

*Assessing the situation of women
with disabilities in Australia:
A human rights approach*



*A Policy Paper by Women With
Disabilities Australia (WWDA)*

June 2011



publishing information

Assessing the situation of women with disabilities in Australia – a human rights approach

By Carolyn Frohmader for Women With Disabilities Australia (WWDA)

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Women With Disabilities Australia (WWDA)

Women With Disabilities Australia (WWDA) is the peak organisation for women with all types of disabilities in Australia. WWDA is run by women with disabilities, for women with disabilities. It is the only organisation of its kind in Australia and one of only a very small number internationally. It represents more than 2 million disabled women in Australia and operates as a national disability organisation; a national women's organisation; and a national human rights organisation. WWDA is inclusive and does not discriminate against any disability. The aim of WWDA is to be a national voice for the needs and rights of women with disabilities and a national force to improve the lives and life chances of women with disabilities. WWDA is committed to promoting and advancing the human rights and fundamental freedoms of women with disabilities.

Our work is grounded in a rights based framework which links gender and disability issues to a full range of civil, political, economic, social and cultural rights. This rights based approach recognises that equal treatment, equal opportunity, and non-discrimination provide for inclusive opportunities for women and girls with disabilities in society. It also seeks to create greater awareness among governments and other relevant institutions of their obligations to fulfil, respect, protect and promote human rights and to support and empower women with disabilities, both individually and collectively, to claim their rights.



Winner, National Human Rights Award 2001

Winner, National Violence Prevention Award 1999

Winner, Tasmanian Women's Safety Award 2008

Certificate of Merit, Australian Crime & Violence Prevention Awards 2008

Nominee, French Republic's Human Rights Prize 2003

Nominee, UN Millennium Peace Prize for Women 2000

Women With Disabilities Australia (WWDA)
PO Box 605, Rosny Park 7018 TASMANIA, AUSTRALIA
Ph: +61 3 62448288 Fax: +61 3 62448255
ABN: 23 627 650 121
Email: wwda@wwda.org.au
Web: www.wwda.org.au



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list of acronyms

ACIM	Australian Cancer Incidence and Mortality
AHRC	Australian Human Rights Commission
AIHW	Australian Institute of Health & Welfare
ALP	Australian Labor Party
ASX	Australian Stock Exchange
BMF	Biwako Millennium Framework
BPFA	Beijing Declaration and Platform for Action
CALD	Culturally and Linguistically Diverse
CAT	Convention Against Torture
CCPR	International Covenant on Civil and Political Rights
CEDAW	Convention on the Elimination of Discrimination against Women
CESCR	International Covenant on Economic, Social and Cultural Rights
COAG	Council of Australian Governments
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
CSW	Commission on the Status of Women
DDA	Disability Discrimination Act
DDLCS	Disability Discrimination Legal Centres
DPI	Disabled Peoples' International
GLBTI	Gay, Lesbian, Bisexual, Transgender, Intersex
FaHCSIA	Department of Families, Housing, Community Services and Indigenous Affairs
HREOC	Human Rights and Equal Opportunity Commission
ILO	International Labour Organization
MBS	Medicare Benefits Schedule
NDS	National Disability Strategy
NFP	Not for Profit
NGO	Non Government Organisation
NHS	National Health Survey
NWHP	National Women's Health Policy
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNDP	United Nations Development Programme
UPR	Universal Periodic Review
VET	Vocational Education and Training
WHO	World Health Organization
WWDA	Women With Disabilities Australia Inc

'The Committee urges the State party, in the light of its recent ratification of the Convention on the Rights of Persons with Disabilities, to undertake a comprehensive assessment of the situation of women with disabilities in Australia.'

CEDAW Concluding Observations, 2010¹

'It is the Government's priority to have an enabling and inclusive Australia that will treat people equally and provide opportunities to fulfil their potential.'

Commonwealth of Australia, 2009²

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.

Article 6, Convention on the Rights of Persons with Disabilities (CRPD)
Ratified by the Australian Government, July 2008

'Australia has signed up to the seven core United Nations treaties that protect human rights. The Government believes that Australia can and should live up to its obligations under those treaties.'

Hon Robert McClelland MP, Attorney-General, 2010³

'If those who sign agreements such as the Convention on the Elimination of Discrimination against Women, or who endorse the Beijing Platform for Action, do not translate commitments into actions, and are not held to account for these actions, these texts lose credibility. Accountability is essential if the world is to realise women's rights and gender equality.'

Ban Ki-Moon, Secretary-General of the United Nations, 2008⁴

Labor will adhere to Australia's international human rights obligations and will seek to have them incorporated into the domestic law of Australia, and have them taken into account in administrative decision-making and whenever new laws and policies are developed. Labor will act to eliminate all forms of discrimination, vilification or harassment.....

(ALP Platform Ch.7, paras.133, 134)⁵

¹ United Nations Committee on the Elimination of Discrimination against Women (CEDAW) *Concluding observations of the Committee on the Elimination of Discrimination against Women: Australia*. Forty-sixth session, 12 – 30 July 2010, CEDAW/C/AUS/CO/7.

² Commonwealth of Australia (2009) *A Stronger, Fairer Australia: National Statement on Social Inclusion*. Department of the Prime Minister and Cabinet, Canberra, p.49

³ Commonwealth of Australia (2010) *Australia's Human Rights Framework*. Attorney-General's Department, Canberra.

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

⁵ Australian Labor Party (ALP) (2009) Chapter 7: Securing an inclusive future for all Australians, in *ALP National Platform and Constitution 2009*, ALP, Barton, ACT. p.16, paras.133-134.



introduction

Australia is a country that prides itself on ideals which include a fair go for everyone, freedom and dignity of the individual, equality of men and women, equality of opportunity, freedom from discrimination, and the right of its citizens to participate fully in the economic, political and social life of the nation.⁶ However, these entitlements remain a distant goal for women with disabilities. In Australia today, women with disabilities are not given a 'fair go', they are denied the most fundamental rights and freedoms, they are not treated with dignity and respect, they are profoundly more disadvantaged than their male counterparts, they are systematically denied opportunity in every aspect of society, they experience multiple forms of discrimination, and widespread, serious violation of their human rights. They remain ignored in national policies and laws, and their issues and needs are often overlooked within broader government programs and services. Negative stereotypes from both a gender and disability perspective further compound the exclusion of women with disabilities from support services, social and economic opportunities and participation in civic and community life. The deep-rooted exclusion experienced by women with disabilities in Australia continues unabated due in part to the dearth of information available on its extent or impact, and the apathy of successive Governments in acknowledging the need for such information.

As a member State of the United Nations, and as a party to a number of human rights conventions and instruments which create obligations in relation to gender equality and to disability rights, Australia has committed to take all appropriate measures, including focused, gender-specific measures to ensure that disabled women and girls experience full and effective enjoyment of their human rights.⁷ However, in order for Australia to give effect to these commitments, it is critical to determine not only where it stands at present, but what needs to be done to address the barriers faced by women with disabilities in exercising their rights.

Over the last decade, WWDA, the national NGO representing disabled women, has found that one of the greatest difficulties in determining and substantiating the needs and human rights violations of women with disabilities in Australia is the acute lack of available gender and disability specific data, research and information - at all levels of Government and for any issue. This aspect of neglect of disabled women in Australia has been specifically identified by the United Nations as an area warranting **immediate** and **urgent** attention by the Australian Government.⁸

Data, research and information about women with disabilities is necessary to develop and inform policy, direct resources, inform service development, and design and monitor specific programs. It also enables the monitoring of equality of opportunity and progress towards the achievement of economic, social, political and cultural rights for women with disabilities. It is critical as a tool for accountability and for enhancing the participation of women with disabilities. Good quality data and

⁶ See: Commonwealth of Australia (2009) *A Stronger, Fairer Australia: National Statement on Social Inclusion*. Department of the Prime Minister and Cabinet, Canberra; See also: McClelland, R. in Commonwealth of Australia (2010) *Australia's Human Rights Framework*, Attorney-General's Department, Canberra; See also: Australian Government *Australian Values Statement*, Department of Immigration & Citizenship, available online at: <http://www.immi.gov.au/living-in-australia/values/statement/long/>

⁷ UN General Assembly, *Convention on the Rights of Persons with Disabilities*, 24 January 2007, A/RES/61/106.

⁸ UN Committee on the Elimination of Discrimination against Women (CEDAW) (2010) *Concluding observations of the Committee on the Elimination of Discrimination against Women: Australia*, 30 July 2010, CEDAW/C/AUS/CO/7 [paras. 42, 43]

research are especially necessary for a sound evidence base to improve the effectiveness of mainstream systems for women with disabilities.⁹

Using a human rights framework, this paper seeks to document the range of data, research and information needed in order to give a comprehensive assessment of the situation of women with disabilities in Australia. The paper provides the context for this work by giving an overview of the intersection of gender and disability, as well as a brief background to the human rights imperative. Using key articles from the Convention on the Rights of Persons with Disabilities (CRPD), the paper then prescribes the key quantitative and qualitative data and research required under each article, and links this to Australia's international human rights obligations and domestic policy context.

Recognition of the personhood and human rights of women and girls with disabilities is long overdue. Lack of recognition of their needs and experiences constitutes a serious form of disrespect which compounds lack of self-esteem and self-worth, and contributes to the ongoing neglect and pervasive denial of their rights and fundamental freedoms.

In keeping with the Australian Government's human rights obligations and its most recent pledge to 'enhance the protection and promotion of human rights in Australia',¹⁰ WWDA urges the Australian Government to act immediately to commission and adequately resource a comprehensive assessment and analysis of the situation of women and girls with disabilities in Australia.

⁹ Commonwealth of Australia (2010) *National Disability Strategy 2010-2020*; an initiative of the Council of Australian Governments (COAG); available online at: http://www.fahcsia.gov.au/sa/disability/progserv/govtint/nds_2010_2020/Pages/default.aspx

¹⁰ Commonwealth of Australia (2010) *Australia's Human Rights Framework*. Attorney-General's Department, Canberra.



Section one: the context

Gender & disability.....

The Human Rights Imperative



gender & disability

Gender is one of the most important categories of social organisation,¹¹ yet people with disabilities are often treated as asexual, genderless human beings. This view is borne out in Australian disability policies, which have consistently failed to apply a gender lens. Most have proceeded as though there are a common set of issues - and that men and women experience disability in the same way.¹²

However women with disabilities and men with disabilities have different life experiences due to biological, psychological, economic, social, political and cultural attributes associated with being female and male. Patterns of disadvantage are often associated with the differences in the social position of women and men. These gendered differences are reflected in the life experiences of women with disabilities and men with disabilities. Women with disabilities face multiple discriminations and are often more disadvantaged than men with disabilities in similar circumstances. Women with disabilities are often denied equal enjoyment of their human rights, in particular by virtue of the lesser status ascribed to them by tradition and custom, or as a result of overt or covert discrimination.¹³ Women with disabilities face *particular* disadvantages in the areas of education, work and employment, family and reproductive rights, health, violence and abuse. For example:

- women with disabilities experience violence, particularly family violence and violence in institutions, more often than disabled men;^{14 15}
- gender-based violence, including domestic/family violence, sexual assault/rape is a cause of disability in women;^{16 17}
- women and girls with disabilities are often at greater risk than disabled men, both within and outside the home, of violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation;¹⁸
- women with disabilities are more vulnerable as victims of crimes from both strangers and people who are known to them, yet crimes against disabled women are often never reported to law enforcement agencies;¹⁹
- more women than men are classified as disabled, particularly as ageing populations mean that larger proportions of the elderly are women with disabilities.²⁰ Of all household types in Australia, elderly single women are at the greatest risk of persistent poverty, with more than half of elderly single women living in poverty;²¹

¹¹ Arnade, S. & Haefner, S. (2006) *Gendering the Draft Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities*. Legal background paper. Published by Disabled Peoples' International (DPI), Berlin.

¹² Gray, G. (2010 draft) *By Women for Women, the Australian women's health movement and public policy*. (forthcoming).

¹³ UN Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 16: The Equal Right of Men and Women to the Enjoyment of All Economic, Social and Cultural Rights* (Art. 3 of the Covenant), 11 August 2005, E/C.12/2005/4, available at: <http://www.unhcr.org/refworld/docid/43f3067ae.html> [accessed 27 June 2010]

¹⁴ Women With Disabilities Australia (WWDA) (2007b) *Forgotten Sisters - A global review of violence against women with disabilities*. WWDA Resource Manual on Violence Against Women With Disabilities. Published by WWDA, Tasmania, Australia.

¹⁵ Meekosha, H. (2004) *Gender and Disability*. Entry for the Sage Encyclopaedia of Disability. Available on line at: <http://wwda.org.au/gendis2001.htm>

¹⁶ WWDA (2007b) Op Cit.

¹⁷ Commonwealth of Australia (2009) *Time for Action: The National Council's Plan for Australia to Reduce Violence against Women and their Children, 2009-2021*. Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA), Canberra.

¹⁸ See Preamble [q] of UN General Assembly, *Convention on the Rights of Persons with Disabilities*: resolution/adopted by the General Assembly, 24 January 2007, A/RES/61/106.

¹⁹ Groce, N. (2006) *People with Disabilities*, in Social Justice and Public Health, Barry S. Levy & Victor Sidel (Eds), accessed online April 2011 at: http://www.aidslex.org/site_documents/DB-0018E.pdf

²⁰ Meekosha, H. (2004) Op Cit.

- women with disabilities are less likely to receive service support than disabled men;^{22 23}
- while disabled people are much more likely to live in poverty, women with disabilities are likely to be poorer than men with disabilities;^{24 25}
- women with disabilities and men with disabilities have different economic opportunities, with disabled women less likely to be in the paid workforce than disabled men. They also have lower incomes from employment than men with disabilities.^{26 27 28} In Australia, the gender gap in pay has widened over the last four years.²⁹ Superannuation savings are directly linked to paid work, and current average superannuation payouts for women are less than half that received by men;³⁰
- gender biases in labour markets have meant that disabled women's productive potential is less effectively tapped than disabled men's and that disabled women have been more concentrated than disabled men in informal, subsistence and vulnerable employment;³¹
- over the last decade, the unemployment rate for disabled women in Australia has remained virtually unchanged (8.3%) despite significant decreases in the unemployment rates for disabled men;³²
- employment of women with disabilities in the Australian public sector shows an employment rate of approximately 2.8%, compared to that of men with disabilities of 3.9%;³³
- women with disabilities are more likely to be sole parents, to be living on their own, or in their parental family than disabled men;³⁴
- women with disabilities, with less financial resources at their disposal than disabled men, are particularly vulnerable to living in insecure or inadequate housing;³⁵
- women with disabilities and their children are more likely than disabled men, to be affected by the lack of affordable housing, due to the major gap in overall economic security across the life-cycle, and to their experience of gender-based violence which leads to housing vulnerability, including homelessness;³⁶
- women who become disabled after marriage are at higher risk of divorce than disabled men and often experience difficulty maintaining custody of their children;³⁷
- women with disabilities who are parents, or who seek to become parents, face barriers in accessing adequate health care and other services for both themselves and their child/ren;³⁸

²¹ Cited in: Australian Human Rights Commission (2010) *Australia's Implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Independent Report to the Committee on the Elimination of Discrimination against Women*. Accessed online July 2010 at: <http://www2.ohchr.org/english/bodies/cedaw/cedaws46.htm>.

²² See: Australian Institute of Health & Welfare (AIHW) (2009) *Disability support services 2007 – 08*. National data on services provided under the Commonwealth State/Territory Disability Agreement. Disability series. Cat. no. DIS 56. Canberra: AIHW.

²³ Arnade, S. & Haefner, S. (2006) Op Cit.

²⁴ WWDA (2009) *Submission to the National Human Rights Consultation*. WWDA, Tasmania. Available online at: <http://www.wwda.org.au/subs2006.htm>

²⁵ Meekosha, H. (2004) Op Cit.

²⁶ WWDA (2008) *Submission to the Parliamentary Inquiry into pay equity and associated issues related to increasing female participation in the workforce*. WWDA, Tasmania. Available online at: <http://www.wwda.org.au/subs2006.htm>

²⁷ O'Reilly, A. (2007) *The right to decent work of persons with disabilities*. International Labour Office (ILO), Geneva.

²⁸ Arnade, S. & Haefner, S. (2006) Op Cit.

²⁹ Cited in: Australian Human Rights Commission (2010), Op Cit.

³⁰ Cited in: Australian Human Rights Commission (2010), Op Cit.

³¹ UN Development Fund for Women (UNIFEM) (2008) *Progress of the World's Women 2008/2009: Who Answers to Women? Gender & Accountability*. Available at: <http://www.unhcr.org/refworld/docid/4a09773a2.html> [accessed 2 August 2009]

³² Human Rights and Equal Opportunity Commission (HREOC), 2005, *National Inquiry into Employment and Disability; Issues Paper 1: Employment and Disability - The Statistics*; HREOC, Sydney.

³³ Australian Government (2008) *Australian Public Service Commissioner Annual Report 2007-08*, viewed 21 September 2009, <http://www.apsc.gov.au/annualreport/0708/report.pdf>

³⁴ Meekosha, H. (2004) Op Cit.

³⁵ Cited in: Australian Human Rights Commission (2010), Op Cit.

³⁶ Australian Human Rights Commission (2010), Op Cit.

³⁷ Arnade, S. & Haefner, S. (2006) Op Cit.

³⁸ World Health Organization (2009) *Promoting sexual and reproductive health for persons with disabilities*, WHO/UNFPA Guidance Note 2009, accessed on line April 2011 at: http://whqlibdoc.who.int/publications/2009/9789241598682_eng.pdf

- women with disabilities are more likely than disabled men, to face medical interventions to control their fertility;^{39 40 41}
- women with disabilities experience more extreme social categorisation than disabled men, being more likely to be seen either as hypersexual and uncontrollable, or de-sexualised and inert;⁴²
- media images contribute to the presumptions that the bodies of women with disabilities are unattractive, asexual and outside the societal ascribed norms of 'beauty';⁴³
- women with disabilities have significantly lower levels of participation in voter registration and election, in party politics and thus, in governance and decision making at all levels compared to men with disabilities;⁴⁴
- women with disabilities like other women, share the burden of responsibility for unpaid work in the private and social spheres, including for example, cooking, cleaning, caring for children and relatives. Women in Australia spend almost three times as many hours per week looking after children as men; and do two thirds of the unpaid caring and domestic work in Australian households;⁴⁵
- women with disability from ethnic or indigenous communities are more likely to have to contend with forces that exclude them on the basis of gender as well as disability, culture and heritage;⁴⁶
- women with disabilities are more exposed to practices which qualify as torture or inhuman or degrading treatment⁴⁷ (such as sterilization, forced abortion, violence, forced medication, chemical restraint).

³⁹ Brady, S., Briton, J. & Grover, S. (2001) *The Sterilisation of Girls and Young Women in Australia: Issues and Progress*. A report commissioned by the Federal Sex Discrimination Commissioner and the Disability Discrimination Commissioner; Human Rights and Equal Opportunity Commission, Sydney, Australia. Available online at <http://www.wwda.org.au/brady2.htm>

⁴⁰ WWDA (2009) *Parenting Issues for Women with Disabilities in Australia: A Policy Paper*. WWDA, Tasmania. Available online at: <http://www.wwda.org.au/subs2006.htm>

⁴¹ Steele, L. (2008) Making sense of the Family Court's decisions on the non-therapeutic sterilisation of girls with intellectual disability; *Australian Journal of Family Law*, Vol.22, No.1.

⁴² Meekosha, H. (2004) Op Cit.

⁴³ Ortoleva, S. (2011) *Recommendations for Action to Advance the Rights of Women and Girls with Disabilities in the United Nations system*; accessed online April 2011 at: <http://sites.google.com/site/womenenabled/>

⁴⁴ United Nations Development Programme (UNDP) (2010) *Political Participation of Women with Disabilities in Cambodia: Research Report 2010*, accessed online April 2011 at: <http://www.un.org.kh/undp/knowledge/publications/political-participation-of-women-with-disabilities-in-cambodia>

⁴⁵ Cited in: Australian Human Rights Commission (2010), Op Cit.

⁴⁶ Groce, N. (2006), Op Cit.

⁴⁷ Committee of Ministers of the Council of Europe (2009) *Declaration: Making gender equality a reality*. 119th Session of the Committee of Ministers, Madrid, 12 May 2009.



the human rights imperative

The equal right of men and women to the enjoyment of all human rights is one of the fundamental principles recognised under international law and enshrined in the main international human rights instruments, many to which Australia is a party.⁴⁸ The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of Persons with Disabilities (CRPD) are two such international instruments which have particular relevance and immediacy for women and girls with disabilities. They are both powerful tools in affirming the rights and dignity of women with disabilities and addressing violations of their human rights. Both clearly articulate the importance of data collection, information and research in order to identify and address the barriers faced by women with disabilities in exercising their rights.

CEDAW is a comprehensive international human rights treaty that promotes women's equal attainment of economic, social, cultural, civil and political rights. CEDAW came into force as an international treaty in 1981 and Australia made a formal agreement to be legally bound by the Convention in 1983. In becoming a party to CEDAW, Australia became legally obliged to respect, protect, promote and fulfil the right to non-discrimination for women and to ensure the achievement of equality between men and women.

CEDAW covers the human rights of all women, but highlights the need for States parties to take additional, special measures for women subjected to multiple forms of discrimination as a result of factors such as disability, race, religion, nationality, poverty, or age.⁴⁹ In relation to women with disabilities, CEDAW requires governments to specifically report on measures taken to ensure that disabled women can enjoy all economic, social, cultural, civil and political rights.

The monitoring body of CEDAW meets twice a year to review States parties implementation of CEDAW.⁵⁰ In assessing Australia's implementation of CEDAW in its 2006 review, the CEDAW Committee criticised the Australian Government for its neglect in research and information on the situation women with disabilities in Australia.⁵¹ The Committee recommended that the Australian Government provide this information in its next implementation report in order to *'provide a full picture of the implementation of all the provisions of the Convention'*.⁵² However, the Government's next report, submitted for the CEDAW 46th session in 2010, failed again to provide the information requested on the situation of women with disabilities in Australia.

⁴⁸ 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.

⁴⁹ UN High Commissioner for Refugees (2009) *Displacement, Statelessness and Questions of Gender Equality under the Convention on the Elimination of All Forms of Discrimination against Women*, August 2009, PPLAS/2009/02, available at: <http://www.unhcr.org/refworld/docid/4a8aa8bd2.html> [accessed 18 June 2010].

⁵⁰ For more information on the CEDAW monitoring and reporting process, refer to WWDA NEWS, Issue 3, 2010 which contains an article on CEDAW. Available at: <http://www.wwda.org.au/bulletin.htm>

⁵¹ United Nations Committee on the Elimination of All forms of Discrimination Against Women (CEDAW) (2006) *CEDAW Concluding Comments on the Australian Government's Report 'Women in Australia' (the combined Fourth and Fifth Reports on Implementing the United Nations Convention on the Elimination of All forms of Discrimination Against Women (CEDAW))*. United Nations, New York.

⁵² Ibid.

Following its 46th session, the CEDAW Committee made very strong recommendations⁵³ regarding the need for **urgent action** by Australian governments in relation to women with disabilities, including:

- **Undertaking a comprehensive assessment of the situation of women with disabilities in Australia;**
- Addressing the abuse and violence experienced by women with disabilities living in institutions or supported accommodation;
- Adoption of urgent measures to ensure that women with disabilities are better represented in decision-making and leadership positions;
- enacting national legislation prohibiting forced sterilisation of women and girls with disabilities.

The Convention on the Rights of Persons with Disabilities (CRPD), which aims to ensure that persons with disabilities enjoy human rights on an equal basis with others, entered into force in Australia in 2008. The Convention promotes and protects the human rights of persons with disabilities in economic, social, political, legal and cultural life. In acknowledging the impact of multiple discriminations caused by the intersection of gender and disability, and in recognition of the fact that women with disabilities are often profoundly more disadvantaged than men with disabilities in similar situations,⁵⁴ leading to the denial of rights, opportunities and resources, the CRPD contains a stand alone Article on 'Women with Disabilities'. This Article obligates States parties to prioritise women with disabilities as a group warranting *specific* attention, and requires Governments to take positive actions and measures to ensure that women and girls with disabilities enjoy *all* human rights and fundamental freedoms.⁵⁵ ⁵⁶ The crucial role of data collection and research is clearly articulated within the CRPD, which stresses the importance of disaggregation of statistical and research data in order to identify and address the barriers faced by women with disabilities in exercising their rights.

A number of other human rights treaties and instruments to which Australia is a party, highlight the importance of data collection, information and research in promoting the human rights of women and girls with disabilities. For example, the International Covenant on Economic, Social and Cultural Rights (CESCR), ratified by Australia in 1975, provides for the equal right of men and women to the enjoyment of rights it articulates. In giving effect to this mandatory obligation, States parties are required to give 'special attention to vulnerable or disadvantaged groups' and, as an 'essential first step' in promoting realisation of their human rights, **undertake an assessment of their existing situation**. The need for quantitative data (including disaggregated statistics), as well as qualitative data is essential in order for an adequate assessment (which includes the nature and scope of problems and barriers)⁵⁷ to be made.⁵⁸

The International Covenant on Civil and Political Rights (ICCPR), ratified by Australia in 1980, commits its parties to ensure that women (including women with disabilities) and men share equally in the enjoyment of all rights provided for in the Covenant. To determine this, states parties are required to provide the ICCPR Monitoring Committee with **information regarding the actual role of women in society (including disadvantaged and vulnerable groups of women)** so that: 'the Committee may

⁵³ UN Committee on the Elimination of Discrimination against Women (CEDAW) (2010) *Concluding observations of the Committee on the Elimination of Discrimination against Women: Australia*, 30 July 2010, CEDAW/C/AUS/CO/7 [paras. 42, 43]

⁵⁴ Stubbs, D. & Tawake, S. (2009) *Pacific sisters with disabilities: At the intersection of discrimination*, Suva: UNDP Pacific Centre.

⁵⁵ See Article 6 [Women With Disabilities] of UN General Assembly, *Convention on the Rights of Persons with Disabilities*: resolution/adopted by the General Assembly, 24 January 2007, A/RES/61/106, available at: <http://www.wvda.org.au/hrcore1.htm>

⁵⁶ United Nations Office of the High Commissioner for Human Rights (2007) *From Exclusion to Equality: Realizing the rights of persons with disabilities*. Handbook for Parliamentarians on the Convention on the Rights of Persons with Disabilities and its Optional Protocol. United Nations, Geneva.

⁵⁷ Committee on Economic, Social and Cultural Rights (CESCR) (1994) *General comment No. 5: Persons with disabilities*, 9 December 1994, E/1995/22.

⁵⁸ Committee on Economic, Social and Cultural Rights (CESCR) (1989) *General comment No. 1: Reporting by States parties*. E/1989/22. cited in United Nations (2004) *International Human Rights Instruments - Compilation of General Comments and General Recommendations adopted by Human Rights Treaty Bodies*. HRI/GEN/1/Rev.7.

ascertain what measures, in addition to legislative provisions, have been or should be taken to give effect to these obligations, what progress has been made, what difficulties are encountered and what steps are being taken to overcome them.⁵⁹

These obligations, coupled with the multiple discriminations and profound disadvantage experienced by disabled women and girls, provide the rationale, need, context and framework for the Australian Government to act immediately to commission and adequately resource a comprehensive assessment and analysis of the situation of women and girls with disabilities in Australia.

⁵⁹ Human Rights Committee (2000) International Covenant on Civil and Political Rights (CCPR), *General Comment No. 28: Equality of rights between men and women*, 29 March 2000, CCPR/C/21/Rev.1/Add.10.



Section two: the key data and research required

The following section of this paper highlights some of the key quantitative⁶⁰ and qualitative⁶¹ data, research and information required in order to **comprehensively assess the situation of women with disabilities in Australia** and to monitor progress in efforts to achieve their human rights and fundamental freedoms. Key articles from the CRPD are used to provide a framework for issues warranting urgent attention, many of which have been consistently identified by women with disabilities. They include:

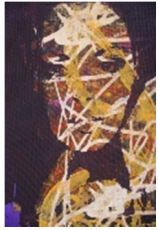
- *the right to freedom from torture or cruel, inhuman or degrading treatment or punishment* – incorporating issues such as forced and coerced sterilisation, menstrual suppression, and abuse in institutions;
- *the right to freedom from exploitation, violence and abuse* - incorporating issues such as forced/coerced psychiatric interventions, physical and chemical restraint, family and domestic violence, sexual abuse, and deprivation of legal capacity;
- *the right to found a family and to reproductive freedom* - incorporating issues such as child removal by authorities, mechanisms used to assess parenting capacity, prevalence of disabled women in care and protection proceedings, and access to reproductive information and resources;
- *the right to education and to work* - incorporating issues such as labour force participation and status, barriers to employment, and discrimination in education;
- *the right to an adequate standard of living* - incorporating issues such as extent and risk of poverty, levels of income support, access to housing, cost of living, and levels of unmet need;
- *the right to participate in political and public life* - incorporating issues such as levels of participation in representative political structures; informal political activities; and self-representing structures, and barriers to leadership, representative and management roles;
- *the right to health* - incorporating issues such as burden of disease, health risks, health services utilisation, sexual and reproductive health, mental health & wellbeing, and barriers in access to health services;

⁶⁰ *Quantitative methodologies* use measurement and statistical principles and are primarily concerned with offering explanations about causal factors based on observed phenomena. Quantitative techniques are necessarily reductionist and so cannot capture the particular experiences and the subject's own perceptions of their experiences. Quantitative methods rely on structured techniques of data collection that allow quantification and measurement, and data is usually presented in terms of numbers, percentages and formulas.

⁶¹ *Qualitative methodologies* recognise the social and behavioural context in which events occur, aim towards exploration of social relations, and describe reality as experienced by people. Qualitative approaches highlight the qualities of values, purposes, feelings, plans and empathic understanding which belong to humans. Qualitative methods can obtain greater density of information, vividness of description, and greater clarity of meaning than is possible in quantitative processes. Qualitative data is usually presented from information that is gathered verbally or expressed in words.

- *the right to access to justice and to equal recognition before the law* - incorporating issues such as decision-making in exercising legal capacity, access to legal representation, barriers to the justice system, and prevalence of women with disabilities in the criminal justice system.

The following section of the paper also links the required areas of data collection and research to Australia's broader international human rights obligations and domestic policy context. Many of these areas and issues have been consistently identified as priorities for action in a range of international human rights treaties and declarations to which Australia is a party (these obligations are provided in detail in Appendix 1). Yet, as this paper clearly demonstrates, women with disabilities have been, and continue to be ignored and neglected in Australian legislation, policy, services and programs, rendering them invisible and excluded.

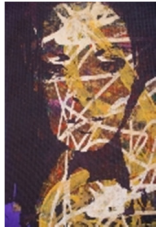


Freedom from torture or cruel, inhuman or degrading treatment or punishment [Forced Sterilisation]

* 'Forced sterilisation' refers to the performance of a procedure which results in sterilisation in the absence of the consent of the individual who undergoes the procedure. This is considered to have occurred if the procedure is carried out in circumstances other than where there is a serious threat to health or life.

Key Quantitative Information	Key Qualitative Information	Key International Obligations	Domestic Policy Context
<p>Incidence of forced sterilisation of girls and women with disabilities, including:</p> <ul style="list-style-type: none"> number of applications sought for sterilisation, and procedures performed, for the period 1997-2011 broken down by year and by jurisdiction <p>Identification and analysis of current protocols and legal avenues dealing with the issue of sterilisation, including:</p> <ul style="list-style-type: none"> processes to authorise sterilisation procedures; processes and mechanisms used to determine that a person is incapable of giving informed consent; processes used to collect data on sterilisation of women and girls with disabilities. 	<p>National study into the sterilisation of girls and women with disabilities which:</p> <ul style="list-style-type: none"> researches the experiences of women with disabilities who have been sterilised; addresses the incidence and long term effects of forced sterilisation for all women with disabilities; examines the rationale and experiences of those seeking sterilisation procedures for girls and women with disabilities; identifies adequate reparation for girls and women with disabilities who have been sterilised without their consent. 	<p><u>UN Treaties</u></p> <p>CRPD Articles: 4, 6, 7, 15, 16, 17, 22, 23, 25 CESCR Articles: 2, 10, 12 CCPR Articles: 7, 17, 23, 24, 26 CRC Articles: 2, 6, 12, 16, 19, 23, 24, 37 CEDAW Articles: 2, 3, 5, 12, 16 CAT Articles: 2, 4, 14, 16 UDHR Articles: 3, 5, 16</p> <p><u>UN Treaty General Comments & General Recommendations</u></p> <p>CESCR GC No.5 (1994) [paras.19, 30, 31] CESCR GC No.14 (2000) [paras.21, 22, 26, 35, 50, 59] CESCR GC No.20 (2009) [paras.7, 8, 10, 31] CCPR GC No.19 (1990) [paras.4, 5] CCPR GC No.20 (1992) [paras.2, 5, 7, 15] CCPR GC No.28 (2000) [paras.11, 20, 28] CCPR GC No.31 (2004) [paras.15] CRC GC No.4 (2003) [paras.2, 4, 5, 8, 24, 31] CRC GC No.5 (2003) [paras.24] CRC GC No.7 (2005) [paras.11, 13] CRC GC No.8 (2006) [paras.26] CRC GC No.9 (2006) [paras.10, 17, 32, 42, 43, 60] CRC GC No.10 (2007) [paras.43] CRC GC No.12 (2009) [paras.20, 32, 75, 77, 100, 101]</p>	<p>National Plan to Reduce Violence against Women and their Children (2010) [Strategies 4.2]</p> <p>National Framework for Protecting Australia's Children 2009–2020 [Strategies 1.1; 1.3]</p> <p>National Disability Strategy 2010-2020 [Policy Directions 2.3, 2.4, 2.5, 6.4]</p> <p>National Disability Research Agenda 2011-2014 [Sect 4, p.7]</p> <p>COAG National Disability Agreement [paras.6, 7, 8]</p> <p>National Women's Health Policy (2010) [4.3.1]</p> <p>AHRC Gender Equality Blueprint (2010) [Rec.9]</p>

Key Quantitative Information	Key Qualitative Information	Key International Obligations	Domestic Policy Context
	<p>National research into the practice of menstrual suppression of girls and women with disabilities, prioritising those in group homes and other forms of institutional care. Research must include:</p> <ul style="list-style-type: none"> • an investigation into the use of Depo-Provera and other injectable contraceptives, the contraceptive pill, and other forms of contraception; • an investigation into the use of contraception as a form of social control of girls and women with disabilities; • an investigation into the long term physical and mental health and social effects of menstrual suppression practices. 	<p>CRC GC No.13 (2011) [paras.3, 12, 16, 21, 24, 44, 53, 54] CEDAW General Rec. 18 (1991) CEDAW General Rec. 19 (1992) [paras.22, 24] CEDAW General Rec. 21 (1994) [para.16(1)(e), 22, 36] CEDAW General Rec. 24 (1999) [paras.2, 6, 18, 20, 22, 25, 31] CAT GC No.2 (2008) [paras.4, 5, 15, 17, 18, 21, 22]</p> <p><u>Other Human Rights Instruments</u></p> <p>Vienna Declaration and Programme of Action (1993) [paras.49, 55, 60, 63, 64] Beijing Declaration and Platform for Action (BPFA) (1995) [paras.94-96; C1.106; C2.107; D115; D1.124-5; I2.232; L1.274; L2.276; L3.278; L5.281; L7.283] Biwako Millennium Framework (BMF) (2002) [paras.B3.1; B3.12] Biwako Plus Five (2007) [para.IIIB15] UN Resolution S-23/3 [paras. IV68(a, g, j), 69(a-k), 72(h-m), 79(f), 83(d)] CSW 55th Session Conclusions (2011) [paras.15; q; x] Rome Statute of the International Criminal Court [Article 7(1)(g)]</p> <p><u>UN Treaty Concluding Observations: Australia</u></p> <p>Human Rights Council - Universal Periodic Review: Australia (2011) [Rec: 39] CEDAW Concluding Obs. Australia (2006) [paras.14, 15] CEDAW Concluding Obs. Australia (2010) [paras.42, 43] CESCR Concluding Obs. Australia (2009) [para.16] CCPR Concluding Obs. Australia (2000) [para.515] CRC Concluding Obs. Australia (2005) [paras.10, 29, 30, 45, 46] CRC Concluding Obs. Australia (1998) [paras.1023, 1039] CAT Concluding Obs. Australia (2008) [paras.8, 18]</p>	<p>ALP National Platform (2009) [Ch.7, paras.1, 74, 75]</p> <p>Australia's Human Rights Framework (2010)</p> <p>National Statement on Social Inclusion (2009) [Ch.7, pp.41-49]</p> <p>National Strategy for Young Australians (2009) [Priority Area 1]</p>

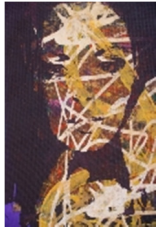


Freedom from torture or cruel, inhuman or degrading treatment or punishment [Abuse in Institutions]

* Residential institutions include: Domestic-scale supported living facility (e.g. group homes); Supported accommodation facility (e.g. hostels, supported residential services or facilities); Boarding house; Psychiatric/mental health community care facility; Independent living unit within a retirement village; Residential aged care facility (nursing home or aged care hostel); prisons

Key Quantitative Information	Key Qualitative Information	Key International Obligations	Domestic Policy Context
<p>Number of women and girls with disabilities residing in institutions*</p> <p>Percentage of women with disabilities in prison compared to non-disabled women</p> <p>Reported incidents involving violence, abuse and neglect of women and girls with disabilities in institutions, including those that:</p> <ul style="list-style-type: none"> resulted in investigations; resulted in convictions. <p>Rates of restraints (chemical, mechanical and/or seclusion) on women and girls with disabilities in Government and non-government institutions</p> <p>Gender analysis of all data collected through the National Disability Abuse and Neglect Hotline</p>	<p>National Public Inquiry or Royal Commission into the violence, abuse and neglect (including financial abuse) of women and girls with disabilities living in institutions, both historically and currently.</p>	<p><u>UN Treaties</u></p> <p>CRPD Articles: 4, 6, 7, 14, 15, 16, 17, 19, 22, 23, 25, 28 CESCR Articles: 2, 11, 12 CCPR Articles: 3, 7, 10, 17 CRC Articles: 2, 3, 16, 19, 23, 25, 27, 34, 37, 39 CEDAW Articles: 2, 3, 12, 16 CAT Articles: 2, 4, 13, 14, 16, UDHR Articles: 5, 12, 25,</p> <p><u>UN Treaty General Comments & General Recommendations</u></p> <p>CESCR GC No.4 (1991) [para.7, 9] CESCR GC No.5 (1994) [paras.19, 32] CESCR GC No.14 (2000) [paras.8, 21, 22] CESCR GC No.16 (2005) [paras.27] CESCR GC No.20 (2009) [paras.8] CCPR GC No.20 (1992) [paras.2,5,7] CCPR GC No.21 (1992) [paras.2,4] CCPR GC No.28 (2000) [paras.11, 20] CRC GC No.4 (2003) [paras.19, 25] CRC GC No.8 (2006) [paras.18, 22, 26, 43] CRC GC No.9 (2006) [paras.10, 34, 42, 43, 47, 50] CRC GC No.12 (2009) [paras.97, 118-120] CRC GC No.13 (2011) [paras.3, 12, 16, 19-27, 34, 44, 53, 54, 65] CEDAW General Rec. 18 (1991)</p>	<p>National Plan to Reduce Violence against Women and their Children (2010) [Strategies 4.1; 4.2; 4.3]</p> <p>National Framework for Protecting Australia’s Children 2009–2020 [Strategies 3.2; 4.1; 6.3; 6.4]</p> <p>National Disability Strategy 2010-2020 [Policy Directions 2.4, 2.5]</p> <p>National Disability Research Agenda 2011-2014 [Sect 4, p.7]</p> <p>COAG National Disability Agreement [paras.6, 7, 8]</p> <p>AHRC Gender Equality Blueprint (2010) [Recs.9, 10]</p> <p>National Women’s Health Policy (2010) [p.91]</p> <p>Australia’s Human Rights Framework (2010)</p>

Key Quantitative Information	Key Qualitative Information	Key International Obligations	Domestic Policy Context
		<p>CEDAW General Rec. 19 (1992) [para.8, 9, 24] CEDAW General Rec. 21 (1994) [para.40] CEDAW General Rec. 24 (1999) [paras.15, 28] CAT GC No.2 (2008) [paras.5, 15, 17, 18, 21, 22]</p> <p><u>Other Human Rights Instruments</u></p> <p>Vienna Declaration and Programme of Action (1993) [paras.63, 64] Beijing Declaration and Platform for Action (BPFA) (1995) [paras.C1.106; D1.124-5; L7.283] Biwako Millennium Framework (BMF) (2002) [paras.B3.1; B3.12] Biwako Plus Five (2007) [para.IIIB15] UN Resolution S-23/3 [paras.IV 68(j), 69(a-k), 72(m), 83(d)]</p> <p><u>UN Treaty Concluding Observations: Australia</u></p> <p>CEDAW Concluding Obs. Australia (2006) [paras.14, 15] CEDAW Concluding Obs. Australia (2010) [paras.42, 43] CESCR Concluding Obs. Australia (2009) [para.16, 22] CRC Concluding Obs. Australia (2005) [paras.42, 43, 45, 46] CRC Concluding Obs. Australia (1998) [paras.1026] CAT Concluding Obs. Australia (2001) [paras.53] CAT Concluding Obs. Australia (2008) [paras.23, 27, 31]</p>	<p>National Statement on Social Inclusion (2009) [Ch.7, pp.41-49]</p> <p>National Strategy for Young Australians (2009) [Priority Areas 3, 8]</p>

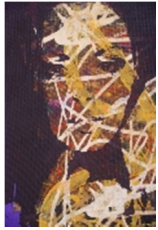


Freedom from exploitation, violence and abuse

* Violence against women and girls with disabilities is an intersectional category dealing with gender-based and disability-based violence. The confluence of these two factors results in an extremely high risk of violence against women with disabilities. In addition to the forms of violence experienced by women in general, the following also constitute violence against women with disabilities: forced/coerced abortion and sterilisation; forced/coerced psychiatric interventions, involuntary commitment to institutions, forced isolation, physical and chemical restraint; strip searches; deprivation of legal capacity; denial of necessities and purposeful neglect; withholding mobility aids, communication equipment, or medication that the woman uses voluntarily; threats to neglect or kill support or assistive animals; being left in physical discomfort or in embarrassing situations for long periods of time; threats of abandonment by caregivers; violations of privacy; rape and sexual abuse by personal carers, staff and other inmates/residents of institutions.

Key Quantitative Information	Key Qualitative Information	Key International Obligations	Domestic Policy Context
<p>Incidence and prevalence of violence against women with disabilities, including:</p> <ul style="list-style-type: none"> the percentage of women who acquire disability as a result of violence; the rates of arrest, prosecution and conviction of perpetrators. <p>Existence of legislative definitions that are:</p> <ul style="list-style-type: none"> inclusive of the forms of violence against women with disabilities encompass the circumstances and contexts within which women with disabilities experience family violence <p>Gender analysis of all data collected through the National Disability Abuse and Neglect Hotline</p>	<p>National research into the issue of violence against women with disabilities which encompasses:</p> <ul style="list-style-type: none"> nature, forms, causes, consequences and effects of violence; perpetrators and the relationships between the perpetrators and women with disabilities; barriers for women with disabilities accessing violence prevention programs and services; efficiency and effectiveness of the criminal justice system in meeting the needs of women with disabilities subjected to violence; service system responses for women with disabilities experiencing or at risk of experiencing violence. 	<p><u>UN Treaties</u></p> <p>CRPD Articles: 4, 6, 7, 8, 12-17, 22, 23, 25, 28 CESCR Articles: 10, 12 ICCPR Articles: 3, 7, 17, 23, CEDAW Articles: 2, 3, 5, 12, 16 CRC Articles: 2, 19, 23, 24, 34, 36, 37, 39 CAT Articles: 2, 16 UDHR Articles: 5, 12</p> <p><u>UN Treaty General Comments & General Recommendations</u></p> <p>CESCR GC No.5 (1994) [paras.19, 31, 32] CESCR GC No.14 (2000) [paras.8, 21, 35, 43] CESCR GC No.16 (2005) [paras.27] CESCR GC No.20 (2009) [paras.8] CCPR GC No.28 (2000) [paras.11, 20] CRC GC No.4 (2003) [paras.19] CRC GC No.8 (2006) [paras.18] CRC GC No.9 (2006) [paras.10, 42, 43, 47] CRC GC No.12 (2009) [paras.118-120] CRC GC No.13 (2011) [paras.3, 12, 16, 19-27, 34, 53, 54, 65] CEDAW General Rec. 12 (1989) CEDAW General Rec. 18 (1991) CEDAW General Rec. 19 (1992) [paras.24]</p>	<p>National Plan to Reduce Violence against Women and their Children [Strategies 1.2; 4.1; 4.2; 4.3]</p> <p>National Framework for Protecting Australia’s Children 2009–2020 [Strategies 3.2; 4.1; 6.4]</p> <p>National Disability Strategy 2010-2020 [Policy Directions 2.4]</p> <p>National Disability Research Agenda 2011-2014 [Sect 4, p.7]</p> <p>COAG National Disability Agreement [paras.6, 7, 8]</p> <p>AHRC Gender Equality Blueprint (2010) [Recs.9, 10]</p> <p>COAG National Partnership Agreement on Homelessness [paras.4, 14, 17, 18]</p>

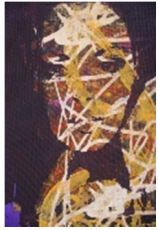
Key Quantitative Information	Key Qualitative Information	Key International Obligations	Domestic Policy Context
<p>Existence of national, state/territory:</p> <ul style="list-style-type: none"> family violence data sets which are inclusive of women with disabilities; policies, procedures and protocols (including screening and assessment tools) to aid in the early identification of violence against women with disabilities 	<p>National accessibility audit of crisis and post crisis accommodation services to determine their levels of accessibility and safety for women with disabilities and to determine service/agency needs in meeting relevant anti-discrimination legislation requirements.</p>	<p>CEDAW General Rec. 21 (1994) [paras.40] CEDAW General Rec. 24 (1999) [paras.15, 25, 29] CAT GC No.2 (2008) [paras.18, 21, 22]</p> <p><u>Other Human Rights Instruments</u></p> <p>Vienna Declaration and Programme of Action (1993) [paras.63, 64] Beijing Declaration and Platform for Action (BPFA) (1995) [paras.D1.124-5; L7.283] Biwako Millennium Framework (BMF) (2002) [paras.B3.1] Biwako Plus Five (2007) [para.IIIB15] UN Resolution S-23/3 [paras.IV68(j), IV69(a-k), 83(d)] CSW 55th Session Conclusions (2011) [para.q]</p> <p><u>UN Treaty Concluding Observations: Australia</u></p> <p>Human Rights Council - Universal Periodic Review: Australia (2011) [Recs: 47, 77, 82] CEDAW Concluding Obs. Australia (2006) [paras.14, 15, 18, 19] CEDAW Concluding Obs. Australia (2010) [paras.28, 29, 42, 43] CESCR Concluding Obs. Australia (2009) [para.16, 22] CRC Concluding Obs. Australia (1998) [paras.1037] CRC Concluding Obs. Australia (2005) [paras.42, 43, 45, 46] CCPR Concluding Obs. Australia (2009) [para.17, 21]</p>	<p>National Women’s Health Policy (2010) [p.91]</p> <p>Australia’s Human Rights Framework (2010)</p> <p>National Statement on Social Inclusion (2009) [Ch.7, pp.41-49]</p> <p>National Strategy for Young Australians (2009) [Priority Areas 7, 8]</p>



The right to found a family and to reproductive freedom [Parenting - General]

Key Quantitative Information	Key Qualitative Information	Key International Obligations	Domestic Policy Context
<p>Prevalence of female disabled parents, including those who are sole parents;</p> <p>Annual births for women with disabilities; trends and patterns in fertility</p> <p>Rates of termination of pregnancies in comparison to non-disabled women</p> <p>Existence of inclusive eligibility criteria for access to assisted reproduction and adoption services and programs</p> <p>Existence of centre accessibility benchmarks as a criteria for child care centre accreditation</p>	<p>National research into women with disabilities' experiences of their right to found and maintain a family – incorporating:</p> <ul style="list-style-type: none"> • their parenting experiences ante-natally, post-natally, and during the varying stages of child rearing (eg: infancy; early childhood; adolescence); • adoption and foster care; • custody; • the economic, social and environmental barriers to their parenting role in both the public and private spheres • access to reproductive information, resources (including assisted reproduction technologies), health & medical care, services, and support 	<p><u>UN Treaties</u></p> <p>CRPD Articles: 4, 6, 17, 23, 25, 28 CESCR Articles: 2, 9, 10, 12 CCPR Articles: 23 CRC Articles: 2, 5, 18, 23, 24 CEDAW Articles: 2, 3, 5, 10, 12, 16 UDHR Articles: 16, 25</p> <p><u>UN Treaty General Comments & General Recommendations</u></p> <p>CESCR GC No.5 (1994) [para.19, 30, 31, 33] CESCR GC No.14 (2000) [paras.8, 11, 14, 21, 26, 35, 43, 44] CESCR GC No.16 (2005) [paras.27, 29] CESCR GC No.19 (2008) [paras.13, 19, 20, 22] CESCR GC No.20 (2009) [paras.4, 8] CCPR GC No.19 (1990) [paras.4,5] CCPR GC No.28 (2000) [paras.10, 27] CRC GC No.4 (2003) [paras.12] CRC GC No.7 (2005) [paras.18, 20, 21] CRC GC No.9 (2006) [paras.41] CEDAW General Rec. 18 (1991) CEDAW General Rec. 21 (1994) [paras.16, 21, 22] CEDAW General Rec. 24 (1999) [paras.2, 18, 21-23, 25, 29-31]</p>	<p>National Plan to Reduce Violence against Women and their Children [Strategies 1.3]</p> <p>National Framework for Protecting Australia's Children 2009–2020 [Strategies 1.1]</p> <p>National Disability Strategy 2010-2020 [Policy Directions 2.1, 4.3, 6.4]</p> <p>National Disability Research Agenda 2011-2014 [Sect 4, p.7]</p> <p>COAG National Disability Agreement [paras.6, 7, 8]</p> <p>National Women's Health Policy (2010) [4.3.1]</p> <p>AHRC Gender Equality Blueprint (2010) [Recs.1, 2, 3]</p> <p>Australia's Human Rights Framework (2010)</p>

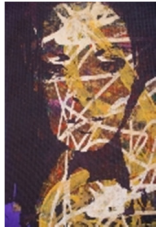
Key Quantitative Information	Key Qualitative Information	Key International Obligations	Domestic Policy Context
		<p><u>Other Human Rights Instruments</u></p> <p>Vienna Declaration and Programme of Action (1993) [paras.63, 64] Beijing Declaration and Platform for Action (BPFA) (1995) [paras.C1.106; C2.107; L9.285] Biwako Millennium Framework (BMF) (2002) [paras.B3.1, B3.12] Biwako Plus Five (2007) [para.IIIB15] UN Resolution S-23/3 [paras.IV68(g), 68(j), 72(h-m), 83(d)] CSW 55th Session Conclusions (2011) [para.x]</p> <p><u>UN Treaty Concluding Observations: Australia</u></p> <p>CEDAW Concluding Obs. Australia (2010) [paras.42, 43] CESCR Concluding Obs. Australia (2009) [para.16] CRC Concluding Obs. Australia (2005) [paras.46]</p>	<p>National Statement on Social Inclusion (2009) [Ch.7, pp.41-49]</p> <p>National Primary Health Care Strategy (2009) [Priority Area 1]</p> <p>National Strategy for Young Australians (2009) [Priority Area 3]</p> <p>National Early Childhood Development Strategy (2009) [Ch.2-3]</p>



The right to found a family and to reproductive freedom [Parenting - Child Removal by Authorities]

Key Quantitative Information	Key Qualitative Information	Key International Obligations	Domestic Policy Context
<p>Prevalence, characteristics and representation of female disabled parents in care and protection proceedings – in comparison to non-disabled female parents</p> <p>Identification of current formal processes and mechanisms used to assess parenting capacity</p> <p>Rates of child removal by authorities from female disabled parents, in comparison to non-disabled female parents.</p>	<p>National Public Inquiry into the removal and/or threat of removal of babies and children from parents with intellectual disabilities; parents with mental health illnesses and parents with psychiatric disabilities. Any inquiry must be gendered and include:</p> <ul style="list-style-type: none"> • an analysis of legislation and protocols that enable the removal of babies and children from disabled female parents; • an analysis of the views and experiences of magistrates, legal representatives and Government officers with regard to care proceedings involving female disabled parents. 	<p><u>UN Treaties</u></p> <p>CRPD Articles: 4, 6, 7, 14, 15, 18, 23 CESCR Articles: 2, 9, 10, 12 CCPR Articles: 17, 23, 24 CRC Articles: 2, 3, 5, 7, 9, 12, 18, 24, 25, CEDAW Articles: 2, 3, 5, 10, 12, 16 CAT Articles: 1, 2, 16 UDHR Articles: 5, 12, 16, 25</p> <p><u>UN Treaty General Comments & General Recommendations</u></p> <p>CESCR GC No.5 (1994) [para.30, 31, 33] CESCR GC No.14 (2000) [paras.14, 35, 43, 44] CESCR GC No.16 (2005) [paras.27] CESCR GC No.19 (2008) [paras.20] CESCR GC No.20 (2009) [para.4, 8, 14, 28] CCPR GC No.19 (1990) [paras.4,5, 8, 9] CCPR GC No.28 (2000) [paras.18, 20, 25, 27] CRC GC No.4 (2003) [paras.12] CRC GC No.7 (2005) [paras.18, 20, 21] CRC GC No.9 (2006) [paras.41] CRC GC No.12 (2009) [paras.20, 32, 53, 54, 75] CEDAW General Rec. 18 (1991) CEDAW General Rec. 21 (1994) [paras.13, 16, 20] CEDAW General Rec. 24 (1999) [paras.2, 25, 29, 31]</p>	<p>National Plan to Reduce Violence against Women and their Children (2010) [Strategies 2.2]</p> <p>National Framework for Protecting Australia’s Children 2009–2020 [Strategies 1.1; 4.4]</p> <p>National Disability Strategy 2010-2020 [Policy Directions 2.1, 2.5, 6.4]</p> <p>National Disability Research Agenda 2011-2014 [Sect 4, p.7]</p> <p>COAG National Disability Agreement [paras.6, 7, 8]</p> <p>Australia’s Human Rights Framework (2010)</p> <p>National Statement on Social Inclusion (2009) [Ch.7, pp.41-49]</p> <p>National Strategy for Young Australians (2009) [Priority Area 3]</p>

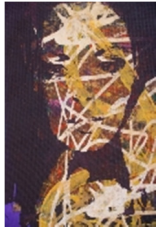
Key Quantitative Information	Key Qualitative Information	Key International Obligations	Domestic Policy Context
	<p>National research into women with disabilities' experiences of:</p> <ul style="list-style-type: none"> • processes and mechanisms used to assess parenting capacity; • care and protection proceedings (including the availability and adequacy of supports and services); • child removal in custody proceedings. 	<p><u>Other Human Rights Instruments</u></p> <p>Vienna Declaration and Programme of Action (1993) [paras.63, 64] Beijing Declaration and Platform for Action (BPFA) (1995) [paras.C1.106; C2.107; L9.285] Biwako Millennium Framework (BMF) (2002) [paras.B3.1, B3.12] Biwako Plus Five (2007) [para.IIIB15] UN Resolution S-23/3 [paras.IV68(g), 68(j), 72(h-m), 83(d)] CSW 55th Session Conclusions (2011) [para.x]</p> <p><u>UN Treaty Concluding Observations: Australia</u></p> <p>CEDAW Concluding Obs. Australia (2006) [paras.14, 15] CEDAW Concluding Obs. Australia (2010) [paras.42, 43] CESCR Concluding Obs. Australia (2009) [para.16] CRC Concluding Obs. Australia (2005) [paras.27, 28, 29, 30, 37, 38]</p>	<p>National Early Childhood Development Strategy (2009) [Ch.2-3]</p>



Data & Statistics [General Profile]

Key Quantitative Information	Key International Obligations	Domestic Policy Context
<p>Prevalence of women with disabilities Geographical distribution Age Indigenous Status Country of Birth Method of Communication Language spoken/non-spoken communication Need for interpreter services Labour force status Occupation/Employment Type Unpaid domestic work Income Non-optional costs of disability Marital Status Single parents Family Composition Living Arrangements Residential Setting Education Need for personal assistance to participate in domestic, working, and community life Transport Internet Usage</p>	<p><u>UN Treaties</u></p> <p>CRPD Articles: 31, 35 CESCRC Articles: 16 CCPR Articles: 40 CRC Articles: 44 CEDAW Articles: 18 CAT Articles: 19</p> <p><u>UN Treaty General Comments & General Recommendations</u></p> <p>CESCR GC No.1 (1989) [para.3,7] CESCRC GC No.4 (1991) [para.13] CESCRC GC No.5 (1994) [para.13, 19] CESCRC GC No.13 (1999) [paras.37] CESCRC GC No.14 (2000) [paras.16, 20, 57] CESCRC GC No.16 (2005) [paras.39] CESCRC GC No.18 (2005) [paras.46, 47] CESCRC GC No.19 (2008) [paras.75] CESCRC GC No.20 (2009) [paras.41] CESCRC GC No.21 (2009) [paras.71] CCPR GC No.28 (2000) [paras.28, 29] CRC GC No.4 (2003) [paras.9] CRC GC No.5 (2003) [paras.48] CRC GC No.7 (2005) [paras.39] CRC GC No.8 (2006) [paras.51] CRC GC No.9 (2006) [paras.10, 19]</p>	<p>National Disability Strategy 2010-2020 [pp.26, 67-69]</p> <p>National Disability Research Agenda 2011-2014 [Sect 4, p.7]</p> <p>National Women’s Health Policy (2010) [6.3.3; 6.5.1; 6.5.3]</p> <p>AHRC Gender Equality Blueprint (2010) [Recs.14]</p> <p>COAG National Disability Agreement [paras.14d; 26a]</p> <p>Australia’s Human Rights Framework (2010)</p> <p>National Statement on Social Inclusion (2009) [Ch.11, pp.69-70]</p> <p>Fourth National Mental Health Plan 2009-2014 [Priority Area 5]</p> <p>Disability Services National Minimum Data Sets</p> <p>Younger People with Disability in Residential Aged Care Minimum Data Set</p>

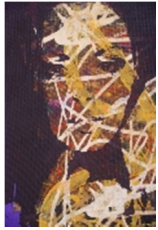
Key Quantitative Information	Key International Obligations	Domestic Policy Context
	<p>CRC GC No.13 (2011) [paras.65j] CEDAW General Rec. 9 (1989) CEDAW General Rec. 16 (1991) CEDAW General Rec. 18 (1991) CEDAW General Rec. 19 (1992) [paras.24] CEDAW General Rec. 24 (1999) [paras.9, 10] CEDAW General Rec. 25 (2004) [paras.35] CAT GC No.2 (2008) [paras.23]</p> <p><u>Other Human Rights Instruments</u></p> <p>Vienna Declaration and Programme of Action (1993) [paras.63, 64] Beijing Declaration and Platform for Action (BPFA) (1995) [paras.A4.68; C4.109; D2.129; H3.206] Biwako Millennium Framework (BMF) (2002) [paras.II6; B3.2; C4.5; G4.3] Biwako Plus Five (2007) [para.IIIB15, IIIB.14, IVC.38-44] UN Resolution S-23/3 [paras.IV77(a-c), 83(d)] CSW 55th Session Conclusions (2011) [para.c]</p> <p><u>UN Treaty Concluding Observations: Australia</u></p> <p>CEDAW Concluding Obs. Australia (2006) [paras.14, 15] CEDAW Concluding Obs. Australia (2010) [paras.36, 37, 42, 43] CESCR Concluding Obs. Australia (2000) [para.36] CESCR Concluding Obs. Australia (2009) [para.16, 24] CRC Concluding Obs. Australia (2005) [paras.19, 20, 45, 46]</p>	



