

Kia Noho Rangatira Āi Tātou

**Human Rights and
The United Nations
Convention on the
Rights of Persons
with Disabilities**

New Zealand Disability Support Network Conference 2018

Making Change Real

Beyond Needs and Participation to Rights and Citizenship

“To build a fully inclusive, fair and prosperous society, we need more people educated about a human rights approach.... A human rights approach means listening to disabled people, prioritising our rights and learning from us”

Paul Gibson previous Disability Commissioner

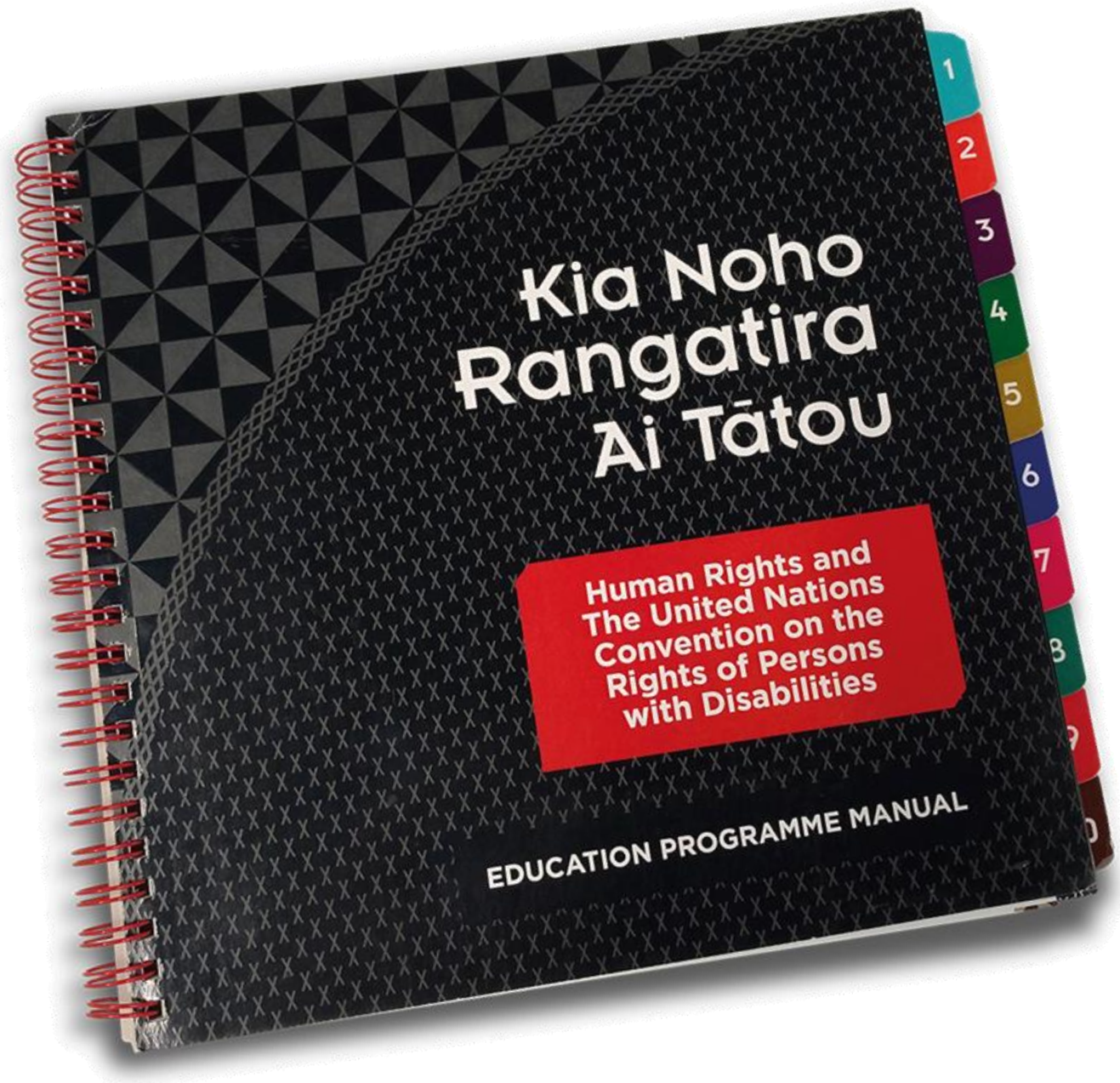
Foreword Kia Noho Rangatira Ai Tātou manual

