



**PEOPLE WITH DISABILITY
AUSTRALIA**

PO Box 666
Strawberry Hills
NSW 2012

+61 2 8365 0400
Toll free 1800 422 015
pwd@pwd.org.au
www.pwd.org.au

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Stakeholder Engagement Secretariat

Department of Foreign Affairs and Trade

Via email: FTAModernisation@dfat.gov.au

Dear Stakeholder Engagement Secretariat

Southeast Asia Free Trade Agreements Modernisation Review

Thank you for the opportunity to provide this submission to the Department of Foreign Affairs and Trade's (DFAT) Southeast Asia Free Trade Agreements Modernisation Review (the Review). People with Disability Australia (PWDA) is Australia's peak cross-disability disability representative organisation and is funded by the Australian Government to represent the 1 in 6 Australians with disability nationally. Our organisation is made up of, and led by, people with disability.

Disability-inclusive trade

Inclusive trade discussions have historically overlooked the impact of international trade on the rights of people with disability.¹ However, the issue has recently garnered attention, leading to the formation of a Technical Working Group on Trade and Disability Inclusion (the Working Group) in 2024, including UN Trade and Development, International Trade Centre, International Labor Organization and World Trade Organization.²

¹ International Labour Organization (ILO) (2024) *A global call to action to make trade inclusive for persons with disabilities*, ILO website, accessed 22 December 2025.

² World Trade Organization (WTO) (2024) *Global action needed to make trade inclusive for persons with disabilities*, WTO website, accessed 22 December 2025.

As the Working Group has highlighted, disability provisions in free trade agreements are an important mechanism for promoting equality.³ Such provisions can increase business opportunities for people with disability, improve global access to assistive technology and ensure that intercountry travel is accessible. Further, free trade agreements provide mechanisms for enforcing human rights standards in ways that human rights treaties cannot.⁴

Australia as a disability-inclusive trade leader

Australia has already demonstrated leadership in disability-inclusive trade. We commend the Australian Government for its commitment to disability rights in the Australia – United Kingdom Free Trade Agreement, which features disability-inclusive provisions relating to copyright and small medium enterprises owned or led by people with disability.⁵ Recent literature has recognised these provisions as leading practices in disability-inclusive trade.⁶

We also commend Australia’s International Disability Equity and Rights Strategy’s (IDEAR Strategy) commitment to ‘advancing inclusive trade to enable people with disability to share in its benefits, including through multilateral aid-for-trade investments and non-discrimination provisions for people with disability in future free trade agreements’.⁷

This Review provides an opportunity for Australia to activate its IDEAR Strategy commitment and further its role as a leader in disability-inclusive trade. This is particularly important in agreements with developing countries in Southeast Asia. Very few developing countries have disability-related provisions in their free trade agreements, even though 80% of people with disability live in developing countries.⁸

³ Ibid.

⁴ Bahri A (2024) ‘Trade agreements and disability inclusion: Looking beyond labour and gender equality provisions’, in G Vidigal and K Claussen (eds), *The Sustainability Revolution in International Trade Agreements*, Oxford University Press, pp. 107–120, p 108.

⁵ [Australia–United Kingdom Free Trade Agreement](#), Australia–United Kingdom, opened for signature 17 December 2021, [2023] ATS 1 (entered into force 31 May 2023).

⁶ Bahri (n 4) 117.

⁷ Department of Foreign Affairs and Trade (DFAT) (2024) [Australia’s International Disability Equity and Rights Strategy](#), Commonwealth of Australia, accessed 22 December 2025, 21.

⁸ Bahri (n 4) 114; United Nations Department of Economic and Social Affairs (n.d.) [Relationship between development and human rights](#), United Nations, accessed 22 December 2025.

Our call

The IDEAR Strategy commits not only to advancing disability-inclusive trade, but to following the disability community's call of 'nothing without us', which reflects Australia's co-design obligations under Article 4(3) of the UN Convention on the Rights of Persons with Disabilities (CRPD). 'Nothing without us' is a call 'to be listened to, to participate and to contribute at all stages of policy and program development and across all sectors'.⁹

Accordingly, our overarching recommendation is that **DFAT commissions a co-designed report on 'gold standard' disability-inclusive trade provisions** with people with disability through our representative organisations. DFAT could then use these gold standard provisions in negotiations for modernised and new free trade agreements in Southeast Asia and other regions.

Co-design would entail people with disability helping to shape the report's research questions, analysis and recommended provisions, leading to more accurate identification of risks and more effective, rights-affirming solutions. Co-design would ensure that the report's final recommendations reflect the priorities and expertise of people with disability and not merely assumptions made on our behalf.

Issues to consider

While we see a co-designed report as the ideal approach, if DFAT adopts an alternative method, we would still expect the disability community to be closely consulted in accordance with Article 4(3) of the CRPD.

As a starting point, PWDA recommends that Australia considers including the following types of provisions in its free trade agreements in Southeast Asia and other regions:

- **Accessible information:** Provisions that commit Governments to provide information in accessible formats, including compliance with web accessibility standards. For example, Article 5 of the European Union – United Kingdom Agreement, which requires Parties to ensure information about the terms and

⁹ DFAT (n 7) 17.

conditions of employment are made available in formats accessible for people with disability.¹⁰

- **Accessible transport:** Ensuring that transport is accessible for people with disability. For example, the European Union – United Kingdom Agreement requires Parties to ensure that non-discriminatory measures are taken to protect the interests of consumers in air transport, including ensuring access to information and assistance for people with disability.¹¹
- **Intellectual property:** Facilitate the reproduction of published works in accessible formats through exceptions to intellectual property protections. For example, the Australia – United Kingdom Free Trade Agreement states that each party must ‘endeavour to achieve an appropriate balance in its copyright and related rights system...by means of limitations or exceptions ...giving due consideration to legitimate purposes such as ...facilitating access to published works for people with disability.’¹²
- **CRPD reference:** Ensuring that free trade agreements expressly reference the CRPD and other core human rights treaties in their preambles.
- **Assistive technology:** Ensuring that assistive technology, mobility aids and other essential disability supports are exempt from ‘custom duty, brokerage fees and other border taxes and formalities’ and considering whether to relax patent protections on those products.¹³
- **Small and medium-sized enterprises (SME):** support and concessions for SMEs owned or led by people with disability.

¹⁰ Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, European Union-United Kingdom, opened for signature 30 December 2020, OJ L 149/1 (entered into force 1 January 2021), art 5.

¹¹ Ibid art 438.

¹² Australia-United Kingdom Free Trade Agreement (n 5) art 15.63.

¹³ Bahri A (2022) [Making trade agreements work for people with disabilities: What’s been achieved and what remains undone?](#), United Kingdom Foreign, Commonwealth and Development Office, accessed 22 December 2025, 51.

We note that the IDEAR Strategy specifically refers to **non-discrimination provisions** in free trade agreements.¹⁴ We encourage DFAT to consider how these provisions could be applied not only to employment but also to other areas affecting people with disability.

We look forward to engaging further in the Review. If you would like to discuss our submission further, please contact Lisa Ira, Expert Advisor – Human Rights & International, on 0493 490 759 or via email at lisai@pwd.org.au.

Yours sincerely

Megan Spindler-Smith
Acting Chief Executive Officer
People with Disability Australia

¹⁴ DFAT (n 9) 21.