

INQUIRY INTO SUPPORTING DEMOCRACY IN OUR REGION

SUBMISSION

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SUMMARY OF RECOMMENDATIONS

CBM Australia and the Australian Disability and Development Consortium recommend that the Australian Government:

1. supports partner governments to fully implement the Convention on the Rights of Persons with Disabilities, including by:
 - a. conducting a review of their legal frameworks to ensure that there are no legal barriers to people with disabilities accessing political and democratic processes, and
 - b. ensuring that all democratic processes, including but not limited to physical environments, are accessible and inclusive of all people with disabilities.
2. increases direct funding to Organisations of People with Disability by increasing the central-disability allocation within the Overseas Development Assistance program.
3. develops and resources a strategy to overcome barriers to authentic partnership with civil society in our region.

INTRODUCTION

Prioritising the needs of people with disabilities in development investments not only upholds Australia's values-based and strategic commitments, it maximises value in achieving the priorities of Australia's development assistance. Australia has made commitments to leave no one behind and this means ensuring that, by 2030, people with disabilities, along with other marginalised groups, will no longer experience barriers in accessing education, employment, infrastructure, health, or gender equality. Disability inclusion cuts across all programs, sectors and contexts of Australian development assistance. Partnering to overcome barriers to inclusion and strengthen civil society is a key means through which Australia can support stability and good governance in our region.

This submission makes a series of recommendations for how Australia can best support democracy and address poverty and inequality in our region through strengthening civil society and ensuring the full inclusion and empowerment of all people with disabilities in its development assistance program.

About us

CBM Australia is a Christian, international development agency, committed to ending the cycle of poverty and disability. In 2021, CBM Australia supported field projects in 13 countries and supported partners including governments, multilateral organisations, non-government organisations and organisations representing people with disabilities in 36 countries.

CBM Australia is proud to have a partnership with the Department of Foreign Affairs and Trade (DFAT) as part of the Australian NGO Cooperation Program (ANCP) and is a member of the Australian Council for International Development (ACFID). CBM's Inclusion Advisory Group has also been DFAT's technical partner on disability inclusion since 2010 under successive partnership agreements.

The Australian Disability and Development Consortium (ADDC) is an Australian based, international network focusing attention, expertise and actions on disability in the majority world, building on a human rights platform for disability advocacy. ADDC has over 500 members including representatives from major Australian international development non-government organisations, the Australian disability movement and Organisations of People with Disabilities (OPDs), academia, and individuals.

CBM Australia and ADDC welcome the opportunity to make a submission to the inquiry into supporting democracy in our region. The Australian government has been a global champion of disability inclusive development for more than a decade. Australia's human rights advocacy and leadership, including on the development and implementation of the Convention on the Rights of People with Disabilities, has made a tangible positive impact in our region and beyond. Key investments within the development cooperation program have supported this role, returning significant results for minimal expense.

I. Barriers to inclusion are challenges to democracy and stability

Equal participation in political and public affairs is a fundamental tenet of a strong democracy, and of the internationally recognised rights of individualsⁱ. The barriers that stand in the way of people with disabilities having full access to social, economic, and political participation often go hand in hand with threats to countries' stability, good governance, and strong democracy.

Australia can promote democracy, good governance, and the international rules-based order by partnering with countries in our region to address the barriers to full inclusion for all people with disabilities.

The pre-conditions for the inclusion and participation of people with disabilities are also important for a strong and functioning democracy. Addressing the preconditions means laying the foundations for people with disabilities to be included in mainstream services and all aspects of community life, such as the provision of assistive devices (e.g., a wheelchair, walking cane), access to information and communication in accessible formats, and accessible health and transport infrastructure.

Accessibility is the practice of making information, activities, and environments appropriate, meaningful, and usable for all people. Equal access to social, political, and economic life for all people is a core right enshrined within our international rules-based system.

The negative impacts of inaccessible information became clear at a broader social level during the COVID-19 pandemic when a lack of accessible public health information led to a proliferation of dangerous anti-vaccine messaging and misinformation. People with disabilities are regularly faced with the challenges created by a lack of accessible information, within and beyond the context of a public health crisis.

The accessibility of key processes of democracy, such as the physical act of voting, not only supports the participation of people with disability but also ensures the broader accessibility of such processes and, consequently, the overall strength of that democracy.

Recommendation 1: Australian Government to support partner governments to fully implement the Convention on Rights of Persons with Disabilities, including by:

- **conducting a review of their legal frameworks to ensure that there are no legal barriers to people with disabilities accessing political and democratic processes, and**
- **ensuring that all democratic processes, including but not limited to physical environments, are accessible and inclusive of all people with disabilities.**

II. Supporting civil society for inclusive and strong democracy

A vibrant and engaged civil society is a cornerstone of democracy. The space for civil society to operate has been under threat in our region and around the world for many years. This threat has only increased over recent years during the COVID-19 pandemic and through repeated climatic and economic shocks. Australia should continue to prioritise supporting civil society in our region, as both an effective means of development program delivery, and to enable healthy democracies in our region.

