Models of Disability

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## ❖ Social / Human Rights Model



## ❖ Charity Model

*People with disabilities who deserve our support and care as an act of charity.*

## ❖ Medical Model

*Disability is a medical problem that should be treated as other medical problems and eradicated when possible.*

# Women and Young People with Disabilities Access to GBV Services: What We Know

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- ❖ Roughly half a billion women with disabilities worldwide.
- ❖ 180 - 220 million young people with disabilities worldwide.
- ❖ Persons with disabilities are **3 times** more likely to experience physical violence, sexual violence, and emotional violence than persons without disabilities.
- ❖ Women with disabilities are estimated to be up to **10 times** more likely to experience sexual violence.



# Women and Young People with Disabilities Access to GBV Services: What We Know (2)

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- ❖ Between **40% - 68%** of young women with disabilities will experience sexual violence before age 18.
- ❖ Boys and men with disabilities are **2 times** as likely as boys and men without disabilities to be sexually abused in their lifetime.
- ❖ Children with disabilities are **1.7 times** more at risk of violence than their peers without disabilities.
- ❖ Children with intellectual disabilities are almost **5 times** more likely to be subjected to sexual violence than children without disabilities.

# The Guidelines

# Our Process to Develop the Guidelines

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- ❖ Authored by Anastasia Holoboff and Suzannah Phillips, Women Enabled International
- ❖ Literature review of relevant human rights law, good practices, and standards worldwide.
- ❖ Week-long expert group meeting in Cartagena, Colombia, December 6–8, 2016
- ❖ Online expert consultations with 64 global experts on GBV and SRHR service provision and disability rights.
- ❖ Document drafts peer-reviewed 17 global experts.

# The Guidelines

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- ❖ Women and Young Persons with Disabilities: Guidelines for Providing Rights-Based and Gender-Responsive Services to Address Gender-Based Violence and Sexual and Reproductive Health and Rights (2018)
- ❖ Available at:  
<https://www.womenenabled.org>
- ❖ Available in:
  - ❖ English
  - ❖ Easy Read English
  - ❖ French
  - ❖ Spanish
  - ❖ Arabic (pending)



# Overview of the Guidelines

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- ❖ Purpose: To provide **practical guidance** to ensure that GBV and SRHR services give full effect to the rights of women and young people with disabilities.
  - ❖ Audience: GBV and SRHR service **providers and support staff**, these Guidelines are also intended as a valuable resource for all stakeholders (government, international organizations, and non-governmental organizations)
  - ❖ Scope: **Low-, middle-, and high-resource** settings and **humanitarian** emergency settings where services for **women with disabilities ages 24 and above** and **young people with disabilities, female and male, ages 10-24** are provided.
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# Overview of the Guidelines (2)

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## ❖ Chapters:

- ❖ Chapter 1: Overview
- ❖ Chapter 2: Foundational Guidelines for Action
- ❖ Chapter 3: Guidelines for GBV Service Provision
- ❖ Chapter 4: Guidelines for SRHR Service Provision
- ❖ Chapter 5: Glossary and Resources

# Foundational Guidelines for Planning for Inclusive Services

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Three stages of developing and administering programs to meet the needs of women and young people with disabilities:

1. Developing disability- and gender-sensitive laws and policies;
2. Program development, implementation, monitoring, and evaluation;
3. Designing facilities

# 1) Creating an enabling legislative and policy environment

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## *a. Legal Environment Assessment and Monitoring*

- E.g. Conduct a review of existing laws and regulations in collaboration with women and young people with disabilities to identify barriers and resolutions.

## *b. Legislative Advocacy and Lobbying*

- E.g. Consult organizations of people with disabilities in reviewing draft legislation and regulations.
- E.g. Advocate for non-discrimination laws.

## *c. National Policies and Plans*

- E.g. Adopt or Implement a National strategy or Action Plan, with adequate budget allocation on GBV service access for women and young people with disabilities.
- E.g. Collect disaggregated data on disability and gender.



## 2) Programme development, implementation, and monitoring.

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### *a. Engagement of Women and Young Persons with Disabilities*

- E.g. Engage people with diverse disabilities in a substantive accessible way.

### *b. Capacity Building*

- E.g. Engage both rights holders (PWD) and duty bearers (service provider & support staff)

### *c. Programme Delivery*

- E.g. Employ twin-track approach.
- E.g. Strengthen case coordinators.

### *d. Available Services*

- E.g. Ensure services are available to WWD and YPWD in isolated settings (i.e. institutions; family homes)

# Twin Track Approach

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- ❖ Evidence demonstrates taking a twin track approach is the most effective strategy for ensuring inclusive services. This means both:
  1. systematic mainstreaming and
  2. “targeted and monitored action aimed specifically at women [and young people] with disabilities”.

