**Australian Shadow Report Delegation Opening Statement**

**Noel Muller**

Australia’s Interpretative Declarations on CRPD Articles 12, 17 and 18 restrict effective implementation of the CRPD, prevent reform and allow for human rights violations including denial of legal capacity, forced treatments, and discrimination against non-Australian people with disability seeking to enter or remain in Australia.

Across Australia, mental health laws, policy and practice authorise the forced treatment of people with disability. These laws have failed to prevent, and in some cases actively condone unacceptable practices, including invasive and irreversible treatments, such as the authorisation of psychosurgery, electroconvulsive therapy and forced sterilisation, chemical, mechanical and physical restraint and seclusion. Instead of addressing mental health laws as an inherent breach of human rights, States and Territories have focused on reviewing and amending mental health legislation in a failed effort to increase compliance with human rights.

Australia has not acted on the recommendations from the CRPD Committee or the Committee on Economic, Social and Cultural Rights, to end the indefinite detention of unconvicted people with disability in prisons, psychiatric units and forensic detention services. This is disproportionately experienced by Indigenous people with disability, people with intellectual disability and people with psychosocial disability.

Despite the views you will hear from the Australian Government, our story is very different.