



**Disabled Persons** Assembly NZ

**Disabled Persons Assembly NZ Inc.  
(DPA) Committee on the Elimination of  
Discrimination Against Women (CEDAW)  
Alternative Report**

9 September 2024

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## Executive Summary

DPA's submission highlights disabled women's' perspectives to the CEDAW Committee. Recommendations focus on funding and resourcing, strategy creation and implementation, better data and repeals of harmful legislation, especially in areas impacting on marginalised disabled women and rainbow communities.

Despite commitments by successive governments to CEDAW and CRPD, disabled women face discrimination, stigmas and prejudice on multiple levels including barriers to healthcare, education, information technology (IT), inaccessible and unhealthy homes, income security reductions, justice and violence prevention/support, rising living costs, increased rents, digital inequities and reduced disability funding.

## Mihi (Acknowledgement)

*Me aro ki te hā o Hine-ahu-one*

Pay heed and dignity to the power of women

We acknowledge Papatūānuku, Earth Mother we stand and walk across, the provider of all living things. We as disabled women understand as the bearers and protectors of life the importance of our earth in keeping our generations healthy and well.

We mourn the loss of our disabled women – the community leaders who advocated for us, those lost to us through spousal abuse or family violence, those who died in care and those who left us too soon. Rest peacefully in your permanent home.

We acknowledge DPA's Chief Executive Mojo Mathers, who was New Zealand's first Deaf member of Parliament, and pay tribute to the many disabled women who are advocates, community leaders, researchers, teachers, journalists, administrators, cleaners, lawyers, politicians and more. We pay respect to our mothers, grandmothers, great grandmothers, aunties, great aunties, sisters, daughters and nieces.

## Introduction

DPA welcomes the opportunity to present our first alternative report to the Committee, highlighting issues raised by disabled women in Aotearoa New Zealand (hereafter NZ). It follows the structure of the CEDAW Committee's List of Issues to NZ but note there are gaps in coverage due to lack of data. It also provides a perspective for disabled women who are Māori, Pacifica, LGBTQIA+/takatāpui, migrants, rural area residents, and other intersections.

This report is dedicated to NZ disabled women, past, present and future. To you all, we pay heed and recognise your power as disabled women. To those who do not pay heed, we continue to advocate, educate, teach and work tirelessly to create an inclusive accessible world built on unity and peace to combat systemic oppression and discrimination.

NB: Content warning – this report addresses abuse and murder.

## Disabled women's rights and gender equality in relation to the pandemic and recovery efforts [List of Questions (LOQ) 2]

Data is limited on the pandemic impacts, but access to medical care continues to be challenging for disabled women. Key areas raised in a HRC 2022 Inquiry<sup>1</sup> included inaccessible information, absence of disability-specific information, barriers to vaccines/testing, unrealistic self-isolation expectations, disrupted disability support, healthcare access generally and in Covid-specific care, and serious difficulties accessing online learning and in-school supports.

**Recommendation 1:** Statistics NZ provides data to enable measurable outcomes for disabled women in pandemics and emergencies.

**Recommendation 2:** the Committee monitor NZ Government's implementation of the Human Rights Commission 2022 Inquiry into how disabled people were supported during Omicron recommendations.

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<sup>1</sup> NZ Human Rights Commission. (2022). *Inquiry into the Support of Disabled People and Whānau During Omicron*. [https://hrc-nz-resources.s3.ap-southeast-2.amazonaws.com/files/3216/5041/7529/Omicron\\_Inquiry\\_Report\\_20\\_April\\_2022.pdf](https://hrc-nz-resources.s3.ap-southeast-2.amazonaws.com/files/3216/5041/7529/Omicron_Inquiry_Report_20_April_2022.pdf)

## Visibility of the Convention and its Optional Protocol (LOQ 3)

The key documents outlined in Appendix 1 are used by DPA in advocating for disabled women's rights. However, implementation lags with ongoing challenges to ensure Government protects disabled women.

**Recommendation 3:** the Committee monitor and make recommendations to the NZ Government on its commitment to the wellbeing and safety of all disabled women and UNCRPD human rights obligations.

## Definition of equality and non-discrimination (LOQ 4)

### Intersectionality

The rights of disabled women, transgender women, non-binary people and intersex people should be protected under CEDAW as they continue to face heightened discrimination. The EU directive<sup>2</sup> on combating violence against women highlights disabled women face intersectional discrimination due to a wide range of factors.

This report takes an intersectional approach recognising disabled women face compounded marginalisation.<sup>3</sup>

**Recommendation 4:** Manatū Wāhine Ministry of Women (MoW) ensure that disabled women from a range of demographics and intersectional identities are included in consultation and decision-making processes.

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<sup>2</sup> European Union. (2024). *Directive of the European Parliament and of the Council on combating violence against women and domestic violence*, PE CONS 33/24.

<sup>3</sup> Fanslow, J.L., Malihi, Z., Hashemi, L. Gulliver, P., & McIntosh, T. (2021). Lifetime prevalence of intimate partner violence and disability: Results from a population-based study in New Zealand. *American Journal of Preventive Medicine*: <https://doi.org/10.1016/j.amepre.2021.02.022>

## Wāhine Whaikaha

Māori disabled women’s perspective is based on tangata whenua status (connection to land), Mana Wāhine<sup>4</sup> (self-determination), iwi (tribe), hapū (subtribe), whakapapa (genealogy) and whānau hauā (connection with family).

**Recommendation 5:** the Committee recognise the uniqueness of the perspectives of all disabled women including Māori and Pacifica.

## Access to justice (LOQ 5)

### Abuse in Care

The Royal Commission of Inquiry on Abuse in State Care report<sup>5</sup> details pain and trauma suffered by disabled women while in state care, faith-based care and special education settings. The report acknowledges many forms of abuse continuing to the present day, especially in religious communities and disability residential settings. Ongoing uplifts of Māori children<sup>6</sup> are likened to Australian Stolen Generations.

**Recommendation 6:** Oranga Tamariki provide a National Action Plan reducing uplifts of Māori children and disabled children.

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<sup>4</sup> Pihama, L. (2001). *Tihei mauri ora: honouring our voices: mana wahine as a kaupapa Māori: theoretical framework*. (Publication No. THESIS 03 028) [Thesis, University of Auckland]. The University of Auckland Libraries and Learning Services.  
<https://researchspace.auckland.ac.nz/handle/2292/1119>

<sup>5</sup> Royal Commission of Inquiry Abuse in Care. (2024). *Whanaketia–Through pain and trauma, from darkness to light*. <https://www.abuseincare.org.nz/reports/whanaketia>

<sup>6</sup> Reid, M. (2019, June 10). *NZ's own 'taken generation'*. Newsroom.  
<https://newsroom.co.nz/2019/06/10/nzs-own-taken-generation/>



## National machinery for the advancement of disabled women (LOQ 6)

Disabled women try to work within women's groups as equals but find it difficult to have disabled women's discrimination and abuse understood and prioritised. Non-disabled women often speak on our behalf.

The Committee on the Rights of Persons with Disabilities (CRPD) recommended that Government "Develop strategies and measures, including financial resourcing, to support women and girls with disabilities to develop their own representative organization".<sup>7</sup>

VisAble, a disability rights collective of disabled people, was established for safeguarding adults from abuse, disability and violence.<sup>8</sup> But there still needs to be resourcing for a disabled women's representative organisation.

