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Segment 1: Introducing the Convention

Video 1: Introduction


Introduction

This video gives an overview of the United Nations Convention on the Rights of Persons with Disabilities. We have produced this video so that people who use Auslan can find out about rights of people who are Deaf or have a disability.

How can the Convention make life fairer for Deaf and disabled people?

Why the Convention is important?

What are your human rights and how can they be protected?

How can you put the Convention into practice in your life?

How can the Convention be used to challenge injustice and improve services?

This is a guide to the full agreement. You need to look at the full agreement itself if you want to know what exactly the agreement says, or what countries have signed up to.

In this video, I will explain what the United Nations is, what a UN Convention is, and briefly introduce the Convention.

In later videos, I will give you a more detailed look at your rights under the Convention and explain how the paper Convention works in real life.

Introduction: History

The United Nations is an international organisation founded in 1945 after the Second World War. At the time, 51 countries committed to maintaining international peace and security, developing friendly relations among nations and promoting social progress, better living standards and human rights.

Introduction: What is the Convention?

The Convention is an agreement between different countries that identifies the rights of people with disability.

It is a list of rights developed by UN member states that outlines things that people with a disability should be able to expect.

Rights are things that should happen for everyone. The Convention aims to reduce inequality and make life fairer for people with disability.
Developing the Convention was a long process, and involved a lot of negotiation, because many member states had different opinions about what should be included.


Countries who sign the agreement must make sure that people with disability get their rights.

‘Ratification’ is an act where a country agrees to become legally bound by the terms of a treaty.

**Introduction: The aim of the Convention**

The aim of the Convention is to make sure that people with a disability and Deaf people enjoy human rights, freedoms and respect like other people.

‘People with disability’ includes people who have long-term physical, mental, intellectual or sensory impairments.

Having a disability may hold a person back from doing things or sharing in society in the same way other people do.

This video is the Auslan version, so it mainly focuses on Deaf people and their rights, although it can be applied to other disabilities also.

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This document has been sourced from the Department of Social Services website, [Auslan translation videos: The United Nations Convention on the rights of Persons with Disabilities](#).
Video 2: Glossary


This glossary will help you understand some of the signs in this video that may be new to you or different to what you are used to.

CONVENTION: this sign refers to the paper document that Australia and other United Nations countries have signed. Some countries have not yet signed the Convention, but they may do so in the future. There are many conventions. Some refer specifically to the rights of children, women, or refugees.

HUMAN RIGHTS: are things that all people should expect. They are used to promote equality and reduce discrimination.

FREEDOM: This means ending unfair limitations. You should not have to put up with discrimination, rather you should be able to enjoy the same rights in life as other people.

GOVERNMENT: There are a number of different signs, but I will use this one. In this context, Government means Australian State and Federal Governments.

INTERNATIONAL LAW: The United Nations helped to set up laws that many overseas countries must follow. If a country breaks a law, that country sends a representative to the international court in The Hague, in Holland. International Law is different to Australian Law. If a person, organisation or business breaks Australian law, they may be tried in an Australian court. If a country breaks international law, a Government representative goes to the international court to speak for the country.

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Segment 2: Knowing your rights

Video 3: Knowing your rights (Article 3 – 5 – 6 – 7 seq)


Knowing your rights - General Principles Article: 3

This video outlines the general principles of the Convention. The Convention is written in sections, called ‘articles’.

The Convention has a long list of human rights that you should expect will be respected in countries which have ratified the Convention.

The Convention explains that all members of society have the same human rights – these rights include civil, cultural, economic, political and social rights.

All persons with disabilities have the right to be free from discrimination on the basis of disability, and also on any other basis, such as class, race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

The general principles of this Convention are:

- Respect for inherent dignity, individual autonomy and independence;
- Non-discrimination;
- Full and effective participation and inclusion in society;
- Respect for difference and acceptance of people with disability as part of humanity and human diversity;
- Equality of opportunity;
- Accessibility;
- Equality between men and women; and
- Respect for the capacities of children with disability and their right to preserve their identities.

