



Women
With
Disabilities
Australia
(WWDA)

WOMEN WITH DISABILITIES AUSTRALIA (WWDA)

**Submission to the call for comments on Australia's progress
on the implementation of recommendations received by
Australia – third-cycle Universal Periodic Review**

Universal Periodic Review team

Human Rights Branch

Attorney General's Department

September 2023

PUBLISHING INFORMATION

Women With Disabilities Australia (WWDA) (2023). Submission to the call for comments on Australia's progress on the implementation of recommendations received by Australia – third-cycle Universal Periodic Review: September 2023. Written by Sophie Cusworth, Senior Policy Officer, Women With Disabilities Australia (WWDA): Hobart, Tasmania.

Acknowledgments

WWDA acknowledges the traditional owners of the land on which this publication was produced. We acknowledge First Nations people's deep spiritual connection to this land. We extend our respects to community members and Elders past, present and emerging.

This document was written by Sophie Cusworth, WWDA Senior Policy Officer -Disability & Gender.

Formatting, editing and design by Carolyn Frohmader (WWDA) and Jacinta Carlton (WWDA).

Women With Disabilities Australia (WWDA) receives part of its funding from the Australian Government, Department of Social Services (DSS).

Contact

Women With Disabilities Australia (WWDA)
Contact: Carolyn Frohmader, Executive Director
PO Box 407, Lenah Valley, 7008 Tasmania, Australia
Phone: +61 438 535 535
Email: carolyn@wwda.org.au
Email: officeadmin@wwda.org.au
Web: www.wwda.org.au
Facebook: www.facebook.com/WWDA.Australia
Twitter: www.twitter.com/WWDA_AU

Winner, National Human Rights Award 2001
Winner, National Violence Prevention Award 1999
Winner, Tasmanian Women's Safety Award 2008
Certificate of Merit, Australian Crime & Violence Prevention Awards 2008
Nominee, UNESCO Prize for Digital Empowerment of Persons with Disabilities 2021
Nominee, National Disability Awards 2017
Nominee, French Republic's Human Rights Prize 2003
Nominee, UN Millennium Peace Prize for Women 2000
Finalist, International Zero23 Award, Information and Communication Technologies (ICT)

Women With Disabilities Australia (WWDA) has Special Consultative Status with the Economic and Social Council of the United Nations.

Disclaimer

The views and opinions expressed in this publication are those of Women With Disabilities Australia (WWDA) and not necessarily those of our funding bodies. All possible care has been taken in the preparation of the information contained in this document. WWDA disclaims any liability for the accuracy and sufficiency of the information and under no circumstances shall be liable in negligence or otherwise in or arising out of the preparation or supply of any of the information aforesaid. This work is copyright. Apart from any use as permitted under the Copyright Act 1968, no part may be reproduced without written permission from Women With Disabilities Australia (WWDA). © 2023 Women With Disabilities Australia (WWDA).

ABN: 23 627 650 121
ARBN: 621 534 307

ABOUT WOMEN WITH DISABILITIES AUSTRALIA (WWDA)

[Women With Disabilities Australia \(WWDA\)](#) Inc is the national Disabled People's Organisation (DPO) and National Women's Alliance (NWA) for women, girls, feminine identifying, and non-binary people with disability in Australia. As a DPO and an NWA, WWDA is governed, run, and staffed by and for women, girls, feminine identifying and non-binary people with disability.

WWDA uses the term 'women and girls with disability', on the understanding that this term is inclusive and supportive of, women and girls with disability along with feminine identifying and non-binary people with disability in Australia.

WWDA represents more than 2 million women and girls with disability in Australia, has affiliate organisations and networks of women with disability in most States and Territories, and is recognised nationally and internationally for our leadership in advancing the rights and freedoms of all women and girls with disability. Our organisation operates as a transnational human rights organisation - meaning that our work, and the impact of our work, extends much further than 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. All WWDA's work is based on co-design with and participation of our members. WWDA projects are all designed, governed, and implemented by women and girls with disability.

