



Convention on the Rights of Persons with Disabilities

Distr.: General
26 September 2022

Original: English

Committee on the Rights of Persons with Disabilities

Concluding observations on the combined second and third periodic reports of New Zealand*

I. Introduction

1. The Committee considered the combined second and third periodic reports of New Zealand¹ at its 596th and 597th meetings,² held on 23 and 24 August 2022. It adopted the present concluding observations at its 613th meeting, held on 5 September 2022.
2. The Committee welcomes the combined second and third periodic reports of New Zealand, which were prepared in accordance with the Committee's reporting guidelines and in response to its list of issues prior to reporting.³
3. The Committee appreciates the constructive dialogue held with the State party's large high-level delegation, which included delegates from various ministries, entities and institutions and provided further clarifications to the questions posed orally by the Committee. It also acknowledges the additional written information provided to it by the State party.

II. Positive aspects

4. The Committee welcomes the measures taken by the State party to implement the Convention since its previous concluding observations in 2014 and welcomes the measures taken to promote the rights of persons with disabilities, including:
 - (a) Acceding to the Optional Protocol to the Convention on the Rights of Persons with Disabilities, in October 2016;
 - (b) Establishing the Whaikaha – Ministry of Disabled People, in July 2022;
 - (c) Establishing the Royal Commission of Inquiry into historical abuse in State care and in the care of faith-based institutions, in 2018;
 - (d) Implementing the Enabling Good Lives initiative nationally;
 - (e) Establishing the Government Inquiry into Mental Health and Addiction, in 2018;
 - (f) Adopting the Family Violence Act of 2018.

* Adopted by the Committee at its twenty-seventh session (15 August–9 September 2022).

¹ CRPD/C/NZL/2-3.

² See CRPD/C/SR.596 and CRPD/C/SR.597.

³ CRPD/C/NZL/QPR/2-3.



III. Principal areas of concern and recommendations

A. General principles and obligations (arts. 1–4)

5. The Committee is concerned about:

(a) The lack of recognition, across all government portfolio areas, that disability is a whole-of-government responsibility, the lack of engagement with organizations of persons with disabilities outside the ministry of disability portfolio, and the lack of appropriate resourcing for organizations of persons with disabilities to build capacity to meaningfully engage in legislative and policy processes;

(b) The underrepresentation of Māori persons with disabilities in legislative and policy processes to implement the Convention.

6. **The Committee recommends that the State party:**

(a) **Develop strategies to strengthen commitment across all government portfolio areas to ensure disability is recognized as a cross-cutting issue, that meaningful partnerships are developed with organizations of persons with disabilities to ensure close consultation and active involvement in legislative and policy processes to implement the Convention, including co-design, co-production and co-evaluation, and that organizations of persons with disabilities are appropriately resourced to build capacity to participate in partnerships across government portfolio areas;**

(b) **Develop legislative and policy frameworks that reflect the Treaty of Waitangi, the Convention on the Rights of Persons with Disabilities and the United Nations Declaration on the Rights of Indigenous Peoples to ensure that Māori persons with disabilities are closely consulted and actively involved in decision-making processes and that their right to self-determination is recognized.**

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

7. The Committee is concerned about:

(a) The lack of an explicit provision within the Human Rights Act of 1993 to recognize the denial of reasonable accommodation as a form of discrimination;

(b) Multiple and intersectional forms of discrimination, including for Māori and Pasifika persons with disabilities;

(c) The high number of complaints received by the Human Rights Commission on the ground of disability and the significant length of time for the resolution of complaint cases submitted to the New Zealand Human Rights Commission and the Human Rights Review Tribunal.

