



WOMEN  
WITH  
DISABILITIES  
AUSTRALIA  
(WWDA)

Women With Disabilities Australia (WWDA)

Submission to the CRPD Committee  
13th Session

Day of General Discussion on the Right to  
Education for Persons with Disabilities

15<sup>th</sup> April 2015

*Winner, National Human Rights Award 2001*  
*Winner, National Violence Prevention Award 1999*  
*Winner, Tasmanian Women's Safety Award 2008*  
*Certificate of Merit, Australian Crime & Violence Prevention Awards 2008*  
*Nominee, French Republic's Human Rights Prize 2003*  
*Nominee, UN Millennium Peace Prize for Women 2000*

PO Box 407, Lenah Valley, 7008 TASMANIA

Ph: +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: <http://www.facebook.com/WWDA.Australia>

Twitter: [https://twitter.com/WWDA\\_AU](https://twitter.com/WWDA_AU)

Contact: Carolyn Frohmader, Executive Director



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## Submission to the CRPD Committee

### 13th Session

1. Women With Disabilities Australia (WWDA)<sup>1</sup> thanks the Committee on the Rights of Persons with Disabilities for the opportunity to contribute this brief submission to the Committee's 13<sup>th</sup> session Day of General Discussion on the Right to Education for Persons with Disabilities.
2. Women With Disabilities Australia (WWDA) is the national non-government representative organisation (NGO) for women and girls with all types of disabilities in Australia. It operates as a transnational human rights organisation and is run by women with disabilities, for women with disabilities. 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. WWDA represents more than 2 million disabled women in Australia and is nationally and internationally recognised for its leadership in advancing the human rights of women and girls with disabilities. WWDA's human rights based approach recognises that the international human rights normative framework, including the international human rights treaties and their optional protocols, and the general comments and recommendations adopted by the bodies monitoring their implementation, provide the framework to delineate the respective obligations and responsibilities of governments and other duty-bearers in relation to the human rights of women and girls with disabilities. It is this framework that WWDA utilises to promote and indeed demand, accountability and due diligence from Governments and other duty bearers in relation to recognising and addressing the violations of human rights and fundamental freedoms experienced by women and girls with disabilities.
3. As a member State of the United Nations, and as a party to a number of human rights conventions and instruments which create obligations in relation to gender equality and to disability rights, Australia has committed to take all appropriate measures, including focused, gender-specific measures to ensure that disabled women and girls experience full and effective enjoyment of their human rights.<sup>2</sup> However, women and girls with disabilities in Australia have failed to benefit from these provisions in international human rights law. Instead, systemic prejudice and discrimination against women and girls with disabilities continues to result in widespread denial, and violation of, their human rights and fundamental freedoms – including their right to inclusive education in all its forms, and at all education levels throughout the life course.
4. The right to education is a universal right recognised in international human rights law. The Convention on the Rights of Persons with Disabilities (CRPD) for example, elucidates this right through Article 24, which expressly articulates the right to education for persons with disabilities and reaffirms 'inclusive education' as the modality to guarantee universality, equality and non-discrimination in the right to education. Article 24 stipulates that States parties should ensure 'an inclusive education system at all levels and lifelong learning'. It also contains guidance on the measures required to establish an inclusive education system.
5. The principle of inclusive education was adopted at the Salamanca World Conference on Special Needs Education (UNESCO, 1994) and was re-stated at the Dakar World Education Forum (2000). The Salamanca Statement and Framework for Action, identified inclusive education to mean that: *"schools should accommodate all children regardless of their physical, intellectual, social, emotional, linguistic or other conditions. This should include disabled and gifted children, street and working children, children from remote or nomadic populations, children from linguistic, ethnic or cultural minorities and children from other disadvantaged or marginalised areas or groups."*<sup>3</sup>

<sup>1</sup> WWDA works at regional, state/territory, national and international levels; services a direct and fast growing individual membership; undertakes substantial evidence-based research; implements projects at national and international levels; undertakes individual and systemic advocacy; and provides extensive policy advice and expertise to a wide and growing range of stakeholders, including at all levels of government, non-government, researchers, industry groups, United Nations machinery, and more. For more detailed information on WWDA, go to: <http://www.wwda.org.au>

<sup>2</sup> UN General Assembly, *Convention on the Rights of Persons with Disabilities*, 24 January 2007, A/RES/61/106.

