

Submission to UPR.

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### 1. Data Collection

The State Sector Bill (1988) of New Zealand makes no attempt to collect data about employees who have disabilities within New Zealand. It is however mandatory that every year the State Sector report on ethnicity and gender of the workforce of New Zealand.

This oversight affects the status of people with disabilities as being seen as a functional and legitimate part of the workforce of New Zealand. By not counting disabled people the government does not have to acknowledge them and is a blatant human rights discrimination which needs to be attended to by the Government.

### 2. Human Rights Act (1993) and Process in New Zealand

The Human Rights Process was amended in 2002 to reflect the new ideas of the government at the time. This process involved the reduction of resources into the investigation process which historically enforced human rights through consequences being implemented where human rights discriminations were affirmed through the investigation process. After the amendment in 2002, the process the government moved to was to divert almost all of its resource into the mediation process where the parties in disagreement underwent mediation to solve their disputes and no consequence was enforced.

Though the amendment process may result in a more favourable outcome in practice it in no way enforces human rights, as there is no motivation for society to abide by legislation, as there is no consequence (eg money, public shame).

This is not a human rights discrimination but the legitimacy and power of the Human Rights Act (1993) and therefore human rights in general has been diminished and lost.

### 3. The NZ Public Health and Disability No. 2 Act (2000)

The NZ Public Health and Disability No. 2 Act (2000) (aka the Family Carers Bill) was put through parliament in urgency on May 17, 2013. This bill acknowledged that family carers of disabled people needed to be reimbursed for their work and was proposed in response to a number of cases of parents who looked after their disabled children and had little monetary support as they were not working a 'formal job'. The acknowledgement of these people was a big step for human rights in New Zealand.

However there are some issues which I feel are in direct denial of this bill being called a acknowledgement of human rights.

Namely that:

- Family Carers are not able to receive pay equal to their “formal” carer counterparts
- Family Carers will be paid less than minimum wage
- Family Carers can only be paid for their work for up to 40 hours per week
- And most abhorrent is that family carers are not allowed to take any grievances to the human rights tribunal.

These specific rules upset me as they show the value that government places on disabled people, by not valuing those who care for them. This is despite New Zealand’s commitment through signing and ratifying the UNCRPD in 2008.

Secondly and probably most discriminatory and devastating is that the government of today denies individual Carers the ability to take their grievances to the Human Rights Tribunal.

Thirdly the nature that the government went through to enact the bill was undemocratic and this bill was put through in urgency. This meant there was no public consultation or chance for submissions on the regulations of the bill.