

**Paul Gibson, Disability Rights Commissioner**

**New Zealand Human Rights Commission**

**Opening Statement prepared for the 12th Session of the Committee on the Rights of Persons with Disabilities, 15 September 2014.**

Madam Chair, Distinguished Members of the Committee and Distinguished Members of the New Zealand delegation, thank you for the opportunity to address the Committee on the implementation of the Convention of the Rights of Persons with Disabilities in New Zealand.

I would like to start with a short introduction in Māori, the indigenous language of New Zealand. This will be immediately followed by the English translation.

Whakarongo mai.

Tēnei te reo e kawea rā ngā wawata me ngā roimata o te pā harakeke.  Tēnei te reo e kawea rā ngā wawata me ngā roimata o tēnā o tēnā o tātou kua whetūrangitia

Listen and you will hear the voice that carries the hopes, dreams, and tears of present and future generations of disabled people, like the outer layers of the flax bush protecting the heart where new life will one day grow. This is the voice that carries the dreams and tears of those who dwell in the heavens like the stars that decorate the night sky and have guided navigators around our land.  Our national icon, the kiwi, is blind and flightless, and is regarded as the older and wiser sibling to all birds.

The New Zealand Government has done much well. Significant progress has been made since the Convention on the Rights of Persons with Disabilities was ratified in September 2008. Implementation and compliance with the Convention is monitored by an Independent Monitoring Mechanism established by the Government in 2011. The Mechanism is made up of the Human Rights Commission, the Office of the Ombudsman and the Convention Coalition; a coalition of 7 Disabled Persons Organisations. All of the mechanism partners work closely together, in partnership, to monitor compliance with the Convention and to promote better realisation of the rights of disabled people. The Mechanism is a good example of state agencies and DPOs working together on an equal basis to achieve common aims.

One important area that was acknowledged by the Independent Monitoring Mechanism in its most recent report is the increasing engagement between the Government and disabled people. This includes the joint development of the Disability Action Plan and investment in capacity building for DPOs.

However, there is still a long way to go. I will now outline some specific areas of concern where further progress is needed:

1. The Introduction of the New Zealand Public Health and Disability Amendment Act is a significant source of grievance for disabled people and their family members. The legislation removed domestic legal remedies for complaints about the Government’s policy on payments to caregivers who are also family members. The practical effect of the legislation, and the way in which it was introduced, undermine the rights of disabled people. Disabled people should be able to choose who assist them with their care, and family members who provide care should be paid by the Government on the same basis as caregivers who are not family members.

1. Building a people driven system is a key goal of disabled people. Living independently and being fully included in the community are basic rights. The Government has introduced some positive new initiatives and gains are being made in this area. However, progress is not fast enough and some developments do not fully and appropriately include disabled people in the design and implementation processes. Increasing the pace of change, and improving the scope and nature of disabled peoples participation in this area is crucial.
2. Supported decision-making is also an area of concern. Despite the wording of relevant mental health and capacity related legislation it is not clear that the full intent of Article 12 is appreciated nor consistently applied in practice. This is also an area that the Committee might carefully consider.
3. Violence and abuse directed at disabled people is a significant area of concern. Further work is required to ensure that disabled people have access to appropriate resources to enable them to live free from violence, abuse and neglect. Linked to this is the need to acknowledge and learn from previous events that have occurred. This includes abuse suffered in the past by disabled adults and children while in state care. The absence of a comprehensive apology by the Government for historic cases of abuse is an impediment to being able to move forward.
4. The absence of an enforceable right to an inclusive education is a barrier for disabled people and their families. Having an absolute right to attend their local school, and to have the appropriate resources available to support this to happen would be a significant step forward.

I urge the Committee to consider making recommendations in relation to these particular areas as well as those identified in more detail in the report submitted to the Committee by the Human Rights Commission and the Independent Monitoring Mechanism’s second annual report.

Thank you for the opportunity to address the Committee.