



Women  
With  
Disabilities  
Australia  
(WWDA)

## **Response from Women With Disabilities Australia (WWDA) to the Study: 'Project WORLD: Women's Roles in the Landscape of Disabilities'**

A Project being undertaken by the Public Policy Research Institute at Texas A & M University and  
the Doha International Institute for Family Studies and Development.

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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*

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## 1. What particular issues or challenges do women with disabilities face in your country?

Two million women with disabilities live in Australia, making up 20.1% of the population of Australian women. Women with disabilities continue to be one of the most excluded, neglected and isolated groups in Australian society, experiencing widespread and serious violations of their human rights. As a group, they experience many of the recognised markers of social exclusion - socioeconomic disadvantage, social isolation, multiple forms of discrimination, poor access to services, poor housing, inadequate health care, and denial of opportunities to contribute to and participate actively in society.<sup>1</sup>

In Australia, women with disabilities bear a disproportionate burden of poverty, are less likely to be in paid work than other women, disabled men or the population as a whole. There has been no improvement in the unemployment rate of women with disabilities for more than a decade, and where they are employed, women with disabilities experience significant and systemic discrimination.<sup>2</sup> Women with disabilities are less likely than their male counterparts to receive adequate vocational rehabilitation or gain entry to labour market programs. They earn less than disabled men, are in the lowest income earning bracket, yet pay the highest level of their gross income on housing, and spend a greater proportion of their income on medical care and health related expenses. When women with disabilities work, they often experience unequal hiring and promotion standards, unequal access to training and retraining, unequal access to credit and other productive resources, unequal pay for equal work and occupational segregation, and they rarely participate in economic decision-making.<sup>3</sup>

Women with disabilities have difficulty finding accessible housing, are more likely to be institutionalised than their male counterparts and are often forced to live in situations in which they experience, or are at risk of experiencing, violence, abuse (including the use of chemical and physical restraints) and neglect.<sup>4</sup> The rising cost of housing means that women with disabilities, with less financial resources at their disposal

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<sup>1</sup> Women With Disabilities Australia (WWDA) (2009) *Submission to the National Human Rights Consultation*. WWDA, Tasmania. Available online at: <http://www.wwda.org.au/subs2006.htm>

<sup>2</sup> WWDA (2010) *Women With Disabilities & The Human Right to Health: A Policy Paper*. WWDA, Tasmania. Available online at: <http://www.wwda.org.au/subs2006.htm>

<sup>3</sup> O'Reilly, A. (2003) 'Employment Barriers for Women with Disabilities' in *The Right to Decent Work of Persons with Disabilities*; IFP/Skills Working Paper No. 14, International Labour Organization (ILO).

<sup>4</sup> WWDA (2009) *Submission to the National Human Rights Consultation*. WWDA, Tasmania. Available online at: <http://www.wwda.org.au/subs2006.htm>

than disabled men, are particularly vulnerable to living in insecure or inadequate housing.<sup>5</sup> Women with disabilities and their children are particularly 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.<sup>6</sup>

Women with disabilities are denied their right to freedom from exploitation, violence and abuse – they experience alarmingly high rates of all forms of violence and abuse from a range of perpetrators yet remain excluded from violence prevention legislation, policies, services and supports. They continue to be assaulted, raped and abused at a rate of at least two times greater than other women, and are at greater risk of severe forms of intimate partner violence. Women with disabilities are denied their right to bodily integrity, to control their own bodies and to be free from interventions – evidenced by the practices of forced sterilisation, menstrual suppression, forced contraception and coerced abortion. Compared to other women, disabled women are less likely to receive appropriate health services and are significantly more likely to face medical interventions to control their fertility. Women and girls with disabilities are more likely to be unlawfully sterilised than their male counterparts. They are less likely to have children, more likely to experience marriage breakdown and divorce, and more likely to be single parents.<sup>7</sup>

Many women with disabilities are excluded from participating in decisions that affect their lives on a daily basis, particularly for example, as active partners in their own health care. They are often stereotyped as passive, asexual, dependent,<sup>8</sup> compliant,<sup>9</sup> sick, child-like, incompetent and helpless,<sup>10</sup> powerless<sup>11</sup> or insecure.<sup>12</sup> Alternatively, women with developmental disabilities in particular may be regarded as overly sexual, creating a fear of profligacy and the reproduction of disabled babies, often a justification for their sterilisation.<sup>13</sup> These perceptions, although very different, often result in women with disabilities being denied the right to participate in decision-making processes that affect their lives.

