THE RIGHT TO LIVE A LIFE FREE OF VIOLENCE FOR PEOPLE WITH DISABILITIES

Rodrigo Jiménez

INTERNATIONAL HUMAN RIGHTS LAW AND NON-vioLENCE AGAINST PEOPLE WITH DISABILITIES

The battle for recognition of the right to live a life free of violence is closely tied into the women's movement. It is women who, along with States, have established the importance of eradicating gender violence and have expended a great deal of effort to prevent, condemn, assist and eradicate the different manifestations of violence in various areas which in one way or another contribute to perpetuate social inequalities among men and women.1

These actions began with the three World Conferences on Women – México City (1975), Copenhagen (1980) and Nairobi (1985) – and in the parallel forums organised by non-government organisations. The women's movement brought forward the discussion of the subject of violence against women and gave special attention to the restrictions that violence imposes on the full participation of women in society. The Nairobi strategies “[o]rientated towards the future for the advancement of women,” established the concern of the international community and recognised State responsibility for the eradication of violence. These actions had impact in other areas as, for example, in 1990, the Inter-American Commission for Women (CIM) published the Conclusions and Recommendations of the Inter-American Consultancy on Women and Violence.

In 1992 the Committee for the Elimination of All Forms of Discrimination against Women (CEDAW Committee), which was established under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted Recommendation No. 19: Violence against Women.2 This Recommendation states that

---

violence against women is a form of discrimination against them which reflects and perpetuates their subordination and requires States to eliminate violence in all spheres. In relation to this Recommendation No.18: Disabled Women proposes:

that all State Parties include in their periodical reports information on women with disabilities and on measures adopted to face their particular situation, including special measures in relation to equal opportunities in the area of education, work, health services and social security, and guarantee that they can participate in all aspects of social and cultural life.3

Thus, countries that have ratified CEDAW shall, in reports prepared every four years, include information on laws and incidence of violence against women, including women with disabilities, as well as measures adopted to confront it.

The World Human Rights Conference held in Vienna in 1993 recognised that violence against women is a human rights problem, and called for gender mainstreaming4 in the mechanisms developed in the international, regional and national arenas in order to eliminate violence against women. In 1993, the United Nations General Assembly adopted the Declaration on the Elimination of Violence against Women5 which is addressed to all member States of the United Nations and which must be implemented internationally by the different treaty-committees, including the CEDAW Committee.

In 1994, the United Nations Human Rights Commission appointed Radhika Coomaraswamy as the first Special Rapporteur on Violence against Women, its Causes and Consequences. The Special Rapporteur’s mandate allows her to receive petitions and initiate investigations on violence against women in all the member States of the United Nations.

During that same year, the Organization of American States (OAS), adopted the Inter-American Convention for the Prevention, Sanctioning and Eradication of Violence Against Women (Belem do Pará

---

4 Understood as the incorporation of the multiple forms of subordination and discrimination suffered by women of all ages, ethnic groups or races, socio-economic conditions, disabilities, sexual preferences, geographical location, etc., in regards to men, which gives rise to a great diversity among women, that influences the way in which they experiment the abovementioned subordination and discrimination.