



Affiliated with the International Federation of Business and Professional Women

BPW
NEW ZEALAND

*New Zealand Federation of Business
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Public Consultation
Justice & Electoral Committee

**Re: Submission on International treaty examination of the Optional Protocol to
the Convention on the Rights of Persons with Disabilities**

Submission:

This submission is from the NZ Federation of Business and Professional Women (BPW NZ) Inc.

Our Organisation

Our organisation's aims are to link professional and business women throughout the world, to provide support, to lobby for change and to promote the ongoing advancement of women and girls. We work for equal opportunities and status for all women in economic, civil and political life and the removal of discrimination in all countries. We promote our aims and organise our operating structure without distinction as to race, language or religion.

International Status:

BPW International has General Consultative Status at the United Nations through the UN Economic & Social Council (ECOSOC). This enables BPW International to appoint official representatives to UN agencies worldwide and to accredit members to attend specific UN meetings.

BPW International upholds the outcomes of the Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW) Committee at state party level. BPW International upholds the outcome documents of the annual UN Commission on the Status of Women (CSW) which evaluates progress, identifies challenges, sets global standards and formulates policies to promote gender equality and women's empowerment worldwide.

Our interest in this submission is because we are committed to advocating for equal opportunities for women and girls and for the health and safety of women and girls. BPW New Zealand has had a long history working with and

for the rights of women with disabilities and this community is overwhelmingly in favour of the adoption of the Optional Protocol.

General Comments:

We congratulate the Ministry of Social Development on the recommendation that the New Zealand Government lodge an Instrument of Accession for the Optional Protocol to the Convention on the Rights of Persons with Disabilities (OP–CRPD) As there will be no requirement for the government to make any legislative changes to any current pieces of legislation we do not see why this cannot just be a formality for this government.

BPW New Zealand took to our 28th BPW International Congress in 2014 (held every three years) a resolution recommending that, as an International organisation with Consultative Status to the UN, we push in our respective countries (of which we have membership in over 100 countries globally) for the adoption of the OP–CRPD as State Parties to this document.

Our rationale was that all 194 State Parties within the United Nations need to ratify the Optional Protocol for the UNCRPD to ensure full protection of the rights of disabled persons.

Very often human rights treaties are followed by *Optional Protocols* which may either provide for procedures with regards to the treaty or address a substantive area related to the treaty. Optional Protocols to human rights treaties are treaties in their own right and are open to signature, accession or ratification by countries who are party to the main treaty. They should encourage States to implement the Convention to avoid complaints being made against them. The possibility of complaints being made should also be an incentive for States to provide a more effective local remedy. So for this case alone we would encourage New Zealand to ratify the adoption of these protocols.

Women and girls who are discriminated against because of their disabilities: -

- Are twice as likely to be victims of domestic violence than their able-bodied counterparts
- Are disproportionately represented among those who lack education and qualifications, do not work or are living on a low income.
- Are frequently institutionalised, while still young, in accommodation for the elderly, the ill and the dying,
- Are more likely to experience poor social and economic outcomes across the course of their lives.

Non-government organisations that focus on the rights of people with disabilities, and in particular on the rights of marginalised disabled women, and which recognise the systemic failure of the State Party to address violations against disabled women, are unable to seek redress through the Optional Protocol to the United Nations Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) as there is no Article in CEDAW that mentions women and girls with disabilities.

In comparison, the UNCPRD includes Article 6 – Women with Disabilities, which addresses the multiple discrimination against women and girls with disabilities and requires State Parties to take appropriate measures to ensure the full development, advancement and empowerment of women. Article 23 – Respect for home and families is also an important Article for women and their families. However, many State Parties that have ratified the UNCPRD have not yet signed and ratified its Optional Protocols, which is the case for New Zealand, so we have no redress through this instrument.

Key advantages for New Zealand in acceding to this protocol:

- **Keeping our word on the acceptance of recommendations on this matter made during NZ's second Universal Periodic Review**
- **Displaying and cementing the full rights of disabled persons as part of our commitment as a country to disability rights and the full framework of human rights**
- **Enabling New Zealand representatives in the disability area to be proud of our record and credible when speaking on international human rights**
- **Offering the right of redress to disabled people in the event of a breach of their human rights goes a long way to building an inclusive and trusting society**

In summary: Ratification of International Human Rights Instruments

BPW NZ urges the Government to do more for disabled New Zealanders, by fully implementing international conventions.

New Zealand has signed and ratified the UN Convention on the Rights of Persons with Disabilities but has not signed the Optional Protocol for the Rights of Persons with Disabilities which allows individuals to complain and report breaches internationally.

New Zealand has also signed and ratified CEDAW (UN Convention on the Elimination of All Forms of Discrimination Against Women), including General Recommendation 18 on Disabled Women, but has not yet provided information on disabled women and girls and measures taken for their particular situation in their periodic CEDAW reports.

Girls (under 18) with disabilities face more discrimination and disempowerment in their workplaces and communities than their able-bodied counterparts.

Optional protocols are needed to hold the Government to account. We also need statistical data to be kept so that progress can be tracked on access to education, employment, health and community involvement for children with disabilities.

Thank you for the opportunity to respond to this draft report and we hope that our comments are of use to you.

We wish that the following also appear in support of our submission:

Hellen Swales, Vice President Issues BPW NZ

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Thank you for the opportunity to speak to our submission and we hope that our comments are of use to you.

On behalf of
New Zealand Federation of Business and Professional Women Inc.



Vicky Mee
President



Hellen Swales
Vice President, Issues