<sup>3</sup> The Salamanca Statement and Framework for Action on Special Needs Education, para 3

6. The Dakar Framework for Action ('Education for All: Meeting our Collective Commitments'), endorsed by governments from around the world at the at the Dakar World Education Forum in 2000, not only called for inclusive education as the model to address inequality and discrimination in the right to education, but also re-iterated that *"gender-based discrimination remains one of the most intractable constraints to realising the right to education. Without overcoming this obstacle, Education for All cannot be achieved."* The Declaration calls on governments to commit to, and ensure that:

*"gender issues be mainstreamed throughout the education system, supported by adequate resources and strong political commitment. Merely ensuring access to education for girls is not enough; unsafe school environments and biases in teacher behaviour and training, teaching and learning processes, and curricula and text- books often lead to lower completion and achievement rates for girls. By creating safe and gender-sensitive learning environments, it should be possible to remove a major hurdle to girls' participation in education..... Comprehensive efforts therefore need to be made at all levels and in all areas to eliminate gender discrimination and to promote mutual respect between girls and boys, women and men. To make this possible, changes in attitudes, values and behaviour are required."*

7. In the context of CRPD Article 24 [The Right to Education] and the development of a General Comment - which will provide a comprehensive interpretation of the provisions of Article 24 - the critical importance of gender as a fundamental tenet in the development of the General Comment cannot be over-stated. We live in societies that are permeated by gender differences and gender inequalities. There is no country in which the outcomes of public policy are equal for men and women.<sup>4</sup> However, most disability related policies and programs consistently fail to apply an appropriate gender lens, and gender related policies and programs consistently fail to apply an appropriate disability lens. In reality, most policy and program development proceeds as though there are a common set of issues - and that men and women, girls and boys, experience disability in the same way.<sup>5</sup> Public policies concerned with inclusive education for "people with disabilities" or "children with disabilities" are no different. In the Australian policy context, for example, people with disabilities are often treated as asexual, genderless human beings. Such policies tend to treat men and women with disabilities as a homogenous group, assuming and implying that all women and men with disabilities, (or all women with disabilities or all men with disabilities), share the same needs and perspectives, have a common set of issues, and experience disability in the same way.
8. Public policy has the capacity to either perpetuate or eliminate discrimination and gender inequality.<sup>6</sup> Ignoring gender and issues of intersectionality in public policy development (including education policies and frameworks), indicates a lack of understanding of the often multiple and intersecting discrimination and disadvantage experienced by people with disabilities, particularly the fact that multiple identity positions (including for e.g. gender, race, ethnicity, sexual orientation, refugee status and so on) increase the likelihood, nature and impact of discrimination and disadvantage. Gender-neutral laws, policies and programs may unintentionally perpetuate the consequences of past discrimination,<sup>7</sup> and/or create misleading analyses of issues and/or inaccurate assessments of likely policy outcomes.
9. Policy and programs which treat people with disabilities (including children with disabilities) as a homogenous group, fail to do justice to the fact that women and girls with disabilities and men and boys with disabilities have different life experiences due to biological, psychological, economic, social, political and cultural attributes associated with being female and male. Patterns of disadvantage are often associated with the differences in the social position of women and men, girls and boys. Universally, there is systemic inequality between men and women and clear patterns of women's inferior access to resources and opportunities.<sup>8</sup> Moreover, women are systematically under-

<sup>4</sup> UNDP (2001) *Gender Analysis Toolkit*. Accessed online January 2014 at:

<http://www.undp.org/content/dam/undp/library/gender/Institutional%20Development/TLGEN1.6%20UNDP%20GenderAnalysis%20toolkit.pdf>

<sup>5</sup> Gray, G. (2010 draft) *By Women for Women, the Australian women's health movement and public policy*.

