

**Disability Rights in Aotearoa New Zealand:**

**Acceptance in Society**

*A report on what disabled people in New Zealand say about their human rights*

*Finding 3 of the Contract 2013-2016 with the Ministry of Social Development*

Karanga karanga karanga ra,

Karangahia aa Matariki e tohungia ai te oranga hou,

Whakamaharatia tonu nei a raaatou ma kua riro ki te poo

moe mai i te rangimarie, noo reira, okioki atu

Ka rere tonu ngaa kupu whakamihi ki te hunga tautoko, kua tutukina teenei kaupapa i teenei wa, Ma panga ma whero ka oti ai te mahi,

Noo reira, teenaa kautou teenaa kautou teenaa taatou katoa.

# Disability Rights in Aotearoa New Zealand: Acceptance in Society

This project was supported by the New Zealand Government through the Ministry of Social Development. It was administered by the Article 33 New Zealand Convention Coalition Monitoring Group, a collaboration of NZ Disabled People’s Organisations

**Formats**

This report is available in:

* Audio
* Braille
* Easy read
* Electronic text
* Large print
* New Zealand Sign Language

Copies are available through the following organisations:

Association of Blind Citizens of New Zealand Incorporated

Deaf Aotearoa New Zealand Incorporated

Disabled Persons Assembly (New Zealand) Inc

People First New Zealand Incorporated —Nga Tangata Tuatahi

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## Introduction

## Who wrote this report?

This report is published by the Article 33 New Zealand Convention Coalition Monitoring Group (also called the “Convention Coalition”). The Convention Coalition is a group of 8 Disabled People’s Organisations. The members are:

* Association of Blind Citizens of New Zealand Incorporated
* Balance NZ
* Deaf Aotearoa New Zealand Incorporated
* Deafblind (NZ) Incorporated
* Disabled Persons Assembly (New Zealand) Inc
* Ngā Hau e Whā
* Ngāti Kāpo o Aotearoa Incorporated
* People First New Zealand Incorporated —Nga Tangata Tuatahi

All of these organisations are governed by disabled people. They work together to monitor how New Zealand is implementing the United Nations Convention on the Rights of Persons with Disabilities. As monitors of the Convention, they collect information to see how well the Convention is being implemented and if it is making a difference to the everyday lives of disabled people.

### **What is the United Nations Convention on the Rights of Persons with Disabilities?**

It is an international agreement that New Zealand signed in 2007. The Convention says that disabled people should be able to access their human rights, without any barriers.

The role of the Convention Coalition is to make sure that disabled people are fully involved in monitoring how the Convention is implemented in New Zealand. This is a requirement under Article 33 of the Convention.

### **Why was this report written?**

One way that the Convention Coalition monitors the United Nations Convention on the Rights of Persons with Disabilities is by interviewing disabled people around New Zealand. The Convention Coalition trains disabled people to be human rights monitors. The monitors interview disabled people about their lives and experiences, especially if their human rights are being respected.

In 2014 the Convention Coalition interviewed people in Auckland and Wellington. This report shares what we learnt, from what they shared with us in their interviews. It focuses on whether disabled people feel accepted in New Zealand society.

### **How will this report be used?**

This report is released publicly, in multiple formats. Individuals and organisations can use the information in this report in many ways, including to support advocacy efforts to improve the human rights of disabled people in New Zealand.

In particular, Convention Coalition reports are used by a group called the Independent Monitoring Mechanism. The Independent Monitoring Mechanism consists of the Convention Coalition, the Human Rights Commission, and the Office of the Ombudsman. These three independent partners jointly publish reports on their monitoring work.

This report is written for the wide range of people and organisations who work to improve the lives of people with disabilities. Most importantly, it is for the one in four New Zealanders who experience a disability. As much as possible, the report is written in the words of disabled people themselves. We sincerely thank them for sharing their experiences with us.

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## The interviews

## Who was interviewed?

Ninety seven people in Auckland and Wellington were interviewed for the project.

Further information on the sample group for this report is contained in the appendix.

## What were people asked?

The interview questions were developed by a Canadian organisation called Disability Rights Promotion International (DRPI). The same questions are used in several countries around the world. People were asked questions about their lives and experiences over the last five years.

### **What is Disability Rights Promotion International?**

They are an international collaboration that is working towards developing a global disability rights monitoring system. Their approach to monitoring is unique for a number of reasons including:

* All monitoring activity is led by disabled people
* Human rights principles are considered when monitoring specific human rights
* A holistic approach is used that monitors both individual experiences, systems, and societal attitudes. Information from all three of these areas is then combined, to recognise that the “discrimination and isolation of persons with disabilities is complicated, widespread and often ignored.”

