**OHCHR Persons with Disabilities Questionnaire**

**The rights of persons with disabilities on participation in sport under article 30 United Nations Convention on the Rights of Persons with Disabilities**

31 July 2020

Thank you for the opportunity to provide information in support of the Office of the United Nations High Commissioner for Human Rights (OHCHR) preparation “to prepare its next annual thematic study on the rights of persons with disabilities on participation in sport under article 30 United Nations Convention on the Rights of Persons with Disabilities “the Convention”.

**A general introductory comment**

The Government’s New Zealand Disability Strategy 2016-2026, under the outcome “health and well-being” makes the commitment to disabled people[[1]](#footnote-1) of:

* *“being consulted on and actively involved in the development and implementation of legislation and policies concerning health and wellbeing, including sport, recreation arts and culture”* and
* *“participation in community activities if we choose (for example, sport, recreation, arts and culture*”

Within all government policy, including disability policy it, is expected and promoted that women and girls have equal access to the policy outcomes.

The Disability Action Plan (2019-2023) is the mechanism to give effect to and progress the outcomes in the New Zealand Disability Strategy. The Sport NZ Disability Plan is part of the Disability Action Plan.

**Sport NZ’s Disability Plan**

Sport New Zealand, a government entity whose purpose is to promote, encourage, and support physical recreation and sport in New Zealand, released a Disability Plan in October 2019. It is one of the key programmes of work to progress the New Zealand Disability Strategy’s “health and wellbeing” outcome.

Sport NZ’s Disability Plan seeks to improve the wellbeing of disabled New Zealanders by addressing inequalities in play, active recreation and sport.

The release of the Disability Plan followed the launch of Sport NZ’s 12-year strategic direction and vision – Every Body Active – that has the goal of ensuring all New Zealanders have access to quality experiences, particularly those groups missing out.

Sport NZ found from its Active NZ data that disabled young people are less likely to participate in a range of sports and activities, particularly play related activities such as using playgrounds and scootering. Disabled adults spend 16% less time participating in any given week than non-disabled adults. More data is available in the [Spotlight on Disability](https://sportnz.org.nz/managing-sport/research-and-insights/active-nz/spotlight-reports/disability/)

Developed following a [Disability Review in 2018](https://sportnz.org.nz/focus-areas/diversity-and-inclusion/disability/disability-review/) and in consultation with key partners, disability advocate groups and individuals, the Disability Plan aims to improve the range and quality of physical activity on offer for disabled tamariki and rangatahi[[2]](#footnote-2) to ensure they have the opportunity to be active.

The Disability Plan can be found here:<https://sportnz.org.nz/focus-areas/diversity-and-inclusion/disability/disability-plan/>.

To oversee and implement the Disability Plan, Sport NZ employed a Disability Consultant in December 2019. One key project for the Disability Consultant is to scope opportunities for disabled people and clarify the roles and responsibilities of organisations providing those opportunities.

**In response to the questions asked**

In Does your country ting to the inclusion of persons with disabilities in mainstream (not***Recreation and leisure***

1(a). Does your country have laws, policies, plans, strategies or guidelines1 and departments at any level of government relating to the inclusion of persons with disabilities in mainstream (not disability-specific) recreational and leisure physical activity, including but not limited to:

**Private settings:** Private gymnasiums, sports clubs, sports associations and foundations, summer camps, marathons, swimming pools, among others;

**Public and private tourism platforms:** tourism facilities (e.g. beach, mountain, forest, among others), including services for persons with disabilities;

**Public settings in urban areas:** Urban sports trails, cycling trails, public physical training, yoga, recreational sports, playgrounds for children, recreational facilities for older persons, among others. Th

re above?

**Response**

The Building Act 2004 ensures that all commercial buildings and premises for business and professional purposes are accessible to disabled people. This includes gymnasiums, public swimming pools and other sports and recreation facilities. The Building Act creates the regulations and standards required to ensure public buildings and facilities are accessible for disabled people.