## Examples:

- Special Education and Integrated Co-Teaching
- A rape crisis center that is available and accessible to all but has programming for women with disabilities including trained counselors and support groups for women with disabilities only

## 2) Programme development, implementation, and monitoring, *contd.*

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### *e. Effective Identification of Needs and Referrals*

- E.g. Develop and streamline inter-agency coordination.

### *f. Accessible Services/ Accommodations*

- E.g. Offer reasonable accommodations and proactively provide contact to request.

### *g. Acceptable Services*

- E.g. Design services that respect a person's dignity.

### *h. Quality Services*

- E.g. Ensure services are of good quality and equal to those offered to others.

### *i. Rights Based Services*

- E.g. Implement safe-guards for free & informed consent.

### *j. Data Collection and Monitoring*

- E.g. Collect disaggregated data - by gender and disability – to assess programming.

# 3) Accessible facilities

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## *a. Identifying Barriers*

- E.g. Conduct an accessibility audit by hiring people with diverse disabilities to identify barriers.

## *b. Physical Accessibility*

- E.g. Ensure both physical access for all components of service delivery that ensures equally dignified access.
- E.g. Ensure quality remote access.

## *c. Sensory Accessibility*

- E.g. Have stress and sensory devices available for use.

## *d. Information and Communication Accessibility*

- E.g. Braille; large print; audio; digital formats; sign language; captioning; simplified formats

## *e. Economic Accessibility*

- E.g. Free, affordable or sliding scale prices.
- E.g. Flexible hours

# Gender-Based Violence Service Provision Chapters

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## Ch. 3.3. GBV Prevention Services

- E.g. Initiatives to Support, Educate, and Provide Respite Care for Families and Caregivers

## Ch. 3.4. Health Services

- E.g. Documentation of Violence for Medico-Legal Evidence

## Ch. 3.5. Justice and Policing

- E.g. Trainings for Justice Center Actors

## Ch. 3.6. Social Services—Protection Services

- E.g. Help Lines

## Ch. 3.7. Social Services—Rehabilitation Services

- E.g. Appropriate Social Reintegration services (e.g. Help recovering or replacing identity documents)

## Ch. 3.8 . GBV Services for People Living in Institutional Settings

- E.g. Increased Risk and Barriers

## Ch. 3.9. Access to GBV Services for Adolescents and Youth with Disabilities

- Require tailored services.

# Justice and Policing Services for GBV Victims/Survivors with Disabilities

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- ❖ Protection Order Information and Support;
- ❖ Trainings for Justice Center Actors;
- ❖ Support for Equal Participation in Criminal Investigations & Prosecution;
- ❖ Victim Compensation Funds;
- ❖ Removal of Guardianship Designations;
- ❖ Divorce Proceedings Support

# Justice and Policing Guidelines for Action

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## *Availability*

- ❖ Build the capacity of the legal profession, including attorneys, judges, and clerks, on representing and working with victims/survivors of violence.
- ❖ Train law enforcement officers and other emergency personnel, such as emergency-line operators
- ❖ Recruit and maintain a list of trained low-cost legal services providers.

# Justice and Policing Guidelines

## Examples

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Example: *The DisAbled Women's Network (DAWN) and Canadian Association of Community Living (CACL) created a workshop series for persons with disabilities, family members, and services providers entitled '**Our Right to be Safe! Building Safe Communities for People with Disabilities and Deaf People**'.*

Example: **UNICEF** has successfully utilized technology to spread information and empower young persons using **U-Report** in Uganda. U-Report is a free SMS social monitoring tool designed to engage users in issues they care about. For example, one female user reported that she used the platform to share her experience of being raped and seek support.



# Justice and Policing Guidelines for Action (2)

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## *Accessibility*

- ❖ Provide necessary supports to navigate the justice process.
- ❖ Develop programs to increase the comfort of WWD & YPWD during court proceedings, assist victims/survivors in giving testimony, and address credibility concerns.
- ❖ Advocate for a comprehensive disability access plan for the justice system.

# Example 3

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Example:

*The **Sexual Abuse Victim Empowerment (SAVE)** program at **Cape Mental Health** in South Africa involves a psychological assessment; court preparation, comprehensive sexuality education, counselling, and support for the victim/survivor and their family; a cache of expert witnesses; a referral network within the justice and police departments; training and awareness-raising among the police and prosecutors; and training and ongoing support for other stakeholders.*

# Justice and Policing Guidelines for Action (3)

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## *Accessibility, contd.*

- ❖ Translate justice system forms, information material, and instructions into accessible formats.
- ❖ Educate justice sector stakeholders about physical accessibility adaptations that increase the comfort and dignity of WWD & YPWD engaging with the justice system.
- ❖ Advocate for government-funded legal services, fee waivers, and cost reductions.
- ❖ Develop accessible and inclusive know your rights programs.