<sup>6</sup> Broderick, E. (2012) *Applying a gender perspective in public policy: What it means and how we can do it better*. Address given to the International Women's Day Forum APS Human Rights Network Meeting, Canberra, 9 March 2012. Accessed on line April 2014 at:

<https://www.humanrights.gov.au/news/speeches/applying-gender-perspective-public-policy-what-it-means-and-how-we-can-do-it-better>

<sup>7</sup> Gender-neutral laws and policies may be inadvertently modelled on male lifestyles and thus fail to take into account aspects of women's life experiences which may differ from those of men. These differences may exist because of stereotypical expectations, attitudes and behaviour directed towards women which are based on the biological differences between women and men. They may also exist because of the generally existing subordination of women by men. See para 7 of CEDAW General Recommendation 25: *Article 4, paragraph 1, of the Convention (Temporary Special Measures)*. See also: 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, available at: <http://www.unhcr.org/refworld/docid/43f3067ae.html> [accessed 2 June 2010]

<sup>8</sup> UNFPA; *Promoting Gender Equality*. Accessed online March 2014 at: [https://www.unfpa.org/gender/resources\\_faq.htm](https://www.unfpa.org/gender/resources_faq.htm)

represented in decision-making processes that shape their societies and their own lives. It is widely recognised that women and girls with disabilities have fewer opportunities, lower status and less power and influence than men and boys with disabilities.<sup>9</sup> Gender-based assumptions and expectations place women with disabilities at a disadvantage with respect to substantive enjoyment of rights, such as freedom to act and to be recognised as autonomous, fully capable adults, to participate fully in economic, social and political development, and to make decisions concerning their circumstances and conditions.<sup>10</sup> Women with disabilities:

- are poorer and have to work harder than disabled men to secure their livelihoods;
- have less control over income and assets;
- bear the responsibility for unpaid work in the private and social spheres;
- have a smaller share of opportunities for human development;
- are subject to gender-based violence, and other forms of violence, abuse and exploitation;
- have a subordinate social position; and,
- are poorly represented in policy and decision-making.<sup>11</sup>

10. These gendered differences are reflected in the life experiences of women with disabilities and men with disabilities. For example, women with disabilities:

- experience violence, particularly family/domestic violence, violence in institutions, and violence in the workplace, more often than disabled men,<sup>12</sup> are often at greater risk than disabled men, both within and outside the home, of violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation;<sup>13</sup> and, are more vulnerable as victims of crimes from both strangers and people who are known to them;<sup>14</sup>
- witness cases involving crimes against them often go unreported, and/or inadequately investigated, and/or remain unsolved and/or result in minimal sentences;<sup>15</sup>
- are often denied effective access to justice because violations of their rights are not taken seriously;
- are more exposed to practices which qualify as torture or inhuman or degrading treatment<sup>16</sup> (such as forced or coerced sterilisation, forced abortion, forced contraception, gender based violence, chemical restraint, forced psychiatric interventions);
- are more likely than disabled men to acquire a disability through gender-based violence;<sup>17</sup>
- are much more likely than disabled men, to experience restrictions, negative treatment, and violations of their sexual and reproductive rights;<sup>18</sup>
- are more likely to be sole parents, to be living on their own, or in their parental family than disabled men,<sup>19</sup> are at higher risk of divorce than disabled men and often experience difficulty maintaining custody of their children post-divorce;<sup>20</sup>
- are up to ten times more likely than other parents to have a child removed from their care by authorities on the basis of the mother's disability, rather than any evidence of child neglect;<sup>21</sup>
- are poorer and more likely to be unemployed than men with disabilities,<sup>22</sup> less likely to be in the paid workforce than disabled men, and have lower incomes from employment than men with disabilities;<sup>23</sup>

<sup>9</sup> Women With Disabilities Australia (WWDA)(2010) *Gendering the National Disability Care and Support Scheme: WWDA Submission to Stage One of the Productivity Commission National Disability Care and Support Inquiry*. Available online at: [http://wwda.org.au/wp-content/uploads/2013/12/WWDA\\_SubPC\\_Inquiry2010.pdf](http://wwda.org.au/wp-content/uploads/2013/12/WWDA_SubPC_Inquiry2010.pdf)

<sup>10</sup> WWDA (2010) *Gendering the National Disability Care and Support Scheme*. OpCit.