**Recommendation 7:** the Committee recommend the resourcing of advocacy by and for disabled women, especially from the Māori, Pacifica and Rainbow communities.

**Recommendation 8:** NZ Government implements its commitment to supporting disabled women to establishing a disabled women's representative organisation.

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<sup>7</sup> United National Committee on the Rights of Persons with Disabilities. (2022). *Concluding observations on the combined second and third periodic reports of New Zealand*.

<https://documents.un.org/doc/undoc/gen/g22/502/91/pdf/g2250291.pdf>

<sup>8</sup> NZ Family Violence Clearinghouse. (n.d). *VISIBLE Enhancing Response to Violence & Disability*.

<https://nzfvc.org.nz/sites/default/files/VISIBLE%20Collective.docx>

## National human rights institution

There is great concern that NZ's newly appointed human rights commissioners have previously expressed transphobic<sup>9</sup> and racist views<sup>10</sup> and one of the government's coalition parties has previously said they want the HRC to be disestablished.<sup>11</sup> Within HRC is an Equal Employment Opportunities team and a Disability Commissioner team, its disestablishment would significantly weaken NZ disability advocacy.

**Recommendation 9:** the Committee recommend the Government revise its processes for appointing human rights commissioners aligning with Government's existing obligations under national and international law including CEDAW and UNCRPD.

## Stereotypes and harmful practices towards disabled women (LOQ 9)

### Rainbow Community

The current attacks on LGBTQIA+ community<sup>12</sup> demonstrate the need for hate speech legislation to include protection of transgender disabled women. In March 2024, HRC recommended NZ's hate speech law be extended to include sexual orientation.<sup>13</sup>

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<sup>9</sup> Chapman, M. (2024, August 17). *Can you be a human rights commissioner and transphobic at the same time?* The Spinoff. <https://thespinoff.co.nz/media/17-08-2024/can-you-be-a-human-rights-commissioner-and-transphobic-at-the-same-time>

<sup>10</sup> RNZ. (2024, August-17). New leadership announced for Human Rights Commission. <https://www.rnz.co.nz/news/political/525363/new-leadership-announced-for-human-rights-commission>

<sup>11</sup> ACT NZ. (n.d.). *Time to Abolish Human Rights Commission*. [https://www.act.org.nz/time\\_to\\_abolish\\_human\\_rights\\_commission](https://www.act.org.nz/time_to_abolish_human_rights_commission)

<sup>12</sup> Blackwell, F. (2024, June 27). *Drag performers sue Tamaki, Destiny Church seeking \$2m for defamation*. RNZ. <https://www.rnz.co.nz/news/national/520687/drag-performers-sue-tamaki-destiny-church-seeking-2m-for-defamation>

<sup>13</sup> HRC. (2024). *Sexual orientation should be protected under hate speech laws*. <https://tikatangata.org.nz/news/sexual-orientation-should-be-protected-under-hate-speech-laws>

The Conversion Practices Prohibition Legislation Act 2022 has outlawed conversion therapy practices but some churches still promote anti-LGBTQIA+ agendas.<sup>14</sup>

**Recommendation 10:** the NZ Government expand the Human Rights Act to protect disabled women and LGBTQIA+ communities under hate speech legislation.

## Gender-based violence against disabled women (LOQ 10 & 11)

Statistics<sup>15</sup> show disabled women experience higher rates of violence than non-disabled people, including non-partner physical violence and sexual violence. Violence against women and domestic violence can be exacerbated where it intersects with discrimination.<sup>16</sup> Disabled women disproportionately experience violence including domestic violence with additional difficulty accessing protection/support measures.

## Intellectual/learning disability

Statistics<sup>17</sup> highlight that girls and women with intellectual/learning disability are more likely to be victims of crime/s compared to non-disabled girls.<sup>18</sup>

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<sup>14</sup> Focus on the Family. (n.d). *Finding God's Healing for Sexual Brokenness*. <https://www.focusonthefamily.com/episodes/broadcast/finding-gods-healing-for-sexual-brokenness-part-1-of-2/>

<sup>15</sup> [Appendix 5](#)

<sup>16</sup> RNZ. (2024, May 20). *Thousands sign petition to make stalking illegal*. <https://www.rnz.co.nz/news/national/517278/thousands-sign-petition-to-make-stalking-illegal>

<sup>17</sup> [Appendix 6](#)

<sup>18</sup> Beltran-Castillon, L., & McLeod, K. (2023). *From Data to Dignity: Health and Wellbeing Indicators for New Zealanders with Intellectual Disability*. IHC NZ. [https://cdn.prod.website-files.com/628455c1cd53af649dec6493/6584cc68cbd28550e09d0397\\_Full\\_IDI%20report\\_final\\_web.pdf](https://cdn.prod.website-files.com/628455c1cd53af649dec6493/6584cc68cbd28550e09d0397_Full_IDI%20report_final_web.pdf)

The Te Aorerekura National Strategy and Action Plan<sup>19</sup> offers recommendations relating to Family and Sexual Violence.

**Recommendation 11:** Government resources the provision of specialist violence prevention and support services for disabled women with culturally competent staff trained to meet the needs of disabled women.

## Education for disabled women (List of issues 12)

Statistics show that 34% of disabled women have no educational qualification, compared with 15% of non-disabled women<sup>20</sup>.

### Charter Schools

The current Government's focus on charter schools diverts necessary funds from learning supports for "high needs" public system students.<sup>21</sup> Charter schools pose further threats to inclusive education as international research points to discriminatory pupil selection policies with similar concerns expressed in NZ.<sup>22,23</sup>

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<sup>19</sup> Te Puna Aonui. (2021). *Te Aorerekura National Strategy and Action Plan*. <https://tepunaaonui.govt.nz/assets/National-strategy/Finals-translations-alt-formats/Te-Aorerekura-National-Strategy-final.pdf>

<sup>20</sup> Office of Disability Issues. (n.d). *Key Facts about disability in New Zealand*. <https://www.odi.govt.nz/home/about-disability/key-facts-about-disability-in-new-zealand/>

<sup>21</sup> Walters, L. (2024, June 5). *No funding for new plan to overhaul learning support system*. Newsroom. <https://newsroom.co.nz/2024/06/05/no-funding-for-new-plan-to-overhaul-learning-support-system/>

<sup>22</sup> Ravitch, D (2010). *The death and the life of the great American school system: How testing and choice are undermining education*. New York Basic Books.

<sup>23</sup> Inclusive Education Action Group. (2013). *Submission on the Education Amendment Bill (no 4)*. <https://ieag.org.nz/assets/PDFs/IEAG-submission-on-Charter-Schools.pdf>

## Public service funding cuts

The Government's reduction of public service workers has meant the removal of speech language therapists and teacher aides supporting education of disabled students in schools.<sup>24</sup>

**Recommendation 12:** Ministry of Women (MoW) and Te Tāhuhu o te Mātauranga Ministry of Education (MoE) consult with disabled women to create a National Action Plan for the education of disabled women.

## Participation in political and public life for disabled women (LOQ 13)

Disabled people are provided supports for participating in politics,<sup>25</sup> but inaccessible environments, prejudicial attitudes and barriers within Parliament are substantial. Political aspirations are not a dream that many disabled women can achieve in these circumstances.

