23 February 2016

Ministry of Business, Innovation and Employment

PO BOX 1473

Wellington

To Whom It May Concern

Please find attached a submission on the discussion document “Marrakesh Treaty: Possible Accession and Options for Implementation”

Disabled Persons Assembly NZ Inc.

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**Introducing DPA New Zealand Inc.**

The Disabled Persons Assembly NZ Inc. (DPA) is the national assembly and collective voice of disabled New Zealanders.

DPA is a Disabled Person’s Organisation (DPO) meaning it is a national Organisation governed by disabled people, and the organisation’s main purpose is to articulate the aspirations of its members who are mostly disabled people.

DPA has some 430 individual members who have disabilities themselves or are the parent, or guardian of a disabled person, and 37 corporate members who represent or deliver services to disabled people. [DPA members](http://www.dpa.org.nz/our-organisation/our-members) form a network of regional assemblies to debate local and national issues.

DPA’s functions include:

* to promote the interests and wellbeing of all disabled people regardless of age, for our whole lives
* to engage with disabled people, DPOs and our valued allies
* to progress the UN Convention on the Rights of Persons with Disabilities (CRPD) in Aotearoa New Zealand.

**Convention on the Rights of Persons with Disabilities**

Government accountability

The CRPD provides the mandate for disabled people to provide advice to the Government on ensuring the full and equal enjoyment of all human rights by disabled people.

CRPD is the minimum standard

DPA uphold the CRPD as the minimum standard for our participation in society.

Partnership with DPOs

The implementation of the CRPD depends on a partnership between DPOs and the Government. This is highlighted in Article 4.3 which says governments shall consult closely with and actively involve disabled people, including disabled children, through their representative organisations.[[1]](#footnote-1) This partnership goes beyond just consulting with disabled people.

**CRPD on the Marrakesh Treaty**

Aspects of the CRPD that are particularly relevant to this submission:

1. The CRPD’s General Principles[[2]](#footnote-2).
* Non-discrimination
* Full and effective participation and inclusion in society
* Respect for difference and acceptance of disabled people as part of human diversity and humanity
* Equality of opportunity
* Accessibility
* Respect for the evolving capacities of disabled children and respect for the right of disabled children to preserve their identities.
1. Accessibility
	* To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportations, to information and communications.[[3]](#footnote-3)
2. Education
	* States Parties recognise the right of persons with disabilities to education. With a view to realising this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels.[[4]](#footnote-4)

Marrakesh Treaty: Possible Accession and Options for Implementation

# Option 3 is the preferred option

Joining the Marrakesh Treaty under Option 3 is the preferred option for disabled people. The main benefit achieved by implementing option 3 is that disabled people themselves will be able to import and share accessible copies without needing to go through an organisation. Going through an organisation can be problematic for disabled people as often these require a specific set of criteria to be met. For example, the current largest producer of accessible books in NZ is the Blind Foundation. To access copies of accessible books through the Blind Foundation you need to be legally blind, this excludes many people with a vision impairment as well as though who require accessible copies for other reasons.

Needing to access accessible books through an organisation also excludes people with disabilities other than vision loss. For example, there may not be an organisation who is able to import accessible books available to people with mobility impairments who struggle to hold a book and therefore require it in audio format. There are numerous disabilities that require accessible copies of printed work.

A recent survey of our members indicated that disabled people are missing out on an education due to not being able to access accessible copies of text books. Not being able to import accessible copies of books that are produced overseas means that New Zealanders need to wait for someone in New Zealand to translate the book. With the ratification of the Marrakesh Treaty under Option 3 disabled people would be able to import accessible copies of text books enabling them to gain an education on an equal basis with others.

Producing accessible books is a very onerous task, by not allowing these copies to be shared with other countries it means that there are often multiple countries and organisations producing the same accessible copy of popular books. This leads to a long wait time for books as well as an increase in costs for organisations.

## Recommendation 1

DPA recommends that the Marrakesh treaty is ratified and option 3 proposed by MBIE is implemented.

Thank you for considering Disabled Persons Assembly NZ Inc.’s submission on the Marrakesh Treaty

Sincerely

**Pati Umaga**

**President**

1. United Nations Convention on the Rights of Persons with Disabilities, Article 4.3 [↑](#footnote-ref-1)
2. United Nations Convention on the Rights of Persons with Disabilities, Article 3 [↑](#footnote-ref-2)
3. United Nation Convention on the Rights of Persons with Disabilities, Article 9 [↑](#footnote-ref-3)
4. United Nations Convention on the Rights of Persons with Disabilities, Article 24 [↑](#footnote-ref-4)