



WOMEN  
WITH  
DISABILITIES  
AUSTRALIA  
(WWDA)

Women With Disabilities Australia (WWDA)

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# Publishing Information

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## Contact

Women with Disabilities Australia (WWDA)  
Contact: Carolyn Frohmader, Executive Director  
PO Box 407, Lenah Valley, 7008 Tasmania, Australia  
Phone: +61 438 535 123  
Email: [carolyn@wwda.org.au](mailto:carolyn@wwda.org.au)  
Web: [www.wwda.org.au](http://www.wwda.org.au)  
Facebook: [www.facebook.com/WWDA.Australia](http://www.facebook.com/WWDA.Australia)  
Twitter: [www.twitter.com/WWDA\\_AU](http://www.twitter.com/WWDA_AU)

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WWDA is a founding member of Disabled People's Organisations Australia (DPO Australia), an alliance of four national disabled people's organisations (DPO's) in Australia. See: <http://dpoa.org.au>

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# 1. Introduction and Context

- 1.1. Disability is a complex, dynamic and evolving concept. How disability is understood is shaped by a complex range of intersecting factors, including individual and social values, contexts, cultures, policy responses, and histories. Critically, contemporary understandings of people with disability now recognise disabled persons as holders of full and equal rights and freedoms, including the right to self-determination and self-representation.
- 1.2. Over two-million women and girls with disability live in Australia (20% of the population of women), including more than 100,000 girls with disability aged 0-14 and two million women with disability aged 15 and older.<sup>1</sup>
- 1.3. Women with disability come from a range of backgrounds, lifestyles, beliefs and communities. They may be Aboriginal and Torres Strait Islander or come from culturally and linguistically diverse communities. They may have a faith, or not; be married, divorced, partnered, or single; gay, lesbian, bisexual, transgender or intersex; parents, guardians, carers, and friends. They may or may not be in paid work, or they could be engaged in education and training. Each of these contexts can affect how, when, why, and in what form a woman with disability accesses, receives and/or is denied, services and supports.
- 1.4. Australian society is permeated by gender differences and gender inequalities. The outcomes of public policy in Australia are not equal for men and women, and this is profoundly worse when we examine the gender inequalities between men and boys with disability and women and girls with disability.<sup>2</sup>
- 1.5. Gender is a fundamental tenet in the development of public policy, including public policy affecting people with disability. Promoting gender equity has been a major policy drive of successive governments for more than 40 years.<sup>3</sup> The additional inequity for women with disability arising from disability discrimination is tangible. Gender is one of the most important categories of social organisation, yet people with disability are often treated as asexual, genderless human beings as if unaffected by these acknowledged disparities. This is borne out in Australian disability legislative and policy frameworks - including the NDA - which consistently fail to apply a gender lens. Similarly, gender related policies, programs and services consistently fail to apply an appropriate disability lens. In the Australian context, most policy, program and service development proceeds as though there are a common set of issues – and that men and women, boys and girls, experience disability in the same way.<sup>4</sup>
- 1.6. However, more than three decades of evidence - globally and domestically - categorically demonstrates that women and girls with disability face multiple and intersecting discrimination and are overwhelmingly more disadvantaged than men and boys with disability in similar circumstances. Recognising how different systems and structures of oppression intersect to shape the experiences of discrimination is essential to a comprehensive understanding of the complex and diverse effects it has in practice.
- 1.7. Intersectional discrimination recognises that women and girls with disability do not experience discrimination as members of a homogenous group but rather, as individuals with multidimensional layers of identities, statuses and life circumstances. Conceptualising intersectional discrimination in the context of disabled women and girls, means acknowledging the lived realities and experiences of the heightened disadvantage of women and girls with disability caused by multiple and intersecting forms of discrimination,

which requires targeted and additional measures with respect to disaggregated data collection, consultation, participation, policymaking, enforceability of non-discrimination and provision of effective remedies.<sup>5</sup>

- 1.8. Women and girls with disability have fewer opportunities, lower status and less power and influence than men and boys with disability. Women and girls with disability are frequently denied equal enjoyment of their rights and freedoms, in particular by virtue of the lesser status ascribed to them by tradition and custom, or as a result of overt or covert discrimination.<sup>6</sup> They are often denied opportunities to develop their skills, confidence, agency and autonomy.
- 1.9. Limited opportunities for participation in all areas of public life in Australia contributes to a lack of awareness of their rights as equal members of society and reinforces negative stereotypes and discriminatory practices. For example: compared to non-disabled women, and disabled men, women and girls with disability experience significantly higher levels of all forms of violence (including particularly egregious forms of violence) more intensely and frequently and are subjected to violence by a greater number of perpetrators. Their experiences of violence last longer, more severe injuries result, and they have considerably fewer pathways to safety.<sup>7</sup>
- 1.10. Although the prohibition of discrimination and the promotion of equality are principles enshrined in Australian legislative and policy and frameworks to advance the rights of people with disability, and to end all forms of discrimination against women - women and girls with disability in Australia have failed to be afforded, or benefit from, these provisions. Instead, they continue to represent one of the most excluded groups in Australia, subject to widespread discrimination, systemic prejudice, paternalistic and ableist<sup>8</sup> attitudes that denigrate, devalue, oppress, limit and deny their potential and their rights and freedoms.<sup>9</sup> They are often not afforded dignity, recognition, respect, agency and/or autonomy.<sup>10</sup> Because they are much less 'visible' than men with disability in public roles, women with disability lack opportunities to articulate their exclusion, rendering them, and their concerns, invisible in broader society.
- 1.11. The voices of women and girls with disability have historically been silenced and they remain disproportionately underrepresented in all forms of public decision-making. Regrettably, in contemporary Australia, it remains commonplace for women and girls with disability to have their views ignored or disregarded in favour of 'experts', 'professionals', parents, guardians, and carers, as well as representatives of organisations not controlled and constituted by women with disability themselves.<sup>11</sup>

