



SUMMARY

CLOSING THE JUSTICE GAP FOR WOMEN WITH INTELLECTUAL AND/ OR PSYCHOSOCIAL DISABILITIES IN ASIA AND THE PACIFIC

LEGAL NEEDS SURVEY: SUMMARY OF FINDINGS AND RECOMMENDATIONS

Women with intellectual and/or psychosocial disabilities face a justice gap, globally. To gather evidence to inform recommendations on how States in Asia and the Pacific can close this gap, a legal needs survey of women with intellectual and/or psychosocial disabilities was conducted in **Fiji, Indonesia, Nepal, and the Philippines**, by the Centre for Disability Law and Policy and the Irish Centre for Human Rights at the University of Galway, commissioned by UN Women Regional Office for Asia and the Pacific. The legal needs survey was co-produced with partner organizations of persons with disabilities and/or self-advocates in each country.

SUMMARY OF SURVEY FINDINGS

The survey results highlight that women with intellectual and/or psychosocial disabilities experience a range of enduring legal issues that impact their ability to exercise their rights on an equal basis with others, including:

- Denial of **legal capacity and equal access to justice**;
- Lack of **education and employment** opportunities;
- **Violence**, including domestic and sexual violence; and
- Denial of **health care**, including sexual and reproductive healthcare.

Many of these problems stem from a socio-legal context characterized by poverty, ableism, and profound stigma and prejudice.

Some **74 per cent of problems reported by the women consulted remain unresolved**, demonstrating how these issues are complex problems that require dedicated attention.

When trying to resolve problems, women largely used informal, personal social networks: **77 per cent sought advice from a community actor**, whereas only **13 per cent used the formal legal justice system**.

This indicates that women with intellectual and/or psychosocial disabilities are being denied their rights, and that the justice systems may not be adequately equipped to protect the rights of these women.

RECOMMENDATIONS

To close the justice gap and create justice systems that better meet the needs of women with intellectual and/or psychosocial disabilities, it is recommended that States implement the Convention on the Rights of Persons with Disabilities (CRPD) in its entirety. States should work in partnership with women with intellectual and/or psychosocial disabilities and other persons with disabilities, including organizations of persons with disabilities, on the implementation of the CRPD. In this regard, there are four overarching recommendations, informed by the results of the legal needs survey:

1. Protect the right to legal capacity (Article 12 'Equal recognition before the law' of the CRPD)

Domestic laws need to move away from denying legal capacity on the basis of disability. Systems of substitute decision-making, such as guardianship and conservatorship, should be abolished. Instead, States should enable women with disabilities to make use of tailored, flexible decision-making support from a trusted individual or organization. Training should be provided to decision-making supporters to ensure that they are operating under the human rights model, guided by the will and preference of the primary rights-holder, being the woman with a disability.

2. Raise awareness on the rights of women with disabilities (Article 8 'Awareness-raising' of the CRPD)

Campaigns to raise awareness of the rights of women with disabilities can support a social shift towards gender and

disability-inclusive communities that promote and protect the rights of all persons. Campaigns should reinforce that women with disabilities make valuable contributions to society and play an active role in the community. Place an emphasis on 'myth busting' to promote inclusion and combat stigma and stereotypes associated with gender and disability. Furthermore, equip women with disabilities with the knowledge and skills to promote and protect their rights, through funding, peer support, community engagement, and mechanisms to report rights violations.

3. Address the impact of intersectional discrimination (Article 6 'Women with disabilities' of the CRPD)

Recognize the unique and interconnected experiences of women with disabilities. To reduce discrimination and ensure equal access to justice for women with disabilities, provide targeted training for service providers and justice actors (such as social workers, public administrators, police, lawyers, judges, and court staff) on the rights of women with disabilities in the legal system, including their right to procedural accommodation and to legal capacity. Raise awareness of the intersecting forms of discrimination faced by women with disabilities on the basis of gender, disability, and where relevant, other status.

4. Develop a strategy for gathering disaggregated data (Article 31 'Statistics and data collection' of the CRPD)

Disaggregated data can be used to create an accurate picture of women with disabilities (e.g. by age, gender, type of impairment, living situation, family status) and forecast the need for additional resources and infrastructure in key areas (e.g. health care, education, employment).

This summary was authored by the Centre for Disability Law and Policy and the Irish Centre for Human Rights at the University of Galway, with inputs by Georgia Westaway and Laura-Lee Sage from UN Women Regional Office for Asia and the Pacific.

The legal needs survey was undertaken by the Centre for Disability Law and Policy, and the Irish Centre for Human Rights, at the University of Galway, and was commissioned by UN Women Regional Office for Asia and the Pacific.

OPD partners co-designed and delivered the legal needs survey and made valuable contributions that informed the recommendations in this document and the full research report.

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The views expressed in this publication are those of the author(s) and do not necessarily represent the views of UN Women, the United Nations or any of its affiliated organizations.

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