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14 September 2015

**RE: Australian Response to OHCHR Questionnaire on right of persons with disabilities**

**to participation in decision making**

The Permanent Mission of Australia to the United Nations and other international organisations in Geneva hereby presents the Australian Government’s response to the Office of the High Commissioner of Human Rights’ (OHCHR) Questionnaire on right of persons with disabilities to participation in decision making.

**Question 1**

*1. Please provide information on the legislative and policy framework in place in your country related to the status, establishment, resourcing and functioning of representative organisations of persons with disabilities at the national, relational and local levels.*

On 17 July 2008, Australia ratified the UN Convention on the Rights of Persons with Disabilities (CRPD). While not creating any new rights, all tiers of Australian government now have an obligation to act in accordance with the rights provided for in the CRPD, including Article 4 which states that in the development and implementation of legislation and policies to implement the Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations.

Australia is committed to assisting people with disabilities in developing countries to find pathways out of poverty, particularly in our region, as outlined in the development policy Australian aid: promoting prosperity, reducing poverty, enhancing stability.

In May 2015, the Government released the Australian aid program’s new disability strategy – *Development for All 2015-2020: Strategy for strengthening disability-inclusive development in Australia’s aid program*. The Strategy aims to promote improved quality of life of people with disabilities in developing countries, through:

1. enhancing their participation and empowerment as contributors, leaders and decision makers
2. reducing poverty among people with disabilities, and
3. improving equality for people with disabilities in all areas of public life including service provision, education and employment.

The first guiding principle of the *Development for All 2015-2020* is supporting an active and central role for people with disabilities in line with the principle ‘*Nothing about us without us*’.[[1]](#footnote-1)

**Question 2**

*2. Please provide information on existing legislation and policies aimed at ensuring that persons with disabilities and their representative organisations, including children with disabilities, are consulted and involved in decision making processes that directly or indirectly concern them.*

Endorsed by the Council of Australian Governments in 2011, the *National Disability Strategy 2010-2020* outlines a ten year national policy framework for improving the lives of all Australians with disability, their families and carers. The Strategy was developed in consultation with people with disabilities, their families, and carers and the organisations that represent them.

The National Disability Strategy seeks to drive a more inclusive whole of government approach to the design of mainstream policies, programs and infrastructure so that people with disability can participate in all areas of Australian life. The Strategy aims to improve the responsiveness of mainstream policy areas such as health, education, employment support, housing and income support to better meet the needs of people with disability and to provide the opportunity to fulfil their potential as equal citizens.

The Strategy is inclusive of all Australians with disability and acknowledges that people with disability have specific needs, priorities and perspectives based on their personal circumstances, including the type and level of support required, education, sex, age, sexuality, and ethnic or cultural background.

As one of its key principles, the Strategy states that “the views of people with disability are central to the design, funding, delivery and evaluation of policies, programs and services which impact on them, with appropriate support and adjustment for participation”.[[2]](#footnote-2)

In developing *Development for All 2015-2020* (see response to Q.1), consultations were undertaken with key stakeholders in Australia and in a number of countries in the region, including people with disabilities and their representative organisations, government representatives, non-government organisations, service providers and others including the Australian Disability and Development Consortium and the Australian Department of Foreign Affairs and Trade’s Disability-Inclusive Development Reference Group (DRG).

*Development for All 2015-2020* builds on the well-regarded approach of the first *Development for All* strategy (*Development for All: Towards a disability-inclusive Australian aid program 2009-2014*), which also promoted the active participation and leadership by people with disabilities and their representative organisations across the aid program.

**Question 3**

*3. Please provide information on any consultative body or mechanism established to consult and engage with representative organisations of persons with disabilities, including information about their composition, criteria for membership (nomination, appointment, election, etc) and functioning.*

In 2015, the Australian Government established a new ‘disability peaks funding model’ comprising five disability people’s organisations representing cross-disability, women with disability, children and young people with disability, Aboriginal and Torres Strait Islander People with Disability, and people with disability from Culturally and Linguistically Diverse backgrounds.