Disabled People's Organisations (DPOs), also referred to as Organisations of Persons with Disabilities (OPDs) are recognised around the world, and in international human rights law, as self-determining organisations led by, controlled by, and constituted of, people with disability. DPOs/OPDs are organisations of people with disability, as opposed to organisations which may represent people with disability. The United Nations Committee on the Rights of Persons with Disabilities has clarified that States should give priority to the views of DPOs/OPDs when addressing issues related to people with disability. The Committee has further clarified that States should prioritise resources to organisations of people with disability that focus primarily on advocacy for disability rights and, adopt an enabling policy framework favourable to their establishment and sustained operation.¹

WWDA'S SUBMISSION

1. Women With Disabilities Australia (**WWDA**) welcomes the opportunity to respond to the call for comments on Australia's progress on the implementation of the recommendations received by Australia during its third-cycle Universal Periodic Review. Our response draws attention to the issues of particular relevance to women and girls with disability, noting that 32 of the recommendations from Member States related explicitly to people with disabilities.
2. WWDA commends the Australian Government on the steps it has taken to recognise and advance the human rights of the Australian public since its third-cycle Universal Periodic Review appearance on 20 January 2021. However, WWDA is concerned that those steps have not been adequate to give effect to Australia's international human rights obligations.
3. Unfortunately, due to the short timeframe provided, issues of limited resourcing, and the demands of significant reforms within the disability sector, we have been unable to prepare a fulsome response to the call for comments on Australia's progress. However, we set out our key concerns below and trust that our response will be of assistance to the Australian Government.

UPR recommendations

4. Of the 344 recommendations received by Australia during its third-cycle Universal Periodic Review appearance, 32 recommendations explicitly referred to people with disability.² Other recommendations inevitably intersected with the rights of people with disability.
5. In relation to people with disability explicitly, the Australian Government accepted the following Member States recommendations,³ that Australia:
 - Recommendation 55: Redouble its efforts in providing the necessary care for older persons and persons with disabilities.
 - Recommendation 66: Continue ongoing efforts to combat discrimination against women, children and persons with disabilities.
 - Recommendation 106: Continue to reinforce relevant measures to ensure the protection of vulnerable members of the population, including women and girls with disabilities and the indigenous population.
 - Recommendation 107: Give attention to the implementation of national policies for marginalised or vulnerable social groups, including migrant children, Aboriginals and persons with disabilities.

- Recommendation 123: Abolish policies, legislation and practices that allow the arbitrary and indefinite detention of persons with disabilities.
 - Recommendation 202: Overcome shortcomings in health care for children with disabilities and for those living in rural or remote areas or in special care centres, and adopt effective measures to combat the isolation of children from their families and their placement in unqualified care centres.
 - Recommendation 220: Continue efforts to curb domestic and sexual violence, particularly for women with disabilities and indigenous women.
 - Recommendation 236: Address discrimination against people with disabilities in the criminal justice system.
 - Recommendation 239: Continue its efforts in the implementation of the National Disability Strategy.
 - Recommendation 234: Prevent and provide remedies for acts of violence against persons with disabilities placed in institutions or residences.
 - Recommendation 249: Put an end to the violence and discrimination against persons with disabilities, especially in the justice system.
 - Recommendation 250: Take further action to combat acts of violence and mistreatment committed against disabled persons, particularly those placed in institutions.
 - Recommendation 251: Address violence against persons with disabilities, as well as ensure treatment by the justice system that will take into account potential cognitive disabilities and mental health impairments.
6. The Australian Government noted other recommendations in relation to inclusive education,⁴ the rights of children with disabilities,⁵ equal recognition before the law, and freedom from arbitrary or indefinite detention.⁶ The Australian Government further noted and determined to consider further recommendations in relation to people with disability in prison settings,⁷ consultation to develop a national action plan for inclusive education,⁸ access to justice and the exercise of legal capacity,⁹ violence and abuse against people with disability within detention settings,¹⁰ and forced practices, procedures and ‘treatments’.¹¹
7. We set out our comments on the recommendations accepted by the Australian Government below.

Domestic frameworks

Recommendation 48: Ensure that Australia's international human rights obligations are enshrined in domestic law.

Recommendation 57: Ensure that Australia's obligations are comprehensively incorporated into law.

8. Notwithstanding that the Australian Government has accepted Member States' recommendations to ensure that Australia's international human rights obligations are enshrined in domestic law,¹² and ensure the full enjoyment of human rights by all its population without discrimination,¹³ WWDA is concerned that the Australian Government has demonstrated limited progress towards these aims.
9. Contrary to the view of the Australian Government, Australia has limited legislative protection of human rights, and has not fully incorporated many of Australia's international human rights obligations into domestic law. For example, many of Australia's legislative frameworks, policies and practices are inconsistent with the obligations of States Parties under the United Nations Convention on the Rights of Persons with Disabilities (CRPD).¹⁴
10. WWDA calls on the Australian Government to introduce federal, judicially enforceable legislation that incorporates Australia's international human rights obligations, consistent with the recommendations of a number of Member States.¹⁵ WWDA awaits the outcomes of the Parliamentary Joint Committee on Human Rights Inquiry into Australia's Human Rights Framework with interest.

