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EUD's Gender Equality Report "Combating Gender-based  
Violence and Discrimination against Deaf Women and Girls  
in the EU



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**EUROPEAN UNION  
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# **EUD Report on “Combating Gender- based Violence and Discrimination against Deaf Women and Girls in the EU”**

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## **Combating Gender-based Violence and Discrimination against Deaf Women and Girls in the EU**

### **1. Executive Summary**

The European Union of the Deaf (EUD) produced this report to highlight the intersecting forms of gender-based violence (GBV) and gender-based discrimination faced by deaf women and girls in the European Union (EU). After researching and consulting with a focus group including deaf women representatives from EUD member organisations – the National Association of the Deaf (NADs) - EUD identified the following challenges with regards to combatting the issue of GBV and discrimination faced by deaf women and girls, including a lack of:

1. accessibility to support services and justice procedures in their national sign language;
2. awareness of the unique challenges faced by deaf women and girls as a result of their belonging to the disability movement and the cultural and linguistic minority community;
3. awareness of national sign language interpretation, its shortage and lack of funding;
4. knowledge of healthcare professionals of deaf women's rights under the CRPD in relation to starting a family;
5. understanding of intersectional discrimination with a specific focus on disability – leading to stigmatisation and stereotyping;
6. accessibility of communication and information in the healthcare sector, specifically on sexual and reproductive rights and health.

This report aims to tackle these issues by providing both the legal and policy basis, as well as the lived experiences of deaf women and girls, on which a set of recommendations to combat this issue are based. Firstly, this paper provides an overview of the main forms of, and issues associated with gender-based violence and intersectional discrimination reported in the focus group. Following this, an analysis of the main legal frameworks protecting deaf women and girls from violence and discrimination is provided. Specifically, an in-depth analysis is provided, from the deaf perspective, of the EU draft directive (currently going through the decision-making process) on combatting violence against women and domestic violence. In addition, this paper reviews a selection of EU policy initiatives with a focus on the EU Gender Equality Strategy and the EU Pillar of Social Rights.

Finally, this publication highlights the need for a paradigm shift – namely, a fundamental change in the basic concepts and practices of gender equality to mainstream the perspective of women and girls with disabilities, including deaf women and girls, regarding a transformation in the way people think, perceive, and approach this topic. Accordingly, to facilitate this shift, this report offers concrete recommendations to bridge the gap between the prevailing forms of violence and discrimination faced by deaf women and girls and the existing legislation and policies on this topic. Importantly, a human rights-based and intersectional approach is employed throughout the paper as deaf women and girls have the right to full protection from intersectional discrimination and GBV on an equal basis with others. The realisation of this objective will not only contribute to the implementation of the EU Disability Rights Strategy 2021-2030 but also the EU's legal and policy framework to protect women and girls from discrimination, ultimately supporting the achievement of a Union of Equality.

It is important that actions are taken at both the EU and the Member State levels. Therefore, we propose two sets of recommendations – one is targeted at the EU level, and the second is for the national level.

Accordingly, EUD calls **EU institutions** to implement the following recommendations and ensure:

- Collection of reliable disaggregated data on deaf women and girls regarding GBV and gender-based discrimination to inform policies and other initiatives;
- Meaningfully involve deaf women and girls via their representative organisations, to review the EU's approach, services and facilities to protect women from GBV e.g. emergency hotlines, justice services, awareness raising campaigns, reporting procedures etc. to become accessible in the national sign language;
- Push for the unblocking and adoption of and enforcement of the EU anti-discrimination directive<sup>1</sup> protecting deaf women from any discrimination on the basis of gender, disability and the use of their national sign language, including in healthcare settings;
- All relevant legislation must provide comprehensive definitions of discrimination on the basis of disability, reasonable accommodation, and accessibility;
- Design of an EU-level website which provides all information on the available support services, trained national sign language interpreters etc. for deaf victims of GBV and gender-based discrimination.

EUD calls the **EU Member States** to implement the following recommendations and ensure:

- Collection of reliable disaggregated data on deaf women and girls regarding GBV and gender-based discrimination to inform policies and other initiatives;
- Development of deaf-awareness training programmes for professionals working in support and protection services for GBV victims, on how to engage with deaf women and girl victims;
- Design of accessible initiatives to address attitudinal barriers to the right of deaf women to become mothers (whether via natural means, IVF, or adoption);
- Establishment of reporting mechanisms in the national sign language when intersectional discrimination in healthcare (or otherwise) arises;
- Accessible awareness-raising programmes, in the national sign language, to inform deaf women and girls of their rights in relation to GBV and gender-based discrimination;
- Criminalisation of rape, forced sterilisation and genital mutilation at the national level.

Finally, it should be noted that although there are many other forms of discrimination experienced by deaf women and girls, this paper does not address all of these but rather it focuses on the main inputs and feedback from the focus group.

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<sup>1</sup> In 2008, the European Commission presented a proposal for a Council Directive on implementing the principle of equal treatment outside the labour market, irrespective of age, disability, sexual orientation, or religious belief, which aims at extending protection against discrimination through a horizontal approach. However, as unanimity is required in the Council, the draft has remained blocked at that stage since then. URL: <https://www.europarl.europa.eu/legislative-train/theme-area-of-justice-and-fundamental-rights/file-anti-discrimination-directive?sid=501>



## 2. Introduction

Deaf women and girls continue to face barriers in most areas of life and are at a heightened risk of experiencing gender-based violence (GBV) and intersectional discrimination based on their gender, disability, and language. 2023 data from the EU Gender Equality Index shows that, for instance, 11% of women with disabilities had unmet medical needs whereas this was the case for only 3% of women without disabilities.

