

The rights of disabled people

Draft for discussion



Human Rights
Commission

Te Kāhui Tika Tangata



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Contents

Ngā kaupapa

Foreword	2
Mihi	
Introduction	3
Kōrero whakataki	
International context	4
Kaupapa ā taiao	
New Zealand context	7
Kaupapa o Aotearoa	
New Zealand today	11
Aotearoa i tēnei rā	
Conclusions	28
Kōrero whakatau	
Bibliography	29
Rārangi pukapuka	

Foreword

Mihi

Disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others.

(Preamble to the United Nations Convention on the Rights of Persons with Disabilities.)

Disabled people are among the most marginalised in New Zealand. In fundamental areas such as employment, education, an adequate standard of living and accessible public transport, disabled people are significantly disadvantaged.

The Human Rights Commission is updating its status report: Human rights in New Zealand today. The report, first published in 2004, formed the basis for the New Zealand Action Plan for Human Rights 2005-2010- Mana ki te Tangata which has led the direction of the Commission's work as a guardian of and advocate for human rights.

The Commission is releasing draft chapters for public consultation. This chapter is The Rights of Disabled People.

Disabled people say their top three human rights issues are access to education, access to employment and equal life opportunities for disabled people.

Other disability-related issues raised with the Commission are access to NZSL interpreters; access to communications technology for deaf people; social

acceptance of disabled people; equal pay for disabled people; and the rights of Māori disabled to have their own voice.

Government policy has moved towards providing strategies, policies and funding to meet these challenges, but progress has been slow.

The Commission's complaints reflect the extent of discrimination. The single highest source of complaints to the Commission comes from the ground of disability. Last year disability complaints made up 30 per cent of all discrimination complaints to the Commission. This is a telling statistic and has remained consistent for many years.

New Zealand does some things well. The country has played a strong leadership role in developing the Disability Convention. There is a specific minister tasked with overseeing the disability sector. New Zealand Sign Language has been made an official language

The Commission wants to hear from disabled people especially and the general public. Let the Commission know what you think about the issues raised in this draft chapter.

Send your feedback to: Infoline@hrc.co.nz or Human Rights in NZ Today, PO 6751, Wellesley St, Auckland 1141.



Robyn Hunt
Commissioner
Kaihautū Whakawhanaunga ā Iwi

Introduction

Kōrero whakataki

What is disability?

Disability is an evolving concept. The Convention on the Rights of Persons with Disabilities (CRPD) says disability results from the interaction between a non-inclusive society and individuals with impairments. Persons with disabilities include “those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.”¹ Being disabled is not about inability. It is about the way society’s attitudes and the social and physical environment interact with a person’s impairments to create barriers to full participation in all aspects of society.

Internationally, disabled people remain amongst the most marginalised in every society. No matter what the human rights or economic situation of a country disabled people are generally amongst the last to have their human rights respected. There are at least 650 million disabled people worldwide, making them the world’s largest and most disadvantaged minority. An estimated 20 per cent of the world’s poorest people are those with disabilities; 98 per cent of children with disabilities in developing countries do not attend school; and the literacy rate for adults with disabilities is as low as three per cent.²

From what little reliable national information there is available, it is clear in New Zealand disabled people have poor outcomes compared with the general population. There

have now been three national disability surveys run in conjunction with the national census, in 1996, 2001 and 2006. The position of disabled people relative to the general population has barely changed in that period. In areas as fundamental as employment, education, adequate standard of living and accessible public transport, disabled people are significantly disadvantaged.

1. Article 1 CRPD
2. United Nations (2007)

International context

Kaupapa o taiao

The Convention on the Rights of Persons with Disabilities (CRPD)

In many countries, disabled people are still regarded as objects of welfare or medical treatment rather than holders of rights. Despite being theoretically entitled to all the human rights protected in United Nations Covenants and Conventions, disabled people are often denied the basic rights and fundamental freedoms that most people take for granted. The CRPD affirms persons with disabilities enjoy the same human rights as everyone else and are able to lead their lives as full citizens. It does not recognise any new human rights, but clarifies the obligations and legal duties of states to respect and ensure the equal enjoyment of all human rights by all persons with disabilities.

The CRPD was adopted by the United Nations General Assembly on 13 December 2006 and entered into force in May 2008. New Zealand ratified the Convention on 26 September 2008. The New Zealand Government has a long-standing policy of only ratifying international treaties once all domestic law is consistent with the treaty. The Disability (United Nations Convention on the Rights of Persons with Disabilities) Act was passed after a comprehensive assessment of New Zealand's laws. Its main effects were to change various laws that involve automatic disqualification for office because the person has a mental disorder and to change the way some

sections of the Human Rights Act 1993 deal with reasonable accommodation.

Article 1 states the purpose of the CRPD is to “promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.”

Principles of the CRPD

Article 3 outlines the principles that govern the CRPD:

- a. Respect for the inherent dignity and, individual autonomy of persons with disabilities including the freedom to make one's own choices.
- b. Non-discrimination.
- c. Full and effective participation and inclusion in society.
- d. Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity.
- e. Equality of opportunity.
- f. Accessibility.
- g. Equality between men and women.
- h. Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

Accessibility is one of the key requirements to enable disabled people to “live independently and participate fully in all aspects of life”, by ensuring

that the barriers that hinder the effective enjoyment of rights are systematically removed. Article 9 requires the Government to ensure that all disabled people can access the built environment, transport services, public facilities, individual supports, public services and communication technologies on an equal basis with others. To ensure this happens, the CRPD recognises minimum standards and guidelines may need to be developed, used and monitored.

Reasonable accommodation

Many disabled people require adjustments to the standard way services are delivered for them to be available on an equal basis with others. Over time, universal design and developing services to suit the whole population will lessen the need for specific adjustments. The CRPD requires the provision of “reasonable accommodation” across the board. Failing to provide reasonable accommodation is considered to constitute discrimination. The CRPD defines reasonable accommodation as having two main elements:

- Adjustments necessary to make the service available to the disabled person.
- Not imposing an undue burden on the service provider.³

Reasonable accommodation is a specific requirement in articles dealing with the liberty and security of person (Article 14), education (Article 24) and employment (Article 27).

In education, reasonable accommodation might include providing curriculum materials

in alternative formats, providing access to the curriculum in a person’s first language (such as New Zealand Sign Language or Braille) or making adjustments to the way a person’s knowledge and skills are assessed.

