

Australian Cross Disability Alliance



First Peoples
Disability Network
Australia



people with disability



WOMEN
WITH
DISABILITIES
AUSTRALIA
(WWDA)

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2 July 2015

Mr Wyatt Roy MP
Chair, Joint Standing Committee on Treaties
PO Box 6021
Parliament House
CANBERRA ACT 2600
Via Email: jsct@aph.gov.au

Dear Mr. Roy and Committee Members,

**Re: Consideration of the Marrakesh Treaty to Facilitate Access to Published Works for
People who are Blind, Visually Impaired or otherwise Print Disabled
(Marrakesh, 27 June 2013)**

The Australian Cross Disability Alliance (ACDA) is writing to the Joint Standing Committee on Treaties, to express our unequivocal support for the ratification by Australia of the *Marrakesh Treaty to Facilitate Access to Published Works for People who are Blind, Visually Impaired or otherwise Print Disabled* (Marrakesh, 27 June 2013) - which Australia signed at the Headquarters of the World Intellectual Property Organization ('WIPO') in Geneva on 23 June 2014.

The ACDA is an alliance of national disabled people's organisations (DPO's)¹ in Australia. The key purpose of the ACDA is to promote, protect and advance the human rights and freedoms of people with disability in Australia by working collaboratively on areas of shared interests, purposes and strategic priorities and opportunities. The ACDA works within and from, a human rights framework and approach, recognising and respecting that the international human rights normative framework, including the international human rights treaties and instruments to which Australia is a party, provide the human rights framework to advance the rights of people with disability. The ACDA represents the interests of all people with disability, from all backgrounds and circumstances, and is the recognised coordinating point between Government/s and other stakeholders, for consultation and engagement with people with disability in Australia.

The ACDA is firmly of the view that ratification and implementation of the Marrakesh Treaty by Australia is critical in facilitating governments and other duty-bearers to meet our obligations and responsibilities under the human rights treaties to which Australia is a party, most notably the

¹ 'Disabled people's organisations' (DPOs) are organisations that are made up of people with disability and governed and led by people with disability.

*Convention on the Rights of Persons with Disabilities (CRPD)*² [particularly at Articles: 19, 2, 4, 9, 21, 24]. In addition, implementation of the Marrakesh Treaty would also provide a key mechanism in assisting all Australian governments to give effect to the vision, purpose, and six key outcome areas of the ten year agreed National Disability Strategy (NDS),³ particularly the following priority objectives:

- Increase participation of people with disability, their families and carers in the social, cultural, religious, recreational and sporting life of the community.⁴
- Remove societal barriers preventing people with disability from participating as equal citizens.⁵
- Focus on reducing the disparity in educational outcomes for people with disability and others.⁶
- Ensure that government reforms and initiatives for early childhood, education, training and skills development are responsive to the needs of people with disability.⁷

Implementation of the Marrakesh Treaty would not only provide and facilitate equitable access to information for people who are print disabled, but would accelerate addressing the substantial barriers that many people with disability experience in accessing accessible print literature. Whilst there is no question that people who are blind and vision impaired will benefit greatly from implementation of the Marrakesh Treaty, the benefits to people with disability with other impairments which limit their access to accessible print literature, cannot be overstated.

The ACDA sees implementation of the Marrakesh Treaty as providing enormous benefit to infants, children and young people – particularly those with reading disability, or indeed, those with any impairment and/or barrier to them accessing accessible print literature. The benefits the Treaty would provide to developing meaningful inclusive education practices, and to ensuring that all children are able to realise their educational potential, are immense. As highlighted by the World Blind Union, this will be important for books in languages that cross national boundaries, languages like English, Spanish, French, Portuguese, Russian, Chinese, Bangla/Bengali, Indonesian, Swahili and so on. In a nation where cultural diversity is high and increasing, the production of accessible documents in formats with the capacity for translation into other languages is significant for the Australian Aboriginal and Culturally and Linguistically Diverse people who are blind, visually impaired or otherwise print disabled and Non English speaking.

