

Participation of People with Disability & Resourcing of DPOs

Through General Comment 7, the Committee on the Rights of Persons with Disabilities has clearly articulated the duty of States parties to actively involve people with disability, through their representative organisations, including those representing women and children with disability, in the development and implementation of legislation and policies to implement the Convention and in other decision-making processes.¹

However, in Australia there are no permanent or effective mechanisms to ensure the active, full and meaningful participation of people with disability, including children with disability in the implementation and monitoring of the CRPD.²

Australia has not effectively involved people with disability and their representative organisations at all stages of implementation and monitoring of the CRPD, the National Disability Strategy (NDS), the Sustainable Development Goals (SDG's), the Sendai Framework and other decision-making processes that affect the lives of people with disability.

The CRPD Committee has emphasised that organisations *of* people with disability can only be those that are led, directed and governed *by* people with disability, and has clarified that States should give priority to the views of these organisations 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.³

However, in August 2017, the Australian Government announced stringent funding guidelines for Disabled Peoples Organisations (DPOs) and other disability representative organisations (DROs). The total pool of available funding for the 2018-2020 funding period has been capped at 2014 levels (AUD\$1.775 million per financial year) and the range of organisations that were eligible to apply for funding was limited. DPOs and DROs are only funded for a two-year period, indexation is not applied to funding and there are restrictions on how this funding can be used. DPO and DRO funding contracts specify that funding cannot be used for international travel, including for CRPD related and other international human rights events. The funding guidelines significantly limit the capacity of DPOs to engage with United Nations monitoring mechanisms. Open competitive tendering, short term funding contracts, inflexible funding guidelines and no guarantees of funding post June 2020, continue to position DPOs in a precarious and thoroughly unsustainable position. The important role of DPOs, in line with CRPD General Comment 7 is not well understood by Australian governments.

There are limited opportunities for women with disability to participate in the development of policies regarding the rights of women and gender equality.⁴ Women with disability are marginalised from initiatives to monitor the implementation of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and there is no government support to enable women with disability to attend and/or participate in the Commission on the Status of Women (CSW).⁵

There are no policies or programs that focus on progressing and promoting the rights of children with disability, including with regard to expressing their views on all matters concerning them.

Recommendations

That Australia:

- In partnership with people with disability through their representative organisations, establish a permanent implementation and monitoring mechanism to ensure meaningful participation in the development and implementation of legislation and policies to implement the CRPD.

- Consistent with CRPD General Comment 7, ensure that representative organisations of people with disability are adequately resourced to effectively participate in implementation and monitoring activities.
- Adequately support organisations and networks of women with disability to engage in all initiatives to promote gender equality.
- Develop comprehensive strategies and mechanisms to ensure that children and young people with disability can participate in consultations, decision-making processes and policy development that affect their lives.
- Establish a mechanism to engage with people with disability in the implementation and monitoring of the Sendai Framework and the Sustainable Development Goals (SDGs).

Endnotes

¹ Committee on the Rights of Persons with Disabilities, General comment No. 7 (2018) on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention, UN Doc No. CRPD/C/GC/7.

² Engagement is usually ad-hoc and/or one-off consultation processes, and do not reflect the Committee on the Rights of Persons with Disabilities, General comment No. 7 (2018) on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention. See: UN Doc No. CRPD/C/GC/7.

³ Committee on the Rights of Persons with Disabilities, General comment No. 7 (2018) on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention, UN Doc No. CRPD/C/GC/7.

⁴ Committee on the Rights of Persons with Disabilities, General comment No. 7 (2018) on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention, UN Doc No. CRPD/C/GC/7.

⁵ See: United Nations General Assembly (2017); Pillar one: advance the rights of women and girls; Note verbale dated 14 July 2017 from the Permanent Mission of Australia to the United Nations addressed to the President of the General Assembly; 24 July 2017; UN Doc. No: A/72/212.