

# Book of Abstracts

## Contents

Thursday 11th December .....	3
9:15-10:45.....	3
<i>Room 1</i> .....	3
Health, Consent & Reproductive Rights .....	3
Room 2 .....	5
Abolition, Ethics and Accountability .....	5
11:00-1:00.....	7
<i>Room 1</i> .....	7
Professional Practice and Pedagogy .....	7
Room 2 .....	9
Global Disability Rights Reform .....	9
1:45-3:30 .....	11
<i>Room 1</i> .....	11
Accountability and Ableism .....	11
Room 2 .....	14
Disrupting Disability Data .....	14
3:30-5:00 .....	14
<i>Room 1</i> .....	14
Room 2 .....	16
International Perspectives & Advocacy .....	16
Friday 12th December .....	18
9:00-11:00.....	18
<i>Room 1</i> .....	18
Room 2 .....	21
Disability Support, Rights & Policy Reform .....	21
11:15-12:45 .....	23
<i>Room 1</i> .....	23
Room 2 .....	25

Health, Rights & Ethics .....	25
1:15-2:45 .....	27
<i>Room 1</i> .....	27
Room 2 .....	27
Discrimination, Rights and Law .....	27
2:45-4:45 .....	30
<i>Room 1</i> .....	30
Voice and Rights in Reforming Systems .....	30

# Thursday 11th December

9:15-10:45

*Room 1*

## Health, Consent & Reproductive Rights

**Legal narratives on abortion care for women with cognitive disabilities – Resisting stories of choice and control against a background of reproductive injustice**

Julia Duffy

Since its decriminalisation there have been six published decisions by Australian administrative tribunals (NSW, Qld, WA) determining consent to abortion care for adult women with cognitive disabilities. In all of these the women had sought abortion care and the tribunals in all cases determined that the women had capacity to consent, despite being found to lack capacity to make other health care decisions and in some cases, decisions on accommodation and NDIS services. The tribunals are demonstrating respect for the women's rights to reproductive autonomy and choice, and their right to legal capacity as required by article 12 of the Convention on the Rights of Persons with Disabilities. They are finding that a relatively low level of legal capacity is needed to consent to an abortion, to the extent that it could almost be said to be universal. However, I propose that we should resist a simplistic reading of these women's stories through the narrow lens of legal capacity. While the tribunal decisions cannot be criticised in legal terms, their reasoning nevertheless depends on but also shrouds wider socio-political prejudices and injustices. Historically, restrictions on the fertility of women with disabilities had been justified and encouraged both because of their supposed unfitness to become mothers and supposed risk that their children would inherit their disabilities. A more disruptive reading of these judgments could reveal stories of women whose socio-economic and political marginalisation is such that, while they have the ostensible 'right to choose' an abortion, they are nevertheless denied reproductive justice in the wider sense. These cases show that to achieve reproductive justice for women with disability we must ensure political and social accountability for accessible health care and social inclusion. Legal accountability in crisis situations is important, but by the time such crises arise, real choice and control are unfortunately beyond their reach.

**Informed consent: Myth or Reality?**

Annmaree Watharow

The UNCRPD article 25 and informed consent laws in Australia aim to ensure all individuals, including those with disability, can make informed decisions about their

healthcare. Are these laws and protections effective in practice? We look at recent research from two fronts of a specific population with disability: those living with combined sight and hearing loss, also known as deafblindness or dual sensory impairment – DBDSI. We asked 223 people who live with DBDSI broadly about their information needs and communication encounters in healthcare. More specifically, we asked people with DBDSI in earlier work about their hospital experiences. What we found: 1. There is an information desert in an age of information overload. This 2024 survey ranked inadequate accessible-to-the-individual information as a high priority for this community. 80% did not receive information for referrals at the time of diagnosis and 40% still had information gaps years on from diagnosis. 2.

Additionally, communication failures are rife: almost 100% of participants did not understand what many of the doctors, nurses, audiologists, optometrists, occupational therapists, etc., said to them. This scenario has implications for the health literacy of DBDSI patients. 3.

When looking at hospital experiences, a study examining the hospital admission experiences of 18 people with DBDSI through 54 hospital admissions collectively over two years found 0% received an accessible-to-them consent form and 11% understood what the doctors were saying. We posit that patients with DBDSI sign consent forms ‘not knowing what is on them’ because of hostage bargaining syndrome. If you can’t sign, you don’t get treated. More needs to be done to provide patients with disability the essential tools for truly informed consent. It is the responsibility of healthcare professionals to provide these key pillars of informed decision making.

## **Anti-Ableist Reproductive Rights**

Anna Arstein-Kerslake, Eilionoir Flynn and Theresia Degener

In the current wake of global pushback against reproductive freedom, including increasing restrictions on abortion access, there is a resurgence in ableist legislation and policy. These laws often deny abortion on request; but permit abortion where the foetus is diagnosed with some form of disability or impairment. These exceptions to restrictions on abortions de-value disability and perpetuate ableist and eugenic notions that pathologise disability and seeks to eliminate it – instead of celebrating disability as a natural part of human diversity. As such, there is an urgent need to re-examine the nexus between disability liberation and reproductive justice. These ableist laws create a tension between the effort to maximise reproductive choice and the need to combat ableism. They also sow division between reproductive rights campaigners and disabled people’s movements. At the same time, disabled people’s lives are weaponised by anti-choice campaigners who argue that the imposition of abortion bans is designed to protect disabled people’s right to life. Disabled people in support of reproductive freedom are caught in the crossfire of two different forms of harmful rhetoric – that their lives are so painful as to not be worth living – or that their

very existence is threatened by the availability of abortion – neither of which reflects their lived realities. In this paper, we explore how the international human rights frameworks, especially the UN Convention on the Rights of Persons with Disabilities and the UN Convention on the Elimination of Discrimination Against Women can support a disability-inclusive, anti-ableist solution to this problem. We consider some of the major challenges which have emerged in campaigns to expand abortion access – particularly with regard to our experiences from Germany, Ireland and the USA – regarding the meaningful involvement of disabled people and the need to address genuine concerns about embedding ableism in abortion laws. In conclusion, we consider how ongoing work to expand abortion access through legislative reform can embed intersectional justice rather than entrench ableist assumptions about the value of disabled people's lives.

## Room 2

### Abolition, Ethics and Accountability

#### **Resisting police reform: Building insurgent research in the aftermath of the Disability Royal Commission (DRC)**

Simone Rowe, Leanne Dowse, Michael Baker

Harrowing accounts of police violence against people with disability resonated throughout testimonies to the Disability Royal Commission (DRC). In the research report, *Police responses to people with disability*, commissioned by the DRC and undertaken by the authors of this paper, the evidence was undeniable: preventing police violence demands a commitment to divesting from police and investing in alternative systems of safety and care. Yet, in its final report, the DRC's recommendations about policing fail to reckon with the traumatising experiences of people with disability harmed by police. Nor do they meaningfully engage with the empirical evidence set out in the very research report it commissioned. Instead, the DRC proffered a politically safe policing reformist agenda; one that will serve only to ensure that people with disability continue to be disproportionately and systematically targeted, brutally assaulted and killed at the hands of state police. This paper presents a critical analysis of the DRC's recommendations about policing and people with disability, including the core assumptions and erasures that underpin them. Drawing on this analysis, we consider key principles and strategies for progressing insurgent research that actively resists police reform by building the knowledge and practices necessary to protect people with disability from one of the state's most persistent and preventable sources of violence and harm.