<sup>11</sup> Department for International Development (2002) *Gender Manual: A Practical Guide for Development Policy Makers and Practitioners*. Social Development Division; DFID, London, UK.

<sup>12</sup> Women With Disabilities Australia (WWDA) (2007b) *'Forgotten Sisters - A global review of violence against women with disabilities'*. WWDA Resource Manual on Violence Against Women With Disabilities. Published by WWDA, Tasmania, Australia; Meekosha, H. (2004) *Gender and Disability*. Entry for the Sage Encyclopedia of Disability. Available on line at: <http://wwda.org.au/gendis2001.htm>.

<sup>13</sup> See Preamble [q] of UN General Assembly, *Convention on the Rights of Persons with Disabilities*; A/RES/61/106.

<sup>14</sup> Groce, N. (2006) *People with Disabilities*, in Social Justice and Public Health, Barry S. Levy & Victor Sidel (Eds), accessed online April 2011 at: [http://www.aidslex.org/site\\_documents/DB-0018E.pdf](http://www.aidslex.org/site_documents/DB-0018E.pdf)

<sup>15</sup> WWDA (2007b) OpCit; Healey, L., Howe, K., Humphreys, C., Jennings, C. & Julian, F. (2008) *Building the Evidence: A report on the status of policy and practice in responding to violence against women with disabilities in Victoria*. Published by the Victorian Women with Disabilities Network Advocacy Information Service, Melbourne; French, P., Dardel, J., & Price-Kelly, S. (2010) *Rights denied: Towards a national policy agenda about abuse, neglect and exploitation of persons with cognitive impairment*, People with Disability Australia, Sydney.

<sup>16</sup> Committee of Ministers of the Council of Europe (2009) *Declaration: Making gender equality a reality*. 119<sup>th</sup> Session of the Committee of Ministers, Madrid, 12 May 2009.

<sup>17</sup> WWDA (2007b) Op Cit; Commonwealth of Australia (2009) *Time for Action: The National Council's Plan for Australia to Reduce Violence against Women and their Children, 2009-2021*. Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA), Canberra.

<sup>18</sup> Manjoo, Rashida (2012) *Report of the Special Rapporteur on violence against women, its causes and consequences*; UN General Assembly; UN Doc. A/67/227; Grover, A. (2011) *Interim report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health*. United Nations General Assembly; UN Doc. A/66/254.

<sup>19</sup> Meekosha, H. (2004) Op Cit.

<sup>20</sup> Amade, S. & Haefner, S. (2006) *Gendering the Draft Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities*. Legal background paper. Published by Disabled Peoples' International (DPI), Berlin.

<sup>21</sup> This happens in two main ways: a) the child is removed by child protection authorities and placed in foster or kinship care; and b) a Court, under the *Family Law Act*, may order that a child be raised by the other parent who does not have a disability or by members of the child's extended family. See: Victorian Office of the Public Advocate (OPA) (2012) *OPA Position Statement: The removal of children from their parent with a disability*.

<http://www.publicadvocate.vic.gov.au/research/302/>

- are more likely to experience gender biases in labour markets, and are more concentrated than disabled men in informal, subsistence and vulnerable employment;<sup>24</sup>
- share the burden of responsibility for unpaid work in the private and social spheres, including for example, cooking, cleaning, caring for children and relatives;<sup>25</sup>
- are more likely than disabled men, to be affected by the lack of affordable housing, due to the major gap in overall economic security across the life-cycle, and to their experience of gender-based violence which leads to housing vulnerability, including homelessness;<sup>26</sup>
- are less likely to receive service support than disabled men;<sup>27</sup>
- face barriers in accessing adequate maternal and related health care and other services for both themselves and their child/ren,<sup>28</sup> and are more likely than disabled men to face medical interventions to control their fertility;<sup>29</sup>
- experience more extreme social categorisation than disabled men, being more likely to be seen either as hypersexual and uncontrollable, or de-sexualised and inert;<sup>30</sup>
- are more likely than disabled men to be portrayed in all forms of media as unattractive, asexual and outside the societal ascribed norms of 'beauty';<sup>31</sup>
- have significantly lower levels of participation in governance and decision making at all levels compared to men with disabilities;<sup>32</sup>
- from ethnic or indigenous communities are more likely to have to contend with forces that exclude them on the basis of gender as well as disability, culture and heritage.<sup>33</sup>

