

## **INQUIRY INTO THE RIGHTS OF WOMEN AND CHILDREN SUBMISSION**

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### **The situation for women and girls with disabilities, and impact on their rights**

Globally, an estimated 19 per cent of women have a disability, compared to 12 per cent of men.<sup>i</sup> In every country with available data, more women than men are recorded to be living with a disability.<sup>ii</sup> Just as the issue of disability rights must consider the impact of gender, explorations of women's and children's rights must consciously consider the prevalence and lived experience of disability.

This need is compounded by the experience of poverty: 22.1 per cent of women in lower income countries have a disability, compared to 14.4 per cent in higher income countries.<sup>iii</sup> Women living in poverty are also more likely to acquire disabilities. Women are 1.8 times more likely to contract trachoma than men,<sup>iv</sup> and four times more likely to need eye surgery, due to unequal access to health services.<sup>v</sup> And, every minute, more than 30 women are seriously injured or acquire a disability while labouring during childbirth.<sup>vi</sup>

Women with disabilities experience complex layers of marginalisation and face heightened barriers to achieving the targets set out in the Sustainable Development Goals framework. In order to truly 'end all forms of discrimination against all women and girls everywhere'<sup>vii</sup>, particular attention must be given to the substantial global community of women and girls living at the intersection of gender and disability discrimination.

Living as the targets of discrimination based on multiple factors, women with disabilities are simultaneously 'essentially isolated and often required to fend for themselves'<sup>viii</sup> in legal and advocacy settings. This discrimination can manifest as not only exclusion from everyday life, but exclusion from communities which should extend a welcoming hand, including both the disability rights movement, and the gender equality movement.

For women with disabilities living in poverty, this systemic exclusion plays out even more starkly and with greater impact on individual and community wellbeing. While the world has mobilised to develop strategies, programs and policies for the advancement of gender equality and disability inclusion in developing contexts, women with disabilities in developing countries continue to experience lower rates of access to education, employment and health services than either men with disabilities, or women without disabilities.

#### *Indigenous women and girls*

The situation facing indigenous women with disabilities is even more stark. Conservative estimates indicate that there are 28 million indigenous women with

disabilities around the world<sup>ix</sup>, many of whom live in regional rural setting with limited access to employment, education, health care and other support services<sup>x</sup>.

A recent paper from the Indigenous Persons with Disabilities Global Network, and the International Disability Alliance on the rights of indigenous women and girls is included with this submission as Attachment A, for the information of the Committee.

### *Sexual violence*

For women with disabilities, the risk of violence is both heightened and unique. Globally, women with disabilities are two to three times more likely to experience physical or sexual violence than women without disabilities.<sup>xi</sup> They also experience acts of violence specific to their experience of disability. Women and girls with albinism face the risk of being raped by men who believe that sex with them offers a cure to HIV/AIDS.<sup>xii</sup> Women with disabilities, particularly intellectual or psychosocial disabilities, in institutions or using the services of support workers are at heightened risk of abuse outside the home, and are less likely to access support or justice when violence is perpetrated by a caregiver or attendant.<sup>xiii</sup> Women and girls with disabilities also experience forced practices such as involuntary sterilisations and hysterectomies at rates up to three times higher than other women.<sup>xiv</sup> In addition, violence has also been identified as a notable cause of disability. In Vanuatu, one in six women has experienced physical or sexual violence by their partners in their lifetime. Of these, one in five acquired a permanent disability due to physical or sexual violence perpetrated by their partner.<sup>xv</sup>

Organisations of People with Disabilities (OPDs) play a critical role in supporting women with disabilities who are experiencing sexual violence. Although, in many cases, including across the Pacific, OPDs are limited in their scope to provide frontline responses to gender- or disability-based violence, they play a critical role in amplifying the voices and experiences of women and girls with disabilities who have often been excluded from mainstream services. This work enables lived experiences to inform targeted resources for disability-inclusive and gender-equitable approaches to violence, and ultimately influence service providers and governments to better include all women and girls, of all abilities.

### *Access to education*

In common development measures, equality of access to education is a baseline marker of success. However, one in three children with disabilities of primary school age is out of school, compared with one in seven children without disabilities.<sup>xvi</sup>

In Vanuatu, 72 per cent of girls without disabilities complete their primary education,<sup>xvii</sup> compared to the 42 per cent average in other lower-income countries.<sup>xviii</sup> This is a remarkable achievement. However, for girls with disabilities, there is little to celebrate; only 15 per cent of girls with disabilities in Vanuatu complete primary school<sup>xix</sup>, compared to the lower-income country average of 32.9 per cent.<sup>xx</sup> Around the world, this gap is at its widest for girls with intellectual disabilities, and for girls who are blind, Deaf, or deafblind.