## **A Dialogue on Modern Slavery**

Tabitha Lean and Shaun Bickley

This presentation will explore forms of labour exploitation that are often hidden in plain sight: the extremely low wages paid to people in sheltered workshops and in prisons. While global conversations on modern slavery frequently focus on trafficking or forced labour overseas, there is little recognition that comparable practices exist within our own legal and institutional frameworks. In Australia, disabled people working in sheltered workshops are still routinely paid far below minimum wage. Similarly, people in prison are required to work for wages that can be just a few dollars per day, with no right to refuse and no access to basic industrial protections. Both groups are excluded from the kinds of workplace rights and advocacy that most workers can take for granted. Internationally, treaties such as the UN Convention on the Rights of Persons with Disabilities and the UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) make clear that these practices sit uneasily with human rights standards. Yet advocacy and legal debates around labour rights rarely include either disabled workers in sheltered workshops or incarcerated workers. Their exclusion reflects deeper social hierarchies about whose labour is valued, and whose exploitation is ignored. This roundtable will place these issues into conversation with the workshop themes of visibility, justice, and responsibility. It will invite participants to think critically about the categories of “worker” and “slave,” and about how some groups are deliberately left outside of mainstream advocacy. The dialogue will centre the lived realities of people most affected, while also posing questions about how law, policy, and organising could better respond to these forms of exploitation.

## **Maddening ethics: resisting and disrupting unethical ethics practices in the academy**

Indigo Daya

As a mad-identified, psychiatric survivor PhD candidate, I expected the so-called ethics process in my research to be problematic, and I was not disappointed. It's not that I don't care about ethics—having lived through psychiatric incarceration and abuse, I care about being ethical more than almost anything else. But I had already learned from other oppressed folks that what the academy considers ‘ethical’ is often rooted in colonial, ableist and patriarchal ideas, and that many other people have described considerable issues in this process, particularly First Nations People. Still, it was a deeply unsettling process, and on a personal level it burned my spirit to recognise that, as I fought to be ethical, I was faced with yet one more powerful wall of injustice. In this presentation I will explore some of the ways that my experience of the research ethics process was inherently sanist (i.e., discriminatory and unjust for mad people) and carceral (i.e., promoting oppressive practices that

lead to incarceration), including reflecting on: (a) Sanism and the ‘best interests’ framework in the National Statement on Ethical Conduct in Human Research; (b) Power, discrimination, epistemic injustice, and carceral policies within universities; (c) Performative risk and safety research practices that recreate oppression; and (d) Standardised ‘professional’ committee control vs mad/disability community accountability. After almost six months, and an ethics submission that’s long enough to be a thesis on its own, I finally got approval without compromising on any mad ethics. I will share some of the strategies I used to resist and disrupt (or madden!) this process, so that I could remain anticarceral, and accountable to the mad community to which I belong and with whom I will be collaborating. It is my hope that this presentation sparks ideas for others wishing to disrupt and resist unethical ethics processes.

11:00-1:00

*Room 1*

## Professional Practice and Pedagogy

### **The role of trauma-informed lawyering in protecting legal services clients’ human rights: Preliminary Enquiries**

Puneet Sansanwal

Legal assistance services in Australia are starting to introduce ‘trauma-informed’ approaches to legal practice. Trauma-informed approaches include lawyers and staff having greater awareness of the intersectional issues faced by their clients and thus preventing additional trauma. Legal assistance services clients include people with an experience of using public mental health services, being subjected to compulsory treatment under mental health legislation and those with a psychosocial disability. This presentation will share preliminary findings from PhD research examining the role of trauma-informed practices by legal assistance services in upholding the human rights of their clients. This research builds on previous research showing that Australian legal assistance services clients are among the most disadvantaged populations in the country. A very high proportion of this group have survived/are continuing to experience traumatic life experiences while living with a psychosocial disability or with diagnosis of a mental illness leading to receiving compulsory and restrictive treatment. Restrictive practices in mental health services are known to breach people’s right to liberty and the right to freedom from torture or cruel, inhuman, or degrading treatment. Trauma-informed services aim to empower clients and improve their safety, and promote trust between clients and service providers. Ideally, this approach will help deliver services that better uphold the rights of legal service clients, though there is little research on whether this is indeed the case. The presentation will share a synthesis of literature on

(including grey literature) trauma-informed services and human rights. This research forms part of an ARC funded research project titled 'Supporting Trauma-Informed Legal Services (STILS): A Stepped-Wedge Multi-Site Study' led by Professor Chris Maylea and Associate Professor Piers Gooding at La Trobe University. The project will examine the efficacy of trauma informed practices in the legal aid sector and the implications for human rights.

### **Reframing Access and Competence in Clinical Legal Education: Toward an Anti-Ableist Pedagogy**

Tess Sheldon and Roxanne Mykitiuk

Clinical legal education remains an important site for examining the accessibility of legal education. Rooted in colonial and eugenic histories that valorize "fitness to practise," the very language of "inherent requirements" and "essential competencies" continues to sustain ableist and sanist norms that regulate who belongs in law. Drawing on critical disability studies, this project reframes access not as an individual accommodation but as a collective responsibility. It explores how medicalized discourses of capacity, derived from eugenic ideas of normality, productivity, and worthiness, shape participation in clinical legal education and the legal profession itself.

Through semi-structured interviews with 21 law students with disabilities from two Ontario faculties, this study applies grounded thematic analysis to examine how students navigate disclosure, stigma, and institutional expectations of resilience and competence. These accounts reveal enduring logics of eugenical systems that pathologize difference and privilege conformity.

Only one third of participants requested formal accommodations. Many resisted disclosure, citing fears of reprisal and the medicalization of need. Yet participants also reframed disability as a professional resource, an epistemic standpoint that enhances empathy, advocacy, and insight into structural injustice. These narratives challenge the supposed neutrality of "professional competence" and expose the disciplinary function of inherent-requirement frameworks. Building on calls to move beyond inherency to coherency (Corcoran, Whitburn & McCandless, 2024), this study advances a vision of an anti-ableist and anti-sanist pedagogy that anticipates and values the participation of disabled law students. Embedding a critical disability lens within clinical legal education can transform law's epistemic boundaries from paternalistic accommodations/adjustments toward emancipation and solidarity, with tangible effects on who is included in and, in turn, served by the legal profession.

### **Inaccessible Justice: Improving civil and administrative legal systems for people with disability**

Kate Davies and Sarah Ratcliffe

Access to civil and administrative justice for people with disability is central to the protection of rights, safety, and wellbeing. This presentation shares findings from two research projects that examined barriers, and facilitators, to civil justice systems for people with disability in Australia. In undertaking a systematic review of evidence about access to justice for people with disability in Australia, we found a particular gap in the evidence related to civil law. We will present preliminary review findings, based on a synthesis of evidence regarding people with disability's experiences with the civil justice system and the services, interventions, and structures that facilitate access to civil justice for people with disability in Australia. We will also present findings from a recent evaluation of the National Disability Insurance Scheme (NDIS) Appeals Program – Legal Services. The evaluation drew on data from: interviews with legal professionals, advocates, and people with disability; service data; policy documents; and public submissions. Results indicated that the NDIS appeals process is complicated, daunting, and highly legalistic. Evidence requirements, the extent to which the NDIA is legally represented, and the long duration of the process (from internal review through to an appeal to the Tribunal) can take a large toll on people and be a deterrent to making an appeal. Legal support was crucial for 'levelling the playing field' for people with disability making an appeal. Together, these two studies shed light on the evidence, experiences, barriers, and consequences of navigating civil law systems and tribunals for people with disability in Australia. They indicate the need for ongoing developments to data collection systems and reporting, and the importance of tailoring justice services, systems, and initiatives to ensure accessibility and fairness for all people.

