

News

New project to look at children with disability in schools

“It is hard to understand how strapping a child to furniture, or locking them alone in a room to scream themselves into exhaustion could be seen as a justifiable behavioural intervention. This is without doubt a national shame.” Those words in a 2015 Senate report on violence, abuse and neglect of people with disability in institutions summed up the reason for a new Castan Centre project looking at how children with disability are educated in Victoria.

The Senate report, together with another Senate report and a Victorian report on access to education for children with disability paint a worrying picture of how students are sometimes treated in schools and other institutions. Together, these documents have helped to create greater momentum for improving the lot of children with disability.

This new project will look at the laws, policies and procedures covering the education of children with disability in

Victoria and measure their compliance with the state’s Charter of Human Rights and Responsibilities Act. The Centre has teamed up with academic Dr Claire Spivakovsky, who will then investigate the practical experience of children in the education system. The Monash Arts Faculty academic will visit up to ten schools across the state to interview school principals, teachers and parents of children with disability.

The final product will be a report to the Victorian Government, which has undertaken to consider the report’s recommendations with the aim of improving the human rights of some of the state’s most vulnerable people. This stance comes on the heels of some positive developments in the state, including the appointment of the Principal Practice Leader, who works with the Department of Education to develop best practice approaches for using restraint and seclusion in Victorian government schools.

While the project will certainly shine a light on how children with disability are catered for in the education system, it will also highlight the importance of human rights laws. Under the Victorian Charter, “public authorities” including the Department of Education and public schools are prohibited by law from breaching a person’s human rights. It means that they have an obligation to ensure that the rights of children with disability are being protected. This obligation in turn gives the children and their families a powerful way of advocating for better treatment.

Unfortunately, only the ACT currently has similar legislation, although the Queensland Government is considering a Human Rights Act at the moment.

The Centre’s Accountability Project Manager, Adam Fletcher, has commenced work on the research and is being assisted by lawyers from Colin Biggers and Paisley, who are working on the project pro bono. The final report will be released in mid 2018.

This project receives funding through the Victorian Legal Services Board Grant Program.

Farewell, Bronwyn



Bronwyn Naylor, former Castan Centre Deputy Director

After a long and distinguished career at Monash University, Associate Professor Bronwyn Naylor is moving on to take up a position as Professor of Law at RMIT University but thankfully she will maintain an ongoing connection with the Faculty and the Castan Centre.

Bronwyn has donated countless hours to the Centre as first a member, then an Associate and finally Deputy Director, bringing her expertise in prisons, criminal law and human rights to the Centre’s policy and public education work. Most recently, Bronwyn has been part of a Castan Centre team working on mapping Australia’s laws governing the use of force in different environments including prisons, immigration detention and some mental health facilities. Her expertise has been crucial for the project, led by Dr Stephen Gray, and she will continue to contribute to it in her new position at RMIT.

Another key effort of Bronwyn’s has been

to work with a range of other advocates to encourage Australia to ratify the Optional Protocol to the Convention Against Torture. Ratification would have a number of beneficial outcomes, in particular the establishment of an independent monitoring body for prisons and other closed environments, something Australia lacks at the moment.

As a law academic with a long history of collaboration across sectors, Bronwyn has brought new and important insights to the practice of human rights law, often conducting important field research in the criminal justice system. This has included funded research on the implementation of human rights in closed environments, and on the impact of having a criminal record on former offenders’ access to employment.

While Bronwyn will be employed at RMIT, she will hold an adjunct position at Monash, and will continue to supervise Monash higher degree by research students.

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