The right to work

Key Quantitative Information	Key Qualitative Information	Key International Obligations	Domestic Policy Context
<p>Labour force participation of women with disabilities – including across age groups; trends; comparison to men with disabilities and non-disabled women;</p> <p>Unemployment of women with disabilities – including across age groups; trends; comparison to men with disabilities and non-disabled women;</p> <p>Labour force status of women with disabilities including:</p> <ul style="list-style-type: none"> • Industry of Employment • Informal employment, Supported employment, Part-time work • Occupation; Occupational segregation • Income; Gender pay gap - ratio of disabled women’s average earnings to disabled men’s average earnings, <p>Total work burden – including time spent on domestic work, including child care and caring for others</p>	<p>National research into women with disabilities experience of seeking, finding, and maintaining meaningful employment. Research should encompass:</p> <ul style="list-style-type: none"> • barriers to labour force participation and employment; • access to and utilisation of Government funded job search programs (including Disability Employment Services; Australian Disability Enterprises; Job Network); • managing the work-life balance; • opportunities in employment for promotion, networking, mentoring and leadership; • job satisfaction. 	<p><u>UN Treaties</u></p> <p>CRPD Articles: 4, 6, 27 CESCR Articles: 6, 7 CCPR Articles:25 CRC Articles: 32 CEDAW Articles: 2, 3, 11 UDHR Articles: 23 ILO C100 Articles: 1-3 ILO C111 Articles: 1-5 ILO C156 Articles: 1-8</p> <p><u>UN Treaty General Comments & General Recommendations</u></p> <p>CESCR GC No.5 (1994) [para.22, 23] CESCR GC No.16 (2005) [paras.8, 21, 23, 24, 25, 26] CESCR GC No.18 (2005) [paras.7, 13, 17, 23, 26, 31] CESCR GC No.20 (2009) [paras.28] CCPR GC No.25 (1996) [paras.23, 24] CEDAW General Rec. 13 (1989) CEDAW General Rec. 16 (1991) CEDAW General Rec. 17 (1991) CEDAW General Rec. 18 (1991) CEDAW General Rec. 19 (1992) [paras.17, 18, 24] CEDAW General Rec. 25 (2004) [paras.8, 10, 12]</p>	<p>National Plan to Reduce Violence against Women and their Children (2010) [Strategies 1.3]</p> <p>National Disability Strategy 2010-2020 [Policy Directions 3.1]</p> <p>National Disability Research Agenda 2011-2014 [Sect 4, p.7]</p> <p>COAG National Disability Agreement [paras.6, 7, 8]</p> <p>National Women’s Health Policy (2010) [p.89]</p> <p>AHRC Gender Equality Blueprint (2010) [Recs.4, 13]</p> <p>National Mental Health & Disability Employment Strategy [Actions: 1-6]</p> <p>ALP National Platform (2009) [Ch.7, paras.74, 78]</p> <p>Australia’s Human Rights Framework (2010)</p>

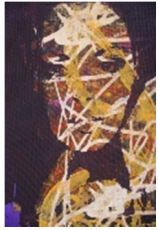
Key Quantitative Information	Key Qualitative Information	Key International Obligations	Domestic Policy Context
<p>Number of women with disabilities being assisted by Commonwealth Government funded employment services (Disability Employment Services; Australian Disability Enterprises; Job Network) – in comparison to men with disabilities</p> <p>Percentage of women with disabilities in the Australian Public Service and State/Territory Public Service – including trends, comparison to men with disabilities</p>		<p><u>Other Human Rights Instruments</u></p> <p>Vienna Declaration and Programme of Action (1993) [paras.63, 64] Beijing Declaration and Platform for Action (BPFA) (1995) [paras.F1.165; F2.166; F3.173; F4.175; F5.178; F6.179] Biwako Millennium Framework (BMF) (2002) [paras. B3.1; D3.1-11] Biwako Plus Five (2007) [paras.IIIB.14; IIIB15] UN Resolution S-23/3 [paras.IV75, 82 (a-m), 83(d)]</p> <p><u>UN Treaty Concluding Observations: Australia</u></p> <p>CEDAW Concluding Obs. Australia (2006) [paras.14, 15] CEDAW Concluding Obs. Australia (2010) [paras.38, 39, 42, 43] CESCR Concluding Obs. Australia (2009) [para.16, 18] Human Rights Council - Universal Periodic Review: Australia (2011) [Recs: 54]</p>	<p>National Statement on Social Inclusion (2009) [Ch.7, pp.41-49]</p> <p>National Strategy for Young Australians (2009) [Priority Area 6]</p>



The right to an adequate standard of living

Key Quantitative Information	Key Qualitative Information	Key International Obligations	Domestic Policy Context
<p>Number of women with disabilities in receipt of Government benefits: eg: DSP; Single Parents; Aged Pension; Newstart; Abstudy; Youth Allowance</p> <p>Percentage of women with disabilities compared to disabled men and non-disabled women in the lowest income quintiles</p> <p>Extent and risk of poverty (women with disabilities who live on less than half median incomes) including cost of disability relative to income</p> <p>Financial security including superannuation</p> <p>Housing stress (housing costs relative to income)</p> <p>Extent and levels of homelessness</p> <p>Percentage of women with disabilities compared to disabled men being assisted by NDA funded accommodation services and advocacy services</p>	<p>National research into women with disabilities experiences of their right to an adequate standard of living. Research should encompass issues such as:</p> <ul style="list-style-type: none"> • financial security, levels of income support and non-optional costs of disability; • access to accessible, appropriate and affordable housing; • access to food and nutrition to meet dietary requirements; • cost of living; • levels of unmet need. 	<p><u>UN Treaties</u></p> <p>CRPD Articles: 19, 20, 25, 28 CESCR Articles: 9, 11 CRC Articles: 23, 26, 27 CEDAW Articles: 2, 3, 11, 13 UDHR Articles: 22, 25</p> <p><u>UN Treaty General Comments & General Recommendations</u></p> <p>CESCR GC No.4 (1991) [para.6, 7, 8, 11] CESCR GC No.5 (1994) [para.19, 23, 28, 33] CESCR GC No.12 (1999) [paras.8, 9] CESCR GC No.14 (2000) [paras.15, 36] CESCR GC No.19 (2008) [paras.20, 22, 27, 28, 31, 32] CRC GC No.7 (2005) [paras.10, 26] CRC GC No.9 (2006) [paras.20, 39, 41,70, 71] CRC GC No.11 (2009) [paras.34] CEDAW General Rec. 18 (1991) CEDAW General Rec. 21 (1994) [paras.32] CEDAW General Rec. 24 (1999) [paras.25, 28] CEDAW General Rec. 25 (2004) [paras.12]</p>	<p>National Plan to Reduce Violence against Women and their Children (2010) [Strategies 1.3]</p> <p>National Disability Strategy 2010-2020 [Policy Directions 1.1, 1.3, 1.4, 3.1, 3.2, 3.3, 4.1]</p> <p>National Disability Research Agenda 2011-2014 [Sect 4, p.7]</p> <p>AHRC Gender Equality Blueprint (2010) [Recs.5, 6]</p> <p>ALP National Platform (2009) [Ch.7, paras.74, 75]</p> <p>COAG National Partnership Agreement on Homelessness [paras.14, 17, 18]</p> <p>COAG National Disability Agreement [paras.6, 7, 8]</p> <p>COAG National Affordable Housing Agreement [p.6, 7]</p> <p>Australia's Human Rights Framework (2010)</p>

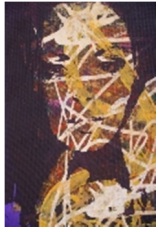
Key Quantitative Information	Key Qualitative Information	Key International Obligations	Domestic Policy Context
<p>Percentage of women with disabilities who need more assistance than they are currently receiving from NDA funded services</p> <p>Percentage of women with disabilities receiving assistance from non-NDA State/Territory funded services</p> <p>Number of women with disabilities, compared to other disadvantaged groups, receiving services from charitable NGOs (e.g. Salvation Army, Red Cross)</p> <p>Percentage of women with disabilities who rely on public transport and taxis</p>		<p><u>Other Human Rights Instruments</u></p> <p>Vienna Declaration and Programme of Action (1993) [paras.63, 64] Beijing Declaration and Platform for Action (BPFA) (1995) [paras.A1.58; C1.106] Biwako Millennium Framework (BMF) (2002) [paras.B3.1; G4.3] Biwako Plus Five (2007) [para.IIIB15, IIIG.22] UN Resolution S-23/3 [paras.IV73(a-d), 74(a-c), 83(d)]</p> <p><u>UN Treaty Concluding Observations: Australia</u></p> <p>Human Rights Council - Universal Periodic Review: Australia (2011) [Recs: 33, 142] CEDAW Concluding Obs. Australia (2006) [paras.14, 15] CEDAW Concluding Obs. Australia (2010) [paras.42, 43] CESCR Concluding Obs. Australia (2009) [para.16, 20, 24, 26] CESCR Concluding Obs. Australia (2000) [para.33] CRC Concluding Obs. Australia (2005) [paras.17, 18, 45, 46, 56, 57, 58]</p>	<p>National Statement on Social Inclusion (2009) [Ch.6, pp.37-40; Ch.7, pp.41-49]</p> <p>National Strategy for Young Australians (2009) [Priority Areas 1-8]</p> <p>National Women’s Health Policy (NWHP) [p.88-94]</p>



The right to participate in political and public life [Leadership & Decision-Making]

Key Quantitative Information	Key Qualitative Information	Key International Obligations	Domestic Policy Context
<p>Percentage of women with disabilities participating in:</p> <ul style="list-style-type: none"> representative political structures; voter registration and election; self-representing structures; <p>Percentage of women with disabilities applying to, and selected for board positions in ASX listed and private companies and in the public unlisted (NFP), Government, sport, rural and community sector</p> <p>Existence and number of specific funding programs at national, state/territory levels which support women with disabilities to undertake leadership, representative and management roles.</p> <p>Percentage of women with disabilities on Federal/State/Territory Registers for selection to government advisory positions.</p>	<p>National research into women with disabilities experiences of their right to participate in political and public life, including:</p> <ul style="list-style-type: none"> their understanding of politics and political participation; their access to and participation in government election processes; opportunities to participate in representative political structures; informal political activities; and, self-representing structures; barriers to undertaking leadership, representative and management roles; access to and participation in training to improve leadership and decision-making skills. 	<p><u>UN Treaties</u></p> <p>CRPD Articles: 4, 6, 29 CCPR Articles: 25 CRC Articles: 10, 11, 12, 13 CEDAW Articles: 3, 7, 8 UDHR Articles: 21</p> <p><u>UN Treaty General Comments & General Recommendations</u></p> <p>CESCR GC No.16 (2005) [para.37] CCPR GC No.25 (1996) [paras.1, 11, 12] CCPR GC No.28 (2000) [paras.29] CRC GC No.12 (2009) [paras.97] CEDAW General Rec. 18 (1991) CEDAW General Rec. 23 (1997) CEDAW General Rec. 25 (2004) [paras.12]</p> <p><u>Other Human Rights Instruments</u></p> <p>Vienna Declaration and Programme of Action (1993) [paras.43, 63, 64] Beijing Declaration and Platform for Action (BPFA) (1995) [paras.G1.190; G2.195] Biwako Millennium Framework (BMF) (2002) [paras.A3.1; A3.3; B3.1; B3.7] Biwako Plus Five (2007) [para.IIIA.12, IIIB.14, IIIB.15] UN Resolution S-23/3 [paras.IV66(a,b), 81(a-c), 83(d)]</p>	<p>National Plan to Reduce Violence against Women and their Children (2010) [Strategies 1.3]</p> <p>National Framework for Protecting Australia's Children 2009–2020 [Strategies 1.3]</p> <p>National Disability Strategy 2010-2020 [Policy Directions 2.2]</p> <p>National Disability Research Agenda 2011-2014 [Sect 4, p.7]</p> <p>COAG National Disability Agreement [paras.6, 7, 8]</p> <p>National Women's Health Policy (2010) [4.4.2; 6.1.3; 6.3.2]</p> <p>AHRC Gender Equality Blueprint (2010) [Recs.7, 8]</p> <p>National Strategy for Young Australians (2009) [Priority Area 4]</p> <p>National Statement on Social Inclusion (2009) [Ch.7, pp.41-49]</p>

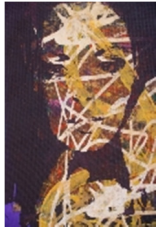
		<p><u>UN Treaty Concluding Observations: Australia</u></p> <p>CEDAW Concluding Obs. Australia (2006) [paras.14, 15] CEDAW Concluding Obs. Australia (2010) [paras.26, 27, 34, 35, 42, 43] CESCR Concluding Obs. Australia (2009) [para.16] CRC Concluding Obs. Australia (2005) [para.29, 30, 45] Human Rights Council - Universal Periodic Review: Australia (2011) [Recs: 55]</p>	
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The right to health

Key Quantitative Information	Key Qualitative Information	Key International Obligations	Domestic Policy Context
<p>Life expectancy, cause of death</p> <p>Diseases, including burden of disease and long-term conditions;</p> <p>Health risk - tobacco smoking; obesity; level of health literacy; use of illicit drugs; alcohol consumption; rates of sexually transmissible infections;</p> <p>Health services utilisation, including type of service (ie: acute, health promotion, primary health care)</p> <p>Health workforce – percentage of women with disabilities employed in health occupations; and/or completing health occupation university courses.</p> <p>Analysis of national, state/territory health related surveys and data sets* which include indicators to capture data on women with disabilities – including for eg: Health sector national minimum data set; Health sector data set specifications</p>	<p>National research which examines the experiences of women with disabilities in realising their right to health. Given the scope of this right, initial research should encompass and give priority to the following:</p> <ul style="list-style-type: none"> • barriers to, and experiences of, health services; • perceived health status and factors that impact on health status; • sexual and reproductive health (including access to women’s health screening programs); • mental health & wellbeing; • chronic illness and disease; • access to and use of complimentary and allied health therapies; • percentage of income spent on health related costs; • healthy ageing. 	<p><u>UN Treaties</u></p> <p>CRPD Articles: 4, 6, 17, 25 CESCR Articles: 12 CRC Articles: 23, 24 CEDAW Articles: 2, 3, 10, 12, 16 UDHR Articles: 25</p> <p><u>UN Treaty General Comments & General Recommendations</u></p> <p>CESCR GC No.5 (1994) [paras.19, 31, 34] CESCR GC No.14 (2000) [paras.1, 8, 11, 12, 21, 26, 34, 35, 37] CRC GC No.4 (2003) [paras.31] CRC GC No.9 (2006) [paras.51, 52] CRC GC No.12 (2009) [paras.98-104] CEDAW General Rec. 18 (1991) CEDAW General Rec. 21 (1994) [paras.22] CEDAW General Rec. 24 (1999) [paras.2-31]</p> <p><u>Other Human Rights Instruments</u></p> <p>Vienna Declaration and Programme of Action (1993) [paras.41, 63, 64] Beijing Declaration and Platform for Action (BPFA) (1995) [paras.C1.106; C2.107; C4.109; D1.124-5; L5.281] Biwako Millennium Framework (BMF) (2002) [paras.B3.1; G4.10]</p>	<p>National Plan to Reduce Violence against Women and their Children (2010) [Strategies 4.1; 4.2; 4.3]</p> <p>National Framework for Protecting Australia’s Children 2009–2020 [Strategies 3.3]</p> <p>National Disability Strategy 2010-2020 [Policy Directions 6.1, 6.2, 6.3, 6.4]</p> <p>National Disability Research Agenda 2011-2014 [Sect 4, p.7]</p> <p>COAG National Disability Agreement [paras.6, 7, 8]</p> <p>National Women’s Health Policy (2010) [4.1.2; 4.1.4; 4.2.1; 4.2.4; 6.1.3; 6.3.2; 6.3.3; 6.4.3; 6.5.1; 6.5.3]</p> <p>AHRC Gender Equality Blueprint (2010) [Recs.9]</p> <p>ALP National Platform (2009) [Ch.7, paras.74, 75, 79]</p>

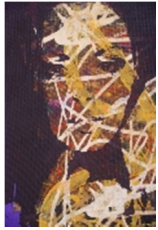
Key Quantitative Information	Key Qualitative Information	Key International Obligations	Domestic Policy Context
<p>* Data sources examined could include for eg: The National Health Survey (NHS); National Children's Nutrition and Physical Activity Survey; National Survey of Mental Health and Wellbeing; National Survey of Disability, Ageing and Carers; Census of Population and Housing; Causes of Death Collection; Perinatal Deaths Collection; The Australian Longitudinal Study on Women's Health; National Perinatal Data Collection; National Drug Strategy Household Survey; National Hospital Morbidity Database; Medicare Benefits Schedule (MBS) Data Collection; Pharmaceutical Benefits Schedule Data Collection; Australian Cancer Incidence and Mortality (ACIM). Data sources examined should also encompass the National minimum data sets as detailed in Schedule A of the COAG National Healthcare Agreement, including those programs where national data sets are being developed (ie: Breastscreen Australia, National Cervical Cancer Screening Program, the Needle and Syringe Program and Illicit Drug Initiative.</p>		<p>Biwako Plus Five (2007) [para.IIIB15] UN Resolution S-23/3 [paras.IV72(a-n), 79(a-h), 83(d)]</p> <p><u>UN Treaty Concluding Observations: Australia</u></p> <p>CEDAW Concluding Obs. Australia (1997) [paras.400] CEDAW Concluding Obs. Australia (2006) [paras.14, 15, 26, 27] CEDAW Concluding Obs. Australia (2010) [paras.26, 42, 43] CESCR Concluding Obs. Australia (2009) [para.16, 28, 30] CRC Concluding Obs. Australia (2005) [paras.17, 18, 45, 46, 48]</p>	<p>COAG National Healthcare Agreement [paras.4, 5]</p> <p>COAG National Partnership Agreement on Preventative Health [paras.8, 9, 10]</p> <p>Australia's Human Rights Framework (2010)</p> <p>National Statement on Social Inclusion (2009) [Ch.7, pp.41-49]</p> <p>National Primary Health Care Strategy (2009) [Priority Areas 1-4]</p> <p>National Mental Health Policy (2008) [Policy Directions 2.1 – 2.10]</p> <p>Fourth National Mental Health Plan 2009-2014 [Priority Areas 1-5]</p> <p>National Strategy for Young Australians (2009) [Priority Area 1]</p>



The right to education

Key Quantitative Information	Key Qualitative Information	Key International Obligations	Domestic Policy Context
<p>Percentage of girls and women with disabilities participating in post-year 10, including VET, tertiary education, post-graduate education</p> <p>Percentage of female disabled students disaggregated by school sector (ie: mainstream schools in comparison to 'special' schools)</p> <p>Level of education attained</p> <p>Existence of gender and disability modules in teacher training curriculum</p> <p>Number of complaints made under the DDA relating to discrimination of disabled women and girls in education</p>	<p>National research into women with disabilities right to education including:</p> <ul style="list-style-type: none"> • their experience of discrimination in education; • experience of support services in education (including access to and utilisation of ICT's); • making the transition from study to employment; • barriers to pursuing higher and post-graduate education. 	<p><u>UN Treaties</u></p> <p>CRPD Articles: 4, 6, 7, 24 CESCR Articles: 13 CRC Articles: 23, 24, 28, 29 CEDAW Articles: 2, 3, 10 UDHR Articles: 26</p> <p><u>UN Treaty General Comments & General Recommendations</u></p> <p>CESCR GC No.5 (1994) [paras.24, 35] CESCR GC No.13 (1999) [paras.6, 36, 37] CRC GC No.1 (2001) [paras.10, 11] CRC GC No.4 (2003) [paras.15] CRC GC No.9 (2006) [paras.62-69] CRC GC No.12 (2009) [paras.105-114] CEDAW General Rec. 5 (1988) CEDAW General Rec. 18 (1991) CEDAW General Rec. 25 (2004)</p> <p><u>Other Human Rights Instruments</u></p> <p>Vienna Declaration and Programme of Action (1993) [paras.63, 64, 78-81] Beijing Declaration and Platform for Action (BPFA) (1995) [paras.B1.80; B3.82; B4.83; L4.280]</p>	<p>National Plan to Reduce Violence against Women and their Children (2010) [Strategies 4.2;]</p> <p>National Disability Strategy 2010-2020 [Policy Directions 5.1, 5.4]</p> <p>National Disability Research Agenda 2011-2014 [Sect 4, p.7]</p> <p>COAG National Disability Agreement [paras.6, 7, 8]</p> <p>National Women's Health Policy (2010) [6.1.2]</p> <p>ALP National Platform (2009) [Ch.7, paras.80]</p> <p>National Mental Health & Disability Employment Strategy [Actions: 1]</p> <p>COAG National Education Agreement [paras.3, 10, 12]</p>

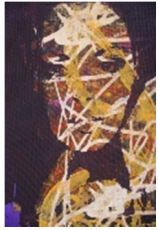
Key Quantitative Information	Key Qualitative Information	Key International Obligations	Domestic Policy Context
		<p>Biwako Millennium Framework (BMF) (2002) [paras.B3.1; C4.9-11]</p> <p>Biwako Plus Five (2007) [para.IIIB15]</p> <p>UN Resolution S-23/3 [paras.IV83(d), 95(c), 99(a)]</p> <p>CSW 55th Session Conclusions (2011) [paras.k, m, cc]</p> <p><u>UN Treaty Concluding Observations: Australia</u></p> <p>CEDAW Concluding Obs. Australia (2006) [paras.14, 15]</p> <p>CEDAW Concluding Obs. Australia (2010) [paras.26, 27, 36, 37, 42, 43]</p> <p>CESCR Concluding Obs. Australia (1994) [paras.151, 159]</p> <p>CESCR Concluding Obs. Australia (2009) [para.16]</p> <p>CRC Concluding Obs. Australia (2005) [paras.17, 18, 45, 46, 60, 61]</p> <p>Human Rights Council - Universal Periodic Review: Australia (2011) [Recs: 58]</p>	<p>Melbourne Declaration on Educational Goals for Young Australians (2008) [Goals 1 2; Action 7]</p> <p>Australia's Human Rights Framework (2010)</p> <p>National Statement on Social Inclusion (2009) [Ch.7, pp.41-49]</p> <p>National Strategy for Young Australians (2009) [Priority Area 2]</p>



The right to access to justice & the right to equal recognition before the law

Key Quantitative Information	Key Qualitative Information	Key International Obligations	Domestic Policy Context
<p>Existence and number of training modules on gender and disability in the justice sector including for police and judicial officers, legal practitioners and court staff</p> <p>Percentage of women with disabilities brought appearing before the criminal justice system as victims of crime, including nature of offences perpetrated, and including rate of conviction of perpetrator</p> <p>Percentage of women with disabilities brought before the criminal justice system as offenders, including nature of offences perpetrated and rate of conviction</p> <p>Percentage of women with disabilities accessing and being assisted by Legal Services (including Disability Discrimination Legal Centres and Women’s Legal Services), including trends and in comparison to access rates of disabled men.</p>	<p>National research into the experience of women with disabilities in the justice system, as both victims of crime and perpetrators of crime, including their experiences:</p> <ul style="list-style-type: none"> • with pre-court proceedings, including experiences in reporting of incidents; • in dealings with police; • in court proceedings; • with access to legal representation; • in decision-making in exercising legal capacity; • with attitudes and stereotyping; • of barriers to the justice system. 	<p><u>UN Treaties</u></p> <p>CRPD Articles: 5, 6, 12, 13 CCPR Articles: 14, 16, 26 CRC Articles: 23, 40 CEDAW Articles: 2, 3, 15 UDHR Articles: 7, 10</p> <p><u>UN Treaty General Comments & General Recommendations</u></p> <p>CCPR GC No.18 (1989) [paras.9, 12] CCPR GC No.28 (2000) [paras.18, 19, 31] CCPR GC No.32 (2007) [paras.7, 10, 31, 33, 40] CRC GC No.9 (2006) [paras.27, 73, 74] CRC GC No.10 (2007) [paras.12, 43, 63] CEDAW General Rec. 18 (1991) CEDAW General Rec. 21 (1994) [paras.15:1-4]</p> <p><u>Other Human Rights Instruments</u></p> <p>Vienna Declaration and Programme of Action (1993) [paras.63, 64] Beijing Declaration and Platform for Action (BPFA) (1995) [paras.A1.58; I2.232; I3.233] Biwako Millennium Framework (BMF) (2002) [paras.B3.1] Biwako Plus Five (2007) [para.IIIB15; IVA.32] UN Resolution S-23/3 [paras.IV68(b), 78(a), 78(d)]</p>	<p>National Plan to Reduce Violence against Women and their Children (2010) [Strategies 4.1; 4.2; 4.3; 5.1; 5.2]</p> <p>National Framework for Protecting Australia’s Children 2009–2020 [Strategies 2.5; 4.1; 6.3]</p> <p>National Disability Strategy 2010-2020 [Policy Directions 2.3, 2.5]</p> <p>National Disability Research Agenda 2011-2014 [Sect 4, p.7]</p> <p>COAG National Disability Agreement [paras.6, 7, 8]</p> <p>ALP National Platform (2009) [Ch.7, paras.74, 75, 79]</p> <p>COAG National Partnership Agreement on Legal Assistance Services [paras.4, 16B]</p> <p>Australia’s Human Rights Framework (2010)</p>

Key Quantitative Information	Key Qualitative Information	Key International Obligations	Domestic Policy Context
<p>Reported incidents involving violence, abuse and neglect of women and girls with disabilities in institutions, including those that:</p> <ul style="list-style-type: none"> • resulted in investigations; • resulted in convictions. 		<p><u>UN Treaty Concluding Observations: Australia</u></p> <p>CEDAW Concluding Obs. Australia (2006) [paras.12, 13, 14, 15] CEDAW Concluding Obs. Australia (2010) [paras.42, 43] CCPR Concluding Obs. Australia (2009) [para.12, 25] CESCR Concluding Obs. Australia (2009) [para.16, 34] CRC Concluding Obs. Australia (2005) [paras.45, 46, 73, 74] Human Rights Council - Universal Periodic Review: Australia (2011) [Recs: 46, 89]</p>	<p>National Statement on Social Inclusion (2009) [Ch.7, pp.41-49]</p> <p>National Strategy for Young Australians (2009) [Priority Area 8]</p>



Intersectionality

Key Quantitative Information

Prevalence of Aboriginal and Torres Strait Islander women and girls with disabilities

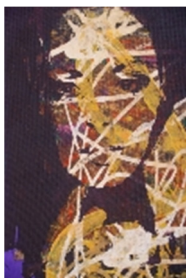
Prevalence of CALD women and girls with disabilities

Prevalence of GLBTI women and girls with disabilities

Key Qualitative Information

National research into the experiences of Aboriginal and Torres Strait Islander women and girls with disabilities, CALD women and girls with disabilities, and GLBTI women and girls with disabilities, focusing on their rights to:

- freedom from torture or cruel, inhuman or degrading treatment or punishment
- freedom from exploitation, violence and abuse
- found a family and to reproductive freedom
- work
- an adequate standard of living
- participate in political and public life [Leadership & Decision-Making]
- health
- education
- access to justice



conclusion

Using a human rights framework, this paper has sought to document the range of data, research and information needed in order to give a **comprehensive** assessment of the situation of women with disabilities in Australia. The need for this work to occur has long been identified by women with disabilities themselves, and most recently, identified by the CEDAW monitoring committee as an area warranting urgent and immediate attention by the Australian Government. This paper has provided the context for this work by giving an overview of the intersection of gender and disability, as well as a brief background to the human rights imperative. Using key articles from the CRPD, the paper has prescribed some of the key quantitative and qualitative data and research required in order to provide a comprehensive assessment, and linked this to Australia's international human rights obligations and domestic policy context.

Recognition of the personhood and human rights of women and girls with disabilities is long overdue. Lack of recognition of their needs and experiences constitutes a serious form of disrespect which compounds lack of self-esteem and self-worth, and contributes to the ongoing neglect and pervasive denial of their rights and fundamental freedoms.

That women with disabilities are specifically recognised in the CRPD, as the result of an international, and largely virtual, movement of women with disabilities is a major achievement. Yet, despite Australia's ratification of the CRPD, the goals of women with disabilities remain the same:

*Our goals remain to have our needs recognised and seek an end to exclusion, inequality and violence. We need to be able to participate in education, employment and political, civil, social and cultural organisations. We need to have our safety guaranteed whether we live in the community or in institutions. Recognition and respect by governments and by broader society are fundamental to our identity and to achieving our goals.*⁶²

The obligation to respect, protect and fulfil women with disabilities' human rights, clearly requires Governments to do much more than merely abstain from taking measures which might have a negative impact on women with disabilities. The obligation in the case of women with disabilities is to take positive action to reduce structural disadvantages and to give appropriate preferential treatment to women with disabilities in order to ensure that they enjoy all human rights. This invariably means that additional resources will need to be made available for this purpose and that a wide range of specially tailored measures will be required.⁶³

In this context, WWDA therefore urges the Australian Government to act immediately to commission and adequately resource a comprehensive assessment and analysis of the situation of women and girls with disabilities in Australia.

⁶² Frohmader, C. & Meekosha, H. [forthcoming] Recognition, respect and rights: Women with disabilities in a globalised world. In *Disability and Social Theory*, Edited by Dan Goodley, Bill Hughes and Lennard Davis, London: Palgrave Macmillan.

⁶³ Women With Disabilities Australia (WWDA) (2010) *Submission to the Australian Government's Draft National Disability Advocacy Framework*. Available online at: <http://www.wwda.org.au/subs2006.htm>



Appendix 1: International Obligations in Detail

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Freedom from torture or cruel, inhuman or degrading treatment or punishment [Forced Sterilisation]

Concluding Observations of UN Treaty Monitoring Committees

Convention on the Rights of Persons with Disabilities (CRPD)

International Covenant on Economic, Social and Cultural Rights (CESCR)

International Covenant on Civil and Political Rights (CCPR)

Convention on the Rights of the Child (CRC)

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)

Other Key Human Rights Instruments

Vienna Declaration and Programme of Action (1993)

Beijing Declaration and Platform for Action (BPFA) (1995)

Biwako Millennium Framework (BMF) (2002)

Biwako Plus Five (2007)

UN Resolution S-23/3 Further actions and initiatives to implement the Beijing Declaration and Platform for Action

Recommendations to Australia from the United Nations [Concluding Observations of UN Treaty Monitoring Committees]

<p>Committee on the Elimination of Discrimination against Women (CEDAW) (2006)</p> <p>CEDAW/C/AUL/CO/5</p>	<p>[para.14] The Committee regrets that the report neither provides sufficient statistical data, disaggregated by sex and ethnicity on the practical realization of equality between women and men in all areas covered by the Convention nor information on the impact and results achieved of legal and policy measures taken. It also regrets the absence of sufficient information and data on women with disabilities.</p> <p>[para.15] The Committee requests the State party to include adequate statistical data and analysis, disaggregated by sex, ethnicity and disability, in its next report so as to provide a full picture of the implementation of all the provisions of the Convention. It also recommends that the State party regularly conduct impact assessments of its legislative reforms, policies and programmes to ensure that measures taken lead to the desired goals and that it inform the Committee about the results of these assessments in its next report.</p>
<p>Committee on the Elimination of Discrimination against Women (CEDAW) (2010)</p> <p>CEDAW/C/AUS/CO/7</p>	<p>[para.42] The Committee is concerned that women with disabilities are almost entirely absent from key leadership and decision-making positions and continue to be disadvantaged with regard to educational and employment opportunities. It is concerned about the high levels of violence experienced by women, particularly those living in institutions or supported accommodation. The Committee also notes with concern that non-therapeutic sterilizations of women and girls with disabilities continue to be practiced in some states in Australia and notes that the Commonwealth Government considers this to be a matter for state governments to regulate.</p> <p>[para.43] The Committee urges the State party, in the light of its recent ratification of the Convention on the Rights of Persons with Disabilities, to undertake a comprehensive assessment of the situation of women with disabilities in Australia. The Committee recommends that the State party address, as a matter of priority, the abuse and violence experienced by women with disabilities living in institutions or supported accommodation. The Committee further recommends that the State party adopt urgent measures to ensure that women with disabilities are better represented in decision-making and leadership positions, including through the adoption of temporary special measures such as quotas and targets, in accordance with article 4, paragraph 1 of the Convention and the Committee’s general recommendation No. 25. The Committee recommends that the State party enact national legislation prohibiting, except where there is a serious threat to life or health, the use of sterilisation of girls, regardless of whether they have a disability, and of adult women with disabilities in the absence of their fully informed and free consent.</p>
<p>UN General Assembly Human Rights Council (2011)</p> <p>A/HRC/WG.6/10/L.8</p>	<p>[para.86.39] Comply with the recommendations of the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women concerning the sterilization of women and girls with disabilities (Denmark); Enact national legislation prohibiting the use of non-therapeutic sterilisation of children, regardless of whether they have a disability, and of adults with disability without their informed and free consent (United Kingdom); Repeal all legal provisions allowing sterilization of persons with disabilities without their consent and for non-therapeutic reasons (Belgium); Abolish non-therapeutic sterilization of women and girls with disabilities (Germany).</p>
<p>Committee on Economic, Social and Cultural Rights (2009)</p> <p>E/C.12/AUS/CO/4</p>	<p>[para.16] The Committee regrets that insufficient measures have been taken by the State party to ensure an adequate standard of living for persons with disabilities.... The Committee encourages the State party to strengthen its efforts towards the adoption of concrete measures to enable persons with disabilities to fully enjoy the rights guaranteed by the Covenant.</p>

<p>Human Rights Committee (2000)</p> <p>CCPR A/55/40</p>	<p>[para.515] The State party should take measures to give effect to all Covenant rights and freedoms and to ensure that all persons whose Covenant rights and freedoms have been violated have an effective remedy (art. 2).</p>
<p>Committee on the Rights of the Child (2005)</p> <p>CRC/C/15/Add.268</p>	<p>[para.10] The Committee recommends that the State party strengthen its efforts to bring its domestic laws and practice into conformity with the principles and provisions of the Convention, and to ensure that effective remedies will be always available in case of violation of the rights of the child.</p> <p>[para.29] The Committee notes the efforts of the State party to implement fully article 12 of the Convention, but is concerned that the views of the child are not always sufficiently taken into account in judicial and administrative proceedings affecting the child.....</p> <p>[para.30] The Committee recommends that the right of the child to express his/her views in all matters affecting him/her be expressly provided in the Family Law reform.....</p> <p>[para.45] While the Committee notes the States party's initiatives addressing the rights of children with disabilities, it is concerned about the paucity of information on disabled children, especially when it comes to data on disabled indigenous children, alternative care for children with disabilities and children with disabilities living in remote or rural areas. The Committee also notes that a governmental working group is addressing the issue of sterilization of children with so-called "decision-making" disabilities.</p> <p>[para.46] In the light of the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and of the Committee's recommendations adopted at its day of general discussion on "Children with disabilities" (see CRC/C/69), the Committee encourages the State party to actively pursue its current efforts and: (b) To ensure that children with disabilities have equal opportunities to participate fully in all spheres of life and to strengthen public awareness campaigns to change negative public attitudes; (c) To undertake greater efforts to make available the necessary professional (i.e. disability specialists) and financial resources, especially at the local level, and to promote and expand community-based rehabilitation programmes, including parental support groups;.... (e) To prohibit the sterilization of children, with or without disabilities, and promote and implement other measures of prevention of unwanted pregnancies, e.g. injection of contraceptives, when appropriate.</p>
<p>Committee on the Rights of the Child (1998)</p> <p>CRC A/53/41</p>	<p>[para.1023] The Committee is concerned that the general principles of the Convention, in particular those related to non-discrimination (article 2) and respect for the views of the child (article 12) are not being fully applied.</p> <p>[para.1039] The Committee believes that there is a need for an awareness-raising campaign on the right of the child to participate and express his or her views, in line with article 12 of the Convention. The Committee suggests that special efforts be made to educate parents about the importance of children's participation and of dialogue between parents and children. The Committee also recommends that training be carried out to enhance the ability of specialists, especially caregivers and those involved in the juvenile justice system, to solicit the views of the child, and help the child express these views.</p>

Committee against Torture (2008)

CAT/C/AUS/CO/3

[para.8] The State party should ensure that torture is adequately defined and specifically criminalized both at the Federal and States/ Territories levels, in accordance with article 1 of the Convention.

[para.18] The Committee, underlining that the conditions that give rise to cruel, inhuman or degrading treatment or punishment frequently facilitate torture and that, therefore, the measures required to prevent torture must be applied to prevent cruel, inhuman or degrading treatment or punishment, believes that the prohibition of ill-treatment has likewise non-derogable nature under the Convention. In this respect, the Committee notes with concern that the Crimes (Torture) Act 1988 does not contain a provision criminalizing cruel, inhuman or degrading treatment (arts. 4 and 16). The State party should introduce a specific offence covering the acts included in article 16 of the Convention; this offence could be also introduced in the State party's legislation in the context of the possible new offence of torture to be included at the Federal level.

Convention on the Rights of Persons with Disabilities (CRPD)

CRPD Key Articles

[Article 4]: 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.....

[Article 6]: 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. 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]: 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.

[Article 15]: 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.

[Article 16]: 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.....

[Article 17]: Every person with disabilities has a right to respect for his or her physical and mental integrity on an equal basis with others.

[Article 22]: 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.

[Article 23]: 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:..... (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.

[Article 25]: 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. 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; (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.....; (f) Prevent discriminatory denial of health care or health services.....on the basis of disability.

International Covenant on Economic, Social and Cultural Rights (CESCR)

CESCR Key Articles	CESCR General Comments
<p>[Article 2]: The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind.....</p> <p>[Article 10]:.....Special protection should be accorded to mothers during a reasonable period before and after childbirth.</p> <p>[Article 12]: The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.....</p>	<p>[No.5: Persons with Disabilities]: [para.19] The Committee....urges States parties to address the situation of women with disabilities, with high priority being given in future to the implementation of economic, social and cultural rights-related programmes.</p> <p>[para.30] Article 10.....implies.....the right of persons with disabilities to marry and have their own family. These rights are frequently ignored or denied.....States parties should ensure that laws and social policies and practices do not impede the realization of these rights. Persons with disabilities should have access to necessary counselling services in order to fulfil their rights and duties within the family.</p> <p>[para.31] Women with disabilities also have the right to protection and support in relation to motherhood and pregnancy. As the Standard Rules state, “persons with disabilities must not be denied the opportunity to experience their sexuality, have sexual relationships and experience parenthood”. The needs and desires in question should be recognized and addressed in both the recreational and the procreational contexts. These rights are commonly denied to both men and women with disabilities worldwide. Both the sterilization of, and the performance of an abortion on, a woman with disabilities without her prior informed consent are serious violations of article 10 (2).</p> <p>[No.14: The Right to Health]: [para.8] The right to health contains both freedoms and entitlements. The freedoms include the right to control one’s health and body, including sexual and reproductive freedom, and the right to be free from interference, such as the right to be free from torture, non-consensual medical treatment and experimentation.</p> <p>[para.21] The realization of women’s right to health requires the removal of all barriers interfering with access to health services, education and information, including in the area of sexual and reproductive health. It is also important to undertake preventive, promotive and remedial action to shield women from the impact of harmful traditional cultural practices and norms that deny them their full reproductive rights.</p> <p>[para.22] There is a need to adopt effective and appropriate measures to abolish harmful traditional practices affecting the health of children, particularly girls.....Children with disabilities should be given the opportunity to enjoy a fulfilling and decent life and to participate within their community.</p> <p>[para.26] The Committee reaffirms paragraph 34 of its General Comment No. 5, which addresses the issue of persons with disabilities in the context of the right to physical and mental health. Moreover, the Committee stresses the need to ensure that not only the public health sector but also private providers of health services and facilities comply with the principle of non-discrimination in relation to persons with disabilities.</p> <p>[para.35] States are also obliged to ensure that harmful social or traditional practices do not interfere with access to pre- and post-natal care and family planning; to prevent third parties from coercing women to undergo traditional practices....; and to take measures to protect all vulnerable or marginalized groups of society, in particular women, children, adolescents and older persons, in the light of gender-based expressions of violence. States should also ensure that third parties do not limit people’s access to health-related information and services.</p> <p>[para.50] Violations of the obligation to respect are those State actions, policies or laws that contravene the standards set out in article 12.....and are likely to result in bodily harm.....</p>

[para.59] Any person or group victim of a violation of the right to health should have access to effective judicial or other appropriate remedies at both national and international levels. All victims of such violations should be entitled to adequate reparation, which may take the form of restitution, compensation, satisfaction or guarantees of non-repetition....

[No.20: Non-discrimination]: [para.7] Non-discrimination is an immediate and cross-cutting obligation in the Covenant....It is to be noted that discrimination constitutes any distinction, exclusion, restriction or preference or other differential treatment that is directly or indirectly based on the prohibited grounds of discrimination and which has the intention or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of Covenant rights....

[para.8]...In order for States parties to “guarantee” that the Covenant rights will be exercised without discrimination of any kind, discrimination must be eliminated both formally and substantively.....The effective enjoyment of Covenant rights is often influenced by whether a person is a member of a group characterized by the prohibited grounds of discrimination. Eliminating discrimination in practice requires paying sufficient attention to groups of individuals which suffer historical or persistent prejudice instead of merely comparing the formal treatment of individuals in similar situations. States parties must therefore immediately adopt the necessary measures to prevent, diminish and eliminate the conditions and attitudes which cause or perpetuate substantive or de facto discrimination.

[para.10] Both direct and indirect forms of differential treatment can amount to discrimination under article 2, paragraph 2, of the Covenant: (a) Direct discrimination occurs when an individual is treated less favourably than another person in a similar situation for a reason related to a prohibited ground.....; (b) Indirect discrimination refers to laws, policies or practices which appear neutral at face value, but have a disproportionate impact on the exercise of Covenant rights as distinguished by prohibited grounds of discrimination....

[para.31]In certain cases, discrimination can also occur when an individual is unable to exercise a right protected by the Covenant because of his or her family status or can only do so with spousal consent or a relative’s concurrence or guarantee.

International Covenant on Civil and Political Rights (CCPR)

CCPR Key Articles	CCPR General Comments
<p>[Article 7]: 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 free consent to medical or scientific experimentation.</p> <p>[Article 17]: No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.</p> <p>[Article 23]: The family is the natural and fundamental group unit of society and is entitled to protection by society and the State. The right of men and women of marriageable age to marry and to found a family shall be recognized.....</p> <p>[Article 24]: Every child shall have, without any discrimination..... the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.</p>	<p>[No.19: The family]: [para.4] Article 23, paragraph 2, of the Covenant reaffirms the right of men and women of marriageable age to marry and to found a family.....</p> <p>[para.5] The right to found a family implies, in principle, the possibility to procreate and live together. When States parties adopt family planning policies, they should be compatible with the provisions of the Covenant and should, in particular, not be discriminatory or compulsory....</p> <p>[No.20: Prohibition of torture, or other cruel, inhuman or degrading treatment or punishment]: [para.2] The aim of the provisions of article 7 of the International Covenant on Civil and Political Rights is to protect both the dignity and the physical and mental integrity of the individual.....</p> <p>[para.5] The prohibition in article 7 relates not only to acts that cause physical pain but also to acts that cause mental suffering to the victim.</p> <p>[para.7] Article 7 expressly prohibits medical or scientific experimentation without the free consent of the person concerned....More attention should be given to the need and means to ensure observance of this provision. The Committee also observes that special protection in regard to such experiments is necessary in the case of persons not capable of giving valid consent...</p> <p>[para.15] States may not deprive individuals of the right to an effective remedy, including compensation and such full rehabilitation as may be possible.</p> <p>[No.28: The equality of rights between men and women]: [para.11] To assess compliance with article 7 of the Covenant, as well as with article 24, which mandates special protection for children, the Committee needs to be provided information on national laws and practice with regard to domestic and other types of violence against women, including rape.....The States parties should also provide the Committee with information on measures to prevent forced abortion or forced sterilization.....The information provided by States parties on all these issues should include measures of protection, including legal remedies, for women whose rights under article 7 have been violated.</p> <p>[para.20] States parties must provide information to enable the Committee to assess the effect of any laws and practices that may interfere with women’s right to enjoy privacy and other rights protected by article 17....[Another] area where States may fail to respect women’s privacy relates to their reproductive functions, for example, where there is a requirement for the husband’s authorization to make a decision in regard to sterilization; where general requirements are imposed for the sterilization of women..... States parties should report on any laws and public or private actions that interfere with the equal enjoyment by women of the rights under article 17, and on the measures taken to eliminate such interference and to afford women protection from any such interference.....</p> <p>[para.28]....States parties should eradicate, both through legislation and any other appropriate measures, all cultural or religious practices which jeopardize the freedom and well-being of female children.</p>

[No.31: The Nature of the General Legal Obligation Imposed on States Parties to the Covenant]: [para.15] Article 2, paragraph 3, requires that in addition to effective protection of Covenant rights States parties must ensure that individuals also have accessible and effective remedies to vindicate those rights. Such remedies should be appropriately adapted so as to take account of the special vulnerability of certain categories of person, including in particular children. The Committee attaches importance to States parties' establishing appropriate judicial and administrative mechanisms for addressing claims of rights violations under domestic law. The Committee notes that the enjoyment of the rights recognized under the Covenant can be effectively assured by the judiciary in many different ways, including direct applicability of the Covenant, application of comparable constitutional or other provisions of law, or the interpretive effect of the Covenant in the application of national law. Administrative mechanisms are particularly required to give effect to the general obligation to investigate allegations of violations promptly, thoroughly and effectively through independent and impartial bodies. National human rights institutions, endowed with appropriate powers, can contribute to this end. A failure by a State party to investigate allegations of violations could in and of itself give rise to a separate breach of the Covenant. Cessation of an ongoing violation is an essential element of the right to an effective remedy.

Convention on the Rights of the Child (CRC)

CRC Key Articles	CRC General Comments
<p>[Article 2]: States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind...States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination.</p> <p>[Article 6]: States Parties recognize that every child has the inherent right to life. States Parties shall ensure to the maximum extent possible the survival and development of the child.</p> <p>[Article 12]: States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.</p> <p>[Article 16]: No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home.....The child has the right to the protection of the law against such interference or attacks.</p>	<p>[No.4: Adolescent health and development]: [para.2] States parties have the obligation to ensure that all human beings below 18 enjoy all the rights set forth in the Convention without discrimination.....</p> <p>[para.4] The right to express views freely and have them duly taken into account....is fundamental in realizing adolescents’ right to health and development. States parties need to ensure that adolescents are given a genuine chance to express their views freely on all matters affecting them, especially within the family.....</p> <p>[para.5] States parties need to ensure that specific legal provisions are guaranteed under domestic law, including with regard to setting a minimum age for sexual consent, marriage and the possibility of medical treatment without parental consent.....</p> <p>[para.8] States parties must take effective measures to ensure that adolescents are protected from all forms of violence, abuse, neglect and exploitation (arts. 19, 32-36 and 38), paying increased attention to the specific forms of abuse, neglect, violence and exploitation that affects this age group. In particular, they should adopt special measures to ensure the physical, sexual and mental integrity of adolescents with disabilities, who are particularly vulnerable to abuse and neglect.</p> <p>[para.24] In light of articles 3, 17 and 24 of the Convention, States parties should provide adolescents with access to sexual and reproductive information, including on family planning and contraceptives..... In addition, States parties should ensure that they have access to appropriate information, regardless of their marital status and whether their parents or guardians consent.</p> <p>[para.31] In accordance with article 23 of the Convention, adolescents with mental and/or physical disabilities have an equal right to the highest attainable standard of physical and mental health. States parties have an obligation to provide adolescents with disabilities with the means necessary to realize their rights. States parties should (a) ensure that health facilities, goods and services are available and accessible to all adolescents with disabilities.....; (b) ensure that the necessary equipment and personal support are available to enable them to move around, participate and communicate; (c) pay specific attention to the special needs relating to the sexuality of adolescents with disabilities; and (d) remove barriers that hinder adolescents with disabilities in realizing their rights.</p> <p>[No.5: General measures of implementation of the CRC]: [para.24] For rights to have meaning, effective remedies must be available to redress violations. This requirement is implicit in the Convention.....Children’s special and dependent status creates real difficulties for them in pursuing remedies for breaches of their rights. So States need to give particular attention to ensuring that there are effective, child-sensitive procedures available to children and their representatives.....Where rights are found to have been breached, there should be appropriate reparation, including compensation, and, where needed, measures to promote physical and psychological recovery, rehabilitation and reintegration, as required by article 39.</p> <p>[No.7: Implementing child rights in early childhood]: [para.11] Article 2 ensures rights to every child, without discrimination of any kind.....Article 2 also means that particular groups of young children must not be discriminated against.....Discrimination against girl children is a serious violation of rights, affecting their survival and all areas of their young lives as well as restricting their capacity to contribute positively to society.....Discrimination against children with disabilities reduces survival prospects and quality of life. These children are entitled to the care, nutrition, nurturance and encouragement offered other children.</p>

[Article 19]: States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child. Such protective measures should.... include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

[Article 23]: States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.....

[Article 24]: States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health..... States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

[Article 37]: No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment.

[para.13]..... States parties are urged to make provisions for young children to be represented independently in all legal proceedings by someone who acts for the child's interests, and for children to be heard in all cases where they are capable of expressing their opinions or preferences....

[No.8: The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment]: [para.26]interpretation of a child's best interests must be consistent with the whole Convention, including the obligation to protect children from all forms of violence and the requirement to give due weight to the child's views; it cannot be used to justify practices, including corporal punishment and other forms of cruel or degrading punishment, which conflict with the child's human dignity and right to physical integrity.

[No.9: The rights of children with disabilities]: [para.10] Girls with disabilities are often even more vulnerable to discrimination due to gender discrimination. In this context, States parties are requested to pay particular attention to girls with disabilities by taking the necessary measures, and when needed extra measures, in order to ensure that they are well protected, have access to all services and are fully included in society.

[para.17]....National laws and regulations should contain clear and explicit provisions for the protection and exercise of the specific rights of children with disabilities, in particular those enshrined in article 23 of the Convention.

[para.32].....It is essential that children with disabilities be heard in all procedures affecting them and that their views be respected in accordance with their evolving capacities.

[para.42].....Children with disabilities are more vulnerable to all forms of abuse be it mental, physical or sexual in all settings, including the family, schools, private and public institutions, inter alia alternative care, work environment and community at large. It is often quoted that children with disabilities are five times more likely to be victims of abuse.

[para.43] In addressing the issue of violence and abuse, States parties are urged to take all necessary measures for the prevention of abuse of and violence against children with disabilities.....

[para.60] The Committee is deeply concerned about the prevailing practice of forced sterilisation of children with disabilities, particularly girls with disabilities. This practice, which still exists, seriously violates the right of the child to her or his physical integrity and results in adverse life-long physical and mental health effects. Therefore, the Committee urges States parties to prohibit by law the forced sterilisation of children on grounds of disability.

[No.10: Children's rights in juvenile justice]: [para.43] Article 12 (2) of CRC requires that a child be provided with the opportunity to be heard in any judicial or administrative proceedings affecting the child, either directly or through a representative or an appropriate body in a manner consistent with the procedural rules of national law.

[No.12: The right of the child to be heard]: [para.20] States parties shall assure the right to be heard to every child "capable of forming his or her own views".....States parties cannot begin with the assumption that a child is incapable of expressing her or his own views. On the contrary, States parties should presume that a child has the capacity to form her or his own views and recognize that she or he has the right to express them; it is not up to the child to first prove her or his capacity.

[para.32] Article 12, paragraph 2, specifies that opportunities to be heard have to be provided in particular "in any judicial and administrative proceedings affecting the child". The Committee emphasizes that this provision applies to all relevant judicial proceedings affecting the child, without limitation.....

[para.75] States parties shall address discrimination, including against vulnerable or marginalized groups of children, to ensure that children are assured their right to be heard and are enabled to participate in all matters affecting them on an equal basis with all other children.

[para.77] The Committee urges States parties to pay special attention to the right of the girl child to be heard, to receive support, if needed, to voice her view and her view be given due weight, as gender stereotypes and patriarchal values undermine and place severe limitations on girls in the enjoyment of the right set forth in article 12.

[para.100] Children, including young children, should be included in decision-making processes, in a manner consistent with their evolving capacities. They should be provided with information about proposed treatments and their effects and outcomes, including in formats appropriate and accessible to children with disabilities.

[para.101] States parties need to introduce legislation or regulations to ensure that children have access to confidential medical counselling and advice without parental consent, irrespective of the child's age, where this is needed for the child's safety or well-being.

[No.13: The right of the child to freedom from all forms of violence]: [para.3] For the purposes of this general comment, "violence" is understood to mean "all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse" as listed in paragraph 1 of Article 19. The term „violence“ has been chosen here to represent all forms of harm to children as listed in paragraph 1 of Article 19, in conformity with the terminology used in the 2006 UN Study on Violence against Children, although the other terms used to describe types of harm (injury, abuse, neglect or negligent treatment, maltreatment and exploitation) carry equal weight.

[para.12] Addressing and eliminating the widespread prevalence and incidence of violence against children is an obligation of States Parties under the Convention. Securing and promoting children's fundamental rights to respect for their human dignity and physical and psychological integrity, through the prevention of all forms of violence, is essential for promoting the full set of child rights in the Convention.....Strategies and systems to prevent and respond to violence must therefore adopt a child rights rather than a welfare approach.

[para.16] The Committee has consistently maintained the position that *all* forms of violence against children, however light, are unacceptable. "All forms of physical or mental violence" does not leave room for any level of legalized violence against children.

[para.21] The Committee is of the opinion that "physical and mental violence" includes:.....forced sterilisation, particularly girls [with disabilities]....

[para.24] Torture and inhuman or degrading treatment or punishment....includes violence in all its forms against children in order to extract a confession, to extra-judicially punish children for unlawful or unwanted behaviours, or to force children to engage in activities against their will.....

[para.44].....Children must be provided with as many opportunities as possible to signal emerging problems before they reach a state of crisis, and for adults to recognize and act on such problems even if the child does not explicitly ask for help. Particular vigilance is needed when it comes to marginalized groups of children who are rendered particularly vulnerable due to their alternative methods of communicating, their immobility and/or the perceived view that they are incompetent, such as children with disabilities.

[para.53] The Committee stresses that States Parties shall take adequate measures to assure to every child the right to protection from all forms of violence "without discrimination of any kind.....States Parties must address discrimination against vulnerable or marginalized groups of children.....and make proactive efforts to ensure that such children are assured their right to protection on an equal basis with all other children.

	<p>[para.54] The Committee emphasizes that the interpretation of a child’s best interests must be consistent with the whole Convention, including the obligation to protect children from all forms of violence. It cannot be used to justify practices, including corporal punishment and other forms of cruel or degrading punishment, which conflict with the child’s human dignity and right to physical integrity. An adult’s judgment of a child’s best interests cannot override the obligation to respect all the child’s rights under the Convention.</p> <p>[para.65].....States Parties should ensure that policies and measures take into account the different risks facing girls and boys in respect of various forms of violence in various settings.....</p>
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Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

CEDAW Key Articles	CEDAW General Recommendations
<p>[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:</p> <p>(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;</p> <p>[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.</p>	<p>[No.18: Disabled women]: The Committee on the Elimination of Discrimination against Women recommends that States parties provide information on disabled women in their periodic reports, and on measures taken to deal with their particular situation, including special measures to ensure that they have equal access to education and employment, health services and social security, and to ensure that they can participate in all areas of social and cultural life.</p> <p>[No.19: Violence against women]: [para.22] Compulsory sterilization or abortion adversely affects women’s physical and mental health, and infringes the right of women to decide on the number and spacing of their children</p> <p>[para.24m,n] States parties should ensure that measures are taken to prevent coercion in regard to fertility and reproduction, and to ensure that women are not forced to seek unsafe medical procedures such as illegal abortion because of lack of appropriate services in regard to fertility control....States parties in their reports should state the extent of these problems and should indicate the measures that have been taken and their effect...</p> <p>[No.21: Equality in marriage and family relations]: [para.16(1)(e)] 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: (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....</p> <p>[para.22] Some reports disclose coercive practices which have serious consequences for women, such as forced pregnancies, abortions or sterilization. Decisions to have children or not, while preferably made in consultation with spouse or partner, must not nevertheless be limited by spouse, parent, partner or Government. In order to make an informed decision about safe and reliable contraceptive measures, women must have information about contraceptive measures and their use, and guaranteed access to sex education and family planning services, as provided in article 10 (h) of the Convention.</p> <p>[para.36] In the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, States are urged to repeal existing laws and regulations and to remove customs and practices which discriminate against and cause harm to the girl child.</p>

[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 12]: 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.

[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:

(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;

[No.24: Women and health]: [para.2] States parties' compliance with article 12 of the Convention is central to the health and well-being of women. It requires States to eliminate discrimination against women in their access to health-care services throughout the life cycle, particularly in the areas of family planning, pregnancy and confinement and during the post-natal period.

[para.6]....special attention should be given to the health needs and rights of women belonging to vulnerable and disadvantaged groups, such as migrant women, refugee and internally displaced women, the girl child and older women, women in prostitution, indigenous women and women with physical or mental disabilities.....

[para.18] States parties should ensure, without prejudice or discrimination, the right to sexual health information, education and services for all women and girls.....In particular, States parties should ensure the rights of female and male adolescents to sexual and reproductive health education by properly trained personnel in specially designed programmes that respect their right to privacy and confidentiality.

[para.20] Women have the right to be fully informed, by properly trained personnel, of their options in agreeing to treatment or research, including likely benefits and potential adverse effects of proposed procedures and available alternatives.

[para.22] States parties should [also] report on measures taken to ensure access to quality health-care services, for example, by making them acceptable to women. Acceptable services are those that are delivered in a way that ensures that a woman gives her fully informed consent, respects her dignity, guarantees her confidentiality and is sensitive to her needs and perspectives. States parties should not permit forms of coercion, such as non-consensual sterilization.....that violate women's rights to informed consent and dignity.

[para.25] States parties should take appropriate measures to ensure that health services are sensitive to the needs of women with disabilities and are respectful of their human rights and dignity.

[para.31]..... States parties should also, in particular.....(b) Ensure the removal of all barriers to women's access to health services, education and information, including in the area of sexual and reproductive health; (e) require all health services to be consistent with the human rights of women, including the rights to autonomy, privacy, confidentiality, informed consent and choice...

