**New Zealand DPOs submission**

**on the list of issues and questions for the New Zealand Government:**

**To help inform the Committee on the Rights of Persons with Disabilities’ consideration of New Zealand’s implementation of the Convention on the Rights of Persons with Disabilities.**

**From:**

**Disabled Persons Assembly (NZ) Inc., Association of Blind Citizens, Balance New Zealand, Deaf Aotearoa New Zealand, Deafblind (NZ) Inc., Ngā Hau e Whā, Ngāti Kāpo o Aotearoa Inc., People First NZ Inc – Ngā Tangata Tuatahi.**

New Zealand has a good official record of promoting participation, inclusion and accessibility for all disabled people however, the experiences of disabled New Zealanders indicates that official policy can often differ from actual practice.[[1]](#endnote-1)

For example, the 2010 monitoring report: *Disability Rights in Aotearoa New Zealand*, noted that:

“Social participation by disabled people in society emerged as the biggest single issue ... .” Other major issues identified were negative experiences relating to health… lack of employment… access to disability related services and supports… barriers to making complaints, and a general lack of awareness and responsiveness about disability issues. The high cost of living, gender and ethnicity further compounded these issues.

This submission is from the group of New Zealand Disabled People’s Organisations (DPOs), governed by disabled people. This submission aims to provide a disability voice in the Convention on the Rights of Persons with Disabilities (CRPD) Committee’s consideration of a list of issues and questions for the New Zealand government. As such, it has drawn heavily on DPO led reports and provides detail on key issues that seem to be lacking in official reports from New Zealand.

**Article 4.3 Consulting closely with and actively involving disabled people, including disabled children, through their representative organisations**

There has been a strong call from disabled people and DPOs for the Government to partner much more extensively with disabled people through the DPOs.[[2]](#endnote-2)

The Independent Monitoring Mechanism for the CRPD, established under Article 33, reported that there is considerable disparity in the way different government agencies consult with disabled people and enable their participation in decision-making.[[3]](#endnote-3) Further, a DPO report found that the Government’s implementation of the NZ Disability Strategy (2001) and the CRPD is not well organised and implementation and reporting by government departments can lack consistency.[[4]](#endnote-4)

The Government has begun work to develop a framework for Government engagement with disabled people through their representative organisations. Such a framework must be developed in close consultation with DPOs and provide transparent processes that ensure the participation of DPOs and disabled people in all government decisions that affect them.

**Article 4 question/s:**

**Please provide information on plans to promote and monitor the engagement principles and engagement model developed by the Government and DPOs to ensure disabled people through their representative organisations can meaningfully participate in decisions that affect them.**

**Article 5 Equality and non-discrimination**

1. **Discriminatory amendment to the Public Health and Disability Act**

In 2012 the Court of Appeal affirmed that the policy of not paying family carers to provide disability support services to adult disabled family members constituted unjustifiable discrimination on the basis of family status. In direct response to this decision the Government passed the New Zealand Public Health and Disability Amendment Act under urgency[[5]](#endnote-5) on 17 May 2013.

This amendment limits the circumstances in which family members can be paid, the category of family member that can be paid (e.g. parents but not spouses) and imposes a payment system with a lesser pay rate for family than is offered to non-family members using a different delivery system. Furthermore the Act has closed off further legal action on this issue by declaring that no further complaints can be made regarding the payment, or otherwise, of family members as care givers.[[6]](#endnote-6) The Act effectively outs the Human Rights Commission’s jurisdiction and removes any potential domestic remedy for unlawful discrimination relating to government family care policy.[[7]](#endnote-7)

The Act was passed under urgency (in one day) despite the Attorney-General reporting it was inconsistent with the right to judicial review and potentially inconsistent with the right to freedom from discrimination.[[8]](#endnote-8) The Act and the manner in which it was passed has attracted widespread criticism, including from the New Zealand Law Society.[[9]](#endnote-9)

The passing of this Act was greeted with despondency and despair by disabled people. The Independent Monitoring Mechanism (established under Article 33) has recommended urgent reconsideration of the New Zealand Public Health and Disability Amendment Act and in particular to repeal those sections that limit further legal action and limit the circumstances in which family members can be paid and the categories of family member that can be paid.[[10]](#endnote-10)

This limitation on disabled people making complaints regarding government family care policy is particularly concerning given that New Zealand has not signed the CRPD Optional Protocol.

