

Senate Inquiry into Involuntary or Coerced Sterilisation of People with Disabilities in Australia

Systemic prejudice and discrimination against women and girls with disabilities continues to result in widespread denial of their right to experience their sexuality, to have sexual relationships and to found and maintain families. The right to bodily integrity and the right of a woman to make her own reproductive choices are enshrined in a number of international human rights treaties and instruments. However, throughout the world, women and girls with disabilities have been, and continue to be, denied these rights through the practice of forced and coerced sterilisation.



Forced/Involuntary sterilisation refers to medical procedures which permanently remove an individual's ability to reproduce. It occurs when a person is sterilised after expressly refusing the procedure, without her knowledge or is not given an opportunity to provide consent. Coerced sterilisation occurs when financial or other incentives, misinformation, or intimidation tactics are used to compel an individual to undergo the procedure. Women and girls with disabilities are particularly vulnerable to forced sterilisations performed under the auspices of legitimate medical care or the consent of others in their name.

Senate Inquiry Terms of Reference

On 20 September 2012 the Senate referred the following matter to the Senate Community Affairs Committee for inquiry and report by 24 April 2013:

The involuntary or coerced sterilisation of people with disabilities in Australia, including:

- (a) the types of sterilisation practices that are used, including treatments that prevent menstruation or reproduction, and exclusion or limitation of access to sexual health, contraceptive or family planning services;
- (b) the prevalence of these sterilisation practices and how they are recorded across different state and territory jurisdictions;
- (c) the different legal, regulatory and policy frameworks and practices across the Commonwealth, states and territories, and action to date on the harmonisation of regimes;
- (d) whether current legal, regulatory and policy frameworks provide adequate:
 - (i) steps to determine the wishes of a person with a disability,
 - (ii) steps to determine an individual's capacity to provide free and informed consent,

- (iii) steps to ensure independent representation in applications for sterilisation procedures where the subject of the application is deemed unable to provide free and informed consent, and
 - (iv) application of a 'best interest test' as it relates to sterilisation and reproductive rights;
- (e) the impacts of sterilisation of people with disabilities;
- (f) Australia's compliance with its international obligations as they apply to sterilisation of people with disabilities;
- (g) the factors that lead to sterilisation procedures being sought by others for people with disabilities, including:
- (i) the availability and effectiveness of services and programs to support people with disabilities in managing their reproductive and sexual health needs, and whether there are measures in place to ensure that these are available on a non-discriminatory basis,
 - (ii) the availability and effectiveness of educational resources for medical practitioners, guardians, carers and people with a disability around the consequences of sterilisation, and
 - (iii) medical practitioners, guardians and carers' knowledge of and access to services and programs to support people with disabilities in managing their reproductive and sexual health needs; and
- (h) any other related matters.

Additional context (not part of the formal terms of reference)

In 2011, the Report of the United Nations Human Rights Council Working Group on the Universal Periodic Review for Australia identified issues around Australia's human rights protections for people with disabilities. This is relevant to the current inquiry. See in particular recommendation 86.39 (page 15) of the Working Group Report, available at:

http://www.aph.gov.au/Parliamentary_Business/Committees/Senate_Committees?url=clac_ctte/involuntary_sterilisation/working_group_report/draft_report.pdf

The Senate Committee is seeking written submissions from interested individuals and organisations preferably in electronic form submitted online at <https://senate.aph.gov.au/submissions/pages/index.aspx> or sent by email to community.affairs.sen@aph.gov.au as an attached Adobe PDF or MS Word format document. The email must include full postal address and contact details. Alternatively, written submissions may be sent to the Committee Secretary at the address provided below.

The closing date for submissions is 22 February 2013.

You can check this website for updates on the Inquiry, and also to view other Submissions:

http://www.aph.gov.au/Parliamentary_Business/Committees/Senate_Committees?url=clac_ctte/involuntary_sterilisation/index.htm

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