



# Safeguarding the Rights of Women with Disabilities to Family Life, Work, and Protection from Gender-based Violence

Julia Constanze Braunmiller and Marie Dry

**W**omen with disabilities face additional barriers to their socioeconomic participation compared to men—with and without disabilities—as well as to women without disabilities, resulting in significant employment gaps and high exposure to gender-based violence. Laws around the world largely fail to protect the rights of women with disabilities to nondiscrimination, respect for family life, labor market inclusion, and a life free from violence. This Brief analyzes legal and policy data from 190 economies on the rights of women with disabilities and highlights promising practices where laws directly recognize and protect these needs, with the goal of informing policy reforms across the globe.

## Insights from new data can promote the rights of women with disabilities

One in five women around the world are excluded from fully participating in social, family, and work life. They face barriers when accessing education, work, health care, and information due to their disability and gender (World Bank and WHO 2011). Additionally, women with disabilities may face discrimination based on other intersecting identities, such as religion, race, age, sexual orientation, or gender identity. However, policies focused on gender and policies focused on disability inclusion, traditionally, have failed to address the specific needs of women with disabilities and may perpetuate an incomplete understanding of their multiple identities as “disabled” and as “women,” leading to even greater exclusion from socioeconomic opportunities. As a result, women with disabilities are three times more likely to have unmet health care needs and to be illiterate and are two times less likely to be employed and use the Internet than men without disabilities (UNDESA 2018). Policies and laws can positively shape the experience of women with disabilities by creating and fostering environments and societies where women with disabilities enjoy full and equal access to their rights and responsibilities. Further, in order to design inclusive policies, the active and meaningful participation of women with disabilities is crucial (Box 1).

Based on this reality, the *Women, Business and the Law* (WBL) project collected data on 11 new research questions to

gather insights as to how laws and policies around the world hinder or promote the rights of women with disabilities. Four broad areas were studied over the summer and fall 2021: nondiscrimination; parental rights and responsibilities; inclusion in the labor market; and protection against gender-based violence and harassment. A previous Global Indicators Brief entitled “The Importance of Designing Gender and Disability Inclusive Laws: A Survey of Legislation in 190 Economies” presents findings on the overall legal frameworks on nondiscrimination of women with disabilities (Braunmiller and Dry 2022). This earlier Brief features the analysis of three data points showing that despite significant reform movement since the adoption of the Convention on the Rights of Persons with Disabilities (CRPD) in 2008 and its groundbreaking Article 6, which calls for action to promote the full and equal rights of women with disabilities, only one-quarter of economies worldwide protect and promote the rights of women with disabilities. Focusing on the remaining three specific topics of parental rights and responsibilities; inclusion in the labor market; and protection against gender-based violence and harassment, this current Brief presents analysis of eight additional new data points collected by the *Women, Business and the Law* project. By showcasing good practice examples of inclusive laws, this review is intended to guide evidence-based law and policy making, as well as World Bank operations that are more gender- and disability-inclusive.

**Affiliations:** World Bank, Development Economics, Women, Business and the Law. For correspondence: [jbraunmiller@worldbank.org](mailto:jbraunmiller@worldbank.org); [mdry@worldbank.org](mailto:mdry@worldbank.org).

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**Objective and disclaimer:** This series of Global Indicators Briefs synthesizes existing research and data to shed light on a useful and interesting question for policy debate. Data for this Brief are extracted from the WBL database. These Briefs carry the names of the authors and should be cited accordingly. This Brief contains figcaptions and is designed to be accessible, including for the visually impaired. The findings, interpretations, and conclusions are entirely those of the authors. They do not necessarily represent the views of the World Bank Group, its Executive Directors, or the governments they represent. All Briefs in the series can be accessed via: <https://www.worldbank.org/en/research/brief/global-indicators-briefs-series>.

