



Convention on the Rights of Persons with Disabilities

Distr.: General
13 May 2013

Original: English

Committee on the Rights of Persons with Disabilities

List of issues in relation to the initial report of Australia, adopted by the Committee at its ninth session (15-19 April 2013)

A. Purpose and general obligations (arts. 1-4)

1. Please provide disaggregated data on the number of people with intellectual or mental, psychosocial, hearing, visual and physical disabilities in Australia, and state the system used to identify people with disabilities, including indigenous people (para. 13).*
2. Please indicate whether the Joint Parliamentary Committee on Human Rights has been established and provide information on its report to Parliament on the extent to which domestic legislation has been found to be compatible with Australia's international human rights obligations under the Convention (para. 14).
3. Please provide information on any other standards enacted under the Disability Discrimination Act 1992 to regulate and ensure non-discrimination of people with disabilities, in areas other than transport, education and premises (paras. 15-16).
4. Please provide information on the outcome of the inquiry into a national long-term care and support scheme for persons with disabilities (para. 28).
5. Please state whether the comprehensive suite of education initiatives to promote a greater understanding of human rights is also available to all persons with disabilities in accessible formats, such as sign language, augmentative and alternative communication (AAC), and Braille (para. 39).

B. Specific rights (arts. 5, 8-30)

Equality and non-discrimination (art. 5)

6. Please provide further information on the steps taken by Australia in its immigration law and policy to combat discrimination against people with disabilities.
7. Please provide further information on what measures are planned to tackle intersectional discrimination against disabled women and indigenous people.

* Paragraph numbers in brackets refer to the initial report of the State party, published under symbol CRPD/C/AUS/1.

Accessibility (art. 9)

8. Please provide information on the results of the review of the first five years of operation of the Transport Standards (para. 47).

Right to life (art. 10)

9. Please explain whether guardians or caregivers of persons with disabilities can take decisions regarding the termination or withdrawal of medical treatment, nutrition or any other life support (para. 52).

Equal recognition before the law (art. 12)

10. Please explain who assesses whether and how a person is unable to make reasonable judgements in relation to matters relating to his/her person or circumstances, or relating to all or part of his/her estate (para. 57 and Annex H on the use of substituted decision-making).

11. Please provide statistics on the number of persons with disabilities who have been subjected to substituted decision-making and compulsory treatment, in accordance with the interpretative declarations on articles 12 and 14 of the Convention, since its entry into force on 16 August 2008 (para. 9).

12. What mechanisms are in place to protect persons with disabilities from abuse, exploitation and/or neglect in situations where their decisions, choices and preferences are substituted with those of their human readers, assistants, families and/or guardians, while applying substituted decision-making procedures?

13. Please provide information on how the Capacity Toolkit is utilized and on the standards of augmentative and alternative communication (AAC) that are applied to protect people with disabilities from substituted communication (para. 59).

14. Please provide the Committee with information on any plans to repeal Australia's declaration on article 12.

Access to justice (art. 13)

15. Which specific areas of access to justice by persons with disabilities have been targeted for improvement under the September 2009 Strategic Framework for Access to Justice under the reforms of the Federal Civil Justice System (para. 65)?

16. Please provide information on access to augmentative and alternative modes of communication (AAC) by persons with disabilities and their human readers (para. 67), and how people with intellectual, mental and/or psychosocial disabilities also enjoy full access to the justice system as both litigants and witnesses (para. 68).

Liberty and security of the person (art. 14)

17. Regarding the Disability Policy and Research Working Group, please provide information on its best practice framework suggestions in relation to restrictive practices (para. 73).

18. Please explain the criteria and the process for placing a person with disabilities, in particular intellectual, mental or psychosocial disabilities, in forced confinement; how many people have thus been placed so far; and how placement decisions can be challenged. Please indicate how involuntary confinement on the grounds of mental illness is being implemented and to what types of mental illnesses it applies (para. 76).

19. Provide more information on the number of people with disabilities who have benefited from the Australian Government's Respectful Relationships programme that focuses on building protective behaviours and relationships skills for young persons with intellectual disabilities (para. 87 (a)).

20. What steps are being taken to end the unwarranted use of prisons for managing unconvicted people with disabilities, particularly indigenous people with disabilities. What alternative support and accommodation options have been developed?

21. How does the Government propose to manage the high level of involuntary hospitalization of people with mental disabilities? What steps are being taken to replace involuntary hospitalization with community-based care that treats people with psychosocial disabilities on a voluntary basis?

Freedom from exploitation, violence and abuse (art. 16)

22. What measures are being taken to prevent the use of restraints, shackles and seclusion on people with psychosocial disabilities in hospitals?

Protecting the integrity of the person (art. 17)

23. Please provide statistics on the number of persons with disabilities who have been subjected to compulsory treatment, since the entry into force of the Convention on 16 August 2008 (paras. 9, 96, 97, 100).

24. Please inform the Committee about measures taken to discuss Australia's declaration regarding article 17 of the Convention with disabled persons' organizations (DPOs) and on plans to repeal it.

Liberty of movement and nationality (art. 18)

25. Please provide the Committee with information as to whether Australia's declaration regarding article 18 of the Convention has been discussed with DPOs and if there are plans to repeal it.

Living independently and being included in the community (art. 19)

26. What measures are being taken to prohibit the redevelopment of "contemporary institutions" where people with disabilities must live in order to obtain support? How does the Government ensure the right of persons with disabilities to secure the right to independent living? Please provide data indicating the transition from institutional care to independent living disaggregated by gender, disabilities, age, and indigenous people.