The interviews that this report is based on are part of the individual experience monitoring strand of the Disability Rights Promotion International model.

## How is the information from the interviews analysed?

The experiences are classified using the Human Rights principles used in the United Nations Convention on the Rights of Persons with Disabilities. These principles are:

* Dignity
* Autonomy
* Participation
* Inclusion and Accessibility
* Non-discrimination and Equality
* Respect for Difference

Analytical software called NVIVO is also used, which identifies common themes and issues raised by multiple people. This report focuses on common themes and issues relating to the topic of acceptance in society.

Some completed interviews could not be included in the final analysis. Most commonly, this was because of an error or issue with the audio recording of the interview. More detail on this is included in the appendix to this report, which also includes an explanation of the strengths and limitations of this research.

The project received ethical approval from the National Health and Disability Ethics Committee before interviews began.

*It is important to remember that the themes in this report still represent a wide range of individual experiences and feelings. This was explained by one person who said “it doesn’t have to be like every disabled person would be embarrassed in that situation. But I was embarrassed in that situation.”*

## Summary of findings

*This section summarises the full Acceptance in Society report. It also notes some of the links between the report and earlier reports produced by the Convention Coalition.*

*During the interviews, disabled people shared many examples of times when they hadn’t felt fully accepted. These examples ranged from situations where the person felt they were not treated equally by others, to situations where they felt disadvantaged because policies or systems did not meet their needs or were discriminatory.*

*Because our research interview asks very broad questions, many different examples were shared. However there were some common themes and issues.*

**People and attitudes.**

The attitudes of other people was the most common theme.

Some interviewees described how the general public made fun of their disability – by calling them names or mocking their abilities. They reported this made them feel excluded and often stopped them from participating in activities. Some felt that the general public judged them and created barriers. Many complained of being seen as different, or requiring ‘extra’ rights when they were only asking to have the same basic human rights as non-disabled people.

Nearly all disabled people suggested that others made assumptions about them because of labels or stereotypes about disabled people that are present in New Zealand society. These stereotypes included that disabled people are like children who cannot make their own decisions and that disabled people always need help.

Interviewees were also asked how they thought non-disabled people would be treated in a similar situation. The most common theme in response to this question was that non-disabled people had their own choices and could make their own decisions.

**Attitudes and unequal treatment when using services.**

Public transport and taxis were a major area of concern, and an area where discriminatory attitudes and a lack of acceptance by service providers is having a direct impact on disabled people’s access to services and daily lives. Across both Auckland and Wellington there were reports of buses, trains and taxis refusing to take disabled people. The lack of mobility taxis and extra charges for these taxis was also seen as discriminatory. Interviewees noted the shortage of available mobility taxis especially around times that children go to school.

**Attitudes and unequal treatment when buying goods.**

Disabled people often reported unequal treatment when shopping and buying goods. Some spoke of inaccessible shop environments that are impossible for them to enter or navigate. More spoke of the attitudes and assumptions made by retail staff, and the impact this had on them. Some staff did not seem to believe that disabled people would purchase goods, or that they could make their own decision about what to buy. Many examples highlighted the need for better communication, as well as greater awareness.

**Acceptance and discrimination within communities.**

Disabled people from cultural minorities talked more about not always feeling accepted by their community.

Younger people talked about belonging to a range of communities. Being accepted within their online lives seemed important. However examples were given of labelling and discriminatory language being used on the internet, including on social media and online gaming sites.

**Discriminatory systems.**

Most of the examples identified during the interviews were about the actions of individual people. However some examples were given where the interviewee felt a system, policy or process was discriminatory or unfair.

In nearly all of these examples, the key issues identified were inflexible criteria, difficulty finding access to information so that the person could understand the system/policy, difficulty accessing support, and decisions being based on incomplete/inaccurate information. Overwhelmingly, interviewees suggested that better access to information and greater flexibility would assist them most when having to deal with such systems and policies.

A number of issues were raised about the legal system and disability in New Zealand. Overall, it was suggested that the legal system does not appear to have recognised disability as a leading area of discrimination with specific needs.

**Citizenship.**

When disabled people reported examples of both individual discrimination and discriminatory systems, a number remarked that they felt like less of a citizen because of these experiences.

**Ability to challenge barriers and discrimination.**

Most people who reported unfair or discriminatory situations did not make complaints. Some challenged the decisions made with positive consequences, but they were a minority.

A number of barriers seemed to exist for those who wished to challenge discrimination. Some people believed their credibility would be questioned. Others were aware that treatment was unfair but not aware of their rights and did not complain.

