

Town Hall Meeting Speech Notes
for
New Zealand Human Rights Commissioner
Robyn Hunt
DPI World Assembly Seoul September 5 2007
Our Rights Our Convention But for All

Working on the Disability Rights Convention is like climbing a mountain. You reach the top of the ridge, but suddenly another, even higher one looms before you. I just hope none of us succumb to altitude sickness. It seems like no time at all since we were discussing the need for the Convention and what should be included in it. Now we have the convention but there are still a few towering peaks to climb. But, together we can do it.

First I want to briefly outline progress in New Zealand, and then explore some of the issues we have identified, particularly in relation to Article 33, and how the Asia-Pacific Forum and the NZ National Human Rights Institution (NHRI) already work with Disabled People's Organisations

The next step for New Zealand is ratification. NZ signed the Convention on the Rights of People with Disabilities (CRPD) on March 30 this year along with many other states. NZ ratifies conventions only after ensuring domestic laws and policies are compliant. NZ officials, led by the Office for Disability Issues, are working on ratification. This work, including any legislative reforms required will need to be completed before ratification can proceed so there is no definite date yet for ratification.

Meanwhile, the NZ Human Rights Commission has identified implementation and monitoring of the Convention as a priority in our work. We have contacted disabled people and Disabled People's Organisations (DPOs) to canvass their views. The Commission will hold a meeting later this year with NZ Disabled People's Organisations to discuss ratification, implementation and monitoring.

NHRIs in the Asia Pacific Forum played a key role in the development of the Convention, convincing many governments in the region to support rather than oppose the development of the Convention, and to engage positively in the process. We formed a working group which provided leadership to NHRIs around the world, not just the APF. At the negotiations in New York NHRIs worked with both governments and DPOs.

This work is continuing. The NZ Commission will take part in discussions at APF later in September about engagement between APF NHRIs and international DPOs around ratification by APF countries.

Monitoring will formally begin after ratification. But we need to be ready. The Commission expects to have a formal monitoring role, as described in article 33, but has yet to engage with government about its view of this role, and what shape the monitoring framework will take.

Scoping the monitoring role will involve identifying and agreeing the roles of the HRC, DPOs and government. There are some concerns about baseline information about CRPD compliance in NZ; and the resources needed to undertake monitoring. Existing baseline data will need to be collated, and gaps identified.

In a related development, NZ is participating with APF/Disability Rights Promotion International collaboration on development of a pilot Disability Rights tool for NHRIs to assist in monitoring compliance with the Disability Rights Convention. It will take the form of a database which will facilitate the collation, analysis and reporting of internationally comparable information by NHRIs about disability rights issues. This is still at the planning stage.

The New Zealand Human Rights Commission is a small institution, with a range of statutory responsibilities, of which the human rights of disabled people is one. Disability was included in the Human Rights Act in 1994; government compliance was required in 2001.

The Commission has the roles of human rights advocacy, the protection and promotion of respect for human rights and a complaints mediation function, with Race Relations and EEO Commissioners. We can also hold Inquiries. Disability complaints are regularly the largest group of complaints we receive along with combined race complaints.

We have waited a long time for this convention and expectations are high, as they should be. The size of the task of implementation and monitoring the Convention is huge, and NHRIs are often not large or well resourced organisations. It is important therefore that we can engage and plan with civil society from the outset.

Disabled people must be well informed about the Convention to be able to participate effectively in monitoring, and therefore it is critical that everyone has accessible information and communication channels.

Developing capacity amongst DPOs is also critical. We must share best practice and ensure that no one is excluded. In New Zealand this means all groups of disabled people, including indigenous disabled people and disabled women. There are also concerns about disabled people in small Pacific Island states which have little access to resources.

The New Zealand Commission has already forged strong partnerships with DPOs, through the establishment of a disability sector advisory group for the development of the NZ Action Plan for Human Rights. As a result of consultation the Action plan contains a separate section on disability, one of only two priority groups specifically identified.

Submitters to the Inquiry into Accessible Land Transport have helped it form a steering group to lobby for implementation of the recommendations of the Inquiry with strong representation of DPOs.

We have also forged links with other initiatives and natural allies such as UNESCO and the *Schools as Human Rights Communities* project.

Two Deaf people complained to the Commission that they had no access to the telecommunications system. The result was the development of the New Zealand Relay service. A complaint from a Deaf person about no movie captioning resulted in a Commission-facilitated working group of Deaf people and their organisations working directly with the industry to achieve state of the art captioned movies in our main cities.

The Commission's train the trainer community education programmes run by and for disabled people and people with experience of mental illness have increased the understanding of human rights in those communities.

Updated insurance guidelines are about to be released – access to insurance without discrimination is included in the Human Rights Act, and we have worked with the industry and communities who are affected by insurance discrimination to achieve a positive outcome.

DPOs have already had success as a direct result of the Convention. A DPO reference group which the Commission helped establish with the NZ Bankers Association contributed to the review of the Banking Code of Practice, The result was the adoption of the Convention definition of reasonable accommodation for older and disabled customers. This is a stronger definition than is in the Human Rights Act.

Last but not least, by working with NHRIs DPOs will help us to build expertise and institutional knowledge about disability and human rights from their own lived experience.