1. **Reasonable accommodation**

A reported lack of understanding of reasonable accommodation is at the heart of many complaints and enquiries to the New Zealand Human Rights Commission. This led the Independent Monitoring Mechanism (established under Article 33) to recommend that guidance on the requirements and application of reasonable accommodation be developed.[[11]](#endnote-11) DPOs are not aware of any progress on this.

Furthermore, the Convention Coalition monitoring group (made up of DPOs) have recommended that reasonable accommodations, including in employment, need monitoring and reviewing every four years.[[12]](#endnote-12)

**Article 5 question/s:**

**Please provide information on plans to reconsider the New Zealand Public Health and Disability Amendment Act 2013 and to repeal those sections that limit further legal action and limit the circumstances in which family members can be paid and the categories of family members that can be paid.**

**Please provide information on the Ministry of Justice’s progress and plans to develop guidance on the requirements and application of reasonable accommodation and the protections under the Bill of Rights Act.**

**Article 8 Awareness raising**

Disabled people report that their participation in society is often limited by people’s negative or unaware attitudes. Disabled people have called for a national awareness campaign that targets all sectors of society.[[13]](#endnote-13) Currently, the government has a community-based “Think Differently” campaign, aimed at improving attitudes and behaviour towards disabled people. However, DPOs have expressed concerns that this campaign is not being carried out in close consultation with, and actively involving DPOs, and as a result some decisions have been made that appear to be inconsistent with the CRPD principles and general obligations.

**Article 8 question/s:**

**Please provide information on the Ministry of Social Development’s Think Differently campaign’s plans and progress to clearly and transparently engage with disabled people through their representative organisations so that they can provide meaningful input and leadership on changing attitudes and behaviours towards disabled people.**

**Article 9 Accessibility**

Accessible building standards and compliance and monitoring of those standards needs reviewing and up-grading to improve the accessibility of the built environment in New Zealand.[[14]](#endnote-14)

Current building accessibility standards are not mandatory and were last reviewed more than a decade ago.[[15]](#endnote-15) The Government announced in December 2013 that it will conduct a review of the current building regulatory system and how it is meeting the needs of disabled people.[[16]](#endnote-16) This review aims to gain a better understanding of how building access requirements are being implemented in new and older buildings and the extent to which the requirements provide for access to buildings for disabled people. Recommendations from the review are due mid-2014. The involvement of DPOs in this review is weak and should be made formal and transparent. DPOs involvement in the review process and ensuring compliance with the CRPD are vital to the success of this review.

Although New Zealand’s transport legislation includes some provisions for disabled people there are ongoing problems with enacting such statute.[[17]](#endnote-17) There have been some initiatives and improvements in transport access for disabled people but the development of national accessibility design standards for all public land transport (recommended in a 2005 report of the Human Rights Commission) have not been progressed.[[18]](#endnote-18) Furthermore, it is understood that there is insufficient monitoring and data on transport accessibility for disabled people.