The Government funds *Be: Lab* which is an initiative that delivers innovative and creative social change programmes to support businesses and communities to become fully accessible.. This initiative had its genesis when New Zealand hosted the 2011 Rugby World Cup where there was a commitment to ensure a great experience for all people, including disabled people, who were visiting New Zealand for the event. Be: Lab continues to provide accessibility guidance and support to a range of organisations, including public and private tourism enterprises.

***Education***

2(a). Does your country have laws, policies, plans, strategies or guidelines on physical education in public and private schools, including in special education, informal education and extra-curricular activities, relating to the inclusion of persons with disabilities, particularly children and young people, to avoid their exclusion or exemption from physical education and facilitating contact with disability-specific sports? What are the objectives of these instruments?

2(b)(i). Are teachers and professors of physical education trained to include students with disabilities in either mainstream or disability-specific physical education?

2(b)(ii). Do persons with disabilities who want to be teachers and professors of physical education have access to equal certification to exercise the profession?

2(c). What are the challenges to implementing the above? Are you aware of any good practices related to the above?

*Sports*

3(a). Does your country have national, regional and local sports departments addressing and promoting competitive sports that cover both mainstream and disability-specific sports, either integrated or separated?

3(b). Do disability-specific competitions have a similar structure to mainstream competitions, either integrated or separated, to organize local, regional, national, continental and international competition?

**Response**

The Education Act (1989) provides the assurance that disabled children and young people have the same rights to school enrolment and attendance as all other children.

Where children/young people are eligible for additional supports or accommodations to access the curriculum at school, the Education Act ensures that those supports can be accessed at the school of their choice, be that a special school or a mainstream special school. About 95% of children and young people with learning support needs and/or disabilities (or about 99.5% of all children) attend a regular or mainstream school.

Under Section 60A (b) of the Education Act, the Minister of Education may publish National Curriculum Statements on areas of knowledge and understanding to be covered by students. In New Zealand, these foundation curriculum policy statements are the New Zealand Curriculum and Te Marautanga o Aotearoa.

Health and Physical Education are part of the core learning areas for all students. This includes disabled learners. The main objective of the Health and Physical Education Curriculum is to ensure that students learn about their own well-being, and that of others and of society, in health and movement related contexts.

Initial Teacher Education (ITE) in New Zealand is controlled and monitored by the Teachers Council.. It is an expectation that graduate teachers:

* have content knowledge appropriate to the learners and learning areas of their programme
* know how to develop metacognitive strategies for diverse leaners
* demonstrate high expectations of all learners, focus on learning and recognise and value diversity
* demonstrate commitment to and strategies for promoting and nurturing the physical and emotional safety of learners
* promote a learning culture that engages diverse learners effectively.

These expectations apply to all graduate teachers of physical education and health in their work with all learners, including disabled learners. ITE is open to all suitably qualified students regardless of impairment of disability.

***Participation of disabled people in sports and recreation***

3(c). What are the challenges that persons with disabilities face to access training centers prepared for high-performance sports at local, regional and national levels?

3(d). Are there laws, policies and mechanisms in place to ensure fair distribution of public grants, awards and other financial support to ensure that sportspersons with disabilities have equal opportunities to succeed in competitive sports?

3(e). Please provide information on the organizational structures of disability-specific sports, including examples and good practices. Kindly consider the following aspects when replying:

Are they separate structures, or are they integrated into mainstream federations and clubs?

Are they decentralized covering the whole territory or they only operate in capital city/area?

Are they sports-discipline specific, or they integrate multiple disciplines?

Do they receive equal funding opportunities compared to mainstream sports?

Are joint activities between sportspersons in disability-specific sports and mainstream sports encouraged or carried out to facilitate exchange among sportspersons within similar disciplines?

Are persons with disabilities considered in sports beyond their role as sportspersons, including as referees, coaches, spectators, administrators, workers, volunteers in the sports industry, board members, among others?

