

**Distinguished delegates, colleagues, and advocates,**

My name is Amy Maguire, a member of the AHRC delegation. I am presenting this statement on behalf of Mark Patrick, Principal Solicitor at the Australian Centre for Disability Law.

Thank you for the opportunity to speak on Australia's Draft National Report for the Universal Periodic Review. While Australia has long championed human rights internationally, its domestic record tells a different story. UN treaty bodies have repeatedly found that Australia falls short of its obligations, and too often, recommendations are rejected or only partially implemented. This undermines Australia's credibility as a global leader in human rights.

The Draft Report by the Australian Government highlights significant investment in disability programs—over \$3 billion through the National Disability Insurance Scheme (NDIS) and other disability related initiatives. But funding alone does not guarantee effective access to supports and protections for people with disability. People with disability still face inequitable access to services and poorer outcomes in education, employment, housing, and health. Despite extensive consultation through the Disability Royal Commission, the NDIS Review, and reviews of discrimination and guardianship laws—real change has been minimal.

Australia ratified the Convention on the Rights of Persons with Disabilities in 2008, yet the Australian domestic human rights framework remains weak, with:

- Interpretative Declarations to key CRPD articles limiting rights to equal recognition before the law, the right to liberty, and freedom from forced medical interventions.

- The reactive nature of the Disability Discrimination Act, placing the burden on individuals to lodge complaints, and lacks a positive duty to prevent discrimination, and
- The Australian Disability Strategy is not framed within a human rights approach and is not enforceable.

The Disability Royal Commission was a landmark inquiry that exposed widespread violence, abuse, and neglect and provided optimism for effective reforms to the disability sector.

However, of the 222 recommendations issued, the government has fully accepted only 13.

Many critical reforms—on education, housing, and guardianship—remain stalled. This piecemeal response is unacceptable.

Segregation, institutionalisation and Restrictive Practices persist, with:

- many people with disability forced to live in group homes or institutions without choice or control,
- Students with disability are excluded from mainstream classrooms and subjected to exclusionary disciplinary practices, and
- Many more people with disability are being subject to restrictive practices such as chemical and physical restraint, involuntary treatment and forced sterilisation despite repeated recommendations from UN treaty bodies and the Disability Royal Commission recommending to prohibit these practices.

Violence against people with disabilities—especially women and girls—is alarmingly prevalent, and rates are even higher in institutional settings. Women and girls with disabilities are twice as likely to face violence as those without disability. Safeguarding systems are fragmented, underfunded and not codesigned and led by people with disability.

In the criminal justice system, people with cognitive disability remain over-represented, facing indefinite detention under “unfit to plead” laws and mandatory sentencing that disproportionately impacts First Nations people with disability.

These issues are compounded for First Nations communities, where systemic racism and ableism intersect. Many First Nations people with disability lack access to culturally safe services, especially in rural and remote areas.

### **What must Australia do?**

- Enact a federal Human Rights Act to give effect to CRPD rights and other treaty obligations.
- Withdraw all Interpretative Declarations to the CRPD.
- Modernise the Disability Discrimination Act to impose a positive duty to prevent discrimination.
- Fully implement all the Disability Royal Commission’s recommendations with binding targets.
- Commit to desegregation in education, employment, housing, and community life.
- Ban forced sterilisation, involuntary treatment, and restrictive practices.
- Reform justice laws to end indefinite detention and mandatory sentencing.

- Ensure culturally safe, disability-appropriate supports for First Nations people.

The Disability Royal Commission gave people with disability a voice and a roadmap for reform. The challenge now is for governments to move beyond consultation and commit to implementation. Australia must act decisively to uphold its international obligations and ensure that people with disability can live with dignity, equality, and freedom.

Thank you.