Beyond Needs and Participation to Rights and Citizenship

Very much a reminder about “rights vs needs”

Programme participant, disabled person

“I think the manual is excellent and very clear”



Section 1 Human rights

Section 2 The Treaty of Waitangi, tūrangawaewae and citizenship

Section 3 The human rights system

Section 4 Disability, the social model and human rights framework

Section 5 The Convention on the Rights of Persons with Disabilities

Section 6 The eight General Principles

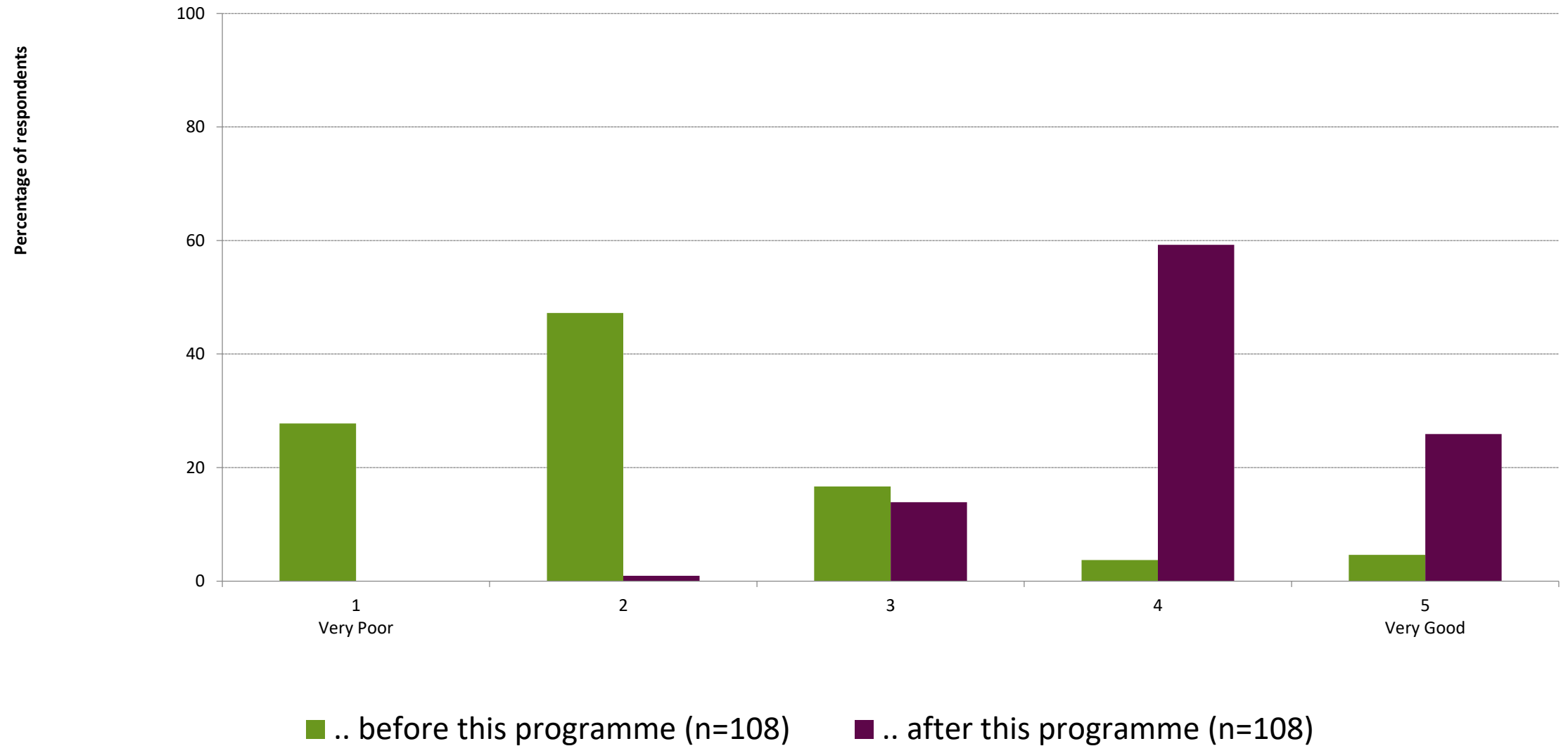
Section 7 The Articles