## Box 1 Ensuring political and social inclusion: “Nothing about us without us”

The drafting of the Convention on the Rights of Persons with Disabilities (CRPD) is a positive example of how persons with disabilities participated in and influenced the treaty making process through Organizations of Persons with Disabilities (OPDs). The meaningful involvement of persons with disabilities during the negotiation and drafting process strengthened the content of the Convention and showed the potential of the disability community to establish a groundbreaking document most relevant for the persons it affects (CRPD Committee 2018). However, this is not necessarily the case in the lawmaking processes around the world. Strong advocacy from OPDs and political will is needed to enact laws that are disability-inclusive. Activists with disabilities have been asking for meaningful participation in political life to better raise these issues in the political agenda and draft policies and laws that directly affect their lives. “Nothing about us without us” is the motto they use to advance the point that people with lived experience are better placed to know which measures are needed to ensure their inclusion. Yet persons with disabilities encounter barriers that prevent them from engaging in policy making and in particular, persons with intellectual disabilities are often deprived of their right to vote

and be elected (Inclusion International 2015).

The same applies to the design of constructive policies affecting the lives of women with disabilities. Only a few OPDs focus on the issues that women with disabilities face. One organization from the Middle East and North Africa (MENA) region stands out. “Stars of Hope” dedicates its work exclusively to promoting the rights of women with disabilities. It was officially established in 2007 by a group of women with disabilities, and with leadership comprised of women with disabilities. According to the chairwoman of the Board of Directors, the organization was established because women with disabilities in the MENA region faced discrimination and marginalization and lacked the empowering tools to have a voice to defend their rights and needs. Stars of Hope works with governmental institutions and women’s organizations to increase awareness of the rights of women with disabilities and the importance of their inclusion in laws and policies. For example, Stars of Hope has issued a policy recommendation to ensure that the system to refer cases involving violence against women in West Bank and Gaza is sensitive and responsive to the needs of women with disabilities.

Source: CRPD Committee 2018; Inclusion International 2015; *Women, Business and the Law* database.

## Legal guarantees for the parental rights and responsibilities of persons with disabilities

The CRPD seeks guarantees for equality and nondiscrimination in marriage, family, parenthood, and relationships for persons with disabilities. Specifically, it states that “[p]ersons with disabilities, including children, retain their fertility on an equal basis with others” [Article 23]. Yet, coerced and forced sterilization against persons with disabilities is a harmful discriminatory practice that continues to this day in the United States and around the world (National Women’s Law Center 2022). Evidence shows that women with intellectual and psychosocial disabilities are particularly at risk of being coerced to be sterilized (Servais et al. 2004; Powell and Stein 2016). Empirical research also confirms that women with intellectual disabilities often struggle to attain motherhood and fear losing custody of their child (Höglund and Larsson 2013). In fact, intellectual disability or mental illness are still included as grounds to consider termination of parental rights in some countries (Francis 2019). In 2016, the European Court of Human Rights found that the restriction of parental authority of a father with an intellectual disability under domestic law, which prevented his daughter from living with him, violated the father’s and daughter’s right to private and family life (ECHR 2016). Thus, the law can play an important role in ensuring that persons with disabilities enjoy equal rights to family and parenthood.

In this regard, the *Women, Business and the Law* project included a question in its 2022 dataset on whether the law provides support to women with disabilities in the exercise of their parental rights and responsibilities. This question aims to capture positive actions economies take to enable the parenthood of women with disabilities and protect them from

discriminatory practices. If a law provides support for persons with disabilities without explicitly referring to women or mothers, it is still considered a good practice under the applied methodology because women carry most of the burden of childbirth and childcare.

