Position Paper: Disability-inclusive trade

Purpose

This position paper provides Australia's Department of Foreign Affairs and Trade (DFAT) with guidance for strengthening disability inclusion in Australia's free trade agreements (FTAs). It sets out principles to guide the drafting and revision of disability-inclusive FTA provisions and identifies existing disability-inclusive FTA provisions that the authors support as models for future agreements.

This paper was developed by People with Disability Australia (PWDA), with significant input from the Australian Council for International Development and the Australian Disability Development Consortium. The position paper has been endorsed by:

- Disability Advocacy Network Australia
- Physical Disability Australia

The paper draws on existing FTAs, relevant academic literature and the rights and obligations contained in the Convention on the Rights of Persons with Disabilities (CRPD). As a disability representative organisation, PWDA also brings the perspectives, priorities and lived experience of people with disability to these recommendations.

We would like to thank Dr Amrita Saha, Senior Fellow and Technical Lead (Trade, Development and Inclusive Growth), Institute of Development Studies, University of Sussex, United Kingdom for her technical input to this position paper.

Context

Disability provisions in FTAs are an important mechanism for promoting equality.[1] Such provisions can increase business opportunities for people with disability, improve global access to assistive technology and disability-specific knowledge, skills and services and ensure that intercountry travel is accessible. Further, FTAs provide mechanisms for enforcing human rights standards in ways that human rights treaties cannot.[2] Barely 27% of FTAs registered with the World Trade Organization (WTO) contain explicit disability provisions.[3] Studies have found that even in such cases, provisions are typically directly copied from previous trade agreements[4].

We also note that securing disability provisions in FTAs with developing countries is particularly important. Very few developing countries have disability-related provisions in their FTAs, even though 80% of people with disability live in developing countries.[5] These limited examples include Colombia, Ecuador, Costa Rica and Ukraine. However, in each case, these agreements were signed with developing country partners. Experts have noted that no trade agreements signed exclusively between developing countries consider disability inclusion.[6]

Australia has committed to advancing disability-inclusive trade, including through 'multilateral aid-for-trade investments and non-discrimination provisions for people with disability in future free trade agreements', in its International Disability Equity and Rights

[1] World Trade Organization (WTO), '**Global action needed to make trade inclusive for persons with disabilities**', WTO website, 2024, accessed 23 September 2026.
[2] A Bahri, '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, 2024, pp 107–120, p 108.
[3] A Bahri, '**Making trade agreements work for women with disabilities: what's been achieved and what remains undone?**' [conference presentation], International Trade Week, Foreign, Commonwealth & Development Office, United Kingdom, 4 November 2022, accessed 24 September 2026.
[4] F Jaramillo Ruiz, R Nielsen and R Fagundes Cezar, 'The inclusion of disability as a non-trade issue in preferential trade agreements', *Global Social Policy*, 2023, 23(1):148–166.
[5] A Bahri, '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, 2024, pp 107–120, p 114; United Nations Department of Economic and Social Affairs, '**Relationship between development and human rights**', United Nations website, n.d., accessed 22 December 2025.
[6] International Trade Centre (ITC), '**Empowering persons with disabilities through trade**', ITC website, 2022, accessed 24 September 2026.

Strategy (IDEAR Strategy).[7] The IDEAR Strategy also contains a commitment to co-design with people with disability at all stages of policy and program development, reflecting Australia's co-design obligations pursuant to Article 4(3) of the CRPD.[8] It is therefore imperative that Australia advances disability-inclusive trade provisions in current and future FTA negotiations. This can be achieved by closely consulting people with disability as part of policy processes and program design, implementation and evaluation, and involving them in mechanisms where their input and its outcome are transparently verifiable.

Supported FTA provisions

The table in Annexure 1 contains a list of existing disability-inclusive FTA provisions. We support these provisions as current leading examples of disability-inclusive FTA provisions in principle. However, these provisions are 'starting points' and further consultation with people with disability is needed when drawing upon the provisions in specific FTA contexts.

General principles for disability-inclusive FTA provisions

We recommend that Australia draws on the following principles when adapting the model provisions in Annexure 1 and developing new disability-inclusive FTA provisions:

- expressly refer to people with disability, rather than relying solely on generic references to vulnerable, disadvantaged or underrepresented groups and define the term 'disability' in accordance with the CRPD;[9]
- where relevant, expressly refer to people with disability with intersecting identities who are marginalised and impacted by overlapping systems of discrimination and inequality;

[7] DFAT (Department of Foreign Affairs and Trade), ***Australia's International Disability Equity and Rights Strategy: advancing equity to transform lives***, DFAT, Australian Government, 2024, accessed 22 December 2025, p 21.
[8] Ibid., p 17.
[9] A Bahri, '**Making trade agreements work for women with disabilities: what's been achieved and what remains undone?**' [conference presentation], International Trade Week, Foreign, Commonwealth & Development Office, United Kingdom, 4 November 2022, accessed 24 September 2026.

- use the wording of and expressly refer to the CRPD where a provision seeks to implement an article(s) of the CRPD; and

- provide for the meaningful participation of people with disability and their representative organisations in the development, implementation and review of relevant measures.

Most significantly, disability-inclusive provisions in FTAs must be enforceable, rather than merely aspirational. To achieve this, disability-inclusive provisions should be incorporated into existing FTA chapters, or complementary agreements, that contain established implementation, review and enforcement mechanisms. This would provide greater opportunities to enforce disability rights than are currently available through human rights treaties.[10] For example, disability-inclusive employment provisions could be incorporated into labour cooperation chapters or agreements. The Canada-Colombia Agreement on Labour Cooperation, for instance, provides for institutional review mechanisms, review panel procedures, public communications processes and monetary assessment procedures in relation to certain breaches of the agreement.[11] Incorporating disability-inclusive employment provisions into such frameworks would allow them to benefit from these existing accountability mechanisms.

Disability-inclusive provisions could also be incorporated into FTA procurement chapters. For example, requirements relating to accessibility standards for information and communication technology could be included in procurement chapters. Such chapters could be supported by stakeholder complaint mechanisms through which concerns about non-compliant tenders could be raised, together with mandatory reporting requirements relating to procurement accessibility.

Existing transparency and reporting obligations could likewise be expanded to address disability inclusion. For example, by requiring publication of:

- disability employment participation rates;

[10] A Bahri, '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, 2024, pp 107–120, p 108.
[11] **Agreement on Labour Cooperation Between Canada and the Republic of Colombia** (Lima, 21 November 2008) [2011] CTS 13.

- procurement accessibility outcomes;
- assistive technology trade data; and
- information concerning the accessibility of digital trade systems.

We also recommend that organisations of people with disability, disability advocates and disability-owned businesses be permitted to trigger reviews or consultations concerning compliance with disability-inclusive FTA obligations. This would provide disability stakeholders with a direct role in identifying and raising concerns about implementation and compliance, rather than relying solely on governments to initiate relevant review processes.

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