



WOMEN  
WITH  
DISABILITIES  
AUSTRALIA  
(WWDA)



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Women With Disabilities Australia (WWDA)  
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Mr Rob De Luca  
Chief Executive Officer  
National Disability Insurance Agency (NDIA)  
GPO Box 700  
CANBERRA ACT 2601

15 November 2018

Dear Mr De Luca

### **Regarding Gender Inequality in the NDIS**

We write collectively from Women With Disabilities Australia (WWDA),<sup>1</sup> Women With Disabilities Victoria (WDV),<sup>2</sup> Women With Disabilities Australian Capital Territory (WWDACT),<sup>3</sup> and Women With Disabilities South Australia (WWDSA)<sup>4</sup> to request an opportunity to meet with you to discuss our significant concerns regarding gender inequity in the National Disability Insurance Scheme (NDIS).

It is deeply concerning that across all jurisdictions, the percentage of female participants in the NDIS remains at less than 39%, with some jurisdictions having even lower figures.

We know from over three decades of evidence-based research, that women and girls with disability experience multiple and intersecting forms of discrimination and are overwhelmingly more disadvantaged than men and boys with disability in similar circumstances. Like many societies, Australian society is permeated by gender differences and gender inequalities. The outcomes of public policy in Australia are not equal for men and women, and this is profoundly worse when we examine the gender inequalities between men and boys with disability, and women and girls with disability.<sup>5</sup> We have attached, for your reference, a brief factsheet which highlights some of these inequalities.

United Nations human rights treaty monitoring bodies have repeatedly expressed concerns to successive Australian Governments regarding the lack of targeted, extra measures to address the poor status of women and girls with disability in Australia.<sup>6</sup> The *Committee on the Rights of Persons with Disabilities* (CRPD), through CRPD General Comment 3 [Article 6: Women with Disabilities]<sup>7</sup> have provided clear and authoritative guidance to States Parties (including Australia) regarding the imperative to employ targeted, extra and specific measures to ensure that women and girls with disability can realise and enjoy their rights on an equal basis as others.<sup>8</sup> This includes their right to access and receive services and programs – including through the NDIS.

A clear object of the NDIS Act (2013) is to give effect to Australia's obligations under the *Convention on the Rights of Persons with Disabilities* (CRPD). The CRPD is unequivocal on gender equality. It

recognises gender as one of the most important categories of social organisation, and prioritises women and girls with disability as a group warranting specific attention and additional measures.<sup>9</sup>

In light of our collective concerns regarding the gender inequity in the NDIS, we would welcome the opportunity to meet with you and the Scheme Actuary to have a dialogue regarding:

- NDIS gender disaggregated data;
- key issues experienced by women and girls with disability in Australia, including the gender inequalities between men and boys with disability and women and girls with disability;
- solutions to ensure the NDIS is reaching and responsive to women and girls with disability; and;
- the need for the development of an NDIS Gender Strategy.

This letter has been endorsed by the organisations and individuals listed in the Annexure to this letter.

We look forward to your earliest response.

Yours Sincerely,



Carolyn Frohmader  
Executive Director

Finalist, 100 Women of Influence Awards 2015  
Australian Human Rights Award (Individual) 2013  
State Finalist Australian of the Year 2010  
Inductee, Tasmanian Women's Honour Roll 2009  
Australian Capital Territory Woman of the Year Award 2001

For and on behalf of:

Women With Disabilities Australia (WWDA)  
Women With Disabilities Australian Capital Territory (WWDACT)  
Women With Disabilities South Australia (WWDOSA)  
Women With Disabilities Victoria (WDV)

## List of Endorsements

## Endnotes

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<sup>1</sup> See: <http://wwda.org.au/>

<sup>2</sup> See: <https://www.wdv.org.au/>

<sup>3</sup> See: <https://www.wdact.org.au/>

<sup>4</sup> See: <https://www.facebook.com/Women-With-Disabilities-South-Australia-190331824319014/>

<sup>5</sup> See for eg: <http://wwda.org.au/about/snapshot/>

<sup>6</sup> See for eg: CEDAW/C/AUS/CO/8; E/C.12/AUS/CO/5; CRPD/C/AUS/QPR/2-3; CRPD/C/AUS/CO/1; CEDAW/C/AUL/CO/5; CEDAW/C/AUS/CO/7; E/C.12/AUS/CO/4; CCPR/C/AUS/CO/5; CAT/C/AUS/Q/5; CEDAW/C/GC/35; CCPR/C/AUS/CO/6; CRPD/C/GC/3

<sup>7</sup> See: Committee on the Rights of Persons with Disabilities, *General comment No. 3 (2016) Article 6: Women and girls with disabilities*. UN Doc. No. CRPD/C/GC/3.

<sup>8</sup> State parties to the *Convention on the Rights of Persons with Disabilities* (CRPD) have an obligation to respect, to protect and to fulfil the rights of women with disabilities under Article 6 and all other substantive provisions in order to guarantee them the enjoyment and exercise of all human rights and fundamental freedoms. These duties imply the undertaking of legal, political, administrative, educational and other measures. State parties have an ongoing and dynamic duty to adopt and apply the measures needed to secure the development, advancement and empowerment of women with disabilities. States parties must adopt a twin track approach through: a) systematically mainstreaming the interests and rights of women and girls with disabilities across all national action plans, strategies and policies concerning women, childhood and disability as well as in sectoral plans concerning, for example: gender equality, health, violence, education, political participation, employment, access to justice and social protection; and b) targeted and monitored action aimed specifically at women with disabilities. A twin track approach is an essential pre-cursor to reducing inequality with regard to participation and enjoyment of rights. See: Committee on the Rights of Persons with Disabilities, *General comment No. 3 (2016) Article 6: Women and girls with disabilities*. UN Doc. No. CRPD/C/GC/3.

<sup>9</sup> CRPD Article 6 obliges Governments to take positive actions and measures to ensure that disabled women and girls enjoy all human rights and fundamental freedoms. It expressly states the need to incorporate a gender perspective in all efforts to promote the human rights of people with disability, meaning that the rights of women with disability must be addressed when interpreting and implementing every article of the Convention. It clarifies the need to ensure that national policies, frameworks and strategies make explicit recognition of the impact of multiple discriminations caused by the intersection of gender and disability, and that such policies and frameworks include focused, gender-specific measures to ensure that women and girls with disabilities experience full and effective enjoyment of their human rights. See for eg: Preamble [q] of UN General Assembly, *Convention on the Rights of Persons with Disabilities*: resolution/adopted by the General Assembly, 24 January 2007, A/RES/61/106.