



Women  
With  
Disabilities  
Australia  
(WWDA)

**HUMAN RIGHTS**   
**TOOLKIT**  
**FOR WOMEN AND GIRLS**  
**WITH DISABILITY**  
**FIRST EDITION**



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WWDA acknowledges the traditional owners of the land on which this publication was produced. We acknowledge Aboriginal and Torres Strait Islander people's deep spiritual connection to this land. We extend our respects to community members and Elders past, present and becoming.

### Disclaimer

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

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



Women  
With  
Disabilities  
Australia  
(WWDA)



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



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



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



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



**“THE GOVERNMENT SHOULD TALK TO  
WOMEN AND GIRLS WITH DISABILITIES MORE  
OFTEN. WE SHOULD BE ABLE TO TELL THE  
GOVERNMENT WHAT WE NEED. TALK TO US”**

## **ABOUT WOMEN WITH DISABILITIES AUSTRALIA (WWDA)**

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

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

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

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

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

For more information about Women With Disabilities Australia (WWDA)

- ▶ Visit the WWDA website: <http://www.wwda.org.au>
- ▶ Follow WWDA on Facebook: <http://www.facebook.com/WWDA.Australia>
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# INTRODUCTION 1

## TIME FOR CHANGE

### 1.1 WHY IS THIS TOOLKIT NEEDED?

Over two million women and girls with disability live in Australia – that’s approximately 20% of all women and girls.<sup>2</sup> That’s a lot of us! Like everyone else, we all have different lives and experiences. We also all have different personal experiences of disability. As a group, however women and girls with disability experience unfair treatment in nearly all areas of life. We are treated unfairly because of our disability. We are treated unfairly as women because men still hold a lot of power in society. We are also treated unfairly because our society is structured for able-bodied people.<sup>3</sup> As a group, we are denied the chance to live as equals. As a group we are unable to live our lives with dignity. For example:

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

But the right of everyone to live as equals is one of the most important principles of international law and is accepted by countries around the world. It is so important it is contained in all the main international human rights laws (called Conventions, Treaties, Covenants and Declarations) that Australian has signed, and agreed to.<sup>4</sup> This means that if the Australian Government has agreed to them, they must respect, protect and take action to make sure everyone enjoys the human rights contained in these legal documents. This includes women and girls with disability. For example, women and girls with disability have the following human rights:

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

In the past women and girls with disability were viewed and treated as dependent, in need of care and protection.<sup>5</sup> We were kept apart and excluded from participating in our communities. But times have changed. International human rights law now recognises women and girls with disability as women and girls with rights, able to make decisions about our own lives.<sup>6</sup>

The Australian government has agreed to take action to make sure all women and girls with disability enjoy all the human rights described in the Conventions, Treaties, Covenants and Declarations it has agreed to or supported. Yet very few of us know about our rights. Importantly very few of us know how they are relevant to our life, and the lives of our families, friends, and communities.<sup>7</sup>

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

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

## 1.2 HOW TO USE THIS TOOLKIT

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

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

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

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

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

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

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

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

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

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

**Section 10 ‘Endnotes’** is a list of all the documents that have been used to help make this Toolkit.



# KNOW THE ISSUES

## KEY HUMAN RIGHTS ISSUES 2

### 2.1 KEY HUMAN RIGHTS ISSUES IDENTIFIED BY WOMEN AND GIRLS WITH DISABILITY IN AUSTRALIA

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

## 2.2 VIOLENCE

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

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

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

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



### HOW DO WOMEN WITH DISABILITY EXPERIENCE VIOLENCE?

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

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



### FIND OUT MORE

- ▶ [WWDA Position Statement 1: The Right to Freedom from All Forms Of Violence \(https://goo.gl/Yfw1fm\)](https://goo.gl/Yfw1fm)

## 2.3 DECISION-MAKING

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

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

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



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

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

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



### FIND OUT MORE

- ▶ [WWDA Position Statement 2: The Right to Decision-Making \(https://goo.gl/Yfw1fm\)](https://goo.gl/Yfw1fm)

## 2.4 PARTICIPATION

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

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

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

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



### HOW ARE WOMEN WITH DISABILITY DENIED THEIR PARTICIPATION RIGHTS?

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

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



### FIND OUT MORE

- ▶ [WWDA Position Statement 3: The Right to Participation \(https://goo.gl/Yfw1fm\)](https://goo.gl/Yfw1fm)

## 2.5 SEXUAL AND REPRODUCTIVE RIGHTS

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

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

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

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



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

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

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



### FIND OUT MORE

- ▶ [WWDA Position Statement 4: Sexual and Reproductive Rights \(https://goo.gl/Yfw1fm\)](https://goo.gl/Yfw1fm)

## 2.6 EMPLOYMENT

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

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

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

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

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



### HOW ARE WOMEN WITH DISABILITY DENIED THEIR EMPLOYMENT RIGHTS?

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

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



# KNOW YOUR RIGHTS 3

## THE HISTORY OF HUMAN RIGHTS

### 3.1 UNDERSTANDING HUMAN RIGHTS

This section of the Toolkit provides some introductory information about what human rights are. It looks at where 'human rights' came from, and how they are protected and monitored. This section also gives a brief overview about Australia's international human rights obligations.

## 3.2 WHAT ARE HUMAN RIGHTS?

Human rights are the basic rights and freedoms that belong to every person in the world, from birth until death. They apply regardless of where you are from, what you believe or how you choose to live your life. These basic rights are based on values like dignity, fairness, equality, respect and independence.<sup>8</sup>

They are called “rights” because they are things you are allowed to be, to do or to have. These rights are there for your protection against people who might want to harm or hurt you. They are also there to help us get along with each other and live in peace.<sup>9</sup>

Many people know something about their human rights. Generally they know they have the right to food and a safe place to stay. They know they have a right to an education and to be paid for the work they do. But there are many other human rights. Very few of us know how these human rights apply to our daily lives, and the lives of our families, friends, and communities.<sup>10</sup> When human rights are not well known by people, abuses such as discrimination, violence, intolerance, injustice, and oppression can occur.

For women and girls with disability, things like discrimination, violence, poverty, denial of the right to make our own decisions, forced treatments, make it almost impossible for us to live a life with dignity and respect, and to enjoy our human rights the same as others.



### WHAT ARE OUR HUMAN RIGHTS?

Here are just some examples of key human rights to which every person in the world is entitled:<sup>11</sup>

- ▶ **We are all born free and equal:** We are all born free. We all have our own thoughts and ideas. We should all be treated in the same way.
- ▶ **Freedom of thought:** We all have the right to believe in what we want to believe, to have a religion, or to change it if we want.
- ▶ **Don't discriminate:** Rights belong to everybody, whatever our differences.
- ▶ **Freedom of expression:** We all have the right to make up our own minds, to think what we like, to say what we think, and to share our ideas with other people.
- ▶ **The right to life:** We all have the right to life, and to live in freedom and safety.
- ▶ **Food and shelter:** We all have the right to a good life. Mothers and children, people who are old, unemployed or disabled, and all people have the right to be supported.
- ▶ **No torture:** Nobody has any right to hurt us or to torture us.
- ▶ **Social security:** We all have the right to housing we can afford, medicine, education, and childcare, enough money to live on and medical help if we are ill or old.
- ▶ **No violence or abuse:** We all have the right to a life without any sort of violence. No one has any right to hurt us in any way.
- ▶ **The Right to Democracy:** We all have the right to take part in the government of our country. Every grown-up should be allowed to choose their own leaders.
- ▶ **We are all equal before the law:** The law is the same for everyone. It must treat us all fairly.
- ▶ **Workers' Rights:** Every adult has the right to do a job and to get a fair wage for their work.
- ▶ **The right to privacy:** Nobody has the right to come into our home, open our letters, or bother us or our family without a good reason.
- ▶ **Marriage and family:** Every adult has the right to have a partner, to marry and have a family if they want to. Men and women have the same rights when they are married, and when they are separated.

### 3.3 WHERE DID HUMAN RIGHTS COME FROM AND HOW ARE HUMAN RIGHTS PROTECTED?

Ideas about human rights have been around for a long time. Many religions, societies and governments have described and protected human rights for thousands of years, although they didn't use those exact words.

After World War Two, governments around the world decided that they had to join together to prevent another terrible war from happening again. They also decided that they had to protect the rights of everyone so that everyone could enjoy freedom, justice and peace.

The United Nations (UN) was formed and it was agreed that one of the main purposes of the United Nations would be to promote respect for the human rights of every person. The United Nations (UN) is a global organisation that includes nearly every country in the world. When a country becomes a member of the UN, it is legally required to abide by the rules of the UN, which are set out in the Charter of the United Nations.

In 1948 the United Nations agreed on a set of human rights and freedoms to which every person in the world is entitled. This document was called the Universal Declaration of Human Rights (UDHR). When it was formally agreed to, the UDHR was not a "legal" document, but a document that many countries agreed to follow in principle.

In order to make the human rights listed in the UDHR "legal", in 1966 the UN developed two legal documents called "Conventions". These two Conventions (also known as "treaties") were called the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Together, the UDHR, ICCPR, and ICESCR are often referred to as the "International Bill of Human Rights."

Since the development of the International Bill of Human Rights, the United Nations has developed several other international "Conventions" (also called Treaties, Covenants, and Optional Protocols) in order to protect people's human rights. These include Conventions to prevent and prohibit specific abuses such as torture and to protect specific populations – such as women, children, migrant workers, and people with disability.

UN Conventions are written legal agreements between countries and the UN. They describe the human rights people are entitled to, and what the country has to do make sure that people can enjoy their human rights.



#### DID YOU KNOW

After a country formally agrees to a UN convention, they have a legal obligation to respect, protect, and fulfill the rights set out in the particular Convention.

- ▶ **RESPECT:** Governments must not deprive people of a right or interfere with people exercising their rights. For example, governments must not perform medical treatments on people with disability without their consent, or exclude a child from school on the basis of disability.
- ▶ **PROTECT:** Governments must prevent 'third parties' (such as police) from abusing the human rights of others. For example, governments must protect people with disability from violence and abuse in institutions.
- ▶ **FULFIL:** Governments must take positive steps to make sure people can enjoy their human rights. For example, governments must make or change laws and policies so that people with disability can enjoy their human rights the same as everyone else.

## WHERE DID HUMAN RIGHTS COME FROM AND HOW ARE HUMAN RIGHTS PROTECTED? (CONT.)

UN Conventions are legally binding on the countries that agree to them. However, there are also other important international UN documents called “Declarations” that are not “legal” documents, but are very important because they provide guidance to countries on a specific area. One UN Declaration that is very important for women and girls with disability is the Declaration on the Rights of Indigenous Peoples. This Declaration explains the human rights of indigenous peoples, giving special importance to self-determination and non-discrimination.



### VIDEO: THE STORY OF HUMAN RIGHTS

A short captioned video entitled ‘The Story of Human Rights’ gives an overview of the history of the human rights movement, and the development of the United Nations Universal Declaration of Human Rights.

The video “The Story of Human Rights” can be viewed at available at:  
<https://www.youtube.com/watch?v=oh3BbLk5UIQ>

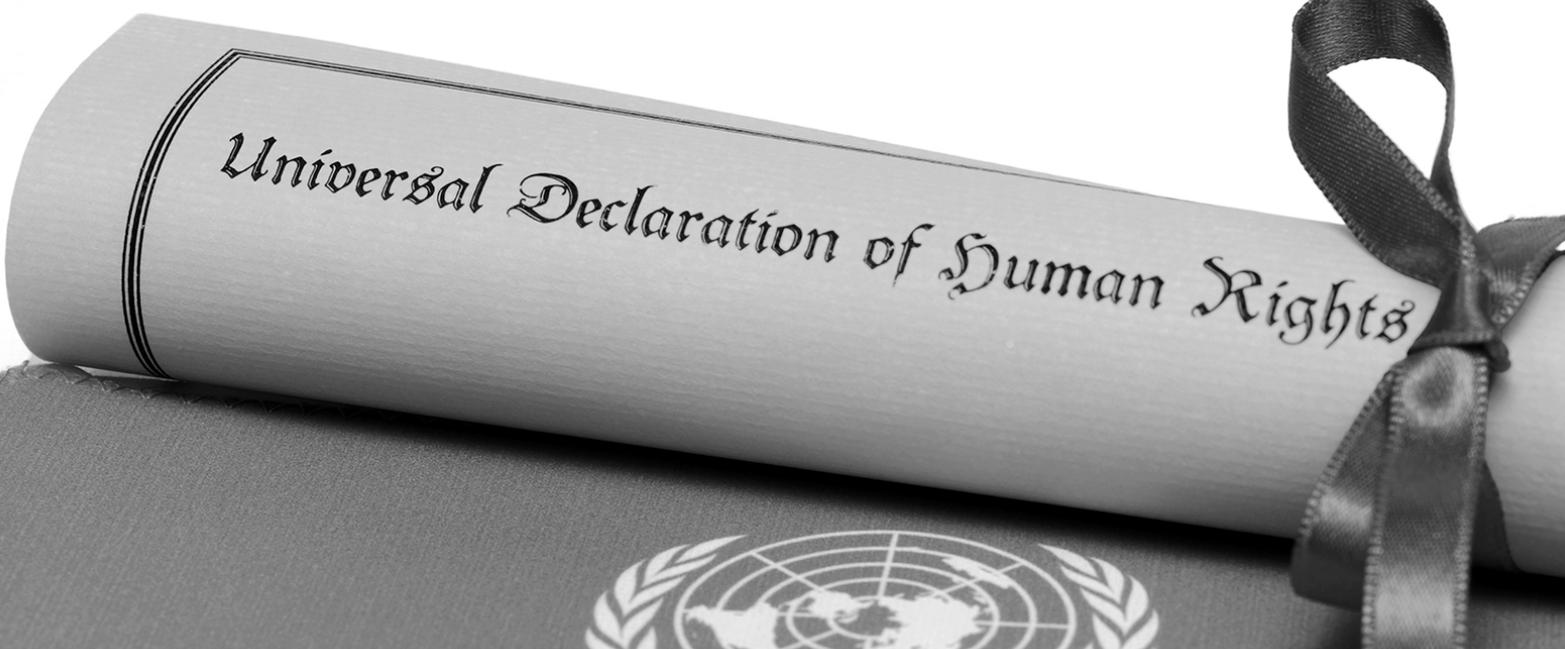


### FIND OUT MORE

- ▶ The United Nations have an extensive online presence. You can access a range of videos, including live events, on many different topics related to human rights from UN Web TV:

<https://www.youtube.com/user/unitednations/>

<http://webtv.un.org/>

A black and white photograph of a rolled-up scroll tied with a ribbon. The scroll is resting on a dark surface with the United Nations logo. The text on the scroll reads "Universal Declaration of Human Rights" in a decorative, cursive font.

Universal Declaration of Human Rights

### 3.4 WHO MONITORS THE INTERNATIONAL HUMAN RIGHTS TREATIES?

The implementation of each international human rights treaty is overseen (or “monitored”) by an international human rights treaty body. The human rights treaty bodies are committees of independent experts in human rights.<sup>12</sup>



#### DID YOU KNOW

Treaty body committees perform a number of roles and functions. Some of these include:

- ▶ Assessing countries reports about how that country is implementing the particular treaty;
- ▶ Developing special documents called ‘General Comments’,<sup>13</sup> which explain in more detail exactly what is expected from countries about specific human rights (such as the “right to health”, or the “right to inclusive education”);
- ▶ Organising important meetings and discussions related to the treaties.
- ▶ Assessing individual complaints;
- ▶ Conducting visits to countries to check for themselves how people’s human rights are being protected.

As well as having to implement the particular treaty to which they have formally agreed, each country (often called the “State Party”) has to write a report (usually every four years) to the relevant Committee (such as the Committee on the Rights of Persons with Disabilities) to explain in detail how the rights in the treaty are being implemented in that country. Along with the formal report from the Government of the country, the treaty Committee also gets reports from non-government organisations (NGO’s) of the particular country. For example, WWDA often writes formal reports to the treaty Committees to tell them about the human rights of women and girls with disability in Australia, and to explain to them how the Australian Government could improve its efforts to promote the rights of women and girls with disability.

Once the particular treaty Committee has all the information, it holds a special meeting with the Government and NGO’s of the particular country. The treaty Committee talks formally to both the Government and the NGO representatives. Based on these discussions, the Committee then writes up its concerns and recommendations for how things can be improved in a special report. These special reports are called “concluding observations” or “concluding recommendations”. They are very important documents, because States Parties (country governments) are expected to implement the recommendations.



#### REPORTS AND RECOMMENDATIONS TO AUSTRALIA FROM THE UNITED NATIONS

If you would like to read some of the reports and recommendations that the United Nations has made to Australia, including those on women and girls with disability, you can go to the United Nations website page about Australia. You can find this at:

<http://www.ohchr.org/EN/Countries/AsiaRegion/Pages/AUIndex.aspx>

## 3.5 AUSTRALIA'S INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

Australia helped to set up the United Nations (UN) and has been an active participant in the UN for more than 65 years. Australia has formally agreed to seven core international human rights treaties, which means that Australia has agreed to be bound by each of the treaty requirements, and has an international legal obligation to implement them in Australia.



### DID YOU KNOW

Australia is a signatory to the following treaties:

- ▶ Convention on the Elimination of All Forms of Racial Discrimination (CERD)
- ▶ International Covenant on Economic, Social and Cultural Rights (ICESCR)
- ▶ International Covenant on Civil and Political Rights (ICCPR)
- ▶ Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- ▶ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
- ▶ Convention on the Rights of the Child (CRC)
- ▶ Convention on the Rights of Persons with Disabilities (CRPD)

In addition to these seven international human rights treaties listed above, in 2009, Australia also formally endorsed the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which means that Australia has agreed in principle, to support and implement the Declaration in order to protect the human rights of Indigenous peoples. UNDRIP addresses the most important issues affecting indigenous peoples - their civil, political, social, economic and cultural rights. It also includes things like their right to self-determination, spirituality, language, lands, territories, resources and free, prior and informed consent.

For more than ten 10 years, the various treaty Committees have told the Australian Government that they have to do a lot more to address the human rights of women and girls with disability. They have made many recommendations to the Australian Government about women and girls with disability including some that they have said are VERY urgent.



### TREATY COMMITTEE RECOMMENDATIONS TO THE AUSTRALIAN GOVERNMENT

Recent recommendations from the various UN treaty committees to Australia have been about:

- ▶ Forced sterilisation of girls and women with disability;
- ▶ All forms of violence against women and girls with disability;
- ▶ Substitute decision-making
- ▶ Compulsory and/or forced treatment;
- ▶ Chemical restraint;
- ▶ Forced living arrangements;
- ▶ Practices;
- ▶ Lack of participation rights;
- ▶ Lack of access to health services;
- ▶ Lack of employment opportunities;
- ▶ And much more.



# KNOW YOUR RIGHTS 4

## WOMEN AND GIRLS WITH DISABILITY

### 4.1 THE RIGHTS OF WOMEN AND GIRLS WITH DISABILITY

All of the seven international human rights treaties to which Australia is a party, along with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) are important for women and girls with disability because they each contain certain obligations to improve the status of women, to stop discrimination of people with disability, to protect people from all forms of violence, and so on. However, for the purposes of this Toolkit, two of the international human rights treaties are particularly important for women and girls with disability. We have included full text of these two Conventions is provided at **Appendix 2** and **3** in this Toolkit, or you can access them online at the following links:



#### CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD)

<https://goo.gl/K6oeSH>



#### CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)

<https://goo.gl/lidHhu>

## 4.2 THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITY (CRPD)

The Convention on the Rights of Persons with Disabilities (CRPD) was formally agreed to by Australia in 2008. The main aim of the CRPD is to make sure that all people with disability enjoy all of their human rights in all areas of life. It also aims to make sure that the dignity of people with disability is respected. The CRPD provides governments with a clear plan of action about what they have to do in practice to make human rights for people with a disability a reality.

The CRPD requires governments not to treat people with disability as the objects of charity or pity, but instead to recognise and treat them as equal citizens, who have human rights and who are as “equally deserving” of their place in the community, society and the law as other citizens.<sup>14</sup> At the heart of the CRPD is the principle of ‘participation’ of people with disability in ALL matters affecting them, including in the design, implementation and monitoring of all programmes which have an impact on their lives. This means that governments are required to implement the CRPD in consultation with, and involving, meaningful participation of people with disability and their representative organisations. Although it is not formally divided into sections, the Convention is made up of a number of ‘groups’ of articles.

### Preamble

The **Preamble** sets out the key issues necessary for a proper understanding of disability and human rights concerns. It plays an important role in explaining the Convention.

### Articles 1-2

These articles are known as **interpretive articles**, which explain the main aims of the Convention and who it’s for. They also give definitions for some of the key terms used in the Convention.

### Articles 3-9

These articles are known as **general obligation articles**. They are also known as “cross-cutting” articles which means that every other article in the Convention must be implemented with these general obligations in mind. These articles include a specific article on women with disability, another on children with disability, on accessibility and awareness-raising. These articles also set out the obligation of governments to change laws and policies (or make new ones) to make sure the Convention is implemented properly.

### Article 10: Right to life

Every human being has the right to life. This article requires governments to do everything necessary to make sure people with disability can enjoy this right the same as everyone else.

### Article 11: Situations of risk and humanitarian emergencies

This article requires governments to take action to make sure that all people with disability are safe and fully protected in situations of risk (like wars, or other events that are threatening in terms of health, safety or well being, such as bushfires, floods, earthquakes etc).

### Article 12: Equal recognition before the law

This article is about the rights of people with disability to make their own decisions and have legal rights the same as everyone else (like opening a bank account, voting, getting married etc). This article requires governments to do whatever is needed, including changing laws, so that all people with disability have the opportunity to make their own choices and decisions about all aspects of their lives.

### Article 13: Access to justice

This article requires governments to make sure that all people with disability have fair and proper access to the justice system (things like police, courts and tribunals, lawyers, legal assistance, victim support). It also requires governments to make sure that everyone who works in the justice system has proper training about the rights of people with disability.

## THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITY (CRPD) (CONT.)

### Article 14: Liberty and security of the person

This article is about governments making sure that people with disability aren't locked up or detained in settings and places just because they have a disability (like institutions, psychiatric facilities, prisons etc). It also requires governments to ensure the personal safety of all people with disability.

### Article 15: Freedom from torture or cruel, inhuman or degrading treatment or punishment

This article requires governments to make sure that people with disability are not subject to torture or to any form of ill-treatment. It also requires governments to change laws (or make new ones) to ensure that people with disability are not subject to medical or scientific experimentation without their consent, or any forced treatments and procedures.

### Article 16: Freedom from exploitation, violence and abuse

This article is about governments making sure that people with disability, especially women and girls with disability, are protected from all types of violence, no matter where the violence happens and no matter who perpetrates the violence. It also requires governments to do everything necessary to make sure that any type of violence perpetrated against a person with disability is reported, investigated properly, the perpetrator/s are punished if found guilty, and the person with disability provided the support they require to heal and recover.

### Article 17: Protecting the integrity of the person

This article requires governments to ensure that the physical and mental integrity of all people with disability is respected and that governments do everything necessary to make sure than nobody interferes with this right. It means that people with disability are in charge of their own bodies and minds and only people with disability themselves can consent to any treatments or procedures.

### Article 18: Liberty of movement and nationality

This article requires governments to ensure that people with disability can travel and go anywhere they please, and can't be denied these rights just because they have a disability. It also means that people with disability have the freedom to choose their own residence (where they want to live).

### Article 19: Living independently and being included in the community

This article is about governments making sure that all people with disability can live in the community, with the same choices as everyone else. It also requires governments to ensure that people with disability have access to the services they need to enable them to be fully included in the community. It also means that governments have to do whatever is necessary to prevent people with disability being isolated and shut away from the rest of the community.

### Article 20: Personal mobility

This article means that governments have to take proper actions to ensure that people with disability can enjoy the greatest possible personal mobility and independence. It requires governments to make sure that things like mobility aids, devices, assistive technologies and personal care supports are of good quality and are available at an affordable cost.

### Article 21: Freedom of expression and opinion, and access to information

This article means that people with disability have the right to make up their own minds, to think what they like, to say what they think, and to share their ideas with others. This article requires governments to make sure that they provide public information in accessible formats and via appropriate technologies, and that the use of sign languages, Braille and other augmentative and alternative communications is accepted and promoted.

## **THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITY (CRPD) (CONT.)**

### **Article 22: Respect for privacy**

This article also requires Governments to ensure that the rights to privacy of people with disability are fully protected. Privacy means things like: Information Privacy (like personal financial information, and medical records); Bodily privacy (like protection against invasive procedures such as forced treatments, strip searches etc); Privacy of communications (which covers things like security and privacy of mail, telephones, email and other forms of communication); and Territorial privacy (things like coming into our homes or workplaces without our consent).

### **Article 23: Respect for home and the family**

This article deals with the rights of people with disability in all matters relating to marriage, intimate relationships, family, parenthood, and sexual and reproductive rights. It requires governments to take a wide range of actions to stop and prevent people with disability being treated unfairly in these areas. It also requires governments to make sure that children with disability grow up in a family environment, and that babies and children or parents with disability are not separated from their parent/s solely on the grounds of the parent/s disability.

### **Article 24: Education**

This article is about the right of all people with disability to education and learning. It requires governments to do whatever is necessary (including through new laws and policies) to make sure that all people with disability can participate in inclusive education and that they are provided with whatever supports and reasonable adjustments to make this happen (such as sign language interpreters, note takers, support persons, communication aids and equipment and so on).

### **Article 25: Health**

This article requires governments to recognise that people with disability have the right to the highest attainable standard of health. To achieve this, governments have to make sure that people with disability have access to the full range of health care services and programs, as well as to any specialized health services (like breast screening, or sexual health services, or speech therapists and so on). It also requires governments to make sure that people with disability have the same access to health insurance and life insurance, the same as everyone else.

### **Article 26: Habilitation and rehabilitation**

This article is about the need for governments to ensure that all people with disability can achieve their full potential, achieve maximum independence, and have full inclusion and participation in all aspects of life. It requires governments to make sure that there are accessible and appropriate services, supports, aids and equipment to help all people with disability (including children with disability) keep, learn, or improve their skills and functioning for daily living.

### **Article 27: Work and employment**

This article requires governments to make sure that all people with disability have the same rights as everyone else to work in a meaningful job of their choice. It also means that people with disability have to be paid proper wages for their work, and that governments have to provide assistance and support to people with disability to help them find and keep a job. Governments also have to do everything necessary (like make new laws and policies) to make sure that people with disability are treated with dignity and respect in workplaces and that they have safe and healthy working conditions.

## **THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITY (CRPD) (CONT.)**

### **Article 28: Adequate standard of living and social protection**

This article requires governments to recognise the right of people with disability to a decent standard of living for themselves and for their families, including things like adequate and affordable food, clothing and housing. It also requires governments to recognise the right of all people with disability and their families to social protection – which means things like: essential health care, basic income security for children; income security for persons of working age who are unable to earn enough income (especially in cases of ill-health, unemployment, maternity and disability), and income security for older persons.

### **Article 29: Participation in political and public life**

This article means that governments are required to guarantee the right of all persons with disability to participate in political and public life, through things like: voting in elections, standing for election to Parliament or local government, being on a jury. It also means that all people with a disability have the right to participate and be involved in the development of laws, policies and programs that impact on people's lives.

### **Article 30: Participation in cultural life, recreation, leisure and sport**

This article means that governments have to take all actions necessary to make sure that people with disability can access cultural materials in accessible formats; enjoy access to television, film, theatre and other cultural activities; develop and utilise their creative, artistic and intellectual potential; and, are able to participate in all recreational, leisure and sporting activities just like everyone else.