8. **The Committee, recalling its general comment No. 6 (2018) on equality and non-discrimination, recommends that the State party:**

(a) **Amend the Human Rights Act of 1993 to include an explicit recognition of the denial of reasonable accommodation as a form of discrimination and include a legislative definition of reasonable accommodation consistent with the meaning provided in article 2 of the Convention;**

(b) **Adopt the legal and other measures necessary to provide for explicit protection from multiple and intersectional forms of discrimination, including discrimination based on the intersection between disability and other identities and life status, such as age, sex, gender, race, indigenous status, lesbian, gay, bisexual, transgender and intersex status, ethnicity, migratory status and national origin;**

(c) **Provide the New Zealand Human Rights Commission and the Human Rights Review Tribunal with the necessary financial and human resources for timely resolution of discrimination complaints.**

Women with disabilities (art. 6)

9. The Committee is concerned about:

(a) The lack of a comprehensive intersectional approach to ensure that issues for women and girls with disabilities, including for Māori, Pasifika persons, and migrant women and girls with disabilities, are mainstreamed in both gender and disability legislative and policy areas;

(b) The lack of a representative organization of women and girls with disabilities to advance and promote their human rights.

10. **The Committee recalls its general comment No. 3 (2016) on women and girls with disabilities, and Sustainable Development Goal 5, and recommends that the State party:**

(a) **Strengthen measures and policy mechanisms, including within the gender impact statement and the disability perspective statement, to ensure that the issues for women and girls with disabilities, including for Māori, Pasifika persons and migrant women and girls with disabilities, are comprehensively addressed within gender and disability legislative and policy areas;**

(b) **Develop strategies and measures, including financial resourcing, to support women and girls with disabilities to develop their own representative organization.**

Children with disabilities (art. 7)

11. The Committee is concerned about:

(a) The lack of measures and standing mechanisms to ensure that children with disabilities, including Māori children with disabilities, are able to express their views in legislative and policy development and decision-making processes;

(b) The lack of disaggregated data collected on children with disabilities, including by the Ministry of Education and Oranga Tamariki (Ministry for Children), to inform implementation of national frameworks on children, such as the child and youth well-being strategy.

12. **The Committee, recalling the joint statement of the Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities on the rights of children with disabilities, issued in 2022, recommends that the State party:**

(a) **Establish measures and standing mechanisms to ensure that children with disabilities, including Māori children with disabilities, are able to express their views on an equal basis with other children;**

(b) **Strengthen the collection of comprehensive disaggregated data on children with disabilities, including on Māori children with disabilities, to inform effective early intervention, particularly in the fields of education, care and protection, and youth justice.**

Awareness-raising (art. 8)

13. The Committee is concerned about:

(a) The lack of a comprehensive national strategy for awareness-raising activities and campaigns to foster respect for the rights and dignity of persons with disabilities and to create sustained and systemic attitudinal change;

(b) The limited participation of persons with disabilities and their representative organizations, particularly underrepresented groups, such as persons of small stature in awareness-raising programmes on the rights of persons with disabilities.

14. **The Committee recommends that the State party:**

(a) **Adopt and fund a comprehensive national strategy to raise awareness throughout society, particularly among persons with disabilities, their parents and families, professional groups, the media and government officials at all levels, regarding the rights and dignity of persons with disabilities, in order to combat stereotypes, prejudice and harmful practices in all aspects of life and to create sustained and systemic attitudinal change;**

(b) **Strengthen measures for close consultation and active participation of organizations of persons with disabilities, including underrepresented groups of persons with disabilities in the design, development and delivery of awareness-raising programmes about the rights and dignity of persons with disabilities.**

Accessibility (art. 9)

15. The Committee is concerned about:

(a) The slow progress in implementing the Building Act of 2004, which prolongs inaccessibility to public buildings and the progressive upgrade of existing buildings;

(b) Continued barriers experienced by persons with disabilities in accessing the physical environment, transportation, information and communications, including information and communications technologies and systems;

(c) The lack of affordable and accessible housing and the modest target of 15 per cent accessibility for new build public housing;

(d) Reports from organizations of persons with disabilities that the Accessibility for New Zealanders bill, currently before Parliament, does not contain enforcement mechanisms, may not cover private entities or local government, lacks standard-setting and decision-making bodies and lacks obligations to make tangible changes within fixed time frames.