## 2. Key Issues

### 2.1. Address all forms of violence against women and girls with disability

- 2.1.1. It is now well established that people with disability experience, and are at a far greater risk of violence than others in the population and that this violence often goes un-recognised and un-addressed.<sup>12</sup> Human rights treaty bodies,<sup>13</sup> civil society organisations,<sup>14</sup> the Australian Senate,<sup>15</sup> academics<sup>16</sup> and people with disability themselves,<sup>17</sup> have consistently called on successive Australian Governments to address all forms of violence against people with disability, including the urgent need for a Royal Commission, and specific, targeted actions to address the epidemic that is violence against women and girls with disability.
- 2.1.2. Compared to their peers, women and girls with disability experience significantly higher levels of all forms of violence more intensely and frequently and are subjected to violence by a greater number of perpetrators. Their experiences of violence last longer, more severe injuries result, they are far less likely to receive service support to address violence,<sup>18</sup> they are often not believed when reporting sexual assault and other forms of violence,<sup>19</sup> are often denied the right to legal capacity<sup>20</sup> and effective access to justice,<sup>21</sup> and they have considerably fewer pathways to safety.<sup>22</sup>
- 2.1.3. The gendered nature of violence against people with disability sees more than 70% of women with disability having been victims of violent sexual encounters at some time in their lives.<sup>23</sup> Twenty per cent of women with disability report a history of unwanted sex compared to 8.2% of women without disability,<sup>24</sup> and the rates of sexual victimisation of women with disability range from four to 10 times higher than for other women.<sup>25</sup> More than a quarter of rape cases reported by females in Australia are perpetrated against women with disability.<sup>26</sup> Women with disability who live in institutional and residential settings are highly susceptible to violence (particularly sexual violence) from numerous perpetrators and frequently experience sustained and multiple episodes.<sup>27</sup>
- 2.1.4. Women with disability are also 40% more likely to be the victims of domestic violence than women without disability.<sup>28</sup> Evidence indicates that every week in Australia, three women are hospitalised with a brain injury as a direct result of family violence.<sup>29</sup> Eighty-five (85%) of women with mental health impairment report feeling unsafe during hospitalisation, 67% per cent report experiencing sexual or other forms of harassment during hospitalisation and almost half (45%) report experiencing sexual assault during an in-patient admission.<sup>30</sup> Women comprise 74% of all elder abuse victims,<sup>31</sup> and are more likely to experience elder abuse than males, at a rate two and a half times higher.<sup>32</sup>
- 2.1.5. Women with disability represent more than 50% of the female prison population in Australia. More than half of all women incarcerated in Australian prisons have a diagnosed psychosocial disability and a history of sexual victimisation.<sup>33</sup> The percentage of women with disability in prisons is greater than men with disability. The rate of incarceration of women with disability from Aboriginal and Torres Strait Islander backgrounds is also higher than equivalent figures for men.<sup>34</sup>
- 2.1.6. There is a lack of data on gender-based violence in Australia in relation to particular cohorts of women, particularly at-risk population groups, including women with disability,

Aboriginal and Torres Strait Islander women, women from CALD backgrounds, and lesbian, gay, bisexual, transgender and intersex (LGBTI) people, including those in same-sex relationships.<sup>35</sup> The national Personal Safety Survey (PSS), which collects detailed information from men and women about the nature of violence experienced since the age of 15, is cited as “the most comprehensive prevalence data source available in Australia”.<sup>36</sup> However, it is widely recognised that the PSS has significant methodological restrictions and limitations,<sup>37</sup> which means that the PSS not only misses (and excludes) a very significant proportion of people with disability, but it also means that reported data from the PSS relating to women with disability is inherently misleading.

- 2.1.7. Addressing violence against women and girls with disability in Australia is a key obligation under the seven international human rights treaties to which Australia is a party,<sup>38</sup> as well as the United Nations *Declaration on the Rights of Indigenous Peoples* (UNDRIP), which Australia formally endorsed in 2009.
- 2.1.8. The United Nations treaty monitoring bodies have clearly articulated the need for Australia to substantially improve its efforts to address **all** forms of violence against women, including particularly egregious forms of gender-based violence that are recognised to disproportionately affect marginalised cohorts of women and girls (including for eg: women and girls with disability; women from CALD backgrounds; Aboriginal and Torres Strait Islander women; women in prisons; detainees, etc).<sup>39</sup> They have re-affirmed the need for development of Commonwealth legislation that prohibits all forms of gender-based violence against women and girls, including the need for an inclusive definition of gender-based violence that is conceptualised on a continuum that spans interpersonal and structural violence; acknowledges the structural aspects and factors of discrimination, including structural and institutional inequalities; and analyses social and economic hierarchies between women and men (inter-gender inequalities) and among women (intra-gender inequalities).<sup>40</sup>

### **WWDA calls on all candidates and parties to commit to:**

**Ensuring that the *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability*<sup>41</sup> prioritises the gender and age related dimensions, and the particular situation of Aboriginal and Torres Strait Islander people with disability, and culturally and linguistically diverse people with disability.**

**The development and enactment of national legislation on the prevention of all forms of gender-based violence. Commonwealth legislation should utilise the definition of ‘gender-based violence’ as articulated in the Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW) General Recommendation 35 ‘Gender-based Violence Against Women’ (2017).**

**The development of a new *National Plan to Reduce Violence Against Women and Their Children*, framed by and operationalised within, a comprehensive human rights framework consistent with Australia’s obligations under the international human rights treaties to which Australia is a party, as well as the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), formally endorsed by Australia in 2009.**

**The development of a new *National Plan to Reduce Violence Against Women and Their Children* which prioritises women and girls with disability; CALD women and girls; and Aboriginal and Torres Strait Islander women and girls. These cohorts of women are recognised as experiencing higher rates of all forms of gender-based violence, and remain marginalised within, and excluded from, policies and service responses designed to address and prevent gender-based violence.**

**Addressing the methodological restrictions and limitations of the *National Personal Safety Survey (PSS)*, in order to ensure a more accurate and comprehensive picture of gender-based violence in Australia.**

## **2.2. Gender the National Disability Insurance Scheme (NDIS)**

- 2.2.1. It is deeply concerning that across all jurisdictions, the percentage of female participants in the National Disability Insurance Scheme (NDIS) remains at less than 39%, with some jurisdictions having even lower figures.
- 2.2.2. We know from over three decades of evidence-based research, that women and girls with disability experience multiple and intersecting forms of discrimination and are overwhelmingly more disadvantaged than men and boys with disability in similar circumstances. Like many societies, Australian society is permeated by gender differences and gender inequalities. The outcomes of public policy in Australia are not equal for men and women, and this is profoundly worse when we examine the gender inequalities between men and boys with disability, and women and girls with disability.<sup>42</sup>
- 2.2.3. United Nations human rights treaty monitoring bodies have repeatedly expressed concerns to successive Australian Governments regarding the lack of targeted, extra measures to address the poor status of women and girls with disability in Australia.<sup>43</sup> The *Committee on the Rights of Persons with Disabilities* (CRPD), through CRPD General Comment 3 [Article 6: Women with Disabilities]<sup>44</sup> has provided clear and authoritative guidance to States Parties (including Australia) regarding the imperative to employ targeted, extra and specific measures to ensure that women and girls with disability can realise and enjoy their rights on an equal basis as others.<sup>45</sup> This includes their right to access and receive services and programs – including through the NDIS.
- 2.2.4. A clear object of the NDIS Act (2013) is to give effect to Australia’s obligations under the *Convention on the Rights of Persons with Disabilities* (CRPD). The CRPD is unequivocal on gender equality. It recognises gender as one of the most important categories of social organisation, and prioritises women and girls with disability as a group warranting specific attention and additional measures.<sup>46</sup>

### **WWDA calls on all candidates and parties to commit to:**

**Interrogating and addressing the clear gender inequality in the National Disability Insurance Scheme (NDIS).**

**Working with representative organisations and networks of women with disability to identify solutions to ensure the NDIS is reaching and is responsive to women and girls with disability.**