Inequalities and discrimination are among the main obstacles that prevent people from exercising their right to participate. Investing in civil society organisations and networks that represent and advocate for the marginalised communities has a 'ripple effect' that strengthens efforts to reach and give voice to the most vulnerable and gives rise to more inclusive societies overall.

Organisations of People with Disabilities (OPDs) are organisations that are controlled by people with disabilities with at least 51 per cent people with disabilities at the board and membership levels. OPDs play an essential role in our region in advocating for change to exclusionary laws and policies, based on international rights and standards, and in providing direct support to people with disabilities.

The World Health Organisation, along with OPDs, report that people with disabilities were among the hardest hit by the COVID-19 pandemic: experiencing higher rates of job

losses and food insecurity and face immense challenges in protecting themselves from the virus. OPDs played a critical role during the pandemic to both provide direct support to people with disabilities, from disseminating accessible information, to supporting survivors of domestic and gendered violence, to advocating to governments for more disability-inclusive responsesⁱⁱ.

Australia can leverage greater impact in pursuit of its aims to strengthen democracies, support strong society and good governance by increasing the scale of its direct support to civil society that represents people with disabilities in our region.

Recommendation 2: Australian Government to increase direct funding to Organisations of People with Disabilities by increasing the central disability allocation within the Overseas Development Assistance program.

Australia has an opportunity to play a greater role in supporting civil society to strengthen democracy by prioritising authentic partnerships with civil society across the region and by recognising civil society as local experts and leaders within their countries.

An important way that Australia can realise this authentic partnership is by implementing a targeted strategy to address some of the major barriers to engagement with local partners, such as risk and capacity, and then resourcing efforts to address those barriers. Approaches to addressing these barriers may include but are not limited to:

- targeted CSO capacity building programming;
- using trusted partners such as INGOs or specific intermediaries to mentor local partners, build capacity and strengthen the organisation's policies and alignment;
- creating pooled funding arrangements and by investing in funding good practice (multi-year and flexible funding).

Recommendation 3: Australian Government to develop and resource a strategy to overcome barriers to authentic partnership with civil society in our region.

III. Case study

Australian Overseas Development assistance supporting inclusive legislation to protect all women in Indonesia.

On April 12, 2022, the Indonesian parliament passed a landmark gender-based violence bill. Lawmakers in the world's largest Muslim majority nation passed the bill after 10 years of concerted advocacy by women's rights activists, and six years of legal deliberation.

However, there was a risk that this law would include damaging and dehumanising provisions in relation to women living with disabilities. Although the proposed law promoted the elimination of violence against women and girls and criminalised forced sterilisation and contraception, women's rights activists—thinking they were protecting the rights of mothers of girls with disabilities—inserted an article into the bill that legalized forced contraception and sterilization of women and girls with psychosocial disabilities and intellectual disabilities.

Himpunan Wanita Disabilitas Indonesia (HWDI), the national umbrella organization of women with disabilities, strongly opposed this article because it violated the bodily autonomy of girls and women with disabilities.

A partner of ADDC supported HWDI to facilitate dialogue and build agreement between women with disabilities and other women's rights activists, including a convening of women with disabilities with other women's rights activists in October 2018. This support was enabled by funding from the Australian government.

Dialogue continued between the two movements through the pandemic, covering issues including the human rights of women with disabilities, sexual rights and health rights and gender-based violence affecting women with disabilities. This dialogue culminated in HWDI and Indonesian Mental Health Association (IMHA), along with 24 organisations of people with disabilities (OPDs) and civil society groups, submitted a list of issues on the bill as representatives of the disability community in early 2021. As a result of these efforts, the new legislation includes:

- an article that states that the testimony of witnesses and victims who are persons with disabilities has the same value as those of non-disabled victims
- an additional chapter in the bill for accessibility and reasonable accommodations for persons with disabilities who are survivors of sexual abuse and harassment during the reporting, judicial and recovery phases
- the outlawing of forced sterilisation for all.

Following this success, the coalition has broadened its efforts, advocating to prevent gender-based violence, and for inclusive sexual rights and health rights in Indonesia beyond the COVID-19 context. In addition to other women-led OPDs, the coalition has grown to include the Service Providers Forum, a network of 122 women's rights organizations in 32 provinces across Indonesia that provide case referral, legal assistance and crisis centre services for survivors. HWDI is also working with the Indonesian National Police to improve accessibility for gendered violence prevention efforts, including cybercrimes and response efforts.

ⁱ Including but not limited to: Universal Declaration of Human Rights (art. 21), International Covenant on Civil and Political Rights (art. 25), Convention on the Rights of Persons with Disabilities (arts. 4 (3), 29, 33 (3))

ⁱⁱ Inclusive Futures, Consequences of Exclusion: A Situation Report on Organisations of People with Disabilities and COVID-19 in Bangladesh, Nigeria, and Zimbabwe (2021).