



# Making Disability Rights Real in a Pandemic

## Te Whakatinana i ngā Tika Hauātanga i te wā o te Urutā

The Independent Monitoring  
Mechanism's report on the  
New Zealand Government's  
response to the COVID-19 emergency

Aotearoa | New Zealand January 2021



*Making Disability Rights Real in a Pandemic* is available in alternate and summarised formats, including an accessible online Word version, braille, audio, te reo Māori, Easy Read and NZSL. Use your internet connected device, such as your mobile phone to activate the QR code on the cover. This will allow you to access these other formats.

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**Cover image:** Manaakiao Timoti – a young boy – concentrates as he blows a large bubble. Manaakiao returned with his whānau (family) to Ruatahuna during lockdown. Being in the countryside gave Manaakiao, who lives with Williams syndrome, the chance to enjoy his affinity with animals. Photograph by Alan Gibbon / Courtesy of Life Unlimited.

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**DPO  
COALITION**

**Ombudsman**  
Tuia kia ōrite • Fairness for all

 **NZ  
Human  
Rights.**  
Human Rights Commission  
Te Kāhui Tika Tangata

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**Caption:** Tuhoro and Jessica cuddle their young son, Te Aurere Hita-Paki. Photograph by Alan Gibson / Courtesy of Life Unlimited.

## Foreword

New Zealand's Independent Monitoring Mechanism (IMM) is pleased to publish *Making Disability Rights Real in a Pandemic, Te Whakatinana i ngā Tika Hauātanga i te wā o te Urutā*. In this report, we examine New Zealand's adherence to the United Nations Convention on the Rights of Persons with Disabilities (Disability Convention) during the COVID-19 emergency from late March to mid-June 2020.

New Zealand's IMM partners are the Disabled People's Organisations (DPO) Coalition, the Ombudsman, and the Human Rights Commission (HRC). The IMM's role is to evaluate and report on the extent to which disabled New Zealanders are realising their universal human rights as set out in the Disability Convention. The IMM agreed that an addendum to our third monitoring report, *Making Disability Rights Real*,

*Whakatūturu Ngā Tika Hauātanga* published in June 2020, would not be sufficient to convey the responses to this complex, distressing, and rapidly changing emergency situation. A discrete report was necessary.

The first cases of COVID-19 were detected in New Zealand in late February and early March 2020. On 22 April 2020, the World Health Organization (WHO) declared the pandemic as a humanitarian emergency, which posed a critical threat to the health and safety of the global community in general, and disabled people in particular. The Disability Convention requires signatory governments to protect and promote the rights of disabled people. In particular, Article 11 requires governments to uphold disability rights in situations of risk and emergency, and put in place measures to protect and ensure the safety of disabled people.

At the centre of *Making Disability Rights Real in a Pandemic* are the real experiences of disabled New Zealanders during the COVID-19 emergency. These stories have shown resilience, strength, and commitment. Some stories have been distressing, others caring and inventive. Disabled New Zealanders reported varied experiences of the COVID-19 emergency. For many disabled people, it exposed, and exacerbated, existing inequities. Although this report places its focus on these inequities, it is important to note that New Zealand's approach to the COVID-19 emergency has resulted in shorter periods of restrictions compared with other countries. Disabled people also voiced positive experiences and noted some encouraging progress.

Situations of risk and emergency, such as pandemics, affect all aspects of disabled people's lives, and therefore shines a spotlight on the implementation of the Disability Convention in its entirety. This report, therefore, is more than an evaluation of Article 11 of the Disability Convention. Through the lens of COVID-19, it provides a 2020 snapshot of the state of disability rights in New Zealand and re-affirms many of the gaps identified in the *Making Disability Rights Real* report.

It contains recommendations that are intended to inform the Government's pandemic planning, and ensure that New Zealand is well equipped to ensure disabled people's rights are upheld during future humanitarian emergencies.

Additional information about the implementation of the Disability Convention serves as an update for the United Nations Committee on the Rights of Persons with Disabilities and its upcoming periodic review of the implementation of the Disability Convention in New Zealand.



**Peter Boshier**

Chief Ombudsman

Ombudsman | Kaitiaki Mana Tangata



**Penelope Banfield**

Chair

Disabled People's Organisations Coalition



**Paula Tesoriero MNZM**

Disability Rights Commissioner | Kaihautū Tika Hauātanga

New Zealand Human Rights Commission | Te Kāhui Tika Tangata

## Report format

*Making Disability Rights Real in a Pandemic* is based on disabled people's experiences during New Zealand's response to the COVID-19 emergency between 25 March and 8 June 2020.<sup>1</sup> The main section of the report sets out the key themes identified by the IMM as crucial to address. It identifies areas of the response that were handled well, and recommends ways the Government can improve responses to future emergency situations. First-hand accounts and observations from disabled people appear throughout the report.

## Methodology

At the heart of this report are the real experiences of disabled New Zealanders who navigated these stressful and uncertain times, and continue to do so. This report is largely based on information from DPOs and the experiences of their members during the COVID-19 emergency. Additionally, the IMM held seven in-person public consultation hui around the country, from Whāngārei to Invercargill. When restrictions prevented us from holding face-to-face meetings, additional virtual meetings were held. Consultation meetings were also held with organisations and individuals. Meetings and consultation hui had enhanced flexibility to enable the participation of disabled people. Disabled people were encouraged to share their stories by emailing or writing to us if they could not attend meetings. We heard primarily from disabled people, along with their whānau and people working in the disability sector. This report was also informed by disabled people's experiences conveyed through other means, such as reports, surveys and information published by DPOs and other groups.

## Terminology

Many words and terms can be used to identify disability, and we recognise and acknowledge that different people prefer different terms. The Disability Convention uses the term 'persons with disabilities'. In this report, we use the term 'disabled people', based on the advice of the DPO Coalition and to reflect a social model of disability.

Te reo Māori is the language of our indigenous people, and one of New Zealand's three national languages. Te Reo Māori terms have been used throughout this report, with English definitions provided. In te ao Māori (the Māori world), 'tāngata whaikaha Māori' may be used to refer to disabled Māori.

COVID-19 has been used in this report, as opposed to 'coronavirus'. The term 'COVID-19 emergency' is used throughout this report, and predominantly refers to the period of a nationwide state of national emergency and the National Transition Period (25 March 2020 to 8 June 2020).

The term 'bubble' is used to describe mandatory household arrangements during periods of the COVID-19 emergency, where the Government instructed people to limit physical contact to their household or 'bubble'. Dr Tristram Ingham, Chairperson of Muscular Dystrophy New Zealand, coined this term as a way to empower disabled people to keep themselves safe during the pandemic.<sup>2</sup>



**Caption:** A usually busy main road in Auckland is clear of all traffic.

## Introduction

### The Disability Convention

The purpose of the Disability Convention is to make sure disabled people are treated with dignity and respect and have the same rights as everybody else. New Zealand signed the Disability Convention on 30 March 2007, ratifying it on 26 September 2008. It does not establish new rights, but sets out what countries need to do to ensure disabled New Zealanders can enjoy all their human rights as provided by all the relevant United Nations human rights instruments. Under the Disability Convention, governments have a duty to work towards a more inclusive society by aligning policies and laws with the Disability Convention. To give effect to the Disability Convention and the '*Nothing about us without us*' mantra of the disability community, the Government must ensure disabled people are actively involved in all matters affecting them.