### **Articles 31-40**

These articles are about how the Convention has to be implemented (put into practice) as well as monitored. They set out what is required for implementation and monitoring of the Convention at both the national and international levels.

### **Articles 41-50**

These articles are known as operational (or "machinery") articles. They set out the basic arrangements for the administration of the Convention within the United Nations system, including how countries become a party to the Convention, and the official languages of the Convention.

## 4.3 THE CONVENTION ON THE ELIMINATION OF THE DISCRIMINATION AGAINST WOMEN (CEDAW)

CEDAW is a comprehensive international human rights treaty that is intended to improve the status of all women and girls. It is sometimes also called the “Women’s Convention” or the “Women’s Bill of Rights”. CEDAW was formally agreed to by Australia in 1983. This means that Australia has agreed to implement the provisions of CEDAW in Australia to make sure that all women are not discriminated against on the basis of their sex, and also to make sure that there is equality between men and women.<sup>15</sup>

Equality (often called “gender equality”) refers to the equal rights, responsibilities and opportunities of women and men and girls and boys. Equality does not mean that women and men will become the same but that women’s and men’s rights, responsibilities and opportunities will not depend on whether they are born male or female. The idea of “gender equality” recognises that different treatment of women and men will sometimes be needed in order to change and overcome the ways that women have traditionally been treated in most societies. For example, a really important aspect of promoting equality between men and women, is the empowerment of women so that they know about their rights, are free to make their own decisions and have the opportunity to live their lives however they want to.

CEDAW covers the human rights of all women, but makes it clear that governments must take additional, special measures and actions for women who experience discrimination as a result of factors such as disability, race, religion, nationality, poverty, or age. In relation to women and girls with disability, CEDAW requires governments to take extra measures and actions to make sure that women and girls with disability can participate in all areas of social and cultural life and fully enjoy all their human rights the same as everyone else.<sup>16</sup>

Like the CRPD, CEDAW provides a clear plan of action about what governments have to do make human rights for all women a reality. It also means that governments have to make new laws and policies or change old ones, to make sure that there is no discrimination against women, including women and girls with disability.

CEDAW is divided into six parts containing 30 Articles.

### Preamble

The Preamble sets out the key issues necessary for a proper understanding of women’s human rights. It describes the effects of discrimination against women and outlines some of the main areas of concern that all countries need to address to achieve equality between men and women.

### Article 1: Definition of Discrimination

This article provides a definition of what the Convention means by “discrimination”. Discrimination against women is defined as: *“any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field”*.

### Article 2: Policy Measures to be Taken

This article sets out the main obligations that governments have to take to condemn all forms of all discrimination against women. This article sets out the obligation of governments to change laws and policies (or make new ones) to make sure that Convention is implemented properly.

### Article 3: Guarantee of Basic Human Rights

This article requires governments to take all appropriate actions (including through new laws and policies) to promote all human rights of women, and protect all women from abuses of their human rights.

### Article 4: Temporary Special Measures

This article explains that governments are allowed to take extra, additional actions and measures to hasten efforts to improve all women’s human rights.

## **THE CONVENTION ON THE ELIMINATION OF THE DISCRIMINATION AGAINST WOMEN (CEDAW) (CONT.)**

### **Article 5: Sex Roles and Stereotyping**

This article means that governments have a requirement to ban cultural and traditional practices that maintain discrimination and incorrect assumptions about women (attitudes like “men earn the money, women raise the children”).

### **Article 6: Trafficking and Prostitution**

This article requires governments to ban trafficking in women and the exploitation of the prostitution of women.

### **Article 7: Political and Public Life**

This article means that governments have to work to stop discrimination against all women in political and public life and ensure that all women have the right to vote, to stand for elections, and to actively participate in political parties, NGOs and DPO's.

### **Article 8: Participation at the International Level**

This article requires governments to take actions to ensure that women (especially women with disability, indigenous women, and women who don't speak English or whose second language is English) have the opportunity to represent their government at the international level and participate in important relevant international meetings and Conferences (like at the United Nations).

### **Article 9: Nationality**

This article means that governments have to make sure women have the same rights as men to change or retain their nationality and that of their children. This means for example, that if a woman gets married to a man of a different nationality, the woman doesn't have to change her own nationality to that of her husband.

### **Article 10: Equal Rights in Education**

This article requires governments to take actions to stop all forms of discrimination against women in education and life-long learning. This includes making sure that women and men have equal access to all forms of education; the same subjects, examinations, standards for teaching and equipment; and equal access to scholarships.

### **Article 11: Employment**

This article means that governments have to stop all forms of discrimination against all women in the workplace. Governments have to ensure that women have the same employment rights as men as well as things like maternity leave, special protection against harmful work during pregnancy, and the right to safe working conditions and environments.

### **Article 12: Health Care and Family Planning**

This article requires governments to stop discrimination against all women in health care and provide them with equal and affordable access to health-care services, including things like family planning and all other sexual and reproductive health services. It also means that governments have to make sure that accessible health care information (including sexual and reproductive health) information is made available to all women.

### **Article 13: Economic Life, Sport and Culture**

This article means that governments have to do all things necessary to stop discrimination against all women in the economic and social areas. This means that governments are required to make sure that all women have the same access as men to things like family benefits, bank loans and credit, and the same rights to participate in recreational activities, sports and cultural life.

## **THE CONVENTION ON THE ELIMINATION OF THE DISCRIMINATION AGAINST WOMEN (CEDAW) (CONT.)**

### **Article 14: Rural Women**

This article means that governments have to make sure that the particular needs of rural women are met in relation to access to all appropriate services, training and employment opportunities, income security, and essential health care. This also means that governments are required to do extra work and take extra actions to address the rights of indigenous women in regional, remote and rural areas.

### **Article 15: Equality Before the Law**

This article requires Governments to do everything necessary (including through changing laws and policies) to make sure that all women have the same legal rights as men. It means, for example, that all women are allowed to own their own things, have their own bank account, or rent or buy a house by themselves, go wherever they want, choose where they want to live and who they want to live with.

### **Article 16: Marriage and the Law**

This article means that governments have to take all actions and do whatever is necessary to make sure that all women and men have equal rights to choose a partner, to get married, to have an intimate relationship, to have the same rights and responsibilities within a marriage or relationship, and on divorce or separation. It also means that women and men have equal rights in all matters relating to the birth, adoption, fostering and raising of children.

### **Articles 17-22**

These articles explain the establishment and role of the Committee on the Elimination of Discrimination against Women, which monitors how countries are implementing the Convention.

### **Articles 23-30**

These articles explain how the Convention has to be implemented and reported on.



# KNOW YOUR RIGHTS **5**

## UNDERSTANDING THE CRPD AND CEDAW

### 5.1 APPLYING THE CRPD AND CEDAW TO KEY ISSUES IDENTIFIED BY WOMEN AND GIRLS WITH DISABILITY

All of the articles in both the CRPD and CEDAW have importance and relevance for women and girls with disability. However, for the purposes of this toolkit, we have focused on the main article from each of the conventions that deal with the important urgent issues that have been identified by women with disability in Australia, which are:

- ▶ Violence
- ▶ Decision-Making
- ▶ Participation
- ▶ Sexual and Reproductive Rights
- ▶ Employment

For each of these issues, this section of the Kit provides the words of the main Article (as it appears in the Conventions) and then explains in practical terms, what it means and gives examples of what governments have to know and do, in order to properly implement the particular article for women and girls with disability. Prior to looking at each of the 5 key issues, this section provides an overview of the importance of CRPD Article 6: Women with disabilities.

## 5.2 THE IMPORTANCE OF CRPD ARTICLE 6: WOMEN WITH DISABILITIES

### CRPD ARTICLE 6 - WOMEN WITH DISABILITIES

1. States Parties recognize that women and girls with disabilities are subject to multiple discrimination, and in this regard shall take measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms.
2. States Parties shall take all appropriate measures to ensure the full development, advancement and empowerment of women, for the purpose of guaranteeing them the exercise and enjoyment of the human rights and fundamental freedoms set out in the present Convention.

Article 6 of the CRPD - “Women with Disabilities” – is critically important for ALL women and girls with disability. It is also vitally important for governments (and others) because it provides the over-arching guide on how the whole CRPD must be implemented for women and girls with disability.

Article 6 is known as a “cross-cutting” article of the CRPD. This means that every article of the CRPD has to be understood, viewed, implemented and evaluated from the perspective of advancing the human rights of all women and girls with disability – regardless of where they live, work or play.

Because Article 6 is a “cross-cutting” article it means that when governments are developing or implementing laws, policies, programs, or services for women, for people with disability, or for the whole community, they must ALWAYS take extra actions to make sure women and girls with disability are included and can fully enjoy their rights. They must also ALWAYS consult with women and girls with disability and their organisations (such as WWDA) about the best ways to implement every article of the CRPD.

In 2016, the Committee on the Rights of Person’s with Disabilities, which monitors how countries around the world are implementing the CRPD, wrote a special guidance document (a “General Comment”) about Article 6. The CRPD Committee wrote this General Comment because they said that many governments around the world were not paying enough attention to women and girls with disability. The CRPD Committee said they were very concerned about the human rights of women and girls with disability being ignored and they said there were three critical areas where all governments around the world had to take urgent action to improve the rights of all women and girls with disability. These three critical areas are:

- ▶ All forms of violence;
- ▶ Sexual and reproductive health and rights;
- ▶ Discrimination.

The ‘General Comment on Article 6: Women with Disabilities’ has been developed by the CRPD Committee for all governments so that they know exactly what CRPD Article 6 means, and how the whole CRPD must be implemented for women and girls with disability. (The full text of the General Comment is provided in the Appendix section of this Kit).



### WWDA AND PWDA JOINT SUBMISSION TO CRPD DRAFT GENERAL COMMENT: ARTICLE 6: WOMEN WITH DISABILITIES

In July 2015 WWDA made an extensive joint submission with People with Disability Australia (PWDA) to the CRPD Committee regarding the development of the Draft General Comment on Article 6. Access the full submission:

[http://wwda.org.au/wp-content/uploads/2016/08/WWDA\\_PWDA\\_Sub\\_CRPD\\_Art6\\_Final\\_Word-4.docx](http://wwda.org.au/wp-content/uploads/2016/08/WWDA_PWDA_Sub_CRPD_Art6_Final_Word-4.docx)

## THE IMPORTANCE OF CRPD ARTICLE 6: WOMEN WITH DISABILITIES (CONT.)

### WHAT IT MEANS: CRPD ARTICLE 6

There are many things that governments have to do in order to implement CRPD Article 6. Here are just some examples of things they have know and have to do:

- ▶ Women and girls with disability are treated differently and unfairly in many ways in all areas of life. Some women and girls with disability experience lots of different types of discrimination – because they are women, because they have a disability, they may also be indigenous, or they may not speak English, they may be poor, they may identify as lesbian or transgender (transgender people may identify as male or female, or they may feel that neither ‘label’ fits them).
- ▶ Governments have to listen and learn about the many ways that women and girls with disability experience discrimination. Governments must work closely with organisations that are run by women with disability themselves, like Women With Disabilities Australia (WWDA). The Government must work directly with WWDA because it is the direct voice of women and girls with disability, and we have a right to be involved in any decisions about us.
- ▶ The Government must make sure that it supports the work of organisations that are run by women with disability themselves, like Women With Disabilities Australia (WWDA). This means making sure that Government provides enough money to WWDA (and organisations like WWDA), so that we can do our work properly, support more women to join and become actively involved, and work to make sure that women and girls with disability can enjoy all their human rights.
- ▶ The Government is not allowed to make decisions about women and girls with disability without asking us what we think. The Government must work with women and girls with disability and get our advice on solutions and how to make things better for all women and girls with disability.
- ▶ Governments have to take extra actions, do extra work, and spend extra money, to make sure that all women and girls with disability can fully enjoy all their human rights.
- ▶ Governments must get rid of any laws, policies and practices that prevent women and girls with disability from enjoying ALL their rights in the CRPD. Governments have to change old laws or make new ones which:
  - ▶ All forms of forced sterilisation, forced abortion and forced contraception;
  - ▶ Ban all forms of forced treatments performed on women and girls with disability (such as forced medications, forced psychiatric treatment, forced institutionalisation, forced living arrangements);
  - ▶ Ban all restrictive practices performed on women and girls with disability (things like seclusion, forced isolation, denial of money, use of restraints etc).
- ▶ Governments must include specific actions for women and girls with disability, in all their work and policies to promote the rights of people with disability, of women, of children, of indigenous people’s, of people whose first language isn’t English (or who don’t speak English). Some of these policies include, for example:
  - ▶ National Plan to Reduce Violence Against Women and their Children
  - ▶ National Disability Strategy (NDS);
  - ▶ National Framework for Protecting Australia’s Children 2009-2020;
  - ▶ National Disability Insurance Scheme (NDIS);
  - ▶ Closing the Gap.
- ▶ Governments must collect information and statistics about the rights of women and girls with disability under all articles of the CRPD. This is necessary so that women with disability, governments, and the United Nations can see, over time, whether the situation is improving for all women and girls with disability.

## WHAT IT MEANS: CRPD ARTICLE 6

- ▶ Governments have to do whatever is needed to build the confidence, skills and knowledge of all women and girls with disability, and especially those women and girls with disability who haven't been allowed to make their own decisions. This includes making money available for programs that help women and girls with disability to develop their self-esteem and confidence, and teach them about how to make choices and how to make their own decisions.
- ▶ Governments must provide money and support for urgent work, in consultation with women and girls with disability, to promote the human rights of women and girls with disability in the following priority areas:
  - ▶ The elimination of all types of violence;
  - ▶ Respect for home and the family;
  - ▶ Sexual health and reproductive rights;
  - ▶ Health;
  - ▶ Employment;
  - ▶ Decision-making and participation;
  - ▶ Education;
  - ▶ Education,
  - ▶ Access to justice.
- ▶ Governments must make sure that all public and private services (like hospitals, doctors surgeries, crisis services, legal services, child care centres etc) are fully accessible, affordable, and appropriate for all women and girls with disability.
- ▶ Governments must make sure that people like judges, lawyers, doctors, nurses, disability workers, teachers, social workers, prison workers, all have proper training about the human rights of women and girls with disability. This training has to be compulsory.
- ▶ Governments must provide money for research about the human rights of women and girls with disability. Governments have to make sure that women with disability are fully involved in research at all levels (including as researchers). Governments must ask and consult women and girls with disability to get advice about the important issues that need to be researched.
- ▶ Governments must make sure that organisations that are run by women with disability themselves (like WWDA) can be represented at important relevant international meetings and Conferences (like at the United Nations). This means making sure that WWDA (and organisations like WWDA), have enough money for international travel and accommodation, as well as all other reasonable adjustment costs.

## 5.3 APPLYING THE CRPD TO THE KEY ISSUES: VIOLENCE

The CRPD contains several provisions specifically regarding violence, abuse and neglect, as well as provisions relating to freedom from torture and ill-treatment. Two of the key articles within the CRPD that are particularly important to women and girls with disability in relation to violence are *Article 16: Freedom from exploitation, violence and abuse* and *Article 15: Freedom from torture or cruel, inhuman or degrading treatment or punishment*.

### CRPD ARTICLE 16 - FREEDOM FROM EXPLOITATION, VIOLENCE AND ABUSE

States Parties shall take all appropriate legislative, administrative, social, educational and other measures to protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse, including their gender-based aspects.

States Parties shall also take all appropriate measures to prevent all forms of exploitation, violence and abuse by ensuring, inter alia, appropriate forms of gender- and age-sensitive assistance and support for persons with disabilities and their families and caregivers, including through the provision of information and education on how to avoid, recognize and report instances of exploitation, violence and abuse. States Parties shall ensure that protection services are age-, gender- and disability-sensitive.

In order to prevent the occurrence of all forms of exploitation, violence and abuse, States Parties shall ensure that all facilities and programmes designed to serve persons with disabilities are effectively monitored by independent authorities.

States Parties shall take all appropriate measures to promote the physical, cognitive and psychological recovery, rehabilitation and social reintegration of persons with disabilities who become victims of any form of exploitation, violence or abuse, including through the provision of protection services. Such recovery and reintegration shall take place in an environment that fosters the health, welfare, self-respect, dignity and autonomy of the person and takes into account gender- and age-specific needs.

States Parties shall put in place effective legislation and policies, including women- and child-focused legislation and policies, to ensure that instances of exploitation, violence and abuse against persons with disabilities are identified, investigated and, where appropriate, prosecuted.

### WHAT IT MEANS: CRPD ARTICLE 16

There are many things that governments have to do in order to implement CRPD Article 16. Here are just some examples of things they have know and have to do:

- ▶ Governments must protect people with disability, especially women and girls with disability from all types of violence, no matter where the violence happens and no matter who perpetrates the violence.
- ▶ Governments must protect people with disability from violence in institutions and other places like boarding houses; group homes; workplaces; respite care services; day centres; recreation programs; mental health facilities; hostels; supported accommodation; prisons; schools; out-of-home care; special schools; boarding schools; school buses; hospitals; juvenile justice facilities; disability services; and aged care facilities.
- ▶ Governments must make changes to laws like domestic violence laws, to make sure that people with disability are included in the laws, and have the same protection as everyone else.
- ▶ Governments must make sure that places likes institutions and disability services are regularly inspected and checked by independent people who can investigate and take action on any type of violence that occurs.

#### WHAT IT MEANS: CRPD ARTICLE 16 (CONT.)

- ▶ Governments must make sure that all people with disability, especially women and girls with disability, have accessible and appropriate information and education so that they know what violence is, how to protect themselves from violence, and how to get help if they need it.
- ▶ Governments must put services in place that can help people with disability, especially women and girls with disability. Violence services, like crisis services and women's refuges have to know about disability and make sure that women with disability and their children can use these services.
- ▶ If a person with disability has experienced any sort of violence or abuse, then the government must make sure that the person can get whatever they require in order to help them heal or try to recover. Anything that the person needs, like counseling or legal help, has to be provided free of charge.
- ▶ Governments must include people with disability, especially women and girls with disability, in all their work and policies to prevent violence against women, including for example, the Australian Government's 12 year National Plan to Reduce Violence Against Women and their Children.
- ▶ Governments must include people with disability, especially women and girls with disability, in all their work and policies to advance the rights of people with disability, including for example, the Australian Government's 10 year National Disability Strategy (NDS).
- ▶ If a person with disability reports any sort of violence or abuse, then the government must make sure that the police and legal system does a proper investigation and that if the perpetrators are found guilty, they are punished.

#### CRPD ARTICLE 15 - FREEDOM FROM TORTURE OR CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his or her free consent to medical or scientific experimentation.

States Parties shall take all effective legislative, administrative, judicial or other measures to prevent persons with disabilities, on an equal basis with others, from being subjected to torture or cruel, inhuman or degrading treatment or punishment.

#### WHAT IT MEANS: CRPD ARTICLE 15

There are many things that governments have to do in order to implement CRPD Article 15. Here are just some examples of things they have know and have to do:

- ▶ Addressing and preventing all forms of torture and ill-treatment against people with disability is something that Governments must do immediately. It has to be a priority job for the Government.
- ▶ Governments must immediately make a national law to prevent children with disability from being sterilised. The law must say that no child can be sterilised unless it is needed to save the child's life. The law should also say that no child can be taken out of Australia to be sterilised.
- ▶ Governments must immediately make a national law to prevent women with disability from being sterilised without their prior, informed consent. The law should also say that no woman with disability can be taken out of Australia to be sterilised without her prior, informed consent.
- ▶ Governments must not lock people with disability up in prisons when they haven't been convicted of a crime.
- ▶ Governments must make laws to stop the use of restraints and restrictive practices on people with disability.
- ▶ Governments must make laws to stop all forms of forced treatment of people with disability.

#### WHAT IT MEANS: CRPD ARTICLE 15 (CONT.)

- ▶ Governments must set up a special independent office that keeps a close check on places like institutions, disability services, prisons and detention centres, and that can investigate and take action on any type of torture or ill-treatment that occurs to people with disability.
- ▶ Governments must make sure that there are laws and policies in place to stop women with disability from being forced to take contraceptive medication without their prior, informed consent.
- ▶ The Government must make a national plan to close all residential institutions for people with disability, and give people with disability the support they need to live in the community.

## 5.4 APPLYING THE CEDAW TO THE KEY ISSUES: VIOLENCE

Although the CEDAW Convention does not specifically mention “violence” against women, the CEDAW Committee has explained in detail, that the Convention includes violence against women and girls because violence is one of the most serious forms of discrimination against women.<sup>17</sup> The CEDAW Committee has made it clear that discrimination against women (as defined in *Article 1* of the Convention), includes gender-based violence, that is, ‘violence which is directed against a woman because she is a woman or that affects women as individuals and as a group more than others’.

#### CEDAW ARTICLE 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

- ▶ To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;
- ▶ To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
- ▶ To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- ▶ To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
- ▶ To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
- ▶ To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
- ▶ To repeal all national penal provisions which constitute discrimination against women.

## WHAT IT MEANS: CEDAW ARTICLE 2

There are many things that governments have to do in order to implement CEDAW Article 2. Here are just some examples of things they have know and have to do in relation to violence against women and girls:

- ▶ Addressing and preventing all forms of violence against women is something that Governments must do immediately. It has to be a priority job for the Government.
- ▶ Governments have to stop all types of violence that is perpetrated against women and girls. This means they have stop domestic violence and sexual assault, but they also have to stop other types of violence that women and girls with disability experience, like forced sterilisation, forced abortion, forced contraception, violence perpetrated by carers or support staff, restraint and seclusion, withholding support or medication, sexual violence in institutions, and so on.
- ▶ Governments must immediately make a national law to prevent girls with disability from being sterilised. The law must say that no girl can be sterilised unless it is needed to save her life. The law should also say that no girl can be taken out of Australia to be sterilised.
- ▶ Governments must immediately make a national law to prevent women with disability from being sterilised without their prior, informed consent. The law should also say that no woman with disability can be taken out of Australia to be sterilised without her prior, informed consent.
- ▶ Governments must do extra work to address and prevent violence against women and girls with disability. This means Governments have to make extra money available to help stop all types of violence against women and girls with disability.
- ▶ Governments have to make sure that women and girls with disability are included in any work the Government does to prevent violence against women, especially in laws, policies, and services.
- ▶ Governments have to set up and run awareness-raising programs that tell everyone about all types of violence against women, including women and girls with disability.
- ▶ Governments must make sure that people like judges, lawyers, doctors, nurses, disability workers, teachers, social workers, prison workers, all have proper training about all types of violence against women and girls with disability. This training has to be compulsory.
- ▶ Governments must provide 24-hour crisis and support services for all women who experience any type of violence. These services have to be fully accessible to all women and their children. This includes women with disability.
- ▶ Governments have to make sure that accessible information about violence against women and how to get help is developed and made available to everyone. The Government has to do extra work to make sure that this information gets out to women with disability and also to indigenous women and women who don't speak English.
- ▶ Governments have to make sure that all women have equal access to the legal system and must make sure that legal policies and procedures are changed so that women with disability have the same access to the legal system as other women.

## 5.5 APPLYING THE CRPD TO THE KEY ISSUES: DECISION-MAKING

The CRPD has several provisions that deal with the right of people with disability to make their own decisions. A key article within the CRPD that is particularly important to women and girls with disability regarding this issue is *Article 12: Equal recognition before the law*.

### CRPD ARTICLE 12: EQUAL RECOGNITION BEFORE THE LAW

States Parties reaffirm that persons with disabilities have the right to recognition everywhere as persons before the law.

States Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life.

States Parties shall take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity.

States Parties shall ensure that all measures that relate to the exercise of legal capacity provide for appropriate and effective safeguards to prevent abuse in accordance with international human rights law. Such safeguards shall ensure that measures relating to the exercise of legal capacity respect the rights, will and preferences of the person, are free of conflict of interest and undue influence, are proportional and tailored to the person's circumstances, apply for the shortest time possible and are subject to regular review by a competent, independent and impartial authority or judicial body. The safeguards shall be proportional to the degree to which such measures affect the person's rights and interests.

Subject to the provisions of this article, States Parties shall take all appropriate and effective measures to ensure the equal right of persons with disabilities to own or inherit property, to control their own financial affairs and to have equal access to bank loans, mortgages and other forms of financial credit, and shall ensure that persons with disabilities are not arbitrarily deprived of their property.

### WHAT IT MEANS: CRPD ARTICLE 12

There are many things that governments have to do in order to implement CRPD Article 12. Here are just some examples of things they have know and have to do:

- ▶ People with disability have the right to make their own decisions.
- ▶ Governments must make sure that all people with disability have the opportunity to make their own choices and decisions about all aspects of their lives. This includes opportunities to make new friends, build social networks, choose where and how they live, get an education, get a meaningful job.
- ▶ People with disability are allowed to live independently in the community, make their own choices and have control over the everyday lives, the same as everyone else. Governments have to make sure that this happens.
- ▶ Governments have to do whatever is needed to build the confidence, knowledge and skills of all people with disability, but especially those people with disability who haven't been allowed to make their own decisions. This includes making money available for programs that help people with disability to develop their self-esteem and confidence, and teach them about how to make choices and how to make their own decisions.
- ▶ Governments must change laws, or make new laws, to say that people with disability are allowed to make their own decisions. The laws should also say that people with disability are allowed to have whatever supports they need so that they can make their own decisions.

#### WHAT IT MEANS: CRPD ARTICLE 12 (CONT.)

- ▶ Governments must get rid of laws and practices that stop people with disability from being allowed to make decisions for themselves. This means that the Government has to get rid of guardianship laws (which let other people make decisions about a person with disability) and replace them with supported decision-making laws (which let people with disability make their own decisions with support if they need it).
- ▶ Nobody, not even a doctor, or a judge, or a parent, is allowed to give consent on behalf of a person with disability (unless it's a life saving emergency and it's what the person with disability would want).
- ▶ People with disability have the same rights as everyone else to vote, to get married, to have a partner, to have a relationship, and to have children. Nobody else is allowed to interfere with these rights, not even a mum or dad.
- ▶ The Government has to provide support to people with disability if they need help to make decisions in their life. There's lots of different ways the Government can make sure people with disability get the supports they need. It could be things like making sure the person with disability has an advocate of their choice to help them, or it could be things like making the bank develop accessible information for people with disability so that they know how to open a bank account.
- ▶ If it's not possible to work out what a person with disability wants, then the Government has to make sure that any decisions made about people with disability respect their human rights. For example, if the parents of a woman with disability want her to be sterilised, and is not possible to work out what the woman wants, then such a procedure is not allowed to happen. This is because international human rights law says that women with disability cannot be sterilised unless they, are they alone, give their consent.



## 5.6 APPLYING THE CEDAW TO THE KEY ISSUES: DECISION-MAKING

The right of women and girls to make their own decisions is critically important in CEDAW and, along with participation, underpins the Convention. A key article within CEDAW that is particularly important to women and girls with disability regarding decision-making rights is *Article 15*.

### **CEDAW ARTICLE 15**

States Parties shall accord to women equality with men before the law.

States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.

