Statement to UN CRPD Committee 3 pm, 27 August 2018, Geneva

Distinguished Committee Members, thank you Chair for the opportunity to speak today. I am reading this statement on behalf of Matthew Bowden, Co-Chief Executive Officer of People with Disability Australia representing Disabled People’s Organisations Australia (comprising of People with Disability Australia, First Peoples Disability Network Australia, Women With Disabilities Australia and National Ethnic Disability Alliance).

This statement relates to the Draft General Comment 7 on Articles 4.3 and 33.3 of the Convention on the participation of persons with disabilities in the implementation and monitoring of the Convention. It is critical for GC7 to leave no one behind and that those of us who experience multidimensional and intersectional discrimination and exclusion from human rights protections and implementation are not forgotten. The full diversity of the disability community needs to be recognised and reflected.

People with disability who are lesbian, gay, bisexual, transgender, intersex, queer, asexual and other diverse sexual orientations and/or gender identities (people who are LGBTIQA+) face intersectional discrimination that results in greater social exclusion, isolation, higher incidences of all forms of violence, denial of supports and the right to form relationships, and are often subjected to forced medical interventions and treatments.

The progression towards realising equality and non-discrimination for LGBTIQA+ people can be observed from the Human Rights Council and across UN Treaty Bodies including: the Committee on Economic, Social and Cultural Rights; the Human Rights Committee; the Committee on the Elimination of Discrimination Against Women; the Committee on the Rights of the Child; the Committee Against Torture; the Committee on the Elimination of Racial Discrimination and the Committee on the Rights of Persons with Disabilities. Jurisprudence on LGBTIQA+ rights comes from a range of General Comments, Individual Communications and List of Issues and Concluding Observations.

We congratulate the Committee on beginning to address this intersection in General Comment No. 3 and in its concluding observations and lists of issues to States Parties, which specifically recognise, seek information about and recommend actions on LGBTIQA+ people with disability.

However we are concerned that these positive steps have not progressed further and urge the CRPD Committee to continue to focus and acknowledge the discrimination experienced by people with disability who are LGBTIQA+ consistently in the Committee’s work to ensure that no one is left behind. We were dismayed that the LGBTIQA+ references in the drafts of General Comment No.4, General Comment No.5, and General Comment No.6. did not appear in the final versions. It is within this context that we were deeply concerned to see that the references to LGBTIQA+ in Draft General Comment No. 7 have been placed in brackets indicating that our status within the General Comment is still under debate suggesting the references are tenuous and potentially may not be included in the final document.

It is critical that the jurisprudence from the CRPD Committee continues to include LGBTIQA+ people with disability. The Committee leads the interpretation of the CRPD and the progression of our rights and has a strong influential role in how States Parties implement the Convention. We urge you to fulfil your role in enabling our rights, leaving none of us behind, so that we are all able to enjoy lives free of violence and discrimination.

Thank you.