In employment, reasonable accommodation might include the provision of different equipment to enable work tasks to be completed, the provision of different training and support and adjustments to workplace practices.

Monitoring the CRPD

Article 33 of the CRPD anticipates a new approach to the protection, promotion and monitoring of human rights by signatory countries. It requires countries to:

- Establish a focal point within government to implement the CRPD. In New Zealand, this role has been given to the Office for Disability Issues. Governments must also consider the need for a coordinating mechanism to ensure all government agencies with responsibility for elements of the CRPD are approaching the task consistently. The Ministerial Committee for Disability Issues fulfils this role.
- Establish one or more independent mechanisms to promote, protect and monitor implementation of the CRPD. Countries with a National Human Rights Institution (NHRI) should consider designating them as part of the mechanism. The Human Rights Commission is New Zealand’s NHRI.

3 Article 2 CRPD.

- Involve disabled people and their organisations in the implementation, monitoring and reporting on the Convention.

The Commission, as New Zealand's NHRI, is monitoring the implementation of the CRPD, as it does with all major international human rights treaties that New Zealand has ratified.

Optional protocol

The CRPD also has an optional protocol that is not mandatory for States to sign. It has two strands:

- An individual communications procedure which allows people to complain to the CRPD Committee that their government has breached one of its obligations.
- An inquiry procedure that allows the CRPD Committee to conduct an inquiry and issue a report if the committee receives reliable information that grave or systematic violations are taking place.

New Zealand has not ratified the optional protocol and is not currently working towards ratification.

New Zealand's first periodic report to the United Nations on the implementation of the CRPD is due in October 2010 and then every four years. The Commission, as New Zealand's NHRI, has the role of providing an independent assessment to the United Nations of progress towards

implementing the CRPD. The Commission has developed a monitoring framework and appointed a reference group of disabled people to assist with this task. Feedback on this chapter will feed into the Commission's monitoring.

New Zealand context

Kaupapa o Aotearoa

Disabled people have the same rights and legal entitlements as other New Zealanders. Some legislation is more relevant for disabled people than others.

Legislation

The Human Rights Act 1993 (HRA) and the New Zealand Bill of Rights Act 1990 (BoRA) protect the right of people with disabilities to freedom from discrimination.⁴ Both rely on the definition of disability in the HRA.

Disability in is defined as meaning:

- physical disability or impairment
- physical illness
- psychiatric illness
- intellectual or psychological disability or impairment
- any other loss or abnormality of psychological or anatomical structure of function
- reliance on a guide dog, wheelchair or other remedial means
- the presence in the body of organisms capable of causing illness.

In 2008, the High Court in *Trevethick v Ministry of Health*⁵ described the definition in the HRA as exhaustive. Although it held that the definition did not include the “cause of” a disability, the court qualified this by stating the definition needed to be interpreted in a broad and purposive way and considered in the context of the legislation as a whole.

The HRA provides exceptions that permit disabled people to be treated differently in certain situations. The exceptions may be specific or general. Specific exceptions apply to particular areas. For example, where one of the prohibited grounds is a characteristic such as being over a certain age to work in a public bar.

Reasonable accommodation⁶ is a general term used to describe specific exceptions in particular areas. It refers to changes to a workplace or provision of services to ensure a person with a disability can do a job or access premises, for example. Whether an employer should make such changes is balanced against the disruption that may result. If it is unreasonable to expect the employer or service provider to provide the necessary services or facilities (for example, relocating an office), then they are not obliged to do so. In 2008, changes were made to some of the employment related areas of the HRA to ensure that the reasonable accommodation criteria in the Act were consistent with the standards in the CRPD.

A further exception relates to the risk of harm. If a disability poses a risk of harm to the individual or others, but measures can be taken to reduce the risk without unreasonable disruption, then the provider or employer should take those measures. If it is unreasonable to take the risk or measures to reduce the risk, an employer or service provider may be justified in discriminating.

4 For more detailed comment on the structure of the HRA, see Chapter 3 “Equality and Discrimination”.

5 *Trevethick v Ministry of Health* (1/4/08) HC Wellington CIV-2007-485-2449. HRRT [2007] NZHRRT 21Dobson J.

6 Reasonable accommodation is a term used to describe the creation of an environment that will ensure equality of opportunity for people with disabilities, family commitments or particular religious beliefs.

In *Smith v Air New Zealand Ltd*⁷ the Human Rights Review Tribunal considered the test for deciding whether it is reasonable to make changes or adjustments is not “undue hardship” but “reasonableness” – a relatively low threshold and one that is easier for an employer or service provider to satisfy.

General exceptions are exceptions such as measures to ensure equality and genuine occupational qualifications or genuine justifications. The HRA allows an action that would otherwise be unlawful under Part 2 if the Human Rights Review Tribunal makes a declaration that it is a genuine occupational qualification or genuine justification.⁸ Special measures are also permitted to ensure equality for vulnerable or disadvantaged groups or address historical disadvantage.⁹

The New Zealand Bill of Rights Act 1990 affirms a number of the rights and freedoms in the International Covenant on Civil and Political Rights (ICCPR). In addition to the right to freedom from discrimination, the protections of the BoRA that may be relevant to disabled people include: the right to be free of unreasonable search and seizure and arbitrary arrest and detention; and the right to be treated with dignity and

humanity if detained and not subjected to cruel and unusual treatment or medical or scientific experimentation. Under s.5, the rights and freedoms in the BoRA can be restricted if the limitation can be justified in a “free and democratic society”. The BoRA is also subordinate to other enactments. This means rights, such as the right to refuse medical treatment, may not apply if another law has a provision specifically related to this right.

Other laws that may apply to disabled people include:

- Mental Health (Compulsory Assessment And Treatment) Act 1992
- Protection of Personal and Property Rights Act 1988
- Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003
- Criminal Procedure (Mentally Impaired Persons) Act¹⁰
- Privacy Act 1993
- Health and Disability Commission Act 1994
- Injury Prevention, Rehabilitation and Compensation Act 2001.

7 HRRT Decision 23/03 (24/6/03) at para 126.

8 Section 97 HRA. In *Avis Rent A Car Ltd v Proceedings Commissioner* (1998) 5 HRNZ 501, the Tribunal accepted the practice of rental car companies passing higher insurance costs for drivers under 25 on to the client was justified.