States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

### **WHAT IT MEANS: CEDAW ARTICLE 15**

There are many things that governments have to do in order to implement CEDAW Article 15. Here are just some examples of things they have know and have to do:

- ▶ Governments must make sure that all women and girls have exactly the same rights as men and boys. Women can't be treated any differently just because they're women. Women and girls with disability have the same rights same as all other women. The Government has to make sure that women with disability have the same rights as other women.
- ▶ Nobody is allowed to interfere with women's rights. The Government has to change old laws or make new ones to make sure that women have the same rights as men.
- ▶ Women are allowed to go wherever they want and they are allowed to choose where they want to live and who they want to live with.
- ▶ Women are allowed to own their own things, have their own bank account, or rent or buy a house by themselves. Men are not allowed to be in charge of women and the Government has to make sure that all women are free and equal. The Government has to make sure that all women know about their rights.
- ▶ The Government has to run awareness campaigns, like ads on TV and on the web, to make sure that everyone knows that women have the same rights as men.
- ▶ The Government has to teach judges, lawyers, teachers, doctors and other workers about women's human rights including the rights of women and girls with disability.

## 5.7 APPLYING THE CRPD TO THE KEY ISSUES: PARTICIPATION

Effective and meaningful participation of all people with disability is at the core of the CRPD.<sup>18</sup> The Convention treats ‘participation’ as a crosscutting issue, which means that EVERY article in the CRPD has to be implemented with the participation of people with disability. The CRPD makes it clear that people with disability are the ones who know best about how the CRPD should be implemented.

### CRPD ARTICLE 4 - GENERAL OBLIGATIONS

In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations.

#### WHAT IT MEANS: CRPD ARTICLE 4

- ▶ There are many things that governments have to do in order to implement CRPD Article 4. Here are just some examples of things they have know and have to do:
- ▶ The Government is not allowed to make decisions about people with disability without asking us what we think. The Government must work with people with disability and get our advice on how to make things better for all people with disability.
- ▶ Governments must work closely with organisations that are run by people with disability themselves. These organisations are often called “Disabled People’s Organisations” or “DPO’s” for short. Organisations that are run by parents or carers of people with disability are important too, but the Government must work directly with DPO’s because they are the direct voice of people with disability.

### CRPD ARTICLE 29 - PARTICIPATION IN POLITICAL AND PUBLIC LIFE

States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake to:

Ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected, inter alia, by:

- ▶ Ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use;
- ▶ Protecting the right of persons with disabilities to vote by secret ballot in elections and public referendums without intimidation, and to stand for elections, to effectively hold office and perform all public functions at all levels of government, facilitating the use of assistive and new technologies where appropriate;
- ▶ Guaranteeing the free expression of the will of persons with disabilities as electors and to this end, where necessary, at their request, allowing assistance in voting by a person of their own choice;

### **CRPD ARTICLE 29 - PARTICIPATION IN POLITICAL AND PUBLIC LIFE (CONT.)**

- ▶ Promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs, including:
  - ▶ Participation in non-governmental organizations and associations concerned with the public and political life of the country, and in the activities and administration of political parties;
  - ▶ Forming and joining organizations of persons with disabilities to represent persons with disabilities at international, national, regional and local levels.

### **WHAT IT MEANS: CRPD ARTICLE 19**

There are many things that governments have to do in order to implement CRPD Article 29. Here are just some examples of things they have know and have to do:

- ▶ Governments have to make sure that all adults with disability can vote in any sort of election, like the Federal Election, and/or State/Territory elections, or local Council elections.
- ▶ Every adult with a disability is allowed to vote. For example, if a person has an intellectual disability or lives in a group home, they are still allowed to vote. The Government has to make sure that people with disability are given whatever supports they need in order to vote.
- ▶ The Government has to make sure that all voting places are fully accessible. They also need to make lots of accessible information available so that all people with disability can understand and participate in elections.
- ▶ People with disability are allowed to be a politician or be a Councilor on their local Council if they want to. No-one is allowed to stop a person with disability from seeking this.
- ▶ Governments have to make sure that all adults with disability can participate as members of a jury if they are asked to perform this role. The Government has to make sure that people with disability are given whatever supports they need in order to be able to participate as a member of a jury.
- ▶ Governments must make sure that they support the establishment and work of DPO's. This means they have to give DPO's enough money so that DPO's can do their work properly, and so that DPO's can encourage more people with disability to join and become actively involved in the DPO.

## 5.8 APPLYING THE CEDAW TO THE KEY ISSUES: PARTICIPATION

The importance of women's participation in decision-making at all levels underpins the CEDAW Convention. CEDAW further requires governments to take additional, special measures for women who experience lots of discrimination, including women and girls with disability.

### **CEDAW ARTICLE 7**

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- ▶ To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
- ▶ To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
- ▶ To participate in non-governmental organizations and associations concerned with the public and political life of the country.

### **WHAT IT MEANS: CEDAW ARTICLE 7**

There are many things that governments have to do in order to implement CEDAW Article 7. Here are just some examples of things they have know and have to do:

- ▶ Governments have to make sure that all women, including women with disability, can vote in any sort of election, like the Federal Election, and/or State/Territory elections, or local Council elections.
- ▶ The Government is not allowed to make decisions about women with disability without asking us what we think. The Government must work with women with disability and get our advice on how to make things better for all women and girls with disability.
- ▶ Governments must work closely with organisations that are run by women with disability themselves, like Women With Disabilities Australia (WWDA). WWDA is also a DPO, because it is run by, managed by, and made up of, women and girls with disability. The Government must work directly with WWDA because it is the direct voice of women and girls with disability, and we have a right to be involved in any decisions about us.
- ▶ Governments have to make sure that all women, including women with disability, are allowed to be a politician or be a Councilor on their local Council if they want to. The Government has to do extra work to make sure that politicians aren't all men, and that there is an equal number of women who are politicians.
- ▶ The Government has to run awareness campaigns, like ads on TV and on the web, to make sure that everyone knows that women have the same rights as men, and to encourage more women (including women with disability) to get involved in politics.
- ▶ Governments must make sure that they support the establishment and work of non-government organisations (NGO's) of women (like WWDA). This means they have to give women's NGO's enough money so that the NGO's can do their work properly, and so that NGO's can encourage more women to join and become actively involved.
- ▶ Governments must make sure that they do extra work and provide extra money to help support women's NGO's that represent women who experience many types of discrimination, such as women and girls with disability, Indigenous women, and women who don't speak English, or whose first language isn't English.

## 5.9 APPLYING THE CRPD TO THE KEY ISSUES: SEXUAL AND REPRODUCTIVE RIGHTS

The CRPD contains several provisions regarding sexual and reproductive rights. A very important CRPD article for women and girls with disability in relation to sexual and reproductive rights is *Article 23: Respect for home and family*.

### CRPD ARTICLE 23 - RESPECT FOR HOME AND THE FAMILY

States Parties shall take effective and appropriate measures to eliminate discrimination against persons with disabilities in all matters relating to marriage, family, parenthood and relationships, on an equal basis with others, so as to ensure that:

- ▶ The right of all persons with disabilities who are of marriageable age to marry and to found a family on the basis of free and full consent of the intending spouses is recognized;
- ▶ The rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children and to have access to age-appropriate information, reproductive and family planning education are recognized, and the means necessary to enable them to exercise these rights are provided;
- ▶ Persons with disabilities, including children, retain their fertility on an equal basis with others.

States Parties shall ensure the rights and responsibilities of persons with disabilities, with regard to guardianship, wardship, trusteeship, adoption of children or similar institutions, where these concepts exist in national legislation; in all cases the best interests of the child shall be paramount. States Parties shall render appropriate assistance to persons with disabilities in the performance of their child-rearing responsibilities.

States Parties shall ensure that children with disabilities have equal rights with respect to family life. With a view to realizing these rights, and to prevent concealment, abandonment, neglect and segregation of children with disabilities, States Parties shall undertake to provide early and comprehensive information, services and support to children with disabilities and their families.

States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. In no case shall a child be separated from parents on the basis of a disability of either the child or one or both of the parents.

States Parties shall, where the immediate family is unable to care for a child with disabilities, undertake every effort to provide alternative care within the wider family, and failing that, within the community in a family setting.

## WHAT IT MEANS: CRPD ARTICLE 23

There are many things that governments have to do in order to implement CRPD Article 23. Here are just some examples of things they have know and have to do:

- ▶ People with disability have the same rights as everyone else to get married, to have a partner, to have a relationship, and to have children. Nobody else is allowed to interfere with these rights, not even a mum or dad. The Government has to change old laws or make new ones to make sure that people with disability can have these rights in practice.
- ▶ People with disability can have children if they want to. Nobody is allowed to force a woman with a disability to have an abortion.
- ▶ The Government needs to make sure that all people with disability have accessible education and information about all aspects of their sexual and reproductive rights, and that they can access sexual and reproductive health services and support.
- ▶ People with disability can have intimate relationships and can have sex with whoever they want to, as long as the person with disability understands and consents. This includes people with disability who live in group homes and other types of institutions. The Government needs to make sure that people with disability have the same rights to sex and intimacy as everyone else.
- ▶ People with disability are allowed to explore their sexuality and sexual identity the same as everyone else can. This means that people with disability can be whatever they want to be: gay, straight, bi-sexual and so on. No-one is allowed to interfere with the right of a person with disability to express and enjoy their sexuality.
- ▶ Women with disability are allowed to access sex-workers if they want to. This includes women with disability who live in group homes and other sorts of institutions. The Government must make sure that people with disability who are participants in the National Disability Insurance Scheme (NDIS) are able to use their NDIS funding to enjoy their sexual rights.
- ▶ Governments must immediately make a national law to prevent children with disability from being sterilised. The law must say that no child can be sterilised unless it is needed to save the child's life. The law should also say that no child can be taken out of Australia to be sterilised.
- ▶ Governments must immediately make a national law to prevent women with disability from being sterilised without their prior, informed consent. The law should also say that no woman with disability can be taken out of Australia to be sterilised without her prior, informed consent.
- ▶ Governments must make sure that there are laws and policies in place to stop women with disability from being forced to take contraceptive medication without their prior, informed consent.
- ▶ Governments must make sure that there are services and supports available and accessible to help parents with disability in having and raising their children.
- ▶ The Government must make sure that babies and children of parents with disability are not taken away from their parents just because one or both of the parents has a disability. The Government must change old laws or make new ones so that parents with disability have the same rights as other parents.

## 5.10 APPLYING THE CEDAW TO THE KEY ISSUES: SEXUAL AND REPRODUCTIVE RIGHTS

CEDAW also has certain provisions relating to sexual and reproductive rights. An important CEDAW article for women and girls with disability in the area of sexual and reproductive rights is *Article 16*.

### CEDAW ARTICLE 16

States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

- ▶ The same right to enter into marriage;
- ▶ The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
- ▶ The same rights and responsibilities during marriage and at its dissolution;
- ▶ The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
- ▶ The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
- ▶ The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;
- ▶ The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;
- ▶ The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

### WHAT IT MEANS: CEDAW ARTICLE 16

There are many things that governments have to do in order to implement CEDAW Article 16. Here are just some examples of things they have know and have to do:

- ▶ All adult women, including women with disability are allowed to get married or have a partner if they want to.
- ▶ No woman can be forced to get married or to have a partner if she doesn't want to. The Government has to make sure there are laws in place to protect all women from forced marriage or forced de-facto arrangements. The Government has to make sure that accessible information, including information in other languages, is available to all women to explain these rights.
- ▶ Women and men have the same rights when they are married or enter into a relationship. A woman does not lose any of her human rights just because she gets married or enters into a relationship.
- ▶ All adult women, including women with disability are in charge of their own body and can make their own decisions about whether and if they want to have children, and how many children they want to have.

#### WHAT IT MEANS: CEDAW ARTICLE 16 (CONT.)

- ▶ Women have the right to terminate a pregnancy (have an abortion) if they need to. This is the woman's decision and the Government must make sure that all women have access to free and safe abortion. The Government must change old laws or make new ones that say that abortion is an issue concerning women's health and women's rights, and is not a criminal act if the woman provides her free and informed consent to the procedure.
- ▶ The parents of any child or children have to take full shared responsibility for raising the child or children.
- ▶ Women can go to work or study if they want to after they have a child. The Government must provide child care services so that women can work and/or study and all child care services must be fully accessible and affordable for women with disability.
- ▶ Women are allowed to own their own things, have their own bank account, or rent or buy a house by themselves. Men are not allowed to be in charge of women and the Government has to make sure that all women are free and equal. The Government has to make sure that all women know about their human rights.
- ▶ Nobody is allowed to force a woman with a disability to have an abortion.
- ▶ The Government needs to make sure that all women and girls with disability have accessible education and information about all aspects of their sexual and reproductive rights, and that they can access sexual and reproductive health services and support.
- ▶ Governments must immediately make a national law to prevent girls with disability from being sterilised. The law must say that no girl can be sterilised unless it is needed to save her life. The law should also say that no girl can be taken out of Australia to be sterilised.
- ▶ Governments must immediately make a national law to prevent women with disability from being sterilised without their prior, informed consent. The law should also say that no woman with disability can be taken out of Australia to be sterilised without her prior, informed consent.



## 5.11 APPLYING THE CRPD TO THE KEY ISSUES: EMPLOYMENT

The CRPD contains several provisions regarding the right to work and to employment. A very important CRPD article for women and girls with disability in relation to employment rights is *Article 27: Work and employment*.

### CRPD ARTICLE 27 - WORK AND EMPLOYMENT

States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. States Parties shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation, to, inter alia:

- ▶ Prohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions;
- ▶ Protect the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances;
- ▶ Ensure that persons with disabilities are able to exercise their labour and trade union rights on an equal basis with others;
- ▶ Enable persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training;
- ▶ Promote employment opportunities and career advancement for persons with disabilities in the labour market, as well as assistance in finding, obtaining, maintaining and returning to employment;
- ▶ Promote opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one's own business;
- ▶ Employ persons with disabilities in the public sector;
- ▶ Promote the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programmes, incentives and other measures;
- ▶ Ensure that reasonable accommodation is provided to persons with disabilities in the workplace;
- ▶ Promote the acquisition by persons with disabilities of work experience in the open labour market;
- ▶ Promote vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities.

States Parties shall ensure that persons with disabilities are not held in slavery or in servitude, and are protected, on an equal basis with others, from forced or compulsory labour.

### WHAT IT MEANS: CRPD ARTICLE 27

There are many things that governments have to do in order to implement CRPD Article 27. Here are just some examples of things they have know and have to do:

- ▶ People with disability are entitled, just like everyone else, to choose the job they want. This means that people with disability have the right to a meaningful job, not just any job.

#### WHAT IT MEANS: CRPD ARTICLE 27 (CONT.)

- ▶ Governments have to do everything necessary to make sure that people with disability are treated with respect and dignity when looking for a job and once they get a job.
- ▶ Governments have to make sure that places where people with disability work or study are safe and healthy. This includes making sure that women with disability in the workplace are safe from all types of violence, exploitation and harassment.
- ▶ People with disability have the right to be paid properly for the work they do.
- ▶ Governments have to do extra work to make sure that women with disability can look for a job, get a job, and be safe in a job. This means that Governments have to do extra work and spend extra money to fix many of the problems that prevent women with disability from getting a job, such as: violence, sexual assault, unsafe workplaces, insecure and unaffordable housing, poor or no transport, lack of personal care services and support, and much more.
- ▶ The Government must shut down for good, all sheltered workshops (also called “Australian Disability Enterprises” or ADE’s for short). The Government must change the laws or make new laws to say that all people with disability have to be paid proper wages for their work.
- ▶ Governments must make sure that there are good services and support to assist people with disability to find and keep a job. The Government must make sure that national government programs like the Disability Employment Services Program (DES) and the Job Access Program, do more to support and assist women with disability to find and keep a job.
- ▶ Governments have to employ people with disability in all government departments and agencies.
- ▶ Governments have to make sure that people with disability are provided any reasonable accommodations (sometimes called “reasonable adjustments”) they need in order to look for and get a job. This means providing equipment or conditions that enable a person with disability to effectively perform his or her job.
- ▶ Women with disability can go to work or study (or back to work or study) if they want to after they have a child. The Government must provide child care services so that women with disability can work and/or study and all child care services must be fully accessible and affordable.
- ▶ There are many ways that people with disability contribute to the community and to society. Paid work is only one aspect of how people with disability can contribute. People with disability’s “worth” should not be solely viewed in relation to their participation in the paid workforce.

## 5.12 APPLYING THE CEDAW TO THE KEY ISSUES: EMPLOYMENT

The right of all women to work on an equal basis as men, is clearly outlined in the CEDAW Convention through *Article 11*.

### CEDAW ARTICLE 11

States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- ▶ The right to work as an inalienable right of all human beings;
- ▶ The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;
- ▶ The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;
- ▶ The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;
- ▶ The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;
- ▶ The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

- ▶ To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;
- ▶ To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;
- ▶ To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;
- ▶ To provide special protection to women during pregnancy in types of work proved to be harmful to them.

Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

## WHAT IT MEANS: CEDAW ARTICLE 11

There are many things that governments have to do in order to implement CEDAW Article 11. Here are just some examples of things they have know and have to do:

- ▶ All women, including women with disability, have the right to work.
- ▶ Women have the right to do the same jobs as men and have to be treated fairly when they are applying for a job.
- ▶ All women, including women with disability, have the right to choose whatever job or career or study they want to.
- ▶ Women have to be paid the same salary and wages as men who do the same job. A woman cannot be paid less just because she is a woman.
- ▶ Women have the right to a safe and healthy workplace and environment including when they are pregnant or seeking to become pregnant. This also includes the right to a workplace that is safe from all types of violence, exploitation, harassment and other forms of discrimination. Governments have to make sure there are laws in place that protect these rights.
- ▶ Governments have to make news laws or change old laws to make sure that women are entitled to maternity leave. They also have to have laws in place that say women cannot be sacked from their job, or discriminated against in any way, because of pregnancy, childbirth (or adoption), or maternity leave.
- ▶ Women can go to work or study (or back to work or study) if they want to after they have a child. The Government must provide child care services so that women can work and/or study and all child care services must be fully accessible and affordable.





# ACHIEVING CHANGE

## HUMAN RIGHTS 6

### 6.1 WHAT CHANGE DO YOU WANT TO ACHIEVE?

If you are ready to stand up for your rights and the human rights of other women and girls with disability, and ready to let people know that the situation must change, then you are an advocate!

Women with Disabilities Australia (WWDA) has identified some changes that we believe need to happen about the following important issues identified by women and girls with disability in Australia:

- ▶ Violence and abuse
- ▶ Decision-making
- ▶ Participation
- ▶ Sexual and reproductive rights
- ▶ Employment

You might like to take action to help WWDA to achieve change and use our suggestions listed below.

Or you might have other ideas and solutions to help achieve change and improve your life and the lives of other women and girls with disability in these important areas of life. If you have new ideas or solutions, please let us know! It is important that we share ideas and solutions so that we can support each other and all ask for the same changes. We are stronger together.

## 6.2 VIOLENCE – WWDA RECOMMENDATIONS FOR CHANGE

Here are solutions that WWDA is asking for to make sure that all women and girls with disability can enjoy their right to live free from all forms of violence and abuse.

- ▶ WWDA is asking the Australian Government to urgently establish a Royal Commission into Violence Against People with Disability. A parliamentary committee also recently asked for this after an inquiry into ‘Violence, abuse and neglect against people with disability in institutional and residential settings’ in 2015.
- ▶ WWDA is asking the Australian Government to immediately set up an independent national protection agency. The agency should protect, investigate and enforce decisions in relation to all forms of violence against people with disability. The agency must be able to protect all people with disability in all places that people with disability live or receive services. The agency must be able to take action against all people who hurt people with disability.
- ▶ WWDA is asking the Law, Crime and Community Safety Council (LCCSC) to work with the Council of Australian Governments (COAG) to make sure there are laws in every state and territory that make it illegal to sterilise children, and make it illegal to sterilise adults with disability unless the adults with disability have been given all the information they need to make their own decision to agree to be sterilised before the operation takes place.
- ▶ WWDA is asking the Australian Government to urgently fund the development of a range of accessible and appropriate information resources and materials on violence against women and girls with disability. Resources are needed for women with disability themselves; frontline workers and other professionals; family, support persons, advocates and friends; and the broader community.
- ▶ WWDA is asking the Council of Australian Governments (COAG) to update the National Plan to Reduce Violence Against Women and their Children 2010-2022 to make sure it includes all forms of violence against women, by all people who hurt women with disability, in all places that women with disability live or receive services.
- ▶ WWDA is asking the Council of Australian Governments (COAG) to make sure that actions that will help women and girls with disability experiencing any form of violence will be made a priority in future Implementation Plans of the National Disability Strategy (NDS) 2010-2020.
- ▶ WWDA is asking the Australian Government to provide long-term financial support to human rights based organisations run by, and for women and girls with disability. The funding is urgently needed to help pay bills, employ staff, and provide resources for capacity building and violence prevention.
- ▶ WWDA is asking the Australian Government to ensure decision-making, participation and capacity building of women and girls with disability are central to all efforts to end violence against women.
- ▶ WWDA is asking the Australian Government to fund a comprehensive assessment of the situation of women and girls with disability. This is essential so that information can be collected about the lives of women and girls with disability now and compared to information collected in the future to see if life is getting better or worse for women and girls with disability. This information can help answer questions about whether new policies and laws are working and whether women and girls with disability are enjoying all their human rights.
- ▶ WWDA is asking the Australian Government to immediately withdraw its statements (called Interpretative Declarations) that weaken the legal protections of Article 12 [Equal recognition before the law] and Article 17 [Protecting the integrity of the person] and Article 18 [Liberty of movement and nationality] of the Convention on the Rights of Persons with Disabilities.

## 6.3 DECISION-MAKING – WWDA RECOMMENDATIONS FOR CHANGE

Here are solutions that WWDA is asking for to make sure that all women and girls with disability enjoy their right to make decisions.

- ▶ WWDA is asking the Australian Government to take up and promote all necessary actions to develop, advance and empower women and girls with disability. This includes by recognising women and girls with disability as holders of rights; providing women and girls with disability opportunities to speak up and for individual choice and action; improving self-confidence; and increasing the power and authority of women and girls with disability to make decisions in all areas of their lives.
- ▶ WWDA is asking the Australian Government to get rid of all systems that allow substitute decision-making and deny women and girls with disability the opportunity to make their own decisions. This includes systems that do not recognise the legal capacity of women and girls with disability and systems which treat women and girls with disability unfairly.
- ▶ WWDA is asking the Australian Government to make sure decision-making, including supported decision-making, participation and capacity building of women and girls with disability are included in all policy and programs relevant to women and girls with disability.
- ▶ WWDA is asking the Australian Government to fund a comprehensive assessment of the situation of women and girls with disability. This is essential so that information can be collected about the lives of women and girls with disability now and compared to information collected in the future to see if life is getting better or worse for women and girls with disability. This information can help answer questions about whether new policies and laws are working and whether women and girls with disability are enjoying all their human rights.
- ▶ WWDA is asking the Australian Government to provide long-term financial support to human rights based organisations run by, and for women and girls with disability. The funding is urgently needed to help pay bills, employ staff, and provide resources for capacity building
- ▶ WWDA is asking the Australian Government to make sure that all government departments and agencies at all levels, provide accurate and accessible information concerning issues relevant to women and girls with disability which can support women and girls with disability to make informed decisions and choices.
- ▶ WWDA is asking the Australian Government to immediately withdraw its statements (called Interpretative Declarations) that weaken the legal protections of Article 12 [Equal recognition before the law] and Article 17 [Protecting the integrity of the person] and Article 18 [Liberty of movement and nationality] of the Convention on the Rights of Persons with Disabilities

## 6.4 PARTICIPATION – WWDA RECOMMENDATIONS FOR CHANGE

Here are solutions that WWDA is asking for to make sure that all women and girls with disability enjoy their right to participate.

- ▶ WWDA is asking the Australian Government to provide 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.
- ▶ WWDA is asking the Australian Government to ensure decision-making, participation and capacity building of women and girls with disability are integral to all policy and programmatic efforts to end violence against women.
- ▶ WWDA is asking the Australian Government to fund a comprehensive assessment of the situation of women and girls with disability. This is essential so that information can be collected about the lives of women and girls with disability now and compared to information collected in the future to see if life is getting better or worse for women and girls with disability. This information can help answer questions about whether new policies and laws are working and whether women and girls with disability are enjoying all their human rights.
- ▶ WWDA is asking the Australian Government to establish and fund through the Council of Australian Governments (COAG) a National ‘Women with Disability Leadership Grants Program.’ This program should provide capacity building opportunities to women with disability and recognise women with disability as having capacity for individual choice and action, with rights and responsibilities. The program should also promote and support women with disability to make choices, take action, have dignity, independence and build confidence.
- ▶ WWDA is asking the Australian Government to make sure that all government departments and agencies at all levels, provide accurate and accessible information concerning issues relevant to women and girls with disability which can support women and girls with disability to meaningfully participate in matters affecting their lives.
- ▶ WWDA is asking the Australian Government to immediately withdraw its statements (called Interpretative Declarations) that weaken the legal protections of Article 12 [Equal recognition before the law] and Article 17 [Protecting the integrity of the person] and Article 18 [Liberty of movement and nationality] of the Convention on the Rights of Persons with Disabilities.

## 6.5 SEXUAL AND REPRODUCTIVE RIGHTS – WWDA RECOMMENDATIONS FOR CHANGE

Here are solutions that WWDA is asking for to make sure that all women and girls with disability enjoy their sexual and reproductive rights.

- ▶ WWDA is asking the Australian Government to use its powers under the Australian Constitution to allow national, legally enforceable laws, to make it illegal to sterilise adults with disability unless the adults with disability have been given all the information they need to make their own decision to agree to be sterilised before the operation takes place.
- ▶ WWDA is asking the Law, Crime and Community Safety Council (LCCSC) to work with the Council of Australian Governments (COAG) to make sure there are laws in every state and territory that make it illegal to sterilise children, and make it illegal to sterilise adults with disability unless the adults with disability have been given all the information they need to make their own decision to agree to be sterilised before the operation takes place.
- ▶ WWDA is asking the Australian Government to urgently develop a range of accessible and appropriate information resources and materials on the sexual and reproductive rights of women and girls with disability. Resources are needed for women with disability themselves; frontline workers and other professionals; family, support persons, advocates and friends; and the broader community. These resources must be developed in consultation with women with disability and organisations that represent women with disability.
- ▶ WWDA is asking the Australian Government to develop a national strategy to improve access for women and girls with disability to mainstream sexual and reproductive health care so that they can access health care just like other women and girls. This strategy must be developed in consultation with women with disability and organisations that represent women with disability.
- ▶ WWDA is asking the Australian Government to develop a national strategy to improve access to disability-inclusive sexual and reproductive health education and information. The strategy must include a focus on improving access to such information for women and girls with disability, regardless of where women and girls with disability live, work or study. This strategy must be developed in consultation with women with disability and organisations that represent women with disability.
- ▶ WWDA is asking the Australian Government, through the Council of Australian Governments (COAG), to organise and fund a national inquiry into the legal, policy and social support environments that allow the removal of babies and children from parents with disability. The forced removal of babies from parent with disabilities happens 10 times more often than for parents without disability.
- ▶ WWDA is asking the Australian Government to establish a national supported decision-making framework that strongly and positively promotes and supports people with disability to have the legal independence to speak for themselves. The framework should be the same in every state and territory across Australia. Supported decision-making mechanisms should also be at the heart of the framework, including the right of women and girls with disability to make free, informed and responsible choices about their bodies, sexual health, reproductive health, intimate and emotional relationships, and parenting.
- ▶ WWDA is asking the Australian Government to immediately revise the National Disability Insurance Scheme (NDIS) (Supports for Participants) Rules 2013 to make it very clear that NDIS participants can use NDIS funding to access supports that allow them to enjoy their sexual and reproductive rights. This includes the right to sexual health information, sexual pleasure, expression, association, and the right to make choices and decisions based on individual likes and dislikes. NDIS implementation frameworks and strategies must be updated at the same time.

