



Women  
With  
Disabilities  
Australia  
(WWDA)

## **WOMEN WITH DISABILITIES AUSTRALIA (WWDA)**

**Submission to the Review to Inform a  
Better and Fairer Education System**

**Australian Government Department of Education**

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

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## 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.<sup>1</sup>

## WWDA'S SUBMISSION TO THE REVIEW TO INFORM A BETTER AND FAIRER EDUCATION SYSTEM

1. Women With Disabilities Australia (**WWDA**) welcomes the opportunity to make this submission to the Department of Education's Review to Inform a Better and Fairer Education System. WWDA commends the Australian Government on its efforts to ensure that the Australian education system is equitable, and delivers quality outcomes for all students. WWDA looks forward to contributing to the discussion on how the Australian education system can be reformed to meet the needs of students with disability, and to meet Australia's obligations under international human rights law. We include a number of recommendations for consideration at the ends of this Submission.
2. As the Consultation Paper identifies, there are persistent challenges for particular groups of students who face historical, cultural and systemic barriers that prevent them from full participation in educational settings. Students with disability are among the cohorts of students who face significant systemic barriers that impact their educational outcomes. WWDA commends the Expert Panel's recognition that these cohorts are not intrinsically disadvantaged based on who they are, but rather by the systems that are set up to work against them. This includes a system of ableism and, as the Expert Panel identifies, is perpetuated by discourse of deficit. WWDA strongly agrees with the Consultation Paper's recognition that education must be inclusive, and must recognise and meet the needs of all students.
3. At the outset, we note that the Expert Panel has taken into consideration the findings and recommendations of recent reviews and reports into education. In order to ensure that the Review takes into account the experiences of students with disability, we respectfully request that the Expert Panel also consider the findings and recommendations of, and submissions to, the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (**Royal Commission**) in relation to education.
4. We also acknowledge and commend the Government's commitment to ensuring alignment across the next National School Reform Agreement and other key national strategies and agreements, including the National Agreement on Closing the Gap and Australia's Disability Strategy 2021-2031.

### The right to inclusive education

5. The right to education is a universal right recognised in international human rights law. The Convention on the Rights of Persons with Disabilities (**CRPD**) expressly articulates the right to education for people with disability and affirms 'inclusive education' as the means by which equality and non-discrimination in the right to education is achieved. Article 24 of the CRPD stipulates that States parties (including Australia) should ensure an inclusive education system at all levels. It states that in realising the right to education, States parties must ensure that:
  - (a) *persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability;*
  - (b) *persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live;*

- (c) *reasonable accommodation of the individual's requirements is provided;*
- (d) *persons with disabilities receive the support required, within the general education system, to facilitate their effective education;*
- (e) *effective individualised support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.<sup>2</sup>*

6. General Comment No. 4 on the right to inclusive education, adopted by the CRPD Committee in 2016 provides that:

*Inclusion involves a process of systemic reform embodying changes and modifications in content, teaching methods, approaches, structures and strategies in education to overcome barriers with a vision serving to provide all students of the relevant age range with an equitable and participatory learning experience and environment that best corresponds to their requirements and preferences. Placing students with disabilities within mainstream classes without accompanying structural changes to, for example, organisation, curriculum and teaching and learning strategies, does not constitute inclusion.<sup>3</sup>*

7. It also makes clear that segregated models of education, including special schools or separate units within mainstream schools contravene the CRPD,<sup>4</sup> stating that the realisation of the right to education contained in Article 24:

*is not compatible with sustaining two systems of education: mainstream and special/segregated education systems... States parties are encouraged to redefine budgetary allocations for education, including transferring budgets to develop inclusive education.<sup>5</sup>*

8. Although 'inclusive education' has not been specifically defined in international human rights law, the Committee on the Rights of the Child has endorsed 'inclusive education' as a set of values, principles and practices that seeks meaningful, effective and quality education for all students, and that does justice to the diversity of learning conditions and requirements not only of children with disabilities, but for all students.<sup>6</sup> Inclusive education has the potential to be a critical facilitator of human rights for people with disability, particular in its role in building knowledge, skills and capacity in decision-making and autonomy.