Women with disabilities are denied the right to experience their sexuality, to have sexual relationships and to found and maintain a family. They experience discriminatory attitudes and widely held prejudicial assumptions which question their ability and indeed, their right to experience parenthood. They have their

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<sup>5</sup> 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>

<sup>6</sup> Australian Human Rights Commission (2010), Op Cit.

<sup>7</sup> WWDA (2009) *Submission to the National Human Rights Consultation*. WWDA, Tasmania. Available online at: <http://www.wwda.org.au/subs2006.htm>

<sup>8</sup> See for eg: Curry, M. et al (2001) Abuse of women with disabilities: An ecological model and review. *Violence Against Women*, Vol. 7, No. 1.

<sup>9</sup> See for eg: Carlson, B. (1997) Mental retardation and domestic violence: An ecological approach to intervention. *Social Work*, Vol.42, No.1.

<sup>10</sup> See for eg: Crawford, D. & Ostrove, J. (2003) Representations of Disability and the Interpersonal Relationships of Women with Disabilities. *Women & Therapy*, Vol. 26, No.3/4.

<sup>11</sup> See for eg: Chang, J. et al (2003) Helping Women with Disabilities and Domestic Violence: Strategies, Limitations and Challenges of Domestic Violence Programs and Services. *Journal of Women's Health*, Vol.12, No.7.

<sup>12</sup> See for eg: Calderbank, R. (2000) Abuse and Disabled People: vulnerability or social indifference? *Disability & Society*, Vol.15, No.3.

<sup>13</sup> 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 Women With Disabilities Australia (WWDA), Tasmania, Australia.

babies and children removed by child welfare authorities without evidence of abuse, neglect and/or parental incapacity, and lose their children in custody disputes simply because they are women with disabilities.<sup>14</sup>

Despite the work of WWDA, women with disabilities in Australia still remain largely invisible and voiceless, often ignored by national policies and laws. Their issues and needs are often overlooked within broader government services and programs. The exclusion of women with disabilities from support services, social and economic opportunities and participation in community life, has been well documented.<sup>15</sup> Women with disabilities have a significantly high level of unmet need for services and support to enable them to live independently and with dignity in the community.<sup>16</sup> They have less access to community health programs, such as breast and cervical screening services than any other group of women, and as a group, are excluded from national women's health policies and programs.

## **2. In your opinion what are the three biggest priorities for women with disabilities?**

Through the national peak body representing women with disabilities in Australia, disabled women have identified the major priorities for them as:

- the right to freedom from violence and abuse;
- the right to reproductive freedom, including the right to found and maintain a family;
- the right to bodily integrity (encompassing issues such as forced sterilisation, menstrual suppression, forced contraception, coerced abortion, chemical restraint); and,
- the right to the highest attainable standard of health.

These are areas where there are continuing, significant human rights abuses against women with disabilities in Australia.

For more information, refer to WWDA's Strategic Plan 2010-2015. Available online in either a Summary or Full version at: <http://wwda.org.au/stratplan.htm>

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<sup>14</sup> 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>

<sup>15</sup> WWDA (2009) *Submission to the National Human Rights Consultation*. WWDA, Tasmania. Available online at: <http://www.wwda.org.au/subs2006.htm>

<sup>16</sup> Ibid.

### 3. How are the experiences of men/boys with disabilities similar or different from the experiences of women/girls with disabilities? Why?

Gender is one of the most important categories of social organisation,<sup>17</sup> 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.<sup>18</sup>

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.<sup>19</sup> Women with disabilities in Australia 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;<sup>20 21</sup>
- gender-based violence, including domestic/family violence, sexual assault/rape is a cause of disability in women.<sup>22 23</sup> For example, research undertaken in one State of Australia (Victoria) has found that domestic violence is the leading contributor to death, disability and illness of women under the age of 45;<sup>24</sup>
- 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;<sup>25</sup>

<sup>17</sup> 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.

<sup>18</sup> Gray, G. (2010 draft) *By Women for Women, the Australian women's health movement and public policy*. (forthcoming).