## SEXUAL AND REPRODUCTIVE RIGHTS – WWDA RECOMMENDATIONS FOR CHANGE (CONT.)

- ▶ WWDA is asking the Council of Australian Governments (COAG) to make sure that future Implementation Plans of the National Disability Strategy (NDS) 2010-2020 include specific actions focused on women with disability so that women with disability can enjoy their sexual and reproductive rights. The actions must also include specific actions to help women with disability that have experienced abuse of their sexual and reproductive rights. These actions must be a priority in future Implementation Plans.
- ▶ WWDA is asking Australian Government to provide long-term financial support to human rights based organisations run by, and for, women and girls with disability. The funding is urgently needed to help pay bills, employ staff, and resources for capacity building.
- ▶ WWDA is asking the Australian Government to fund a comprehensive assessment of the situation of women and girls with disability. This is essential so that information can be collected about the lives of women and girls with disability now and compared to information collected in the future to see if life is getting better or worse for women and girls with disability. This information can help answer questions about whether new policies and laws are working and if women and girls with disability are enjoying all their human rights.
- ▶ WWDA is asking the Australian Government to immediately withdraw its statements (called Interpretative Declarations) that weaken the legal protections of Article 12 [Equal recognition before the law] and Article 17 [Protecting the integrity of the person] and Article 18 [Liberty of movement and nationality] of the Convention on the Rights of Persons with Disabilities.



## 6.6 EMPLOYMENT – WWDA RECOMMENDATIONS FOR CHANGE

Here are solutions that WWDA is asking for to make sure that all women and girls with disability can enjoy their right to work and an adequate standard of living.

- ▶ WWDA is asking the Australian Government to make sure that future Implementation Plans for the National Disability Strategy at national and state/territory levels include women-specific actions to increase employment participation of women with disability. This must include actions to remove the barriers to employment faced by women with disability.
- ▶ WWDA is asking the Australian Government to make sure all Government funded employment programs and initiatives, such as Job Access and Disability Employment Services (DES), recognise the different barriers and experiences for women with disability and include specific actions to tackle these. This includes the obligation to make sure that all women with disability can enjoy their right to safe and healthy working conditions, including the right to work in settings that are free from all forms of violence, abuse, harassment and exploitation.
- ▶ WWDA is asking the Australian Government to make sure that actions that directly target women are included in future disability employment reforms.
- ▶ WWDA is asking the Australian Government to make sure that policies and programs to increase the number of women looking for and getting work and policies and programs to improve employment outcomes for women include specific actions for women with disability.
- ▶ WWDA is asking the Australian Government to tackle the high rate of violence, abuse, exploitation and unfair treatment of women with disability in both open and supported employment.
- ▶ WWDA is asking the Australian Government to stop funding segregated workplace options.
- ▶ WWDA is asking the Australian Government to close all Australian Disability Enterprises (ADE's).
- ▶ WWDA is asking the Australian Government to unlink disability-related supports and services from income support programs. This will allow women with disability who cannot afford to get or look for a job access to the supports they need.
- ▶ WWDA is asking the Australian Government to organise and fund a national program to help women with disability to have the knowledge, skills and confidence to make responsible decisions about money.
- ▶ WWDA is asking the Australian Government to provide long-term financial support to human rights-based organisations run by, and for women and girls with disability. The funding is urgently needed to help pay bills, employ staff, and provide resources for capacity building and leadership skills development.



# TAKING ACTION 7

## A HUMAN RIGHTS APPROACH

### 7.1 KNOW YOUR RIGHTS

Become familiar with the language of human rights. Think about the problems you experience or that you know other women with disability experience. Use the human rights conventions, such as the Convention on the Rights of Persons with Disabilities (CRPD), to work out which rights are being abused, or not protected.

Use the language of rights every time you communicate with someone about what is happening or what you are concerned about. It is much more powerful to say: “I have the *right* to accessible information about violence against women....” Rather than “I’d *like* some accessible information about violence against women....”.

### 7.2 GET THE FACTS AND RESEARCH THE ISSUE

Get informed about the issue you want to take action on. Read reports, articles, and newspaper articles that discuss the problem. Use WWDA’s reports and materials – they are all available for free on our website, or we can post some of them out to you. Contact organisations or your local Member of Parliament and ask them to provide you with information. Find out if there are any statistics available about the issue. Talk to other women and girls with disability to get their views on the issue. Find out if the Government (either your State/Territory government or the Federal Government) is doing anything about the issue. Learn about what other human rights are connected to the issue.



#### ACCESS WWDA ARTICLES, SUBMISSIONS AND REPORTS

The WWDA website has an extensive range of submissions, articles and reports available for download.

<http://www.wwda.org.au>

### 7.3 STAY INFORMED

Sign up to receive updates, newsletters and action alerts from organisations connected to the specific issue, or human rights generally. Include national and international human rights organisations, Disabled People’s Organisations (DPO’s), and women’s organisations. Search for relevant Facebook groups you could subscribe to. Sign up to relevant newsletters and updates from the United Nations.

## 7.4 DOCUMENT AND RECORD YOUR STORY AND THE STORIES OF OTHERS

Documenting your own story or experiences is a very powerful and important way of taking action to improve the human rights of women and girls with disability. Personal stories have a lot of influence with government officials and politicians. They can be very effective in helping to make changes to government laws and policies that are needed to improve the lives of women and girls with disability. When you share your story with government officials, it allows them to understand the depth and reality of the discrimination and abuses women and girls with disability experience. It also helps them understand how their decisions directly affect the lives of women and girls with disability.

There are many ways you can record your story – you can write it down, or you can have someone write it down for you. You can get someone to video you telling your story. You might want to just audio record your story. You can use all sorts of creative ways to document your story. You can also contact a DPO like WWDA to get advice or assistance on how to document your story. Recording or documenting your story may also encourage other women and girls with disability to take action to improve their human rights.

## 7.5 IDENTIFY THE KEY PEOPLE YOU NEED TO APPROACH

Taking action to improve the human rights of women and girls with disability means knowing who you need to approach with your message. This means knowing who the main “decision-makers” are – the people who have the power to make decisions, such as changing laws and policies, or providing funding for programs and projects to improve the rights of women and girls with disability. In many cases, the decision-makers are our politicians. However, there are also many others who can “influence” the decision makers – for example: people who work in government departments, advisers to Government Ministers, organisations, and of course, the media. You can contact a DPO like WWDA to get advice or assistance on the key people to approach regarding your particular issue. Every state and territory Parliament and also the Australian Parliament provides an up to date contact list (including email addresses and phone numbers) of politicians. These lists are available from the particular Parliament’s website.

Its also important to remember that your local Member of Parliament (MP) is a good person to approach about your issue, but also to get support and assistance. Many local MP’s assist members of their electorate with things like photocopying, letter writing, stationary and so on. You can also contact a Disability Advocacy Organisation (DAO) to assist you in working out the key people you need to approach about your issue or concerns. DAO’s can also help you with things like letter writing, sending emails, making phone calls and so on.



### CONTACT DETAILS FOR MEMBERS OF PARLIAMENT

Contact information for all Federal politicians (<https://goo.gl/9r6f2R>)

Contact information for Local and State/Territory politicians (<https://goo.gl/p6LZ7O>)



### SEARCH FOR DISABILITY ADVOCACY ORGANISATIONS

<http://finder.dss.gov.au/disability/ndap/>

## 7.6 SEND AN EMAIL

If you have access to email, it is a quick and effective way of getting your message to the key decision-makers and other people of influence. Don't make your email too long. Be clear and concise and remember to use human rights language. If you don't have access to email, you can ask someone to send it on your behalf. You can also contact a DPO or a Disability Advocacy Organisation and ask them to send it on your behalf.



### TIPS FOR SENDING AN EMAIL TO A DECISION-MAKER

- ▶ Make sure the email is personalised – addressed and sent to the person you want to receive the email.
- ▶ Briefly describe the issue.
- ▶ Include a brief personal 'story' to describe your experience of the issue.
- ▶ Include some facts about the issue.
- ▶ Describe why change is urgently needed.
- ▶ State clearly what change or changes you are asking for and what you want the person to do

## 7.7 WRITE A LETTER

Personal letters are a very important tool and can be quite influential. Personal letters from an individual woman or girl with disability makes the issue more 'human' and 'real' and can have much more effect than a letter sent from an organisation. Similar to emails, personal letters should also be addressed and sent to the person you want to receive the letter, such as the Minister for Women, or the Minister for Transport.

You can also send a copy of your letter to the Australian Human Rights Commission (AHRC) and relevant DPO's. A personal letter can also be longer than an email, which allows you to provide more details and information.

Remember, if you want to write a letter but aren't sure how to go about it, you can get assistance from a DPO or a Disability Advocacy Organisation.



### NOT SURE WHERE TO START?

- ▶ We have included some sample letters based on the five key issues we have discussed in this toolkit which you can use, adapt or get ideas from. You will find these at **Appendix 8**

## 7.8 MAKE A PHONE CALL OR TWO

Making phone calls to key decision-makers and other people of influence is a useful strategy in raising awareness of the issue and seeking action. Phone calls can be expensive – particularly if you are calling from a mobile phone. If you want to make a phone call to a Member of Parliament or someone who works in a Government Department, tell them you are calling from a mobile, give them your number and ask them to call you straight back. Before making a call, it may be an idea to jot down the key points you want to talk about. These only have to be a sentence or two each or a few bullet points. Preparing beforehand can help you to stay on track if you get nervous or if it is a complex issue.

It is likely that if you make a call to a Member of Parliament's office that you will speak to one of their administration officers or advisors. These people are used to having people call and should be willing to talk with you about the issue you are facing. They may ask you some questions about the issue. If you don't know the answer – that is OK. You can always call back if needed. Remember if you get stuck that you can contact a [Disability Advocacy Organisation](#) and they may be able to help you arrange a phone call.



### NOT SURE WHAT TO SAY?

- ▶ In **Appendix 8** of this Toolkit we have included a sample call script that you could adapt to your needs.



## 7.9 ORGANISE A MEETING WITH DECISION-MAKERS

Sometimes you might prefer to meet face to face with a Member of Parliament or their advisor, or someone who works in a Government department.

### Scheduling a meeting

To make an appointment to meet with the individual, call their office or mail them a request. You can also request an appointment by letter. Members of Parliament and people who work for Government are often booked out in advance, so don't be discouraged if you request an appointment and don't get in straight away – just try again. If you have particular accessibility and communication requirements, let them know this when you call or detail these requirements in your letter. Call or email to confirm the appointment a day or so before the scheduled meeting.

### Preparation

As with making a phone call, good preparation for your meeting is key. Prior to the meeting you may want to make a brief agenda (a list) that has the key topics or points you wish to talk about. If you are nervous about speaking, you could try writing longer notes for yourself that cover the things you want to talk about. Bring copies of these to the meeting so you have something to follow if you get stuck.

It may be useful to find out more about the person you will be meeting with, or their representative. For example, if they are a Government Minister – what issues are important to them? You can find this information on their website or facebook page.

### Attending the meeting

- ▶ Dress comfortably but professionally
- ▶ Arrive on time
- ▶ Bring copies of your agenda and notes
- ▶ Bring copies of information or resources about the issue that you would like to leave with the person you meet with, for example – relevant parts of the Convention on the Rights of Persons with Disabilities (CRPD).
- ▶ Document the meeting – take notes about what is talked about and their responses
- ▶ If meeting with a public figure such as a Member of Parliament, ask for a photo with them and their permission to post this to social media
- ▶ Bring a friend to the meeting for support

### After the meeting

- ▶ Send a thank you letter or email to the person you met with thanking them for their time. They may also send you a letter acknowledging what you talked about and their response.
- ▶ Following the meeting, keep in touch with the Member of Parliament or person who works for Government by following or posting to their social media accounts such as facebook or twitter, and their website or ask to be added to their mailing list.
- ▶ Don't be afraid to make a follow-up meeting to talk about the issue further.
- ▶ Being persistent is an important part of advocating for the rights of women and girls with disability!

## 7.10 USE SOCIAL MEDIA

Social media is a useful tool for connecting with people and letting others know about the issues that are important to you. Many Members of Parliament and other ‘decision-makers’ also use social media to communicate their messages and this can be a good way to get in contact with them. Some common social media sites you may already use include facebook, Twitter, Instagram, YouTube and Tumblr. Most social media sites are free to use.

Using social media for advocacy can be as simple as making a ‘post’ about an issue that is important to you. If the issue is something that other people are interested in, or have an opinion on, they might ‘like’ or ‘share’ it to their own social media accounts. Social media is a busy place so don’t be discouraged if this doesn’t happen straight away. The most important thing is that you keep putting your message out there.

You may wish to join existing advocacy groups or follow organisational pages like [WWDA’s facebook page](#). Sometimes this can lead to finding more people you can connect with and other sites to join. Chances are, if an issue is important to you, it’s also important to someone else.

Social media can also be a way to engage with people who you might otherwise not be able to contact, such as celebrities. Sometimes celebrities can be good allies for change, so don’t be afraid to let them know about the issues that are important to you.



### WWDA ON SOCIAL MEDIA

You can follow WWDA activities across our social media feeds and website, listed below.

[WWDA Facebook](http://www.facebook.com/WWDA.Australia) (<http://www.facebook.com/WWDA.Australia>)

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

[WWDA Youth Network Facebook](https://www.facebook.com/WWDAYouth) (<https://www.facebook.com/WWDAYouth>)

[WWDA Youth Network Twitter](https://twitter.com/wwda_youth) ([https://twitter.com/wwda\\_youth](https://twitter.com/wwda_youth))

## 7.11 ATTEND PUBLIC CONSULTATIONS AND MEETINGS

Local, State and Federal Government frequently hold public consultations and meetings about important policy changes or issues. Public consultations are usually open to anyone attending and can be held in a range of places. If you are interested in attending consultations and contributing your views on a particular policy issue, contact your local Councilor or Member of Parliament and ask that they notify you of upcoming consultations. DPOs often advertise when public Government consultations are being scheduled, so follow these organisations on social media or their websites to keep up to date.

A public meeting will usually be held about a particular topic or issue, and there may be some background information available about the issue or policy prior to the meeting. At the meeting there will usually be a panel of speakers or several key people who work for Government. Usually there will be time for questions or comments from the floor, so prior to attending the meeting, note down some questions or comments you might like to raise at the meeting. After the meeting, there may be an opportunity to talk directly to the speakers – use this as an opportunity to further raise the issues that are important to you.

Make sure you advise the organisers of the meetings if you require any accommodations or supports to attend.

## 7.12 TAKE PART IN GOVERNMENT CONSULTATION PROCESSES

Local, State and Federal Governments often request written submissions to consultations about specific policy changes or issues. Information about upcoming consultations can be found on the relevant government websites. For example, the Department of Social Services has a consultation website at <http://engage.dss.gov.au>. Consultations will usually include a background or briefing paper on the issue which includes a set of particular questions the Government is interested in hearing from Australians about. You can follow these questions in your submission but you don't usually have to. Sometimes briefing papers are available in alternative formats. If not, you can contact the relevant department and request the document in an alternative format. Sometimes submissions will be accepted verbally – usually via a phone call with a department staff member. Most written submissions are published on the consultation website and made available for others to access. You may need to specify if you do not feel comfortable with your submission being made public.

DPOs such as WWDA frequently make submissions to government consultations. You can access WWDA's recent submissions on our website. WWDA also advertises government consultations that are relevant to our members and supporters on our social media accounts and website.

## 7.13 JOIN A DPO TO BE PART OF THE COLLECTIVE ACTION

Disabled People's Organisations (DPO) are non-government organisations run by and for people with disability. WWDA is a DPO run by and for women and girls with disability. WWDA is also a member of Disabled People's Organisations Australia (DPOA) which includes WWDA, People with Disabilities Australia (PWDA), the National Ethnic Disability Alliance (NEDA) and the First People's Disability Network (FPDNA). DPOs are usually membership based organisations – to become a member, contact the organisation and ask about how you can become a member. There may or may not be a small annual membership fee. Most DPO's have free memberships for people with disability.

DPOs often have ways that members can get involved in their work, including attending particular events or meetings, or participating in consultations about a particular issue. Most DPOs also have a newsletter, website and social media accounts where you can follow their work and get involved.



### SEARCH FOR DISABILITY ADVOCACY ORGANISATIONS

<http://finder.dss.gov.au/disability/ndap/>



### DISABLED PEOPLE'S ORGANISATIONS AUSTRALIA (DPOA)

Disabled People's Organisations Australia (DPOA) is an alliance of four national Disabled People's Organisations (organisations made up of and led by people with disability). DPOA was founded by, and is made up of the First Peoples Disability Network Australia (FPDN) representing Aboriginal and Torres Strait Islander people with disability, the National Ethnic Disability Alliance (NEDA) representing people with disability from a culturally and linguistically diverse background, People with Disability Australia (PWDA) a national cross disability organisation and Women With Disabilities Australia (WWDA), the national organisation representing women and girls with disability.

## 7.14 USING THE MEDIA

Nearly every decision-maker stays up to date on what's being said, and what's going on in the media. TV, newspapers, radio, popular magazines, as well as many forms of social media are checked daily (or more often!) by key decision-makers and their staff. Media can be a useful tool for raising awareness about an issue or trying to get an issue investigated or resolved. It's a very powerful way of getting a message or a story out to a wide audience. However, the media may not necessarily present your story or your message exactly the way you want them to, so it's really important to be well informed and prepared – and have some idea of what to expect - before you go to the media with your story, issue or message.

It may be useful to contact a Disabled People's Organisations (DPO) or a Disability Advocacy Organisation to get assistance or support with the media. A DPO may be able to write a "media release" about the issue, which is a short document (usually less than a page) that highlights what the issue is, proposes a solution, and lists the contact details of one or two people the media can get in touch with to find out more. DPO's have good contacts with all types of media outlets and reporters, so they can distribute the media release quickly and widely. Using the media can be challenging in advocacy work to advance the human rights of people with disability. So it's a good idea to find out if there are any free courses in your area or online that can help you develop your confidence, knowledge and skills in dealing with the media.



### UNDERSTANDING MEDIA

There are also some useful manuals and guides on the Internet to working with media that you can download and read. Here's a couple of suggestions to get you started:

[Working with the News Media: A different kind of advocacy \(https://goo.gl/kVNcMN\)](https://goo.gl/kVNcMN)

[The NGO Media Toolbox \(https://goo.gl/4vq6CJ\)](https://goo.gl/4vq6CJ)



## **8.1 SAMPLE LETTERS AND PHONE CALL TALKING POINTS**

In this section of the Toolkit you will find some sample letters and ‘talking points’ for phone calls, on the key issues that have been identified by women and girls with disability in Australia:

- ▶ Violence
- ▶ Decision-making
- ▶ Participation
- ▶ Sexual and reproductive rights
- ▶ Employment

These sample letters and ‘talking points’ are provided as a guide to use when writing a letter or making a phone call to your local Member of Parliament, or a government Minister or adviser. You can adapt or change these sample letters to suit your own needs.

## 8.2 SAMPLE LETTER: VIOLENCE AGAINST WOMEN AND GIRLS WITH DISABILITY

[DATE]

Mr/Mrs/Ms/Dr [FULL NAME] or [FORMAL ADDRESS e.g. Senator the Hon.]

[POSTAL ADDRESS]

[SUBURB, STATE, POSTCODE]

Dear [FULL NAME]

As a member of your electorate, I want to thank you for ensuring the issues of your constituents are heard in Parliament. I care deeply about my community and ensuring the safety of all women and girls, as I am sure you do. However, I am specifically writing today about the high level of violence and abuse against women and girls with disability.

Violence against women and girls with disability is an epidemic issue in Australia, with evidence showing that 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 such violence by a greater number of perpetrators. Despite the evidence and recommendations from national and international bodies, successive Australian governments at all levels have failed to act [for more information visit Women With Disabilities Australia (WWDA)].

Australian Governments on all levels have an obligation to take all appropriate legislative, administrative, social, educational and other measures to protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse, including their gender-based aspects.

As a [PERSON WITH DISABILITY/ WOMEN WITH DISABILITIES AUSTRALIA (WWDA) MEMBER/ CARER/ ETC.] and your constituent, I urgently request your vocal support for the establishment of a Royal Commission into Violence Against People with Disability, as recommended by the Senate Community Affairs References Committee, following the 2015 Senate Inquiry into 'Violence, abuse and neglect against people with disability in institutional and residential settings'.

I appeal that you prioritise, as a matter of urgency, funding the development of accessible and appropriate information resources and materials on violence against women and girls with disability; and ensure that decision-making, participation and capacity building of women and girls with disability are integral to all policy and programmatic efforts to end violence against women.

I understand that there are a great number of important issues competing for attention, however, I believe violence against women and girls with disability deserves prioritisation because [SAY WHY YOU PERSONALLY CARE].

Thank you for your time and consideration of this vital issue.

Yours Faithfully,

[FULL NAME]

[EMAIL OR PHONE NUMBER]

[ADDRESS]

## 8.3 SAMPLE PHONE TALKING POINTS: VIOLENCE AGAINST WOMEN AND GIRLS WITH DISABILITY

### FOLLOW THESE EASY STEPS TO CONTACT THE OFFICE OF YOUR LOCAL MEMBER OF PARLIAMENT (MP):

- 1 Call the office of your local MP. You can find details to contact Federal Ministers, Members and Senators or State Parliaments and Members through the website, <http://www.australia.gov.au>
- 2 The front office will answer the phone. Tell the staff member who answers that you have an opinion on human rights in Australia, specifically violence and abuse against women with disability, that you would like to share with your local Member of Parliament. Then ask if you can leave your opinion with an advisor.
- 3 Deliver your talking points:
  - ▶ Currently there are over 2 million women and girls living in Australia with a disability, that is around 20% of Australian women.
  - ▶ 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 such violence by a greater number of perpetrators. For example:
    - » More than 70% of women with disability have experienced violent sexual encounters.
    - » Girls with disability are 3 to 4 times more likely to experience violence and abuse (including sexual violence) than their peers.
    - » People with disabilities who live in institutions and residential settings are particularly susceptible to violence from staff and other residents, especially women and children.
  - ▶ I believe every woman deserves the right to live free from violence [SAY WHY THIS IS IMPORTANT TO YOU].
  - ▶ With these points in mind, I ask [NAME OF MEMBER] to support the establishment of a Royal Commission into Violence Against People with Disability, as recommended by the Senate Community Affairs References Committee, following the 2015 Senate Inquiry into 'Violence, abuse and neglect against people with disability in institutional and residential settings'.
- 4 Ask if they require any follow up information on the issue. If they do, you can send them the Women With Disabilities Australia (WWDA) position statement on Violence, or direct them to [wwda.org.au](http://wwda.org.au).
- 5 The staff member may ask for your name and contact details. It is your decision how much information you wish to provide them.
- 6 Thank the staff member for their time. Hang up. Congratulate yourself for advocating for the rights of women with disability.
- 7 Let WWDA know how it went by sending us an email or giving us a call!

## 8.4 SAMPLE LETTER: DECISION-MAKING RIGHTS

[DATE]

Mr/Mrs/Ms/Dr [FULL NAME] or [FORMAL ADDRESS e.g. Senator the Hon.]

[POSTAL ADDRESS]

[SUBURB, STATE, POSTCODE]

Dear [FULL NAME]

As a member of your electorate, I want to thank you for ensuring the issues of your constituents are heard in Parliament. I care deeply about my community and ensuring all women and girls have access to fundamental rights and freedoms, as I am sure you do. However, I am specifically writing today about importance of full decision-making rights and opportunities for women and girls with disability.

Women and girls with disability in Australia 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 [for more information visit Women With Disabilities Australia (WWDA)].

As a signatory to several human rights treaties, Australia has an obligation to promote equality, denounce discrimination, and ensure women and girls with disability are afforded their full decision-making rights and opportunities in all aspects of their lives.

As a [PERSON WITH DISABILITY/ WOMEN WITH DISABILITIES AUSTRALIA (WWDA) MEMBER/ CARER/ ETC.] and your constituent, I urgently request your vocal support for the Australian Government to adopt and promote 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. Likewise, I urge you to follow recommendations put forward by Women with Disabilities Australia (WWDA) to the Australian Government to 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.

I encourage you to promote the need for all Australian Government departments and agencies at all levels, provide accurate and accessible information concerning issues relevant to women and girls with disability which can support women and girls with disability to make informed decisions and choices.

I understand that there are a great number of important issues competing for attention, however, I believe the right to decision-making for women and girls with disability deserves prioritisation because [SAY WHY YOU PERSONALLY CARE].

Thank you for your time and consideration of this fundamental issue.

Yours Faithfully,

[FULL NAME]

[EMAIL OR PHONE NUMBER]

[ADDRESS]

## 8.5 SAMPLE PHONE TALKING POINTS: DECISION-MAKING RIGHTS

### FOLLOW THESE EASY STEPS TO CONTACT THE OFFICE OF YOUR LOCAL MEMBER OF PARLIAMENT (MP):

- 1 Call the office of your local MP. You can find details to contact Federal Ministers, Members and Senators or State Parliaments and Members through the website, <http://www.australia.gov.au>
- 2 The front office will answer the phone. Tell the staff member who answers that you have an opinion on human rights in Australia that you would like to share with your local Member of Parliament, specifically the right for women with disability to make decisions about their own lives. Then ask if you can leave your opinion with an advisor.
- 3 Deliver your talking points:
  - ▶ Currently there are over 2 million women and girls living in Australia with a disability, that is around 20% of Australian women.
  - ▶ Women and girls with disability in Australia 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.
  - ▶ Their views are often 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.
  - ▶ For many, access to information about their legal and human rights is limited, particularly for those who live in institutional environments.
  - ▶ I believe every person deserves the right to make decisions about their own life. [SAY WHY THIS IS IMPORTANT TO YOU].
  - ▶ With these points in mind, I ask [NAME OF MEMBER] to vocal support for the Australian Government to adopt and promote 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.
- 4 Ask if they require any follow up information on the issue. If they do, you can send them the Women With Disabilities Australia (WWDA) position statement on Decision-Making, or direct them to [wwda.org.au](http://wwda.org.au).
- 5 The staff member may ask for your name and contact details. It is your decision how much information you wish to provide them.
- 6 Thank the staff member for their time. Hang up. Congratulate yourself for advocating for the rights of women with disability.
- 7 Let WWDA know how it went by sending us an email or giving us a call!

## 8.6 SAMPLE LETTER: PARTICIPATION RIGHTS

[DATE]

Mr/Mrs/Ms/Dr [FULL NAME] or [FORMAL ADDRESS e.g. Senator the Hon.]

[POSTAL ADDRESS]

[SUBURB, STATE, POSTCODE]

Dear [FULL NAME]

As a member of your electorate, I want to thank you for ensuring the issues of your constituents are heard in Parliament. I care deeply about my community and ensuring all women and girls have access to fundamental rights and freedoms. However, I am specifically writing today about the right to participate in political, economic, social and cultural life, which is a fundamental human right to which all women and girls with disability are entitled.

Women and girls with disability throughout the world 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. The invisibility of women with disability in public decision-making has contributed to a lack of awareness of their rights as equal members of society and has reinforced negative stereotypes and discriminatory practices. The denial of the right to participation opportunities for women and girls with disability is clearly evident in the area of sexual and reproductive rights. 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 [for more information visit Women With Disabilities Australia (WWDA)].