Clearly, given these gendered differences, and the fact that women with disabilities fare much worse in respect to substantive enjoyment of all human rights and freedoms, the role of education as a mechanism to advance the human rights of girls and women with disabilities is critical.

11. The CRPD recognises gender as one of the most important categories of social organisation. It expressly states the need to incorporate a gender perspective in all efforts to promote the human rights of people with disabilities, meaning that the rights of women with disabilities must be addressed when interpreting and implementing **every** article of the Convention – including Article 24 [The right to Education]. The CRPD obliges Governments to take positive actions and measures to ensure that women and girls with disabilities enjoy all human rights and fundamental freedoms. 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.<sup>34</sup>
12. Although 'inclusive education' has not been specifically defined in international human rights law, the Committee on the Rights of the Child (CRC) has conceptualised and endorsed 'inclusive education' as a set of values, principles and practices that seeks meaningful, effective and quality education for all students, and that does justice to the diversity of learning conditions and requirements not only of children with disabilities, but for all students.<sup>35</sup> Gender is a key factor in implementation of the CRC,

<sup>22</sup> WWDA (2009) *Submission to the National Human Rights Consultation*. WWDA, Tasmania. Available online at: <http://www.wwda.org.au/subs2006.htm>; Meekosha, H. (2004) Op Cit.

<sup>23</sup> WWDA (2008) *Submission to the Parliamentary Inquiry into pay equity and associated issues related to increasing female participation in the workforce*. WWDA, Tasmania. Available online at: <http://www.wwda.org.au/subs2006.htm>; Human Rights and Equal Opportunity Commission (HREOC), 2005, *National Inquiry into Employment and Disability*; Issues Paper 1: Employment and Disability - The Statistics; HREOC, Sydney; O'Reilly, A. (2007) *The right to decent work of persons with disabilities*. International Labour Office (ILO), Geneva; Arnade, S. & Haefner, S. (2006) Op Cit.

<sup>24</sup> UN Development Fund for Women (UNIFEM) (2008) *Progress of the World's Women 2008/2009: Who Answers to Women? Gender & Accountability*. Available at: <http://www.unhcr.org/refworld/docid/4a09773a2.html> [accessed 2 August 2009]

<sup>25</sup> Cited in: Australian Human Rights Commission (2010), Op Cit.

<sup>26</sup> Australian Human Rights Commission (2010) *Australia's Implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)*. Independent Report to the Committee on the Elimination of Discrimination against Women. Accessed online July 2010 at: <http://www2.ohchr.org/english/bodies/cedaw/cedaws46.htm>

<sup>27</sup> See: Australian Institute of Health & Welfare (AIHW) (2009) *Disability support services 2007 – 08*. National data on services provided under the Commonwealth State/Territory Disability Agreement. Disability series. Cat. no. DIS 56. Canberra: AIHW; Arnade, S. & Haefner, S. (2006) Op Cit.