## Room 2

### Global Disability Rights Reform

#### **Towards Deinstitutionalisation: Incorporation of Community-Based Support System Into Mental Health Intervention Plan in Jakarta**

Hisyam Ikhtiar Mulia

This research explores the incorporation of community-based support systems into Jakarta's mental health intervention framework, aiming to align local practices with the global call for deinstitutionalisation as advocated by the World Health Organisation (WHO) and the UN Convention on the Rights of Persons with Disabilities (CRPD). Despite the establishment of new legal frameworks, such as Indonesia's Health Law No. 17/2023 and the Jakarta Disability Rights Act (2022), implementation gaps remain, particularly in integrating civil society-led peer-support services into formal mental health policy. Through qualitative research involving interviews with government officials, civil society leaders, mental health

professionals, and peer-support facilitators, this study highlights the practical models, impacts, and systemic challenges of community-based support in Jakarta. Findings suggest that civil society organisations (CSOs) such as REMISI, YPKM, and PJS have developed impactful community-based initiatives that provide emotional safety, social connection, and mental health literacy for people with psychosocial disabilities. However, these initiatives are often underfunded, disconnected, and lack of recognition. Simultaneously, government programs such as health cadres and non-residential support units (UILS) show potential but operate in isolation from grassroots efforts. The research identifies key barriers, including limited funding, heavy institutional-reliance programs, and insufficient policy guidance. To address these issues, the paper proposes an integrative and collaborative framework adapted from “collaborative urbanism.” This includes the development of joint policy guidelines, training for peer facilitators, crisis response protocols, and a performance-based funding system. This study argues for a shift towards an inclusive, rights-based, and interconnected mental healthcare model by incorporating community-based support systems within Jakarta's mental health strategy. Ultimately, it advocates for a policy transition that upholds communities as equal stakeholders in mental health intervention and social inclusion processes.

## **Te Kete Rongomau: Respecting our rights, will and preferences**

Sarah Gordon

International and national mandates, including Government inquiries, applicable to both Aotearoa/New Zealand and Australia require the abolishment of substitute decision-making (where another makes [in our case] mental health decisions on someone else's behalf – e.g. the courts) and its replacement with supported decision-making (where individuals are supported to make their own mental health decisions based on their will and preferences) in law and mental health practice. Funded by the Health Research Council of Aotearoa/New Zealand, our comprehensive research project involves the creation, implementation, and evaluation of Mental Health Advance Preference Statements (MAPS). This presentation will provide an overview of how we have done this, including through:

- An overarching approach of disrupting traditional approaches to knowledge production
- Research that is a combination of being Māori-centred and co-produced
- Adopting an Article 12 (CRPD) informed definition of advance directives
- Enabling communities to self-determine
- Advocating for, and informing, law change

- Continually prioritising the relevancy and accountability of the research to end-users
- Addressing inequities in an informed and proactive manner
- Not relying on ‘the limitations of research’ to excuse the lack of accountability, resistance and disruption that was required to effect change.

In particular, we will focus on the outcomes and outputs of law and mental health practice resulting from these approaches to Accountability, Resistance and Disruption!

### **Realizing Article 33 of the UNCRPD: Models of Inclusive Implementation Mechanisms Between Australia and South Africa**

Silomo Khumalo

Since the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) came into force in 2008, State Parties have faced the challenge of establishing effective focal points and coordination mechanisms as mandated by Article 33. This article is widely regarded as the engine of the Convention, bridging the gap between policy and practice in the realization of disability rights. Central to Article 33 is the meaningful inclusion of persons with disabilities in decisions that affect their lives. This presentation explores how South Africa and Australia have implemented Article 33, focusing on the extent to which organizations of persons with disabilities (OPDs) are involved in decision-making processes within national implementation mechanisms. The analysis highlights that inclusive participation is not only a legal obligation but a critical factor in ensuring accountability, transparency, and the effective realization of rights. Full and active involvement of persons with disabilities strengthens the legitimacy and responsiveness of implementation efforts, and reflects the true measure of progress in both countries. By examining models of good practice, this presentation underscores the importance of embedding the voices of persons with disabilities at every level of decision-making, offering insights for other State Parties seeking to fulfill their obligations under the UNCRPD.

1:45-3:30

*Room 1*

**Accountability and Ableism**

**Accessibility Under the CRPD: Evaluating Human Rights Complaints Services for Victorians with CCN**

Julia P Manning

This presentation shares findings from a research project that investigated whether human rights complaint services in Victoria are accessible to people with complex communication needs (CCN), in line with Australia's obligations under the Convention on the Rights of Persons with Disabilities (CRPD). The study involved a review of scholarly and grey literature, along with new data gathered through surveys and interviews with domestic and international human rights complaint services. While people with disabilities were the predominant users of these services, few could demonstrate that their processes were genuinely accessible to people with CCN. Standardised procedures were inconsistently applied, and reasonable adjustments often introduced additional, compounding barriers. Many services relied heavily on legal and non-legal advocates to bridge access gaps, a strategy that, while functional, operated as a bandaid fix for deeper structural shortcomings. This research engages directly with the themes of accountability, resistance, and disruption. Human rights complaint services are promoted as accessible alternatives to courts and tribunals, yet few mechanisms exist to hold them accountable for ensuring genuine accessibility. Resistance is necessary for people with CCN whose only avenue for redress may involve compromising other rights, such as privacy, agency, and self-determination. Critically, this research disrupts assumptions that human rights frameworks, including the CRPD, are inherently inclusive or immune from producing harm through their implementation. While these frameworks provide vital protections, their translation into policy and practice can generate new forms of exclusion when accessibility is treated as secondary or optional. The findings echo concerns raised by the Disability Royal Commission, particularly the gap between legal protections and the lived experience of redress. This presentation offers practical, rights-based recommendations to ensure complaint systems function as genuine mechanisms for redress, accountability, and healing, rather than barriers to them.

## **Presumed human: Reframing disabled rights and common law requirements**

Hannah Solomons

Debate continues about how to protect disabled persons' human rights in the law. Direct protection, by the incorporation of international human rights law into legal arguments and decisions, or legislative protections of disabled rights, face some important obstacles. However, reframing basic and well-settled common law concepts may provide a rich source of protection in the short term. The courts have recognised the presumption of legality and the right to judicial review as central and well-settled principles behind the separation of powers in Australia. These have also been recognised to overlap with human rights concepts protected in other instruments. Currently, fundamental concepts such as rights to liberty, fair trial, equality before the law, procedural fairness and jurisdictional facts may still be

understood through an ableist lens that takes a certain type of body and mind for granted, and treats differential treatment of disabled persons based on medical modelling and classifications of individualised capacity as the norm. Problematizing this presumed othering of disabled persons in the context of fundamental common law principles has the potential to call into the question the legal foundations of ableist decisions at all levels of administrative law, and even develop a common law duty to provide reasonable adjustments. However, it would require a reconceptualising of disability among the judiciary as an interactive phenomenon, and a fundamental shift from a presumption that humans are not disabled, to a presumption that disabled persons are human.