Recommendation 64: Strengthen measures to ensure the full enjoyment of human rights by all its population without discrimination.

Recommendation 65: Invest additional efforts so that anti-discrimination laws are applied in all parts of the country.

Recommendation 66: Continue ongoing efforts to combat discrimination against women, children and persons with disabilities.

11. The Australian Government has also stated in response to the recommendations of Member States that Australia has comprehensive anti-discrimination legislation at the federal, state and territory levels.¹⁶ WWDA is concerned that these frameworks are limited in their capacity to protect, promote or advance human rights. They are not nationally consistent, operate only in certain areas of public life, and do not recognise or protect against systemic or intersectional discrimination. Further, compliance with the existing anti-discrimination frameworks does not equate to the realisation of the rights of the Australian public under Australia's international human rights obligations.

Disability-specific frameworks, strategies and services

Recommendation 55: That Australia redouble its efforts in providing the necessary care for older persons and persons with disabilities.

Recommendation 107: Give attention to the implementation of national policies for marginalised or vulnerable social groups, including migrant children, Aboriginal and Torres Strait Islander peoples and persons with disabilities.

Recommendation 239: That Australia continue its efforts in the implementation of the National Disability Strategy.

12. WWDA commends the Australian Government on its development of Australia’s Disability Strategy 2021– 2030. However, we remain concerned about the implementation of that Strategy, and its capacity to give effect to the CRPD.
13. WWDA is also concerned about the experiences of participants of the National Disability Insurance Scheme, and the dearth of funded services and supports for the majority of people with disability in Australia who are not participants of the Scheme.
14. Our recent consultation work to inform the Australian Government’s Review of the National Disability Insurance Scheme identified significant issues related to eligibility for the Scheme, access to supports and services, and the quality and safety of supports and services. Many of our members described engaging with the National Disability Insurance Scheme as ‘traumatising’. However, for many people with disability in Australia, participation in the Scheme is considered the only pathway to funded supports and services.

Climate change and disasters

Recommendation 115: Intensify efforts to develop and strengthen the necessary legislative frameworks that address cross-sectoral environmental challenges, including climate change and disaster risk reduction frameworks, and ensure the full and meaningful participation of wide diverse groups, including but not limited to women, children, persons with disabilities, elderly persons and Aboriginal and Torres Strait Islander communities, in their implementation.

15. Although the Australian Government has accepted the recommendation of Member States to increase efforts to ensure the full and meaningful participation of diverse cohorts in the development of climate change and disaster risk reduction frameworks,¹⁷ people with disability continue to be excluded from, and marginalised within, government plans and responses to climate-related emergencies. WWDA is concerned that the Australian Government has not made progress towards implementation of the Sendai Framework for Disaster Risk Reduction, or the Australian Disability Strategy’s Targeted Action Plan for Emergency Management. Australia’s response to the COVID-19 pandemic is a recent example of the failure to respond to the needs of people with disability in emergency situations. In this regard, we refer to the Report of the Royal Commission on *Public Hearing 12: The experiences of people with disability in the context of the Australian Government’s approach to the COVID-19 vaccine rollout*.¹⁸

Violence against people with disability

Recommendation 220: Continue efforts to curb domestic and sexual violence, particularly for women with disabilities and indigenous women.
Recommendation 234: Prevent and provide remedies for acts of violence against persons with disabilities placed in institutions or residences.
Recommendation 249: Put an end to the violence and discrimination against persons with disabilities, especially in the justice system.
Recommendation 250: Take further action to combat acts of violence and mistreatment committed against disabled persons, particularly those placed in institutions.
Recommendation 251: Address violence against persons with disabilities, as well as ensure treatment by the justice system that will take into account potential cognitive disabilities and mental health impairments.