The issue is further exacerbated by the systemic marginalisation and attitudinal barriers faced by deaf women and girls in accessing their rights - *“These barriers create situations of multiple and intersecting forms of discrimination against deaf women and girls, in particular with regard to: equal access to education, employment opportunities, social interaction and justice; equal recognition before the law; and the ability to participate in politics and to exercise control over their own lives across a range of contexts, for example with regard to sexual and reproductive rights, including sexual and reproductive health services.”*<sup>2</sup> Moreover, *“Some women with disabilities, in particular deaf and deafblind women and women with intellectual disabilities, may be at an even greater risk of violence and abuse because of their isolation, dependency or oppression.”*<sup>3</sup> However, deaf women have the right to full agency and autonomy. Indeed, gender equality is central to human rights with equality being a fundamental human rights principle.

The protection of women and girls with disabilities, including deaf women and girls, from all forms of discrimination and violence is a fundamental right enshrined in several international and European legal and political instruments. However, persons with disabilities, including deaf women and girls, are often disregarded in the design, planning and implementation of policies and measures thus leaving them unprotected and at a higher risk. Consequently, in the EU, there continues to be a systemic issue of gender-based violence and discrimination.

As the only organisation representing the rights of deaf people in the European Union, with this paper, EUD aims to provide a comprehensive overview of the main forms of GBV and intersecting forms of discrimination faced by deaf women and girls, in addition to offering concrete recommendations to combat these. The paper first outlines the specific situation of deaf women and girls, in terms of the lived experiences, when it comes to GBV and discrimination. Following this, an overview of some of the key legislative corpus is provided, at both the international and European levels, in place to protect all women and girls from GBV and gender-based discrimination. Finally, it presents existing European policies before providing several concrete recommendations.

EUD will use this paper as a tool to advocate for the full protection of deaf women and girls from all forms of GBV and gender-based discrimination in the EU by disseminating it to policymakers, academics, Organisations of Persons with Disabilities (OPDs), and other

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<sup>2</sup> United Nations Committee on the Rights of Persons with Disabilities, *General Comment no.3 on Article 6 – Women with Disabilities*, 25 November 2016, URL:

<https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no3-article-6-women-and-girls>

<sup>3</sup> Ibid, page 9.

relevant stakeholders. EUD will also disseminate this publication to the National Associations of the Deaf (NADs) for them to utilise for the same purpose at the national level.

### 3. Key definitions

There are several forms of discrimination and violence enshrined in international and European legal frameworks with each having a different effect on deaf women and girls. For the purposes of this report, however, we will focus on those of gender-based discrimination, gender-based violence (including domestic violence), and intersectional discrimination.

**Gender-based discrimination:** The European Institute for Gender Equality (EIGE) defines this as *“Discrimination occurring due to interaction between sex (as the biological characteristics of women and men) and their socially constructed identities, attributes and roles and society’s social and cultural meaning for biological differences between women and men.”*<sup>4</sup> Furthermore, “discrimination against women” is defined in article 1 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) as any rule or action that treats women differently because of their gender, and aims to limit their rights or freedoms, regardless of marital status or of the field (like politics, economics, etc.), is against equality between men and women and their basic human rights.<sup>5</sup> An example of this would be if a medical professional took a gender bias when providing advice to a female patient, not taking their symptoms seriously, and therefore leaving the woman untreated. Gender-based discrimination should be distinguished from ‘gender-based violence’ which is defined below.

**Gender-based violence (including domestic violence):** Also referred to as ‘violence against women’, is defined by EIGE as *“a phenomenon deeply rooted in gender inequality and continues to be one of the most notable human rights violations within all societies. Gender-based violence is violence directed against a person because of their gender. Both women and men experience gender-based violence but the majority of victims are women and girls.”*<sup>6</sup> The Istanbul Convention (explained further in the legal section) identifies [4 key forms](#) of gender-based violence – physical, psychological, sexual, and economic. These can include sexual harassment, rape, stalking, forced sterilisation, and forced abortion, amongst others.

**Intersectional discrimination:** According to the Council of Europe, intersectional discrimination occurs when *“two or multiple grounds operate simultaneously in an inseparable manner, creating distinct forms of discrimination”*.<sup>7</sup> There are multiple grounds upon which a person can be subject to intersectional discrimination. For instance, in line with EUD’s [recently revised Statement on Intersectionality](#), these grounds include but are not limited to - racial or ethnic origin, languages, religion, gender identity, disabilities, socio-economic status, sexual orientation, age and any other layers of identities. Indeed, there are not rigid categories of

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<sup>4</sup> European Institute for Gender Equality (EIGE), definition for *“gender-based discrimination”*, URL: [https://eige.europa.eu/publications-resources/thesaurus/terms/1220?language\\_content\\_entity=en](https://eige.europa.eu/publications-resources/thesaurus/terms/1220?language_content_entity=en)

<sup>5</sup> United Nations, *Convention on the Elimination of all Forms of Discrimination against Women, Article 1*, 18 December 1979, URL: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>

<sup>6</sup> The European Institute for Gender Equality (EIGE), definition of *“gender-based violence”*, URL: <https://eige.europa.eu/gender-based-violence/what-is-gender-based-violence>

<sup>7</sup> The Council of Europe, *Intersectionality and Multiple Discrimination*, URL: <https://www.coe.int/en/web/gender-matters/intersectionality-and-multiple-discrimination>

discrimination in the intersectional approach but rather the discrimination is experienced at the *intersection* of the identities.