Children with disability should be consulted about their lives. If communication is difficult, a child advocate should be brought in to assist the child to have their say.

Knowing Your Rights – Human Rights and Freedoms

Rights are things that should happen for everyone. There are many basic human rights and freedoms covered by the Convention – the Convention exists to make life fairer for people with disability, and to ensure that they are able to enjoy the same conditions as other people in their community without fear of discrimination on the grounds of disability.

Knowing your rights: Equality and non-discrimination (Article: 5,6,7)

Countries that agree to the Convention, including Australia, agree that everyone is equal before the law. They are to make sure people with disability and Deaf people are not treated unfairly just because of their disability and are protected by the law in the same way other people are.

To make sure they are treated fairly, countries have to take appropriate steps to make sure people with disability get the help, or practical changes they need to put them in the same position as people without disability. The extra help or practical change must be reasonable - not too hard or expensive.

People without disability cannot claim that it is unfair for people with disability to receive special treatment. If a country has special laws or programs that help put people with disability in the same position as other people, then this is not discrimination.

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Video 4: Knowing your rights
(Article 10 – 11 – 12 – 13 – 14 – 15 – 16 – 17 seq)

Auslan Version

Knowing your rights: Right to life (Article: 10)
Not all countries in the world have ratified the Convention, but countries that have must make sure people with disability enjoy the right to life, which every human being has.

Knowing your rights: Situations of risk and humanitarian emergencies
(Article: 11)
In emergency situations, like fires, floods and other natural disasters, war and other large-scale emergencies, Australia has an obligation to keep people safe. This may mean providing information in Auslan or using interpreters, or ensuring that emergency announcements are subtitled.

Knowing your rights: Equal recognition before the law and access to justice
(Article: 12,13)
Australia’s legal system must accept that all people are equal, including people with disability. Countries agree that people with disability have the right to be treated as people before the law who can make their own legal decisions. They are people who can own and inherit property, control their money and financial affairs and get bank loans, mortgages and other credit just like everyone else. Their property should not be taken away from them for no reason or illegally.
Some people with disability need support to make legal and financial decisions. Governments must ensure people with a disability get the support they need to make these decisions.
Australia must also make sure that people who support them respect the rights, choices and preferences of the person with disability. Sometimes a family member or friend may be asked to interpret, but only if all parties are comfortable with this arrangement. It is best to use a qualified interpreter. A qualified interpreter will provide a smooth, accurate, professional, and impartial service. This also minimises Occupational Health, Safety and Welfare issues and other risks. Using a professional interpreter shows respect for the Deaf person’s ability to independently manage their own affairs.
Family members, friends or other support persons must not pressure the person with disability into making a certain decision. The support given is checked by a court or other authority that is not biased and any safeguards reflect the level of interference with the person’s rights.
Countries are to make sure that people with disability have the same access to the justice system as other people. If needed, they are to change the way some things are done in order to let people with disability take part in all stages of legal proceedings, such as by using an interpreter.
They must also promote training for people working in the justice system, such as judges, magistrates, police and prison staff.

Knowing your rights: Liberty and security (Article: 14)
People with disability have the same right to liberty and security as other people. They have the right to feel safe and be free from risk.
Australia must ensure that no-one is imprisoned or held somewhere only because they have a disability, unless the law says this should be done and there is a proper reason.

Knowing your rights: Freedom from torture (Article: 15)
Australia must ensure that no one is tortured or treated in a cruel, inhuman or degrading way.
In particular, countries are to take steps, such as making laws or other rules, to make sure people with disability are not forced to take part in medical or scientific experiments.
Knowing your rights: Freedom from exploitation, violence and abuse
(Article: 16)

Australia should protect people with disability (inside and outside their homes) from all forms of violence and abuse and from people who try to take advantage of them, provide help and support for people with disability and their families and carers, including through teaching them how to avoid, recognise and report violence, abuse, and people who take advantage of them, make sure that protection services take into account the person’s age, gender and disability, make sure that facilities and programs for people with disability are trained in disability awareness and are monitored by authorities that are not biased, help the people with disability who have been taken advantage of or abused recover and get back to living their lives in society like they used to; and put in place laws and policies to make sure that violence and abuse against people with disability are detected, investigated and, where appropriate, prosecuted.