The new ‘disability peaks funding model’ represents the interests and views of all people with disability within the one framework that recognises that disability is more a reflection of social barriers and discrimination, rather than a person’s medical condition or impairment.

Four of the peak Disabled People’s Organisations have formed the Australian Cross Disability Alliance:

* People with Disability Australia
* First Peoples Disability Network
* National Ethnic Disability Alliance, and
* Women with Disability Australia.

People with Disability Australia (PWDA) is funded as a national cross-disability peak and advocacy organisation representing the interests of people with all kinds of disability. Founded in 1981, the International Year of Disabled Persons, PWDA seeks to provide people with disability with a voice of their own.

First Peoples Disability Network (FPDN) is funded to represent and provide a voice for Aboriginal and Torres Strait Islander people with disability and their families, through providing advice to the government and non-government sectors about the unmet needs of Aboriginal and Torres Strait Islander people with disability can be best met, and advice on breaking down barriers and improving social and economic participation for Aboriginal and Torres Strait Islander people with disability.

National Ethnic Disability Alliance (NEDA) is funded as the national voice advocating for the rights and interests of people from non-English speaking background with disability, their families and carers throughout Australia. It works towards an inclusive Australia where cultural diversity and disability rights are valued as essential aspects of an equitable society.

Women with Disabilities Australia (WWDA) is funded as the peak organisation for women with all types of disabilities in Australia. WWDA’s work is grounded in a human 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.

Children with Disability Australia (CDA) is funded separately to represent, and provide a link between the direct experiences of, children and young people with disability and their families to Government and other key stakeholders. CDA will work collaboratively with the Alliance on areas of shared interest and opportunities to advance the rights of people with disability.

Through systemic advocacy CDA aims to create change and engender a true appreciation of the experiences and challenges that make up the lives of children with a disability and their families; provide children with a disability with the opportunity to live meaningful and fulfilling lives within safe, supportive and appropriate environments; and support families to provide the necessary care and support to children with a disability.

National Disability Services (NDS) is the peak body representing disability service providers to provide Government with advice from the services that support people with disability so their service needs can be met.

The Disability-Inclusive Development Reference Group (DRG) was established in 2009 (under *Development for All 2009-2014*) to provide high level guidance to Australia’s aid program on disability-inclusive development. An honorary advisory group, it comprises international and Australian leaders and active participants in disability-inclusive development. Eight meetings have been formally convened to date in Australia and in various partner countries. The members’ support and advice has been instrumental in shaping Australia’s ongoing approach to disability-inclusive development. The DRG continues as an informal consultative mechanism, through virtual dialogue as well as face-to-face engagement in the margins of international meetings, such as the annual UN Conference of States Parties to the CRPD. Through these means, DFAT will continue to discuss with the DRG key issues in relation to international disability-inclusive development approaches, and reflect on progress with implementing Australia’s new disability-inclusive development strategy.

**Question 4**

*4. Please provide information on the efforts undertaken at national, regional and/or local levels to strengthen the capacity of representative organisations of persons with disabilities, in order to facilitate their participation in legislative, policy and other decision making processes.*

Funding for international delegations

The Commonwealth Government has provided funding to the Australian Human Rights Commission to support delegations representing peak disability and advocacy organisations to better represent the needs of people with disability internationally and to give disability advocates the opportunity to use their experience and expertise to help inform and shape policies and programmes affecting people with disability, their families and carers. This has been one way for the Commonwealth Government to ensure that Australians with disability have their voice heard on the international stage.

The Australian Government also supports officers of the federal public service, who are also people with disabilities, to participate in important multilateral fora which focus on disability human rights issues, including the Conference of States Parties to the CRPD. The representativeness of Australia’s delegation to Conference of States Parties to the CRPD has been internationally recognised.

Funding for advocacy agencies

It is important that people with disability have the opportunity to participate in decisions that affect their lives. For some people this participation is supported by advocacy agencies.