16. **Recalling its general comment No. 2 (2014) on accessibility, the Committee recommends that the State party:**

(a) **Expedite implementation of the Building Act of 2004 and commit to targets and time frames for implementation measures;**

(b) **Adopt and implement an accessibility strategy underpinned by the principle of universal design to eliminate existing access barriers, in close consultation with and with the active involvement of organizations of persons with disabilities, including underrepresented groups, such as persons of small stature;**

(c) **Adopt the principle of universal design and commit to a target of 100 per cent accessibility for any newly built public housing and introduce mandatory accessibility requirements for new housing constructed by the private sector;**

(d) **Establish a co-design and co-production process with organizations of persons with disabilities to address concerns about the Accessibility for New Zealanders bill, following release of the Select Committee's report.**

Right to life (art. 10)

17. The Committee is concerned about the negative perceptions and the devaluing of persons with disabilities expressed during the passage of the End of Life Choice Act of 2019, and the potential negative impact of such views on the implementation, monitoring and review of the Act.

18. **The Committee recommends that monitoring and review mechanisms for the End of Life Choice Act of 2019 provide publicly available information on the impact on persons with disabilities, including the effectiveness of safeguards to counteract negative perceptions held by medical professionals and to prevent coercion in decision-making.**

Situations of risk and humanitarian emergencies (art. 11)

19. The Committee notes with concern the lack of involvement of organizations of persons with disabilities, resulting in shortcomings in the State party's coronavirus disease (COVID-19) response measures for persons with disabilities, such as the lack of accessible and timely information, communication strategies and services.

20. The Committee recommends that the State party closely consult with and actively involve organizations of persons with disabilities in designing and implementing COVID-19 response and recovery measures, informed by the recommendations contained in the report on making disability rights real in a pandemic, prepared by the Independent Monitoring Mechanism in 2021.

Equal recognition before the law (art. 12)

21. The Committee notes the review into adult decision-making capacity by the Law Commission, but it is concerned about the lack of progress made in abolishing the guardianship system and substituted decision-making regime, and the lack of a time frame to completely replace that regime with supported decision-making systems.

22. Recalling its general comment No. 1 (2014) on equal recognition before the law, the Committee recommends that the State party repeal any laws and policies and end practices or customs that have the purpose or effect of denying or diminishing the recognition of any person with disabilities as a person before the law, and implement a nationally consistent supported decision-making framework that respects the autonomy, will and preferences of persons with disabilities.

Access to justice (art. 13)

23. The Committee is concerned about:

- (a) The overrepresentation of persons with disabilities in the care and protection, youth justice and prison populations;
- (b) The lack of free independent advocacy and legal representation.

24. The Committee recommends that the State party:

- (a) **Develop a disability justice strategy to address the overrepresentation of persons with disabilities in the care and protection, youth justice and prison populations, including by strengthening age-appropriate procedural accommodations, measures to prevent persons with disabilities coming into contact with the justice system, and training on disability rights in the justice and care and protection systems;**
- (b) **Establish and adequately resource free independent advocacy and increase resources for community legal advice services.**

Liberty and security of person (art. 14)

25. The Committee welcomes the commitment to repeal and replace the Mental Health (Compulsory Assessment and Treatment) Act of 1992, but is concerned that new mental health legislation may still allow for involuntary detention and compulsory treatment and may not actively involve the participation of persons with disabilities, particularly persons with psychosocial disabilities through their representative organizations in the development process.

26. The Committee recalls its guidelines on the right to liberty and security of persons with disabilities and recommends that the State party ensure that new mental health legislation embeds the Convention principles and standards to ensure that there are no provisions that allow for the deprivation of liberty on the basis of impairment or that allow for compulsory treatment, and that the development process actively involves persons with disabilities, particularly persons with psychosocial disabilities.

