

July 2023

To the Independent Electoral Review,

Please find below DPA’s submission on the Interim Report of the Independent Electoral Review.

For any further inquiries, please contact:

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# 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 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:**

* **Leadership:** reflecting the collective voice of disabled people, locally, nationally and internationally.
* **Information and advice:** informing and advising on policies impacting on the lives of disabled people.
* **Advocacy:** supporting disabled people to have a voice, including a collective voice, in society.
* **Monitoring:** monitoring and giving feedback on existing laws, policies and practices about and relevant to disabled people.

## UN 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), 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 States Parties in 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 3 – General principles

The principles of the UNCRPD include non-discrimination, and full and effective participation and inclusion in society.”[[1]](#footnote-2)

### Article 9 – Accessibility

Article 9 includes ensuring appropriate measures so that disabled people can, on an equal basis with others, participate fully in all aspects of life. For example, facilities, information, and communications.”[[2]](#footnote-3)

### Article 29 – Participation in political and public life

Article 29 is of such relevance that it warrants quoting in full:

“States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake:

a) To ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected, inter alia, by:

i. Ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use;

ii. Protecting the right of persons with disabilities to vote by secret ballot in elections and public referendums without intimidation, and to stand for elections, to effectively hold office and perform all public functions at all levels of government, facilitating the use of assistive and new technologies where appropriate;

iii. Guaranteeing the free expression of the will of persons with disabilities as electors and to this end, where necessary, at their request, allowing assistance in voting by a person of their own choice;

b) To promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs, including:

i. Participation in non-governmental organizations and associations concerned with the public and political life of the country, and in the activities and administration of political parties;

ii. Forming and joining organizations of persons with disabilities to represent persons with disabilities at international, national, regional and local levels.”[[3]](#footnote-4)

## New Zealand Disability Strategy 2016-2026

Since ratifying the UNCRPD, the New Zealand Government has established a Disability Strategy[[4]](#footnote-5) 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. There are a number of Strategy outcomes particularly relevant to this submission, including:

### Outcome 5 – Accessibility

This Outcome includes a goal that “information and communications are easy for us to access in formats and languages that are right for us” and a priority action to “increase government services’ responsiveness to disabled people”.[[5]](#footnote-6)

### Outcome 7 – Choice and control

This Outcome includes a goal that “plans or decisions that affect, or have implications for us, will not be developed without our involvement or consent” and a priority action to “reduce barriers to disabled people making decisions to determine their own lives”.[[6]](#footnote-7)

# The Submission

The Disabled Persons Assembly (DPA) believes that a broad review of Aotearoa’s electoral system is long overdue. As this review is wide ranging, we have limited our comments to those elements of the electoral system and process that have the biggest impact on disabled people.

We welcome many of the recommendations made in this Interim Report and have a small number of further recommendations that will better serve the needs of disabled people in our electoral system and processes.

DPA wishes to reiterate our disappointment that online voting was ruled out of scope for this review. Telephone Dictation Voting may be ‘secret’, but it is not a disabled person casting an independent ballot. There are many disabled people who would be able to have an independent secret vote if an online voting option was available.

While we understand that it is out of scope to make a recommendation around online voting, DPA would like to see the Final Report highlight that there are disabled people in Aotearoa who still do not have an independent secret vote in general elections, which means that the government is not upholding article 29 a) ii) of the UNCRPD in full.

## Recommendations supported by DPA

DPA is fully supportive of the following recommendations:

* Making electoral law uphold Te Tiriti o Waitangi for all the reasons stated in the Interim Report.
* Redrafting the Electoral Act (1993) particularly because there is outdated language in the Act about disabled people, for example those with mental health issues.
* Holding a referendum on the length of the Parliamentary Term.
* Providing prisoners with the right to vote. Given the large proportion of disabled people amongst the prison population, we fully endorse clarifying and extending rights in this area.
* Lowering the voter age to 16 as recommended in the Interim Report. We do however recommend that the Final Report of the Independent Electoral Commission should go further and state the expectation that disabled young people receive appropriate and accessible education, information and support to enable them to make an informed decision about who to vote for.
* Changes to improve MMP. DPA is supportive of more minority voices being in Parliament and believe that the changes proposed to MMP will promote this.
* Standardising provisions for early voting with those on election day.

DPA is particularly pleased to see the recommendations on the accessibility of voting places for disabled people and we strongly endorse the recommendation that a person need not speak their name to staff at polling places.

## Recommendations not fully supported by DPA

Although DPA supports the majority of the recommendations in the Interim Report, there are several that we do not support, or that we wish to see substantially changed.

DPA believes that political parties should be responsible for making their election material accessible to disabled people, however we do not believe that it is appropriate for political parties to be publicly funded to do this. Accessible information needs to be treated as business as usual, particularly for all information intended for public audiences, so that it becomes embedded in practice across Aotearoa/ New Zealand. It should not be seen as an optional extra that has to be publicly funded.

DPA does not support the scope of the Election Access Fund being broadened to allow political parties funding to make their campaigning materials accessible to disabled voters as this would jeopardise the primary purpose of the fund which is to remove barriers that disabled political candidates face that non-disabled candidates do not face.

Should public funding, such as a repurposed broadcasting allocation, be made available to political parties, then this must be tied to ensuring the accessibility of such broadcasts or other campaign advertising so that disabled people have equal access to the political debate in order to support an informed vote.

DPA suggests that the simplest and most effective way to make television election debates accessible to disabled people is through amending the Broadcasting Act (1989) and/or the TVNZ Charter to mandate accessibility standards for such debates.

DPA would like the Final Report to reference Article 29 of the UNCRPD in terms of the accessibility of all election material.

# Conclusion

While DPA is broadly supportive of the recommendations made by the Independent Electoral Review in their Interim Report, we do feel, in terms of the accessibility of election materials/broadcasting, that the Review have not got their recommendations quite right. We have suggested other ways of ensuring accessibility of election materials/broadcasts for disabled people, which in turn will enable the electoral system to be more equitable for disabled people.

1. United Nations. (2006). *UNCRPD: Article 3 – General Principles.* Retrieved from: <https://social.desa.un.org/issues/disability/crpd/article-3-general-principles> [↑](#footnote-ref-2)
2. United Nations. (2006). *UNCRPD: Article 9 – Accessibility.* Retrieved from: <https://social.desa.un.org/issues/disability/crpd/article-9-accessibility> [↑](#footnote-ref-3)
3. United Nations. (2006). *UNCRPD: Article 29 – Participation in political and public life.* Retrieved from: <https://social.desa.un.org/issues/disability/crpd/article-29-participation-in-political-and-public-life> [↑](#footnote-ref-4)
4. Office for Disability Issues. (2016). *New Zealand Disability Strategy.* Retrieved from: <https://www.odi.govt.nz/nz-disability-strategy/> [↑](#footnote-ref-5)
5. Office for Disability Issues. (2016). *New Zealand Disability Strategy: Outcome 5 – Accessibility.* Retrieved from: <https://www.odi.govt.nz/nz-disability-strategy/outcome-5-accessibility/> [↑](#footnote-ref-6)
6. Office for Disability Issues. (2016). *New Zealand Disability Strategy: Outcome 7 – Choice and control.* Retrieved from:<https://www.odi.govt.nz/nz-disability-strategy/outcome-7-choice-and-control/> [↑](#footnote-ref-7)