Access Matters Aotearoa (AMA)<sup>26</sup> advocate for more enforceable accessibility legislation in all aspects of society. For disabled women to participate in political and public life, a combined effort is need with access to healthy homes<sup>27</sup>, safe communities, quality education, funding, healthcare and employment.

**Recommendation 13:** NZ Government takes concrete measures to improve access to political and public life for disabled women.

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<sup>24</sup> PSA. (2024, April 17). *Brutal day of Govt cuts, axing support for children and young people*. <https://www.psa.org.nz/our-voice/brutal-day-of-govt-cuts-axing-support-for-children-and-young-people/>

<sup>25</sup> Electoral Commission. (n.d.) *Election Access Fund*. <https://elections.nz/getting-involved/election-access-fund/>

<sup>26</sup> Access Matters Aotearoa. (n.d.). *We're calling for Effective and Comprehensive Accessibility Legislation because #AccessMattersNZ*. <https://www.accessmatters.org.nz/>

<sup>27</sup> Client, D., & Franks, J. (2022, March 22). *Not Built For Me: Lack of accessible homes leaves disabled people 'without dignity'*. Stuff. <https://www.stuff.co.nz/pou-tiaki/300425033/not-built-for-me-lack-of-accessible-homes-leaves-disabled-people-without-dignity>

## Employment for disabled women (LOQ 16)

Disabled people are more likely to have lower incomes than non-disabled people,<sup>28</sup> meaning disabled women are more likely to have lower incomes than non-disabled people and disabled men.

### Pay Equity

The disestablishment of the Pay Equity Taskforce (PET) has set back pay equity for disabled women.<sup>29</sup> PET has reduced pay gaps since 2017 (public service gender 12.5%→7.1%; Māori 11.2%→5.4%; Pacific 21.6%→16.6%).<sup>30</sup>

The Fair Pay Agreements abolished in December 2023<sup>31</sup> was geared toward NZ's most vulnerable and poorly paid workforces thus advantageous to disabled women.

**Recommendation 14:** Pay Equity Taskforce and the Fair Pay Agreements be reinstated to ensure fair pay for disabled women.

**Recommendation 15:** a National Action Plan be implemented to improve education increase disabled women in the workforce.

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<sup>28</sup> Office for Disability Issues. (n.d.). *Key facts about disability in New Zealand*.

<https://www.odi.govt.nz/home/about-disability/key-facts-about-disability-in-new-zealand/>

<sup>29</sup> Hatton, E. (2024, May 15). Taskforce disestablishment a setback for pay equity claims—employers. Newsroom. <https://newsroom.co.nz/2024/05/15/taskforce-disestablishment-a-setback-for-pay-equity-claims-employers/>

<sup>30</sup> Te Kawa Mataaho Public Service Commission. (n.d.). *Workforce Data Pay gaps*.

<https://www.publicservice.govt.nz/research-and-data/workforce-data-remunerationpay/workforce-data-pay-gaps>

<sup>31</sup> Muru-Lanning, C. (2023, December 22). The hard won, and swiftly lost, dream of Fair Pay Agreements. The Spinoff. <https://thespinoff.co.nz/politics/22-12-2023/the-hard-won-and-swiftly-lost-dream-of-fair-pay-agreements>

## Health for disabled women (LOQ 17)

Many reports show disabled women being neglected, abused and not receiving the standard of care that is their right.<sup>32</sup>

## Sterilisation of disabled women

NZ eugenics history includes the coerced sterilisation of disabled women. Disability discrimination remains evident with continued Down Syndrome antenatal testing.

The Contraception Sterilisation and Abortion Act 1977 continues to permit non-consensual sterilisation of disabled women, which was of grave concern to the CRPD.<sup>33</sup>

## Abortion Services

Abortion services must be accessible and only exercised with the full consent from disabled women. Research outlined recommendations on disability rights education and training, accessibility and a principle-based abortion practice.<sup>34</sup>

## Te Aka Whai Ora Māori Health Authority (MHA)

Māori have less access to support, health and disability services,<sup>35</sup> therefore impacting on disabled Māori women. Māori established MHA to address Māori health inequities, however it was disestablished by the current Government.

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<sup>32</sup> Health & Disability Commissioner. (2024). *Report on complaints to HDC about Residential Disability Support Services*. <https://www.hdc.org.nz/our-work/research-and-data-reports/report-on-complaints-to-hdc-about-residential-disability-support-services/>

<sup>33</sup> *ibid.*23

<sup>34</sup> Donald Beasley Institute. (2024). *Abortion is a Human Right and Health Issue: Disabled People's Experiences of Abortion Services in Aotearoa New Zealand*.

<sup>35</sup> Hickey, H., & Wilson, D. (2017). *Whanau Haua Reframing disability from an Indigenous perspective*. MAI Journal, 6(1), 82-94.

[https://www.journal.mai.ac.nz/system/files/MAIJrnl\\_6\\_1\\_Hickey\\_02a.pdf](https://www.journal.mai.ac.nz/system/files/MAIJrnl_6_1_Hickey_02a.pdf)

## Supported decision-making

Disabled women receive medical advice to not bear children. Supported decision-making for women with learning disabilities can be provided with the right mechanisms.<sup>36</sup>

**Recommendation 16:** Ministry of Health modernise the Contraception Sterilisation and Abortion Act 1977 to ensure disabled women are supported to full consenting access to services.

**Recommendation 17:** NZ Government reestablishes the Māori Health Authority Te Aka Whai Ora.

## Economic and social benefits and economic empowerment of disabled women (LOQ 18)

### Housing

Disabled women are most impacted by NZ's housing crisis. A recent report outlined disabled women are more likely to live in inaccessible, cold, damp, unaffordable rentals and feel unsafe due to dangerous neighbourhoods with power imbalances between tenants and landlords<sup>37</sup> being exacerbated by the recent introduction of no-cause evictions.<sup>38</sup>

### Benefit restrictions and sanctions

Due to inaccessible education and employment, and systemic ableism, many disabled women are beneficiaries. Benefits and their abatement rates are too low to

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<sup>36</sup> Ibid 42

<sup>37</sup> Donald Beasley Institute. (2020). My Experiences, My Rights: A Monitoring Report on Disabled Person's Experience of Housing in Aotearoa New Zealand. [Easy Read Monitoring Report]. New Zealand Disabled People's Organisation Coalition. See Disabled Person-Led Monitoring of the UNCRPD at <https://www.donaldbeasley.org.nz>

<sup>38</sup> No cause evictions have the potential to hurt renters with little gain for good landlords. The Conversation 2024. <https://theconversation.com/no-cause-evictions-have-the-potential-to-hurt-renters-with-little-gain-for-good-landlords-232810>



be liveable, impacting mostly on disabled women with disability costs, especially sole parents.<sup>39</sup>

**Recommendation 18:** NZ Government stop and reverse its current economic cuts on disabled people, which disproportionately affect disabled women.

