

A photograph of a person in a wheelchair on a beach. The person is wearing a white shirt and dark pants, and is holding the large rear wheel of the wheelchair. The background shows the ocean and a sandy beach. The image is overlaid with a dark semi-transparent rectangle containing the title text.

Children's Rights and The Right to Education

Presented by Sophie Wiggans

Systems Advocate, Human Rights Advocacy Practice



**Queensland
Advocacy for
Inclusion**

Acknowledgement of Country

I begin today by acknowledging the Jagera and Turrbul people, Traditional Custodians of the land from which I come to you today, and pay my respects to their Elders past and present. I extend that respect to all Traditional Custodians of the lands which our attendees are on, and any Aboriginal and Torres Strait Islander peoples with us today.

We acknowledge the stories, traditions and living cultures of Aboriginal and Torres Strait Islander peoples on this land and commit to building a brighter future together.





About QAI

Queensland Advocacy for Inclusion (QAI) is an independent not-for-profit advocacy organisation and specialist community legal centre for people with disability.

Our Purpose

Our purpose is to advocate for the protection and advancement of the needs, rights and lives of people with disability in Queensland.

What we do

Systems advocacy directed to attitudinal, law and policy change.

Individual advocacy providing specialist legal and non-legal advocacy to people with disability in Queensland.

Our Services

- Mental Health Law
- Human Rights Law
- Justice Support Advocacy
- DRC Advocacy
- Indigenous Advocate
- NDIS Appeals Advocacy
- NDIS Decision Support Advocacy
- Young Peoples Program
- Disability Advocacy Pathways



QAI & The Right to Education

Individual advocacy

- Young Peoples Program
- Human Rights legal service

Systems advocacy

- The Disability Royal Commission (DRC)
- Australian Coalition for Inclusive Education (ACIE) (<https://acie.org.au/acie-roadmap/>)
- Conference of States Parties to the Convention on the Rights of Persons with Disabilities (CRPD) (<https://qai.org.au/2020/12/10/un-cosp13-side-event-it-all-begins-with-education/>)
- Law reform activities (<https://qai.org.au/submissions/>)

The Right to Education

A young boy with a joyful expression is seated in a wheelchair at a desk in a classroom. He is holding a white pencil and looking towards the camera. In the background, another student is blurred, focused on their work at a desk. The classroom setting is bright and educational.

- International Covenant on Economic, Social and Cultural Rights (ICESCR) – Article 13
- Convention on the Rights of the Child (CRC) – Articles 28 & 29
- State and territory human rights legislation
 - *s.27A Human Rights Act 2004 (ACT)*
 - *s.36 Human Rights Act 2019 (Qld)*

For students with a disability...

- Convention on the Rights of Persons with Disabilities (CRPD) – Article 24
- General Comment 4
- Disability Standards for Education (DSE) under the *Disability Discrimination Act 1992 (Cth)*

Barriers for students with disability

- What is an *'inclusive education?'*
- Accessing reasonable adjustments
- Gatekeeping
- School culture
- School disciplinary absences - <https://qai.org.au/2022/02/16/qai-and-atsils-call-for-inquiry-into-school-disciplinary-absences/>
- Decision-making of Principals
- Ineffective discrimination laws
- Limited appeal rights
- Use of Restrictive Practices
- Poor compliance with Disability Standards for Education



Convention on the Rights of the Child

Convention...

- Specific Articles of the Convention, e.g. *Articles 2, 3, 19, 23, 28 & 29*

General Comment 9 (2007)

- Children with disabilities

Concluding Observations of Committee on Rights of the Child (2019)

- Section H(c) *'To ensure that all children with disabilities have access to inclusive education in mainstream schools and are provided with the support they need and to address the use of restraints and seclusion'*



What next?

We need...

- Consensus on meaning of inclusive education
- Inquiry into SDAs in Queensland
- More support for teachers
- Better data collection
- More accountability of Principal decision-making
- Regulate the use of Restrictive Practices

Seeds of hope...

- Potential changes to discrimination laws in Qld
- New resource allocation model in Qld
- New co-designed resources on the Disability Standards for Education
- Acknowledgement of the role for advocacy



Contact us

QAI provides advocacy for people with disability in Queensland.

Please contact us on:



07 3844 4200 or 1300 130 582



qai@qai.org.au



www.qai.org.au

