

Human Rights Council – 40th Session

Clustered Interactive Dialogue with the Special Rapporteur on the rights of persons with disabilities and the Independent Expert on the enjoyment of human rights by persons with albinism

5 March 2019

Australian Statement

Australia thanks the Special Rapporteur for her reports on the rights of persons with disabilities.

Australia remains firmly committed to fully implementing the Convention on the Rights of Persons with Disabilities and to ensuring that no one in Australia is deprived of their liberty or unable to access quality health services based on their disability.

In the criminal justice context, Australia has developed National Principles regarding persons unfit to plead on the basis of cognitive and mental health impairment. The Principles identify legal safeguards and best practice principles to ensure that treatment while the person is subject to orders, including health care, is tailored, inclusive and recovery-oriented.

Australia recognises that persons with disability enjoy legal capacity, on an equal basis with others, in all aspects of life. In some cases, persons with cognitive or decision-making disabilities may require support in exercising this capacity. In these situations, Australia acknowledges the importance of supported decision-making frameworks. In accordance with Australia's interpretive declarations in relation to the Convention on the Rights of Persons with Disabilities, substituted-decision making and compulsory assistance or treatment will only be provided where it is necessary, as a last resort and subject to safeguards.

We would welcome the Special Rapporteur's views on best practice approaches to supported decision-making frameworks.

210 Words