Annexure 1 – Supported free trade agreement provisions

Topic	Provision	Text	Comment
CRPD	Canada-Ukraine Free Trade Agreement, Article 23.2(3)	'Each Party affirms its commitment to implement its obligations under the *Convention on the Rights of Persons with Disabilities*, done at New York on 13 December 2006, and to give due consideration to the general recommendations made by its Committee.'	
Accessible transport	The EU-UK Trade and Cooperation Agreement, Article 438(2)	'The Parties shall ensure that effective and non-discriminatory measures are taken to protect the interests of consumers in air transport. Such measures shall include the appropriate access to information, assistance including for persons with disabilities and reduced mobility, reimbursement and, if applicable, compensation in case of denied boarding, cancellation or	This provision should be expanded to apply to all forms of transport, including sea, air and road travel.

		delays, and efficient complaint handling procedures.'	
Non-discrimination	Australia-UK Free Trade Agreement, Article 21.4(1)	'Each Party shall adopt and maintain in its laws and regulations, and practices thereunder, the following rights as stated in the ILO Declaration: … 'the elimination of discrimination in respect of employment and occupation.'	Disability discrimination clauses should be extended beyond workplace discrimination to cover all relevant areas, for example, healthcare, housing and education. The relevant provisions should expressly refer to Article 5 of the CRPD.
Accessible information	EU–UK Trade and Cooperation Agreement, Annex 31, Part A, Section 2, Article 5.	'Each Party … shall take the appropriate measures to ensure that the information mentioned in paragraph 1 [employment terms and conditions of road haulage drivers] is made generally available free of charge in a clear, transparent, comprehensive and easily accessible way at a distance and by electronic means, in formats and in accordance with web accessibility standards that ensure access to persons with disabilities…'	This provision should be broadened to all public government communications in all relevant areas, in accordance with Article 21 of the CRPD. Article 21(a) of the CRPD requires States Parties to 'provide information intended for the general public to people with disability in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and

			without additional cost'.[1] This should include, for example, travel information, visa information, employment information and health information.
Digital inclusion	ASEAN-Australia-New Zealand Free Trade Area, Article 19(1).	'The Parties recognise the importance of digital inclusion and … recognise the importance of expanding and facilitating electronic commerce and digital trade opportunities by addressing barriers to, and encouraging participation in, electronic commerce and digital trade. The Parties also recognise that this may require tailored approaches, developed in consultation with any individuals and groups that disproportionately face such barriers and other relevant stakeholders.' NB: Article 19(2) subsequently sets out what 'co-operation' may include.	This Free Trade Agreement (FTA) constitutes Australia's strongest precedent of digital inclusion, as it contains a specific provision on Digital Inclusion for Electronic Commerce. We welcome language that acknowledges co-design. We note that such language should expressly recognise Australia's obligation under Article 4(3) of the CRPD to 'closely consult with and actively involve persons with disabilities…' in the development of legislation and policies that implement the CRPD or otherwise concern issues relating to people with

[1] Convention on the Rights of Persons with Disabilities (New York, 13 December 2006) [2008] ATS 12, art 21.

			disability. We note that this obligation extends beyond mere consultation with people with disability. We note that express language recognising the rights of people with disability, as opposed to general terms, is preferred. The Australia-UAE CEPA and UK-New Zealand FTA provide examples of express, rather than general, language to describe marginalised groups (see below).
	Australia-UAE CEPA, Article 12.25	'… Parties shall cooperate on matters relating to digital inclusion, including the participation of women, rural populations, low socio-economic groups, First Nations peoples and people with disabilities in the digital economy.' NB: This article subsequently sets out what 'cooperation' may include.	
	UK–New Zealand Free Trade	'To promote digital inclusion, the Parties shall cooperate on matters relating to digital inclusion,	

	Agreement, Article 15.20	including participation of Māori, women, persons with disabilities, rural populations, and low socio-economic groups as well as other individuals and groups that disproportionately face barriers to digital trade.' NB: This article subsequently sets out what 'cooperation' may include.	
Personal data protection	Canada-Ukraine Free Trade Agreement, Article 8.7	'A Party shall not use the personal data of natural persons obtained from an enterprise operating within its jurisdiction in a manner that constitutes targeted discrimination on manifestly wrongful grounds such as race, colour, sex, sexual orientation, gender, language, religion, political or other opinion, national or social origin, property, medical, birth, or other status, genetic identity, age, ethnicity, or disability.'	
Assistive technology, mobility aids and essential	N/A	Very few FTAs contain detailed, operational obligations that specifically target assistive technology market access.	As suggested by Professor Amrita Bahri, FTA parties could exempt assistive technology and devices from 'customs duty, brokerage fees, and

