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## WWDACT Position Statement 2

### Sexual Health and Reproductive Health Rights

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#### Our Position:

- Sexual and reproductive health rights are fundamental human rights.
- The discrimination of women\* with disabilities in areas of sexual and reproductive health rights is in violation of multiple provisions of the CRPD.
- Women\* with disabilities have the right to make free and informed choices about their bodies, sexual health, reproductive health, intimate and emotional relationships, and parenting.
- Sexual and reproductive health rights include the right for all couples and individuals to found and maintain a family. This includes the right to and access to the information and means to do so.
- Women\* with disabilities have the right to sexual pleasure, expression, relationships, equity, privacy, freedom, autonomy, and self-determination.
- Comprehensive sexuality education materials, as well as information on sexual and reproductive health must be made available to women\* to with disability in accessible formats.
- WWDACT opposes the use of forced sterilization, abortion, and contraception - which constitute violence against women\* with disability – in the ACT
- The forced removal of children because of their mother's disability is a violation of fundamental human rights.
- When required, women\* with disabilities must be provided with the supports needed to make their own decisions about their body without third-party interference.

## Key Points:

- Sexual and reproductive health rights for all women, girls, feminine identifying, and non-binary people (hereby referred to as women\*) with disabilities are protected by the Convention on the Rights of Persons with Disabilities (CRPD)
- In Australia, serious violations to the sexual and reproductive health rights of women\* with disabilities continue to occur.
- Women\* with disabilities are often subjected to forced sterilisation, forced abortion, and forced contraception; denied rights to sexual expression and self-determination; denied the right to or discouraged from becoming a parent; denied equal access to information about gender and sexuality; and denied equal access to information and education about sexual and reproductive health.
- Violations of sexual and reproductive health rights constitute violence against women\* with disabilities.

## Understanding sexual and reproductive health rights of women\* with disabilities

Sexual and reproductive health rights are fundamental human rights.<sup>i</sup> These rights protect autonomy and self-determination. Everyone has the right to make free and informed decisions about their body, sexuality, health, relationships, and if, when and with whom they choose to have children.<sup>ii</sup> This includes the right to enjoy and express sexuality, make personal decisions about sexuality and reproductive matters without interference. Importantly, everyone has the right to access sexual and reproductive health information, education, services, and support.<sup>iii</sup>

The sexual and reproductive health rights of women\* with disabilities are further protected under the Convention on the Rights of Persons with Disabilities (CRPD). Article 25 states people with disabilities must be provided with ‘the same range, quality and standard of free or affordable health care and programmes as provided to other persons, including around sexual and reproductive health and population-based public health programmes.’<sup>iv</sup>

Women\* with disabilities have the same sexual and reproductive health needs as women\* without disabilities.

However, due to the intersection of gender and disability discrimination, women\* with disabilities face unique and pervasive barriers to equitable realisation of their sexual and reproductive health rights.<sup>v</sup>

*'No group has ever been as severely restricted, or negatively treated, in respect of their sexual and reproductive rights, as women and girls with disability'.<sup>vi</sup>*

In Australia, women\* with disabilities face 'widespread discrimination, systemic prejudice, paternalistic and ableist attitudes that denigrate, devalue, oppress and limit their potential and rights'.<sup>vii</sup> These attitudes and practices continue to result in multiple and extreme violations of sexual and reproductive rights. This includes state sanctioned practices such as forced sterilisation, forced abortion, and forced contraception. Without question, these practices are forms of sexual violence that qualify as torture or inhumane treatment.<sup>viii</sup>

Many women\* with disabilities are denied the right to make decisions about their bodies and are:

- subjected to forced sterilisation, forced abortion, and forced contraception
- denied rights to sexual expression and self determination
- denied the right to or discouraged from becoming a parent
- denied equal access to information about gender and sexuality
- denied equal access to information and education about sexual and reproductive health

In too many cases, violations against the sexual and reproductive health rights of women\* with disabilities occur following the denial of capacity regarding decision making. That is, women\* with disabilities are often deemed unable to make their own decisions. This perceived incapacity is used as valid justifications for violating the sexual and reproductive rights of women\* with disabilities. This process violates the CRPD, which mandates all persons with disabilities enjoy the same legal capacity on an equal basis with others. Under the CRPD women\* with disabilities have the right to receive supports needed to make their own choices about their lives.<sup>ix</sup>

