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# **Review of New Zealand**

## **United Nations Convention on the Rights of Persons with Disabilities**

**Geneva 2014**

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# History of the UN Convention

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2003: NZ was granted a place on the UN working group set up to develop a draft convention.

April 2005: NZ ambassador to the UN, Don Mackay, was appointed as chair of the Ad Hoc Committee.

December 2006: the UN General Assembly adopted the Convention on the Rights of Persons with Disabilities.

March 2007: New Zealand was one of 81 nations that signed the Convention on the Rights of Persons with Disabilities, ratified by the government in 2008.

The UN Committee scheduled NZ's review of the implementation for September 2014.

## Key Principles – Article 3

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1. Respect for inherent dignity, individual autonomy
2. Non-discrimination
3. Full and effective participation and inclusion in society
4. Respect for difference
5. Equality of opportunity
6. Accessibility
7. Equality between men and women
8. Respect for the evolving capacities of children with disabilities

# UN Convention -What do the 33 articles cover?

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- 6/7 - Women / Children with disabilities
- 8 – Raising awareness
- 9 – Accessibility
- 10 – Right to life
- 12 – Equal recognition before the law
- 13 – Access to justice
- 16 – Freedom from abuse
- 19 – Living independently
- 24 – Education
- 25 – Health
- 27 – Employment
- 29 – Political and public life

# UN Convention – Why Review?

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- Each country has an examination of its performance against the implementation of the Convention
- At the September 2014 meeting of the United Nations Committee on the Rights of Persons with Disabilities, the first examination of New Zealand's implementation of the Convention was included
- This examination covered activity in the period since our ratification of the Convention in 2008.
- The Committee meets in Geneva, Switzerland.

# Government Preparation for the Examination

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- The Office for Disability Issues (ODI) coordinated the Government's involvement with the examination.
- In late April 2014, the UN Committee published a List of Issues - 31 questions on New Zealand's implementation of the Convention.
- ODI coordinated and put together the Government's written response which was submitted in June 2014.

# List of Issues - examples

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Included:

- Non Discrimination – Please give up to date statistics on the numbers of cases by people with a disability of discrimination in employment
- Accessibility – Please provide information on plans to raise compliance with NZ Govt Web standards
- Access to Justice – A judge may discharge a juror with disabilities – please give details on the exercise of judicial discretion to discharge these potential jurors
- Education – Please give details on measures being taken to increase the level of tertiary education by persons with disabilities

# DPO's role

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- The voice of disabled people
- Submission to the UN (on 'List of Issues')
- Parallel/alternative Report to the UN
- Preparation for presenting to the UN Committee





# DPO's perspective

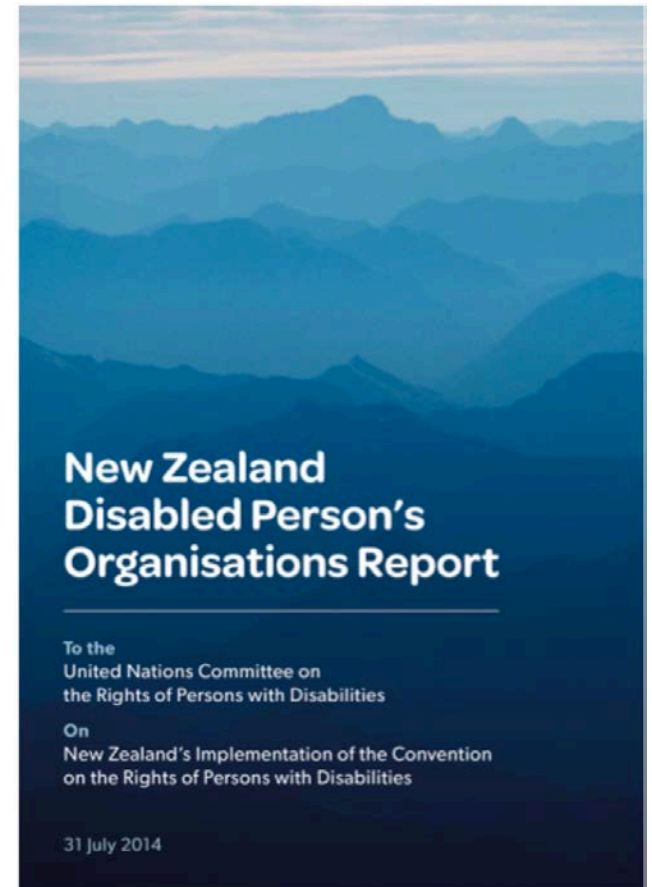
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- NZ is a leader on disability rights on the international stage
- Disabled peoples reality compared to non-disabled New Zealanders:
  - More poverty
  - Less employment
  - Poorer health outcomes
  - More barriers to services
  - More barriers to community participation
- Strategic visions/aspirations vs. implementation and progress