27. The Committee is concerned about:

(a) Legislation that allows for involuntary detention and compulsory treatment on the basis of impairment, including the Substance Addiction (Assessment and Treatment) Act of 2017;

(b) The Intellectual Disability (Compulsory Care and Rehabilitation) Act of 2003, which includes extensions to compulsory care orders and which allows persons with intellectual disabilities to be detained for periods of time exceeding the maximum length of the sentence they would be liable to in the criminal justice system.

28. The Committee recalls its guidelines on the right to liberty and security of persons with disabilities and recommends that the State party:

(a) **Repeal all provisions that allow for the deprivation of liberty on the basis of impairment, including the Substance Addiction (Assessment and Treatment) Act of 2017;**

(b) **Repeal provisions within the Intellectual Disability (Compulsory Care and Rehabilitation) Act of 2003 that allow for persons with disabilities to be detained for periods of time exceeding the maximum length of the sentence they would be liable to in the criminal justice system.**

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

29. The Committee is seriously concerned about the continued, and in some cases prolonged, use of solitary confinement, seclusion, physical and chemical restraints and other restrictive practices on persons with disabilities, in particular persons with psychosocial and/or intellectual disabilities, in places of detention.

30. The Committee recommends that the State party take immediate action to eliminate the use of solitary confinement, seclusion, physical and chemical restraints and other restrictive practices in places of detention.

Freedom from exploitation, violence and abuse (art. 16)

31. The Committee is concerned that:

(a) Rates of violence against persons with disabilities are much higher than those experienced by the rest of the population, and women and girls with disabilities, including Māori and Pasifika women and girls with disabilities, experience high levels of gender-based violence;

(b) The National Strategy to Eliminate Family Violence and Sexual Violence is gender-neutral in relation to its focus on persons with disabilities.

32. The Committee recalls its general comment No. 3 (2016) on women and girls with disabilities and recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, in particular women and girls with disabilities, including Māori and Pasifika women and girls with disabilities:

(a) **Develop measures to address the high rates of violence experienced by persons with disabilities and to combat all forms of gender-based violence for inclusion within outcome area 4 of the New Zealand Disability Strategy;**

(b) **Incorporate gender-specific measures for the disability focus within the National Strategy to Eliminate Family Violence and Sexual Violence and ensure specific issues for women and girls with disabilities are mainstreamed throughout the Strategy.**

33. The Committee is concerned that persons with disabilities in existing institutional settings experience violence, abuse and neglect that is similar to that exposed by the Royal Commission of Inquiry into abuse in care.

34. The Committee recommends that urgent action be taken to amend legislative and policy frameworks that facilitate violence, abuse and neglect in institutions, to remove persons with disabilities from institutional settings with adequate support for

living in the community, to investigate and sanction institutions and perpetrators and to provide victim and recovery support services and redress.

Protecting the integrity of the person (art. 17)

35. The Committee is seriously concerned about:

(a) The lack of action by the State party, in response to the Committee's 2014 concluding observations, to address the fact that parents can consent to sterilization of their children with disabilities and to also address laws that allow for the use of sterilization, contraception and abortion procedures with regard to women and girls with disabilities without their personal consent;

(b) The lack of a prohibition on non-urgent, intrusive and irreversible medical interventions or the imposition of hormones on intersex infants and children before an age at which they can provide informed consent;

(c) The lack of legislative provisions to prohibit Ashley Treatment or growth attenuation treatment for children with disabilities, including to prohibit accessing these procedures outside New Zealand;

(d) The lack of data in relation to sterilization and abortion procedures performed on persons with disabilities without their personal consent, non-urgent medical interventions on intersex children without their consent and growth attenuation treatment.