## Stats and Facts:<sup>x</sup>

- The right to full enjoyment of sexual rights and reproductive rights is consistently identified by women and girls with disability in Australia as one of the most urgent and unaddressed human rights issues they face.<sup>xi</sup>
- Forced sterilisation, forced abortion, and forced contraception of women and girls with disability remain legal and sanctioned by Australian governments.<sup>xii</sup>
- Women with disabilities in Australia are at particular risk of forced and coerced sterilisations performed under the auspices of legitimate medical care or through third-party consent.<sup>xiii</sup>
- Forced and coerced sterilisation of women and girls with disabilities is an act of violence, a form of social control, and a clear violation of the right to be free from torture and ill-treatment. Perpetrators are rarely held accountable and women with disabilities who have experienced this form of violence can rarely obtain redress or justice.<sup>xiv</sup>
- The use of menstrual suppressant drugs on girls and women with intellectual and/or cognitive impairment, particularly those in institutional and other closed settings, is widespread in Australia.<sup>xv</sup>
- For many women and girls with disabilities, knowledge of sexual and reproductive rights and health has been shown to be poor and access to information and education opportunities are limited.<sup>1</sup>
- A 2019 survey conducted by WWDACT found only one third of women\* with disabilities in the ACT received sex education in years 11 and 12.

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<sup>1</sup> Women with Disabilities Australia. Position statement 4: *Sexual and Reproductive Rights*. Tasmania: Women with Disabilities Australia, 2016. Accessed 7 September, 2021. [https://wwda.org.au/wp-content/uploads/2016/10/Position\\_Statement\\_4\\_-\\_Sexual\\_and\\_Reproductive\\_Rights\\_FINAL\\_WEB.pdf](https://wwda.org.au/wp-content/uploads/2016/10/Position_Statement_4_-_Sexual_and_Reproductive_Rights_FINAL_WEB.pdf)

## Want to Learn More?

### Women With Disabilities ACT

- Contraception, Consent, Respectful Relationships & Sexuality for Women and Girls, Feminine Identifying & Non-binary People with Disabilities in the ACT (2019)
- CONTRACEPTION and CONSENT A Comparative Analysis of the Legal Frameworks for Accessing Contraception (2017)

### Women With Disabilities Australia

- WWDA Position Statement 4: Sexual and Reproductive Rights
- Disability Royal Commission: WWDA's Response to Rights and Attitudes Issues Paper (2021)
- Dehumanised: The Forced Sterilisation of Women and Girls with Disabilities in Australia (2013)
- Submission to the UN Analytical Study on Violence against Women With Disabilities

### International Conference on Human Rights 2014

- The Sexual and Reproductive Rights of Women and Girls with Disabilities (2013)

### Women Enabled International

- Abortion and Disability: Towards an Intersectional Human Rights-Based Approach (2020)
- Sexual and Reproductive Health Rights of Women and Girls with Disabilities

## What can you do?

Only 4 in 10 Australians are aware of the greater risk of violence experienced by women\* with disabilities.<sup>xvi</sup> This devastating lack of awareness reflects broader societal problems around the discrimination against, segregation of, and poor representation of women\* with disabilities. You can help by learning and talking openly about violence against women\* with disabilities.

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<sup>i</sup> High-Level Task Force for the ICPD. Policy Recommendations for the ICPD Beyond 2014: Sexual and Reproductive Health. New York: The Secretariat of the High-Level Task Force for International Conference on Population and Development, 2013. Accessed 7 September 2021. <http://icpdtaskforce.org/resources/policy-recommendations-for-the-ICPD-beyond-2014.pdf> & Rights for All. <http://www.icpdtaskforce.org/pdf/Beyond-2014/policy-recommendations-for-the-ICPD-beyond-2014.pdf>

<sup>ii</sup> Carolyn Frohmader and Stephanie Ortoleva. Issue Paper: The Sexual and Reproductive Rights of Women and Girls with Disabilities. 2013. Accessed 7 September 2021. [https://www.womenenabled.org/pdfs/issues\\_paper\\_srr\\_women\\_and\\_girls\\_with\\_disabilities\\_final.pdf](https://www.womenenabled.org/pdfs/issues_paper_srr_women_and_girls_with_disabilities_final.pdf)