Access to government services and information in New Zealand remains a significant and worrying barrier to disabled people’s participation in society, as reported by disabled people and evident in complaints to the Human Rights Commission and the Office of the Ombudsmen.[[19]](#endnote-19) New Zealand Government Web Standards, based on international “Web Content Accessibility Guidelines” are mandatory for core government departments however compliance with these standards is low, and the standards have been criticised for their limited scope, ie: not including District Health Boards, local authorities and schools.[[20]](#endnote-20) Full compliance with international and domestic standards of information accessibility will require more planning to be progressively implemented.[[21]](#endnote-21)

**Article 9 question/s:**

**Please provide information on progress and plans to ensure all building legislation and building standards align with the CRPD.**

**Please provide information on plans to clearly and transparently engage with disabled people through their representative organisations so that they can provide meaningful input and leadership on the Building Review and any subsequent building accessibility work.**

**Please provide information on plans to develop national accessibility standards for transport and plans to improve data on the accessibility of transport and monitoring of accessible transport.**

**Please provide information on plans to raise compliance with New Zealand Government Web Standards, and to extend the scope of mandatory compliance with these standards to crown entities, including District Health Boards, local authorities and schools.**

**Article 12 Equal recognition before the law**

The Convention Coalition monitoring group (made up of DPOs) reported in 2012 that New Zealand most often uses substituted decision-making which is not consistent with the supported decision-making approach advocated for in Article 12 of the CRPD.[[22]](#endnote-22) Concerns are around implementation processes and the lack of checks and monitoring in place to ensure appropriate safe guards.

Significant concerns have been raised that people with mental illness are being subject to overuse of compulsory treatment powers under New Zealand’s Mental Health (Compulsory Assessment and Treatment) Act 1992. This Act has been criticised for its lack of human rights principles and changes to the Act are sought to make it consistent with the CRPD.[[23]](#endnote-23) The number of people under compulsory treatment has increased significantly in the past five years, and Māori people are over-represented in those numbers.[[24]](#endnote-24) Disabled people have called for the elimination of seclusion in mental health detention facilities[[25]](#endnote-25). There have also been calls for closer monitoring and review of the detention and treatment of people with intellectual/learning disabilities and people with mental illness.[[26]](#endnote-26)

**Article 12 question/s:**

**Please provide statistics on the number of disabled people who have been subjected to substituted decision-making and compulsory treatment since New Zealand ratified the CRPD.**

**Please provide information on mechanisms, including checking and monitoring processes, in place to protect disabled people from abuse, exploitation and /or neglect in situations where their decisions, choices and preferences are legally being made by others.**

**Please explain the criteria and the processes for placing a disabled person, including learning / intellectually disabled people and people with mental illness, in forced confinement, how many people have been placed in forced confinement and how placement decisions can be challenged.**

**Article 16 Freedom from exploitation, violence and abuse**

Abuse and violence towards disabled people continues to be invisible due to a lack of data and recognition in research. Despite the lack of official data, several recent incidences of abuse and violence against disabled people have been exposed publically and in research[[27]](#endnote-27) pointing to the urgency of work needed in this area.

**Article 16 question/s:**

**Please provide information on plans to provide more statistics on abuse of disabled people and plans to address abuse of disabled people.**

**Article 17 Protecting the integrity of the person**

Under New Zealand law[[28]](#endnote-28) everyone has the right to refuse to undergo any medical treatment. For those people deemed to lack competency this right is specified under the Protection of Personal and Property Act (1988).[[29]](#endnote-29) Disabled people have expressed concerns that compulsory interventions are often the first resort rather than the last.[[30]](#endnote-30)

**Article 17 question/s:**

**Please provide any statistics and information on disabled people, including disabled children and disabled women, who have had involuntary medical treatment, including sterilisation. If providing statistics is not possible, why is this not possible? And, are there any plans to gather statistics and information on involuntary medical treatment of disabled people, to review the statistics and information and to address any issues that statistics and information may reveal?**

**Article 19 Living independently and being included in the community**

Disabled people in group residential homes say they continue to experience oppressive living arrangements such as not being allowed to live with their partners, families or friends.[[31]](#endnote-31)

There is a lack of age-appropriate residential facilities for disabled people severely restricting their residential choices and sometimes forcing them to live in rest homes (old people’s homes) or to move away from their families to live in one of the few age appropriate residential facilities.[[32]](#endnote-32) This issue is particularly acute in Christchurch due to the loss of buildings from the 2011 earthquake.