<sup>19</sup> 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]

<sup>20</sup> 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.

<sup>21</sup> Meekosha, H. (2004) *Gender and Disability*. Entry for the Sage Encyclopaedia of Disability. Available on line at: <http://wwda.org.au/gendis2001.htm>

<sup>22</sup> WWDA (2007b) Op Cit.

<sup>23</sup> 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.

<sup>24</sup> 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>

<sup>25</sup> 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.

- more women than men are classified as disabled, particularly as ageing populations mean that larger proportions of the elderly are women with disabilities.<sup>26</sup> Women make up 73% of Single Age Pension recipients in Australia.<sup>27</sup> 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;<sup>28</sup>
- women with disabilities are less likely to receive service support than disabled men;<sup>29 30</sup>
- while disabled people are much more likely to live in poverty, women with disabilities are likely to be poorer than men with disabilities;<sup>31 32</sup>
- 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.<sup>33 34 35</sup> In Australia, the gender gap in pay has widened over the last four years.<sup>36</sup> Superannuation savings are directly linked to paid work, and current average superannuation payouts for women are less than half that received by men;<sup>37</sup>
- 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;<sup>38</sup>
- women with disabilities are more likely to be sole parents, to be living on their own, or in their parental family than disabled men;<sup>39</sup>
- women who become disabled after marriage are at higher risk of divorce than disabled men and often experience difficulty maintaining custody of their children;<sup>40</sup>
- women with disabilities are more likely than disabled men, to face medical interventions to control their fertility;<sup>41 42 43</sup>
- 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;<sup>44</sup>

<sup>26</sup> Meekosha, H. (2004) Op Cit.

<sup>27</sup> Cited in: Australian Human Rights Commission (2010) Op Cit.

<sup>28</sup> Cited in: Australian Human Rights Commission (2010) Op Cit.

<sup>29</sup> 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.

<sup>30</sup> Arnade, S. & Haefner, S. (2006) Op Cit.

<sup>31</sup> WWDA (2009) *Submission to the National Human Rights Consultation*. WWDA, Tasmania. Available online at:

<http://www.wwda.org.au/subs2006.htm>

<sup>32</sup> Meekosha, H. (2004) Op Cit.

<sup>33</sup> 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>

<sup>34</sup> O'Reilly, A. (2007) *The right to decent work of persons with disabilities*. International Labour Office (ILO), Geneva.

<sup>35</sup> Arnade, S. & Haefner, S. (2006) Op Cit.

<sup>36</sup> Cited in: Australian Human Rights Commission (2010), Op Cit.

<sup>37</sup> Cited in: Australian Human Rights Commission (2010), Op Cit.

<sup>38</sup> 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]

<sup>39</sup> Meekosha, H. (2004) Op Cit.

<sup>40</sup> Arnade, S. & Haefner, S. (2006) Op Cit.

<sup>41</sup> Brady, S., Britton, 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>

<sup>42</sup> 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>

<sup>43</sup> 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.

- 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;<sup>45</sup>
- women with disabilities are more exposed to practices which qualify as torture or inhuman or degrading treatment<sup>46</sup> (such as sterilisation, forced abortion, violence, forced medication, chemical restraint).

## 5. What are the major causes of disability among women? How are women with disabilities identified?

The Australian Bureau of Statistics (ABS) conducts a number of surveys that provide data on disability at the population level. The most comprehensive is the (national) *Survey of Disability, Ageing and Carers* (SDAC), which collects information about a wide range of impairments, activity limitations and participation restrictions, and their effects on the everyday lives of people with disability, older people and their carers. Less detailed but conceptually similar disability data are available in other data sources, including the *2006 Census of Population and Housing* and the *2006 General Social Survey* (GSS).

The national Survey of Disability, Ageing and Carers (SDAC) done by the Australian Bureau of Statistics (ABS) records the reported cause of respondents' main disabling condition. The causes are complex, ranging from genetic disorders to environmental factors, and many are unidentified. Accident or injury; disease, illness or hereditary disorders; and work-related conditions were the most common reported known causes of main disabling conditions in both 1998 and 2003. Between 1998 and 2003, there was a 53% increase in the number of people reporting side-effects of medication or a medical procedure as the cause of their main disabling condition). The second largest increase was in the number of people reporting old age as the main cause (31%). This was consistent with the ageing of the Australian population.<sup>47</sup>

Attached with this Submission are five documents which provide more detail about the way disability data is collected in Australia. The documents attached are:

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<sup>44</sup> Meekosha, H. (2004) Op Cit.

