

A BRIEFING FROM NEW ZEALAND'S CRPD INDEPENDENT MONITORING MECHANISM.

New Zealand has an Independent Monitoring Mechanism (IMM) developed in accordance with Article 33 of the Convention. It comprises New Zealand's Human Rights Commission, the Ombudsman and the Convention Coalition Monitoring Group (which consists of 8 Disabled Persons Organisations).

We recently released our second major report which assesses what progress has been made on disability issues in New Zealand since June 2012. The key issues and recommendations are summarised below.

KEY ISSUES

The IMM has identified five broad areas that require particular attention in order to promote greater realisation of the rights set out in the Disability Convention. While promising progress has been achieved in some of these areas during this latest reporting period, much more work is still required. These five key areas are:

1 DATA: The IMM considers there is still a lack of statistics relating to persons with disabilities in New Zealand. This makes it difficult to obtain an accurate view of many issues which impact on the lives of people with disabilities.

2 ACCESSIBILITY: The IMM remains concerned that the legal requirement to take reasonable steps to accommodate the rights of disabled people in a variety of situations and settings is not well understood. The IMM wishes to ensure future legislation will not undermine current accessibility standards.

3 BUILDING A PEOPLE DRIVEN SYSTEM: The IMM feels greater focus needs to be placed on ensuring supports and services are provided to people with disabilities in a manner that promotes individual autonomy and choice to the greatest extent possible.

4 VIOLENCE AND ABUSE: The IMM considers further work is required to prevent abuse against people with disabilities in all environments. If abuse does occur, there need to be clear systems in place to detect it quickly and to respond effectively and in a manner appropriate to the needs of the person with a disability.

5 EDUCATION: The IMM remains concerned that there is a gap between the legal right to education and the ability to ensure that this right is realised at a practical level for students with disabilities. There is still no enforceable right to inclusive education in New Zealand. It is essential more work is done to ensure that children with disabilities are able to fully realise their education.

KEY RECOMMENDATIONS

The IMM made the following key recommendations in its latest report:

A That the Government continue to jointly develop New Zealand's Disability Action Plan with Disabled People's Organisations, people with disabilities, children and their families, and commit to its full implementation.

B That Statistics New Zealand, in partnership with disabled person organisations, lead a programme of work to ensure that key outcome and prevalence data are collected in a way that makes it possible to compare outcomes for disabled and non-disabled people. This work should include a common definition of disability and involve consultation with key stakeholders.

C That the Government integrate accessibility and universal design across all its work.

D That the Department of Corrections and Ministry of Health work together, in consultation with the IMM, to ensure:

- 1: the requirements of prisoners with disabilities are reasonably accommodated and
- 2: best practice in the detention and treatment of people with an intellectual/learning disability or a mental illness.

E That the Government establishes an enforceable right to inclusive education, implements a whole of school anti-bullying programme to ensure that schools are safe and nurturing places for students with disabilities, and establishes initiatives that promote the value of difference and affirm the identity of students with disabilities.

F That the Government develop a range of initiatives to ensure that:

- 1: people with disabilities have the same protection from domestic and other forms of violence as non disabled people,
- 2: agencies identify and appropriately respond to abuse, neglect and violence directed at people with disabilities

G That the Government urgently address these specific matters of concern:

- 1: repeal the New Zealand Public Health and Disability Amendment Act 2013, particularly those sections which remove remedies for unlawful discrimination in relation to complaints by caregivers who are family members and limit when family members can be paid
- 2: review relevant laws, in particular mental health legislation, to ensure that the principles of supported decision-making are appropriately reflected and applied in accordance with Article 12 of the Disability Convention
- 3: address significant disparities in health outcomes between disabled people and non-disabled people, particularly for people with an intellectual or learning disability
- 4: amend the Children, Young Persons and Their Families Act to ensure that children with disabilities have the same rights as other children when an out of home care arrangement is being considered, and have legal representation and protection when decisions are being made in relation to these matters.

H That the Government provide the IMM with a progress report, as at the end of 2014, on implementing the recommendations of the IMM's 2011/2012 report.