<sup>28</sup> World Health Organization (2009) *Promoting sexual and reproductive health for persons with disabilities*, WHO/UNFPA Guidance Note 2009, accessed on line April 2011 at: [http://whqlibdoc.who.int/publications/2009/9789241598682\\_eng.pdf](http://whqlibdoc.who.int/publications/2009/9789241598682_eng.pdf)

<sup>29</sup> Brady, S., Briton, J. & Grover, S. (2001) *The Sterilisation of Girls and Young Women in Australia: Issues and Progress*. A report commissioned by the Federal Sex Discrimination Commissioner and the Disability Discrimination Commissioner; Human Rights and Equal Opportunity Commission, Sydney, Australia. Available online at <http://www.wwda.org.au/brady2.htm>; WWDA (2009) *Parenting Issues for Women with Disabilities in Australia: A Policy Paper*. WWDA, Tasmania. Available online at: <http://www.wwda.org.au/subs2006.htm>; Steele, L. (2008) Making sense of the Family Court's decisions on the non-therapeutic sterilisation of girls with intellectual disability; *Australian Journal of Family Law*, Vol.22, No.1.

<sup>30</sup> Meekosha, H. (2004) Op Cit.

<sup>31</sup> Ortoleva, S. (2011) *Recommendations for Action to Advance the Rights of Women and Girls with Disabilities in the United Nations system*; accessed online April 2011 at: <http://sites.google.com/site/womenenabled/>

<sup>32</sup> United Nations Development Programme (UNDP) (2010) *Political Participation of Women with Disabilities in Cambodia: Research Report 2010*, accessed online April 2011 at: <http://www.un.org.kh/undp/knowledge/publications/political-participation-of-women-with-disabilities-in-cambodia>

<sup>33</sup> Groce, N. (2006), Op Cit.

<sup>34</sup> See for eg: Preamble [q] 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>35</sup> Committee on the Rights of the Child, general comment No. 1 (2001) on the aims of education (at Para.67).

which recognises that policies, programs and other measures should be grounded in a broad approach to gender equality that ensures young women's full political participation; social and economic empowerment; recognition of equal rights related to sexual and reproductive health; and equal access to information, education, justice and security, including the elimination of all forms of sexual and gender-based violence.<sup>36</sup> The CRC specifically recognises that girls with disabilities are often more vulnerable to discrimination due to gender discrimination, and requires that States parties pay particular attention to girls with disabilities by taking the necessary measures, (and when needed extra measures), in order to ensure that they are well protected, have access to all services and are fully included in society.<sup>37</sup>

13. The *Report of the Global Thematic Consultation on Education in the Post-2015 Development Agenda*,<sup>38</sup> developed as part of the global consultation processes for the Post-2015 Development Agenda and goals,<sup>39</sup> identified that globally, there is 'strong consensus that gender equality in education is, and should remain, a priority for the post-2015 education agenda.' It found that that 'inequalities in general, and gender equality in particular, need to be addressed on multiple levels – economic, social, political and cultural – simultaneously.' Importantly, the report strongly reiterated the role of education in preventing violence against women and girls: 'While access to good-quality education is important for girls and women, preventing gender-based violence and equality through education also remains a priority.'
14. The current *Draft Sustainable Development Goals (SDG's)*<sup>40</sup> clearly reflect the role of education in achieving sustainable development, ending gender inequality and disability discrimination. For example, Goal 4 (of the 17 suggested goals), focuses on 'Education' with the goal expressed as: 'Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all'. It is underscored by 10 key actions, including for example:

*By 2030, eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous peoples and children in vulnerable situations.*

*Build and upgrade education facilities that are child, disability and gender sensitive and provide safe, non-violent, inclusive and effective learning environments for all.*

In addition, Goal 5 [*Achieve gender equality and empower all women and girls*], clearly focuses on specific actions to end violence and discrimination against all women and girls, to ensure universal access to sexual and reproductive health and reproductive rights; and to ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life. It also clearly specifies the need to:

*Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels.*

15. It is widely recognised that schools, other learning environments and education systems usually mirror the larger society. Efforts in support of gender equality and addressing disability discrimination must therefore include specific, targeted actions to address both gender and disability based discrimination resulting from social attitudes and practices, economic status and culture.
16. In the context of the development of a General Comment for CRPD Article 24 [The Right to Education], this must therefore include specific articulation, and embedding of, issues of intersectionality in recognition of the multiple and intersecting discrimination and disadvantage experienced by people with disabilities with multiple identity positions. For example, in the Australian context, we know that indigenous children (and adults) fare far worse than non-indigenous persons in relation to access to education at all levels. For indigenous children (and adults) with disabilities (particularly girls and women), the situation is even more dire. Achieving equitable outcomes for indigenous children (and adults) with disabilities at all levels of education throughout the life-course, means prioritising and providing specific, targeted measures to address the disparities at all levels. It also means, for example,