## **The development of an NDIS Gender Strategy, in consultation with women with disability and their representative organisations.**

### **2.3. Promote the sexual and reproductive rights of women and girls with disability**

- 2.3.1. Sexual and reproductive rights are fundamental human rights.<sup>47</sup> They include the right to dignity, equality, autonomy and self-determination – the right of everyone to make free and informed decisions about, and have full control over - their body, sexuality, health, relationships, and if, when and with whom to partner, marry and have children, without any form of discrimination, stigma, coercion or violence. This includes the right of everyone to enjoy and express their sexuality, be free from interference in making 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.<sup>48</sup>
- 2.3.2. Sexual rights guarantee that everyone has access to the conditions that allow fulfilment and expression of their sexualities, free from any coercion, discrimination or violence and within a context respectful of dignity. Sexuality is a central aspect of being human. It encompasses many dimensions that may or may not be experienced or expressed. Sexuality is an evolving concept that encompasses sexual activity, gender identities, sexual orientation, pleasure, eroticism, intimacy and reproduction.<sup>49</sup> Sexuality is experienced and expressed in many ways, including through relationships, attitudes, values, behaviours, practices, beliefs, thoughts, fantasies, and desires. Although sexual and reproductive rights are often inter-related, many expressions of sexuality are non- reproductive and therefore the specificity of sexual rights needs to be understood in its own right, and not automatically subsumed under reproductive rights and reproductive health.<sup>50</sup>
- 2.3.3. Regardless of country or context, no group has ever been as severely restricted, or negatively treated, in respect of their sexual and reproductive rights, as women and girls with disability.<sup>51</sup>
- 2.3.4. Women with disability the world over are discouraged or denied the opportunity, to bear and raise children.<sup>52</sup> In Australia, children of people with disability are subject to removal from their parents by authorities at a rate up to ten times higher than other parents.<sup>53</sup> In many circumstances children are removed pre-emptively solely on the basis of the parents disability (most often the mother), despite there being no evidence of any neglect, abuse and/or parental incompetence.<sup>54</sup> Mothers with disability are significantly overrepresented in child protection systems in Australia despite having the same capacity as other women to be effective parents.<sup>55</sup> Evidence demonstrates that parents with disability are no more likely to maltreat or neglect children than non-disabled parents.<sup>56</sup>
- 2.3.5. For more than 15 years, United Nations treaty monitoring bodies, the UN General Assembly, UN Special Procedures and international medical bodies<sup>57</sup> have categorically confirmed that forced sterilisation<sup>58</sup> of children (and of adult women with disability without their prior, full and informed consent) is a clear breach of some of the most fundamental human rights – including the right to bodily integrity; the right to freedom from violence; the right to privacy; the right to equality before the law; and the right to freedom from torture and other cruel, inhuman or degrading treatment or punishment.

- 2.3.6. For over a decade, several of the treaty monitoring bodies have made it clear that the Australian Government must act to develop and enact national, uniform and legally enforceable legislation prohibiting the sterilisation of children, and the sterilisation of adults with disability in the absence of their prior, fully informed and free consent.
- 2.3.7. In addition, the treaty monitoring bodies have continued to express concern that the Australian Government continues to consider forced sterilisation of women and girls with disability as a matter for state governments to regulate. They have clarified that decentralising government power through devolution or delegation does not negate the obligation on a State party to enact national legislation that is applicable throughout its jurisdiction.<sup>59</sup>
- 2.3.8. To date, Australia's response<sup>60</sup> to these recommendations has retained the focus on regulation and non-binding guidelines rather than prohibition. Australian Governments remain of the view that it is an acceptable practice to sterilise children and adults with disability, provided that they 'lack capacity' and that the procedure is in their 'best interest', as determined by a third party.<sup>61</sup>
- 2.3.9. Forced sterilisation is recognised as a particularly egregious form of gender-based violence that has no place in a civilized world.<sup>62</sup>

#### **WWDA calls on all candidates and parties to commit to:**

**The development and enacting of national, uniform and legally enforceable legislation prohibiting the sterilisation of children, and the sterilisation of adults in the absence of their prior, fully informed and free consent.**

**Addressing the widespread practice of forced contraception of women with disability, including the high rate of use of Depo-Provera amongst women with disability in the absence of their prior, fully informed and free consent.**

**Commission a national inquiry into the legal, policy and social support environment that gives rise to the removal of babies and children from parents with disability, at a rate at 10 times higher than non-disabled parents.**

**The development of a national strategy, in consultation with people with disability and their representative organisations, to improve access to, and implementation of comprehensive, equitable, accessible, and disability-inclusive sexual and reproductive health education and information, with a particular focus on improving the access to such information for women and girls with disability, regardless of the setting in which they work, live or study.**

## **2.4. Gender the National Disability Strategy (NDS) and the National Disability Agreement (NDA)**

- 2.4.1. The National Disability Agreement, introduced by the Council of Australian Governments in 2009, is a high level agreement between the Australian and state and territory governments for the provision of disability services for people with disability. It features clear roles and responsibilities for each level of government and joins these efforts together through nationally agreed objectives and outcomes for people with disability, their families and carers.<sup>63</sup>

- 2.4.2. The National Disability Agreement (NDA) is a critical mechanism for Governments to meet their obligations under the core international human rights treaties to which Australia is a party, all of which create obligations to promote the rights of people with disability, particularly the Convention on the Rights of Disabilities (CRPD).
- 2.4.3. The *National Disability Agreement* (NDA) is not, and never has been gendered. Although the NDA has included Indigenous Australians, those from culturally and linguistically diverse backgrounds, and those living in regional, rural and remote communities as population cohorts that require specific strategies across all NDA “policy and reform directions”, women with disability have always been excluded. Previous reforms under the NDA have been directed at ‘*creating a disability services system that is effective, efficient and equitable.*’ It is inherently difficult however, to conceptualise how a disability services and support system can be designed to be ‘equitable’ if one of the most important components of measuring equity of outcomes of public policy (gender equality) is completely absent.
- 2.4.4. The omission of gender from the NDA has had, and continues to have, significant flow on effects and ramifications. For example, the *National Disability Strategy* (NDS), including its National Implementation Plans, its State/Territory implementation plans, its mechanisms and trend indicators for monitoring, review and evaluation, along with its High Level Reports to COAG – have been and remain, completely un-gendered. They do not enable the capacity nor the imperative to address, monitor or evaluate the gender dimensions of any element of the NDS. There is no evidence that the principle of gender equality (a key principle underpinning both the CRPD and the NDS itself) has been, or will be ‘*incorporated into policies and programs affecting people with disability, their families and carers,*’ as agreed by all nine Australian Governments when formally endorsing the NDS in 2011. There has been no imperative for the NDS to be gendered, or for specialist disability services (and mainstream services) to collect gender-disaggregated data, because the NDA is itself, silent on gender. It is clear that the *National Disability Agreement* (NDA) and the *National Disability Strategy* (NDS), have to date, had little effect on improving the human rights of women and girls with disability in Australia.
- 2.4.5. In line with Australia’s international obligations to advance gender equality and disability rights, all aspects of the *National Disability Strategy* (NDS) must be gendered. This should include the incorporation of gender perspectives into NDS goals, structures, priorities, specific plans, decisions, processes, practices, projects, activities, monitoring, and resource allocation, as well as participation at all levels. Gender statistics, gender disaggregated data and the collection of specific information on the situation of women and girls with disability must be built into all aspects of the NDS, including monitoring, review and evaluation mechanisms, and should include both quantitative and qualitative approaches and measures.
- 2.4.6. There are no nationally consistent measures for the collection and public reporting of disaggregated data across the full range of obligations contained in the CRPD. The lack of nationally consistent disaggregated data, including by gender, raises serious concerns about the ability of Australia to comply with the international human rights treaties to which it is a party. The data collected through the Census process excludes many women with disability. The *Survey of Disability, Ageing and Carers* (SDAC)<sup>64</sup> captures information about individuals themselves and about the households in which they reside. SDAC excludes a range of settings where women with disability may reside, including for example boarding houses or other long-term accommodation; hostels; caravan parks; gaols or correctional