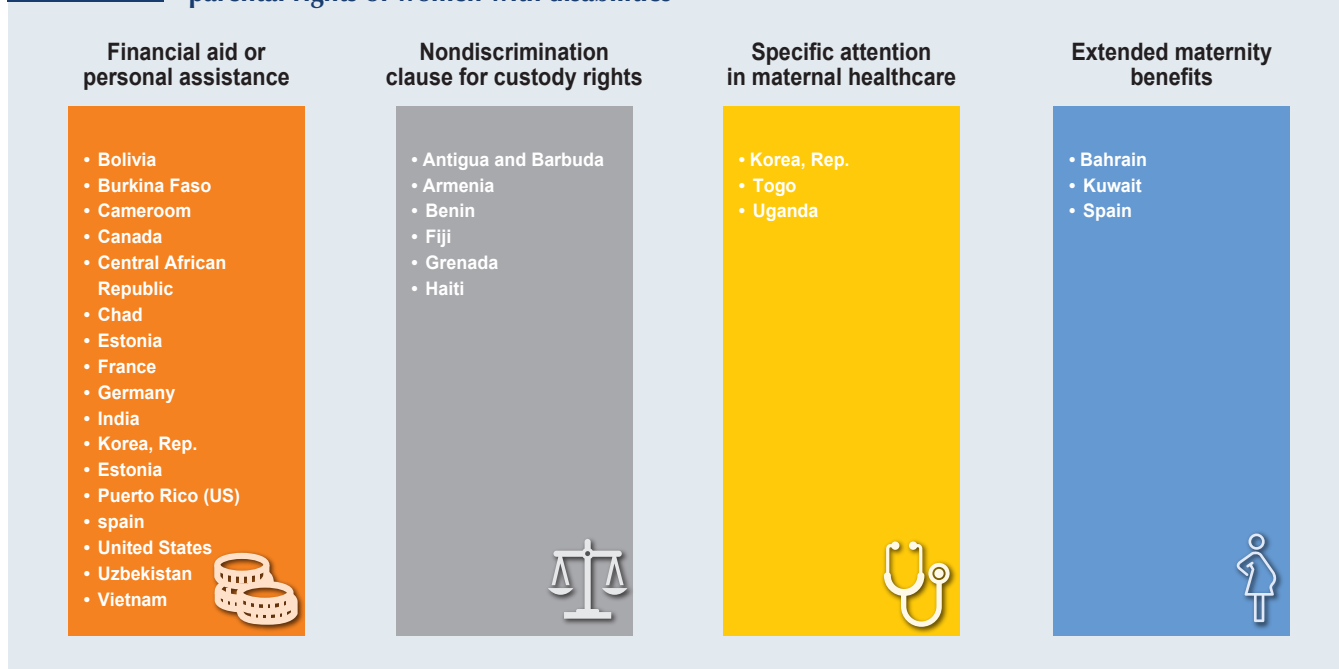
*Women, Business and the Law* finds that around the world, laws in 27 economies grant different types of aid to parents with disabilities (Figure 1). Those include financial or personal assistance, a nondiscrimination clause regarding custody rights, specific attention in maternal health care, and extended maternity benefits (Table 1).

## The necessity of including women with disabilities in labor markets

Around the world, persons with disabilities are far more likely than nondisabled individuals to be excluded from the labor force. Sexist and ableist labor market norms further depress the employment rates of women with disabilities. Women with disabilities are less likely to be employed than men with disabilities by 9.3 percentage points, than nondisabled women by 29.3 percentage points, and than nondisabled men by 48.5 percentage points, according to 2019 data for 14 economies reported by the International Labour Organization (ILO 2019).

Laws and policies can promote the inclusion of persons with disabilities within labor markets. The CRPD mandates that reasonable accommodation be provided to workers with disabilities and defines such accommodation as “necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case” [Articles 2 and 27(1)(i)]. This mandate recognizes that the

**Figure 1** Twenty-seven economies around the world stipulate specific legal protections for the parental rights of women with disabilities



Source: *Women, Business and the Law* database.

Note: Some economies provide multiple forms of legal protections.

interaction between an individual's impairment and the physical or social environment can result in the inability of those individuals to perform a particular function, job, or activity on an equal basis with others (Ferri 2018). What is more, the required accommodations should not be dismissed simply because they may be inconvenient for an employer but only if and when they are too disruptive of the normal operations of the business (ILO 2016). The obligation of

employers is, therefore, to provide "reasonable accommodation." Reasonable accommodation has been demonstrated to be an effective tool to increase the employment rate of persons with disabilities and boost productivity for both workers with disabilities and the employing firm (Hickox and Case 2020). However, concerns remain about implementing reasonable accommodations. For example, an employer might be worried about the perceived costs of accommodation, while