These findings are consistent with those in the Convention Coalition’s 2013 Youth Report, where it was noted that there were few reports of people reporting or otherwise taking action about discrimination, and that few interviewees knew what human rights were.

The interviewees felt that increasing exposure to disability and developing more positive relationships was key. A large number of interviewees called for increased education/awareness programmes for the general public. It appears from our interviews that the more a person from the general public is distanced from people with disabilities, the more potential for discrimination.

Interviewees asked to be consulted about their needs, and for people to not make assumptions about these needs. They felt this consultation should be on a system/policy level and well as in personal interactions. Lack of consultation often leads to misunderstandings and discrimination.

## Acceptance in Society

*The focus area for this report is acceptance in society. During the interviews, disabled people shared many examples of times when they hadn’t felt fully accepted. These examples ranged from situations where the person felt they were not treated equally by others, to situations where they felt disadvantaged because of policies or systems did not meet their needs or were discriminatory.*

*Because our research interview asks very broad questions, many different examples were shared. However there were some common themes and issues.*

## Themes

## People and attitudes.

1. The attitudes of other people was the most common theme. As well as being a common theme, a number of interviewees identified it as the most significant barrier for them. When asked “What have been the most difficult barriers or challenges throughout your life?” one interviewee responded “people’s perceptions of disability.”

**General public**

2. Some interviewees described how the general public made fun of their disability – by calling them names or mocking their abilities. They reported this made them feel excluded and often stopped them from participating in activities. Some felt that the general public judged them and created barriers. Many complained of being seen as different, or requiring ‘extra’ rights when they were only asking to have the same basic human rights as non-disabled people. One person explained it this way:

“Disability to me only means … the barriers that society puts in my way to the way I want to live. That’s all it means. Nothing else. We have different impairments but people have different coloured eyes. The world is full of physical differences but disability comes for me when the barriers are put in my way so I can’t live my life with the dignity, respect, autonomy that everybody else can. “

3. Some suggested that non-disabled people not only made assumptions about what they were able to do but sometimes asked intrusive, invasive questions. All interviewees were asked what they thought should happen to improve [or prevent] their experiences in the future. Many requested some form of awareness training or education around disability issues for the general public or specific populations of the general public. It was explained: “…how we portray disability in our community can have a huge impact on how people are perceived. How their disabilities are perceived.” One interviewee suggested that awareness programmes aimed at younger people were particularly needed “I: I think the biggest one is awareness… if there was more talk about it, particularly at a young age where a lot of our views come in. …then I think there would be a lot more acceptance

4. Disability is not always obvious/visible. People who are not obviously disabled are sometimes perceived by others as taking advantage of ‘the system’: “He said to me, where…is your wheelchair? …So he obviously thought that I had no disability and I was just blatantly abusing the car parks.”

**Case Study – Assumptions and Equality in Sport**

5. Examples of assumptions being made about what disabled people can do were reported in almost every interview. While the examples covered a broad range of situations, most talked about how disabled people are often treated unequally or not accepted by others based on assumptions – and that these assumptions are often wrong.

During one interview, Mark (not his real name) reported his experience of trying to participate in a public sports event.

Mark saw an advertisement for an indoor football tournament. He thought it would be a fun social event and was interested in participating as part of a Deaf indoor football team. He decided to register his team for the tournament,

“I contacted them to let them know that I was interested in registering a team, plus I…let them know that the whole team was Deaf and we needed to make sure that the ref was aware of certain details.”

The response was not what Mark expected. “They said, oh no, sorry, football's too fast, the Deaf can't be involved.”

Mark explained that he got “really angry” at this stage.
“I went and visited them and I told them off and I said you can't do that. So I gave them a growling. So they changed their mind and accepted that they were wrong and that they couldn't do that….they accepted our team to participate.”

The experience clearly had an impact on Mark. “I've never experienced that before. I was just really shocked. It really shocked me.”

**Assumptions and labelling**

6. Nearly all disabled people suggested that others made assumptions about them because of labels or stereotypes about disabled people that are present in New Zealand society. These stereotypes included that disabled people are like children who cannot make their own decisions and that disabled people always need help. Many labels were reported, and they often described the person as the disability or problem“…I’ve actually heard [airline name] staff talk amongst themselves and say, you know ‘we’ve got a wheelchair coming to the gate.’ Things like that. *I am a man that uses a wheelchair not a wheelchair coming to the gate.”*

7. After interviewees shared their experiences, they were asked “if you weren’t disabled, would you have been treated like that?” Almost all said no. One response highlighted how some disabled people feel they are often labelled as being abnormal. The interviewee stated that they would probably have been treated differently. “I think he would have treated me as a normal person.” The monitor clarified, “so, he didn’t treat you like a normal person?”. “ No he didn’t. He more or less treated me like a – like a little child that didn’t know anything better….. it was his own assumptions or his own thought process, not thinking before he spoke. He was making assumptions over people’s disability, not the person and what they can do.”

