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Disclaimer

Aboriginal and Torres Strait islander peoples are respectfully advised that this publication may include images of people who are deceased.

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“NO MATTER WHERE WE LIVE, NO MATTER WHAT OUR DISABILITY IS, WE HAVE THE RIGHT TO SAFETY”

“OUR NEED TO LOVE AND BE LOVED IS AS VITAL TO OUR WELLBEING AS OUR NEED TO EAT, DRINK AND BREATHE. TO DENY OUR SEXUALITY IS TO DENY THAT WE ARE WHOLE HUMAN BEINGS”

“OTHER PEOPLE OFTEN MAKE DECISIONS FOR US AND ABOUT US. WE ARE NOT ALWAYS LISTENED TO. WE ARE NOT ALWAYS TAKEN SERIOUSLY”

“I THINK THERE SHOULD BE AN ACT THAT SHOULD GO THROUGH PARLIAMENT, IT MUST BE A STERILISATION ACT THAT STOPS GIRLS AND WOMEN WITH INTELLECTUAL DISABILITIES BEING STERILISED”

“THE GOVERNMENT SHOULD TALK TO WOMEN AND GIRLS WITH DISABILITIES MORE OFTEN. WE SHOULD BE ABLE TO TELL THE GOVERNMENT WHAT WE NEED. TALK TO US”
ABOUT WOMEN WITH DISABILITIES AUSTRALIA (WWDA)

Women With Disabilities Australia (WWDA) is the award winning, national Disabled People’s Organisation (DPO) for women and girls with all types of disability in Australia. WWDA was established in 1995 as a very small, independent non-government organisation (NGO) run by women with disability for women with disability. Over the past 20 years, WWDA has grown from a small group of disabled women concerned primarily with building individual confidence and self-esteem, to an internationally respected DPO enabling and representing the collective interests of women and girls with disability and promoting and advancing their rights and freedoms.

WWDA operates as a transnational human rights organisation – meaning that our work, and the impact of our work, extends much further than Australia. As a DPO, WWDA is managed and run by women with disability, for women and girls with disability. WWDA represents more than two million disabled women and girls in Australia, has affiliate organisations and networks of women with disability in most States and Territories of Australia, and is internationally recognised for our global leadership in advancing the human rights of women and girls with disability.

WWDA’s work is grounded in a human rights based framework which links gender and disability issues to a full range of civil, political, economic, social and cultural rights. It is this holistic, comprehensive human rights framework that WWDA works from and within, to promote and advance the human rights of women and girls with disability. Importantly, utilising this holistic framework in all aspects of our work enables us to demand accountability from Governments and other duty bearers in relation to recognising and addressing the violations of human rights experienced by women and girls with disability.

As the DPO for women and girls with all types of disability in Australia, WWDA is the recognised coordination point between Government/s and other stakeholders, (both nationally and internationally) for expertise, advice, collaboration, consultation and engagement with women and girls with disability in Australia.

The key purpose of WWDA is to promote and advance the human rights and freedoms of women and girls with disability. Our goal is to be a national voice for the rights of women and girls with disability and a national force to improve the lives and life chances of women and girls with disability.

For more information about Women With Disabilities Australia (WWDA)

- Visit the WWDA website: http://www.wwda.org.au
- Follow WWDA on Facebook: http://www.facebook.com/WWDA.Australia
- Follow WWDA on Twitter: https://twitter.com/WWDA_AU
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1.1 WHY IS THIS TOOLKIT NEEDED?

Over two million women and girls with disability live in Australia – that’s approximately 20% of all women and girls. That’s a lot of us! Like everyone else, we all have different lives and experiences. We also all have different personal experiences of disability. As a group, however women and girls with disability experience unfair treatment in nearly all areas of life. We are treated unfairly because of our disability. We are treated unfairly as women because men still hold a lot of power in society. We are also treated unfairly because our society is structured for able-bodied people. As a group, we are denied the chance to live as equals. As a group we are unable to live our lives with dignity. For example:

- We experience very high rates of violence and abuse
- The police and courts often don’t protect us or help us when we have been hurt
- We are poorer and find it hard to find work, even if we have studied
- Many of us are excluded from society and are not able to participate like everyone else
- Many of us are not allowed to make our own decisions about how and where we live, and if we want to have a relationship, get married or have children