### **The Disclosure Dilemma: Jobseeker Strategies in Discriminatory Recruitment Contexts**

Frederike Scholz

This paper seeks to develop a framework to understand disability and disclosure through recruitment processes. We adopt a relational understanding of recruitment (Searle, 2009) to explore disclosure as an intersubjective and intercorporeal process through which the body dys-appears (Leder, 1990 per Reeve, 2019) and disability is (re)produced. Far from viewing recruitment as a disembodied and technocratic process, our paper demonstrates how stigmatised, embodied difference shapes experiences of recruitment and has psycho-emotional effects (Reeve, 2019). We highlight, as a form of work, disabled people's strategies to negotiate and co-construct trust through their relations with recruiting organisations. From this perspective we turn to appraise section 60 of the Equality Act 2010—which prohibits employers from asking about disability or health before making a job offer—which was introduced with high hopes of improving access to employment. However, more than a decade on, its impact appears more complex. Research (Adams et al., 2014) suggests that dilemmas around disclosure continue to shape disabled applicants' experiences, often adding uncertainty to the recruitment process. By contrast, the Australian approach differs from the UK's approach. Rather than banning pre-employment questions and then creating allowable exceptions, Australia's Disability Discrimination Act 1992 encourages conversations around the inherent requirements of the job. Arguably this places clearer limits on the relevance and use of pre-employment questions. A comparison of UK and Australian approaches to pre-employment disclosures raises interesting questions about whether Australian employers feel more at ease to make hiring decisions in favour of disabled applicants and whether disabled applicants anticipate discrimination to the same extent as disabled jobseekers in the UK.

## Room 2

### Disrupting Disability Data

#### **Panel discussion with Scott Avery, Panos Karanikolas, and Philippa Duell-Piening**

Knowledge has long been used as a tool of power and control over people with disability. The drafters of the CRPD undertook the task of reclaiming knowledge production by reframing disability from an individual affliction to a normal part of human diversity in an unaccommodating environment. Recognising the central role of knowledge, the drafters ensured that people with disability would be closely consulted and actively involved in the treaty's implementation (Art 4[3]). Another innovation of the treaty was the introduction of Article 31 on 'Data collection and statistics'. The first of its kind in human rights law, this article was created to ensure state accountability. While it may appear to be a straightforward provision, as we know, knowledge is contested, and tensions remain in how this article should be implemented: what should we count, how do we avoid harm, and what mechanisms can moderate the power of data controllers? This panel, chaired by Piers Gooding, will engage with these tensions and present three perspectives on data, drawing on Avery's work with Indigenous communities, Duell-Piening's work with refugee background communities, and Karanikolas' work with people with psychosocial disability. Avery's contributions include innovative collaborations with statistical agencies to embody principles of 'data sovereignty' into Indigenous and disability policy (Avery 2018; 2022; 2025). Karanikolas is developing 'clear compliance indicators to help identify, analyse, and measure progress towards CRPD compliance in the mental health context' (INDICATE, 2025). Duell-Piening's recently published research examines the application of Article 31 in refugee contexts (Routledge, 2025). Together, these panellists bring insights about participatory approaches to data production, processing and stewardship. They disrupt mainstream narratives about data, challenge dominant approaches, and advance debates on accountability, reshaping understandings of data within human rights law and practice.

3:30-5:00

### *Room 1*

Implementing and Monitoring Disability Rights Reforms

#### **Realising Article 12 of the UNCRPD: Cross-Pollination of Emancipatory Research with Law Reform Processes**

Lydie Schmidt

Countries across the world have been grappling with their obligation to realise disabled people's right to legal capacity present in Article 12 of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). To identify the next steps forward many countries have been instigating legislative reviews focusing on legal capacity law. Aotearoa New Zealand is one of these countries, having instigated three key reviews in the last five years reviewing critical aspects of its legal capacity legislation. This presentation will explore Aotearoa New Zealand as a case study to identify whether such reviews are an effective tool for realising Article 12. I will examine the change that Article 12 is demanding and the role of legislative reviews within this process. This presentation identifies key strategies and approaches that are missing from current legislative review processes such as transformative and abolitionist viewpoints, participatory and co-design methodologies, and positioning and self-reflexive work. I argue that these strategies and approaches, that have largely stemmed from research and advocacy, should cross-pollinate the legislative review and legal reform process and through doing so actively disrupt tired strategies of 'consultation', resist power structures at play within legal reform and hold governments to greater account regarding their obligations under Article 12 of the UNCRPD.

## **Rethinking Adult Support and Protection in Japan: A Culturally Grounded and Rights-Based Approach**

Yukio Sakurai

This presentation explores the urgent need to reform Japan's adult support and protection frameworks in light of rapid population ageing, declining birth rates, and the growing number of older adults living alone. The research focuses on cognitive impairment in older adults as part of the broader disability context. While typical cases involve older adults with dementia who lack decision-making capacity partially or entirely, the study also addresses the much larger group with mild cognitive impairment who retain legal capacity but may experience intermittent or situational disruption in decision-making. Japan's current legal structures, including guardianship and elder abuse prevention systems, continue to reflect paternalistic assumptions and institutional priorities. They insufficiently recognize the diverse realities of cognitive decline and fail to uphold the autonomy and dignity of affected individuals. These gaps point to a lack of public accountability and a failure to provide appropriate legal tools that match the complexity of real-life decision-making. This research aligns with the themes of accountability, resistance and disruption by challenging the status quo and calling for a shift toward culturally grounded, rights-based legal responses. It advocates flexible planning mechanisms and supported decision-making that reflect relational autonomy and responds to lived experiences. The scope of inquiry includes decision-making in asset management, healthcare, and everyday matters, including control over digital

information and online platforms. Drawing on legal and ethical analysis, and international comparisons, the study proposes reforming strategies that resist outdated paradigms and promote institutional responsibility. The conclusion calls for moving toward participatory and transparent systems that support older adults in exercising agency, regardless of their capacity level or living environment.

### **Setting Expectations for Disability Human Rights Monitoring under OPCAT: Lessons from Iutruwita/Tasmania**

Yvette Maker

In this paper, I will discuss my experience developing 'Expectations on the treatment of people deprived of their liberty' in residential aged care and disability services for the Office of the Tasmanian National Preventive Mechanism (NPM). The Tasmanian NPM's job is to prevent people deprived of their liberty from being mistreated. This means it will look at the conditions and treatment of people in places where they cannot leave when they want to. This includes some residential aged care and disability services, for example, where people are subject to restrictive practices. The Expectations explain how the Tasmanian NPM expects people to be treated when they are deprived of liberty. They are based on international human rights standards. They look at things like whether people can choose who they spend their time with, what they wear and what they eat; whether their opinions and complaints are listened to; and whether they can see or talk to friends, family and advocates when they want to. I developed the Expectations with the Tasmanian NPM through a multi-stage consultation process with Tasmanian disability representative and civil society organisations. Tasmania is the first Australian state or territory to create Expectations for aged care or disability service settings. I will explain what subjects the Expectations cover and how I included the views and ideas of the representative groups. I will also talk about some of the challenges of the project and suggest how other states and territories could build on Tasmania's experience.

## Room 2

### International Perspectives & Advocacy

**A collaborative session chaired by Dina Afrianty with a feature presentation by Prof Amita Dhanda with responses from Chen Bo, Wuri Handayani, and, Arlene Cosape**

This session explores the intersections between academic scholarship and advocacy in advancing disability rights across the Asian Pacific region. It asks how legal and policy research, teaching, and scholarship can both learn from and contribute to

advocacy efforts, particularly in contexts marked by diverse political, cultural, and economic conditions.

The session will open with a presentation by **Professor Amita Dhanda** (NALSAR University, India), a leading figure in disability law and a pivotal voice during the negotiations of the UN Convention on the Rights of Persons with Disabilities (CRPD). Drawing on her decades of scholarship and advocacy, Prof Dhanda will address the possibilities and limits of bridging the academy and activism, and the role of international human rights law in shaping that relationship.