36. **The Committee urges the State party to:**

(a) **Immediately place a moratorium on sterilization, contraception and abortion procedures performed without personal consent, and take urgent action to adopt uniform legislation prohibiting such procedures on women and girls with disabilities;**

(b) **Adopt clear legislative provisions that explicitly prohibit the performance of unnecessary, invasive and irreversible medical interventions, including surgical, hormonal or other medical procedures on intersex children before an age at which they can provide informed consent;**

(c) **Recalling previous recommendations made by the Committee on the Rights of the Child,⁴ develop and implement a child rights-based health-care protocol for intersex children, setting the procedures and steps to be followed by health teams, ensuring that no one is subjected to unnecessary medical or surgical treatment during infancy or childhood, guaranteeing the rights of children to bodily integrity, autonomy and self-determination, and provide families with intersex children with adequate counselling and support;**

(d) **Adopt legislative provisions to prohibit growth attenuation treatment (Ashley Treatment), including a prohibition on procedures sought outside New Zealand;**

(e) **Adopt legal provisions to provide legal remedies and holistic redress to victims of medical interventions performed without personal consent, including access to support and recovery services and adequate compensation;**

(f) **Develop measures to ensure reporting and data collection on sterilization, contraception and abortion procedures performed without personal consent, on non-urgent medical interventions performed on intersex children and on growth attenuation treatment.**

⁴ [CRC/C/NZL/CO/5](#), para. 25.

Liberty of movement and nationality (art. 18)

37. The Committee is concerned about:

(a) The acceptable standard of health requirements applied under the immigration rules of New Zealand, which allow for discrimination in practice against persons with disabilities in immigration and some asylum procedures;

(b) The ineligibility under the acceptable standard of health medical waiver policy of persons with disabilities whose impairment requires full-time care, including care in the community;

(c) Provisions of the Immigration Act of 2009, which prevent people from lodging complaints related to immigration decisions with the New Zealand Human Rights Commission.

38. **The Committee recommends that the State party:**

(a) **Review and amend its immigration and asylum legislation and administrative rules, in close consultation with and with the active involvement of organizations of persons with disabilities and migrants and refugees, to ensure that persons with disabilities do not face discrimination in any of the formalities and procedures relating to immigration and asylum, in particular as a result of the application of the acceptable standard of health requirements;**

(b) **Reverse the ineligibility under the acceptable standard of health medical waiver policy of persons with disabilities whose impairment requires full-time care;**

(c) **Repeal section 392, paragraphs (2) and (3), of the Immigration Act of 2009, which prohibits the lodging of immigration-related complaints to the Human Rights Commission.**

Living independently and being included in the community (art. 19)

39. The Committee is concerned about:

(a) The protracted rollout of initiatives under the Enabling Good Lives programme and the exclusion of particular impairment types, such as people with foetal alcohol syndrome disorder, from the programme;

(b) The lack of a comprehensive deinstitutionalization strategy to close all residential institutions, including group homes and residential specialist schools, and to enable community supports for persons with disabilities to live independently in the community;

(c) Barriers for persons with disabilities to choose where and with whom they live, such as the lack of affordable and accessible housing and the Disability Community Residential Support Services Strategy that provides congregate living arrangements linked with shared support;

(d) The continued investment of public resources in residential specialist schools for children with disabilities.

40. **The Committee recalls its general comment No. 5 (2017) on living independently and being included in the community, and its guidelines on deinstitutionalization, including in emergencies, and recommends that the State party:**

(a) **Expedite the national rollout of the Enabling Good Lives programme and ensure that all persons with disabilities, including people with foetal alcohol syndrome disorder, are eligible;**

(b) **Develop a comprehensive deinstitutionalization strategy, with specific time frames and adequate budgets, to close all residential institutions, including group homes and residential specialist schools, to provide community supports for persons with disabilities to live independently in the community;**

(c) **Develop measures to remove barriers for persons with disabilities to choose where and with whom they live, including by committing to increase the supply**

of affordable and accessible housing and by reforming programmes, such as the Disability Community Residential Support Services Strategy to prevent congregate living arrangements linked with shared support;

(d) Take measures to cease investment in residential specialist schools for children with disabilities and establish a deinstitutionalization process that ensures adequate support is provided for children with disabilities to return to their families and exercise their right to an inclusive education.