8. Interviewees were also asked how they thought non-disabled people would be treated in a similar situation. The most common theme in response to this question was that non-disabled people had their own choices and could make their own decisions. It was also suggested that non-disabled people were mainstream and would have their needs met: “…they are part of a mainstream so things are often provided for mainstream things, often disability is a bit of an afterthought or including disability is a bit of an afterthought. So I think that often, as a society, we think of mainstream. Then we think of disabilities. This means that people in the mainstream get their needs met and people with disabilities sometimes do but sometimes they don’t.”

**Acceptance and disabled people’s attitudes about themselves**

9. Disabled people’s own perceptions and beliefs about themselves were also identified as a potential issue. Some people gave examples where they chose not to go to places or events because of their own self-stigma.

10. Throughout the interviews there was a strong theme that discrimination was common, but that it was still unacceptable and caused great distress to some disabled people. However some interviewees suggested that disabled people’s own attitudes about themselves or about their disability were one key part of getting around discrimination. One interviewee explained how she felt having a positive attitude helped: “I think a lot of discrimination is maybe there but the motivation to overcome it or to join in is the key issue in how people’s attitudes are to you. I’m sure you have both found that. That it is your attitude that makes all the difference in the world. If you are going to sit there and say poor little me they are going to treat you like that.”

11. Other interviewees spoke of the negative impacts of pressure to present a positive image to prove that assumptions about disabled people are wrong and to be accepted in society. “In some ways I feel like I try too hard to be that kind of disabled person….. I try and make myself look as acceptable as possible and as normal as possible. And it's really hard and exhausting and upsetting. And it'll never work ever because I can't hide. I feel like I do try really hard to meet those standards. I am also angry about that but I'm also still trying really hard to meet those standards you know. Trying really really hard to be competent and hard working and you know, *acceptable, to be ok.”*

## Attitudes and unequal treatment when using services

12. Public transport and taxis were a major area of concern, and an area where discriminatory attitudes and a lack of acceptance by service providers is having a direct impact on disabled people’s access to services and daily lives. Across both Auckland and Wellington there were reports of buses, trains and taxis refusing to take disabled people. In some instances taxis arrived and then drove off immediately when seeing a guide dog or the person’s disability. If they did pick the person up, they would often not assist the person with a ramp and would immediately start driving before the person was seated. This caused distress and was potentially dangerous. Many drivers were described as rude, and comments such as “I’ve never had your kind before” – referring to a person in a wheelchair – were reported.

13. However a number of people also praised some taxi drivers for the extra effort they made to meet the disabled person’s needs. This included assisting people into venues - especially when the taxi needed to park some distance away, or taking them to regular shopping places, meeting them off the plane. The interviewees suggested that, for them, it was important to have a regular contact person or driver and form a positive relationship with this driver.

14. The lack of mobility taxis and extra charges for these taxis was seen as discriminatory. Interviewees noted the shortage of available mobility taxis especially around times that children go to school and suggested it is almost impossible to access a mobility taxi at this time. One interviewee discussed wanting to attend an event at night in Napier. She was unable to hire a mobility taxi because they did not work after 10pm. A taxi, if available, would have cost her $160. The interviewee notes that had buses been running at this time, she would have paid $5.00 each way. She explained why she felt this was discriminatory: “I think I feel that way because they, I think the root of it is they don’t see me like any other person so why should I be treated differently? Why, you know, why should I have to fight for this when anyone can jump in a taxi, anywhere…You know, they might have to wait ten minutes for it to arrive but you know……I would be happy to [wait] knowing it was coming but when you get a oh, no, oh no, we won’t be running a service that night, it’s too late at night, our drivers don’t drive then….for non-disabled people, there’s always an option of transport, it doesn’t matter whether it’s a sedan, a wagon or a van that the taxi turns up in, picks a non-disabled person up in, it’s 24/7.”

## Attitudes and unequal treatment when buying goods

15. Shopping and buying goods is an everyday experience where disabled people often reported unequal treatment. Some spoke of inaccessible shop environments making it impossible for them to enter or navigate a store. More spoke of the attitudes and assumptions made by retail staff, and the impact this had on them. Some staff did not seem to believe that disabled people would purchase goods, or that they could make their own decision about what to buy. Many examples highlighted the need for better communication, as well as greater awareness.