An example of disability-based discrimination of deaf women and girls could be “*the removal or control of communication aids and the refusal to assist in communicating*”<sup>8</sup> which includes the refusal to facilitate communication through the provision of national sign language interpretation. This becomes intersectional discrimination if, for instance, the context only applies to women – as this is another layer of identity – such as, a situation of consent being required for an abortion. This would not constitute free and informed consent without the deaf woman being given the option to fully understand and discuss the procedure in question and, therefore, have the opportunity to refuse it. In this way, it is a case of intersectional discrimination – with gender-based discrimination (as it relates to a female reproductive healthcare matter) and disability-based discrimination (as a deaf woman will face communication barriers when engaging with a hearing medical professional).

What’s more, deaf women are unique from other women with disabilities due to their dual belonging to both the disability movement and cultural-linguistic minority group. This presents further complications specifically with regards to linguistic discrimination, adding further compounded stereotypes to deal with.

#### **4. Barriers and challenges faced by deaf women and girls in the European Union in relation to gender-based discrimination and violence, as well as intersectional discrimination**

Deaf women and girls are impacted in several harmful ways due to their gender, disability, and cultural-linguistic identity (intersectional discrimination). Gender-based violence and discrimination, along with many other women, but particularly women with disabilities, is part of their lived experiences. Therefore, it is crucial to understand the unique lived experiences of deaf women and girl victims of GBV and gender-based discrimination, across the EU, with regards to their specific barriers and challenges. Accordingly, EUD held a focus group to meaningfully consult female representatives from our membership (National Associations of the Deaf). In summary, there were three main forms of discrimination and violence reported as being the most significant – 1) Gender-based violence and the lack of accessible reporting procedures following incidents of GBV as well as a general lack of awareness of this issue; 2) Sexual and reproductive rights and healthcare (gender-based discrimination); and 3) The lack of data on the situation of deaf women and girls on this topic, at both the EU and national levels, which further perpetuates the issue. Below, these main issues are expanded upon.

##### **1) Gender-based violence and the associated issue of the lack of accessible information and communication with regards to support services and justice procedures:**

Gender-based violence continues to be a significant issue for all women in the EU which does not exclude deaf women. Deaf women are often falsely viewed as ‘non-sexual’ beings as a

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<sup>8</sup> United Nations Committee on the Rights of Persons with Disabilities, *General Comment no.3 on Article 6 - Women and Girls with Disabilities*, 25 November 2016, page 8, URL: <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no3-article-6-women-and-girls>

result of their disability; however, this is not the case and they are therefore, often neglected in measures to combat GBV. In fact, because of their gender, disability, and native language, the national sign language, deaf women and girls are at a higher risk of gender-based violence due to the absence of accessible means of reporting a case of GBV. In this way, it is crucial for decision-makers to understand and account for the unique situation of deaf women and girls when designing measures and policies to protect women and girls from GBV.

For instance, forced sterilisation of women with disabilities, including deaf women and girls, is still legal in some EU Member States, and therefore, still taking place. This grave form of GBV deprives deaf women and girls of their dignity and power over their reproductive rights and must be stopped. This deplorable procedure is not based on full and informed consent and denies deaf women their rights under Article 23 CRPD section 1(c) which obliges State Parties to ensure that *“Persons with disabilities, including children, retain their fertility on an equal basis with others.”*<sup>9</sup> In the case of deaf women and girls, medical professionals take advantage of the language barrier as an excuse not to inform the deaf woman of the decision to operate in this way. It is a deeply degrading and life-changing procedure which does not view deaf women as rights-holders, taking away their agency to choose whether or not they would like to have a child and start a family.

Furthermore, deaf women are discriminated against as a result of their disability because deafness is often viewed in a purely negative light by medical professionals, which can result in the experience of GBV such as forced sterilisation, forced abortion, and coercion, amongst others. Indeed, the *“Lack of access to sexual and reproductive health information for women with disabilities, especially women with intellectual disabilities and deaf and deafblind women, can increase their risk of being subjected to sexual violence.”*<sup>10</sup>

The problem of inaccessible support services and reporting procedures for deaf women victims of GBV was raised by our members as one of the main issues facing deaf women in their countries. Indeed, the experience of GBV, such as domestic violence, is a hugely isolating experience. Deaf women, however, who are already isolated from society in many ways, are at a higher risk of a) experiencing GBV and b) being unable to receive the adequate support services available as these are often inaccessible to them e.g. inaccessible helplines only available via audio phone call and not via SMS or video call with sign language interpretation.

Moreover, our members also mentioned the lack of accessible awareness-raising campaigns around GBV in the national sign language e.g. what to do if you are subjected to GBV. In addition to this, in the focus group, the lack of training for support and protection professionals was emphasised, whose role is to respond to and support victims of GBV such as the police force. This violates Article 16.2 of the CRPD which obliges State Parties to implement all necessary steps to stop exploitation, violence, and abuse. This includes providing sensitive

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<sup>9</sup> The United Nations Convention on the Rights of Persons with Disabilities, *Article 23.1(c) - Respect for Home and the Family*, URL: <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-23-respect-for-home-and-the-family.html>

<sup>10</sup> The United Nations Committee on the Rights of Persons with Disabilities, General Comment no.3 on Article 6 – Women and Girls with Disabilities, 25 November 2016, page 11, URL: <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no3-article-6-women-and-girls>



assistance and support tailored to the gender and age of persons with disabilities. This support should include educating them on recognising and reporting instances of exploitation, violence, and abuse. State Parties must ensure that protection services consider the age, gender, and disability of those seeking assistance.<sup>11</sup> A further relevant point raised referred to the need for national sign language interpreters to learn the signs for the terms associated with GBV in order to sufficiently support deaf women and girl victims of GBV. However, this is a compounded issue as some national sign languages do not have such signs in their lexicons. Therefore, where this is the case, there is a need for Member State to create a new lexicon of signs on this topic to facilitate communication and awareness-raising.<sup>12</sup>

The topic of GBV understandably remains a sensitive and private topic for many people. However, it should no longer be considered a taboo, especially if you are a victim of GBV and require support to feel safe or to report it. Nevertheless, the deaf women from the NADs we consulted reported that GBV is still considered a taboo in their societies as there is still a sense of shame attached to it. A point was made, however, that if there was more accessible information publicly accessible in the national sign languages on this matter, this would facilitate the understanding that there are supports available for them and that they should not feel ashamed of their experiences.