disability supports			other border taxes, or relax their standards of patent protection to increase their availability as well as affordability.'[2] There is currently no existing FTA precedent of a 'zero-for-zero' tariff reduction for assistive technologies, which would involve reciprocal elimination of tariffs on these items. However, disability-inclusive trade advocates and some trade officials have discussed the possibility of such provisions, particularly in the context of World Trade Organization, UN Trade and Development and International Trade Centre discussions.[3] We recommend Australia takes the lead in pursuing assistive technology

[2] A Bahri, 'Trade agreements and disability inclusion: looking beyond labour and gender equality provisions', in G Vidigal and K Claussen (eds), The Sustainability Revolution in International Trade Agreements, Oxford University Press, 2024, pp 107–120, p 118.
[3] International Labour Organization (ILO), '**Disability inclusive trade: leveraging digital technologies to make trade work for all**', ILO website, 11 September 2024, accessed 3 October 2026.

			exemptions and tariff elimination. In the context of Indo-Pacific FTAs, this would accord with Australia's IDEAR Strategy commitment to increase support for equitable access to assistive technology across the Indo-Pacific.[4] This would also further implement its International Cooperation obligations under Article 32 of the CRPD by '…facilitating access to and sharing of accessible and assistive technologies, and through the transfer of technologies'.[5]
Copyright and accessible works	Australia–UK Free Trade Agreement, Article 15.63.	'Each Party shall endeavour to achieve an appropriate balance in its copyright and related rights system, among other things by means of limitations or exceptions that are consistent with Article 15.62 (Limitations and Exceptions), including those for the digital environment,	

[4] DFAT (Department of Foreign Affairs and Trade), ***Australia's International Disability Equity and Rights Strategy: advancing equity to transform lives***, DFAT, Australian Government, 2024, accessed 22 December 2025, p 23.
[5] Convention on the Rights of Persons with Disabilities (New York, 13 December 2006) [2008] ATS 12, art 32(1)(d).

		giving due consideration to legitimate purposes such as … facilitating access to published works for people with disability.’	
	Marrakesh Treaty, Article 5(1)	‘Contracting Parties shall provide that if an accessible format copy is made under a limitation or exception or pursuant to operation of law, that accessible format copy may be distributed or made available by an authorized entity to a beneficiary person or an authorized entity in another Contracting Party.’	Although the Marrakesh Treaty is not an FTA, it provides an important precedent for using international agreements to remove barriers to the cross-border exchange of accessible materials. We support the inclusion of similarly disability-inclusive intellectual property provisions in FTAs, which facilitate access to accessible materials. Provisions should be sufficiently broad to account for all relevant accessible formats.
Disability-owned and disability-led SMEs	Australia-UAE Comprehensive Economic Partnership Agreement, Article 16.1(4).	‘The Parties recognise the importance of SMEs owned or led by under-represented groups, such as … persons with a disability … participating in international trade.’	

Cooperative activities	Canada-Colombia Agreement on Labour Cooperation, Preamble, Article 9 and Annex 1.	Preamble: 'Recalling their resolve in the Free Trade Agreement between Canada and the Republic of Colombia (CCOFTA) to: a. protect, enhance and enforce basic workers' rights, b. strengthen cooperation on labour matters, and c. build on their respective international commitments on labour matters.' Article 9: 'Recognizing that labour cooperation is an essential element in raising the level of compliance with labour standards, the Parties shall develop a plan of action for cooperative labour activities for the promotion of the objectives of this Agreement. …' Annex 1: 'The following lists possible areas for cooperative activities directly related to the	We support measures to protect, enhance and enforce workers' rights. Such provisions should explicitly recognise the rights of persons with disability (rather than including people with disability as part of broader terms such as 'vulnerable workers'). We support provisions providing for the 'support for the design of specific activities directed at' people with disability, however, such provisions must make clear that activities must comply with the CRPD. This means activities cannot, for example, include establishing segregated workplaces or schemes where people with disability are paid subminimum wages.[6]

[6] Convention on the Rights of Persons with Disabilities (New York, 13 December 2006) [2008] ATS 12, art 27.

		obligations under this Agreement, that the Parties may develop pursuant to Article 9: … vulnerable workers: support for the design of specific activities directed at vulnerable workers within each Party…'	