<sup>45</sup> Cited in: Australian Human Rights Commission (2010), Op Cit.

<sup>46</sup> Committee of Ministers of the Council of Europe (2009) *Declaration: Making gender equality a reality*. 119<sup>th</sup> Session of the Committee of Ministers, Madrid, 12 May 2009.

<sup>47</sup> Australian Institute of Health & Welfare (2008) *Disability in Australia: trends in prevalence, education, employment and community living*. Bulletin 61, June 2008, AIHW, Canberra.

Australian Institute of Health and Welfare (AIHW) (2009) Chapter 4: Disability and disability services. In *Australia's Welfare 2009*, Australia's welfare series no. 9. Cat. no. AUS 117. Canberra: AIHW. The full report is available at: <http://www.aihw.gov.au/publications/index.cfm/title/10872>

Australian Institute of Health and Welfare (AIHW) (2010) Chapter 5: Whose health? How population groups vary. In *Australia's Health 2010*. Australia's health series no. 12. Cat. no. AUS 122. Canberra: AIHW. The full report is available at: <http://www.aihw.gov.au/publications/index.cfm/title/11374>

Australian Institute of Health and Welfare (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.

Australian Institute of Health and Welfare (2008). *Disability in Australia: trends in prevalence, education, employment and community living*. Bulletin no. 61. Cat. no. AUS 103. Canberra: AIHW.

Australian Bureau of Statistics (ABS) *Disability, Ageing and Carers, Australia: Summary of Findings*. Cat No: 4430.0, ABS, Canberra. More information on the Survey of Disability, Ageing and Carers (SDAC) is available at: <http://www.abs.gov.au/AUSSTATS/abs@.nsf/Lookup/1136.0Main+Features7072009>

The acute lack of available gender and disability specific data, information and research in Australia, at all levels of Government and for any issue, has been identified by Women With Disabilities Australia (WWDA) for more than a decade. This neglect has seen Australia criticised by the CEDAW monitoring Committee, for failing to provide information on the situation of women with disabilities in its CEDAW implementation reports.<sup>48</sup> In its concluding comments in 2006 regarding the Australian Government's fourth and fifth reports to CEDAW, the Committee expressed its regret at the absence of research, data and information on women with disabilities, and requested that the Government's next report address this neglect, so as to 'provide a full picture of the implementation of all the provisions of the Convention'. However, the Australian Government's subsequent combined sixth and seventh report<sup>49</sup> to CEDAW failed to provide data and information on the situation of women with disabilities as specifically requested by the CEDAW Committee in 2006.

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<sup>48</sup> See: 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.

<sup>49</sup> Commonwealth of Australia (2008) *Australia's combined sixth and seventh report on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women July 2003–July 2008*. Prepared by the Australian Government Office for Women, Canberra.

Members of WWDA have identified a number of priority areas warranting urgent data collection and research, including for example the right to reproductive freedom; the right to found a family, and the right to the highest attainable standard of health.

## **6. Overall, how would you describe services to women with disabilities in your country? Are there differences for girls with disabilities?**

In Australia, women with disabilities experience significant difficulty accessing information, care, support and services for the issues they face. For many women with disabilities, the services and programs they require to realise their human rights are simply not *available* to them. Even where services and programs are available, many women with disabilities remain excluded due to economic, social, psychological and cultural barriers that impede or preclude their access. For example, support for choices and services in menstrual management, contraception, abortion, sexual health management, pregnancy, birth, parenting and menopause remain inappropriate, absent or inaccessible.<sup>50 51</sup> Breast and cervical cancer screening services are often not available to women with disabilities. Currently, neither the Australian Government's National Breast Cancer Screening Program nor the National Cervical Cancer Screening Program identify women with disabilities as a target group, nor do they collect data on the participation rate of women with disabilities in the screening programs.

