



WOMEN
WITH
DISABILITIES
AUSTRALIA
(WWDA)

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

PO Box 407, Lenah Valley, 7008 TASMANIA

Ph: + 61 438 535 123

Email: carolyn@wwda.org.au

Web: www.wwda.org.au

Facebook: <http://www.facebook.com/WWDA.Australia>

Twitter: https://twitter.com/WWDA_AU

Ms. Catalina Devandas Aguilar
Special Rapporteur on the Rights of Persons with Disabilities
OHCHR-UNOG; CH-1211
Geneva 10, Switzerland

Via email: sr.disability@ohchr.org

19 May 2017

Dear Ms. Catalina Devandas Aguilar

RE: Study on the sexual and reproductive health and rights of girls with disabilities

Warm greetings from Women with Disabilities Australia (WWDA), the award winning, national Disabled People's Organisation (DPO) for women and girls with all types of disability in Australia. WWDA operates as a transnational human rights organisation, is managed and run by women with disability, and represents more than two million disabled women and girls in Australia. WWDA is delighted to also advise that our organisation has recently been granted Special Consultative Status with United Nations ECOSOC, which marks a significant achievement for our organisation.

On behalf of the members of WWDA, I would like to take this opportunity to thank you for undertaking such a critical global study: the sexual and reproductive health and rights of girls with disabilities. Sexual and reproductive rights, and the right to freedom from all forms of violence, are consistently identified by women and girls with disability in Australia, as the "most urgent, pressing human rights issues they face".

In April 2016, WWDA conducted a [National Forum of Women and Girls with Disability](#), attended by more than 50 women and girls with disability (and twelve support persons) from around Australia. At this National Forum, women and girls with disability prioritised five critical human rights issues that they believe need to be urgently addressed by the United Nations, by the Australian Government, by WWDA, and by women with disability themselves. These issues are:

- The right to freedom from all types of violence;
- Sexual and reproductive rights;
- The right to decision-making and to participation;
- The right to work and to social protection;

- The right to access to justice.

As one of the outcomes of WWDA's National Forum of Women and Girls with Disability, along with a wide range of other consultative processes undertaken by WWDA, our organisation has recently researched, developed and published formal Position Statements on these five priority human rights issues as identified by women and girls with disability.

For the purposes of your current study on the 'sexual and reproductive health and rights of girls with disabilities', WWDA respectfully requests that you accept two of our Position Statements as our formal Submission to your study. The two Position Statements are:

Women With Disabilities Australia (WWDA) *Position Statement 1: The Right to Freedom From All Forms of Violence*. WWDA, September 2016, Hobart, Tasmania. ISBN: 978-0-9585268-6-9

Women With Disabilities Australia (WWDA) *Position Statement 4: Sexual and Reproductive Rights*. WWDA, September 2016, Hobart, Tasmania. ISBN: 978-0-9585269-6-8

Each of these two Position Statements contain detailed information that addresses and responds to the [questionnaire](#) for your study, as provided on your website at the OHCHR. WWDA's two Position Statements cover in some detail, the following elements:

- WWDA's formal position on the issue;
- The most current, up to date evidence, data and research on the issue;
- Australia's international human rights obligations in relation to the issue, as a State Party to seven of the core international human rights treaties, all of which create obligations to promote equality, denounce discrimination against people with disability; people from culturally and linguistically diverse backgrounds; people from Aboriginal and Torres Strait Islander backgrounds; and against women;
- A detailed analysis of Australia's compliance with its international human rights obligations, in the context of the issue;
- A series of key recommendations on the issue, as mandated through Australia's international human rights obligations, and based on the evidence, voices, experiences, and expertise of women and girls with disability.

In relation to Question 2 of your survey questionnaire: *"Please provide information in relation to any innovative initiatives that have been taken at the local, regional or national level to promote and ensure the exercise of sexual and reproductive health and rights of girls with disabilities, and identify lessons learned from these"*, WWDA offers the following information for consideration as part of your study.