The lack of accessible and appropriate housing has also being found to be particularly problematic for disabled youth. Disabled youth have reported having to remain with their family longer and/or accept housing options that are less conducive to developing their independence.[[33]](#endnote-33)

**Article 19 question/s:**

**Please provide information on plans to increase options for quality residential facilities and housing for disabled people, including ensuring real choices for disabled people about where they can live.**

**Article 24 Education**

Disabled youth have reported experiencing isolation and exclusion within the school system, and have also reported experiencing intimidation and bullying in schools and beyond.[[34]](#endnote-34)

Access to funding and support services for disabled children is a common theme among complaints made to the Ombudsman and the Human Rights Commission.[[35]](#endnote-35) A survey looking at children with the highest level of support needs found that over half of the students were able to attend their local school, yet many parents reported ongoing difficulties to achieve an education that met their child’s needs.[[36]](#endnote-36)

A leading disability organisation is self-funding legal proceedings against the Ministry of Education claiming special education policies are discriminatory. This is in response to a high number of complaints and concerns received about disabled children being treated differently to non-disabled children in matters to do with enrolment, access to the curriculum and participation in school life.[[37]](#endnote-37)

The Independent Monitoring Mechanism for the CRPD noted, in 2012, three concerns regarding education for disabled children:

1. The lack of an enforceable and specific right to education for disabled children
2. The lack of learning outcomes data for disabled students
3. The lack of a plan to take NZ from a mixed segregated-inclusive education system to a fully inclusive education system.[[38]](#endnote-38)

New Zealand Sign Language (NZSL) was declared an official language by the New Zealand Sign Language Act 2006. Concerns have been expressed that the NZ Government provides “too little too late” to facilitate children’s and families access to NZSL, particularly in those crucial early years.[[39]](#endnote-39) The Government has begun new work around improving access to education in NZSL and this work will need to be closely monitored.

**Article 24 question/s:**

**Please provide information on any plans to establish a specific and enforceable right to education.**

**Please provide information on any plans to take New Zealand from a mixed segregated-inclusive education system to a fully inclusive education system.**

**Please provide disaggregated data on the learning outcomes and achievement data of disabled students in compulsory education. If these statistics are not available please provide an update on progress towards providing this information, including a timeframe.**

**Please provide information on plans to measure the types and extent of bullying experienced by disabled students in schools.**

**Please provide information on any plans that the Ministry of Education has to implement whole of school anti-bullying programmes that ensure that schools are safe and nurturing places for disabled students.**

**Please provide information on any plans that the Ministry of Education has to establish initiatives that promote the value of difference and affirm the identity of disabled students in education.**

**Please provide information on tertiary education programmes, courses and institutes that have declined disabled people into their courses/programmes and the reasons for this.**

**Please provide an update on plans to ensure all deaf children and children with communication difficulties can fully access their education via New Zealand Sign Language.**

**Please provide an update on plans to ensure all blind and visually impaired children can fully access their education via appropriate means.**

**Article 25 Health**

Disabled people continue to have negative experience in health services reporting discrimination, inequality and a lack of dignity and respect in health services.[[40]](#endnote-40)

Problems in finding and maintaining good quality carers is an ongoing issue often attributed to the low wages for carers.[[41]](#endnote-41) Inadequate care negatively impacts on the person’s health and quality of life. Disabled people have called for a full inquiry into the work and remuneration of aged-care and home-based care workers.[[42]](#endnote-42)

The serious poor health status of people with intellectual/learning disabilities is well documented in New Zealand[[43]](#endnote-43). Evidence of Government commitment to address this is minimal. [[44]](#endnote-44)

Additionally, there are concerns for the health status of Māori disabled people. As a population Māori people have on average the poorest health status of any ethnic group in New Zealand[[45]](#endnote-45) and the Māori population have a higher rate of disability.