Services and programs for women with disabilities experiencing violence is a further area where women with disabilities experience exclusion. Compared to non-disabled women, women with disabilities experience violence at significantly higher rates, more frequently, for longer, in more ways, and by more perpetrators, yet programs and services for this group either do not exist or are extremely limited. In fact, responses to violence against women with disabilities are characterised by limited recognition by governments and the service sector of the nature and extent of the problem; inadequate research; incomplete or partial response structures, and scarce resources to support advocacy in the area.<sup>52</sup>

In Australia, women with disabilities are over-represented in factors that contribute to homelessness, which include unemployment, underemployment, poverty, low income, violence, lack of access to essential services and supports, and lack of access to affordable, safe, secure housing.<sup>53</sup> Despite this, women with

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<sup>50</sup> Dowse, L. & Frohmader, C. (2001) *Moving Forward: Sterilisation and Reproductive Health of Women and Girls with Disabilities*. Published by WWDA, Tasmania, Australia.

<sup>51</sup> Swift, K. (2009). *Joint Brisbane Forum Report for Women With Disabilities Australia's Response to the National Women's Health Policy*, Women With Disabilities Australia (WWDA), Rosny Park: Unpublished Report.

<sup>52</sup> WWDA (2008) *'We're women too!' - Response to the Australian Government's Consultation on the National Plan to Reduce Violence against Women and Children*. WWDA, Tasmania. Available online at: <http://www.wwda.org.au/subs2006.htm>

<sup>53</sup> Chung, D. et al. (2001) *The Impact of Domestic and Family Violence on Women and Homelessness: Findings from a national research project*. In *Out of the Fire: Domestic Violence and Homelessness*. A joint publication of the NSW Women's Refuge Resource Centre, the Domestic Violence and Incest Resource Centre and the Council to Homeless Persons. pp. 21-24.

disabilities remain largely excluded from policy and program responses designed to address homelessness in Australia.<sup>54</sup> It is well documented that domestic and family violence is one of the major factors in homelessness in Australia,<sup>55</sup> and women with disabilities are twice to three times more likely to be victims of physical and sexual violence than other women.<sup>56</sup> However, the lack of available services and programs for women with disabilities experiencing violence, coupled with the almost universal exclusion of women with disabilities from women's refuges and other crisis and post-crisis accommodation services in Australia is a critical issue impacting on the health of women with disabilities, yet remains largely ignored in violence prevention, homelessness prevention and health promotion responses at all levels.<sup>57</sup>

Services and programs for women with disabilities seeking employment is another area where women with disabilities experience significant discrimination and exclusion. In Australia, women with disabilities are less likely to be in paid work (or looking for work) than other women, men with disabilities or the population as a whole.

For example, in 1998, the labour force participation rate of women with disabilities was 45.5%, compared to 60.3% for men with disabilities. In 2003, the rate increased marginally for women with disabilities to 46.9%, and decreased slightly for men with disabilities to 59.3%. However, a stark contrast can be seen in the unemployment rates for the same period. In 1998, 8.6% of women with disabilities were unemployed, compared to 13.5% of men with disabilities. In 2003, the unemployment rate for disabled men dropped significantly to 8.8%, whilst the unemployment rate for disabled women remained virtually the same at 8.3%. The picture becomes even clearer when we consider the unemployment rates for non-disabled men and women over the same period. In 1998, the unemployment rate of non-disabled women was 8.0% compared to 7.7% for non-disabled men. In 2003, the rate dropped significantly for both non-disabled women (5.3%) and men (4.8%).<sup>58 59 60</sup> In any type of employment women with disabilities are more likely to be in low paid, part time, short term casual jobs.<sup>61</sup>

Data for Australian Government funded employment services provide some indication as to why the unemployment rate for disabled men has dropped, while the labour force participation rate and unemployment rate for disabled women has remained virtually unchanged. In 1997-98 Commonwealth

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<sup>54</sup> See WWDA (2008) *'Shut Out, Hung Out, Left Out, Missing Out'. Response to the Australian Government's Green Paper 'Which Way Home? A New Approach to Homelessness'*. WWDA, Tasmania. Available online at: <http://www.wwda.org.au/subs2006.htm>

<sup>55</sup> See for example: Commonwealth of Australia (2008) *Which Way Home? A new approach to homelessness*. A Green Paper on Homelessness prepared by the Commonwealth as a consultation paper. ISBN 9781 921380 976

<sup>56</sup> Frohmader, C. & Meekosha, H. (2010) *Recognition, respect and rights: disabled women in a globalised world*. Paper presented to the 2010 Regional Conference on Women with Disabilities, Guangzhou, China.