<sup>36</sup> See: UN Committee on the Rights of the Child (CRC), *General comment No. 13* (2011): Article 19: The right of the child to freedom from all forms of violence, 17 February 2011, CRC/C/GC/13; UN Committee on the Rights of the Child (2013) *General comment No. 15*: The right of the child to the enjoyment of the highest attainable standard of health (Article. 24); UN Doc. CRC/C/GC/15; 14 March 2013.

<sup>37</sup> Ibid.

<sup>38</sup> Co-led by the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the United Nations Children's Fund (UNICEF). See: <https://www.worldwewant2015.org/> Report available at: <https://www.worldwewant2015.org/education2015>

<sup>39</sup> Succeeding the Millennium Development Goals and building on the Rio+20 Conference, this agenda will serve as a framework for global development efforts after 2015. - See more at: <http://en.unesco.org/post2015/#sthash.OQpZiuY8.dpuf>

<sup>40</sup> <https://sustainabledevelopment.un.org/content/documents/1579SDGs%20Proposal.pdf>

clearly articulating the universality, interdependence and indivisibility of civil, political, economic, social and cultural rights, in recognising and understanding that achieving ‘inclusive education’ for people with disabilities, cannot, and should not, be considered in isolation from the context of individuals, households, settings, communities or States. This recognises that discrimination affects people with disabilities in different ways depending on how they are positioned within the social, economic and cultural hierarchies that prohibit or further compromise their ability to enjoy universal human rights. Importantly, it clarifies that multiple and intersecting forms of discrimination cannot be ‘disconnected’ from each other when endeavouring to ensure the right to an ‘inclusive education’ for people with disabilities.<sup>41</sup>

17. Whilst there has been significant progress globally in girls’ participation in formal education, disparities in access to education and educational outcomes for girls and women continue to exist. The 15 year *Review of the implementation of the Beijing Declaration and Platform for Action, the outcomes of the twenty-third special session of the General Assembly and its contribution to shaping a gender perspective towards the full realization of the Millennium Development Goals*<sup>42</sup> found that, in relation to education, girls and women with disabilities are at a greater disadvantage than their non-disabled counterparts. It also found that the lack of disaggregated data remains a significant impediment to measuring progress on realizing the right to education for women and girls.
18. Negative attitudes and practices continue to restrict disabled girls’ and women’s access to and participation in all forms of education. In many countries, families may assign greater value to educating boys, and expect girls to attend to a number of domestic responsibilities, such as caring for siblings and relatives.
19. Both girls and boys remain influenced by traditional gender norms and stereotypes throughout all levels of education. While efforts have been undertaken to reduce gender biases in curricula, textbooks and teacher attitudes, the scale of such measures varies greatly, and their impact remains insufficiently documented.<sup>43</sup> For girls and women with disabilities, however, there remains almost no positive portrayal of disabled girls and women in curricula, books, media, popular culture and so on. Girls and women with disabilities are still stereotyped as burdens and recipients of care, as ‘child-like, asexual or over-sexed, dependent, incompetent, passive, and genderless’.<sup>44</sup> This has an effect on a girl’s self esteem, and on her expectations. Further, it has an effect on her experience, and on the expectations of those around her. As expressed by the late Elizabeth Hastings (Australia’s Disability Discrimination Commissioner in the early 1990’s):

*“As a child at school I never experienced myself being experienced as a potential girlfriend, wife, mother. Sure, I had fantasies myself, much the same as any girl does-but the possibility of their realisation was never there in the eyes, the words, the assumptions of teachers (or other adults) around me. I experienced others experiencing me as a neutral sort of being. When I was young I did not think in terms of sexual neutrality or identity-I just learnt what I was through how I experienced myself being experienced.”<sup>45</sup>*

