

Answers to Questions on Notice

Grace White, Policy Officer, National Ethnic Disability Alliance (NEDA)

1. A formal definition of disability can be found in the attached document, along with relevant contextualising information. I have copied the specific definition below, adding NEDA's specific position on Cultural and Linguistic inclusion:

“What is accessibility? Accessibility is ensuring the ability for everyone, regardless of disability, to have access, use, and benefit from their environment. It means making sure that people with disabilities have access to the physical environment, transportation, information and communications and to other facilities and services that are open or provided to the public, on an equal basis with others. Accessibility means having the necessary conditions to reduce or eliminate the barriers that hinder the full and effective participation of persons with disabilities on an equal basis with others.” (Equitas, 2019). NEDA consider provision of language supports, such as interpreting and translation, as well as cultural safety and freedom from discrimination to be inseparable from understandings and applications of accessibility as a whole.

2. What does production of information in “accessible digital formats” entail, and what would the legislative or regulatory change involve very specifically?

Production of information in accessible digital formats requires Australian based digital resources to be in full compliance with WCAG 2.0 standards. Auditing, monitoring, evaluation and oversight will be helpful to this. Best practice should also include providing information in multiple formats (video, Auslan only, written, Plain Language, Easy Read), multiple languages, and options to call and speak to a human for further information.

Digital resources should be produced through a co-design process with diverse disability populations, including but not limited to CaLD, NESB, migrant and refugee people with disability. User testing is essential. Universal and ‘accessibility first’ design principles are recommended. Appropriate and accessible feedback channels should be provided to the public to share their experiences with the resource (positive or negative) and make recommended adjustments). If the information is to be available and utilised over a long period of time, it should be re-evaluated, re-tested, and adjusted as required in response to feedback.

3. If you become aware of practices in any of those elections (ACT and Queensland elections and by-elections in New South Wales), that would be particularly beneficial in New South Wales, can you please pass those on to the Committee?

NEDA have no recent evidence to provide on this particular matter.

What is accessibility?

"I don't carry my disability on my back. I am only disabled because there is a lack of accessibility."
(Ibtihel, IT student in Tunisia)

A few definitions

What is impairment?

An impairment can be defined "as any partial or complete loss, diminishment, or decrease of the function of a body part, organ or system, whether physiological, psychological or anatomical". An impairment is generally associated with an organic or medical condition. Example: Hearing loss, speech impediment, vision reduction or loss, spinal cord injury, brain and neurological conditions, developmental, cognitive and learning disorders, etc.

What is a barrier?

Barriers are the difficulties or disadvantages an individual may have when functioning in a given environment. These restrictions can be, amongst others, physical (e.g. stairs, no ramp, things put too high, inadequate infrastructure or transport), informational (e.g. inaccessible information technology, signage), or attitudinal (e.g., ableism, stereotypes, stigmas).

What is disability?

There are many definitions of disability as the understanding of the concept is complex and continuously evolving. A simple definition would be any restriction or lack of ability to perform an activity in a usual manner, resulting from an impairment. According to the *Convention on the Rights of Persons with Disabilities (CRPD)*, disability "results from the interaction between persons with impairments and attitudinal and environmental barriers that hinder their full and effective participation in society on an equal basis with others."¹

What is accessibility?

Accessibility is ensuring the ability for everyone, regardless of disability, to have access, use, and benefit from their environment. It means making sure that people with disabilities have access to the physical environment, transportation, information and communications and to other facilities and services that are open or provided to the public, on an equal basis with others. Accessibility means having the necessary conditions to reduce or eliminate the barriers that hinder the full and effective participation of persons with disabilities on an equal basis with others.

What is ableism?

Ableism is the conscious or unconscious negative view or belief that persons with disabilities are less able to contribute and participate, making them less worthy of respect. Ableism is analogous to racism, sexism or ageism.

¹ From the Preamble to the *Convention on the Rights of Persons with Disabilities CRPD*.

Human Rights Instruments

Convention on the Rights of Persons with Disabilities (CRPD)

The Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol (OP) were adopted on 13 December 2006 and entered into force on 3 May 2008.

Full Text of the Convention and Optional Protocol in accessible pdf can be found [here](#).

Summary of the articles of the CRPD	
Preamble	
1 - Purpose	26 - Habilitation and rehabilitation
2 - Definitions	27 - Work and employment
3 - General principles	28 - Adequate standard of living and social protection
4 - General obligations	29 - Participation in political and public life
5 - Equality and non-discrimination	30 - Participation in cultural life, recreation, leisure and sport
6 - Women with disabilities	31 - Statistics and data collection
7 - Children with disabilities	32 - International cooperation
8 - Awareness-raising	33 - National implementation and monitoring
9 - Accessibility	34 - Committee on the Rights of Persons with Disabilities
10 - Right to life	35 - Reports by States Parties
11 - Situations of risk and humanitarian emergencies	36 - Consideration of reports
12 - Equal recognition before the law	37 - Cooperation between States Parties and the Committee
13 - Access to justice	38 - Relationship of the Committee with other bodies
14 - Liberty and security of person	39 - Report of the Committee
15 - Freedom of torture or cruel, inhuman or degrading treatment or punishment	40 - Conference of States Parties
16 - Freedom from exploitation, violence and abuse	41 - Depositary
17 - Protecting the integrity of the person	42 - Signature
18 - Liberty of movement and nationality	43 - Consent to be bound
19 - Living independently and being included in the community	44 - Regional integration organizations
20 - Personal mobility	45 - Entry into force
21 - Freedom of expression and opinion, and access to information	46 - Reservations
22 - Respect for privacy	47 - Amendments
23 - Respect for home and the family	48 - Denunciation
24 - Education	49 - Accessible format
25 - Health	50 - Authentic texts
	<p>Full Convention available for download at www.un.org/disabilities</p>

Sources:

Ontario Human Rights Commission, 2. *What is disability?* <http://www.ohrc.on.ca/en/policy-ableism-and-discrimination-based-disability/2-what-disability> (Web page consulted on 21 June 2018)

Equitas, *Leading Community Actions for the Promotion of Economic and Social Rights*.

National Training Session in Tunisia, Rawabet Initiative, November 2018, p.91

United Nations – Disability, Department of Economic and Social Affairs (Web Site)
<https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html> (Web page consulted on 21 November 2018)

United Nations *Convention on the Rights of Persons with Disabilities* in accessible pdf:
http://www.un.org/disabilities/documents/convention/convention_accessible_pdf.pdf (Web page consulted on 26 November 2018)

Discover more tools and resources on our website: www.equitas.org

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