The right to directly and indirectly participate in political and public life is important in empowering individuals and groups, and is one of the core elements of human rights-based approaches aimed at eliminating marginalisation and discrimination. However, systematic failures in legislation, policies and service systems in Australia have facilitated conditions that continue to deny participatory rights of women and girls with disability.

As a [PERSON WITH DISABILITY/ WOMEN WITH DISABILITIES AUSTRALIA (WWDA) MEMBER/ CARER/ ETC.] and your constituent, I urgently request your vocal encouragement for the Australian Government to provide 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. I encourage you to promote the need for all Australian Government departments and agencies at all levels to provide accurate and accessible information concerning issues relevant to women and girls with disability which can support women and girls with disability to meaningfully participate in matters affecting their lives. Furthermore, I urge you to ensure that decision-making, participation and capacity building of women and girls with disability are integral to all policy and programmatic efforts to end violence against women.

I understand that there are a great number of important issues competing for attention, however, I believe the right for women and girls with disability to participate in public and political life deserves prioritisation because [SAY WHY YOU PERSONALLY CARE].

Thank you for your time and consideration of this fundamental issue.

Yours Faithfully,

[FULL NAME]

[EMAIL OR PHONE NUMBER]

[ADDRESS]

## 8.7 SAMPLE PHONE TALKING POINTS: PARTICIPATION RIGHTS

### FOLLOW THESE EASY STEPS TO CONTACT THE OFFICE OF YOUR LOCAL MEMBER OF PARLIAMENT (MP):

- 1 Call the office of your local MP. You can find details to contact Federal Ministers, Members and Senators or State Parliaments and Members through the website, <http://www.australia.gov.au>
- 2 The front office will answer the phone. Tell the staff member who answers that you have an opinion on human rights in Australia, specifically the participation of women with disability, that you would like to share with your local Member of Parliament. Then ask if you can leave your opinion with an advisor.
- 3 Deliver your talking points:
  - ▶ Currently there are over 2 million women and girls living in Australia with a disability, that is around 20% of Australian women.
  - ▶ 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.
  - ▶ The invisibility of women with disability in public decision-making has contributed to a lack of awareness of their rights as equal members of society and has reinforced negative stereotypes and discriminatory practices.
  - ▶ The denial of the right to participation opportunities for women and girls with disability is clearly evident in the area of sexual and reproductive rights. 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
  - ▶ I believe every person deserves the right to participate in public and political life [SAY WHY YOU PERSONALLY CARE].
  - ▶ With these points in mind, I ask [NAME OF MEMBER] to promote the need for all Australian Government departments and agencies at all levels to provide accurate and accessible information concerning issues relevant to women and girls with disability which can support women and girls with disability to meaningfully participate in matters affecting their lives.
- 4 Ask if they require any follow up information on the issue. If they do, you can send them the Women With Disabilities Australia (WWDA) position statement on Participation, or direct them to [wwda.org.au](http://wwda.org.au).
- 5 The staff member may ask for your name and contact details. It is your decision how much information you wish to provide them.
- 6 Thank the staff member for their time. Hang up. Congratulate yourself for advocating for the rights of women with disability.
- 7 Let WWDA know how it went by sending us an email or giving us a call!

## 8.8 SAMPLE LETTER: SEXUAL & REPRODUCTIVE RIGHTS: FORCED INTERVENTIONS

[DATE]

Mr/Mrs/Ms/Dr [FULL NAME] or [FORMAL ADDRESS e.g. Senator the Hon.]

[POSTAL ADDRESS]

[SUBURB, STATE, POSTCODE]

Dear [FULL NAME]

As a member of your electorate, I want to thank you for ensuring the issues of your constituents are heard in Parliament. I care deeply about my community and ensuring all women and girls have access to fundamental rights and freedoms, as I am sure you do. However, I am specifically writing today about the right for women and girls with disability to make free and informed choices about their bodies, sexual health, and reproductive health.

There is growing recognition at the international level that medical interventions of an invasive and irreversible nature, absent a therapeutic purpose, constitute torture or ill-treatment when administered without the prior, free and informed consent of the person concerned. The practices of forced sterilisation, forced abortion and forced contraception of women and girls with disability continue to occur in Australia and are practices that remain legal and sanctioned by Australian governments [for more information visit Women With Disabilities Australia (WWDA)].

Australian Governments on all levels have an obligation to ensure the fundamental rights and freedoms of women and girls with disability are protected, including taking all effective legislative, administrative, judicial or other measures to prevent persons with disabilities, on an equal basis with others, from being subjected to torture or cruel, inhuman or degrading treatment or punishment.

As a [PERSON WITH DISABILITY/ WOMEN WITH DISABILITIES AUSTRALIA (WWDA) MEMBER/ CARER/ ETC.] and your constituent, I urgently request your vocal support for the Australian Government to exercise its executive powers under the Constitution to authorise 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. Additionally, I request that you publicly endorse the development of a national strategy, in consultation with women with disability and their representative organisations, to improve access for women and girls with disability to mainstream sexual and reproductive health care on an equal basis with others.

I appeal that you prioritise, as a matter of urgency, in consultation with women with disability and their representative organisations, the development of accessible and appropriate information resources and materials on the sexual and reproductive rights of women and girls with disability – for women with disability themselves; frontline workers and other professionals; family, support persons, advocates and friends; and the broader community.

I understand that there are a great number of important issues competing for attention, however, I believe the sexual and reproductive rights of women and girls with disability deserves prioritisation because [SAY WHY YOU PERSONALLY CARE].

Thank you for your time and consideration of this fundamental issue.

Yours Faithfully,

[FULL NAME]

[EMAIL OR PHONE NUMBER]

[ADDRESS]

## 8.9 SAMPLE PHONE TALKING POINTS: SEXUAL & REPRODUCTIVE RIGHTS: FORCED INTERVENTIONS

### FOLLOW THESE EASY STEPS TO CONTACT THE OFFICE OF YOUR LOCAL MEMBER OF PARLIAMENT (MP):

- 1 Call the office of your local MP. You can find details to contact Federal Ministers, Members and Senators or State Parliaments and Members through the website, <http://www.australia.gov.au>
- 2 The front office will answer the phone. Tell the staff member who answers that you have an opinion on human rights in Australia, specifically the sexual and reproductive rights of women with disability, that you would like to share with your local Member of Parliament. Then ask if you can leave your opinion with an advisor.
- 3 Deliver your talking points:
  - ▶ Currently there are over 2 million women and girls living in Australia with a disability, that is around 20% of Australian women.
  - ▶ 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.
  - ▶ The practices of forced sterilisation, forced abortion and forced contraception of women and girls with disability continue to occur in Australia and are practices that remain legal and sanctioned by Australian governments.
  - ▶ There is growing recognition at the international level that medical interventions of an invasive and irreversible nature, absent a therapeutic purpose, constitute torture or ill-treatment when administered without the prior, free and informed consent of the person concerned.
  - ▶ I believe every person deserves the right to make free and informed choices about their bodies, sexual health, and reproductive health [SAY WHY YOU PERSONALLY CARE].
  - ▶ With these points in mind, I ask [NAME OF MEMBER] to call for the Australian Government to exercise its executive powers under the Constitution to authorise 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.
- 4 Ask if they require any follow up information on the issue. If they do, you can send them the Women With Disabilities Australia (WWDA) position statement on Sexual and Reproductive Rights, or direct them to [wwda.org.au](http://wwda.org.au).
- 5 The staff member may ask for your name and contact details. It is your decision how much information you wish to provide them.
- 6 Thank the staff member for their time. Hang up. Congratulate yourself for advocating for the rights of women with disability.
- 7 Let WWDA know how it went by sending us an email or giving us a call!

## 8.10 SAMPLE LETTER: SEXUAL EXPRESSION AND PARENTING

[DATE]

Mr/Mrs/Ms/Dr [FULL NAME] or [FORMAL ADDRESS e.g. Senator the Hon.]

[POSTAL ADDRESS]

[SUBURB, STATE, POSTCODE]

Dear [FULL NAME]

As a member of your electorate, I want to thank you for ensuring the issues of your constituents are heard in Parliament. I care deeply about my community and am specifically writing today about the right for women and girls with disability to make free and informed choices about their sexual expression and parenting.

Women and girls with disability self-identify according to a range of sex, sexuality and gender identifications, but are often denied their fundamental right to express and explore these identities in ways that are meaningful to them. Women and girls with disability express desires for romantic, sexual and intimate relationships but report limited opportunities and difficulty negotiating relationships, often due to lack of support and paternalistic attitudes. Additionally, women with disability considering having and/or raising a child are often subjected to the skeptical beliefs of family members, health workers, and even complete strangers, regarding their ability to care for a child. In Australia, children of people with disability are subject to removal from their parents by authorities at a disproportionately high rate. 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 [for more information visit Women With Disabilities Australia (WWDA)].

Australian Governments on all levels have an obligation to take effective and appropriate measures to eliminate discrimination against persons with disabilities in all matters relating to marriage, family, parenthood and relationships, on an equal basis with others; and to ensure women and girls with disability that in no case shall a child be separated from parents on the basis of a disability of either the child or one or both of the parents.

As a [PERSON WITH DISABILITY/ WOMEN WITH DISABILITIES AUSTRALIA (WWDA) MEMBER/ CARER/ ETC.] and your constituent, I urgently request your vocal support for the Australian Government, through the Council of Australian Governments (COAG), to 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. I appeal that you publicly endorse the establishment of a nationally consistent supported decision-making framework that strongly and positively promotes and supports people with disability to effectively assert and exercise their legal capacity and enshrines the primacy of supported decision-making mechanisms, including the right of women and girls with disability to make free, informed and responsible choices about their bodies, sexual health, reproductive health, intimate and emotional relationships, and parenting.

I understand that there are a great number of important issues competing for attention, however, I believe the sexual and reproductive rights of women and girls with disability deserves prioritisation because [SAY WHY YOU PERSONALLY CARE].

Thank you for your time and consideration of this fundamental issue.

Yours Faithfully,

[FULL NAME]

[EMAIL OR PHONE NUMBER]

[ADDRESS]

## 8.11 SAMPLE PHONE TALKING POINTS: SEXUAL EXPRESSION AND PARENTING

### FOLLOW THESE EASY STEPS TO CONTACT THE OFFICE OF YOUR LOCAL MEMBER OF PARLIAMENT (MP):

- 1 Call the office of your local MP. You can find details to contact Federal Ministers, Members and Senators or State Parliaments and Members through the website, <http://www.australia.gov.au>
- 2 The front office will answer the phone. Tell the staff member who answers that you have an opinion on human rights in Australia, specifically the sexual and reproductive rights of women with disability, that you would like to share with your local Member of Parliament. Then ask if you can leave your opinion with an advisor.
- 3 Deliver your talking points:
  - ▶ Currently there are over 2 million women and girls living in Australia with a disability, that is around 20% of Australian women.
  - ▶ Women and girls with disability express desires for romantic, sexual and intimate relationships but report limited opportunities and difficulty negotiating relationships, often due to lack of support and paternalistic attitudes.
  - ▶ Women with disability considering having and/or raising a child are often subjected to the skeptical beliefs of family members, health workers, and even complete strangers, regarding their ability to care for a child.
  - ▶ In Australia, children of people with disability are subject to removal from their parents by authorities at a disproportionately high rate.
  - ▶ I believe every person deserves the right to make free and informed choices about their bodies, sexual expression and parenting [SAY WHY YOU PERSONALLY CARE].
  - ▶ With these points in mind, I ask [NAME OF MEMBER] to call for the Australian Government to 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.
- 4 Ask if they require any follow up information on the issue. If they do, you can send them the Women With Disabilities Australia (WWDA) position statement on Sexual and Reproductive Rights, or direct them to [wwda.org.au](http://wwda.org.au).
- 5 The staff member may ask for your name and contact details. It is your decision how much information you wish to provide them.
- 6 Thank the staff member for their time. Hang up. Congratulate yourself for advocating for the rights of women with disability.
- 7 Let WWDA know how it went by sending us an email or giving us a call!

## 8.12 SAMPLE LETTER: EMPLOYMENT

[DATE]

Mr/Mrs/Ms/Dr [FULL NAME] or [FORMAL ADDRESS e.g. Senator the Hon.]

[POSTAL ADDRESS]

[SUBURB, STATE, POSTCODE]

Dear [FULL NAME]

As a member of your electorate, I want to thank you for ensuring the issues of your constituents are heard in Parliament. I care deeply about my community and ensuring the economic prosperity of all women and girls, as I am sure you do. However, I am specifically writing today about increasing economic empowerment for women and girls with disability.

Women with disabilities throughout Australia bear a disproportionate burden of poverty and are recognised as amongst the poorest of all groups in society. Women with disabilities 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 [for more information visit Women With Disabilities Australia (WWDA) ].

Australian Governments on all levels have an obligation to promote the right of persons with disabilities to work, on an equal basis with others; Prohibit discrimination on a basis of disability with regards to all matters concerning all forms of employment; and take all appropriate legislative, administrative, social, educational and other measures to protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse, including their gender-based aspects.

As a [PERSON WITH DISABILITY/ WOMEN WITH DISABILITIES AUSTRALIA (WWDA) MEMBER/ CARER/ ETC.] and your constituent, I urgently request your vocal support to ensure Government funded programs and initiatives recognise that women and girls with disability have a right to a safe workplace, and that the high incidence of violence and other forms of discrimination perpetrated against women with disabilities in the workplace must be addressed as a matter of urgency.

I appeal that you prioritise, the development, funding and monitoring of programs, services and initiatives to increase the employment of people with disabilities, should ensure that these programs are gendered and include specific policy measures to address the high incidence of discrimination against women with disabilities in employment.

I understand that there are a great number of important issues competing for attention, however, I believe the economic empowerment of women with disability deserves prioritisation because [SAY WHY YOU PERSONALLY CARE].

Thank you for your time and consideration of this fundamental issue.

Yours Faithfully,

[FULL NAME]

[EMAIL OR PHONE NUMBER]

[ADDRESS]

## 8.13 SAMPLE PHONE TALKING POINTS: EMPLOYMENT

### FOLLOW THESE EASY STEPS TO CONTACT THE OFFICE OF YOUR LOCAL MEMBER OF PARLIAMENT (MP):

- 1 Call the office of your local MP. You can find details to contact Federal Ministers, Members and Senators or State Parliaments and Members through the website, <http://www.australia.gov.au>
- 2 The front office will answer the phone. Tell the staff member who answers that you have an opinion on human rights in Australia, specifically the economic empowerment of women with disability, that you would like to share with your local Member of Parliament. Then ask if you can leave your opinion with an advisor.
- 3 Deliver your talking points:
  - ▶ Currently there are over 2 million women and girls living in Australia with a disability, that is around 20% of Australian women.
  - ▶ Women with disabilities throughout Australia suffer an unequal burden of poverty and are recognised as amongst the poorest of all groups in society.
  - ▶ Women with disabilities 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.
  - ▶ This economic vulnerability means women with disability are at higher risk of violence, abuse and other forms of discrimination.
  - ▶ I believe every woman deserves the right to become economically empowered, and the right to work in a safe and accessible workplace.
  - ▶ With these points in mind, I ask [NAME OF MEMBER] to prioritise the development, funding and monitoring of programs, services and initiatives to increase the employment of people with disabilities, should ensure that these programs are gendered and include specific policy measures to address the high incidence of discrimination against women with disabilities in employment.
- 4 Ask if they require any follow up information on the issue. If they do, you can send them the Women With Disabilities Australia (WWDA) position statement on Economic Empowerment, or direct them to [wwda.org.au](http://wwda.org.au).
- 5 The staff member may ask for your name and contact details. It is your decision how much information you wish to provide them.
- 6 Thank the staff member for their time. Hang up. Congratulate yourself for advocating for the rights of women with disability.
- 7 Let WWDA know how it went by sending us an email or giving us a call!



# APPENDICES 9

## 9.1 APPENDIX 1: WHAT TO DO IN AN EMERGENCY OR CRISIS

- ▶ If you, a child or another person is in immediate danger CALL 000
- ▶ If you are deaf, have a hearing or speech impairment, there are a number of ways to contact emergency services:
  - » TTY - dial 106
  - » Internet relay – and ask for Triple Zero (000)
  - » Captioned relay – and ask for Triple Zero (000)
  - » SMS relay – text 0423 677 767
  - » Video relay – login to Skype and contact one of the National Relay Service (NRS) contact names
  - » Ordinary phone - dial 1800 555 727 and ask for Triple Zero (000)
- ▶ If you think a crime has been or is being committed, you can also call your local police.
- ▶ If you are experiencing violence and abuse, you can also go to your local court and obtain a Protection Order against the perpetrator.
- ▶ If you have experienced, are experiencing or at risk of experiencing violence and abuse, you can also call 1800RESPECT on 1800 737 732. This is the National Sexual Assault, Domestic Family Violence Counseling Service. These services are available for all women and are free.
- ▶ Call a domestic violence/crisis service. To find a service in your area call 1800RESPECT on 1800 737 732.
- ▶ You can call a disability advocacy organisation or service. To find a disability advocacy service either:
  - » Visit the Australian Government's National Disability Advocacy Program website (<http://finder.dss.gov.au/disability/ndap/>)
  - » Visit the Disability Advocacy Network Australia website (<http://www.dana.org.au>)
- ▶ Speak with someone you trust.

## 9.2 APPENDIX 2: CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD)

### CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD)

#### Preamble

*The States Parties to the present Convention,*

- a. *Recalling* the principles proclaimed in the Charter of the United Nations which recognize the inherent dignity and worth and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world,
- b. *Recognizing* that the United Nations, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, has proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind,
- c. *Reaffirming* the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed their full enjoyment without discrimination,
- d. *Recalling* the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,
- e. *Recognizing* that disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others,
- f. *Recognizing* the importance of the principles and policy guidelines contained in the World Programme of Action concerning Disabled Persons and in the Standard Rules on the Equalization of Opportunities for Persons with Disabilities in influencing the promotion, formulation and evaluation of the policies, plans, programmes and actions at the national, regional and international levels to further equalize opportunities for persons with disabilities,
- g. *Emphasizing* the importance of mainstreaming disability issues as an integral part of relevant strategies of sustainable development,
- h. *Recognizing* also that discrimination against any person on the basis of disability is a violation of the inherent dignity and worth of the human person,
- i. *Recognizing* further the diversity of persons with disabilities,
- j. *Recognizing* the need to promote and protect the human rights of all persons with disabilities, including those who require more intensive support,
- k. *Concerned* that, despite these various instruments and undertakings, persons with disabilities continue to face barriers in their participation as equal members of society and violations of their human rights in all parts of the world,
- l. *Recognizing* the importance of international cooperation for improving the living conditions of persons with disabilities in every country, particularly in developing countries,

- m. *Recognizing* the valued existing and potential contributions made by persons with disabilities to the overall well-being and diversity of their communities, and that the promotion of the full enjoyment by persons with disabilities of their human rights and fundamental freedoms and of full participation by persons with disabilities will result in their enhanced sense of belonging and in significant advances in the human, social and economic development of society and the eradication of poverty,
- n. *Recognizing* the importance for persons with disabilities of their individual autonomy and independence, including the freedom to make their own choices,
- o. *Considering* that persons with disabilities should have the opportunity to be actively involved in decision-making processes about policies and programmes, including those directly concerning them,
- p. *Concerned* about the difficult conditions faced by persons with disabilities who are subject to multiple or aggravated forms of discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national, ethnic, indigenous or social origin, property, birth, age or other status,
- q. *Recognizing* that women and girls with disabilities are often at greater risk, both within and outside the home of violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation,
- r. *Recognizing* that children with disabilities should have full enjoyment of all human rights and fundamental freedoms on an equal basis with other children, and recalling obligations to that end undertaken by States Parties to the Convention on the Rights of the Child,
- s. *Emphasizing* the need to incorporate a gender perspective in all efforts to promote the full enjoyment of human rights and fundamental freedoms by persons with disabilities,
- t. *Highlighting* the fact that the majority of persons with disabilities live in conditions of poverty, and in this regard recognizing the critical need to address the negative impact of poverty on persons with disabilities,
- u. *Bearing in mind* that conditions of peace and security based on full respect for the purposes and principles contained in the Charter of the United Nations and observance of applicable human rights instruments are indispensable for the full protection of persons with disabilities, in particular during armed conflicts and foreign occupation,
- v. *Recognizing* the importance of accessibility to the physical, social, economic and cultural environment, to health and education and to information and communication, in enabling persons with disabilities to fully enjoy all human rights and fundamental freedoms,
- w. *Realizing* that the individual, having duties to other individuals and to the community to which he or she belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the International Bill of Human Rights,
- x. *Convinced* that the family is the natural and fundamental group unit of society and is entitled to protection by society and the State, and that persons with disabilities and their family members should receive the necessary protection and assistance to enable families to contribute towards the full and equal enjoyment of the rights of persons with disabilities,
- y. *Convinced* that a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities will make a significant contribution to redressing the profound social disadvantage of persons with disabilities and promote their participation in the civil, political, economic, social and cultural spheres with equal opportunities, in both developing and developed countries,

*Have agreed as follows:*

### **Article 1: Purpose**

The purpose of the present Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.

Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

### **Article 2: Definitions**

For the purposes of the present Convention:

“Communication” includes languages, display of text, Braille, tactile communication, large print, accessible multimedia as well as written, audio, plain-language, human-reader and augmentative and alternative modes, means and formats of communication, including accessible information and communication technology;

“Language” includes spoken and signed languages and other forms of non spoken languages;

“Discrimination on the basis of disability” means any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation;

“Reasonable accommodation” means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms;

“Universal design” means the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. “Universal design” shall not exclude assistive devices for particular groups of persons with disabilities where this is needed.

### **Article 3: General principles**

The principles of the present Convention shall be:

- a. Respect for inherent dignity, individual autonomy including the freedom to make one’s own choices, and independence of persons;
- b. Non-discrimination;
- c. Full and effective participation and inclusion in society;
- d. Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;
- e. Equality of opportunity;
- f. Accessibility;
- g. Equality between men and women;
- h. Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

#### Article 4: General obligations

1. States Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability. To this end, States Parties undertake:
  - b. To adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention;
  - c. To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities;
  - d. To take into account the protection and promotion of the human rights of persons with disabilities in all policies and programmes;
  - e. To refrain from engaging in any act or practice that is inconsistent with the present Convention and to ensure that public authorities and institutions act in conformity with the present Convention;
  - f. To take all appropriate measures to eliminate discrimination on the basis of disability by any person, organization or private enterprise;
  - g. To undertake or promote research and development of universally designed goods, services, equipment and facilities, as defined in article 2 of the present Convention, which should require the minimum possible adaptation and the least cost to meet the specific needs of a person with disabilities, to promote their availability and use, and to promote universal design in the development of standards and guidelines;
  - h. To undertake or promote research and development of, and to promote the availability and use of new technologies, including information and communications technologies, mobility aids, devices and assistive technologies, suitable for persons with disabilities, giving priority to technologies at an affordable cost;
  - i. To provide accessible information to persons with disabilities about mobility aids, devices and assistive technologies, including new technologies, as well as other forms of assistance, support services and facilities;
  - j. To promote the training of professionals and staff working with persons with disabilities in the rights recognized in this Convention so as to better provide the assistance and services guaranteed by those rights.
2. With regard to economic, social and cultural rights, each State Party undertakes to take measures to the maximum of its available resources and, where needed, within the framework of international cooperation, with a view to achieving progressively the full realization of these rights, without prejudice to those obligations contained in the present Convention that are immediately applicable according to international law.
3. In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations.
4. Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of persons with disabilities and which may be contained in the law of a State Party or international law in force for that State. There shall be no restriction upon or derogation from any of the human rights and fundamental freedoms recognized or existing in any State Party to the present Convention pursuant to law, conventions, regulation or custom on the pretext that the present Convention does not recognize such rights or freedoms or that it recognizes them to a lesser extent.

5. The provisions of the present Convention shall extend to all parts of federal states without any limitations or exceptions.

#### **Article 5: Equality and non-discrimination**

1. States Parties recognize that all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law.
2. States Parties shall prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds.
3. In order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided.
4. Specific measures which are necessary to accelerate or achieve de facto equality of persons with disabilities shall not be considered discrimination under the terms of the present Convention.

#### **Article 6: Women with disabilities**

1. States Parties recognize that women and girls with disabilities are subject to multiple discrimination, and in this regard shall take measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms.
2. States Parties shall take all appropriate measures to ensure the full development, advancement and empowerment of women, for the purpose of guaranteeing them the exercise and enjoyment of the human rights and fundamental freedoms set out in the present Convention.

#### **Article 7: Children with disabilities**

1. States Parties shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children.
2. In all actions concerning children with disabilities, the best interests of the child shall be a primary consideration.
3. States Parties shall ensure that children with disabilities have the right to express their views freely on all matters affecting them, their views being given due weight in accordance with their age and maturity, on an equal basis with other children, and to be provided with disability and age-appropriate assistance to realize that right.

#### **Article 8: Awareness-raising**

1. States Parties undertake to adopt immediate, effective and appropriate measures:
  - b. To raise awareness throughout society, including at the family level, regarding persons with disabilities, and to foster respect for the rights and dignity of persons with disabilities;
  - c. To combat stereotypes, prejudices and harmful practices relating to persons with disabilities, including those based on sex and age, in all areas of life;
  - d. To promote awareness of the capabilities and contributions of persons with disabilities.

2. Measures to this end include:

- a. Initiating and maintaining effective public awareness campaigns designed:
  - i. To nurture receptiveness to the rights of persons with disabilities;
  - ii. To promote positive perceptions and greater social awareness towards persons with disabilities;
  - iii. To promote recognition of the skills, merits and abilities of persons with disabilities, and of their contributions to the workplace and the labour market;
- b. Fostering at all levels of the education system, including in all children from an early age, an attitude of respect for the rights of persons with disabilities;
- c. Encouraging all organs of the media to portray persons with disabilities in a manner consistent with the purpose of the present Convention;
- d. Promoting awareness-training programmes regarding persons with disabilities and the rights of persons with disabilities.

**Article 9: Accessibility**

1. To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:
  - a. Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;
  - b. Information, communications and other services, including electronic services and emergency services.
2. States Parties shall also take appropriate measures to:
  - a. Develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public;
  - b. Ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities;
  - c. Provide training for stakeholders on accessibility issues facing persons with disabilities;
  - d. Provide in buildings and other facilities open to the public signage in Braille and in easy to read and understand forms;
  - e. Provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public;
  - f. Promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information;
  - g. Promote access for persons with disabilities to new information and communications technologies and systems, including the Internet;
  - h. Promote the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost.

#### **Article 10: Right to life**

States Parties reaffirm that every human being has the inherent right to life and shall take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others.

#### **Article 11: Situations of risk and humanitarian emergencies**

States Parties shall take, in accordance with their obligations under international law, including international humanitarian law and international human rights law, all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters.

#### **Article 12: Equal recognition before the law**

1. States Parties reaffirm that persons with disabilities have the right to recognition everywhere as persons before the law.
2. States Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life.
3. States Parties shall take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity.
4. States Parties shall ensure that all measures that relate to the exercise of legal capacity provide for appropriate and effective safeguards to prevent abuse in accordance with international human rights law. Such safeguards shall ensure that measures relating to the exercise of legal capacity respect the rights, will and preferences of the person, are free of conflict of interest and undue influence, are proportional and tailored to the person's circumstances, apply for the shortest time possible and are subject to regular review by a competent, independent and impartial authority or judicial body. The safeguards shall be proportional to the degree to which such measures affect the person's rights and interests.
5. Subject to the provisions of this article, States Parties shall take all appropriate and effective measures to ensure the equal right of persons with disabilities to own or inherit property, to control their own financial affairs and to have equal access to bank loans, mortgages and other forms of financial credit, and shall ensure that persons with disabilities are not arbitrarily deprived of their property.

