

UNCRPD

Convention on the Rights of Persons with Disabilities



UNCRPD is an international human rights treaty that promotes and protects the rights and dignity for persons with disabilities.

- 13 December 2006 the UNCRPD was adopted at the United Nations
- 30 March 2007 signed by New Zealand
- 26 September 2008 New Zealand ratified the UNCRPD, which means it became legally binding under international law
- 5 October 2016 New Zealand agreed to the Optional Protocol

Purpose *“to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity” (Article 1).*

The Convention is an agreement between states. Having ratified the convention, New Zealand is accountable to United Nations Disability Committee and must submit progress reports every few years. The New Zealand courts cannot however hold the Government legally responsible for the UNCRPD, only if it is in legislation.

The UNCRPD does not create unique rights for disabled people. Instead, it guides how the Bill of Rights should be read to ensure disabled people can enjoy human rights on an equal basis with others.

Disability according to the UNCRPD Preamble is determined not by the individual's impairments but by societal and environmental barriers that prevent them from participating fully in society.

Optional Protocol

Disabled New Zealanders can make a complaint to the United Nations if they feel that their rights under the UNCRPD have not been upheld. They can do this because New Zealand agreed to the Optional Protocol, however, they must first have exhausted all domestic complaints and appeal processes.

UNCRPD committee will review the complaint and make recommendations to the Government based on its findings. These recommendations are not legally binding.

States parties must set up frameworks to promote, protect and monitor the implementation of the convention. The Independent Monitoring Mechanism for the UNCRPD has three members: Te Kāhui Tika Tangata – Human Rights Commission, the Office of the Ombudsman, the Disabled People's Organisations Coalition.

The UNCRPD is guided by 8 principles set out in Article 3

- Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons with disabilities
- Non-discrimination
- Full and effective participation and inclusion in society
- Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity
- Equality of opportunity
- Accessibility
- Equality between men and women
- Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.