***Case study: “They didn’t believe I was capable of buying a TV.”***

16. Sam [not his real name] told the monitors about his experience buying a television. He started by saying he was completely ignored by shop staff - they did not value his time and they messed him around. He was ignored for roughly twenty minutes before he was served.

Sam felt angry. “It's like they don't value me as a customer or they don't believe that I could possibly want to buy a TV. And I just felt like you know if you're not gonna treat me well then I don't wanna buy something off you.” Sam felt that he was badly treated because people had made assumptions about his disability. “I guess just, I don't wanna say prejudices, but preconceived notions of them thinking that I'm stupid or mentally not all there I guess. And just assuming that I couldn't possibly want to, couldn't possibly afford, something like that, you know.”

The monitors reviewed Sam’s experiences with him, and asked him what he thought would have made a difference. “If I'd felt I guess confident enough or assertive enough to say well I'm here and I'd like to be served please then I would have felt much better about the experience. I would have felt like I was treated like a individual or like a equal or……a genuine customer.”

**Assumption, ignorance or discrimination?**

17. Many interviewees felt that discrimination happened because assumptions were made about their disability, but some felt that the discrimination was indirect and not completely linked to their disability. These interviewees thought it was important to consider these situations separately as ‘indirect discrimination’. Many of these examples of indirect discrimination were suggested as areas where more education could make a significant difference. One example given was about some taxi drivers not accepting guide dogs in taxis. The interviewee explained that “I think it's really just they don't like the dog. It's not about being blind. So you can't say that it's necessarily based on a discrimination against blind people or even disabled people. But of course the *effect* is to discriminate…This I think is just an indirect discrimination. They don't like dogs and they don't feel they need to take them so the effect is discriminatory but I don't think it's based on some kind of "I don't like blind people in my taxi"….But without them actually understanding that these dogs are legally allowed to be ... any kind of service dog is legally allowed to be in a taxi and that they need to deal with that. So it's ignorance too.”

**Multiple discrimination**

18. Some interviewees talked of experiencing more than one type of discrimination, particularly around their race and having a disability. One young man felt that he was discriminated against by the police because of his culture, mobility aid and because he was young. Another man described multiple discrimination issues around his disability and sexual orientation. Whilst many male interviewees suggested that it must be more difficult to be a woman and have a disability, female interviewees did not note this as being an area for concern. More research needs to be conducted into gender and other forms of discrimination and disability.

## Acceptance and discrimination within communities

19. New Zealand society is multi-cultural and rapidly developing. Some interview themes were identified that related to particular parts/communities within our society. These are discussed below.

## Cultural communities

20. Discrimination often happens because people have stigmatising beliefs about others. Disabled people from cultural minorities talked more about not always feeling accepted by their community. One person from a pacific island culture explained: “… like in all Island cultures there is a stigma around disability that the reason why your son or your daughter has a disability is your family did something like a sin and sinned quite terribly and so that was the curse to be brought upon your family. That is pretty much the bad, negative extreme. My parents were no where near that but they still detested, like many other Islander parents they detested us, their disabled community, their disabled youth from being physically active or being out in the community. It’s more of a shameful display if we are to be out there.” The monitors went on to ask “You were supposed to be hidden?” “Yeah….I would go to school then come straight home after that. I didn’t have much of a social life, couldn’t have friends sleep over. I guess I wasn’t really sheltered but I was just really closed off from the rest of the world.”

21. One interviewee felt a clash between their family/cultural attitudes and New Zealand attitudes, and that were not fully accepted by people in any part of their life. “It’s hard getting animosity from home and going out into the community and seeing even more of it and then coming home. It is just like a never ending cycle of being judged and being ridiculed. People telling you something you should be but you actually don’t want to be.”

## Online communities

22. Particularly for younger disabled people, being accepted within their online lives seemed important. However examples were given of labelling and discriminatory language being used on the internet, including on social media and online gaming sites.

23. One interviewee explained an example he regularly encountered that he found troubling. The interviewee was part of an online gaming community, and played a number of strategy games. He explained that “once you make a stupid play or start giving the enemy kills most of the references are to you being a downie which is the fact that they are referring to someone who has Down’s syndrome……and so it’s really hard because you can’t be a keyboard warrior and hiding behind a screen which is really stupid. There are lots of things I could say to people who use that reference but I can’t because it actually means nothing. At the end of the day that is the end of the match and you probably never going to see that person again online. I found that use of reference is real disheartening thing to me.”

## Discriminatory systems

24. Most of the examples identified during the interviews were about the actions of individual people. However some examples were given where the interviewee felt a system, policy or process was discriminatory or unfair.