**Article 25 question/s:**

**Please provide information on the Ministry of Health’s and the District Health Board’s plans and progress towards ensuring health information and services are accessible to disabled people.**

**Please provide information on any plans or considerations for an inquiry into the work and remuneration of aged-care and home-based care workers.**

**Please provide an update on progress and plans to address the poor health status of disabled people, especially learning/intellectually disabled people.**

**Please provide information on progress and plans to address the poor health status of Māori disabled people.**

**Article 27 Work and Employment**

Disabled people are under-represented in the work force. A reported 43.6% of disabled people participate in the workforce, compared with 70% of non-disabled people.[[46]](#endnote-46) Further, statistics show that Māori disabled people are significantly less likely to be in employment than non-Māori disabled people.[[47]](#endnote-47)

New Zealand’s sheltered employment system ceased in March 2007 and in its place the Minimum Wage Act (1983) provides for minimum wage exemption permits to workers who are limited by a disability in carrying out their work. This means a lower minimum wage rate may be set for a disabled person in a particular job for the period in the permit. Approximately 1,200 individual workers remain under these minimum wage exemptions.[[48]](#endnote-48) Disabled people have called for this minimum wage exemption to be abolished.[[49]](#endnote-49)

**Article 27 question/s:**

**Please provide updated information on plans and action to increase the number of disabled people in the workforce and to enable career progression for disabled people.**

**Please provide an update on progress and plans to develop better alternatives to replace the minimum wage exemption.**

**Article 28 Adequate standard of living and social participation**

Disabled people have called for the recognition of the disabling effect of the cost of disability.[[50]](#endnote-50)

**Article 28 question/s:**

**Please provide information on any plans to examine the disabling effect of the cost of disability for disabled people.**

**Article 29 Participation in political and public life**

Concerns have been expressed around limitations on the right to vote for disabled people. Statutory provisions exist to allow electoral staff or a nominated person to assist disabled voters to cast their vote[[51]](#endnote-51). These provisions appropriately enable some disabled people to cast their vote. For others it does not provide their right to an independent and secret vote as they must disclose their vote to the nominated person.[[52]](#endnote-52) Electronic or internet voting is not available in New Zealand and the Government has yet to commit plans and funding to implement this.[[53]](#endnote-53)

New Zealand’s Electoral Act 1993 disqualifies certain categories of people from voting, including people who have been detained (but not necessarily convicted) for three years or more for criminal offending due to a serious mental health condition.[[54]](#endnote-54) It has been recommended that this disqualification be reconsidered.[[55]](#endnote-55)

**Article 29 question/s:**

**Please provide information on why the Electoral Commission’s Disability Strategy[[56]](#endnote-56) aims to provide online voting by 2020 and not for the 2017 national elections.**

**Please provide information on any plans to remove limitations on voting by disabled people who have been detained.**

**Article 30 Participation in cultural life, recreation, leisure and sport**

Access to television, DVDs and online media in New Zealand is significantly lower than other countries that New Zealand likes to compare itself with. Less than 10% of television in New Zealand is captioned and about one to two hours per day of television is audio described. Disabled people have called for captioning and audio-description to be mandated in statute to progressively increase the proportion of accessible broadcasts and to ensure quality standards[[57]](#endnote-57).

1. **Māori and Pacific disabled people**

Māori people have a significantly higher incidence of disability than non-Māori people.[[58]](#endnote-58)

There are significant concerns around ensuring disabled Māori are included in te Ao Māori (the Māori world).[[59]](#endnote-59) Many Māori disabled people are unable to access aspects of their culture and language.[[60]](#endnote-60) The rights of Deaf Māori people to access their Māori culture and language are of particular concern as there are only two qualified tri-lingual interpreters in New Zealand[[61]](#endnote-61) (tri-lingual interpreters are able to interpret between three language: English, Māori and New Zealand Sign Language).