The issue for deaf women and girls, therefore, is two-fold in this regard - a) there is a lack of awareness of the supports available to victims of GBV due to a lack of information provided in the national sign language, and b) when deaf women and girls are made aware of such supports, it becomes a question of whether they are accessible to them and inclusive of their requirements such as communication in their national sign language.

## 2) Gender-based violence and discrimination with regards to deaf women's reproductive rights and healthcare:

In the focus group, it was reported by a number of our members that deaf women face a great deal of stigmatisation in healthcare settings when they wish to start a family of their own. This type of intersectional discrimination and, in some case, violence, manifests itself in a few ways. For instance, accounts were given of women in the deaf community known by our members who faced judgement by medical professionals for wishing to become pregnant and have a child of their own. The medical professionals expressed disdain that a deaf woman would want to become pregnant as this would mean passing their deafness onto their child. This type of misinformed and harmful judgement results from society's general view of deafness as being

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<sup>11</sup> The United Nations Convention on the Rights of Persons with Disabilities, *Article 16.2 - Freedom from Exploitation, Violence and Abuse*, URL: <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-16-freedom-from-exploitation-violence-and-abuse.html#:~:text=States%20Parties%20shall%20take%20all%20appropriate%20measures%20to%20promote%20the,the%20provision%20of%20protection%20services.>

<sup>12</sup> EUD member organisation – the Irish Deaf Society – has already undertaken some excellent work in this regard. Firstly, within the framework of the JUSTISIGNS 2 project, they held a training for police officers on how to engage with deaf victims of GBV. Secondly, they developed a new lexicon of signs in Irish Sign Language to facilitate the discussion of GBV experiences with deaf victims. This important initiative recognises that there is a gap in most national sign language lexicons, not including signs for such cases of GBV e.g. “intersectional discrimination”.

negative. It suggests that the lives of deaf people are not viewed as inherently and equally valuable as the life of someone without a disability. This is a purely medicalised approach to family planning both violating the wishes and rights of deaf women.

In the case of deaf women who have already become pregnant, it was reported by our members that some were told by medical professionals that they should abort the baby given that it will likely be born deaf. This response is deplorable and although it does not constitute forced abortion *per se*, it is a coercive form of behaviour which is indeed a form of gender-based violence. Accordingly, the mere suggestion or strong advice that deaf women should have an abortion based on this reasoning is extremely harmful. Furthermore, it constitutes a violation of their reproductive rights as stated in Article 23.1(b) CRPD, State Parties are obliged to ensure the rights of persons with disabilities to choose freely, taking responsible consideration, on the number of children they would like to have.<sup>13</sup>

Finally, regarding the issue of intersectional discrimination and GBV in healthcare, other examples (some from personal experience) provided by our members involved deaf mothers being strongly advised to have a cochlear implant fitted for their child. In one case, due to a lack of accessible communication in the national sign language, one woman described how her parents were misinformed about she and her sister receiving cochlear implants, when they thought they had agreed to hearing aids. There is a significant difference in these two interventions. The decision for your child to receive a cochlear implant must be a free and informed one as stated in [EUD's position paper on cochlear implants](#) from 2021. One participant from the focus group explained that in Sweden as parents are not forced to have a cochlear implant fitted for their child, deaf families from other countries, such as Denmark and Iceland, take the decision to move to Sweden to avoid this type of coercion.

EUD is strongly against pressures placed on deaf parents to implant their child without giving them information on the various options available. Indeed, *"It should be widespread practice that doctors and social workers give impartial information drawing on evidence-based and multidisciplinary research covering speech perception/production in conjunction with actual educational outcomes."*<sup>14</sup>

As a result of deaf women's dual belonging to both the disability movement and as part of a cultural-linguistic minority group, the second part of Article 23.1(b) of the CRPD is of particular relevance and importance in relation to family planning and vital decisions about their children (e.g. cochlear implants). It obliges State Parties to ensure *"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;"*<sup>15</sup> Indeed, during the focus

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<sup>13</sup> The United Nations Convention on the Rights of Persons with Disabilities, *Article 23.1(b) – Respect for Home and the Family*, URL: <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-23-respect-for-home-and-the-family.html#:~:text=States%20Parties%20shall%20ensure%20that%20a%20child%20shall%20not%20be,best%20interests%20of%20the%20child>.

<sup>14</sup> European Union of the Deaf, *Position Paper on Cochlear Implants*, 2021, URL: <https://www.eud.eu/eud/position-papers/cochlear-implant/>

<sup>15</sup> The United Nations Convention on the Rights of Persons with Disabilities, *Article 23 – Respect for Home and the Family*, URL: <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-23-respect-for-home-and-the-family.html>

group, our members reported the communication barriers they face in healthcare settings as a result of the lack of accessible information. However, some said this has improved somewhat in recent times with the ability to request a sign language interpreter for a medical appointment. The accessibility of information and communication is highly important in all settings for deaf people; however, it is paramount when topics such as family planning, invasive surgeries and abortion are under discussion. Not providing accessible information and communication on these topics constitutes intersectional discrimination as it's linguistic, disability-, and gender-based.