25. In nearly all of these examples, the key issues identified were inflexible criteria, difficulty finding access to information so that the person could understand the system/policy, difficulty accessing support, and decisions being based on incomplete/inaccurate information. Overwhelmingly, interviewees suggested that better access to information and greater flexibility would assist them most when having to deal with such systems and policies.

26. One example involved a person who was on a benefit but wanted to return to work. They were told by staff working in the health and social welfare systems that they were not eligible to get support to go back to work unless they worked over a certain number of hours. However the person felt that set number of hours was too high at that time. The person found this very frustrating: “I felt like it was a very unfair situation because I feel as though being able to work would make a big difference in my life and would actually contribute to the community and society…. it seems quite stupid for them to not help me get back to work. It makes me feel discriminated against…..[I feel like] I am excluded from support because I don’t fit in …the criteria….., it’s policy and I presume that it’s set by government……. I don’t know who made those decisions but they are – they seem to be very concrete.”

27. Some examples involved discrimination across multiple systems or organisations. In particular, one person felt that there was “absolute discrimination through the system” because they had made complaints to multiple agencies that had not been resolved. Either agencies passed the complaint on, didn’t respond, or didn’t have the resources to investigate.

**Legal system**

28. A number of issues were raised about the legal system and disability in New Zealand. Overall, it was suggested that the legal system does not appear to have recognised disability as a leading area of discrimination with specific needs. One person who is involved in legal action in the family court suggested: “I don’t think the information exists. If you go to the Justice website they do have good information about the family court process and the different options that the judges and lawyers can go through, such as family conference that kind of thing. But there is *nothing* about disability and the implications of disability and how that factors into the court’s decision.… in my experience the judges look at me and see me as a liability to my daughter." Another interviewee described a similar experience in a custody case involving his child and former wife. He stated “all the way through the process [my ex wife] gets treated like she's normal and I get treated like I'm defective by all but one judge.”

29. Several interviewees noted the lack of free specialised legal assistance, either from Legal Aid or from free legal community agencies. Often funding for legal representation was restricted to cases that were directly related to the person’s disability e.g. discrimination in the workforce, but not in issues such as custody.

30. One interviewee noted that he and some of his colleagues who had disabilities were not afforded reasonable accommodation when training and therefore were not able to get enough practical experience to become lawyers. This meant they were not able to participate in the profession of their choice.

### **Citizenship**

31. Some interviewees talked of their desire to fully participate in their communities. “it's my right to participate as a community member I should be able to participate. I want to be able to enjoy my life the same as [others]. I really want to participate where I can within the community.”

32. When disabled people reported examples of both individual discrimination and discriminatory systems, a number remarked that they felt like less of a citizen because of these experiences. One suggested that they felt people saw them as “not a full human being.”

33. One woman described being ignored and feeling like a lower class citizen when decisions about her children were made without her involvement:

“I felt they had treated me like a lower class citizen, like an animal almost….my identity of being a mum was gone. I … got really angry at the nurse and the doctor, felt like I was fighting. I wanted them to see that I am his mum, not anybody else. Nobody else can make decisions for him. I'm his mum I know him best you need to talk to me. I felt lost.”

34. One person said he felt like a second class citizen when people talked to his support person instead of to him:

“I get a guy…. to help me with my weekly groceries and stuff. And if he's around then quite often the shop assistants will talk to him rather than to me. So that's quite frustrating and it makes you feel like you're some sort of second class citizen or like you don't exist you know.”

35. At the centre of many similar reports, was that disabled people are being treated in ways that would not be acceptable to non-disabled people:

“The woman was asking me for something and I had my wallet open in front of me, I was holding onto my wallet and she was asking me something and….I didn’t understand her… I told her I was Deaf, I had asked her to write it down and she was like, “Oh!”, and she reached over and grabbed one of my cards out of my wallet, and I was just stunned, you know? That was so disrespectful to me. This is my wallet, my personal property and I felt really, like she’d come way over my boundaries there …. It made me feel somehow a lesser citizen, somehow. It made me feel disrespected…..I’m sure that it’s not acceptable for someone to reach across a counter and reach into your wallet. I have never seen that happen in another situation. That behaviour is not acceptable for non-disabled people. You don’t do it with non-disabled people, why do you do it with disabled people?....I felt like I was being treated very differently.”

36. While most examples related to interactions with individuals, there were also some examples where the person felt a system or law was not supporting them to enjoy the full rights of citizenship.

“[It] made me feel like a second class even third class citizen that to begin with the building code is so lax even with new builds….there was nowhere even in a house or a subdivision that's two years old, a year old, eighteen months old, none of them have accessible wet area or any sort of accommodation for people with disabilities.”

