

27 July 2011

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Officer in Charge, Development and Economic and Social Issues Branch  
Office of the United Nations High Commissioner for Human Rights  
United Nations Office at Geneva  
CH 1211 Geneva 10  
**Switzerland**

Dear Craig

**HUMAN RIGHTS COUNCIL RESOLUTION 16/15: PARTICIPATION OF PERSONS WITH DISABILITIES IN POLITICAL AND PUBLIC LIFE.**

Thank you for your letter of 24 June 2011 and the opportunity to respond to the Office of the United Nations High Commissioner for Human Rights study on the participation of persons with disabilities in political and public life. The following response is provided by the New Zealand Human Rights Commission (the Commission) as the National Human Rights Institution of New Zealand. The New Zealand Government has established a monitoring framework under Article 33 of the Convention on the Rights of Persons with Disabilities (CRPD). The Commission is one of three independent partners, together with the Office of the Ombudsmen and the Disability Convention Coalition, given the role of monitoring and reporting on progress in implementing the CRPD in New Zealand.

**Restrictions on the right of persons with disabilities to vote.**

1. The Commission has recently completed an extensive consultation with disabled people and their organisations on the human rights issues that most affect them in their everyday lives. A total of 20 workshops and hui (meetings), attended by over 540 people, were held throughout the country in the first part of 2011. The feedback from the workshops will assist the Commission in its monitoring, reporting and advocacy work.
2. One of the issues raised was the lack of access to independent, secret ballots for some disabled people in both territorial and national elections. New Zealand has an electoral system where local and regional representatives and the national Parliament are elected in separate elections, both on a three yearly cycle. In both elections some disabled people are unable participate in an independent,

secret manner.

3. Local and regional elections are usually held by postal ballot, while elections for Parliament require the person to attend a polling booth or if unable to do so to cast a “special” vote. Difficulties for disabled voters can arise at any of the following stages of the process:
  - Participating in the political process. Understanding what each candidate and or party is offering in order to decide who to vote for,
  - Reading and understanding the ballot paper and associated information,
  - Marking the ballot paper.
4. The Commission has produced a discussion paper, *Access to independent Voting for Disabled People*, outlining the issues and possible responses. The paper will form part of a general paper on Accessibility Issues that will go out for consultation in the coming months. The outcomes of the consultation will be incorporated into a position paper. The Commission is advocating for a trial of electronic voting in preparation for full electronic voting in the 2013 local body elections and the 2014 general elections.
5. A number of non-government organisations are also advocating for the introduction of voting systems that allow for the independent, secret participation of disabled people. The Association of Blind Citizens, a self advocacy group representing blind and partially sighted people, People First a self advocacy group representing people with intellectual or learning impairments and Deaf Aotearoa New Zealand a group representing Deaf New Zealanders are all advocating for fully accessible elections.
6. The Human Rights Act 1993 provides a disputes resolution mechanism for complaints about discrimination in the public and private sectors. An analysis of complaints shows a relatively low number of complaints have been related to the participation of disabled people in political and public life. Amongst the complaints received are:
  - Concerns about the right to vote of adults for whom someone else is the legal guardian,
  - Concerns about whether the person assigned to assist the disabled voter in the voting process accurately reflected the wishes of the voter,
  - The ability of a Deaf person to effectively stand for local body elections when New Zealand Sign Language (NZSL) interpreters and other support services are not readily available,
  - Access to the political process for people who rely on NZSL,
  - A blind person being unable to vote independently in local body elections. Concerns related to both the accessibility of the candidate information and the need to get assistance to mark the ballot papers,
  - Concerns about a person being able to effectively participate in her retirement village Annual General Meeting, because a support person was not allowed to attend.

## **Good practices to ensure persons with disabilities participate in political and public life on an equal basis with others.**

7. The Chief Electoral Office (CEO) has been responsible for providing information to all voters on the national electoral process and how to vote. After the last general election in 2008 a survey was commissioned to ascertain voter satisfaction with CEO services and understand what the barriers to voting are, and how to address these for each identified population group. A specific survey was carried out to ascertain the satisfaction of disabled voters. A similar survey followed the 2005 elections. The survey provided the CEO with a lot of very useful information about where disabled voters voted, their assessment of the information provided especially for disabled voters, the accessibility and usefulness of the general voter information and the accessibility of the polling places. The survey indicated a high level of recognition and usefulness of the information provided specifically for disabled people and general approval of the general election information.<sup>1</sup>
8. During 2010 and 2011 Canterbury suffered a series of devastating earthquakes, which left much of the central and eastern Christchurch in need of a massive rebuild. The Commission has written to the Minister responsible for earthquake recovery, Hon Gerry Brownlee, suggesting that the participation of all vulnerable groups in consultations and decision making is essential for the success of the recovery operation. The Commission has drawn particular attention to the need for disabled people and their organisations to be involved in the processes. Two disabled people, Ross Brereton and Ruth Jones, have been appointed to the Community Forum. The forum has been established as a consultative body to give advice to Minister Brownlee on the Canterbury earthquake recovery.
9. The New Zealand Cabinet has decided that for the next 18 months the national Disability Action Plan will focus on the Canterbury recovery. Cabinet has required that disabled people and their organisations are specifically involved in redesigning disability supports and services, improving the accessibility of the built environment and more generally consulted before any recovery plans are approved.<sup>2</sup>
10. New Zealand appears to have a low number of disabled people in political life and in high-profile public positions. The Disability Convention Coalition (DCC) raised the issue with the Ministerial Committee on Disability Issues at the first meeting of the independent monitoring mechanism and the Ministerial Committee. The DCC would like to see the matter further advanced. The Commission notes that the United Kingdom's Access to Elected Office for Disabled People project, a

