

**SUBMISSION TO THE**

**INQUIRY INTO INVOLUNTARY OR COERCED  
STERILISATION OF PEOPLE WITH DISABILITIES IN  
AUSTRALIA**

**BEING CONDUCTED BY**

**THE SENATE STANDING COMMITTEE ON COMMUNITY  
AFFAIRS**

**FEBRUARY, 2013**

## **Introduction**

The Australian Women's Health Network welcomes the Senate Inquiry into Involuntary or Coerced Sterilisation of People with Disabilities in Australia.

AWHN is an advocacy organisation that provides a national voice on women's health, based on informed consultation with members. Through the application of a social view of health, it provides a woman-centred analysis of all models of health and medical care and research.

## **Non-therapeutic sterilisation of women and girls with a disability breaches human rights**

There is a considerable history of research and critical discussion of this issue and decisive action is now required.

The sterilisation of women and girls with a disability in the absence of informed consent, except in circumstances where there is a serious threat to health or life, is a clear breach of their inalienable human rights. The Australian Women's Health Network (AWHN) therefore calls on the Federal Government to fulfill Australia's obligations under international treaties and instruments by undertaking immediate legislative reform to protect these rights.

Following the United Nations' (UN) Universal Periodic Review, the UN General Assembly Human Rights Council specifically recommended that the Australian Government enact national legislation prohibiting the use of non-therapeutic sterilisation of children, regardless of whether they have a disability, and of adults with disabilities without their informed and free consent.<sup>24</sup>

Similar recommendations were made to the Government when it commissioned an inquiry by the Family Law Council in 1992, and again in a national research study completed by Women With Disabilities Australia (WWDA) in 2001.

A number of reasons have been used to justify the sterilisation of women and girls with a disability and the adoption of a regulatory approach rather than a ban on non-therapeutic sterilisation. According to Frohmader (for WWDA, 2012),

The main reasons used to justify forced sterilisations in Australia have generally fallen into four broad categories, all couched as being in the "best interests" of women and girls with disabilities:

- The genetic/eugenic argument
- For the good of the state, community or family (to reduce 'burden of care')
- Incapacity for parenthood
- Prevention of sexual abuse.

What is needed to address such concerns, in an appropriate and effective way that preserves human rights, is investment in policies and programs that support women and girls with a disability and their parents and other caregivers to explore existing and viable options that address their issues of concern and support them to make informed decisions. Programs, for example, that provide education on menstruation, sex and sexuality, reproduction including contraception and parenting, and how to have open and meaningful conversations about such issues. Appropriate service provider training in this area and its incorporation into

health degree programs would also be of enormous benefit, particular for those professions that might be called on when sterilisation options are being explored.

## Recommendations

The Australian Women's Health Network recommends:

1. The Commonwealth Government enacts national legislation prohibiting the use of non-therapeutic sterilisation of women and girls with a disability.
2. Australian Governments invest in policies and programs that facilitate women and girls with a disability and their parents and other caregivers to make informed decisions about health and well-being matters, particularly those related to menstruation, sex and sexuality, reproduction including contraception and parenting. Such policies and programs would include provision for appropriate service provider training and its incorporation into health degree programs.

## References

Family Law Council (Australia). 1994, *Sterilisation and other medical procedures on children : a report to the Attorney-General / prepared by the Family Law Council* Australian Govt. Pub. Service, Barton, A.C.T. Available: <http://catalogue.nla.gov.au/Record/491977>, accessed 22 February 2013.

Frohman, C. for Women With Disabilities Australia (2012) *Briefing Paper: Sterilisation of Women and Girls with Disabilities: An update on the issue in Australia*. Available: [http://www.wwda.org.au/Sterilisation\\_of\\_Women\\_and\\_Girls\\_with\\_Disabilities\\_UpdateDec2012.pdf](http://www.wwda.org.au/Sterilisation_of_Women_and_Girls_with_Disabilities_UpdateDec2012.pdf), accessed 22 February 2013.

Frohman, C. for Women With Disabilities Australia (2012) *Moving Forward and Gaining Ground: The Sterilisation of Women and Girls with Disabilities in Australia*. Available: [http://www.wwda.org.au/Moving\\_Forward\\_Gaining\\_Ground.pdf](http://www.wwda.org.au/Moving_Forward_Gaining_Ground.pdf), accessed 22 February 2013.

UN General Assembly Human Rights Council (2011) *Draft report of the Working Group on the Universal Periodic Review: Australia*, 31 January 2011, A/HRC/WG.6/10/L. 8 [para. 86.39]. Available: <http://www.un.org.au/files/files/Draft%20report%20of%20the%20Working%20Group%20on%20the%20Universal%20Periodic%20Review%20-%20Australia.pdf>, accessed 22 February 2013.