



**STAR
Victoria Inc.
Advocating for people with
intellectual disability and their families**

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**Submission on: The involuntary or coerced sterilisation of
people with disabilities in Australia**

To: Committee Secretary
Senate Standing Committees on Community Affairs
PO Box 6100
Parliament House
Canberra ACT 2600 Australia

From: STAR Victoria Inc.
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Contact person:
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Action Required

STAR call on the Australian Government to demonstrate national leadership and undertake reforms to address the involuntary and coerced sterilisation of people with disabilities and to develop policies and programs that enable people with disabilities to realise their human rights on an equal basis as others.

STAR understands sterilisation disproportionately affects women and girls and is clearly a gendered issue¹.

STAR urges the Australian Government to uphold its international and domestic human rights obligations and enact national legislation prohibiting, except where there is a serious threat to life or health, the use of sterilisation of girls, regardless of whether they have a disability, and of adult women with disabilities in the absence of their fully informed and free consent².

STARs historic interest in the issue of the sterilisation of women and girls with an intellectual disability is on public record within its published outcomes of the 1990 *My Body, My mind, My Choice* conference. It is with a sense of condemnation that 20 years later many of the recommendations from that conference have yet to be acted upon.

STAR Victoria

STAR is an independent community organisation that advocates on a statewide basis for the rights of people with an intellectual disability and their families

STAR is unique in Victoria in that it brings together people concerned with all aspects of intellectual disability, and works to support the interests and rights of people with an intellectual disability and their families throughout all their lives.

STAR believes all people with intellectual disability are entitled to grow up in a family and to live and participate fully in their communities as valued citizens.

STAR works to achieve greater community awareness, attitude change and government and systemic responsiveness to the needs of people with an intellectual disability, to enable full inclusion, equity, and participation. All of STAR's advocacy work has a clear value base of social justice and inclusion.

STAR is valued in Victoria and nationally, and its assistance, views and input are sought from a diverse range of individuals, and organisations both government and non-government.

STAR has a proud noteworthy 42 year history of empowering and resourcing people with an intellectual disability, their families and supporters, to speak up, be heard, and to challenge the barriers that prevent people with a disability from living a lifestyle of choice. Believing unequivocally in the right of all people with an intellectual disability to live and participate in the community has always been the cornerstone of STAR's work.

Throughout STAR's long, active history we have maintained a commitment to using the Social Model of defining disability. When we use the Social Model of defining disability, we acknowledge that no one can know the full possibilities of any person's life and a diagnostic label is not in itself helpful in defining the supports an individual may require. In all our work we aim to highlight and affirm that it is the barriers created by society that are 'disabling' to an individual, and that it is our collective responsibility to remove these barriers. www.starvictoria.org.au

Statement of Support

STAR unequivocally endorses the Australian Human Rights Commission comprehensive submission to the Senate Community Affairs Committee. It articulates a strong human rights perspective which STAR would implore the Australian Government to adopt. It espouses a rights base and the implementation of proactive initiatives to support and insure individuals have access to their full rights under both national and international law.

STAR commends the tenacity with which Women with Disabilities Australia has pursued this human rights violation on behalf of women and girls with disabilities at both a national and international level. WWDA's 2011 lodgment of a formal complaint with four of the United Nations Special Rapporteurs requesting urgent intervention has gained traction and ultimately resulted in this inquiry.

Context

For women with intellectual disabilities sterilisation is a contentious issue as it questions society's ability to enable women to be equal and to be treated with dignity and respect. It challenges our society's ability to give women with intellectual disabilities all their rights as equal citizens.

It is contentious because it is also about power, the power that professionals such as doctors, lawyers, workers in services and parents have in influencing or making very serious decisions that most women have power over. It is also about a lack of power, the sense of powerlessness, which many girls and women with intellectual disabilities feel. The lack of power to make their own decisions and choices, lack of power they have over resources and services and lack of power over relationships³.

The sterilisation of girls with an intellectual disability has been rationalised on the basis that the procedure is in their best interests. The girls wouldn't have to learn about menstruation, experience the discomfort and inconvenience of monthly periods. It is a response to the possibility of potential sexual abuse. You eliminate the danger of pregnancy and the associated trauma. No need for abortions. No wasting time and energy on sex education. The problem with such an approach is it removes the right to bodily integrity, the right of a woman to make her own reproductive choices and the right to live free of gender-based violence all of which is enshrined in a number of international human rights treaties and instruments.

Evidence suggests that when parents and carers are given appropriate support and resources the issue of sterilisation loses

potency⁴. The fear and anxiety generated in the arguments of supporters of sterilisation demonstrates the need for human relations education and training, access to informed health services and resources, improved reporting and responding to gender-based violence and the need for responsive support services.

STARs historical position on sterilisation

STAR has been proactive on the issues of sterilisation over the last 30 years. This has enabled STAR to develop a perspective which is responsive to the needs and expectations of women with intellectual disabilities. An important part of this development took place during the late 1970's when STAR corresponded with individuals and organisations at a national and international level sharing information and discussion working to build knowledge of ethics in relation to this issue⁵. In 1985 STAR prepared a paper identifying key issues in the debate. In 1990 STAR brought together women with intellectual disabilities, their families, support persons, and service providers, at a conference called '*My Body, My Mind, My Choice*' to examine the issue of sterilisation.

The premise of *My Body, My Mind, My Choice* was all women with intellectual disabilities had the right to control their own bodies. The Conference resolutions included amongst other things, the need for law reform; the need for information, education, and training of both women with intellectual disabilities and service providers; and the need for women with disabilities to be treated as equals and to be treated with dignity and respect⁶.

In 1992 STAR adopted and has remained committed to a Policy on Human Relations and Sexuality Rights for people with an intellectual disability which includes a position on sterilization. The policy states that full recognition that people with disabilities have the same rights as other people in the community must be acknowledged.

Concluding remarks

Sterilisation for non-therapeutic purposes should never substitute for proper support with menstruation, sexual safety and support when disabled women become mothers. Without the dedicated pursuit of their right to bodily integrity, competing interests will have their sway and disabled girls and women will continue to face forced sterilisation⁷.

1. WWDA, *Moving Forward and Gaining Ground: The Sterilisation of Woman and Girls with Disabilities in Australia* prepared by Carolyn Frohmader July 2012

2. WWDA *Sterilisation of Women and Girls with Disabilities: An update on the issue in Australia* prepared by Carolyn Frohmader updated December 2012

3. Strahan, F.; *Sterilisation of Intellectually Disabled Women* HealthSharing Women, Women and Surgery Conference 1990

4. WWDA, *Policy & Position Paper: 'The Development of Legislation to Authorise Procedures for the Sterilisation of Children with Intellectual Disabilities'* prepared by Carolyn Frohmader June 2007

5. STAR, *On The Record - A Report on the 1990 STAR Conference on Sterilisation: 'My Body, My Mind, My Choice'*. Edited by Fiona Strahan, Co-Editor Lois Brudenell 1991

6. WWDA, *Sterilisation of Women and Girls with Disabilities: An update on the issue in Australia* prepared by Carolyn Frohmader updated December 2012

7. Hallahan, L.; *Time to stop the forced sterilization of girls and women with disability* Ramp Up ABC News 5 Oct 2012

Yours sincerely

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