Personal mobility (art. 20)

41. The Committee is concerned that as a result of funding caps and the high cost of assistive devices and equipment, persons with disabilities are unable to afford the appropriate assistive devices, modification services and mobility aids.

42. The Committee recommends that the State party take measures to ensure the affordability of necessary assistive devices, modification services and mobility aids, including assistive technology for persons with disabilities.

Freedom of expression and opinion, and access to information (art. 21)

43. The Committee is concerned about:

(a) Gaps in the provision of government information in accessible formats, such as Easy Read, sign language, Braille, and tactile, augmentative and alternative means of communication;

(b) The shortage of New Zealand Sign Language interpreters, including trilingual interpreters who can interpret between New Zealand Sign Language, English and Te Reo Māori.

(c) The limited television channels that provide captioning and audio description with funding only provided on a yearly basis;

(d) The lack of specific initiatives to increase the provision of accessible information and communications for Māori persons with disabilities.

44. The Committee recommends that the State party:

(a) Strengthen implementation of the Accessibility Charter by expanding its coverage to local authorities and district health boards, and increasing funding and capacity for the provision of accessible information and communication formats and technologies;

(b) Implement incentives and increase funding for the training and employment of sign language interpreters, including trilingual interpreters who can interpret between New Zealand Sign Language, English and Te Reo Māori, and adopt a national standardized accreditation framework for sign language;

(c) Adopt legislation to ensure captioning and audio description is provided on television channels with funding security;

(d) Develop specific initiatives to increase the provision of culturally appropriate, accessible information and communications for Māori persons with disabilities.

Respect for home and the family (art. 23)

45. The Committee is concerned about:

(a) The lack of action by the State party, in response to the Committee's 2014 concluding observations, to repeal section 8 of the Adoption Act of 1955, which allows for children to be removed for adoption from parents with disabilities without their consent;

(b) The lack of suitable family placements for children with disabilities taken into care, including the ability for siblings to be placed together in families;

(c) The lack of comprehensive information, services and supports for children with disabilities and their families, resulting in out-of-home placements, including placements in residential specialist schools;

(d) The lack of specific policies and guidelines concerning parents with disabilities within Oranga Tamariki (Ministry for Children) and a limited human rights understanding of disability, resulting in the removal of children, including newborn babies, from their parents with disabilities, particularly parents with intellectual disabilities and Māori parents with disabilities.

46. The Committee recalls the joint statement issued by it with the Committee on the Rights of the Child on the rights of children with disabilities, and recommends that the State party:

(a) **Repeal section 8 of the Adoption Act of 1955 and amend the statute to ensure that parents with disabilities are treated on an equal basis with other parents with respect to adoption;**

(b) **Implement strategies to increase family placements for children with disabilities and to ensure that siblings can remain together in these placements;**

(c) **Significantly increase and resource comprehensive information, services and supports for children with disabilities and their families to prevent out-of-home placements and placements in institutions, including residential specialist schools;**

(d) **Take immediate action within Oranga Tamariki (Ministry for Children) to implement the recommendations from the 2020 Ombudsman report, entitled “A matter of urgency”, and increase disability, gender and culturally appropriate expertise, policies and guidelines that adhere to the Convention in order to ensure that newborn babies and children are not removed from parents with disabilities, particularly parents with intellectual disabilities and Māori parents with disabilities, on the basis of impairment.**

Education (art. 24)

47. The Committee is concerned about:

(a) The increased enrolment of students with disabilities in separate learning environments, such as specialist schools, residential specialist schools and special education satellite units, despite legislative and policy commitments to inclusive education;

(b) The proposal to change entry requirements for enrolment at residential specialist schools for children with disabilities rather than investing in inclusive education;

(c) The high proportion of Māori children with disabilities in residential specialist schools.