Freedom of expression and opinion and access to information (art. 21)

27. Please provide information on the mechanisms put in place to guarantee freedom of expression by all persons with intellectual or mental, physical, hearing, visual and/or psychosocial disabilities, and state whether access to public and private information is facilitated in accessible formats (paras. 129-133).

Respect for home and the family (art. 23)

28. Please provide information on the procedure used under the Marriage Act 1961 to declare a marriage void and to ascertain that an adult is "mentally incapable" of understanding the nature and effect of the marriage ceremony (para. 137).

29. What is the overall number of parents and carers of young children with disabilities in Australia who are currently in need of support from the Government in their child-

rearing responsibilities under the Respite Support for Carers of Young People with Severe or Profound Disability and the MyTime Peer Support Groups for Parents of Young Children with Disability programmes (para. 138)?

30. Following the Senate inquiry into sterilization, what steps will the Australian Government take to meet its international human rights obligations to prohibit the involuntary or coerced sterilization of people with disabilities?

Education (art. 24)

31. Please indicate whether the Disability Discrimination Act 1992 (as amended in 2009) provides for fully accessible, inclusive and quality Education for all, which forbids discrimination against persons with disabilities (para. 141).

32. Please give specific information on the number of people with intellectual, physical, hearing, visual and psychosocial disabilities who are currently enrolled in early childhood, primary, secondary and tertiary education/training, and the number of people who are unable to access education/training for disability-related reasons (paras. 143-147).

33. Please give the percentage of students with disabilities enrolled in tertiary education.

Health (art. 25)

34. Under the Disability Discrimination Act 1992, has the Australian Government enacted standards for access to health as it has for education, transport and premises? Do such standards guarantee fully inclusive, accessible and quality health services that respect the physical and mental integrity of all persons with disabilities, especially those with intellectual or mental and/or psychosocial disabilities (paras. 150–154)?

35. Is public health information and education provided to all persons with disabilities in accessible formats according to their disabilities and without discrimination (paras. 150–154)?

36. Does the Australian Government recognize that the “people with severe mental illness” are people with mental and/or psychosocial disabilities? Is there a distinction between access to health and access to habilitation/rehabilitation services by people with mental and/or psychosocial disabilities (paras. 155-156)?

37. Please provide information on whether the Government of Australia is ensuring informed access to prescribed therapeutic medication by all persons with disabilities, especially those with mental and/or psychosocial disabilities. Is there an oversight mechanism to protect people with disabilities from forced medication to control their behaviour (paras. 99, 155-156)?

38. Please provide information on the steps taken to reform the mental health service, in particular the planned additional initiatives for mental health care (para. 156).

39. Please provide information on the legal measures available to prevent discrimination against persons with disabilities in the area of health and insurance schemes.

Habilitation and rehabilitation (art. 26)

40. Please provide information on measures taken by the Government of Australia to transition from a medical model of disabilities to a human rights-based approach and practices especially in habilitation and rehabilitation services for people with intellectual or mental and/or psychosocial disabilities (para. 157).

41. Please specify the framework of programmes that provide habilitation services for all persons with disabilities and explain how they are distinct in advocating a human rights-based approach and practices (para. 157).

Work and employment (art. 27)

42. Please indicate whether qualified professionals and other workers with disabilities are allowed to practice their professions unhindered and without any form of discrimination (para. 164).

43. Please provide information on the tools to assess pro rata wages for workers who are unable to work at full productive capacity due to their disability, in particular the process of productivity-based wage assessment (para. 164).

44. Please also provide statistics on the number of persons with disabilities working in Australian Disability Enterprises as compared to the open labour market (paras. 167-169).

Participation in political and public life (art. 29)

45. Please provide information on the assessment procedure for removing an elector from the electoral roll and on the possibility of challenging it. Please provide data on the number of persons with disabilities who have been removed from the electoral roll upon this procedure (para. 178).

46. Please provide information on whether “assistance to electors with disabilities” involves ensuring informed voting by all persons with disabilities, including those with intellectual or mental and/or psychosocial disabilities, and ensuring their full access to election information in accessible formats, such as augmentative and alternative communication (AAC), sign language and Braille (paras. 180-182).

International cooperation (art. 32)

47. Please indicate the extent to which persons with disabilities play any leadership role in the planning of disability inclusive projects with partner countries.

National implementation and monitoring (art. 33)

48. Please evaluate the direct consultations held with people with disabilities, in particular those with intellectual and/or psychosocial disabilities, in the preparation of the ratification procedure, and provide the framework for cooperation between Government and organizations of/for persons with disabilities in the national implementation and monitoring of the Convention. Please also specify if people with intellectual or mental and/or psychosocial disabilities are directly consulted and engaged (paras. 212-213).

C. Women and children with disabilities (arts. 6 and 7)

Women with disabilities (art. 6)

49. Please provide data concerning violence and intersectional discrimination against women and girls with disabilities. Please explain how the National Disability Strategy will address the particular needs of women and girls with disabilities escaping family or domestic violence (para. 194).

Children with disabilities (art. 7)

50. Please explain how gaps (for example, lack of parenting skills, scant social network resources, lack of institutional support, among others) are identified in the effective

protection of children with disabilities (para. 197). Please also provide information on the kinds of social protection available to children with disabilities whose families live in poverty.