**Table 1** Examples of laws protecting the parental rights of women with disabilities

Measure	Example
Financial aid or personal assistance	France has widened access to disability compensation benefits for parents with disabilities, recognizing the need for human assistance (Decree No. 2020-1826 of December 31, 2020). The Republic of South Korea provides a woman with a disability "with a helper who is to visit her home for pre and postnatal care" (Act on Welfare of Persons with Disabilities). In Cameroon, the law provides that the state will contribute to school expenses and professional development of children whose parents have disabilities (Law No. 2010/002 of April 13, 2010).
Nondiscrimination clause for custody rights	In Benin, the law states that "no child shall be separated from his or her parents without just cause because of his or her disability or the disability of his or her parents" (Law No. 2017-06 Protecting and Promoting the Rights of Persons with Disabilities in the Republic of Benin). In Fiji, the law protects the right of persons with disabilities to be free from discrimination in all matters relating to parenthood (Fiji, Rights of Persons with Disabilities Act of 2018).
Specific attention in maternal health care	In Togo, the law provides that the personnel of health structures shall pay special attention to a woman with a disability during pregnancy and shortly after childbirth (Law of April 23, 2004, on the social protection of persons with disabilities).
Extended maternity benefits	In Kuwait, mothers with disabilities employed in the public sector are granted special fully paid leave (Law No. 8 of 2010 concerning the Rights of People with Disabilities). In Spain, the birth allowance is paid for an additional 14 days (General Social Security Law as amended in 2015).

Source: *Women, Business and the Law* database.

an employee might fear disclosure of their disability and resulting stigmatization (Lindsay et al. 2019; Schrader, Malzer, and Bruyère 2014).

While the CRPD does not advocate for the establishment of sheltered workshops, where persons with disabilities work in separated environments outside the “regular” labor force, these workshops are still widely used to increase the employment rate of persons with disabilities (May-Simera 2018). Arguments in favor of sheltered workshops stress their ability to provide work adapted to different types of disability and levels of severity. However, a transition into the “open” labor market has generally not been achieved (UNDESA 2018). Studies have shown that these workshops can leave workers with disabilities isolated and/or at risk of financial exploitation, and do not foster the goal to transition to traditional employment (Hoffman 2013). A majority of workers with disabilities would prefer working outside of sheltered workshops and would feel comfortable doing so with the adequate assistance (Migliore et al. 2007).

The CRPD also mandates the promotion of employment of persons with disabilities in the private sector through affirmative action programs, incentives, and other measures [Article 27(1)(h)]. As a result, quotas and financial incentives, such as subminimum wage carveouts, have been put in place in various economies around the world to increase the rate of employment of persons with disabilities. The merits of such incentives have been debated regarding their effectiveness, inclusivity, and respect for the fundamental rights of persons with disabilities. Quota systems, while having proven to be effective measures to increase employment rates, have shortcomings such as focusing solely on employment and not more generally on equal opportunities—leaving workers with disabilities behind when it comes to promotions (Sargeant, Radevich-Katsaroumpa, and Innesti 2016). Subminimum wage carveouts were designed to encourage employers to hire workers with disabilities and open the door to employment for them. However, such measures have been criticized for putting workers with disabilities at high risk of exploitation and increasing structural inequalities. Allowing employers to pay workers with disabilities less than the minimum wage is based on the notion that these workers are

unable to perform at regular capacity and emphasizes the belief that their labor is “cheap” (Friedman and Rizzolo 2020; Kuo, Levine, and Kosciulek 2020).