48. Recalling its general comment No. 4 (2016) on the right to inclusive education and target 4.5 and 4.a of the Sustainable Development Goals, the Committee recommends that the State party:

(a) **Develop an inclusive education strategy that includes measures for the devolution of segregated education settings into a mainstream inclusive education system, to transition funding and resources from specialist education to inclusive education, to prioritize inclusive education in teacher training, to establish uniform, inclusive education policies and guidelines, to develop an inclusive education curriculum and to promote and raise community awareness;**

(b) **Withdraw the proposal to change entry requirements for enrolment in residential specialist schools and redirect funding and resources into an inclusive education system;**

(c) **Develop specific culturally appropriate strategies to address the high proportion of Māori children with disabilities in residential specialist schools, including the provision of supports to remain with whānau (extended family networks) in their local communities.**

Health (art. 25)

49. The Committee is concerned about the poorer health outcomes and life expectancy, compared with the general population, experienced by persons with disabilities, in particular persons with intellectual disabilities, and Māori and Pasifika persons with disabilities.

50. **The Committee recommends that the State party progress development of the Health of Disabled People Strategy and strengthen and expedite measures within the New Zealand Disability Strategy, the Health Services and Outcomes Kaupapa Inquiry and the Pathways to Pacific Health and Well-being Strategy, to increase access to health services and improve health outcomes for persons with disabilities.**

Work and employment (art. 27)

51. The Committee is concerned about:

(a) The continued low rate, compared with the general population, of labour force participation and the low rate of employment of persons with disabilities in the open labour market;

(b) The continued segregated employment programmes for persons with disabilities (“business enterprises”) and the use of minimum wage exemption permits.

52. **The Committee recommends that the State party:**

(a) **Expedite the development of the Disability Employment Action Plan in close consultation with and with the active involvement of persons with disabilities, including women with disabilities, Māori with disabilities and Pasifika persons with disabilities;**

(b) **Incorporate concrete measures in the Disability Employment Action Plan, with resources, time frames and monitoring mechanisms that ensure the transition from segregated employment to the open labour market;**

(c) **Repeal section 8 of the Minimum Wage Act of 1983 and ensure that persons with disabilities are paid on the principle of equal pay for work of equal value.**

Adequate standard of living and social protection (art. 28)

53. The Committee is concerned about:

(a) The disproportionate levels of poverty among persons with disabilities, who are twice as likely to live in poverty than the general population, and for Māori persons with disabilities, who are three times as likely to live in poverty, and the protracted implementation of the recommendations from the Welfare Expert Advisory Group report;

(b) The fragmented model of support for persons with disabilities, and the disparity in access to health care, habilitation and rehabilitation services and income support between those who are eligible for coverage under the Accident Compensation Corporation and those who are supported through the disability support system, with those in the latter category more likely to face barriers in maintaining an adequate standard of living;

(c) The exclusion from the disability support system of people with foetal alcohol syndrome disorder, chronic fatigue syndrome and other chronic and rare conditions.

54. **The Committee recommends that the State party:**

(a) **Expedite implementation of the recommendations of the report from the Welfare Expert Advisory Group to address the inequity and complexity within the social security system for persons with disabilities;**

(b) **Urgently address the fragmentation of the support system for persons with disabilities through a co-design and co-production process to address the inequity between Accident Compensation Corporation recipients and other persons with disabilities, including considering an integrated model of support to ensure uniform standards for all persons with disabilities.**

(c) **Ensure people with foetal alcohol syndrome disorder, chronic fatigue syndrome and other chronic and rare conditions have access to the disability support system and are included in disability policies and programmes.**

Participation in political and public life (art. 29)

55. The Committee is concerned about the lack of support for persons with disabilities to form their own sustainable organizations and build their capacity to represent persons with disabilities, and in particular the lack of organizations to represent Māori persons with disabilities, Pasifika persons with disabilities, lesbian, gay, bisexual, transgender and intersex persons with disabilities, children with disabilities and women and girls with disabilities.