20. It is clear that the educational attainment of women and girls across the globe does not necessarily translate into improved employment opportunities or outcomes. This is particularly the case for women with disabilities, who fare far worse than both non-disabled women, and men with disabilities. For example, women with disabilities 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 disabilities who are in the labour force are half as likely to find full-time employment (20%) as men with disabilities (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 disabilities.<sup>46</sup> A 2004 *Senate Inquiry into Poverty and Financial Hardship* concluded that women with disabilities are also affected by the lower wages paid to women relative to

<sup>41</sup> See for example: Frohmader, C., Dowse, L. & Didi, A. (2015) Preventing Violence against Women and Girls with Disabilities: Integrating A Human Rights Perspective. Available at: <http://wwda.org.au/issues/viol/viol2011/>

<sup>42</sup> E/2010/4\*-E/CN.6/2010/2\*

<sup>43</sup> E/2010/4\*-E/CN.6/2010/2\*

<sup>44</sup> 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; ISBN: 978-0-9876035-0-0. Available online at: <http://wwda.org.au/issues/sterilise/sterilise2011/>

<sup>45</sup> Hastings, E. (undated) ‘Assumption, Expectation And Discrimination: Gender Issues For Girls With Disabilities’. Accessed online February 2015 at: <https://www.humanrights.gov.au/news/speeches/gender-issues-girls-disabilities>

<sup>46</sup> Australian Bureau of Statistics, *‘Labour Force Characteristics of People with a Disability’* in *Year Book Australia* (2006); Sue Salthouse, *‘Jumping Through Hoops — Welfare and Industrial Relations Reform Implications for Women with Disabilities’* (Paper presented at the What Women Want Workshop — A Workshop on the Effect of the Federal Government’s Recent Policy Changes on Women of Working Age, Canberra, 12 July 2005) [www.wwda.org.au/w2wJuly05.htm](http://www.wwda.org.au/w2wJuly05.htm).

men and are more likely to be in casual jobs with little job security.<sup>47</sup> 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>48</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.

21. A number of the international human rights treaty monitoring bodies have urged Australian Governments to address the limited access to job opportunities for disabled women; and adopt initiatives to increase employment participation of women with disabilities by addressing the specific underlying structural barriers to their workforce participation.<sup>49</sup> These recommendations have not been taken up by the Australian Government, and women with disabilities continue to experience marginalisation and exclusion in the Australian labour market – a situation that has remained unchanged for more than two decades.<sup>50</sup>
22. Data, research and information about women and girls with disabilities is necessary to develop and inform policy, direct resources, inform service development, and design and monitor specific programs. It also enables the monitoring of equality of opportunity and progress towards the achievement of economic, social, political and cultural rights for women with disabilities. It is critical as a tool for accountability and for enhancing the participation of women and girls with disabilities. Good quality data and research are especially necessary for a sound evidence base to improve the effectiveness of mainstream systems – including education systems at all levels - for women and girls with disabilities.<sup>51</sup> The lack of data, research and information about women and girls with disabilities results in invisibility and marginalisation in society, which invariably leads to a critical lack of resources, and perpetuates violation of their human rights and fundamental freedoms – including their right to an inclusive education. The deep-rooted exclusion experienced by women and girls with disabilities worldwide continues unabated due in part to the dearth of information available on its extent or impact, and the apathy of many States parties in acknowledging the need for, and developing such information.

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<sup>47</sup> In *'Disability Rights Now'* (2012) OpCit.

<sup>48</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>49</sup> 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>50</sup> Committee on the Elimination of Discrimination against Women, CEDAW/C/AUL/CO/5, OpCit.

<sup>51</sup> Commonwealth of Australia (2010) *National Disability Strategy 2010-2020*; an initiative of the Council of Australian Governments (COAG); available online at: [http://www.fahcsia.gov.au/sa/disability/progserv/govtint/nds\\_2010\\_2020/Pages/default.aspx](http://www.fahcsia.gov.au/sa/disability/progserv/govtint/nds_2010_2020/Pages/default.aspx)