*Does your country have national, regional and local sports departments addressing and promoting competitive sports that cover both mainstream and disability-specific sports, either integrated or separated?*

**Response**

There are three main organisations that provide sporting opportunities for disabled people.. These are as follows.

:

*Paralympics New Zealand* who:

* administer the Paralympic Games teams
* work with performance Para athletes
* work with National Sport Organisation and National Disability Sport Organisation to ensure disabled athletes are catered for.

*Special Olympics New Zealand* who:

* administer the World Special Olympics Games teams
* have Special Olympic regions and clubs that provide Special Olympics sports and competitions throughout New Zealand
* work with some National Sports Organisations to provide opportunities for Special Olympic athletes.

*The Halberg Foundation* who:

* have a network of advisers throughout the country who work to enhance the lives of physically disabled New Zealanders by enabling them to participate in sport and recreation
* provide inclusion training for teacher and coaches in schools and the community
* provide funding to assist with additional cost to participation in sport and recreation due to their disabilities.

*ParaFed Organisations*

New Zealand also have regional ParaFed organisations throughout the country who are self-governing organisations that provide opportunities for physically disabled athletes to participate in disability sports at the local level. They link their members to inclusive sport, such as athletics and swimming. They also provide other programmes and initiative in their region to support their members.

*Disability Sports Organisations*

In addition, there are a range of disabilities sports who have a national organisation to provide competitions and pathways for their athletes. In most situations they work with the regional ParaFed’s to delivery their sport to their athletes. The disability sports are:

* Boccia
* Blind Sport
* Powerchair Football
* Wheelchair Basketball
* Wheelchair Rugby
* Wheelchair Tennis

*National Sports Organisations*

Some of the National Sports Organisation for all New Zealanders are starting to provide opportunities for disabled people.The National Sports Organisation who deliver their sport for disabled athletes include:

* Swimming
* Snow Sports
* Canoeing.

Other National Sports Organisation who provide opportunities for disabled athletes include:

* Athletics
* Badminton
* Equestrian
* Golf
* Surfing
* Table Tennis
* Touch
* Triathlon
* Waka Ama
* Yachting.

*Do disability-specific competitions have a similar structure to mainstream competitions, either integrated or separated, to organize local, regional, national, continental and international competition?*

In New Zealand we have both segregated and integrated opportunities for disabled athletes to compete in their chosen sport.

Segregated opportunities include:

* Special Olympic events
  + National
  + Regional
  + Club
  + School
* Halberg Games (for physically disabled and visually impaired young people between 8 and 21 years old)
* Local ParaFed run events
* Disability Sports Championships at all levels
  + Boccia
  + Blind Sport
  + Powerchair Football
  + Wheelchair Basketball
  + Wheelchair Rugby
  + Wheelchair Tennis

Inclusive opportunities include:

* Most National Sports Organisation provide opportunities for disabled athletes to compete alongside non-disabled competitors
  + Athletics
  + Badminton
  + Canoeing
  + Equestrian
  + Golf
  + Snow Sports
  + Surfing
  + Swimming
  + Table Tennis
  + Touch
  + Triathlon
  + Waka Ama
  + Yachting
* Regional, North and South Island and National Secondary School Athletic Championships
* Regional and National Secondary School Swimming Championships
* Many other regional secondary school sports championships, such as road race, cross country and table tennis
* Some regional primary school sports championships, such as athletics, swimming and cross country
* Primary and secondary school events
* Many other sports events held in New Zealand including:
  + AIMES Games
  + New Zealand Masters Games.

*What are the challenges that persons with disabilities face to access training centres prepared for high-performance sports at local, regional and national levels?*

New Zealand is ensuring that all training centres for high performance sports are accessible to disabled athletes. Disabled high performance athlete have the same opportunities through High Performance Sport New Zealand as non-disbaled athletes. Where possible athletes involved in disability sport are connected to opportunities provided by High Performance Sport New Zealand.