Knowing your rights: Protecting the integrity of the person (Article: 17)

People with disability have the same rights as other people with respect to their physical and mental integrity. This means that their bodies and minds are their own and should not be interfered with by another person. People have the right to be respected by others just as they are. No one should be subjected to unwanted physical contact or mental manipulation. Sterilising a disabled person against their will or without their knowledge violates their rights. Overmedicating a resident in a care home or forcing someone to marry against their will goes against this article in the Convention.

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履行《联合国残疾人权利公约》意味着澳大利亚同意在教育系统中确保人们享有平等的教育机会，包括与残疾相关的支持。

教育系统应确保提供高质量的教育，无歧视，从初级和二级学校，到TAFE，大学和其他教育机构。

学校应根据学生的个别学习需求，匹配支持措施，如使用口译，记录员，或特教教师。

教师应根据学习者的特点调整教学方法，如使用视觉辅助工具，讲故事或案例研究以支持学习。

澳大利亚应确保残疾人获得他们在一般教育系统中需要的支持，或选择在特殊学校接受特殊支持，以充分发挥其学习潜力。

澳大利亚应帮助残疾人学习各种生活，沟通和社会技能，包括手语，并确保支持和导师的安排，如果需要。

公共学校应雇佣包括有特殊技能的教师和口译员，以及了解手语文化的教师，培训教育人员以如何教授和支持聋人和有残疾的人。

残疾人有权获得与其他人相同的学校，大学，职业培训，成人教育和其他课程的无障碍访问。
Video 6: Knowing your rights (Article 18 – 25 – 21 seq)


Knowing your rights: Liberty of movement and nationality (Article: 18)

This article is about the right of all people to choose where they live and to have a nationality. Deaf people and people with disability, in the same way as other people: can have a passport or change their nationality if they want to, can access services and documents to get or change their nationality, such as a passport or other form of identification, are free to leave any country (including their own), and are able to return to their own country if they want to.

Children with disability are to be registered as soon as they are born, just like other children. All children have the right to a name, nationality and, as far as possible, to know and be cared for by their parents.

Knowing your rights: Health (Article: 25)

People with disability have the same right as everyone else to be as healthy as possible, without discrimination because of their disability.

This means the Government must take steps to:

- provide people with disability with the same types of free or affordable public health care as other citizens, including public health programs such as vaccinations;
- provide health services that are relevant to people who are Deaf or have a disability;
- provide health services as close as possible to people’s own communities, including people who live in rural areas - this may involve investigating options such as rural zone nurses and providing some specialist health services via new technologies such as Skype;
- make sure doctors, hospitals and other health professionals give people with disability the same quality of care they give other people, including giving treatment only when the person agrees and understands what they are agreeing to;
- by making sure doctors and other health professionals know about the rights of people with disability and by setting standards for health care;
- banning discrimination on the basis of disability in health or life insurance, which is to be provided in a fair and reasonable way; and
- stopping people from discriminating against people with disability when they are providing health services, food or fluids.

Knowing your rights: Freedom of expression and opinion, and access to information (Article: 21)

Freedom of expression and opinion means you have the right to say what you think and share your ideas.

This includes getting public information in other formats (such as sign language) in a timely way and at no extra cost, and the right to share information and ideas.

The Australian Government should promote Deaf inclusion and participation through access to sign language or other types of communication, including new technologies and captioning.

Australia should accept and promote the use of sign language and provide sign language interpreters to people who need them.

Australia should encourage private companies to provide appropriate access, such as interpreters or information in Auslan on the internet and urge companies that work with Deaf people to research new technologies that will benefit people with a disability - such as a video relay service or smartphone applications.