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)

CAT Key Articles	CAT General Comments
<p>[Article 2]: Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.</p> <p>[Article 4]: Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture. Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature.</p> <p>[Article 14]: Each State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible.....</p> <p>[Article 16]: Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article I, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. In particular, the obligations contained in articles 10, 11, 12 and 13 shall apply with the substitution for references to torture of references to other forms of cruel, inhuman or degrading treatment or punishment.</p>	<p>[No.2: Implementation of article 2 by States parties]: [para.4] States parties are obligated to eliminate any legal or other obstacles that impede the eradication of torture and ill-treatment; and to take positive effective measures to ensure that such conduct and any recurrences thereof are effectively prevented. States parties also have the obligation continually to keep under review and improve their national laws and performance under the Convention in accordance with the Committee’s concluding observations and views adopted on individual communications. If the measures adopted by the State party fail to accomplish the purpose of eradicating acts of torture, the Convention requires that they be revised and/or that new, more effective measures be adopted....</p> <p>[para.5] Article 2, paragraph 2, provides that the prohibition against torture is absolute and nonderogable. It emphasizes that no exceptional circumstances whatsoever may be invoked by a State Party to justify acts of torture in any territory under its jurisdiction.</p> <p>[para.15]...each State party should prohibit, prevent and redress torture and ill-treatment in all contexts of custody or control, for example, in prisons, hospitals, schools, institutions that engage in the care of children, the aged, the mentally ill or disabled, in military service, and other institutions as well as contexts where the failure of the State to intervene encourages and enhances the danger of privately inflicted harm....</p> <p>[para.17] The Committee observes that States parties are obligated to adopt effective measures to prevent public authorities and other persons acting in an official capacity from directly committing, instigating, inciting, encouraging, acquiescing in or otherwise participating or being complicit in acts of torture as defined in the Convention. Thus, States parties should adopt effective measures to prevent such authorities or others acting in an official capacity or under colour of law, from consenting to or acquiescing in any acts of torture. The Committee has concluded that States parties are in violation of the Convention when they fail to fulfil these obligations.</p> <p>[para.18] The Committee has made clear that where State authorities or others acting in official capacity or under colour of law, know or have reasonable grounds to believe that acts of torture or ill-treatment are being committed by non-State officials or private actors and they fail to exercise due diligence to prevent, investigate, prosecute and punish such non-State officials or private actors consistently with the Convention, the State bears responsibility and its officials should be considered as authors, complicit or otherwise responsible under the Convention for consenting to or acquiescing in such impermissible acts.....The Committee has applied this principle to States parties’ failure to prevent and protect victims from gender-based violence, such as rape, domestic violence, female genital mutilation, and trafficking.</p> <p>[para.21] The protection of certain minority or marginalized individuals or populations especially at risk of torture is a part of the obligation to prevent torture or ill-treatment. States parties must ensure that, insofar as the obligations arising under the Convention are concerned, their laws are in practice applied to all persons, regardless of race, colour, ethnicity, age, religious belief or affiliation, political or other opinion, national or social origin, gender, sexual orientation, transgender identity, mental or other disability, health status, economic or indigenous status.....States parties should, therefore, ensure the protection of members of groups especially at risk of being tortured, by fully prosecuting and punishing all acts of violence and abuse against these individuals and ensuring implementation of other positive measures of prevention and protection....</p> <p>[para.22] The Committee emphasizes that gender is a key factor. Being female intersects with other identifying characteristics or status of the person....to determine the ways that women and girls are subject to or at risk of torture or ill-treatment and the consequences thereof. The contexts in which females are at risk include deprivation of liberty, medical treatment, particularly involving reproductive decisions, and violence by private actors in communities and homes.</p>

Other Key Human Rights Instruments

Key Articles

Vienna Declaration and Programme of Action

[para.49] The World Conference on Human Rights supports all measures by the United Nations and its specialized agencies to ensure the effective protection and promotion of human rights of the girl child. The World Conference on Human Rights urges States to repeal existing laws and regulations and remove customs and practices which discriminate against and cause harm to the girl child.

[para.55] The World Conference on Human Rights emphasizes that one of the most atrocious violations against human dignity is the act of torture, the result of which destroys the dignity and impairs the capability of victims to continue their lives and their activities.

[para.60] States should abrogate legislation leading to impunity for those responsible for grave violations of human rights such as torture and prosecute such violations, thereby providing a firm basis for the rule of law.

[para.63] The World Conference on Human Rights reaffirms that all human rights and fundamental freedoms are universal and thus unreservedly include persons with disabilities. Every person is born equal and has the same rights to life and welfare, education and work, living independently and active participation in all aspects of society. Any direct discrimination or other negative discriminatory treatment of a disabled person is therefore a violation of his or her rights. The World Conference on Human Rights calls on Governments, where necessary, to adopt or adjust legislation to assure access to these and other rights for disabled persons.

[para.64] The place of disabled persons is everywhere. Persons with disabilities should be guaranteed equal opportunity through the elimination of all socially determined barriers, be they physical, financial, social or psychological, which exclude or restrict full participation in society.

Beijing Declaration and Platform for Action

[eg: at para.94]... Reproductive health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity, in all matters relating to the reproductive system and to its functions and processes. Reproductive health therefore implies that people are able to have a satisfying and safe sex life and that they have the capability to reproduce and the freedom to decide if, when and how often to do so. Implicit in this last condition are the right of men and women to be informed and to have access to safe, effective, affordable and acceptable methods of family planning of their choice, as well as other methods of their choice for regulation of fertility which are not against the law, and the right of access to appropriate health-care services that will enable women to go safely through pregnancy and childbirth.....

[eg: at para.95]...Reproductive rights embrace certain human rights that are already recognized in national laws, international human rights documents and other consensus documents. These rights rest on the recognition of the basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so, and the right to attain the highest standard of sexual and reproductive health. It also includes their right to make decisions concerning reproduction free of discrimination, coercion and violence, as expressed in human rights documents.

[eg: at para.96] The human rights of women include their 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.

[eg: at C1.106 h] Take all appropriate measures to eliminate harmful, medically unnecessary or coercive medical interventions, as well as inappropriate medication and over-medication of women, and ensure that all women are fully informed of their options, including likely benefits and potential side-effects, by properly trained personnel;

[eg: at C2.107 d] Reinforce laws, reform institutions and promote norms and practices that eliminate discrimination against women and encourage both women and men to take responsibility for their sexual and reproductive behaviour; ensure full respect for the integrity of the person, take action to ensure the conditions necessary for women to exercise their reproductive rights and eliminate coercive laws and practices;

[eg: at D115] Acts of violence against women also include forced sterilization and forced abortion, coercive/forced use of contraceptives, female infanticide and prenatal sex selection.

[eg: at D1.124 i] Enact and enforce legislation against the perpetrators of practices and acts of violence against women, such as female genital mutilation, female infanticide, prenatal sex selection and dowry-related violence, and give vigorous support to the efforts of non-governmental and community organizations to eliminate such practices;

[eg: at I2.232 f] Take action to ensure that the human rights of women, including the rights referred to in paragraphs 94 to 96 above, are fully respected.

[eg: at I2.232 g] Take urgent action to combat and eliminate violence against women, which is a human rights violation, resulting from harmful traditional or customary practices, cultural prejudices and extremism;

[eg: at L1.274 f] Develop and implement comprehensive policies, plans of action and programmes for the survival, protection, development and advancement of the girl child to promote and protect the full enjoyment of her human rights and to ensure equal opportunities for girls; these plans should form an integral part of the total development process;

[eg: at L2.276 b] Set up educational programmes and develop teaching materials and textbooks that will sensitize and inform adults about the harmful effects of certain traditional or customary practices on girl children;

[eg: at L3.278 d] Facilitate the equal provision of appropriate services and devices to girls with disabilities and provide their families with related support services, as appropriate.

[eg: at L5.281 i] Take all the appropriate measures with a view to abolishing traditional practices prejudicial to the health of children, as stipulated in article 24 of the Convention on the Rights of the Child.

[eg: at L7.283 b] Take appropriate legislative, administrative, social and educational measures to protect the girl child, in the household and in society, from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse;

[eg: at L7.283 d] Enact and enforce legislation protecting girls from all forms of violence, including female infanticide and prenatal sex selection, genital mutilation, incest, sexual abuse, sexual exploitation, child prostitution and child pornography, and develop age-appropriate safe and confidential programmes and medical, social and psychological support services to assist girls who are subjected to violence.

Biwako Millennium Framework for Action Towards an Inclusive, Barrier-free and Rights-based Society for Persons with Disabilities in Asia and the Pacific

[eg: at B3.1] Governments should implement measures to uphold the rights of women with disabilities and to protect them from discrimination. In particular, measures should be implemented to ensure equal access to health services, education, training and employment, and protection from sexual and other forms of abuse and violence.

[eg: at B3.12] All agencies, including Governments, NGOs, self-help organizations, donors and civil society must promote and uphold at all times the rights of women with disabilities to choice and self-determination.

Biwako Plus Five: Further efforts towards an inclusive, barrier-free and rights-based society for persons with disabilities in Asia and the Pacific

[eg: at IIB.15] Governments recognize that women and girls with disabilities are subject to multiple discrimination and, in this regard, together with self-help organizations, should support the economic, social, cultural and political empowerment of women with disabilities, in particular through leadership and management training on a sustained basis. Governments should take appropriate measures to address discrimination against women with disabilities in all matters, including those relating to marriage, family, parenthood and relationships, to ensure their full development, advancement and empowerment.

UN Resolution S-23/3: Further actions and initiatives to implement the Beijing Declaration and Platform for Action

[eg: at IV 68a] Design and implement policies that promote and protect women's enjoyment of all human rights and fundamental freedoms and create an environment that does not tolerate violations of the rights of women and girls;

[eg: at IV 68g] Take measures, including programmes and policies, to ensure that maternity, motherhood and parenting and the role of women in procreation are not used as a basis for discrimination nor restrict the full participation of women in society;

[eg: at IV 68j] Take all appropriate measures to eliminate discrimination and violence against women and girls by any person, organization or enterprise;

[eg: at IV 69 a] As a matter of priority, review and revise legislation, where appropriate, with a view to introducing effective legislation, including on violence against women, and take other necessary measures to ensure that all women and girls are protected against all forms of physical, psychological and sexual violence, and are provided recourse to justice;

[eg: at IV 69 b] Prosecute the perpetrators of all forms of violence against women and girls and sentence them appropriately, and introduce actions aimed at helping and motivating perpetrators to break the cycle of violence and take measures to provide avenues for redress to victims;

[eg: at IV 69 c] Treat all forms of violence against women and girls of all ages as a criminal offence punishable by law, including violence based on all forms of discrimination;

[eg: at IV 69 d] Establish legislation and/or strengthen appropriate mechanisms to handle criminal matters relating to all forms of domestic violence, including marital rape and sexual abuse of women and girls, and ensure that such cases are brought to justice swiftly;

[eg: at IV 69 e] Develop, adopt and fully implement laws and other measures, as appropriate, such as policies and educational programmes, to eradicate harmful customary or traditional practices, including female genital mutilation, early and forced marriage and so-called honour crimes, which are violations of the human rights of women and girls and obstacles to the full enjoyment by women of their human rights and fundamental freedoms, and intensify efforts, in cooperation with local women's groups, to raise collective and individual awareness on how these harmful traditional or customary practices violate women's human rights;

[eg: at IV 69 f] Continue to undertake research to develop a better understanding of the root causes of all forms of violence against women in order to design programmes and take measures towards eliminating those forms of violence;

[eg: at IV 69 j] Adopt and promote a holistic approach to respond to all forms of violence and abuse against girls and women of all ages, including girls and women with disabilities, as well as vulnerable and marginalized women and girls in order to address their diverse needs, including education, provision of appropriate health care and services and basic social services;

[eg: at IV 72 h] Eliminate discrimination against all women and girls in the access to health information, education and health care and health services;

[eg: at IV 72 i] Reproductive health is a state of complete physical, mental and social well-being, and not merely the absence of disease or infirmity, in all matters relating to the reproductive system and to its functions and processes. Reproductive health therefore implies that people are able to have a satisfying and safe sex life and that they have the capability to reproduce and the freedom to decide if, when and how often to do so. Implicit in this last condition is the right of men and women to be informed and to have access to safe, effective, affordable and acceptable methods of family planning of their choice, as well as other methods of their choice for regulation of fertility which are not against the law, and the right of access to appropriate health-care services that will enable women to go safely through pregnancy and childbirth..... In line with the above definition of reproductive health, reproductive health care is defined as the constellation of methods, techniques and services that contribute to reproductive health and well-being by preventing and solving reproductive health problems. It also includes sexual health, the purpose of which is the enhancement of life and personal relations, and not merely counselling and care related to reproduction and sexually transmitted diseases;

[eg: at IV 72 j] Given the above definition, reproductive rights embrace certain human rights that are already recognized in national laws, international human rights documents and other consensus documents. These rights rest on the recognition of the basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so, and the right to attain the highest standard of sexual and reproductive health. They also include their right to make decisions concerning reproduction free of discrimination, coercion and violence, as expressed in human rights documents..... The promotion of the responsible exercise of these rights for all people should be the fundamental basis for government- and community-supported policies and programmes in the area of reproductive health, including family planning. As part of their commitment, full attention should be given to the promotion of mutually respectful and equitable gender relations and particularly to meeting the educational and service needs of adolescents to enable them to deal in a positive and responsible way with their sexuality.....;

[eg: at IV 72 k] The human rights of women include their 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. Equal relationships between women and men in matters of sexual relations and reproduction, including full respect for the integrity of the person, require mutual respect, consent and shared responsibility for sexual behaviour and its consequences;

[eg: at IV 72 m] Take all appropriate measures to eliminate harmful, medically unnecessary or coercive medical interventions as well as inappropriate medication and overmedication of women and ensure that all women are properly informed of their options, including likely benefits and potential side effects, by properly trained personnel;

[eg: at IV 79 f] Design and implement programmes with the full involvement of adolescents, as appropriate, to provide them with education, information and appropriate, specific, user-friendly and accessible services, without discrimination, to address effectively their reproductive and sexual health needs, taking into account their right to privacy, confidentiality, respect and informed consent, and the responsibilities, rights and duties of parents and legal guardians to provide in a manner consistent with the evolving capacities of the child appropriate direction and guidance in the exercise by the child of the rights recognized in the Convention on the Rights of the Child, in conformity with the Convention on the Elimination of All Forms of Discrimination against Women and ensuring that in all actions concerning children, the best interests of the child are a primary consideration. These programmes should, inter alia , build adolescent girls' self-esteem and help them take responsibility for their own lives; promote gender equality and responsible sexual behaviour; raise awareness about, prevent and treat sexually transmitted infections, including HIV/AIDS, and sexual violence and abuse; and counsel adolescents on avoiding unwanted and early pregnancies;

[eg: at IV 83 d] Design and implement policies and programmes to address fully specific needs of women and girls with disabilities, to ensure their equal access to education at all levels, including technical and vocational training and adequate rehabilitation programmes, health care and services and employment opportunities, to protect and promote their human rights and, where appropriate, to eliminate existing inequalities between women and men with disabilities.

Commission on the Status of Women (CSW) Fifty-fifth session: Follow-up to the Fourth World Conference on Women and to the twenty-third special session of the General Assembly - Agreed Conclusions

[eg: at para.15] The Commission expresses deep concern about all legal, economic, social and cultural barriers that prevent women and girls from having equal access to education and training, and recognizes that some women and girls face multiple discrimination and disadvantages that prevent their participation in education, training and employment;

[para.q] Condemn all forms of violence against women and girls and take appropriate action to strengthen and implement legal, policy, administrative and other measures to prevent and eliminate all forms of discrimination and violence....

[eg: at para.x] Ensure women's and girls' right to education at all levels as well as access to life skills and sex education based on full and accurate information and, with respect to girls and boys, in a manner consistent with their evolving capacities, and with appropriate direction and guidance from parents and legal guardians, in order to help women and girls, men and boys, to develop knowledge to enable them to make informed and responsible decisions to reduce early childbearing and maternal mortality, to promote access to pre- and post-natal care and to combat sexual harassment and gender-based violence;

Rome Statute of the International Criminal Court

[Article 7(1)(g)] The Rome Statute of the International Criminal Court recognises rape, sexual slavery, trafficking, enforced prostitution, forced pregnancy, enforced sterilization and any other form of sexual violence of comparable gravity as crimes against humanity.



Freedom from torture or cruel, inhuman or degrading treatment or punishment [Abuse in Institutions]

Concluding Observations of UN Treaty Monitoring Committees

Convention on the Rights of Persons with Disabilities (CRPD)

International Covenant on Economic, Social and Cultural Rights (CESCR)

International Covenant on Civil and Political Rights (CCPR)

Convention on the Rights of the Child (CRC)

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)

Other Key Human Rights Instruments

Vienna Declaration and Programme of Action (1993)

Beijing Declaration and Platform for Action (BPFA) (1995)

Biwako Millennium Framework (BMF) (2002)

Biwako Plus Five (2007)

UN Resolution S-23/3 Further actions and initiatives to implement the Beijing Declaration and Platform for Action

Recommendations to Australia from the United Nations [Concluding Observations of UN Treaty Monitoring Committees]

<p>Committee on the Elimination of Discrimination against Women (CEDAW) (2006)</p> <p>CEDAW/C/AUL/CO/5</p>	<p>[para.14] The Committee regrets that the report neither provides sufficient statistical data, disaggregated by sex and ethnicity on the practical realization of equality between women and men in all areas covered by the Convention nor information on the impact and results achieved of legal and policy measures taken. It also regrets the absence of sufficient information and data on women with disabilities.</p> <p>[para.15] The Committee requests the State party to include adequate statistical data and analysis, disaggregated by sex, ethnicity and disability, in its next report so as to provide a full picture of the implementation of all the provisions of the Convention. It also recommends that the State party regularly conduct impact assessments of its legislative reforms, policies and programmes to ensure that measures taken lead to the desired goals and that it inform the Committee about the results of these assessments in its next report.</p>
<p>Committee on the Elimination of Discrimination against Women (CEDAW) (2010)</p> <p>CEDAW/C/AUS/CO/7</p>	<p>[para.42] The Committee is concerned that women with disabilities are almost entirely absent from key leadership and decision-making positions and continue to be disadvantaged with regard to educational and employment opportunities. It is concerned about the high levels of violence experienced by women, particularly those living in institutions or supported accommodation. The Committee also notes with concern that non-therapeutic sterilizations of women and girls with disabilities continue to be practiced in some states in Australia and notes that the Commonwealth Government considers this to be a matter for state governments to regulate.</p> <p>[para.43] The Committee urges the State party, in the light of its recent ratification of the Convention on the Rights of Persons with Disabilities, to undertake a comprehensive assessment of the situation of women with disabilities in Australia. The Committee recommends that the State party address, as a matter of priority, the abuse and violence experienced by women with disabilities living in institutions or supported accommodation. The Committee further recommends that the State party adopt urgent measures to ensure that women with disabilities are better represented in decision-making and leadership positions, including through the adoption of temporary special measures such as quotas and targets, in accordance with article 4, paragraph 1 of the Convention and the Committee’s general recommendation No. 25. The Committee recommends that the State party enact national legislation prohibiting, except where there is a serious threat to life or health, the use of sterilisation of girls, regardless of whether they have a disability, and of adult women with disabilities in the absence of their fully informed and free consent.</p>
<p>Committee on Economic, Social and Cultural Rights (2009)</p> <p>E/C.12/AUS/CO/4</p>	<p>[para.16] The Committee regrets that insufficient measures have been taken by the State party to ensure an adequate standard of living for persons with disabilities.... The Committee encourages the State party to strengthen its efforts towards the adoption of concrete measures to enable persons with disabilities to fully enjoy the rights guaranteed by the Covenant.</p> <p>[para.22] The Committee notes with concern that, despite the efforts undertaken by the State party to address domestic violence, including violence against women, this practice persists in Australia, and affects in particular indigenous women. (art.10)</p> <p>The Committee recommends that the State party take appropriate measures, including specific legislative measures criminalizing acts of domestic violence. In particular, the State party should consider adopting the Australian Human Rights Commission's proposals related to the development of the new Plan of Action to Reduce Violence against Women and their Children, ensuring that it reflects human rights principles; and increase shelters and support services for the victims. The Committee further recommends that the State party increase its efforts to prosecute acts of domestic violence. The Committee request the State party to include in its next periodic report available information on the number and nature of reported cases of domestic violence, on the conviction, and the sanctions imposed on perpetrators, as well as any assistance and rehabilitation measures provided to victims of domestic violence.</p>

<p>Committee on the Rights of the Child (2005)</p> <p>CRC/C/15/Add.268</p>	<p>[para.42] While the Committee notes with appreciation the State party's activities and measures addressing this problem [Violence, abuse, neglect and maltreatment], including two programmes seeking to reduce family violence in indigenous communities, it shares the State party's concern that child abuse remains a major problem for Australian society, affecting children's physical and mental health as well as their educational and employment opportunities. The Committee is further concerned at the exposure of children to a high level of domestic violence.</p> <p>[para.43] In light of article 19 of the Convention, the Committee recommends that the State party: (a) Continue to take measures to prevent and combat child abuse and violence against children and strengthen measures to encourage reporting of instances of child abuse; (b) Adequately investigate and prosecute reported cases of abuse and violence; (c) Ensure that all victims of violence have access to counselling and assistance with recovery and social reintegration; (d) Provide adequate protection to child victims of abuse; (e) Strengthen measures to address the root causes of violence within the family, paying special attention to the marginalized and disadvantaged groups.</p> <p>[para.45] While the Committee notes the States party's initiatives addressing the rights of children with disabilities, it is concerned about the paucity of information on disabled children, especially when it comes to data on disabled indigenous children, alternative care for children with disabilities and children with disabilities living in remote or rural areas. The Committee also notes that a governmental working group is addressing the issue of sterilization of children with so-called "decision-making" disabilities.</p> <p>[para.46] In the light of the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and of the Committee's recommendations adopted at its day of general discussion on "Children with disabilities" (see CRC/C/69), the Committee encourages the State party to actively pursue its current efforts and: (b) To ensure that children with disabilities have equal opportunities to participate fully in all spheres of life and to strengthen public awareness campaigns to change negative public attitudes; (c) To undertake greater efforts to make available the necessary professional (i.e. disability specialists) and financial resources, especially at the local level, and to promote and expand community-based rehabilitation programmes, including parental support groups;... (e) To prohibit the sterilization of children, with or without disabilities, and promote and implement other measures of prevention of unwanted pregnancies, e.g. injection of contraceptives, when appropriate.</p>
<p>Committee on the Rights of the Child (1998)</p> <p>CRC A/53/41</p>	<p>[para.1026] The Committee expresses its concern about the lack of prohibition in local legislation of the use of corporal punishment, however light, in schools, at home and in institutions; in the view of the Committee this contravenes the principles and provisions of the Convention, in particular articles 3, 5, 6, 19, 28 (para. 2), 37 (a) and (c) and 39. The Committee is also concerned about the existence of child abuse and violence within the family.</p>
<p>Committee Against Torture (2001)</p> <p>CAT A/56/44</p>	<p>[para.53] The Committee recommends that:....(c) The State party continue its education and information efforts for law enforcement personnel regarding the prohibition against torture and further improve its efforts in training, especially of police, prison officers and prison medical personnel; (d) The State party keep under constant review the use of instruments of restraint that may cause unnecessary pain and humiliation, and ensure that their use is appropriately recorded;</p>

Committee Against Torture (2008)

CAT/C/AUS/CO/3

[para.23] The Committee is concerned about the arrangements for the custody of persons deprived of their liberty. In particular, the Committee notes with concern: (b) The insufficient provision of mental health care in prisons and reports indicating that mentally ill inmates are subjected to extensive use of solitary confinement and subsequent increased risks of suicide attempts; In order to improve the arrangements for the custody of persons deprived of their liberty, the State party should;.....(b) Provide adequate mental health care for all persons deprived of their liberty;

[para.27] The Committee is concerned about allegations against law enforcement personnel in respect of acts of torture and other cruel, inhuman or degrading treatment or punishment and notes a lack of investigations and prosecutions. The State party should ensure that all allegations of acts of torture and other cruel, inhuman or degrading treatment or punishment committed by law enforcement officials, and in particular any deaths in detention, are investigated promptly, independently and impartially and, if necessary, prosecuted and sanctioned. Furthermore, the State party should also ensure the right of victims of police misconduct to obtain redress and fair and adequate compensation, as provided for in article 14 of the Convention.

[para.31] The Committee notes that corporal punishment of children is not explicitly prohibited in all States and Territories and may still be applied as “reasonable chastisement”. The State party should adopt and implement legislation banning corporal punishment at home and in public and private schools, detention centres, and all alternative care settings in all States and Territories.

Convention on the Rights of Persons with Disabilities (CRPD)

CRPD Key Articles

[Article 4]: 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.....

[Article 6]: 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. 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]: 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.

[Article 14]: 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. 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 the present Convention, including by provision of reasonable accommodation.

[Article 15]: 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.

[Article 16]: 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.....

[Article 17]: Every person with disabilities has a right to respect for his or her physical and mental integrity on an equal basis with others.

[Article 19]: States Parties to the present 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;

[Article 22]: 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.

[Article 23]: 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.....

[Article 25]: 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.....

[Article 28]: 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.

International Covenant on Economic, Social and Cultural Rights (CESCR)

CESCR Key Articles	CESCR General Comments
<p>[Article 2]: The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind.....</p> <p>[Article 11]:.....The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right....</p> <p>[Article 12]: The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.....</p>	<p>[No.4: The right to adequate housing]: [para.7]....the right to housing should not be interpreted in a narrow or restrictive sense which equates it with, for example, the shelter provided by merely having a roof over one’s head or views shelter exclusively as a commodity. Rather it should be seen as the right to live somewhere in security, peace and dignity.....“Adequate shelter means adequate privacy, adequate space, adequate security, adequate lighting and ventilation, adequate basic infrastructure and adequate location with regard to work and basic facilities, all at a reasonable cost”.</p> <p>[para.9].... the right not to be subjected to arbitrary or unlawful interference with one’s privacy, family, home or correspondence constitutes a very important dimension in defining the right to adequate housing.</p> <p>[No.5: Persons with Disabilities]: [para.19] The Committee.....urges States parties to address the situation of women with disabilities, with high priority being given in future to the implementation of economic, social and cultural rights-related programmes.</p> <p>[para.32] Children with disabilities are especially vulnerable to exploitation, abuse and neglect and are, in accordance with article 10 (3) of the Covenant..., entitled to special protection.</p> <p>[No.14: The Right to Health]: [para.8] The right to health contains both freedoms and entitlements. The freedoms include the right to control one’s health and body, including sexual and reproductive freedom, and the right to be free from interference, such as the right to be free from torture, non-consensual medical treatment and experimentation.</p> <p>[para.21] The realization of women’s right to health requires the removal of all barriers interfering with access to health services, education and information, including in the area of sexual and reproductive health. It is also important to undertake preventive, promotive and remedial action to shield women from the impact of harmful traditional cultural practices and norms that deny them their full reproductive rights.</p> <p>[para.22].....Children with disabilities should be given the opportunity to enjoy a fulfilling and decent life and to participate within their community.</p> <p>[No.16: The equal right of men and women to the enjoyment of all economic, social and cultural rights]: [para.27]....Implementing article 3, in relation to article 10, requires States parties, inter alia, to provide victims of domestic violence, who are primarily female, with access to safe housing, remedies and redress for physical, mental and emotional damage.....States parties must take appropriate measures to eliminate violence against men and women and act with due diligence to prevent, investigate, mediate, punish and redress acts of violence against them by private actors.</p> <p>[No.20: Non-discrimination]: [para.8]...In order for States parties to “guarantee” that the Covenant rights will be exercised without discrimination of any kind, discrimination must be eliminated both formally and substantively.....The effective enjoyment of Covenant rights is often influenced by whether a person is a member of a group characterized by the prohibited grounds of discrimination. Eliminating discrimination in practice requires paying sufficient attention to groups of individuals which suffer historical or persistent prejudice instead of merely comparing the formal treatment of individuals in similar situations. States parties must therefore immediately adopt the necessary measures to prevent, diminish and eliminate the conditions and attitudes which cause or perpetuate substantive or de facto discrimination.</p>

International Covenant on Civil and Political Rights (CCPR)

CCPR Key Articles	CCPR General Comments
<p>[Article 3]: The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.</p> <p>[Article 7]: 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 free consent to medical or scientific experimentation.</p> <p>[Article 10]: All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.</p> <p>[Article 17]: No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.</p>	<p>[No.20: Prohibition of torture, or other cruel, inhuman or degrading treatment or punishment]: [para.2] The aim of the provisions of article 7 of the International Covenant on Civil and Political Rights is to protect both the dignity and the physical and mental integrity of the individual.....</p> <p>[para.5] The prohibition in article 7 relates not only to acts that cause physical pain but also to acts that cause mental suffering to the victim.</p> <p>[para.7] Article 7 expressly prohibits medical or scientific experimentation without the free consent of the person concerned....More attention should be given to the need and means to ensure observance of this provision. The Committee also observes that special protection in regard to such experiments is necessary in the case of persons not capable of giving valid consent...</p> <p>[No.21: Humane treatment of persons deprived of their liberty]: [para.2] Article 10, paragraph 1.....applies to any one deprived of liberty under the laws and authority of the State who is held in prisons, hospitals - particularly psychiatric hospitals - detention camps or correctional institutions or elsewhere. States parties should ensure that the principle stipulated therein is observed in all institutions and establishments within their jurisdiction where persons are being held.</p> <p>[para.4] Treating all persons deprived of their liberty with humanity and with respect for their dignity is a fundamental and universally applicable rule. Consequently, the application of this rule, as a minimum, cannot be dependent on the material resources available in the State party. This rule must be applied without distinction of any kind....</p> <p>[No.28: The equality of rights between men and women]: [para.11] To assess compliance with article 7 of the Covenant, as well as with article 24, which mandates special protection for children, the Committee needs to be provided information on national laws and practice with regard to domestic and other types of violence against women, including rape.....The States parties should also provide the Committee with information on measures to prevent forced abortion or forced sterilization.....The information provided by States parties on all these issues should include measures of protection, including legal remedies, for women whose rights under article 7 have been violated.</p> <p>[para.20] States parties must provide information to enable the Committee to assess the effect of any laws and practices that may interfere with women’s right to enjoy privacy and other rights protected by article 17.....</p>

Convention on the Rights of the Child (CRC)

CRC Key Articles	CRC General Comments
<p>[Article 2]: States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind...States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination.</p> <p>[Article 3]: In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, as well as competent supervision.</p> <p>[Article 16]: No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home.....The child has the right to the protection of the law against such interference or attacks.</p>	<p>[No.4: Adolescent health and development]: [para.19] Violence results from a complex interplay of individual, family, community and societal factors. Vulnerable adolescents such as those who are homeless or who are living in institutions, who belong to gangs or who have been recruited as child soldiers, are especially exposed to both institutional and interpersonal violence. States parties must take all appropriate measures to prevent and eliminate: (a) institutional violence against adolescents, including through legislation and administrative measures in relation to public and private institutions for adolescents (schools, institutions for disabled adolescents, juvenile reformatories, etc.), and training and monitoring of personnel in charge of institutionalized children or who otherwise have contact with children through their work, including the police; and (b) interpersonal violence among adolescents, including by supporting adequate parenting and opportunities for social and educational development in early childhood, fostering non-violent cultural norms and values....., strictly controlling firearms and restricting access to alcohol and drugs.</p> <p>[para.25]...Every adolescent with a mental disorder has the right to be treated and cared for, as far as possible, in the community in which he or she lives. Where hospitalization or placement in a psychiatric institution is necessary, this decision should be made in accordance with the principle of the best interests of the child. In the event of hospitalization or institutionalization, the patient should be given the maximum possible opportunity to enjoy all his or her rights as recognized under the Convention, including the rights to education and to have access to recreational activities.</p> <p>[No.8: The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment]: [para.18] Article 37 of the Convention requires States to ensure that “no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment”. This is complemented and extended by article 19, which requires States to “take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child”. There is no ambiguity: “all forms of physical or mental violence” does not leave room for any level of legalized violence against children. Corporal punishment and other cruel or degrading forms of punishment are forms of violence and States must take all appropriate legislative, administrative, social and educational measures to eliminate them.</p> <p>[para.22] The Committee emphasizes that eliminating violent and humiliating punishment of children, through law reform and other necessary measures, is an immediate and unqualified obligation of States parties.....</p> <p>[para.26]interpretation of a child’s best interests must be consistent with the whole Convention, including the obligation to protect children from all forms of violence and the requirement to give due weight to the child’s views; it cannot be used to justify practices, including corporal punishment and other forms of cruel or degrading punishment, which conflict with the child’s human dignity and right to physical integrity.</p> <p>[para.43].....It is essential that the prohibition of all corporal punishment and other cruel or degrading punishment, and the sanctions that may be imposed if it is inflicted, should be well disseminated to children and to all those working with or for children in all settings. Monitoring disciplinary systems and the treatment of children must be part of the sustained supervision of all institutions and placements which is required by the Convention. Children and their representatives in all such placements must have immediate and confidential access to child-sensitive advice, advocacy and complaints procedures and ultimately to the courts, with necessary legal and other assistance. In institutions, there should be a requirement to report and to review any violent incidents.</p> <p>[No.9: The rights of children with disabilities]: [para.10] Girls with disabilities are often even more vulnerable to discrimination due to gender discrimination. In this context, States parties are requested to pay particular attention to girls with disabilities by taking the necessary measures, and when needed extra measures, in order to ensure that they are well protected, have access to all services and are fully included in society.</p>

[Article 19]: States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child. Such protective measures should.....include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

[Article 23]: States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.

[Article 25]: States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

[para.34] The right to name and nationality, preservation of identity, freedom of expression, freedom of thought, conscience and religion, freedom of association and peaceful assembly, the right to privacy and the right not to be subjected to torture or other cruel inhuman or degrading treatment or punishment and not to be unlawfully deprived of liberty are all universal civil rights and freedoms which must be respected, protected and promoted for all, including children with disabilities. Particular attention should be paid here on areas where the rights of children with disabilities are more likely to be violated or where special programmes are needed for their protection.

[para.42]..... Children with disabilities are more vulnerable to all forms of abuse be it mental, physical or sexual in all settings, including the family, schools, private and public institutions, inter alia alternative care, work environment and community at large. It is often quoted that children with disabilities are five times more likely to be victims of abuse. In the home and in institutions, children with disabilities are often subjected to mental and physical violence and sexual abuse, and they are also particularly vulnerable to neglect and negligent treatment..... In addition, the lack of access to a functional complaint receiving and monitoring mechanism is conducive to systematic and continuing abuse.

[para.43] In addressing the issue of violence and abuse, States parties are urged to take all necessary measures for the prevention of abuse of and violence against children with disabilities, such as.....(f) Ensure that institutions providing care for children with disabilities are staffed with specially trained personnel, subject to appropriate standards, regularly monitored and evaluated, and have accessible and sensitive complaint mechanisms;

[para.47] The Committee has often expressed its concern at the high number of children with disabilities placed in institutions and that institutionalization is the preferred placement option in many countries. The quality of care provided, whether educational, medical or rehabilitative, is often much inferior to the standards necessary for the care of children with disabilities either because of lack of identified standards or lack of implementation and monitoring of these standards. Institutions are also a particular setting where children with disabilities are more vulnerable to mental, physical, sexual and other forms of abuse as well as neglect and negligent treatment.... The Committee therefore urges States parties to use the placement in institution only as a measure of last resort, when it is absolutely necessary and in the best interests of the child. It recommends that the States parties prevent the use of placement in institution merely with the goal of limiting the child's liberty or freedom of movement. In addition, attention should be paid to transforming existing institutions, with a focus on small residential care facilities organized around the rights and needs of the child, to developing national standards for care in institutions, and to establishing rigorous screening and monitoring procedures to ensure effective implementation of these standards.

[para.50] Whatever form of placement chosen for children with disabilities by the competent authorities, it is essential that a periodic review of the treatment provided to the child, and all other circumstances relevant to his or her placement, is carried out to monitor his or her well being.

[No.12: The right of the child to be heard]: [para.97] Mechanisms must be introduced to ensure that children in all forms of alternative care, including in institutions, are able to express their views and that those views be given due weight in matters of their placement, the regulations of care in foster families or homes and their daily lives. These should include: Legislation providing the child with the right to information about any placement, care and/or treatment plan and meaningful opportunities to express her or his views and for those views to be given due weight throughout the decision-making process; Legislation ensuring the right of the child to be heard, and that her or his views be given due weight in the development and establishment of child-friendly care services; Establishment of a competent monitoring institution, such as a children's ombudsperson, commissioner or inspectorate, to monitor compliance with the rules and regulations governing the provision of care, protection or treatment of children in accordance with the obligations under article 3. The monitoring body should be mandated to have unimpeded access to residential facilities (including those for children in conflict with the law), to hear the views and concerns of the child directly, and to monitor the extent to which his or her views are listened to and given due weight by the institution itself.

[Article 27]: States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

[Article 34]: States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse.....

[Article 37]: No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment.....No child shall be deprived of his or her liberty unlawfully or arbitrarily.....Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person.....Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance.....

[Article 39]: States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

[para.118] The Convention establishes the right of the child to be protected from all forms of violence and the responsibility of States parties to ensure this right for every child without any discrimination. The Committee encourages States parties to consult with children in the development and implementation of legislative, policy, educational and other measures to address all forms of violence. Particular attention needs to be paid to ensuring that marginalized and disadvantaged children.....are not excluded from consultative processes designed to elicit views on relevant legislation and policy processes.

[para.119].... the Committee welcomes the findings of the Secretary-General's Study on Violence against Children, and urges States Parties to implement fully its recommendations, including the recommendation to provide the space for children to freely express their views and give these views due weight in all aspects of prevention, reporting and monitoring violence against them.

[para.120] Much of the violence perpetrated against children goes unchallenged both because certain forms of abusive behaviour are understood by children as accepted practices, and due to the lack of child-friendly reporting mechanisms..... States parties should oblige all children's institutions to establish easy access to individuals or organizations to which they can report in confidence and safety, including through telephone helplines, and to provide places where children can contribute their experience and views on combating violence against children.

[No.13: The right of the child to freedom from all forms of violence]: [para.3] For the purposes of this general comment, "violence" is understood to mean "all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse" as listed in paragraph 1 of Article 19. The term 'violence' has been chosen here to represent all forms of harm to children as listed in paragraph 1 of Article 19, in conformity with the terminology used in the 2006 UN Study on Violence against Children, although the other terms used to describe types of harm (injury, abuse, neglect or negligent treatment, maltreatment and exploitation) carry equal weight.

[para.12] Addressing and eliminating the widespread prevalence and incidence of violence against children is an obligation of States Parties under the Convention. Securing and promoting children's fundamental rights to respect for their human dignity and physical and psychological integrity, through the prevention of all forms of violence, is essential for promoting the full set of child rights in the Convention.....Strategies and systems to prevent and respond to violence must therefore adopt a child rights rather than a welfare approach.

[para.16] The Committee has consistently maintained the position that *all* forms of violence against children, however light, are unacceptable. "All forms of physical or mental violence" does not leave room for any level of legalized violence against children.

[para.19-27]... Forms of violence includes...:Neglect or negligent treatment;...Mental violence;...Physical violence; Corporal punishment;Sexual abuse and exploitation;Torture and inhuman or degrading treatment or punishment;...Self-harm;.....Harmful practices.....Children with disabilities may be subject to particular forms of physical violence such as: forced sterilisation, particularly girls; violence in the guise of treatment (for example electroconvulsive treatment (ECT) and electric shocks used as 'aversion treatment' to control children's behaviour);.....

[para.34].....children are at risk of being exposed to violence in many settings where professionals and State actors have often misused their power over children, such as schools, residential homes, police stations or justice institutions. All of these conditions fall under the scope of Article 19, which is not limited to violence perpetrated solely by caregivers in a personal context.

[para.44].....Children must be provided with as many opportunities as possible to signal emerging problems before they reach a state of crisis, and for adults to recognize and act on such problems even if the child does not explicitly ask for help. Particular vigilance is needed when it comes to marginalized groups of children who are rendered particularly vulnerable due to their alternative methods of communicating, their immobility and/or the perceived view that they are incompetent, such as children with disabilities.

	<p>[para.53] The Committee stresses that States Parties shall take adequate measures to assure to every child the right to protection from all forms of violence “without discrimination of any kind.....States Parties must address discrimination against vulnerable or marginalized groups of children.....and make proactive efforts to ensure that such children are assured their right to protection on an equal basis with all other children.</p> <p>[para.54] The Committee emphasizes that the interpretation of a child’s best interests must be consistent with the whole Convention, including the obligation to protect children from all forms of violence. It cannot be used to justify practices, including corporal punishment and other forms of cruel or degrading punishment, which conflict with the child’s human dignity and right to physical integrity. An adult’s judgment of a child’s best interests cannot override the obligation to respect all the child’s rights under the Convention.</p> <p>[para.65].....States Parties should ensure that policies and measures take into account the different risks facing girls and boys in respect of various forms of violence in various settings.....States should address all forms of gender discrimination as part of a comprehensive violence-prevention strategy. This includes addressing gender-based stereotypes, power imbalances, inequalities and discrimination which support and perpetuate the use of violence and coercion in the home, in school and educational settings, in communities, in the workplace, in institutions and in society more broadly.</p>
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Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

CEDAW Key Articles	CEDAW General Recommendations
<p>[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:</p> <p>(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;</p>	<p>[No.18: Disabled women]: The Committee on the Elimination of Discrimination against Women recommends that States parties provide information on disabled women in their periodic reports, and on measures taken to deal with their particular situation, including special measures to ensure that they have equal access to education and employment, health services and social security, and to ensure that they can participate in all areas of social and cultural life.</p> <p>[No.19: Violence against women]: [para.8] The Convention applies to violence perpetrated by public authorities.....</p> <p>[para.9] It is emphasized, however, that discrimination under the Convention is not restricted to action by or on behalf of Governments.... States may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation.....</p> <p>[para.24a] States parties should take appropriate and effective measures to overcome all forms of gender-based violence, whether by public or private act....</p> <p>[No.21: Equality in marriage and family relations]: [para.40] Committee wishes to stress that the provisions of General recommendation 19 (Eleventh session) concerning violence against women have great significance for women’s abilities to enjoy rights and freedoms on an equal basis with men. States parties are urged to comply with that general recommendation to ensure that, in both public and family life, women will be free of the gender-based violence that so seriously impedes their rights and freedoms as individuals.</p>

[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 12]: 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.

[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:
(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;

[No.24: Women and health]: [para.15] The obligation to protect rights relating to women's health requires States parties, their agents and officials to take action to prevent and impose sanctions for violations of rights by private persons and organizations. Since gender-based violence is a critical health issue for women, States parties should ensure: (a) The enactment and effective enforcement of laws and the formulation of policies, including health-care protocols and hospital procedures to address violence against women and sexual abuse of girl children and the provision of appropriate health services; (b) Gender-sensitive training to enable health-care workers to detect and manage the health consequences of gender-based violence; (c) Fair and protective procedures for hearing complaints and imposing appropriate sanctions on health-care professionals guilty of sexual abuse of women patients;

[para.28] When reporting on measures taken to comply with article 12, States parties are urged to recognize its interconnection with other articles in the Convention that have a bearing on women's health. Those articles include.....(h), which obliges States parties to take all appropriate measures to ensure adequate living conditions,.....which are critical for the prevention of disease and the promotion of good health care;

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)

CAT Key Articles	CAT General Comments
<p>[Article 2]: Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.</p> <p>[Article 4]: Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture. Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature.</p> <p>[Article 13]: Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given.</p> <p>[Article 14]: Each State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible.....</p>	<p>[No.2: Implementation of article 2 by States parties]: [para.5] Article 2, paragraph 2, provides that the prohibition against torture is absolute and nonderogable. It emphasizes that no exceptional circumstances whatsoever may be invoked by a State Party to justify acts of torture in any territory under its jurisdiction.</p> <p>[para.15]...each State party should prohibit, prevent and redress torture and ill-treatment in all contexts of custody or control, for example, in prisons, hospitals, schools, institutions that engage in the care of children, the aged, the mentally ill or disabled, in military service, and other institutions as well as contexts where the failure of the State to intervene encourages and enhances the danger of privately inflicted harm....</p> <p>[para.17] The Committee observes that States parties are obligated to adopt effective measures to prevent public authorities and other persons acting in an official capacity from directly committing, instigating, inciting, encouraging, acquiescing in or otherwise participating or being complicit in acts of torture as defined in the Convention. Thus, States parties should adopt effective measures to prevent such authorities or others acting in an official capacity or under colour of law, from consenting to or acquiescing in any acts of torture. The Committee has concluded that States parties are in violation of the Convention when they fail to fulfil these obligations.</p> <p>[para.18] The Committee has made clear that where State authorities or others acting in official capacity or under colour of law, know or have reasonable grounds to believe that acts of torture or ill-treatment are being committed by non-State officials or private actors and they fail to exercise due diligence to prevent, investigate, prosecute and punish such non-State officials or private actors consistently with the Convention, the State bears responsibility and its officials should be considered as authors, complicit or otherwise responsible under the Convention for consenting to or acquiescing in such impermissible acts.....The Committee has applied this principle to States parties’ failure to prevent and protect victims from gender-based violence, such as rape, domestic violence, female genital mutilation, and trafficking.</p> <p>[para.21] The protection of certain minority or marginalized individuals or populations especially at risk of torture is a part of the obligation to prevent torture or ill-treatment. States parties must ensure that, insofar as the obligations arising under the Convention are concerned, their laws are in practice applied to all persons, regardless of race, colour, ethnicity, age, religious belief or affiliation, political or other opinion, national or social origin, gender, sexual orientation, transgender identity, mental or other disability, health status, economic or indigenous status.....States parties should, therefore, ensure the protection of members of groups especially at risk of being tortured, by fully prosecuting and punishing all acts of violence and abuse against these individuals and ensuring implementation of other positive measures of prevention and protection....</p> <p>[para.22] The Committee emphasizes that gender is a key factor. Being female intersects with other identifying characteristics or status of the person....to determine the ways that women and girls are subject to or at risk of torture or ill-treatment and the consequences thereof. The contexts in which females are at risk include deprivation of liberty, medical treatment, particularly involving reproductive decisions, and violence by private actors in communities and homes.</p>

[Article 16]: Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article I, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. In particular, the obligations contained in articles 10, 11, 12 and 13 shall apply with the substitution for references to torture of references to other forms of cruel, inhuman or degrading treatment or punishment.

Other Key Human Rights Instruments

Key Articles

Vienna Declaration and Programme of Action

[para.63] The World Conference on Human Rights reaffirms that all human rights and fundamental freedoms are universal and thus unreservedly include persons with disabilities. Every person is born equal and has the same rights to life and welfare, education and work, living independently and active participation in all aspects of society. Any direct discrimination or other negative discriminatory treatment of a disabled person is therefore a violation of his or her rights. The World Conference on Human Rights calls on Governments, where necessary, to adopt or adjust legislation to assure access to these and other rights for disabled persons.

[para.64] The place of disabled persons is everywhere. Persons with disabilities should be guaranteed equal opportunity through the elimination of all socially determined barriers, be they physical, financial, social or psychological, which exclude or restrict full participation in society.

Beijing Declaration and Platform for Action

[eg: at C1.106 h] Take all appropriate measures to eliminate harmful, medically unnecessary or coercive medical interventions, as well as inappropriate medication and over-medication of women, and ensure that all women are fully informed of their options, including likely benefits and potential side-effects, by properly trained personnel;

[eg: at D1.124 b] Refrain from engaging in violence against women and exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons;

[eg: at L7.283 b] Take appropriate legislative, administrative, social and educational measures to protect the girl child, in the household and in society, from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse;

Biwako Millennium Framework for Action Towards an Inclusive, Barrier-free and Rights-based Society for Persons with Disabilities in Asia and the Pacific

[eg: at B3.1] Governments should implement measures to uphold the rights of women with disabilities and to protect them from discrimination. In particular, measures should be implemented to ensure equal access to health services, education, training and employment, and protection from sexual and other forms of abuse and violence.

[eg: at B3.12] All agencies, including Governments, NGOs, self-help organizations, donors and civil society must promote and uphold at all times the rights of women with disabilities to choice and self-determination.

Biwako Plus Five: Further efforts towards an inclusive, barrier-free and rights-based society for persons with disabilities in Asia and the Pacific

[eg: at IIIB.15] Governments recognize that women and girls with disabilities are subject to multiple discrimination and, in this regard, together with self-help organizations, should support the economic, social, cultural and political empowerment of women with disabilities, in particular through leadership and management training on a sustained basis. Governments should take appropriate measures to address discrimination against women with disabilities in all matters, including those relating to marriage, family, parenthood and relationships, to ensure their full development, advancement and empowerment.

UN Resolution S-23/3: Further actions and initiatives to implement the Beijing Declaration and Platform for Action

[eg: at IV 68j] Take all appropriate measures to eliminate discrimination and violence against women and girls by any person, organization or enterprise;

[eg: at IV 69 a] As a matter of priority, review and revise legislation, where appropriate, with a view to introducing effective legislation, including on violence against women, and take other necessary measures to ensure that all women and girls are protected against all forms of physical, psychological and sexual violence, and are provided recourse to justice;

[eg: at IV 69 b] Prosecute the perpetrators of all forms of violence against women and girls and sentence them appropriately, and introduce actions aimed at helping and motivating perpetrators to break the cycle of violence and take measures to provide avenues for redress to victims;

[eg: at IV 69 c] Treat all forms of violence against women and girls of all ages as a criminal offence punishable by law, including violence based on all forms of discrimination;

[eg: at IV 69 d] Establish legislation and/or strengthen appropriate mechanisms to handle criminal matters relating to all forms of domestic violence, including marital rape and sexual abuse of women and girls, and ensure that such cases are brought to justice swiftly;

[eg: at IV 69 f] Continue to undertake research to develop a better understanding of the root causes of all forms of violence against women in order to design programmes and take measures towards eliminating those forms of violence;

[eg: at IV 69 j] Adopt and promote a holistic approach to respond to all forms of violence and abuse against girls and women of all ages, including girls and women with disabilities, as well as vulnerable and marginalized women and girls in order to address their diverse needs, including education, provision of appropriate health care and services and basic social services;

[eg: at IV 72 m] Take all appropriate measures to eliminate harmful, medically unnecessary or coercive medical interventions as well as inappropriate medication and overmedication of women and ensure that all women are properly informed of their options, including likely benefits and potential side effects, by properly trained personnel;

[eg: at IV 83 d] Design and implement policies and programmes to address fully specific needs of women and girls with disabilities, to ensure their equal access to education at all levels, including technical and vocational training and adequate rehabilitation programmes, health care and services and employment opportunities, to protect and promote their human rights and, where appropriate, to eliminate existing inequalities between women and men with disabilities.



Freedom from exploitation, violence and abuse

Concluding Observations of UN Treaty Monitoring Committees

Convention on the Rights of Persons with Disabilities (CRPD)

International Covenant on Economic, Social and Cultural Rights (CESCR)

International Covenant on Civil and Political Rights (CCPR)

Convention on the Rights of the Child (CRC)

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)

Other Key Human Rights Instruments

Vienna Declaration and Programme of Action (1993)

Beijing Declaration and Platform for Action (BPFA) (1995)

Biwako Millennium Framework (BMF) (2002)

Biwako Plus Five (2007)

UN Resolution S-23/3 Further actions and initiatives to implement the Beijing Declaration and Platform for Action (2000)

Commission on the Status of Women (CSW) Fifty-fifth session (2011)

Recommendations to Australia from the United Nations [Concluding Observations of UN Treaty Monitoring Committees]

Committee on the Elimination of Discrimination against Women (CEDAW) (2010)

CEDAW/C/AUS/CO/7

[para.28]The Committee notes with concern the unacceptably high levels of violence against women that persist in Australia, with one in three Australian women experiencing physical violence in their lifetime and one in five experiencing sexual violence. It also notes the lack of federal legislation or minimum standards for protection of women against violence and domestic violence. The Committee welcomes the establishment in 2008 of a National Council to advise on the development of an evidence-based national plan to reduce violence against women and their children and the Council's report, "Time for Action", presented in April 2009.

[para.29] The Committee encourages the State party to continue its efforts to tackle the persistent problem of violence against women and urges the State party to adopt national legislation and adopt, implement and adequately fund as a matter of urgency the National Action Plan to Reduce Violence against Women and their Children including a mechanism for independent monitoring. The Committee further recommends that the State party develop strategies to prevent homelessness resulting from domestic violence and ensure that women who are victims of domestic and family violence and their children are provided with appropriate ongoing accommodation and integrated support. The Committee recommends that the State party take appropriate measures, including specific legislative measures criminalizing acts of domestic violence, prosecute acts of domestic violence and punish the perpetrators of such acts. The Committee requests the State party to include under the Committee's follow-up procedure referred to in paragraph 50 of the present concluding observations available information on the number and nature of reported cases of domestic violence, on the conviction and the sanctions imposed on perpetrators, as well as any assistance and rehabilitation measures provided to victims of domestic violence.

[para.42] The Committee is concerned that women with disabilities are almost entirely absent from key leadership and decision-making positions and continue to be disadvantaged with regard to educational and employment opportunities. It is concerned about the high levels of violence experienced by women, particularly those living in institutions or supported accommodation. The Committee also notes with concern that non-therapeutic sterilizations of women and girls with disabilities continue to be practiced in some states in Australia and notes that the Commonwealth Government considers this to be a matter for state governments to regulate.

[para.43] The Committee urges the State party, in the light of its recent ratification of the Convention on the Rights of Persons with Disabilities, to undertake a comprehensive assessment of the situation of women with disabilities in Australia. The Committee recommends that the State party address, as a matter of priority, the abuse and violence experienced by women with disabilities living in institutions or supported accommodation. The Committee further recommends that the State party adopt urgent measures to ensure that women with disabilities are better represented in decision-making and leadership positions, including through the adoption of temporary special measures such as quotas and targets, in accordance with article 4, paragraph 1 of the Convention and the Committee's general recommendation No. 25. The Committee recommends that the State party enact national legislation prohibiting, except where there is a serious threat to life or health, the use of sterilisation of girls, regardless of whether they have a disability, and of adult women with disabilities in the absence of their fully informed and free consent.

<p>Committee on the Elimination of Discrimination against Women (CEDAW) (2006)</p> <p>CEDAW/C/AUL/CO/5</p>	<p>[para.14] The Committee regrets that the report neither provides sufficient statistical data, disaggregated by sex and ethnicity on the practical realization of equality between women and men in all areas covered by the Convention nor information on the impact and results achieved of legal and policy measures taken. It also regrets the absence of sufficient information and data on women with disabilities.</p> <p>[para.15] The Committee requests the State party to include adequate statistical data and analysis, disaggregated by sex, ethnicity and disability, in its next report so as to provide a full picture of the implementation of all the provisions of the Convention. It also recommends that the State party regularly conduct impact assessments of its legislative reforms, policies and programmes to ensure that measures taken lead to the desired goals and that it inform the Committee about the results of these assessments in its next report.</p> <p>[para.18] While noting the efforts of the State party to address violence against women at all levels of authority, the Committee remains concerned about the continuing prevalence of violence against women, as well as by the low rates of reporting, prosecutions and convictions in sexual assault cases. It is concerned that laws that protect victims of violence and require perpetrators of domestic violence to leave the family home are not regularly enforced. It is also concerned about the high levels of violence against women, particularly domestic violence, in indigenous, refugee and migrant communities.</p> <p>[para.19] The Committee calls on the State party to take steps to fully and consistently implement and enforce laws on violence against women and to ensure that all women victims of violence, including indigenous, refugee and migrant women, are able to benefit from the legislative framework and support systems in place. It calls upon the State party to ensure that all violence against women is effectively prosecuted and adequately punished. It requests that adequate statistics be collected in a consistent manner. It requests that the State party provide information in its next report on the number of cases of violence reported to the police and other relevant authorities, and on the number of convictions. It further recommends that public officials, especially law enforcement officials, the judiciary, health-care providers and social workers, are fully sensitized to all forms of violence against women. The Committee calls upon the State party to create public awareness of violence against women as an infringement of women’s human rights that has grave social and financial costs for the whole community.</p>
<p>UN General Assembly Human Rights Council (2011)</p> <p>A/HRC/WG.6/10/L.8</p>	<p>[para.86.47] Take firm measures to end discrimination and violence against women, children and people from vulnerable groups so as to enhance a better respect for their dignity and human rights (Viet Nam);</p> <p>[para.86.77] Take steps, in partnership with State, Territory and Local governments, to further advance and accelerate implementation of the National Action Plan to Reduce Violence against Women and Their Children, so as to effectively address prevalence of violence against these vulnerable groups (Canada);</p> <p>[para.86.82] Ensure that all victims of violence have access to counselling and assistance with recovery (Hungary);</p>

<p>Committee on Economic, Social and Cultural Rights (2009)</p> <p>E/C.12/AUS/CO/4</p>	<p>[para.16] The Committee regrets that insufficient measures have been taken by the State party to ensure an adequate standard of living for persons with disabilities.... The Committee encourages the State party to strengthen its efforts towards the adoption of concrete measures to enable persons with disabilities to fully enjoy the rights guaranteed by the Covenant.</p> <p>[para.22] 22. The Committee notes with concern that, despite the efforts undertaken by the State party to address domestic violence, including violence against women, this practice persists in Australia, and affects in particular indigenous women. (art.10) The Committee recommends that the State party take appropriate measures, including specific legislative measures criminalizing acts of domestic violence. In particular, the State party should consider adopting the Australian Human Rights Commission's proposals related to the development of the new Plan of Action to Reduce Violence against Women and their Children, ensuring that it reflects human rights principles; and increase shelters and support services for the victims. The Committee further recommends that the State party increase its efforts to prosecute acts of domestic violence. The Committee request the State party to include in its next periodic report available information on the number and nature of reported cases of domestic violence, on the conviction, and the sanctions imposed on perpetrators, as well as any assistance and rehabilitation measures provided to victims of domestic violence.</p>
<p>Committee on the Rights of the Child (1998)</p> <p>CRC A/53/41</p>	<p>[para.1037]..... The Committee also believes that cases of abuse and ill-treatment of children, including sexual abuse within the family, should be properly investigated, sanctions applied to perpetrators and publicity given to decisions taken. Further measures should be taken with a view to ensuring the physical and psychological recovery and social reintegration of victims of abuse, neglect, ill-treatment, violence or exploitation, in accordance with article 39 of the Convention.</p>
<p>Committee on the Rights of the Child (2005)</p> <p>CRC/C/15/Add.268</p>	<p>[para.42] While the Committee notes with appreciation the State party's activities and measures addressing this problem [Violence, abuse, neglect and maltreatment], including two programmes seeking to reduce family violence in indigenous communities, it shares the State party's concern that child abuse remains a major problem for Australian society, affecting children's physical and mental health as well as their educational and employment opportunities. The Committee is further concerned at the exposure of children to a high level of domestic violence.</p> <p>[para.43] In light of article 19 of the Convention, the Committee recommends that the State party: (a) Continue to take measures to prevent and combat child abuse and violence against children and strengthen measures to encourage reporting of instances of child abuse; (b) Adequately investigate and prosecute reported cases of abuse and violence; (c) Ensure that all victims of violence have access to counselling and assistance with recovery and social reintegration; (d) Provide adequate protection to child victims of abuse; (e) Strengthen measures to address the root causes of violence within the family, paying special attention to the marginalized and disadvantaged groups.</p> <p>[para.45] While the Committee notes the States party's initiatives addressing the rights of children with disabilities, it is concerned about the paucity of information on disabled children, especially when it comes to data on disabled indigenous children, alternative care for children with disabilities and children with disabilities living in remote or rural areas. The Committee also notes that a governmental working group is addressing the issue of sterilization of children with so-called "decision-making" disabilities.</p> <p>[para.46] In the light of the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and of the Committee's recommendations adopted at its day of general discussion on "Children with disabilities" (see CRC/C/69), the Committee encourages the State party to actively pursue its current efforts and: (b) To ensure that children with disabilities have equal opportunities to participate fully in all spheres of life and to strengthen public awareness campaigns to change negative public attitudes; (c) To undertake greater efforts to make available the necessary professional (i.e. disability specialists) and financial resources, especially at the local level, and to promote and expand community-based rehabilitation programmes, including parental support groups;.... (e) To prohibit the sterilization of children, with or without disabilities, and promote and implement other measures of prevention of unwanted pregnancies, e.g. injection of contraceptives, when appropriate.</p>

Human Rights Committee (2009)

CCPR/C/AUS/CO/5

[para.17] The Committee notes with concern that, despite the efforts recently undertaken by the State party to address violence against women, including its zero tolerance approach and its intention to conduct a National Survey on Community Attitudes to Violence against Women in 2009, disturbing levels of domestic violence persist in Australia. The Committee is particularly concerned at the higher number of reports of violence against indigenous women in proportion to reports of violence against non-indigenous women. (Articles 2, 3, 7 and 26)

The State party should strengthen its efforts towards the elimination of violence against women, especially perpetrated against indigenous women. The State party is encouraged to promptly implement its National Plan of Action to Reduce Violence against Women and their Children, as well as the recommendations of the 2008 Family Violence and Homeless report.

[para.21] The Committee expresses concern at reports of excessive use of force by law enforcement officials against groups, such as indigenous people, racial minorities, persons with disabilities, as well as young people; and regrets that the investigations of allegations of police misconduct are carried out by the police itself. The Committee is concerned by reports of the excessive use of the electro-muscular disruption devices (EMDs) "TASERS" by police forces in certain Australian states and territories. (articles 6 and 7).