institutions. It also excludes people living in very remote areas; certain Aboriginal and Torres Strait Islander communities, and people living in hostels for the homeless or night shelters. The SDAC is based on a medical model, rather than a social and/or human rights model, and the publicly available findings are not disaggregated by gender.

### **WWDA calls on all candidates and parties to commit to:**

**A new, gendered, human rights based *National Disability Agreement (NDA)* that drives and reflects contemporary understandings of people with disability as holders of full and equal human rights, with the right to self-determination and self-representation.**

**The development of a *National Disability Agreement (NDA)* and a new *National Disability Strategy (NDS) Beyond 2020*, that are gendered, and which incorporate focused, gender-specific measures to ensure that women and girls with disability experience full and effective enjoyment of their human rights.**

**Improving the collection of data and specific information on the situation of women and girls with disability – including through the Report on Government Services (RoGS) process and all relevant national data sources, including for example, the ABS *Personal Safety Survey (PSS)*,<sup>65</sup> and the *General Social Survey (GSS)*,<sup>66</sup> and the newly established *NDIS Quality and Safeguards Commission*.<sup>67</sup>**

**The development of nationally consistent measures for data collection and public reporting of disaggregated data across the full range of obligations contained in the *Convention on the Rights of Persons with Disabilities*, and that all data be disaggregated, including by gender.**

**Ensuring that disability is a central consideration in the development and implementation of policy and programs to advance gender equality in Australia.**

## **2.5. Address labour force participation and economic security of women with disability**

- 2.5.1. In Australia, the unemployment rate for people with disability is 10%, nearly twice the rate than for people without disability (5.3%).<sup>68</sup> Men with disability (51.3%) are much more likely to be employed than women with disability (44.4%).<sup>69</sup>
- 2.5.2. 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 structural barriers facing women and girls with disability.
- 2.5.3. Women with disability in Australia are significantly disadvantaged in employment in relation to access to jobs, in regard to remuneration for the work they perform, and in the types of jobs they gain. Working-age women with disability who are in the labour force are half as likely to find full-time employment (20%) as men with disability (42%); twice as likely to be

in part-time employment (24%) as men with disabilities (12%); and regardless of full-time or part-time status, are likely to be in lower paid jobs than men with disability.<sup>70</sup> Women with disability have lower incomes from employment; are more likely to experience gender and disability biases in labour markets; and are more concentrated than other women and men in precarious, informal, subsistence and vulnerable employment.<sup>71</sup> A 2004 *Senate Inquiry into Poverty and Financial Hardship* concluded that women with disability are also affected by the lower wages paid to women relative to men and are more likely to be in casual jobs with little job security.<sup>72</sup>

- 2.5.4. 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.<sup>73</sup>
- 2.5.5. Women with disability throughout Australia bear a disproportionate burden of poverty and are recognised as amongst the poorest of all groups in society. The Disability Support Pension (DSP) is inadequate to support women with disability and fails to take account of the non-optional, extra costs experienced by women with disability, as a direct result of their disability and/or impairments. For example, women with disability spend more of their income on medical care and health related expenses than men with disability.<sup>74</sup> Women with disability between the ages of 18 and 44 have almost 2.5 times the yearly health care expenditures of women who are not disabled. Women with disability between the ages of 45 and 64 have more than three times the average yearly expenditures of their non-disabled counterparts.<sup>75</sup>
- 2.5.6. In 2009 the Parliament of the Commonwealth of Australia undertook a national inquiry into Pay Equity and associated issues relating to female participation in the workforce. The Report of the Inquiry *'Making It Fair'*<sup>76</sup> recommended, amongst other things that *'the Government as a matter of priority collect relevant information on workforce participation of women with disabilities to provide a basis for pay equity analysis and inform future policy direction.'* This recommendation has never been enacted.
- 2.5.7. Several of the international human rights treaty monitoring bodies have urged successive Australian Governments to address the limited access to job opportunities for disabled women; and adopt initiatives to increase employment participation of women with disability by addressing the specific underlying structural barriers to their workforce participation.<sup>77</sup>
- 2.5.8. These recommendations have not been taken up by successive Australian Governments, and women with disability continue to experience marginalisation and exclusion in the Australian labour market – a situation that has remained unchanged for more than two decades.

### **WWDA calls on all candidates and parties to commit to:**

**The development of a National Workforce Strategy for people with disability including targets, performance indicators and timeframes for increasing the workforce participation of people with disability, with a specific focus on the gendered barriers to economic participation and economic security.**

**The development of a new National Disability Strategy (NDS) Beyond 2020 that includes concrete, gender-specific, targeted actions and measures to increase employment participation of women with disability.**

**Investigating the feasibility of adopting regulations to set a target for government agencies and government contractors to have people with disability represent at least 7 percent of their workforces, similar to the US regulations implementing Section 503 of the Rehabilitation Act of 1973 (amended in 2013).**