9. As WWDA has stated in responding to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, the future of inclusive education in Australia requires:

- (a) *A nationally consistent legislative and policy framework that fully complies with CRPD article 24 and General Comment No. 4;*
- (b) *Specific actions to recognise and respond to intersectionality, including for girls with disability in relation to education;*
- (c) *Measurable actions and rigorous accountability mechanisms for the transition from segregated models of education to inclusive education;*
- (d) *Reallocation of resources and funding from segregated education models to inclusive education;*
- (e) *Explicit recognition of the right to be free from violence, abuse, neglect and exploitation, including behaviour management that constitutes torture and ill-treatment, such as restrictive practices.<sup>7</sup>*

## The current state of education for students with disability

10. Education and learning are critical facilitators of an inclusive society.<sup>8</sup> However, in Australia and elsewhere, the areas of education and learning are also a site of violence and neglect towards students with disability. Barriers to access, full participation, and wellbeing impact students with disability at every stage of their educational journeys.
11. In its 2017 Concluding Observations on the Fifth Periodic Report of Australia,<sup>9</sup> the Committee on Economic, Social and Cultural Rights expressed its concern at the segregation of students with disability into special schools. It recommended that Australia take effective steps to ensure that children with disability can access inclusive education. Despite this, there has been a growing trend towards special education in Australia. Over the past decade, segregation of students with disability has increased significantly, with a 35% increase in students with disability attending special schools.<sup>10</sup> The increase in students with disability attending special schools demonstrates that Australia is not only not complying with its obligations under Article 24, but that it is also taking regressive measures that are not compliant with international human rights standards of implementation. The right to inclusive education must be progressively implemented over time and within the maximum extent of available resources. It is not permissible to take regressive or 'backward' steps.<sup>11</sup>
12. When attempting to access mainstream educational settings, students with disability are subjected to gatekeeping practices such as denial of enrolment, being discouraged from enrolment,<sup>12</sup> or being offered only partial or remote enrolment. Where students are enrolled in mainstream schools, they experience barriers to full participation, quality educational outcomes, and wellbeing. This includes, but is not limited to:
  - Bullying and harassment from peers;
  - Refusal, by the school or by individual staff, to make adjustments to facilitate full participation;
  - Exclusionary discipline;
  - Informal exclusion from activities and associated learning outcomes; and
  - Harmful and damaging practices under the guise of 'behaviour management'.<sup>13</sup>
13. Such barriers and practices have significant detrimental impacts on the educational outcomes of students with disability, as well as on their health and wellbeing. As noted in the Report of the Royal Commission on *Public Hearing 7: Barriers experienced by students with disability in accessing and obtaining a safe, quality and inclusive school education and consequent life course impacts*,<sup>14</sup> they are also associated with low educational attainment,<sup>15</sup> and under-employment among people with disability.<sup>16</sup>
14. There is also a high prevalence in the use of restrictive practices as 'behaviour management' in educational settings, which are often both accepted and unregulated.<sup>17</sup> Children and adults with disability are routinely subjected to cruel and inhuman practices that include chemical, mechanical, social and physical restraint, detention, seclusion, solitary confinement and exclusionary time out.<sup>18</sup> Children with disability have been restricted to fenced-off sections of playgrounds, confined to makeshift cages, locked in cupboards and tied to chairs in educational settings.<sup>19</sup> A number of serious human rights violations against children with disability in educational settings have been reported to the United Nations Special Rapporteur on the Rights of Persons with Disabilities,<sup>20</sup> including sexual harassment, abuse, rape, solitary confinement, restraints, corporal punishment, segregation, denial of

reasonable accommodation and a lack of redress mechanisms.