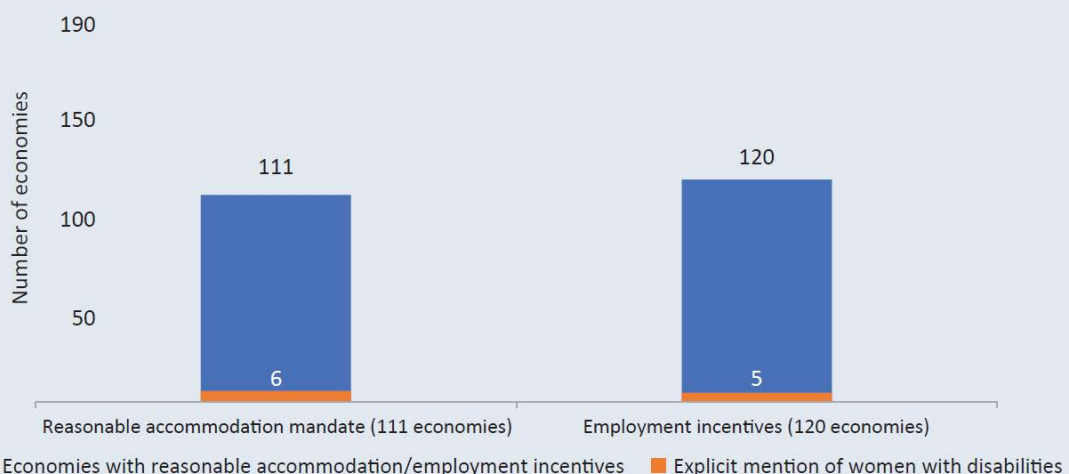
Regardless of the merits of these various measures, they are the most commonly used tools to guarantee persons with disabilities some access to employment. Thus, as part of the new 2022 *Women, Business and the Law* dataset on the rights of women with disabilities, four questions on inclusive labor markets were added to evaluate whether these measures consider the specific barriers that women with disabilities face:

1. Is there a law or policy that mandates reasonable accommodation for workers with disabilities?
2. If the answer is “Yes,” does the reasonable accommodation law or policy mention women with disabilities?
3. Are there incentives in law or policy for businesses to employ persons with disabilities (e. g., quotas, tax breaks, wage replacement)?
4. If the answer is “Yes,” does the employment incentive law or policy mention women with disabilities?

In the 190 economies studied, 111 economies were found to have a reasonable accommodation mandate either in law or policy for persons with disabilities. However, only 6 of these specifically mention women with disabilities (Figure 2). This is the case, for example, in Sri Lanka, where the National Policy on Disability of 2003 mentions that the right to employment and reasonable accommodation should be enforced for both men and women with disabilities. In Ethiopia, the Right to Employment of Persons with Disability Proclamation No. 568 of 2008 makes employers responsible for taking affirmative action measures to redress the multiple burdens that women with disabilities face (Box 2). While 120 economies have legal or policy incentives for private sector businesses to employ persons with disabilities, such as quotas, tax breaks, or wage replacement, only 5 economies specifically mention women with disabilities (Figure 2). For instance, in the Republic of Korea, the Act on Employment Promotion and Vocational Rehabilitation for Disabled Persons provides for employment quotas for workers with disabilities as well as wage subsidies that give preference to women with disabilities.

**Figure 2**

**Only a few economies have active measures in law and policy to promote the labor market inclusion of women with disabilities**



Source: *Women, Business and the Law* database.



**Box 2****Ethiopia’s Right to Employment of Persons with Disability Proclamation recognizes the multiple burdens that arise for women with disabilities**

In Ethiopia, only 53.5 percent of persons with disabilities participated in the labor market in 2013, while the general labor force participation rate was 80.7 percent. Women with disabilities were even less likely than men with disabilities to be employed (43.7 per cent compared to 63 per cent), being predominantly involved in unpaid family work (Ethiopia, CSA 2013). The employment rights of persons with disabilities were regulated by Proclamation No. 101 of 1994 before a major reform occurred with the enactment of Proclamation No. 568 of 2008. This new law grants persons with disabilities the right to reasonable accommodation in employment, aiming to encourage the inclusion of workers with disabilities in the labor market. It is one of only six reasonable accommodation mandates in law or policy identified by the *Women, Business and the Law* project that specifically mention women with disabilities.