The State party should take firm measures to eradicate all forms of excessive use of force by law enforcement officials. It should in particular: a) establish a mechanism to carry out independent investigations of complaints concerning excessive use of force by law enforcement officials; b) initiate proceedings against alleged perpetrators; c) increase its efforts to provide training to law enforcement officers with regard to excessive use of force, as well as on the principle of proportionality when using force; d) ensure that restraint devices, including TASERS, are only used in situations where greater or lethal force would otherwise have been justified; e) bring its legislative provisions and policies for the use of force into line with the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials; and e) provide adequate reparation to the victims.

Convention on the Rights of Persons with Disabilities (CRPD)

CRPD Key Articles

[Article 4]: 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.....

[Article 6]: 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. 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]: 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.

[Article 8]: States Parties undertake to adopt immediate, effective and appropriate measures: (a) 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; (b) To combat stereotypes, prejudices and harmful practices relating to persons with disabilities, including those based on sex and age, in all areas of life;.....

[Article 12]: 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.....

[Article 13]: States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others.....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]: 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. 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 the present Convention, including by provision of reasonable accommodation.

[Article 15]: 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.

[Article 16]: 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.....

[Article 17]: Every person with disabilities has a right to respect for his or her physical and mental integrity on an equal basis with others.

[Article 22]: 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.

[Article 23]: 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.....

[Article 25]: 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.....

[Article 28]: 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.

International Covenant on Economic, Social and Cultural Rights (CESCR)

CESCR Key Articles	CESCR General Comments
<p>[Article 2]: The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind.....</p> <p>[Article 10]:.....Special protection should be accorded to mothers during a reasonable period before and after childbirth.</p> <p>[Article 12]: The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.....</p>	<p>[No.5: Persons with Disabilities]: [para.19] The Committee....urges States parties to address the situation of women with disabilities, with high priority being given in future to the implementation of economic, social and cultural rights-related programmes.</p> <p>[para.31] Both the sterilization of, and the performance of an abortion on, a woman with disabilities without her prior informed consent are serious violations of article 10 (2).</p> <p>[para.32] Children with disabilities are especially vulnerable to exploitation, abuse and neglect and are, in accordance with article 10 (3) of the Covenant....., entitled to special protection.</p> <p>[No.14: The Right to Health]: [para.8] The right to health contains both freedoms and entitlements. The freedoms include the right to control one’s health and body, including sexual and reproductive freedom, and the right to be free from interference, such as the right to be free from torture, non-consensual medical treatment and experimentation.</p> <p>[para.21] To eliminate discrimination against women, there is a need to develop and implement a comprehensive national strategy for promoting women’s right to health throughout their life span. Such a strategy should include interventions aimed at the prevention and treatment of diseases affecting women, as well as policies to provide access to a full range of high quality and affordable health care, including sexual and reproductive services. A major goal should be reducing women’s health risks, particularly lowering rates of maternal mortality and protecting women from domestic violence. The realization of women’s right to health requires the removal of all barriers interfering with access to health services, education and information, including in the area of sexual and reproductive health. It is also important to undertake preventive, promotive and remedial action to shield women from the impact of harmful traditional cultural practices and norms that deny them their full reproductive rights.</p>

[para.35] States are also obliged to.....take measures to protect all vulnerable or marginalized groups of society, in particular women, children, adolescents and older persons, in the light of gender-based expressions of violence. States should also ensure that third parties do not limit people’s access to health-related information and services.

[para.43]...the Committee confirms that States parties have a core obligation to ensure the satisfaction of, at the very least, minimum essential levels of each of the rights enunciated in the Covenant...in the Committee’s view, these core obligations include at least the following obligations: (a) To ensure the right of access to health facilities, goods and services on a non-discriminatory basis, especially for vulnerable or marginalized groups.....;

[No.16: The equal right of men and women to the enjoyment of all economic, social and cultural rights]: [para.27] Article 10, paragraph 1, of the Covenant requires that States parties recognize that the widest possible protection and assistance should be accorded to the family, and that marriage must be entered into with the free consent of the intending spouses. Implementing article 3, in relation to article 10, requires States parties, inter alia, to provide victims of domestic violence, who are primarily female, with access to safe housing, remedies and redress for physical, mental and emotional damage;.....Gender-based violence is a form of discrimination that inhibits the ability to enjoy rights and freedoms, including economic, social and cultural rights, on a basis of equality. States parties must take appropriate measures to eliminate violence against men and women and act with due diligence to prevent, investigate, mediate, punish and redress acts of violence against them by private actors.

[No.20: Non-discrimination]: [para.8]...In order for States parties to “guarantee” that the Covenant rights will be exercised without discrimination of any kind, discrimination must be eliminated both formally and substantively.....The effective enjoyment of Covenant rights is often influenced by whether a person is a member of a group characterized by the prohibited grounds of discrimination. Eliminating discrimination in practice requires paying sufficient attention to groups of individuals which suffer historical or persistent prejudice instead of merely comparing the formal treatment of individuals in similar situations. States parties must therefore immediately adopt the necessary measures to prevent, diminish and eliminate the conditions and attitudes which cause or perpetuate substantive or de facto discrimination.

International Covenant on Civil and Political Rights (CCPR)

CCPR Key Articles	CCPR General Comments
<p>[Article 3]: The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.</p> <p>[Article 7]: 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 free consent to medical or scientific experimentation.</p> <p>[Article 17]: No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.</p> <p>[Article 23]: The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.....States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.</p>	<p>[No.28: The equality of rights between men and women]: [para.11] To assess compliance with article 7 of the Covenant, as well as with article 24, which mandates special protection for children, the Committee needs to be provided information on national laws and practice with regard to domestic and other types of violence against women, including rape.....The States parties should also provide the Committee with information on measures to prevent forced abortion or forced sterilization.....The information provided by States parties on all these issues should include measures of protection, including legal remedies, for women whose rights under article 7 have been violated.</p> <p>[para.20] States parties must provide information to enable the Committee to assess the effect of any laws and practices that may interfere with women’s right to enjoy privacy and other rights protected by article 17.....</p>

Convention on the Rights of the Child (CRC)

CRC Key Articles	CRC General Comments
<p>[Article 2]: States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind...States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination.</p> <p>[Article 19]: States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child. Such protective measures should.....include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.</p> <p>[Article 23]: States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.</p>	<p>[No.4: Adolescent health and development]: [para.19] Violence results from a complex interplay of individual, family, community and societal factors. Vulnerable adolescents such as those who are homeless or who are living in institutions, who belong to gangs or who have been recruited as child soldiers, are especially exposed to both institutional and interpersonal violence. States parties must take all appropriate measures to prevent and eliminate: (a) institutional violence against adolescents, including through legislation and administrative measures in relation to public and private institutions for adolescents (schools, institutions for disabled adolescents, juvenile reformatories, etc.), and training and monitoring of personnel in charge of institutionalized children or who otherwise have contact with children through their work, including the police; and (b) interpersonal violence among adolescents, including by supporting adequate parenting and opportunities for social and educational development in early childhood, fostering non-violent cultural norms and values....., strictly controlling firearms and restricting access to alcohol and drugs.</p> <p>[No.8: The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment]: [para.18] Article 37 of the Convention requires States to ensure that “no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment”. This is complemented and extended by article 19, which requires States to “take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child”. There is no ambiguity: “all forms of physical or mental violence” does not leave room for any level of legalized violence against children. Corporal punishment and other cruel or degrading forms of punishment are forms of violence and States must take all appropriate legislative, administrative, social and educational measures to eliminate them.</p> <p>[No.9: The rights of children with disabilities]: [para.10] Girls with disabilities are often even more vulnerable to discrimination due to gender discrimination. In this context, States parties are requested to pay particular attention to girls with disabilities by taking the necessary measures, and when needed extra measures, in order to ensure that they are well protected, have access to all services and are fully included in society.</p> <p>[para.42].....Children with disabilities are more vulnerable to all forms of abuse be it mental, physical or sexual in all settings, including the family, schools, private and public institutions, inter alia alternative care, work environment and community at large. It is often quoted that children with disabilities are five times more likely to be victims of abuse. In the home and in institutions, children with disabilities are often subjected to mental and physical violence and sexual abuse, and they are also particularly vulnerable to neglect and negligent treatment..... In addition, the lack of access to a functional complaint receiving and monitoring mechanism is conducive to systematic and continuing abuse.</p> <p>[para.43] In addressing the issue of violence and abuse, States parties are urged to take all necessary measures for the prevention of abuse of and violence against children with disabilities, such as.....(f) Ensure that institutions providing care for children with disabilities are staffed with specially trained personnel, subject to appropriate standards, regularly monitored and evaluated, and have accessible and sensitive complaint mechanisms;</p>

[Article 24]: States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health....

[Article 34]: States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse.....

[Article 36]: States Parties shall protect the child against all [other] forms of exploitation prejudicial to any aspects of the child's welfare.

[Article 37]: No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment.....No child shall be deprived of his or her liberty unlawfully or arbitrarily.....Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person.....Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance.....

[Article 39]: States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

[para.47] The Committee has often expressed its concern at the high number of children with disabilities placed in institutions and that institutionalization is the preferred placement option in many countries. The quality of care provided, whether educational, medical or rehabilitative, is often much inferior to the standards necessary for the care of children with disabilities either because of lack of identified standards or lack of implementation and monitoring of these standards. Institutions are also a particular setting where children with disabilities are more vulnerable to mental, physical, sexual and other forms of abuse as well as neglect and negligent treatment.... The Committee therefore urges States parties to use the placement in institution only as a measure of last resort, when it is absolutely necessary and in the best interests of the child. It recommends that the States parties prevent the use of placement in institution merely with the goal of limiting the child's liberty or freedom of movement. In addition, attention should be paid to transforming existing institutions, with a focus on small residential care facilities organized around the rights and needs of the child, to developing national standards for care in institutions, and to establishing rigorous screening and monitoring procedures to ensure effective implementation of these standards.

[No.12: The right of the child to be heard]: [para.118] The Convention establishes the right of the child to be protected from all forms of violence and the responsibility of States parties to ensure this right for every child without any discrimination. The Committee encourages States parties to consult with children in the development and implementation of legislative, policy, educational and other measures to address all forms of violence. Particular attention needs to be paid to ensuring that marginalized and disadvantaged children.....are not excluded from consultative processes designed to elicit views on relevant legislation and policy processes.

[para.119].... the Committee welcomes the findings of the Secretary-General's Study on Violence against Children, and urges States Parties to implement fully its recommendations, including the recommendation to provide the space for children to freely express their views and give these views due weight in all aspects of prevention, reporting and monitoring violence against them.

[para.120] Much of the violence perpetrated against children goes unchallenged both because certain forms of abusive behaviour are understood by children as accepted practices, and due to the lack of child-friendly reporting mechanisms..... States parties should oblige all children's institutions to establish easy access to individuals or organizations to which they can report in confidence and safety, including through telephone helplines, and to provide places where children can contribute their experience and views on combating violence against children.

[No.13: The right of the child to freedom from all forms of violence]: [para.3] For the purposes of this general comment, "violence" is understood to mean "all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse" as listed in paragraph 1 of Article 19. The term 'violence' has been chosen here to represent all forms of harm to children as listed in paragraph 1 of Article 19, in conformity with the terminology used in the 2006 UN Study on Violence against Children, although the other terms used to describe types of harm (injury, abuse, neglect or negligent treatment, maltreatment and exploitation) carry equal weight.

[para.12] Addressing and eliminating the widespread prevalence and incidence of violence against children is an obligation of States Parties under the Convention. Securing and promoting children's fundamental rights to respect for their human dignity and physical and psychological integrity, through the prevention of all forms of violence, is essential for promoting the full set of child rights in the Convention.....Strategies and systems to prevent and respond to violence must therefore adopt a child rights rather than a welfare approach.

[para.16] The Committee has consistently maintained the position that *all* forms of violence against children, however light, are unacceptable. "All forms of physical or mental violence" does not leave room for any level of legalized violence against children.

[para.19-27]...Forms of violence includes...:Neglect or negligent treatment;...Mental violence;...Physical violence; Corporal punishment;Sexual abuse and exploitation;Torture and inhuman or degrading treatment or punishment;...Self-harm;.....Harmful practices.....Children with disabilities may be subject to particular forms of physical violence such as: forced sterilisation, particularly girls; violence in the guise of treatment (for example electroconvulsive treatment (ECT) and electric shocks used as 'aversion treatment' to control children's behaviour);.....

[para.34].....children are at risk of being exposed to violence in many settings where professionals and State actors have often misused their power over children, such as schools, residential homes, police stations or justice institutions. All of these conditions fall under the scope of Article 19, which is not limited to violence perpetrated solely by caregivers in a personal context.

[para.53] The Committee stresses that States Parties shall take adequate measures to assure to every child the right to protection from all forms of violence "without discrimination of any kind.....States Parties must address discrimination against vulnerable or marginalized groups of children.....and make proactive efforts to ensure that such children are assured their right to protection on an equal basis with all other children.

[para.54] The Committee emphasizes that the interpretation of a child's best interests must be consistent with the whole Convention, including the obligation to protect children from all forms of violence. It cannot be used to justify practices, including corporal punishment and other forms of cruel or degrading punishment, which conflict with the child's human dignity and right to physical integrity. An adult's judgment of a child's best interests cannot override the obligation to respect all the child's rights under the Convention.

[para.65].....States Parties should ensure that policies and measures take into account the different risks facing girls and boys in respect of various forms of violence in various settings.....States should address all forms of gender discrimination as part of a comprehensive violence-prevention strategy. This includes addressing gender-based stereotypes, power imbalances, inequalities and discrimination which support and perpetuate the use of violence and coercion in the home, in school and educational settings, in communities, in the workplace, in institutions and in society more broadly.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

CEDAW Key Articles	CEDAW General Recommendations
<p>[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:</p> <p>(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;</p> <p>[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.</p> <p>[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.....;</p>	<p>[No.12: Violence Against Women]: The Committee on the Elimination of Discrimination against Women..... Recommends to the States parties that they should include in their periodic reports to the Committee information about: The legislation in force to protect women against the incidence of all kinds of violence in everyday life (including sexual violence, abuses in the family, sexual harassment at the workplace, etc.); 2. Other measures adopted to eradicate this violence; 3. The existence of support services for women who are the victims of aggression or abuses; 4. Statistical data on the incidence of violence of all kinds against women and on women who are the victims of violence.</p> <p>[No.18: Disabled women]: The Committee on the Elimination of Discrimination against Women recommends that States parties provide information on disabled women in their periodic reports, and on measures taken to deal with their particular situation, including special measures to ensure that they have equal access to education and employment, health services and social security, and to ensure that they can participate in all areas of social and cultural life.</p> <p>[No.19: Violence against women]: [para.24].... the Committee on the Elimination of Discrimination against Women recommends: (a) States parties should take appropriate and effective measures to overcome all forms of gender-based violence, whether by public or private act; (b) States parties should ensure that laws against family violence and abuse, rape, sexual assault and other gender-based violence give adequate protection to all women, and respect their integrity and dignity. Appropriate protective and support services should be provided for victims. Gender-sensitive training of judicial and law enforcement officers and other public officials is essential for the effective implementation of the Convention; (c) States parties should encourage the compilation of statistics and research on the extent, causes and effects of violence, and on the effectiveness of measures to prevent and deal with violence; (d) Effective measures should be taken to ensure that the media respect and promote respect for women; (e) States parties in their report should identify the nature and extent of attitudes, customs and practices that perpetuate violence against women, and the kinds of violence that result. They should report the measures that they have undertaken to overcome violence, and the effect of those measures; (f) Effective measures should be taken to overcome these attitudes and practices. States should introduce education and public information programmes to help eliminate prejudices which hinder women’s equality; (g) Specific preventive and punitive measures are necessary to overcome trafficking and sexual exploitation; (h) States parties in their reports should describe the extent of all these problems and the measures, including penal provisions, preventive and rehabilitation measures, that have been taken to protect women engaged in prostitution or subject to trafficking and other forms of sexual exploitation. The effectiveness of these measures should also be described; (i) Effective complaints procedures and remedies, including compensation, should be provided; (j) States parties should include in their reports information on sexual harassment, and on measures to protect women from sexual harassment and other forms of violence of coercion in the workplace; (k) States parties should establish or support services for victims of family violence, rape, sex assault and other forms of gender-based violence, including refuges, specially trained health workers, rehabilitation and counselling; (l) States parties should take measures to overcome such practices and should take account of the Committee’s recommendation on female circumcision in reporting on health issues; (m) States parties should ensure that measures are taken to prevent coercion in regard to fertility and reproduction, and to ensure that women are not forced to seek unsafe medical procedures such as illegal abortion because of lack of appropriate services in regard to fertility control; (n) States parties in their reports should state the extent of these problems and should indicate the measures that have been taken and their effect; (o) States parties should ensure that services for victims of violence are accessible to rural women and that where necessary special services are provided to isolated communities; (p) Measures to protect them from violence should include training and employment opportunities and the monitoring of the employment conditions of domestic workers; (q) States parties should report on the risks to rural women, the extent and nature of violence and abuse to which they are subject, their need for and access to support and other services and the effectiveness of measures to overcome violence;</p>

[Article 12]: 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.

[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:

(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;

(r) Measures that are necessary to overcome family violence should include: Criminal penalties where necessary and civil remedies in case of domestic violence; Legislation to remove the defence of honour in regard to the assault or murder of a female family member; Services to ensure the safety and security of victims of family violence, including refuges, counselling and rehabilitation programmes; Rehabilitation programmes for perpetrators of domestic violence; Support services for families where incest or sexual abuse has occurred; (s) States parties should report on the extent of domestic violence and sexual abuse, and on the preventive, punitive and remedial measures that have been taken; (t) That States parties should take all legal and other measures that are necessary to provide effective protection of women against gender-based violence, including, inter alia: Effective legal measures, including penal sanctions, civil remedies compensatory provisions to protect women against all kinds of violence, including, inter alia, violence and abuse in the family, sexual assault and sexual harassment in the workplace; Preventive measures, including public information and education programmes to change attitudes concerning the roles and status of men and women; Protective measures, including refuges, counselling, rehabilitation and support services for women who are the victims of violence or who are at risk of violence; (u) That States parties should report on all forms of gender-based violence, and that such reports should include all available data on the incidence of each form of violence, and on the effects of such violence on the women who are victims; (v) That the reports of States parties should include information on the legal, preventive and protective measures that have been taken to overcome violence against women, and on the effectiveness of such measures.

[No.21: Equality in marriage and family relations]:[para.40] Committee wishes to stress that the provisions of General recommendation 19 (Eleventh session) concerning violence against women have great significance for women's abilities to enjoy rights and freedoms on an equal basis with men. States parties are urged to comply with that general recommendation to ensure that, in both public and family life, women will be free of the gender-based violence that so seriously impedes their rights and freedoms as individuals.

[No.24: Women and health]: [para.15] The obligation to protect rights relating to women's health requires States parties, their agents and officials to take action to prevent and impose sanctions for violations of rights by private persons and organizations. Since gender-based violence is a critical health issue for women, States parties should ensure: (a) The enactment and effective enforcement of laws and the formulation of policies, including health-care protocols and hospital procedures to address violence against women and sexual abuse of girl children and the provision of appropriate health services; (b) Gender-sensitive training to enable health-care workers to detect and manage the health consequences of gender-based violence; (c) Fair and protective procedures for hearing complaints and imposing appropriate sanctions on health-care professionals guilty of sexual abuse of women patients;

[para.25] Women with disabilities, of all ages, often have difficulty with physical access to health services. Women with mental disabilities are particularly vulnerable, while there is limited understanding, in general, of the broad range of risks to mental health to which women are disproportionately susceptible as a result of gender discrimination, violence, poverty, armed conflict, dislocation and other forms of social deprivation. States parties should take appropriate measures to ensure that health services are sensitive to the needs of women with disabilities and are respectful of their human rights and dignity.

[para.29] States parties should implement a comprehensive national strategy to promote women's health throughout their lifespan. This will include interventions aimed at both the prevention and treatment of diseases and conditions affecting women, as well as responding to violence against women, and will ensure universal access for all women to a full range of high-quality and affordable health care, including sexual and reproductive health services.

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)

CAT Key Articles	CAT General Comments
<p>[Article 2]: Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.</p> <p>[Article 16]: Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article 1, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. In particular, the obligations contained in articles 10, 11, 12 and 13 shall apply with the substitution for references to torture of references to other forms of cruel, inhuman or degrading treatment or punishment.</p>	<p>[No.2: Implementation of article 2 by States parties]: [para.18] The Committee has made clear that where State authorities or others acting in official capacity or under colour of law, know or have reasonable grounds to believe that acts of torture or ill-treatment are being committed by non-State officials or private actors and they fail to exercise due diligence to prevent, investigate, prosecute and punish such non-State officials or private actors consistently with the Convention, the State bears responsibility and its officials should be considered as authors, complicit or otherwise responsible under the Convention for consenting to or acquiescing in such impermissible acts.....The Committee has applied this principle to States parties' failure to prevent and protect victims from gender-based violence, such as rape, domestic violence, female genital mutilation, and trafficking.</p> <p>[para.21] The protection of certain minority or marginalized individuals or populations especially at risk of torture is a part of the obligation to prevent torture or ill-treatment. States parties must ensure that, insofar as the obligations arising under the Convention are concerned, their laws are in practice applied to all persons, regardless of race, colour, ethnicity, age, religious belief or affiliation, political or other opinion, national or social origin, gender, sexual orientation, transgender identity, mental or other disability, health status, economic or indigenous status.....States parties should, therefore, ensure the protection of members of groups especially at risk of being tortured, by fully prosecuting and punishing all acts of violence and abuse against these individuals and ensuring implementation of other positive measures of prevention and protection....</p> <p>[para.22] The Committee emphasizes that gender is a key factor. Being female intersects with other identifying characteristics or status of the person....to determine the ways that women and girls are subject to or at risk of torture or ill-treatment and the consequences thereof. The contexts in which females are at risk include deprivation of liberty, medical treatment, particularly involving reproductive decisions, and violence by private actors in communities and homes.</p>

Other Key Human Rights Instruments

Key Articles

Vienna Declaration and Programme of Action

[para.63] The World Conference on Human Rights reaffirms that all human rights and fundamental freedoms are universal and thus unreservedly include persons with disabilities. Every person is born equal and has the same rights to life and welfare, education and work, living independently and active participation in all aspects of society. Any direct discrimination or other negative discriminatory treatment of a disabled person is therefore a violation of his or her rights. The World Conference on Human Rights calls on Governments, where necessary, to adopt or adjust legislation to assure access to these and other rights for disabled persons.

[para.64] The place of disabled persons is everywhere. Persons with disabilities should be guaranteed equal opportunity through the elimination of all socially determined barriers, be they physical, financial, social or psychological, which exclude or restrict full participation in society.

Beijing Declaration and Platform for Action

[eg: at D1.124 b] Refrain from engaging in violence against women and exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons;

[eg: at D1.124 p] Allocate adequate resources within the government budget and mobilize community resources for activities related to the elimination of violence against women, including resources for the implementation of plans of action at all appropriate levels;

[eg: at D1.125 a] Provide well-funded shelters and relief support for girls and women subjected to violence, as well as medical, psychological and other counselling services and free or low-cost legal aid, where it is needed, as well as appropriate assistance to enable them to find a means of subsistence;

[eg: at D1.125 e] Organize, support and fund community-based education and training campaigns to raise awareness about violence against women as a violation of women's enjoyment of their human rights and mobilize local communities to use appropriate gender-sensitive traditional and innovative methods of conflict resolution;

[eg: at L7.283 b] Take appropriate legislative, administrative, social and educational measures to protect the girl child, in the household and in society, from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse;

[eg: at L7.283 d] Enact and enforce legislation protecting girls from all forms of violence, including female infanticide and prenatal sex selection, genital mutilation, incest, sexual abuse, sexual exploitation, child prostitution and child pornography, and develop age-appropriate safe and confidential programmes and medical, social and psychological support services to assist girls who are subjected to violence.

Biwako Millennium Framework for Action Towards an Inclusive, Barrier-free and Rights-based Society for Persons with Disabilities in Asia and the Pacific

[eg: at B3.1] Governments should implement measures to uphold the rights of women with disabilities and to protect them from discrimination. In particular, measures should be implemented to ensure equal access to health services, education, training and employment, and protection from sexual and other forms of abuse and violence.

Biwako Plus Five: Further efforts towards an inclusive, barrier-free and rights-based society for persons with disabilities in Asia and the Pacific

[eg: at IIB.15] Governments recognize that women and girls with disabilities are subject to multiple discrimination and, in this regard, together with self-help organizations, should support the economic, social, cultural and political empowerment of women with disabilities, in particular through leadership and management training on a sustained basis. Governments should take appropriate measures to address discrimination against women with disabilities in all matters, including those relating to marriage, family, parenthood and relationships, to ensure their full development, advancement and empowerment.

UN Resolution S-23/3: Further actions and initiatives to implement the Beijing Declaration and Platform for Action

[eg: at IV 68] Take all appropriate measures to eliminate discrimination and violence against women and girls by any person, organization or enterprise;

[eg: at IV 69 a] As a matter of priority, review and revise legislation, where appropriate, with a view to introducing effective legislation, including on violence against women, and take other necessary measures to ensure that all women and girls are protected against all forms of physical, psychological and sexual violence, and are provided recourse to justice;

[eg: at IV 69 b] Prosecute the perpetrators of all forms of violence against women and girls and sentence them appropriately, and introduce actions aimed at helping and motivating perpetrators to break the cycle of violence and take measures to provide avenues for redress to victims;

[eg: at IV 69 c] Treat all forms of violence against women and girls of all ages as a criminal offence punishable by law, including violence based on all forms of discrimination;

[eg: at IV 69 d] Establish legislation and/or strengthen appropriate mechanisms to handle criminal matters relating to all forms of domestic violence, including marital rape and sexual abuse of women and girls, and ensure that such cases are brought to justice swiftly;

[eg: at IV 69 f] Continue to undertake research to develop a better understanding of the root causes of all forms of violence against women in order to design programmes and take measures towards eliminating those forms of violence;

[eg: at IV 69 j] Adopt and promote a holistic approach to respond to all forms of violence and abuse against girls and women of all ages, including girls and women with disabilities, as well as vulnerable and marginalized women and girls in order to address their diverse needs, including education, provision of appropriate health care and services and basic social services;

[eg: at IV 72 m] Take all appropriate measures to eliminate harmful, medically unnecessary or coercive medical interventions as well as inappropriate medication and overmedication of women and ensure that all women are properly informed of their options, including likely benefits and potential side effects, by properly trained personnel;

[eg: at IV 83 d] Design and implement policies and programmes to address fully specific needs of women and girls with disabilities, to ensure their equal access to education at all levels, including technical and vocational training and adequate rehabilitation programmes, health care and services and employment opportunities, to protect and promote their human rights and, where appropriate, to eliminate existing inequalities between women and men with disabilities.

Commission on the Status of Women (CSW) Fifty-fifth session: Follow-up to the Fourth World Conference on Women and to the twenty-third special session of the General Assembly - Agreed Conclusions

[para.q] Condemn all forms of violence against women and girls and take appropriate action to strengthen and implement legal, policy, administrative and other measures to prevent and eliminate all forms of discrimination and violence....



The right to found a family and to reproductive freedom [Parenting - General]

Concluding Observations of UN Treaty Monitoring Committees

Convention on the Rights of Persons with Disabilities (CRPD)

International Covenant on Economic, Social and Cultural Rights (CESCR)

International Covenant on Civil and Political Rights (CCPR)

Convention on the Rights of the Child (CRC)

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Other Key Human Rights Instruments

Vienna Declaration and Programme of Action (1993)

Beijing Declaration and Platform for Action (BPFA) (1995)

Biwako Millennium Framework (BMF) (2002)

Biwako Plus Five (2007)

UN Resolution S-23/3 Further actions and initiatives to implement the Beijing Declaration and Platform for Action (2000)

Commission on the Status of Women (CSW) Fifty-fifth session (2011)

Recommendations to Australia from the United Nations [Concluding Observations of UN Treaty Monitoring Committees]

<p>Committee on the Elimination of Discrimination against Women (CEDAW) (2006)</p> <p>CEDAW/C/AUL/CO/5</p>	<p>[para.14] The Committee regrets that the report neither provides sufficient statistical data, disaggregated by sex and ethnicity on the practical realization of equality between women and men in all areas covered by the Convention nor information on the impact and results achieved of legal and policy measures taken. It also regrets the absence of sufficient information and data on women with disabilities.</p> <p>[para.15] The Committee requests the State party to include adequate statistical data and analysis, disaggregated by sex, ethnicity and disability, in its next report so as to provide a full picture of the implementation of all the provisions of the Convention. It also recommends that the State party regularly conduct impact assessments of its legislative reforms, policies and programmes to ensure that measures taken lead to the desired goals and that it inform the Committee about the results of these assessments in its next report.</p>
<p>Committee on the Elimination of Discrimination against Women (CEDAW) (2010)</p> <p>CEDAW/C/AUS/CO/7</p>	<p>[para.42] The Committee is concerned that women with disabilities are almost entirely absent from key leadership and decision-making positions and continue to be disadvantaged with regard to educational and employment opportunities. It is concerned about the high levels of violence experienced by women, particularly those living in institutions or supported accommodation. The Committee also notes with concern that non-therapeutic sterilizations of women and girls with disabilities continue to be practiced in some states in Australia and notes that the Commonwealth Government considers this to be a matter for state governments to regulate.</p> <p>[para.43] The Committee urges the State party, in the light of its recent ratification of the Convention on the Rights of Persons with Disabilities, to undertake a comprehensive assessment of the situation of women with disabilities in Australia. The Committee recommends that the State party address, as a matter of priority, the abuse and violence experienced by women with disabilities living in institutions or supported accommodation. The Committee further recommends that the State party adopt urgent measures to ensure that women with disabilities are better represented in decision-making and leadership positions, including through the adoption of temporary special measures such as quotas and targets, in accordance with article 4, paragraph 1 of the Convention and the Committee's general recommendation No. 25. The Committee recommends that the State party enact national legislation prohibiting, except where there is a serious threat to life or health, the use of sterilisation of girls, regardless of whether they have a disability, and of adult women with disabilities in the absence of their fully informed and free consent.</p>
<p>UN General Assembly Human Rights Council (2011)</p> <p>A/HRC/WG.6/10/L.8</p>	<p>[para.86.39] Comply with the recommendations of the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women concerning the sterilization of women and girls with disabilities (Denmark); Enact national legislation prohibiting the use of non-therapeutic sterilisation of children, regardless of whether they have a disability, and of adults with disability without their informed and free consent (United Kingdom); Repeal all legal provisions allowing sterilization of persons with disabilities without their consent and for non-therapeutic reasons (Belgium); Abolish non-therapeutic sterilization of women and girls with disabilities (Germany).</p>
<p>Committee on Economic, Social and Cultural Rights (2009)</p> <p>E/C.12/AUS/CO/4</p>	<p>[para.16] The Committee regrets that insufficient measures have been taken by the State party to ensure an adequate standard of living for persons with disabilities.... The Committee encourages the State party to strengthen its efforts towards the adoption of concrete measures to enable persons with disabilities to fully enjoy the rights guaranteed by the Covenant.</p>

Committee on the Rights of the Child (2005)

CRC/C/15/Add.268

[para.10] The Committee recommends that the State party strengthen its efforts to bring its domestic laws and practice into conformity with the principles and provisions of the Convention, and to ensure that effective remedies will be always available in case of violation of the rights of the child.

[para.29] The Committee notes the efforts of the State party to implement fully article 12 of the Convention, but is concerned that the views of the child are not always sufficiently taken into account in judicial and administrative proceedings affecting the child.....

[para.30] The Committee recommends that the right of the child to express his/her views in all matters affecting him/her be expressly provided in the Family Law reform.....

[para.45] While the Committee notes the States party's initiatives addressing the rights of children with disabilities, it is concerned about the paucity of information on disabled children, especially when it comes to data on disabled indigenous children, alternative care for children with disabilities and children with disabilities living in remote or rural areas. The Committee also notes that a governmental working group is addressing the issue of sterilization of children with so-called "decision-making" disabilities.

[para.46] In the light of the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and of the Committee's recommendations adopted at its day of general discussion on "Children with disabilities" (see CRC/C/69), the Committee encourages the State party to actively pursue its current efforts and: (b) To ensure that children with disabilities have equal opportunities to participate fully in all spheres of life and to strengthen public awareness campaigns to change negative public attitudes; (c) To undertake greater efforts to make available the necessary professional (i.e. disability specialists) and financial resources, especially at the local level, and to promote and expand community-based rehabilitation programmes, including parental support groups;.... (e) To prohibit the sterilization of children, with or without disabilities, and promote and implement other measures of prevention of unwanted pregnancies, e.g. injection of contraceptives, when appropriate.

Convention on the Rights of Persons with Disabilities (CRPD)

CRPD Key Articles

[Article 4]: 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.....

[Article 6]: 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. 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 17]: Every person with disabilities has a right to respect for his or her physical and mental integrity on an equal basis with others.

[Article 23]: 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. 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 childrearing responsibilities.

[Article 25]: 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.....

[Article 28]: 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.

International Covenant on Economic, Social and Cultural Rights (CESCR)

CESCR Key Articles	CESCR General Comments
<p>[Article 2]: The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind.....</p> <p>[Article 9]: The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.</p> <p>[Article 10]:.....Special protection should be accorded to mothers during a reasonable period before and after childbirth.</p> <p>[Article 12]: The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.....</p>	<p>[No.5: Persons with Disabilities]: [para.19] The Committee....urges States parties to address the situation of women with disabilities, with high priority being given in future to the implementation of economic, social and cultural rights-related programmes.</p> <p>[para.30] In the case of persons with disabilities, the Covenant’s requirement that “protection and assistance” be rendered to the family means that everything possible should be done to enable such persons, when they so wish, to live with their families. Article 10 also implies, subject to the general principles of international human rights law, the right of persons with disabilities to marry and have their own family. These rights are frequently ignored or denied, especially in the case of persons with mental disabilities. In this and other contexts, the term “family” should be interpreted broadly and in accordance with appropriate local usage. States parties should ensure that laws and social policies and practices do not impede the realization of these rights. Persons with disabilities should have access to necessary counselling services in order to fulfil their rights and duties within the family.</p> <p>[para.31] Women with disabilities also have the right to protection and support in relation to motherhood and pregnancy. As the Standard Rules state, “persons with disabilities must not be denied the opportunity to experience their sexuality, have sexual relationships and experience parenthood”. The needs and desires in question should be recognized and addressed in both the recreational and the procreational contexts. These rights are commonly denied to both men and women with disabilities worldwide. Both the sterilization of, and the performance of an abortion on, a woman with disabilities without her prior informed consent are serious violations of article 10 (2).</p> <p>[para.33] In addition to the need to ensure that persons with disabilities have access to adequate food, accessible housing and other basic material needs, it is also necessary to ensure that “support services, including assistive devices” are available “for persons with disabilities, to assist them to increase their level of independence in their daily living and to exercise their rights”...</p> <p>[No.14: The Right to Health]: [para.8] The right to health contains both freedoms and entitlements. The freedoms include the right to control one’s health and body, including sexual and reproductive freedom, and the right to be free from interference, such as the right to be free from torture, non-consensual medical treatment and experimentation.</p> <p>[para.11] The Committee interprets the right to health.....as an inclusive right extending not only to timely and appropriate health care but also to the underlying determinants of health, such as access to safe and potable water and adequate sanitation, an adequate supply of safe food, nutrition and housing, healthy occupational and environmental conditions, and access to health-related education and information, including on sexual and reproductive health.</p> <p>[para.14] “The provision for the reduction of the stillbirth rate and of infant mortality and for the healthy development of the child” (art. 12.2 (a)) may be understood as requiring measures to improve child and maternal health, sexual and reproductive health services, including access to family planning, pre- and post-natal care, emergency obstetric services and access to information, as well as to resources necessary to act on that information.</p>

[para.21] To eliminate discrimination against women, there is a need to develop and implement a comprehensive national strategy for promoting women's right to health throughout their life span. Such a strategy should include interventions aimed at the prevention and treatment of diseases affecting women, as well as policies to provide access to a full range of high quality and affordable health care, including sexual and reproductive services. A major goal should be reducing women's health risks, particularly lowering rates of maternal mortality and protecting women from domestic violence. The realization of women's right to health requires the removal of all barriers interfering with access to health services, education and information, including in the area of sexual and reproductive health. It is also important to undertake preventive, promotive and remedial action to shield women from the impact of harmful traditional cultural practices and norms that deny them their full reproductive rights.

[para.26] The Committee reaffirms paragraph 34 of its general comment No. 5, which addresses the issue of persons with disabilities in the context of the right to physical and mental health. Moreover, the Committee stresses the need to ensure that not only the public health sector but also private providers of health services and facilities comply with the principle of non-discrimination in relation to persons with disabilities.

[para.35] States are also obliged to ensure that harmful social or traditional practices do not interfere with access to pre- and post-natal care and family planning; to prevent third parties from coercing women to undergo traditional practices, e.g. female genital mutilation; and to take measures to protect all vulnerable or marginalized groups of society, in particular women, children, adolescents and older persons, in the light of gender-based expressions of violence. States should also ensure that third parties do not limit people's access to health-related information and services.

[para.43]...the Committee confirms that States parties have a core obligation to ensure the satisfaction of, at the very least, minimum essential levels of each of the rights enunciated in the Covenant...in the Committee's view, these core obligations include at least the following obligations: (a) To ensure the right of access to health facilities, goods and services on a non-discriminatory basis, especially for vulnerable or marginalized groups.....;

[para.44] The Committee also confirms that the following are obligations of comparable priority: (a) To ensure reproductive, maternal (prenatal as well as post-natal) and child health care;....(d) To provide education and access to information concerning the main health problems in the community, including methods of preventing and controlling them; (e) To provide appropriate training for health personnel, including education on health and human rights.

[No.16: The equal right of men and women to the enjoyment of all economic, social and cultural rights]: [para.27] Article 10, paragraph 1, of the Covenant requires that States parties recognize that the widest possible protection and assistance should be accorded to the family...

[para.29] Article 12 of the Covenant requires States parties to undertake steps towards the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. The implementation of article 3, in relation to article 12, requires at a minimum the removal of legal and other obstacles that prevent men and women from accessing and benefiting from health care on a basis of equality. This includes, inter alia, addressing the ways in which gender roles affect access to determinants of health, such as water and food; the removal of legal restrictions on reproductive health provisions; the prohibition of female genital mutilation; and the provision of adequate training for health-care workers to deal with women's health issues.

[No.19: The right to social security]: [para.13] States parties have an obligation to guarantee that health systems are established to provide adequate access to health services for all....

[para.13] Benefits for families are crucial for realizing the rights of children and adult dependents to protection under articles 9 and 10 of the Covenant. In providing the benefits, the State party should take into account the resources and circumstances of the child and persons having responsibility for the maintenance of the child or adult dependent, as well as any other consideration relevant to an application for benefits made by or on behalf of the child or adult dependent. Family and child benefits, including cash benefits and social services, should be provided to families, without discrimination on prohibited grounds, and would ordinarily cover food, clothing, housing, water and sanitation, or other rights as appropriate.

[para.19] Article 10 of the Covenant expressly provides that “working mothers should be accorded paid leave or leave with adequate social security benefits”. Paid maternity leave should be granted to all women, including those involved in atypical work, and benefits should be provided for an adequate period. Appropriate medical benefits should be provided for women and children, including perinatal, childbirth and postnatal care and care in hospital where necessary.

[para.20] In its general comment No. 5....., the Committee emphasized the importance of providing adequate income support to persons with disabilities who, owing to disability or disability-related factors, have temporarily lost, or received a reduction in, their income, have been denied employment opportunities or have a permanent disability. Such support should be provided in a dignified manner and reflect the special needs for assistance and other expenses often associated with disability. The support provided should cover family members and other informal carers.

[para.22] Benefits, whether in cash or in kind, must be adequate in amount and duration in order that everyone may realize his or her rights to family protection and assistance, an adequate standard of living and adequate access to health care, as contained in articles 10, 11 and 12 of the Covenant. States parties must also pay full respect to the principle of human dignity contained in the preamble of the Covenant, and the principle of non-discrimination, so as to avoid any adverse effect on the levels of benefits and the form in which they are provided.....

[No.20: Non-discrimination in economic, social and cultural rights]: [para.4] The Covenant also explicitly mentions the principles of non-discrimination and equality with respect to some individual rights.....Article 10 stipulates that, inter alia, mothers should be accorded special protection during a reasonable period before and after childbirth and that special measures of protection and assistance should be taken for children and young persons without discrimination.

[para.8]...In order for States parties to “guarantee” that the Covenant rights will be exercised without discrimination of any kind, discrimination must be eliminated both formally and substantively.....The effective enjoyment of Covenant rights is often influenced by whether a person is a member of a group characterized by the prohibited grounds of discrimination. Eliminating discrimination in practice requires paying sufficient attention to groups of individuals which suffer historical or persistent prejudice instead of merely comparing the formal treatment of individuals in similar situations. States parties must therefore immediately adopt the necessary measures to prevent, diminish and eliminate the conditions and attitudes which cause or perpetuate substantive or de facto discrimination.

International Covenant on Civil and Political Rights (CCPR)	
CCPR Key Articles	CCPR General Comments
<p>[Article 23]: The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.....States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.</p>	<p>[No.19: The family]: [para.4] Article 23, paragraph 2, of the Covenant reaffirms the right of men and women of marriageable age to marry and to found a family.....</p> <p>[para.5] The right to found a family implies, in principle, the possibility to procreate and live together. When States parties adopt family planning policies, they should be compatible with the provisions of the Covenant and should, in particular, not be discriminatory or compulsory.....</p> <p>[No.28: The equality of rights between men and women]: [para.10] When reporting on the right to life protected by article 6, States parties should provide data on birth rates and on pregnancy- and childbirth-related deaths of women. Gender-disaggregated data should be provided on infant mortality rates. States parties should give information on any measures taken by the State to help women prevent unwanted pregnancies, and to ensure that they do not have to undergo life-threatening clandestine abortions. States parties should also report on measures to protect women from practices that violate their right to life, such as female infanticide, the burning of widows and dowry killings. The Committee also wishes to have information on the particular impact on women of poverty and deprivation that may pose a threat to their lives.</p> <p>[para.27] In giving effect to recognition of the family in the context of article 23, it is important to accept the concept of the various forms of family, including unmarried couples and their children and single parents and their children, and to ensure the equal treatment of women in these contexts..... Single-parent families frequently consist of a single woman caring for one or more children, and States parties should describe what measures of support are in place to enable her to discharge her parental functions on the basis of equality with a man in a similar position.</p>

Convention on the Rights of the Child (CRC)	
CRC Key Articles	CRC General Comments
<p>[Article 2]: States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind...States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination.</p>	<p>[No.4: Adolescent health and development]: [para.12] The Committee calls upon States parties to develop and implement, in a manner consistent with adolescents’ evolving capacities, legislation, policies and programmes to promote the health and development of adolescents by (a) providing parents (or legal guardians) with appropriate assistance through the development of institutions, facilities and services that adequately support the well-being of adolescents, including, when needed, the provision of material assistance and support with regard to nutrition, clothing and housing;.. (b) providing adequate information and parental support to facilitate the development of a relationship of trust and confidence in which issues regarding, for example, sexuality and sexual behaviour and risky lifestyles can be openly discussed and acceptable solutions found that respect the adolescent’s rights (art. 27 (3)); (c) providing adolescent mothers and fathers with support and guidance for both their own and their children’s well-being;...(d) giving, while respecting the values and norms of ethnic and other minorities, special attention, guidance and support to adolescents and parents (or legal guardians), whose traditions and norms may differ from those in the society where they live; and (e) ensuring that interventions in the family to protect the adolescent and, when necessary, separate her/him from the family, e.g. in case of abuse or neglect, are in accordance with applicable laws and procedures. Such laws and procedures should be reviewed to ensure that they conform to the principles of the Convention.</p>

[Article 5]: States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

[Article 18]: States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

[Article 23]: States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.

[Article 24]: States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health....

[No.7: Implementing child rights in early childhood]: [para.18]....The Committee urges States parties to take all necessary steps to ensure that parents are able to take primary responsibility for their children; to support parents in fulfilling their responsibilities.....

[para.20]....States parties are required to render appropriate assistance to parents, legal guardians and extended families in the performance of their child-rearing responsibilities....., including assisting parents in providing living conditions necessary for the child's development...and ensuring that children receive necessary protection and care...realizing children's rights is in large measure dependent on the well-being and resources available to those with responsibility for their care. Recognizing these interdependencies is a sound starting point for planning assistance and services to parents, legal guardians and other caregivers. For example: (a) An integrated approach would include interventions that impact indirectly on parents' ability to promote the best interests of children (e.g. taxation and benefits, adequate housing, working hours) as well as those that have more immediate consequences (e.g. perinatal health services for mother and baby, parent education, home visitors); (b) Providing adequate assistance should take account of the new roles and skills required of parents, as well as the ways that demands and pressures shift during early childhood - for example, as children become more mobile, more verbally communicative, more socially competent, and as they begin to participate in programmes of care and education; (c) Assistance to parents will include provision of parenting education, parent counselling and other quality services for mothers, fathers, siblings, grandparents and others who from time to time may be responsible for promoting the child's best interests; (d) Assistance also includes offering support to parents and other family members in ways that encourage positive and sensitive relationships with young children and enhance understanding of children's rights and best interests.

[para.21] Appropriate assistance to parents can best be achieved as part of comprehensive policies for early childhood....., including provision for health, care and education during the early years. States parties should ensure that parents are given appropriate support to enable them to involve young children fully in such programmes, especially the most disadvantaged and vulnerable groups. In particular, article 18.3 acknowledges that many parents are economically active, often in poorly paid occupations which they combine with their parental responsibilities. Article 18.3 requires States parties to take all appropriate measures to ensure that children of working parents have the right to benefit from childcare services, maternity protection and facilities for which they are eligible. In this regard, the Committee recommends that States parties ratify the Maternity Protection Convention, 2000 (No. 183) of the International Labour Organization.

[No.9: The rights of children with disabilities]: [para.41]....support should also be extended to children who are affected by the disabilities of their caregivers. For example, a child living with a parent or other caregiver with disabilities should receive the support that would protect fully his or her rights and allow him or her to continue to live with this parent whenever it is in his or her best interests. Support services should also include different forms of respite care, such as care assistance in the home and day-care facilities directly accessible at community level. Such services enable parents to work, as well as relieve stress and maintain healthy family environments.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

CEDAW Key Articles	CEDAW General Recommendations
<p>[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: (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;</p> <p>[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.</p> <p>[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.....;</p>	<p>[No.18: Disabled women]: The Committee on the Elimination of Discrimination against Women recommends that States parties provide information on disabled women in their periodic reports, and on measures taken to deal with their particular situation, including special measures to ensure that they have equal access to education and employment, health services and social security, and to ensure that they can participate in all areas of social and cultural life.</p> <p>[No.21: Equality in marriage and family relations]: [para.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: (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.</p> <p>[para.21] The responsibilities that women have to bear and raise children affect their right of access to education, employment and other activities related to their personal development. They also impose inequitable burdens of work on women. The number and spacing of their children have a similar impact on women’s lives and also affect their physical and mental health, as well as that of their children. For these reasons, women are entitled to decide on the number and spacing of their children.</p> <p>[para.22]....Decisions to have children or not, while preferably made in consultation with spouse or partner, must not nevertheless be limited by spouse, parent, partner or Government. In order to make an informed decision about safe and reliable contraceptive measures, women must have information about contraceptive measures and their use, and guaranteed access to sex education and family planning services, as provided in article 10 (h) of the Convention.</p> <p>[No.24: Women and health]: [para.2] States parties’ compliance with article 12 of the Convention is central to the health and well-being of women. It requires States to eliminate discrimination against women in their access to health-care services throughout the life cycle, particularly in the areas of family planning, pregnancy and confinement and during the post-natal period.....</p> <p>[para.18] States parties should ensure, without prejudice or discrimination, the right to sexual health information, education and services for all women and girls...</p> <p>[para.21] States parties should report on measures taken to eliminate barriers that women face in access to health-care services and what measures they have taken to ensure women timely and affordable access to such services....</p>

[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: (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 12]: 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.

[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: (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;

[para.22] States parties should also report on measures taken to ensure access to quality health-care services, for example, by making them acceptable to women. Acceptable services are those that are delivered in a way that ensures that a woman gives her fully informed consent, respects her dignity, guarantees her confidentiality and is sensitive to her needs and perspectives.....

[para.23] In their reports, States parties should state what measures they have taken to ensure timely access to the range of services that are related to family planning, in particular, and to sexual and reproductive health in general.....

[para.25] Women with disabilities, of all ages, often have difficulty with physical access to health services. Women with mental disabilities are particularly vulnerable, while there is limited understanding, in general, of the broad range of risks to mental health to which women are disproportionately susceptible as a result of gender discrimination, violence, poverty, armed conflict, dislocation and other forms of social deprivation. States parties should take appropriate measures to ensure that health services are sensitive to the needs of women with disabilities and are respectful of their human rights and dignity.

[para.29] States parties should implement a comprehensive national strategy to promote women's health throughout their lifespan. This will include interventions aimed at both the prevention and treatment of diseases and conditions affecting women, as well as responding to violence against women, and will ensure universal access for all women to a full range of high-quality and affordable health care, including sexual and reproductive health services.

[para.31] States parties should also, in particular:.....(b) Ensure the removal of all barriers to women's access to health services, education and information, including in the area of sexual and reproductive health.....(c) Prioritize the prevention of unwanted pregnancy through family planning and sex education and reduce maternal mortality rates through safe motherhood services and prenatal assistance.....(e) Require all health services to be consistent with the human rights of women, including the rights to autonomy, privacy, confidentiality, informed consent and choice;.....

Other Key Human Rights Instruments

Key Articles

Vienna Declaration and Programme of Action

[para.63] The World Conference on Human Rights reaffirms that all human rights and fundamental freedoms are universal and thus unreservedly include persons with disabilities. Every person is born equal and has the same rights to life and welfare, education and work, living independently and active participation in all aspects of society. Any direct discrimination or other negative discriminatory treatment of a disabled person is therefore a violation of his or her rights. The World Conference on Human Rights calls on Governments, where necessary, to adopt or adjust legislation to assure access to these and other rights for disabled persons.

[para.64] The place of disabled persons is everywhere. Persons with disabilities should be guaranteed equal opportunity through the elimination of all socially determined barriers, be they physical, financial, social or psychological, which exclude or restrict full participation in society.

Beijing Declaration and Platform for Action

[eg: at C1.106 e] Provide more accessible, available and affordable primary health-care services of high quality, including sexual and reproductive health care, which includes family planning information and services, and giving particular attention to maternal and emergency obstetric care, as agreed to in the Programme of Action of the International Conference on Population and Development;

[eg: at C1.106 o] Ensure that girls and women of all ages with any form of disability receive supportive services;

[eg: at C2.107 d] Reinforce laws, reform institutions and promote norms and practices that eliminate discrimination against women and encourage both women and men to take responsibility for their sexual and reproductive behaviour; ensure full respect for the integrity of the person, take action to ensure the conditions necessary for women to exercise their reproductive rights and eliminate coercive laws and practices;

[eg: at C2.107 h] Develop policies that reduce the disproportionate and increasing burden on women who have multiple roles within the family and the community by providing them with adequate support and programmes from health and social services;

[Para 29] Women play a critical role in the family. The family is the basic unit of society and as such should be strengthened. It is entitled to receive comprehensive protection and support. In different cultural, political and social systems, various forms of the family exist. The rights, capabilities and responsibilities of family members must be respected. Women make a great contribution to the welfare of the family and to the development of society, which is still not recognized or considered in its full importance. The social significance of maternity, motherhood and the role of parents in the family and in the upbringing of children should be acknowledged. The upbringing of children requires shared responsibility of parents, women and men and society as a whole. Maternity, motherhood, parenting and the role of women in procreation must not be a basis for discrimination nor restrict the full participation of women in society. Recognition should also be given to the important role often played by women in many countries in caring for other members of their family.

[eg: at L9.285 a] Formulate policies and programmes to help the family, as defined in paragraph 29, in its supporting, educating and nurturing roles.....;

[eg: at L9.285 b] Provide an environment conducive to the strengthening of the family, as defined in paragraph 29, with a view to providing supportive and preventive measures which protect, respect and promote the potential of the girl child;

[eg: at L9.285 c] Educate and encourage parents and caregivers to treat girls and boys equally and to ensure shared responsibilities between girls and boys in the family, as defined in paragraph 29.

Biwako Millennium Framework for Action Towards an Inclusive, Barrier-free and Rights-based Society for Persons with Disabilities in Asia and the Pacific

[eg: at B3.1] Governments should implement measures to uphold the rights of women with disabilities and to protect them from discrimination. In particular, measures should be implemented to ensure equal access to health services, education, training and employment, and protection from sexual and other forms of abuse and violence.

[eg: at B3.12] All agencies, including Governments, NGOs, self-help organizations, donors and civil society must promote and uphold at all times the rights of women with disabilities to choice and self-determination.

Biwako Plus Five: Further efforts towards an inclusive, barrier-free and rights-based society for persons with disabilities in Asia and the Pacific

[eg: at IIIB.15] Governments recognize that women and girls with disabilities are subject to multiple discrimination and, in this regard, together with self-help organizations, should support the economic, social, cultural and political empowerment of women with disabilities, in particular through leadership and management training on a sustained basis. Governments should take appropriate measures to address discrimination against women with disabilities in all matters, including those relating to marriage, family, parenthood and relationships, to ensure their full development, advancement and empowerment.

UN Resolution S-23/3: Further actions and initiatives to implement the Beijing Declaration and Platform for Action

[eg: at IV 68g] Take measures, including programmes and policies, to ensure that maternity, motherhood and parenting and the role of women in procreation are not used as a basis for discrimination nor restrict the full participation of women in society;

[eg: at IV 68j] Take all appropriate measures to eliminate discrimination and violence against women and girls by any person, organization or enterprise;

[eg: at IV 72 h] Eliminate discrimination against all women and girls in the access to health information, education and health care and health services;

[eg: at IV 72 i] Reproductive health is a state of complete physical, mental and social well-being, and not merely the absence of disease or infirmity, in all matters relating to the reproductive system and to its functions and processes. Reproductive health therefore implies that people are able to have a satisfying and safe sex life and that they have the capability to reproduce and the freedom to decide if, when and how often to do so. Implicit in this last condition is the right of men and women to be informed and to have access to safe, effective, affordable and acceptable methods of family planning of their choice, as well as other methods of their choice for regulation of fertility which are not against the law, and the right of access to appropriate health-care services that will enable women to go safely through pregnancy and childbirth..... In line with the above definition of reproductive health, reproductive health care is defined as the constellation of methods, techniques and services that contribute to reproductive health and well-being by preventing and solving reproductive health problems. It also includes sexual health, the purpose of which is the enhancement of life and personal relations, and not merely counselling and care related to reproduction and sexually transmitted diseases;

[eg: at IV 72 j] Given the above definition, reproductive rights embrace certain human rights that are already recognized in national laws, international human rights documents and other consensus documents. These rights rest on the recognition of the basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so, and the right to attain the highest standard of sexual and reproductive health. They also include their right to make decisions concerning reproduction free of discrimination, coercion and violence, as expressed in human rights documents..... The promotion of the responsible exercise of these rights for all people should be the fundamental basis for government- and community-supported policies and programmes in the area of reproductive health, including family planning. As part of their commitment, full attention should be given to the promotion of mutually respectful and equitable gender relations and particularly to meeting the educational and service needs of adolescents to enable them to deal in a positive and responsible way with their sexuality.....;

[eg: at IV 72 k] The human rights of women include their 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. Equal relationships between women and men in matters of sexual relations and reproduction, including full respect for the integrity of the person, require mutual respect, consent and shared responsibility for sexual behaviour and its consequences;

[eg: at IV 72 l] Design and implement programmes to encourage and enable men to adopt safe and responsible sexual and reproductive behaviour, and to use effectively methods to prevent unwanted pregnancies and sexually transmitted infections, including HIV/AIDS;

[eg: at IV 72 m] Take all appropriate measures to eliminate harmful, medically unnecessary or coercive medical interventions as well as inappropriate medication and overmedication of women and ensure that all women are properly informed of their options, including likely benefits and potential side effects, by properly trained personnel;

[eg: at IV 83 d] Design and implement policies and programmes to address fully specific needs of women and girls with disabilities, to ensure their equal access to education at all levels, including technical and vocational training and adequate rehabilitation programmes, health care and services and employment opportunities, to protect and promote their human rights and, where appropriate, to eliminate existing inequalities between women and men with disabilities.

Commission on the Status of Women (CSW) Fifty-fifth session: Follow-up to the Fourth World Conference on Women and to the twenty-third special session of the General Assembly - Agreed Conclusions

[eg: at para.x] Ensure women's and girls' right to education at all levels as well as access to life skills and sex education based on full and accurate information and, with respect to girls and boys, in a manner consistent with their evolving capacities, and with appropriate direction and guidance from parents and legal guardians, in order to help women and girls, men and boys, to develop knowledge to enable them to make informed and responsible decisions to reduce early childbearing and maternal mortality, to promote access to pre- and post-natal care and to combat sexual harassment and gender-based violence;



The right to found a family and to reproductive freedom [Parenting - Child Removal by Authorities]

Concluding Observations of UN Treaty Monitoring Committees

Convention on the Rights of Persons with Disabilities (CRPD)

International Covenant on Economic, Social and Cultural Rights (CESCR)

International Covenant on Civil and Political Rights (CCPR)

Convention on the Rights of the Child (CRC)

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Other Key Human Rights Instruments

Vienna Declaration and Programme of Action (1993)

Beijing Declaration and Platform for Action (BPFA) (1995)

Biwako Millennium Framework (BMF) (2002)

Biwako Plus Five (2007)

UN Resolution S-23/3 Further actions and initiatives to implement the Beijing Declaration and Platform for Action (2000)

Commission on the Status of Women (CSW) Fifty-fifth session (2011)

Recommendations to Australia from the United Nations [Concluding Observations of UN Treaty Monitoring Committees]

<p>Committee on the Elimination of Discrimination against Women (CEDAW) (2006)</p> <p>CEDAW/C/AUL/CO/5</p>	<p>[para.14] The Committee regrets that the report neither provides sufficient statistical data, disaggregated by sex and ethnicity on the practical realization of equality between women and men in all areas covered by the Convention nor information on the impact and results achieved of legal and policy measures taken. It also regrets the absence of sufficient information and data on women with disabilities.</p> <p>[para.15] The Committee requests the State party to include adequate statistical data and analysis, disaggregated by sex, ethnicity and disability, in its next report so as to provide a full picture of the implementation of all the provisions of the Convention. It also recommends that the State party regularly conduct impact assessments of its legislative reforms, policies and programmes to ensure that measures taken lead to the desired goals and that it inform the Committee about the results of these assessments in its next report.</p>
<p>Committee on the Elimination of Discrimination against Women (CEDAW) (2010)</p> <p>CEDAW/C/AUS/CO/7</p>	<p>[para.42] The Committee is concerned that women with disabilities are almost entirely absent from key leadership and decision-making positions and continue to be disadvantaged with regard to educational and employment opportunities. It is concerned about the high levels of violence experienced by women, particularly those living in institutions or supported accommodation. The Committee also notes with concern that non-therapeutic sterilizations of women and girls with disabilities continue to be practiced in some states in Australia and notes that the Commonwealth Government considers this to be a matter for state governments to regulate.</p> <p>[para.43] The Committee urges the State party, in the light of its recent ratification of the Convention on the Rights of Persons with Disabilities, to undertake a comprehensive assessment of the situation of women with disabilities in Australia. The Committee recommends that the State party address, as a matter of priority, the abuse and violence experienced by women with disabilities living in institutions or supported accommodation. The Committee further recommends that the State party adopt urgent measures to ensure that women with disabilities are better represented in decision-making and leadership positions, including through the adoption of temporary special measures such as quotas and targets, in accordance with article 4, paragraph 1 of the Convention and the Committee’s general recommendation No. 25. The Committee recommends that the State party enact national legislation prohibiting, except where there is a serious threat to life or health, the use of sterilisation of girls, regardless of whether they have a disability, and of adult women with disabilities in the absence of their fully informed and free consent.</p>
<p>Committee on Economic, Social and Cultural Rights (2009)</p> <p>E/C.12/AUS/CO/4</p>	<p>[para.16] The Committee regrets that insufficient measures have been taken by the State party to ensure an adequate standard of living for persons with disabilities.... The Committee encourages the State party to strengthen its efforts towards the adoption of concrete measures to enable persons with disabilities to fully enjoy the rights guaranteed by the Covenant.</p>

Committee on the Rights of the Child (2005)

CRC/C/15/Add.268

[para.27] The Committee is concerned that this principle [Best interests of the child], while laid down in many laws and policies, is not always reflected in the implementation phase of legislation and policies, e.g. in the area of alternative care.