In education around the world, young women and girls with disabilities face a number of barriers to access equal to either girls without disabilities, or boys with disabilities. Tangible barriers can include the absence of ramps, sign language interpreters or braille materials, or a lack of safe, private and accessible sanitation facilities for young women and girls.<sup>xxi</sup> However, exclusion in education also grows from less tangible barriers, particularly social norms around both gender and disability. Girls are often

restricted by patriarchal standards that portray men as income earners and women as wives, mothers and caregivers.

This exclusion from foundational education creates ongoing challenges for women and children with disabilities in later life. Although people with disabilities, when adequately supported, can perform to a high standard in almost any livelihood, early barriers to the development of human and social capital limit which opportunities may be available.

### *Access to justice*

Women with disabilities face significant barriers to accessing justice. These barriers include but are not limited to discrimination based on both gender and disability, explicit exclusion from the legal system, accessibility barriers to the justice system, and a lack of reasonable accommodations throughout judicial proceedings.<sup>xxii</sup>

The right of women and children with disabilities to access justice is enshrined in numerous international treaties, including but not limited to the International Covenant on Civil and Political Rights, the Convention on the Rights of Persons with Disabilities, and the Convention on the Elimination of All Forms of Discrimination against Women.

The case study at Attachment 2 highlights some of the key threats to rights that arise from the exclusion of women with disabilities from justice systems, as well as how these can be addressed when women with disabilities are supported to overcome barriers and access the legal system.

### *Impact of COVID-19 and climate change*

Climate change and COVID-19 have already led to the first increase in extreme poverty in over two decades; to increased inequality and displacement, and to the rights and needs of the most vulnerable overlooked or unsupported.

People with disabilities have been disproportionately impacted by COVID-19 with higher rates of infection and death from COVID-19, less access to health care and information, worsened mental health and lack of involvement in response planning.<sup>xxiii</sup> COVID-19 has also led to disruptions in access to assistive devices, which has negatively impacted the physical and mental health, personal mobility and independence, and interrupted access to information, education (including remote learning), and employment.<sup>xxiv</sup>

People with disabilities are also disproportionately affected by climate change, as it is exacerbating existing inequalities, including with regard to access to health care, and increased exposure to the social determinants of poverty, such as lack of access to education, adequate housing and employment.<sup>xxv</sup> The particular vulnerability of people with disabilities to the impacts of climate change has been acknowledged, including in the preamble to the 2015 Paris Agreement.<sup>xxvi</sup> However, too often, climate disaster preparation and response, and adaptation planning is not disability inclusive. More often, people with disabilities are being 'systematically ignored' by governments when it comes to climate responses.<sup>xxvii</sup>

Given that women and girls account for both more people with disability and more people living in poverty, they are undoubtedly disproportionately impacted by COVID-19 and climate change. Despite this, there is a prevailing lack of data on the specific

experiences and impact on people with disability, including women, of both COVID-19 and climate change.

### *Supporting the advancement of the human rights of women and girls with disabilities*

OPDs, including the Pacific Disability Forum (PDF) within the Pacific region, have played a substantial role in partnering with governments and other development actors such as UN agencies to gather evidence, coordinate and promote action on disability rights, including the rights of women and girls with disabilities. Recently, PDF, along with Women Enabled International and the United Nations Population Fund and supported by Australian aid, released three ground-breaking resources documenting the lived experiences of women and young people with disabilities around social and reproductive health and rights, gender-based violence and access to essential services in Fiji<sup>xxviii</sup>, Samoa<sup>xxix</sup> and Vanuatu<sup>xxx</sup>.

At a country level, OPDs and women's organisations each advocate on the rights of women and girls with disabilities. However, neither is fully resourced to prioritise either women and girls in broad disability rights advocacy, or the rights of people with disabilities in women's rights advocacy. As of 2014, 0.3 per cent of the \$2.7 billion funding available for human rights globally was allocated to work specifically advancing the rights of women and girls with disabilities. Within funding for women's and girls' rights, 1.5 per cent of funding was awarded to disability rights causes, and within disability rights funding, only 9.5 per cent focused on women and girls.<sup>xxxi</sup> In the Pacific, as around the world, this leads to women and girls with disabilities being sidelined in both the gender equality and disability rights movements.