Australia should also encourage the media, and Internet providers to make their services accessible to people with disability, particularly during emergencies or natural disasters.

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Knowing your rights: Respect for home and family (Article: 23)

Respect for home and the family. Australia must make sure people with disability have the same rights as other people when it comes to marriage, family, parenting and relationships.

People with a disability are free to get married and have a family and decide on the number of children they have and when they have them, and can get education on having children and family planning.

Deaf and disabled people should not be prevented from having children on the basis of their disability, or be sterilised against their will.

In relation to adopting a child or being foster parents or guardians, people with disability are to have the same rights and responsibilities as other people do under the law.

However, the most important thing is what is best for the child.

People with disability should be given help to raise their children if and when they need it.

Children with disability have the same rights as other children in their family life. Australia must provide information, services and support to children with disability and their families.

The child is not to be taken away from his/her parents against their will, unless the courts decide that it is best for the child.

Knowing your rights: Adequate standard of living and social protection (Article: 28)

All people have the right to an adequate standard of living, including food, clothing, housing, social protection, to feel safe and have a fulfilling and independent life.

This means ensuring people have access to basic necessities, such as food, clothing, clean water, housing, pensions, disability-related devices, and programs that relieve poverty.

Knowing your rights: Habilitation and rehabilitation (Article: 26)

Countries should set up programs and services to help people with disability be as independent as possible, particularly in health, employment, education and social services, in order to be fully included in all aspects of life.

These services and programs should begin as early as possible, such as ‘early intervention’ programs and be based on individual needs and strengths.

People with disability should be included in their communities, and voluntarily take part in society if they would like to.

Countries are also to encourage ongoing training for staff working in habilitation and rehabilitation services, including in the use of assistive devices and technologies designed for people with disability; such as hearing aids, captions, flashing alarms and FM Loops.

Knowing your rights: Participation in political and public life (Article: 29)

All people have the right to take part in political and public life in the same way other people can, including the right to vote, stand for elections and be voted in.

This means the Government must ensure that voting is accessible and the process is easy to use and understand. This may include using captions or interpreters for important political information.

People with a disability, or who are Deaf, have the right to; vote by secret ballot, stand for elections and be elected, get help in voting when they need it, and take part in public affairs, including joining non-government organisations, political parties and groups that represent people with disability.
Knowing your rights: Participation in cultural life, recreation, leisure and sport (Article: 30)

People who are Deaf or have a disability have the same right to take part in cultural life and activities as other people do.

Australia must take steps, such as through interpreters or captioning, to ensure that Deaf people have access to: television programs, films, theatre, museums, libraries, tourism services, cultural performances or services and monuments and sites that are culturally important.

Deaf people should be able to have the opportunity to organise, develop and take part in sports and recreation activities.

Australia must make it possible for people with disability to develop and use their creative, artistic and intellectual abilities, not only for their own benefit, but for the benefit of society.

People with disability are entitled, in the same way other people are, to be recognised for their own culture and language, including sign languages and Deaf culture.

Children with disability are to have access to play, recreation, leisure and sporting activities in the same way as other children.

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Video 8: Knowing your rights (Article 9 – 19 – 20 – 22)


Knowing your rights: Access and Independence (Article: 9,19)

People with disability have the right to live independently and take part in all aspects of life. To let them do that, Australia needs to facilitate access for people with a disability to things, places, transport, information, events and services that are open to the public.

To do that, countries should: find out what the access issues are and take steps to resolve them. This could be physical access requirements, such as lifts or ramps, or interpreters and subtitles for Deaf people.

Public facilities like schools should include interpreters, note takers and trained teachers of the Deaf. Houses may need flashing lights and alarms. Hospitals, clinics and workplaces may need to include interpreters, either in person or via new technology such as Skype, to ensure full participation in activities.

People with disability should have equal access to information and other services. This may mean accessing new technologies, or providing information in Auslan - like this video.

In emergency situations, Deaf people should have access to emergency services via alternative technologies like SMS, smartphone applications or the internet.