But the right of everyone to live as equals is one of the most important principles of international law and is accepted by countries around the world. It is so important it is contained in all the main international human rights laws (called Conventions, Treaties, Covenants and Declarations) that Australian has signed, and agreed to. This means that if the Australian Government has agreed to them, they must respect, protect and take action to make sure everyone enjoys the human rights contained in these legal documents. This includes women and girls with disability. For example, women and girls with disability have the following human rights:

- The right to be free from violence and abuse
- The right to the same protection from the law as everyone else
- The right to the same chances at work as everyone else
- The right to participate in our community like everyone else
- The right to make our own decisions, including how and where we live and if we want to have a relationship, get married or have children

In the past women and girls with disability were viewed and treated as dependent, in need of care and protection. We were kept apart and excluded from participating in our communities. But times have changed. International human rights law now recognises women and girls with disability as women and girls with rights, able to make decisions about our own lives.

The Australian government has agreed to take action to make sure all women and girls with disability enjoy all the human rights described in the Conventions, Treaties, Covenants and Declarations it has agreed to or supported. Yet very few of us know about our rights. Importantly very few of us know how they are relevant to our life, and the lives of our families, friends, and communities.

Learning about our human rights – what they are and how to have our rights respected – is important to achieve positive and lasting change for all women and girls with disability. We need to take action, individually and together, so that all of us can demand and enjoy our human rights.

If you are a woman or girl with disability and would like to learn more about your human rights and how they can be used to achieve change in your life or the lives of other women and girls with disability, this Toolkit is written for you.
1.2 HOW TO USE THIS TOOLKIT

The Toolkit is divided into eight main sections, and also includes a number of Appendices at the end of the Toolkit.

Section 1 ‘Introduction – Time for Change’ gives an introduction to this Toolkit and talks about why this Toolkit is needed to help improve the human rights of all women and girls with disability.

Section 2 ‘Know the Issues: Key Human Rights Issues’ provides a brief overview of five key issues that women and girls with disability in Australia have identified as most important to them. These issues include: experiences of violence; involvement in meaningful decision-making; opportunities for participation; finding and keeping employment; and, sexual and reproductive rights. Women and girls with disability in Australia have told WWDA that although they have many issues of concern, they think these issues need urgent attention and action.

Section 3 ‘Know your Rights: The History of Human Rights’ provides information about what human rights are. It looks at where ‘human rights’ came from, and how they are protected and monitored. This section also gives a brief overview about Australia’s international human rights obligations.

Section 4 ‘Know your Rights: Women and Girls with Disability’ focuses on two of the international human rights treaties that are particularly important for all women and girls with disability. These two treaties are the Convention on the Rights of Persons with Disabilities (CRPD), which protects the rights of all people with disability, and the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), which protects the rights of all women. This section explains, in practical language, the content of each of these treaties.

Section 5 ‘Know your Rights: Understanding the CRPD and CEDAW’ examines the main ‘Article’ from both the CRPD and CEDAW, that deals with the important urgent issues that have been identified by women with disability in Australia, which are: Violence; Decision-Making; Participation; Sexual and Reproductive Rights; and, Employment. For each of these issues, this section of the Kit provides the words of the main Article (as it appears in the CRPD and CEDAW) and then explains in practical terms, what it means and gives examples of what governments have to know and do, in order to properly implement the particular article for women and girls with disability.

Section 6 ‘Achieving Change: Human Rights’ provides information from WWDA members and our supporters about some of the key changes we believe need to happen to improve the human rights of women and girls with disability in the following areas: Violence; Decision-Making; Participation; Sexual and Reproductive Rights; and, Employment.

Section 7 ‘Taking Action: A Human Rights Approach’ looks at many different ideas of what women and girls with disability can do – on their own and/or with others - to help achieve change and promote the rights of all women and girls with disability.

Section 8 ‘Resources: Leading Change’ provides some sample letters and ‘talking points’ for phone calls, on the key issues that have been identified by women and girls with disability in Australia. These sample letters and ‘talking points’ have been included as a guide to use when writing a letter or making a phone call to a local Member of Parliament, or a government Minister or adviser. They can be adapted or changed to suit particular needs.

Section 9 ‘Appendices’ includes full versions of the Convention on the Rights of Persons with Disabilities (CRPD) and the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW). It also includes a full copy of a very important special guidance document (called a “General Comment”) that the United Nations has written for all governments in the world to explain exactly what they are expected to do to improve the rights of women and girls with disability. Also included in this section is information about what to do in a crisis or an emergency.