**Recommendation 19:** NZ Government repeal legislation that disadvantages tenants such as no-cause evictions

## Rural disabled women and disabled women living in poverty (LOQ 20)

The data on rural disabled women is limited but some reports highlight the barriers to accessing services.<sup>40,41,42</sup>

### Access to services

Rural disabled women experience barriers in appointment travel, long appointment waits and funding restrictions. Tasks like visiting a general practitioner, blood tests, accessing day care facilities or specialists are complicated by transport needs and expense. Disabled women are often dependent on whānau/family transporting them.<sup>43</sup>

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<sup>39</sup> Fairer Future Coalition. (2024). *A Thousand Cuts: An Assessment of the Cumulative Impact of Recent Government Decisions on Disabled People and Other Communities*.

<https://drive.google.com/file/d/1SDONOd833pwm12bcjRncvmAPDvOA-e6L/view>

<sup>40</sup> Minister of Health. (2023). *Rural Health Strategy*. Wellington: Ministry of Health.

<https://www.health.govt.nz/system/files/2023-07/rural-health-strategy-oct23-v2.pdf>

<sup>41</sup> Mellisop, S. (2005). 'You Live Too Far Out' The Impact of the Health Reforms on Disabled Rural Women. Massey University: Palmerston North.

<sup>42</sup> King, P. (2019). *Māori With Lived Experience of Disability Part I*. Waitangi Tribunal for Stage Two of the Wai 2575 Health Services and Outcomes Kaupapa Inquiry.

[https://forms.justice.govt.nz/search/Documents/WT/wt\\_DOC\\_150473583/Wai%202575%2C%20B023.pdf](https://forms.justice.govt.nz/search/Documents/WT/wt_DOC_150473583/Wai%202575%2C%20B023.pdf)

<sup>43</sup> Doran, B., Crossland, K., Brown, P., & Stafford, L. (2022). *Transport experiences of disabled people in Aotearoa New Zealand*. (Waka Kotahi NZ Transport Agency research report 690).

<https://www.nzta.govt.nz/assets/resources/research/reports/690/690-Transport-experiences-of-disabled-people-in-Aotearoa-New-Zealand.pdf>

**Recommendation 20:** a national action plan for services for disabled people with a focus on women, in rural areas be created.

**Recommendation 21:** the Ministry of Health Rural Strategy Plan include research on disabled women living in rural areas.

## **Māori disabled women and disabled women belonging to ethnic minority groups (LOQ 21)**

### **Māori disabled women**

Of the Māori population, 26% identified as disabled, compared to 24% of the total NZ population.<sup>44</sup> In the Royal Commission Abuse in Care report Whanaketia,<sup>45</sup> Māori women shared their traumatic stories of sexual abuse and torture inflicted on them in State and faith-based institutions from 1950–1999. Further intergenerational trauma is caused by removing their children perpetuating a cycle of violence.

Many survivors are beneficiaries so government changes in benefits, housing access and legislation falls heavily on women who have experienced trauma facing further brutalisation by a system meant to support them.<sup>46</sup>

The recent onslaught of anti-Māori sentiment via legislation impact on disabled Māori women. The Oranga Tamariki (Repeal of Section 7AA) Amendment Bill removing Te Tiriti o Waitangi references<sup>47</sup> will cause intergenerational harm to Māori children removing cultural and whānau access.<sup>48</sup> There is a need for the frameworks for

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<sup>44</sup> *ibid.*37

<sup>45</sup> *ibid.*5

<sup>46</sup> McCallum, H. (2024, May 24). *The 'dehumanising' flow on effect of government cuts.* The Post. <https://www.thepost.co.nz/nz-news/350285670/dehumanising-flow-effect-government-cuts>

<sup>47</sup> [Appendix 8](#)

<sup>48</sup> Cox, K. (2024, June 13). *Evidence absent in Govt's child safety move on Oranga Tamariki.* Newsroom. <https://newsroom.co.nz/2024/06/13/evidence-absent-in-govts-child-safety-move-on-oranga-tamariki/>

wellbeing, violence prevention and intervention outlined in the He Waka Eke Noa final report to be implemented.<sup>49</sup>

**Recommendation 22:** NZ Government implement the frameworks for wellbeing, violence prevention and intervention outlined in the He Waka Eke Noa final report.

**Recommendation 23:** the Committee monitor and make recommendations to the NZ Government on the treatment of Māori disabled women.

**Recommendation 24:** Māori disabled women are resourced to create frameworks that serve their communities, and Government funds their implementation.

## Pacifica disabled women

Māori disabled women acknowledge Pacifica disabled women as tuakana (older sister) as Māori trace their genealogy and navigation journeys back to the Pacific.

Research outlines concerns for Pacifica disabled people,<sup>50</sup> including increased levels of racism in education; job loss; food security concerns; home learning challenges; current living cost challenges; lack of data for Pacifica peoples' wellbeing; earning less than non-Pacific counterparts; adequate income to allow for time to support one another; unaffordable, insecure and unhealthy housing; low likelihood to be homeowners; and lack of intergenerational housing provision despite positive benefits to childcare and culture.

**Recommendation 25:** Pacifica disabled women represent themselves at the next UN CEDAW Secretariat Public Meeting.

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<sup>49</sup> NZ Family Violence Clearinghouse. (2024). *Final report released for He Waka Eke Noa: Māori cultural frameworks for violence prevention and intervention*. <https://nzfvc.org.nz>

<sup>50</sup> Te Hiringa Mahara Health & Wellbeing Commission. (2024). *Achieving equity of Pacific mental health and wellbeing outcomes*. -<https://www.mhwc.govt.nz/our-work/wellbeing/achieving-equity-of-pacific-mental-health-and-wellbeing-outcomes/>

**Recommendation 26:** NZ Government stop funding cuts to Pacifica organisations that impact on Pacifica disabled women.

## **Migrant disabled women (LOQ 22)**

### **Detention**

The NZ Government's Immigration (Mass Arrivals) Amendment Act enables detention of incoming asylum seekers. Research demonstrates the benefits of other forms of community placement which do not constitute detention.<sup>51</sup> Women, children, disabled people and families will be affected by placements if the family unit is not kept together. This is not stipulated in the legislation, nor is there any guarantee those requiring medical care would receive this.<sup>52</sup>

### **Residence**

The discriminatory Acceptable Standard of Health (ASH) criteria consider migrants with health conditions and disabilities to be an excessive government cost. The CRPD made recommendations to "ensure that persons with disabilities do not face discrimination in any of the formalities and procedures relating to immigration and asylum" including the ASH criteria. However, Government has noted but not progressed these recommendations. As a result, families frequently face living apart, meaning children grow up without one of their parents because of discrimination.

A key reason for visa rejections is the likely eligibility for Ongoing Resourcing Scheme education support funding. Educational disruptions are commonplace when

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<sup>51</sup> Amnesty-International. (2024). *Collective letter in response to the Immigration (Mass Arrivals) Bill*. [Open-letter-on-the-immigration-\(mass-arrivals\)-amendment-bill-\(amnesty.org.nz\)](https://www.amnesty.org.nz/open-letter-on-the-immigration-(mass-arrivals)-amendment-bill/)

<sup>52</sup> [Appendix 10](#)

visa denials bar attendance in educational settings, on top of the usual disability-related barriers to quality inclusive education.

**Recommendation 27:** the Committee reiterate the CRPD concerns and recommendations regarding Liberty of Movement (Article 18) with a view to their swift progression, noting the ASH impacts on women, children and families.

