

Australian Women Against Violence Alliance (AWAVA)**Submission to Senate Inquiry:*****Involuntary or Coerced Sterilisation of Women and Girls with Disabilities in Australia***

AWAVA endorses the extremely comprehensive submission of our member organisation, Women With Disabilities Australia (WWDA), *'Dehumanised: The Forced Sterilisation of Women and Girls with Disabilities in Australia'*¹, submitted to the Senate Inquiry on 12 March 2013.

AWAVA emphasises to the Senate Inquiry the recent international agreement reached at the 57th Session of the Commission for the Status of Women (CSW57) in March 2013 where member states agreed to:

“Condemn and take action to prevent violence against women and girls in health care settings, including ...forced medical procedures, or those conducted without informed consent, and which may be irreversible, such as forced hysterectomy...forced sterilization, forced abortion, and forced use of contraceptives, especially for particularly vulnerable and disadvantaged women and girls, such as ... women and girls with disabilities...”

Agreed Conclusions 57th Session of the Commission for the Status of Women, B (aaa), p.13:
http://www.un.org/ga/search/view_doc.asp?symbol=E/CN.6/2013/L.5

This agreement is the latest declaration in a strong and long-standing international position against forced and involuntary sterilisation. Sterilisation in the absence of free and informed consent of the girl or woman concerned is an act of violence against women and a breach of girls' and women's fundamental human rights, particularly their right to bodily integrity. This is an issue that disproportionately affects women and girls. AWAVA completely agrees with WWDA that women and girls with disabilities, like all women and girls, have a human right to live free from violence, abuse, exploitation and neglect.

International agreements, conventions, committees and UN Rapporteurs advocate against coerced sterilisation. Australia, as a global leader on addressing violence against women should ensure its national policies and legislation comply with international obligations. The United Nations Convention on the Rights of Persons with Disabilities states *“persons with disabilities, including children, retain their fertility on an equal basis with others”*. The UN Committee on the Rights of the Child (CRC) clarifies that the *‘best interests’* of the child cannot be used to justify practices which conflict with the child's human dignity and right to physical integrity:

“The Committee emphasizes that the interpretation of a child's best interests must be consistent with the whole Convention, including the obligation to protect children

from all forms of violence. It cannot be used to justify practices, including corporal punishment and other forms of cruel or degrading punishment, which conflict with the child's human dignity and right to physical integrity. An adult's judgment of a child's best interests cannot override the obligation to respect all the child's rights under the Convention."

The UN Special Rapporteur on Torture makes clear that 'best interest' and 'medical necessity' are not justifications for forced/involuntary sterilisation of women and girls with disabilities. The United Nations Periodic Review of Australia in January 2011 was critical of Australia's position on sterilisation and called on Australia to abolish 'non-therapeutic sterilisation of children', a call backed by Australia's Sex and Disability Discrimination Commissioners, Elizabeth Broderick and Graeme Innes.

AWAVA fully supports the recommendations made by WWDA, emphasising particularly the importance of enacting "*national legislation prohibiting, except where there is a serious threat to life, 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 consent. Such legislation must prohibit the removal of a child or adult with a disability from Australia with the intention of having a forced sterilisation procedure performed*". There must also be consultation with women and girls with disabilities on rehabilitation and recovery for those affected by forced sterilisation practices and other violations of their reproductive rights and freedoms, alongside a proper redress, apology and compensation for those already affected.

The Australian Women Against Violence Alliance (AWAVA) is one of six National Women's Alliances funded by the Australian Government. AWAVA's key area of focus is addressing all forms of violence against women, to ensure that all women and children are able to live free from all forms of violence and abuse. AWAVA recognises that violence against women and girls is both a consequence and cause of gender inequality in all sectors of society and must be addressed by promoting women's rights and social, political and economic equality.

Endorsements

This document has been endorsed in full/in part by the following AWAVA member organisations:

1. Association of Women Educators
2. National Association of Services Against Sexual Violence
3. Women's Services Network
4. Australasian Council of Women and Policing
5. Australian Women's Health Network
6. Coalition of Women's Domestic Violence Services of South Australia
7. Domestic Violence Victoria
8. National Association of Services Against Sexual Violence Australian Capital Territory
9. National Association of Services Against Sexual Violence Northern Territory
10. National Aboriginal and Torres Strait Islander Women's Alliance
11. Network of Immigrant and Refugee Women Australia
12. NSW Women's Refuge Movement
13. National Union of Students Women's Officer
14. Queensland Domestic Violence Refuge Sector

- 15. Women's Council For Domestic & Family Violence Services WA
- 16. Women's Essential Service Providers Tasmania
- 17. Women's Legal Services Australia
- 18. Women With Disabilities Australia

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ⁱ http://www.wwda.org.au/WWDA_Sub_SenateInquiry_Sterilisation_March2013.docx