



SUBMISSION OF ALL MEANS ALL – THE AUSTRALIAN ALLIANCE FOR INCLUSIVE EDUCATION

Committee on the Rights of Persons with Disabilities

Draft Guidelines on Addressing Multiple and Intersectional Forms of Discrimination Against Women and Girls with Disabilities

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1. INTRODUCTION

1.1 About All Means All

All Means All – The Australian Alliance for Inclusive Education (All Means All) is a nationwide multistakeholder organisation working towards the realisation of every student’s fundamental human right to inclusive education. Our work focuses on removing the legal, structural and attitudinal barriers that continue to deny this right to many students with disability.

The Board of All Means All comprises a majority of people with disability and family members of people with disability. We are a member, the Chair and national Co-convenor of the Australian Coalition for Inclusive Education (ACIE), a national alliance of 25 not-for-profit organisations representing more than 1.2 million Australians. We are also a member of Inclusion International, the global peak body representing people with intellectual disability and their families.

This submission is informed by the voices and experiences of people with disability and their families, and by a strong body of international human rights law and evidence. We acknowledge and honour the generations of advocates, families and allies whose work has laid the foundations for the present and future realisation of inclusive education.

Our submission responds to the Committee’s request for input on intersectional discrimination, focusing on education as a domain where women and girls with disabilities experience some of the most pervasive and compounded forms of exclusion.

2. INTERSECTIONAL DISCRIMINATION IN EDUCATION

Women and girls with disabilities in Australia experience intersecting forms of discrimination on the basis of disability, gender, and other factors such as Indigeneity, race, socio-economic status and migration status. This results in systematic exclusion from education, which in turn entrenches lifelong social and economic disadvantage.

Australia’s Disability Discrimination Act 1992 (DDA) recognises disability as a protected attribute, but it does **not** explicitly recognise intersectional or systemic discrimination. As AMA has noted in its submission to the DDA Review, this “single-axis” approach obscures the lived experience of compounded disadvantage and limits redress for students who face discrimination arising from overlapping systems of exclusion.

3. AREAS OF LIFE MOST AFFECTED – EDUCATION

Education is one of the areas where multiple and intersecting forms of discrimination are most visible and damaging.

- **Segregated schooling:** Segregation of students with disability in Australia has grown¹ despite decades of anti-discrimination law. This practice disproportionately affects students from Indigenous, culturally and linguistically diverse, or low-income backgrounds and may also have gendered dimensions, though the nature of these patterns is not yet well understood.
- **Gatekeeping:** Students with disability are frequently denied enrolment in mainstream schools, with “unjustifiable hardship” wrongly used as a defence.
- **Bullying and exclusion:** Gendered and ableist stereotypes intersect to normalise harassment, sexual violence, and low expectations of girls with disability in school settings.
- **Disciplinary exclusion:** Exclusionary discipline is used disproportionately against students with disability, especially those whose disability intersects with gender, Indigeneity, or trauma.

These experiences result in poorer academic outcomes, diminished autonomy, and restricted access to employment and civic participation later in life.

4. LEGISLATIVE AND POLICY GAPS

While the DDA and Disability Standards for Education provide a framework for equality, they are largely reactive and individualised. They fail to prevent discrimination before harm occurs or address the systemic nature of intersectional disadvantage. AMA’s DDA Review submission recommends:

- **Explicit recognition of intersectional discrimination** as structural and indivisible, allowing claims reflecting multiple identity factors
- **A positive duty** on all education providers to proactively eliminate discrimination and promote inclusive education

¹ Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, Final report, Volume 7: Inclusive Education, employment and housing, pp 105-106.

- **A stand-alone duty to provide adjustments**, replacing “reasonable adjustments” with a clear, rights-based duty
- **Reform of the unjustifiable hardship test**, to prevent its use as a barrier to enrolment in mainstream education.

These reforms would bring Australian law into alignment with **Articles 5, 6 and 24** of the CRPD and the model of **inclusive equality** articulated in **General Comment No. 6**.

5. INTERSECTIONAL RISKS IN EDUCATION

Girls with disability face compounded exclusion where disability intersects with:

- **Indigeneity** – due to structural racism and limited access to culturally safe and inclusive schooling
- **Low income or regional location** – due to resource inequities and transport barriers
- **Gender norms** – where assumptions about capacity and safety limit opportunities for leadership and participation
- **Psychosocial or intellectual disability** – due to paternalistic practices, over-surveillance and behaviour-based exclusion
- **Gender diversity** – where trans and gender-diverse students with disability face intensified stigma and denial of adjustments.

6. POSITIVE PRACTICES AND REFORM DIRECTIONS

Promising Australian initiatives include:

- **Victoria’s Gender Equality Act 2020**, which explicitly recognises intersectionality as compounding disadvantage including disability

- **The Australian Coalition for Inclusive Education’s National Roadmap for Achieving Inclusive Education (2025)²**, developed by disability representative and advocacy organisations, which sets out concrete, time-sequenced actions to replace segregation with inclusive schooling
- **School-level inclusive practice models** (e.g., Universal Design for Learning, co-teaching, peer support, tiered support frameworks and the IACF - Inclusive Academic Curriculum Framework³) that embed gender-responsive and disability-inclusive pedagogy.

These examples show how intersectional equality in education can be advanced when inclusion is treated as a proactive responsibility rather than a reactive accommodation.

7. RECOMMENDATIONS TO THE COMMITTEE

All Means All urges the Committee to ensure the Guidelines:

1. **Explicitly define intersectional discrimination** as structural, indivisible and systemic
2. **Recognise segregation in education** as a form of intersectional discrimination violating Articles 5, 6 and 24
3. **Affirm inclusive education** as a gender-transformative measure that advances equality and prevents multiple discrimination
4. **Encourage States Parties** to adopt positive duties requiring education providers to proactively eliminate discrimination and ensure accessibility
5. **Promote collection of disaggregated data** on gender, disability, Indigeneity, and other intersecting factors in education
6. **Highlight good practice models** that embed intersectionality in inclusive education policies and accountability frameworks.

² Available by contacting the Australia Coalition for Inclusive Education (ACIE) www.acie.org.au

³ Swancutt, Loren, 'Including Students with Complex Learning Profiles in Grade-Level Curriculum' in M J (ed), *Inclusive Education for the 21st Century* (2nd ed, Routledge, 2023) ch 14.