9 Both the HRA and the BoRA provide for special measures. The provisions are similar. Both require any measures to be taken in good faith and permit actions that would otherwise be unlawful. The person or groups must also need, or be reasonably supposed to need, assistance in order to achieve an equal place in the community.

10 These Acts are covered in the Rights of People who are Detained chapter.

Strategies

The New Zealand Disability Strategy: Making a world of Difference – Whakanui Oranga 2001 (NZDS)

The NZDS was established by the New Zealand Public Health and Disability Act 2000. It provides a high-level framework to ensure all government agencies consider disabled people in their decision-making processes. The Strategy has 15 separate objectives, which have subsequently been grouped into:

- rights of citizenship
- government capacity
- participation in all areas of life
- specific population groups.

The Act requires the Minister for Disability Issues to report annually to Parliament on the progress made in implementing the NZDS. No specific funding was committed to putting the NZDS into practice. Departments and ministries were directed to consider the needs of disabled people as part of their normal planning cycles and to report on progress annually. The Office for Disability Issues (ODI) was set up within the Ministry of Social Development to provide policy advice to the Government on disability issues and to monitor and report on progress on implementing the NZDS. The Government has established the Ministerial Committee on Disability Issues under the chair of the Minister for Disability Issues, the Hon Tariana Turia. The committee wants the Government's actions to be focussed on improving the circumstance of disabled people and their whānau and friends

who support them, improving the accessibility of the world they live in and improving disability supports.¹¹

In a 2007 review of the first six years of the NZDS, disabled people acknowledged that the implementation of the strategy had resulted in improvements in accessibility and communications, wider recognition of their value and contribution within their communities, and some inclusion within central decision-making processes. However, many participants in the review felt progress had been too slow, some disabled people have benefitted more than others and that there was still a long way to go before disabled people felt they lived in a fully inclusive society. The report recommended establishing a national implementation plan, with linked funding, which would focus on:

- improvements for those disabled people who are most disadvantaged
- multi-year plans and reports for priority areas that involve multiple agencies
- greater partnership between central government agencies and disabled people
- developing the capacity of disabled people
- improved information to monitor outcomes for disabled people.¹²

The legal requirements of the NZDS do not apply to territorial authorities. Nonetheless, a number of city councils have developed strategic plans and/or action plans based on the strategy or making reference to the strategy. Among those who have developed

11 Office for Disability Issues (2009).

12 Litmus Consulting (2007).

specific plans for their disabled citizens are the Waitakere, Auckland, Manukau, Christchurch and Dunedin City councils.¹³

The strategy has provided a focus and platform for action within central government that has, for instance, provided an impetus for the passing of the New Zealand Sign Language Act, New Zealand's leadership in negotiating the CRPD and some improvements in the way central government involves disabled people in decision-making. Progress overall in achieving full human rights has been slower than many disabled people had hoped for:

"[F]or the last eight years, it has been evident the implementation of the New Zealand Disability Strategy has lacked direction. It seems that, while the very essence of the Strategy was to have a whole-of-government approach, most agencies act in a mutually exclusive way with no discernable end goal."

(Gary Williams. Chief Executive,
Disabled Persons Assembly (NZ) Inc.
Work in Progress 2009.)

The New Zealand Public Health and Disability Act 2000 requires that a Disability Strategy be developed and reported on annually. The purpose and function of the NZDS has now

been overtaken by the Government's ratification of the CRPD, which New Zealand took a lead in negotiating. The Commission recommends that the NZDS be replaced by a strategy to implement the CRPD.

¹³ For instance, see *Strengthening Contribution: The Waitakere Disability Strategic Plan 2009-2011*. Waitakere City Council (July 2009).

New Zealand today

Aotearoa i tēnei rā

The Commission carried out an online survey in November 2009 to find out what the most pressing human issues are for people and what they thought should be done about those issues. Across all areas of Commission activity, the top three issues were access to education and employment and equal life opportunities for disabled people. Other disability-related issues mentioned included: access to NZSL interpreters; access to communications technology for Deaf people; social acceptance of disabled people; equal pay for disabled people; and the rights of Māori disabled to have their own voice.

This section reflects those priorities, the areas where the Commission gets the most complaints, and the issues the Commission's consultations indicate are the highest priority for disabled people.

Information about disabled people

Article 31 of the CRPD requires countries to collect appropriate information to enable planning for its implementation and to assess the success of the implementation. There continues to be a lack of reliable comparative data. Overall, the position of disabled people on key social and economic outcomes such as employment, labour force participation, educational participation and achievement, public transport use and barriers is only reliably measured on a national basis once every five years. This limits effective programme and policy design, monitoring, reporting and evaluation.

The only reliable national survey of outcomes for disabled people is still the New Zealand Household Disability Survey (the Disability Survey). The New Zealand General Social Survey (NZGSS) is described as a biennial survey of social and economic outcomes for all New Zealanders aged 15 years and over but does not provide disaggregated data for disabled people. Other more regular surveys, such as the Household Labour Force Survey, do not provide data on disabled people. The Social Report provides an annual summary of how New Zealanders are faring on a range of social and economic indicators. The 2009 report included 43 indicators, of which none reported on how disabled people are faring compared to the population as a whole. Disability was mentioned only in the commentary about New Zealand's population and in the section on perceived discrimination, which is based on a Human Rights Commission-sponsored survey.¹⁴

The 2011 Disability Survey is being substantially redesigned to reflect the changing understanding of disability and changing requirements for data, particularly since the Government ratified the CRPD in 2008. From the 2006 Disability Survey, five in-depth reports have been produced, covering the labour market, education, disability and Māori, disability and informal care, and travel and transport. The information from these reports is covered in the following sections.

In 2006, 7 per cent of New Zealanders reported having a disability. The general pattern of results is consistent with previous surveys.

¹⁴ Ministry of Social Development (October 2009).

Disability increases with age. Across all New Zealanders, 10 per cent of children aged 0-14 years have a disability, 20 per cent of adults aged 45-65 years, and 45 per cent of adults aged 65 years and over have a disability. In most age categories, the gender split is approximately equal, except for children – boys made up 59 per cent of the age group with a disability.

Accidents or injuries are the most common cause of disability for adults: 31 per cent of people with a disability aged 15-44 years and 34 per cent of people with a disability aged 45-64 years. An estimated 166,300 adults aged 15 years and over had disabilities caused by accidents or injuries, with most injuries occurring in the workplace.

