
Harmonisation of Domestic Legislation with CRPD

Disability Rights Commissioner Paula Tesoriero MNZM
UN Economic and Social Commission Asia Pacific
22 June 2022



Introduction

E ngā mana, e ngā reo, rau rangatira mā

Tena koutou katoa

Ko Paula Tesoriero ahau

ko au te te Kaihautu Tika Hauātanga mō te Kāhui Tika Tangata ki Aotearoa.

Nō reira, tēnā koutou, tēnā koutou, tēnā koutou katoa.

Mauri tangata, Mauri ora



Overview: New Zealand Human Rights Commission

- Works under the Human Rights Act 1993 to promote and protect human rights
- Independent of government
- Provides a free mediation service for allegations of discrimination
- Decisions on discrimination are made by Human Rights Review Tribunal
- Reports to the Prime Minister about legislation affecting human rights



Activating the Disability Convention (UNCRPD)

- Progress is monitored by the Independent Monitoring Mechanism (IMM)
- A coalition of seven disabled people's organisations are part of the IMM
- Work alongside the Commission and the Ombudsman
- Formalising the leadership role of disabled people sends a strong signal
- Equal relationships and participation of disabled people is core to realising the CRPD



Activating the Disability Convention – NZ structure

- Office of the Disability Issues is the focal point for activating the CRPD
- Disability Strategy (2016-2026) is the roadmap for CRPD – and includes an action plan
- Commission worked with others to develop a monitoring framework
- Commission is a member of a Disability Data and Evidence Working group



Positive steps for the Disability Convention

- New Ministry for Disabled People will lead a partnership between the disabled community and government
- Drafting of accessibility legislation is in progress
- Law Commission is reviewing legislation on adult decision-making capacity
- Commission's regular legal interventions has increased understanding and reference to CRPD in case law



More needs to be done for Disability Convention

- CRPD not explicitly embedded in new legislation
- Still laws allowing for substituted decision-making
- Work on supported decision making has not advanced
- Updated definition of 'reasonable accommodation' needed for Human Rights Act



In summary: What has helped

- Leadership roles for disabled people
- Human rights organisations working as models
- Disabled people being involved in monitoring and reporting
- Using the courts to build understanding of and use of disability rights
- Addressing Ableism to take down barriers for disabled people