December 2024

**To Justice Select Committee**

Please find attached our submission on the Evidence (Giving Evidence of Family Violence) Amendment Bill

For any further inquiries, please contact:

Mojo Mathers

Chief Executive

policy@dpa.org.nz

# Introducing Disabled Persons Assembly NZ

**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](https://www.archives.govt.nz/discover-our-stories/the-treaty-of-waitangi) as the founding document of Aotearoa New Zealand;
* disabled people as experts on their own lives;
* the [Social Model of Disability](https://www.odi.govt.nz/guidance-and-resources/guidance-for-policy-makes/) as the guiding principle for interpreting disability and impairment;
* the [United Nations Convention on the Rights of Persons with Disabilities](https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html) as the basis for disabled people’s relationship with the State;
* the [New Zealand Disability Strategy](https://www.odi.govt.nz/nz-disability-strategy/) as Government agencies’ guide on disability issues; and
* the [Enabling Good Lives Principles](https://www.enablinggoodlives.co.nz/about-egl/egl-approach/principles/), [Whāia Te Ao Mārama: Māori Disability Action Plan](https://www.health.govt.nz/publication/whaia-te-ao-marama-2018-2022-maori-disability-action-plan), and [Faiva Ora: National Pasifika Disability Disability Plan](https://www.moh.govt.nz/notebook/nbbooks.nsf/0/5E544A3A23BEAECDCC2580FE007F7518/%24file/faiva-ora-2016-2021-national-pasifika-disability-plan-feb17.pdf) 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),[[1]](#footnote-2) a foundational document for disabled people which New Zealand has signed and ratified, confirming that disabled people must have the same human rights as everyone else. All state bodies in New Zealand, including local and regional government, have a responsibility to uphold the principles and articles of this convention.

The following UNCRPD articles are particularly relevant to this submission:

* **Article 13 – Access to justice**
* **Article 15 – Freedom from torture or cruel, inhuman or degrading treatment or punishment**
* **Article 16 – Freedom from exploitation, violence and abuse**

## New Zealand Disability Strategy 2016-2026

Since ratifying the UNCRPD, the New Zealand Government has established a Disability Strategy[[2]](#footnote-3) to guide the work of government agencies on disability issues. The vision is that New Zealand be a non-disabling society, where disabled people have equal opportunity to achieve their goals and aspirations, and that all of New Zealand works together to make this happen. It identifies eight outcome areas contributing to achieving this vision.

The following outcomes are particularly relevant to this submission:

* **Outcome 4 – Rights protection and justice**

# The Submission

DPA welcomes this opportunity to feedback to the Justice Select Committee on the Evidence (Giving Evidence of Family Violence) Amendment Bill 2024.

**DPA supports this Bill being passed with amendment.**

DPA supports this legislation as it provides for survivors of family violence to give evidence in court without the need to make any direct contact with the accused if this is what they request.

According to the 2019 New Zealand Family Violence Survey, disabled people are disproportionately more likely to be subjected to acts of non-partner physical and sexual violence (including family violence) than non-disabled people.[[3]](#footnote-4)

Eliminating one barrier to accessing justice for survivors of family violence, enabling the healing journey to begin for survivors and rehabilitation journey to begin for offenders is a very welcome step indeed and long overdue.

The one thing that is not clear to us from our reading of the legislation is that it does not specify the right of disabled complainants to access these hearings with the support they may need, including the use of New Zealand Sign Language (NZSL) interpreters or ability to participate through, for example, video captioning of the proceedings or with any other support they may need.

**Recommendation:** that Section 106 of the Bill is amended to insert a sub-clause allowing any complainant or other person making application on their behalf to have their evidence heard in an alternative way to specify that they have an accessibility need due to being a disabled person and/or as a New Zealand Sign Language (NZSL) user.

Aside from that change, we hope to see this legislation passed to support survivors of domestic violence to have greater, more equitable access to justice.

1. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities> [↑](#footnote-ref-2)
2. <https://www.odi.govt.nz/nz-disability-strategy/> [↑](#footnote-ref-3)
3. *Te Kāhui Tika Tangata* Human Rights Commission. (2021, Dec 8). Violence and abuse of tāngata whaikaha Māori and disabled people. <https://tikatangata.org.nz/our-work/violence-and-abuse-of-tangata-whaikaha-maori-and-disabled-people> [↑](#footnote-ref-4)