The passing of this law was the result of long-term lobbying by Organizations of Persons with Disabilities (OPDs), including the National Association of the Blind and the Ethiopian Women with Disabilities National Association. The advocacy campaigns of these groups focused first on demanding a regulation to implement the 1994 Proclamation. The law was originally drafted by the Civil Service Commission under the leadership of the Legal Director, a person who was blind and a member of the National Association of the Blind. The Legal Director played a crucial role in listening to the demands of

disability rights advocates. A committee formed by the Ministry of Labor and Social Affairs, including representatives of the Civil Service Commission and OPDs, eventually concluded that a more comprehensive instrument needed to replace the outdated law and adopted Proclamation No. 568/2008.

Article 6(1)(b) of the new law reverses the burden of proof and mandates that it is the responsibility of employers to “take all reasonable accommodations and measures of affirmative action for women with disability taking into account their multiple burden that arise from their sex and disability.” With this provision, the law attempts to address the unique difficulties that arise from the intersection of gender and disability, visible notably in the underrepresentation of women with disabilities in the workforce and in positions of leadership. Further, the Proclamation provides in Article 6(1)(d) that “[a]ny employer shall have the responsibility to: [...] protect women with disabilities from sexual violence that occur in workplaces and, without prejudice to other sanctions to be taken against the offender under the relevant laws, take administrative measures against the perpetrator of acts of violence.” Despite progressive language in the law, disability rights advocates note the weakness of the execution mechanisms of the law. Among other factors, a fine of 2,000 to 5,000 birr (the equivalent of US\$40 to US\$100) is too low to have a deterrent effect on employers who refuse to grant reasonable accommodation to workers with disabilities.

Source: Ethiopia, Central Statistical Agency 2013; *Women, Business and the Law* database.

**Protection of women with disabilities against gender-based violence**

Women with disabilities experience gender-based violence and harassment at a greater rate than nondisabled women (World Bank Group 2019). For instance, in five economies in Sub-Saharan Africa and South Asia, women with disabilities were found nearly twice as likely to have encountered domestic violence in the past year compared to women without disabilities (Chirwa et al. 2020). Further, the likelihood of recent domestic violence increases with the severity of the disability. Disability compounds vulnerability to gender-based violence for women because of a range of risk factors, from social isolation to economic dependence, resulting in reliance on abusers (Barranti and Yuen 2008). Further, data across 35 countries show that while 30.7 percent of women with no functional difficulties think that a husband is justified in hitting his wife, this figure goes up to 38.3 percent for women with “[a]t least a lot of [functional] difficulty” (Mitra and Yap 2022). More generally, gender-based violence curtails women’s economic empowerment and economic growth. For example, losses due to violence against women and girls were projected to amount to 0.94 of Ghana’s GDP in 2017 (Raghavendra et al. 2022).

The *Women, Business and the Law* project assesses three questions related to the legal protection of women with disabilities from domestic violence and sexual harassment. If a law provides protection for persons with disabilities without explicitly referring to women, it is considered good practice, given that women are disproportionately affected by

gender-based violence. Established questions on domestic violence and sexual harassment in the WBL index were used as the basis for this portion of the research to ensure that the laws follow international standards (World Bank 2022). Out of the 160 economies that prohibit domestic violence according to the WBL index, 51 explicitly protect women with disabilities (Map 1). For example, a law in Peru provides that disability places individuals in positions of vulnerability to violence and mandates an intersectional approach in response to domestic violence, considering identities such as marital status, sexual orientation, HIV-positive status, immigrant or refugee status, age, or disability, to name a few (Law No. 30364). Further, judges need to consider the disability of a victim when ordering protective measures. In Mozambique, the disability status of a survivor of domestic violence is considered an aggravating circumstance that increases the sentences ordered by a court (Law No. 29/2009 on Domestic Violence Perpetrated Against Women).