There are significant differences in disability rates across different ethnicities. Total disability rates were 18 per cent for Europeans, 17 per cent for Māori, 11 per cent for Pacific peoples and 5 per cent for Asian. Much of this variation is explained by the differences in the age structure of the populations. In every age group, Māori had a higher disability rate than other ethnic groups. Adjusting for the different age structures of the Māori and non-Māori populations, the disability rate for Māori was 19 per cent and for non-Māori 13 percent.¹⁵

Inquiries, complaints and consultation with disabled people indicate there are a number of issues where further research

and information is urgently needed. These issues have been identified as having a large impact on disabled peoples' ability to participate fully in all aspects of society.

- The cost of disability. Many disabled people face additional costs their non-disabled peers do not face. These are both direct costs and opportunity costs. Direct costs include medical treatment, support needs and transport modifications. Opportunity costs include not being able to use mainstream facilities and services and having to arrange alternative ways to get things done and the extra time and energy required to do things where there are significant barriers. The cost of disability is often severe for people with high support needs and/or multiple impairments.
- Discrimination in employment. The gap between the employment rates of disabled people and non-disabled people has barely changed in over a decade, despite favourable economic conditions for much of that time, extensive support programmes provided by government, and surveys indicating employers do not overtly discriminate against disabled people. Many disabled people feel discrimination still operates at a systemic and attitudinal level to exclude them from work they are qualified and able to do.

15 Op cit page 1.

The Commission recommends that the Government's social research and evaluation work programme take into account these issues as a high priority.

Employment

The CRPD, work and employment

Article 27 of the CRPD recognises the right of disabled people to work on an equal basis with others, including the right to gain a living in a labour market and work environment that is open, inclusive and accessible. The Convention prohibits discrimination in all aspects of employment and equal opportunities and equal remuneration for work of equal value. It also protects trade union rights and access to vocational guidance services, promotes employment in the public and private sectors, and specifically provides for reasonable accommodation.

The disability census and work

Access to employment is a fundamental requirement for independent living. In recent years, government policy has moved towards providing strategies, policies and funding to achieve greater inclusion in the workplace, but progress has been slow. The most reliable information about the labour market outcomes for disabled people comes from an analysis of the data from the Disability Surveys, which followed the 1996, 2001 and 2006 censuses.¹⁶

In 2006, disabled Māori adults were the group least likely to be employed in the 15-64 years working-age group.¹⁷

Group	Employment rate
Disabled Māori adults	45 per cent
Disabled non-Māori adults	62 per cent
Non-disabled Māori adults	67 per cent
Non-disabled non-Māori adults	77 per cent

While both the proportion of disabled and non-disabled in the workforce has steadily increased over the period of the three censuses, the gap between the employment rates has not reduced. While the data for 2006 are not directly comparable with those for 1996 and 2001, it does indicate government policy has had limited success in improving the labour market outcomes for disabled people.

The pattern of lower workforce participation is demonstrated for men and women across all major age groups and for all recorded ethnic groups. As for the total population, participation rates are higher for disabled men than disabled women across all age groups. For both men and women with disabilities, participation is highest at the younger working ages (15-44 years), while in the non-disabled population participation peaks at 45-65 years. Pacific men with a disability (46 per cent) have a much lower participation rate than Māori (63 per cent) and other ethnic groups (73 per cent). For disabled women, the ethnic variation is not so marked.

As with the total population, there is a positive association between educational attainment and labour force participation. At every level of

¹⁶ Statistics New Zealand (2008).

¹⁷ Office for Disability Issues and Statistics New Zealand (2010).

qualification, though, disabled people are less likely to be in the labour force than non-disabled people, with the gap being the widest amongst those with no qualifications. The participation rate of disabled people with post-school qualifications (76 per cent) is about the same as that of non-disabled people with no qualifications.

A similar pattern emerges when considering the unemployment rate. In 2006, the unemployment rate for disabled men was five per cent, compared to three per cent for non-disabled men. For women, the comparable rates were nine per cent and five per cent. For Māori disabled, the unemployment figure was 16 per cent and Pacific people with disabilities 20 per cent. The incomes of employed people with disabilities are lower on average than those without disabilities, due in part to lower levels of educational attainment and a heavier concentration in manual occupations.

The likelihood of being in the labour force is greater for some types of disability than others. People with a vision or hearing impairment are more likely to be in the labour force, while people with an intellectual impairment or experience of mental illness have the lowest labour force participation.

Work for blind and visually impaired people

In 2007, the Royal New Zealand Foundation of the Blind (RNZFB) carried out a survey of working age members to identify the numbers who were employed or unemployed and the barriers they face in seeking employment. While not directly comparable, the survey results reinforce the results from the disability surveys: high rates of unemployment and lower rates of labour force participation than the general population. The survey also points to a large and growing number of members who are willing to work but are discouraged from actively seeking work, and to a large proportion of employed members (42 per cent) who would prefer to work longer hours.

For blind, vision-impaired and deafblind people, the top six barriers to employment were:

- presence of other disabilities (62%)
- limitations due to an eye condition (61%)
- lack of access to transport (59%)
- lack of available work in their community (43%)
- lack of skills and training (42%)
- employer attitude (39%).

This last finding reflects a survey of New Zealand employers that found, although employer attitudes towards blind and visually impaired people tend to be positive, this group of job seekers remain among the “less favoured groups of employees employers are willing to hire”.¹⁹ The study author concluded “employers are ignorant of the abilities and capabilities of blind and vision-impaired people, the aids and adaptations that are available to assist them in their roles and associated costs”.

State sector employment

Article 27 of the CRPD specifically requires countries to take appropriate steps, including through legislation, to employ disabled people in the public sector.

The State Services Commissioner has a responsibility under the State Sector Act 1988 to “promote, develop, and monitor equal employment opportunities for the Public Service”, including for disabled people. In addition, chief executives must recognise the employment requirements of people with disabilities.²⁰ Prior to 2006, the State Services Commission collected data on disabled people in the public sector and published it in the Human Resource Capability (HRC) survey. Difficulties with the integrity and comparability of the data led to the collection being stopped. No alternative data collection method has since replaced the HRC data.

The most recent data indicates that people with a disability are:

- more likely to be employed in the “associate professional” occupational group (social workers, customs officers, call centre operators) than in the office clerk occupational group (secretary, word processing operator)
- more likely to work less than 30 hours a week
- more likely to be older than their non-disabled work colleagues.