During 2016, WWDA researched, developed and published a ['Human Rights Toolkit for Women and Girls with Disability'](#) [1st Edition. ISBN: 978-0-9585269-9-9]. This toolkit explores some of the key issues facing women and girls with disability (including sexual and reproductive rights, and the right to freedom from all types of violence). Importantly, the Toolkit provides practical resources for leading change. The 'Human Rights Toolkit for Women and Girls with Disability' includes:

- An introduction to, and overview of, key human rights issues facing women and girls with disability, specifically violence; sexual and reproductive rights; decision-making; participation; and, employment.
- A brief history of human rights and Australia's human rights obligations.

- Understanding key articles from the Convention on the Rights of Persons with Disabilities (CRPD) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).
- Recommendations for change.
- Ideas and suggestions of ways women and girls with disability can get involved in working for change.
- Resources, including sample letters and talking points for talking to Government representatives about the issues important to women and girls with disability.
- Full copies of the text of the CRPD and CEDAW.

During 2016, WWDA produced a series of [short videos](#), made by women with disability themselves. The videos focus on women with disability talking about:

- what human rights mean to them and why they are important;
- the human rights of all people to make decisions about their lives;
- the fundamental human right to live free from all forms of violence;
- why the right to parent and be supported to do so, is a fundamental human right for *all* women;
- the right to work and the importance of economic empowerment for women with disability.

One of the key reasons for the development of the *WWDA Human Rights Toolkit* and the videos made by women with disability themselves, is because in the Australian context, denial of the right to decision-making and participation has led to many women and girls with disability being deprived of many fundamental rights, including for example, the right to vote, the right to marry and found a family, sexual and reproductive rights, parental rights, the right to give consent for intimate relationships and medical treatment, the right to freedom from violence, the right to education, and the right to liberty.¹ In addition, denial of the right to decision-making and participation has enabled serious violations of the human rights of women and girls with disability to continue unabated, through practices such as forced sterilisation, forced abortion, forced contraception, compulsory medical treatment, indefinite detention, restrictive practices, forced living arrangements, and segregation, isolation and confinement from the community in institutional and residential settings.²

Women and girls with disability in Australia continue to experience significant barriers to participation in all aspects of public life, including in the development of policy, programs and services, as well as in other decision-making processes, including legislative, administrative and other matters, that affect any of their rights. Too often, women and girls with disability have their views ignored or disregarded in favour of those of ‘experts’, ‘professionals’, parents, guardians, and carers, as well as representatives of organisations *not* controlled and constituted by women with disability themselves.³

In this context, in order to ‘promote and ensure the exercise of sexual and reproductive health and rights of women and girls with disabilities’, WWDA is unequivocal in our position that women and girls with disability are best positioned to identify and determine their own rights, needs, will and preferences and to make decisions concerning their circumstances and conditions. The active, informed, relevant and meaningful participation of women and girls with disability is integral to ensuring their sexual and reproductive rights, and their right to freedom from all forms of violence against women, including through the development of relevant policies, programs, and services.⁴ WWDA’s recently published Position Statements on ‘*The Right to Participation*’ and ‘*The Right to Decision-Making*’ [available from <http://wwda.org.au/papers/toolkit/position-statements/>] provide extensive detail on these two critical human rights issues for all women and girls with disability.

A further example of an innovative initiative to promote the sexual and reproductive health and rights of young women and girls with disabilities, is WWDA's Youth Network. The [WWDA Youth Network](#) was founded and established by young women with disability in Australia, who identified the need for their own 'platform' and 'vehicle' to provide girls and young women with disability living in Australia with human rights information that is "easier to understand." Information on sexual and reproductive health and rights, along with information about violence against young women and girls with disabilities, are a critical component of the work of the WWDA Youth Network. The WWDA Youth Network is currently adapting and re-producing WWDA's Position Statements into "youth friendly" versions, which will be made available within Australia and internationally for young women and girls with disability.

Another example of an innovative initiative to promote the sexual and reproductive health and rights of young women and girls with disabilities, is the Global ['WE DECIDE'](#) Program, being coordinated by UNFPA. The WE DECIDE Program is a global initiative to promote gender equality and social inclusion of young persons with disabilities, focusing directly on sexual and reproductive health and rights, including the right to freedom from violence.