15. Anti-discrimination frameworks in Australia do little to prevent harmful and discriminatory practices against students with disability, or to ensure that students with disability have access to quality and inclusive education. Under the *Disability Discrimination Act 1992 (Cth) (DDA)*, it is unlawful for an educational authority to discriminate against a prospective student on the basis of their disability, by refusing or failing to accept their application for enrolment, or in the terms or conditions on which enrolment is offered.<sup>21</sup> It is also unlawful for an educational authority to discriminate against a student on the basis of the student's disability by denying them access or limiting their access to any benefit, expelling them, or subjecting them to any other detriment.<sup>22</sup> The DDA's prohibition of unlawful discrimination includes both direct and indirect discrimination, and extends to the failure to make reasonable adjustments for students with disability.<sup>23</sup> However, the DDA does not provide a framework for inclusive education that is compliant with Article 24 of the CRPD, nor does it protect against systemic and intersectional discrimination.<sup>24</sup>
16. Further, notwithstanding that the *Disability Standards for Education 2005 (DSE)* set out obligations for consultation in assessing reasonable adjustments, students with disability are regularly excluded from such processes. This is aided by the wording of the obligation in 3.5 of the DSE, which requires that before an education provider makes an adjustment for a student, they must consult either the student, or an associate of the student.<sup>25</sup> Evidently, there is no requirement to consult directly with the student themselves in making decisions about what adjustments are required and whether or not they are reasonable. This serves to deny the autonomy and independence of students with disability, contrary to both the CRPD and national and state-based child safety obligations which require that children are informed of their rights and participate in decisions affecting them.<sup>26</sup>
17. Moreover, education providers regularly rely on exceptions under the DDA to deny or terminate enrolment, or to implement discriminatory conditions and requirements for students with disability, engaging with their obligations only as a 'check the box' exercise. The lack of consistency among Federal, State and Territory anti-discrimination frameworks also means that schools must comply with different obligations, and exceptions to those obligations, depending on the jurisdiction. For example, under the *Anti-Discrimination Act 1977* in New South Wales, private educational authorities are not required to comply with anti-discrimination obligations with respect to students with disability at a state level. Conversely, in Victoria, the *Equal Opportunity Act 2010* sets prescriptive requirements for educational authorities, including in relation to the making of reasonable adjustments. However, it also provides for exceptions that are routinely relied upon to discriminate against students on the basis of their behaviour, where the behaviour is connected to their disability.<sup>27</sup> Further, there is evidence to suggest that schools use restrictive practices as a "reasonable adjustment" for managing the behaviour of students with disability; practices that are better described as torture or other cruel, inhuman or degrading treatment or punishment.<sup>28</sup>
18. Girls with disability also face gender-specific barriers in educational settings. For example, in practice, access to funding and reasonable adjustments is often contingent upon diagnosis of a disability. As we have highlighted in our work for the National Autism Strategy, women and girls experience unique and additional barriers to diagnosis for Autism and other neurodevelopmental disabilities due to gender bias in diagnostic criteria and research. Even with a diagnosis, many girls do not meet the criteria for school-based funding, because they exhibit lower levels of disruptive behaviour and may have developmentally appropriate language skills.<sup>29</sup> As outlined in our Research Project, *The experiences of Autistic women and girls*, this is not commensurate with having less challenges in the school

environment.<sup>30</sup>

19. The Department of Education must address the health and wellbeing of students with disability by eradicating the practices, behaviours and attitudes that perpetuate harm, violence, abuse, neglect, discrimination and segregation. This requires a rights-based approach to student health and wellbeing, and an absolute ban on all coercive and non-consensual measures, including restraint and solitary confinement as called for by the United Nations Special Rapporteur on Torture.<sup>31</sup>