Qualitative interviews carried out by the State Services Commission in 2008 indicated:

- there were no specific departmental initiatives for actively identifying and recruiting people with disabilities as a potential candidate pool
- the public service needs to be more proactive in its strategies, policies and practices in attracting people with disabilities as candidates for vacancies
- disabled people are more likely to be concerned that the selection process for higher level positions would not be fair.

Overall recruitment, selection and accommodation processes were seen to be fair and based on merit, but not particularly innovative or proactive.

¹⁹ Christine Inglis (2006).

²⁰ State Services Commission, October 2008.

The Commission recommends the State Services Commissioner adopts a work programme to promote and develop equal employment opportunities for disabled people in the state sector.

National Conversation about Work

During 2009 and 2010, the Commission undertook extensive consultations with employers, employees and community groups about their experiences of work. Over 3000 people have participated, including a significant number of disabled people and organisations working with disabled people. The evidence from the National Conversation About Work suggests disabled people face significant barriers in achieving good work outcomes, including:

- inaccessible infrastructure, such as buildings and public transport
- inadequate and inconsistently applied benefit and support systems
- inaccurate health and safety concerns from employers
- discrimination
- lack of part-time work
- unequal effects of the recession.

The inaccessibility of the built environment and public transport has long been identified as a significant barrier to disabled people getting and keeping work. People from the West Coast reported there is still only one

wheelchair accessible taxi for the whole region and this is not available to people going to work. Even in big cities, like Wellington, with relatively good public transport systems, the lack of accessible public transport was cited as a barrier to working.

The complexities of the rules around benefit abatement often mean people do not take up part-time work opportunities for fear of losing their benefit. The range of services available to support disabled people to get and keep work is often so fragmented and uncoordinated that people do not receive the optimum mix of services that might support their work choices. Subsidy schemes are often used to different extents in different regions. The state sector two-year work subsidy programme works well in some regions and not at all in others, and may not result in a permanent position.

Perceived health and safety issues are often an attitudinal barrier to disabled people getting work. Support workers report that disabled people are often not asked about health and safety issues, so they can be explored. Support workers told the Commission that employers simply assume the issues would be either difficult or expensive to fix and decide not to employ the disabled person. For Deaf people, this experience is particularly widespread. Many employers assume a lack of hearing creates a higher occupational health risk.

Deaf people as a group are particularly susceptible to discrimination. From a group of 12 Deaf people in Hawke's Bay, only three had full-time work. The rest were either unemployed or in part-time work supplemented by benefits. Two of the Deaf people who could not find jobs had professional qualifications and those in work were working at (or close to) the minimum wage. Discrimination can often be unintended. For example, many job advertisements require a response by telephone, which can be difficult for many Deaf people, even with the Relay service.

People with intellectual disabilities find it difficult to be treated seriously when applying for work. The Community Living Trust in Hamilton listed the barriers as including a lack of knowledge and understanding, prejudice and an unwillingness to make accommodations. Many disabled people, however, find work essential to their well-being. As the trust regional coordinator commented, "When people get a job, they get a real life. They have improved self-esteem, financial stability and can get a house. It's life changing."

For some disabled people, part-time work is the only viable option, while for others it represents a pathway to full-time employment. The lack of opportunities for part-time work often means more expensive support services have to be put in place.

The global recession has affected all levels of society, but there is some evidence it has disproportionately affected disabled people.

Part-time work is less available and employers are less willing to offer work experience. Some employers have responded to the recession by amalgamating previously separate jobs into one new job. While this can result in a more interesting and varied work environment, it can mean workers with learning disabilities are unable to easily adapt to the new environment. Some employment support agencies suggest when there is low unemployment and people are struggling to fill vacancies, employers can be more open to employing disabled people. With a recession, "the pressure is off" and some employers go back to using the easiest way to fill vacancies.

Equal employment rights

The repeal of the Disabled Persons Employment Promotion Act 1960 in 2007 removed the exemption for sheltered workshops from minimum wage and conditions of employment provisions. Minimum wage exemption permits (MWEPS) are only granted if it can be shown a disabled worker's competence or productivity is less than a non-disabled worker doing the same job. Negotiating MWEPS is supposed to include fair, good-faith bargaining between employers and workers who are properly represented and advised. Information from People First, the self advocacy organisation for people with learning disabilities, indicates only five per cent of workers are being represented by truly independent advocates.²¹

²¹ People First (2009). Works 4 Us employment advocacy pamphlet.

The Commission recommends the Department of Labour reviews the use of the Minimum Wage Exemption Permits and other labour market support mechanisms, to ensure they are consistent with the work and employment requirements of the CRPD.

Education

Article 24 of the CRPD recognises the right of persons with disabilities to education, without discrimination, on the basis of equal opportunity, with the purpose of achieving “the full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity”. It further recognises that for disabled students to reach their full potential, reasonable accommodation and support measures may need to be provided, and measures taken to ensure professional staff are available to support this objective. For these objectives to be met, an “inclusive education system” should be provided at all levels, including lifelong learning.

Inclusive education

Inclusive education is based on the premises that:

- all students come to school with diverse needs and abilities

- it is the responsibility of the general education system to be responsive to all needs
- a responsive education system provides the resources, curriculum, environment and teachers to address the needs of all students
- the most successful outcomes are achieved by schools and communities working together.

The United Nations Special Rapporteur on the Right to Education has provided advice on how countries that have ratified the CRPD can provide an inclusive education system by:

- recognising that inclusive education is a right
- identifying minimum standards in relation to the right to education
- identifying minimum standards in relation to the underlying determinants of the right to education
- developing a transition plan from special education to inclusive education
- providing resources
- identifying those with responsibilities and what their responsibilities are
- establishing monitoring and evaluation mechanisms.²²

²² “The Right to Education for Persons with Disabilities: Report of the Special Rapporteur on the Right to Education, Vernor Muñoz. United Nations (February 2007). A/HRC/4/29.

There are two areas where international and national views are divided:

- Students with an acute sensory impairment, for example students who either deaf or Blind.
- Students with severe and/or multiple disabilities.

Many parents of deaf students believe that on both cultural and language grounds, separate schools or units are the only way students can be educated in their primary culture using their first language. Other parents believe the facilities and/or teaching skills needed for their child to reach their full potential can only be made available in separate units or schools. There is no clear consensus either amongst educators or parents about the best option(s).

