

**New Zealand Disability Rights Commissioner Paula Tesoriero**

**Opening Speech to i-CREAtE Conference, Canberra,**

**27 August 2019**

I acknowledge the Ngunnawal people who are the traditional custodians of this land on which we are meeting, and I pay respect to the Elders of the Ngunnawal Nation both past and present. I extend this respect to all Aboriginal and Torres Strait Islander peoples present here today. Thank you for your welcome.

E ngā mana, e ngā reo, raurangatira mā

Tena koutou katoa

Ko Paula Tesoriero ahau

Ko au te Kaihautu Tika Hau

Atanga mō te Kāhui Tika Tangata ki Aotearoa Nō reira, tēnā koutou,

tēnā koutou, tēnā koutou katoa.

Mauri tangata, Mauri ora

## **Assistive Technology from a Disability Rights Perspective**

Thank you for the opportunity to talk to you all today. I am Paula Tesoriero, the New Zealand Disability Rights Commissioner. My role is to promote and protect the rights of persons with disabilities in Aotearoa New Zealand. I have been in the role for two years now.

I acknowledge the CREATE ASIA Alliance for your vision in bringing this conference to Australia, which New Zealand is co-hosting through Trans-Tasman collaboration. Thank you for inviting me to participate. I look forward to seeing the fruits of the regional collaboration that Create Asia represents.

I also acknowledge the ongoing support for the Alliance from your Guest of Honour Princess Maha Chakri Sirindhorn of the Kingdom of Thailand.

I have been asked to talk about assistive technology from a disability rights perspective.

As an amputee, I can speak about this subject from very personal experience.

There's a saying that reflects the social model of disability - diversity is about having a seat at the table, inclusion is about having a voice, and belonging is about having that voice heard.

Disabled people developed the social model of disability because the traditional medical model did not explain their personal experience of disability or help to develop more inclusive ways of living.

The social model of disability says that disability is caused by the way society is organised, rather than by a person's impairment or difference. It looks at ways of removing barriers that restrict life choices for disabled people. When barriers are removed, disabled people can be independent and equal in society, with choice and control over their own lives.

Assistive technology is critical in changing the way people interact and engage in society.

It supports our independence, breaks down isolation, and can mean the difference between employment and unemployment. It provides the tools for participating both in the virtual and real world.

For disabled people, the full realisation of our human rights depends on the accessibility of information, products and services. The provision of information can create barriers if it is assumed that everyone can read and understand complicated words and phrases, or that everyone can hear or see the information. Such barriers exist even though most of them could be avoided by careful planning, at no great cost.

### **The International Perspective**

I want to set the scene from an international perspective. According to the Global Report on Disability published by the World Health Organisation in 2011 more than 1 billion people or 15% of the world's total population have a disability. In New Zealand, the rate in 2013 (the last time the figure was calculated) is even higher at nearly 1 in 4 people or 25%.

That report stressed that few countries have adequate mechanisms in place to respond to the needs of disabled people. Barriers include stigma and discrimination, lack of adequate health care and rehabilitation services; inaccessible transport, buildings, information and communication technologies.

As a result, disabled people experience poorer health, lower educational achievements, fewer economic opportunities and higher rates of poverty than non-disabled people.

Assistive technology enables people to live healthy, productive, independent, and dignified lives, and to participate in education, the labour market and civic life. Assistive technology reduces the need for formal health and support services, long-term care and the work of caregivers. Without assistive technology, people are often excluded, isolated, and locked into poverty, thereby increasing the impact of disease and disability on a person, their family, and society.

With an ageing global population and a rise in noncommunicable diseases, the World Health Organisation predicts more than 2 billion people will need at least one assistive product by 2030, with many older people needing 2 or more.

Today, just 1 in 10 people have access to the life-enhancing assistive technology they need. ([WHO](#))

At the 2018 Global Disability Summit nine organisations committed to joining the Global Partnership on Assistive Technology. Hopefully more organisations and countries will join in this partnership to fast-track assistive technologies to enable people to live the lives they want to lead without barriers.

I know there are diverse interests represented in this room - designers, engineers and manufacturers, rehab specialists and OTs, policymakers and funders, educators and students.

In my view, upholding the rights of disabled people and others, like older people, to access the technologies that meet their needs must be central to your discussions at this conference.

## The UN Convention on the Rights of Persons with Disabilities (CRPD)

In 2006, the United Nations drafted the Convention on the Rights of Persons with Disabilities (the CRPD). It came into effect in 2008. 175 countries have ratified the convention.

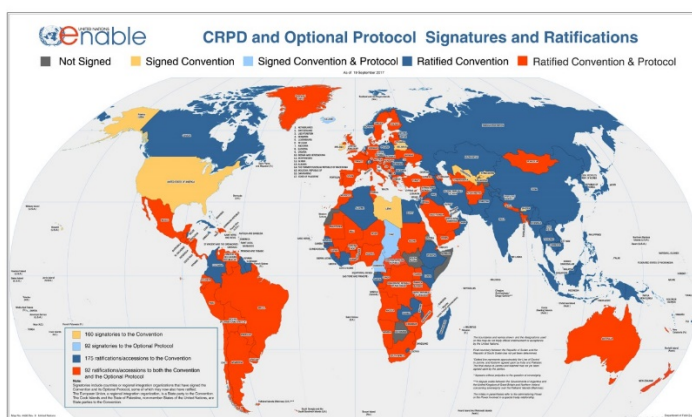
The Disability Convention gives voice, visibility and legitimacy to disabled people. It is aimed at protecting the dignity of persons with disabilities and ensuring their equal treatment under the law including the right to health services, education and employment.