**Article 30 question/s:**

**Please provide information on any plans to increase the accessibility of television, DVDs, movies, and online media, including plans to ensure the progressive increase in the percentage of captioning and audio description.**

**Please provide information on progress and plans to ensure Māori and Pacific disabled people are able to access their Māori and Pacific culture and language.**

**Article 31 Statistics and data collection**

The CRPD Convention Coalition has recommended that government departments, crown entities and local bodies be required to collect and publish disaggregated data in their annual reports.[[62]](#endnote-62)

Key performance indicators for government services need to be developed and monitored to enable ongoing assessment of the barriers that prevent disabled people from participating in society. DPOs and disabled people must be involved in these development and monitoring processes.[[63]](#endnote-63)

**Article 31 question/s:**

**Please provide information on progress and plans to require government departments, crown entities and local authorities to collect and publish disaggregated data on disabled people in their annual reports.**

**Optional Protocol**

Disabled people have called on the New Zealand Government to immediately sign and ratify the CRPD Optional Protocol.[[64]](#endnote-64)

**Optional protocol question/s:**

**Please provide an update on plans and progress towards New Zealand ratifying the CRPD Optional Protocol, including a timeframe for this.**

1. Convention Coalition Monitoring Group. “Disability Rights in Aotearoa New Zealand 2012: A report on the Human Rights of Disabled People in Aotearoa New Zealand. (2012), p 26. [↑](#endnote-ref-1)
2. Ibid. P 12. [↑](#endnote-ref-2)
3. Human Rights Commission (2012) “Making Disability Rights Real Whkatūturu ngā Tika Hauātanga: Annual Report of the Independent Monitoring Mechanism of the Convention on the Rights of Persons with Disabilities 1 July 2011 – 30 June 2012.” P 8. [↑](#endnote-ref-3)
4. Convention Coalition Monitoring Group. “Disability Rights in Aotearoa New Zealand 2012: A report on the Human Rights of Disabled People in Aotearoa New Zealand. (2012), p 12. [↑](#endnote-ref-4)
5. Meaning that despite there being significant human rights implications, neither the Commission nor the public were able to make submissions on the Bill. [↑](#endnote-ref-5)
6. New Zealand Public Health and Disability Amendment Act, Section 70E. [↑](#endnote-ref-6)
7. Submission of the New Zealand Human Rights Commission to the 18th session of the Human Rights Council; New Zealand’s Second Universal Periodic Review. (2013) “Report on New Zealand’s Human Rights Performance” (17 June 2013) p 8. [↑](#endnote-ref-7)
8. New Zealand Law Society Human Rights and Privacy Committee (June 2013) “Submission to the 18th session of the Human Rights Council . Shadow Report to New Zealand’s 2nd Universal Periodic Review”. 17th June 2013. P 5. [↑](#endnote-ref-8)
9. Ibid. [↑](#endnote-ref-9)
10. Submission of the Independent Monitoring Mechanism of the Convention on the Rights of Persons with Disabilities “Making disability rights real Whakatūturu ngā Tika Hauātanga” (17th June 2013), p 11, in Annex 3 of the Submission of the New Zealand Human Rights Commission to the 18th session of the Human Rights Council; New Zealand’s Second Universal Periodic Review. (17th June 2013). [↑](#endnote-ref-10)
11. Ibid. [↑](#endnote-ref-11)
12. Convention Coalition Monitoring Group. “Disability Rights in Aotearoa New Zealand 2012: A report on the Human Rights of Disabled People in Aotearoa New Zealand. (2012), p 82; and Convention Coalition Monitoring Group. “Disability Rights in Aotearoa New Zealand 2010: A report on the Human Rights of Disabled People in Aotearoa New Zealand” (2010), p.67 [↑](#endnote-ref-12)