## **2.6. Promote agency and decision-making rights of women and girls with disability**

- 2.6.1. The fundamental freedom to make one's own choices and to control one's own life is enshrined in a range of international human rights instruments, including the *International Covenant on Civil and Political Rights*<sup>78</sup> to which Australia has been a party since 1980.<sup>79</sup>
- 2.6.2. Women and girls with disability continue to be denied the right to participate in, and remain largely excluded from, decision-making, participation and advocacy processes, about issues that affect their lives and those of their families, communities and nations. Too often, they have their views ignored or disregarded in favour of 'experts', 'professionals', parents, guardians, and carers, as well as representatives of organisations not controlled and constituted by women with disability themselves.<sup>80</sup>
- 2.6.3. Women and girls with disability, and particularly women and girls with intellectual disability continue to be denied their basic rights to make fully independent or supported choices about their own lives, bodies and goals.<sup>81</sup> Women and girls with disability are frequently excluded from participating in decisions that affect their lives on a daily basis, including as active agents in their own sexual and reproductive rights and sexual and reproductive health care.<sup>82</sup> Widespread discrimination, systemic prejudice, paternalistic and ableist attitudes that denigrate, devalue, oppress and limit, continue to impact negatively on women and girls with disability in Australia and across the global context.<sup>83</sup>
- 2.6.4. The denial of the right to meaningful decision-making and participation has led to many women and girls with disability being denied a number of other rights, including the right to vote, marry, have or adopt children, develop social and intimate relationships, realise their sexual and reproductive rights, access education, live their lives free from violence, and, fulfil their basic rights to liberty of the person and freedom of movement.<sup>84</sup>
- 2.6.5. Many women and girls with disability are not afforded the right to make their own decisions because others determine that they 'lack capacity' to do so. Such judgements often lead to substitute decision-making processes whereby others decide on a woman or girl's behalf what is in her 'best interests'. This is particularly the case for women and girls with intellectual disability – where the diagnosis of intellectual disability is assumed to equate with a lack of capacity to make decisions.<sup>85</sup> Substitute decision-making and 'best interests' approaches have been thoroughly criticised as fundamentally contravening the Convention on the Rights of Persons with Disabilities and as intrinsically value-laden.<sup>86</sup> In practice, the best interests approach most often serves the interests of guardians and carers.<sup>87</sup>

### **WWDA calls on all candidates and parties to commit to:**

**Adopting and promoting all necessary measures for the development, advancement and empowerment of women and girls with disability by recognising them as distinct rights holders, providing channels for voice and agency, raising self-confidence, and increasing their power and authority to make decisions in all areas of their lives.**

**Abolish substitute decision-making regimes and mechanisms that deny women and girls with disability the opportunity to make their own decisions or recognise their legal capacity and which discriminate in purpose or effect against women and girls with disability.**

**The provision of long-term support, including core support and resources for capacity building, to human rights based organisations constituted by, of and for women and girls with disability.**

**Immediately withdraw Australia's Interpretative Declarations on CRPD Article 12 [Equal recognition before the law], Article 17 [Protecting the integrity of the person] and Article 18 [Liberty of movement and nationality].**

## **2.7. Undertake a national assessment of the status of women and girls with disability in Australia**

There are no nationally consistent measures for the collection and public reporting of disaggregated data across the full range of obligations contained in the CRPD. The lack of nationally consistent disaggregated data, including by gender, raises serious concerns about the ability of Australia to comply with the CRPD and monitor and evaluate the implementation of the National Disability Strategy (NDS). Despite recommendations from several of the international human rights treaty monitoring bodies for more than a decade,<sup>88</sup> Australia is yet to commission and fund a comprehensive assessment of the situation of women and girls with disability.

### **WWDA calls on all candidates and parties to commit to:**

**Consistent with long standing recommendations from several of the international human rights treating monitoring bodies, commission and fund a comprehensive, national assessment of the situation of girls and women with disability, in order to establish a baseline of disaggregated data against which future progress towards the human rights treaties to which Australia is a party can be measured.**

### 3. Endnotes

- <sup>1</sup> Australian Bureau of Statistics (ABS) (2016) Survey of Disability, Ageing and Carers 2015. Accessed online November 2018 at <http://www.abs.gov.au/ausstats/abs@.nsf/mf/4430.0>
- <sup>2</sup> Women with Disabilities Australia (WWDA) (2018). *Submission to the Productivity Commission 'National Disability Agreement Review'*. August 2018. WWDA: Hobart, Tasmania.
- <sup>3</sup> Australian Human Rights Commission, (2018) 'Face the Facts: Gender Equality 2018.' [https://www.humanrights.gov.au/sites/default/files/2018\\_Face\\_the\\_Facts\\_Gender\\_Equality.pdf](https://www.humanrights.gov.au/sites/default/files/2018_Face_the_Facts_Gender_Equality.pdf)