*Are there laws, policies and mechanisms in place to ensure fair distribution of public grants, awards and other financial support to ensure that sportspersons with disabilities have equal opportunities to succeed in competitive sports?*

The Halberg Foundation is Sport NZ’s lead agency for young people (up to 21 years) with a physical disability. It receives $650,000 in core funding from Sport NZ, and also administers the $333,000 No Exceptions fund on Sport NZ’s behalf. This is a contestable annual fund which provides funding to National Sports Organisations, National Disability Sport Organisations and Parafeds (regional disability sport organisations) for the provision of quality sport to physically disabled New Zealanders, particularly young people.

Special Olympics is Sport NZ’s lead agency for athletes with an intellectual disability and receives $600,000 a year from Sport NZ.

Paralympics NZ is the peak body for elite level disabled athletes. It receives core investment from Sport NZ of $2.0 million a year towards athlete preparations for the Tokyo Paralympics, which have now been postponed until 24 August 2021. An additional $500,000 of annual investment is paid direct to Athletics New Zealand as Para-athletics has been integrated into the mainstream athletics’ high-performance programme.

The Minister for Sport and Recreation has a small Sport and Recreation discretionary fund. For the 2018/19, 2019/20 and 2020/21 financial years the fund is targeted towards young people, aged 12-18 with an impairment eligible for Para sport, who could not otherwise obtain funding. The grants will help disabled young people access equipment; pay for subscriptions; gain access to facilities, coaching and training camps.

High Performance funding, including the Performance Enhancement Grants (PEGs) programme (direct financial support for athletes to enable them to train fulltime) and Prime Minister’s Athlete Scholarships (a scholarship to help athletes to pursue tertiary study and elite-level sport development at the same time) are equally available to high performance athletes with disabilities.

Finally, all of Sport NZ’s COVID-19 response work has had a disability lens across it. For example, a new community activation fund Tū Manawa Active Aotearoa (<https://sportnz.org.nz/covid-19/sector-advice/sector-support-package/tu-manawa-active-aotearoa/>) has a focus on equal opportunities and reducing barriers for young people with disabilities to be active.

*Please provide information on the organisational structures of disability-specific sports, including examples and good practices. Kindly consider the following aspects when replying:*

* *Are they separate structures, or are they integrated into mainstream federations and clubs?*

They are all separate organisations who have their own structures and mechanisms to deliver their sport throughout the country.

* *Are they decentralized covering the whole territory or they only operate in capital city/area?*

It depends on the sport and the size of the population as to if the disability sport is available.

* *Are they sports-discipline specific, or they integrate multiple disciplines?*

They are sport specific disciplines, but do come together for multisport events (eg, the Halberg games).

* *Do they receive equal funding opportunities compared to mainstream sports?*

Just like all sports in New Zealand, disability sports are funded at different levels depending on what they provide and where appropriate on their success on the international stage. While there are many of the same funding opportunities (particularly Government funding), disability sports are minority sports in New Zealand, and as such have more limited funding opportunities.

* *Are joint activities between sportspersons in disability-specific sports and mainstream sports encouraged or carried out to facilitate exchange among sportspersons within similar disciplines?*

Yes, in New Zealand we encourage the sharing of ideas through workshops and events facilitated by High Performance Sport New Zealand (HPSNZ) coaches and local opportunities.

* *Are persons with disabilities considered in sports beyond their role as sportspersons, including as referees, coaches, spectators, administrators, workers, volunteers in the sports industry, board members, among others?*

Many athletes in disability specific sports also hold other roles in their sports such as coaches, administrator and volunteers. Like all sports, disability specific sports, encourage athletes to remain in the sport after they retire as volunteer to be administrators, referees or bench officials at tournaments.

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New Zealand

1. In New Zealand, on the advice and recommendation of disabled people, and confirmed during consultation on the New Zealand Disability Strategy, the preference is to use the term disabled people, on the basis that people with impairments are disabled by the environment and attitudes. It is acknowledged and respected that the international preference is people with disabilities. [↑](#footnote-ref-1)
2. Tamariki and rangatahi are the Maori words for children and young people [↑](#footnote-ref-2)