## Funding

20. As the Consultation Paper notes, there is currently insufficient visibility of funding data to effectively evaluate how funding impacts student outcomes. However, it is clear that funding arrangements have tangible impacts on educational and life outcomes for students, including on increased segregation. Funding incentives have supported increased segregation in two ways. First, higher funding is allocated to children with disability if they attend a special school rather than a mainstream school.<sup>32</sup> Second, when students seek enrolment in mainstream schools, they are often denied enrolment or adequate adjustments on the basis of the required expenditure. The DDA provides that it is not unlawful to discriminate against a person on the grounds of disability if avoiding the discrimination would impose an unjustifiable hardship on the discriminator.<sup>33</sup> This assessment includes consideration of the school's financial circumstances, the estimated amount of expenditure required, and the availability of financial and other assistance.<sup>34</sup>
21. Anecdotally, WWDA has heard reports that funding allocations are insufficient, and that there is a lack of clarity regarding how funding can be used. For example, guidance from the National Disability Insurance Scheme provides that the education system is responsible for supports that are primarily for the purpose of achieving educational outcomes, while the Scheme can fund personal care and support at school, transport, and specialised training for staff. In practice, schools report being required to fund these supports, despite students being Participants of the Scheme.

## Data collection

22. As the Consultation Paper notes, there is limited data collected on students with disability, including gaps in reporting on educational outcomes.<sup>35</sup> As WWDA wrote in our Response to the Royal Commission's Issues Paper on Education and Learning, there is also little to no disaggregated data or intersectional analysis available in Australia on the educational experiences of women and girls with disability.<sup>36</sup> Indeed the 2023 Guidelines on the Nationally Consistent Collection of Data on School Students with Disability make no mention of gender. For example:
  - (a) The Committee on the Rights of Persons with Disabilities has found that girls with disability are disproportionately affected by violence and abuse, including physical and humiliating punishments by educational personnel, such as the use of restraints and seclusion.<sup>37</sup> However, there is no intersectional data in Australia that would highlight the situation of women and girls with disability in relation to suspension, restraint and seclusion.
  - (b) There is evidence that students with disability regularly experience discrimination, an entrenched culture of low expectations, significantly high levels of bullying and harassment, and educational practices that allow for students to be subjected to a range of



restrictive practices.<sup>38</sup> However, this evidence is gender neutral.

- (c) Despite reports of serious human rights violations,<sup>39</sup> including sexual harassment, abuse and rape perpetrated against children with disability in schools, including incidents relayed during the Townsville Hearing of the Royal Commission,<sup>40</sup> there is little to no disaggregated information that would elaborate on the gender-based nature of this abuse.

23. In its 2018 Concluding Observations of Australia, the Committee on the Elimination of Discrimination Against Women made a series of recommendations regarding education.<sup>41</sup> The Committee expressed its concern at the inconsistent data collection on educational enrolment, achievement and attrition rates with regard to women and girls with disability, First Nations women and girls, and migrant women and their daughters. It also expressed its concern at the impact of harassment and bullying in school environments on women and girls who are exposed to intersecting forms of discrimination. The Committee recommended, amongst other things, that Australia improve its data on the educational enrolment and attainment of girls and women at all levels of education, disaggregated by age, ethnicity, disability and migration status; and, build the capacities of educational staff to create safer and more inclusive learning environments. WWDA recommends that this data also include information on student safety, mental health and wellbeing.

24. The lack of disaggregated data and intersectional research in the area of education and learning significantly undermines the ability to understand the specific experiences of girls with disability in educational settings. An intersectional analysis of the available evidence would be invaluable in identifying and implementing specific measures and programs. For example:

- (a) Accessibility: are there accessible and safe sanitation facilities that allow for menstrual management support in educational facilities? Are women and girls with disability at risk of violence because of the lack of accessible and safe sanitation facilities? Are women and girls with disability discouraged, either personally or by an educational facility from attending school because of the lack of these facilities?
- (b) Discrimination, suspension and expulsions: do women and girls with disability experience higher rates of discrimination, suspension and expulsion than other students? Are there gender-related factors that contribute to these higher or lower rates?
- (c) Segregation: what gender differences, if any, are there in the segregation rates of students with disability in special schools and in segregated environments in mainstream schools?
- (d) Restrictive practices: Are girls with disability subjected to higher incidences of restrictive practices compared to other students with disability? Are they more likely to be subjected to specific types of restrictive practices? Are there gender-based restrictive practices?
- (e) Bullying and harassment: Does bullying and harassment have a gendered component, such as sexual harassment, threats of rape, derogatory gendered comments regarding beauty and appearance? Are these identified as gendered disability violence and linked to gender-based violence responses? How is gendered and disability-related bullying and harassment addressed in school policies or educational curricula aimed at countering gender inequality, gender bias and / or gender-based violence?