Section 8 Applying the Disability Convention

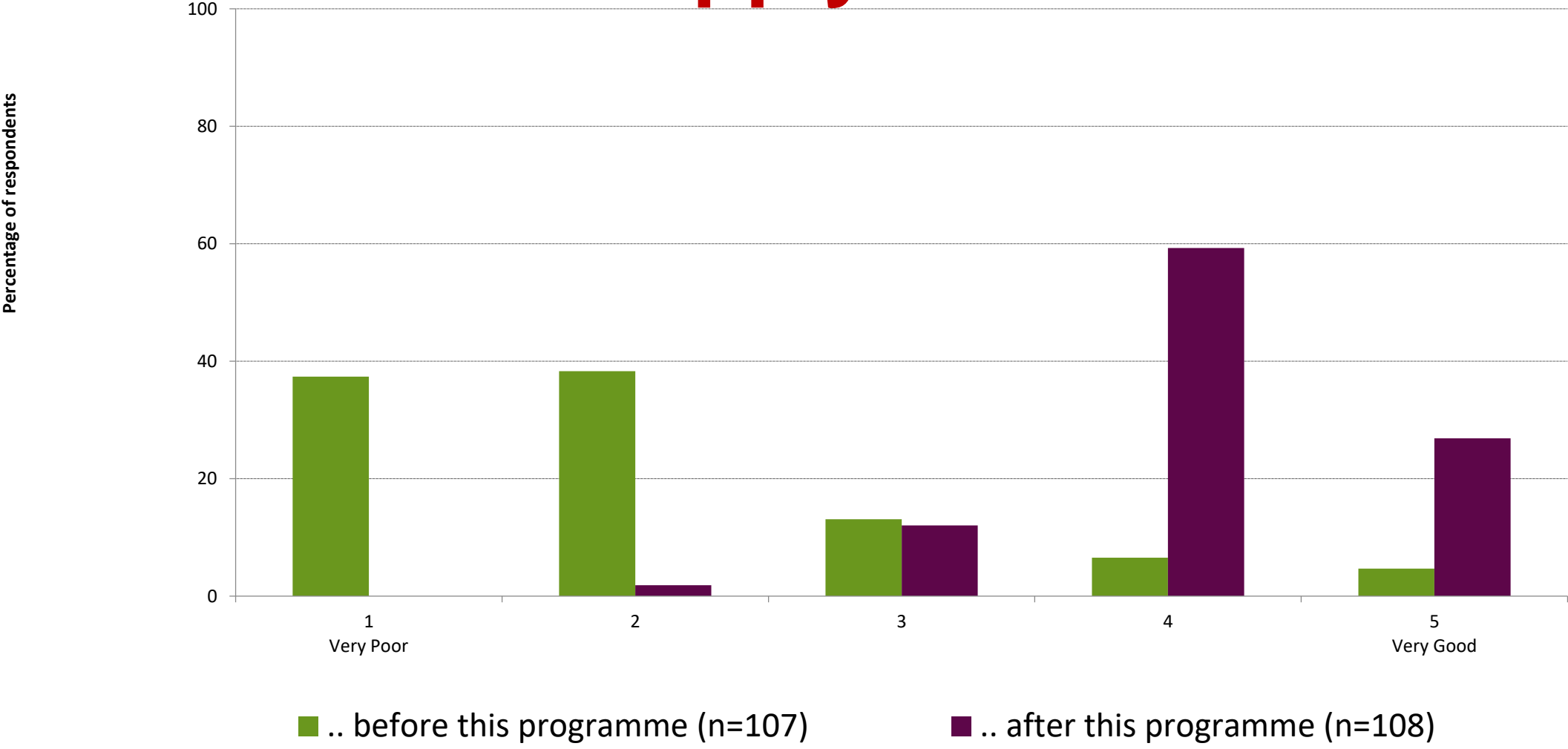
Whangerei
Auckland
Hamilton
Tauranga
Napier
Whanganui
Palmerston North
Wellington
Nelson
Christchurch
Dunedin
Invercargill



Learners increased knowledge of UNCRPD



Learners increased understanding of how to apply the UNCRPD



How Do you Think we are Doing?

From your own life or your work context

Do Disabled Citizens have equal opportunities and enjoy the same fundamental freedoms as non-disabled citizens? Put your hand up for

YES

NO

In what aspects of life do choices and opportunities differ?