#### **Article 13: Access to justice**

1. States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages.
2. In order to help to ensure effective access to justice for persons with disabilities, States Parties shall promote appropriate training for those working in the field of administration of justice, including police and prison staff.

#### **Article 14: Liberty and security of the person**

1. States Parties shall ensure that persons with disabilities, on an equal basis with others:
  - a. Enjoy the right to liberty and security of person;
  - b. Are not deprived of their liberty unlawfully or arbitrarily, and that any deprivation of liberty is in conformity with the law, and that the existence of a disability shall in no case justify a deprivation of liberty.
2. States Parties shall ensure that if persons with disabilities are deprived of their liberty through any process, they are, on an equal basis with others, entitled to guarantees in accordance with international human rights law and shall be treated in compliance with the objectives and principles of this Convention, including by provision of reasonable accommodation.

#### **Article 15: Freedom from torture or cruel, inhuman or degrading treatment or punishment**

1. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his or her free consent to medical or scientific experimentation.
2. States Parties shall take all effective legislative, administrative, judicial or other measures to prevent persons with disabilities, on an equal basis with others, from being subjected to torture or cruel, inhuman or degrading treatment or punishment.

#### **Article 16: Freedom from exploitation, violence and abuse**

1. States Parties shall take all appropriate legislative, administrative, social, educational and other measures to protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse, including their gender-based aspects.
2. States Parties shall also take all appropriate measures to prevent all forms of exploitation, violence and abuse by ensuring, inter alia, appropriate forms of gender- and age-sensitive assistance and support for persons with disabilities and their families and caregivers, including through the provision of information and education on how to avoid, recognize and report instances of exploitation, violence and abuse. States Parties shall ensure that protection services are age-, gender- and disability-sensitive.
3. In order to prevent the occurrence of all forms of exploitation, violence and abuse, States Parties shall ensure that all facilities and programmes designed to serve persons with disabilities are effectively monitored by independent authorities.
4. States Parties shall take all appropriate measures to promote the physical, cognitive and psychological recovery, rehabilitation and social reintegration of persons with disabilities who become victims of any form of exploitation, violence or abuse, including through the provision of protection services. Such recovery and reintegration shall take place in an environment that fosters the health, welfare, self-respect, dignity and autonomy of the person and takes into account gender- and age-specific needs.
5. States Parties shall put in place effective legislation and policies, including women- and child-focused legislation and policies, to ensure that instances of exploitation, violence and abuse against persons with disabilities are identified, investigated and, where appropriate, prosecuted.

#### **Article 17: Protecting the integrity of the person**

Every person with disabilities has a right to respect for his or her physical and mental integrity on an equal basis with others.

#### **Article 18: Liberty of movement and nationality**

1. States Parties shall recognize the rights of persons with disabilities to liberty of movement, to freedom to choose their residence and to a nationality, on an equal basis with others, including by ensuring that persons with disabilities:
  - a. Have the right to acquire and change a nationality and are not deprived of their nationality arbitrarily or on the basis of disability;
  - b. Are not deprived, on the basis of disability, of their ability to obtain, possess and utilize documentation of their nationality or other documentation of identification, or to utilize relevant processes such as immigration proceedings, that may be needed to facilitate exercise of the right to liberty of movement;
  - c. Are free to leave any country, including their own;
  - d. Are not deprived, arbitrarily or on the basis of disability, of the right to enter their own country.
2. Children with disabilities shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by their parents.

### **Article 19: Living independently and being included in the community**

States Parties to this Convention recognize the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community, including by ensuring that:

- a. Persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement;
- b. Persons with disabilities have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community;
- c. Community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs.

### **Article 20: Personal mobility**

States Parties shall take effective measures to ensure personal mobility with the greatest possible independence for persons with disabilities, including by:

- a. Facilitating the personal mobility of persons with disabilities in the manner and at the time of their choice, and at affordable cost;
- b. Facilitating access by persons with disabilities to quality mobility aids, devices, assistive technologies and forms of live assistance and intermediaries, including by making them available at affordable cost;
- c. Providing training in mobility skills to persons with disabilities and to specialist staff working with persons with disabilities;
- d. Encouraging entities that produce mobility aids, devices and assistive technologies to take into account all aspects of mobility for persons with disabilities.

### **Article 21: Freedom of expression and opinion, and access to information**

States Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice, as defined in article 2 of the present Convention, including by:

- a. Providing information intended for the general public to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and without additional cost;
- b. Accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions;
- c. Urging private entities that provide services to the general public, including through the Internet, to provide information and services in accessible and usable formats for persons with disabilities;
- d. Encouraging the mass media, including providers of information through the Internet, to make their services accessible to persons with disabilities;
- e. Recognizing and promoting the use of sign languages.

#### Article 22: Respect for privacy

1. No person with disabilities, regardless of place of residence or living arrangements, shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence or other types of communication or to unlawful attacks on his or her honour and reputation. Persons with disabilities have the right to the protection of the law against such interference or attacks.
2. States Parties shall protect the privacy of personal, health and rehabilitation information of persons with disabilities on an equal basis with others.

#### Article 23: Respect for home and the family

1. States Parties shall take effective and appropriate measures to eliminate discrimination against persons with disabilities in all matters relating to marriage, family, parenthood and relationships, on an equal basis with others, so as to ensure that:
  - a. The right of all persons with disabilities who are of marriageable age to marry and to found a family on the basis of free and full consent of the intending spouses is recognized;
  - b. The rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children and to have access to age-appropriate information, reproductive and family planning education are recognized, and the means necessary to enable them to exercise these rights are provided;
  - c. Persons with disabilities, including children, retain their fertility on an equal basis with others.
2. States Parties shall ensure the rights and responsibilities of persons with disabilities, with regard to guardianship, wardship, trusteeship, adoption of children or similar institutions, where these concepts exist in national legislation; in all cases the best interests of the child shall be paramount. States Parties shall render appropriate assistance to persons with disabilities in the performance of their child-rearing responsibilities.
3. States Parties shall ensure that children with disabilities have equal rights with respect to family life. With a view to realizing these rights, and to prevent concealment, abandonment, neglect and segregation of children with disabilities, States Parties shall undertake to provide early and comprehensive information, services and support to children with disabilities and their families.
4. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. In no case shall a child be separated from parents on the basis of a disability of either the child or one or both of the parents.
5. States Parties shall, where the immediate family is unable to care for a child with disabilities, undertake every effort to provide alternative care within the wider family, and failing that, within the community in a family setting.

#### Article 24: Education

1. States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and life long learning directed to:
  - a. The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;
  - b. The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;
  - c. Enabling persons with disabilities to participate effectively in a free society.

2. In realizing this right, States Parties shall ensure that:
  - a. Persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability;
  - b. Persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live;
  - c. Reasonable accommodation of the individual's requirements is provided;
  - d. Persons with disabilities receive the support required, within the general education system, to facilitate their effective education;
  - e. Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.
3. States Parties shall enable persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as members of the community. To this end, States Parties shall take appropriate measures, including:
  - a. Facilitating the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication and orientation and mobility skills, and facilitating peer support and mentoring;
  - b. Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community;
  - c. Ensuring that the education of persons, and in particular children, who are blind, deaf or deafblind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development.
4. In order to help ensure the realization of this right, States Parties shall take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and/or Braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities.
5. States Parties shall ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others. To this end, States Parties shall ensure that reasonable accommodation is provided to persons with disabilities.

#### Article 25: Health

States Parties recognize that persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability. States Parties shall take all appropriate measures to ensure access for persons with disabilities to health services that are gender-sensitive, including health-related rehabilitation. In particular, States Parties shall:

- a. Provide persons with disabilities with the same range, quality and standard of free or affordable health care and programmes as provided to other persons, including in the area of sexual and reproductive health and population-based public health programmes;
- b. Provide those health services needed by persons with disabilities specifically because of their disabilities, including early identification and intervention as appropriate, and services designed to minimize and prevent further disabilities, including among children and older persons;
- c. Provide these health services as close as possible to people's own communities, including in rural areas;

- d. Require health professionals to provide care of the same quality to persons with disabilities as to others, including on the basis of free and informed consent by, inter alia, raising awareness of the human rights, dignity, autonomy and needs of persons with disabilities through training and the promulgation of ethical standards for public and private health care;
- e. Prohibit discrimination against persons with disabilities in the provision of health insurance, and life insurance where such insurance is permitted by national law, which shall be provided in a fair and reasonable manner;
- f. Prevent discriminatory denial of health care or health services or food and fluids on the basis of disability.

#### **Article 26: Habilitation and rehabilitation**

1. States Parties shall take effective and appropriate measures, including through peer support, to enable persons with disabilities to attain and maintain maximum independence, full physical, mental, social and vocational ability, and full inclusion and participation in all aspects of life. To that end, States Parties shall organize, strengthen and extend comprehensive habilitation and rehabilitation services and programmes, particularly in the areas of health, employment, education and social services, in such a way that these services and programmes:
  - a. Begin at the earliest possible stage, and are based on the multidisciplinary assessment of individual needs and strengths;
  - b. Support participation and inclusion in the community and all aspects of society, are voluntary, and are available to persons with disabilities as close as possible to their own communities, including in rural areas.
2. States Parties shall promote the development of initial and continuing training for professionals and staff working in habilitation and rehabilitation services.
3. States Parties shall promote the availability, knowledge and use of assistive devices and technologies, designed for persons with disabilities, as they relate to habilitation and rehabilitation.

#### **Article 27: Work and employment**

1. States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. States Parties shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation, to, inter alia:
  - a. Prohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions;
  - b. Protect the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances;
  - c. Ensure that persons with disabilities are able to exercise their labour and trade union rights on an equal basis with others;
  - d. Enable persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training;
  - e. Promote employment opportunities and career advancement for persons with disabilities in the labour market, as well as assistance in finding, obtaining, maintaining and returning to employment;

- f. Promote opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one's own business;
  - g. Employ persons with disabilities in the public sector;
  - h. Promote the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programmes, incentives and other measures;
  - i. Ensure that reasonable accommodation is provided to persons with disabilities in the workplace;
  - j. Promote the acquisition by persons with disabilities of work experience in the open labour market;
  - k. Promote vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities.
2. States Parties shall ensure that persons with disabilities are not held in slavery or in servitude, and are protected, on an equal basis with others, from forced or compulsory labour.

#### **Article 28: Adequate standard of living and social protection**

1. States Parties recognize the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions, and shall take appropriate steps to safeguard and promote the realization of this right without discrimination on the basis of disability.
2. States Parties recognize the right of persons with disabilities to social protection and to the enjoyment of that right without discrimination on the basis of disability, and shall take appropriate steps to safeguard and promote the realization of this right, including measures:
- a. To ensure equal access by persons with disabilities to clean water services, and to ensure access to appropriate and affordable services, devices and other assistance for disability-related needs;
  - b. To ensure access by persons with disabilities, in particular women and girls with disabilities and older persons with disabilities, to social protection programmes and poverty reduction programmes;
  - c. To ensure access by persons with disabilities and their families living in situations of poverty to assistance from the State with disability-related expenses, including adequate training, counselling, financial assistance and respite care;
  - d. To ensure access by persons with disabilities to public housing programmes;
  - e. To ensure equal access by persons with disabilities to retirement benefits and programmes.

#### **Article 29: Participation in political and public life**

States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake to:

- a. Ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected, inter alia, by:
  - i. Ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use;
  - ii. Protecting the right of persons with disabilities to vote by secret ballot in elections and public referendums without intimidation, and to stand for elections, to effectively hold office and perform all public functions at all levels of government, facilitating the use of assistive and new technologies where appropriate;

- iii. Guaranteeing the free expression of the will of persons with disabilities as electors and to this end, where necessary, at their request, allowing assistance in voting by a person of their own choice;
- b. Promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs, including:
  - i. Participation in non-governmental organizations and associations concerned with the public and political life of the country, and in the activities and administration of political parties;
  - ii. Forming and joining organizations of persons with disabilities to represent persons with disabilities at international, national, regional and local levels.

### **Article 30: Participation in cultural life, recreation, leisure and sport**

1. States Parties recognize the right of persons with disabilities to take part on an equal basis with others in cultural life, and shall take all appropriate measures to ensure that persons with disabilities:
  - a. Enjoy access to cultural materials in accessible formats;
  - b. Enjoy access to television programmes, films, theatre and other cultural activities, in accessible formats;
  - c. Enjoy access to places for cultural performances or services, such as theatres, museums, cinemas, libraries and tourism services, and, as far as possible, enjoy access to monuments and sites of national cultural importance.
2. States Parties shall take appropriate measures to enable persons with disabilities to have the opportunity to develop and utilize their creative, artistic and intellectual potential, not only for their own benefit, but also for the enrichment of society.
3. States Parties shall take all appropriate steps, in accordance with international law, to ensure that laws protecting intellectual property rights do not constitute an unreasonable or discriminatory barrier to access by persons with disabilities to cultural materials.
4. Persons with disabilities shall be entitled, on an equal basis with others, to recognition and support of their specific cultural and linguistic identity, including sign languages and deaf culture.
5. With a view to enabling persons with disabilities to participate on an equal basis with others in recreational, leisure and sporting activities, States Parties shall take appropriate measures:
  - a. To encourage and promote the participation, to the fullest extent possible, of persons with disabilities in mainstream sporting activities at all levels;
  - b. To ensure that persons with disabilities have an opportunity to organize, develop and participate in disability-specific sporting and recreational activities and, to this end, encourage the provision, on an equal basis with others, of appropriate instruction, training and resources;
  - c. To ensure that persons with disabilities have access to sporting, recreational and tourism venues;
  - d. To ensure that children with disabilities have equal access with other children to participation in play, recreation and leisure and sporting activities, including those activities in the school system;
  - e. To ensure that persons with disabilities have access to services from those involved in the organization of recreational, tourism, leisure and sporting activities.

### **Article 31: Statistics and data collection**

1. States Parties undertake to collect appropriate information, including statistical and research data, to enable them to formulate and implement policies to give effect to the present Convention. The process of collecting and maintaining this information shall:
  - a. Comply with legally established safeguards, including legislation on data protection, to ensure confidentiality and respect for the privacy of persons with disabilities;
  - b. Comply with internationally accepted norms to protect human rights and fundamental freedoms and ethical principles in the collection and use of statistics.
2. The information collected in accordance with this article shall be disaggregated, as appropriate, and used to help assess the implementation of States Parties' obligations under the present Convention and to identify and address the barriers faced by persons with disabilities in exercising their rights.
3. States Parties shall assume responsibility for the dissemination of these statistics and ensure their accessibility to persons with disabilities and others.

### **Article 32: International cooperation**

1. States Parties recognize the importance of international cooperation and its promotion, in support of national efforts for the realization of the purpose and objectives of the present Convention, and will undertake appropriate and effective measures in this regard, between and among States and, as appropriate, in partnership with relevant international and regional organizations and civil society, in particular organizations of persons with disabilities. Such measures could include, inter alia:
  - a. Ensuring that international cooperation, including international development programmes, is inclusive of and accessible to persons with disabilities;
  - b. Facilitating and supporting capacity-building, including through the exchange and sharing of information, experiences, training programmes and best practices;
  - c. Facilitating cooperation in research and access to scientific and technical knowledge;
  - d. Providing, as appropriate, technical and economic assistance, including by facilitating access to and sharing of accessible and assistive technologies, and through the transfer of technologies.
2. The provisions of this article are without prejudice to the obligations of each State Party to fulfil its obligations under the present Convention.

### **Article 33: National implementation and monitoring**

1. States Parties, in accordance with their system of organization, shall designate one or more focal points within government for matters relating to the implementation of the present Convention, and shall give due consideration to the establishment or designation of a coordination mechanism within government to facilitate related action in different sectors and at different levels.
2. States Parties shall, in accordance with their legal and administrative systems, maintain, strengthen, designate or establish within the State Party, a framework, including one or more independent mechanisms, as appropriate, to promote, protect and monitor implementation of the present Convention. When designating or establishing such a mechanism, States Parties shall take into account the principles relating to the status and functioning of national institutions for protection and promotion of human rights.
3. Civil society, in particular persons with disabilities and their representative organizations, shall be involved and participate fully in the monitoring process.

#### Article 34: Committee on the Rights of Persons with Disabilities

1. There shall be established a Committee on the Rights of Persons with Disabilities (hereafter referred to as “the Committee”), which shall carry out the functions hereinafter provided.
2. The Committee shall consist, at the time of entry into force of the present Convention, of twelve experts. After an additional sixty ratifications or accessions to the Convention, the membership of the Committee shall increase by six members, attaining a maximum number of eighteen members.
3. The members of the Committee shall serve in their personal capacity and shall be of high moral standing and recognized competence and experience in the field covered by the present Convention. When nominating their candidates, States Parties are invited to give due consideration to the provision set out in article 4.3 of the present Convention.
4. The members of the Committee shall be elected by States Parties, consideration being given to equitable geographical distribution, representation of the different forms of civilization and of the principal legal systems, balanced gender representation and participation of experts with disabilities.
5. The members of the Committee shall be elected by secret ballot from a list of persons nominated by the States Parties from among their nationals at meetings of the Conference of States Parties. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
6. The initial election shall be held no later than six months after the date of entry into force of the present Convention. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit the nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating the State Parties which have nominated them, and shall submit it to the States Parties to the present Convention.
7. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election once. However, the term of six of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these six members shall be chosen by lot by the chairperson of the meeting referred to in paragraph 5 of this article.
8. The election of the six additional members of the Committee shall be held on the occasion of regular elections, in accordance with the relevant provisions of this article.
9. If a member of the Committee dies or resigns or declares that for any other cause she or he can no longer perform her or his duties, the State Party which nominated the member shall appoint another expert possessing the qualifications and meeting the requirements set out in the relevant provisions of this article, to serve for the remainder of the term.
10. The Committee shall establish its own rules of procedure.
11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention, and shall convene its initial meeting.
12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee’s responsibilities.
13. The members of the Committee shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

### Article 35: Reports by States Parties

1. Each State Party shall submit to the Committee, through the Secretary-General of the United Nations, a comprehensive report on measures taken to give effect to its obligations under the present Convention and on the progress made in that regard, within two years after the entry into force of the present Convention for the State Party concerned.
2. Thereafter, States Parties shall submit subsequent reports at least every four years and further whenever the Committee so requests.
3. The Committee shall decide any guidelines applicable to the content of the reports.
4. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports, repeat information previously provided. When preparing reports to the Committee, States Parties are invited to consider doing so in an open and transparent process and to give due consideration to the provision set out in article 4.3 of the present Convention.
5. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Convention.

### Article 36: Consideration of reports

1. Each report shall be considered by the Committee, which shall make such suggestions and general recommendations on the report as it may consider appropriate and shall forward these to the State Party concerned. The State Party may respond with any information it chooses to the Committee. The Committee may request further information from States Parties relevant to the implementation of the present Convention.
2. If a State Party is significantly overdue in the submission of a report, the Committee may notify the State Party concerned of the need to examine the implementation of the present Convention in that State Party, on the basis of reliable information available to the Committee, if the relevant report is not submitted within three months following the notification. The Committee shall invite the State Party concerned to participate in such examination. Should the State Party respond by submitting the relevant report, the provisions of paragraph 1 of this article will apply.
3. The Secretary-General of the United Nations shall make available the reports to all States Parties.
4. States Parties shall make their reports widely available to the public in their own countries and facilitate access to the suggestions and general recommendations relating to these reports.
5. The Committee shall transmit, as it may consider appropriate, to the specialized agencies, funds and programmes of the United Nations, and other competent bodies, reports from States Parties in order to address a request or indication of a need for technical advice or assistance contained therein, along with the Committee's observations and recommendations, if any, on these requests or indications.

### Article 37: Cooperation between States Parties and the Committee

1. Each State Party shall cooperate with the Committee and assist its members in the fulfilment of their mandate.
2. In its relationship with States Parties, the Committee shall give due consideration to ways and means of enhancing national capacities for the implementation of the present Convention, including through international cooperation.

### **Article 38: Relationship of the Committee with other bodies**

In order to foster the effective implementation of the present Convention and to encourage international cooperation in the field covered by the present Convention:

- a. The specialized agencies and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite specialized agencies and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;
- b. The Committee, as it discharges its mandate, shall consult, as appropriate, other relevant bodies instituted by international human rights treaties, with a view to ensuring the consistency of their respective reporting guidelines, suggestions and general recommendations, and avoiding duplication and overlap in the performance of their functions.

### **Article 39: Report of the Committee**

The Committee shall report every two years to the General Assembly and to the Economic and Social Council on its activities, and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties.

### **Article 40: Conference of States Parties**

1. The States Parties shall meet regularly in a Conference of States Parties in order to consider any matter with regard to the implementation of the present Convention.
2. No later than six months after the entry into force of the present Convention, the Conference of the States Parties shall be convened by the Secretary-General of the United Nations. The subsequent meetings shall be convened by the Secretary-General of the United Nations biennially or upon the decision of the Conference of States Parties.

### **Article 41: Depository**

The Secretary-General of the United Nations shall be the depository of the present Convention.

### **Article 42: Signature**

The present Convention shall be open for signature by all States and by regional integration organizations at United Nations Headquarters in New York as of 30 March 2007.

### **Article 43: Consent to be bound**

The present Convention shall be subject to ratification by signatory States and to formal confirmation by signatory regional integration organizations. It shall be open for accession by any State or regional integration organization which has not signed the Convention.

### **Article 44: Regional integration organizations**

1. "Regional integration organization" shall mean an organization constituted by sovereign States of a given region, to which its member States have transferred competence in respect of matters governed by this Convention. Such organizations shall declare, in their instruments of formal confirmation or accession, the extent of their competence with respect to matters governed by this Convention. Subsequently, they shall inform the depository of any substantial modification in the extent of their competence.

2. References to “States Parties” in the present Convention shall apply to such organizations within the limits of their competence.
3. For the purposes of article 45, paragraph 1, and article 47, paragraphs 2 and 3, any instrument deposited by a regional integration organization shall not be counted.
4. Regional integration organizations, in matters within their competence, may exercise their right to vote in the Conference of States Parties, with a number of votes equal to the number of their member States that are Parties to this Convention. Such an organization shall not exercise its right to vote if any of its member States exercises its right, and vice versa.

#### **Article 45: Entry into force**

1. The present Convention shall enter into force on the thirtieth day after the deposit of the twentieth instrument of ratification or accession.
2. For each State or regional integration organization ratifying, formally confirming or acceding to the Convention after the deposit of the twentieth such instrument, the Convention shall enter into force on the thirtieth day after the deposit of its own such instrument.

#### **Article 46: Reservations**

1. Reservations incompatible with the object and purpose of the present Convention shall not be permitted.
2. Reservations may be withdrawn at any time.

#### **Article 47: Amendments**

1. Any State Party may propose an amendment to the present Convention and submit it to the Secretary-General of the United Nations. The Secretary-General shall communicate any proposed amendments to States Parties, with a request to be notified whether they favour a conference of States Parties for the purpose of considering and deciding upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of two thirds of the States Parties present and voting shall be submitted by the Secretary-General to the General Assembly for approval and thereafter to all States Parties for acceptance.
2. An amendment adopted and approved in accordance with paragraph 1 of this article shall enter into force on the thirtieth day after the number of instruments of acceptance deposited reaches two thirds of the number of States Parties at the date of adoption of the amendment. Thereafter, the amendment shall enter into force for any State Party on the thirtieth day following the deposit of its own instrument of acceptance. An amendment shall be binding only on those States Parties which have accepted it.
3. If so decided by the Conference of States Parties by consensus, an amendment adopted and approved in accordance with paragraph 1 of this article which relates exclusively to articles 34, 38, 39 and 40 shall enter into force for all States Parties on the thirtieth day after the number of instruments of acceptance deposited reaches two thirds of the number of States Parties at the date of adoption of the amendment.

#### **Article 48: Denunciation**

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. The denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General.

#### **Article 49: Accessible format**

The text of the present Convention shall be made available in accessible formats.

**Article 50: Authentic texts**

The Arabic, Chinese, English, French, Russian and Spanish texts of the present Convention shall be equally authentic.

In witness thereof the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.



### 9.3 APPENDIX 3: CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)

#### CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)

*The States Parties to the present Convention,*

*Noting* that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

*Noting* that the Universal Declaration of Human Rights affirms the principle of the inadmissibility of discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex,

*Noting* that the States Parties to the International Covenants on Human Rights have the obligation to ensure the equal rights of men and women to enjoy all economic, social, cultural, civil and political rights,

*Considering* the international conventions concluded under the auspices of the United Nations and the specialized agencies promoting equality of rights of men and women,

*Noting* also the resolutions, declarations and recommendations adopted by the United Nations and the specialized agencies promoting equality of rights of men and women,

*Concerned*, however, that despite these various instruments extensive discrimination against women continues to exist,

*Recalling* that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity,

*Concerned* that in situations of poverty women have the least access to food, health, education, training and opportunities for employment and other needs,

*Convinced* that the establishment of the new international economic order based on equity and justice will contribute significantly towards the promotion of equality between men and women,

*Emphasizing* that the eradication of apartheid, all forms of racism, racial discrimination, colonialism, neo-colonialism, aggression, foreign occupation and domination and interference in the internal affairs of States is essential to the full enjoyment of the rights of men and women,

*Affirming* that the strengthening of international peace and security, the relaxation of international tension, mutual co-operation among all States irrespective of their social and economic systems, general and complete disarmament, in particular nuclear disarmament under strict and effective international control, the affirmation of the principles of justice, equality and mutual benefit in relations among countries and the realization of the right of peoples under alien and colonial domination and foreign occupation to self-determination and independence, as well as respect for national sovereignty and territorial integrity, will promote social progress and development and as a consequence will contribute to the attainment of full equality between men and women,

*Convinced* that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields,

*Bearing in mind* the great contribution of women to the welfare of the family and to the development of society, so far not fully recognized, the social significance of maternity and the role of both parents in the family and in the upbringing of children, and aware that the role of women in procreation should not be a basis for discrimination but that the upbringing of children requires a sharing of responsibility between men and women and society as a whole,

*Aware* that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women,

*Determined* to implement the principles set forth in the Declaration on the Elimination of Discrimination against Women and, for that purpose, to adopt the measures required for the elimination of such discrimination in all its forms and manifestations,

*Have agreed on the following:*

## **PART I**

### **Article 1**

For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

### **Article 2**

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

- a. To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;
- b. To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
- c. To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- d. To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
- e. To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
- f. To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
- g. To repeal all national penal provisions which constitute discrimination against women.

### **Article 3**

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

#### Article 4

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.
2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

#### Article 5

States Parties shall take all appropriate measures:

- a. To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;
- b. To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

#### Article 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

### PART II

#### Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- a. To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
- b. To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
- c. To participate in non-governmental organizations and associations concerned with the public and political life of the country.

#### Article 8

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

#### Article 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.
2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

### PART III

#### Article 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

- a. The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;
- b. Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;
- c. The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;
- d. The same opportunities to benefit from scholarships and other study grants;
- e. The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;
- f. The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;
- g. The same Opportunities to participate actively in sports and physical education;
- h. Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

#### Article 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:
  - a. The right to work as an inalienable right of all human beings;
  - b. The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;
  - c. The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;
  - d. The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;
  - e. The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;
  - f. The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:
  - a. To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;
  - b. To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;
  - c. To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;
  - d. To provide special protection to women during pregnancy in types of work proved to be harmful to them.
3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

#### Article 12

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.
2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

#### Article 13

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- a. The right to family benefits;
- b. The right to bank loans, mortgages and other forms of financial credit;
- c. The right to participate in recreational activities, sports and all aspects of cultural life.