## Marriage and family relations for disabled women (LOQ 23)

### Familial Abuse

The Health Quality & Safety Commission's report<sup>53</sup> relates stories of intra-familial violence, homicides and family violence for disabled people. The killing of disabled girls and women by family members is a continued risk in NZ. In 2020, Donella Knox was convicted of murdering her daughter Ruby.<sup>54</sup> In 2017, Disability advocate Robyn Hunt reported about 20 deaths of disabled people at the hands of parents or caregivers since 1983, spanning people with learning disabilities, cerebral palsy, as well as Deaf and autistic or multi-impaired women like Ruby.<sup>55</sup> Hunt states their killers have served lesser sentences than those who killed non-disabled children.

### Personal relationships

Benefit rates penalise those in relationships when one person is earning an income, taking a particularly heavy toll on disabled mothers.<sup>56</sup> There is a need for the NZ

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<sup>53</sup> New Zealand Family Violence Death Review Committee, (2022). *Seventh report: Pūrongo tuawhitu: a duty to care*. Wellington, New Zealand: Health Quality and Safety Commission, 2022.

<https://www.hqsc.govt.nz/assets/Our-work/Mortality-review-committee/FVDRC/Publications-resources/Seventh-report-transcripts/FVDRC-seventh-report-web.pdf>

<sup>54</sup> Hunt, R. (2017, February 9). *On Donella Knox, her disabled daughter, and the so called 'mercy killing'*. The Spinoff. <https://thespinoff.co.nz/society/09-02-2017/on-donella-knox-her-disabled-daughter-and-the-so-called-mercy-killing>

<sup>55</sup> *ibid.*59

<sup>56</sup> Shivas, O. (2022, May 13). *Disabled people missing out on 'essential' support over relationship status*. Stuff. <https://www.stuff.co.nz/pou-tiaki/128588865/disabled-people-missing-out-on-essential-support-over-relationship-status>

Government to implement the recommendations outlined in the 2019 Welfare Expert Advisory Group report.<sup>57</sup>

## Carer support

In March 2024, the Government introduced without warning restrictions on respite funding and the ability to use disability support funds to pay for carer travel and accommodation costs<sup>58</sup> with rhetoric of carers misusing funds.<sup>59</sup> Carers are disproportionately women, these restrictions have serious impacts on theirs and their disabled whānau/family's wellbeing especially with limited respite.<sup>60</sup>

**Recommendation 28:** the Committee monitor and make recommendations to the NZ Government on the disability support funding cuts.

**Recommendation 29:** NZ Government implement the recommendations outlined in the 2019 Welfare Expert Advisory Group report.

**Recommendation 30:** NZ Government invest in carer support of disabled whānau/family/spouses.

## Conclusion

This report highlights specific issues raised by all the intersections of disabled women. Due to lack of data, there are some coverage gaps, but the reports, thesis,

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<sup>57</sup> Welfare Expert Advisory Group. (2019). *Appendix D: Full list of recommendations*.

<https://www.weag.govt.nz/weag-report/whakamana-tangata/appendices/appendix-d-full-list-of-recommendations/>

<sup>58</sup> Whaikaha. (2024). Purchasing Rules and Equipment and Modification Services (EMS) Update.

Whaikaha, 18 March 2024. <https://www.whaikaha.govt.nz/news-and-events/news/whaikaha-purchasing-rules-and-equipment-and-modification-services-ems-update>

<sup>59</sup> Desmarais, F. (2024, March 19). *Minister takes aim at 'pedicures' for carers in disability funds row*. 1 News. <https://www.1news.co.nz/2024/03/19/minister-takes-aim-at-pedicures-for-carers-in-disability-funds-row/>

<sup>60</sup> Graham, R. (2024, March 3). *Cutting sorely needed supports for carers is cruel and harmful*. The Spinoff. <https://thespinoff.co.nz/society/20-03-2024/cutting-sorely-needed-supports-for-carers-is-cruel-and-harmful>

articles, testimonials, statistics and cases tell the story of many disabled women not accessing the support and care they need.

We invite the CEDAW Committee to pay heed and invite you to be allies in advocating, educating, teaching and working with us to create an inclusive accessible world built on unity and peace.

## APPENDIX 1: Introducing Disabled Persons Assembly

### We work on systemic change for the equity of disabled people

Disabled Persons Assembly NZ (DPA) is a not-for-profit pan-impairment Disabled People's Organisation run by and for disabled people.

We recognise:

- Māori as Tangata Whenua and [Te Tiriti o Waitangi](#) as the founding document of Aotearoa New Zealand;
- disabled people as experts on their own lives;
- the [Social Model of Disability](#) as the guiding principle for interpreting disability and impairment;
- the [United Nations Convention on the Rights of Persons with Disabilities](#) as the basis for disabled people's relationship with the State;
- the [Aotearoa New Zealand Disability Strategy](#) as Government agencies' guide on disability issues; and
- the [Enabling Good Lives Principles](#), [Whāia Te Ao Mārama: Māori Disability Action Plan](#), and [Faiva Ora: National Pasifika Disability Disability Plan](#) as avenues to disabled people gaining greater choice and control over their lives and supports.

### We drive systemic change through:

**Rangatiratanga | Leadership:** reflecting the collective voice of disabled people, locally, nationally and internationally.

**Pārongo me te tohutohu | Information and advice:** informing and advising on policies impacting on the lives of disabled people.

**Kōkiri | Advocacy:** supporting disabled people to have a voice, including a collective voice, in society.

**Aroturuki | Monitoring:** monitoring and giving feedback on existing laws, policies and practices about and relevant to disabled people.



## United Nations Convention on the Rights of Persons with Disabilities

DPA was influential in creating the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD),<sup>61</sup> a foundational document for disabled people which Aotearoa New Zealand has signed and ratified, confirming that disabled people must have the same human rights as everyone else.

All state bodies in Aotearoa New Zealand, including local and regional government, have a responsibility to uphold the principles and articles of this convention. There are a number of UNCRPD articles particularly relevant to this submission, including:

- Article 5 – Equality and non–discrimination
- Article 6 – Women with disabilities
- Article 7 – Children with disabilities
- Article 8 – Awareness–raising
- Article 9 – Accessibility
- Article 10 – Right to life
- Article 11 – Situations of risk and humanitarian emergencies
- Article 12 – Equal recognition before the law
- Article 13 – Access to justice
- Article 14 – Liberty and security of the person
- Article 15 – Freedom from torture or cruel, inhuman or degrading treatment or punishment
- Article 16 – Freedom from exploitation, violence and abuse
- Article 17 – Protecting the integrity of the person
- Article 18 – Liberty of movement and nationality
- Article 19 – Living independently and being included in the community
- Article 20 – Personal mobility
- Article 21 – Freedom of expression and opinion, and access to information
- Article 22 – Respect for privacy

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<sup>61</sup> United Nations. (2006). *United Nations Convention on the Rights of People with Disabilities*. Retrieved from: <https://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>

- Article 23 – Respect for home and the family
- Article 24 – Education
- Article 25 – Health
- Article 26 – Habilitation and rehabilitation
- Article 27 – Work and employment
- Article 28 – Adequate standard of living and social protection
- Article 29 – Participation in political and public life
- Article 30 – Participation in cultural life, recreation, leisure and sport.

## **New Zealand Disability Strategy 2016–2026**

Since ratifying the UNCRPD, the New Zealand Government has established a Disability Strategy<sup>62</sup> to guide the work of government agencies on disability issues.