Section 10 ‘Endnotes’ is a list of all the documents that have been used to help make this Toolkit.
2.1 KEY HUMAN RIGHTS ISSUES IDENTIFIED BY WOMEN AND GIRLS WITH DISABILITY IN AUSTRALIA

In this section of the toolkit, we provide a brief overview of five key issues women and girls with disability have identified as important to them. These five issues include: experiences of violence; involvement in meaningful decision-making; opportunities for participation; finding and keeping employment; and, sexual and reproductive rights.
2.2 VIOLENCE

Violence against women is one of the most common violations of human rights across the world. Violence can be understood as any action or threat that causes or is likely to cause physical, sexual, or mental harm and suffering, either directly or indirectly. Violence is violence regardless of where it happens, who perpetrates it or why they perpetrated it. Sometimes violence can be committed by an individual or a group (interpersonal violence). Sometimes violence can be committed directly or indirectly by Government or public officials (state-sanctioned violence).

One in three Australian women have experienced some form of physical violence. For women with disability, this rate is even higher – most women with disability would have experienced some form of violence in their life. Across the world, women with disability experience high levels of violence, and the effects of these experiences are long-term and serious.

International human rights law, including the Convention on the Rights of Persons with Disabilities (CRPD), and the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) clearly state that all forms of violence against women are unacceptable, whether it happens at home, in schools, supported accommodation, in institutions, at workplaces or in the community.

Australian Governments and governments in other countries around the world have said that they want to fix the problem of violence against women. However, the specific issues facing women and girls with disability have often been left out of these responses. For this reason, organisations run by and for women with disabilities, like Women with Disabilities Australia (WWDA), work hard to make sure that Government policy responses to violence against women include, address and prevent violence against women and girls with disability.

HOW DO WOMEN WITH DISABILITY EXPERIENCE VIOLENCE?

Common forms of violence that women and girls with disability experience can include:

- Forced sterilisation – An invasive medical procedure that removes the capacity of a woman to fall pregnant and have a regular menstrual cycle (period)
- Forced abortion – Forcing a woman to terminate a pregnancy
- Forced contraception – Forcing a woman to take contraceptive medication that prevents her from falling pregnant and suppresses her menstrual cycle
- Sexual violence, including rape
- Violence perpetrated by partners, family members or carers
- Restraint and seclusion
- Withholding support
- Financial abuse and exploitation
- Discrimination

FIND OUT MORE

- WWDA Position Statement 1: The Right to Freedom from All Forms Of Violence (https://goo.gl/Yfw1fm)
2.3 DECISION-MAKING

The ability to make decisions, big and small, about every aspect of our lives and what we do is a human right. The decisions and choices that we make enable us to express our views, our personalities, our desires, our preferences, as well as our thoughts on what is important to us in life. The outcomes of our choices and decisions can be good and bad, and it is these outcomes that help us to learn and gain experience, confidence, and knowledge. Being able to make our own decisions also allows us to participate equally in our communities and in broader society.

Too often, women and girls with disability are not allowed or supported to make their own decisions and choices. These choices can include small choices about what to eat and what to wear, to more important life choices, like where to live and whether or not to have sex, find a partner or have children.

Often, women and girls with disability are denied their right to make decisions, just because they have a disability. Sometimes decisions are made for someone by their parents, carers, courts, governments or public officials (substitute decision-making). The Convention on the Rights of Persons with Disabilities (CRPD) says that everyone, regardless of disability, has a right to make important decisions and where necessary, access support to make decisions (supported decision-making).

HOW ARE WOMEN WITH DISABILITY DENIED THEIR DECISION-MAKING RIGHTS?

Key areas where women and girls with disability are denied their decision-making rights can include:

- Sexual rights
- Reproductive rights
- Intimate relationships and parenting
- Providing and withdrawing consent
- Medical procedures
- Living and support arrangements
- Day to day activities
- Work and leisure

FIND OUT MORE

2.4 PARTICIPATION

All people have an equal right to social, cultural and political participation. Participation can include things like being involved in a community event or social club; having a job; joining a political party; voting in democratic elections; having a say and being taken seriously in policy and decision-making processes; accessing education; accessing healthcare; and, being involved in the decisions that affect our lives on a daily basis.

Women and girls with disability across the world are often denied opportunities to participate in social and political life. Denial of these participatory rights is often due to prejudice, discrimination and fear. They are often excluded from making or participating in decisions about their own healthcare, including their sexual and reproductive healthcare. Sometimes, the right of all women and girls with disability to participate is disregarded in favour of parents, carers, professional health workers, and ‘experts’. This is particularly the case for women and girls with disability who live in institutional environments or closed settings.