In response, panellists from across the region will offer reflections grounded in their own contexts: **Dr Chen Bo** (Macau University of Science and Technology), **Dr Wuri Handayani** (Universitas Gadjah Mada, Indonesia), and **Atty. Arlene Cosape** (University of Southeastern Philippines). Each will share experiences of how their scholarship engages with advocacy in distinct national and regional settings, and how the CRPD is mobilised—or contested—in those efforts.

The panel, chaired by **Dr Dina Afrianty** (Australian Catholic University), will then open discussion on key questions: What role should international human rights law play in bridging academia and advocacy? Can a transnational network of Asian Pacific scholars on disability-related justice be built, and what form should it take? How might collaboration across low-, middle-, and high-income contexts be sustained, and what challenges must be confronted to ensure solidarity and shared impact?

This session aims to spark dialogue about building stronger connections between research and activism, and to explore possibilities for sustained regional collaboration.

# Friday 12th December

9:00-11:00

*Room 1*

Movements and Resistance

## **Understanding the International Mad Movement(s) from the perspectives of Mad peoples resistance stories**

Matthew Jackman

The international Mad movement(s) have emerged as diverse, evolving collectives of psychiatric survivors, trauma survivors, ex-patients, refusers, Mad-identified people, and persons with psychosocial disability (c/s/x/m/p). These movements challenge biomedical dominance and assert lived experience as a legitimate source of knowledge. This paper draws on narrative analysis of interviews with approximately 40 Mad activists, alongside others who self-identify with allied movements, across culturally and structurally diverse contexts in multiple WHO regions. The study foregrounds resistance stories as epistemological resources, revealing how individuals and communities narrate their experiences not only as survival but as collective acts of political resistance. Mad Pride, survivor testimonies, and psychosocial disability narratives articulate polyphony—many voices, identities, and truths—that disrupt the epistemic injustice of traditional hierarchies of evidence in mental health. Grounded in Mad Studies, disability justice, and Global South perspectives, this work situates Madness and psychosocial disability as sites of creativity, meaning, and resistance rather than deficit. Findings demonstrate how narratives weave together struggles against institutionalisation, coercion, and eugenics with the broader human rights discourse shaped by the Convention on the Rights of Persons with Disabilities (CRPD). They also illuminate tensions in global organising: uneven North–South power relations, risks of tokenism and co-option, and challenges of sustaining movements across geographies. At the same time, the narratives highlight the strength of decolonial knowledge practices, solidarity networks, and the reclaiming of identity through storytelling. By centring resistance stories through narrative analysis, this research contributes to understanding the international Mad movement(s/p) as historically rooted yet future-facing. It demonstrates how collective lived experience generates new forms of evidence, challenges colonial and biomedical framings, and advances systemic transformation in global mental health.

## **Disabled Belonging as Agentic Resistance: Counterstories at the Intersection of Displacement, Refugee Designations and Disability Law in Australia and Latin America**

Alexis Padilla and Kelley Johnson

In this paper, we Rely on embodied counterstories and life histories of people with disabilities (Johnson et al., in Press; Padilla, 2021) from Australia and Latin America. We explore belonging as experienced by people with disabilities who have been displaced. We thus provide an analysis of the counterstories and life histories of two groups of people with disabilities which reveals that belonging involves life long experiential constellations of non-linear journeys. These journeys require agency by the individual impacted which in turn needs to be accepted by the society in which they now live. These journeys often involve forms of resistance against repeated overt societal discrimination or marginalizing tendencies by governments, policy makers and others who ignore the identity and the agency of displaced people with disabilities. Intersectional issues such as gender, ethnicity, educational trajectories and types of disability or the nature of displacement contribute to difficulties in finding subjective senses of belonging as people are categorized into one or more characteristics, each of which attracts unique forms of discrimination. Hence, we deal with categories of individuals who are treated as outsiders and who feel the (at times traumatic) inter-subjective consequences of not belonging, of knowing that they are at best tolerated and often overtly rejected. Our selected counterstories and life histories give voice to first-person counternarratives that serve to document the ways in which displaced people with disabilities have sought to find their sense of belonging by resisting discrimination and pursuing social change. Our aim is to explore core lessons relevant to both disability law and activism as well as refugee and disabled movement organizing. In so doing, we critically look at the relational tensions of belonging, relevant alliance building and rightful presence (Padilla, 2022).

References: Johnson, K., et al (In press). People with disabilities: Life experiences of belonging. Routledge. Padilla, A. (2021). Disability, intersectional agency and Latinx identity: Theorizing LatDisCrit counterstories. Routledge. DOI: 10.4324/9781003084150 Padilla, A. (2022). Rightful presence and the mythology of inclusive equity in U.S. school districts: Metatheoretical reflections from Two LatDisCrit counterstories. In T. A. Fowler (Ed.), Countering the Mythology of Inclusion and Wellness in Schooling (pp. 51-66). Brill/Sense.

### **Co-production in Prefigurative Disability Law Research Methods**

Clare Williams

This paper makes the case for greater use of co-designed and co-produced prefigurative research methods in disability law. Prefigurative methods or ‘conceptual prefiguration’ acts as a ‘strategy by which everyday concepts “such as property, markets and states” are “approache[d] ... as if their meaning was otherwise and, more specifically, as if their meaning was one desired”’ (Cooper, 2017; Perry-Kessarlis, 2021). Methods might include, for example, constructing inclusive and equitable spaces through virtual reality world-building or visual law in which existing practices, assumptions, and relations that disadvantage and oppress persons with disability can be interrogated and challenged. Yet in the context of disability law research, prefigurative methods must be both inclusive and representative of those whose lives researchers seek to transform. Co-production methodologies, as set out in Art 4.3 of the UNCRPD, can not only disrupt and decolonize knowledge production, but can ‘inform practices for cultural responsiveness’ whilst also ‘shifting power’ to people with disability, and are ‘increasingly expected’ in disability research (Fang, Fisher and Li, 2021; Fraser-Barbour et al., 2025). Co-production, however, suffers from ‘definitional heterogeneity’, with ‘misappropriation’ of the term and imprecision leading to ‘a dark side’ of co-production (Williams et al., 2020). For example, in the context of policy and regulatory reform, the Australian Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, the Welsh government’s Disability Rights Taskforce, as well as the ongoing Timms Review of welfare cuts in the UK offer contrasting implementations of co-production with a spectrum of resulting impact and accountability, yet each leave questions unanswered and contain compromises. By bringing together literature and practice on both prefigurative and co-production methods, this paper interrogates how we might do better; namely, how we might foreground the diverse voices of persons with disability to imagine transformative pathways to the challenge of disability oppression.

## **Crippling Transformative Justice: Crip Methodologies from the Field**

Danielle Santos

This research paper explores the intersections of disability, feminist, and anticolonial approaches to the ‘field’ through a reflective methodological discussion on both the fieldwork I undertake as a researcher in the Philippines and the field I operate in as a lawyer in so-called Australia while living in a disabled, queer, and racialized body. Disabled people are coerced into carceral systems of power for access to life-saving care (i.e. social welfare, healthcare, evacuation centres), which comes at the cost of surveillance, exploitation, and, too often, death. My fieldwork explores the impacts of chronic disasters on disabled Filipinos across the archipelago faced with unprecedented climate disaster and disabled people living in so-called Australia faced with social, economic, and legal disasters. I’m interested in exploring how to build an activist-praxis that bridges research with direct practice to ensure

accountability to the communities I work and live alongside. By orientating towards methodologies, which centre embodiment, crip time, and care work my research disrupts carceral and eugenics-forward productions of the disabled body. My paper explores the magic of crip-for-crip research and seeks to move discussion away from disabled vulnerability and towards a vision of disabled joy, solidarity, and possibility within the 'field.'

