**Speech notes Paula Tesoriero Launch of IMM report June 30th, 2020. 10 mins**

E ngā mana, e ngā reo, rau rangatira mā

Tena koutou katoa

Ngā mihi ki a koe, Nigel, thank you for setting our pathway for today.

I add my greetings to the Minister and our other distinguished guests. And I acknowledge my IMM partners, the DPO’s and the OOTO.

As Leo has indicated, there has been progress, some has been far too slow, and we still have a long way to go for disabled people to fully enjoy our human rights.

As the report notes, we need a quantum leap in thinking, - We need to move from compensating for an inaccessible society—founded on notions of disability as a deficit—to recognising disabled people as equal rights holders, and actively working to create fully accessible communities. One such way would be to take a systemic approach to explicitly integrating the Disability Convention into domestic law, and to apply the appropriate resource in order to make this a reality.

The recommendations in this report, which decision makers must work with disabled people to implement, are not only about designing ‘new buckets’ but whole new ecosystems, because our rights are inter-connected, when any of them are not realised, that impedes the enjoyment of them all.

We all, that is government, business and community must seize every opportunity in the reset and rebuild from the effects of Covid, to ensure our ‘new normal’ is a truly rights based, fair, equal and inclusive society.

The themes that I am going to focus on are core to our work at the Human Rights Commission as well as within the IMM.

I begin with the experiences of **Māori** as Te Tiriti partner. The rights of **tāngata whaikaha, Māori disabled** can only be met, of meeting the rights of Māori as indigenous people, as tāngata whenua and as Te Tiriti partners.

Tāngata whaikaha are affected by the (historic, cultural, social and economic) experiences of Māori in Aotearoa, layered together with those of all disabled people. Māori fare worse on many socio-economic indicators than non-Māori, Māori experience disability at higher rates than non-Māori, and tāngata whaikaha, fare worse than non-disabled Māori; experiencing higher rates of discrimination, lower rates of employment, lower incomes, and lower self-assessed health status.

With so few Kaupapa Māori services, or systems, Tāngata whaikaha often feel forced to choose between worlds or identities as Māori or as disabled, rather than being at the table as indigenous people, as Māori disabled people.

So, there needs to be increased resource for tāngata whaikaha to connect together and determine what works best and ensure that partnership operates not just within government but within community and within services so that tāngata

whaikaha are

* respected as Māori first (as self-determined)
* have access Te Ao Māori, and
* can access culturally competent disability services.

Māori have a unique place in Aotearoa, but our report often speaks in generalities because there is so little information or data that reflects the diversity of our community.

Disabled people are not homogenous, and we must do better to ensure that the diverse voices and specific circumstances of **Pacifica** communities, of **women**, of **children,** of refugees, or recent migrants are heard and responded to. We need to engage with people in their preferred languages and age and culturally appropriate ways.

**Education** is the foundation of so much of our lives including our ability to know and exercise our rights, and we know it is a powerful predictor of lifelong outcomes.

Despite decades of reviews and tinkering, New Zealand has **failed disabled children** by **not providing a truly enforceable right to an inclusive education** and the impact of this will stay with us for decades, in lost social connections, lost **employment** opportunities and lost standard of living and too often lost liberty, when children not served well in education get caught up in the **justice system**.

We must shift how we design and deliver education, so it is truly inclusive of all and that means designing it in partnership with all learners. We keenly await the release of the Disability Employment Action Plan, because we must have action leading to a dramatic fall in the numbers of young disabled people **NEET** and to a significant rise in the **employment r**ate for disabled people.

Disabled children and young people (whether they identify as such or not) are overrepresented in at the **care and protection and youth justice statistics** we have. This is particularly true for ‘invisible-disabilities’. Our State systems that are intended to protect our children need to be recalibrated to respond to the true need in the system. Ian Lambie’s recent report was a powerful reminder in this regard.

It is not only children we have failed to protect. **Violence and abuse** towards disabled people is an issue that we have shamefully neglected. **Disabled women** told us it is one of their top priority concerns and it has been hiding in plain sight for far too long. Disabled people must be involved in the development of solutions to prevent and respond to all forms of violence, wherever it occurs, whether in homes, in services, or on the street.

Our **legal system** can be a source of abuse towards disabled people, when it does not treat people **equally**. Our laws allow for people to be detained and treated without their consent and for other people to make decisions on their behalf –(substitute decision making) This is completely inconsistent with the Convention.

There are many alternative approaches to make sure that people are not forced to have the right support to make or withdraw consent, and to truly be treated equally before the law.

One of these ways is supported decision making. We acknowledge there has been some work on this, but intermittent and without the legal recognition required to ensure that guidance or policy based on supported decision making, is not overridden by the current law.

We have seen some positive progress in mental health resulting from He Ara Oranga Mental Health Inquiry, but we need to rapidly advance the recommendation of that Inquiry to **repeal the Mental Health Compulsory Assessment and Treatment Act.**

With our recent universal experiences of being ‘locked -down’ we might have some small shared understanding of how voiceless and vulnerable you are made when your rights and freedoms are restricted by other people.

**Non-discrimination**, being treated unfairly or less favourably than other people is a core and fundamental human rights principle. It is prohibited on the basis of disability in the Human Rights Act, yet disability is routinely one of the top three grounds of complaint to the Human Rights Commission (education and employment) And we know that the complaints we receive are the tip of the iceberg and that disabled people would like to see protections in the Human Rights Act strengthened.

Many of these complaints, the experiences we heard in our hui, and the disparities they represent are longstanding. It would be a form of discrimination for that situation to continue.

Our recommendations provide a clear pathway for action. We look forward to the them receiving the urgent and serious attention required with the full involvement of our unique and diverse community.

Titiro Whakamuri, Kokiri Whakamua

Look back and reflect so you can move forward.

We now welcome the Minister to receive the report on behalf of the Government,