[para.28] The Committee recommends that the State party strengthen its efforts to ensure effective implementation of the general principle of the best interests of the child as enshrined in article 3 of the Convention in all legal provisions as well as in judicial and administrative decisions and in projects, programmes and services that have an impact on children.

[para.29] The Committee notes the efforts of the State party to implement fully article 12 of the Convention, but is concerned that the views of the child are not always sufficiently taken into account in judicial and administrative proceedings affecting the child.....

[para.30] The Committee recommends that the right of the child to express his/her views in all matters affecting him/her be expressly provided in the Family Law reform.....

[para.37] The Committee notes with concern the considerable increase in the number of children in out-of-home care in recent years as well as the over-representation of indigenous children in out-of-home care. Furthermore, the Committee is concerned about: (a) The lack of stability and security of children placed in alternative care; (b) The difficulties for children in maintaining contact with their families; (c) The inadequate medical care, e.g. physical, dental and mental health services.

[para.38] The Committee recommends that the State party take measures to strengthen the current programmes of family support, e.g. by targeting the most vulnerable families, in order to reduce the number of children placed in out-of-home care. It further recommends that the State party: (a) Strengthen its support for foster care, e.g. by improving equal access to adequate medical care by children in foster care; (b) Strengthen supervision of foster care and establish regular review of this kind of placement with a view to reuniting the child with his/her natural family; (c) Promote and facilitate the maintenance of contact of the child in foster care with his/her natural family.

Convention on the Rights of Persons with Disabilities (CRPD)

CRPD Key Articles

[Article 4]: 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.....

[Article 6]: 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. 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 14]: 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. 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 the present Convention, including by provision of reasonable accommodation.

[Article 15]: 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.

[Article 17]: 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]:.....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 23]: 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. 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 childrearing responsibilities.

International Covenant on Economic, Social and Cultural Rights (CESCR)

CESCR Key Articles	CESCR General Comments
<p>[Article 2]: The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind.....</p> <p>[Article 9]: The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.</p> <p>[Article 10]:.....Special protection should be accorded to mothers during a reasonable period before and after childbirth.</p> <p>[Article 12]: The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.....</p>	<p>[No.5: Persons with Disabilities]: [para.19] The Committee....urges States parties to address the situation of women with disabilities, with high priority being given in future to the implementation of economic, social and cultural rights-related programmes.</p> <p>[para.30] In the case of persons with disabilities, the Covenant’s requirement that “protection and assistance” be rendered to the family means that everything possible should be done to enable such persons, when they so wish, to live with their families. Article 10 also implies, subject to the general principles of international human rights law, the right of persons with disabilities to marry and have their own family. These rights are frequently ignored or denied, especially in the case of persons with mental disabilities. In this and other contexts, the term “family” should be interpreted broadly and in accordance with appropriate local usage. States parties should ensure that laws and social policies and practices do not impede the realization of these rights. Persons with disabilities should have access to necessary counselling services in order to fulfil their rights and duties within the family.</p> <p>[para.31] Women with disabilities also have the right to protection and support in relation to motherhood and pregnancy. As the Standard Rules state, “persons with disabilities must not be denied the opportunity to experience their sexuality, have sexual relationships and experience parenthood”. The needs and desires in question should be recognized and addressed in both the recreational and the procreational contexts. These rights are commonly denied to both men and women with disabilities worldwide. Both the sterilization of, and the performance of an abortion on, a woman with disabilities without her prior informed consent are serious violations of article 10 (2).</p> <p>[para.33] In addition to the need to ensure that persons with disabilities have access to adequate food, accessible housing and other basic material needs, it is also necessary to ensure that “support services, including assistive devices” are available “for persons with disabilities, to assist them to increase their level of independence in their daily living and to exercise their rights”...</p> <p>[No.14: The Right to Health]: [para.14] “The provision for the reduction of the stillbirth rate and of infant mortality and for the healthy development of the child” (art. 12.2 (a)) may be understood as requiring measures to improve child and maternal health, sexual and reproductive health services, including access to family planning, pre- and post-natal care, emergency obstetric services and access to information, as well as to resources necessary to act on that information.</p> <p>[para.35] States are also obliged to ensure that harmful social or traditional practices do not interfere with access to pre- and post-natal care and family planning; to prevent third parties from coercing women to undergo traditional practices, e.g. female genital mutilation; and to take measures to protect all vulnerable or marginalized groups of society, in particular women, children, adolescents and older persons, in the light of gender-based expressions of violence. States should also ensure that third parties do not limit people’s access to health-related information and services.</p> <p>[para.43]...the Committee confirms that States parties have a core obligation to ensure the satisfaction of, at the very least, minimum essential levels of each of the rights enunciated in the Covenant...in the Committee’s view, these core obligations include at least the following obligations: (a) To ensure the right of access to health facilities, goods and services on a non-discriminatory basis, especially for vulnerable or marginalized groups.....;</p> <p>[para.44] The Committee also confirms that the following are obligations of comparable priority: (a) To ensure reproductive, maternal (prenatal as well as post-natal) and child health care;</p>

[No.16: The equal right of men and women to the enjoyment of all economic, social and cultural rights]: [para.27] Article 10, paragraph 1, of the Covenant requires that States parties recognize that the widest possible protection and assistance should be accorded to the family...

[No.19: The right to social security]: [para.20] In its general comment No. 5....., the Committee emphasized the importance of providing adequate income support to persons with disabilities who, owing to disability or disability-related factors, have temporarily lost, or received a reduction in, their income, have been denied employment opportunities or have a permanent disability. Such support should be provided in a dignified manner and reflect the special needs for assistance and other expenses often associated with disability. The support provided should cover family members and other informal carers.

[No.20: Non-discrimination in economic, social and cultural rights]: [para.4] The Covenant also explicitly mentions the principles of non-discrimination and equality with respect to some individual rights.....Article 10 stipulates that, inter alia, mothers should be accorded special protection during a reasonable period before and after childbirth and that special measures of protection and assistance should be taken for children and young persons without discrimination.

[para.8]...In order for States parties to “guarantee” that the Covenant rights will be exercised without discrimination of any kind, discrimination must be eliminated both formally and substantively.....The effective enjoyment of Covenant rights is often influenced by whether a person is a member of a group characterized by the prohibited grounds of discrimination. Eliminating discrimination in practice requires paying sufficient attention to groups of individuals which suffer historical or persistent prejudice instead of merely comparing the formal treatment of individuals in similar situations. States parties must therefore immediately adopt the necessary measures to prevent, diminish and eliminate the conditions and attitudes which cause or perpetuate substantive or de facto discrimination.

[para.14]...Under international law, a failure to act in good faith to comply with the obligation in article 2, paragraph 2, to guarantee that the rights enunciated in the Covenant will be exercised without discrimination amounts to a violation. Covenant rights can be violated through the direct action or omission by States parties, including through their institutions or agencies at the national and local levels.

International Covenant on Civil and Political Rights (CCPR)

CCPR Key Articles	CCPR General Comments
<p>[Article 23]: The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.....States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.</p>	<p>[No.19: The family]: [para.4] Article 23, paragraph 2, of the Covenant reaffirms the right of men and women of marriageable age to marry and to found a family.....</p> <p>[para.5] The right to found a family implies, in principle, the possibility to procreate and live together. When States parties adopt family planning policies, they should be compatible with the provisions of the Covenant and should, in particular, not be discriminatory or compulsory. Similarly, the possibility to live together implies the adoption of appropriate measures, both at the internal level and as the case may be, in cooperation with other States, to ensure the unity or reunification of families, particularly when their members are separated for political, economic or similar reasons.</p> <p>[para.8] During marriage, the spouses should have equal rights and responsibilities in the family. This equality extends to all matters arising from their relationship, such as choice of residence, running of the household, education of the children and administration of assets. Such equality continues to be applicable to arrangements regarding legal separation or dissolution of the marriage.</p> <p>[para.9] Thus, any discriminatory treatment in regard to the grounds and procedures for separation or divorce, child custody, maintenance or alimony, visiting rights or the loss or recovery of parental authority must be prohibited, bearing in mind the paramount interest of the children in this connection. States parties should, in particular, include information in their reports concerning the provision made for the necessary protection of any children at the dissolution of a marriage or on the separation of the spouses.</p> <p>[No.28: The equality of rights between men and women]: [para.25] To fulfil their obligations under article 23, paragraph 4, States parties must ensure that the matrimonial regime contains equal rights and obligations for both spouses with regard to the custody and care of children.....,</p> <p>[para.27] In giving effect to recognition of the family in the context of article 23, it is important to accept the concept of the various forms of family, including unmarried couples and their children and single parents and their children, and to ensure the equal treatment of women in these contexts.....Single-parent families frequently consist of a single woman caring for one or more children, and States parties should describe what measures of support are in place to enable her to discharge her parental functions on the basis of equality with a man in a similar position.</p>

Convention on the Rights of the Child (CRC)

CRC Key Articles	CRC General Comments
<p>[Article 2]: States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind...States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination.</p> <p>[Article 3]: States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.</p> <p>[Article 5]: States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.</p> <p>[Article 7]: The child 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 his or her parents.</p> <p>[Article 9]: 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 any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests. Where such separation results from any action initiated by a State Party,..... of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child.....</p>	<p>[No.4: Adolescent health and development]: [para.12] The Committee calls upon States parties to develop and implement, in a manner consistent with adolescents' evolving capacities, legislation, policies and programmes to promote the health and development of adolescents by (a) providing parents (or legal guardians) with appropriate assistance through the development of institutions, facilities and services that adequately support the well-being of adolescents, including, when needed, the provision of material assistance and support with regard to nutrition, clothing and housing;.. (b) providing adequate information and parental support to facilitate the development of a relationship of trust and confidence.....; (c) providing adolescent mothers and fathers with support and guidance for both their own and their children's well-being;.....and (e) ensuring that interventions in the family to protect the adolescent and, when necessary, separate her/him from the family, e.g. in case of abuse or neglect, are in accordance with applicable laws and procedures. Such laws and procedures should be reviewed to ensure that they conform to the principles of the Convention.</p> <p>[No.7: Implementing child rights in early childhood]: [para.18]....The Committee urges States parties to take all necessary steps to ensure that parents are able to take primary responsibility for their children; to support parents in fulfilling their responsibilities.....</p> <p>[para.20]....States parties are required to render appropriate assistance to parents, legal guardians and extended families in the performance of their child-rearing responsibilities....., including assisting parents in providing living conditions necessary for the child's development...and ensuring that children receive necessary protection and care...realizing children's rights is in large measure dependent on the well-being and resources available to those with responsibility for their care. Recognizing these interdependencies is a sound starting point for planning assistance and services to parents, legal guardians and other caregivers. For example: (a) An integrated approach would include interventions that impact indirectly on parents' ability to promote the best interests of children (e.g. taxation and benefits, adequate housing, working hours) as well as those that have more immediate consequences (e.g. perinatal health services for mother and baby, parent education, home visitors); (b) Providing adequate assistance should take account of the new roles and skills required of parents, as well as the ways that demands and pressures shift during early childhood - for example, as children become more mobile, more verbally communicative, more socially competent, and as they begin to participate in programmes of care and education; (c) Assistance to parents will include provision of parenting education, parent counselling and other quality services for mothers, fathers, siblings, grandparents and others who from time to time may be responsible for promoting the child's best interests; (d) Assistance also includes offering support to parents and other family members in ways that encourage positive and sensitive relationships with young children and enhance understanding of children's rights and best interests.</p>

[Article 12]: States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

[Article 18]: States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.....

[Article 24]: States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health....

[Article 25]: States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

[para.21] Appropriate assistance to parents can best be achieved as part of comprehensive policies for early childhood....., including provision for health, care and education during the early years. States parties should ensure that parents are given appropriate support to enable them to involve young children fully in such programmes, especially the most disadvantaged and vulnerable groups.....

[No.9: The rights of children with disabilities]: [para.41]....support should also be extended to children who are affected by the disabilities of their caregivers. For example, a child living with a parent or other caregiver with disabilities should receive the support that would protect fully his or her rights and allow him or her to continue to live with this parent whenever it is in his or her best interests. Support services should also include different forms of respite care, such as care assistance in the home and day-care facilities directly accessible at community level. Such services enable parents to work, as well as relieve stress and maintain healthy family environments.

[No.12: The right of the child to be heard]: [para.20] States parties shall assure the right to be heard to every child “capable of forming his or her own views”.....States parties cannot begin with the assumption that a child is incapable of expressing her or his own views. On the contrary, States parties should presume that a child has the capacity to form her or his own views and recognize that she or he has the right to express them; it is not up to the child to first prove her or his capacity.

[para.32] Article 12, paragraph 2, specifies that opportunities to be heard have to be provided in particular “in any judicial and administrative proceedings affecting the child”. The Committee emphasizes that this provision applies to all relevant judicial proceedings affecting the child, without limitation....

[para.53] Whenever a decision is made to remove a child from her or his family because the child is a victim of abuse or neglect within his or her home, the view of the child must be taken into account in order to determine the best interests of the child. The intervention may be initiated by a complaint from a child, another family member or a member of the community alleging abuse or neglect in the family.

[para.54] The Committee’s experience is that the child’s right to be heard is not always taken into account by States parties. The Committee recommends that States parties ensure, through legislation, regulation and policy directives, that the child’s views are solicited and considered, including decisions regarding placement in foster care or homes, development of care plans and their review, and visits with parents and family.

[para.75] States parties shall address discrimination, including against vulnerable or marginalized groups of children, to ensure that children are assured their right to be heard and are enabled to participate in all matters affecting them on an equal basis with all other children.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

CEDAW Key Articles	CEDAW General Recommendations
<p>[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: (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;</p> <p>[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.</p> <p>[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.....;</p>	<p>[No.18: Disabled women]: The Committee on the Elimination of Discrimination against Women recommends that States parties provide information on disabled women in their periodic reports, and on measures taken to deal with their particular situation, including special measures to ensure that they have equal access to education and employment, health services and social security, and to ensure that they can participate in all areas of social and cultural life.</p> <p>[No.21: Equality in marriage and family relations]: [Art. 16, para.13] The form and concept of the family can vary from State to State, and even between regions within a State. Whatever form it takes, and whatever the legal system, religion, custom or tradition within the country, the treatment of women in the family both at law and in private must accord with the principles of equality and justice for all people, as article 2 of the Convention requires.</p> <p>[Art. 16, para.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: (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.</p> <p>[para.20] The shared rights and responsibilities enunciated in the Convention should be enforced at law and as appropriate through legal concepts of guardianship, wardship, trusteeship and adoption. States parties should ensure that by their laws both parents, regardless of their marital status and whether they live with their children or not, share equal rights and responsibilities for their children.</p> <p>[para.21] The responsibilities that women have to bear and raise children affect their right of access to education, employment and other activities related to their personal development. They also impose inequitable burdens of work on women. The number and spacing of their children have a similar impact on women’s lives and also affect their physical and mental health, as well as that of their children. For these reasons, women are entitled to decide on the number and spacing of their children.</p> <p>[No.24: Women and health]: [para.2] States parties’ compliance with article 12 of the Convention is central to the health and well-being of women. It requires States to eliminate discrimination against women in their access to health-care services throughout the life cycle, particularly in the areas of family planning, pregnancy and confinement and during the post-natal period.....</p> <p>[para.25] Women with disabilities, of all ages, often have difficulty with physical access to health services. Women with mental disabilities are particularly vulnerable, while there is limited understanding, in general, of the broad range of risks to mental health to which women are disproportionately susceptible as a result of gender discrimination, violence, poverty, armed conflict, dislocation and other forms of social deprivation. States parties should take appropriate measures to ensure that health services are sensitive to the needs of women with disabilities and are respectful of their human rights and dignity.</p>

[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: (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 12]: 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.

[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: (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;

[para.29] States parties should implement a comprehensive national strategy to promote women’s health throughout their lifespan. This will include interventions aimed at both the prevention and treatment of diseases and conditions affecting women, as well as responding to violence against women, and will ensure universal access for all women to a full range of high-quality and affordable health care, including sexual and reproductive health services.

[para.31] States parties should also, in particular:.....(b) Ensure the removal of all barriers to women’s access to health services, education and information, including in the area of sexual and reproductive health.....(c) Prioritize the prevention of unwanted pregnancy through family planning and sex education and reduce maternal mortality rates through safe motherhood services and prenatal assistance.....(e) Require all health services to be consistent with the human rights of women, including the rights to autonomy, privacy, confidentiality, informed consent and choice;.....

Other Key Human Rights Instruments

Key Articles

Vienna Declaration and Programme of Action

[para.63] The World Conference on Human Rights reaffirms that all human rights and fundamental freedoms are universal and thus unreservedly include persons with disabilities. Every person is born equal and has the same rights to life and welfare, education and work, living independently and active participation in all aspects of society. Any direct discrimination or other negative discriminatory treatment of a disabled person is therefore a violation of his or her rights. The World Conference on Human Rights calls on Governments, where necessary, to adopt or adjust legislation to assure access to these and other rights for disabled persons.

[para.64] The place of disabled persons is everywhere. Persons with disabilities should be guaranteed equal opportunity through the elimination of all socially determined barriers, be they physical, financial, social or psychological, which exclude or restrict full participation in society.

Beijing Declaration and Platform for Action

[eg: at C1.106 e] Provide more accessible, available and affordable primary health-care services of high quality, including sexual and reproductive health care, which includes family planning information and services, and giving particular attention to maternal and emergency obstetric care, as agreed to in the Programme of Action of the International Conference on Population and Development;

[eg: at C1.106 o] Ensure that girls and women of all ages with any form of disability receive supportive services;

[eg: at C2.107 h] Develop policies that reduce the disproportionate and increasing burden on women who have multiple roles within the family and the community by providing them with adequate support and programmes from health and social services;

[Para 29] Women play a critical role in the family. The family is the basic unit of society and as such should be strengthened. It is entitled to receive comprehensive protection and support. In different cultural, political and social systems, various forms of the family exist. The rights, capabilities and responsibilities of family members must be respected. Women make a great contribution to the welfare of the family and to the development of society, which is still not recognized or considered in its full importance. The social significance of maternity, motherhood and the role of parents in the family and in the upbringing of children should be acknowledged. The upbringing of children requires shared responsibility of parents, women and men and society as a whole. Maternity, motherhood, parenting and the role of women in procreation must not be a basis for discrimination nor restrict the full participation of women in society. Recognition should also be given to the important role often played by women in many countries in caring for other members of their family.

[eg: at L9.285 a] Formulate policies and programmes to help the family, as defined in paragraph 29, in its supporting, educating and nurturing roles.....;

[eg: at L9.285 b] Provide an environment conducive to the strengthening of the family, as defined in paragraph 29.....

[eg: at L9.285 c] Educate and encourage parents and caregivers to treat girls and boys equally and to ensure shared responsibilities between girls and boys in the family, as defined in paragraph 29.

Biwako Millennium Framework for Action Towards an Inclusive, Barrier-free and Rights-based Society for Persons with Disabilities in Asia and the Pacific

[eg: at B3.1] Governments should implement measures to uphold the rights of women with disabilities and to protect them from discrimination. In particular, measures should be implemented to ensure equal access to health services, education, training and employment, and protection from sexual and other forms of abuse and violence.

[eg: at B3.12] All agencies, including Governments, NGOs, self-help organizations, donors and civil society must promote and uphold at all times the rights of women with disabilities to choice and self-determination.

Biwako Plus Five: Further efforts towards an inclusive, barrier-free and rights-based society for persons with disabilities in Asia and the Pacific

[eg: at IIIB.15] Governments recognize that women and girls with disabilities are subject to multiple discrimination and, in this regard, together with self-help organizations, should support the economic, social, cultural and political empowerment of women with disabilities, in particular through leadership and management training on a sustained basis. Governments should take appropriate measures to address discrimination against women with disabilities in all matters, including those relating to marriage, family, parenthood and relationships, to ensure their full development, advancement and empowerment.

UN Resolution S-23/3: Further actions and initiatives to implement the Beijing Declaration and Platform for Action

[eg: at IV 68g] Take measures, including programmes and policies, to ensure that maternity, motherhood and parenting and the role of women in procreation are not used as a basis for discrimination nor restrict the full participation of women in society;

[eg: at IV 68j] Take all appropriate measures to eliminate discrimination and violence against women and girls by any person, organization or enterprise;

[eg: at IV 72 h] Eliminate discrimination against all women and girls in the access to health information, education and health care and health services;

[eg: at IV 72 i] Reproductive health is a state of complete physical, mental and social well-being, and not merely the absence of disease or infirmity, in all matters relating to the reproductive system and to its functions and processes. Reproductive health therefore implies that people are able to have a satisfying and safe sex life and that they have the capability to reproduce and the freedom to decide if, when and how often to do so. Implicit in this last condition is the right of men and women to be informed and to have access to safe, effective, affordable and acceptable methods of family planning of their choice, as well as other methods of their choice for regulation of fertility which are not against the law, and the right of access to appropriate health-care services that will enable women to go safely through pregnancy and childbirth..... In line with the above definition of reproductive health, reproductive health care is defined as the constellation of methods, techniques and services that contribute to reproductive health and well-being by preventing and solving reproductive health problems. It also includes sexual health, the purpose of which is the enhancement of life and personal relations, and not merely counselling and care related to reproduction and sexually transmitted diseases;

[eg: at IV 72 j] Given the above definition, reproductive rights embrace certain human rights that are already recognized in national laws, international human rights documents and other consensus documents. These rights rest on the recognition of the basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so, and the right to attain the highest standard of sexual and reproductive health. They also include their right to make decisions concerning reproduction free of discrimination, coercion and violence, as expressed in human rights documents..... The promotion of the responsible exercise of these rights for all people should be the fundamental basis for government- and community-supported policies and programmes in the area of reproductive health, including family planning. As part of their commitment, full attention should be given to the promotion of mutually respectful and equitable gender relations and particularly to meeting the educational and service needs of adolescents to enable them to deal in a positive and responsible way with their sexuality.....;

[eg: at IV 72 k] The human rights of women include their 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. Equal relationships between women and men in matters of sexual relations and reproduction, including full respect for the integrity of the person, require mutual respect, consent and shared responsibility for sexual behaviour and its consequences;

[eg: at IV 72 l] Design and implement programmes to encourage and enable men to adopt safe and responsible sexual and reproductive behaviour, and to use effectively methods to prevent unwanted pregnancies and sexually transmitted infections, including HIV/AIDS;

[eg: at IV 72 m] Take all appropriate measures to eliminate harmful, medically unnecessary or coercive medical interventions as well as inappropriate medication and overmedication of women and ensure that all women are properly informed of their options, including likely benefits and potential side effects, by properly trained personnel;

[eg: at IV 83 d] Design and implement policies and programmes to address fully specific needs of women and girls with disabilities, to ensure their equal access to education at all levels, including technical and vocational training and adequate rehabilitation programmes, health care and services and employment opportunities, to protect and promote their human rights and, where appropriate, to eliminate existing inequalities between women and men with disabilities.

Commission on the Status of Women (CSW) Fifty-fifth session: Follow-up to the Fourth World Conference on Women and to the twenty-third special session of the General Assembly - Agreed Conclusions

[eg: at para.x] Ensure women's and girls' right to education at all levels as well as access to life skills and sex education based on full and accurate information and, with respect to girls and boys, in a manner consistent with their evolving capacities, and with appropriate direction and guidance from parents and legal guardians, in order to help women and girls, men and boys, to develop knowledge to enable them to make informed and responsible decisions to reduce early childbearing and maternal mortality, to promote access to pre- and post-natal care and to combat sexual harassment and gender-based violence;



Data & Statistics [General Profile]

Concluding Observations of UN Treaty Monitoring Committees

Convention on the Rights of Persons with Disabilities (CRPD)

International Covenant on Economic, Social and Cultural Rights (CESCR)

International Covenant on Civil and Political Rights (CCPR)

Convention on the Rights of the Child (CRC)

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)

Other Key Human Rights Instruments

Vienna Declaration and Programme of Action (1993)

Beijing Declaration and Platform for Action (BPFA) (1995)

Biwako Millennium Framework (BMF) (2002)

Biwako Plus Five (2007)

UN Resolution S-23/3 Further actions and initiatives to implement the Beijing Declaration and Platform for Action (2000)

Commission on the Status of Women (CSW) Fifty-fifth session (2011)

Recommendations to Australia from the United Nations [Concluding Observations of UN Treaty Monitoring Committees]

<p>Committee on the Elimination of Discrimination against Women (CEDAW) (2006)</p> <p>CEDAW/C/AUL/CO/5</p>	<p>[para.14] The Committee regrets that the report neither provides sufficient statistical data, disaggregated by sex and ethnicity on the practical realization of equality between women and men in all areas covered by the Convention nor information on the impact and results achieved of legal and policy measures taken. It also regrets the absence of sufficient information and data on women with disabilities.</p> <p>[para.15] The Committee requests the State party to include adequate statistical data and analysis, disaggregated by sex, ethnicity and disability, in its next report so as to provide a full picture of the implementation of all the provisions of the Convention. It also recommends that the State party regularly conduct impact assessments of its legislative reforms, policies and programmes to ensure that measures taken lead to the desired goals and that it inform the Committee about the results of these assessments in its next report.</p>
<p>Committee on the Elimination of Discrimination against Women (CEDAW) (2010)</p> <p>CEDAW/C/AUS/CO/7</p>	<p>[para.36] The Committee notes that a number of well-resourced initiatives have been undertaken to eliminate discrimination against girls and women at all levels in the education system. The Committee is however concerned that information, as provided, does not always allow for a full understanding of ways in which multiple forms of discrimination impact outcomes for specific groups such as indigenous women and girls.....</p> <p>[para.37] The Committee recommends that data related to school retention, completion and achievement in literacy and numeracy be disaggregated and cross-tabulated on the basis of sex, ethnicity and geographical location to ensure that the needs of specific groups can be identified and appropriate interventions applied to eliminate sex-based disparities.</p> <p>[para.42] The Committee is concerned that women with disabilities are almost entirely absent from key leadership and decision-making positions and continue to be disadvantaged with regard to educational and employment opportunities. It is concerned about the high levels of violence experienced by women, particularly those living in institutions or supported accommodation. The Committee also notes with concern that non-therapeutic sterilizations of women and girls with disabilities continue to be practiced in some states in Australia and notes that the Commonwealth Government considers this to be a matter for state governments to regulate.</p> <p>[para.43] The Committee urges the State party, in the light of its recent ratification of the Convention on the Rights of Persons with Disabilities, to undertake a comprehensive assessment of the situation of women with disabilities in Australia. The Committee recommends that the State party address, as a matter of priority, the abuse and violence experienced by women with disabilities living in institutions or supported accommodation. The Committee further recommends that the State party adopt urgent measures to ensure that women with disabilities are better represented in decision-making and leadership positions, including through the adoption of temporary special measures such as quotas and targets, in accordance with article 4, paragraph 1 of the Convention and the Committee’s general recommendation No. 25. The Committee recommends that the State party enact national legislation prohibiting, except where there is a serious threat to life or health, the use of sterilisation of girls, regardless of whether they have a disability, and of adult women with disabilities in the absence of their fully informed and free consent.</p>
<p>Committee on Economic, Social and Cultural Rights (2000)</p> <p>E/C.12/1/Add.50</p>	<p>[para.36] The Committee requests the State party to provide, in its fourth periodic report, additional, more detailed information, including statistical data which is disaggregated according to age, sex and minority groups, concerning the right to work, just and favourable conditions of work, social security, housing, health and education.</p>

<p>Committee on Economic, Social and Cultural Rights (2009)</p> <p>E/C.12/AUS/CO/4</p>	<p>[para.16] The Committee regrets that insufficient measures have been taken by the State party to ensure an adequate standard of living for persons with disabilities.... The Committee encourages the State party to strengthen its efforts towards the adoption of concrete measures to enable persons with disabilities to fully enjoy the rights guaranteed by the Covenant.</p> <p>[para.24] The Committee notes with concern that, despite the State party's economic prosperity, 12per cent of the Australian population lives in poverty, and poverty rates remain very high among disadvantaged and marginalized individuals and groups such as indigenous peoples, asylum-seekers, migrants and persons with disabilities. It regrets that the State party has not yet adopted a comprehensive strategy to combat poverty and social exclusion, and that no steps have been taken to adopt an official poverty line, despite the Committee's recommendations adopted in 2000. The Committee recalls that this criterion is needed to determine the progress achieved over time by the State party to reduce poverty. (art. 11)</p> <p>The Committee urges the State party to take all necessary measures to combat poverty and social exclusion, and to develop a comprehensive poverty reduction and social inclusion strategy which should integrate the economic, social and cultural rights, in line with the Committee's statement on Poverty and the International Covenant on Economic, Social and Cultural Rights (E/2002/22-E.12/2001/17, annex VII). The Committee recommends that the State party adopt evaluation measures to assess the impact of its poverty and social reduction strategies and identify its weaknesses, and requests that the State party include, in its next report, comparative data disaggregated by gender, age, rural and urban populations, as well as indicators on the number of persons living in extreme poverty, and on the progress made in its efforts to combat poverty.</p>
<p>Committee on the Rights of the Child (2005)</p> <p>CRC/C/15/Add.268</p>	<p>[para.19] While welcoming the information that the Australian Bureau of Statistics is currently reviewing the available information on children and youth in order to improve the scope and quality of data, the Committee notes that there are gaps in the collection of data, especially in the area of special protection and vulnerable groups.</p> <p>[para.20] The Committee recommends that the State party strengthen its existing mechanism of data collection in order to ensure that data are collected on all areas of the Convention in a way that allows for disaggregation, inter alia by those groups of children who are in need of special protection.</p> <p>[para.45] While the Committee notes the States party's initiatives addressing the rights of children with disabilities, it is concerned about the paucity of information on disabled children, especially when it comes to data on disabled indigenous children, alternative care for children with disabilities and children with disabilities living in remote or rural areas.....</p> <p>[para.46] In the light of the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and of the Committee's recommendations adopted at its day of general discussion on "Children with disabilities" (see CRC/C/69), the Committee encourages the State party to actively pursue its current efforts and: (a) To adopt a consistent national approach to the collection of data on children with disabilities;.....</p>

Convention on the Rights of Persons with Disabilities (CRPD)

CRPD Key Articles

[Article 31]: 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. 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. States Parties shall assume responsibility for the dissemination of these statistics and ensure their accessibility to persons with disabilities and others.

[Article 35]: 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.

International Covenant on Economic, Social and Cultural Rights (CESCR)

CESCR Key Articles

CESCR General Comments

[Article 16]:....The States Parties to the present Covenant undertake to submit in conformity with this part of the Covenant reports on the measures which they have adopted and the progress made in achieving the observance of the rights recognized herein.....Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Covenant.

[No.1: Reporting by States parties]: [para.3] A second objective is to ensure that the State party monitors the actual situation with respect to each of the rights on a regular basis and is thus aware of the extent to which the various rights are, or are not, being enjoyed by all individuals within its territory or under its jurisdiction. From the Committee’s experience to date, it is clear that the fulfilment of this objective cannot be achieved only by the preparation of aggregate national statistics or estimates, but also requires that special attention be given to any worse-off regions or areas and to any specific groups or subgroups which appear to be particularly vulnerable or disadvantaged. Thus, the essential first step towards promoting the realization of economic, social and cultural rights is diagnosis and knowledge of the existing situation.

[para.7].....it is clear that qualitative, as well as quantitative, data are required in order for an adequate assessment of the situation to be made.

[No.4: The right to adequate housing]: [para.13] Effective monitoring of the situation with respect to housing is another obligation of immediate effect. For a State party to satisfy its obligations under article 11 (1) it must demonstrate, inter alia, that it has taken whatever steps are necessary, either alone or on the basis of international cooperation, to ascertain the full extent of homelessness and inadequate housing within its jurisdiction. In this regard, the revised general guidelines regarding the form and contents of reports adopted by the Committee (E/C.12/1991/1) emphasize the need to “provide detailed information about those groups within ... society that are vulnerable and disadvantaged with regard to housing”.

[No.5: Persons with Disabilities]: [para.13] The methods to be used by States parties in seeking to implement their obligations under the Covenant towards persons with disabilities are essentially the same as those available in relation to other obligations..... They include the need to ascertain, through regular monitoring, the nature and scope of the problems existing within the State.....;

[para.19] The Committee....urges States parties to address the situation of women with disabilities, with high priority being given in future to the implementation of economic, social and cultural rights-related programmes.

[No.13: The right to education]: [para.37] States parties must closely monitor education - including all relevant policies, institutions, programmes, spending patterns and other practices - so as to identify and take measures to redress any de facto discrimination. Educational data should be disaggregated by the prohibited grounds of discrimination.

[No.14: The Right to Health]: [para.16] “The prevention, treatment and control of epidemic, endemic, occupational and other diseases” (art. 12.2 (c)) requires the establishment of prevention and education programmes for behaviour-related health concerns such as sexually transmitted diseases, in particular HIV/AIDS, and those adversely affecting sexual and reproductive health, and the promotion of social determinants of good health, such as environmental safety, education, economic development and gender equity. The control of diseases refers to States’ individual and joint efforts to, inter alia, make available relevant technologies, using and improving epidemiological surveillance and data collection on a disaggregated basis.....

[para.20].....The disaggregation of health and socio-economic data according to sex is essential for identifying and remedying inequalities in health.

[para.57] National health strategies should identify appropriate right to health indicators and benchmarks. The indicators should be designed to monitor, at the national and international levels, the State party’s obligations under article 12.....Right to health indicators require disaggregation on the prohibited grounds of discrimination.

[No.16: The equal right of men and women to the enjoyment of all economic, social and cultural rights]: [para.39] National policies and strategies should identify appropriate indicators and benchmarks on the right to equal enjoyment by men and women of economic, social and cultural rights in order to effectively monitor the implementation by the State party of its obligations under the Covenant in this regard. Disaggregated statistics, provided within specific time frames, are necessary to measure the progressive realization of economic, social and cultural rights by men and women.....,

[No.18: The right to work]: [para.46] A national employment strategy must define indicators on the right to work. The indicators should be designed to monitor effectively, at the national level, the compliance by States parties with their obligations under article 6 and should be based on ILO indicators such as the rate of unemployment, underemployment and the ratio of formal to informal work....

[para.47].....Further, when setting benchmarks and preparing their reports States parties should utilize the extensive information and advisory services of specialized agencies with regard to data collection and disaggregation.

[No.19: The right to social security]: [para.75] To assist the monitoring process, right to social security indicators should be identified in national strategies or plans of action in order that the State party’s obligations under article 9 can be monitored at the national and international levels. Indicators should address the different elements of social security (such as adequacy, coverage of social risks and contingencies, affordability and accessibility), be disaggregated on the prohibited grounds of discrimination, and cover all persons residing in the territorial jurisdiction of the State party or under its control.

[No.20: Non-discrimination in economic, social and cultural rights]: [para.41] States parties are obliged to monitor effectively the implementation of measures to comply with article 2, paragraph 2, of the Covenant. Monitoring should assess both the steps taken and the results achieved in the elimination of discrimination. National strategies, policies and plans should use appropriate indicators and benchmarks, disaggregated on the basis of the prohibited grounds of discrimination

[No.21: Right of everyone to take part in cultural life]: [para.71] In their national strategies and policies, States parties should identify appropriate indicators and benchmarks, including disaggregated statistics and time frames that allow them to monitor effectively the implementation of the right of everyone to take part in cultural life, and also to assess progress towards the full realization of this right.

International Covenant on Civil and Political Rights (CCPR)

CCPR Key Articles	CCPR General Comments
<p>[Article 40]: The States Parties to the present Covenant undertake to submit reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made in the enjoyment of those rights:.....Reports shall indicate the factors and difficulties, if any, affecting the implementation of the present Covenant...</p>	<p>[No.28: The equality of rights between men and women]: [para.28] The obligation of States parties to protect children (art. 24) should be carried out equally for boys and girls. States parties should report on measures taken to ensure that girls are treated equally to boys in education, in feeding and in health care, and provide the Committee with disaggregated data in this respect....</p> <p>[para.29]....The Committee requires States parties to provide statistical information on the percentage of women in publicly elected office, including the legislature, as well as in high-ranking civil service positions and the judiciary.</p>

Convention on the Rights of the Child (CRC)

CRC Key Articles	CRC General Comments
<p>[Article 44]: States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights:.....Reports made under the present article shall indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.</p>	<p>[No.4: Adolescent health and development]: [para.9] Systematic data collection is necessary for States parties to be able to monitor the health and development of adolescents. States parties should adopt data-collection mechanisms that allow desegregation by sex, age, origin and socio-economic status so that the situation of different groups can be followed. Data should also be collected to study the situation of specific groups such as ethnic and/or indigenous minorities, migrant or refugee adolescents, adolescents with disabilities,....</p> <p>[No.5: General measures of implementation of the Convention on the Rights of the Child]: [para.48] Collection of sufficient and reliable data on children, disaggregated to enable identification of discrimination and/or disparities in the realization of rights, is an essential part of implementation. The Committee reminds States parties that data collection needs to extend over the whole period of childhood, up to the age of 18 years. It also needs to be coordinated throughout the jurisdiction, ensuring nationally applicable indicators. States should collaborate with appropriate research institutes and aim to build up a complete picture of progress towards implementation, with qualitative as well as quantitative studies. The reporting guidelines for periodic reports call for detailed disaggregated statistical and other information covering all areas of the Convention. It is essential not merely to establish effective systems for data collection, but to ensure that the data collected are evaluated and used to assess progress in implementation, to identify problems and to inform all policy development for children. Evaluation requires the development of indicators related to all rights guaranteed by the Convention.</p> <p>[No.7: Implementing child rights in early childhood]: [para.39] The Committee reiterates the importance of comprehensive and up-to-date quantitative and qualitative data on all aspects of early childhood for the formulation, monitoring and evaluation of progress achieved, and for assessment of the impact of policies.The Committee urges all States parties to develop a system of data collection and indicators consistent with the Convention and disaggregated by gender, age, family structure, urban and rural residence, and other relevant categories. This system should cover all children up to the age of 18 years, with specific emphasis on early childhood, particularly children belonging to vulnerable groups.</p>

[No.8: The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment]: [para.51]....The Committee encourages every State to carry out/commission such research, as far as possible with groups representative of the whole population, to provide baseline information and then at regular intervals to measure progress. The results of this research can also provide valuable guidance for the development of universal and targeted awareness-raising campaigns and training for professionals working with or for children.

[No.9: The rights of children with disabilities]: [para.10] Girls with disabilities are often even more vulnerable to discrimination due to gender discrimination. In this context, States parties are requested to pay particular attention to girls with disabilities by taking the necessary measures, and when needed extra measures, in order to ensure that they are well protected, have access to all services and are fully included in society.

[para.19] In order to fulfil their obligations, it is necessary for States parties to set up and develop mechanisms for collecting data which are accurate, standardized and allow disaggregation, and which reflect the actual situation of children with disabilities. The importance of this issue is often overlooked and not viewed as a priority despite the fact that it has an impact not only on the measures that need to be taken in terms of prevention but also on the distribution of very valuable resources needed to fund programmes. One of the main challenges in obtaining accurate statistics is the lack of a widely accepted clear definition for disabilities. States parties are encouraged to establish an appropriate definition that guarantees the inclusion of all children with disabilities so that children with disabilities may benefit from the special protection and programmes developed for them.

[No.13: The right of the child to freedom from all forms of violence]: [para.65j] It has to be ensured that States Parties, national and local agencies and organizations, and relevant civil society stakeholders proactively and cooperatively establish and apply standards, indicators, tools, and systems of monitoring, measurement and evaluation to fulfill their obligations and commitments to protect children from violence. The Committee has consistently expressed its support for systems of accountability, including in particular by data collection and analysis, indicator construction, monitoring and evaluation as well as support for independent human rights institutions.....

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

CEDAW Key Articles	CEDAW General Recommendations
<p>[Article 18]: 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.....Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Convention.</p>	<p>[No.9: Statistical data concerning the situation of women]:.....The Committee on the Elimination of Discrimination against Women....Recommends that States parties should make every effort to ensure that their national statistical services responsible for planning national censuses and other social and economic surveys formulate their questionnaires in such a way that data can be disaggregated according to gender, with regard to both absolute numbers and percentages, so that interested users can easily obtain information on the situation of women in the particular sector in which they are interested.</p> <p>[No.16: Unpaid women workers in rural and urban family enterprises]: The Committee on the Elimination of Discrimination against Women....Recommends that States parties:....(b)Collect statistical data on women who work without payment, social security and social benefits in enterprises owned by a family member, and include these data in their report to the Committee;...</p> <p>[No.18: Disabled women]: The Committee on the Elimination of Discrimination against Women recommends that States parties provide information on disabled women in their periodic reports, and on measures taken to deal with their particular situation, including special measures to ensure that they have equal access to education and employment, health services and social security, and to ensure that they can participate in all areas of social and cultural life.</p> <p>[No.19: Violence against women]: [para.24]....the Committee on the Elimination of Discrimination against Women recommends:....(c) States parties should encourage the compilation of statistics and research on the extent, causes and effects of violence, and on the effectiveness of measures to prevent and deal with violence;</p> <p>[No.24: Women and health]: [para.9] States parties must report on their health legislation, plans and policies for women with reliable data disaggregated by sex on the incidence and severity of diseases and conditions hazardous to women’s health and nutrition and on the availability and cost-effectiveness of preventive and curative measures. Reports to the Committee must demonstrate that health legislation, plans and policies are based on scientific and ethical research and assessment of the health status and needs of women in that country and take into account any ethnic, regional or community variations or practices based on religion, tradition or culture.</p> <p>[para.10] States parties are encouraged to include in their reports information on diseases, health conditions and conditions hazardous to health that affect women or certain groups of women differently from men, as well as information on possible intervention in this regard.</p> <p>[No.25: Article 4, paragraph 1, of the Convention (temporary special measures)]: [para.25] The Committee draws attention to and reiterates its general recommendation 9, on statistical data concerning the situation of women, and recommends that States parties provide statistical data disaggregated by sex in order to measure the achievement of progress towards women’s de-facto or substantive equality and the effectiveness of temporary special measures.</p>

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)

CAT Key Articles	CAT General Comments
<p>[Article 19]: The States Parties shall submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have taken to give effect to their undertakings under this Convention.....,</p>	<p>[No.2: Implementation of article 2 by States parties]: [para.23] The Committee has consistently recommended that States parties provide data disaggregated by age, gender and other key factors in their reports to enable the Committee to adequately evaluate the implementation of the Convention. Disaggregated data permits the States parties and the Committee to identify, compare and take steps to remedy discriminatory treatment that may otherwise go unnoticed and unaddressed. States parties are requested to describe, as far as possible, factors affecting the incidence and prevention of torture or ill-treatment, as well as the difficulties experienced in preventing torture or ill-treatment against specific relevant sectors of the population, such as minorities, victims of torture, children and women, taking into account the general and particular forms that such torture and ill-treatment may take.</p>

Other Key Human Rights Instruments

Key Articles

Vienna Declaration and Programme of Action

[para.63] The World Conference on Human Rights reaffirms that all human rights and fundamental freedoms are universal and thus unreservedly include persons with disabilities. Every person is born equal and has the same rights to life and welfare, education and work, living independently and active participation in all aspects of society. Any direct discrimination or other negative discriminatory treatment of a disabled person is therefore a violation of his or her rights. The World Conference on Human Rights calls on Governments, where necessary, to adopt or adjust legislation to assure access to these and other rights for disabled persons.

[para.64] The place of disabled persons is everywhere. Persons with disabilities should be guaranteed equal opportunity through the elimination of all socially determined barriers, be they physical, financial, social or psychological, which exclude or restrict full participation in society.

Beijing Declaration and Platform for Action

[eg: at A4.68 a] Collect gender and age-disaggregated data on poverty and all aspects of economic activity and develop qualitative and quantitative statistical indicators to facilitate the assessment of economic performance from a gender perspective;

[eg: at A4.68 b] Devise suitable statistical means to recognize and make visible the full extent of the work of women and all their contributions to the national economy, including their contribution in the unremunerated and domestic sectors, and examine the relationship of women’s unremunerated work to the incidence of and their vulnerability to poverty.

[eg: at C4.109 a] Train researchers and introduce systems that allow for the use of data collected, analysed and disaggregated by, among other factors, sex and age, other established demographic criteria and socio-economic variables, in policy-making, as appropriate, planning, monitoring and evaluation;

[eg: at D2.129 a] Promote research, collect data and compile statistics, especially concerning domestic violence relating to the prevalence of different forms of violence against women, and encourage research into the causes, nature, seriousness and consequences of violence against women and the effectiveness of measures implemented to prevent and redress violence against women;

[eg: at H3.206 a] Ensure that statistics related to individuals are collected, compiled, analysed and presented by sex and age and reflect problems, issues and questions related to women and men in society;

[eg: at H3.206 b] Collect, compile, analyse and present on a regular basis data disaggregated by age, sex, socio-economic and other relevant indicators, including number of dependants, for utilization in policy and programme planning and implementation;

[eg: at H3.206 c] Involve centres for women's studies and research organizations in developing and testing appropriate indicators and research methodologies to strengthen gender analysis, as well as in monitoring and evaluating the implementation of the goals of the Platform for Action;

[eg: at H3.206 d] Designate or appoint staff to strengthen gender-statistics programmes and ensure coordination, monitoring and linkage to all fields of statistical work, and prepare output that integrates statistics from the various subject areas;

[eg: at H3.206 e] Improve data collection on the full contribution of women and men to the economy, including their participation in the informal sector(s);

[eg: at H3.206 f] Develop a more comprehensive knowledge of all forms of work and employment by: (i) Improving data collection on the unremunerated work which is already included in the United Nations System of National Accounts, such as in agriculture, particularly subsistence agriculture, and other types of non-market production activities; (ii) Improving measurements that at present underestimate women's unemployment and underemployment in the labour market; (iii) Developing methods, in the appropriate forums, for assessing the value, in quantitative terms, of unremunerated work that is outside national accounts, such as caring for dependants and preparing food, for possible reflection in satellite or other official accounts that may be produced separately from but are consistent with core national accounts, with a view to recognizing the economic contribution of women and making visible the unequal distribution of remunerated and unremunerated work between women and men;

[eg: at H3.206 h] Improve concepts and methods of data collection on the measurement of poverty among women and men, including their access to resources;

[eg: at H3.206 i] Strengthen vital statistical systems and incorporate gender analysis into publications and research; give priority to gender differences in research design and in data collection and analysis in order to improve data on morbidity; and improve data collection on access to health services, including access to comprehensive sexual and reproductive health services, maternal care and family planning, with special priority for adolescent mothers and for elder care;

[eg: at H3.206 j] Develop improved gender-disaggregated and age-specific data on the victims and perpetrators of all forms of violence against women, such as domestic violence, sexual harassment, rape, incest and sexual abuse, and trafficking in women and girls, as well as on violence by agents of the State;

[eg: at H3.206 k] Improve concepts and methods of data collection on the participation of women and men with disabilities, including their access to resources.

Biwako Millennium Framework for Action Towards an Inclusive, Barrier-free and Rights-based Society for Persons with Disabilities in Asia and the Pacific

[eg: at para.116] Strengthen national capacity in data collection and analysis concerning disability statistics to support policy formulation and programme implementation.

[eg: at B3.2] Governments, NGOs and self-help organizations should implement programmes to raise the public's awareness of the situation of women with disabilities and to promote positive attitudes, role models and opportunities for their development.

[eg: at C4.5] Governments, in collaboration with others, should collect comprehensive data on children with disabilities, from birth to 16 years old, which should be used for planning appropriate early intervention and educational provision, resources and support services, from birth through school age.

[eg: at G4.3] Government should include disability dimensions and poverty mapping and disability into the collection and analysis of millennium development goal baseline data on income poverty, education, health, etc., so as to ensure baseline data for poor persons with disabilities.

Biwako Plus Five: Further efforts towards an inclusive, barrier-free and rights-based society for persons with disabilities in Asia and the Pacific

[eg: at IIB.15] Governments recognize that women and girls with disabilities are subject to multiple discrimination and, in this regard, together with self-help organizations, should support the economic, social, cultural and political empowerment of women with disabilities, in particular through leadership and management training on a sustained basis. Governments should take appropriate measures to address discrimination against women with disabilities in all matters, including those relating to marriage, family, parenthood and relationships, to ensure their full development, advancement and empowerment.

[eg: at IIB.14] Governments should promote: (a) The inclusion of gender perspectives in disability-relevant policies, programmes, plans and legislation; (b) The inclusion of the perspectives of women with disabilities in the development of gender-relevant policies, programmes, plans and legislation; (c) The participation of women with disabilities and organizations of women with disabilities in the processes of developing both gender-relevant and disability-related policies, programmes, plans and legislation.

[eg: at IVC.38] The importance of collecting data on disabilities should be stressed and advocated not only within the United Nations system but also among decision makers at the national level, including national statistical offices, as well as academic institutions, self-help organizations and other civil society organizations.

[eg: at IVC.39] Governments are encouraged to develop policies or laws to mandate the collection of data on disabilities, as well as the allocation of the requisite resources. Such policies and laws should, among other things, respect the privacy of persons with disabilities.

[eg: at IVC.40] As far as possible, data should be classified by the socio-economic status of persons with disabilities, including the type of impairment, sex, age, education, employment and income.

[eg: at IVC.41] Governments should build national capacity so that data on disability can be regularly collected through population censuses and surveys and disseminated.

[eg: at IVC.42] Governments are encouraged to develop innovative methods of data collection in order to capture the needs of persons with disabilities, in particular those who are illiterate or who live in remote areas.

[eg: at IVC.43] Governments are encouraged to undertake regular assessments of the impact of policies and programmes which are intended to improve the situation of persons with disabilities and to ensure that they fully enjoy their human rights and fundamental freedoms.

[eg: at IVC.44] Governments, in cooperation with ESCAP, should, as appropriate, take measures to ascertain the concerns of disabled persons and to develop future action plans through questionnaires and surveys, depending on the availability of resources.

UN Resolution S-23/3: Further actions and initiatives to implement the Beijing Declaration and Platform for Action

[eg: at IV 77a] Provide national statistical offices with institutional and financial support so that they may collect, compile and disseminate data disaggregated by sex, age and other factors, as appropriate, in formats that are accessible to the public and to policy makers for, inter alia, gender-based analysis, monitoring and impact assessment, and support new work to develop statistics and indicators, especially in areas where information is particularly lacking;

[eg: at IV 77b] Regularly compile and publish crime statistics, and monitor trends in law enforcement concerning violations of the rights of women and girls to increase awareness in order to develop more effective policies;

[eg: at IV 77c] Develop national capacity to undertake policy-oriented and gender-related research and impact studies by universities and national research/training institutes to enable gender-specific knowledge-based policy-making.

[eg: at IV 83 d] Design and implement policies and programmes to address fully specific needs of women and girls with disabilities, to ensure their equal access to education at all levels, including technical and vocational training and adequate rehabilitation programmes, health care and services and employment opportunities, to protect and promote their human rights and, where appropriate, to eliminate existing inequalities between women and men with disabilities.

Commission on the Status of Women (CSW) Fifty-fifth session: Follow-up to the Fourth World Conference on Women and to the twenty-third special session of the General Assembly - Agreed Conclusions

[eg: at para.c] Improve and systematize the collection, analysis and dissemination of sex-, age- and disability-disaggregated data; enhance capacity development in this regard; and develop relevant gender-sensitive indicators to support legislative development and policymaking on education, training and science and technology;



The right to work

Concluding Observations of UN Treaty Monitoring Committees

Convention on the Rights of Persons with Disabilities (CRPD)

International Covenant on Economic, Social and Cultural Rights (CESCR)

International Covenant on Civil and Political Rights (CCPR)

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

International Labour Organisation (ILO) Conventions

C100 Equal Remuneration Convention, 1951

C111 Discrimination (Employment and Occupation) Convention, 1958

C156 Workers with Family Responsibilities Convention, 1981

Other Key Human Rights Instruments

Vienna Declaration and Programme of Action (1993)

Beijing Declaration and Platform for Action (BPFA) (1995)

Biwako Millennium Framework (BMF) (2002)

Biwako Plus Five (2007)

UN Resolution S-23/3 Further actions and initiatives to implement the Beijing Declaration and Platform for Action (2000)

Recommendations to Australia from the United Nations [Concluding Observations of UN Treaty Monitoring Committees]

Committee on the Elimination of Discrimination against Women (CEDAW) (2006)

CEDAW/C/AUL/CO/5

[para.14] The Committee regrets that the report neither provides sufficient statistical data, disaggregated by sex and ethnicity on the practical realization of equality between women and men in all areas covered by the Convention nor information on the impact and results achieved of legal and policy measures taken. It also regrets the absence of sufficient information and data on women with disabilities.

[para.15] The Committee requests the State party to include adequate statistical data and analysis, disaggregated by sex, ethnicity and disability, in its next report so as to provide a full picture of the implementation of all the provisions of the Convention. It also recommends that the State party regularly conduct impact assessments of its legislative reforms, policies and programmes to ensure that measures taken lead to the desired goals and that it inform the Committee about the results of these assessments in its next report.

Committee on the Elimination of Discrimination against Women (CEDAW) (2010)

CEDAW/C/AUS/CO/7

[para.38] The Committee is concerned about the labour force which continues to be segregated by gender; the persistence of the pay gap with women working full time earning eighteen percent less than their male counterparts; the caring responsibilities which continue to affect women's labour force participation and the limited access to job opportunities for women with disabilities and indigenous women. The Committee also notes that, despite the provisions in the Sex Discrimination Act, sexual harassment continues to be a serious problem in the workplace. The Committee welcomes the first paid parental leave scheme which will come into operation on 1 January 2011, but notes that it does not include superannuation which impacts on the major gender gap in retirement savings and economic security between older women and men, that the leave is of limited duration (18 weeks), that compensation is limited to an amount equal to the federal minimum wage and subject to other conditions.

[para.39] The Committee urges the State party to take concrete measures to eliminate occupational segregation including by removing barriers to women in all sectors and to ensure equal opportunities for, and equal treatment of, women and men in the labour market. The Committee welcomes the Fair Work Act 2009 and urges the State party to develop a National Pay Strategy and establish a specialized unit within the new wage setting body of Fair Work Australia to develop and monitor pay gaps mechanisms. It further requests that the State party provide a comprehensive assessment of the effectiveness of the Fair Work Act in eliminating pay gap in its next periodic report. The Committee urges the State Party to adopt appropriate legislative measures as well as a preventive strategic plan in order to combat sexual harassment in the workplace. The Committee calls on the State party to ensure that the statutory independent review of the Paid Parental Leave Act gives due consideration both to an increase in compensation and to the provision of superannuation on paid leave in order to protect better women's financial security and to encourage equal participation of both parents in child care. The Committee urges the State party to develop a comprehensive child care policy to include out of school hours and vacation care and to increase the supply of affordable and quality child care.

[para.42] The Committee is concerned that women with disabilities are almost entirely absent from key leadership and decision-making positions and continue to be disadvantaged with regard to educational and employment opportunities. It is concerned about the high levels of violence experienced by women, particularly those living in institutions or supported accommodation. The Committee also notes with concern that non-therapeutic sterilizations of women and girls with disabilities continue to be practiced in some states in Australia and notes that the Commonwealth Government considers this to be a matter for state governments to regulate.

	<p>[para.43] The Committee urges the State party, in the light of its recent ratification of the Convention on the Rights of Persons with Disabilities, to undertake a comprehensive assessment of the situation of women with disabilities in Australia. The Committee recommends that the State party address, as a matter of priority, the abuse and violence experienced by women with disabilities living in institutions or supported accommodation. The Committee further recommends that the State party adopt urgent measures to ensure that women with disabilities are better represented in decision-making and leadership positions, including through the adoption of temporary special measures such as quotas and targets, in accordance with article 4, paragraph 1 of the Convention and the Committee's general recommendation No. 25. The Committee recommends that the State party enact national legislation prohibiting, except where there is a serious threat to life or health, the use of sterilisation of girls, regardless of whether they have a disability, and of adult women with disabilities in the absence of their fully informed and free consent.</p>
<p>Committee on Economic, Social and Cultural Rights (2009) E/C.12/AUS/CO/4</p>	<p>[para.16] The Committee regrets that insufficient measures have been taken by the State party to ensure an adequate standard of living for persons with disabilities.... The Committee encourages the State party to strengthen its efforts towards the adoption of concrete measures to enable persons with disabilities to fully enjoy the rights guaranteed by the Covenant.</p> <p>[para.18] The Committee notes with concern the high unemployment rates among indigenous people, asylum-seekers, migrants and people with disabilities, and the significant difficulties they face to enjoy their right to work equally (arts. 2, para. 2; and 6). The Committee recommends that special programmes and measures be designed to address the significant barriers to the enjoyment of the right to work faced by many indigenous people, asylum-seekers, migrants and people with disabilities, including measures to protect them from exploitation.</p>
<p>UN General Assembly Human Rights Council (2011) A/HRC/WG.6/10/L.8</p>	<p>[para.86.54] Persist in its efforts in order to redress remaining gender inequalities, in particular with regard to the employment of women in the private sector (Japan);</p>

Convention on the Rights of Persons with Disabilities (CRPD)

CRPD Key Articles

[Article 4]: 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.....

[Article 6]: 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. 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 27]: 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.

International Covenant on Economic, Social and Cultural Rights (CESCR)

CESCR Key Articles	CESCR General Comments
<p>[Article 6]:...The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.</p>	<p>[No.5: Persons with Disabilities]: [para.19]....The Committee therefore urges States parties to address the situation of women with disabilities, with high priority being given in future to the implementation of economic, social and cultural rights-related programmes.</p> <p>[para.20] The field of employment is one in which disability-based discrimination has been prominent and persistent. In most countries the unemployment rate among persons with disabilities is two to three times higher than the unemployment rate for persons without disabilities. Where persons with disabilities are employed, they are mostly engaged in low-paid jobs with little social and legal security and are often segregated from the mainstream of the labour market. The integration of persons with disabilities into the regular labour market should be actively supported by States.</p> <p>[para.21] The “right of everyone to the opportunity to gain his living by work which he freely chooses or accepts” (art. 6 (1)) is not realized where the only real opportunity open to disabled workers is to work in so-called “sheltered” facilities under sub-standard conditions. Arrangements whereby persons with a certain category of disability are effectively confined to certain occupations or to the production of certain goods may violate this right. Similarly, in the light of principle 13 (3) of the Principles for the Protection of Persons with Mental Illness and for the Improvement of Mental Health Care, “therapeutical treatment” in institutions which amounts to forced labour is also incompatible with the Covenant. In this regard, the prohibition on forced labour contained in the International Covenant on Civil and Political Rights is also of potential relevance.</p> <p>[para.22] According to the Standard Rules, persons with disabilities, whether in rural or urban areas, must have equal opportunities for productive and gainful employment in the labour market. For this to happen it is particularly important that artificial barriers to integration in general, and to employment in particular, be removed. As the International Labour Organization has noted, it is very often the physical barriers that society has erected in areas such as transport, housing and the workplace which are then cited as the reason why persons with disabilities cannot be employed.....Governments should also develop policies which promote and regulate flexible and alternative work arrangements that reasonably accommodate the needs of disabled workers.</p> <p>[para.23] Similarly, the failure of Governments to ensure that modes of transportation are accessible to persons with disabilities greatly reduces the chances of such persons finding suitable, integrated jobs, taking advantage of educational and vocational training, or commuting to facilities of all types. Indeed, the provision of access to appropriate and, where necessary, specially tailored forms of transportation is crucial to the realization by persons with disabilities of virtually all the rights recognized in the Covenant.</p> <p>[para.24] The “technical and vocational guidance and training programmes” required under article 6 (2) of the Covenant should reflect the needs of all persons with disabilities, take place in integrated settings, and be planned and implemented with the full involvement of representatives of persons with disabilities.</p> <p>[para.25] The right to “the enjoyment of just and favourable conditions of work” (art. 7) applies to all disabled workers, whether they work in sheltered facilities or in the open labour market. Disabled workers may not be discriminated against with respect to wages or other conditions if their work is equal to that of non-disabled workers. States parties have a responsibility to ensure that disability is not used as an excuse for creating low standards of labour protection or for paying below minimum wages.</p>

[Article 7]:.....The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

(a) Remuneration which provides all workers, as a minimum, with: (i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work; (ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;

(b) Safe and healthy working conditions; (c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence; (d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.