## Room 2

### Disability Support, Rights & Policy Reform

#### **Beyond the Buzzword: 'Intersectionality', Gender Inequality and the 2023 NDIS Review**

Diana Piantedosi and Sophie Cusworth

Intersectionality is increasingly adopted in Australian disability law and policy to describe overlapping forms of marginalisation. Yet when invoked without definition, rigour or connection to its transformative origins, it can function as a placeholder for 'diversity' rather than a legal-structural lens to interrogate injustice. This presentation draws on advocacy led by Sophie Cusworth (CEO of Women With Disabilities Australia, WWDA), which informed published research critically examining how the 2023 Review of the National Disability Insurance Scheme (NDIS) failed to meaningfully address gender inequality. Through content analysis of key Review documents, Piantedosi and colleagues argue that despite clear terms of reference and widespread evidence of gendered disparities in access, eligibility and outcomes, gender-specific terms were used minimally and often replaced with undefined references to 'intersectionality'. The term appeared 93 times, yet was inconsistently applied and largely individualised, describing identities rather than interrogating how systems produce and legitimise inequity. This dilution had material consequences: the Review made no gender-specific recommendations and failed to address structural gender bias in NDIS design. Our presentation argues that legal and policy frameworks must move beyond additive inclusion principles and instead apply intersectionality as a tool to guide structural (re)design. Building on this theoretical foundation, we present WWDA's intersectional, rights-based approach to NDIS Needs Assessments. This work informed the joint position adopted by Australia's 12 National Disability Representative Organisations and offers a concrete example of operationalising intersectionality in reform. We address the conference theme of Accountability, Resistance and Disruption! by showing how intersectionality can be used to subvert - not simply quantify - injustice. Reclaiming it as a tool for structural critique, anchored in the CRPD, enables law and policy to confront and transform the systems that continue to produce inequity.

## **Can the NDIS be saved?**

Nita Haynes

Can the NDIS be saved? My research findings suggest that it can be saved. Join in on this presentation to observe the unearthing of a buried alternative disability funding structure, that already exists within our legislative framework, of which had been thrown to the wayside in favour of chasing the allure of a new insurance based model for disability funding (NDIS).

## **Human Rights and Dementia: People with dementia don't know what they don't know**

Kate Swaffer

There has been tokenistic change for the estimated 57 million people living with dementia specific to adequate health and social care, and proactive disability support over many decades. The overarching goal of this research is to 1) improve the post diagnostic experiences of people living with dementia, and 2) stop/prevent the current known abuse, neglect, harm and other rights violations, and 3) to provide new evidence for change to policy and practice to improve the post diagnostic experiences of all people living with dementia. Utilising critical disability theory through the lens of human rights, this presentation presents data investigating why people with dementia are not being supported as people with acquired disabilities, and how disability human rights can support access to knowledge and research. Without this knowledge, people with dementia 'don't know what they don't know'. This analysis explores whether the failure to support people with dementia as individuals with acquired disabilities from the point of diagnosis is a central factor contributing to persistent and well-documented violations of their human rights, and to the broader failure to uphold the universal rights to which all people with dementia are entitled. The project is guided by an international expert advisory group, which includes people with dementia. Collaboration and co design are critical to this project, to ensure outcomes meet the needs of this cohort. New evidence is emerging for the development of a new post diagnostic pathway enabling access to all human rights, an important finding which has the potential to influence change through research in the aftermath of more than two decades of government inquiries in Australia, including a Royal Commission into Aged Care Quality and Safety. Finally this presentation explores the necessary accountability, resistance and disruption required to move dementia care into the 21st Century.

## **Supporting or Subordinating: The Place of Supported Decision-Making in Australian Democracy**

Reece Blackett

Since the inception of Australian democracy, persons with disabilities have been both expressly and practically excluded from full participation in the franchise. Yet participation in Australia's system of representative government remains the ultimate mechanism of democratic accountability, which is the central theme of this conference. This presentation argues that existing constitutional and statutory frameworks offer inadequate democratic protections for persons with disabilities, primarily due to the failure to embed supported decision-making within the electoral process. First, it will demonstrate that constitutional protections of the franchise are shaped by outdated conceptions of legal capacity and insufficient attention to supported decision-making, thereby failing to ensure genuine inclusion. Second, it will show how the secret ballot can be weaponised in two ways: either by denying electors the opportunity to vote with appropriate support, or by applying secrecy requirements so rigidly that persons with disabilities are effectively forced to forfeit ballot secrecy in order to participate. Finally, the presentation will explore how the untested constitutional prohibition on plural voting may provide a safeguard for persons with disabilities if Australia were to adopt substituted decision-making frameworks in the future.

11:15-12:45

### *Room 1*

Children, Education & Institutions

#### **Resistance and Accountability: Ending Solitary for Children with Disability**

Raahat Shaik and Saakshi Kumar – IN PERSON

This presentation examines the continued use of isolation-based practices on children in Australian youth detention, with a focus on their legal status, disability-related impacts, and implications for rights-based accountability. Across multiple jurisdictions, children are regularly confined alone for extended periods with little or no meaningful social contact. These practices are applied under various operational policies and have been documented to persist for days or weeks. Children subjected to isolation are disproportionately affected by cognitive disability, psychosocial disability, or trauma-related conditions. Despite this, existing laws and operational standards do not adequately recognise or respond to the distinct risks posed to children with disability. In most jurisdictions, there are few binding safeguards regulating the use of isolation, and there is limited transparency in how these practices are recorded, reviewed, or challenged. This presentation outlines the legal and policy frameworks that govern isolation in youth detention across Australian states and territories and assesses their alignment with Australia's obligations under the Convention on the Rights of Persons with Disabilities and the Convention on the Rights of the Child. It also examines how the absence of clear

definitions, reporting duties, and enforceable national minimum standards has impeded institutional accountability and disabled effective monitoring. The role of law and legal practice in preventing the recurrence of rights violations, including in the aftermath of public inquiries and systemic investigations, will be explored. The presentation further considers how national standards could support efforts to reduce reliance on restrictive practices, promote disability-informed oversight, and contribute to broader goals of deinstitutionalisation and decarceration. In doing so, the presentation responds directly to the conference theme of Accountability, Resistance and Disruption. It aims to assist practitioners working across youth justice, disability advocacy, law reform, and oversight in identifying pathways for policy and legislative intervention.

### **Disrupting Segregation: A National Roadmap to Achieve Inclusive Education**

Emily Cukalevski, Catia Malaquias, Stephanie Gotlib and Loren Swancutt

Inclusive education is a human right, yet in Australia, it remains the exception rather than the norm. Despite decades of reform, students with disability continue to face systemic gatekeeping, segregation, exclusionary discipline and ableist assumptions that deny them equitable access to education. This presentation introduces the National Roadmap for Achieving Inclusive Education, developed by the Australian Coalition for Inclusive Education (ACIE). The Roadmap sets out a 10 to 15 year reform strategy, grounded in rights-based, participatory and applied research. It draws on legal analysis, lived experience, implementation research and policy design to translate international obligations, in particular CRPD Article 24, into a practical, accountable reform agenda. We reflect on the challenges of translating human rights into practice in a deeply ableist system, and explore how the Roadmap works as a disruptive tool. It resists institutional inertia and offers an evidence-based, rights-affirming alternative to reactive reforms that reinforce exclusion. The presentation will address the role of research and advocacy in ensuring governments are accountable for delivering inclusion, and how implementation must be co-designed with students, families and educators. We reflect on how legal and policy research informed the Roadmap's design and development, from legislative reform and funding obligations to oversight mechanisms and regulatory safeguards. In doing so, we engage directly with the themes of accountability, resistance and disruption: accountability in how governments are expected to act on the Roadmap's reform agenda, resistance in challenging entrenched models of segregation and exclusion, and disruption in reshaping the way education systems understand and respond to diversity. In a context where some jurisdictions are expanding segregation, we argue that inclusive education reform is a litmus test for whether governments are willing to genuinely work towards an inclusive society. The Roadmap is both a product of collaborative research and a tool for collective action.