13. Convention Coalition Monitoring Group. “Disability Rights in Aotearoa New Zealand 2010: A report on the Human Rights of Disabled People in Aotearoa New Zealand” (2010), p.50 [↑](#endnote-ref-13)
14. Convention Coalition Monitoring Group. “Disability Rights in Aotearoa New Zealand 2012: A report on the Human Rights of Disabled People in Aotearoa New Zealand. (2012), p 23, 82; and Human Rights Commission (2012) “Better Design and Buildings for Everyone: Disabled People’s Rights and the Built Environment”. P 13 & 14. [↑](#endnote-ref-14)
15. Human Rights Commission (2012) “Better Design and Buildings for Everyone: Disabled People’s Rights and the Built Environment”. P 13 & 14 [↑](#endnote-ref-15)
16. New Zealand Government Ministers Maurice Williamson and Tariana Turia (2nd December 2013). Accessed on 17th February 2014 at <http://www.beehive.govt.nz/release/progress-disability-access-review> [↑](#endnote-ref-16)
17. Convention Coalition Monitoring Group. “Disability Rights in Aotearoa New Zealand 2012: A report on the Human Rights of Disabled People in Aotearoa New Zealand. Large Print Version. (2012), p 34. [↑](#endnote-ref-17)
18. Human Rights Commission (2012) “Making Disability Rights Real – Whakatūturu ngā Tika Hauātanga: Annual report of the Independent Monitoring Mechanism of the Convention on the Rights of Persons with Disabilities 1 July 2011 – 30 June 2012, p 32. [↑](#endnote-ref-18)
19. Human Rights Commission (2012) “Better Information for Everyone: Disabled People’s Rights in the Information Age.” (October 2012), p 5 & 8; and Deaf Aotearoa New Zealand (2010) “Deaf Way” Report, undertaken by Fitzgerald and Associates (February 2010), p 24; and Human Rights Commission (2012) “Making Disability Rights Real Whkatūturu ngā Tika Hauātanga: Annual Report of the Independent Monitoring Mechanism of the Convention on the Rights of Persons with Disabilities 1 July 2011 – 30 June 2012.” P 13 & 14. [↑](#endnote-ref-19)
20. Human Rights Commission (2012) “Better Information for Everyone: Disabled People’s Rights in the Information Age.” (October 2012), p 5 & 13. [↑](#endnote-ref-20)
21. Ibid. P 7. [↑](#endnote-ref-21)
22. Convention Coalition Monitoring Group. “Disability Rights in Aotearoa New Zealand 2012: A report on the Human Rights of Disabled People in Aotearoa New Zealand. (2012), p 28 & 29. [↑](#endnote-ref-22)
23. John Dawson and Kris Gledhill, (2013) New Zealand Mental Health Act in Practice. Victoria University Press: Wellington, New Zealand. P 25. [↑](#endnote-ref-23)
24. Ibid. [↑](#endnote-ref-24)
25. Convention Coalition Monitoring Group. “Disability Rights in Aotearoa New Zealand 2012: A report on the Human Rights of Disabled People in Aotearoa New Zealand. (2012), p 13. [↑](#endnote-ref-25)
26. Human Rights Commission (2012) “Making Disability Rights Real Whkatūturu ngā Tika Hauātanga: Annual Report of the Independent Monitoring Mechanism of the Convention on the Rights of Persons with Disabilities 1 July 2011 – 30 June 2012.” P 14. [↑](#endnote-ref-26)
27. Dr Michael Roguski (June 2013) “The Hidden Abuse of Disabled People Residing in the Community: An Exploratory Study” prepared for Tairawhiti Community Voice. [↑](#endnote-ref-27)
28. New Zealand Bill of Rights Act (1990) Part 2.11 [↑](#endnote-ref-28)
29. Protection of Personal and Property Act (1988) Part 2, 18(f). [↑](#endnote-ref-29)
30. Convention Coalition Monitoring Group. “Disability Rights in Aotearoa New Zealand 2012: A report on the Human Rights of Disabled People in Aotearoa New Zealand. (2012), p 28 [↑](#endnote-ref-30)