56. **The Committee recommends that the State party develop strategies and measures, including financial resources to support persons with disabilities to form sustainable representative organizations, including to support the development of organizations of Māori persons with disabilities, Pasifika persons with disabilities, lesbian, gay, bisexual, transgender and intersex persons with disabilities, children with disabilities, and women and girls with disabilities.**

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

57. The Committee notes with concern the serious shortcomings with regard to data and statistics on the situation of persons with disabilities across all life domains, including in health, education, employment and justice. It also notes with concern the lack of disaggregated data, including in relation to the situation of Māori persons with disabilities, Pasifika persons with disabilities, lesbian, gay, bisexual, transgender and intersex persons with disabilities, children with disabilities and women and girls with disabilities.

58. **The Committee recommends that the State party, in conjunction with Statistics New Zealand, develop a national disability data framework to ensure appropriate, nationally consistent measures for the collection and public reporting of disaggregated data on the full range of obligations contained in the Convention, especially with regard to Māori persons with disabilities, Pasifika persons with disabilities, lesbian, gay, bisexual, transgender and intersex persons with disabilities, children with disabilities and women and girls with disabilities.**

National implementation and monitoring (art. 33)

59. The Committee is concerned about:

(a) Information received indicating that the State party is not responding to or incorporating the recommendations contained in reports of the Independent Monitoring Mechanism;

(b) The lack of resources, including financial support available to support the Disabled People's Organisations Coalition to fulfil its mandate as one partner of the Independent Monitoring Mechanism, including to engage broadly with the disability community, to participate in Convention implementation activities and forums with government agencies and other stakeholders and to effectively communicate with persons with disabilities, including translation into Māori as an official language.

60. **The Committee recommends that the State party take into account the Committee's guidelines on independent monitoring frameworks and their participation in the work of the Committee.⁵ It also recommends that the State party:**

(a) **Strengthen its accountability processes and its partnership with the Independent Monitoring Mechanism to track and publicly report on the outcomes and implementation of the recommendations contained in the reports of the Mechanism;**

⁵ CRPD/C/1/Rev.1, annex.

(b) Allocate adequate resources, including financial support to the Disabled People's Organisations Coalition, to enable it to effectively fulfil its mandate as a partner of the Independent Monitoring Mechanism.

IV. Follow-up

Dissemination of information

61. The Committee emphasizes the importance of all the recommendations contained in the present concluding observations. With regard to urgent measures that must be taken, the Committee would like to draw the State party's attention to the recommendations contained in paragraph 40, on living independently and being included in the community, and paragraph 54, on adequate standard of living and social protection.

62. The Committee requests the State party to implement the recommendations contained in the present concluding observations. It recommends that the State party transmit the concluding observations for consideration and action to members of the Government and Parliament, officials in relevant ministries, local authorities and members of relevant professional groups, such as education, medical and legal professionals, as well as to the media, using modern social communication strategies.

63. The Committee strongly encourages the State party to involve civil society organizations, in particular organizations of persons with disabilities, in the preparation of its periodic report.

64. The Committee requests the State party to disseminate the present concluding observations widely, including to non-governmental organizations and organizations of persons with disabilities, and to persons with disabilities themselves and members of their families, in national and minority languages, including sign language, and in accessible formats, including Easy Read, and to make them available on the government website on human rights.

Next periodic report

65. The State party has opted to report under the simplified reporting procedure regarding its periodic reports. The Committee will prepare list of issues prior to reporting and request the State party to submit its replies within one year upon receipt of the list of issues. The replies of the State party, expected by 25 October 2030, will constitute its combined fourth to sixth periodic reports.
