
DISABILITY INTERVENTION: THE AUSTRALIAN NGO COALITION

Intervention delivered by Therese Sands on behalf of Disabled People's Organisations Australia (DPO Australia)¹ at the UPR pre-session, December 2020.

Distinguished State Dignitaries

My name is Therese Sands, and I am representing Disabled People's Organisations Australia, an alliance of four national organisations of people with disability. We are part of the Australian NGO Coalition.

There has been very little progress in implementation of the recommendations from Australia's second Universal Periodic Review. The serious issues of concern raised by people with disability at that time, remain the same for this third UPR.

The Convention on the Rights of Persons with Disabilities (CRPD) is implemented through a ten-year policy framework, the National Disability Strategy 2010-2020. Evaluations of this Strategy, including by the Committee on the Rights of Persons with Disabilities, have found that key outcomes have not been achieved due to the lack of implementation, funding and accountability.

Australia continues to retain its Interpretative Declarations to CRPD articles 12 and 17. This prevents human rights reform of substitute decision-making systems, such as guardianship and mental health laws that allow forced medical interventions and compulsory treatments. Despite previous UPR and CRPD recommendations, no action has been taken to establish a national Supported Decision-Making Framework; to prohibit forced sterilisation and forced medical interventions; or to end chemical and physical restraints, seclusion and other restrictive practices in settings such as schools, disability and mental health facilities, hospitals and aged care settings.

Little progress has been made to implement Australia's previous voluntary commitment to address the indefinite detention without conviction of people with disability in the criminal justice system. Many people are detained for longer periods than the term that would have been imposed in criminal convictions. This issue has been the subject of several individual communications, with Australia being found to breach the CRPD.

¹ DPO Australia is an alliance consisting of People with Disability Australia (PWDA), Women With Disabilities Australia (WWDA), First Peoples Disability Network (FPDN) and National Ethnic Disability Alliance (NEDA). Contact Therese Sands: therese.sands@bigpond.com

We urge you to recommend that Australia:

- Fully implement the new National Disability Strategy 2020-2030, with transparent annual reporting of outcomes against targets for people with disability.
- Withdraw its Interpretative Declarations to CRPD.
- Amend or repeal laws, policies and practices that deny or diminish equal recognition before the law; and establish a national Supported Decision-Making Framework.
- Eliminate restrictive practices in all settings.
- Prohibit forced sterilisation and forced medical interventions of people with disability and people with intersex variations.
- End the imprisonment of unconvicted people with disability and enforce safeguards against indefinite detention.

Thank you.