A further example given by a few of our members was that it is either illegal or simply made impossible for women with disabilities, including deaf women, to adopt a child due to the stigma around their ability to be mothers. This violates Article 23.2 of the CRPD which explicitly mentions the right to adopt children - *"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."*<sup>16</sup> In addition to the denial of deaf women to adopt children, in Sweden it was reported by our members that it is a similar situation for IVF treatment for deaf women who cannot conceive naturally as they are denied this treatment and option on the basis of their disability. The discrimination is a consequence of the societal stigma and false perceptions around deafness as well as deaf women's ability to be mothers.

Ultimately, each of these examples and testimonies views and reduces deafness to a medical condition rather than a rich culture with various national sign languages and a successful worldwide community. These testimonies provide evidence that deaf women continue to come up against harmful stereotypes, stigmatisation of their disability and are not able to exercise their rights under the CRPD and United Nations Convention on the Elimination of all forms of Discrimination against Women (CEDAW - outlined in section 5).

### 3) The lack of data on the situation of deaf women and girls with regards to gender-based violence:

The final key input provided by our members related to the need for more data collection on the situation of deaf women and girls regarding GBV and discrimination in their countries. Moreover, it was reported that any data that is available on the topic of GBV and discrimination is not disaggregated by disability or gender. There is a significant need for further and more comprehensive data collection of deaf people and, particularly, on the situation of deaf women and girls. Data collection represents a crucial tool to ensure the meaningful and progressive implementation of the CRPD and the CEDAW that is inclusive of deaf women and girls. Accurate and comprehensive data is essential for identifying the requirements, experiences, and disparities faced by deaf women and girls across the EU.

Furthermore, it is crucial that an intersectional approach to all data collection efforts is taken in order to identify the intersectional discrimination taking place for various deaf women. Deaf women already face a triple discrimination as a result of their gender, disability and language, however it is highly important to take into consideration their other layers of identity such as

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<sup>16</sup> Ibid.

religion, socioeconomic status, and sexuality, amongst others. This will highlight the specific and corresponding forms of discrimination they might be facing and, accordingly, inform the development of measures and policies to combat these.

## 5. Legal and policy grounds – and how do the policy and legal frameworks in place support the combatting of gender-based violence discrimination against deaf women and girls?

Traditionally, laws and policies addressing issues faced by women and girls often neglect the disability perspective. Consequently, *“this invisibility has led to multiple and intersecting forms of discrimination”* against deaf women and girls.<sup>17</sup> However, the right of deaf women and girls to the enjoyment of their rights on an equal basis with men, such as to non-discrimination, is enshrined in several international and European legal instruments and policies. The purpose of this section is to compile and list a few of the main legislations and policies to equip the reader with an understanding of the legal provisions in place to protect deaf women and girls from GBV and intersectional discrimination.

### a) International Legal Frameworks

- United Nations Convention on the Rights of Persons with Disabilities (CRPD)

Many persons with disabilities, including deaf people, have been left out in the application of international human rights treaties. To bridge this gap, the UN General Assembly adopted the CRPD in 2006, with the European Union ratifying the Convention on 23 December 2010, making it the first regional organisation to be a State Party to the CRPD and to be bound by an international human rights treaty<sup>18</sup>. By becoming a State Party to the CRPD, the EU must implement the CRPD into its legislative corpus.

The CRPD is the only international human rights treaty aiming to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by persons with disabilities, including deaf people. The CRPD specifically addresses the rights of women with disabilities, including deaf women, within its framework. It recognises that women and girls with disabilities often face multiple forms of discrimination based on both their gender and disability, and it aims to address these intersecting forms of discrimination. Some key provisions include:

#### ***Equality and non-discrimination – Article 5***

The Convention refers to multiple discrimination in its article 5.2 which establishes the principle of Equality and Non-Discrimination and forbids any discrimination on the basis of disability. This article emphasises the principle of non-discrimination, which means that all deaf men *and*

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<sup>17</sup> United Nations Committee on the Rights of Persons with Disabilities, *General Comment no.3*, 25 November 2016, page 1, URL: <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no3-article-6-women-and-girls>

<sup>18</sup> European Disability Forum, *“10th anniversary of the CRPD in the EU and 10 reasons why we still need the Convention”*, January 2021, URL: <https://www.edf-feph.org/10th-year-anniversary-of-the-crpd-in-the-eu-and-10-reasons-why-we-still-need-the-convention/>



women should enjoy their human rights and fundamental freedoms on an equal basis with others, without discrimination of any kind based on disability or gender.

Article 5.3 CRPD includes the obligation of States Parties to provide measures of reasonable accommodation to persons with disabilities. For instance, for deaf women this would mean the provision of national sign language interpretation to understand their reproductive rights or to engage with protection and support services following an incident of GBV.