The Education Act 1989 recognises the right of disabled people to the same access to compulsory education as others. Despite this, many disabled students and their families have difficulty accessing inclusive education aimed at fulfilling the promises of the CRPD.

Government review of special education

In August 2009, the Associate Minister of Education released the terms of reference for the Review of Special Education. The aim of the review is to ensure that policies and processes are fair, consistent, reach those most in need, make the best use of government funding, and that parents have choices. The review must

“result in services and supports which are consistent with the United Nations Convention on the Rights of Persons with Disabilities and the New Zealand Disability Strategy”.²³

The consultation period for the review has now ended. The Commission made a submission to the review based on the Special Rapporteur’s requirements for inclusive education and the protections in the CRPD.

Education and the Disability Survey

The 2006 Household Disability Survey is the most recent national survey of disabled children and adults in New Zealand. The analysis of the responses to the education questions provides the most reliable data available on the achievement of the right to education for disabled people.²⁴

Many more disabled children of school age are boys than girls. Of the approximately 74,400 disabled children aged 5-14, 45,300 were boys and 29,100 were girls. The majority were enrolled in mainstream primary, intermediate, secondary or composite schools, while approximately two per cent were in Kura Kaupapa Māori and three per cent were in special schools.

Of the students in this age group, 25 per cent were receiving special education support while 40 per cent needed at least one type of equipment or support service to help with their education. For many students, equipment and support services were not available.

²³ Ministry of Education, “Terms of Reference for the Review of Special Education”. Accessed 23 December 2009 from <http://www.minedu.govt.nz/theMinistry/Consultation/ReviewOfSpecialEducation.aspx>.

²⁴ Statistics New Zealand (November 2008).

The main categories of shortage were:

- computer access (34%)
- specialist teaching and therapy (32 per cent)
- help with note taking, writing and reading (25 per cent)
- teacher aids (23 per cent)
- itinerant teachers (20 per cent).

Approximately 4700 children (six per cent) were not able to enrol in the school of their choice. For others, the problem was not being able to take part in the full range of school activities. Activities disabled students were most excluded from included: taking part in sports or games (29 per cent); playing at school (24%); making friends (23 per cent) and going on school outings or camps (17 per cent).

For disabled adults, females were more likely (eight per cent) to enrol in formal education than males (six per cent). People with a psychiatric or psychological disability or a learning disability were least likely to enrol in formal education.

Ministry of Education information

The Ministry of Education provides a wide range of indicators of both student participation and education and learning outcomes for the general population. Many of these are analysed for different outcomes by ethnicity, gender (sex), and, where appropriate, school decile rating.

Outcome indicators are available for school leaver qualifications, participation in early childhood education, suspensions, exclusions and expulsions from school, and early leaving exemptions. None of the statistics are available on a comparative basis for disabled students or by student impairment type.²⁵

Official reports on special education

Auditor-General report on special education funding

The Controller and Auditor-General has recently conducted a performance audit of how well the Ministry of Education manages four initiatives set up to support up to 20,500 disabled students with the highest level of support needs. The report concluded the need to identify students with high support needs has to be improved, data collection needs to be more systematic and practices must be consistent throughout the country. The report suggests improvements have begun, including increased funding allocated in the 2009 Budget.²⁶

Education Review Office evaluation of resource teachers

The Education Review Office (ERO) completed a second evaluation of the Resource Teachers: Learning and Behaviour (RTLb) in 2009. The Government allocates approximately \$73 million per annum to fund the service to support students with learning and

25 Ministry of Education, "Education counts". Accessed 23 December 2009 from http://www.education-counts.govt.nz/indicators/education_and_learning_outcomes.

26 Controller and Auditor-General (October 2009).

behaviour difficulties and to build teacher capability in working with diverse groups of students. An earlier evaluation in 2004 resulted in new guidelines for the service being developed and the establishment of three national positions in the Ministry of Education. Despite these initiatives, the findings of the 2009 evaluation “closely mirror” those of the 2004 evaluation.

The report identified problems with governance and management of the scheme, poor self-review, failure to identify needs and priorities and problems with supervision, performance management and inconsistent practices.²⁷

Annual report of the Ombudsmen

The support of children with special needs is one of the five most important concerns identified in the Ombudsmen’s annual report. Issues were identified around inadequate support for students and teachers, the high number of suspensions and expulsions and complaints on student discipline and bullying.²⁸

Expulsions, exclusions and suspensions

A high proportion of students with disabilities are subject to exclusion and suspension. In the year 2008, the Ministry of Education reports the number of students “with special needs” who were suspended, excluded or expelled were:

Suspended	29.9 per cent
Excluded	38.3 per cent
Expelled	3.2 per cent

The figures relate to students who have been involved with Group Special Education (GSE) or a RTLB. This is not a precise measure, as not all disabled students will have involvement with GSE and not all students who have contact with a RTLB will identify as being disabled. However, it is indicative of the high levels of disabled students being suspended or excluded. The involvement of students who are stood down with either GSE or RTLB are not recorded by schools.²⁹

Discrimination and social inclusion

Article 2 of CRPD defines discrimination on the basis of disability as:

“[A]ny distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including the denial of reasonable accommodation;³⁰

Article 5 further states that all people are equal before the law, that countries must provide effective legal protection against discrimination, promote equality and ensure that reasonable accommodation is provided.

Discrimination against disabled people

For the past seven years, the Commission has sponsored a nationwide survey of perceived discrimination. In every year, over half the respondents have identified disabled people as being subject to a great deal or some

27 Education Review Office (September 2009).

28 Office of the Ombudsmen (2009).

29 Ministry of Education information released under the Official Information Act (September 2009).

30 United Nations Convention on the Rights of Persons with Disabilities.

discrimination. The level of perceived discrimination has remained relatively stable over the period, with 61 per cent in 2000 and 57 per cent in 2008 believing disabled people are subject to significant discrimination.

Discrimination complaints to the Commission

For every year between 2005 and 2009, Commission complaints of discrimination on the grounds of disability have amounted to approximately 30 per cent of all complaints. Complaints on race-related grounds and disability have consistently been the two areas receiving the most complaints.

Disability complaints

2005	2006	2007	2008	2009
26%	28.4%	28%	32%	30%

Race-related complaints

2005	2006	2007	2008	2009
30%	28.2%	31%	28%	32%

Employment complaints

Complaints related to employment and pre-employment are consistently among the most common the Commission receives. Over the last five years, the majority of employment complaints from disabled people have related to

three issues: termination of employment, lack of reasonable accommodation in the workplace and treatment on less favourable terms. In relation to pre-employment, being declined employment because of a disability and inappropriate questions on application forms were the two most common sources of complaints.