- <sup>4</sup> Frohmader, C. (2014) '*Gender Blind, Gender Neutral: The effectiveness of the National Disability Strategy in improving the lives of women and girls with disabilities*'. Prepared for Women With Disabilities Australia (WWDA), Hobart, Tasmania. ISBN: 978-0-9585268-2-1, Available at: [http://wwda.org.au/wp-content/uploads/2013/12/WWDA\\_Sub\\_NDS\\_Review2014.pdf](http://wwda.org.au/wp-content/uploads/2013/12/WWDA_Sub_NDS_Review2014.pdf)
- <sup>5</sup> Committee on the Rights of Persons with Disabilities, *General comment No. 3 (2016) Article 6: Women and girls with disabilities*. UN Doc. No. CRPD/C/GC/3.
- <sup>6</sup> See for example: UN Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 16: The Equal Right of Men and Women to the Enjoyment of All Economic, Social and Cultural Rights* (Art. 3 of the Covenant), 11 August 2005, E/C.12/2005/4.
- <sup>7</sup> Frohmader, C. (2014), OpCit.
- <sup>8</sup> The influence of ableism is poorly recognised in Australia, but is a term used to capture the way that the construction of social systems with able-bodied people as the norm results in the systemic, structural, intersecting and individual forms of discrimination against and exclusion of people with disabilities. People with disability, by virtue of the exceptional status of falling away from this norm, are often treated as less than fully human. See for example: Campbell, F.K. (2011) Stalking ableism: using disability to expose 'abled' narcissism, in D. Goodley, B. Hughes & L. Davis (eds), *Disability and social theory: New developments and directions*, Basingstoke: Palgrave Macmillan.
- <sup>9</sup> WWDA (2015) *Ableism. Draft Paper for the National Framework to Prevent Violence Against Women and their Children*, Our Watch.
- <sup>10</sup> Frohmader, C. (2013) '*Dehumanised: The Forced Sterilisation of Women and Girls with Disabilities in Australia*'. Women with Disabilities Australia (WWDA), Rosny Park, Australia.
- <sup>11</sup> United Nations General Assembly (12 January 2016) *Report of the Special Rapporteur on the rights of persons with disabilities*. Human Rights Council, Thirty-first session. UN Doc. No. A/HRC/31/62.
- <sup>12</sup> French, P., Dardel, J., Price-Kelly, S. (2009) *Rights Denied: Towards a National Policy Agenda about Abuse, Neglect and Exploitation of Persons with Cognitive Impairment*. People with Disability Australia. Available online at: <http://www.pwd.org.au/issues/preventing-violence.html>
- <sup>13</sup> See for eg: A/C.3/72/L.18/Rev.1; See also: A/HRC/38/47/Add.1
- <sup>14</sup> The *Civil Society Statement* calling for a Royal Commission is available at: <http://dpoa.org.au/civil-society-statement-rc/>
- <sup>15</sup> The critical need for a '*Royal Commission into Violence against People with Disability*' was the headline and key recommendation from the Senate Inquiry into '*Violence, abuse and neglect against people with disability in institutional and residential settings*'. See the Senate Committee's Final Report at: [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Community\\_Affairs/Violence\\_abuse\\_neglect/Report](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Violence_abuse_neglect/Report)
- <sup>16</sup> See: <https://disabilityroyalcommissionnow.wordpress.com/2017/04/05/open-letter/>
- <sup>17</sup> The *Civil Society Statement* calling for a Royal Commission is available at: <http://dpoa.org.au/civil-society-statement-rc/>
- <sup>18</sup> Ibid.
- <sup>19</sup> Ibid.
- <sup>20</sup> United Nations General Assembly, Human Rights Council (2013) *Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, Juan E Méndez; 1st February 2013; UN Doc. A/HRC/22/53.
- <sup>21</sup> Frohmader, C. (2014) '*Gender Blind, Gender Neutral: The effectiveness of the National Disability Strategy in improving the lives of women and girls with disabilities*'. Prepared for Women With Disabilities Australia (WWDA), Hobart, Tasmania. ISBN: 978-0-9585268-2-1.
- <sup>22</sup> Dowse, L., Soldatic, K., Didi, A., Frohmader, C. and van Toorn, G. (2013) *Stop the Violence: Addressing Violence Against Women and Girls with Disabilities in Australia. Background Paper*. Hobart: Women with Disabilities Australia. Available online at: [http://wwda.org.au/wp-content/uploads/2013/12/STV\\_Background\\_Paper\\_FINAL.pdf](http://wwda.org.au/wp-content/uploads/2013/12/STV_Background_Paper_FINAL.pdf)
- <sup>23</sup> Ibid.
- <sup>24</sup> Dowse, L., Soldatic, K., Didi, A., Frohmader, C. and van Toorn, G. (2013) *Stop the Violence: Addressing Violence Against Women and Girls with Disabilities in Australia. Background Paper*. Hobart: Women with Disabilities Australia. Available online at: [http://wwda.org.au/wp-content/uploads/2013/12/STV\\_Background\\_Paper\\_FINAL.pdf](http://wwda.org.au/wp-content/uploads/2013/12/STV_Background_Paper_FINAL.pdf)
- <sup>25</sup> Ibid.
- <sup>26</sup> Heenan, M., & Murray, S. (2006). *Study of reported rapes in Victoria 2000–2003. Summary research report*. Melbourne: Statewide Steering Committee to Reduce Sexual Assault. Published by the Office of Women's Policy, Department for Victorian Communities.
- <sup>27</sup> Attard, M., & Price-Kelly, S. (2010) *Accommodating Violence: The experience of domestic violence of people with disability living in licensed boarding houses*, PWDA, NSW. See also: World Health Organisation, *Violence against adults and children with disabilities*, see <http://www.who.int/disabilities/violence/en/>, See also: Coulson Barr, L. (2012) '*Safeguarding People's Right to be Free from Abuse: Key considerations for preventing and responding to alleged staff to client abuse in disability services*' (Occasional Paper No.1, Disability Services Commissioner, 2012).