### ***Women with Disabilities – Article 6***

Article 6.1 obliges State Parties to acknowledge that women and girls with disabilities face intersecting forms of discrimination and commit to implementing measures that guarantee their complete and equitable access to all human rights and fundamental freedoms.<sup>19</sup> Accordingly, this article calls for the elimination of stereotypes and prejudices against deaf women, and it advocates for their full and equal participation in all spheres of life. This article is complemented by the [CRPD Committee's General Comment N°3 on Women and Girls with Disabilities](#) that was released in 2016.<sup>20</sup>

### ***Freedom from Exploitation, Violence, and Abuse – Article 16***

Article 16 addresses the prevention of exploitation, violence, and abuse of persons with disabilities, including deaf women and girls. It calls for effective measures to ensure their protection and access to support services and justice:

- **Access to support services:** It emphasises the importance of providing access to appropriate support services for victims of violence and abuse. For deaf women, this could involve ensuring access to national sign language interpreters, counselling services with deaf professionals or professionals trained in deaf culture and communication, and other forms of tailored support.
- **Access to justice:** Deaf women face challenges in accessing the justice system due to communication barriers. However, this article calls for measures to ensure that victims have access to justice on an equal basis with others. This could include providing accommodations such as national sign language interpretation during legal proceedings and training for law enforcement, such as police officers, and judicial personnel on how to effectively communicate with deaf women.
- United Nations Convention on the Elimination of Discrimination against Women (CEDAW)

The CEDAW is an international treaty adopted by the United Nations General Assembly in 1979. CEDAW is often described as an international bill of rights for women as it outlines principles and standards to achieve gender equality and eliminate discrimination against women in all areas of life. While the CEDAW does not explicitly address women with

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<sup>19</sup> United Nations Convention on the Rights of Persons with Disabilities, *Article 6 – Women and Girls with Disabilities*, URL: <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-6-women-with-disabilities.html#:~:text=States%20Parties%20recognize%20that%20women,human%20rights%20and%20fundamental%20freedoms>.

<sup>20</sup> United Nations Committee on the Rights of Persons with Disabilities, *General Comment no.3*, 25 November 2016, page 1, URL: <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no3-article-6-women-and-girls>

disabilities, nor deaf women, its principles of non-discrimination and equality apply to all women, including deaf women. Accordingly, States parties are obligated to take measures to ensure the rights of deaf women in various areas of life, including education, employment, health, and family relations. However, the CEDAW Committee's [General Recommendation of the Committee on the Elimination of Discrimination of Women no. 18](#) on disabled women, including deaf women, (a) notes that women with disabilities face a double discrimination and recognises the scarcity of data on this, and (b) calls on States parties to provide this information on this and ensure the participation of women and girls with disabilities in all areas of social and cultural life.

However, for the specific purposes of this report which focuses on GBV, gender-based, and intersectional discrimination in the field of healthcare, the following articles protect deaf women and girls:

1. **Article 1:** Defines discrimination against women and emphasises the need to eliminate discrimination in all its forms, including discrimination based on disability.
2. **Article 2:** Obliges State Parties to take all appropriate measures to eliminate discrimination against women in various fields, including political, economic, social, and cultural spheres. This obligation encompasses addressing discrimination against women with disabilities, including deaf women.
3. **Article 5:** Mandates that State Parties take measures to modify social and cultural patterns to eliminate prejudices and practices based on stereotypes, which may affect women with disabilities, including deaf women, disproportionately.
4. **Article 12:** Addresses the right to health, emphasising access to healthcare services, including those specific to women's health needs such as reproductive health.
5. **Article 16:** Includes the right to decide on the number and spacing of children, which is particularly relevant for deaf women who continue to face additional barriers to exercising their reproductive rights.

- Istanbul Convention

The Council of Europe's Istanbul Convention, a comprehensive international treaty aimed at preventing and combating all forms of violence against women and domestic violence, is the benchmark for international legislation on tackling gender-based violence, frames gender-based violence as a gendered act which is a violation of human rights. It was adopted in Istanbul, Turkey, in 2011, and it entered into force in 2014. Importantly, the European Commission accessed the Convention on 1<sup>st</sup> June 2023. Moreover, as of December 2022, the Convention has been signed by all EU Member States and ratified by 21.

The Convention can be a tool to protect deaf women and girls in several ways:

1. **Definition of violence:** In Article 3<sup>21</sup>, the Convention defines various forms of violence against women and girls, including physical, sexual, psychological, and economic violence, such as coercion, stalking, and harassment.

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<sup>21</sup> Council of Europe, The Istanbul Convention, *Article 3 – Definitions*, 2011, URL: <https://rm.coe.int/168008482e>

2. **Access to support services:** In Article 20<sup>22</sup>, the Convention emphasises the importance of providing comprehensive support services to victims of violence, including shelters, counselling, legal aid, and healthcare services. Deaf women and girls may face barriers in accessing these services due to communication barriers, however, the Convention calls for measures to ensure that support services are accessible to all women, including those with disabilities, through the provision of national sign language interpretation and culturally appropriate support.
3. **Prevention and awareness-raising:** Article 12<sup>23</sup> of the Convention highlights the importance of prevention efforts and awareness-raising campaigns to challenge stereotypes, attitudes, and behaviours that perpetuate violence against women and girls. For deaf women, accessible awareness-raising efforts, in the national sign language, can help combat these prejudices and promote understanding and acceptance.
4. **Legal measures and accountability:** Articles 44 and 45<sup>24</sup> of the Convention call for the adoption of legal measures to prevent and combat violence against women and girls, including the criminalisation of all forms of violence. Deaf women and girls have the right to access justice on an equal basis with others, and the Convention seeks to ensure that legal systems are accessible and responsive to their situation on an equal basis to women without disabilities. Within this chapter (Chapter V – Substantive Law), the Convention includes specific articles obliging all State Parties to criminalise all the forms of GBV including but not limited to sexual violence, forced-sterilisation, forced abortion, and sexual harassment.