# Example 4

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## Example:

*The **Illinois Imagines' SANE Picture Guides** are good examples of picture guides that can increase access to justice. This collection of picture guides was developed to assist women with disabilities to better understand the sexual assault examination process. There are different guides depending on the needs of the woman and guides for medical staff and advocates to assist a woman with disability.*

# Justice and Policing Guidelines for Action (4)

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## *Acceptability*

- ❖ Develop law and graduate school and continuing education programs to increase the capacity and representation of persons with disabilities in the justice system.
- ❖ Where sexual violence occurs, particularly where staff are responsible, develop programs that support prompt and independent investigations to hold perpetrators accountable, along with appropriate compensation for the victim/survivor

# Example 5

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Example:

*The **National Union of Women with Disabilities of Uganda's paralegal program** uses well-trained paralegals to increase access to justice for women and young persons with disabilities. Thirty-two women with disabilities were trained about the rights of women and girls with disabilities relating to SRHR and GBV. These paralegals became community role models, offering peer-to-peer support in reporting violations and conducting the necessary follow-up to ensure justice was achieved and advocating for systemic change.*

# Justice and Policing Guidelines for Action (5)

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## *Quality*

- ❖ Conduct training sessions for members of the justice sector—including lawyers, paralegals, law enforcement officers, judges, court administrators, correctional facility staff on the rights and experiences of people with disabilities. Taught in full or in part by people with diverse disabilities.
- ❖ Implement regular evaluations of the extent to which GBV services promote access to justice for women and young persons with disabilities and appraisals of access to justice services, like safety audits & court monitoring.

# Example 6

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Example:

*Safe Austin* in the United States of America developed a training and manual that provides resources and tools for law enforcement: **'In My Jurisdiction: Responding to Crimes Against People with Disabilities, Deaf Individuals, and Older Adults.'**



# Question

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- ❖ What are some good practices you know for ensuring services are accessible to and inclusive of women and young people with disabilities?

# Key Takeaways (1)

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- ❑ **Participation** of women and young people with disabilities at all stages of program development and assessment.
- ❑ **Inclusive** services for people with and without disabilities – Twin Track Approach.
- ❑ **Respect** for a person's legal capacity, informed consent, and privacy, along with mechanisms for supported decision-making and confidentiality safeguards.

# Key Takeaways (2)

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- ❑ **Sufficient funding** for accessible services.
- ❑ **Training and supportive supervision** of service providers and support staff about the rights and needs of women and young people with different types of disabilities and how to provide respectful care. Incorporate disability issues in curricula for service providers and support staff.
- ❑ **Effective referrals** through streamlined inter-agency coordination.
- ❑ **Accessible** services (physical, information, communication, financial, sensory environment).

# Ensuring Access to Justice for Persons with Mental Disability

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A Program Spotlight: Cape Mental Health

Carol Bosch, Assistant Executive Officer, Cape  
Mental Health

# UNCRC Article 13 – Access to Justice

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- ❖ State 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**



Cape Mental Health

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# UNCRC Article 13 – Access to Justice (2)

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- ❖ In order to help to ensure effective access to justice for persons with disabilities, State Parties, shall promote **appropriate training for those working in the field of administration of justice**, including police and prisons staff



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# SAVE Programme

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Offers the complainants with mental disability the same access to justice as the general population in cases of sexual abuse.

