



# Segregation Position Statement

Written by Disabled Peoples Organisations and  
Disability Representative Organisations



**Plain English**

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## Who wrote the statement

Disabled Peoples Organisations (**DPOs**) and Disability Representative Organisations (**DROs**) wrote a position statement.

DPOs and DROs are run and led by people with disability who do advocacy, information and peer support.

The DPOs and DROs who wrote and signed this position statement are

- Australian Federation of Disability Organisations
- Children and Young People with Disability Australia
- Disability Advocacy Network Australia
- First Peoples Disability Network
- Inclusion Australia
- National Ethnic Disability Alliance
- People with Disability Australia
- Women With Disabilities Australia

This is the Plain English version of the key messages of the position statement. **Key messages** are the most important things to know.

There are other versions of the position statement

- The original, longer position statement
- Easy Read version

## What this statement is and how we will use it

We will use this position statement to tell the government segregation must be stopped.

A **position statement** says what an organisation thinks and believes about a topic. It says what should change.

The topic of this position statement is **segregation**.

Segregation is when someone keeps people separate from the community.

This can happen when someone thinks some people are not equal to others.

Segregation of people with disability is wrong and the Australian government must do things to **stop** segregation.

DPOs, DROs, people with disability and advocacy groups are worried about segregation in Australia.

They are worried about Australian laws, policies and practices that allow segregation.

Examples of segregation are special schools, group homes and institutions and workplaces that are only for people with disability.

## What this statement is and how we will use it

Some people are more likely to experience segregation such as

- People with intellectual, cognitive or psychosocial disability
- People with multiple impairments
- Neurodiverse people

Other people might be segregated because they do not have enough services or supports.

Segregation comes from harmful beliefs and attitudes like ableism.

**Ableism** is a belief that people with disability are

- Different and not normal
- Not equal to people without disability

**Discrimination** is when someone is treated badly because of something they cannot change. Like their disability.

Ableism can lead to discrimination. It can lead to laws and policies that segregate people with disability from everyone else.

If someone experiences discrimination because of their disability **and** sex, race or age it can lead to lots of disadvantage.

## What the law says

International courts have said segregation is discrimination.

They have said this in cases about racial apartheid, school settings based on impairment and institutional living arrangements.

**Racial apartheid** are laws and policies that keep people separate because of the colour of their skin.

**School settings based on impairment** are schools that are only for certain people such as schools only for people with intellectual disability.

These are sometimes called special schools.

**Institutional living arrangements** are places where some people with disability live with other people with disability.

It is separate from the community.

### CRPD

The UN Convention on the Rights of Persons with Disabilities (**CRPD**) is a law that protects and promotes the rights of people with disability.

The CRPD says people with disability have rights.

Article 5 of the CRPD says segregation goes against the rights of people with disability. This is called a breach of human rights.

## What the law says

The CRPD Committee in General Comment No 6 said segregation is discrimination and things must be done to stop it.

The CPRD Committee is a group of people. It is their job to check how countries like Australia are doing at protecting the rights of people with disability.

Australia has signed the CRPD. This means Australia must protect and promote the rights of people with disability.

Australia has done some good things to protect and promote the rights of people with disability.

They have closed some large residential institutions and made laws like the Disability Discrimination Act.

Australia has also established

- Disability rights advocacy programs
- The National Disability Strategy
- The NDIS
- The Disability Royal Commission

**But** there are still big problems in Australia.

People with disability in Australia continue to be segregated from the rest of the community.

## What must change

The Australian government must recognise and say segregation is discrimination. They must **end** segregation.

When the Australian government make changes to laws, policies and practices this is called **reform**.

Reform must be supported by evidence and research that is inclusive of people with disability.

When the Australian government reform laws and policies they must listen to people with disability and follow principles.

**Principles** are strong beliefs of what should happen.

These are the principles to end segregation

1. People with disability have human rights including the right not to be segregated.
2. Segregation is discrimination.
3. People with disability need segregation to end and need control over their lives. This must happen so they can participate and be included in the community.
4. Substitute decision making must be replaced with supported decision making. People with disability have the right to make their own decisions.

**Substitute decision making** is when someone else makes a decision for you. Like guardianship. **Supported decision making** is when you are supported to make your own decisions.



## What must change

Australian laws and policies must respect and uphold the rights of people with disability in the CRPD.

People who make and review laws need training on the CRPD. This includes

- Law reform bodies
- The Parliamentary Joint Committee on Human Rights
- The NDIA
- The NDIS Quality and Safeguards Commission
- The Disability Royal Commission

The Disability Royal Commission (**DRC**) must recognise and say segregation

- Is discrimination
- Allows violence, abuse, neglect and exploitation to happen

The DRC must say government money for programs that separate people with disability has to stop.

Australia must review laws, policies, frameworks and practices that allow segregation of people with disability to occur such as

- Mental health laws
- Guardianship laws
- National Disability Strategy
- NDIS policy and practice
- NDIS Quality and Safeguards Commission policy and practice

## **What must change**

Australia must work with people with disability and with DPOs and DROs to end segregation.

Australia needs to develop and implement strategies to end segregation.

Strategies are plans.

Each strategy needs a timeframe. This means things need to be done by a certain date.

Below are some examples of strategies.

### **1. National Disability Employment Strategy**

This strategy should help workers with disability move from segregated employment to open employment.

Open employment means work that is accessible and inclusive of everyone.

People with disability should get equal pay for equal work.

### **2. National Deinstitutionalisation and Disability Housing Strategy**

This strategy should aim to close institutional living arrangements.

Institutions should be replaced with inclusive and accessible housing based in the community.

## What must change

### 3. National Action Plan for Inclusive Education

This strategy should aim to support and fund inclusive education.

This means ending segregated education such as special schools.

Inclusive education means schools for everyone and all abilities.

Students with disability should get support to go any school.

### 4. Supported decision making

Australia must end substitute decision making and replace it with supported decision making.

Substitute decision making is a breach of the CRPD.

Australia must take away its interpretative declaration on CRPD Article 12 which says the CRPD allows substitute decision making.

An **interpretative declaration** is a one-sided statement made to explain the meaning of part of a treaty or of its provisions.

Australia must set up a national framework for supported decision making.

# What must change

## 5. National Disability Research Partnership

The Australian government funds the National Disability Research Partnership (**NDRP**).

The NDRP do research and make disability policy.

The NDRP must do research that respects, promotes and upholds the rights in the CRPD.

The NDRP must recognise segregation is discrimination and that substitute decision making is wrong.

# Organisations signing this document

