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Senator Claire Moore
Chair
Senate Standing Committee on Community Affairs
PO Box 6100
Parliament House
Canberra ACT 2600
Australia

Dear Senator Moore

Committee inquiry into the involuntary or coerced sterilisation of people with disabilities in Australia

On behalf of Amnesty International Australia's 230,000 supporters I am writing to express our support for the inquiry into the involuntary or coerced sterilisation of people with disabilities in Australia. We encourage the Committee to adopt a human rights approach to this issue and to ensure the broad participation of women and girls living with disabilities in the process.

Amnesty International believes that all persons, whether they are living with disability or otherwise, must be enabled to enjoy their sexual and reproductive rights free of coercion, discrimination and violence, including through equal access to comprehensive sexual and reproductive health information and services. We oppose the forced or coerced sterilisation of any person, which violates these rights.

In particular, forced or coerced sterilisation is inconsistent with the *Convention on the Rights of Persons with Disabilities* (CRPD), which Australia ratified on 17 July 2008. The CRPD expressly provides that people with disabilities have a right to:

- found a family on the basis of free and full consent (Article 23 (a));
- decide freely and responsibly on the number and spacing of their children (Article 23 (b)); and
- retain their fertility on an equal basis with others (Article 23 (c)).

Furthermore, the practice discriminates against people with disabilities, particularly women and girls, by denying them reproductive and sexual health care, required by Article 25 (a) of the CRPD. Pursuant to Article 4 (b), Australia has an obligation to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities.

Involuntary or coerced sterilisation of women and girls with disabilities has been justified as a measure to "protect" them against sexual abuse. Amnesty International holds that the vulnerability of girls and women with disabilities to sexual abuse is an argument for the government to provide more effective protective measures against this form of abuse, rather than the perpetration of further abuse through forced or coerced sterilisation.

Claims that forcing or coercing women and girls into sterilisation is in their “best interests” contradict the general principles of respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons set out in Article 3 (a) of the CRPD. Far from allowing this practice, the government should ensure that women and girls living with disabilities are provided with sexual and reproductive health care which allows them to make free and informed decisions about their health, menstruation and personal care. In particular, the government must undertake to provide early and comprehensive information, services and support to children with disabilities and their families, as required by the Article 23 (3) of the CRPD, to enjoy equal rights with respect to family life.

Amnesty International therefore recommends that the Australian Government enact legislation prohibiting the practice of involuntary or coerced sterilisation. We also note the submission from the Australian Human Rights Commission to this inquiry and supports its recommendations for policy and educational measures (numbered 4 to 9) to support the prohibition and to provide remedies to people who have been sterilised in the absence of their fully informed and free consent.

Should you require further information relating to this submission, please contact Sophie Nicolle, Government Relations Adviser

Yours sincerely,

Claire Mallinson
National Director