- (f) Diversity and inclusion: Are there gendered disability specific or disability inclusive diversity and inclusion programs for teachers and students with disability?

## RECOMMENDATIONS

1. Australian governments must collect and publish disaggregated and intersectional data on the educational outcomes, health and wellbeing of students (including girls with disability) and use intersectional evidence to measure progress.
2. In line with Australian's international human rights obligations, Australian governments must prohibit the use of restrictive practices, including in educational settings.
3. The Department of Education should foster and implement inclusive education policies, co-designed and co-produced with students with disability, including girls with disability.
4. The Department of Education should teach, promote, and implement principles of Universal Design in all aspects of education design and delivery to ensure that curricula and lesson delivery are accessible and inclusive.
5. Australian governments should review anti-discrimination laws and the Disability Standards for Education in accordance with the CRPD.
6. As part of educational curricula, a comprehensive suite of educational programs should be developed and delivered across the life span, with the aim of:
  - Fostering and valuing diversity and inclusion;
  - Challenging ableism and intersecting forms of inequality and discrimination, including for women and girls with disability;
  - Building knowledge, skills and strengths in recognising rights to agency and autonomy;
  - Increasing opportunities and participation in decision-making and in speaking up about rights.
7. A national Action Plan for Inclusive Education should be developed by Australian governments, and should include:
  - A nationally consistent legislative and policy framework that fully complies with CRPD article 24 and General Comment No. 4;
  - Specific actions to recognise and respond to intersectionality, including for girls with disability;
  - Measurable actions and rigorous accountability mechanisms for the transition from segregated models of education to inclusive education;
  - Reallocation of resources and funding from segregated education models to inclusive education; and
  - Explicit recognition of the right to be free from discrimination, violence, abuse, and neglect, including behaviour management that constitutes torture and ill-treatment, such as restrictive practices.