The vision is that Aotearoa New Zealand be a non-disabling society, where disabled people have equal opportunity to achieve their goals and aspirations, and that all of Aotearoa New Zealand works together to make this happen.

The Strategy identifies eight outcome areas contributing to achieving this vision. There are a number of Strategy outcomes particularly relevant to this submission, including:

- Outcome 1 – Education
- Outcome 2 – Employment and Economic Security
- Outcome 3 – Health and Wellbeing
- Outcome 4 – Rights Protection and Justice
- Outcome 5 – Accessibility
- Outcome 6 – Attitudes
- Outcome 7 – Choice and Control
- Outcome 8 – Leadership

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<sup>62</sup> Office for Disability Issues. (2016). *NZ Disability Strategy*. Retrieved from: <https://www.odi.govt.nz/nz-disability-strategy/>

## APPENDIX 2: List of abbreviations

| Abbreviation  | Terminology  |
|---|--|
| CRPD  | Committee on the Rights of Persons with Disabilities |
| DPA   | Disabled Persons Assembly New Zealand                |
| EU  | European Union                                       |
| HRC   | Te Kāhui Tika Tangata Human Rights Commission        |
| IMM   | Independent Monitoring Mechanism                     |
| Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual, Plus | LGBTQIA+   |
| LOQ   | List of questions                                    |
| MoE   | Te Tāhuhu o te Mātauranga Ministry of Education      |
| MoH   | Manatū Hauora Ministry of Health                     |
| MoW   | Manatū Wāhine Ministry of Women                      |
| NAP   | National Action Plan                                 |

|                                       |  |
|---------------------------------------|--|
| NZ                                    | Aotearoa New Zealand   |
| OT                                    | Oranga Tamariki Ministry of Children   |
| PET                                   | Pay Equity Taskforce   |
| RNZ                                   | Radio New Zealand  |
| Te Tiriti                             | Te Tiriti o Waitangi (Treaty of Waitangi)                                      |
| the Committee or UN CEDAW<br>or CEDAW | United Nations Committee on the<br>Elimination of Discrimination against Women |
| UNCRPD                                | United Nations Convention on the Rights of<br>Persons with Disabilities        |

## APPENDIX 3: Kuputaka Māori (Glossary)

| Kupu Māori (Māori words) | Meaning   |
|--------------------------|---|
| Aroturuki                | Monitoring  |
| hapū                     | kinship group, clan, tribe, subtribe, pregnant, expectant with child  |
| Hine-ahu-one             | Also known as Hine-hau-one, she was the first woman created by Tāne-nui-a-Rangi (a Māori god) and Io (Māori supreme being) on the beach at Kurawaka (place of creation) |
| iwi                      | extended kinship group, tribe, nation, people, nationality, race  |
| Kōkiri                   | Advocacy  |
| Mana Wāhine              | feminism (in relation to Māori women)   |
| Mihi                     | speech of greeting, acknowledgement, tribute  |
| Papatūānuku              | Earth, Earth mother and wife of Ranginui (Sky Father) - all living things originate from them.  |
| Pārongo                  | Information   |
| Rangatiratanga           | Leadership  |

|                             |   |
|-----------------------------|---|
| takatāpui                   | lesbian, gay, homosexual, gay men and women (in relation to Māori people)                               |
| tangata whenua              | local people, hosts, indigenous people - people born of the whenua (land)                               |
| tāngata whaikaha            | Disabled people   |
| Te Tiriti                   | Treaty of Waitangi  |
| Tohutohu                    | Advice  |
| tuakana                     | elder sisters (of a female), cousins (of the same gender from a more senior branch of the family)       |
| wāhine hauā/wāhine whaikaha | Disabled Māori women  |
| whakapapa                   | genealogy, genealogical table, lineage, descent   |
| whānau                      | extended family, family group, a familiar term of address to a number of people, to be born, give birth |
| whanau hauā                 | disabled Māori and their experiences as Indigenous disabled persons                                     |
| whenua                      | country, land, nation, state, placenta, afterbirth  |

## APPENDIX 4: Gloriavale Christian Community

Extracted from <https://www.cults.co.nz/>

Gloriavale Christian Community is a large farm (1700 ha according to the Gloriavale website, or 1687 ha according to [this article](#)) at Haupiri River (inland from Greymouth) on the West Coast of the South Island and is named after founder [Neville Cooper](#)'s deceased first wife. Since 1991 this has been the home of the [Cooperites](#), after they moved from [Springbank Christian Community](#) on the East Coast. The move was completed in 1995. The community is presently led by [Howard Temple](#). See the [Cooperites](#) listing for more information about the group.

The Cooperites are a self-sufficient cult group of [about 520](#) to [600](#) members. They are based at [Gloriavale Christian Community](#) on the West Coast of the South Island, where they moved in 1991 (the move continuing through to 1995) from their former location at [Springbank Christian Community](#) near Cust, North Canterbury (also known at that time as [Cust Christian Community](#) and [Christian Community Church](#)). The group was founded in 1969 by [Neville Cooper](#) (deceased), who changed his name to Hopeful Christian. His second-in-command and secretary/treasurer are Fervent Stedfast (formerly Alistaire Barret), and "Overseeing Shepherd's Appointed Successor" is Howard Temple (formerly Smitherman). Howard Temple is the present leader of the community. The contact person for the Gloriavale Christian Community School is Faithful Pilgrim. The community is mostly self-sufficient, and under the auspices of [Christian Church Community Trust](#) is said to run at least four export businesses selling products such as sphagnum moss and cervine meal. Businesses and building projects were directed by Steady Standtrue (deceased). The Cooperites hold very conservative Christian principles, apparently with an emphasis on sex within marriage. The median age of the community has been stated in the past to be 15, although John Campbell stated in 2022 that the *mean* age is 12.

The group has been [labelled a sect](#) ("sectarian religious movement") by Dr Nick Thompson, a lecturer in theology at the University of Auckland, because of the way they have separated themselves from the outside world. However, there are sufficient strong signs for the community to qualify as a cult: a single unquestionable leader (the now deceased Neville Cooper/Hopeful Christian); [exclusivism](#) (salvation

is only possible within the group, although they officially say they tolerate other churches; the outside world is evil; members who have left have fallen away from truth and will not be seen in Heaven – all of these points are theologically incorrect), [fear, guilt and intimidation](#) (leaders are not to be questioned, members are made to feel guilty for having doubts), [information control](#) (restricted access to newspapers and Internet; no knowledge of common technology such as cellphones or ATMs; members do not know why the founder was imprisoned; teaching the [KJV is superior](#) to other *Bible* versions), [relationship control](#) and [shunning](#) (birthdays, anniversaries and Christmas are not celebrated; members are named/renamed with names very unusual outside the group thereby reinforcing group identity; restricted contact with the opposite sex and the outside world; completely barred contact with former members, even spouses and parents of young children). [Interviews with former members](#) from April 2015 highlight some of this. As mentioned in [this NZ Herald article](#), Campbell Live (reporter John Sellwood) also asked former members “a series of questions related to the definition of a cult, to which they responded “yes” to each one in relation to *Gloriavale*.” The interview is [here on the 3 News site](#). The group incorrectly believes “*Baptism [by immersion] is essential to salvation from sin*” and calls it “*the start of a person’s life in Christ*.” See the PDFs [Waterworks](#) and [Water Baptism and Salvation](#) for refutation.