Frequent and ongoing experiences of violence, abuse, harassment and discrimination can limit or discourage women and girls with disability from social, cultural and political participation. Policy responses designed to support people to participate in their communities frequently neglect to address these factors.

International human rights instruments, including the Convention on the Rights of Persons with Disabilities (CRPD) and the International Covenant on Civil and Political Rights (ICCPR) state that all people have the right to participate on an equal basis with others, and be supported to do so.

HOW ARE WOMEN WITH DISABILITY DENIED THEIR PARTICIPATION RIGHTS?

Key areas where women and girls with disability are denied their participation rights can include:

- Finding and gaining employment
- Voting and political participation
- Accessing education
- Accessing social and cultural events
- Healthcare
- Policy development and consultation

FIND OUT MORE

- WWDA Position Statement 3: The Right to Participation ([https://goo.gl/Yfw1fm](https://goo.gl/Yfw1fm))
2.5 SEXUAL AND REPRODUCTIVE RIGHTS

Sexual and reproductive rights are fundamental human rights. They include the right to dignity, equality, autonomy and self-determination – the right of everyone to make free and informed decisions about, and have control over - their body, sexuality, health, relationships, and if, when and with whom they partner and have children, without any form of discrimination, stigma, coercion (force) or violence. This includes the right of everyone to enjoy and express their sexuality, be free to make personal decisions about sexuality and reproductive matters, and to access sexual and reproductive health information, education, services and support. It also includes the right to be free from all forms of violence, abuse, exploitation and neglect.

Sexual rights guarantee that everyone has access to the things that allow them to fulfill and express their sexuality in a dignified way, free of violence and discrimination. Sexuality is a big part of being human and we all express our sexuality in different ways. It can include relationships, attitudes, values, behaviours, practices, beliefs, thoughts, fantasies, and desires. Although sexual and reproductive rights are often talked about together, many expressions of sexuality are not about having children (reproduction).

Women and girls with disability often face violence, discrimination and prejudice that affects their sexual and reproductive rights. These attitudes and practices, which pervade many of our communities and institutions, result in multiple and extreme abuses of the sexual and reproductive rights of women and girls with disability, including through state-sanctioned violence including forced sterilisation, forced abortion, and forced contraception. These very severe and cruel forms of sexual violence – perpetrated largely against women and girls with disability, and which qualify as torture or inhuman treatment, have no place in our world.

The sexual and reproductive rights of all people, including women and girls with disability, are contained in many human rights instruments, including the Convention on the Rights of Persons with Disabilities (CRPD) and the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW).

HOW ARE WOMEN WITH DISABILITY DENIED THEIR SEXUAL AND REPRODUCTIVE RIGHTS?

Key areas where women and girls with disability are denied their sexual and reproductive rights can include:

- Forced sterilisation, forced abortion and forced contraception
- Sexual violence
- Denial of support and opportunities to meet sexual partners
- Denial of sexual needs and desires
- Denial of gender identity and expression

FIND OUT MORE

2.6 EMPLOYMENT

The right to paid work is a fundamental human right and has a range of benefits for the individual, communities, and broader society. Meaningful employment can provide people with increased confidence, help them to find friends, and develop new skills and knowledge.

In Australia, women and girls with disability continue to have difficulties finding paid employment, getting paid fairly for their work, and accessing support to gain employment. Policy responses that have sought to encourage people with disability to access employment have often failed to account for the impact of prejudice, discrimination and violence, and address the specific issues and barriers facing women and girls with disability.

Not having an adequate income can affect many aspects of people’s lives including experiencing poverty, accessing education, having a safe place to live, accessing healthcare when they need it, and enjoying the activities they wish to do.

While there have been some improvements in Australian laws that stop people being unfairly treated at work, women and girls with disability and are still more likely to be out of work, discriminated against at work, and have difficulty finding employment.

The United Nations Committee on the Rights of Persons with Disabilities has recommended that Australia should address the larger factors, including violence and discrimination that prevents women and girls with disability from participating in work.

HOW ARE WOMEN WITH DISABILITY DENIED THEIR EMPLOYMENT RIGHTS?

Key areas where women and girls with disability are denied their employment rights:

- Lack accessible education opportunities
- Gender and disability discrimination
- Prejudice and stereotypes
- Bullying, harassment and violence at work
- Policy frameworks that ignore the specific needs and issues facing women and girls with disability in regard to employment