16. As outlined above, the Australian Government has accepted the recommendations of Member States to combat violence and mistreatment committed against people with disability, but has failed to accept recommendations to eliminate and prohibit forced practices.¹⁹

Notwithstanding WWDA's continued advocacy, forced sterilisation of people with disability (and other forced practices) remain legal and sanctioned by Australian Governments despite being recognised as an act of violence, a form of social control, and a form of torture by the United Nations Special Rapporteur on Torture.²⁰ Since 2005, United Nations treaty bodies, the Human Rights Council, United Nations special procedures, and international medical bodies have recommended that Australia enact national legislation prohibiting forced sterilisation.²¹ However, the Australian Government continues to condone and legitimise this inhuman practice. Guardianship and substitute decision-making regimes enable and legitimise forced practices, prevent them from being recognised as violence, and prevent women and girls with disability from accessing justice and redress. The Australian Government cannot successfully address violence against people with disability without abolishing the laws that legalise and legitimise forced practices. Further, the Australian Government must extend the definition of sexual and gender-based violence to include these practices which violate bodily autonomy, constitute violence of a sexual nature due to the areas of the body involved, and are also associated with increased risk of future sexual abuse. WWDA has also provided this feedback to the Attorney General as part of ongoing sexual violence reforms. WWDA looks forward to continuing to contribute to those reforms, and the implementation of the National Plan to End Violence against Women and Children 2022-2032.

17. Member States also called upon the Australian Government to prevent and provide remedies for acts of violence against people with disability in residential and institutional settings, and places of detention.²² People with disability living within such settings are at an increased risk of violence, abuse and neglect, including through violent and punitive practices that remain lawful. However, as the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability recently heard, violence within closed and residential settings is often either legitimised or managed internally as a service issue, preventing access to justice and redress. Further, the reports of people with disability are regularly dismissed and discredited, and reporting mechanisms and legal processes remain inaccessible.

18. A particularly egregious example at the intersections of forced practices and violence within residential settings involved a 13-year-old girl with intellectual disability who was sexually abused multiple times within a residential care facility.²³ In response to the persistent sexual abuse, the Department for Child Protection in South Australia recently provided consent for the child to have a contraceptive device inserted, claiming that it would ‘keep her safe’.²⁴
19. WWDA recognises that the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability represents some progress towards recognising acts of violence against people with disability in residential and institutional settings and places of detention. However, WWDA calls upon the Australian Government to take urgent action to prevent and respond to violence, and uphold the human rights and fundamental freedoms of people with disability within these settings.

Justice, detention and equality before the law

Recommendation 123: Abolish policies, legislation and practices that allow the arbitrary and indefinite detention of persons with disabilities.

Recommendation 251: Address violence against persons with disabilities, as well as ensure treatment by the justice system that will take into account potential cognitive disabilities and mental health impairments.

20. Despite the Australian Government’s acceptance of recommendations to improve the situation of people with disability when interacting with the justice system, the justice system remains a site of discrimination and violence. Within detention settings, people with disability are subjected to indefinite detention, deprivation of liberty, violence, punitive treatment, and solitary confinement. Only last month, the Queensland Government sought to override human rights legislation to facilitate the extended detention of children in police watch houses.²⁵ Children with disability are significantly over-represented in Queensland youth justice custody, with a 2022 Youth Justice Census Summary indicating that 37% have a disability, and 27% have a mental health condition.²⁶
21. WWDA is also concerned that the Australian Government has failed to accept Member States’ recommendations to guarantee effective access to justice for people with disability, and establish supports to enable people with disability to exercise their legal capacity. These are critical components of Australia’s obligations under Articles 12 and 13 of the CRPD;²⁷ however people with disability do not enjoy their right to access to justice or equal recognition before the law in Australia. The Australian Government continues to condone the denial of legal capacity for people with disability, through substitute decision-making regimes (including guardianship, financial management and mental health laws), and the common law doctrine of *parens patriae*. People with disability are also denied effective access to justice where their reports of harm are dismissed or discredited, they do not have access to support or representation, and court procedures, systems and materials remain inaccessible. Earlier this year, WWDA supported a woman with intellectual disability through a tribunal hearing, who was denied access to Easy Read materials which she required to participate in the proceedings

and understand the decisions to be made about her own life.

22. It is unclear if and how the Disability Justice Plans, referred to in the Australian Government's response to the recommendations received,²⁸ have been implemented. Further, although the Australian Government has previously made a voluntary commitment to improve the criminal justice system response to people with cognitive disability, it is unclear how the *National Statement of Principles Relating to Persons Unfit to Plead or Found Not Guilty by Reason of Cognitive or Mental Health Impairment* have been or are being implemented.
23. In order to support people with disability to exercise their legal capacity and enjoy their right to equal recognition before the law, WWDA calls on the Australian Government to withdraw its Interpretative Declaration in relation to Article 12 of the CRPD, and establish nationally consistent frameworks for supported decision-making. In order to improve access to justice for people with disability, the Australian Government must also commit to the implementation of the *International Principles and Guidelines on Access to Justice for Persons with Disabilities*, the first of which being that 'all persons with disabilities have legal capacity and, therefore, no one shall be denied access to justice on the basis of disability'.²⁹

Healthcare

Recommendation 202: Overcome shortcomings in health care for children with disabilities and for those living in rural or remote areas or in special care centres, and adopt effective measures to combat the isolation of children from their families and their placement in unqualified care centres.