Contradicting the view that the Cooperites is a cult is sociologist Andrew Sepie of the University of Canterbury, who has visited the community, and [is reported](#) as saying it cannot be described as a cult because its ideology is based on the Bible and Christianity. He is quoted as saying “*The main fundamental rule of a cult is it must develop its own ideology and religious doctrine, they [Gloriavale] are using Christianity – that excludes them from being a cult ... By a technical definition they could never be a cult.*” In saying this, it is clear that Mr Sepie has a very different understanding of [what a cult is](#) to many cult researchers and the New Zealand Cult List: *The main way that a religious or non-religious group is classed a cult is because it has significant detrimental sociological impact on its members through widespread use of mind control techniques to manipulate and control its members.* Sociological definitions of cults started developing in the early 1930s and are now widely accepted. A group’s Christian theology being doctrinally sound does not preclude it from being a cult. This particular group’s religious views (however orthodox or



heretical they may be) and its social practices are seldom far apart. For example, very sadly the group uses religious justification for the way it [affects relationships](#). Apologetics Index [states](#) “*In our opinion this organization is a cult, both theologically and sociologically.*”

The Cooperites are rated *Danger* for their use of mind control techniques, especially (but not limited to) the breaking up of families because of the total separation involved with shunning.

## APPENDIX 5: New Zealand Family Violence Clearinghouse

<https://nzfvc.org.nz/news/new-research-shows-disabled-people-experience-higher-rates-violence>

New Zealand Family Violence Clearinghouse. (2021). New research shows that disabled people experience higher rates of violence.

The researchers report that people who had at least one disability were more likely to report IPV in their lifetime than people who did not have a disability, for both women and men. This finding was true for all types of violence included in the survey (physical IPV, sexual IPV, psychological IPV, controlling behaviours and economic IPV). Other key findings include:

- Women with at least one disability reported lifetime prevalence rates of 40.3% for physical IPV, 16.9% for sexual IPV, 60.3% for psychological IPV, 31.7% for controlling behaviours and 24.7% for economic IPV.
- People with a psychological disability reported the highest prevalence rates for almost all types of IPV. People with intellectual impairments also reported high rates of IPV.
- Women with a disability reported higher rates of experiencing sexual IPV (16.9%) than men with a disability (5.0%).
- Men with intellectual disabilities reported higher rates of physical IPV (60.5%) than women with intellectual disabilities (36.0%).

In the second article, [Prevalence of Nonpartner Physical and Sexual Violence Against People With Disabilities](#) (2021), the researchers report that people with at least one disability were more likely to report experiencing non-partner physical violence and sexual violence than people without disabilities. Other key findings include:

- Regardless of disability status, men were more likely to report non-partner physical violence, and women were more likely to report non-partner sexual violence.

- Men were the main perpetrators of non-partner violence against both men and women. For women with disabilities, the main perpetrators of non-partner physical violence were family members, including parents and relatives. For men with disabilities, strangers were the main perpetrators.
- Of people who had experienced non-partner sexual violence, 60.0% of men with disabilities and 43.5% of women with disabilities, did not seek informal or formal help.

## APPENDIX 6: Statistics provided by IHC

- Girls with intellectual disability/learning disability are over 3.5 times more likely to be a victim of crime compared to girls in the general population
- Women with intellectual disability/learning disability are almost twice as likely to be a victim of crime compared to women in the general population
- Girls with intellectual disability/learning disability are almost twice as likely to be exposed to family violence compared to girls in the general population
- Girls with intellectual disability/learning disability are over 8.5 times more likely to be placed in care by Oranga Tamariki compared to girls in the general population
- Women with intellectual disability/learning disability are over 18 times more likely to have their child placed in care by Oranga Tamariki compared to women in the general population

That information is all available here: [https://cdn.prod.website-files.com/628455c1cd53af649dec6493/6584cc68cbd28550e09d0397\\_Full\\_IDI%20report\\_final\\_web.pdf](https://cdn.prod.website-files.com/628455c1cd53af649dec6493/6584cc68cbd28550e09d0397_Full_IDI%20report_final_web.pdf) and on their dashboard here – [https://ihcnewzealand.shinyapps.io/IDI\\_report/](https://ihcnewzealand.shinyapps.io/IDI_report/)

## **APPENDIX 7: DPA Submissions referring to climate change, climate resilience**

All Submissions – <https://www.dpa.org.nz/page/71/AllSubmissions.html>

- Fast Track Approvals Bill – April 2024
- Draft Government Policy Statement on Land Transport – April 2024
- Environment Canterbury Long Term Plan 2024-2034
- Inquiry into North Island Weather Events - December 2023
- Inquiry into Climate Change Adaptation

Regional Submission - <https://www.dpa.org.nz/page/162/RegionalSubmissions.html>

- All Council long term plans

## **APPENDIX 8: Waitangi Tribunal**

**Meaning of the treaty** - <https://www.waitangitribunal.govt.nz/treaty-of-waitangi/meaning-of-the-treaty/>

### **A treaty of two texts**

The treaty has two texts: one in te reo Māori and one in English.

Under the Treaty of Waitangi Act 1975, the Waitangi Tribunal is tasked with determining the meaning and effect of the Treaty for the purposes of inquiring into Māori claims. However, the Māori text is not an exact translation of the English text. For this reason, the Treaty of Waitangi Act requires the Tribunal to ‘decide issues raised by the differences between them’.

What follows below is a general guide to the meaning of the treaty texts.

### **Preamble**

The preamble to the English text states that the British intentions were to:

- protect Māori interests from the encroaching British settlement
- provide for British settlement
- establish a government to maintain peace and order.

The Māori text includes similar statements but has a different emphasis because it suggests that the Queen’s main promises to Māori were to:

- secure tribal rangatiratanga
- secure Māori land ownership.

## **Article 1**

In the Māori text of article 1, Māori gave the British 'kawanatanga', the right of governance, whereas in the English text, Māori ceded 'sovereignty'.

One of the problems that faced the original drafters of the te reo Māori text of the treaty was that 'sovereignty' had no direct equivalent in the context of Māori society. Rangatira (chiefs) exercised full authority ('mana') over land and resources on behalf of the wider community.

The term used in the te reo Māori text, 'kawanatanga', was a transliteration of the word 'governance', which was then in current use. Māori understanding of this word came from familiar use in the New Testament of the Bible (when referring to the likes of Pontius Pilate), and from their knowledge of the role of the Governor of New South Wales, whom they referred to as 'Kawana'.

## **Article 2**

The Māori text of article 2 uses the word 'rangatiratanga' in promising to uphold the authority that tribes had always had over their lands and taonga. This choice of wording emphasises status and authority.

In the English text, the Queen guaranteed to Māori the undisturbed possession of their properties, including their lands, forests, and fisheries, for as long as they wished to retain them. This text emphasises property and ownership rights.

In the Māori text the chiefs agree to sell land to the Queen at agreed prices:

'ka tuku ki te Kuini te hokonga o era wahi wenua e pai ai te tangata nona te Wenua-ki te ritenga o te utu e wakaritea ai e ratou ko te kai hoko e meatia nei e te Kuini hei kai hoko mona'.