In order to ensure the capacity of OPDs and women's groups to advocate effectively on the rights of women and girls with disabilities, and particularly to collaborate with governments and other development actors to insure equitable and inclusive aid investments, additional and targeted funding should be made available.

## **RECOMMENDATIONS**

1. Fund and develop a new, ambitious and multi-year disability inclusion and rights strategy by mid-2023 in partnership with people with disabilities and their representative organisations, ensuring women and girls have a seat at the table, alongside Australian and global aid actors.
2. Elevate disability rights and inclusion as a pillar in the new international development policy and as a cross-cutting issue relevant to every other pillar of the new policy.
3. Ensure that all investments toward women's empowerment integrate disability analysis, including disaggregated data, identification of barriers for women with disabilities, and strategies for inclusion of women with disabilities.
4. Adopt a rights-based and strengths-based approach to development, including underscore commitment to human rights mechanisms such as the *UN Convention on the Rights of People with Disabilities* and the *Pacific Framework for the Rights of People with Disabilities*.
5. Establish a *Partnership for an Inclusive Pacific (PIP)* as a regional group of key partners to coordinate action and mobilise financial resources to accelerate the implementation of the *Pacific Framework for the Rights of Persons with Disabilities 2016–2025 (PFRPD)*, including specific funding and inclusion of women and girls with disabilities in all initiatives.

6. Continue to fund *Pacific Women* and other like programs that are women-led with strong inclusion of women with disabilities and have a focus on elevating the rights of women and girls and combatting sexual violence, exclusion, and discrimination.
7. Ensure all education and health initiatives across Australia's development program include women and girls at the design phase and throughout delivery and evaluation.
8. Consult and partner with women and girls with disabilities and their representative organisations as a priority in humanitarian action, including specific commitment to the inclusion of people with disabilities in climate change adaptation and disaster risk reduction efforts.

## **ATTACHMENTS**

- A. Indigenous People with Disabilities Global Network & International Disability Alliance, 2021. *Submission for the CEDAW Committee on the rights of indigenous women and girls*
- B. Case study: Important achievement from disability and women's rights cross movement coordination in Indonesia

## **ABOUT US**

CBM Australia is a Christian, international development agency, committed to ending the cycle of poverty and disability. In 2021, CBM Australia supported field projects in 13 countries and supported partners including governments, multilateral organisations, non-government organisations and organisations representing people with disabilities in 36 countries.

CBM Australia is proud to have a partnership with the Department of Foreign Affairs and Trade (DFAT) as part of the Australian NGO Cooperation Program (ANCP) and is a member of the Australian Council for International Development (ACFID). CBM's Inclusion Advisory Group has also been DFAT's technical partner on disability inclusion since 2010 under successive partnership agreements.

The Australian Disability and Development Consortium (ADDC) is an Australian based, international network focusing attention, expertise and actions on disability in the majority world, building on a human rights platform for disability advocacy. ADDC has over 500 members including representatives from major Australian international development non-government organisations, the Australian disability movement and Organisations of People with Disabilities (OPDs), academia, and individuals.

CBM Australia and ADDC welcome the opportunity to make a submission to the inquiry into supporting democracy in our region. The Australian government has been a global champion of disability inclusive development for more than a decade. Australia's human rights advocacy and leadership, including on the development and implementation of the Convention on the Rights of People with Disabilities, has made a tangible positive impact in our region and beyond. Key investments within the development cooperation program have supported this role, returning significant results for minimal expense.

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- <sup>xii</sup> United Nations General Assembly, 2017. *Sexual and reproductive health and rights of girls and young women with disabilities: Report of the Special Rapporteur on the rights of persons with disabilities*. p. 8.
- <sup>xiii</sup> CBM International, 2013. *CBM submission on women and girls with disabilities to the Committee on the Rights of Persons with Disabilities* as requested by CRPD/C/8/3. p. 6.
- <sup>xiv</sup> United Nations General Assembly, 2017. *Sexual and reproductive health and rights of girls and young women with disabilities: Report of the Special Rapporteur on the rights of persons with disabilities*. p. 8, 10, 11.
- <sup>xv</sup> Vanuatu Women's Centre and Vanuatu National Statistics Office, 2011. *Vanuatu National Survey on Women's Lives and Family Relationships*.
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