### **Ability to challenge barriers and discrimination**

**Complaints**

37. Most people who reported unfair or discriminatory situations did not make complaints. Some challenged the decisions made with positive consequences (e.g. not including a Deaf team in a sports competition or bullying at work) but they were a minority.

38. A number of barriers seem to exist for those who wish to challenge discrimination. Some people believed their credibility would be questioned. They were concerned they were seen as having “a chip on the shoulder”, or that others would see the experience being complained about as trivial or unimportant, and diminish the impact of the issue on the disabled person. Many felt they would not be believed at all – particularly if it was their word against an employer.

39. People with intellectual disability or psychosocial disability were more likely to feel they would not be believed if they made a complaint. Many suggested they hadn’t been listened to in the past. One said, “if a person with a disability speaks up about an issue, [and] that person doesn’t believe them, then that’s quite sad. Just because a person’s got a disability, they have a voice, they have to speak and they have to be listened to. And to me, sometimes, we’ve not been listened to, been heard. Sometimes I feel like we are just locked away”.

40. As well as feeling they wouldn’t be listened to, some felt that their complaint would be attributed to their illness. “They used it, as a way of explaining why I was complaining, rather than looking at my complaint. So, the reason I’d been complaining was not that I’d been sexually violated at all, the reason I was complaining was that there was something mentally wrong with me.”

41. When talking about complaints involving government agencies, some people suggested that they felt they needed to be grateful for any assistance, regardless of whether it was suitable or not. Often complaints were of a very personal nature and many people felt that they would not be acknowledged, investigated or have a positive result. Some felt that it took too much energy to complain. Often people felt there wasn’t enough support available to make a complaint e.g. no interpreters were available so they could not make a face to face complaint.

42. Interviewees felt they had little or no choice when making a complaint. One person explained that she would have been more satisfied with the complaints process if she had been able to make more decisions/choices herself. “If they had just provided me with some support, not just left me hanging asking questions and given me some feeling that I had control over my life then I would have been a bit more satisfied with the whole process. But I felt I had to be led along their path and if it worked or not, but at the end of the day it felt like it was their decision and it would have been nice if that had been my decision to make, my choices, my pathway, my journey."

43. Some interviewees were aware that treatment was unfair but not aware of their rights and did not complain. For example, one interviewee said ”It was a very difficult school for me to get around as well so I guess I became quite isolated. But that wasn’t anything to do with my human rights being violated it was just things that came up because of my disability."

44. However, some people did feel accepted and supported – and highly valued this support. Some people reported receiving support from organisations "I spoke up because I knew how to speak up because I was part of the People First. And so I spoke up because I didn’t like how I’d been treated." One younger interviewee found social media was very helpful for raising complaints and making change happen. Others talked about the support of individual community members: “first of all there were the people who told me what had happened. So they felt the need because they had seen what had happened, they felt the need to tell me because they knew that I hadn't seen what had happened. So that was a good thing. And that's not an unusual thing. There are lots of observant people around and if they see something that a blind person is being taken advantage of or ought to know, and they can see the blind person doesn't know, could not possibly be aware of something then they will point that out.”

**Positive discrimination**

45. Sometimes, discrimination can be positive. Treating a group differently can result in a better outcome for that group. Importantly, very few examples of positive discrimination were identified in the interviews.

**Making change**

46. Throughout this report, it is clear that attitudes to disability need to change, both with the general public and in organisations/services. Interviewees felt that increasing exposure to disability and developing more positive relationships was key. A large number of interviewees called for increased education/awareness programmes for the general public. It appears from our interviews that the more a person from the general public is distanced from people with disabilities, the more potential for discrimination.

47. Interviewees asked to be consulted about their needs, and for people to not make assumptions about these needs. This consultation should be on a system/policy level and well as in personal interactions. Lack of consultation often leads to misunderstandings and discrimination.

**Acceptance in society, non-discrimination and equality**

48. Non-discrimination and equality are human rights principles used in the United Nations Convention on the Rights of Persons with Disabilities.

49. Throughout these interviews, hundreds of experiences have been shared. In almost all of these, people reported feeling discriminated against or not feeling equal to others.

50. Non-discrimination and equality are very high-level principles. Yet the interviewees in this project talked of many simple things that would make a significant difference to their lives, and make them feel more accepted within society. One person with an intellectual disability emphasised the importance of getting to know others.

“You got to get to know the person….And I can teach them about my needs, I can teach them what they need to do to make more people included ……..I want a group to be more accepting. Even if it takes time for the group to get to know that person. Give them a chance.”

51. The United Nations Convention on the Rights of Persons with Disabilities is an international document. However many interviewees agreed that the principles were still relevant for New Zealand society:

52. “Yes, there’s definitely discrimination in New Zealand. I mean, I think that as far as human rights are concerned, we do have a long way to go…… that’s a world-wide thing, respecting others is something that the whole world needs to learn. A little bit of politeness and respect goes a long way.”

