



Human Rights Commission
Te Kāhui Tika Tangata

30 September 2010

Craig Mokhiber,
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OHCHR REGISTRY

- 4 OCT. 2010

Recipients : *S. Courtis (end)*
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Dear Craig Mokhiber

HUMAN RIGHTS COUNCIL RESOLUTION 13/11: HUMAN RIGHTS OF PERSONS WITH DISABILITIES, NATIONAL IMPLEMENTATION AND MONITORING AND THE ROLE OF INTERNATIONAL COOPERATION.

Thank you for your letter of 5 August 2010 and the opportunity to respond to the Office of the United Nations High Commissioner for Human Rights thematic study on national implementation and monitoring and the role of international cooperation in support of national efforts for the rights of persons with disabilities. The following response is provided by the New Zealand Human Rights Commission as the National Human Rights Institution of New Zealand.

Key measures adopted at a national level to implement the Convention on the Rights of Persons with Disabilities.

1. The national budget 2010 allocated \$NZ 2.34 million over the next three years to implement Article 33 of the Convention on the Rights of Persons with Disabilities (CRPD). The money is allocated to the New Zealand Human Rights Commission (the Commission), the Ombudsmen and a network of disabled people's organisations known as the Disability Convention Coalition.
2. The budget allocated the money to each organisation to broadly protect, promote and monitor the rights of disabled people. The Minister for Disability Issues has presented a proposal to Cabinet outlining how the roles outlined in Article 33 will be fulfilled by the three organisations, individually and collectively.
3. The Convention Coalition has undertaken a qualitative research and monitoring programme to ascertain how the rights contained in the CRPD are experienced in the everyday lives of disabled people in four regions of New Zealand. The results of the research will be available to inform the initial reports on the

implementation of the CRPD in New Zealand.

4. The national budget 2010 also allocated significant new money to services and initiatives important in enabling disabled people to participate fully in their communities and attain a standard of living similar to others in the community. This included funds to:
 - Promote universal or lifetime design standards for houses
 - Deliver a public awareness campaign to change attitudes and behaviours that limit opportunities for disabled people
 - Deliver increased home, community and disability support services
 - Provide increased residential services for people with intellectual disabilities
 - Provide increased support for independent living and respite care.

In total this amounts to \$NZ 93 million in new spending.

5. During 2010 the government has conducted a review of special education. The terms of reference stated that the review must “result in services and supports that are consistent with United Nations Convention on the Rights of Persons with Disabilities”. The Commission provided a submission to the review based the recommendations of the Special Rapporteur on the Right to Education’s guidelines for inclusive education. The government has not announced its response to the review. Attached is a copy of our submission.
6. As part of the review of special education the government also conducted a review of Deaf education. New Zealand Sign Language (NZSL) is an official language of New Zealand. Despite this the New Zealand Curriculum is not available to deaf students in NZSL. The government has not announced its response to the review.
7. The Commission has conducted a comprehensive review of human rights in New Zealand (the Review). The results will be published as *Review of Human Rights in New Zealand 2010* on human rights day in December 2010. The review will inform the Commission’s priorities for the next 3-4 years. Part of the review is a chapter on the rights of disabled people based on an assessment of the fulfilment of the rights in the CRPD. The review of disabled people’s rights was undertaken with significant input from disabled people including the Commission’s Disability Reference Group, a group disability experts set up to advise the Commission. The review will also be used to inform the Commission’s independent report to the United Nations on the implementation of CRPD in New Zealand due early next year. A copy of the draft chapter is attached.

Challenges and obstacles to the full implementation at a national level of the Convention on the Rights of Persons with Disabilities

8. The major obstacle to the implementation of the CRPD in New Zealand is the lack of an integrated and coordinated Government response. New Zealand has had a Disability Strategy since 2001. This has provided the platform for some

major initiatives such as the passing of the New Zealand Sign Language Act making NZSL an official language and some incremental changes. However the implementation of the strategy has relied on the initiative of individual government departments and ministries. A review of the first six years of the strategy indicated that the absence of an overall plan with outcomes, measures and targets and a dedicated budget has been a major impediment to the effectiveness of the strategy. The Commission believes that the government should learn from this experience and adopt a comprehensive whole of government approach to implementation.

9. The government has a Minister and an Associate Minister for Disability Issues and has formed a Ministerial Committee on Disability Issues to oversee the implementation of the CRPD. This provides the means to establish and monitor a comprehensive implementation plan for the CRPD.
10. The Commission's review of the rights of disabled people mentioned in paragraph 7 above establishes some of the main challenges and obstacles to the full implementation of the CRPD. The review is in the last stages of being finalised. When it is complete the Commission will send you a copy.
11. The review establishes some of the main obstacles as:
 - Inequitable results for disabled people in employment, education and standard of living despite significant sums being spent on support and other services
 - Inclusive education not being available to all disabled students in all parts of the country
 - The lack of a full range of social statistics to ensure key outcomes for disabled people are measured.
 - The continued discrimination against disabled people. Complaints to the Commission on the basis of disability continue to be one two main areas of complaint, the other being race based complaints.

The other questions in your letter are more properly answered by the national government of New Zealand. The Commission is an active member of the Asia Pacific Forum of Human Rights Institutions and will be responding to international cooperation requests through that mechanism.

If you would like more information on these matters please contact Bruce Coleman, Senior Policy Analyst, Disability, BruceC@hrc.co.nz

Yours sincerely

Dr Judy McGregor
EEO Commissioner