## **From Little Things, Big Things Grow**

Charlotte Chilvers

The right to education is arguably one of the most important human rights since it facilitates the realisation and protection of other human rights. Article 24 of the United Nations' Convention on the Rights of Persons with Disabilities (CRPD) confers upon all students with disabilities the right to enjoy a high-quality inclusive education that is free from discrimination. However, the realisation of this right varies both across and within State Parties to this treaty, including Australia. In this PhD thesis, I am investigating both the current and potential inclusion of primary aged students, with disabilities, in the New South Wales public education system. I am also seeking to determine the extent to which barriers prevent these students from accessing and participating in an inclusive education. To identify such barriers, I have been listening to the lived experiences of students with disabilities, the parents of such students and the teachers working with these students across different education settings. This presentation will explore one of the barriers that has been identified by teachers, parents and students – the continued use of the medical model of disability within the education landscape and the impacts this model has had upon students, parents and teaching staff. The design and provision of adjustments, the allocation of Commonwealth funds and the placement of students are largely informed by a student's diagnosis and the deficits that are assumed to characterise the single disability that is attached to students as required by the Nationally Consistent Collection of Data on School Students with Disability (NCCD). Therefore, under the medical model of disability, both the segregation and inadequate support of students with disabilities, especially invisible and/or complex disabilities, persists. This presentation will conclude with some preliminary recommendations and provide a brief outline as to the future disruption this project endeavours to achieve.

## Room 2

### Health, Rights & Ethics

#### **Life and/or Liberty: Do We Have to Choose? The CRPD and Mental Health Detention for Suicide Prevention**

#### **Looking for Suicide in All the Wrong Places**

Stephen Kilkeary

I have survived three suicide attempts, all caused by violence perpetrated against me. I lost two of my brothers to suicide and nearly lost the third. After surviving multiple suicide and murder attempts, that brother was finally removed from the family home, which undoubtedly saved his life. The family home was an inherently unsafe space for us as children, racked as it was by our father's explosive rage and coercive control. We know that violence, in its many forms, is a key social determinant of suicide. Child abuse, domestic violence, bullying (at school, work, etc.), racism, homophobia, transphobia, poverty, unemployment – all these things and lots more, are seen to contribute to but not necessarily cause people to suicide. Causation remains curiously framed as a consequence of mental illness, even though the evidence for such a relationship is weak. This oddity shifts focus from addressing the violence which causes most suicidal behaviours to pathologising the victims and survivors of such violence. This includes 'punishing' survivors who refuse to accept that they are 'mentally ill.' In my presentation, I will reflect upon what I have learnt from my personal and professional experience in the suicide space over the past several decades, especially: 1. How pathologising survivors causes us further, often catastrophic harm. 2. How survivors are denied justice for the violence perpetrated against us. 3. How perpetrators (individual, institutional, etc.) are not held accountable. 4. And, how by ignoring the critically significant role that violence plays in suicide causation, we miss the opportunity to reduce the suicide prevalence rate in Australia.

## **Embedding Human Rights in Mental Health Practice: Development of the Recovery Knowledge and Attitudes Scale (R-KAS)**

Naomi Badu

Background: The Recovery Knowledge Inventory (RKI) has been widely used to measure mental health professionals' and students' knowledge and attitudes about recovery. However, this tool may not fully reflect the multidimensional, rights-based nature of recovery. Given that recovery is not just a clinical concept but a legal and human right, grounded in the UN Convention on the Rights of Persons with Disabilities (CRPD), there is a need for a more robust, rights-aligned measure. This study aimed to adapt and validate a modified version of the RKI, resulting in the Recovery Knowledge and Attitude Scale (R-KAS). Methods: A sequential mixed-method design was used. Phase 1 involved qualitative interviews exploring perceptions of recovery, emphasizing rights, autonomy, and lived experience. These informed the development of a 52-item survey. In Phase 2, 173 participants (115 professionals, 58 students) completed the survey. Data analysis included exploratory factor analysis, reliability testing, and known-groups validation. Results: Fourteen items were removed, yielding a 38-item long version and a 21-item short version of the R-KAS. Both versions had strong psychometric properties ( $\alpha = .95$  and  $.93$ , respectively), with three subscales: Competence, Roles and

Responsibilities, and Process. Known-groups validity was supported: professionals trained in recovery-oriented practice scored significantly higher. Legal and Human Rights Relevance: The R-KAS embeds core principles of legal capacity, non-discrimination, and community inclusion, aligning with CRPD obligations. It offers a way to assess knowledge and attitudes not just clinically, but in terms of systemic compliance with human rights standards. Conclusions: The R-KAS is a psychometrically sound, rights-informed tool. It supports efforts to shift mental health systems toward practices that uphold dignity, autonomy, and legal personhood.

1:15-2:45

## *Room 1*

### **Disability Institutions and Memorialisation**

#### **Remembering Disability Institutions: Moving Forward by Looking Back**

Panel discussion with Leigh Creighton, Robert King, Jack Kelly, Jim Simpson, Phillippa Carnemolla, Linda Steele and Kelly Willis

We are a team of advocates and researchers collaborating on how governments, professionals, communities and self-advocates can remember and learn from lived experiences and histories of disability institutions to realise human rights of people with intellectual disability. Our session will present different perspectives on our collaboration and provide interactive opportunities for audience engagement. We must listen to people with disability who lived in institutions who share their experiences and perspectives on disability institutions and on what they want for a good life now. We must remember the lived experiences and histories of disability institutions so we honour the lives of people with disability who were institutionalised and avoid repeating these injustices. Redressing and repairing the injustices of disability institutions – through measures such as truth-telling, official apologies and memorialisation – are central to taking responsibility for the wrong and committing to meaningful change.

## *Room 2*

### **Discrimination, Rights and Law**

#### **Does Guidance for States on Ethical and Rights-Compliant Neurotechnology Address Disability Human Rights Concerns?**

Reyhan Ramazanova

There is a growing discussion about the ethical and human rights-related issues associated with the use of neurotechnology, such as Brain Computer Interfaces

(BCIs), Deep Brain Stimulation (DBS), cochlear and retinal implants. Scholars raise concerns that discourses surrounding the development and use of neurotechnology may perpetuate the medical model of disability which categorises disability as an individual deficit that needs to be fixed, and, in doing so, may undermine calls for changes to social structures and systems to accommodate (rather than change) people with disability. Another concern is that participation of persons with disabilities as experts in the design and development of AI and neurotechnology is not sufficient, which may result in their perspectives and feedback being dismissed. There is also a risk that persons with disabilities, particularly persons with mental health disabilities, may be subjected to medical treatment with neurotechnology without their free and informed consent. Scholars also raise concerns about the lack of long-term support available to participants of clinical trials and other users of neurotechnology for the maintenance and removal of a neurotechnology device which may shift costs and risks onto individual users. This paper, part of my PhD research, analyses 11 documents from international, regional and local policy and regulatory organisations where they discuss ethical and human rights-related concerns around neurotechnology and develop principles and recommendations to guide States when developing local legislation, policy mechanisms and other responses to neurotechnology. I will discuss the extent to which these documents recognise and address disability rights issues mentioned above, utilising the disability human rights framework enshrined in the United Nations Convention on the Rights of Persons with Disabilities (CRPD). I will also explain the next stage of my research, where I will seek input from representative organisations. The research will contribute to monitoring for and preventing disability injustice by documenting gaps in neurotechnology discussions by policy and regulatory organisations and proposing preliminary recommendations to address them.