# Appendix

# Research method and limitations

This report is part of a wider research project by the Article 33 New Zealand Convention Coalition Monitoring Group. The aim of the research is to monitor the implementation of the United Nations Convention on the Rights of Persons with Disabilities. This appendix includes brief information on the research method used for the project, and the strengths and limitations of this report. It should be read together with the section in this report titled “The Interviews”.

The project follows a method developed by Disability Rights Promotion International (DRPI). The research is undertaken by disabled people who are trained to interview other disabled people about their experiences. A semi-structured interview is used that is based on the human rights principles in the United Nations Convention on the Rights of Persons with Disabilities. More information on the research method is available online at <http://drpi.research.yorku.ca/> along with reports from similar projects in other countries.

## The Research Project

The project consists of multiple rounds of interviews in sites across New Zealand during the period 2014-2016.

## The Interview Sites

This report includes information from the first round of interviews in Auckland and Wellington. These interview sites were defined as follows:

The Auckland site was defined by electorates. The electorates included were East Coast Bays, North Shore, Northcote, Auckland Central, Te Atatu, Mt Albert, Waitakere, Epsom, Tamaki, Pakuranga, Botany, Mt Roskill, Maungakeieke, Mangere, Manukau East, Manurewa, New Lynn and Papakura.

The Wellington site included the electorates of Wellington Central, Rongotai, Ohariu and Hutt South.

Both of these sites are urban areas, and many of the themes raised by interviewees clearly related to urban living. Future interview sites will provide a rural perspective.

## Selecting Interviewees

The ‘snowballing technique’ was used to recruit interviewees. The 8 Disabled People’s Organisations that are part of the Article 33 New Zealand Convention Coalition Monitoring Group were asked to nominate the first people to be interviewed. Then each interviewee was asked to nominate another two people to participate.

Demographic information from New Zealand sources was used to set targets for different characteristics (for example, age, gender, disability type) to ensure the group of interviewees was as balanced as possible.

## The Interviewees

Ninety seven people in Auckland and Wellington were interviewed. All interviewees had to be over 18 years old and have a disability.

Some completed interviews could not be analysed, mostly due to issues/errors with the audio recording of the interview. Most of these interviews occurred at the start of the interview period. When the issue was identified changes were made to how the audio recording was completed and the issue was largely resolved. Other reasons for exclusion included that the examples discussed by the interviewee happened in another country, or later finding that an interviewee was not within the age range for the research. In total, 80 of the interviews were able to be analysed.

In the Auckland interviewee group, 25 were female and 20 male. Disability types reported included mobility (19), sensory (15), intellectual (8), psychosocial (2) and other disability (1). Most were in the 18-44 year old age range (23 interviewees). 12 were aged 45-64 years and 2 were 65 or older.

In the Wellington interviewee group 18 were female and 17 male. Disability types reported included mobility (15), sensory (9), intellectual (4) and psychosocial (7). Most were in the 18-44 year old age range (18 interviewees). 10 were aged 45-64 and 4 were 65 or older. Age information was not recorded for all interviewees.

The demographic characteristics of the interviewee group were compared to the targets that were set. On the Wellington site all targets for gender and disability type were met, except for the “other disability” type. In Auckland the number of people with psychosocial disability was significantly below the target set. Most other targets were met or close to being met. Across both sites, the number of interviewees in the 65 or older age group was low. Also across both sites the number of interviewees with intellectual disability was high - almost three times the target number. This was considered a significant strength.

## Limitations

One limitation of the first interview round was that Maori and Pacific people were not specifically engaged/considered as a target population. Ensuring that this monitoring method is culturally appropriate for disabled people in New Zealand is an ongoing focus for future interview rounds.

In some areas, interviews were limited because it was difficult to find sufficient interviewees. It was particularly difficult to find interviewees over 65 (across all disability types), and interviewees with psychosocial disability. In some cases this was because we couldn’t identify potential participants using the snowballing technique. In other cases, individuals or services denied us access to potential participants.

## Language and definitions

**Monitor and Interviewee**

In this project “monitor” means the person conducting the interview. The person being interviewed is the “interviewee”.

**Disability type**

The Disability Rights Promotion International tool describes different types of disabilities. Their categories are: Mobility, Sensory (Blind/Low vision, Deaf/Hard of Hearing), Intellectual, Psychosocial, Others. As this study is based on the research design by Disability Rights Promotion International (DRPI) and is part of a sequential study, DRPI language and definitions are used for continuity and comparability.