<sup>57</sup> See WWDA (2008) Op Cit.

<sup>58</sup> 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>

<sup>59</sup> Australian Bureau of Statistics (2004) *Disability, Ageing and Carers: Summary of Findings Australia*, Cat.No.: 4430.0 2003.

<sup>60</sup> Human Rights and Equal Opportunity Commission (HREOC) (2005) *National Inquiry into Employment and Disability; Issues Paper 1: Employment and Disability - The Statistics*; HREOC, Sydney.

<sup>61</sup> Salthouse, S. (2010) *Downward Spirals: disability and health costs as contributors to poverty and imagining ways forward*. Paper presented to the Australian Women's Health Conference, Hobart, May 2010.

Government funded employment services assisted over 31,000 people with disabilities in their efforts to find and maintain jobs on the open labour market. 66.6% of those assisted were men with disabilities. Little appears to have changed. From 1 January to 30 June 2003, Commonwealth Government funded employment services assisted over 35,000 people with disabilities in their efforts to find and maintain jobs on the open labour market. 65% of those assisted were men with disabilities.<sup>62 63</sup>

## **7. What future can a woman with disabilities expect in your country?**

As highlighted earlier in this Submission, women with disabilities continue to be one of the most excluded, neglected and isolated groups in Australian society, experiencing widespread and serious violations of their human rights. Much of the discrimination experienced by women with disabilities is based on an implicit notion that they are not the same as other women and so cannot be expected to share the same rights and aspirations. Women with disabilities in Australia continue to be stereotyped as passive, asexual, dependent, compliant, sick, child-like, incompetent and helpless, powerless or insecure.<sup>64</sup> Alternatively, women with developmental disabilities in particular are often regarded as overly sexual, creating a fear of profligacy and the reproduction of disabled babies, often a justification for their sterilisation.<sup>65</sup>

For many women with disabilities in Australia at this point in time, the future is not secure. Poverty remains a fact of life for many women with disabilities in Australia. The right to work is fundamental to the enjoyment of certain subsistence and livelihood rights such as food, clothing, and housing. Moreover, one's working status may easily affect the enjoyment of other rights relating to health and education. Yet, as has been outlined earlier in this paper, women with disabilities are less likely to be in paid work (or looking for work) than other women, men with disabilities or the population as a whole – and where they are employed, they experience significant and systemic discrimination. The Australian Government's income support payments (such as the Disability Support Pension) are inadequate to support women with disabilities. The setting of income support payment rates for women with disabilities has failed to take account of the non-optional, extra costs associated with disability. The non-optional costs of disability are recognised as a significant barrier to the social inclusion of women with disabilities.

In looking to the future for women and girls with disabilities in Australia, there are some positive signs that give some cause for optimism. For example, the United Nations *Convention on the Rights of Persons with*

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<sup>62</sup> Australian Institute of Health & Welfare (1999) *Australia's Welfare 1999*: biennial welfare report of the Australian Institute of Health & Welfare. Canberra.

<sup>63</sup> Women With Disabilities Australia (WWDA) (2004) *Submission to the Australian Government on the Draft National Action Plan on Human Rights*. Available online at: <http://www.wwda.org.au/humrightplan.htm>

<sup>64</sup> Women With Disabilities Australia (WWDA) (2010) *Women With Disabilities & The Human Right to Health: A Policy Paper*. Available online at: <http://www.wwda.org.au/subs2006.htm>

<sup>65</sup> WWDA (2007b) Op Cit.

*Disabilities* (CRPD) - which aims to ensure that persons with disabilities enjoy human rights on an equal basis with others, is the most recent international human rights treaty ratified by the Australian Government, entering into force in Australia in 2008. The CRPD clearly articulates Australia's obligations to women with disabilities. It specifically acknowledges the impact of multiple discriminations caused by the intersection of gender and disability. It prioritises women with disabilities as a group warranting specific attention, and calls on Governments to take positive actions and measures to ensure that women and girls with disabilities enjoy all human rights and fundamental freedoms.<sup>66</sup> The CRPD clearly embodies the paradigm shift from a charity based model to a human rights based model of disability. It goes a long way in affirming the rights and dignity of women and girls with disabilities and is potentially a powerful tool in addressing violations of their human rights. In this context, it affords the opportunity to serve as a potent framework to inform and guide domestic disability legislation, policy, programs and services.