By contrast, in the English text this was called the 'exclusive right of Preemption', which meant only the Crown could purchase land from Māori.

Scholars and the Tribunal have concluded Māori and the Crown held different interpretations of this provision.

### **Article 3**

In article 3 of the English text, the Crown promises to Māori the benefits of royal protection and full citizenship. In the Māori text the Queen agrees to give Māori the same rights and duties of citizenship as the people of England:

‘nga tikanga katoa rite tahi kia ana mea ki nga tangata o Ingarani’

This article emphasises equality and equity.

### **The epilogue**

The epilogue of the Māori text notes the chiefs had seen and accepted the words and agreed to record their names and tohu or marks:

‘ka kite nei i te ritenga o enei kupu, ka tangohia ka wakaaetia katoatia e matou, koia ka tohungia ai o matou ingoa o matou tohu.’

This is rendered in the English text as the signatories having entered into the ‘full spirit and meaning’ of the treaty.

Further information about the texts of the treaty can be found in chapter 7.5 ‘Te Tiriti and the Treaty: The Language’ on page 348 of the Waitangi Tribunal’s report [He Whakaputanga me te Tiriti\(external link\)](#).

### **How the Tribunal has interpreted the treaty**

Each Tribunal panel is constituted to determine the meaning and effect of the treaty based on the claims before it. Readers interested in the Tribunal’s interpretation of the treaty and its principles are directed to the Tribunal’s reports themselves.

Chapter 8 of the Waitangi Tribunal’s report [He Whakaputanga me te Tiriti\(external link\)](#) provides an account of previous Tribunal and court statements on the meaning of the treaty.



## APPENDIX 9: Pacifica Organisations

Te-Hiringa-Mahara-Health-&-Wellbeing-Commission. (2024). Achieving-equity-of-Pacific-mental-health-and-wellbeing-outcomes. <https://www.mhwc.govt.nz/our-work/wellbeing/achieving-equity-of-pacific-mental-health-and-wellbeing-outcomes/>

Organisations that support Pacifica disabled people and women are –

- Talanoa Ako, a community based programmed funded by MoE, was a response to education needs
- Tupu Aotearoa, a programme was designed to help find employment or pursue education and training
- Vaka Tautua runs Tupe Wise which is a programme to teach financial literacy
- Whānau Ora programmes delivered by Pasifika Futures have holistic approaches
- Mana Ake supporting Pacific Island Families with mental health wellbeing

## APPENDIX 10: Examples from Migrant Disabled Women Section

The Alfonzo family lived split between the Philippines and NZ for eight years due to Immigration NZ denying their autistic daughter the requisite visas. Forced separation can also lead to placing children and teenagers in the way of domestic violence, as was the case for the Vasquez family – daughter Ignacia with a cognitive disability, and her brother, who were forced to return to an abusive family environment in Chile due to Ignacia being denied a student visa.

McClure, T. (2022, April 26). *New Zealand denies entry to autistic daughter of immigrant couple*. The Guardian. [NZ denies entry to autistic daughter of immigrant couple | NZ | The Guardian](#)

NZ House of Representatives. (2022). Petition of Juliana-Carvalho: Let Ignacia stay in New-Zealand. <https://petitions.parliament.nz/download/selectcommitteereport/6805e2f2-9384-4b84-b444-537c180cbd33>

End Ash Now. (n.d.). Our Stories. <https://endashnow.wordpress.com/our-stories/>

## **APPENDIX 11: List of DPA Recommendations**

**Recommendation 1:** Statistics NZ provides data to enable measurable outcomes for disabled women for pandemics and emergencies.

**Recommendation 2:** the Committee monitor NZ Government's implementation of the Human Rights Commission 2022 Inquiry into how disabled people were supported during Omicron recommendations.

**Recommendation 3:** the Committee monitor and make recommendations to the NZ Government on its commitment to the wellbeing and safety of all disabled women and UNCRPD human rights obligations.

**Recommendation-4:** Manatū Wāhine Ministry of Women (MoW) ensure that disabled women from a range of demographics and intersectional identities are included in consultation and decision-making processes.

**Recommendation-5:** the Committee recognise the uniqueness of the perspectives of all disabled women including Māori and Pacifica.

**Recommendation 6:** Oranga Tamariki provide a National Action Plan reducing uplifts of Māori children and disabled children.

**Recommendation 7:** the Committee recommend the resourcing of advocacy by and for disabled women, especially from the Māori, Pacifica and Rainbow communities.

**Recommendation 8:** NZ Government implements its commitment to supporting disabled women to establishing a disabled women's organisation.

**Recommendation 9:** the Committee recommend the Government revise its processes for appointing human rights commissioners aligning with Government's existing obligations under national and international law including CEDAW and UNCRPD.

**Recommendation 10:** the NZ Government expand the Human Rights Act to protect disabled women and LGBTQIA+ communities under hate speech legislation.

**Recommendation 11:** Government resources the provision of specialist violence prevention and support services for disabled women with culturally competent staff trained to meet the needs of disabled women.

**Recommendation 12:** Ministry of Women (MoW) and Te Tāhuhu o te Mātauranga Ministry of Education (MoE) consult with disabled women to create a National Action Plan for the education of disabled women.

**Recommendation 13:** NZ Government takes concrete measures to improve access to political and public life for disabled women.

**Recommendation 14:** Pay Equity Taskforce and the Fair Pay Agreements be reinstated to ensure fair pay for disabled women.

**Recommendation 15:** a National Action Plan be implemented to improve education increase disabled women in the workforce.

**Recommendation 16:** Ministry of Health modernise the Contraception Sterilisation and Abortion Act 1977 to ensure disabled women are supported to full consenting access to services.

**Recommendation 17:** NZ Government reestablishes the Māori Health Authority Te Aka Whai Ora.

**Recommendation 18:** NZ Government stop and reverse its current economic cuts on disabled people, which disproportionately affect disabled women.

**Recommendation 19:** NZ Government repeal legislation that disadvantages tenants such as no-cause evictions

**Recommendation 20:** a national action plan for services for disabled people with a focus on women, in rural areas be created.

**Recommendation 21:** the Ministry of Health Rural Strategy Plan include research on disabled women living in rural areas.

**Recommendation 22:** NZ Government implement the frameworks for wellbeing, violence prevention and intervention outline in the He Waka Eke Noa final report.

**Recommendation 23:** the Committee monitor and make recommendations to the NZ Government on the treatment of Māori disabled women.

**Recommendation 24:** Māori disabled women are resourced to create frameworks that serve their communities, and Government funds their implementation.

**Recommendation 25:** Pacifica disabled women represent themselves at the next UN CEDAW Secretariat Public Meeting.

**Recommendation 26:** NZ Government stop funding cuts to Pacifica organisations that impact on Pacifica disabled women.

**Recommendation 27:** the Committee reiterate the CRPD concerns and recommendations regarding Liberty of Movement (Article 18) with a view to their swift progression, noting the ASH impacts on women, children and families.

**Recommendation 28:** the Committee monitor and make recommendations to the NZ Government on the disability support funding cuts.

**Recommendation 29:** NZ Government accept the recommendations outlined in the Welfare Expert Advisory Group report.

**Recommendation 30:** NZ Government invest in carer support of disabled whānau/family/spouses.