For example, along with the CRPD (at Articles 24, 19 and 9), the current *Draft Sustainable Development Goals* (SDG's)⁸ clearly reflect the role of education, and equal access to information, as vital to achieving sustainable development, ending disability discrimination and gender inequality. Goal 4 (of the 17 suggested SDG's), which focuses on 'Education' articulates the goal as: '*Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all*'. It is underscored by 10 key actions, including for example:

Ensure that all girls and boys have access to quality early childhood development, care and pre-primary education so that they are ready for primary education.

In addition, at SDG 16, which focuses on 'Inclusive societies and effective, accountable and inclusive institutions', one of the key action areas to achieve this goal is:

² Convention on the Rights of Persons with Disabilities ([2008] ATS 12)

³ The *National Disability Strategy (NDS)* was formally endorsed by the Council of Australian Governments (COAG) in February 2011. It is the 'foundation of Australia's work to advance disability rights' and sets out a national policy framework for guiding Australian governments to meet their obligations under the *Convention on the Rights of Persons with Disabilities (CRPD)*. The NDS sets out goals and objectives under six areas of mainstream and disability-specific public policy, and is supported by three Implementation Plans developed over its ten-year life span. For more information, see: <http://www.dss.gov.au/our-responsibilities/disability-and-carers/program-services/government-international/national-disability-strategy>

⁴ NDS Outcome Area 1: Inclusive and accessible communities; Objective 1.

⁵ NDS Outcome Area 2: Rights protection, justice and legislation; Objective 2.

⁶ NDS Outcome Area 5: Learning and skills; Objective 2.

⁷ NDS Outcome Area 5: Learning and skills; Objective 3.

⁸ <https://sustainabledevelopment.un.org/content/documents/1579SDGs%20Proposal.pdf>

Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.

Australia is a founding member of the United Nations (UN) and has been an active participant in UN institutions for more than 65 years. Successive Australian Governments, including the current Abbott Liberal Government, have articulated Australia's 'enduring commitment to human rights',⁹ including meeting its obligations under the human rights treaties to which Australia is a party, and ensuring that Australia remains a 'leading proponent of the consistent and comprehensive implementation of the Universal Declaration of Human Rights'¹⁰, which Australia helped to draft in the late 1940's.¹¹ The Australian Government has also clearly articulated its commitment to the CRPD, including its commitment to 'removing the barriers that are faced by people with disabilities and accommodating their diverse needs, to enable them to enjoy their rights on an equal basis with all other Australians.'¹²

The ACDA believes that Australia has a key role to play in demonstrating leadership on the international stage, in all efforts to advance the human rights of people with disability. In this context, and consistent with Australia's obligations under the international human rights treaties to which we are a party, the ACDA urges the Joint Standing Committee on Treaties to recommend that the Australian Government ratify and implement the *Marrakesh Treaty to Facilitate Access to Published Works for People who are Blind, Visually Impaired or otherwise Print Disabled* (Marrakesh, 27 June 2013).

The ACDA thanks the Joint Standing Committee on Treaties for the opportunity to provide this Submission.

Yours sincerely

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FOR AND ON BEHALF OF

Ms Rayna Lamb
President
Women With Disabilities
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Mr Craig Wallace
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Mr Suresh Rajan
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Ms Gayle Rankine
Chair
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⁹ Australian Government, Department of Foreign Affairs and Trade; Australia and the United Nations: *Human rights and gender equality*. Accessed on line April 2014 at: <http://www.dfat.gov.au/un/>

¹⁰ Australian Government, Department of Foreign Affairs and Trade; *Human Rights and Gender Equality*; Accessed on line April 2014 at: <http://www.dfat.gov.au/un/human-rights-and-gender-equality.html>

¹¹ The *Universal Declaration of Human Rights* was adopted by the UN General Assembly on 10 December 1948. See: <http://www.dfat.gov.au/un/> See also: Australian Government (2012) *Draft 5th Report by Australia on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* For the period 1 January 2008 to 30 June 2012; Attorney-General's Department, Canberra.

¹² Woolcott, P. (2013) Australia's appearance before the Committee on the Rights of Persons with Disabilities: *Australia's Closing Statement, 4 September 2013*. In: Frohmader, C. (2013) *Report from the United Nations Committee on the Rights of Persons with Disabilities (CRPD) 10th Session - Review of Australia*. Available online at: <http://wwda.org.au/papers/confpaps/confpaps2011/>