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Aide-mémoire

Date:	27 November 2024
For:	Hon Louise Upston, Minister for Disability Issues
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Progressing the Government response to the UNCRPD Concluding Observations - Cabinet Paper

Cabinet Committee

Cabinet Social Outcomes Committee

Details

- **Date:** Wednesday 4 December 2024
- **Time:** 10:45 - 11:45am

Purpose

You are presenting the *Progressing the Government response to the UNCRPD Concluding Observations* Cabinet paper to the SOU Committee. The paper:

- Seeks approval to actions to implement the Concluding Observations (recommendations) made by the United Nations Committee on the Rights of Persons with Disabilities in 2022.
- Fulfils a requirement to report back to Cabinet on progress towards the Concluding Observations.

The paper has been through agency and Ministerial consultation, with feedback from both incorporated in the final paper. Ministerial consultation feedback and responses are attached, for your information, at **Appendix one**.

Key points

New Zealand is required to monitor and report back to the United Nations on progress towards implementing the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).

1. Countries which ratify the UNCRPD must submit regular reports to the UN Committee on the Rights of Persons with Disabilities (the UN Committee) on how the rights enshrined in the Convention are being implemented.
2. After examining each report, the UN Committee makes recommendations in the form of 'concluding observations'. New Zealand was last examined by the Committee in 2022.
3. The UN Committee consists of a panel of 18 disability experts. The recommendations are also informed by New Zealand's International Monitoring Mechanism¹ (IMM) as well as engagement with disabled people in the community.
4. You have recently re-established a Ministerial Disability Leadership Group to drive progress for disabled people, engage with the IMM, and monitor progress of the UNCRPD.

The New Zealand Disability Strategy (NZDS) and Disability Action Plans are vehicles to implement progress towards the UNCRPD and Concluding Observations

5. The NZDS has guided the work of government agencies on disability issues, including the UNCRPD since its ratification. A new NZDS is currently being developed and will be released in 2026.
6. Disability Action Plans support the cross-government work programme to implement the NZDS. Following the refresh of the NZDS, officials will work to develop a new Action Plan to drive progress on the UNCRPD.

The disability community may be disappointed that the Government's proposed approach does not include actions for all the UN recommendations.

7. The Disabled People's Organisations (DPO) Coalition has stressed the importance of implementing the full set of recommendations made by the UN Committee.
8. The IMM also raised some concerns and suggestions, as noted in the Cabinet paper (paras 44 - 46). For example, they would like to see partial completion of

¹ The IMM consists of the Ombudsman, the Human Rights Commission, and the Disabled People's Organisations Coalition.

a larger set of Concluding Observations to more meaningfully fulfil the aim of progressive realisation of the UNCRPD.

9. However, the recommended approach allows for additional actions and process steps to be added during the reporting period as work programmes are developed and agreed. There are also benefits to implementing a smaller number of recommendations well.
10. There are mechanisms in place through the online *Human Rights Monitor* to ensure transparency and the continued monitoring of progress. The Ministerial Disability Leadership Group, lead agencies and the IMM will also maintain momentum to ensure the recommendations are progressively realised.

Next steps

11. Pending Cabinet agreement, the recommendations and actions for the UNCRPD will be added to Human Rights Monitor. Process steps will be added to each action so that progress can be tracked, supporting transparency and accountability. Additional actions and process steps can be added during the reporting period as work programmes are developed and agreed.
12. Officials will prepare a report on progress towards the recommendations, including those considered as part of the development of a refreshed NZDS, for you to provide to Cabinet by December 2025.
13. Key information about the Government's response to the UNCRPD Concluding Observations will be published in alternate formats (Braille, New Zealand Sign Language, Easy Read, Audio, and Large Print).

Suggested talking points

Background

- The previous Government agreed to progress 55 of the 63 recommendations made by the United Nations Committee on the Rights of Persons with Disabilities, either in full or with some modification.
- Cabinet invited the then Minister for Disability Issues to report back on agencies' implementation progress, and a possible mechanism for implementing the whole-of-government response by December 2023. This report back was delayed due to the election, and later extended.

Proposed approach

- Officials in the Ministry of Disabled People have worked with agencies on a proposed approach to implementing an agreed set of recommendations.
- I propose that 30 recommendations be progressed with actions for implementation where Government work is already underway or planned, and

for a further 17 recommendations to be considered as part of the development of the refreshed Disability Strategy in 2026.

- The remaining 16 recommendations do not have specific actions for implementation.

Sharing agency responsibilities

- Responsibility for the recommendations is spread across a range of Government agencies.
- A full list of the recommendations and actions by agency is provided at Appendix Two of the Cabinet paper.

Benefits of the proposed approach

- The response to the recommendations will improve our domestic human rights protections and support New Zealand's reputation as an international leader in the field of human rights – particularly our international leadership on disability rights.
- The proposed actions will also support the government's priorities to deliver better public services, and achieve better results in health, education, community safety, housing, and employment.

Next steps

- The Ministry of Disabled People will lead the monitoring and coordination of work to implement the actions identified, and on the development of the refreshed New Zealand Disability Strategy. Progress on the recommendations will be progressively uploaded to the *Human Rights Monitor* (the Government's online human rights monitoring tool) and updated on a six-monthly basis.

End

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Appendix One: Ministerial consultation feedback and response

Feedback received	Action taken
<p>The Office of Hon Winston Peters:</p> <ul style="list-style-type: none"> Recommended including additional text in the <i>Human Rights</i> section of the paper. Requested minor changes to the consultation section. 	<p>Accepted in full.</p> <p>Text now reads:</p> <p>Treaty body reporting supports the protection and promotion of human rights domestically and is an important process to promote effective implementation by other countries internationally. A constructive approach to treaty body reporting is consistent with this systemic interest and, in this case, New Zealand’s international leadership on disability rights. The introduction of an actions-based response, via the Human Rights Monitor, helps to ensure transparency and accountability on our human rights commitments. The proposals in this paper will contribute to New Zealand’s implementation of the UNCRPD.</p>
<p>The Office of Hon Nicola Grigg:</p> <ul style="list-style-type: none"> Proposed a minor change in wording to include the role of civil society in the UNCRPD. Proposed additional wording for the population impacts section. Suggested gender-specific measures are incorporated into Te Aorerekura², with specific actions/issues affecting disabled women and girls highlighted as part of the response to CO 32(b). 	<p>Accepted in part.</p> <p>The first two changes requested were accepted in full.</p> <p>Population impacts section now reads:</p> <p>24% of women were identified as disabled. Disabled women face additional barriers to accessing health care services (including sexual and reproductive health care), and employment which affects their pay and economic independence. Disabled men and women are more likely to experience non-partner physical and sexual violence.</p> <p>The update to CO 32(b) was not made as portfolio responsibility for this action sits with the Minister for Family Violence and Sexual Violence.</p>

² the National strategy to Eliminate Family Violence and Sexual Violence