## **The Use of Artificial Intelligence in Hiring: A New Frontier for Disability Discrimination?**

Natalie Sheard

Artificial intelligence (AI)-driven hiring systems are used by employers every day to screen and shortlist job candidates. While there are clear benefits for employers in the form of time and cost savings when these systems are used, their real-world impact on job seekers is under-researched. Significantly, substantial gaps exist in our understanding of the risks of discrimination when these systems are deployed. This presentation will draw on my qualitative empirical research study investigating the use of AI hiring systems by Australian employers. It will demonstrate that the way these systems are operationalised and used in practice creates serious risks of discrimination for job seekers with disability. Such discrimination may be embedded in the AI system's data or its use of proxies, or it may arise from the design of the system or its implementation. Of critical concern, this study finds that AI hiring

systems create new structural barriers to employment. The presentation will also propose a new term for this form of harm - 'algorithm-facilitated discrimination' – and highlight recent global litigation in the area. This research responds to the call of the Special Rapporteur on the Rights of Persons with Disabilities for research that monitors the injustices and impacts of AI on people with disability in employment. With people with disability already facing labour market marginalisation and exclusion, there is a lot at stake when algorithm-facilitated discrimination occurs.

### **The Treacherous Twins – Ableism in the Interpretation of the Concepts of “Reasonable Adjustment” and “Unjustifiable Hardship” in the Disability Discrimination Act 1992 (Cth) – An Exploration Applying Standpoint Theory to the Case of King v Jetstar**

Heike Fabig

Disability advocates and scholars largely agree with the Disability Royal Commission that '[t]he Disability Discrimination Act 1992 (Cth) has not achieved its objectives.' While various structural shortcomings in the legislative regime have been identified and studied, less attention has been paid to the role of ableism in judicial interpretations. Ableism is generally defined as the discrimination of and prejudice towards people with disability. Ableism is premised on a normative devaluation of disabled people and privileges the perspectives and experiences of able-bodied people. Adopting an approach grounded in critical disability studies, my thesis offers a critical analysis of the interpretation of the two key concepts of “reasonable adjustment” and “unjustifiable hardship” in disability discrimination law through the lens of standpoint theory. This approach examines the world from the perspective of people with disability. Examining the interpretation of these two concepts from this perspective challenges normative assumptions about disability and helps uncover how ableism underpins legal reasoning - and ultimately undermines the purpose and intent of anti-discrimination legislation. I illustrate this by analysing the interpretations of reasonable adjustment and unjustifiable hardship in the 2012 Federal Court decision in King v Jetstar. By bringing in the lived experience of wheelchair using passengers can we unearth how the case was argued from the perspective of the normative able-bodied airline traveller. Taking the standpoint of a disabled traveller allows us to discover how an ableist perspective prevented the Court from examining Jetstar’s operational choices and procedures which were presumed normatively neutral. The case illustrates how a lack of understanding and recognition of ableism casts people with disability as expensive burdens without acknowledging them as full holders of human rights.

2:45-4:45

Room 1

## Voice and Rights in Reforming Systems

### **Knowledge Translation and Implementation Science: The Missing Ingredient in Our Response to the Disability Royal Commission**

Jade McEwen

The Disability Royal Commission (DRC) starkly exposed a critical gap between legislative intent and service delivery outcomes—a likely failure of implementation. This paper argues that effectively addressing the DRC's legacy and avoiding future systemic crises requires the rigorous application of Knowledge Translation (KT) and Implementation Science (IS). KT must convert complex research findings, into clear, actionable policy briefs for government and the wider disability sector. This strategic translation ensures evidence directly informs meaningful and actionable change. Critically, IS provides the methodology to ensure policy endures. By mandating context analysis before deployment, fostering capacity building, and integrating continuous fidelity monitoring, IS ensures that new policies are fully embedded at the front line of service delivery. This disciplined process bridges the "knowing-doing gap," preventing the systemic drift that leads to abuse and neglect. Integrating KT and IS into the policy lifecycle moves the sector from reactive crisis response to genuine, measurable quality assurance, offering the only robust mechanism to prevent the recurrence of a national inquiry.

### **Towards Voice and Visibility: Adopting an Interrogative, Social Model Approach to Australian Social Security Law**

Darren O'Donovan

This paper reflects on how people with disability are disproportionately affected by the administrative burdens and hostile conditions within Australia's social security system. Recent controversies involving debts and mutual obligations have underlined the profound damage caused by making legal rights contingent upon 'onerous experiences' and the performance of dependence. This paper explores how adopting a 'social model' of vulnerability can make the disabling effects of conditionality regimes more visible. A duty to promote equality and human rights, could make a valuable contribution to capturing and designing out frontline barriers to justice in social security. Drawing on international experiences, I argue such a duty needs to be specifically translated into a supporting charter of rights for social security recipients with independent evaluation and co-design mechanisms.

## **Disability and Refugee Rights in New Zealand: Bridging the Gap**

Lida Ayoubi and Deborah Manning

The United Nations has recognised that persons with disabilities are among the most marginalised in any crisis-affected community. This marginalisation is further compounded for refugees with disabilities, who experience multiple and intersecting forms of discrimination, exacerbating rights violations both generally and within the refugee protection framework. Long left out of or not directly included in the international human rights normative framework, recent global crises, including armed conflicts and the COVID-19 pandemic, have underscored the challenges faced by disabled refugees, highlighting systemic gaps in legal and policy responses. As far back as in 1973, Aotearoa New Zealand made an express commitment to ensuring that refugees with a disability are not excluded from the country's refugee resettlement quota. Against this background, this paper examines the intersection of two key international legal instruments: the UN Convention on the Rights of Persons with Disabilities and the 1951 Refugee Convention, along with its accompanying Protocol, in the context of New Zealand. It critically analyses the legal frameworks and practices governing the determination of asylum seeker claims in New Zealand when the claimant has a disability (particularly concerning mental health and cognitive ability). This is done to identify some of the key challenges at the nexus of disability and refugee rights and outline areas requiring further legal and systemic reform to ensure accountability and enhance compliance with New Zealand's international obligations.

## **Abolition Pragmatism: Comparative Lessons from Nova Scotia's Rapid Covid-19 Decarceration and Disability Rights Coalition Settlement**

Sheila Wildeman

Since 2020, Nova Scotia has been host to two extraordinary abolitionist events: 1) Canada's most striking rapid Covid-19 decarceration, whereby the province's jail population was reduced by almost 50% in the first six weeks of the pandemic; and 2) the Disability Rights Coalition Remedy, a human rights settlement featuring timelines, benchmarks, and continuing public oversight, which mandates closure of the province's remaining large disability institutions (plus residential care facilities and group homes with more than 4 residents) and creation of a rights-respecting system of individualized disability supports within 5 years (2023-2028). These developments, viewed in isolation and together, yield pragmatic lessons for disability deinstitutionalization and radical prison decarceration. Neither is a straightforward or unfinished story. The author, a legal academic embedded in Nova Scotia's disability deinstitutionalization and prison abolition movements, will reflect on what lessons these made-in-Nova-Scotia events might yield for disability and prison justice: for instance, on maintaining legal and political mobilization of constituencies that have

historically worked in opposition, and averting well-worn tendencies for emancipatory efforts to produce retrenched fiscal and social conservatism and new technologies and strategies of control.