[para.26] Trade union-related rights (art. 8) apply equally to workers with disabilities and regardless of whether they work in special work facilities or in the open labour market. In addition, article 8, read in conjunction with other rights such as the right to freedom of association, serves to emphasize the importance of the right of persons with disabilities to form their own organizations. If these organizations are to be effective in “the promotion and protection of [the] economic and social interests” (art. 8 (1) (a)) of such persons, they should be consulted regularly by government bodies and others in relation to all matters affecting them; it may also be necessary that they be supported financially and otherwise so as to ensure their viability.

[para.26] The International Labour Organization has developed valuable and comprehensive instruments with respect to the work-related rights of persons with disabilities, including in particular Convention No. 159 (1983) concerning vocational rehabilitation and employment of persons with disabilities.²³ The Committee encourages States parties to the Covenant to consider ratifying that Convention.

[No.16: The equal right of men and women to the enjoyment of all economic, social and cultural rights]: [para.8] Substantive equality for men and women will not be achieved simply through the enactment of laws or the adoption of policies that are, prima facie, gender-neutral. In implementing article 3, States parties should take into account that such laws, policies and practice can fail to address or even perpetuate inequality between men and women because they do not take account of existing economic, social and cultural inequalities, particularly those experienced by women.

[para.21] The obligation to fulfil requires States parties to take steps to ensure that in practice, men and women enjoy their economic, social and cultural rights on a basis of equality. Such steps should include:.....To design and implement policies and programmes to give long-term effect to the economic, social and cultural rights of both men and women on the basis of equality. These may include the adoption of temporary special measures to accelerate women’s equal enjoyment of their rights, gender audits, and gender-specific allocation of resources;.....To conduct awareness-raising and training programmes on equality for workers involved in the realization of economic, social and cultural rights at the grass-roots level;

[para.23] Article 6, paragraph 1, of the Covenant requires States parties to safeguard the right of everyone to the opportunity to gain a living by work which is freely chosen or accepted and to take the necessary steps to achieve the full realization of this right. Implementing article 3, in relation to article 6, requires inter alia, that in law and in practice, men and women have equal access to jobs at all levels and all occupations and that vocational training and guidance programmes, in both the public and private sectors, provide men and women with the skills, information and knowledge necessary for them to benefit equally from the right to work.

[para.24] Article 7 (a) of the Covenant requires States parties to recognize the right of everyone to enjoy just and favourable conditions of work and to ensure, among other things, fair wages and equal pay for work of equal value. Article 3, in relation to article 7 requires, inter alia, that the State party identify and eliminate the underlying causes of pay differentials, such as gender-biased job evaluation or the perception that productivity differences between men and women exist. Furthermore, the State party should monitor compliance by the private sector with national legislation on working conditions through an effectively functioning labour inspectorate. The State party should adopt legislation that prescribes equal consideration in promotion, non-wage compensation and equal opportunity and support for vocational or professional development in the workplace. Finally, the State party should reduce the constraints faced by men and women in reconciling professional and family responsibilities by promoting adequate policies for childcare and care of dependent family members.

[para.25] Article 8, paragraph 1 (a), of the Covenant requires States parties to ensure the right of everyone to form and join trade unions of his or her choice. Article 3, in relation to article 8, requires allowing men and women to organize and join workers’ associations that address their specific concerns. In this regard, particular attention should be given to domestic workers, rural women, women working in female-dominated industries and women working at home, who are often deprived of this right.

[para.26] Article 9 of the Covenant requires that States parties recognize the right of everyone to social security, including social insurance, and to equal access to social services. Implementing article 3, in relation to article 9, requires, inter alia, equalizing the compulsory retirement age for both men and women; ensuring that women receive the equal benefit of public and private pension schemes; and guaranteeing adequate maternity leave for women, paternity leave for men, and parental leave for both men and women.

[No.18: The right to work]: [para.7] Work as specified in article 6 of the Covenant must be *decent* work. This is work that respects the fundamental rights of the human person as well as the rights of workers in terms of conditions of work safety and remuneration. It also provides an income allowing workers to support themselves and their families as highlighted in article 7 of the Covenant. These fundamental rights also include respect for the physical and mental integrity of the worker in the exercise of his/her employment.

[para.13] Article 3 of the Covenant prescribes that States parties undertake to “ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights”. The Committee underlines the need for a comprehensive system of protection to combat gender discrimination and to ensure equal opportunities and treatment between men and women in relation to their right to work by ensuring equal pay for work of equal value.⁶ In particular, pregnancies must not constitute an obstacle to employment and should not constitute justification for loss of employment. Lastly, emphasis should be placed on the link between the fact that women often have less access to education than men and certain traditional cultures which compromise the opportunities for the employment and advancement of women.

[para.17] The Committee recalls the principle of non-discrimination in access to employment by persons with disabilities enunciated in its general comment No. 5 (1994) on persons with disabilities. “The ‘right of everyone to the opportunity to gain his living by work which he freely chooses or accepts’ is not realized where the only real opportunity open to disabled workers is to work in so-called ‘sheltered’ facilities under substandard conditions.” States parties must take measures enabling persons with disabilities to secure and retain appropriate employment and to progress in their occupational field, thus facilitating their integration or reintegration into society.

[para.23] States parties are under the obligation to respect the right to work by, inter alia, prohibiting forced or compulsory labour and refraining from denying or limiting equal access to decent work for all persons, especially disadvantaged and marginalized individuals and groups, including prisoners or detainees, members of minorities and migrant workers. In particular, States parties are bound by the obligation to respect the right of women and young persons to have access to decent work and thus to take measures to combat discrimination and to promote equal access and opportunities.

[para.26] States parties are obliged to fulfil (provide) the right to work when individuals or groups are unable, for reasons beyond their control, to realize that right themselves by the means at their disposal. This obligation includes, inter alia, the obligation to recognize the right to work in national legal systems and to adopt a national policy on the right to work as well as a detailed plan for its realization. The right to work requires formulation and implementation by States parties of an employment policy with a view to “stimulating economic growth and development, raising levels of living, meeting manpower requirements and overcoming unemployment and underemployment”. It is in this context that effective measures to increase the resources allocated to reducing the unemployment rate, in particular among women, the disadvantaged and marginalized, should be taken by States parties.

	<p>[para.31] In general comment No. 3 (1990) the Committee confirms that States parties have a core obligation to ensure the satisfaction of minimum essential levels of each of the rights covered by the Covenant. In the context of article 6, this “core obligation” encompasses the obligation to ensure non-discrimination and equal protection of employment. Discrimination in the field of employment comprises a broad cluster of violations affecting all stages of life, from basic education to retirement, and can have a considerable impact on the work situation of individuals and groups. Accordingly, these core obligations include at least the following requirements: (a) To ensure the right of access to employment, especially for disadvantaged and marginalized individuals and groups, permitting them to live a life of dignity; (b) To avoid any measure that results in discrimination and unequal treatment in the private and public sectors of disadvantaged and marginalized individuals and groups or in weakening mechanisms for the protection of such individuals and groups; (c) To adopt and implement a national employment strategy and plan of action based on and addressing the concerns of all workers on the basis of a participatory and transparent process that includes employers’ and workers’ organizations. Such an employment strategy and plan of action should target disadvantaged and marginalized individuals and groups in particular and include indicators and benchmarks by which progress in relation to the right to work can be measured and periodically reviewed.</p> <p>[No.20: Non-discrimination in economic, social and cultural rights]: [para.28] In its general comment No. 5, the Committee defined discrimination against persons with disabilities as “any distinction, exclusion, restriction or preference, or denial of reasonable accommodation based on disability which has the effect of nullifying or impairing the recognition, enjoyment or exercise of economic, social or cultural rights”. The denial of reasonable accommodation should be included in national legislation as a prohibited form of discrimination on the basis of disability. States parties should address discrimination, such as prohibitions on the right to education, and denial of reasonable accommodation in public places such as public health facilities and the workplace, as well as in private places, e.g. as long as spaces are designed and built in ways that make them inaccessible to wheelchairs, such users will be effectively denied their right to work.</p>
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<i>International Covenant on Civil and Political Rights (CCPR)</i>	
CCPR Key Articles	CCPR General Comments
<p>[Article 40]: Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:.....(c) To have access, on general terms of equality, to public service in his country.</p>	<p>[No.25: The Participation in public affairs and the right to vote]: [para.23] Subparagraph (c) of article 25 deals with the right and the opportunity of citizens to have access on general terms of equality to public service positions. To ensure access on general terms of equality, the criteria and processes for appointment, promotion, suspension and dismissal must be objective and reasonable. Affirmative measures may be taken in appropriate cases to ensure that there is equal access to public service for all citizens. Basing access to public service on equal opportunity and general principles of merit, and providing secured tenure, ensures that persons holding public service positions are free from political interference or pressures. It is of particular importance to ensure that persons do not suffer discrimination in the exercise of their rights under article 25, subparagraph (c), on any of the grounds set out in article 2, paragraph 1.</p> <p>[para.24] State reports should describe the conditions for access to public service positions, any restrictions which apply and the processes for appointment, promotion, suspension and dismissal or removal from office as well as the judicial or other review mechanisms which apply to these processes. Reports should also indicate how the requirement for equal access is met, and whether affirmative measures have been introduced and, if so, to what extent.</p>

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

CEDAW Key Articles

[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:

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices 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.

CEDAW General Recommendations

[No.13: Equal remuneration for work of equal value]:.....The Committee on the Elimination of Discrimination against Women,.....Recommends to the States parties to the Convention on the Elimination of All Forms of Discrimination against Women that: 1. In order to implement fully the Convention on the Elimination of All Forms of Discrimination against Women, those States parties that have not yet ratified ILO Convention No. 100 should be encouraged to do so; 2. They should consider the study, development and adoption of job evaluation systems based on gender-neutral criteria that would facilitate the comparison of the value of those jobs of a different nature, in which women presently predominate, with those jobs in which men presently predominate, and they should include the results achieved in their reports to the Committee on the Elimination of Discrimination against Women; 3. They should support, as far as practicable, the creation of implementation machinery and encourage the efforts of the parties to collective agreements, where they apply, to ensure the application of the principle of equal remuneration for work of equal value.

[No.16: Unpaid women workers in rural and urban family enterprises]: The Committee on the Elimination of Discrimination against Women....Recommends that States parties: (a) Include in their reports to the Committee information on the legal and social situation of unpaid women working in family enterprises; (b) Collect statistical data on women who work without payment, social security and social benefits in enterprises owned by a family member, and include these data in their report to the Committee; (c) Take the necessary steps to guarantee payment, social security and social benefits for women who work without such benefits in enterprises owned by a family member.

[No.17: Measurement and quantification of the unremunerated domestic activities of women and their recognition in the gross national product]: The Committee on the Elimination of Discrimination against Women....Recommends that States parties: (a) Encourage and support research and experimental studies to measure and value the unremunerated domestic activities of women; for example, by conducting time-use surveys as part of their national household survey programmes and by collecting statistics disaggregated by gender on time spent on activities both in the household and on the labour market; (b) Take steps, in accordance with the provisions of the Convention on the Elimination of All Forms of Discrimination against Women and the Nairobi Forward-looking Strategies for the Advancement of Women, to quantify and include the unremunerated domestic activities of women in the gross national product; (c) Include in their reports submitted under article 18 of the Convention information on the research and experimental studies undertaken to measure and value unremunerated domestic activities, as well as on the progress made in the incorporation of the unremunerated domestic activities of women in national accounts.

[No.18: Disabled women]: The Committee on the Elimination of Discrimination against Women recommends that States parties provide information on disabled women in their periodic reports, and on measures taken to deal with their particular situation, including special measures to ensure that they have equal access to education and employment, health services and social security, and to ensure that they can participate in all areas of social and cultural life.

[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: (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. 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. 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.

[No.19: Violence against women]: [Art.11, para.17]...Equality in employment can be seriously impaired when women are subjected to gender-specific violence, such as sexual harassment in the workplace.

[Art.11, para.18] Sexual harassment includes such unwelcome sexually determined behaviour as physical contact and advances, sexually coloured remarks, showing pornography and sexual demands, whether by words or actions. Such conduct can be humiliating and may constitute a health and safety problem; it is discriminatory when the woman has reasonable ground to believe that her objection would disadvantage her in connection with her employment, including recruitment or promotion, or when it creates a hostile working environment.

[para.24] (j) States parties should include in their reports information on sexual harassment, and on measures to protect women from sexual harassment and other forms of violence of coercion in the workplace; (p) Measures to protect them from violence should include training and employment opportunities and the monitoring of the employment conditions of domestic workers;

[No.25: Article 4, paragraph 1, of the Convention (temporary special measures)]: [para.8] In the Committee's view, a purely formal legal or programmatic approach is not sufficient to achieve women's de facto equality with men, which the Committee interprets as substantive equality. In addition, the Convention requires that women be given an equal start and that they be empowered by an enabling environment to achieve equality of results. It is not enough to guarantee women treatment that is identical to that of men. Rather, biological as well as socially and culturally constructed differences between women and men must be taken into account. Under certain circumstances, non-identical treatment of women and men will be required in order to address such differences. Pursuit of the goal of substantive equality also calls for an effective strategy aimed at overcoming underrepresentation of women and a redistribution of resources and power between men and women.

[para.10] The position of women will not be improved as long as the underlying causes of discrimination against women, and of their inequality, are not effectively addressed. The lives of women and men must be considered in a contextual way, and measures adopted towards a real transformation of opportunities, institutions and systems so that they are no longer grounded in historically determined male paradigms of power and life patterns.

[para.12] Certain groups of women, in addition to suffering from discrimination directed against them as women, may also suffer from multiple forms of discrimination based on additional grounds such as race, ethnic or religious identity, disability, age, class, caste or other factors. Such discrimination may affect these groups of women primarily, or to a different degree or in different ways than men. States parties may need to take specific temporary special measures to eliminate such multiple forms of discrimination against women and its compounded negative impact on them.

International Labour Organisation (ILO) Conventions

ILO Conventions Key Articles

C100 Equal Remuneration Convention, 1951

[Article 1]: For the purpose of this Convention - (a) the term remuneration includes the ordinary, basic or minimum wage or salary and any additional emoluments whatsoever payable directly or indirectly, whether in cash or in kind, by the employer to the worker and arising out of the worker's employment; (b) the term equal remuneration for men and women workers for work of equal value refers to rates of remuneration established without discrimination based on sex.

[Article 2]: 1. Each Member shall, by means appropriate to the methods in operation for determining rates of remuneration, promote and, in so far as is consistent with such methods, ensure the application to all workers of the principle of equal remuneration for men and women workers for work of equal value. 2. This principle may be applied by means of- (a) national laws or regulations; (b) legally established or recognised machinery for wage determination; (c) collective agreements between employers and workers; or (d) a combination of these various means.

[Article 3]: 1. Where such action will assist in giving effect to the provisions of this Convention measures shall be taken to promote objective appraisal of jobs on the basis of the work to be performed. 2. The methods to be followed in this appraisal may be decided upon by the authorities responsible for the determination of rates of remuneration, or, where such rates are determined by collective agreements, by the parties thereto. 3. Differential rates between workers which correspond, without regard to sex, to differences, as determined by such objective appraisal, in the work to be performed shall not be considered as being contrary to the principle of equal remuneration for men and women workers for work of equal value.

C111 Discrimination (Employment and Occupation) Convention, 1958

[Article 1]: 1. For the purpose of this Convention the term discrimination includes - (a) any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation; (b) such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation as may be determined by the Member concerned after consultation with representative employers' and workers' organisations, where such exist, and with other appropriate bodies. 2. Any distinction, exclusion or preference in respect of a particular job based on the inherent requirements thereof shall not be deemed to be discrimination. 3. For the purpose of this Convention the terms employment and occupation include access to vocational training, access to employment and to particular occupations, and terms and conditions of employment.

[Article 2]: Each Member for which this Convention is in force undertakes to declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof.

[Article 3]: Each Member for which this Convention is in force undertakes, by methods appropriate to national conditions and practice - (a) to seek the co-operation of employers' and workers' organisations and other appropriate bodies in promoting the acceptance and observance of this policy; (b) to enact such legislation and to promote such educational programmes as may be calculated to secure the acceptance and observance of the policy; (c) to repeal any statutory provisions and modify any administrative instructions or practices which are inconsistent with the policy; (d) to pursue the policy in respect of employment under the direct control of a national authority; (e) to ensure observance of the policy in the activities of vocational guidance, vocational training and placement services under the direction of a national authority; (f) to indicate in its annual reports on the application of the Convention the action taken in pursuance of the policy and the results secured by such action.

[Article 4]: Any measures affecting an individual who is justifiably suspected of, or engaged in, activities prejudicial to the security of the State shall not be deemed to be discrimination, provided that the individual concerned shall have the right to appeal to a competent body established in accordance with national practice.

[Article 5]: 1. Special measures of protection or assistance provided for in other Conventions or Recommendations adopted by the International Labour Conference shall not be deemed to be discrimination. 2. Any Member may, after consultation with representative employers' and workers' organisations, where such exist, determine that other special measures designed to meet the particular requirements of persons who, for reasons such as sex, age, disablement, family responsibilities or social or cultural status, are generally recognised to require special protection or assistance, shall not be deemed to be discrimination.

C156 Workers with Family Responsibilities Convention, 1981

[Article 1]: 1. This Convention applies to men and women workers with responsibilities in relation to their dependent children, where such responsibilities restrict their possibilities of preparing for, entering, participating in or advancing in economic activity. 2. The provisions of this Convention shall also be applied to men and women workers with responsibilities in relation to other members of their immediate family who clearly need their care or support, where such responsibilities restrict their possibilities of preparing for, entering, participating in or advancing in economic activity. 3. For the purposes of this Convention, the terms dependent child and other member of the immediate family who clearly needs care or support mean persons defined as such in each country by one of the means referred to in Article 9 of this Convention. 4. The workers covered by virtue of paragraphs 1 and 2 of this Article are hereinafter referred to as *workers with family responsibilities*.

[Article 2]: This Convention applies to all branches of economic activity and all categories of workers.

[Article 3]: 1. With a view to creating effective equality of opportunity and treatment for men and women workers, each Member shall make it an aim of national policy to enable persons with family responsibilities who are engaged or wish to engage in employment to exercise their right to do so without being subject to discrimination and, to the extent possible, without conflict between their employment and family responsibilities. 2. For the purposes of paragraph 1 of this Article, the term discrimination means discrimination in employment and occupation as defined by Articles 1 and 5 of the Discrimination (Employment and Occupation) Convention, 1958.

[Article 4]: With a view to creating effective equality of opportunity and treatment for men and women workers, all measures compatible with national conditions and possibilities shall be taken - (a) to enable workers with family responsibilities to exercise their right to free choice of employment; and (b) to take account of their needs in terms and conditions of employment and in social security.

[Article 5]: All measures compatible with national conditions and possibilities shall further be taken - (a) to take account of the needs of workers with family responsibilities in community planning; and (b) to develop or promote community services, public or private, such as child-care and family services and facilities.

[Article 6]: The competent authorities and bodies in each country shall take appropriate measures to promote information and education which engender broader public understanding of the principle of equality of opportunity and treatment for men and women workers and of the problems of workers with family responsibilities, as well as a climate of opinion conducive to overcoming these problems.

[Article 7]: All measures compatible with national conditions and possibilities, including measures in the field of vocational guidance and training, shall be taken to enable workers with family responsibilities to become and remain integrated in the labour force, as well as to re-enter the labour force after an absence due to those responsibilities.

[Article 8]: Family responsibilities shall not, as such, constitute a valid reason for termination of employment.

Other Key Human Rights Instruments

Key Articles

Vienna Declaration and Programme of Action

[para.63] The World Conference on Human Rights reaffirms that all human rights and fundamental freedoms are universal and thus unreservedly include persons with disabilities. Every person is born equal and has the same rights to life and welfare, education and work, living independently and active participation in all aspects of society. Any direct discrimination or other negative discriminatory treatment of a disabled person is therefore a violation of his or her rights. The World Conference on Human Rights calls on Governments, where necessary, to adopt or adjust legislation to assure access to these and other rights for disabled persons.

[para.64] The place of disabled persons is everywhere. Persons with disabilities should be guaranteed equal opportunity through the elimination of all socially determined barriers, be they physical, financial, social or psychological, which exclude or restrict full participation in society.

Beijing Declaration and Platform for Action

[eg: at F1.165 a] Enact and enforce legislation to guarantee the rights of women and men to equal pay for equal work or work of equal value;

[eg: at F1.165 d] Devise mechanisms and take positive action to enable women to gain access to full and equal participation in the formulation of policies and definition of structures through such bodies as ministries of finance and trade, national economic commissions, economic research institutes and other key agencies, as well as through their participation in appropriate international bodies;

[eg: at F1.165 p] Use gender-impact analyses in the development of macro and microeconomic and social policies in order to monitor such impact and restructure policies in cases where harmful impact occurs;

[eg: at F2.166 j] Ensure equal access for women to effective job training, retraining, counselling and placement services that are not limited to traditional employment areas;

[eg: at F2.166 l] Safeguard and promote respect for basic workers' rights, including the prohibition of forced labour and child labour, freedom of association and the right to organize and bargain collectively, equal remuneration for men and women for work of equal value and non-discrimination in employment, fully implementing the conventions of the International Labour Organization in the case of States Parties to those conventions

[eg: at F3.173 f] Take measures to ensure equal access of women to ongoing training in the workplace, including unemployed women, single parents, women re-entering the labour market after an extended temporary exit from employment owing to family responsibilities and other causes, and women displaced by new forms of production or by retrenchment, and increase incentives to enterprises to expand the number of vocational and training centres that provide training for women in non-traditional areas; (g) Provide affordable support services, such as high-quality, flexible and affordable child-care services, that take into account the needs of working men and women.

[eg: at F4.175 d] Support programmes that enhance the self-reliance of special groups of women, such as young women, women with disabilities, elderly women and women belonging to racial and ethnic minorities;

[eg: at F5.178 f] Implement and monitor positive public- and private-sector employment, equity and positive action programmes to address systemic discrimination against women in the labour force, in particular women with disabilities and women belonging to other disadvantaged groups, with respect to hiring, retention and promotion, and vocational training of women in all sectors;

[eg: at F5.178 j] Ensure access to and develop special programmes to enable women with disabilities to obtain and retain employment, and ensure access to education and training at all proper levels, in accordance with the Standard Rules on the Equalization of Opportunities for Persons with Disabilities; 30/ adjust working conditions, to the extent possible, in order to suit the needs of women with disabilities, who should be assured legal protection against unfounded job loss on account of their disabilities;

[eg: at F6.179 b] Ensure that full and part-time work can be freely chosen by women and men on an equal basis, and consider appropriate protection for atypical workers in terms of access to employment, working conditions and social security;

[eg: at F6.179 d] Develop policies, inter alia, in education to change attitudes that reinforce the division of labour based on gender in order to promote the concept of shared family responsibility for work in the home, particularly in relation to children and elder care;

Biwako Millennium Framework for Action Towards an Inclusive, Barrier-free and Rights-based Society for Persons with Disabilities in Asia and the Pacific

[eg: at B3.1] Governments should implement measures to uphold the rights of women with disabilities and to protect them from discrimination. In particular, measures should be implemented to ensure equal access to health services, education, training and employment, and protection from sexual and other forms of abuse and violence.

[eg: at D3.1] Governments should examine, ratify and implement the Vocational Rehabilitation and Employment (Disabled Persons) Convention (No. 159), 1983.

[eg: at D3.3] Governments should develop and implement employer incentives and strategies to move persons with disabilities into open employment and recognize that government, as a major employer in most countries, should be a model employer with regard to the hiring, retention and advancement of workers with disabilities.

[eg: at D3.4] Governments should examine and/or enact anti-discrimination legislation, where appropriate, that protects the rights of workers with disabilities to equal treatment and opportunity in the workplace and in the marketplace. Governments should encourage and promote employment of persons with disabilities in the private sector and should provide a mechanism for the protection of rights of those persons with disabilities affected by layoffs and downsizing exercises.

[eg: at D3.5] Governments, international organizations, NGOs, training institutions and other social partners should collaborate to increase the availability and upgrade the competencies of staff providing training, employment and vocational rehabilitation services to ensure that trained and competent staff are available. Persons with disabilities should be actively recruited and included in such training programmes and hired as staff.

[eg: at D3.6] Governments, with the assistance of NGOs, should ensure that persons with disabilities have the support services they require to participate in mainstream vocational training and employment, and allocate the additional funds required to remove barriers to inclusion, with the full recognition that the price tag related to exclusion is higher.

[eg: at D3.7] Governments, NGOs and disabled persons' organizations should collaborate more with employers, trade unions and other social partners to develop partnerships, policies, mutual understanding and more effective vocational training and employment services that benefit persons with disabilities working in formal, informal or self-employment settings.

[eg: at D3.8] Governments, in collaboration with employers' organizations, workers' organizations, organizations of and for persons with disabilities and other social partners should review current policies, practices and outcomes related to the vocational training of persons with disabilities to identify gaps and needs and develop a plan to meet these needs in the light of workplace changes related to globalization, ICT and the needs of persons with disabilities living in remote and rural communities.

[eg: at D3.9] Funds must be allocated to meet the needs of those with the most extensive disabilities to provide training and employment services in dignified and inclusive settings to the extent possible, by using strategies such as transitional and production workshops and community-based and supported employment.

[eg: at D3.10] Recognizing the lack of formal job opportunities in many countries, Governments, international agencies, donors, NGOs and others in civil society must ensure that persons with disabilities and organizations of and for persons with disabilities have equitable access and are included in programmes related to business development, entrepreneurship and credit distribution.

Biwako Plus Five: Further efforts towards an inclusive, barrier-free and rights-based society for persons with disabilities in Asia and the Pacific

[eg: at IIIB.15] Governments recognize that women and girls with disabilities are subject to multiple discrimination and, in this regard, together with self-help organizations, should support the economic, social, cultural and political empowerment of women with disabilities, in particular through leadership and management training on a sustained basis. Governments should take appropriate measures to address discrimination against women with disabilities in all matters, including those relating to marriage, family, parenthood and relationships, to ensure their full development, advancement and empowerment.

[eg: at IIIB.14] Governments should promote: (a) The inclusion of gender perspectives in disability-relevant policies, programmes, plans and legislation; (b) The inclusion of the perspectives of women with disabilities in the development of gender-relevant policies, programmes, plans and legislation; (c) The participation of women with disabilities and organizations of women with disabilities in the processes of developing both gender-relevant and disability-related policies, programmes, plans and legislation.

UN Resolution S-23/3: Further actions and initiatives to implement the Beijing Declaration and Platform for Action

[eg: at IV 75a] Facilitate employment for women through, inter alia , promotion of adequate social protection, simplification of administrative procedures, removal of fiscal obstacles, where appropriate, and other measures, such as access to risk capital, credit schemes, microcredit and other funding, facilitating the establishment of microenterprises and small and medium-sized enterprises.

[eg: at IV 82a] Promote and protect the rights of women workers and take action to remove structural and legal barriers as well as stereotypical attitudes to gender equality at work, addressing, inter alia , gender bias in recruitment; working conditions; occupational segregation and harassment; discrimination in social protection benefits; women's occupational health and safety; unequal career opportunities and inadequate sharing, by men, of family responsibilities;

[eg: at IV 82b] Promote programmes to enable women and men to reconcile their work and family responsibilities and to encourage men to share equally with women household and child-care responsibilities;

[eg: at IV 82c] Develop or strengthen policies and programmes to support the multiple roles of women in contributing to the welfare of the family in its various forms, which acknowledge the social significance of maternity and motherhood, parenting, the role of parents and legal guardians in the upbringing of children and caring for other family members. Such policies and programmes should also promote shared responsibility of parents, women and men and society as a whole in this regard;

[eg: at IV 82d] Design, implement and promote family friendly policies and services, including affordable, accessible and quality care services for children and other dependants, parental and other leave schemes and campaigns to sensitize public opinion and other relevant actors on equal sharing of employment and family responsibilities between women and men;

[eg: at IV 82e] Develop policies and programmes to enhance the employability of women and their access to quality jobs, through improving access to formal, non-formal and vocational training, lifelong learning and retraining, long-distance education, including in information and communications technology and entrepreneurial skills, particularly in developing countries, to support women's empowerment in the different stages of their lives;

[eg: at IV 82f] Take action to increase women's participation and to bring about a balanced representation of women and men in all sectors and occupations in the labour market, inter alia , by encouraging the creation or expansion of institutional networks to support the career development and promotion of women;

[eg: at IV 82g] Develop and/or strengthen programmes and policies to support women entrepreneurs, including those engaged in new enterprises, through access to information, training, including vocational training, new technologies, networks, credit and financial services;

[eg: at IV 82h] Initiate positive steps to promote equal pay for equal work or work of equal value and to diminish differentials in incomes between women and men;

[eg: at IV 82i] Encourage and support the education of girls in science, mathematics, new technologies, including information technologies, and technical subjects, and encourage women, including through career advising, to seek employment in high-growth and high-wage sectors and jobs;

[eg: at IV 82j] Develop policies and implement programmes, particularly for men and boys, on changing stereotypical attitudes and behaviours concerning gender roles and responsibilities to promote gender equality and positive attitudes and behaviour;

[eg: at IV 82k] Strengthen gender-awareness campaigns and gender equality training among women and men, girls and boys to eliminate the persistence of harmful stereotypes;

[eg: at IV 82l] Analyse and respond, as necessary, to the major reasons why men and women may be affected differently by the process of job creation and retrenchment associated with economic transition and structural transformation of the economy, including globalization;

[eg: at IV 82m] Promote gender-sensitivity and social responsibility of the private sector, inter alia , through the management of work time and dissemination of gender-sensitive information and advocacy campaigns.

[eg: at IV 83 d] Design and implement policies and programmes to address fully specific needs of women and girls with disabilities, to ensure their equal access to education at all levels, including technical and vocational training and adequate rehabilitation programmes, health care and services and employment opportunities, to protect and promote their human rights and, where appropriate, to eliminate existing inequalities between women and men with disabilities.



The right to an adequate standard of living

Concluding Observations of UN Treaty Monitoring Committees

Convention on the Rights of Persons with Disabilities (CRPD)

International Covenant on Economic, Social and Cultural Rights (CESCR)

Convention on the Rights of the Child (CRC)

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Other Key Human Rights Instruments

Vienna Declaration and Programme of Action (1993)

Beijing Declaration and Platform for Action (BPFA) (1995)

Biwako Millennium Framework (BMF) (2002)

Biwako Plus Five (2007)

UN Resolution S-23/3 Further actions and initiatives to implement the Beijing Declaration and Platform for Action

Recommendations to Australia from the United Nations [Concluding Observations of UN Treaty Monitoring Committees]

<p>Committee on the Elimination of Discrimination against Women (CEDAW) (2006)</p> <p>CEDAW/C/AUL/CO/5</p>	<p>[para.14] The Committee regrets that the report neither provides sufficient statistical data, disaggregated by sex and ethnicity on the practical realization of equality between women and men in all areas covered by the Convention nor information on the impact and results achieved of legal and policy measures taken. It also regrets the absence of sufficient information and data on women with disabilities.</p> <p>[para.15] The Committee requests the State party to include adequate statistical data and analysis, disaggregated by sex, ethnicity and disability, in its next report so as to provide a full picture of the implementation of all the provisions of the Convention. It also recommends that the State party regularly conduct impact assessments of its legislative reforms, policies and programmes to ensure that measures taken lead to the desired goals and that it inform the Committee about the results of these assessments in its next report.</p>
<p>Committee on the Elimination of Discrimination against Women (CEDAW) (2010)</p> <p>CEDAW/C/AUS/CO/7</p>	<p>[para.42] The Committee is concerned that women with disabilities are almost entirely absent from key leadership and decision-making positions and continue to be disadvantaged with regard to educational and employment opportunities. It is concerned about the high levels of violence experienced by women, particularly those living in institutions or supported accommodation. The Committee also notes with concern that non-therapeutic sterilizations of women and girls with disabilities continue to be practiced in some states in Australia and notes that the Commonwealth Government considers this to be a matter for state governments to regulate.</p> <p>[para.43] The Committee urges the State party, in the light of its recent ratification of the Convention on the Rights of Persons with Disabilities, to undertake a comprehensive assessment of the situation of women with disabilities in Australia. The Committee recommends that the State party address, as a matter of priority, the abuse and violence experienced by women with disabilities living in institutions or supported accommodation. The Committee further recommends that the State party adopt urgent measures to ensure that women with disabilities are better represented in decision-making and leadership positions, including through the adoption of temporary special measures such as quotas and targets, in accordance with article 4, paragraph 1 of the Convention and the Committee’s general recommendation No. 25. The Committee recommends that the State party enact national legislation prohibiting, except where there is a serious threat to life or health, the use of sterilisation of girls, regardless of whether they have a disability, and of adult women with disabilities in the absence of their fully informed and free consent.</p>
<p>UN General Assembly Human Rights Council (2011)</p> <p>A/HRC/WG.6/10/L.8</p>	<p>[para.86.33] In line with the CESCR recommendation, develop a comprehensive poverty reduction and social inclusion strategy, which should integrate economic, social and cultural rights (Pakistan);</p> <p>[para.86.142] Actively continue to implement the best practice and policy for the promotion and protection of the rights and living conditions, and to narrow the gap in living standards in favour of the vulnerable groups in the country (Lao People’s Democratic Republic);</p>
<p>Committee on Economic, Social and Cultural Rights (2000)</p> <p>E/C.12/1/Add.50</p>	<p>[para.33] The Committee strongly urges the State party to establish an official poverty line, so that a credible assessment can be made of the extent of poverty in Australia. The Committee requests further that the State party provide information on this issue in its fourth periodic report.</p>

Committee on Economic, Social and Cultural Rights (2009)

E/C.12/AUS/CO/4

[para.16] The Committee regrets that insufficient measures have been taken by the State party to ensure an adequate standard of living for persons with disabilities.... The Committee encourages the State party to strengthen its efforts towards the adoption of concrete measures to enable persons with disabilities to fully enjoy the rights guaranteed by the Covenant.

[para.20] The Committee is concerned that the social security system in the State party does not ensure universal coverage and that the insufficient amount of certain benefits does not provide an effective income support system. The Committee is concerned that existing conditionalities for the payment of benefits have a negative impact on disadvantaged and marginalized individuals and groups (art.9). The Committee recommends that the State party take additional measures, legislative or otherwise, to ensure universal coverage of the social security system so as to include asylum-seekers, newly arrived immigrants and indigenous peoples. The Committee also recommends that social security benefits, including unemployment benefits, old age pensions and youth allowance enable recipients to enjoy an adequate standard of living. The Committee strongly recommends that the State party review conditionalities such as “mutual obligations” in the welfare to work programme and the “quarantining” of welfare payments under the Northern Territory Intervention that may have a punitive effect on disadvantaged and marginalized families, women and children. The Committee further recommends that the State party consider ratifying ILO Convention No. 102 (1952) concerning Minimum Standards of Social Security.

[para.24] The Committee notes with concern that, despite the State party’s economic prosperity, 12 per cent of the Australian population lives in poverty, and poverty rates remain very high among disadvantaged and marginalized individuals and groups such as indigenous peoples, asylum seekers, migrants and persons with disabilities. It regrets that the State party has not yet adopted a comprehensive strategy to combat poverty and social exclusion, and that no steps have been taken to adopt an official poverty line, despite the Committee’s recommendations adopted in 2000. The Committee recalls that this criterion is needed to determine the progress achieved over time by the State party to reduce poverty. (art. 11) The Committee urges the State party to take all necessary measures to combat poverty and social exclusion, and to develop a comprehensive poverty reduction and social inclusion strategy which should integrate the economic, social and cultural rights, in line with the Committee’s statement on Poverty and the International Covenant on Economic, Social and Cultural Rights (E/2002/22-E.12/2001/17, annex VII). The Committee recommends that the State party adopt evaluation measures to assess the impact of its poverty and social reduction strategies and identify its weaknesses, and requests that the State party include, in its next report, comparative data disaggregated by gender, age, rural and urban populations, as well as indicators on the number of persons living in extreme poverty, and on the progress made in its efforts to combat poverty.

[para.26] The Committee notes with concern that the incidence of homelessness has increased in the State party over the last decade, mainly affecting indigenous peoples, in spite of the measures undertaken by the State party to address homelessness in Australia, including its National Housing Strategy, as well as its commitment to halve homelessness by 2020 and to improve housing affordability for vulnerable individuals (art.11). The Committee recommends that the State party take effective measures, in line with the Committee's general comment No.4 (1991) on the right to adequate housing (art. 11, para. 1, of the Covenant), to address homelessness in its territory. The State party should implement the recommendations of the Special Rapporteur on the Right to Adequate Housing contained in the report of his mission to Australia (A/HRC/4/18/Add.2). The Committee requests the State party to provide, in its next periodic report, disaggregated data and information which will allow the Committee to assess the progress made by the State party in improving the housing situation in its territory, in particular with respect to indigenous peoples.

Committee on the Rights of the Child (2005)

CRC/C/15/Add.268

[para.17] The Committee notes that despite the increase in budgetary allocations in many areas of childcare and well-being, indigenous children and other vulnerable groups continue to need considerable improvement in their standard of living, health and education.

[para.18] The Committee recommends that the State party pay particular attention to the full implementation of article 4 of the Convention, by prioritizing budgetary allocations so as to ensure implementation of the economic, social and cultural rights of children, in particular those belonging to disadvantaged groups, such as indigenous children, “to the maximum extent of ... available resources”.

[para.45] While the Committee notes the States party’s initiatives addressing the rights of children with disabilities, it is concerned about the paucity of information on disabled children, especially when it comes to data on disabled indigenous children, alternative care for children with disabilities and children with disabilities living in remote or rural areas. The Committee also notes that a governmental working group is addressing the issue of sterilization of children with so-called “decision-making” disabilities.

[para.46] In the light of the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and of the Committee’s recommendations adopted at its day of general discussion on “Children with disabilities” (see CRC/C/69), the Committee encourages the State party to actively pursue its current efforts and: (a) To adopt a consistent national approach to the collection of data on children with disabilities; (b) To ensure that children with disabilities have equal opportunities to participate fully in all spheres of life and to strengthen public awareness campaigns to change negative public attitudes; (c) To undertake greater efforts to make available the necessary professional (i.e. disability specialists) and financial resources, especially at the local level, and to promote and expand community-based rehabilitation programmes, including parental support groups; (d) To implement the Disability Standards for Education and give adequate support to the Literacy, Numeracy and Special Learning Needs Programme, a key targeted programme aimed at improving the literacy, numeracy and other learning outcomes of students who are educationally disadvantaged, including students with disabilities; (e) To prohibit the sterilization of children, with or without disabilities, and promote and implement other measures of prevention of unwanted pregnancies, e.g. injection of contraceptives, when appropriate.

[para.56] The Committee also notes that the State party has not defined an official poverty line and is concerned that the impact of poor living conditions on the well-being and development of children is not adequately considered.

[para.57] In light of article 27 of the Convention, the Committee recommends that the State party increase its efforts to provide affordable housing options and take all possible measures to raise the standard of living of indigenous children and children living in rural and remote areas.

[para.58] The Committee further recommends that the State party address and systematically investigate the consequences of economic hardship on children, with a view to developing measures aimed at reducing its negative impact on children’s healthy development.

Convention on the Rights of Persons with Disabilities (CRPD)

CRPD Key Articles

[Article 19]: States Parties to the present 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]: 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 28]: 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. 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.

International Covenant on Economic, Social and Cultural Rights (CESCR)

CESCR Key Articles	CESCR General Comments
<p>[Article 9]: The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.</p> <p>[Article 11]: 1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international cooperation based on free consent. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:</p> <p>(a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources; (b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.</p>	<p>[No.4: The right to adequate housing]: [para.6] The right to adequate housing applies to everyone. While the reference to “himself and his family” reflects assumptions as to gender roles and economic activity patterns commonly accepted in 1966 when the Covenant was adopted, the phrase cannot be read today as implying any limitations upon the applicability of the right to individuals or to female-headed households or other such groups. Thus, the concept of “family” must be understood in a wide sense. Further, individuals, as well as families, are entitled to adequate housing regardless of age, economic status, group or other affiliation or status and other such factors. In particular, enjoyment of this right must, in accordance with article 2 (2) of the Covenant, not be subject to any form of discrimination.</p> <p>[para.7]....the right to housing should not be interpreted in a narrow or restrictive sense which equates it with, for example, the shelter provided by merely having a roof over one’s head or views shelter exclusively as a commodity. Rather it should be seen as the right to live somewhere in security, peace and dignity.....“Adequate shelter means adequate privacy, adequate space, adequate security, adequate lighting and ventilation, adequate basic infrastructure and adequate location with regard to work and basic facilities, all at a reasonable cost”.</p> <p>[para.8]....While adequacy is determined in part by social, economic, cultural, climatic, ecological and other factors, the Committee believes that it is nevertheless possible to identify certain aspects of the right that must be taken into account for this purpose in any particular context. They include the following: (a) <i>Legal security of tenure</i>: Tenure takes a variety of forms.....Notwithstanding the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. States parties should consequently take immediate measures aimed at conferring legal security of tenure upon those persons and households currently lacking such protection, in genuine consultation with affected persons and groups; (b) <i>Availability of services, materials, facilities and infrastructure</i>: An adequate house must contain certain facilities essential for health, security, comfort and nutrition. (c) <i>Affordability</i>: Personal or household financial costs associated with housing should be at such a level that the attainment and satisfaction of other basic needs are not threatened or compromised. Steps should be taken by States parties to ensure that the percentage of housing-related costs is, in general, commensurate with income levels. In accordance with the principle of affordability, tenants should be protected by appropriate means against unreasonable rent levels or rent increases. (d) <i>Habitability</i>: Adequate housing must be habitable, in terms of providing the inhabitants with adequate space and protecting them from cold, damp, heat, rain, wind or other threats to health, structural hazards, and disease vectors. The physical safety of occupants must be guaranteed as well. (e) <i>Accessibility</i>: Adequate housing must be accessible to those entitled to it. Disadvantaged groups must be accorded full and sustainable access to adequate housing resources. Thus, such disadvantaged groups as the elderly, children, the physically disabled, the terminally ill, HIV-positive individuals, persons with persistent medical problems, the mentally ill, victims of natural disasters, people living in disaster-prone areas and other groups should be ensured some degree of priority consideration in the housing sphere. Both housing law and policy should take fully into account the special housing needs of these groups. Within many States parties increasing access to land by landless or impoverished segments of the society should constitute a central policy goal. Discernible governmental obligations need to be developed aiming to substantiate the right of all to a secure place to live in peace and dignity, including access to land as an entitlement; (f) <i>Location</i>: Adequate housing must be in a location which allows access to employment options, health-care services, schools, childcare centres and other social facilities. (g) <i>Cultural adequacy</i>: The way housing is constructed, the building materials used and the policies supporting these must appropriately enable the expression of cultural identity and diversity of housing.</p> <p>[para.11] States parties must give due priority to those social groups living in unfavourable conditions by giving them particular consideration. Policies and legislation should correspondingly not be designed to benefit already advantaged social groups at the expense of others.</p>

[No.5: Persons with Disabilities]: [para.19].....The Committee [therefore] urges States parties to address the situation of women with disabilities, with high priority being given in future to the implementation of economic, social and cultural rights-related programmes.

[para.23] Similarly, the failure of Governments to ensure that modes of transportation are accessible to persons with disabilities greatly reduces the chances of such persons finding suitable, integrated jobs, taking advantage of educational and vocational training, or commuting to facilities of all types. Indeed, the provision of access to appropriate and, where necessary, specially tailored forms of transportation is crucial to the realization by persons with disabilities of virtually all the rights recognized in the Covenant.

[para.28] Social security and income-maintenance schemes are of particular importance for persons with disabilities. As stated in the Standard Rules, "States should ensure the provision of adequate income support to persons with disabilities who, owing to disability or disability-related factors, have temporarily lost or received a reduction in their income or have been denied employment opportunities". Such support should reflect the special needs for assistance and other expenses often associated with disability. In addition, as far as possible, the support provided should also cover individuals (who are overwhelmingly female) who undertake the care of a person with disabilities. Such persons, including members of the families of persons with disabilities, are often in urgent need of financial support because of their assistance role.

[para.33] In addition to the need to ensure that persons with disabilities have access to adequate food, accessible housing and other basic material needs, it is also necessary to ensure that "support services, including assistive devices" are available "for persons with disabilities, to assist them to increase their level of independence in their daily living and to exercise their rights". The right to adequate clothing also assumes a special significance in the context of persons with disabilities who have particular clothing needs, so as to enable them to function fully and effectively in society. Wherever possible, appropriate personal assistance should also be provided in this connection. Such assistance should be undertaken in a manner and spirit which fully respect the human rights of the person(s) concerned. Similarly, as already noted by the Committee in paragraph 8 of general comment No. 4 (Sixth session, 1991), the right to adequate housing includes the right to accessible housing for persons with disabilities.

[No.12: The right to adequate food]: [para.8] The Committee considers that the core content of the right to adequate food implies: The availability of food in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture; The accessibility of such food in ways that are sustainable and that do not interfere with the enjoyment of other human rights.

[para.9] Dietary needs implies that the diet as a whole contains a mix of nutrients for physical and mental growth, development and maintenance, and physical activity that are in compliance with human physiological needs at all stages throughout the life cycle and according to gender and occupation. Measures may therefore need to be taken to maintain, adapt or strengthen dietary diversity and appropriate consumption and feeding patterns, including breastfeeding, while ensuring that changes in availability and access to food supply as a minimum do not negatively affect dietary composition and intake.

[No.14: The right to the highest attainable standard of health]: [para.15].....Article 12.2 (b) also embraces adequate housing and safe and hygienic working conditions, an adequate supply of food and proper nutrition.....

[para.36].....States must ensure provision of health care, including immunization programmes against the major infectious diseases, and ensure equal access for all to the underlying determinants of health, such as nutritiously safe food and potable drinking water, basic sanitation and adequate housing and living conditions.

[No.19: The right to social security]: [para.20] In its general comment No. 5 (1994) on persons with disabilities, the Committee emphasized the importance of providing adequate income support to persons with disabilities who, owing to disability or disability-related factors, have temporarily lost, or received a reduction in, their income, have been denied employment opportunities or have a permanent disability. Such support should be provided in a dignified manner and reflect the special needs for assistance and other expenses often associated with disability. The support provided should cover family members and other informal carers.

[para.22] Benefits, whether in cash or in kind, must be adequate in amount and duration in order that everyone may realize his or her rights to family protection and assistance, an adequate standard of living and adequate access to health care, as contained in articles 10, 11 and 12 of the Covenant. States parties must also pay full respect to the principle of human dignity contained in the preamble of the Covenant, and the principle of non-discrimination, so as to avoid any adverse effect on the levels of benefits and the form in which they are provided. Methods applied should ensure the adequacy of benefits. The adequacy criteria should be monitored regularly to ensure that beneficiaries are able to afford the goods and services they require to realize their Covenant rights. When a person makes contributions to a social security scheme that provides benefits to cover lack of income, there should be a reasonable relationship between earnings, paid contributions, and the amount of relevant benefit.

[para.27] Benefits should be provided in a timely manner and beneficiaries should have physical access to the social security services in order to access benefits and information, and make contributions where relevant. Particular attention should be paid in this regard to persons with disabilities, migrants, and persons living in remote or disaster-prone areas, as well as areas experiencing armed conflict, so that they, too, can have access to these services.

[para.28] The right to social security plays an important role in supporting the realization of many of the rights in the Covenant, but other measures are necessary to complement the right to social security. For example, States parties should provide social services for rehabilitation of the injured and persons with disabilities in accordance with article 6 of the Covenant, provide child care and welfare, advice and assistance with family planning and the provision of special facilities for persons with disabilities and older persons (article 10); take measures to combat poverty and social exclusion and provide supporting social services (article 11); and adopt measures to prevent disease and improve health facilities, goods and services (article 12). States parties should also consider schemes that provide social protection to individuals belonging to disadvantaged and marginalized groups, for example crop or natural disaster insurance for small farmers or livelihood protection for self-employed persons in the informal economy. However, the adoption of measures to realize other rights in the Covenant will not in itself act as a substitute for the creation of social security schemes.

[para.31] Whereas everyone has the right to social security, States parties should give special attention to those individuals and groups who traditionally face difficulties in exercising this right, in particular women, the unemployed, workers inadequately protected by social security, persons working in the informal economy, sick or injured workers, people with disabilities.....

[para.32] In general comment No.16 (2005) on the equal right of men and women to the enjoyment of all economic, social and cultural rights (art. 3), the Committee noted that implementation of article 3 in relation to article 9 requires, inter alia, equalization of the compulsory retirement age for both men and women; ensuring that women receive equal benefits in both public and private pension schemes; and guaranteeing adequate maternity leave for women, paternity leave for men, and parental leave for both men and women.²⁷ In social security schemes that link benefits with contributions, States parties should take steps to eliminate the factors that prevent women from making equal contributions to such schemes.....or ensure that schemes take account of such factors in the design of benefit formulas (for example by considering child rearing periods or periods to take care of adult dependents in relation to pension entitlements). Differences in the average life expectancy of men and women can also lead directly or indirectly to discrimination in provision of benefits (particularly in the case of pensions) and thus need to be taken into account in the design of schemes. Non-contributory schemes must also take account of the fact that women are more likely to live in poverty than men and often have sole responsibility for the care of children.

Convention on the Rights of the Child (CRC)

CRC Key Articles	CRC General Comments
<p>[Article 23]: States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development.</p>	<p>[No.7: Implementing child rights in early childhood]: [para.10] States parties are reminded that article 6 encompasses all aspects of development, and that a young child's health and psychosocial well-being are in many respects interdependent. Both may be put at risk by adverse living conditions, neglect, insensitive or abusive treatment and restricted opportunities for realizing human potential. The Committee reminds States parties.... that the right to survival and development can only be implemented in a holistic manner, through the enforcement of all the other provisions of the Convention, including rights to health, adequate nutrition, social security, an adequate standard of living, a healthy and safe environment, education and play.....as well as through respect for the responsibilities of parents and the provision of assistance and quality services.....</p> <p>[para.26] Young children are entitled to a standard of living adequate for their physical, mental, spiritual, moral and social development.....Growing up in relative poverty undermines children's well-being, social inclusion and self-esteem and reduces opportunities for learning and development.....States parties are urged to implement systematic strategies to reduce poverty in early childhood as well as combat its negative effects on children's well-being. All possible means should be employed, including "material assistance and support programmes" for children and families....., in order to assure to young children a basic standard of living consistent with rights. Implementing children's right to benefit from social security, including social insurance, is an important element of any strategy....</p> <p>[No.9: The rights of children with disabilities]: [para.10] Girls with disabilities are often even more vulnerable to discrimination due to gender discrimination. In this context, States parties are requested to pay particular attention to girls with disabilities by taking the necessary measures, and when needed extra measures, in order to ensure that they are well protected, have access to all services and are fully included in society.</p> <p>[para.10]....Resources allocated to children with disabilities should be sufficient --and earmarked so that they are not used for other purposes-- to cover all their needs, including programmes established for training professionals working with children with disabilities such as teachers, physiotherapists and policymakers; education campaigns; financial support for families; income maintenance; social security; assistive devices; and related services.</p> <p>[para.39] All States parties are urged to set out appropriate policies and procedures to make public transportation safe, easily accessible to children with disabilities, and free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child.</p> <p>[para.41] Children with disabilities are best cared for and nurtured within their own family environment provided that the family is adequately provided for in all aspects. Such support to families includes education of parent/s and siblings, not only on the disability and its causes but also on each child's unique physical and mental requirements; psychological support that is sensitive to the stress and difficulties imposed on families of children with disabilities; education on the family's common language, for example sign language, so that parents and siblings can communicate with family members with disabilities; material support in the form of special allowances as well as consumable supplies and necessary equipment, such as special furniture and mobility devices that is deemed necessary for the child with a disability to live a dignified, self-reliant lifestyle, and be fully included in the family and community. In this context, support should also be extended to children who are affected by the disabilities of their caregivers. For example, a child living with a parent or other caregiver with disabilities should receive the support that would protect fully his or her rights and allow him or her to continue to live with this parent whenever it is in his or her best interests. Support services should also include different forms of respite care, such as care assistance in the home and day-care facilities directly accessible at community level..</p>

[Article 26]: States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

[Article 27]: States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.....

[No.11: Indigenous children and their rights under the Convention]: [para.34] Articles 6 and 27 provide the right of children to survival and development as well as an adequate standard of living. States should assist parents and others responsible for the indigenous child to implement this right by providing culturally appropriate material assistance and support programmes, particularly with regard to nutrition, clothing and housing. The Committee stresses the need for States parties to take special measures to ensure that indigenous children enjoy the right to an adequate standard of living and that these, together with progress indicators, be developed in partnership with indigenous peoples, including children.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

CEDAW Key Articles	CEDAW General Recommendations
<p>[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: (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;</p> <p>[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.</p> <p>[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.....(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; (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;.....</p> <p>[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.</p>	<p>[No.18: Disabled women]: The Committee on the Elimination of Discrimination against Women recommends that States parties provide information on disabled women in their periodic reports, and on measures taken to deal with their particular situation, including special measures to ensure that they have equal access to education and employment, health services and social security, and to ensure that they can participate in all areas of social and cultural life.</p> <p>[No. 21: Equality in marriage and family relations]: [para.32] In some countries, on division of marital property, greater emphasis is placed on financial contributions to property acquired during a marriage, and other contributions, such as raising children, caring for elderly relatives and discharging household duties are diminished. Often, such contributions of a non-financial nature by the wife enable the husband to earn an income and increase the assets. Financial and non-financial contributions should be accorded the same weight.</p> <p>[No. 24: Women and health]: [para.25] Women with disabilities, of all ages, often have difficulty with physical access to health services. Women with mental disabilities are particularly vulnerable, while there is limited understanding, in general, of the broad range of risks to mental health to which women are disproportionately susceptible as a result of gender discrimination, violence, poverty, armed conflict, dislocation and other forms of social deprivation. States parties should take appropriate measures to ensure that health services are sensitive to the needs of women with disabilities and are respectful of their human rights and dignity.</p> <p>[para.28] When reporting on measures taken to comply with article 12, States parties are urged to recognize its interconnection with other articles in the Convention that have a bearing on women’s health. Those articles include article.....(h), which obliges States parties to take all appropriate measures to ensure adequate living conditions, particularly housing, sanitation, electricity and water supply, transport and communications, all of which are critical for the prevention of disease and the promotion of good health care;.....</p> <p>[No.25: Article 4, paragraph 1, of the Convention (temporary special measures): [para.12] Certain groups of women, in addition to suffering from discrimination directed against them as women, may also suffer from multiple forms of discrimination based on additional grounds such as race, ethnic or religious identity, disability, age, class, caste or other factors. Such discrimination may affect these groups of women primarily, or to a different degree or in different ways than men. States parties may need to take specific temporary special measures to eliminate such multiple forms of discrimination against women and its compounded negative impact on them.</p>

Other Key Human Rights Instruments

Key Articles

Vienna Declaration and Programme of Action

[para.63] The World Conference on Human Rights reaffirms that all human rights and fundamental freedoms are universal and thus unreservedly include persons with disabilities. Every person is born equal and has the same rights to life and welfare, education and work, living independently and active participation in all aspects of society. Any direct discrimination or other negative discriminatory treatment of a disabled person is therefore a violation of his or her rights. The World Conference on Human Rights calls on Governments, where necessary, to adopt or adjust legislation to assure access to these and other rights for disabled persons.

[para.64] The place of disabled persons is everywhere. Persons with disabilities should be guaranteed equal opportunity through the elimination of all socially determined barriers, be they physical, financial, social or psychological, which exclude or restrict full participation in society.

Beijing Declaration and Platform for Action

[eg: at A1.58 d] Restructure and target the allocation of public expenditures to promote women's economic opportunities and equal access to productive resources and to address the basic social, educational and health needs of women, particularly those living in poverty;

[eg: at A1.58 g] Provide adequate safety nets and strengthen State-based and community based support systems, as an integral part of social policy, in order to enable women living in poverty to withstand adverse economic environments and preserve their livelihood, assets and revenues in times of crisis;

[eg: at A1.58 m] Enable women to obtain affordable housing and access to land by, among other things, removing all obstacles to access, with special emphasis on meeting the needs of women, especially those living in poverty and female heads of household;

[eg: at A1.58 o] Create social security systems wherever they do not exist, or review them with a view to placing individual women and men on an equal footing, at every stage of their lives;

[eg: at C1.106 c] Design and implement, in cooperation with women and community-based organizations, gender-sensitive health programmes, including decentralized health services, that address the needs of women throughout their lives and take into account their multiple roles and responsibilities, the demands on their time, the special needs of rural women and women with disabilities and the diversity of women's needs arising from age and socio-economic and cultural differences, among others; include women, especially local and indigenous women, in the identification and planning of health-care priorities and programmes; remove all barriers to women's health services and provide a broad range of health-care services;

[eg: at C1.106 d] Allow women access to social security systems in equality with men throughout the whole life cycle;

[eg: at C1.106 o] Ensure that girls and women of all ages with any form of disability receive supportive services;

Biwako Millennium Framework for Action Towards an Inclusive, Barrier-free and Rights-based Society for Persons with Disabilities in Asia and the Pacific

[eg: at B3.1] Governments should implement measures to uphold the rights of women with disabilities and to protect them from discrimination. In particular, measures should be implemented to ensure equal access to health services, education, training and employment, and protection from sexual and other forms of abuse and violence.

[eg: at G4.3] Government should include disability dimensions and poverty mapping and disability into the collection and analysis of millennium development goal baseline data on income poverty, education, health, etc., so as to ensure baseline data for poor persons with disabilities.

Biwako Plus Five: Further efforts towards an inclusive, barrier-free and rights-based society for persons with disabilities in Asia and the Pacific

[eg: at IIIB.15] Governments recognize that women and girls with disabilities are subject to multiple discrimination and, in this regard, together with self-help organizations, should support the economic, social, cultural and political empowerment of women with disabilities, in particular through leadership and management training on a sustained basis. Governments should take appropriate measures to address discrimination against women with disabilities in all matters, including those relating to marriage, family, parenthood and relationships, to ensure their full development, advancement and empowerment.

[eg: at IIIG.22] Governments should: (a) Mainstream disability perspectives in national development frameworks, such as poverty reduction strategy papers; (b) Review existing social security policies and practices and modify them, as necessary, to promote personal mobility, health, rehabilitation and rehabilitation services, education and an adequate standard of living and social protection for persons with disabilities. Where they do not exist, policies aimed at providing basic services should be developed and implemented. The provision of basic assistive devices that meet the needs of persons with disabilities as well as any personal assistance needed should be promoted.