Education complaints

A 2009 Commission review of complaints and enquiries revealed that in the seven years from January 2002 to December 2008, the Commission has received 261 complaints and enquiries about disabled students' right to education in the compulsory education sector.³¹ The number of complaints has risen sharply in 2007 and 2008. This possibly reflects increased awareness of the availability of the complaints process as an avenue to pursue complaints against the Government.

Approximately 60 per cent of complaints and enquiries relate to four general themes:

- problems surrounding the enrolment of children in school (51 complaints)
- students being stood down, suspended, excluded or expelled from school because of their disability or disability-related behaviour (43 complaints)
- funding or the need for special assistance (44 complaints)
- problems participating in the full school curriculum (24 complaints).

³¹ Human Rights Commission (2009). "Disabled Children's Right to Education".

Other matters raised include issues related to discipline, lack of reasonable accommodation and bullying.

In the non-compulsory education sector, complaints reflect similar themes, with gaining enrolment (24 per cent), lack of reasonable accommodation (19 per cent) and expulsions and suspensions (12 per cent) the main areas of complaint.

The Commission has also received two major complaints from national disability organisations citing systemic discrimination against disabled students in education policies and practices. IHC Advocacy has brought a class action complaining about acts and omissions of government that prevent disabled students fully accessing the curriculum at their local mainstream state school. Deaf Aotearoa New Zealand has complained that government policy and practice discriminates against Deaf children by not providing the option of accessing their education in New Zealand Sign Language.

Public transport complaints

From September 2005 to September 2009, the Commission received 65 complaints about public transport and this number appears to be increasing. Most complaints were about access to buses (27) or planes (14). Air travel was not covered by the Inquiry. Complaints cover many of the issues canvassed in the inquiry including: inaccessible buses for wheelchair users; poor treatment by drivers; drivers failing to provide assistance; refusal of drivers to use

accessible features, such as the kneeling facility; lack of information on which routes and times will be serviced by an accessible bus and an inaccessible bus stop.

Deaf people in New Zealand

The New Zealand Sign Language Act 2006 establishes New Zealand Sign Language (NZSL) as an official language of New Zealand. The Act provides the right to use NZSL in legal proceedings and provides for regulations to set standards for interpreters in legal proceedings or other regulations necessary to give full effect to the Act. The Act also sets out the principles that should guide government departments in making their services and information accessible to Deaf people. The Government has indicated the scheduled review of the Act will take place in the second half of 2010.

The Deaf community define themselves as a distinct language and cultural group. In New Zealand law, policy and practice, Deaf people are commonly only recognised for their hearing loss and defined as disabled. This places the Deaf community in a unique position. Sign language is a communication necessity rather than a social or linguistic preference.³²

The Government has provided some support for the development of NZSL. This includes funding to develop an online dictionary and translation of some information into NZSL, including the CRPD. There have been more cuts than initiatives, however. The Advance Centre in Auckland, which supports Deaf students to attend tertiary institutions, recently closed.

32 Mckee, R (October 2005). "The Eyes Have It! Our Third Official Language: New Zealand Sign Language", *Journal of New Zealand Studies*.

In December 2009, the three Deaf Resource Person positions established under the Van Asch Deaf Education Centre were discontinued. These were the only state funded positions to support children and their families to learn NZSL. Cuts to adult community education funding also threaten the viability of one of the main sources of learning NZSL in the community.

The cumulative result is that Deaf people suffer inequalities through linguistic discrimination. Deaf children are not fully supported to access their schooling in NZSL. Parents and family of deaf children struggle to access NZSL resources and Deaf people are often unable to access interpreters, sometimes in situations such as police interviews, hospital

appointments and participation in the labour market.

In the period since the last status report the Commission has received 13 complaints or enquiries about discrimination against deaf or hearing impaired students in education. The Commission also received two class action complaints related to NZSL. One relates to the lack of access to education in NZSL and the other to the non-regulation of NZSL interpreters. The Commission's online survey of the most pressing human rights issues, conducted in November 2009, identified the availability of NZSL interpreters as a high priority. The Deaf community have identified the immediate priorities as making education accessible through

Disability Clothesline

Violence towards and abuse of disabled people has been largely hidden until recently. Disabled women are one of the highest at-risk groups for sexual violence. Recent Ministry of Women's Affairs research revealed a third of all sexual violence victims they interviewed had a psychological or physical disability. Evidence from Australia suggests a person with an intellectual disability is twice as likely to be a victim of personal crime and 10 times more likely to be a victim of sexual assault.³³

The Disability Clothesline is putting an end to the silence, They are creating a medium for disabled people to safely tell their stories by decorating colour coded T-shirts with their stories. The T-shirts are hung on a clothesline and can be viewed on the website or shown in displays around New Zealand. The project is a joint project between DPA and the National Network of Stopping Violence Services.

Article 16 of the CRPD protects people with disabilities from all forms of exploitation, violence, and abuse, including gender-based violence in and outside the home.

See www.disabilityclothesline.org.nz for more information.

33 "Speaking out on behalf of our most vulnerable" (media statement, 25 November 2009). Accessed 25 November 2009 from <http://www.beehive.govt.nz/release/speaking+out+behalf+our+most+vulnerable>.

NZSL, support for families to learn NZSL, and raising the quality and quantity of interpreting services.

To make further progress, the Commission believes a mechanism needs to be developed to promote the maintenance and development of NZSL. The mechanism would develop competency standards for interpreters and educators and promote understanding and respect for NZSL to all New Zealanders.

Accessible public land transport

Article 9 of the CRPD recognises accessibility as one of the key requirements to ensure disabled people are able to live independently and participate fully in all aspects of life. It requires that the Government identifies and removes all obstacles and barriers to accessibility, including barriers to using transport services.

Accessible public land transport is essential to enable disabled people to take part in all aspects of community life, such as education, employment, recreation and leisure, and accessing essential services such as health. A disproportionate number of disabled people do not have independent access to a motor vehicle and so are more reliant on public transport for independent mobility.

After receiving a significant number of complaints and enquiries in this area, the Commission conducted a national inquiry into the issue. The findings of the inquiry were published in September 2005 as *The Accessible Journey: Report of the Inquiry into Accessible Public Land Transport*.