The Disability Convention is effectively a set of standards for governments to implement to ensure that the human rights of disabled people are realised. However, realisation of these rights is slow and variable.

The Disability Convention requires States to ensure disabled people have the full enjoyment of human rights and equality under the law. It does not create new rights for disabled people.

## Map showing CRPD and Optional Protocol signatures and ratifications

This Map from 2016 shows where countries are at in terms of signing and ratifying the Convention and its Optional Protocol.



The Optional Protocol is an additional agreement to the Convention. The Optional Protocol enables individuals or groups, who claim to have had their rights breached under the Convention, to make a complaint to the United Nations Committee on the Rights of Persons with Disabilities.

### **Assistive Technology and the Disability Convention**

The Disability Convention is directly relevant to assistive technology in several key articles. For example,

**Articles 9 and 21** of the Disability Convention are about **information accessibility**. They require the State to facilitate disabled people's independent living and full participation, in all aspects of life, on an equal basis with others.

**Article 20** requires States Parties shall take effective measures to ensure **personal mobility** with the greatest possible independence for disabled people. This includes facilitating timely and affordable access to mobility aids with the necessary specialist training to use it.

States Parties must demonstrate that they are making progress using the resources at their disposal effectively, and that they are not implementing regressive measures.

Assistive technologies can provide solutions or at least lessen the barriers to helping disabled people increase their independence and participate.

But as the Convention recognises, assistive technology can only be an effective tool in the context of the training, practice and support that the person using it needs.

## **The New Zealand situation**

New Zealand has signed and ratified both the Disability Convention and the Optional Protocol yet while progress is being made, we are still far behind where we should be in upholding the rights of disabled people.

The New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993 oblige the wider state sector to “reasonably accommodate” disabled people, that is, provide special services, facilities or information in different formats if it is reasonable to do so. There is also a need for accessible information to be cultural appropriate. Government departments are also required to implement and report on the New Zealand Disability Strategy.

## **Negative attitudes are the biggest barrier**

In New Zealand, just 1 in 4 disabled people of working age are employed. There are multiple sources of support for employers yet disabled people still face misconceptions that they are expensive to employ.

In fact, only 10 per cent of disabled staff need a modification or other reasonable accommodation for their work, and funding for that modification is probably available.

Negative attitudes are the biggest barrier to disabled people thriving.

I feel safe to assume that this is a problem in every country represented in this room. It is a conversation we need to have globally and nationally.

## AT and the NZ Education system

There's clearly a big gap between those that need the technology and those that can access it in New Zealand, and this shows up early in the lives of disabled children.

I'll draw on the experience of an autistic 10-year-old New Zealand girl who waited 18-months to be assessed to get approved for funding for a customised iPad with an app to communicate her needs, feelings and pains. Once she was finally assessed, the technology arrived in a matter of weeks.

The girl had a broken wrist and using the talker was able to say "I feel 'ouch'" and point to the area and also say that she felt anxious.

That was "really helpful" for her Mum and the ability to communicate removed the girl's stress. Her mum wishes that the technology had been available much earlier in her daughter's life.

It's crucial that assessment happens before the age of five so children can start school with a device that will help them in those early stages. Disabled children face more bullying, suspensions and exclusions than other children.

How much of that could be prevented if they had been better able to communicate with their peers and teachers, build relationships, participate more fully in class and the school community and achieve at a higher level with the help of technology? Behavioural issues for disabled children are often a result of frustration and anxiety at not being understood and at being left out.

There's a dire need for more therapists working in education who are trained to assess children with less complex communication needs.

There are students in schools that aren't living up to their full potential because they don't have access to communication technology on a weekly basis.



Increasing funding for assistive communication technology, earlier assessment and increasing the pace of assessments is a critical need.

New Zealand has a rare opportunity to make the most of the current Education reforms and talk about how we create an education system that is inclusive and fit for purpose for all children. Meeting the demand for assistive technology and its supports are part of this.

Next year the United Nations will review New Zealand's implementation of the Convention on the Rights of Persons with Disabilities. This will certainly include critiquing access to assistive technology from the real-life experiences of disabled people in looking at barriers to participation and opportunities for change.

### **Thank you**

Research into innovations that can help disabled people achieve their potential must be supported through the efforts of governments, private and social enterprise. It's great to see some marvellous inventions in assisted technology including through Internet and modern information and communication technologies (ICT). I'm sure many of you in this room have been involved in bringing them to life.

Keep in mind that a human rights-based approach would have disabled people involved throughout these innovative processes from identifying need, to co-design and testing, and setting policy that supports their access to the technology.

Ngā mihi nui - Thank you again for your warm welcome this morning. I wish you all the best for your discussions.