#### Article 14

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.
2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:
  - a. To participate in the elaboration and implementation of development planning at all levels;
  - b. To have access to adequate health care facilities, including information, counselling and services in family planning;
  - c. To benefit directly from social security programmes;
  - d. To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase

their technical proficiency;

- e. To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self employment;
- f. To participate in all community activities;
- g. To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;
- h. To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

## PART IV

### Article 15

1. States Parties shall accord to women equality with men before the law.
2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.
3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.
4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

### Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:
  - a. The same right to enter into marriage;
  - b. The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
  - c. The same rights and responsibilities during marriage and at its dissolution;
  - d. The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
  - e. The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
  - f. The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;
  - g. The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;
  - h. The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.
2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

## PART V

### Article 17

1. For the purpose of considering the progress made in the implementation of the present Convention, there shall be established a Committee on the Elimination of Discrimination against Women (hereinafter referred to as the Committee) consisting, at the time of entry into force of the Convention, of eighteen and, after ratification of or accession to the Convention by the thirty-fifth State Party, of twenty-three experts of high moral standing and competence in the field covered by the Convention. The experts shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as the principal legal systems.
2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.
3. The initial election shall be held six months after the date of the entry into force of the present Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.
4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
5. The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.
6. The election of the five additional members of the Committee shall be held in accordance with the provisions of paragraphs 2, 3 and 4 of this article, following the thirty-fifth ratification or accession. The terms of two of the additional members elected on this occasion shall expire at the end of two years, the names of these two members having been chosen by lot by the Chairman of the Committee.
7. For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.
8. The members of the Committee shall, with the approval of the General Assembly, receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities.
9. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

### Article 18

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted

to give effect to the provisions of the present Convention and on the progress made in this respect:

- a. Within one year after the entry into force for the State concerned;
  - b. Thereafter at least every four years and further whenever the Committee so requests.
2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Convention.

#### Article 19

1. The Committee shall adopt its own rules of procedure.
2. The Committee shall elect its officers for a term of two years.

#### Article 20

1. The Committee shall normally meet for a period of not more than two weeks annually in order to consider the reports submitted in accordance with article 18 of the present Convention.
2. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. (amendment, status of ratification)

#### Article 21

1. The Committee shall, through the Economic and Social Council, report annually to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties.
2. The Secretary-General of the United Nations shall transmit the reports of the Committee to the Commission on the Status of Women for its information.

#### Article 22

The specialized agencies shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their activities. The Committee may invite the specialized agencies to submit reports on the implementation of the Convention in areas falling within the scope of their activities.

### PART VI

#### Article 23

Nothing in the present Convention shall affect any provisions that are more conducive to the achievement of equality between men and women which may be contained:

- a. In the legislation of a State Party; or
- b. In any other international convention, treaty or agreement in force for that State.

#### Article 24

States Parties undertake to adopt all necessary measures at the national level aimed at achieving the full realization of the rights recognized in the present Convention.

#### Article 25

1. The present Convention shall be open for signature by all States.
2. The Secretary-General of the United Nations is designated as the depositary of the present Convention.
3. The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
4. The present Convention shall be open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

#### Article 26

1. A request for the revision of the present Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.
2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

#### Article 27

1. The present Convention shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
2. For each State ratifying the present Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

#### Article 28

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.
2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.
3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General of the United Nations, who shall then inform all States thereof. Such notification shall take effect on the date on which it is received.

#### Article 29

1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.
2. Each State Party may at the time of signature or ratification of the present Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by that paragraph with respect to any State Party which has made such a reservation.
3. Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

#### Article 30

The present Convention, the Arabic, Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, duly authorized, have signed the present Convention.



## 9.4 APPENDIX 4: UNITED NATIONS GENERAL COMMENT NO. 3 (2016) ARTICLE 6: WOMEN AND GIRLS WITH DISABILITIES

### COMMITTEE ON THE RIGHTS OF PERSONS WITH DISABILITIES: GENERAL COMMENT NO. 3 (2016) ARTICLE 6: WOMEN AND GIRLS WITH DISABILITIES (2 SEPTEMBER 2016)

#### Article 6: Women and girls with disabilities

1. The present draft was prepared by the Committee on the Rights of Persons with Disabilities in accordance with rule 47 of its rules of procedure, which states that the Committee may prepare general comments based on the various articles and provisions of the Convention with a view to assisting States parties in fulfilling their reporting obligations, as well as paragraphs 54–57 of its working methods.
2. There is strong evidence to show that women and girls with disabilities face barriers in most areas of life. These barriers create situations of multiple and intersecting forms of discrimination against women and girls with disabilities, particularly, with regard to equal access to education, access to economic opportunities, access to social interaction, access to justice and equal recognition before the law,<sup>19</sup> the ability to participate politically, and the ability to exercise control over their own lives across a range of contexts, for example: with regard to healthcare, including sexual and reproductive health; and where and with whom they wish to live.

#### SECTION I: INTRODUCTION

3. International and national laws and policies on disability have historically neglected aspects related to women and girls with disabilities. In turn, laws and policies addressing women have traditionally ignored disability. This invisibility has perpetuated the situation of multiple and intersecting forms of discrimination against women and girls with disabilities.<sup>20</sup> Women with disabilities are discriminated against on the grounds of gender and/or disability, or other possible grounds.
4. Terminology used in this general comment includes:
  - a. 'Women with disabilities' refers to all adult women, girls and adolescents.
  - b. Sex and gender: Where sex refers to biological differences and gender refers to the characteristics that a society or culture delineates as masculine or feminine.
  - c. Multiple discrimination is a situation where a person can experience discrimination on two or several grounds, in the sense that discrimination is compounded or aggravated.<sup>21</sup> Intersectional discrimination refers to a situation where several grounds operate and interact with each other at the same time in such a way that they are inseparable.<sup>22</sup> Grounds for discrimination include, but are not limited to: age, disability, ethnic, indigenous, national or social origin, gender identity, political or other opinion, race, refugee, migrant or asylum status, religion, sex, or sexual orientation.
5. Women with disabilities are not a homogenous group. They include: indigenous women; refugee, migrant, asylum seeker and internally displaced women; women in detention (hospitals, residential institutions, juvenile or correctional facilities and prisons); women living in poverty; women from different ethnic, religious and racial backgrounds; women with multiple disabilities and high levels of support; women with albinism; and lesbian, bi-sexual, transgender women, and intersex persons. The diversity of women with disabilities also includes all types of impairments which is understood as physical, psychosocial, intellectual or sensory conditions which may or may not come with functional limitations. Disability is understood as the social effect of the interaction between individual impairment and the social and material environment, as described in article 1.

6. Gradual changes in law and policy have occurred since the 1980s and the recognition of women with disabilities has increased. Jurisprudence developed under the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) have highlighted concerns that need to be addressed regarding women and girls with disabilities and recommendations to be implemented. At a policy level, various United Nations bodies have started addressing issues facing women with disabilities and a number of regional strategies addressing disability inclusive development include them.
7. Article 6 of the Convention is a response to the lack of recognition of the rights of women and girls with disabilities, who worked hard for its inclusion in the treaty text. It reinforces the non-discriminatory approach of the Convention in its particular application to women and girls and requires that States parties go beyond refraining from discriminatory actions, to adopting measures aiming at the development, advancement and empowerment of women and girls with disabilities and promotes measures to empower them, by recognizing these constituencies as distinct right holders, providing channels for voice and agency, raising their self-confidence and increasing their power and authority to take decisions in all areas affecting their lives. Article 6 serves as an interpretation tool to approach the responsibilities of States parties across the Convention, to promote, protect and fulfill the human rights of women and girls with disabilities, from a human rights-based approach and a development perspective.
8. Gender equality is central to human rights. Equality is a fundamental human rights principle that is inherently relative and context specific. Ensuring the human rights of women requires, firstly, a comprehensive understanding of the social structures and power relations that frame laws and policies as well as the economy, social dynamics, family and community life, and cultural beliefs. Gender stereotypes can also limit women's capacity to develop their personal abilities, pursue their professional careers and make choices about their lives and life plans. Both hostile/negative or seemingly benign stereotypes can be harmful. There is a recognized need to address harmful gender stereotypes in order to promote gender equality.<sup>23</sup> The Convention equally enshrines an obligation to combat stereotypes, prejudices and harmful practices relating to persons with disabilities, including those based on sex and age, in all areas of life.<sup>24</sup>
9. Article 6 is a binding non-discrimination and equality provision that unequivocally outlaws discrimination against women with disabilities and promotes equality of opportunity and equality of outcomes. Women and girls with disabilities are more likely to be discriminated against than men and boys with disabilities and the larger population of women and girls.
10. The Committee notes that contributions from its half day of general discussion on women and girls with disabilities which took place during its 9th session in April 2013, highlighted a range of topics and identified three main subjects of concern with respect to the protection of their human rights: (1) violence, (2) sexual and reproductive health and rights and (3) discrimination. Furthermore, concluding observations issued by this Committee to date on women with disabilities express concern about: the prevalence of multiple discrimination and intersectional discrimination against women with disabilities,<sup>25</sup> on account of their gender, disability and other factors<sup>26</sup> which are not sufficiently addressed in legislation and policies;<sup>27</sup> the right to life,<sup>28</sup> equal recognition before the law,<sup>29</sup> the persistence of violence against women and girls with disabilities,<sup>30</sup> including sexual violence<sup>31</sup> and abuse,<sup>32</sup> forced sterilization,<sup>33</sup> female genital mutilation,<sup>34</sup> sexual and economic exploitation;<sup>35</sup> institutionalization,<sup>36</sup> the lack of or insufficient participation of women with disabilities in decision-making processes<sup>37</sup> in public and political life;<sup>38</sup> the lack of inclusion of a gender perspective in disability policies,<sup>39</sup> the lack of a disability rights perspective in gender policies;<sup>40</sup> and the lack of or insufficient specific measures to promote the education and employment of women with disabilities.<sup>41</sup>

## SECTION II: NORMATIVE CONTENT

11. This general comment reflects an interpretation of article 6 which is premised on the general principles of the Convention, as outlined in article 3, namely, respect for inherent dignity, individual autonomy — including the freedom to make one’s own choices —, and independence of persons; non-discrimination; full and effective participation and inclusion in society; respect for difference and acceptance of persons with disabilities as part of human diversity and humanity; equality of opportunity; accessibility; equality between men and women; and respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.
12. Article 6 is a cross-cutting article related to all articles of the Convention to remind States parties to include the rights of women and girls with disabilities in all actions aimed at implementing the Convention. In particular, positive action measures need to be taken in order to ensure that women with disabilities are protected against multiple discrimination and can enjoy human rights and fundamental freedoms on an equal basis with others.

### Article 6, paragraph 1

13. Article 6 paragraph 1 recognizes that women with disabilities are subject to multiple discrimination and requires that States parties take measures to ensure the full and equal enjoyment by women with disabilities of all human rights and fundamental freedoms. The Convention references multiple discrimination in article 5 paragraph 2 which not only requires States parties to prohibit any kind of discrimination based on disability, but also to protect against discrimination on other grounds.<sup>42</sup> Jurisprudence by the CRPD Committee has included measures to address multiple and intersectional discrimination.<sup>43</sup>
14. Discrimination on the basis of disability is defined by the Convention as “any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation”.<sup>44</sup> Discrimination against women is defined by CEDAW as “any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, or enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field”.<sup>45</sup>
15. The Convention defines “reasonable accommodation” as ‘necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms’ requiring that State parties guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds.<sup>46</sup> Recent jurisprudence from the CEDAW Committee has referenced reasonable accommodation with respect to women with disabilities’ access to employment.<sup>47</sup> The duty to provide reasonable accommodation is an *ex nunc* duty, meaning it is enforceable from the moment a person requests it in a given situation in order to enjoy their rights on an equal basis in a particular context. Failure to provide reasonable accommodation for women with disabilities may amount to discrimination under articles 5 and 6.<sup>48</sup> An example of reasonable accommodation could be a woman with a disability in the workplace requiring an accessible place to breast feed.
16. Intersectional discrimination recognizes that individuals do not experience discrimination as members of a homogenous group but rather, as individuals with multidimensional layers of identities, statuses and life circumstances. It means acknowledging the lived realities and experiences of heightened disadvantage of individuals caused by multiple and intersecting forms of discrimination, which requires targeted measures with respect to disaggregated data collection, consultation, policymaking, enforceability of non-discrimination and provision of effective remedies.

17. Discrimination against women and girls with disabilities can take many forms of discrimination: direct or indirect discrimination, discrimination by association, denial of reasonable accommodation, structural and systemic discrimination. Irrespective of the form it takes, the impact of discrimination violates the rights of women with disabilities.
- a. **Direct discrimination** occurs when women with disabilities are treated less favourably than another person in a similar situation for a reason related to a prohibited ground. It also includes detrimental acts or omissions on the basis of prohibited grounds where there is no comparable similar situation.<sup>49</sup> For example, direct discrimination occurs when the testimonies of women with intellectual or psychosocial disabilities are dismissed from court proceedings because of legal capacity, thus denying them justice and effective remedies as victims of violence.
  - b. **Indirect discrimination** means that law, policies or practices appear neutral at face value, but have a disproportionate negative impact<sup>50</sup> on women with disabilities. For example, healthcare facilities may appear neutral, but do not include accessible examination beds for gynaecological screening.
  - c. **Discrimination by association** applies where discrimination can occur based on association with a person with a disability. For example often the association is made for women in a caregiver role. For example, a mother of a child with a disability may be discriminated against by a potential employer due to the fear of the employer that she will be a less engaged/available worker because of her child.
  - d. **Denial of reasonable accommodation** is discrimination if necessary and appropriate modification and adjustments (that do not impose a disproportionate or undue burden) are denied and are needed to ensure women with disabilities enjoy equal exercise of a human right or fundamental freedom.<sup>51</sup> For example, a woman with a disability may be denied reasonable accommodation if she cannot undergo a mammogram at a health centre due to the physical inaccessibility of the built environment.
  - e. **Structural or systemic discrimination** are hidden or overt patterns of discriminatory institutional behaviour, discriminatory cultural traditions, social norms and/or rules. Harmful gender and disability stereotyping can lead to such discrimination, inextricably linked to a lack of policies, regulation and service provision specifically for women with disabilities. For example, due to stereotyping based on the intersection of gender and disability, women with disabilities may face barriers when reporting violence, such as disbelief and dismissal by police, prosecutors and courts. Likewise, harmful practices are strongly connected to and reinforce socially constructed gender roles and power relations that can reflect negative perceptions of, or discriminatory beliefs regarding women with disabilities, such as the belief that men with HIV/AIDS can be cured by engaging in sexual intercourse with women with disabilities.<sup>52</sup> The lack of awareness training and policies to prevent harmful stereotyping of women with disabilities by public officials, be it teachers, health service providers, police officers, prosecutors, judges, and the public at large can often lead to individual instances of violations of rights.
18. Women with disabilities are subject to multiple discrimination not only in the public, but also in the private sphere, for example, within family relations or by private social service providers. International human rights law has long acknowledged State party responsibility for discrimination perpetrated by private, non-state actors.<sup>53</sup> States parties must adopt legal provisions and procedures which explicitly recognise multiple discrimination to ensure complaints made on the basis of more than one ground of discrimination are considered in the context of the determination of both liability and remedies.

#### Article 6 paragraph 2

19. Article 6 paragraph 2 addresses the development, advancement and empowerment of women. It assumes that women can be ensured the rights designated in the Convention if States parties strive to achieve and promote these goals with appropriate means, and in all of the fields addressed by the Convention.

20. The Convention sets out that States parties must take “all appropriate measures” to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities. These measures are legislative, educational, administrative, cultural, political, linguistic, and others. Measures are appropriate if they respect the principles of the Convention, including achieving the goal of guaranteeing women with disabilities the exercise and enjoyment of the human rights and fundamental freedoms set out in the Convention. Measures may be temporary or long term and should overcome de jure and de facto inequality. While special temporary measures such as quotas, might be necessary to overcome structural and systemic multiple discrimination, long term measures such as reforming laws and policies to ensure the equal participation of women with disabilities in all areas of life are essential prerequisites for achieving substantive equality for women with disabilities.
21. All measures must ensure the full development, advancement and empowerment of women with disabilities. Although development relates to economic growth and eradication of poverty, it is not limited to these fields. While gender and disability-sensitive development in the field of, among others, education, employment, income generation, and relating to combating violence may be appropriate measures to ensure the full economic empowerment of women with disabilities, additional measures are necessary with regard to health, political and cultural and sports participation.
22. Advancement and empowerment of women with disabilities goes beyond the goal of development in so far as measures must also target the improvement of the situation of women with disabilities throughout their lifespan. It is not enough to recognize women with disabilities in development measures rather, they must also be able to participate in and contribute to society.
23. In line with a human rights-based approach, ensuring the empowerment of women with disabilities means promoting their participation in public decision-making. Women and girls with disabilities have historically encountered many barriers to participation in public decision-making. Due to power imbalances and multiple forms of discrimination, they have had fewer opportunities to establish or join organizations that can represent their needs as women and persons with disabilities. States parties should reach out directly to women and girls with disabilities and establish adequate measures to guarantee that the perspectives of women and girls with disabilities are fully taken into account and that they will not be subjected to any reprisals for expressing their viewpoints and concerns, especially in relation to sexual and reproductive health and rights, gender-based violence including sexual violence. Finally, States parties must promote the participation of representative organizations of women with disabilities beyond disability-specific consultative bodies and mechanisms.<sup>54</sup>

### SECTION III: STATES PARTIES' OBLIGATIONS

24. State parties to the Convention 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.
25. The obligation to respect requires States parties to refrain from interfering with the enjoyment of the rights of women with disabilities. As such, existing laws, regulations, customs and practices that constitute discrimination against women with disabilities must be abolished.<sup>55</sup> Laws that do not allow women with disabilities to marry or choose the number and spacing of their children on an equal basis with others are frequent examples of such discrimination. Further, the duty to respect implies refraining from engaging in any act or practice that is inconsistent with article 6 and other substantive provisions, to ensure that public authorities and institutions act in conformity with it.<sup>56</sup>
26. The obligation to protect means that States parties have to ensure that the rights of women with disabilities are not infringed upon by third parties. Thus, States parties must take all appropriate measures to eliminate discrimination on the basis of sex and/or impairment by any person, organization or private enterprise. It also includes the duty to exercise due diligence through preventing violence or violations of human rights, protecting victims and witnesses from violations, investigating, prosecuting and punishing those responsible, including private actors, and providing access to redress and reparations where human rights violations occur.<sup>57</sup> For example, promoting the training of professionals in the justice sector to ensure there are effective remedies for women with disabilities who have been subjected to violence.

27. The obligation to fulfil imposes 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<sup>58</sup> 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 precursor to reducing inequality with regard to participation and enjoyment of rights.

#### SECTION IV: THE INTERRELATIONSHIP OF ARTICLE 6 WITH OTHER ARTICLES OF THE CONVENTION

##### Perspectives of women with disabilities in CRPD provisions

28. The cross-cutting nature of article 6 inextricably links it to all other substantive provisions of the Convention. In addition to the articles that have an explicit reference to sex and/or gender,<sup>59</sup> the rights of women with disabilities under article 6 are particularly interrelated with the following provisions:

- a. Violence against women with disabilities (art. 16);
- b. Sexual and reproductive health and rights, including respect for home and the family (art. 25 and 23);
- c. Spheres of discrimination against women with disabilities in other relevant articles.

##### A: Freedom from exploitation, violence and abuse (art. 16)

29. Women with disabilities are at heightened risk of violence, exploitation and abuse compared to the broader population of women.<sup>60</sup> Violence may be interpersonal, institutional and/or structural in nature. Institutional and/or structural violence is any form of structural inequality or institutional discrimination that maintains a woman in a subordinate position, whether physical or ideological, with regard to other people within her family,<sup>61</sup> household or community.

30. The right to freedom from exploitation, violence and abuse for women with disabilities can be impacted negatively by harmful stereotypes that heighten their risk of experiencing violence. Harmful stereotypes that infantilize women with disabilities, call into question their ability to make judgements, and perceptions of women with disabilities as being asexual, or hypersexual; and erroneous beliefs and myths, heavily influenced by superstition, which increase the risk of sexual violence against women with albinism,<sup>62</sup> all contribute to women with disabilities not exercising their rights as set out in article 16.

31. Acts of violence, exploitation and/or abuse against women with disabilities that violate article 16 includes, but is not limited to: women who acquire a disability as a consequence of violence, physical force; economic coercion; trafficking, deception; misinformation; abandonment; the absence of free and informed consent and legal compulsion; neglect, including the withholding or denying access to medication; removing or controlling communication aids or refusal of assistance to communicate; denying personal mobility and accessibility such as removing or destroying accessibility features such as ramps, or assistive devices such as a white cane or mobility devices such as a wheelchair, refusal of caregivers to assist with daily living such as bathing, menstrual and/or sanitation management, dressing and eating, thus denying the right to live independently and freedom from degrading treatment; denial of food or water, or threat of any of these acts; bullying, verbal abuse and ridicule on the grounds of disability causing fear by intimidation; harming or threatening to harm, removing or killing pets or assistance dogs, or destroying objects; psychological manipulation; and controlling behaviours involving restricting face-to-face or virtual access to family, friends or others.

32. Certain forms of violence, exploitation or abuse may be considered as cruel, inhuman, degrading treatment or punishment and breaches a number of international human rights treaties. Among these are forced, coerced and otherwise involuntary pregnancy or sterilisation;<sup>63</sup> as well as any other medical procedure or intervention performed without free and informed consent, including those related to contraception and abortion; the invasive and irreversible surgical practises including psychosurgery, female genital mutilation or surgery or treatment performed on intersex children without their informed consent; the administration of electroshocks, chemical, physical or mechanical restraints; isolation or seclusion.
33. Sexual violence against women with disabilities includes rape.<sup>64</sup> Sexual abuse occurs in all scenarios within both state and non-state institutions, within the family or the community.<sup>65</sup> Some women with disabilities, in particular, deaf and deafblind women,<sup>66</sup> and women with intellectual disabilities, may be further at risk of violence and abuse because of their isolation, dependency or oppression.
34. Women with disabilities may be targeted for economic exploitation because of their impairment, which can in turn expose them to further violence. For example, women with physical or visible impairments can be trafficked into forced begging because it is believed they may have a stronger impact on public sympathy.<sup>67</sup>
35. The often preferential care and treatment of boys means that violence against girls with disabilities is more prevalent when compared to boys with disabilities or the broader population of girls. Violence against girls with disabilities includes gender-specific neglect, humiliation, concealment, abandonment, abuse, including sexual abuse and sexual exploitation, which increases during puberty. Children with disabilities are also disproportionately likely to experience non-registration at birth,<sup>68</sup> which exposes them to exploitation and violence. Girls with disabilities are particularly at risk of violence from family members and caregivers.<sup>69</sup>
36. Girls with disabilities are particularly at risk of harmful practices, which are justified by invoking sociocultural and religious customs and values. For example, girls with disabilities are more likely to die through “mercy killings” than boys with disabilities because their families are unwilling or lack the support to raise a girl with an impairment.<sup>70</sup> Other examples of harmful practices include: infanticide,<sup>71</sup> accusations of “spirit possession” and restrictions in feeding and nutrition. In addition, the marriage of girls with disabilities, especially girls with intellectual disabilities, is justified under the pretext of providing future security, care and finance for her. In turn, child marriage contributes to higher rates of school drop-out as well as early and frequent childbirth. The social isolation, segregation and exploitation of girls with disabilities inside the family, includes: exclusion from family activities, prevention from leaving home, forced unpaid housework and being forbidden from attending school.
37. Women with disabilities are subjected to the same harmful practices committed against women without disabilities such as forced marriage, female genital mutilation, crimes committed in the name of so called honour, dowry related violence, widowhood practices and accusations of witchcraft.<sup>72</sup> The consequences of harmful practices goes far beyond social exclusion. It reinforces harmful gender stereotypes, perpetuates inequalities and contributes to discrimination against women and girls. They can result in physical, and psychological violence and economic exploitation. Harmful practice based on patriarchal interpretations of culture cannot be evoked to justify violence against women and girls with disabilities. In addition, women and girls with disabilities are particularly at risk of ‘virgin testing’<sup>73</sup> and, regarding HIV/AIDS misbeliefs, “virgin rapes”.<sup>74</sup>

**B: Sexual and reproductive health and rights, including respect for the home and the family (art. 25 and 23)**

38. Wrongful stereotyping related to disability and gender are a form of discrimination, which particularly impacts the enjoyment of sexual and reproductive health and rights, and the right to found a family. Harmful stereotypes of women with disabilities include but are not limited to beliefs that they are: asexual, incapable, irrational, lacking control and/or hypersexual. Like all women, women with disabilities have the right to choose the number and spacing of their children, as well as the right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence.<sup>75</sup>

39. Women with disabilities face multiple barriers to the enjoyment of sexual and reproductive health and rights, equal recognition before the law and access to justice, which are addressed below. In addition to barriers resulting from multiple discrimination on the grounds of gender and disability, some women with disabilities, such as refugees, migrants and asylum seekers, face additional barriers because they are denied access to healthcare. Likewise, women with disabilities may face harmful eugenic stereotypes when it is assumed that women with disabilities give birth to children with disabilities and are thus discouraged or prevented from realizing their right to motherhood.<sup>76</sup>
40. Women with disabilities may also be denied access to information and communication, including comprehensive sexuality education, based on harmful stereotypes which assume they are asexual and thus that they do not require such information. Information may also not be available in accessible formats. Sexual and reproductive health information includes, but is not limited to information, on the basis of equality with others, about “all aspects of sexual and reproductive health, including maternal health, contraceptives, family planning, sexually transmitted infections and HIV prevention, safe abortion and post abortion care, infertility and fertility options, and reproductive cancers”.<sup>77</sup>
41. A lack of access to sexuality information for women with disabilities, especially women with intellectual disabilities, deaf and deafblind women, can increase their risk of sexual violence.<sup>78</sup>
42. Healthcare facilities and equipment, including mammogram machines and gynaecological examination beds, are often physically inaccessible for women with disabilities.<sup>79</sup> Safe transport for women with disabilities to attend healthcare facilities or screening programmes may be unavailable, unaffordable or inaccessible.
43. Attitudinal barriers by health care staff and related personnel may result in refusal of access of women with disabilities to healthcare practitioners and/or services, especially women with psychosocial or intellectual impairments, deaf and deafblind women, and women that are still institutionalized.<sup>80</sup>
44. In practice, the choices of women with disabilities, especially women with psychosocial or intellectual disabilities are often ignored, their decisions are often substituted by third parties, including legal representatives, service providers, guardians and family members, thus violating their rights under article 12.<sup>81</sup> All women with disabilities must be able to exercise their legal capacity by taking their own decisions, with support when desired with regard to medical and/or therapeutic treatment, including decisions on: retaining their fertility, reproductive autonomy, their right to choose the number and spacing of children, to consent and accept a statement of fatherhood, and the right to establish relationships. Restricting or removing legal capacity can facilitate forced interventions, such as: sterilisation, abortion, contraception, female genital mutilation, or surgery, or treatment performed on intersex children without their informed consent and forced detention in institutions.<sup>82</sup>
45. Forced contraception and sterilization can also result in sexual violence without the consequence of pregnancy, especially for women with psychosocial or intellectual disabilities and those in psychiatric or other institutions or custody. Therefore, it is particularly important to reaffirm that the legal capacity of women with disabilities should be recognised on an equal basis with others,<sup>83</sup> that women with disabilities have the right to found a family and be provided with appropriate assistance to raise their children.
46. Harmful gender and/or disability stereotypes such as incapacity and inability, can lead to mothers with disabilities facing legal discrimination. As such, they are significantly overrepresented in child protection proceedings and disproportionately lose contact and custody of their children who are subject to adoption proceedings and/or can be placed in institutions. In addition, husbands can be granted separation and/or divorce on the basis of his wife’s psychosocial disability.

