

Winner, National Human Rights Award 2001
Winner, National Violence Prevention Award 1999
Winner, Tasmanian Women's Safety Award 2008
Certificate of Merit, Australian Crime & Violence Prevention Awards 2008
Nominee, UNESCO Prize for Digital Empowerment of Persons with Disabilities 2020
Nominee, National Disability Awards 2017
Nominee, French Republic's Human Rights Prize 2003
Nominee, UN Millennium Peace Prize for Women 2000

5th October 2022

Women With Disabilities Australia (WWDA) Statement to the Sub-Committee on the Prevention of Torture (SPT) in advance of the SPT Country Visit to Australia

On 5th October 2022, WWDA, along with a large number of Australian civil-society organisations, met virtually with members of the UN Sub-Committee on the Prevention of Torture (SPT). The purpose of this Forum was to enable civil society organisations to highlight concerns regarding the issues of torture and other cruel, inhuman or degrading treatment or punishment, in the Australian context.

The Subcommittee on Prevention of Torture (SPT) will be visiting Australia on 16-27 October 2022.

The Subcommittee on Prevention of Torture (SPT) is the international monitoring body established under the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). Australia ratified the OPCAT in December 2017.

Under Article 11 of OPCAT, the SPT has two primary operational functions:

- It can undertake visits to States parties, during the course of which it may visit any place where persons may be deprived of their liberty.
- It has an advisory function which involves providing assistance and advice to States parties on the establishment of National Preventive Mechanisms ("NPMs"), which OPCAT requires that they establish, and also providing advice and assistance to both the NPMs and the State Party regarding the working of the NPMs.¹

WWDA was represented at the SPT Civil Society Forum by CEO, Carolyn Frohmader. Due to the large number of participants, and to ensure every organisation had an opportunity to present, statements were limited to 2-3 minutes per organisation.

Carolyn's Statement, for and on behalf of Women With Disabilities Australia (WWDA) is reproduced here:

¹ More information on the SPT and OPCAT can be found at: <https://www.ohchr.org/en/treaty-bodies/spt>

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Women
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Statement to SPT from WWDA

“I would firstly like to acknowledge the traditional owners of the lands of which I am coming from today. The Muwinina people of Nipaluna, Lutruwita - (Tasmania). I pay my respects to all First Nations people, including those in our meeting today.

Thank you for the opportunity to speak with you today. My name is Carolyn Frohmader, and I am the CEO of Women With Disabilities Australia (known as WWDA). Our organisation is the national Organisation of Disabled Persons representing women, girls, feminine identifying, and non-binary persons with disability.

WWDA works within a strong human rights framework, particularly under the seven international human rights treaties to which Australia is a party and also including the UN Declaration on the Rights of Indigenous Peoples (UN DRIP).

We have provided submissions in the past to the Committee Against Torture and have been part of Australian civil society delegations to Geneva, to work with the CAT Committee on its Reviews of Australia’s compliance under the treaty.

We have concerns at the limited scope the Australian Government is applying to its obligations under the OPCAT.

We are concerned by the Australian Government’s decision to limit its OPCAT obligations to what it considers ‘primary places of detention’, which omits many of the spaces, settings, and contexts where disabled people are deprived of their liberty.

We acknowledge the SPT’s work and its published 2016 document on ‘*Prevention of Torture and ill-treatment of women deprived of their liberty*’ (CAT/OP/27/1). We appreciate the SPT’s work to ensure that the gender-specific aspects of torture and ill-treatment receive more attention by State Parties.

We acknowledge with thanks, the work of the SPT in raising awareness of, and providing guidance regarding issues such as gender-based violence against women- which includes for example: rape, domestic violence, forced sterilisation, female genital mutilation, trafficking and more.

We remain deeply concerned that in the Australian context, forced sterilisation, forced contraception, menstrual suppression, forced and coerced abortion, indefinite detention, forced guardianship - to name just a few - remain legal.

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We regret that for more than 15 years the international human rights treaty monitoring bodies, including the Committee Against Torture - have made strong recommendations to successive Australian Governments to enact national, uniform legislation to prohibit, except where there is a serious threat to life or health, the use of sterilisation against children- and against adults without their prior, free, and informed consents.

We remain concerned that there has been no law reform in Australia to protect the sexual and reproductive rights of women and girls with disability, and of intersex persons.

We also remain concerned that Australia's work to date in developing National Preventative mechanisms, across jurisdictions, remains un-gendered.

We are also deeply concerned about the number of women with disability, particularly our First Nations women with disability, who are incarcerated in prisons and other detention settings - some of whom remain indefinitely detained due to the assumption that they are 'unfit to plead'.

We are also deeply concerned that many women and girls with disability remain in many segregated settings - such as group homes and other forms of residential institutions, in employment settings such as sheltered workshops and in segregated educational settings (often referred to as "special schools"). We know that disabled women and girls in segregated settings such as these, experience, and are at much higher risk of all forms of violence, abuse, exploitation, and neglect. Many are subject to restrictive practices, including the use of psychotropic medications to 'control' them. We trust that the SPT will, in its visit to Australia, be able to interrogate just some of these issues.

In a wealthy country such as Australia, there is no excuse for these egregious human rights violations that continue to flourish with impunity.

Thank you again for the opportunity to speak with you today, and we wish you all the best for your upcoming visit to Australia."

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