## b) European Legal and Policy Framework

### EU Gender Equality Strategy 2020-2025 (and its Gender Action Plan III):

In March 2020, the EU Commission adopted a new [Gender Equality Strategy 2020-2025](#) which includes measures to ensure the rights of women and girls with disabilities in the EU and to combating GBV. The Strategy has a corresponding [Gender Action Plan III](#) (GAP) which sets out the Commission's agenda for 2020-2025 to promote equality between women and men in all their diversity – this includes deaf women and girls. Importantly, the Strategy takes a victim-centred approach to GBV. Furthermore, it promotes the importance of access to sexual and reproductive health and rights.

### EU Directive on Combatting Violence against Women and Domestic Violence:

A first of its kind piece of legislation to protect women from GBV is currently going through the EU decision-making process, namely the **Directive on Violence against Women and Domestic Violence**. The EU Directive is a deliverable of the Gender Equality Strategy. The Directive, unlike the Strategy, which is a political commitment, is legally binding. Importantly, the Directive specifically mentions that it will ensure consistency with the EU Disability Rights Strategy.

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<sup>22</sup> Ibid, *Article 20 – General Support Services*, Chapter IV – Protection and Support.

<sup>23</sup> Ibid, *Article 12 – Awareness-raising*, Chapter III – Prevention.

<sup>24</sup> Ibid, *Article 44 – Jurisdiction and Article 45 – Sanctions and Measures*, Chapter V – Substantive Law.

On 6<sup>th</sup> February 2024, the EU Council and the EU Parliament reached a provisional agreement on the Directive on Combating Violence against Women and Domestic Violence. The agreed-upon text includes strong references to the reality of intersectional discrimination and explicitly mentions that this includes women with disabilities. Indeed, women with disabilities, including deaf women, are at a higher risk of all forms of gender-based violence (GBV). Furthermore, there is frequent reference to the need for Member States to provide tailored and specific support based on the victim's unique requirements. In this way, the Directive recognises the need to tailor the supports based on an intersectional approach (even if not explicitly mentioning examples of the supports) – with regards to protection needs, specialist support and training for professionals.

Specifically, how does the text support and protect deaf women and girl victims of GBV, in terms of providing the legal basis to ensure all measures are accessible to them?

- Takes an intersectional approach in recognising that some women, e.g. deaf women, are at a higher risk of GBV and can have difficulties in accessing protection and support, so they are entitled to specific supports that must be accessible to them (Article 18, paragraph 4, Article 27, and Article 35);
- Recognises the need for training of support professionals (e.g. police officers) to support victims on a case-by-case basis. For deaf women this would mean providing professional national sign language interpretation or having a staff person that is fluent in the national sign language (Recital 24);
- Emphasises the need for information websites at the Member State level to be accessible for persons with disabilities, which includes deaf people. For deaf people this would mean that information should be made available in the national sign language (Recital 48);
- Includes a provision for the creation of aggravating circumstances when the crime is committed against a woman or girl with disabilities, which includes deaf women and girls. Therefore, this article provides a further layer of protection to deaf women and girl victims of GBV (Article 13);
- Includes a provision that reporting incidents of GBV must be made possible through accessible channels – However, we deplore that no mention of national sign language interpretation are made (Article 16).

How does the text fall short of protecting deaf women and girls victims of GBV?

- References the importance of awareness-raising campaigns about helplines, and that this information must reach end-users, however, it doesn't mention that these campaigns should be made accessible (Article 31, paragraph 4a) – this is particularly important for deaf women as the helplines themselves must be accessible to them (via SMS or sign language interpretation on video call) as well as the public information about the helplines;
- Does not include a consent-based definition of rape;
- Does not ban forced-sterilisation;
- All references to “sign languages” have been removed. Generally, there are no concrete examples of how services can be made accessible to women with disabilities,



including deaf women e.g. via professional national sign language interpretation. These examples would make this legislation more robust, nevertheless, there are other provisions which can support this form of accessibility for deaf women and girls even if not explicitly mentioned.

Finally, on a positive note, this directive has synergies with the EU Disability Rights Strategy 2021 – 2030, and the EU Pillar of Social Rights and its action plan. Below you can read more about how these EU policy initiatives can further support deaf women and girl victims of GBV and gender-based discrimination, but also how they are falling short in doing so.

### **c) European Policy Frameworks**

This section will present the existing relevant policies and strategies covering the right of deaf women and girls to protection against GBV and gender-based discrimination. These policies complement the above-mentioned legal frameworks. For the sake of conciseness, we will only present the European Pillar of Social Rights and the EU Strategy for the Rights of Persons with Disabilities.

#### **The European Pillar of Social Rights (and its Action Plan):**

The Gender Equality Strategy mainstreams the principles of the [Pillar](#) where relevant, creating synergies between the two policies. For instance, the Gender Equality Strategy makes frequent reference to the [Pillar's Action Plan](#). Specifically, Principle 3 focuses on Gender Equality - the right to work-life balance, recognising the importance of enabling women and men to balance their work and family responsibilities. There are three further relevant Principles for the purposes of this report – Principle 17 on the inclusion of persons with disabilities; Principle 2 on Equal Opportunities for women and men. However, the Pillar doesn't explicitly mention GBV but the EU has other instruments and strategies to address this such as its Gender Equality Strategy.