UN Resolution S-23/3: Further actions and initiatives to implement the Beijing Declaration and Platform for Action

[eg: at IV 73a] Mainstream a gender perspective into key macroeconomic and social development policies and national development programmes;

[eg: at IV 73b] Incorporate a gender perspective into the design, development, adoption and execution of all budgetary processes, as appropriate, in order to promote equitable, effective and appropriate resource allocation and establish adequate budgetary allocations to support gender equality and development programmes that enhance women's empowerment and develop the necessary analytical and methodological tools and mechanisms for monitoring and evaluation;

[eg: at IV 73c] Increase, as appropriate, and effectively utilize financial and other resources in the social sector, particularly in education and health, to achieve gender equality and women's empowerment as a central strategy for addressing development and poverty eradication;

[eg: at IV 73d] Strive to reduce the disproportionate number of women living in poverty, in particular rural women, by implementing national poverty eradication programmes with a focus on a gender perspective and the empowerment of women, including short- and long-term goals.

[eg: at IV 74a] Undertake socio-economic policies that promote sustainable development and support and ensure poverty eradication programmes, especially for women, by, inter alia , providing skills training, equal access to and control over resources, finance, credit, including microcredit, information and technology, and equal access to markets to benefit women of all ages, in particular those living in poverty and marginalized women, including rural women, indigenous women and female-headed households;

[eg: at IV 74b] Create and ensure access to social protection systems, taking into account the specific needs of all women living in poverty, demographic changes and changes in society, to provide safeguards against the uncertainties and changes in conditions of work associated with globalization, and strive to ensure that new, flexible and emerging forms of work are adequately covered by social protection;

[eg: at IV 74c] Continue to review, modify and implement macroeconomic and social policies and programmes, inter alia , through an analysis from a gender perspective of those related to structural adjustment and external debt problems, in order to ensure women's equal access to resources and universal access to basic social services.

[eg: at IV 83 d] Design and implement policies and programmes to address fully specific needs of women and girls with disabilities, to ensure their equal access to education at all levels, including technical and vocational training and adequate rehabilitation programmes, health care and services and employment opportunities, to protect and promote their human rights and, where appropriate, to eliminate existing inequalities between women and men with disabilities.



The right to participate in political and public life [Leadership & Decision-Making]

Concluding Observations of UN Treaty Monitoring Committees

Convention on the Rights of Persons with Disabilities (CRPD)

International Covenant on Civil and Political Rights (CCPR)

Convention on the Rights of the Child (CRC)

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Other Key Human Rights Instruments

Vienna Declaration and Programme of Action (1993)

Beijing Declaration and Platform for Action (BPFA) (1995)

Biwako Millennium Framework (BMF) (2002)

Biwako Plus Five (2007)

UN Resolution S-23/3 Further actions and initiatives to implement the Beijing Declaration and Platform for Action (2000)

Recommendations to Australia from the United Nations [Concluding Observations of UN Treaty Monitoring Committees]

Committee on the Elimination of Discrimination against Women (CEDAW) (2006)

CEDAW/C/AUL/CO/5

[para.14] The Committee regrets that the report neither provides sufficient statistical data, disaggregated by sex and ethnicity on the practical realization of equality between women and men in all areas covered by the Convention nor information on the impact and results achieved of legal and policy measures taken. It also regrets the absence of sufficient information and data on women with disabilities.

[para.15] The Committee requests the State party to include adequate statistical data and analysis, disaggregated by sex, ethnicity and disability, in its next report so as to provide a full picture of the implementation of all the provisions of the Convention. It also recommends that the State party regularly conduct impact assessments of its legislative reforms, policies and programmes to ensure that measures taken lead to the desired goals and that it inform the Committee about the results of these assessments in its next report.

Committee on the Elimination of Discrimination against Women (CEDAW) (2010)

CEDAW/C/AUS/CO/7

[para.26] The Committee notes with concern that, despite a large number of policies and programmes adopted by the State party to address under-representation of certain vulnerable groups of women, including indigenous women, women with disabilities, migrant women, women from culturally and linguistically diverse backgrounds and women from remote or rural communities, there has been slow progress in ensuring their equal participation in leadership and decision-making positions, in public and political life as well as their equal access to education, employment and health. The Committee continues to be concerned that the State party does not favour adoption of temporary special measures in the form of compulsory targets and quotas to address the under-representation of women in decision-making bodies, in political and public life and the persistent inequality of their access to education, employment opportunities and health care services.

[para.27] The Committee reiterates its recommendation in its previous concluding observations (CEDAW/C/AUL/CO/5, para. 17) that the State party fully utilize the Sex Discrimination Act and consider the adoption of temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee’s general recommendation No. 25, to increase further the number of women in political and public life and to ensure that the representation of women in political and public bodies reflect the full diversity of the population, including indigenous women and women from ethnic minorities.

[para.34] The Committee notes with appreciation the positive developments in increased women’s representation in senior ranks of public office, that thirty percent of all Australian parliamentarians are women, that women constitute fifty-eight percent of the Public Service and that three out of seven High Court judges are women. The Committee however remains concerned that the measures taken to enhance the participation of Aboriginal and Torres Straits Islander women and women with disabilities in public life remains inadequate.

[para.35] The Committee recommends that the State party adopt targeted measures, including temporary special measures with clear time frames, in accordance with article 4, paragraph 1 of the Convention and the Committee’s general recommendation No. 25, to ensure the equal participation and representation of women in public and political life, with a particular focus on Aboriginal and Torres Straits Islander women and women with disabilities.

[para.42] The Committee is concerned that women with disabilities are almost entirely absent from key leadership and decision-making positions and continue to be disadvantaged with regard to educational and employment opportunities. It is concerned about the high levels of violence experienced by women, particularly those living in institutions or supported accommodation. The Committee also notes with concern that non-therapeutic sterilizations of women and girls with disabilities continue to be practiced in some states in Australia and notes that the Commonwealth Government considers this to be a matter for state governments to regulate.

	<p>[para.43] The Committee urges the State party, in the light of its recent ratification of the Convention on the Rights of Persons with Disabilities, to undertake a comprehensive assessment of the situation of women with disabilities in Australia. The Committee recommends that the State party address, as a matter of priority, the abuse and violence experienced by women with disabilities living in institutions or supported accommodation. The Committee further recommends that the State party adopt urgent measures to ensure that women with disabilities are better represented in decision-making and leadership positions, including through the adoption of temporary special measures such as quotas and targets, in accordance with article 4, paragraph 1 of the Convention and the Committee’s general recommendation No. 25. The Committee recommends that the State party enact national legislation prohibiting, except where there is a serious threat to life or health, the use of sterilisation of girls, regardless of whether they have a disability, and of adult women with disabilities in the absence of their fully informed and free consent.</p>
<p>UN General Assembly Human Rights Council (2011) A/HRC/WG.6/10/L.8</p>	<p>[para.86.55] Adopt targets of 40 percent representation of women on public and private sector boards (Norway);</p>
<p>Committee on Economic, Social and Cultural Rights (2009) E/C.12/AUS/CO/4</p>	<p>[para.16] The Committee regrets that insufficient measures have been taken by the State party to ensure an adequate standard of living for persons with disabilities.... The Committee encourages the State party to strengthen its efforts towards the adoption of concrete measures to enable persons with disabilities to fully enjoy the rights guaranteed by the Covenant.</p>
<p>Committee on the Rights of the Child (2005) CRC/C/15/Add.268</p>	<p>[para.29] The Committee notes the efforts of the State party to implement fully article 12 of the Convention, but is concerned that the views of the child are not always sufficiently taken into account in judicial and administrative proceedings affecting the child.....</p> <p>[para.30] The Committee recommends that the right of the child to express his/her views in all matters affecting him/her be expressly provided in the Family Law reform.....</p> <p>[para.46] In the light of the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and of the Committee’s recommendations adopted at its day of general discussion on “Children with disabilities” (see CRC/C/69), the Committee encourages the State party to actively pursue its current efforts and: (a) To adopt a consistent national approach to the collection of data on children with disabilities; (b) To ensure that children with disabilities have equal opportunities to participate fully in all spheres of life and to strengthen public awareness campaigns to change negative public attitudes; (c) To undertake greater efforts to make available the necessary professional (i.e. disability specialists) and financial resources, especially at the local level, and to promote and expand community-based rehabilitation programmes, including parental support groups; (d) To implement the Disability Standards for Education and give adequate support to the Literacy, Numeracy and Special Learning Needs Programme, a key targeted programme aimed at improving the literacy, numeracy and other learning outcomes of students who are educationally disadvantaged, including students with disabilities; (e) To prohibit the sterilization of children, with or without disabilities, and promote and implement other measures of prevention of unwanted pregnancies, e.g. injection of contraceptives, when appropriate.</p>

Convention on the Rights of Persons with Disabilities (CRPD)

CRPD Key Articles

[Article 4]:.....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.

[Article 6]: 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. 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 29]: 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: (a) 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: (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) To 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.

International Covenant on Civil and Political Rights (CCPR)

CCPR Key Articles

CCPR General Comments

[Article 25]: Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: (a) To take part in the conduct of public affairs, directly or through freely chosen representatives; (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors; (c) To have access, on general terms of equality, to public service in his country.

[No.25: The Participation in public affairs and the right to vote]: [para.1] Article 25 of the Covenant recognizes and protects the right of every citizen to take part in the conduct of public affairs, the right to vote and to be elected and the right to have access to public service. Whatever form of constitution or government is in force, the Covenant requires States to adopt such legislative and other measures as may be necessary to ensure that citizens have an effective opportunity to enjoy the rights it protects. Article 25 lies at the core of democratic government based on the consent of the people and in conformity with the principles of the Covenant.

[para.11] States must take effective measures to ensure that all persons entitled to vote are able to exercise that right. Where registration of voters is required, it should be facilitated and obstacles to such registration should not be imposed. If residence requirements apply to registration, they must be reasonable, and should not be imposed in such a way as to exclude the homeless from the right to vote. Any abusive interference with registration or voting as well as intimidation or coercion of voters should be prohibited by penal laws and those laws should be strictly enforced. Voter education and registration campaigns are necessary to ensure the effective exercise of article 25 rights by an informed community.

	<p>[para.12] Freedom of expression, assembly and association are essential conditions for the effective exercise of the right to vote and must be fully protected. Positive measures should be taken to overcome specific difficulties, such as illiteracy, language barriers, poverty, or impediments to freedom of movement which prevent persons entitled to vote from exercising their rights effectively. Information and materials about voting should be available in minority languages. Specific methods, such as photographs and symbols, should be adopted to ensure that illiterate voters have adequate information on which to base their choice. States parties should indicate in their reports the manner in which the difficulties highlighted in this paragraph are dealt with.</p> <p>[No.28: The equality of rights between men and women]: [para.29] The right to participate in the conduct of public affairs is not fully implemented everywhere on an equal basis. States parties must ensure that the law guarantees to women the rights contained in article 25 on equal terms with men and take effective and positive measures to promote and ensure women’s participation in the conduct of public affairs and in public office, including appropriate affirmative action. Effective measures taken by States parties to ensure that all persons entitled to vote are able to exercise that right should not be discriminatory on the grounds of sex. The Committee requires States parties to provide statistical information on the percentage of women in publicly elected office, including the legislature, as well as in high-ranking civil service positions and the judiciary.</p>
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Convention on the Rights of the Child (CRC)	
CRC Key Articles	CRC General Comments
<p>[Article 23]: States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development.</p>	<p>[No.12: The right of the child to be heard]: [para.10].....States parties should consider children as a group to be heard, and the Committee strongly recommends that States parties exert all efforts to listen to or seek the views of those children speaking collectively.</p> <p>[para.11] States parties should encourage the child to form a free view and should provide an environment that enables the child to exercise her or his right to be heard.</p> <p>[para.12] The views expressed by children may add relevant perspectives and experience and should be considered in decision-making, policymaking and preparation of laws and/or measures as well as their evaluation.</p> <p>[para.13] These processes are usually called participation. The exercise of the child’s or children’s right to be heard is a crucial element of such processes. The concept of participation emphasizes that including children should not only be a momentary act, but the starting point for an intense exchange between children and adults on the development of policies, programmes and measures in all relevant contexts of children’s lives.</p>

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

CEDAW Key Articles	CEDAW General Recommendations
<p>[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.</p> <p>[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.</p> <p>[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.</p>	<p>[No.18: Disabled women]: The Committee on the Elimination of Discrimination against Women recommends that States parties provide information on disabled women in their periodic reports, and on measures taken to deal with their particular situation, including special measures to ensure that they have equal access to education and employment, health services and social security, and to ensure that they can participate in all areas of social and cultural life.</p> <p>[No. 23: Political and public life]: [para.5] Article 7 obliges States parties to take all appropriate measures to eliminate discrimination against women in political and public life and to ensure that they enjoy equality with men in political and public life. The obligation specified in article 7 extends to all areas of public and political life and is not limited to those areas specified in subparagraphs (a), (b) and (c). The political and public life of a country is a broad concept. It refers to the exercise of political power, in particular the exercise of legislative, judicial, executive and administrative powers. The term covers all aspects of public administration and the formulation and implementation of policy at the international, national, regional and local levels. The concept also includes many aspects of civil society, including public boards and local councils and the activities of organizations such as political parties, trade unions, professional or industry associations, women’s organizations, community-based organizations and other organizations concerned with public and political life.</p> <p>[para.17] In order to achieve broad representation in public life, women must have full equality in the exercise of political and economic power; they must be fully and equally involved in decision-making at all levels, both nationally and internationally, so that they may make their contribution to the goals of equality, development and the achievement of peace. A gender perspective is critical if these goals are to be met and if true democracy is to be assured. For these reasons, it is essential to involve women in public life to take advantage of their contribution, to assure their interests are protected and to fulfil the guarantee that the enjoyment of human rights is for all people regardless of gender. Women’s full participation is essential not only for their empowerment but also for the advancement of society as a whole.</p> <p>[para.27] States parties have a further obligation to ensure that barriers to women’s full participation in the formulation of government policy are identified and overcome. These barriers include complacency when token women are appointed, and traditional and customary attitudes that discourage women’s participation. When women are not broadly represented in the senior levels of government or are inadequately or not consulted at all, government policy will not be comprehensive and effective.</p> <p>[No.25: Article 4, paragraph 1, of the Convention (temporary special measures): [para.12] Certain groups of women, in addition to suffering from discrimination directed against them as women, may also suffer from multiple forms of discrimination based on additional grounds such as race, ethnic or religious identity, disability, age, class, caste or other factors. Such discrimination may affect these groups of women primarily, or to a different degree or in different ways than men. States parties may need to take specific temporary special measures to eliminate such multiple forms of discrimination against women and its compounded negative impact on them.</p>

Other Key Human Rights Instruments

Key Articles

Vienna Declaration and Programme of Action

[para.43] The World Conference on Human Rights urges Governments and regional and international organizations to facilitate the access of women to decision-making posts and their greater participation in the decision-making process.

[para.63] The World Conference on Human Rights reaffirms that all human rights and fundamental freedoms are universal and thus unreservedly include persons with disabilities. Every person is born equal and has the same rights to life and welfare, education and work, living independently and active participation in all aspects of society. Any direct discrimination or other negative discriminatory treatment of a disabled person is therefore a violation of his or her rights. The World Conference on Human Rights calls on Governments, where necessary, to adopt or adjust legislation to assure access to these and other rights for disabled persons.

[para.64] The place of disabled persons is everywhere. Persons with disabilities should be guaranteed equal opportunity through the elimination of all socially determined barriers, be they physical, financial, social or psychological, which exclude or restrict full participation in society.

Beijing Declaration and Platform for Action

[eg: at G1.190 e] Monitor and evaluate progress in the representation of women through the regular collection, analysis and dissemination of quantitative and qualitative data on women and men at all levels in various decision-making positions in the public and private sectors, and disseminate data on the number of women and men employed at various levels in Governments on a yearly basis; ensure that women and men have equal access to the full range of public appointments and set up mechanisms within governmental structures for monitoring progress in this field;

[eg: at G2.195 a] Provide leadership and self-esteem training to assist women and girls, particularly those with special needs, women with disabilities and women belonging to racial and ethnic minorities to strengthen their self-esteem and to encourage them to take decision-making positions;

[eg: at G2.195 c] Create a system of mentoring for inexperienced women and, in particular, offer training, including training in leadership and decision-making, public speaking and self-assertion, as well as in political campaigning;

Biwako Millennium Framework for Action Towards an Inclusive, Barrier-free and Rights-based Society for Persons with Disabilities in Asia and the Pacific

[eg: at A3.1] . Governments should implement measures under the direction of the national coordination committee on disability to increase the level of consultations between self-help organizations of persons with disabilities and diverse sectoral ministries, as well as with civil society and the private sector. These measures should include training of persons with disabilities, including women with disabilities, on how to participate effectively in the various decision-making processes. Governments should establish guidelines for the conduct of consultations and the process should be periodically reviewed and evaluated by representatives of self-help organizations of persons with diverse disabilities.

[eg: at A3.3] Governments should take action to increase the representation of persons with disabilities in all areas of public life, including government, at all levels from national to local, as well as the legislature and judicial bodies. This should be promoted by means of affirmative action and anti-discrimination legislation.

[eg: at B3.1] Governments should implement measures to uphold the rights of women with disabilities and to protect them from discrimination. In particular, measures should be implemented to ensure equal access to health services, education, training and employment, and protection from sexual and other forms of abuse and violence.

[eg: at B3.7] Governments, NGOs, self-help organizations and donors should provide leadership training for women with disabilities to raise their awareness of gender issues and to increase their capacity to participate in policy and decision-making processes at all levels of self-help organizations of persons with disabilities and in advocacy and consultative roles with Government and in civil society.

Biwako Plus Five: Further efforts towards an inclusive, barrier-free and rights-based society for persons with disabilities in Asia and the Pacific

[eg: at IIIA.12] Governments at all levels are encouraged to support: (a) The development of organizations for persons with disabilities and related family and parent associations at the local and national levels, and the promotion of their networking at the regional, subregional and interregional levels, paying particular attention to the self-help organizations of persons with intellectual disabilities, psychosocial disabilities and multiple disabilities; (b) The participation of persons with disabilities in the political and civil processes as well as in the development, implementation and monitoring of economic and social policies and programmes at all levels; (c) The development of young men and women with disabilities as leaders;

[eg: at IIIB.14] Governments should promote: (a) The inclusion of gender perspectives in disability-relevant policies, programmes, plans and legislation; (b) The inclusion of the perspectives of women with disabilities in the development of gender-relevant policies, programmes, plans and legislation; (c) The participation of women with disabilities and organizations of women with disabilities in the processes of developing both gender-relevant and disability-related policies, programmes, plans and legislation.

[eg: at IIIB.15] Governments recognize that women and girls with disabilities are subject to multiple discrimination and, in this regard, together with self-help organizations, should support the economic, social, cultural and political empowerment of women with disabilities, in particular through leadership and management training on a sustained basis. Governments should take appropriate measures to address discrimination against women with disabilities in all matters, including those relating to marriage, family, parenthood and relationships, to ensure their full development, advancement and empowerment.

UN Resolution S-23/3: Further actions and initiatives to implement the Beijing Declaration and Platform for Action

[eg: at IV 66a] Set and encourage the use of explicit short- and long-term time-bound targets or measurable goals, including, where appropriate, quotas, to promote progress towards gender balance, including women's equal access to and full participation on a basis of equality with men in all areas and at all levels of public life, especially in decision- and policy-making positions, in political parties and political activities, in all government ministries and at key policy-making institutions, as well as in local development bodies and authorities;

[eg: at IV 66b] Address the barriers faced by women, particularly by indigenous and other marginalized women, in accessing and participating in politics and decision-making, including lack of training, women's double burden of paid and unpaid work, negative societal attitudes and stereotypes.

[eg: at IV 81a] Provide equal opportunities and favourable conditions for women of all ages and backgrounds on equal terms with men by encouraging their entry into politics and their participation at all levels;

[eg: at IV 81b] Encourage the nomination of more women candidates, inter alia, through political parties, quotas or measurable goals or other appropriate means for election to parliaments and other legislative structures, to increase their share and contribution in the formulation of public policy;

[eg: at IV 81c] Develop and maintain consultative processes and mechanisms, in partnership with women's organizations, including non-governmental organizations and community groups, to ensure that all women, with particular attention to those who face particular barriers to their participation in public life, are fully involved in and informed about decisions that impact their lives;

[eg: at IV 83d] Design and implement policies and programmes to address fully specific needs of women and girls with disabilities, to ensure their equal access to education at all levels, including technical and vocational training and adequate rehabilitation programmes, health care and services and employment opportunities, to protect and promote their human rights and, where appropriate, to eliminate existing inequalities between women and men with disabilities.



The right to health

Concluding Observations of UN Treaty Monitoring Committees

Convention on the Rights of Persons with Disabilities (CRPD)

International Covenant on Economic, Social and Cultural Rights (CESCR)

Convention on the Rights of the Child (CRC)

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Other Key Human Rights Instruments

Vienna Declaration and Programme of Action (1993)

Beijing Declaration and Platform for Action (BPFA) (1995)

Biwako Millennium Framework (BMF) (2002)

Biwako Plus Five (2007)

UN Resolution S-23/3 Further actions and initiatives to implement the Beijing Declaration and Platform for Action (2000)

Recommendations to Australia from the United Nations [Concluding Observations of UN Treaty Monitoring Committees]

<p>Committee on the Elimination of Discrimination against Women (CEDAW) (1997)</p> <p>CEDAW/A/52/38/Rev.1</p>	<p>[para.400] The Committee encouraged the Government to assess the benefits of a continuing national Women’s health policy and to ensure that any further change in that policy did not lead to a decreased access by women, especially vulnerable groups of women, to comprehensive health services. It also recommended that data and indicators on health should be collected, disaggregated by sex, age, ethnicity, rural/urban areas and other distinctions. Data should also be collected on the impact of the shift in responsibility for health care from the federal to the state level.</p>
<p>Committee on the Elimination of Discrimination against Women (CEDAW) (2006)</p> <p>CEDAW/C/AUL/CO/5</p>	<p>[para.14] The Committee regrets that the report neither provides sufficient statistical data, disaggregated by sex and ethnicity on the practical realization of equality between women and men in all areas covered by the Convention nor information on the impact and results achieved of legal and policy measures taken. It also regrets the absence of sufficient information and data on women with disabilities.</p> <p>[para.15] The Committee requests the State party to include adequate statistical data and analysis, disaggregated by sex, ethnicity and disability, in its next report so as to provide a full picture of the implementation of all the provisions of the Convention. It also recommends that the State party regularly conduct impact assessments of its legislative reforms, policies and programmes to ensure that measures taken lead to the desired goals and that it inform the Committee about the results of these assessments in its next report.</p> <p>[para.26] The Committee is concerned that although the rate of bulk billing for health services is increasing, there is still a disparity in the application of this principle in the rural areas and that, consequently, rural women may face difficulties in accessing health services. The Committee is also concerned that there is no information on how the State party is addressing specific health needs of different groups of women in accordance with risk factors on the basis of biology and social conditioning. The Committee is further concerned that the health needs of disabled women are inadequately met due to the lack of special equipment and other infrastructure.</p> <p>[para.27] The Committee recommends that the State party monitor bulk billing for health services, particularly in the rural areas, and take necessary action to ensure that it is fully applied. The Committee recommends that the State party take account of general recommendation 24 on health and develop full competence to address the health needs of women in accordance with their specific risk factors. The Committee also recommends that the State party develop the necessary infrastructure to ensure that disabled women have access to all health services.</p>
<p>Committee on the Elimination of Discrimination against Women (CEDAW) (2010)</p> <p>CEDAW/C/AUS/CO/7</p>	<p>[para.26] The Committee notes with concern that, despite a large number of policies and programmes adopted by the State party to address under-representation of certain vulnerable groups of women, including indigenous women, women with disabilities, migrant women, women from culturally and linguistically diverse backgrounds and women from remote or rural communities, there has been slow progress in ensuring their equal participation in leadership and decision-making positions, in public and political life as well as their equal access to education, employment and health. The Committee continues to be concerned that the State party does not favour adoption of temporary special measures in the form of compulsory targets and quotas to address the under-representation of women in decision-making bodies, in political and public life and the persistent inequality of their access to education, employment opportunities and health care services.</p> <p>[para.42] The Committee is concerned that women with disabilities are almost entirely absent from key leadership and decision-making positions and continue to be disadvantaged with regard to educational and employment opportunities. It is concerned about the high levels of violence experienced by women, particularly those living in institutions or supported accommodation. The Committee also notes with concern that non-therapeutic sterilizations of women and girls with disabilities continue to be practiced in some states in Australia and notes that the Commonwealth Government considers this to be a matter for state governments to regulate.</p>

	<p>[para.43] The Committee urges the State party, in the light of its recent ratification of the Convention on the Rights of Persons with Disabilities, to undertake a comprehensive assessment of the situation of women with disabilities in Australia. The Committee recommends that the State party address, as a matter of priority, the abuse and violence experienced by women with disabilities living in institutions or supported accommodation. The Committee further recommends that the State party adopt urgent measures to ensure that women with disabilities are better represented in decision-making and leadership positions, including through the adoption of temporary special measures such as quotas and targets, in accordance with article 4, paragraph 1 of the Convention and the Committee’s general recommendation No. 25. The Committee recommends that the State party enact national legislation prohibiting, except where there is a serious threat to life or health, the use of sterilisation of girls, regardless of whether they have a disability, and of adult women with disabilities in the absence of their fully informed and free consent.</p>
<p>Committee on Economic, Social and Cultural Rights (2009) E/C.12/AUS/CO/4</p>	<p>[para.16] The Committee regrets that insufficient measures have been taken by the State party to ensure an adequate standard of living for persons with disabilities.... The Committee encourages the State party to strengthen its efforts towards the adoption of concrete measures to enable persons with disabilities to fully enjoy the rights guaranteed by the Covenant.</p> <p>[para.28].....the Committee invites the State party to identify disaggregated health indicators and appropriate national benchmarks in relation to the right to health, in line with the Committee’s general comment No. 14, and to include information on the process of identifying such indicators and benchmarks in its next periodic report.</p> <p>[para.30] The Committee notes with concern the insufficient support for persons with mental health problems, as well as the difficult access to mental health services, in particular for indigenous peoples, prisoners and asylum-seekers in detention. (arts. 2, para.2; and 12) The Committee recommends that the State party take effective measures to ensure the equal enjoyment of the right to the highest attainable standard of mental health, including by (a) allocating adequate resources for mental health services and other support measures for person with mental -health problems in line with the United Nations Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care; (b) implementing the recommendations of the Australian Medical Association’s 2008 report on indigenous health; (c) reducing the high rate of incarceration of people with mental diseases; (d) ensuring that all prisoners receive an adequate and appropriate mental health treatment when needed.</p>
<p>Committee on the Rights of the Child (2005) CRC/C/15/Add.268</p>	<p>[para.17] The Committee notes that despite the increase in budgetary allocations in many areas of childcare and well-being, indigenous children and other vulnerable groups continue to need considerable improvement in their standard of living, health and education.</p> <p>[para.18] The Committee recommends that the State party pay particular attention to the full implementation of article 4 of the Convention, by prioritizing budgetary allocations so as to ensure implementation of the economic, social and cultural rights of children, in particular those belonging to disadvantaged groups, such as indigenous children, “to the maximum extent of ... available resources”.</p> <p>[para.45] While the Committee notes the States party’s initiatives addressing the rights of children with disabilities, it is concerned about the paucity of information on disabled children, especially when it comes to data on disabled indigenous children, alternative care for children with disabilities and children with disabilities living in remote or rural areas. The Committee also notes that a governmental working group is addressing the issue of sterilization of children with so-called “decision-making” disabilities.</p>

[para.46] In the light of the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and of the Committee's recommendations adopted at its day of general discussion on "Children with disabilities" (see CRC/C/69), the Committee encourages the State party to actively pursue its current efforts and: (a) To adopt a consistent national approach to the collection of data on children with disabilities; (b) To ensure that children with disabilities have equal opportunities to participate fully in all spheres of life and to strengthen public awareness campaigns to change negative public attitudes; (c) To undertake greater efforts to make available the necessary professional (i.e. disability specialists) and financial resources, especially at the local level, and to promote and expand community-based rehabilitation programmes, including parental support groups; (d) To implement the Disability Standards for Education and give adequate support to the Literacy, Numeracy and Special Learning Needs Programme, a key targeted programme aimed at improving the literacy, numeracy and other learning outcomes of students who are educationally disadvantaged, including students with disabilities; (e) To prohibit the sterilization of children, with or without disabilities, and promote and implement other measures of prevention of unwanted pregnancies, e.g. injection of contraceptives, when appropriate.

[para.48] The Committee recommends that the State party undertake all necessary measures to ensure that all children enjoy the same access to and quality of health services, with special attention to children belonging to vulnerable groups, especially indigenous children and children living in remote areas.

Convention on the Rights of Persons with Disabilities (CRPD)

CRPD Key Articles

[Article 4]: 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.....

[Article 6]: 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. 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 17]: Every person with disabilities has a right to respect for his or her physical and mental integrity on an equal basis with others.

[Article 25]: 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.

International Covenant on Economic, Social and Cultural Rights (CESCR)

CESCR Key Articles	CESCR General Comments
<p>[Article 12]: The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for: (a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child; (b) The improvement of all aspects of environmental and industrial hygiene; (c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases; (d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.</p>	<p>[No.5: Persons with Disabilities]: [para.19].....The Committee [therefore] urges States parties to address the situation of women with disabilities, with high priority being given in future to the implementation of economic, social and cultural rights-related programmes.</p> <p>[para.31] Women with disabilities also have the right to protection and support in relation to motherhood and pregnancy. As the Standard Rules state, “persons with disabilities must not be denied the opportunity to experience their sexuality, have sexual relationships and experience parenthood”. The needs and desires in question should be recognized and addressed in both the recreational and the procreational contexts. These rights are commonly denied to both men and women with disabilities worldwide. Both the sterilization of, and the performance of an abortion on, a woman with disabilities without her prior informed consent are serious violations of article 10 (2).</p> <p>[para.34] According to the Standard Rules, “States should ensure that persons with disabilities, particularly infants and children, are provided with the same level of medical care within the same system as other members of society”. The right to physical and mental health also implies the right to have access to, and to benefit from, those medical and social services – including orthopaedic devices - which enable persons with disabilities to become independent, prevent further disabilities and support their social integration. Similarly, such persons should be provided with rehabilitation services which would enable them “to reach and sustain their optimum level of independence and functioning”. All such services should be provided in such a way that the persons concerned are able to maintain full respect for their rights and dignity.</p> <p>[No.14: The Right to Health]: [para.1] Health is a fundamental human right indispensable for the exercise of other human rights. Every human being is entitled to the enjoyment of the highest attainable standard of health conducive to living a life in dignity....the right to health includes certain components which are legally enforceable.</p> <p>[para.8]....The right to health contains both freedoms and entitlements. The freedoms include the right to control one’s health and body, including sexual and reproductive freedom, and the right to be free from interference, such as the right to be free from torture, non-consensual medical treatment and experimentation. By contrast, the entitlements include the right to a system of health protection which provides equality of opportunity for people to enjoy the highest attainable level of health.</p> <p>[para.11] The Committee interprets the right to health, as defined in article 12.1, as an inclusive right extending not only to timely and appropriate health care but also to the underlying determinants of health, such as access to safe and potable water and adequate sanitation, an adequate supply of safe food, nutrition and housing, healthy occupational and environmental conditions, and access to health-related education and information, including on sexual and reproductive health. A further important aspect is the participation of the population in all health-related decision-making at the community, national and international levels.</p> <p>[para.21] The realization of women’s right to health requires the removal of all barriers interfering with access to health services, education and information, including in the area of sexual and reproductive health. It is also important to undertake preventive, promotive and remedial action to shield women from the impact of harmful traditional cultural practices and norms that deny them their full reproductive rights.</p>

[para.26] The Committee reaffirms paragraph 34 of its general comment No. 5, which addresses the issue of persons with disabilities in the context of the right to physical and mental health. Moreover, the Committee stresses the need to ensure that not only the public health sector but also private providers of health services and facilities comply with the principle of non-discrimination in relation to persons with disabilities.

[para.34] States are under the obligation to respect the right to health by, inter alia, refraining from denying or limiting equal access for all persons, including prisoners or detainees, minorities, asylum-seekers and illegal immigrants, to preventive, curative and palliative health services; abstaining from enforcing discriminatory practices as a State policy; and abstaining from imposing discriminatory practices relating to women's health status and needs. Furthermore, obligations to respect include a State's obligation to refrain from.... applying coercive medical treatments, unless on an exceptional basis for the treatment of mental illness or the prevention and control of communicable diseases.....States should refrain from limiting access to contraceptives and other means of maintaining sexual and reproductive health, from censoring, withholding or intentionally misrepresenting health-related information, including sexual education and information, as well as from preventing people's participation in health-related matters.

[para.35] Obligations to protect include, inter alia, the duties of States to adopt legislation or to take other measures ensuring equal access to health care and health-related services provided by third parties; to ensure that privatization of the health sector does not constitute a threat to the availability, accessibility, acceptability and quality of health facilities, goods and services; to control the marketing of medical equipment and medicines by third parties; and to ensure that medical practitioners and other health professionals meet appropriate standards of education, skill and ethical codes of conduct. States are also obliged to ensure that harmful social or traditional practices do not interfere with access to pre- and post-natal care and family planning; to prevent third parties from coercing women to undergo traditional practices, e.g. female genital mutilation; and to take measures to protect all vulnerable or marginalized groups of society, in particular women, children, adolescents and older persons, in the light of gender-based expressions of violence. States should also ensure that third parties do not limit people's access to health-related information and services.

[para.37] The obligation to fulfil (facilitate) requires States inter alia to take positive measures that enable and assist individuals and communities to enjoy the right to health. States parties are also obliged to fulfil (provide) a specific right contained in the Covenant when individuals or a group are unable, for reasons beyond their control, to realize that right themselves by the means at their disposal. The obligation to fulfil (promote) the right to health requires States to undertake actions that create, maintain and restore the health of the population. Such obligations include: (i) fostering recognition of factors favouring positive health results, e.g. research and provision of information; (ii) ensuring that health services are culturally appropriate and that health-care staff are trained to recognize and respond to the specific needs of vulnerable or marginalized groups; (iii) ensuring that the State meets its obligations in the dissemination of appropriate information relating to healthy lifestyles and nutrition, harmful traditional practices and the availability of services; (iv) supporting people in making informed choices about their health.

Convention on the Rights of the Child (CRC)

CRC Key Articles

[Article 23]: States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development.

CRC General Comments

[No.4: Adolescent health and development in the context of the Convention on the Rights of the Child]: [para.31] In accordance with article 23 of the Convention, adolescents with mental and/or physical disabilities have an equal right to the highest attainable standard of physical and mental health. States parties have an obligation to provide adolescents with disabilities with the means necessary to realize their rights. States parties should (a) ensure that health facilities, goods and services are available and accessible to all adolescents with disabilities and that these facilities and services promote their self-reliance and their active participation in the community; (b) ensure that the necessary equipment and personal support are available to enable them to move around, participate and communicate; (c) pay specific attention to the special needs relating to the sexuality of adolescents with disabilities; and (d) remove barriers that hinder adolescents with disabilities in realizing their rights.

[No.9: The rights of children with disabilities]: [para.51] Attainment of the highest possible standard of health as well as access and affordability of quality healthcare is an inherent right for all children. Children with disabilities are often left out because of several challenges, including discrimination, inaccessibility due to the lack of information and/or financial resources, transportation, geographic distribution and physical access to health care facilities. Another factor is the absence of targeted health care programmes that address the specific needs of children with disabilities. Health policies should be comprehensive and address early detection of disabilities, early intervention, including psychological and physical treatment, rehabilitation including physical aids, for example limb prosthesis, mobility devices, hearing aids and visual aids.

[para.52] It is important to emphasize that health services should be provided within the same public health system that provides for children with no disabilities, free of charge, whenever possible, and as updated and modernized as possible. The importance of community-based assistance and rehabilitation strategies should be emphasized when providing health services for children with disabilities. States parties must ensure that health professionals working with children with disabilities are trained to the highest possible standard and practice based on a child-centred approach. In this respect, many States parties would greatly benefit from international cooperation with international organizations as well as other States parties.

[No.12: The right of the child to be heard]: [para.98] The realization of the provisions of the Convention requires respect for the child's right to express his or her views and to participate in promoting the healthy development and well-being of children. This applies to individual health-care decisions, as well as to children's involvement in the development of health policy and services.

[para.99] The Committee identifies several distinct but linked issues that need consideration in respect of the child's involvement in practices and decisions relating to her or his own health care.

[para.100] Children, including young children, should be included in decision-making processes, in a manner consistent with their evolving capacities. They should be provided with information about proposed treatments and their effects and outcomes, including in formats appropriate and accessible to children with disabilities.

[Article 24]: States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures: (a) To diminish infant and child mortality; (b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care; (c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution; (d) To ensure appropriate pre-natal and post-natal health care for mothers; (e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents; (f) To develop preventive health care, guidance for parents and family planning education and services. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

[para.101] States parties need to introduce legislation or regulations to ensure that children have access to confidential medical counselling and advice without parental consent, irrespective of the child's age, where this is needed for the child's safety or well-being. Children may need such access, for example, where they are experiencing violence or abuse at home, or in need of reproductive health education or services, or in case of conflicts between parents and the child over access to health services. The right to counselling and advice is distinct from the right to give medical consent and should not be subject to any age limit.

[para.102] The Committee welcomes the introduction in some countries of a fixed age at which the right to consent transfers to the child, and encourages States parties to give consideration to the introduction of such legislation. Thus, children above that age have an entitlement to give consent without the requirement for any individual professional assessment of capacity after consultation with an independent and competent expert. However, the Committee strongly recommends that States parties ensure that, where a younger child can demonstrate capacity to express an informed view on her or his treatment, this view is given due weight.

[para.103] Physicians and health-care facilities should provide clear and accessible information to children on their rights concerning their participation in paediatric research and clinical trials. They have to be informed about the research, so that their informed consent can be obtained in addition to other procedural safeguards.

[para.104] States parties should also introduce measures enabling children to contribute their views and experiences to the planning and programming of services for their health and development. Their views should be sought on all aspects of health provision, including what services are needed, how and where they are best provided, discriminatory barriers to accessing services, quality and attitudes of health professionals, and how to promote children's capacities to take increasing levels of responsibility for their own health and development. This information can be obtained through, inter alia, feedback systems for children using services or involved in research and consultative processes, and can be transmitted to local or national children's councils or parliaments to develop standards and indicators of health services that respect the rights of the child.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

CEDAW Key Articles	CEDAW General Recommendations
<p>[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: (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;</p> <p>[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.</p> <p>[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: (h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.</p>	<p>[No.18: Disabled women]: The Committee on the Elimination of Discrimination against Women recommends that States parties provide information on disabled women in their periodic reports, and on measures taken to deal with their particular situation, including special measures to ensure that they have equal access to education and employment, health services and social security, and to ensure that they can participate in all areas of social and cultural life.</p> <p>[No. 21: Equality in marriage and family relations]: [para.22] Some reports disclose coercive practices which have serious consequences for women, such as forced pregnancies, abortions or sterilization. Decisions to have children or not, while preferably made in consultation with spouse or partner, must not nevertheless be limited by spouse, parent, partner or Government. In order to make an informed decision about safe and reliable contraceptive measures, women must have information about contraceptive measures and their use, and guaranteed access to sex education and family planning services, as provided in article 10 (h) of the Convention.</p> <p>[No. 24: Women and health]: [para.2] States parties' compliance with article 12 of the Convention is central to the health and well-being of women. It requires States to eliminate discrimination against women in their access to health-care services throughout the life cycle, particularly in the areas of family planning, pregnancy and confinement and during the post-natal period.....</p> <p>[para.5] The Committee refers also to its earlier general recommendations on female circumcision, human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS), disabled women, violence against women and equality in family relations, all of which refer to issues that are integral to full compliance with article 12 of the Convention.</p> <p>[para.6] While biological differences between women and men may lead to differences in health status, there are societal factors that are determinative of the health status of women and men and can vary among women themselves. For that reason, special attention should be given to the health needs and rights of women belonging to vulnerable and disadvantaged groups, such as migrant women, refugee and internally displaced women, the girl child and older women, women in prostitution, indigenous women and women with physical or mental disabilities.</p> <p>[para.7] The Committee notes that the full realization of women's right to health can be achieved only when States parties fulfil their obligation to respect, protect and promote women's fundamental human right to nutritional well-being throughout their lifespan by means of a food supply that is safe, nutritious and adapted to local conditions. To this end, States parties should take steps to facilitate physical and economic access to productive resources, especially for rural women, and to otherwise ensure that the special nutritional needs of all women within their jurisdiction are met.</p> <p>[para.8]....States parties are encouraged to address the issue of women's health throughout the woman's lifespan. For the purposes of the present general recommendation, therefore, "women" includes girls and adolescents.</p> <p>[para.10]... States parties are encouraged to include in their reports information on diseases, health conditions and conditions hazardous to health that affect women or certain groups of women differently from men, as well as information on possible intervention in this regard.</p> <p>[para.11] Measures to eliminate discrimination against women are considered to be inappropriate if a health-care system lacks services to prevent, detect and treat illnesses specific to women.</p>

[Article 12]: 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.

[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: (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;

[para.13] The duty of States parties to ensure, on a basis of equality of men and women, access to health-care services, information and education implies an obligation to respect, protect and fulfil women's rights to health care. States parties have the responsibility to ensure that legislation and executive action and policy comply with these three obligations. They must also put in place a system that ensures effective judicial action. Failure to do so will constitute a violation of article 12.

[para.15] The obligation to protect rights relating to women's health requires States parties, their agents and officials to take action to prevent and impose sanctions for violations of rights by private persons and organizations.....

[para.18] States parties should ensure, without prejudice or discrimination, the right to sexual health information, education and services for all women and girls.....

[para.21] States parties should report on measures taken to eliminate barriers that women face in access to health-care services and what measures they have taken to ensure women timely and affordable access to such services. Barriers include requirements or conditions that prejudice women's access, such as high fees for health-care services, the requirement for preliminary authorization by spouse, parent or hospital authorities, distance from health facilities and the absence of convenient and affordable public transport.

[para.22] States parties should also report on measures taken to ensure access to quality health-care services, for example, by making them acceptable to women. Acceptable services are those that are delivered in a way that ensures that a woman gives her fully informed consent, respects her dignity, guarantees her confidentiality and is sensitive to her needs and perspectives. States parties should not permit forms of coercion, such as non-consensual sterilization, mandatory testing for sexually transmitted diseases or mandatory pregnancy testing as a condition of employment that violate women's rights to informed consent and dignity.

[para.24] In their reports, States parties should state what measures they have taken to ensure timely access to the range of services that are related to family planning, in particular, and to sexual and reproductive health in general. Particular attention should be paid to the health education of adolescents, including information and counselling on all methods of family planning.

[para.25] Women with disabilities, of all ages, often have difficulty with physical access to health services. Women with mental disabilities are particularly vulnerable, while there is limited understanding, in general, of the broad range of risks to mental health to which women are disproportionately susceptible as a result of gender discrimination, violence, poverty, armed conflict, dislocation and other forms of social deprivation. States parties should take appropriate measures to ensure that health services are sensitive to the needs of women with disabilities and are respectful of their human rights and dignity.

[para.27] The Committee notes that it is the duty of States parties to ensure women's right to safe motherhood and emergency obstetric services and they should allocate to these services the maximum extent of available resources.

[para.31] States parties should also, in particular: (a) Place a gender perspective at the centre of all policies and programmes affecting women's health and should involve women in the planning, implementation and monitoring of such policies and programmes and in the provision of health services to women; (b) Ensure the removal of all barriers to women's access to health services, education and information, including in the area of sexual and reproductive health, and, in particular, allocate resources for programmes directed at adolescents for the prevention and treatment of sexually transmitted diseases, including HIV/AIDS; (c) Prioritize the prevention of unwanted pregnancy through family planning and sex education and reduce maternal mortality rates through safe motherhood services and prenatal assistance. When possible, legislation criminalizing abortion should be amended, in order to withdraw punitive measures imposed on women who undergo abortion; (d) Monitor the provision of health services to women by public, non-governmental and private organizations, to ensure equal access and quality of care; (e) Require all health services to be consistent with the human rights of women, including the rights to autonomy, privacy, confidentiality, informed consent and choice; (f) Ensure that the training curricula of health workers include comprehensive, mandatory, gender-sensitive courses on women's health and human rights, in particular gender-based violence.

Other Key Human Rights Instruments

Key Articles

Vienna Declaration and Programme of Action

[para.41] The World Conference on Human Rights recognizes the importance of the enjoyment by women of the highest standard of physical and mental health throughout their life span. In the context of the World Conference on Women and the Convention on the Elimination of All Forms of Discrimination against Women, as well as the Proclamation of Tehran of 1968, the World Conference on Human Rights reaffirms, on the basis of equality between women and men, a woman's right to accessible and adequate health care and the widest range of family planning services, as well as equal access to education at all levels.

[para.63] The World Conference on Human Rights reaffirms that all human rights and fundamental freedoms are universal and thus unreservedly include persons with disabilities. Every person is born equal and has the same rights to life and welfare, education and work, living independently and active participation in all aspects of society. Any direct discrimination or other negative discriminatory treatment of a disabled person is therefore a violation of his or her rights. The World Conference on Human Rights calls on Governments, where necessary, to adopt or adjust legislation to assure access to these and other rights for disabled persons.

[para.64] The place of disabled persons is everywhere. Persons with disabilities should be guaranteed equal opportunity through the elimination of all socially determined barriers, be they physical, financial, social or psychological, which exclude or restrict full participation in society.

Beijing Declaration and Platform for Action

[eg: at C1.106 c] Design and implement, in cooperation with women and community-based organizations, gender-sensitive health programmes, including decentralized health services, that address the needs of women throughout their lives and take into account their multiple roles and responsibilities, the demands on their time, the special needs of rural women and women with disabilities and the diversity of women's needs arising from age and socio-economic and cultural differences, among others; include women, especially local and indigenous women, in the identification and planning of health-care priorities and programmes; remove all barriers to women's health services and provide a broad range of health-care services;

[eg: at C1.106 e] Provide more accessible, available and affordable primary health-care services of high quality, including sexual and reproductive health care, which includes family planning information and services, and giving particular attention to maternal and emergency obstetric care, as agreed to in the Programme of Action of the International Conference on Population and Development;

[eg: at C1.106 h] Take all appropriate measures to eliminate harmful, medically unnecessary or coercive medical interventions, as well as inappropriate medication and over-medication of women, and ensure that all women are fully informed of their options, including likely benefits and potential side-effects, by properly trained personnel;

[eg: at C1.106 o] Ensure that girls and women of all ages with any form of disability receive supportive services;

[eg: at C2.107 a] Give priority to both formal and informal educational programmes that support and enable women to develop self-esteem, acquire knowledge, make decisions on and take responsibility for their own health, achieve mutual respect in matters concerning sexuality and fertility and educate men regarding the importance of women's health and well-being, placing special focus on programmes for both men and women that emphasize the elimination of harmful attitudes and practices, including female genital mutilation, son preference (which results in female infanticide and prenatal sex selection), early marriage, including child marriage, violence against women, sexual exploitation, sexual abuse, which at times is conducive to infection with HIV/AIDS and other sexually transmitted diseases, drug abuse, discrimination against girls and women in food allocation and other harmful attitudes and practices related to the life, health and well-being of women, and recognizing that some of these practices can be violations of human rights and ethical medical principles;

[eg: at C2.107 d] Reinforce laws, reform institutions and promote norms and practices that eliminate discrimination against women and encourage both women and men to take responsibility for their sexual and reproductive behaviour; ensure full respect for the integrity of the person, take action to ensure the conditions necessary for women to exercise their reproductive rights and eliminate coercive laws and practices;

[eg: at C4.109 d] Increase financial and other support from all sources for preventive, appropriate biomedical, behavioural, epidemiological and health service research on women's health issues and for research on the social, economic and political causes of women's health problems, and their consequences, including the impact of gender and age inequalities, especially with respect to chronic and non-communicable diseases, particularly cardiovascular diseases and conditions, cancers, reproductive tract infections and injuries, HIV/AIDS and other sexually transmitted diseases, domestic violence, occupational health, disabilities, environmentally related health problems, tropical diseases and health aspects of ageing;

[eg: at C4.109 e] Inform women about the factors which increase the risks of developing cancers and infections of the reproductive tract, so that they can make informed decisions about their health;

[eg: at D1.124 e] Work actively to ratify and/or implement international human rights norms and instruments as they relate to violence against women, including those contained in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

[eg: at D1.124 m] Ensure that women with disabilities have access to information and services in the field of violence against women;

[eg: at D1.125 a] Provide well-funded shelters and relief support for girls and women subjected to violence, as well as medical, psychological and other counselling services and free or low-cost legal aid, where it is needed, as well as appropriate assistance to enable them to find a means of subsistence;

[eg: at L5.281 c] Strengthen and reorient health education and health services, particularly primary health care programmes, including sexual and reproductive health, and design quality health programmes that meet the physical and mental needs of girls and that attend to the needs of young, expectant and nursing mothers;

[eg: at L5.281 i] Take all the appropriate measures with a view to abolishing traditional practices prejudicial to the health of children, as stipulated in article 24 of the Convention on the Rights of the Child.

Biwako Millennium Framework for Action Towards an Inclusive, Barrier-free and Rights-based Society for Persons with Disabilities in Asia and the Pacific

[eg: at B3.1] Governments should implement measures to uphold the rights of women with disabilities and to protect them from discrimination. In particular, measures should be implemented to ensure equal access to health services, education, training and employment, and protection from sexual and other forms of abuse and violence.

[eg: at G4.10] The health service delivery structures, both governmental and non-governmental, should include rehabilitation services such as physiotherapy and occupational therapy as well as the provision of essential assistive device services. Little is known about gender-specific measures and health care approaches for mental health and physical disabilities among older women and men. Service provision for mental illness in older people needs attention. Special emphasis should be placed on ensuring that such services are available at the local level, including rural and urban poor areas.

Biwako Plus Five: Further efforts towards an inclusive, barrier-free and rights-based society for persons with disabilities in Asia and the Pacific

[eg: at IIIB.15] Governments recognize that women and girls with disabilities are subject to multiple discrimination and, in this regard, together with self-help organizations, should support the economic, social, cultural and political empowerment of women with disabilities, in particular through leadership and management training on a sustained basis. Governments should take appropriate measures to address discrimination against women with disabilities in all matters, including those relating to marriage, family, parenthood and relationships, to ensure their full development, advancement and empowerment.

UN Resolution S-23/3: Further actions and initiatives to implement the Beijing Declaration and Platform for Action

[eg: at IV 72a] Adopt policies and implement measures to address, on a prioritized basis, the gender aspects of emerging and continued health challenges, such as malaria, tuberculosis, HIV/AIDS and other diseases having a disproportionate impact on women's health, including those resulting in the highest mortality and morbidity rates;

[eg: at IV 72b] Ensure that the reduction of maternal morbidity and mortality is a health sector priority and that women have ready access to essential obstetric care, well-equipped and adequately staffed maternal health-care services, skilled attendance at delivery, emergency obstetric care, effective referral and transport to higher levels of care when necessary, post-partum care and family planning in order to, inter alia, promote safe motherhood, and give priority attention to measures to prevent, detect and treat breast, cervical and ovarian cancer and osteoporosis, and sexually transmitted infections, including HIV/AIDS;

[eg: at IV 72c] Take measures to meet the unmet needs in good quality family planning services and in contraception, namely regarding the existing gap in services, supplies and use;

[eg: at IV 72d] Collect and disseminate updated and reliable data on mortality and morbidity of women and conduct further research regarding how social and economic factors affect the health of girls and women of all ages, as well as research about the provision of health-care services to girls and women and the patterns of use of such services and the value of disease prevention and health promotion programmes for women;

[eg: at IV 72e] Ensure universal and equal access for women and men throughout the life-cycle, to social services related to health care, including education, clean water and safe sanitation, nutrition, food security and health education programmes;

[eg: at IV 72f] Ensure the provision of safe working conditions for health-care workers;

[eg: at IV 72g] Adopt, enact, review and revise, where necessary or appropriate, and implement health legislation, policies and programmes, in consultation with women's organizations and other actors of civil society, and allocate the necessary budgetary resources to ensure the highest attainable standard of physical and mental health, so that all women have full and equal access to comprehensive, high-quality and affordable health care, information, education and services throughout their life cycle; reflect the new demands for service and care by women and girls as a result of the HIV/AIDS pandemic and new knowledge about women's needs for specific mental and occupation health programmes and for the ageing process; and protect and promote human rights by ensuring that all health services and workers conform to ethical, professional and gender-sensitive standards in the delivery of women's health services, including by establishing or strengthening, as appropriate, regulatory and enforcement mechanisms;

[eg: at IV 72h] Eliminate discrimination against all women and girls in the access to health information, education and health care and health services;

[eg: at IV 72i] Reproductive health is a state of complete physical, mental and social well-being, and not merely the absence of disease or infirmity, in all matters relating to the reproductive system and to its functions and processes. Reproductive health therefore implies that people are able to have a satisfying and safe sex life and that they have the capability to reproduce and the freedom to decide if, when and how often to do so. Implicit in this last condition is the right of men and women to be informed and to have access to safe, effective, affordable and acceptable methods of family planning of their choice, as well as other methods of their choice for regulation of fertility which are not against the law, and the right of access to appropriate health-care services that will enable women to go safely through pregnancy and childbirth and provide couples with the best chance of having a healthy infant. In line with the above definition of reproductive health, reproductive health care is defined as the constellation of methods, techniques and services that contribute to reproductive health and well-being by preventing and solving reproductive health problems. It also includes sexual health, the purpose of which is the enhancement of life and personal relations, and not merely counselling and care related to reproduction and sexually transmitted diseases;

[eg: at IV 72j] Given the above definition, reproductive rights embrace certain human rights that are already recognized in national laws, international human rights documents and other consensus documents. These rights rest on the recognition of the basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so, and the right to attain the highest standard of sexual and reproductive health. They also include their right to make decisions concerning reproduction free of discrimination, coercion and violence, as expressed in human rights documents. In the exercise of these rights, they should take into account the needs of their living and future children and their responsibilities towards the community. The promotion of the responsible exercise of these rights for all people should be the fundamental basis for government- and community-supported policies and programmes in the area of reproductive health, including family planning. As part of their commitment, full attention should be given to the promotion of mutually respectful and equitable gender relations and particularly to meeting the educational and service needs of adolescents to enable them to deal in a positive and responsible way with their sexuality. Reproductive health eludes many of the world's people because of such factors as inadequate levels of knowledge about human sexuality and inappropriate or poor-quality reproductive health information and services; the prevalence of high-risk sexual behaviour; discriminatory social practices; negative attitudes towards women and girls; and the limited power many women and girls have over their sexual and reproductive lives. In most countries, adolescents are particularly vulnerable because of their lack of information and access to relevant services. Older women and men have distinct reproductive and sexual health issues which are often inadequately addressed;

[eg: at IV 72k] The human rights of women include their 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. Equal relationships between women and men in matters of sexual relations and reproduction, including full respect for the integrity of the person, require mutual respect, consent and shared responsibility for sexual behaviour and its consequences;

[eg: at IV 72l] Design and implement programmes to encourage and enable men to adopt safe and responsible sexual and reproductive behaviour, and to use effectively methods to prevent unwanted pregnancies and sexually transmitted infections, including HIV/AIDS;

[eg: at IV 72m] Take all appropriate measures to eliminate harmful, medically unnecessary or coercive medical interventions as well as inappropriate medication and overmedication of women and ensure that all women are properly informed of their options, including likely benefits and potential side effects, by properly trained personnel;

[eg: at IV 72n] Adopt measures to ensure non-discrimination against and respect for the privacy of those living with HIV/AIDS and sexually transmitted infections, including women and young people, so that they are not denied the information needed to prevent further transmission of HIV/AIDS and sexually transmitted diseases and are able to access treatment and care services without fear of stigmatization, discrimination or violence;

[eg: at IV 79a] Adopt a holistic approach to women's physical and mental health throughout the life cycle, take further measures to redesign health information, services and training for health workers in order to make them gender-sensitive, promote gender balance at all levels of the health-care system, and reflect women's perspective and right to privacy, confidentiality, voluntary and informed consent;

[eg: at IV 79b] Reinforce efforts to ensure universal access to high quality primary health care throughout the life cycle, including sexual and reproductive health care, no later than 2015;

[eg: at IV 79c] Review and revise national policies, programmes and legislation to implement the key actions for the further implementation of the Programme of Action of the International Conference on Population and Development adopted by the General Assembly at its twenty-first special session, paying particular attention to achieving the specific benchmarks to reduce maternal mortality, to increase the proportion of births assisted by skilled attendants, to provide the widest achievable range of safe and effective family planning and contraceptive methods and to reduce young people's risk of HIV/AIDS;

[eg: at IV 79d] Strengthen measures to improve the nutritional status of all girls and women, recognizing the effects of severe and moderate malnutrition, the lifelong implications of nutrition and the link between mother and child health, by promoting and enhancing support for programmes to reduce malnutrition, such as school meal programmes, mother-child-nutrition programmes and micronutrient supplementation, giving special attention to bridging the gender gap in nutrition;

[eg: at IV 79e] Review with the full participation of women and monitor the impact of health-sector reform initiatives on women's health and their enjoyment of human rights, in particular with regard to rural and urban health service delivery to women living in poverty, and ensure that reforms secure full and equal access to available, affordable and high-quality health care and services for all women, taking into account the diverse needs of women;

[eg: at IV 79f] Design and implement programmes with the full involvement of adolescents, as appropriate, to provide them with education, information and appropriate, specific, user-friendly and accessible services, without discrimination, to address effectively their reproductive and sexual health needs, taking into account their right to privacy, confidentiality, respect and informed consent, and the responsibilities, rights and duties of parents and legal guardians to provide in a manner consistent with the evolving capacities of the child appropriate direction and guidance in the exercise by the child of the rights recognized in the Convention on the Rights of the Child, in conformity with the Convention on the Elimination of All Forms of Discrimination against Women and ensuring that in all actions concerning children, the best interests of the child are a primary consideration. These programmes should, inter alia , build adolescent girls' self-esteem and help them take responsibility for their own lives; promote gender equality and responsible sexual behaviour; raise awareness about, prevent and treat sexually transmitted infections, including HIV/AIDS, and sexual violence and abuse; and counsel adolescents on avoiding unwanted and early pregnancies;

[eg: at IV 79g] Design and implement programmes to provide social services and support to pregnant adolescents and adolescent mothers, in particular to enable them to continue and complete their education;

[eg: at IV 79h] Give particular attention to developing and improving access to improved and new technologies and to safe and affordable drugs and treatments to meet women's health needs, including cardiopulmonary diseases, hypertension, osteoporosis, breast, cervical and ovarian cancer and family planning and contraceptive methods, for both women and men.

[eg: at IV 83d] Design and implement policies and programmes to address fully specific needs of women and girls with disabilities, to ensure their equal access to education at all levels, including technical and vocational training and adequate rehabilitation programmes, health care and services and employment opportunities, to protect and promote their human rights and, where appropriate, to eliminate existing inequalities between women and men with disabilities.



The right to education

Concluding Observations of UN Treaty Monitoring Committees

Convention on the Rights of Persons with Disabilities (CRPD)

International Covenant on Economic, Social and Cultural Rights (CESCR)

Convention on the Rights of the Child (CRC)

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Other Key Human Rights Instruments

Vienna Declaration and Programme of Action (1993)

Beijing Declaration and Platform for Action (BPFA) (1995)

Biwako Millennium Framework (BMF) (2002)

Biwako Plus Five (2007)

UN Resolution S-23/3 Further actions and initiatives to implement the Beijing Declaration and Platform for Action (2000)

Commission on the Status of Women (CSW) Fifty-fifth session (2011)

Recommendations to Australia from the United Nations [Concluding Observations of UN Treaty Monitoring Committees]

Committee on the Elimination of Discrimination against Women (CEDAW) (2006)

CEDAW/C/AUL/CO/5

[para.14] The Committee regrets that the report neither provides sufficient statistical data, disaggregated by sex and ethnicity on the practical realization of equality between women and men in all areas covered by the Convention nor information on the impact and results achieved of legal and policy measures taken. It also regrets the absence of sufficient information and data on women with disabilities.