United Nations Convention on the Rights of Persons with Disabilities

Article 1 Purpose

Article 3 8 General Principles

Article 4 General Obligations

Articles 5-30 Rights articles

Article 33 National implementation & monitoring framework

Optional Protocol (Ratified NZ 2016)



Article 3 General principles

1. Dignity, autonomy, choice, independence
2. Non-discrimination
3. Full & effective participation in society
4. Respect difference, human diversity and humanity
5. Equality of opportunity
6. Accessibility
7. Equality between men and women
8. Evolving Capacities of children

Examples of human rights breaches identified by learners in the programme

Article 5 Equality & Non-discrimination

Sexual relationships & same sex relationships

ACC 'payments' vs MSD 'benefits'

Mental health & learning disabilities vs other impairment groups

Human rights breaches

Article 12 Equal before law

Substituted decision making common practice

Supported decision making often challenged by families, health practitioners, legal/financial authorities

Article 13 Access to Justice

Lack of support, devices, affordability and accessibility, complexity, time, discrimination

Human rights breaches

Art 16 Exploitation, violence & abuse

Family violence

Sexual abuse

Financial exploitation by families



Human rights breaches

Article 19 Living independently & being included in the community

Lack of resources, vans, staff to assist (to pursue opportunities)

No choice re housing, who live with, where live, shifts

Excluded from group home 9am-3pm daily

Lack of choices re food, sleep routines

Human rights breaches

Article 25 Health

GPs speak to 'carers' or support person

Informed consent often ignored

Medicated without consent, information, choice

Medication over prescribing & changes

Sterilisation & hysterectomy without consent

Service provision disparities for Māori and Pasifika

Poor access and referral and

Lack of choice

Human rights breaches

Article 27 Work and employment

Low employment rate, stigma, discrimination & inaccessibility

Lack of reasonable accommodation

Lack of disabled chief executives & senior level managers

Lack of professional development and promotion

Employment law (minimum wage exemption)

90 day trial exploitation

Work & Income inadequate, inflexible, attitudes

Examples of Learners Action Plans addressing breaches Article 8 Awareness raising

Workplace – education

Living with disability – Attitude TV, Watch this Space

Sexuality & relationship – education

Challenge community attitudes – local Art exhibition

Article 9 Accessibility

Trilingual interpreters – write to NZ Sign Language Board

Procurement transport services – apply human rights lens

Dog & rental housing – educate and challenge landlord/s

Safe & accessible bathroom – send letters to MP & Housing NZ

Action Plan examples

Article 15 Freedom from torture, cruel, inhuman & degrading treatment & punishment

Inform disabled person of rights

Active listening, de-escalating

Question organisational policy

Restraint not reported but seen by staff

Collect evidence

Independent monitoring

Report to management

Speak up about concerns directly

Staff mentoring & supervision re alternatives

<u>Article 5</u> Equality and non-discrimination	<u>Article 8</u> Awareness-raising	<u>Article 9</u> Accessibility	<u>Article 10</u> Right to life	<u>Article 11</u> Situations of risk and humanitarian emergencies
<u>Article 12</u> recognition before the law Equal	<u>Article 13</u> Access to justice	<u>Article 14</u> Liberty and security of the person	<u>Article 15</u> Freedom from torture or cruel, inhuman or degrading treatment or punishment	<u>Article 16</u> Freedom from exploitation, violence and abuse
<u>Article 17</u> Protecting the integrity of the person	<u>Article 18</u> Liberty of movement and nationality	<u>Article 19</u> Living independently and being included in the community	<u>Article 20</u> Personal mobility	<u>Article 21</u> Freedom of expression and opinion, and access to information
<u>Article 22</u> Respect for privacy	<u>Article 23</u> Respect for and the family	<u>Article 24</u> Education	<u>Article 25</u> Health	<u>Article 26</u> Habilitation and rehabilitation
<u>Article 27</u> Work and employment	<u>Article 28</u> Adequate standard of living and social protection	<u>Article 29</u> Participation in political and public life	<u>Article 30</u> Participation in cultural life, recreation, leisure and sport	<u>Article 31</u> Statistics and data collection

Momentum for change

Alumni groups set up to support local ownership and implementing action plans.

Final words from learners feedback.

presenters were warm and passionate as well as knowledgeable.”

“very informative, educational and thought provoking”

“I learned so much”

“this is incredibly important information”

“..now I know that when I am advocating I have more knowledge to share. Great Interaction”

“it was awesome. Very thought provoking and inspiring”

“very practical and applicable across all sectors”

Making Change Real: Who Needs to Understand and apply the UNCRPD ?

Disability provider organisations

Disabled People

Funders & planners Ministry contract holders

Work and Income policy makers & staff

Employers (public & private sectors)

Health and social service practitioners

Police, judicial staff, lawyers, judges

Boards of Trustees

Media

Families & whānau

Everyone...

Contact person

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