31. Ibid. P 30. [↑](#endnote-ref-31)
32. Ibid. P 31. [↑](#endnote-ref-32)
33. Convention Coalition Monitoring Group. “Disability Rights in Aotearoa New Zealand 2013: Youth. A report on the Human Rights of Disabled People in Aotearoa New Zealand. (2013), p 37. [↑](#endnote-ref-33)
34. Ibid. [↑](#endnote-ref-34)
35. New Zealand Human Rights Commission (2012) “Making Disability Rights Real – Whakatūturu ngā Tika Hauātanga: Annual report of the Independent Monitoring Mechanism of the Convention on the Rights of Persons with Disabilities 1 July 2011 – 30 June 2012, p 20, 21 & 69. [↑](#endnote-ref-35)
36. Ibid. P 64. [↑](#endnote-ref-36)
37. IHC, Education Complaint, accessed on 27th February 2014 at: <http://www.ihc.org.nz/campaigns/education/education-complaint/> [↑](#endnote-ref-37)
38. New Zealand Human Rights Commission (2012) “Making Disability Rights Real – Whakatūturu ngā Tika Hauātanga: Annual report of the Independent Monitoring Mechanism of the Convention on the Rights of Persons with Disabilities 1 July 2011 – 30 June 2012, p 69. [↑](#endnote-ref-38)
39. Human Rights Commission (2013) “A New Era in the Right to Sign. He Houhanga Rongo te Tika Ki Te Reo Turi: Report of the New Zealand Sign Language Inquiry” (September 2013), p 35. [↑](#endnote-ref-39)
40. Convention Coalition Monitoring Group. “Disability Rights in Aotearoa New Zealand 2010: A report on the Human Rights of Disabled People in Aotearoa New Zealand” (2010), p.49, 50. [↑](#endnote-ref-40)
41. Ibid. P 50. [↑](#endnote-ref-41)
42. Convention Coalition Monitoring Group. “Disability Rights in Aotearoa New Zealand 2012: A report on the Human Rights of Disabled People in Aotearoa New Zealand. (2012), p 13 [↑](#endnote-ref-42)
43. National Health Committee report (2003) “To have an ordinary life – Kia Whai Oranga Noa”; and Ministry of Health “Health Indicators for New Zealanders with an Intellectual Disability” (2011); and Ministry Of Health (2011) Health Indicators for New Zealanders with Intellectual Disability. Wellington: Ministry of Health; and Special Olympics New Zealand “Athlete Health Overview” (2012) Accessed on 14/2/2014 at <http://www.specialolympics.org.nz/Be-a-Volunteer/Healthy-Athletes/Athlete-Health-overview.aspx> [↑](#endnote-ref-43)
44. In 2009 the Government informed the United Nations in its first UPR report that a work plan was in place to address this issue. To date, some district health boards have plans in place, but overall there has been minimal progress. Quoted in “Submission of the Independent Monitoring Mechanism of the Convention on the Rights of Persons with Disabilities. Making disability rights real Whakatūturu ngā Tika Hauātanga” (17th June 2013), p 14, in Annex 3 of the Submission of the New Zealand Human Rights Commission to the 18th session of the Human Rights Council; New Zealand’s Second Universal Periodic Review. (17th June 2013). [↑](#endnote-ref-44)
45. Ministry of Health, Health Workforce New Zealand, accessed on 14/2/2014 at: <http://healthworkforce.govt.nz/our-work/workforce-service-forecasts/rehabilitation> [↑](#endnote-ref-45)
46. The Equal Employment Opportunities Trust quoted in the Convention Coalition Monitoring Group. “Disability Rights in Aotearoa New Zealand 2012: A report on the Human Rights of Disabled People in Aotearoa New Zealand. (2012), p 38. [↑](#endnote-ref-46)
47. Convention Coalition Monitoring Group. “Disability Rights in Aotearoa New Zealand 2012: A report on the Human Rights of Disabled People in Aotearoa New Zealand. (2012), p 38. [↑](#endnote-ref-47)
48. Ibid. P 40. [↑](#endnote-ref-48)
49. Ibid. P 84. [↑](#endnote-ref-49)
50. Ibid. P 13. [↑](#endnote-ref-50)
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