## C: Spheres of discrimination against women with disabilities in other relevant articles

### Awareness-raising (art. 8)

47. Women with disabilities are exposed to compounded stereotypes that can be particularly harmful. Disability and gender stereotypes applying to women with disabilities include, but are not limited to: being burdensome to others (that they must be cared for, are a cause of hardship, an affliction, a responsibility, require protection), vulnerable (defenceless, unsafe, dependent, reliant, unsafe) and/or victims (suffering, passive, helpless), inferior (inability, inadequacy, weak, worthless); have a sexual abnormality (for example, women with disabilities are stereotyped as asexual, inactive, overactive, incapable, sexually perverse), being mystical or sinister (stereotyped as cursed, possessed by spirits, practitioners of witchcraft, as being good or bad luck, harmful). Gender and/or disability stereotyping is the practice of ascribing to a specific individual a stereotypical belief, and it is wrongful when it results in a violation or violations of human rights and fundamental freedoms. An example of this is the failure of the justice system to hold the perpetrator of sexual violence against a woman with disability accountable based on stereotypical views about her sexuality or on her credibility as a witness.

### Accessibility (art. 9)

48. The lack of consideration of gender and/or disability aspects in policies relating to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas, prevents women with disabilities from living independently and participating fully in all areas of life on an equal basis with others. This is specially relevant in their access to safe houses, support services and procedures in order to provide effective and meaningful protection from violence, abuse and exploitation or when providing health care, particularly reproductive health care.<sup>84</sup>

### Situations of risk and humanitarian emergencies (art. 11)

49. In situations of armed conflict, occupation of territories, natural disasters and humanitarian emergencies women with disabilities are at increased risk of sexual violence and are less likely to be able to have access to recovery and rehabilitation services or access to justice.<sup>85</sup> Women refugees, migrants and asylum seekers with disabilities may also face an increased risk of violence because they are denied the right to access health and justice systems because of their citizenship status.

50. Women with disabilities in situations of risk and humanitarian emergencies are at an increased risk of sexual violence as outlined in the previous section. In addition, the lack of sanitation facilities increases discrimination against women with disabilities. They face a number of barriers to accessing humanitarian aid. Although women and children are prioritised in the distribution of humanitarian relief, women with disabilities cannot always obtain information on relief projects as this is often not available in accessible formats. If women with disabilities do receive information, they may not be able to physically access distribution points, and if they do get access, women with disabilities may not be able to communicate with staff. Likewise, if women with disabilities are subjected to violence, exploitation or abuse, information and communication helplines and hotlines may not be accessible. Refugee camps often lack child protection mechanisms for children with disabilities. In addition, accessible sanitation facilities to ensure hygienic menstrual management are often unavailable which can in turn increase their risk of violence. Single women with disabilities face barriers to accessible evacuation as a result of an emergency or disaster situation, particularly if they are accompanied by their children at the time of evacuation. This disproportionately affects internally displaced women with disabilities who are without an adult family member, friends or caregivers. There are additional barriers faced by displaced girls with disabilities, to access formal and non-formal education, especially in crisis settings.

### Equal recognition before the law (art. 12)

51. Women with disabilities, more often than men with disabilities and than the broader population of women, are denied their right to legal capacity. Their rights to maintain control over their reproductive health, including on the basis of free and informed consent,<sup>86</sup> the right to found a family, the right to choose where and with whom to live, the right to physical and mental integrity, the right to own and inherit properties, to control their own financial affairs and to have equal access to bank loans, mortgages and other forms of financial credit<sup>87</sup> are often violated through patriarchal systems of substituted decision-making.

### Access to justice (art. 13)

52. Women with disabilities face barriers to accessing justice including with regard to exploitation, violence and abuse, due to harmful stereotypes, discrimination and lack of procedural and reasonable accommodations, which can lead to their credibility being doubted and their accusations being dismissed.<sup>88</sup> Procedures or enforcement attitudes may intimidate victims or discourage them from pursuing justice. These can include: complicated or degrading reporting procedures; referral of victims to social services rather than legal remedies; dismissive attitudes by police or other enforcement agencies. This can lead to impunity and invisibility of the issue, resulting in violence lasting for extended periods of time.<sup>89</sup> Women with disabilities may also fear reporting violence, exploitation or abuse because they are concerned they may lose their support requirements from caregivers.<sup>90</sup>

### Liberty and security of the person and freedom from torture or cruel, inhuman or degrading treatment or punishment (art.14 and 15)

53. Violations relating to deprivation of liberty disproportionately affect women with intellectual or psychosocial disabilities and those in institutional settings. Those deprived of their liberty in places such as psychiatric institutions, on the basis of actual or perceived impairment, are subject to higher levels of violence as well as cruel, inhuman, degrading treatment or punishment,<sup>91</sup> are segregated and exposed to the risk of sexual violence and trafficking within care and special education institutions.<sup>92</sup> Violence against women with disabilities in institutions includes: involuntary undressing by male staff against the will of the woman concerned; forced psychiatric medication; and overmedication which can reduce the ability to describe and/or remember sexual violence. Perpetrators may act with impunity because they perceive little risk of discovery or punishment as access to judicial remedies is severely restricted, and women with disabilities subjected to such violence are unlikely to be able to access helplines or other forms of support to report such violations.

### Freedom from torture or cruel, inhuman or degrading treatment or punishment and protecting the integrity of the person (Art. 15 and art. 17)

54. Women with disabilities are more likely to be subjected to forced interventions than other women in general and men with disabilities, and are 'wrongfully justified by theories of incapacity and therapeutic necessity (and) are legitimized under national laws, and may enjoy wide public support as being in the alleged "best interest" of the person concerned'.<sup>93</sup> Forced interventions violate a number of articles of the Convention, namely: the right to equal recognition before the law; freedom from exploitation, violence and abuse; the right to found a family; protecting the integrity of the person; sexual and reproductive health and rights; and freedom from torture or cruel, inhuman or degrading treatment or punishment.<sup>94</sup>

### Living independently and being included in the community (Art. 19)

55. The right of women with disabilities to choose their place of residence may be adversely affected by cultural norms and patriarchal family values that limit autonomy and oblige them to live in a particular living arrangement. Thus, multiple discrimination can prevent the full and equal enjoyment of the right to live independently in the community. In the case of older persons with disabilities, age and impairment, separately or jointly, can increase their risk of institutionalization.<sup>95</sup> In addition, it has been widely documented that institutionalization may expose persons with disabilities to violence and abuse, with women with disabilities particularly exposed.<sup>96</sup>

#### Education (art. 24)

56. Harmful gender and disability stereotypes combine to fuel discriminatory attitudes, policies and practices, such as: the higher valuing of education of boys over girls, educational material perpetuating wrongful gender and disability stereotypes, child marriage of girls with disabilities, gender-based family activities, female caregiver roles, lack of accessible sanitation facilities at schools to ensure hygienic menstrual management. In turn this results in high rates of illiteracy, school failure, uneven daily attendance rates, absenteeism and dropping out of school entirely.

#### Health and Rehabilitation (arts. 25 & 26)

57. Women with disabilities face barriers to accessing health and rehabilitation services; these include but are not limited to: lack of education and information on sexual and reproductive health and rights; physical barriers to gynaecological, obstetric and oncology services; and attitudinal barriers to fertility and hormone treatments. In addition, physical and psychological rehabilitation service provision, including counselling for acts of gender-based violence, may not be accessible, inclusive, age or gender sensitive.

#### Employment (art. 27)

58. Besides the general barriers which persons with disabilities face when trying to exercise their right to work, women with disabilities also face unique barriers to their equal participation in the workplace, including sexual harassment and unequal pay and the lack of access to seek redress because of discriminatory attitudes dismissing their claims, as well as physical, information and communication barriers.<sup>97</sup>

#### Social Protection (art. 28)

59. Women represent a disproportionate percentage of the world's poor as a consequence of discrimination, leading to a lack of choice and opportunities, especially formal employment income. Poverty is both a compounding factor and the result of multiple discrimination. Older women with disabilities, especially, face many difficulties in accessing adequate housing, they are more likely to be institutionalized and do not have equal access to social protection and poverty reduction programs.<sup>98</sup>

#### Participation in political and public life (art.29)

60. The voices of women and girls with disabilities have historically been silenced and thus women and girls with disabilities are disproportionately underrepresented in public decision-making. Due to power imbalances and multiple forms of discrimination, they have had fewer opportunities to establish or join organizations that can represent their needs as women, children and persons with disabilities.

### SECTION V: NATIONAL IMPLEMENTATION

61. In its examination of States parties' reports, the Committee has identified that States parties face a number of consistent challenges to guarantee to women with disabilities the full enjoyment of all their rights without discrimination and on an equal basis with others, in compliance with article 6 and other related articles of the Convention.

62. In the light of the normative content and obligations outlined above, State parties should take the following steps to ensure the full implementation of article 6 of the Convention on the Rights of Persons with Disabilities, providing adequate resources in this regard:

- a. Combat multiple discrimination through inter alia:
  - i. Repealing discriminatory laws, policies and practices that prevent women with disabilities from enjoying all the rights of the Convention; outlawing gender and disability-based discrimination and its intersectional forms; criminalizing sexual violence against girls and women with disabilities; prohibiting all forms of forced sterilization, forced abortion and non-consensual birth control; prohibiting all forms of forced gender and/or disability related medical treatment and taking all appropriate legislative steps to protect women with disabilities against discrimination.

- ii. Adopting appropriate laws, policies and actions to ensure the rights of women with disabilities are included in all policies, especially in policies related to women in general, as well as in policies on disability.
  - iii. Addressing all barriers that prevent or restrict the participation of women with disabilities and ensuring that women with disabilities as well as the views and opinions of girls with disabilities, through their representative organizations, are included in the design, implementation and monitoring of all programmes which have an impact on their lives; including women with disabilities in all branches and bodies of the national monitoring system.
  - iv. Collecting and analysing data on the situation of women with disabilities in all areas relevant to them in consultation with organizations of women with disabilities with a view to guiding policy planning for the implementation of article 6, and eliminating all forms of discrimination, especially multiple and intersectional discrimination and improving data collection systems for adequate monitoring and evaluation.
  - v. Ensuring that all international cooperation is disability and gender sensitive and inclusive, and including data and statistics on women with disabilities in the implementation of Agenda 2030 and the Sustainable Development Goals, targets and indicators, as well as other international frameworks.
- b. Take all appropriate measures to ensure the development, advancement and empowerment of women with disabilities through, inter alia:
- i. Repealing any law or policy that restricts women with disabilities from their effective and full participation in political and public life on an equal basis with others, including the right to form and join organizations and networks of women in general, and of women with disabilities.
  - ii. The adoption of affirmative action measures for the development, advancement and empowerment of women with disabilities, in consultation with organizations of women with disabilities, aiming to immediately address inequalities and to ensure that women with disabilities have equality of opportunity with others. Such measures should be adopted particularly regarding access to justice, the elimination of violence, respect for home and the family, sexual health and reproductive rights, health, education, employment, and social protection. States parties should ensure that public and private services and facilities used by women with disabilities are fully accessible in compliance with article 9 and in line with General comment on article 9, and that public and private service providers are trained and educated to provide appropriate attention, support and assistance to women with disabilities, on applicable human rights standards, and on identifying and combating discriminatory norms and values; the adoption of effective measures to provide women with disabilities access to the support they may require to exercise their legal capacity, in line with General comment on article 12, to give their free and informed consent and to take decisions about their own lives.
  - iii. Support and promotion of the creation of organizations and networks of women with disabilities and the promotion and support for women with disabilities to take leadership roles in public decision-making bodies at all levels.
  - iv. The promotion of specific research on the situation of women with disabilities, in particular research on the impediments to the development, advancement and empowerment of women with disabilities, in all areas related to them; the consideration of women with disabilities in data collection relating to persons with disabilities as well as to the broader population of women; and appropriately targeting policies for the development, advancement and empowerment of women with disabilities, involving women with disabilities and their representative organisations in the design, implementation, monitoring and evaluation of, and training for, data collection and the establishment of consultation mechanisms to better inform the creation of systems for the effective identification and capturing of the diverse lived experiences of women with disabilities for improved public policies and practices.

- v. Support and promotion of international cooperation and assistance in a manner consistent with all national efforts to eliminate the legal, procedural, practical or social barriers to the full development, advancement and empowerment of women with disabilities in their communities as well as at the national, regional and global levels and the inclusion of women with disabilities in the design, implementation and monitoring of international cooperation projects and programmes that affect their lives.
63. The recommendations of the relevant United Nations bodies dealing with gender equality shall be taken into account by all States parties and applied to women and girls with disabilities.<sup>99</sup>



# ENDNOTES 10

- 1 Disabled People's Organisations (DPO's) are recognised around the world and in international human rights law as self-determining organisations led by, controlled by, and constituted of, people with disability. The 'will and preferences of people with disability' are at the top of the hierarchy in decision making of DPO's. Importantly, DPO's are organisations "of" people with disability, as opposed to organisations "for" people with disability. See for eg: 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
- 2 Australian Bureau of Statistics (2011) Disability, Australia, 2009, Cat. No. 4446.0. Accessed online July 2014 at: <http://www.abs.gov.au/ausstats/abs@.nsf/mf/4446.0>
- 3 WWDA (2015) Ableism. Draft Paper for the National Framework to Prevent Violence Against Women and their Children, Our Watch.
- 4 See for eg: the UN General Assembly, Universal Declaration of Human Rights, 10 December 1948, 217 A (III); UN General Assembly, International Covenant on Civil and Political Rights, 16 December 1966, 2200A (XXI); UN General Assembly, International Covenant on Economic, Social and Cultural Rights, 16 December 1966, 2200A (XXI); UN General Assembly, Convention on the Elimination of All Forms of Discrimination Against Women, 18 December 1979, 34/180; UN General Assembly, Convention on the Rights of the Child, 20 November 1989, 44/25; UN General Assembly, Convention on the Rights of Persons with Disabilities, 24 January 2007, A/RES/61/106.
- 5 See for eg: Oliver, M. (1983) Social Work with Disabled People. Basingstoke: Macmillan; Finkelstein, V. (1993) Disability: A social challenge or an administrative responsibility? In Finkelstein, V., S. French & M. Oliver (eds) Disabling Barriers – Enabling Environments. London: Open University Press/Sage; See also: Dowse, L., Frohmader, C., Soldatic K., Didi, A. and van Toorn, G. (2013) Stop the violence: addressing violence against women and girls with disabilities in Australia, background paper, Women with Disabilities Australia, Hobart., 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.
- 6 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. See also: Committee on the Rights of Persons with Disabilities, General Comment No 1 (2014) – Equal recognition before the law, 11th sess, UN Doc CRPD/C/GC/1 (19 May 2014).
- 7 Benedek, W. (2012) Understanding Human Rights: Manual on Human Rights Education. European Training and Research Centre for Human Rights and Democracy (ETC), Graz, Austria.
- 8 Equality and Human Rights Commission, What are human rights?, accessed online July 2016 at: <https://www.equalityhumanrights.com/en/human-rights/what-are-human-rights>
- 9 Youth for Human Rights, Human Rights Defined, accessed on line September 2015 at: <http://www.youthforhumanrights.org/what-are-human-rights.html>
- 10 Benedek, W. (2012) OpCit.
- 11 Youth for Human Rights, OpCit.
- 12 See for example: <http://www.ohchr.org/EN/HRBodies/Pages/TreatyBodies.aspx>

- 13 The Committees publish their interpretation of the content of human rights provisions, known as general comments on thematic issues or methods of work. These cover a wide range of subjects, from the comprehensive interpretation of substantive provisions, such as the right to life or the right to adequate food, to general guidance on the information that should be submitted in State reports relating to specific articles of the treaties. See: <http://www.ohchr.org/EN/HRBodies/Pages/TBGeneralComments.aspx>
- 14 McCallum, R. and Martin, H. (2013) Comment: The CRPD and Children with Disabilities, Australian International Law Journal, accessed online July 2016 at: <http://www.austlii.edu.au/au/journals/AUIntLawJl/2013/3.pdf>
- 15 The attainment of gender equality requires equal representation and participation of both men and women in the economy, decision-making, as well as in social, cultural and civil life. It means that women and men have equal conditions for realising their full human rights and potential to contribute to national, political, economic, social and cultural development, and to benefit from the results. Gender equality does not mean that men and women become the same; only that access to opportunities and life changes is neither dependent on, nor constrained by, their sex. Achieving gender equality requires women's empowerment to ensure that decision-making at private and public levels, and access to resources are no longer weighted in men's favour, so that both women and men can fully participate as equal partners in productive and reproductive life. See for example: 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); See also: Status of Women Canada (1996) Gender-based analysis: a guide for policy-making. Ottawa, Ontario.
- 16 Committee on the Elimination of Discrimination against Women (1990) General recommendation No. 15: Avoidance of discrimination against women in national strategies for the prevention and control of acquired immunodeficiency syndrome (AIDS). Contained in UN. Doc No. A/45/38.
- 17 Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) (1989) General Recommendation No. 12: Violence Against women; UN. Doc. No. A/44/38. See also: Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) (1992) General Recommendation No. 19: Violence Against women; UN. Doc. No. A/47/38.
- 18 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.
- 19 WHO and World Bank (2011). World Report on Disability, WHO Press, Geneva, p: 60;
- 20 See Womenwatch, Special Feature: Women with Disabilities, accessed June 2015 at: <http://www.un.org/womenwatch/enable/>
- 21 Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) (2004) General Recommendation No. 25: Article 4, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women, on temporary special measures. Available in UN.Doc. No. HRI/GEN/1/Rev.7.
- 22 CEDAW/C/2010/47/GC.2, para. 18.
- 23 CEDAW art. 5
- 24 CRPD art. 8
- 25 See, for example, CRPD/C/SLV/CO/1, para.17; CRPD/C/UKR/CO/1, para. 9.
- 26 See, for example, CRPD/C/AUT/CO/1, para. 17, CRPD/C/ECU/CO/1, para.16.
- 27 See, for example, CRPD/C/BRA/CO/1, para.16; CRPD/C/EU/CO/1, para. 20
- 28 See, for example, CRPD/C/MEX/CO/1, para. 34, CRPD/C/AZE/CO/1, para. 18.
- 29 See, for example, CRPD/C/ARG/CO/1, para. 31.
- 30 See, for example, CRPD/C/BEL/CO/1, para. 30.

- 31 See, for example, CRPD/C/AUS/CO/1, para.16, CRPD/C/CHN/CO/1, paras. 57, 65 and 90.
- 32 See, for example, CRPD/C/SLV/CO/1, para.37; CRPD/C/CZE/CO/1, para. 34
- 33 See, for example, CRPD/C/MUS/CO/1, para. 29; CRPD/C/NZL/1, para. 37.
- 34 See, for example, CRPD/C/GAB/CO/1, para. 40; CRPD/C/KEN/CO/1, para. 33.
- 35 See, for example, CRPD/C/DOM/CO/1, para. 33.CRPD/C/PRY/CO/1, para.16.
- 36 See, for example, CRPD/C/HRV/CO/1, para. 23; CRPD/C/SLO/CO/1, para. 55.
- 37 See, for example, CRPD/C/QAT/CO/1, para. 13, CRPD/C/ECU/CO/1, paras. 12 and 16.
- 38 See, for example, CRPD/C/CRI/CO/1, para.13, CRPD/C/ECU/CO/1, para.16.
- 39 See, for example, CRPD/C/SWE/CO/1, para.13, CRPD/C/KOR/CO/1, para.13.
- 40 See, for example, CRPD/C/AZE/CO/1, para.16, CRPD/C/ESP/CO/1, para,21.
- 41 See, for example, CRPD/C/DNK/CO/1, para. 18, CRPD/C/NZL/CO/1, para. 16.
- 42 CEDAW General Recommendation No. 25, on article 4, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women, on temporary special measures para 12.
- 43 See CRPD/C/MUS/CO/1, CRPD/C/BRA/CO/1, CRPD/C/CZE/CO/1, CRPD/C/DNK/CO/1, CRPD/C/AUS/CO/1, CRPD/C/SWE/CO/1, CRPD/C/DEU/CO/1, among others.
- 44 See Art. 2 CRPD
- 45 See Art. 1 CEDAW
- 46 See Art. 5 (2) CRPD.
- 47 See, for example, CEDAW/C/HUN/CO/7-8, para. 45.
- 48 CRPD General Comment No. 2 (CRPD/C/GC/2).
- 49 See CESCR General Comment 20 para 10.
- 50 See CESCR GC 20 para. 10.
- 51 See Art. 2 CRPD.
- 52 A/HRC/20/5, para. 24
- 53 See CCPR, GC 18 para. 9 , CCPR 28 para. 31, CESCR GC 20 para. 11, CEDAW GR 28 para. 9, CERD GR 25 para 1, 2.
- 54 Report of the Special Rapporteur on the rights of persons with disabilities on the right to participate in decision-making A/HRC/31/62.
- 55 See Art. 4 (1) (b) CRPD.
- 56 See Art. 4 (1) (d) CRPD.
- 57 See Joint general recommendation No.31 of CEDAW/ general comment No. 18 CRC on harmful practices, CEDAW/C/GC/31-CRC/C/GC/18 p.4.
- 58 See Art. 4 (1) (c) CRPD.

- 59 Mentioned supra para ##
- 60 See Report of the Special Rapporteur on violence against women, its causes and its consequences 2012, para 13 (A/67/227).
- 61 CRPD/C/HRV/CO/1, para. 11
- 62 Report of the Office of the High Commissioner on Human Rights, A/HRC/24/57.
- 63 CRPD/C/MEX/CO/1, para.37.
- 64 A/67/227, para. 35.
- 65 See for example [http://www.coe.int/t/e/social\\_cohesion/soc-sp/Abuse%20\\_E%20in%20color.pdf](http://www.coe.int/t/e/social_cohesion/soc-sp/Abuse%20_E%20in%20color.pdf)
- 66 CRPD/C/BRA/CO/1, para. 14.
- 67 <http://www2.ohchr.org/english/issues/women/docs/A.HRC.20.5.pdf>, para. 25
- 68 See for example, CRC/C/TGO/CO/3-4, para. 8.
- 69 The State Of The World's Children 2013, UNICEF
- 70 <http://www2.ohchr.org/english/issues/women/docs/A.HRC.20.5.pdf>, para. 24
- 71 Ibid
- 72 CEDAW/C/GC/31-CRC/C/GC/18, para. 7
- 73 CEDAW/C/GC/31-CRC/C/GC/18, para. 9
- 74 <http://www2.ohchr.org/english/issues/women/docs/A.HRC.20.5.pdf>, para. 24.
- 75 Programme of action on the International Conference on Population and Development Programme of Action and the Beijing Platform for Action and the outcome documents of their review conferences.
- 76 A/67/227, para. 36.
- 77 E/C.12/GC/22, para. 18.
- 78 See, for example, CRPD/C/MEX/CO/1, para. 50 b
- 79 CRPD/C/GC/2, para. 40. Also see, for example, CRPD/C/DOM/CO/1, para. 46.
- 80 A/HRC/20/5, para. 37.
- 81 See World Health Organization: Eliminating forced, coercive and otherwise involuntary sterilization. An interagency statement OHCHR, UN Women, UNAIDS, UNDP, UNFPA, UNICEF and WHO (2014).
- 82 CRPD/C/GC/1, para. 35
- 83 See Art. 12 CRPD and CRPD General Comment No 1, paragraph 31; Art. 15 CEDAW.
- 84 See GC N° 2 (2014) Accessibility
- 85 Committee on the Rights of Persons with Disabilities, Statement of the Committee on the Rights of Persons with Disabilities on disability inclusion for the World Humanitarian Summit adopted during the Committee's 14th session, held, from 17 August to 4 September 2015 in Geneva.

- 86 See CRPD general comment No.1(art. 12)
- 87 ST/ESA/326, p.52 UN 2009 World Survey on the Role of Women in Development
- 88 A/HRC/20/5, para. 41, A/67/227, para. 42.
- 89 A/HRC/20/5, para.19.
- 90 Ibid, para. 16.
- 91 A/HRC/20/5, para. 39
- 92 CRPD/C/UKR/CO/1, para. 11
- 93 The UN Special Rapporteur on Torture A/HRC/22/53, para. 64.
- 94 CRPD/C/SWE/CO/1, para. 37
- 95 See the report of the United Nations High Commissioner for Human Rights on the human rights situation of older persons (E/2012/51) submitted to the Economic and Social Council.
- 96 Thematic study on the right of persons with disabilities to live independently and be included in the community. Report of the Office of the United Nations High Commissioner for Human Rights, para 24.
- 97 A/HRC/20/5, para. 40 and A/67/227, para. 67.
- 98 Report of the Special Rapporteur on the rights of persons with disabilities A/70/297,
- 99 Commission on the Status of Women (2016) Women’s empowerment and the links to sustainable development E /CN.6/2016/3; Handbook on costing gender equality - Available at <http://www.unwomen.org/en/digital-library/publications/2015/7/handbook-on-costing-gender-equality>; Guidebook on CEDAW general recommendation no. 30 and the UN Security Council resolutions on women, peace and security - Available at: <http://www.unwomen.org/en/digital-library/publications/2015/8/guidebook-cedawgeneralrecommendation30-womenpeacesecurity>; Guidance Note on Gender mainstreaming In development programming - Available at <http://www.unwomen.org/en/digital-library/publications/2015/02/gender-mainstreaming-issues>; Guide for the Evaluation of Programmes and Projects with a Gender, Human Rights and Interculturality Perspective - Available at: <http://www.unwomen.org/en/digital-library/publications/2014/7/guide-for-the-evaluation-of-programmes-and-projects-with-a-gender-perspective>; Monitoring Gender Equality and the Empowerment of Women and Girls in the 2030 Agenda for Sustainable Development: Opportunities and Challenges - Available at: <http://www.unwomen.org/en/digital-library/publications/2015/9/indicators-position-paper>; Guidebook on CEDAW general recommendation no. 30 and the UN Security Council resolutions on women, peace and security - Available at: <http://www.unwomen.org/en/digital-library/publications/2015/8/guidebook-cedawgeneralrecommendation30-womenpeacesecurity>; Guidance Note on Gender mainstreaming In development programming - Available at <http://www.unwomen.org/en/digital-library/publications/2015/02/gender-mainstreaming-issues>; Guide for the Evaluation of Programmes and Projects with a Gender, Human Rights and Interculturality Perspective - Available at: <http://www.unwomen.org/en/digital-library/publications/2014/7/guide-for-the-evaluation-of-programmes-and-projects-with-a-gender-perspective>; Monitoring Gender Equality and the Empowerment of Women and Girls in the 2030 Agenda for Sustainable Development: Opportunities and Challenges - Available at: <http://www.unwomen.org/en/digital-library/publications/2015/9/indicators-position-paper>