- <sup>28</sup> Brownridge, D. (2006) 'Partner violence against women with disabilities: Prevalence, risks and explanations', *Violence against Women*, vol. 12, no. 9, pp. 805–22.
- <sup>29</sup> Brain Injury Australia (August 11, 2015) *Media Release: Every week in Australia, one woman is killed - the result of family violence. Every week in Australia, three women are hospitalised with a brain injury - the result of family violence.* <http://www.braininjuryaustralia.org.au/> See also: Gorman, G. (2019) 'The terrible injury often overlooked in domestic violence'; accessed online at: <https://www.news.com.au/lifestyle/real-life/news-life/the-terrible-injury-often-overlooked-in-domestic-violence/news-story/07e51cbd3d067c55db6fd0fa4918b07d>
- <sup>30</sup> Victorian Mental Illness Awareness Council, cited in Victorian Equal Opportunity and Human Rights Commission (2014) *Beyond doubt: The experiences of people with disabilities reporting crime – Research findings*. ISBN 978-0-9875444-9-3; Melbourne, Victoria.
- <sup>31</sup> Faye, B. & Sellick, M. (2003) 'Advocare's Speak Out Survey "S.O.S" on Elder Abuse', Advocare Incorporated, Perth
- <sup>32</sup> Boldy, D., Webb, M., Horner, B., Davey, M., and Kingsley, B. (2002) 'Elder Abuse in Western Australia: Report of a Survey Conducted for the Department for Community Development - Seniors' Interests', Curtin University of Technology: Division of Health Sciences. Freemason's Centre For Research Into Aged Care Services, Perth..
- <sup>33</sup> *Joint NGO report to the United Nations Committee Against Torture; Torture and cruel treatment in Australia.* (November 2014), Human Rights Law Centre, Victoria.
- <sup>34</sup> See: Women with Disabilities Australia (WWDA) *Submission to the CRPD Committee 9th Session; 15th – 19th April 2013; Half Day of General Discussion on Women and Girls with Disabilities.*
- <sup>35</sup> Australian Institute of Health and Welfare 2018. *Family, domestic and sexual violence in Australia 2018*. Cat. no. FDV 2. Canberra: AIHW.
- <sup>36</sup> Australian Government's *Draft Sixth Periodic Report under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)*, Attorney-General's Department, Canberra.
- <sup>37</sup> For example, the PSS systematically excludes people with disability living in institutional settings (i.e. not in a private home), and those who live in remote areas, where Aboriginal and Torres Strait Islander people with disability are over-represented. The PSS data collection methods do not involve inclusive research practices. The PSS is performed by an interviewer and a specific requirement of the survey is that all interviews are conducted alone in a private setting. Interpreters and support persons are excluded, and where a respondent requires the assistance of another person to communicate with the interviewer, the interview is not conducted.
- <sup>38</sup> Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) ([1983] ATS 9); Convention on the Rights of Persons with Disabilities ([2008] ATS 12); Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ([1989] ATS 21); International Covenant on Civil and Political Rights ([1980] ATS 23); International Covenant on Economic, Social and Cultural Rights ([1976] ATS 5); Convention on the Rights of the Child ([1991] ATS 4); International Convention on the Elimination of All Forms of Racial Discrimination ([1975] ATS 40).
- <sup>39</sup> See for eg: CEDAW/C/AUS/CO/8; E/C.12/AUS/CO/5; CCPR/C/AUS/CO/6; CRPD/C/AUS/QPR/2-3; CRPD/C/AUS/CO/1
- <sup>40</sup> Committee on the Elimination of Discrimination against Women (14 July 2017); *General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19*. UN Doc No: CEDAW/C/GC/35.
- <sup>41</sup> See: <https://www.aq.gov.au/DisabilityRoyalCommission>
- <sup>42</sup> See for eg: <http://wwda.org.au/about/snapshot/>
- <sup>43</sup> See for eg: CEDAW/C/AUS/CO/8; E/C.12/AUS/CO/5; CRPD/C/AUS/QPR/2-3; CRPD/C/AUS/CO/1; CEDAW/C/AUL/CO/5; CEDAW/C/AUS/CO/7; E/C.12/AUS/CO/4; CCPR/C/AUS/CO/5; CAT/C/AUS/Q/5; CEDAW/C/GC/35; CCPR/C/AUS/CO/6; CRPD/C/GC/3
- <sup>44</sup> See: Committee on the Rights of Persons with Disabilities, *General comment No. 3 (2016) Article 6: Women and girls with disabilities*. UN Doc. No. CRPD/C/GC/3.
- <sup>45</sup> State parties to the *Convention on the Rights of Persons with Disabilities* (CRPD) have an obligation to respect, to protect and to fulfil the rights of women with disabilities under Article 6 and all other substantive provisions in order to guarantee them the enjoyment and exercise of all human rights and fundamental freedoms. These duties imply the undertaking of legal, political, administrative, educational and other measures. State parties have an ongoing and dynamic duty to adopt and apply the measures needed to secure the development, advancement and empowerment of women with disabilities. States parties must adopt a twin track approach through: a) systematically mainstreaming the interests and rights of women and girls with disabilities across all national action plans, strategies and policies concerning women, childhood and disability as well as in sectoral plans concerning, for example: gender equality, health, violence, education, political participation, employment, access to justice and social protection; and b) targeted and monitored action aimed specifically at women with disabilities. A twin track approach is an essential pre-cursor to reducing inequality with regard to participation and enjoyment of rights. See: Committee on the Rights of Persons with Disabilities, *General comment No. 3 (2016) Article 6: Women and girls with disabilities*. UN Doc. No. CRPD/C/GC/3.
- <sup>46</sup> CRPD Article 6 obliges Governments to take positive actions and measures to ensure that disabled women and girls enjoy all human rights and fundamental freedoms. It expressly states the need to incorporate a gender perspective in all efforts to promote the human rights of people with disability, meaning that the rights of women with disability must be addressed when interpreting and implementing every article of the Convention. It clarifies the need to ensure that national policies, frameworks and strategies make explicit recognition of the impact of multiple discriminations caused by the intersection of gender and disability, and that such policies and frameworks include focused, gender-specific measures to ensure that women and girls with disabilities experience full and effective enjoyment of their human rights. See for eg: Preamble [g] of UN General Assembly, *Convention on the Rights of Persons with Disabilities*: resolution/adopted by the General Assembly, 24 January 2007, A/RES/61/106.
- <sup>47</sup> High-Level Task Force for the ICPD (2013) *Policy Recommendations for the ICPD Beyond 2014: Sexual and Reproductive Health & Rights for All*. <http://www.icpdtaskforce.org/pdf/Beyond-2014/policy-recommendations-for-the-ICPD-beyond-2014.pdf>
- <sup>48</sup> Ibid.
- <sup>49</sup> 'Sexuality' is constituted through the interaction of biological, psychological, social, economic, political, cultural, ethical, legal, historical, religious and spiritual factors.
- <sup>50</sup> International Planned Parenthood Federation (IPPF) (2008) *Sexual rights: an IPPF declaration*. International Planned Parenthood Federation, London, UK.