Australia has a responsibility to:

- set standards and guidelines for access to facilities and services that are open to the public;
- make sure that private businesses that provide facilities or services to the public take into account access for people with disability;
- provide training for people involved with access for people with disability - such as raising awareness about using interpreters or providing appropriate signage;
- promote access for people with disability to new information and communications technologies and systems, like the Internet; and
- have those who make information and communications technologies take into account access for people with disability, so that they can be available at a low cost.

It is also important for Australia to make sure people with a disability have the opportunity to choose where they live and who they live with. If a person with a disability chooses to live in shared accommodation or a nursing home, they are still entitled to make decisions about how they live. Community services, groups and facilities should encourage equal access and take into account the needs of people with disability.

Knowing your rights: Personal mobility (Article: 20)

Australia must try to make sure that people with disability are given the opportunity to move around in the way they want and be as independent as possible.

Some ways to do this include:

- helping people with disability access mobility aids, technologies that suit them, and people to help them, at a price they can afford;
- providing training in mobility skills to people with disability and those working with them; and
- encouraging the people who make mobility aids and technologies to take into account all aspects of mobility.
Knowing your rights: Respect for privacy (Article: 22)

The private lives of people with disability are not to be interfered with for no reason or in a way that is against the law. The law should protect people with disability from such interference to their privacy or attacks on their honour or reputation.

Countries are to protect people's personal information about their health and rehabilitation and keep it private.

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Segment 3: Making rights a reality

Video 9: Making rights a reality (Article 34 – 39 seq)

What the United Nations Does


Making rights a reality: What the United Nations does (Article: 34,35,36,37,38,39 & Optional Protocol)

The United Nations has set up a Committee on the Rights of Persons with Disabilities. The Committee is made up of independent experts in the disability field. Countries must report to the Committee on how well they are going with putting the Convention into practice. The first report must be done within two years after the Convention comes into force, and then at least every four years. The Committee will consider the reports and then make suggestions and recommendations to the countries.

The Committee reports to the United Nations General Assembly and United Nations Economic and Social Council every two years. The Committee may also give the reports to other parts of the United Nations in order to help the countries with any problems they are having with putting the Convention into practice.

If you feel that your rights have been breached, you can make a complaint to the Committee. Organisations and groups are also able to make complaints. You must try every process possible in Australia first, before taking your complaint to the UN.

The complaint is known as a “communication”. The Committee examines the complaint and makes suggestions and recommendations. If the Committee has recommendations or advice, it will forward them to the Country, and also make the recommendations public.

The Committee can also undertake an inquiry if appropriate and if they think it is necessary.

The Optional Protocol (OP) is an extra document that countries can sign if they want to. It goes with the Convention, but has a different purpose.

Some countries sign both the Convention and the OP, and some countries only sign the Convention.

If a country does not sign up to the OP, people cannot make a communication (complaint) to the UN about a breach of the Convention and the UN cannot investigate.

If a country is a signatory to the OP, this means that the UN can investigate complaints and make recommendation for change to the country involved.

Australia has signed up to both the Convention and the OP; this means we are willing to be open and transparent about how we are fulfilling our obligations.

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Making rights a reality: What the Australian Government does (Article: 49)

Making the paper Convention a reality takes commitment, and the Government, the United Nations, and everyday people each have a role to play in facilitating change.

The Government’s role is a big one. It includes making the text of the Convention available in accessible formats—such as Braille, Audio and sign language – like this video!

Australia has signed the Convention, but that doesn’t mean it has become a law that everyone must follow.

The Australian Government agrees with the ideas and principles in the Convention, but implementing everything will take time and may not always be possible.

The Convention is a guide to be used as best practice wherever possible.

If you feel that an organisation or a person has not followed the Convention, it does not necessarily mean they have broken the law.

For example, if a doctor tries to sterilise a person just because they have a disability, that is against the law.

If a hospital does not provide information for a patient in Auslan this is not against the law, but the hospital should provide an Auslan Interpreter for Deaf patients.