## ENDNOTES

- <sup>1</sup> 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).
- <sup>2</sup> *Convention on the Rights of Persons with Disabilities*, [2008] ATS 12, article 24.
- <sup>3</sup> 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), [11].
- <sup>4</sup> Committee on the Rights of Persons with Disabilities, *General comment No. 4 (2016)* op. cit., paras 11 and 40.
- <sup>5</sup> 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].
- <sup>6</sup> Committee on the Rights of the Child, general comment No. 1 (2001) on the aims of education (at Para.67).
- <sup>7</sup> Women with Disabilities Australia (WWDA) (2020). 'Response to the Education and Learning Issues Paper of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability'. March 2020. WWDA: Hobart, Tasmania.
- <sup>8</sup> Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Education and Learning Issues Paper*, 30 October 2019, page 1. Available at: <https://disability.royalcommission.gov.au/publications/Pages/default.aspx#education>
- <sup>9</sup> Committee on Economic, Social and Cultural Rights (2017) [Concluding observations on the fifth periodic report of Australia](#); 11 July 2017; UN Doc. E/C.12/AUS/CO/5.
- <sup>10</sup> Australian Civil Society Shadow Report Working Group, *Disability Rights Now 2019, Australian Civil Society Shadow Report to the United Nations Committee on the Rights of Persons with Disabilities: UN CRPD Review 2019*, July 2019, page 35. Available at: <https://dpoa.org.au/rights-of-people-with-disability-routinely-ignored-new-report/>
- <sup>11</sup> For more guidance on 'progressive realisation, see Office of the United Nations High Commissioner for Human Rights, 'Frequently Asked Questions on Economic, Social and Cultural Rights', Factsheet No. 33, <https://www.ohchr.org/Documents/Publications/FactSheet33en.pdf>
- <sup>12</sup> For example Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Report of Public hearing 2: Inclusive Education in Queensland—Preliminary Inquiry*, October 2020, [212–215]; Exhibit 7-117, 'Statement of 'Sharon'', 25 February 2020, at [60].
- <sup>13</sup> For example Transcript, Deborah Wilson, Public hearing 2, 4 November 2019, P-47, [32–34]; Transcript, AAC, Public hearing 2, 5 November 2019, P-94 [13–15]; Exhibit 7-089, 'Statement of 'Sarah'', 23 July 2020, at [49]; Exhibit 7-89, 'Statement of 'Sarah'', 23 July 2020, at [89]; Exhibit 7-199, 'Statement of 'Leif'', 13 March 2020, at [73]; Exhibit 7-168, 'Statement of Maria Rachel Scharnke', 21 April 2020, at [26–27].
- <sup>14</sup> Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (2021) *Report on Public Hearing 7: Barriers experienced by students with disability in accessing and obtaining a safe, quality and inclusive school education and consequent life course impacts*.
- <sup>15</sup> Australian Institute of Health and Welfare, 2020, *People with a disability in Australia: in brief – Education*.
- <sup>16</sup> Australian Bureau of Statistics, 2018, *Disability, Aging and Carers, Summary of Findings*, Australia, ABS cat No. 44300DO010, Table 9.3.
- <sup>17</sup> The Australian OPCAT Network, *The implementation of OPCAT in Australia*, Submission to the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT) and the United Nations Working Group on Arbitrary Detention (WGAD), January 2020, page 88-89. Available at: <https://reliefweb.int/report/australia/implementation-opcat-australia>
- <sup>18</sup> Frohmader, C. and Sands, T. (2015) *Australian Cross Disability Alliance (ACDA) Submission to the Senate Inquiry into Violence, abuse and neglect against people with disability in institutional and residential settings*. Sydney: ACDA. Available at: <http://wwda.org.au/papers/subs/subs2011/>
- <sup>19</sup> See for eg: Children and Young People with Disability Australia (CYDA) (August 2016) [Bullying and abuse of school students with disability at alarming levels; Media Release 9 August 2016](#). See: Australian Broadcasting Corporation (ABC) (16 August 2016) [School investigated after claims boy with autism locked in 'cage'](#). Australian Broadcasting Corporation (ABC) (31 August 2016) [School accused of leaving teen with autism outside on beanbag for whole term](#). The Canberra Times (11 August 2016) [Autism cage details emerge as United Nations investigates abuse of children](#). See also: Senate Community Affairs References Committee (November 2015) [Final Report: 'Violence, abuse and neglect against people with disability in institutional and residential settings](#). See also: Senate Education and Employment References Committee (2016) [Final Report: Access to real learning: the impact of policy, funding and culture on students with disability](#)
- <sup>20</sup> The violations were provided to the UN Special Rapporteur on the Rights of Persons with Disabilities, and relayed in a letter to the Australian Government by the Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the rights of persons with disabilities; the Special Rapporteur on the sale of children, child prostitution and child pornography; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and the Special Rapporteur on the right to education, 22 March 2017. Available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=23020>
- <sup>21</sup> *Disability Discrimination Act 1992* (Cth), s 22.
- <sup>22</sup> *Disability Discrimination Act 1992* (Cth), s 22.
- <sup>23</sup> *Disability Discrimination Act 1992* (Cth), s 22.
- <sup>24</sup> Australian Civil Society Shadow Report Working Group, *Disability Rights Now 2019, Australian Civil Society Shadow Report to the United Nations Committee on the Rights of Persons with Disabilities: UN CRPD Review 2019*, July 2019, page 35. Available at: <https://dpoa.org.au/rights-of-people-with-disability-routinely-ignored-new-report/>