# DPO's priorities

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- Non-discrimination & Equality before the law
- Living in the community
- Health
- Education
- Data & monitoring
- Disabled children
- Indigenous disabled people



# Then off to Geneva!

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# DPO's at the UN

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- Preparation and practice sessions with International Disability Alliance (IDA)
- Meeting with CRPD Committee members





# DPO's at the UN

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- Formal sessions with the CRPD Committee members
  - 8 min presentation (session shared with DPO reps from four other countries)
  - 20 min presentation (NZ DPOs only)



# What was the Government process?

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- NZ delegation – Health, MSD, ACC, MBIE, Education, Crown Law
- Review held at the United Nations building – Palais Wilson over 15-16 Sept 2014
- Delegation led by the senior Mission staff – Amanda Ellis and Carl Reiach
- UN Committee made up of 18 members from Jordan, Thailand, Chile, Korea, Tunisia, Hungary, Uganda, Turkey, Guatemala, Spain, Serbia, Ecuador, Germany, Mexico, UK





# What happened on examination day?

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- Committee and observers present – about 100 people in room
- Opening addresses then first round of questions - 1 hour (15 mins to plan the government response)
- Answer first round of questions – 1 hour
- Second round of questions – 1 hour
- Go home for the evening – (plan responses overnight)
- Start again in the morning with answers – 1.5 hours
- Last round of questions – half an hour
- Last answers and closing addresses – 1 hour











Panasonic	Fn + F3	DELL	Fn + F8
NEC		EPSON	
Acer	Fn + F5	FUJITSU	Fn + F10
HP			
SHARP			
TOSHIBA			
lenovo	Fn + F7	Apple	F7
SONY			

NEW ZEALAND

## Examples of Questions Asked – 83 in total!

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1. Provide information on sanctions against those who do not abide by the standards in the building code
2. Accessible transport – what has been done to overcome these challenges?
3. What criteria help decide at what point an older person will enter a nursing home or is it done at persons request?
4. Regarding special education, do normal and specialised streams both exist? Any prohibition for children with a disability from attending school on the grounds of disability?
5. In what ways are the govt making sure people with a disability can get from home to health services they require?
6. Do people in group homes have access to regular check up's re diseases, medication reviews etc.

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7. Re the Canterbury earthquake, if and how has NZ shared the lessons learned with other countries – capacity building, sharing information on training, civil defence information available in accessible formats?
  8. What kind of access to sign language interpretation for activities performed in social or leisure activities outside of education/employment/health?
  9. What kind of institutions/residential homes still exist in NZ? How many residents in the two largest?
  10. What kind of services are available to young people in aged care to become active participants in the local community?
  11. What supports exist for independent living in NZ?

# Where do we need to improve? (from concluding observations)

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- Recommends that the state party ratify the optional protocol
- That the state party reconsider the policy on paying family carers
- Amend the Human Rights Act to include a definition of reasonable accommodation
- Revise relevant laws to replace substituted decision making with supported decision making
- That the Institute of Judicial Studies run training programmes on the convention.



# **Governments Response – What did we learn?**

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- “The examination provides a valuable opportunity to reflect critically on areas of good progress in implementing the CRPD and also on those areas where further work is required.”

# Summary of 33 recommendations

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Grouped Responses	In progress	Further work required	Legislation change required	Don't Agree	Total
General	4				4
Access	6	1			7
Justice and Self Determination	3	6	1	1	11
Community Living	5	1	1		7
Reasonable Accommodation	1			1	2
Data	1				1
International Cooperation	1				1
TOTAL	21	8	2	2	33

# DPO's outcomes & learnings

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- **NZ DPOs received praise from Committee and other DPOs**
  - NZ DPO report - good model for other countries
- **DPO's reports and engagement was very effective (\$)**
  - Almost all DPO priorities were taken on by the Committee in questions to NZ Government and in the Concluding Observations
- **NZ DPOs need to be more united**
- **NZ DPOs need to include more voices**
  - (eg: mental illness, hard of hearing, children)
- **We need to do more work with our pacific neighbours**

# Last Word to Mandela

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"It is not a question of patronizing philanthropy towards disabled people. They do not need the patronage of the non-disabled. It is not for them to adapt to the dominant and dominating world of the so-called non-disabled. It is for us to adapt our understanding of a common humanity; to learn of the richness of how human life is diverse; to recognize the presence of disability in our human midst as an enrichment of our diversity."

~ Nelson Mandela

# Thank you

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