*Women, Business and the Law* also finds that of the 160 economies that prohibit domestic violence, only 17 establish accessibility to services for women with disabilities who are survivors of domestic violence. Women with disabilities face specific disability-related barriers to access support services, including stigma, inadequate information and awareness, lack of training of personnel who provide response services, and limited resources and funding (Van der Heijden, Harries, and Abrahams 2020). However, access to emergency services and shelters is crucial for survivors of domestic violence to escape danger and obtain resources in order to rebuild their lives and well-being (Sullivan 2018). Thus, stipulating accessibility to

these services in the law can help women with disabilities tackle some of the disability-specific barriers that they encounter when seeking support. A good practice example is the Republic of Korea, where the Act on Special Cases Concerning the Punishment, etc. of Crimes of Domestic Violence (Act No. 17499) provides that centers and shelters may specialize in welcoming a target group, such as persons with disabilities. Further, according to the law, if a shelter operates for persons with disabilities, it must provide appropriate assistance in consideration of all disabilities to ensure full accessibility to the services. Such legal provisions need effective implementation and enforcement to guarantee access for survivors of domestic violence who seek help. In Mongolia, for example, both the law on the rights of persons with disabilities and the domestic violence law mandate that shelters and services for victims should be tailored to the specific needs of persons with disabilities. However, a recent report by Mongolian OPDs highlighted concerns about the lack of implementation of these provisions (MNFB, MNAWU, and NCPRWD 2019).

Lastly, the *Women, Business and the Law* dataset on the rights of women with disabilities includes a question on the protection of women with disabilities against sexual harassment in employment. A 2018 study conducted in Australia showed that persons with disabilities are 12 percentage points more likely to have been sexually harassed in the workplace than those without disabilities (Australian Human Rights Commission 2018). *Women, Business and the Law* finds that out of 144 economies that have a law on sexual harassment in employment, only 30 explicitly recognize the protection of persons with disabilities against such sexual harassment. Legal provisions take several forms. Some economies provide for the explicit

protection of persons with disabilities (Algeria, Australia, Canada, Montenegro, Nepal, North Macedonia, Slovak Republic). Others mandate aggravated penalties for sexual harassment offences committed against a person with a disability (Benin, Bolivia, Burkina Faso, Chad, Croatia, Cyprus, Ecuador, France, Gabon, Guinea, Honduras, Kosovo, Oman, Peru, Saudi Arabia, Sierra Leone, Singapore, Togo, República Bolivariana de Venezuela, Zambia). New international standards are stipulated with ILO Violence and Harassment Convention No. 190 of 2019 and accompanying Recommendation No. 206, requiring the accessibility of information resources and support measures.

### Good legal practices are rare but lay the foundation for gender- and disability-inclusive reform

Policies and laws around the world lack a gender and disability inclusive approach to family life, labor market participation, and protection from gender-based violence, as the data collected by the *Women, Business and the Law* project show. Out of the 190 economies studied, only 27 (14 percent) legally recognize and protect the parental rights of women with disabilities. Out of 111 economies with a reasonable accommodation mandate and 120 economies with employment incentives in law or policy, only 6 and 5, respectively, mention women with disabilities—meaning that less than 3 percent of economies globally promote their labor market inclusion. Out of 160 economies with a domestic violence law, only 51 specifically protect women with disabilities and 17 provide for access to services for survivors with disabilities. Out of 144



Source: *Women, Business and the Law* database.

Note: A score of two means that the domestic violence law of the economy explicitly addresses women with disabilities and there is legislation on sexual harassment in employment against women with disabilities. A score of one means that there is either a domestic violence law or a sexual harassment law that explicitly mentions women with disabilities. A score of zero means that the economy has neither a domestic violence nor a sexual harassment law protecting women with disabilities. The domestic violence law in 17 economies provides for accessibility to services for women with disabilities survivors of domestic violence; these are marked with a star.

economies with a legal prohibition of sexual harassment in employment, only 30 explicitly protect women with disabilities in these instances. Thus, only about one-quarter (27 percent) of economies protect the right to a life free from violence and harassment for women with disabilities. This evidence underscores the dire need for legal and policy reforms toward

guaranteeing and protecting the rights of women with disabilities. This Brief highlights some promising practices, notably from Benin, France, Fiji, Ethiopia, the Republic of Korea, Kuwait, Mozambique, Peru, Spain, Sri Lanka, and Togo. Such examples can inform policy making and guide legal reforms across the globe.

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