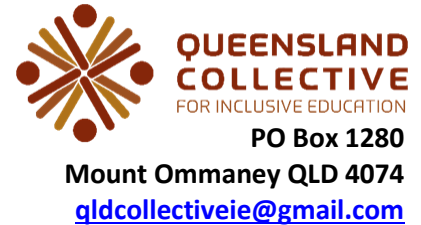


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Submission: Parliament of Queensland - Human Rights Bill 2018 – Right to Education

26 November 2018

By email: lacsc@parliament.qld.gov.au

The Queensland Collective for Inclusive Education is a group of families who promote inclusive lives for our children with disability and work together to make inclusive schools a reality for all. We write to you as families that include Queensland students and students with disability and in respect of the proposal by the Queensland government to protect the fundamental human right to education through proposed Section 36 of the Bill.

While we strongly support the express recognition of the right to education in the Bill, in our view the proposed terms of Section 36 are insufficient and inappropriate. In examining the relevant treaty texts and works of the treaty bodies, we have applied the rules of interpretation codified in the Vienna Convention on the Law of Treaties.

Issue: “Appropriate to the child’s needs” undermines right to inclusive education

We believe that the adoption of the term “appropriate to the child’s needs” in Section 36 of the Bill will:

- (a) perpetuate discriminatory treatment and inequality based upon the use of segregated settings for some students; and
- (b) “justify” explicit and implicit prejudice in educational administration in qualifying the concepts of “non-discrimination”, “full participation” and “equality of opportunity”;

and thereby has great potential to undermine the right of children, particularly children with disabilities to education, which is expressed to be the right to inclusive education in regular (non-segregated) settings (see Article 24 of the CRPD and General Comment No. 4 - Right to Inclusive Education)¹.

Recommendation: That proposed Section 36 of the Bill be replaced with the following provision reflecting the intent of applicable international Conventions and domestic disability discrimination laws:

36. Right to education

Every person has the right to education without discrimination and on the basis of equality of opportunity. To realise this right, every person has the right to access quality early childhood, primary and secondary school education, and further education and training that is accessible and inclusive of all.

Sue Tape on behalf of Queensland Collective for Inclusive Education

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¹ CRPD/C/GC/4, see https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD/C/GC/4&Lang=en