24. It is unclear whether and how the Australian Government has overcome shortcomings, or improved outcomes, in healthcare for children with disability. For participants of the National Disability Insurance Scheme, there is often inconsistency and confusion regarding which health-related disability supports and services will be funded. While the *Applied Principles and Tables of Support to Determine Responsibilities of the NDIS and Other Service Systems* set out the respective responsibilities of both the Scheme and the health system, health and disability are inextricably linked for many people with disability. Further, mainstream health services are often functionally, physically and financially inaccessible.
25. Overcoming shortcomings in health care for children with disability requires that all barriers to access be addressed, including physical and financial barriers, and barriers related to travel and distance, communication, practitioner training and education, wait times, trauma, and support and assistance. It also requires addressing attitudinal barriers to proper care, including prejudice, ableism, and diagnostic overshadowing. In this regard, we refer to the Report of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Public Hearing 4: Health care and services for people with cognitive disability*.³⁰
26. WWDA commends the Australian Government on its recent announcement regarding the development of the National Autism Strategy²⁸ which will consider access to healthcare for Autistic Australians, including children, and looks forward to its outcomes.

Other matters

27. Several Member States also made recommendations, which were noted by the Australian Government, that Australia should act to ensure that children with disability have access to inclusive education.³¹ The CRPD expressly articulates the right to education for people with disability, and affirms 'inclusive education' as the means by which equality and non-discrimination is achieved.³² General Comment No. 4 on the right to inclusive education, adopted by the CRPD Committee, provides that inclusion requires 'a process of systemic reform', and is 'not compatible with sustaining two systems of education: mainstream and special/segregated education systems'.³³ However, recent data from the Australian Institute of Health and Welfare indicates that 12% of students with disability attend special schools.³⁴
28. WWDA is also concerned that the Australian Government continues to discriminate against people with disability by refusing visa applications to people who are unable to meet the strict health requirements under the *Migration Act 1958* (Cth) by reason of their disability. This requirement is exempt from the operation of the *Disability Discrimination Act 1992* (Cth) and undermines Article 18 of the CRPD. To ensure an equitable system of migration and uphold the human rights of migrants, refugees and asylum seekers as described by the Australian Government in its response to the recommendations,³⁵ the Australian Government must reform the *Migration Act 1958* (Cth) and *Disability Discrimination Act 1992* (Cth) and withdraw its Interpretative Declaration on Article 18 of the CRPD.

Conclusion

29. Thank you for the opportunity to provide this response to the call for comments on Australia's progress on the implementation of the recommendations received by Australia during its third-cycle Universal Periodic Review. We look forward to continuing to work with the Australian Government to protect, promote and advance the human rights of women, girls, feminine-identifying and non-binary people with disability in Australia.