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<sup>1</sup> Chief Electoral Office *Disability voter and non-voter satisfaction survey 2008*. Accessed from [http://www.elections.org.nz/files/Disability\\_voter\\_and\\_non-voter\\_satisfaction\\_survey\\_2008.pdf](http://www.elections.org.nz/files/Disability_voter_and_non-voter_satisfaction_survey_2008.pdf) 27 July 2011.

<sup>2</sup> Ad Hoc Cabinet Committee on Canterbury Earthquake Recovery. *Disability Action Plan: Including disabled people in the Canterbury recover*. Accessed from <http://www.odi.govt.nz/what-we-do/ministerial-committee-on-disability-issues/disability-action-plan/cabinet-paper-july-2011-disability-action-plan.html> 27th July 2011.

scheme that encourages disabled people to become Councillors or Members of Parliament, appears to be a good initiative.

11. Every two years the Commission monitors the representation of women in political, public and professional life in New Zealand. The latest set of data was published in the *New Zealand Census of Women's Participation 2010* (available at [www.neon.org.nz](http://www.neon.org.nz)). This report is widely used domestically and internationally in treaty body reporting and as a monitoring tool provides an agenda for change. It publishes available data sets by gender and where available by ethnicity across a range of indicators of women's participation in governance and management, national and local politics and appointments to government-appointed statutory bodies. In 2012 the Commission will ask public and private agencies to also provide data relating to the participation and representation of disabled women, in relation to both their nominations services and appointments.

### **Involvement of persons with disabilities and their representative organisations in monitoring the CRPD**

12. New Zealand's ratification of the CRPD was followed by the establishment of an independent mechanism to promote, protect and monitor the implementation of the CRPD and periodically report to the United Nations. It consists of three independent organisations working together to achieve results, the Disability Convention Coalition, the Office of the Ombudsmen and the Human Rights Commission.
13. The Disability Convention Coalition (DCC) consists of six disabled persons organisations (DPOs) governed and lead by disabled people. The six organisations are:
  - The Association of Blind Citizens representing blind and partially sighted people,
  - Deaf Aotearoa New Zealand representing Deaf people,
  - Disabled Persons Assembly a pan-disability self advocacy group,
  - Nga Hau E Wha representing people with experience of mental illness,
  - Ngati Kapo O Aotearoa representing Maori people who are blind or partially sighted,
  - People First New Zealand representing people with a learning or intellectual impairment.

The DCC was formed in 2009 and has received government funding for three years to carry out its part of monitoring the CRPD.

14. The DCC has produced a monitoring report on disabled people's experience of their human rights using a research method developed by Disability Rights Promotion International (DRPI). The report is based on 98 interviews undertaken with disabled people by disabled people. The report will be used by the

independent mechanism and others to provide information to the United Nations on progress in implementing the CRPD.<sup>3</sup>

15. Collectively the independent mechanism is developing a monitoring framework including appropriate indicators of progress, advising the government and civil society on any legislation, policy or practice with an impact on the daily lives of disabled New Zealanders and inquiring into any issue that may involve an infringement of human rights. The New Zealand Government has produced its first periodic report to the United Nations. The independent mechanism provided comments on drafts of the report. Closer to the time of examination of the Government report by the United Nations CRPD Committee the independent mechanism will provide an issues paper to the United Nations.
16. The DCC is also involved in its own independent activities including the development of an independent or shadow report on the implementation of the CRPD and advocating for particular issues such as supported decision making, disabled people's access to justice and access to independent voting at local and national elections.

The other questions in your letter are more properly answered by the national government of New Zealand.

If you would like more information on any of these matters please contact Bruce Coleman, Senior Policy Analyst, Disability, [BruceC@hrc.co.nz](mailto:BruceC@hrc.co.nz) or ph +64 3 353 0952.

Yours sincerely



Dr Judy McGregor  
**Acting Disability Rights Commissioner**

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<sup>3</sup> Disability Convention Coalition. *Disability Rights in Aotearoa New Zealand 2010*. Disability Rights Promotion International. 2010.