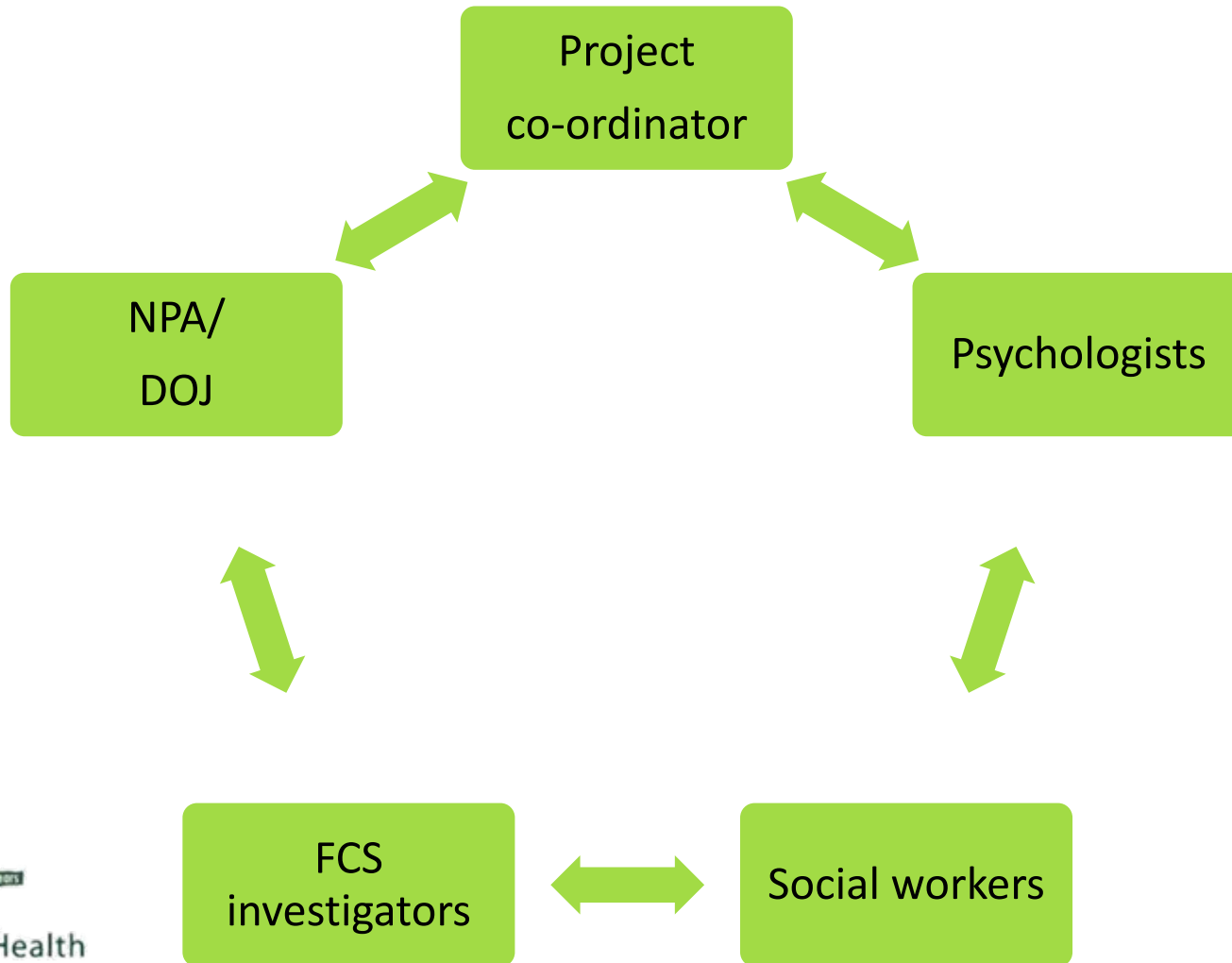


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# SAVE Role-Players

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# SAVE Process

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## Referral

- Referral received from DOJ or FCS
- Initial screening



## Referral for social work intervention

- Support and education services from social work
- Advocating and liaising on complainant's behalf



## Psycho-legal assessment

- Happens over two weeks
- Report sent to court afterwards

# SAVE Process (continued)

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## Court appearance

- Court preparation
- Psychologist testifies first then complainant testifies



## Outcome of court case

- Support and education to family
- Outcome communicated



## Continued services

- Services rendered until complainant and family are ready to close file

# How the SAVE programme assists a complainant with mental disability

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- Social workers
  - Support complainants and their families
  - Provide court preparation if necessary



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# The psychologist report

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Evaluates

- ❖ The complainant's level of intellectual functioning
- ❖ Competence as a witness
- ❖ Capacity to consent to intercourse
- ❖ Emotional effect of the alleged rape



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# Testifying as an expert witness

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## Expert's role

- ❖ Prepares the court for the complainant
- ❖ Knowledgeable about the relevance of current issues
- ❖ Recommends reasonable accommodation measures and use of clarifying questions



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# Training of role-players

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Ongoing training of

- ❖ FCS officers
- ❖ Ongoing training of prosecutors
- ❖ Training of court support workers
- ❖ Training of intermediaries
- ❖ Training of relevant role-players, NGOs

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Access to Justice  
for People with  
Intellectual  
Disabilities

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Guidelines for identification,  
interviewing and supporting  
complainants with intellectual  
disabilities in cases of sexual offences

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"When you  
change the  
way you look  
at things,  
the things you  
look at  
change."

-Wayne Dyer



# Questions?

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For further questions and information, please contact:

[A.Holoboff@WomenEnabled.org](mailto:A.Holoboff@WomenEnabled.org)

[Link to the Guidelines \(PDF\)](#)

[Link to join WEI listserve](#)