ENDNOTES

-
- ¹ Committee on the Rights of Persons with Disabilities, General Comment No. 7 on the Participation of Persons with Disabilities, Including Children with Disabilities, through Their Representative Organizations, in the Implementing and Monitoring of the Convention, UN Doc CRPD/C/GC/7 (9 November 2018).
- ² UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Australia*, 24 March 2021, A/HRC/47/8.
- ³ UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Australia, Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review*, 2 June 2021, A/HRC/47/8.
- ⁴ UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Australia*, 24 March 2021, A/HRC/47/8, 146.240-24.
- ⁵ UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Australia*, 24 March 2021, A/HRC/47/8, 146.237.
- ⁶ UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Australia*, 24 March 2021, A/HRC/47/8, 146.252.
- ⁷ UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Australia*, 24 March 2021, A/HRC/47/8, 146.124, 146.135.
- ⁸ UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Australia*, 24 March 2021, A/HRC/47/8, 146.238.
- ⁹ UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Australia*, 24 March 2021, A/HRC/47/8, 146.242.
- ¹⁰ UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Australia*, 24 March 2021, A/HRC/47/8, 146.244, 146.247.
- ¹¹ UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Australia*, 24 March 2021, A/HRC/47/8, 146.245, 146.246, 146.248.
- ¹² UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Australia*, 24 March 2021, A/HRC/47/8, 146.48.
- ¹³ UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Australia*, 24 March 2021, A/HRC/47/8, 146.64.
- ¹⁴ United Nations Convention on the Rights of Persons with Disabilities, December 13, 2006.
- ¹⁵ UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Australia*, 24 March 2021, A/HRC/47/8, 146.48-49.
- ¹⁶ UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Australia, Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review*, 2 June 2021, A/HRC/47/8, [12].
- ¹⁷ UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Australia*, 24 March 2021, A/HRC/47/8, 146.115.
- ¹⁸ Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (2021) Public Hearing Report: The experiences of people with disability, in the context of the Australian Government's approach to the COVID-19 vaccine rollout.
- ¹⁹ UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Australia*, 24 March 2021, A/HRC/47/8, 146.248, 146.245, 246.246.
- ²⁰ Juan E. Mendez, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, 22nd sess, Agenda Item 3, UN Doc A/HRC/22/53 (1 February 2013) para 48. The UN Special Rapporteur on Torture also clarified that: "Forced interventions often wrongfully justified by theories of incapacity and therapeutic necessity inconsistent with the Convention on the Rights of Persons with Disabilities, are legitimised under national laws, and may enjoy wide public support as being in the alleged "best interest" of the person concerned. Nevertheless, to the extent that they inflict severe pain and suffering, they violate the absolute prohibition of torture and cruel, inhuman and degrading treatment." See: Juan E. Mendez, *Opcit.*, para 64.
- ²¹ See: CRC/C/15/Add.268; CRC/C/AUS/CO/4; A/HRC/17/10; CEDAW/C/AUL/CO/7; CAT/C/AUS/CO/4-5; A/HRC/WG.6/10/L.8; CRPD/C/AUS/CO/1; A/HRC/31/14; A/HRC/22/53; CCPR/C/AUS/Q/6; FIGO (International Federation of Gynecology and Obstetrics), Female Contraceptive Sterilization. See also: World Medical Association (WMA) in conjunction with the International Federation of Health and Human Rights Organizations (IFHHRO) (2011) Global Bodies call for end to Forced Sterilization: Press Release, 5 September 2011.
- ²² UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Australia*, 24 March 2021, A/HRC/47/8, 146.234.
- ²³ *KYD v Chief Executive of the Department for Child Protection* [2023] SACAT 34 (12 May 2023).
- ²⁴ *KYD v Chief Executive of the Department for Child Protection* [2023] SACAT 34 (12 May 2023) [56-57].
- ²⁵ Jurss-Lewis, T. and McKenna, K. (2023, August 23) Queensland to allow police watch houses to be used as youth detention centres, overriding Human Rights Act, in proposed law change. ABC News <https://www.abc.net.au/news/2023-08-23/qld-watch-house-youth-crime-human-rights-prison/102767700>.
- ²⁶ Department of Children, Youth Justice and Multicultural Affairs (2023). *Youth Justice Census Summary: Custody*. Queensland State Government. https://desbt.qld.gov.au/__data/assets/pdf_file/0019/17083/census-summary-custody.pdf
- ²⁷ United Nations Convention on the Rights of Persons with Disabilities, December 13, 2006, Articles 12-13.

²⁸ UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Australia, Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review*, 2 June 2021, A/HRC/47/8, [41].

²⁹Office of the United Nations High Commissioner for Human Rights (2020) *International Principles and Guidelines on Access to Justice for Persons with Disabilities*.

https://www.ohchr.org/sites/default/files/Documents/Issues/Disability/SR_Disability/GoodPractices/Access-to-Justice-EN.pdf

³⁰ Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (2020) Public Hearing Report: Public hearing 4 Health care and services for people with cognitive disability

³¹ UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Australia*, 24 March 2021, A/HRC/47/8, 146.238, 146.239, 146.241.

³² United Nations Convention on the Rights of Persons with Disabilities, December 13, 2006, Article 24.

³³ Committee on the Rights of Persons with Disabilities, *General Comment No 4: Right to inclusive education*, UN DOC CRPD/C/GC/4 (entered into force 2 September 2016), [39].

³⁴Australian Institute of Health and Welfare (2022) *People with disability in Australia: Engagement in Education*. Australian Federal Government. <https://www.aihw.gov.au/reports/disability/people-with-disability-in-australia/contents/education-and-skills/engagement-in-education>.

³⁵ UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Australia, Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review*, 2 June 2021, A/HRC/47/8, [46].