Disability advocacy enables and supports people with disability to safeguard their rights and overcome barriers that impact on their ability to participate in the community. Advocacy supports people to make sure that their rights are promoted and valued, to participate in the decisions that affect their lives, especially around access to services and support, and to be actively involved in the life of their communities. Disability advocacy enables people with disability to actively participate in the decision-making processes that safeguard and advance their human rights, wellbeing and interests.

Individual advocacy supports people with disability to understand and exercise their rights, through either one-to-one support, or by supporting people to advocate for themselves individually, or on a group basis. Systemic advocacy seeks to introduce and influence longer term changes to ensure the rights of people with disability are attained and upheld to positively affect the quality of their lives. Systemic advocates can influence positive changes to legislation, policy and service practices and work towards raising and promoting community awareness and education of disability issues.[[3]](#footnote-3)

Under the National Disability Advocacy Program, the Australian Government provides funding of approximately $16.5 million per annum, for advocacy that works to promote the human rights and ability of people with disability to participate in the community. Advocacy support can be provided to individuals, as well as on a systemic basis to address issues that have an impact on a broader group of people with disability.

Australia has supported a partnership with the Pacific Disability Forum (PDF) since 2009 through the provision of grants and core funding. The current partnership confirms both parties commitment to mutual respect, transparency, assisting Pacific Island Countries to ratify, implement and report on the CRPD, and advocating for the active and central role of people with disabilities through disabled people’s organisations (DPOs) in all development processes.

In addition, Australia has supported the PDF through its partnerships with CBM Australia and the Disability Rights Fund (DRF)/Disability Advocacy Fund (DRAF).

Through DFAT’s partnership with CBM Australia, support to PDF and in turn to a wide range of Pacific DPOs has focussed upon activities supporting external/technical capacity building, specifically strengthening the capacity of the PDF and DPOs to participate in and influence disability-inclusive development.

Australia has, since 2009, supported the DRF/DRAF a US-based organisation that supports the empowerment of people with disability to participate in ratification, implementation and monitoring of the CRPD at country, regional and international levels. DRF/DRAF works closely with PDF to identify the needs of individual DPOs (and disability movements) in Pacific Island Countries as well as sharing communications on DPO progress in advancing CRPD implementation and other key developments in the Pacific region.

Australia has supported the International Disability Alliance (IDA) since 2010, recognising IDA’s core principles and mission are in line with the Australian Government’s Development for All disability strategy and values. IDA’s advocacy and expertise originate from persons with disabilities, not on behalf of people with disabilities, making it representative of the perspective of persons with disabilities, in line with the principle of *Development for All* “nothing about us without us”. Key areas of engagement will explore ways to increase the representation and attention paid to marginalised groups within the disability community, including women and girls, and those with intellectual and psychosocial disabilities.

**Question 5**

*5. Please explain whether and how persons with disabilities participate in monitoring the implementation of the United Nations Convention on the Rights of Persons with Disabilities (art 33, para 3), and in the nomination of experts to the Committee on the Rights of Persons with Disabilities (art. 34, para 3).*

The *National Disability Strategy 2010-2020* (see response to Q.2) is the mechanism to ensure that the principles underpinning the CRPD are incorporated into services, policies and programs affecting people with disability, their families and carers.

The Strategy will be guided by three implementation plans developed over its ten year life span. The first phase of the Strategy’s implementation, ‘*Laying the Groundwork 2011-2014*’, was designed to bring about reform in the planning and delivery of both mainstream and disability-specific services across key portfolios. In addition to progressing ongoing commitments, the second and third implementation plans will reflect future opportunities to improve service delivery and outcomes for people with disability.

Every two years, a high level progress report tracks achievements under the Strategy and provides a picture of how people with disability are faring. The progress reports use draft national trend indicator data (including any changes to improve the draft indicators). They also include:

* feedback from people with disability, their families and carers and their representative organisations on the implementation of the plans
* feedback from Commonwealth, state and territory Disability Services Ministers on achievements under the Strategy
* specific reports from the disability champion ministers, and
* a review of progress of current actions.