In 1983, the Australian Government ratified the United Nations *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW), one of the nine core international human rights treaties. States parties to the Convention are under a legal obligation to respect, protect, promote and fulfil the right to non-discrimination for women and to ensure the development and advancement of women in order to improve their position to one of de jure as well as de facto equality with men.<sup>67</sup> CEDAW General Recommendation 18 '*Disabled Women*',<sup>68</sup> passed in 1991, makes it clear that the Convention covers the human rights of women with disabilities, and makes explicit the need for Governments to take *special measures* to address the needs of women with disabilities. The CEDAW Monitoring Committee has been critical of the Australian Government for failing to include information on women with disabilities in its Country Reports.

Most recently (July 2010), the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) released its Concluding Observations on Australia's performance regarding the implementation of CEDAW (CEDAW/C/AUS/CO/7 July 2010). The Committee has made very strong recommendations regarding the need for **urgent** action by Australian governments in relation to women with disabilities. The Concluding Observations focus on women with disabilities in 2 key recommendations [at paragraphs 42 and 43]:

**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**

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<sup>66</sup> See Article 6 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>

<sup>67</sup> See para 4 of CEDAW General Recommendation 25: *Article 4, paragraph 1, of the Convention (Temporary Special Measures)*.

<sup>68</sup> UN Committee on the Elimination of Discrimination Against Women (CEDAW), *CEDAW General Recommendations Nos. 16, 17 and 18*, adopted at the Tenth Session, 1991 (contained in Document A/46/38), 1991, A/46/38, available at: <http://www.unhcr.org/refworld/docid/453882a322.html> [accessed 2 May 2008]

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 sterilisations 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.

**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.**

This recognition by the CEDAW Monitoring Committee is long overdue, and like the CRPD, provides women with disabilities in Australia with a powerful tool to start demanding accountability and action from their Governments. In this context, the CRPD, CEDAW and other human rights instruments, create the space for disabled women's agency.

## **7. To what extent is information technology available and accessible to women/girls with disabilities?**

Many women with disabilities in Australia continue to be restricted in their access to information and communication technologies (ICT) due to cost, poor design and lack of connectivity of ICT equipment, lack of responsibility in addressing disability issues on the part of telecommunications service providers, and

lack of appropriate information about telecommunications equipment and services.<sup>69</sup> In terms of access, there are also issues of capacity and 'gatekeepers' to technology. For example, for women and girls with disabilities who live in group homes and other forms of institutionalised living arrangements, it is unlikely that they are afforded the same opportunities as other women and girls to learn and independently access information technologies such as the Internet.

## **8. How could services for women/girls with disabilities be improved through international communication and cooperation?**

Women with disabilities throughout the world have made it clear that one of the best ways to challenge oppressive practices, cultures and structures is to join with other women with disabilities - to share experiences, to gain strength from one another and to work together on issues that affect them - describing, researching and recording their issues and experiences, developing programs to address these issues, and working to influence legislative, policy, and service development. This coming together promotes the development of personal identities, where women with disabilities are able to recognise the need for personal autonomy, and importantly, develop a sense of personal worth. At the broader level, it enables the formation of a collective identity, where women with disabilities are able to speak out about their experiences and take action to realise their rights and improve their lives.

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

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.<sup>70</sup>

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<sup>69</sup> Women With Disabilities Australia (WWDA) (2008) *WWDA Submission to the Parliamentary Inquiry into pay equity and associated issues related to increasing female participation in the workforce*. WWDA, Rosny Park, Tasmania. Available online at: <http://www.wwda.org.au/subs2006.htm>

<sup>70</sup> 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>

The *International Network of Women With Disabilities* (INWWD) is a good example of an international initiative developed by women with disabilities as a collective identity to promote the human rights of disabled women and girls. The INWWD was established at a Global Summit for Women With Disabilities, conducted as an adjunct to the 21st Rehabilitation International World Congress in Canada in August 2008. As an outcome of the Summit, participants adopted the following Resolution:

*Women with disabilities have been the world's forgotten sisters. There are over 300 million women with disabilities around the world, representing a huge and important part of society. We face multiple forms of discrimination. We, the participants in a global Summit on the Rights of Women with Disabilities, held in Quebec, Canada, in August 2008, have come together to claim our rights, through the Convention on the Rights of Persons with Disabilities (CRPD), Convention on the Elimination of Discrimination Against Women (CEDAW) and the human rights framework. Today, we take the first, historic step by creating a global network of women with disabilities, which must include women with ALL types of disabilities from ALL over the world. We will use this network to share our knowledge and experiences, speak up for our rights, bring about change and inclusion in our communities, and empower women with disabilities to be leaders of today and tomorrow. We invite ALL women with disabilities to join us and we will achieve these goals TOGETHER.*

(Adopted on August 27, 2008, Quebec, Canada)

From this, the International Network of Women with Disabilities (INWWD) was established. The Network is currently email based, and has more than 200 members from all over the world. The INWWD describes itself in the following way:

The International Network of Women with Disabilities (INWWD) is a group of international, regional, national or local organizations, groups or networks of women with disabilities, as well as individual women with disabilities and our allies. The mission of the INWWD is to enable women with disabilities to share our knowledge and experience, enhance our capacity to speak up for our rights, empower ourselves to bring about positive change and inclusion in our communities and to promote our involvement in relevant politics at all levels, towards creating a more just and fair world that acknowledges disability and gender, justice, and human rights. We are a group for women only. We invite ALL women with disabilities to join us and we will achieve these goals TOGETHER.

To learn more about the inwwd group, go to:<http://groups.yahoo.com/group/inwwd>

As a virtual community, the INWWD is working collaboratively to develop and publish position statements (eg: on issues such as Violence Against Women With Disabilities) and establishing a presence within the United Nations treaty reporting system and processes.

However, like much activism by women with disabilities, the INWWD relies on the volunteerism and goodwill of its members. What *is* needed, is the support (including funding support) of governments and indeed the broader community to enable the establishment and strengthening of organizations, networks and groups run and controlled by women with disabilities in the pursuit of their collective interests, as defined by them.

## **9. Can you describe a “Program of Promise” specifically for women with disabilities in your country?**

Women With Disabilities Australia (WWDA) is a good example of a ‘program of promise’ in 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.

WWDA’s 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.

On March 3rd, 1995, WWDA was incorporated as an independent organisation run by women with disabilities for women with disabilities. In its embryonic state, WWDA was considered by its founders as “an

*opportunity to work together as women with disabilities to build confidence, self esteem and positive expectations about life's goals."* Within a year of incorporating, WWDA had a membership of over 600 individuals and organisations. For the first few years, WWDA was required by government to re-apply for its funding every 6 months. This uncertainty of its future was a major challenge for WWDA, however, the organisation refused to become insular and reactive, and instead forged ahead with its strategies to improve the status of women with disabilities in Australia. In 1998 after much negotiation, the Australian government agreed to provide WWDA's operational funding on an annual basis. For almost the next decade, WWDA's funding remained at the same amount, with no guarantee of ongoing funding from one year to the next.

WWDA has a simple membership structure. Membership of the organisation is open to individual women with disabilities (full membership) and individuals and organisations who are supportive of the aim and objectives of WWDA (associate membership). Membership fees are deliberately kept low so that women with disabilities are not excluded from membership on the grounds of affordability. Free memberships are available to women with disabilities who are unable to pay. WWDA has clear aims and objectives and every 5 years produces a detailed strategic plan, which sets out its vision, goals, policy priorities, objectives, and strategies. In its short life, WWDA has developed a critical mass of expertise on the needs of women with disabilities. It has concentrated and utilised the energies of women with disabilities as activists, researchers, service providers, and engaged other organisations and individuals keen to advance the needs of women with disabilities.

The organisation has grown and matured considerably in the past decade. It has moved from being a small group of women with disabilities concerned primarily with building individual confidence and self-esteem, to an international and virtual human rights organisation, harnessing the new social media and enabling and representing the collective interests of women with disabilities. WWDA now has a strong and growing international presence and is seen as a leading voice in international disability, women's and human rights debates. WWDA's innovative programs have been critically acclaimed at national and international levels, and the organisation has been rewarded with a number of prestigious awards, including national and state violence prevention and human rights awards.

For more information about WWDA, go to: [www.wwda.org.au](http://www.wwda.org.au)