#### **The EU Strategy for the Rights of Persons with Disabilities 2021-2030:**

The [Strategy](#) promotes an intersectional approach to disability, specifically recognising gender as an important layer of identity to consider when addressing barriers experienced at the intersection of two or more identities. The Strategy specifically mentions its link with the EU Gender Equality Strategy which reflects the EU Commission's efforts to take an intersectional approach and mainstream disability in its external action. Furthermore, the Strategy recognises that *“Mainstream support services need to be inclusive for children with disabilities and older persons, while being gender- and culture-sensitive.”*<sup>25</sup> This recognises deaf women and girls belonging to the disability and cultural-linguistic minority groups, when developing and assessing support services. What's more, the Strategy specifically references that the Commission will *“pay particular attention to women with disabilities who are two to five times more likely to experience violence than other women.”*<sup>26</sup>

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<sup>25</sup> The European Commission, *European Strategy on the Rights of Persons with Disabilities 2021-2030*, page 11, URL:

<https://ec.europa.eu/social/main.jsp?catId=738&langId=en&pubId=8376&furtherPubs=yes>

<sup>26</sup> *Ibid*, page 16.

Importantly, the Commission commits to “provide by 2024 guidance to Member States and practitioners, including police officers, on improving support for victims of violence who are persons with disabilities.”<sup>27</sup> This guidance will be crucial to the improvement of support services for deaf women and girls victims of GBV and was specifically raised as a recommendation in the focus group. Accordingly, the guidance should be developed through consultation with deaf women and girls, in order to ensure the deaf perspective is included e.g. the training of police officers on how to engage with deaf women and the importance of communication in the national sign language.

## **6. Policy Recommendations - How to bridge the gap between the existing policy and legal frameworks and the prevailing discrimination and violence faced by deaf women and girls?**

Although there are several international and EU instruments in place to protect deaf women and girls from experiencing GBV and intersectional discrimination, they still remain at a heightened risk. Accordingly, in this section, we provide concrete recommendations to bridge this gap between existing policies and legislation, at both the international and EU levels, and the current situation of deaf women and girls in this regard. We have identified the following recommendations both based on the feedback from the female representatives in the NADs who participated in the focus group, and our own evidence-based research.

It is important that actions are taken at both the EU and the Member State levels. Therefore, we propose two sets of recommendations – one is targeted at the EU level, and the second is for the national level.

### **Recommendations to European Union Institutions**

Accordingly, EUD calls on EU institutions to implement the following recommendations and ensure:

- Collection of reliable disaggregated data on deaf women and girls regarding GBV and gender-based discrimination to inform policies and other initiatives;
- Review and reform, through meaningful consultation with deaf women and girls via their representative organisations, the EU’s approach, services and facilities to protect women from GBV e.g. emergency hotlines, justice services, awareness-raising campaigns, reporting procedures etc. to become accessible in the national sign language;
- Adoption and enforcement of the EU anti-discrimination legal framework protecting deaf people from any discrimination on the ground of disability and the use of their national sign language, including in healthcare settings;
- All relevant legislation must provide comprehensive definitions of discrimination on the ground of disability, reasonable accommodation, and accessibility;
- Design of an EU-level website which provides all information on the available support services, trained national sign language interpreters etc. for deaf victims of GBV and gender-based discrimination.

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<sup>27</sup> Ibid, page 22.

## Recommendations to Member States

EUD calls the EU Member States to implement the following recommendations and ensure:

- Collection of reliable disaggregated data on deaf women and girls regarding GBV and gender-based discrimination to inform policies and other initiatives;
- Development of deaf-awareness training programmes for professionals working in support and protection services for GBV victims, on how to engage with deaf women and girl victims;
- Design of accessible initiatives to address attitudinal barriers to the right of deaf women to become mothers (whether via natural means, IVF, or adoption);
- Establishment of reporting mechanisms in the national sign language when intersectional discrimination in healthcare (or otherwise) arises;
- Accessible awareness-raising programmes, in the national sign language, to inform deaf women and girls of their rights in relation to GBV and gender-based discrimination;
- Criminalisation of rape, forced sterilisation and genital mutilation at the national level.

## 7. Conclusion

The ratification of the CRPD by the EU and its Member States created a legal obligation to take measures ensuring the full and equal enjoyment of deaf women and girls of all human rights. For the purpose of this report, these rights regard the prevention of and protection from all forms of GBV and discrimination. For deaf women and girls, this can only be achieved by ensuring that all information, support services, reporting procedures etc. are made accessible in the national sign language through staff persons fluent in the national sign language or via professional national sign language interpretation. This will ensure full accessibility to all public information and services to them.

It is clear that although there are several international and EU legal frameworks in place to protect deaf women and girls from GBV and gender-based discrimination, these are not always meaningfully implemented and are falling short of ensuring support for this community of deaf women and girls. In this report, the gap between the lived experiences and the legal provisions is exposed. Accordingly, the action taken must be at the EU and national levels to comprehensively fill this gap and mainstream the deaf-women perspective across all policies and measures.

There is a considerable way to go before the EU and its Member States have achieved this. However, the more that deaf women and girls, through their representative organisations, are meaningfully consulted on this issue - in line with the disability movement's guiding principle 'Nothing about us without us' – the faster it can be realised.

The content of and recommendations in this report are guided by the direct feedback from deaf women and girls during the focus group we held. This is crucial to the integrity of this paper as it means that it takes an evidence-based approach. The recommendations are to act as a guideline for ensuring the support and protection of the deaf women and girls who are victims of GBV and gender-based discrimination, and those who wish to understand their rights in this regard.

Often, women with disabilities, including deaf people, are left behind in policymaking. However, GBV and gender-based discrimination are especially critical issues which continue to cause harm and danger that is going unreported and without consequence - this must change. We hope this report facilitates the required paradigm shift to mainstream the rights of deaf women and girls across the EU. Ultimately, this will contribute to the EU's commitment of "leaving no one behind" in building a Union of Equality.

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