**Question 6**

*6. Please identify the main challenges faced by the diversity of persons with disabilities in participating in mainstream and disability specific decision making processes at the national, regional and local levels, including challenges faced by persons who experience multiple discrimination (eg, on the basis of disability, age, gender, ethnic origin, geographical location).*

The *National Disability Strategy 2010-2020* (see responses to Q.2 and Q.5) recognises that not all people with disability are alike. People with disability have specific needs, priorities and perspectives based on their personal circumstances, including the type and level of support required, education, sex, age, sexuality, and ethnic or cultural background. Some experience multiple disadvantages. Sex, race and age can significantly impact on the experience of disability.

Women and men with disability often face different challenges by reason of their sex, or experience the same issues in different ways. For example, women and men with disability are likely to experience violence in different ways and so need different supports.

Aboriginal and Torres Strait Islander Australians experience higher rates of disability than do other Australians. After taking into account age differences between the Indigenous and non-Indigenous populations, the rate of disability among Aboriginal and Torres Strait Islander Australians is almost twice as high as that among non-Indigenous people. Strategies for improving outcomes for Aboriginal and Torres Strait Islander Australians need to tackle specific barriers faced by Aboriginal and Torres Strait Islander Australians with disability.

People from culturally and linguistically diverse backgrounds—in particular newly arrived migrants such as refugees and special humanitarian entrants—can be particularly vulnerable. Those with disability are likely to experience multiple disadvantages. Lack of accessible information, communication difficulties or cultural sensitivities and differences can create barriers to services and support.

Additional stresses are often faced by people living in rural and remote areas. Remote areas are characterised by low population density and a lack of access to larger service centres and transport routes. This can limit equity and access to services, and where services are available, providers sometimes face difficulties in recruiting and retaining an appropriately qualified workforce. The characteristics of rural and remote areas can provide challenges for people with disability that are distinctly different from those for people who live in metropolitan areas.[[4]](#footnote-4)

*Development for All 2015-2020* recognises that some groups within the disability community are at heightened risk of marginalisation. These include women and girls with disabilities who experience multiple disadvantages on the basis of gender and disability (and are at greater risk from all forms of violence than those without disabilities) as well as those with psychosocial and intellectual disabilities who are often rendered invisible and left out of disability-inclusive development efforts.

*Development for All 2015-2020* adopts the twin-track approach which recognises a “mainstream” and “targeted” approach to both actively include people with disabilities as participants and beneficiaries of development efforts across all sectors and to design development initiatives specifically to benefit people with disabilities. The strategy recognises the provision of disability-specific support and services such as assistive devices, assistive technology, community-based rehabilitation and skills training across the aid program will provide opportunities and benefits for people with disabilities from Australia’s aid program.

1. Development for All 2015-2020: Strategy for strengthening disability-inclusive development in Australia’s aid program is available at: <http://dfat.gov.au/about-us/publications/Pages/development-for-all-2015-2020.aspx> . [↑](#footnote-ref-1)
2. *National Disability Strategy 2010-2020*, 2011, p 23, [www.dss.gov.au/our-responsibilities/disability-and-carers/publications-articles/policy-research/national-disability-strategy-2010-2020](http://www.dss.gov.au/our-responsibilities/disability-and-carers/publications-articles/policy-research/national-disability-strategy-2010-2020) . [↑](#footnote-ref-2)
3. *National Disability Strategy 2010-2020*, 2011, p 17, [www.dss.gov.au/our-responsibilities/disability-and-carers/publications-articles/policy-research/national-disability-strategy-2010-2020](http://www.dss.gov.au/our-responsibilities/disability-and-carers/publications-articles/policy-research/national-disability-strategy-2010-2020) . [↑](#footnote-ref-3)
4. *National Disability Strategy 2010-2020*, 2011, p 14, [www.dss.gov.au/our-responsibilities/disability-and-carers/publications-articles/policy-research/national-disability-strategy-2010-2020](http://www.dss.gov.au/our-responsibilities/disability-and-carers/publications-articles/policy-research/national-disability-strategy-2010-2020) . [↑](#footnote-ref-4)