As part of the development and establishment of the global WE DECIDE Program, WWDA assisted the UNFPA and its partners to develop and produce a [video](#) to promote the program and raise awareness of the sexual and reproductive rights of young people with disability. The WE DECIDE Program was officially launched in June 2016 at a special event during the CRPD Conference of States Parties (COSP) in New York. WWDA was privileged to co-host the launch, as an official partner of the WE DECIDE Program.

In November 2016, WWDA was fortunate to attend the Expert Group Meeting on "Advancing the Rights and Perspectives of Women and Girls with Disabilities in Development and Society", hosted by the United Nations Department of Economic and Social Affairs (UNDESA) and the United Nations Economic Commission for Latin American and the Caribbean (ECLAC), and held in Santiago, Chile from 15 to 17 November 2016.

The purpose of the Expert Group Meeting (EGM) was to identify strategies and develop recommendations to amplify the voices of women with disabilities and address persistent barriers to their empowerment, including by building synergies between gender equality and disability inclusion, addressing the intersectionality of gender and disability and mainstreaming gender equality and disability in the operationalization of the 2030 Agenda for Sustainable Development. The Meeting also provided input to the Report of the United Nations Secretary-General on the implementation of the United Nations Convention on the Rights of Persons with Disabilities for Women and Girls with Disabilities (for the seventy second session of the General Assembly).

WWDA understands that the Final Report from the Expert Group Meeting on "Advancing the Rights and Perspectives of Women and Girls with Disabilities in Development and Society", is currently being finalised. However, the sexual and reproductive rights of women and girls with disability, and the right to freedom from all forms of violence, were prioritised at the EGM as critical issues requiring urgent attention from all stakeholders. The EGM identified a series of recommendations for moving forward to address these and other issues discussed.

One of the recommendations stemming from the EGM, was the urgent need for the establishment and resourcing of an international DPO for women and girls with disabilities. There was some discussion that UN Women may potentially be able to lead such an initiative. In addition, participants at the EGM identified the need for the establishment and development of an international 'Virtual Knowledge Centre for Women and Girls with Disabilities'. Women and girls

with disabilities in Australia have also consistently identified the need for the development of such a platform. WWDA has developed a Concept Note and model framework for such a Virtual Knowledge Centre, and we would be eager to discuss with you how we might progress such an initiative, which would ultimately benefit women and girls with disability worldwide. This may be something that we could discuss with you when we attend your *Expert Group Meeting on the Sexual and Reproductive Health Rights of Women and Girls with Disabilities*, to be held at UN Headquarters on 13 June 2017.

I trust that the information we have provided in this Submission and its two accompanying attachments (WWDA's two Position Statements) are able to be considered for your global study.

WWDA acknowledges with appreciation the opportunity to participate in, and contribute to, your important global study on the Sexual and Reproductive Health Rights of Women and Girls with Disabilities.

Yours sincerely

A handwritten signature in black ink, appearing to read 'CF', followed by a long horizontal line extending to the right.

Carolyn P Frohmader
Executive Director

¹ Committee on the Rights of Persons with Disabilities, *General Comment No 1 (2014) – Equal recognition before the law*, 11th sess, UN Doc CRPD/C/GC/1 (19 May 2014).

² Frohmader, C., & Sands, T. (2015) *Australian Cross Disability Alliance (ACDA) Submission to the Senate Inquiry into Violence, abuse and neglect against people with disability in institutional and residential settings*. Australian Cross Disability Alliance (ACDA); Sydney, Australia.

³ United Nations General Assembly (12 January 2016) *Report of the Special Rapporteur on the rights of persons with disabilities*. Human Rights Council, Thirty-first session. UN Doc. No. A/HRC/31/62

⁴ Women With Disabilities Australia (WWDA) *Position Statement 3: The Right to Participation*. WWDA, September 2016, Hobart, Tasmania. Copyright. ISBN: 978-0-9585268-8-3