

Disability rights – less talk, more action

By Ian Brown



Just over a week before the recent federal poll, Queensland branch president, Justin Harper, and I met with Robert McRae and Melinda Ewin, respectively the President of, and Systems Advocacy Worker with, Queensland Advocacy Incorporated. QAI is an independent, community-based systems advocacy and legal advocacy organisation for people with disability in Queensland. QAI promotes, protects and defends the fundamental needs and rights of the most vulnerable people with disability. In a fundamental way, QAI and the Alliance have a shared mission.

During our meeting with QAI, I heard story after story of disabled people being denied access to justice and a fair go. And I heard how QAI has, for 20 years, been fighting the good fight.

Shortly before my meeting with QAI, both of the major political parties had their policy launches, coincidentally in Brisbane. Along with other groups advocating on social justice issues, QAI took the opportunity to rally at the launch venues. I was curious to discover what significance the disability rights issue rated in the context of the election campaign, being conscious of the fact that it had not raised a blip on the campaign radar scope – at least not as far as the media was concerned. Disability rights are just not sexy enough for the media it would appear – as opposed to climate change and politicians swearing *sotto voce*. But what really surprised me was the reaction to those rallying by some of

the people attending the launches. One particularly compassionate delegate told the QAI representatives to 'get a job'.

As Robert McRae wryly observed to me, unlike children and animals, disabled adults generally aren't cute. Engaging the public – and, more importantly, the media, when it comes to advocating for the rights of the disabled – is hard work. It may be hard work, but the efforts of groups such as QAI over many years have resulted in a significant shift in public and government attitudes to the importance of protecting and promoting the rights of disabled people. The Alliance is proud to be partnering QAI at our 2008 Queensland state conference. We will donate \$20 from every conference registration fee to QAI to assist it in its work on behalf of people with disability.

Disabled people face barriers to justice that the vast majority of us are blissfully unaware of, and they are significantly over-represented both as victims of crime and as suspects, defendants and offenders in the criminal justice system.¹

On 30 March 2007, Australia was among the first signatories to the United Nations Convention on the Rights of Persons with Disabilities.² It is to be hoped that the Rudd government does not delay in ratifying the Convention. The Convention reaffirms the right of people with disability to recognition before the law. More importantly, however, it places a positive obligation on states to ensure effective *access to justice*

for disabled people. The Convention recognises that, while statements as to equality before the law are all well and good, actions speak louder than words. While in Australia we have laws prohibiting discrimination on the grounds of disability, significant inequities persist in respect of access to justice by disabled persons.

Significant reform is still required if we are to ensure that the rights of the most vulnerable in our community are adequately protected. ■

Notes: 1 Phillip French, 'Disabled Justice. The Barriers to Justice for Persons with Disability in Queensland', Disability Studies and Research Institute, May 2007. 2 The Convention on the Rights of Persons with Disabilities and its Optional Protocol were adopted on 13 December 2006 by the United Nations General Assembly, and were opened for signature on 30 March 2007. There were 82 signatories to the Convention, 44 signatories to the Optional Protocol, and 1 ratification of the Convention. This is the highest number of signatories in history to a UN Convention on its opening day. It is the first comprehensive human rights treaty of the 21st century and is the first human rights convention to be open for signature by regional integration organisations.

Ian Brown is National President of the Australian Lawyers Alliance and a partner at Carter Capner Lawyers.

PHONE (07) 3210 3444

EMAIL ibrown@cartercapner.com.au