[para.15] The Committee requests the State party to include adequate statistical data and analysis, disaggregated by sex, ethnicity and disability, in its next report so as to provide a full picture of the implementation of all the provisions of the Convention. It also recommends that the State party regularly conduct impact assessments of its legislative reforms, policies and programmes to ensure that measures taken lead to the desired goals and that it inform the Committee about the results of these assessments in its next report.

Committee on the Elimination of Discrimination against Women (CEDAW) (2010)

CEDAW/C/AUS/CO/7

[para.26] The Committee notes with concern that, despite a large number of policies and programmes adopted by the State party to address under-representation of certain vulnerable groups of women, including indigenous women, women with disabilities, migrant women, women from culturally and linguistically diverse backgrounds and women from remote or rural communities, there has been slow progress in ensuring their equal participation in leadership and decision-making positions, in public and political life as well as their equal access to education, employment and health. The Committee continues to be concerned that the State party does not favour adoption of temporary special measures in the form of compulsory targets and quotas to address the under-representation of women in decision-making bodies, in political and public life and the persistent inequality of their access to education, employment opportunities and health care services.

[para.27] The Committee reiterates its recommendation in its previous concluding observations (CEDAW/C/AUL/CO/5, para. 17) that the State party fully utilize the Sex Discrimination Act and consider the adoption of temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25, to increase further the number of women in political and public life and to ensure that the representation of women in political and public bodies reflect the full diversity of the population, including indigenous women and women from ethnic minorities.

[para.36] The Committee notes that a number of well-resourced initiatives have been undertaken to eliminate discrimination against girls and women at all levels in the education system. The Committee is however concerned that information, as provided, does not always allow for a full understanding of ways in which multiple forms of discrimination impact outcomes for specific groups such as indigenous women and girls. The Committee is also concerned with segregation of fields of study in higher education and vocational training which ultimately results in occupational sex segregation of the labour market.

[para.37] The Committee recommends that data related to school retention, completion and achievement in literacy and numeracy be disaggregated and cross-tabulated on the basis of sex, ethnicity and geographical location to ensure that the needs of specific groups can be identified and appropriate interventions applied to eliminate sex-based disparities. The Committee urges the State party to allocate resources to encourage females to pursue programmes of study and professional development in areas which are traditionally dominated by men.

[para.42] The Committee is concerned that women with disabilities are almost entirely absent from key leadership and decision-making positions and continue to be disadvantaged with regard to educational and employment opportunities. It is concerned about the high levels of violence experienced by women, particularly those living in institutions or supported accommodation. The Committee also notes with concern that non-therapeutic sterilizations of women and girls with disabilities continue to be practiced in some states in Australia and notes that the Commonwealth Government considers this to be a matter for state governments to regulate.

	<p>[para.43] The Committee urges the State party, in the light of its recent ratification of the Convention on the Rights of Persons with Disabilities, to undertake a comprehensive assessment of the situation of women with disabilities in Australia. The Committee recommends that the State party address, as a matter of priority, the abuse and violence experienced by women with disabilities living in institutions or supported accommodation. The Committee further recommends that the State party adopt urgent measures to ensure that women with disabilities are better represented in decision-making and leadership positions, including through the adoption of temporary special measures such as quotas and targets, in accordance with article 4, paragraph 1 of the Convention and the Committee’s general recommendation No. 25. The Committee recommends that the State party enact national legislation prohibiting, except where there is a serious threat to life or health, the use of sterilisation of girls, regardless of whether they have a disability, and of adult women with disabilities in the absence of their fully informed and free consent.</p>
<p>Committee on Economic, Social and Cultural Rights (1994) CESCR E/1994/23</p>	<p>[para.151] The Committee is concerned about the lack of opportunities available to persons with disabilities fully to enjoy their rights to education.</p> <p>[para.159] The Committee emphasizes the appropriateness of the efforts being undertaken by the Government to identify the needs of disadvantaged groups and to continue to draw on the results of studies and reviews in the development of policy initiatives aimed at responding to the needs of such groups. The Committee underscores the importance which it attaches to the economic, social and cultural rights of persons with disabilities and of the elderly and therefore urges the Government to direct major efforts towards assessing and addressing the needs of these groups in relation to their rights under article 13 and 15 of the Covenant.</p>
<p>Committee on Economic, Social and Cultural Rights (2009) E/C.12/AUS/CO/4</p>	<p>[para.16] The Committee regrets that insufficient measures have been taken by the State party to ensure an adequate standard of living for persons with disabilities.... The Committee encourages the State party to strengthen its efforts towards the adoption of concrete measures to enable persons with disabilities to fully enjoy the rights guaranteed by the Covenant.</p>
<p>UN General Assembly Human Rights Council (2011) A/HRC/WG.6/10/L.8</p>	<p>[para.86.58] Step up measures, such as human rights education in schools, so as to promote a more tolerant and inclusive society (Japan);</p>
<p>Committee on the Rights of the Child (2005) CRC/C/15/Add.268</p>	<p>[para.17] The Committee notes that despite the increase in budgetary allocations in many areas of childcare and well-being, indigenous children and other vulnerable groups continue to need considerable improvement in their standard of living, health and education.</p> <p>[para.18] The Committee recommends that the State party pay particular attention to the full implementation of article 4 of the Convention, by prioritizing budgetary allocations so as to ensure implementation of the economic, social and cultural rights of children, in particular those belonging to disadvantaged groups, such as indigenous children, “to the maximum extent of ... available resources”.</p> <p>[para.45] While the Committee notes the States party’s initiatives addressing the rights of children with disabilities, it is concerned about the paucity of information on disabled children, especially when it comes to data on disabled indigenous children, alternative care for children with disabilities and children with disabilities living in remote or rural areas. The Committee also notes that a governmental working group is addressing the issue of sterilization of children with so-called “decision-making” disabilities.</p>

[para.46] In the light of the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and of the Committee's recommendations adopted at its day of general discussion on "Children with disabilities" (see CRC/C/69), the Committee encourages the State party to actively pursue its current efforts and: (a) To adopt a consistent national approach to the collection of data on children with disabilities; (b) To ensure that children with disabilities have equal opportunities to participate fully in all spheres of life and to strengthen public awareness campaigns to change negative public attitudes; (c) To undertake greater efforts to make available the necessary professional (i.e. disability specialists) and financial resources, especially at the local level, and to promote and expand community-based rehabilitation programmes, including parental support groups; (d) To implement the Disability Standards for Education and give adequate support to the Literacy, Numeracy and Special Learning Needs Programme, a key targeted programme aimed at improving the literacy, numeracy and other learning outcomes of students who are educationally disadvantaged, including students with disabilities; (e) To prohibit the sterilization of children, with or without disabilities, and promote and implement other measures of prevention of unwanted pregnancies, e.g. injection of contraceptives, when appropriate.

[para.60] The Committee welcomes the measure taken to combat bullying in schools, such as the National Safe School Framework and the "Bullying. No Way!" website, but it shares the State party's concern regarding the impact that this pervasive practice has on the affected children, especially on their psychological health, educational achievements and social development.

[para.61] The Committee recommends that the State party: (a) Take all necessary measures to ensure that articles 28 and 29 of the Convention are fully implemented, in particular with regard to children belonging to the most vulnerable groups (i.e. indigenous children, homeless children, children living in remote areas, children with disabilities, etc.); (b) Continue to take appropriate measures to combat the phenomenon of bullying in schools, including by carrying out periodic surveys among students, staff and parents to learn more about the peer relations being fostered by the school; (c) Ensure that public education policy and school curricula reflect in all their aspects the principle of full participation and equality, include children with disabilities in the mainstream school system to the extent possible and provide them with the necessary assistance.

Convention on the Rights of Persons with Disabilities (CRPD)

CRPD Key Articles

[Article 4]: 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.....

[Article 6]: 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. 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]: 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. In all actions concerning children with disabilities, the best interests of the child shall be a primary consideration. 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 24]: 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 lifelong 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. 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. 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. 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. 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.

International Covenant on Economic, Social and Cultural Rights (CESCR)

CESCR Key Articles	CESCR General Comments
<p>[Article 13]: The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right: (a) Primary education shall be compulsory and available free to all; (b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education; (c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education; (d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education; (e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.</p>	<p>[No.5: Persons with Disabilities]: [para.19] The Committee [therefore] urges States parties to address the situation of women with disabilities, with high priority being given in future to the implementation of economic, social and cultural rights-related programmes.</p> <p>[para.24] The “technical and vocational guidance and training programmes” required under article 6 (2) of the Covenant should reflect the needs of all persons with disabilities, take place in integrated settings, and be planned and implemented with the full involvement of representatives of persons with disabilities.</p> <p>[para.35] School programmes in many countries today recognize that persons with disabilities can best be educated within the general education system. Thus the Standard Rules provide that “States should recognize the principle of equal primary, secondary and tertiary educational opportunities for children, youth and adults with disabilities, in integrated settings”. In order to implement such an approach, States should ensure that teachers are trained to educate children with disabilities within regular schools and that the necessary equipment and support are available to bring persons with disabilities up to the same level of education as their non-disabled peers. In the case of deaf children, for example, sign language should be recognized as a separate language to which the children should have access and whose importance should be acknowledged in their overall social environment.</p> <p>[No.13: The right to education]: [para.6]education in all its forms and at all levels shall exhibit the following interrelated and essential features: (a) <i>Availability</i>. Functioning educational institutions and programmes have to be available in sufficient quantity within the jurisdiction of the State party. What they require to function depends upon numerous factors, including the developmental context within which they operate; for example, all institutions and programmes are likely to require buildings or other protection from the elements, sanitation facilities for both sexes, safe drinking water, trained teachers receiving domestically competitive salaries, teaching materials, and so on; while some will also require facilities such as a library, computer facilities and information technology; (b) <i>Accessibility</i>. Educational institutions and programmes have to be accessible to everyone, without discrimination, within the jurisdiction of the State party. Accessibility has three overlapping dimensions: Non-discrimination - education must be accessible to all, especially the most vulnerable groups, in law and fact, without discrimination on any of the prohibited grounds; Physical accessibility - education has to be within safe physical reach, either by attendance at some reasonably convenient geographic location (e.g. a neighbourhood school) or via modern technology (e.g. access to a “distance learning” programme); Economic accessibility - education has to be affordable to all. This dimension of accessibility is subject to the differential wording of article 13 (2) in relation to primary, secondary and higher education: whereas primary education shall be available “free to all”, States parties are required to progressively introduce free secondary and higher education; (c) <i>Acceptability</i> - the form and substance of education, including curricula and teaching methods, have to be acceptable (e.g. relevant, culturally appropriate and of good quality) to students and, in appropriate cases, parents; this is subject to the educational objectives required by article 13 (1) and such minimum educational standards as may be approved by the State....; (d) <i>Adaptability</i> - education has to be flexible so it can adapt to the needs of changing societies and communities and respond to the needs of students within their diverse social and cultural settings.</p>

	<p>[para.36] The Committee affirms paragraph 35 of its general comment No. 5, which addresses the issue of persons with disabilities in the context of the right to education.....,</p> <p>[para.37] States parties must closely monitor education - including all relevant policies, institutions, programmes, spending patterns and other practices - so as to identify and take measures to redress any de facto discrimination. Educational data should be disaggregated by the prohibited grounds of discrimination.</p>
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Convention on the Rights of the Child (CRC)	
CRC Key Articles	CRC General Comments
<p>[Article 23]: States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development.</p>	<p>[No.1: The aims of education]: [para.10] Discrimination on the basis of any of the grounds listed in article 2 of the Convention, whether it is overt or hidden, offends the human dignity of the child and is capable of undermining or even destroying the capacity of the child to benefit from educational opportunities. While denying a child's access to educational opportunities is primarily a matter which relates to article 28 of the Convention, there are many ways in which failure to comply with the principles contained in article 29 (1) can have a similar effect. To take an extreme example, gender discrimination can be reinforced by practices such as a curriculum which is inconsistent with the principles of gender equality, by arrangements which limit the benefits girls can obtain from the educational opportunities offered, and by unsafe or unfriendly environments which discourage girls' participation. Discrimination against children with disabilities is also pervasive in many formal educational systems and in a great many informal educational settings, including in the home. Children with HIV/AIDS are also heavily discriminated against in both settings. All such discriminatory practices are in direct contradiction with the requirements in article 29 (1) (a) that education be directed to the development of the child's personality, talents and mental and physical abilities to their fullest potential.</p> <p>[No.4: Adolescent health and development in the context of the Convention on the Rights of the Child]: [para.15] The Committee also stresses that in accordance with article 23 (3) of the Convention, the special rights of adolescents with disabilities should be taken into account and assistance provided to ensure that the disabled child/adolescent has effective access to and receives good quality education. States should recognize the principle of equal primary, secondary and tertiary educational opportunities for disabled children/adolescents, where possible in regular schools.</p> <p>[No.9: The rights of children with disabilities]: [para.62] Children with disabilities have the same right to education as all other children and shall enjoy this right without any discrimination and on the basis of equal opportunity as stipulated in the Convention. For this purpose, effective access of children with disabilities to education has to be ensured to promote "the development of the child's personality, talents and mental and physical abilities to their fullest potential..... The Convention recognizes the need for modification to school practices and for training of regular teachers to prepare them to teach children with diverse abilities and ensure that they achieve positive educational outcomes.</p>

[Article 28]: States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular: (a) Make primary education compulsory and available free to all; (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need; (c) Make higher education accessible to all on the basis of capacity by every appropriate means; (d) Make educational and vocational information and guidance available and accessible to all children; (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

[Article 29]: States Parties agree that the education of the child shall be directed to: (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential; (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations; (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own; (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin; (e) The development of respect for the natural environment....

[para.63] As children with disabilities are very different from each other, parents, teachers and other specialized professionals have to help each individual child to develop his or her ways and skills of communication, language, interaction, orientation and problem-solving which best fit the potential of this child. Everybody, who furthers the child's skills, abilities and self-development, has to precisely observe the child's progress and carefully listen to the child's verbal and emotional communication in order to support education and development in a well-targeted and most appropriate manner.

[para.64] It is crucial that the education of a child with disability includes the strengthening of positive self-awareness, making sure that the child feels he or she is respected by others as a human being without any limitation of dignity. The child must be able to observe that others respect him or her and recognize his or her human rights and freedoms. Inclusion of the child with disability in the groups of children of the classroom can show the child that he or she has recognized identity and belongs to the community of learners, peers, and citizens. Peer support enhancing self-esteem of children with disabilities should be more widely recognized and promoted. Education also has to provide the child with empowering experience of control, achievement, and success to the maximum extent possible for the child.

[para.65]..... Primary education, including primary school and, in many States parties, also secondary school, has to be provided for children with disabilities free of costs. All schools should be without communicational barriers as well as physical barriers impeding the access of children with reduced mobility. Also higher education, accessible on the basis of capacities, has to be accessible for qualified adolescents with disabilities. In order to fully exercise their right to education, many children need personal assistance, in particular, teachers trained in methodology and techniques, including appropriate languages, and other forms of communication, for teaching children with a diverse range of abilities capable of using child-centred and individualised teaching strategies, and appropriate and accessible teaching materials, equipment and assistive devices, which States parties should provide to the maximum extent of available resources.

[para.66] Inclusive education should be the goal of educating children with disabilities.....

[para.67]....At its core, inclusive education is a set of values, principles and practices that seeks meaningful, effective, and quality education for all students, that does justice to the diversity of learning conditions and requirements not only of children with disabilities, but for all students. This goal can be achieved by different organizational means which respect the diversity of children....It is important to understand that inclusion should not be understood nor practiced as simply integrating children with disabilities into the regular system regardless of their challenges and needs. Close cooperation among special educators and regular educators is essential. Schools' curricula must be re-evaluated and developed to meet the needs of children with and without disabilities. Modification in training programmes for teachers and other personnel involved in the educational system must be achieved in order to fully implement the philosophy of inclusive education.

[para.69].... Career development and vocational skills should be included in the school curriculum. Career awareness and vocational skills should be incorporated into the years of compulsory education. In countries where compulsory education does not go beyond the elementary school years, vocational training beyond elementary school should be mandatory for children with disabilities. Governments must establish policies and allocate sufficient funds for vocational training.

	<p>[No.12: The right of the child to be heard]: [para.105] Respect for right of the child to be heard within education is fundamental to the realization of the right to education. The Committee notes with concern continuing authoritarianism, discrimination, disrespect and violence which characterize the reality of many schools and classrooms. Such environments are not conducive to the expression of children’s views and the due weight to be given these views.</p> <p>[para.107] In all educational environments, including educational programmes in the early years, the active role of children in a participatory learning environment should be promoted. Teaching and learning must take into account life conditions and prospects of the children. For this reason, education authorities have to include children’s and their parents’ views in the planning of curricula and school programmes.</p> <p>[para.110] Steady participation of children in decision-making processes should be achieved through, inter alia, class councils, student councils and student representation on school boards and committees, where they can freely express their views on the development and implementation of school policies and codes of behaviour. These rights need to be enshrined in legislation, rather than relying on the goodwill of authorities, schools and head teachers to implement them.</p>
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Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)	
CEDAW Key Articles	CEDAW General Recommendations
<p>[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: (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;</p> <p>[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.</p>	<p>[No.5: Temporary special measures]: The Committee on the Elimination of Discrimination against Women....Recommends that States parties make more use of temporary special measures such as positive action, preferential treatment or quota systems to advance women’s integration into education, the economy, politics and employment.</p> <p>[No.18: Disabled women]: The Committee on the Elimination of Discrimination against Women recommends that States parties provide information on disabled women in their periodic reports, and on measures taken to deal with their particular situation, including special measures to ensure that they have equal access to education and employment, health services and social security, and to ensure that they can participate in all areas of social and cultural life.</p>

[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.

[No.25: Article 4 of the Convention (temporary special measures): [para.37] The Committee reiterates its general recommendations 5, 8 and 23, wherein it recommended the application of temporary special measures in the fields of education, the economy, politics and employment, in the area of women representing their Governments at the international level and participating in the work of international organizations, and in the area of political and public life. States parties should intensify, within their national contexts, such efforts especially with regard to all facets of education at all levels as well as all facets and levels of training, employment and representation in public and political life. The Committee recalls that in all instances, but particularly in the area of health, States parties should carefully distinguish in each field between measures of an ongoing and permanent nature and those of a temporary nature.

Other Key Human Rights Instruments

Key Articles

Vienna Declaration and Programme of Action

[para.63] The World Conference on Human Rights reaffirms that all human rights and fundamental freedoms are universal and thus unreservedly include persons with disabilities. Every person is born equal and has the same rights to life and welfare, education and work, living independently and active participation in all aspects of society. Any direct discrimination or other negative discriminatory treatment of a disabled person is therefore a violation of his or her rights. The World Conference on Human Rights calls on Governments, where necessary, to adopt or adjust legislation to assure access to these and other rights for disabled persons.

[para.64] The place of disabled persons is everywhere. Persons with disabilities should be guaranteed equal opportunity through the elimination of all socially determined barriers, be they physical, financial, social or psychological, which exclude or restrict full participation in society.

[para.78] The World Conference on Human Rights considers human rights education, training and public information essential for the promotion and achievement of stable and harmonious relations among communities and for fostering mutual understanding, tolerance and peace.

[para.79] States should strive to eradicate illiteracy and should direct education towards the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. The World Conference on Human Rights calls on all States and institutions to include human rights, humanitarian law, democracy and rule of law as subjects in the curricula of all learning institutions in formal and non-formal settings.

[para.80] Human rights education should include peace, democracy, development and social justice, as set forth in international and regional human rights instruments, in order to achieve common understanding and awareness with a view to strengthening universal commitment to human rights.

[para.81] Taking into account the World Plan of Action on Education for Human Rights and Democracy, adopted in March 1993 by the International Congress on Education for Human Rights and Democracy of the United Nations Educational, Scientific and Cultural Organization, and other human rights instruments, the World Conference on Human Rights recommends that States develop specific programmes and strategies for ensuring the widest human rights education and the dissemination of public information, taking particular account of the human rights needs of women.

Beijing Declaration and Platform for Action

[eg: at B1.80 a] Advance the goal of equal access to education by taking measures to eliminate discrimination in education at all levels on the basis of gender, race, language, religion, national origin, age or disability, or any other form of discrimination and, as appropriate, consider establishing procedures to address grievances;

[eg: at B1.80 h] Improve the quality of education and equal opportunities for women and men in terms of access in order to ensure that women of all ages can acquire the knowledge, capacities, aptitudes, skills and ethical values needed to develop and to participate fully under equal conditions in the process of social, economic and political development;

[eg: at B3.82 d] Design educational and training programmes for women who are unemployed in order to provide them with new knowledge and skills that will enhance and broaden their employment opportunities, including self-employment, and development of their entrepreneurial skills;

[eg: at B3.82 k] Ensure access to quality education and training at all appropriate levels for adult women with little or no education, for women with disabilities and for documented migrant, refugee and displaced women to improve their work opportunities.

[eg: at B4.83 h] Develop leadership training and opportunities for all women to encourage them to take leadership roles both as students and as adults in civil society;

[eg: at B4.83 j] Develop human rights education programmes that incorporate the gender dimension at all levels of education, in particular by encouraging higher education institutions, especially in their graduate and postgraduate juridical, social and political science curricula, to include the study of the human rights of women as they appear in United Nations conventions;

[eg: at L4.280 a] Provide education and skills training to increase girls' opportunities for employment and access to decision-making processes;

[eg: at L4.280 c] Ensure access to appropriate education and skills-training for girl children with disabilities for their full participation in life;

[eg: at L4.280 d] Promote the full and equal participation of girls in extracurricular activities, such as sports, drama and cultural activities.

Biwako Millennium Framework for Action Towards an Inclusive, Barrier-free and Rights-based Society for Persons with Disabilities in Asia and the Pacific

[eg: at D4.9] Governments, including Ministries of Education, should work in partnership with NGOs at the national and local level to conduct public awareness campaigns to inform families of children with disabilities, schools and local communities, of the right of children and youth with disabilities to participate in education at all levels, in urban and rural areas, and with particular emphasis on the inclusion of girls with disabilities where there is a gender imbalance in school attendance.

[eg: at D4.10] The following measures should be taken, where appropriate, by Governments in the region to improve the quality of education in all schools, for all children, including children with disabilities, in special and inclusive educational contexts: (a) conduct education and training for raising the awareness of public officials, including educational and school administrators and teachers, to promote positive attitudes to the education of children with disabilities, increase sensitivity to the rights of children with disabilities to be educated in local schools and on practical strategies for including children and youth with disabilities in regular schools; (b) provide comprehensive pre- and in-service teacher training for all teachers, with methodology and techniques for teaching children with diverse abilities, the development of flexible curriculum, teaching and assessment strategies; (c) encourage suitable candidates with disabilities to enter the teaching profession; (d) establish procedures for child screening, identification and placement, child-centred and individualized teaching strategies and full systems of learning and teaching support, including resource centres and specialist teachers, in rural and urban areas; (e) ensure the availability of appropriate and accessible teaching materials, equipment and devices, unencumbered by copyright restriction; (f) ensure flexible and adaptable curriculum, appropriate to the abilities of individual children and relevant in the local context; (g) ensure assessment and monitoring procedures are appropriate for the diverse needs of learners.

[eg: at D4.11] Governments should implement a progressive programme towards achieving barrier-free and accessible schools and accessible school transport by 2012.

Biwako Plus Five: Further efforts towards an inclusive, barrier-free and rights-based society for persons with disabilities in Asia and the Pacific

[eg: at IIB.15] Governments recognize that women and girls with disabilities are subject to multiple discrimination and, in this regard, together with self-help organizations, should support the economic, social, cultural and political empowerment of women with disabilities, in particular through leadership and management training on a sustained basis. Governments should take appropriate measures to address discrimination against women with disabilities in all matters, including those relating to marriage, family, parenthood and relationships, to ensure their full development, advancement and empowerment.

UN Resolution S-23/3: Further actions and initiatives to implement the Beijing Declaration and Platform for Action

[eg: at IV 67a] Ensure policies that guarantee equal access to education and the elimination of gender disparities in education, including vocational training, science and technology and completion of basic education for girls, especially for those living in rural and deprived areas, and opportunities for continuing education at all levels for all women and girls;

[eg: at IV 83d] Design and implement policies and programmes to address fully specific needs of women and girls with disabilities, to ensure their equal access to education at all levels, including technical and vocational training and adequate rehabilitation programmes, health care and services and employment opportunities, to protect and promote their human rights and, where appropriate, to eliminate existing inequalities between women and men with disabilities.

[eg: at IV 95c] Support national efforts to promote formal and non-formal education and mentoring programmes for women and girls in order to enable them to acquire knowledge, develop self-esteem and skills in leadership, advocacy and conflict resolution;

[eg: at IV 99a] Promote comprehensive human rights education programmes, inter alia, in cooperation, where appropriate, with education and human rights institutions, the relevant actors of civil society, in particular non-governmental organizations and the media networks, to ensure widespread dissemination of information on human rights instruments, in particular those concerning the human rights of women and girls;

Commission on the Status of Women (CSW) Fifty-fifth session: Follow-up to the Fourth World Conference on Women and to the twenty-third special session of the General Assembly - Agreed Conclusions

[eg: at para.k] Continue to strengthen policies relevant for women's economic empowerment aimed at addressing inequality affecting women and girls, in access to and achievement in education at all levels, including in science and technology, in particular to eliminate inequalities related to age, poverty, geographical location, language, ethnicity, disability, and race, or because they are Indigenous people, or people living with HIV and AIDS;

[eg: at para.m] Ensure women's and girls' full and equal access to quality formal, informal and non-formal education and vocational training at all levels, including to free and compulsory primary education, and provide educational opportunities, including in science and technology, from early childhood and throughout the life cycle, including lifelong learning and retraining, human rights education and learning, and adult and distance education and e-learning, including in information and communications technology and entrepreneurial skills, in order to promote the empowerment of women, inter alia, through enhancing and facilitating women's access to full and productive employment, in particular to careers in science and technology;

[eg: at para.cc] Address the different barriers women and girls face in the transition from school to work by: expanding the scope of education and training opportunities that are relevant to employment opportunities and aligned with rapidly changing labour market needs, particularly in emerging, new and non-traditional fields; helping women acquire business, trade, information and communications technology and entrepreneurship skills; raising awareness of such opportunities and of their suitability to both women and men, particularly among parents, teachers, career counsellors and other advisers; and encouraging interaction between educational systems, the private sector and civil society, as appropriate;



The right to access to justice and to equal recognition before the law

Concluding Observations of UN Treaty Monitoring Committees

Convention on the Rights of Persons with Disabilities (CRPD)

International Covenant on Civil and Political Rights (CCPR)

Convention on the Rights of the Child (CRC)

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Other Key Human Rights Instruments

Vienna Declaration and Programme of Action (1993)

Beijing Declaration and Platform for Action (BPFA) (1995)

Biwako Millennium Framework (BMF) (2002)

Biwako Plus Five (2007)

UN Resolution S-23/3 Further actions and initiatives to implement the Beijing Declaration and Platform for Action (2000)

Recommendations to Australia from the United Nations [Concluding Observations of UN Treaty Monitoring Committees]

Committee on the Elimination of Discrimination against Women (CEDAW) (2006)

CEDAW/C/AUL/CO/5

[para.12] While noting the existence of national legislation to prohibit sex discrimination at federal, state and territory levels, the Committee expresses concern about the status of the Convention at these levels and the absence of an entrenched guarantee prohibiting discrimination against women and providing for the principle of equality between women and men.

[para.13] The Committee urges the State party to ensure that all states and territories are in full compliance with the obligations under the Convention and to take steps to entrench the prohibition of discrimination against women and the principle of equality of women and men in line with article 2, subparagraph (a), of the Convention. The Committee further recommends that the State party undertake awareness and training programmes on the Convention for the judiciary, law enforcement officials, members of the legal profession and the public.

[para.14] The Committee regrets that the report neither provides sufficient statistical data, disaggregated by sex and ethnicity on the practical realization of equality between women and men in all areas covered by the Convention nor information on the impact and results achieved of legal and policy measures taken. It also regrets the absence of sufficient information and data on women with disabilities.

[para.15] The Committee requests the State party to include adequate statistical data and analysis, disaggregated by sex, ethnicity and disability, in its next report so as to provide a full picture of the implementation of all the provisions of the Convention. It also recommends that the State party regularly conduct impact assessments of its legislative reforms, policies and programmes to ensure that measures taken lead to the desired goals and that it inform the Committee about the results of these assessments in its next report.

Committee on the Elimination of Discrimination against Women (CEDAW) (2010)

CEDAW/C/AUS/CO/7

[para.42] The Committee is concerned that women with disabilities are almost entirely absent from key leadership and decision-making positions and continue to be disadvantaged with regard to educational and employment opportunities. It is concerned about the high levels of violence experienced by women, particularly those living in institutions or supported accommodation. The Committee also notes with concern that non-therapeutic sterilizations of women and girls with disabilities continue to be practiced in some states in Australia and notes that the Commonwealth Government considers this to be a matter for state governments to regulate.

[para.43] The Committee urges the State party, in the light of its recent ratification of the Convention on the Rights of Persons with Disabilities, to undertake a comprehensive assessment of the situation of women with disabilities in Australia. The Committee recommends that the State party address, as a matter of priority, the abuse and violence experienced by women with disabilities living in institutions or supported accommodation. The Committee further recommends that the State party adopt urgent measures to ensure that women with disabilities are better represented in decision-making and leadership positions, including through the adoption of temporary special measures such as quotas and targets, in accordance with article 4, paragraph 1 of the Convention and the Committee's general recommendation No. 25. The Committee recommends that the State party enact national legislation prohibiting, except where there is a serious threat to life or health, the use of sterilisation of girls, regardless of whether they have a disability, and of adult women with disabilities in the absence of their fully informed and free consent.

<p>Human Rights Committee (2009)</p> <p>CCPR/C/AUS/CO/5</p>	<p>[para.12] The Committee remains concerned that the rights to equality and non-discrimination are not comprehensively protected in Australia in federal law. (art. 2, and 26). The State party should adopt Federal legislation, covering all grounds and areas of discrimination to provide comprehensive protection to the rights to equality and non-discrimination.</p> <p>[para.25] The Committee notes with concern the lack of adequate access to justice for marginalized and disadvantaged groups, including indigenous peoples and aliens. (art.2 and 14)</p> <p>The State party should take effective measures to ensure equality in access to justice, by providing adequate services to assist marginalized and disadvantaged people, including indigenous people and aliens. The State party should provide adequate funding for Aboriginal and Torres Strait Islander legal aid, including interpreter services.</p>
<p>Committee on Economic, Social and Cultural Rights (2009)</p> <p>E/C.12/AUS/CO/4</p>	<p>[para.16] The Committee regrets that insufficient measures have been taken by the State party to ensure an adequate standard of living for persons with disabilities.... The Committee encourages the State party to strengthen its efforts towards the adoption of concrete measures to enable persons with disabilities to fully enjoy the rights guaranteed by the Covenant.</p> <p>[para.34] The Committee recommends that the State party provide human rights education on economic, social and cultural rights to students at all levels of education and make available extensive human rights training for members of all professions and sectors having a direct role in the promotion and protection of human rights, including judges, lawyers, civil servants, teachers, law enforcement officers, migration officers, the police and the military.</p>
<p>Committee on the Rights of the Child (2005)</p> <p>CRC/C/15/Add.268</p>	<p>[para.45] While the Committee notes the States party's initiatives addressing the rights of children with disabilities, it is concerned about the paucity of information on disabled children, especially when it comes to data on disabled indigenous children, alternative care for children with disabilities and children with disabilities living in remote or rural areas. The Committee also notes that a governmental working group is addressing the issue of sterilization of children with so-called "decision-making" disabilities.</p> <p>[para.46] In the light of the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and of the Committee's recommendations adopted at its day of general discussion on "Children with disabilities" (see CRC/C/69), the Committee encourages the State party to actively pursue its current efforts and:</p> <ul style="list-style-type: none"> (a) To adopt a consistent national approach to the collection of data on children with disabilities; (b) To ensure that children with disabilities have equal opportunities to participate fully in all spheres of life and to strengthen public awareness campaigns to change negative public attitudes; (c) To undertake greater efforts to make available the necessary professional (i.e. disability specialists) and financial resources, especially at the local level, and to promote and expand community-based rehabilitation programmes, including parental support groups; (d) To implement the Disability Standards for Education and give adequate support to the Literacy, Numeracy and Special Learning Needs Programme, a key targeted programme aimed at improving the literacy, numeracy and other learning outcomes of students who are educationally disadvantaged, including students with disabilities; (e) To prohibit the sterilization of children, with or without disabilities, and promote and implement other measures of prevention of unwanted pregnancies, e.g. injection of contraceptives, when appropriate. <p>[para.73] [Furthermore], the Committee is concerned that:..... (b) Children with mental illness and/or intellectual disabilities are over-represented in the juvenile justice system;</p>

	<p>[para.74] The Committee recommends that the State party bring the system of juvenile justice fully into line with the Convention, in particular articles 37, 40 and 39, with other United Nations standards in the field of juvenile justice, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System, and with the recommendations of the Committee made at its day of general discussion on juvenile justice (see CRC/C/46, paras. 203-238). In this regard, the Committee recommends in particular that the State party:..... (d) Deal with children with mental illnesses and/or intellectual deficiencies who are in conflict with the law without resorting to judicial proceedings;</p>
<p>UN General Assembly Human Rights Council (2011)</p> <p>A/HRC/WG.6/10/L.8</p>	<p>[para.86.46] Strengthen the federal legislation to combat discrimination and ensure an effective implementation with a view to a better protection of the rights of vulnerable persons, in particular children, persons in detention and persons with disabilities (Morocco);</p> <p>[para.86.89] Further improve the administration of justice and the rule of law including by setting up appropriate mechanisms in order to ensure adequate and independent investigation of police use of force, police misconduct and police related deaths (Malaysia);</p> <p>[para.86.96] Improve the human rights elements of its training for law enforcement personnel (United States);</p>

Convention on the Rights of Persons with Disabilities (CRPD)

CRPD Key Articles

[Article 5]: 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. 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. In order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided. 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]: 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. 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 12]: 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.

[Article 13]: 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. 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.

International Covenant on Civil and Political Rights (CCPR)

CCPR Key Articles

[Article 14]: All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law..... Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality: (a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him; (b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing; (c) To be tried without undue delay; (d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it; (e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him; (f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court; (g) Not to be compelled to testify against himself or to confess guilt.

In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.

Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.

When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.

No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.

CCPR General Comments

[No.18: Non-discrimination]: [para.9] Reports of many States parties contain information regarding legislative as well as administrative measures and court decisions which relate to protection against discrimination in law, but they very often lack information which would reveal discrimination in fact. When reporting on articles 2 (1), 3 and 26 of the Covenant, States parties usually cite provisions of their constitution or equal opportunity laws with respect to equality of persons. While such information is of course useful, the Committee wishes to know if there remain any problems of discrimination in fact, which may be practised either by public authorities, by the community, or by private persons or bodies. The Committee wishes to be informed about legal provisions and administrative measures directed at diminishing or eliminating such discrimination.

[para.12] While article 2 limits the scope of the rights to be protected against discrimination to those provided for in the Covenant, article 26 does not specify such limitations. That is to say, article 26 provides that all persons are equal before the law and are entitled to equal protection of the law without discrimination, and that the law shall guarantee to all persons equal and effective protection against discrimination on any of the enumerated grounds. In the view of the Committee, article 26 does not merely duplicate the guarantee already provided for in article 2 but provides in itself an autonomous right. It prohibits discrimination in law or in fact in any field regulated and protected by public authorities. Article 26 is therefore concerned with the obligations imposed on States parties in regard to their legislation and the application thereof. Thus, when legislation is adopted by a State party, it must comply with the requirement of article 26 that its content should not be discriminatory. In other words, the application of the principle of non-discrimination contained in article 26 is not limited to those rights which are provided for in the Covenant.

[No.28: The equality of rights between men and women]: [para.18] States parties should provide information to enable the Committee to ascertain whether access to justice and the right to a fair trial, provided for in article 14, are enjoyed by women on equal terms with men. In particular, States parties should inform the Committee whether there are legal provisions preventing women from direct and autonomous access to the courts.....whether women may give evidence as witnesses on the same terms as men; and whether measures are taken to ensure women equal access to legal aid, in particular in family matters. States parties should report on whether certain categories of women are denied the enjoyment of the presumption of innocence under article 14, paragraph 2, and on the measures which have been taken to put an end to this situation.

[para.19] The right of everyone under article 16 to be recognized everywhere as a person before the law is particularly pertinent for women, who often see it curtailed by reason of sex or marital status. This right implies that the capacity of women to own property, to enter into a contract or to exercise other civil rights may not be restricted on the basis of marital status or any other discriminatory ground..... States must provide information on laws or practices that prevent women from being treated or from functioning as full legal persons and the measures taken to eradicate laws or practices that allow such treatment.

[Article 16]: Everyone shall have the right to recognition everywhere as a person before the law.

[Article 26]: All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

[para.31] The right to equality before the law and freedom from discrimination, protected by article 26, requires States to act against discrimination by public and private agencies in all fields. Discrimination against women in areas such as social security laws.....as well as in the area of citizenship or rights of non-citizens in a country violates article 26.....The Committee has also often observed in reviewing States parties' reports that a large proportion of women are employed in areas which are not protected by labour laws and that prevailing customs and traditions discriminate against women, particularly with regard to access to better paid employment and to equal pay for work of equal value. States parties should review their legislation and practices and take the lead in implementing all measures necessary to eliminate discrimination against women in all fields, for example by prohibiting discrimination by private actors in areas such as employment, education, political activities and the provision of accommodation, goods and services. States parties should report on all these measures and provide information on the remedies available to victims of such discrimination.

[No.32: Right to equality before courts and tribunals and to a fair trial]: [para.7] The first sentence of article 14, paragraph 1 guarantees in general terms the right to equality before courts and tribunals. This guarantee not only applies to courts and tribunals addressed in the second sentence of this paragraph of article 14, but must also be respected whenever domestic law entrusts a judicial body with a judicial task.

[para.10] The availability or absence of legal assistance often determines whether or not a person can access the relevant proceedings or participate in them in a meaningful way. While article 14 explicitly addresses the guarantee of legal assistance in criminal proceedings in paragraph 3 (d), States are encouraged to provide free legal aid in other cases, for individuals who do not have sufficient means to pay for it.

[para.31] The right of all persons charged with a criminal offence to be informed promptly and in detail in a language which they understand of the nature and cause of criminal charges brought against them, enshrined in paragraph 3 (a), is the first of the minimum guarantees in criminal proceedings of article 14. This guarantee applies to all cases of criminal charges, including those of persons not in detention, but not to criminal investigations preceding the laying of charges.

[para.33] "Adequate facilities" must include access to documents and other evidence; this access must include all materials⁶⁹ that the prosecution plans to offer in court against the accused or that are exculpatory.

[para.40] The right to have the free assistance of an interpreter if the accused cannot understand or speak the language used in court as provided for by article 14, paragraph 3 (f) enshrines another aspect of the principles of fairness and equality of arms in criminal proceedings. This right arises at all stages of the oral proceedings. It applies to aliens as well as to nationals.....

Convention on the Rights of the Child (CRC)

CRC Key Articles

[Article 23]: States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.....

[Article 40]: States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that: (a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed; (b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees: (i) To be presumed innocent until proven guilty according to law; (ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence; (iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians; (iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality; (v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law; (vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used; (vii) To have his or her privacy fully respected at all stages of the proceedings.

CRC General Comments

[No.9: The rights of children with disabilities]: [para.27] As for professionals working with and for children with disabilities, training programmes must include targeted and focused education on the rights of children with disabilities as a prerequisite for qualification. These professionals include but are not limited to policymakers, judges, lawyers, law enforcement officers, educators, health workers, social workers and media staff among others.

[para.73] In the light of article 2 States parties have the obligation to ensure that children with disabilities who are in conflict with the law..... will be protected not only by the provisions of the Convention which specifically relate to juvenile justice.....but by all other relevant provisions and guarantees contained in the Convention, for example in the area of health care and education. In addition, States parties should take where necessary specific measures to ensure that children with disabilities de facto are protected by and do benefit from the rights mentioned above.

[para.74] With reference to the rights enshrined in article 23 and given the high level of vulnerability of children with disabilities, the Committee recommends – in addition to the general recommendation made in paragraph 73 above – that the following elements of the treatment of children with disabilities (allegedly) in conflict with the law be taken into account: a) A child with disability who comes in conflict with the law should be interviewed using appropriate languages and otherwise dealt with by professionals such as police officers, attorneys/advocates/social workers, prosecutors and/or judges, who have received proper training in this regard; b) Governments should develop and implement alternative measures with a variety and a flexibility that allow for an adjustment of the measure to the individual capacities and abilities of the child in order to avoid the use of judicial proceedings. Children with disabilities in conflict with the law should be dealt with as much as possible without resorting to formal/legal procedures. Such procedures should only be considered when necessary in the interest of public order. In those cases special efforts have to be made to inform the child about the juvenile justice procedure and his or her rights therein; c) Children with disabilities in conflict with the law should not be placed in a regular juvenile detention centre by way of pre-trial detention nor by way of a punishment. Deprivation of liberty should only be applied if necessary with a view to providing the child with adequate treatment for addressing his or her problems which have resulted in the commission of a crime and the child should be placed in an institution that has the specially trained staff and other facilities to provide this specific treatment. In making such decisions the competent authority should make sure that the human rights and legal safeguards are fully respected.

[No.10: Children's rights in juvenile justice]: [para.12] The right of the child to express his/her views freely in all matters affecting the child should be fully respected and implemented throughout every stage of the process of juvenile justice...

<p>States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular: (a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law; (b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.</p> <p>A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.</p>	<p>[para.43] Article 12 (2) of CRC requires that a child be provided with the opportunity to be heard in any judicial or administrative proceedings affecting the child, either directly or through a representative or an appropriate body in a manner consistent with the procedural rules of national law.</p> <p>[para.63] The Committee also wishes to draw the attention of States parties to children with speech impairment or other disabilities. In line with the spirit of article 40 (2) (vi), and in accordance with the special protection measures provided to children with disabilities in article 23, the Committee recommends that States parties ensure that children with speech impairment or other disabilities are provided with adequate and effective assistance by well-trained professionals, e.g. in sign language, in case they are subject to the juvenile justice process...</p>
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Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)	
CEDAW Key Articles	CEDAW General Recommendations
<p>[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.</p>	<p>[No.18: Disabled women]: The Committee on the Elimination of Discrimination against Women recommends that States parties provide information on disabled women in their periodic reports, and on measures taken to deal with their particular situation, including special measures to ensure that they have equal access to education and employment, health services and social security, and to ensure that they can participate in all areas of social and cultural life.</p> <p>[No. 21: Equality in marriage and family relations]: [Article 15 para.1] States parties shall accord to women equality with men before the law.</p> <p>[Article 15 para.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.</p> <p>[Article 15 para.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.</p> <p>[Article 15 para.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.</p>

Other Key Human Rights Instruments

Key Articles

Vienna Declaration and Programme of Action

[para.63] The World Conference on Human Rights reaffirms that all human rights and fundamental freedoms are universal and thus unreservedly include persons with disabilities. Every person is born equal and has the same rights to life and welfare, education and work, living independently and active participation in all aspects of society. Any direct discrimination or other negative discriminatory treatment of a disabled person is therefore a violation of his or her rights. The World Conference on Human Rights calls on Governments, where necessary, to adopt or adjust legislation to assure access to these and other rights for disabled persons.

[para.64] The place of disabled persons is everywhere. Persons with disabilities should be guaranteed equal opportunity through the elimination of all socially determined barriers, be they physical, financial, social or psychological, which exclude or restrict full participation in society.

Beijing Declaration and Platform for Action

[eg: at A1.58 p] Ensure access to free or low-cost legal services, including legal literacy, especially designed to reach women living in poverty;

[eg: at I2.232 i] Provide gender-sensitive human rights education and training to public officials, including, inter alia, police and military personnel, corrections officers, health and medical personnel, and social workers, including people who deal with migration and refugee issues, and teachers at all levels of the educational system, and make available such education and training also to the judiciary and members of parliament in order to enable them to better exercise their public responsibilities;

[eg: at I2.232 l] Review and amend criminal laws and procedures, as necessary, to eliminate any discrimination against women in order to ensure that criminal law and procedures guarantee women effective protection against, and prosecution of, crimes directed at or disproportionately affecting women, regardless of the relationship between the perpetrator and the victim, and ensure that women defendants, victims and/or witnesses are not revictimized or discriminated against in the investigation and prosecution of crimes;

[eg: at I2.232 n] Strengthen existing or establish readily available and free or affordable alternative administrative mechanisms and legal aid programmes to assist disadvantaged women seeking redress for violations of their rights;

[eg: at I3.233 a] Translate, whenever possible, into local and indigenous languages and into alternative formats appropriate for persons with disabilities and persons at lower levels of literacy, publicize and disseminate laws and information relating to the equal status and human rights of all women, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Declaration on the Right to Development and the Declaration on the Elimination of Violence against Women, as well as the outcomes of relevant United Nations conferences and summits and national reports to the Committee on the Elimination of Discrimination against Women;

[eg: at I3.233 b] Publicize and disseminate such information in easily understandable formats and alternative formats appropriate for persons with disabilities, and persons at low levels of literacy;

[eg: at I3.233 c] Disseminate information on national legislation and its impact on women, including easily accessible guidelines on how to use a justice system to exercise one's rights;

[eg: at I3.233 g] Promote education on the human and legal rights of women in school curricula at all levels of education and undertake public campaigns, including in the most widely used languages of the country, on the equality of women and men in public and private life, including their rights within the family and relevant human rights instruments under national and international law;

Biwako Millennium Framework for Action Towards an Inclusive, Barrier-free and Rights-based Society for Persons with Disabilities in Asia and the Pacific

[eg: at B3.1] Governments should implement measures to uphold the rights of women with disabilities and to protect them from discrimination. In particular, measures should be implemented to ensure equal access to health services, education, training and employment, and protection from sexual and other forms of abuse and violence.

Biwako Plus Five: Further efforts towards an inclusive, barrier-free and rights-based society for persons with disabilities in Asia and the Pacific

[eg: at IIIB.15] Governments recognize that women and girls with disabilities are subject to multiple discrimination and, in this regard, together with self-help organizations, should support the economic, social, cultural and political empowerment of women with disabilities, in particular through leadership and management training on a sustained basis. Governments should take appropriate measures to address discrimination against women with disabilities in all matters, including those relating to marriage, family, parenthood and relationships, to ensure their full development, advancement and empowerment.

[eg: at IV A.32] Governments should promote access to justice for persons with disabilities on an equal basis with others.

UN Resolution S-23/3: Further actions and initiatives to implement the Beijing Declaration and Platform for Action

[eg: at IV 68b] Create and maintain a non-discriminatory and gender-sensitive legal environment by reviewing legislation with a view to striving to remove discriminatory provisions as soon as possible, preferably by 2005, and eliminating legislative gaps that leave women and girls without protection of their rights and without effective recourse against gender-based discrimination;

[eg: at IV 78a] Encourage the creation of training and legal literacy programmes which build and support the capacities of women's organizations to advocate for women's and girls' human rights and fundamental freedoms;

[eg: at IV 78d] Provide gender-sensitive training to all actors, including police, prosecutors and the judiciary, in dealing with victims of violence, particularly women and girls, including sexual violence.



Appendix 2: glossary

Accede/Accession: ‘Accession’ is an act by which a State signifies its agreement to be legally bound by the terms of a particular treaty. It has the same legal effect as ratification, but is not preceded by an act of signature. The formal procedure for accession varies according to the national legislative requirements of the State. To accede to a human rights treaty, the appropriate national organ of a State follows its domestic approval procedures and makes a formal decision to be a party to the treaty. Then, the instrument of accession, a formal sealed letter referring to the decision and signed by the State’s responsible authority, is prepared and deposited with the United Nations Secretary-General in New York.

Article - International legal instruments generally include a Preamble (stating the reasons for and underlying understandings of the drafters and adopters of the instrument) and a series of ‘articles’, which lay out the obligations of those States choosing to be bound by it and procedural matters involving the treaty. The term ‘provision’ is often used as an alternative when referring to the content of particular articles.

Beijing Declaration and Platform for Action (BPFA) - The Beijing Declaration and Platform for Action was adopted by the Fourth World Conference on Women in 1995. It is an internationally agreed plan for achieving equality for women across 12 critical areas – poverty, education and training, health, the economy, power and decision-making, human rights, armed conflict, institutional mechanisms, the environment, violence against women and the girl child. Following the 1995 Fourth United Nations World Conference on Women, the United Nations General Assembly mandated the United Nations Commission on the Status of Women to integrate into its program a follow-up process to the Conference, regularly reviewing the critical areas of concern in the BPFA and to develop its role in mainstreaming a gender perspective in United Nations activities. See: <http://www.un.org/womenwatch/daw/beijing/platform/> The commitment to the BPFA was further reaffirmed by member states in the outcome document of the Twenty-third Special Session of the UN General Assembly in 2000. This meant that member states committed to further actions and initiatives to accelerate the implementation of the BPFA and to ensure that commitments for gender equality are fully realized. See: <http://www.un.org/womenwatch/daw/followup/ress233e.pdf>

Biwako Millennium Framework (BMF) - This regional framework for action covers the period 2003-2012, and sets out a rights-based approach to achieving seven priority areas for action to progress rights and address the significant poverty faced by people with disabilities in Asia Pacific. It was adopted by 28 governments at the conclusion of the Asian and Pacific Decade of Disabled Persons conference in October 2002. The regional framework for action identifies seven areas for priority action in the new decade. Each priority area contains critical issues, targets and the action required. In acknowledging that women with disabilities experience discrimination to a greater extent than disabled men, the BMF identifies ‘women with disabilities’ as one of seven priority areas for action. See: <http://www.unescap.org/esid/psis/disability/bmf/bmf.html>

Biwako Plus Five - In 2007, in recognition that Governments needed to strengthen their efforts to implement the Biwako Millennium Framework (BMF), ministerial-level representatives of countries in the region developed Biwako Plus Five, a supplement to the BMF designed to accelerate implementation of the BMF by 2012. Biwako Plus Five provides additional actions in the seven priority areas, along with additional key strategies. See: http://www.unescap.org/esid/psis/disability/bmf/APDDP2_2E.pdf

Commission on the Status of Women (CSW) – The Commission on the Status of Women (CSW) is a functional commission of the United Nations Economic and Social Council (ECOSOC). It is the principal global policy-making body dedicated exclusively to gender equality and advancement of women. Every year, representatives of Member States gather at United Nations Headquarters in New York to evaluate progress on gender equality, identify challenges, set global standards and formulate concrete policies to promote gender equality and women’s empowerment worldwide. See: <http://www.un.org/womenwatch/daw/csw/>

Concluding Observations - The observations and recommendations issued by a treaty body after it has considered a State party’s report. Concluding observations refer both to positive aspects of a State’s implementation of the treaty and areas where the treaty body recommends that further action needs to be taken by the State. The treaty bodies are committed to issuing concluding observations which are concrete, focused and implementable and are paying increasing attention to measures to ensure effective follow-up to their concluding observations. Also referred to as “concluding comments” by some committees in accordance with the wording of their treaties.

Convention – see Treaty.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) - The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is an international treaty that is part of the United Nations (UN) human rights' system. Sometimes referred to as the 'Women's Convention' or the 'Women's Bill of Rights', it is a comprehensive international agreement that is intended to improve the status of women. CEDAW promotes women's equal attainment of economic, social, cultural, civil and political rights. It was adopted in 1979 by the United Nations General Assembly and came into force on 3 September 1981. In 1999, the General Assembly of the United Nations adopted the Optional Protocol of CEDAW. The Protocol includes a procedure through which individual women or groups can denounce national violations of CEDAW directly to CEDAW's committee of experts. See: <http://www2.ohchr.org/english/law/cedaw.htm>

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) - The United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is an international human rights instrument, under the purview of the United Nations, that aims to prevent torture around the world. The Convention requires states to take effective measures to prevent torture within their borders, and forbids states to return people to their home country if there is reason to believe they will be tortured. The text of the Convention was adopted by the United Nations General Assembly on 10 December 1984 and came into force on 26 June 1987. The Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly on 18 December 2002 and in force since 22 June 2006, provides for the establishment of a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment. See: <http://www2.ohchr.org/english/law/cat.htm>

Convention on the Rights of the Child (CRC) - The United Nations Convention on the Rights of the Child, often referred to as "CRC", is an international convention setting out the civil, political, economic, social and cultural rights of children. The United Nations General Assembly agreed to adopt the Convention into international law on November 20, 1989 and it came into force on September 2, 1990. The Convention generally defines a child as any person under the age of 18, unless an earlier age of majority is recognized by a country's law. The Convention has two Optional Protocols, adopted by the General Assembly in May 2000 and applicable to those states that have signed and ratified them. See: <http://www2.ohchr.org/english/law/crc.htm>

Convention on the Rights of Persons with Disabilities (CRPD) - The Convention on the Rights of Persons with Disabilities and its Optional Protocol was adopted by the United Nations General Assembly on 13 December 2006 and entered into force on 3 May 2008. The Convention is intended as a human rights instrument with an explicit, social development dimension. It adopts a broad categorisation of persons with disabilities and reaffirms that all persons with all types of disabilities must enjoy all human rights and fundamental freedoms. It clarifies and qualifies how all categories of rights apply to persons with disabilities and identifies areas where adaptations have to be made for persons with disabilities to effectively exercise their rights and areas where their rights have been violated, and where protection of rights must be reinforced. The Optional Protocol allows the UN Committee on the Rights of Persons with Disabilities to receive and consider communications from or on behalf of individuals or groups of individuals subject to its jurisdiction who claim to be victims of a violation by that State Party of the provisions of the Convention. See: <http://www2.ohchr.org/english/law/disabilities-convention.htm>

Council of Australian Governments (COAG) - The Council of Australian Governments (COAG) is the peak intergovernmental forum in Australia. It comprises the Prime Minister, State Premiers, Territory Chief Ministers and the President of the Australian Local Government Association (ALGA). It was established in May 1992 and first met in December 1992. It is chaired by the Prime Minister. It meets to debate and co-ordinate government activities between the federal and state or territorial governments and between the state and territorial governments themselves as well as issues affecting local government. See: <http://www.coag.gov.au/>

Declaration - The term 'declaration' is used for various international instruments. International human rights declarations are not legally binding; the term is often deliberately chosen to indicate that the parties do not intend to create binding obligations but merely want to declare certain aspirations. However, while the 1948 Universal Declaration of Human Rights for example was not originally intended to have binding force, its provisions have since gained binding character as customary law.

General Comment - A treaty body's interpretation of the content of human rights provisions, on thematic issues or its methods of work. General comments often seek to clarify the reporting duties of States parties with respect to certain provisions and suggest approaches to implementing treaty provisions. Also called "general recommendation" (CERD & CEDAW).

General Recommendation – see General Comment.

International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) - The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) is a United Nations convention adopted and opened for signature and ratification by United Nations General Assembly resolution 2106 (XX) December 21, 1965, and which entered into force January 4, 1969. See: <http://www2.ohchr.org/english/law/cerd.htm>

International Covenant on Civil and Political Rights (ICCPR) - The International Covenant on Civil and Political Rights is a United Nations treaty based on the Universal Declaration of Human Rights, created in 1966 and entered into force on 23 March 1976. The ICCPR commits its parties to respect the civil and political rights of individuals, including the right to life, freedom of religion, freedom of speech, freedom of assembly, family rights, electoral rights and rights to due process and a fair trial. The Covenant contains two Optional Protocols. The first optional protocol creates an individual complaints mechanism, and the second optional protocol abolishes the death penalty. See: <http://www2.ohchr.org/english/law/ccpr.htm>

International Covenant on Economic, Social and Cultural Rights (ICESCR) - The International Covenant on Economic, Social and Cultural Rights is a multilateral treaty adopted by the United Nations General Assembly on December 16, 1966, and in force from January 3, 1976. The CESCR commits States Parties to work toward the granting of economic, social, and cultural rights to individuals, including labour rights and rights to health, education, and an adequate standard of living. The CESCR protects human rights that are fundamental to the dignity of every person. See: <http://www2.ohchr.org/english/law/cescr.htm>

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) - The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families entered into force on July 1, 2003. The Convention constitutes a comprehensive international treaty regarding the protection of migrant workers' rights. It emphasizes the connection between migration and human rights. Its existence sets a moral standard, and serves as a guide and stimulus for the promotion of migrant rights in each country. See: <http://www2.ohchr.org/english/law/cmww.htm>

International Convention for the Protection of All Persons from Enforced Disappearance (ICPED) - The International Convention for the Protection of All Persons from Enforced Disappearance is an international human rights instrument of the United Nations and intended to prevent forced disappearance. The text was adopted by the United Nations General Assembly on 20 December 2006 and came into force on 23 December 2010. See: <http://www2.ohchr.org/english/law/disappearance-convention.htm>

Optional Protocol: The term 'protocol' is used for an additional legal instrument that complements and add to a treaty. A protocol may be on any topic relevant to the original treaty and is used either to further address something in the original treaty, address a new or emerging concern or add a procedure for the operation and enforcement of the treaty—such as adding an individual complaints procedure. A protocol is 'optional' because it is not automatically binding on States that have already ratified the original treaty; States must independently ratify or accede to a protocol.

Ratification, acceptance or approval - Ratification, acceptance and approval all refer to the definitive act undertaken at the international level, whereby a State establishes its consent to be bound by a treaty which it has already signed. It does this by depositing an "instrument of ratification" with the Secretary-General of the United Nations. To ratify a treaty, the State must have first signed the treaty; if a State expresses its consent to be bound without first having signed the treaty, the process is called accession. Upon ratification, the State becomes legally bound by the treaty as one of its States parties. Once a State has ratified a treaty at the international level, it must give effect to the treaty domestically.

Rome Statute of the International Criminal Court - The Rome Statute of the International Criminal Court (often referred to as the International Criminal Court Statute or the Rome Statute) is the treaty that established the International Criminal Court (ICC). It was adopted at a diplomatic conference in Rome on 17 July 1998 and it entered into force on 1 July 2002. Among other things, The Rome Statute sets out the crimes falling within the jurisdiction of the ICC, the rules of procedure and the mechanisms for States to cooperate with the ICC. The ICC is a permanent international court established to investigate, prosecute and try individuals accused of committing the most serious crimes of concern to the international community as a whole, namely the crime of genocide, crimes against humanity, war crimes and the crime of aggression.

State party - A State party is a State which has agreed to be bound by a treaty under international law. In order to become a party, the State must have (1) expressed its consent to be bound by a treaty through an act of ratification, acceptance, approval or accession, and (2) the date of entry into force of the treaty for that particular State must have passed.

Treaty, convention, covenant - Legally, there is no difference between a treaty, a convention or a covenant. All are international legal instruments which legally bind, in international law, those States who chose to accept the obligations contained within them.

Treaty Body or Committee - A committee of independent experts appointed to monitor the implementation by States parties of each of the core international human rights treaties. The treaties use the term "committee" throughout, but the committees are widely known as the "treaty bodies" because each is created in accordance with the provisions of the treaty which it oversees. In many important respects, they are independent of the United Nations system, although they receive support from the UN Secretariat and report to the General Assembly. Sometimes also called "treaty-monitoring body".

Universal Periodic Review (UPR) - The UPR is a new process undertaken by the United Nations and involves the review of the human rights records of the 192 Member States once every four years. The UPR provides the opportunity for each State to declare what actions they have taken to improve the human rights situations in their countries and to fulfil their human rights obligations. The

ultimate aim of the Review is to improve the human rights situation in all countries and address human rights violations wherever they occur. See: <http://www.upr-info.org/>

UN Resolution - A United Nations resolution (UN resolution) is a formal text adopted by a United Nations (UN) body. Although any UN body can issue resolutions, in practice most resolutions are issued by the Security Council or the General Assembly.

Vienna Declaration and Programme of Action - At the 1993 World Conference on Human Rights, the international community reaffirmed its commitment to the Universal Declaration on Human Rights through the adoption of the Vienna Declaration and Programme of Action. Representatives of 171 States adopted by consensus this Declaration, presenting to the international community a common plan for the strengthening of human rights work around the world. See: <http://www2.ohchr.org/english/law/vienna.htm>



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