However, the Convention outlines that a signed language format is best practice and so the Government encourages hospitals to aim to update their documents into an accessible format.

Making rights a reality: General obligations (Article: 4)

Australia must make sure that people with disability enjoy all human rights and fundamental freedoms without discrimination of any kind because of disability.

How does the Australian Government apply the rights in the Convention?

- by removing or changing laws, policies or ways of doing things that discriminate against people with disability;
- by taking into account the rights of people with disability in policies and programs;
- by ensuring that government officials act consistently with the obligations in the Convention;
- by removing discrimination because of disability caused by any person or organisation;
- by carrying out or promoting research and development of goods, services and facilities that can be accessed by people with disability at the lowest cost;
- by providing accessible information on new technologies which assist people with disability;
- by promoting training in the rights of people with disability for people who work with people with disability;
- by immediately implementing the parts of the Convention that apply according to international law; and
- by ensuring people with disability, including children, have a say in the way the Convention is carried out, through organisations that represent them.

Although many countries around the world have ratified the Convention, some countries with better resources, like Australia, will have more set up compared to other countries.

Even so, it is impossible to implement everything in the Convention immediately, so individual Governments work towards best practice at different paces.
Making rights a reality: Awareness raising (Article: 8)
Countries are to take immediate appropriate steps to educate the general community about the rights of people with disability and about what people with disability can do.

Things that countries can do to achieve this include:
- running public awareness campaigns;
- using the education system to teach people to respect people with disability;
- encouraging the media, including television, newspapers and radio, to show what people with disability can do; and
- promoting training about disability, such as deaf awareness training or Auslan classes.

Making rights a reality: Monitoring the Convention (Article: 31,32,33)
Countries agree to collect appropriate information to:
- help put this Convention into practice;
- help measure how well this Convention is being put into practice; and
- find and fix problems faced by people with disability in exercising their rights.

Australia works with other countries to help each other by sharing information, experiences, training, best practices, research and access to scientific and technical information.

Here in Australia we have a government department responsible for monitoring the Convention—that is the Attorney-General’s Department.

This process has to be independent, and take into account the way other human rights institutions in the country work.

Members of the community, especially people with disability and organisations that represent them, can take part in this monitoring process.

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Video 11: Making rights a reality: (Final what you can do seq)


Making rights a reality: What you can do

Tell people and organisations about the Convention. Make sure people understand their rights and obligations.

You could do this by:

- talking to people;
- putting information online or in newsletters or newspaper articles;
- speaking about it at meetings;
- highlighting your rights and performing them in plays or films;
- writing a report or letter and discussing it with your local MP; and
- telling local services how the things they do affect people with a disability, or using the Convention with laws like the Disability Discrimination Act 1992.

If you feel you have been discriminated against, and a person or organisation is not following the principles of the Convention, there are a number of things you can do:

1. Try to resolve the situation yourself – talk to the organisation or person and try to help them understand your point of view. It is important to decide which right in the Convention you are talking about, say how the organisation is not meeting this right and be clear about how they could change things.

2. Contact your peak body for help or to make a complaint – for Deaf people, this is Deaf Australia.


4. Lodge a complaint with the UN Committee. You can make a complaint about any of the rights in the Convention, but only after you have tried every option to solve the problem in Australia.

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Making rights a reality: Further information and resources

The Convention is not the only law that protects the rights of persons with disabilities. Australia also has the Disability Discrimination Act 1992 (DDA).

The DDA prohibits discrimination in many areas, including: employment, education, access to premises and access to goods, services and facilities.

In Australia, we have an organisation called the Australian Human Rights Commission (AHRC). The Commission has major responsibilities under the Convention and the DDA.

The Commission can investigate complaints about discrimination or human rights breaches and try and help you resolve the problem.

The AHRC also does lots of different activities, including providing education, training and conducting public inquiries, negotiating disability guidelines and standards, supporting organisations to develop Disability Action Plans and running community education programs, and assisting individuals and organisations to understand their rights and meet their legal responsibilities.

This work is led by the Disability Discrimination Commissioner.

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