Since the inquiry report, a number of initiatives have significantly improved the accessibility of public land transport services:

- All new urban buses attracting government funding will have to comply with accessibility standards developed by the New Zealand Transport Agency (NZTA). Over time, what constitutes an accessible bus will become standard across the country. All regions with scheduled, subsidised urban bus services have increased the proportion of accessible buses they use.
- Revisions to regulations and guidelines have improved other aspects of the accessible journey, such as the design and construction of wheelchair hoists, ramps and safety features, and requiring all taxis to display signs in Braille.
- All new urban train carriages in Auckland and Wellington have accessibility features developed with significant input from disabled people
- The Public Transport Management Act 2008 enables regional councils to impose controls on commercial public transport operators, including accessibility standards. Regional Public Transport Plans must take into account the needs of the “transport disadvantaged”, including disabled passengers.
- The licensing rules for community transport services have been clarified.

- The Land Transport Management Amendment Act 2008 introduced new roles for Regional Transport Committees (RTC). Each committee must have one representative for each of the five objectives in the New Zealand Transport Strategy. In a number of regions, the access and mobility representative is a disabled person. RTCs advise regional councils on the transport needs in their area.
- Requirements have been added to the Passenger (P) endorsement driver licence to cover a basic knowledge of the needs of disabled passengers. All taxi and bus drivers must have a P license.
- The NZTA is developing guidelines for communities with limited or no public transport.

The Ministry of Transport is currently investigating the options for establishing an advisory committee on accessible public transport.

The inquiry found public land transport is significantly less available, less accessible, less affordable and less acceptable to disabled people than it is to non-disabled people. The inquiry also found there was systemic discrimination in the provision of land transport services. Systemic discrimination takes place where no one organisation is responsible for the situation but where the combination of all the inputs does not result in accessible services. For transport services to be fully accessible, information, booking services, pedestrian infrastructure, transport facilities and

transport vehicles must all be usable by everyone.

The inquiry recommended three main requirements for the development of accessible public land transport:

- Involvement of disabled people in all levels of the planning process.
- Industry-wide education in disability awareness and competency.
- Mandatory national accessibility design performance standards.

Other recommendations covered changes to legislation, establishing a lead agency to facilitate the necessary changes, the need for a consistent definition of disability across all legislation, proposed changes to Total Mobility services, rural and provincial services, community transport services and school transport services.

Access to services

Access to appropriate support services, where and when they need them, in the right amounts and to a professional standard is one of the longest-running battles disabled people face. Two major reviews of services suggest that if things are improving, they are improving at a less than satisfactory rate, despite the Government spending approximately \$2.8 billion across 11 different votes in 2005-06.

In September 2008, the Social Services Select Committee published its report into its inquiry into the quality of care and service provision for disabled people. The report was prompted by concerns raised in

the media about two major residential service providers and by more general dissatisfaction with service provision.³⁴ The report concluded the provision of disability services lacks direction and leadership, services are variable throughout the country and that the NZDS has not been effectively implemented. The report recommends:

- appointing an appropriately funded lead agency with responsibility for disability services and for monitoring the sector
- improving service information, service coordination and assessment, including a right for an independent review of funding decisions
- changing the focus of evaluations and disability service audits from compliance with standards to outcomes including involving disabled people in the audit or evaluation
- improving advocacy and complaints services
- establishing a national plan of action to ensure the NZDS is implemented without delay
- providing age-appropriate services to younger disabled people with high support needs to ensure they are not placed in rest homes
- ensuring funding is provided in a way that provides disabled people with more choice about their day-to-day living arrangements
- improving education, pay rates and working conditions for the disability sector workforce.

The Government's response to the inquiry acknowledges that the underlying principle that should guide all disability support services is

"... a citizen-based model for disability supports that is based on improving disabled people's ability to live everyday lives through giving them increased choice and control over the supports they receive and the lives they lead."

To date, the Government's response has been largely to request further work, such as investigating whether the Local Area Coordination system that operates in Western Australia could be adapted to improve service information, coordination and assessment.

Customer service guidelines for banks

The New Zealand Bankers Association has produced voluntary guidelines for banks to help them improve customer service to older and disabled customers. The guidelines were produced by the Association, working with the Commission and a focus group, including bankers, older people and disabled people. The booklet includes sections on physical access, accessible information, staff education and useful resources.

Article 9 of the CRPD requires countries to take steps to ensure disabled people have access to the physical environment, transport, information and communications and other services provided to the public on an equal basis with others.

The guidelines are available from www.hrc.co.nz or www.nzba.org.nz.

³⁴ Social Service Committee (September 2008).

³⁵ "Government Response to Report of the Social Services Select Committee on its Inquiry into the Quality of Care and Service Provision for people with Disabilities". Undated. Downloaded from <http://www.odi.govt.nz/what-we-do/improving-disability-supports/index.html> 27.01.10

Conclusions

Kōrero whakatau

Where New Zealand does well

- Adopting a strong leadership role in ensuring the CRPD was developed as a partnership between disabled people, non-government organisations and government representatives.
- Ensuring New Zealand's laws were consistent with the CRPD before ratification took place.
- Continuation of a dedicated ministerial portfolio (a Minister and an Associate Minister for Disability Issues) and the formation of a Ministerial Committee on Disability Issues to coordinate the implementation of CRPD.
- Ensuring the next Disability Census has a focus on measuring outcomes for disabled people in areas such as employment and labour market participation, education participation and achievement, transport and social inclusion.
- Adopting NZSL as an official language of New Zealand.
- Development and review of the Telecommunications Relay Service to assist people with hearing or speech impairments to use telecommunications services on a similar basis as others.
- Developing web standards for all state sector websites has meant a gradual improvement in the accessibility of official information.

Where we need to do better

- Developing the full range of social statistics to ensure key outcomes for disabled people are measured more often than once every five years.
- Ensuring all disabled students have a right to inclusive education, which is explicit in the Education Act, and that the Act contains mandatory minimum standards.
- Ensuring a whole-of-government approach is adopted to implementing the CRPD, including the full participation of disabled people in the process and the adoption of the optional protocol.
- Ensuring all public land transport services are fully accessible through the development, by the Ministry of Transport and the New Zealand Transport Agency, of a comprehensive work programme to respond to all outstanding issues from the Accessible Journey.

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