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- <sup>51</sup> Manjoo, R. (2012) *Report of the Special Rapporteur on violence against women, its causes and consequences*. United Nations General Assembly, UN Doc No. A/67/227.
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- <sup>53</sup> Women With Disabilities Australia (WWDA) '*WWDA Position Statement 4: Sexual and Reproductive Rights*'. WWDA, September 2016, Hobart, Tasmania. ISBN: 978-0-9585269-6-8
- <sup>54</sup> Women With Disabilities Australia (WWDA) '*WWDA Position Statement 4: Sexual and Reproductive Rights*'. WWDA, September 2016, Hobart, Tasmania. ISBN: 978-0-9585269-6-8
- <sup>55</sup> UN General Assembly, Secretary General (2012) *Report of the Special Rapporteur on violence against women, its causes and consequences*. UN Doc No. A/67/227.
- <sup>56</sup> Women With Disabilities Australia (WWDA) '*WWDA Position Statement 4: Sexual and Reproductive Rights*'. WWDA, September 2016, Hobart, Tasmania. ISBN: 978-0-9585269-6-8
- <sup>57</sup> See for eg: CRPD/C/AUS/QPR/2-3; E/C.12/AUS/CO/5; A/C.3/72/L.18/Rev.1; A/HRC/38/47/Add.1; CCPR/C/AUS/CO/6; CEDAW/C/AUS/CO/8; CRC/C/15/Add.268; CRC/C/AUS/CO/4; A/HRC/17/10; CEDAW/C/AUL/CO/7; CAT/C/AUS/CO/4-5; A/HRC/WG.6/10/L.8; CRPD/C/AUS/CO/1; A/HRC/31/14; A/HRC/22/53; CCPR/C/AUS/Q/6; FIGO (International Federation of Gynecology and Obstetrics), *Female Contraceptive Sterilization*, available at: <http://wwda.org.au/wp-content/uploads/2013/12/FIGOGuidelines2011.pdf> See also: World Medical Association (WMA) in conjunction with the International Federation of Health and Human Rights Organizations (IFHHRO) (2011) *Global Bodies call for end to Forced Sterilization: Press Release*, 5 September 2011, available at: <http://wwda.org.au/issues/sterilise/sterilise2011/sterilwma2011/>
- <sup>58</sup> 'Forced sterilization' refers to the performance of a procedure which results in sterilization in the absence of the prior, free and informed consent of the individual who undergoes the procedure, including instances in which sterilization has been authorized by a third party, without that individual's consent. This is considered to have occurred if the procedure is carried out in circumstances other than where there is a serious threat to life. Coerced sterilization occurs when financial or other incentives, misinformation, misrepresentation, undue influences, pressure, and/or intimidation tactics are used to compel an individual to undergo the procedure. Coercion includes conditions of duress such as fatigue or stress. Undue influences include situations in which the person concerned perceives there may be an unpleasant consequence associated with refusal of consent. Any sterilization of a child, unless performed as a life-saving measure, is considered a forced sterilization. See for example: Center for Reproductive Rights (2010) *Reproductive Rights Violations as Torture and Cruel, Inhuman, or Degrading Treatment or Punishment: A Critical Human Rights Analysis*; Center for Reproductive Rights, New York. Juan E. Mendez, Special Rapporteur, *Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment*, 22nd sess, UN Doc A/HRC/22/53; Manjoo, Rashida (2012), OpCit; African Gender and Media Initiative (2012) *Robbed of Choice: Forced and Coerced Sterilization experiences of Women Living with HIV in Kenya*; Available at: <https://profiles.uonbi.ac.ke/kihara/files/report-on-robbed-of-choice-forced-and-coerced-sterilization-experiences-of-women-living-with-hiv-in-kenya.pdf>; Nair, P. (2011) Litigating Against Forced Sterilization if HIV-Positive Women: Recent Developments in Chile and Namibia. *Harvard Human Rights Journal*, Vol.23, pp.223-231. See also: Frohmader, C. (2013) '*Dehumanised: The Forced Sterilisation of Women and Girls with Disabilities in Australia*'. WWDA Submission to the Senate Inquiry into the involuntary or coerced sterilisation of people with disabilities in Australia. Prepared for Women with Disabilities Australia (WWDA), Tasmania. ISBN: 978-0-9876035-0-0. See also: Frohmader, C., & Sands, T. (2015) Australian Cross Disability Alliance (ACDA) *Submission to the Senate Inquiry into Violence, abuse and neglect against people with disability in institutional and residential settings*. Australian Cross Disability Alliance (ACDA); Sydney, Australia. Available at: [http://wwda.org.au/wp-content/uploads/2013/12/ACDA\\_Sub\\_Sen\\_Inquiry\\_Violence\\_Institutions.pdf](http://wwda.org.au/wp-content/uploads/2013/12/ACDA_Sub_Sen_Inquiry_Violence_Institutions.pdf)
- <sup>59</sup> See for eg: Committee on the Elimination of Discrimination against Women (1991) *General recommendation No. 18: Disabled women*. UN Doc. No. A/46/38
- <sup>60</sup> Australian Government, *Australian Government response to the Senate Community Affairs References Committee Reports* (May 2015), accessed online June 2015 at: [http://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Community\\_Affairs/Involuntary\\_Sterilisation/Government\\_Response](http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Involuntary_Sterilisation/Government_Response)
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- <sup>63</sup> <https://www.dss.gov.au/disability-and-carers/programmes-services/government-international/national-disability-agreement>
- <sup>64</sup> See: <https://www.abs.gov.au/ausstats/abs@.nsf/mf/4430.0>
- <sup>65</sup> The *Personal Safety Survey (PSS)* is the key national data source regarding violence in Australia. It was first conducted in 2005 and again in 2012. The survey collects information about the nature and extent of violence experienced by men and women since the age of 15. It also collects detailed information about men's and women's experience of current and previous partner violence, lifetime experience of stalking, physical and sexual abuse before the age of 15 and general feelings of safety. See: <http://www.abs.gov.au/ausstats/abs@.nsf/mf/4906.0>
- <sup>66</sup> The General Social Survey (GSS) was conducted in 2014 with Australians aged 15 years and over. The main purpose of the survey was to provide an understanding of the multi-dimensional nature of relative advantage and disadvantage across the population. See: <http://www.abs.gov.au/ausstats/abs@.nsf/mf/4159.0>
- <sup>67</sup> The *NDIS Quality and Safeguards Commission* is a new independent agency established to improve the quality and safety of NDIS supports and services. See: <https://www.ndiscommission.gov.au/>
- <sup>68</sup> Australian Human Rights Commission (2016) *Willing to Work: National Inquiry into Employment Discrimination Against Older Australians and Australians with Disability*; ISBN 978-1-921449-76-5
- <sup>69</sup> See for eg: Price Waterhouse Coopers (PWC) (2011) *Disability expectations: Investing in a better life, a stronger Australia*; accessed online at: <https://www.pwc.com.au/industry/government/assets/disability-in-australia.pdf>. See also: Australian Bureau of Statistics (ABS), 4433.0.55.006, OpCit. See also: Australian Bureau of Statistics (ABS), 4446.0 - Disability, Australia, 2009.
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- <sup>75</sup> Blanchard, J. & Hosek, S. (2003) *Financing Health Care for Women with Disabilities*. A RAND White Paper. Prepared for the FISA Foundation. Accessed online April 2009 at: [www.wwda.org.au/health2001.htm](http://www.wwda.org.au/health2001.htm)
- <sup>76</sup> Commonwealth of Australia (2009) *Making it Fair: Pay equity and associated issues related to increasing female participation in the workforce*. Report of the House of Representatives Standing Committee on Employment and Workplace Relations. Accessed online December 2012 at: [http://www.aph.gov.au/Parliamentary\\_Business/Committees/House\\_of\\_Representatives\\_Committees?url=ewr/payequity/report.htm](http://www.aph.gov.au/Parliamentary_Business/Committees/House_of_Representatives_Committees?url=ewr/payequity/report.htm)
- <sup>77</sup> See: Committee on the Rights of Persons with Disabilities (2013) UN Doc. CRPD/C/AUS/CO/1, OpCit. See also: Committee on the Elimination of Discrimination against Women (2010) UN Doc. CEDAW/C/AUS/CO/7, Op Cit.
- <sup>78</sup> *International Covenant on Civil and Political Rights*, Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966. <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>
- <sup>79</sup> The *International Covenant on Civil and Political Rights* (ICCPR) was ratified by Australia in 1980. See Australian Treaty Series 23.]
- <sup>80</sup> United Nations General Assembly (12 January 2016) *Report of the Special Rapporteur on the rights of persons with disabilities*. Human Rights Council, Thirty-first session. UN Doc. No. A/HRC/31/62.
- <sup>81</sup> Frohmader, C. (2013) *'Dehumanised: The Forced Sterilisation of Women and Girls with Disabilities in Australia'*, Women with Disabilities Australia (WWDA), Rosny Park, Australia.
- <sup>82</sup> Women With Disabilities Australia (WWDA) (2010) *Women With Disabilities & The Human Right to Health: A Policy Paper*. WWDA, Rosny Park, Australia.
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- <sup>84</sup> Committee on the Rights of Persons with Disabilities, *General Comment No.1 – Article 12: Equal recognition before the law*, 11th sess, UN Doc CRPD/C/GC/1 (19 May 2014)
- <sup>85</sup> In Women With Disabilities Australia (WWDA) (2009) *Parenting Issues for Women with Disabilities in Australia: A Policy Paper*. WWDA, Rosny Park, Tasmania.
- <sup>86</sup> Australian Human Rights Commission (2014) Draft General Comment on Art. 12 CRPD, AHRC Submission to the UN Committee on the Rights of Persons with Disabilities, AHRC, Sydney. See also: Frohmader, C., & Sands, T. (2015) Australian Cross Disability Alliance (ACDA) *Submission to the Senate Inquiry into Violence, abuse and neglect against people with disability in institutional and residential settings'*. Australian Cross Disability Alliance (ACDA); Sydney, Australia. Available at: <http://wwda.org.au/papers/subs/subs2011/>.
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- <sup>88</sup> As recommended in the CRPD/C/AUS/CO/1[para.54]and also recommended in CEDAW/C/AUL/CO/5; CEDAW/C/AUS/CO/7; E/C.12/AUS/CO/4; CCPR/C/AUS/CO/5; CAT/C/AUS/Q/5