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- iii Carolyn Frohmader and Stephanie Ortoleva. Issue Paper: The Sexual and Reproductive Rights of Women and Girls with Disabilities. 2013. Accessed 7 September 2021. [https://www.womenenabled.org/pdfs/issues\\_paper\\_srr\\_women\\_and\\_girls\\_with\\_disabilities\\_final.pdf](https://www.womenenabled.org/pdfs/issues_paper_srr_women_and_girls_with_disabilities_final.pdf)
- iv The United Nations. Convention on the Rights of Persons with Disabilities. 2006. Article 25. Accessed 7 September 2021. <https://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx#22>
- v Women Enabled International. Women Enabled International Facts: Sexual and Reproductive Health Rights of Women and Girls with Disabilities. Washington, D. C.: Women Enabled International, undated. Accessed 7 September 2021. <https://www.womenenabled.org/pdfs/Women%20Enabled%20International%20Facts%20-%20Sexual%20and%20Reproductive%20Health%20and%20Rights%20of%20Women%20and%20Girls%20with%20Disabilities%20-%20ENGLISH%20-%20FINAL.pdf>
- vi Rashida Manjoo. Report of the Special Rapporteur on violence against women, its causes and consequences. United Nations General Assembly, UN Doc No. A/67/227. 2014. Accessed 7 September 2021. <https://www.unwomen.org/en/docs/2014/5/special-rapporteur-on-violence-against-women-a-hrc-26-38>
- vii Women with Disabilities Australia. Position statement 4: Sexual and Reproductive Rights. Tasmania: Women with Disabilities Australia, 2016. Accessed 7 September 2021. [https://wwda.org.au/wp-content/uploads/2016/10/Position\\_Statement\\_4\\_-\\_Sexual\\_and\\_Reproductive\\_Rights\\_FINAL\\_WEB.pdf](https://wwda.org.au/wp-content/uploads/2016/10/Position_Statement_4_-_Sexual_and_Reproductive_Rights_FINAL_WEB.pdf)
- viii Women with Disabilities Australia. Position statement 4: Sexual and Reproductive Rights. Tasmania: Women with Disabilities Australia, 2016. Accessed 7 September 2021. [https://wwda.org.au/wp-content/uploads/2016/10/Position\\_Statement\\_4\\_-\\_Sexual\\_and\\_Reproductive\\_Rights\\_FINAL\\_WEB.pdf](https://wwda.org.au/wp-content/uploads/2016/10/Position_Statement_4_-_Sexual_and_Reproductive_Rights_FINAL_WEB.pdf)
- ix Women with Disabilities Australia. Position statement 4: Sexual and Reproductive Rights. Tasmania: Women with Disabilities Australia, 2016. Accessed 7 September 2021. [https://wwda.org.au/wp-content/uploads/2016/10/Position\\_Statement\\_4\\_-\\_Sexual\\_and\\_Reproductive\\_Rights\\_FINAL\\_WEB.pdf](https://wwda.org.au/wp-content/uploads/2016/10/Position_Statement_4_-_Sexual_and_Reproductive_Rights_FINAL_WEB.pdf)
- x Unless specified, it is unclear if these statistics and facts include gender diversity.
- xi United Nations Human Rights office of the High Commissioner. Half-day of General Discussion on Women and Girls with Disabilities. 2013. Accessed 8 September 2021. <https://www.ohchr.org/EN/HRBodies/CRPD/Pages/DGD17April2013.aspx>
- xii Women with Disabilities Australia. Position statement 4: Sexual and Reproductive Rights. Tasmania: Women with Disabilities Australia, 2016. Accessed 7 September 2021. [https://wwda.org.au/wp-content/uploads/2016/10/Position\\_Statement\\_4\\_-\\_Sexual\\_and\\_Reproductive\\_Rights\\_FINAL\\_WEB.pdf](https://wwda.org.au/wp-content/uploads/2016/10/Position_Statement_4_-_Sexual_and_Reproductive_Rights_FINAL_WEB.pdf)
- xiii Women with Disabilities Australia. Position statement 4: Sexual and Reproductive Rights. Tasmania: Women with Disabilities Australia, 2016. Accessed 7 September 2021. [https://wwda.org.au/wp-content/uploads/2016/10/Position\\_Statement\\_4\\_-\\_Sexual\\_and\\_Reproductive\\_Rights\\_FINAL\\_WEB.pdf](https://wwda.org.au/wp-content/uploads/2016/10/Position_Statement_4_-_Sexual_and_Reproductive_Rights_FINAL_WEB.pdf)
- xiv Rashida Manjoo. Report of the Special Rapporteur on violence against women, its causes and consequences. United Nations General Assembly, UN Doc No. A/67/227. 2014. Accessed 7 September 2021. <https://www.unwomen.org/en/docs/2014/5/special-rapporteur-on-violence-against-women-a-hrc-26-38> ; Women with Disabilities Australia. Position statement 4: Sexual and Reproductive Rights. Tasmania: Women with Disabilities Australia, 2016. Accessed 7 September 2021. [https://wwda.org.au/wp-content/uploads/2016/10/Position\\_Statement\\_4\\_-\\_Sexual\\_and\\_Reproductive\\_Rights\\_FINAL\\_WEB.pdf](https://wwda.org.au/wp-content/uploads/2016/10/Position_Statement_4_-_Sexual_and_Reproductive_Rights_FINAL_WEB.pdf)
- xv Carolyn Frohmader. Submission to the Preparation Phase of the UN Analytical Study on Violence against Women and Girls with Disabilities, (A/HRC/RES/17/11). Tasmania: Women with Disabilities Australia, 2011. Accessed 8 September 2021. <https://wwda.org.au/wp-content/uploads/2013/12/WWDASubUNStudyViolenceWWDDec2011.pdf>
- xvi Violence, Abuse, Exploitation and Neglect Against People with Disability in Australia Available Data as at March 2019 *Compiled by Carolyn Frohmader, for and on behalf of Disabled People's Organisations Australia (DPO Australia).*