Submission on the Human Rights (Disability Assist Dogs Non-Discrimination) Amendment Bill

Disabled Persons Assembly NZ Inc.

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**Introducing Disabled Persons Assembly NZ**

The Disabled Persons Assembly NZ (DPA) is a pan-impairment disabled person’s organisation that works to realise an equitable society, where all disabled people (of all impairment types and including women, Māori, Pasifika, young people) are able to direct their own lives. DPA works to improve social indicators for disabled people and for disabled people to be recognised as valued members of society. DPA and its members work with the wider disability community, other DPOs, government agencies, service providers, international disability organisations, and the public by:

* telling our stories and identifying systemic barriers
* developing and advocating for solutions
* celebrating innovation and good practice

**UN Convention on the Rights of Persons with Disabilities**

**Government accountability**

The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) provides the mandate for disabled people to hold the Government to account on ensuring the full and equal enjoyment of all human rights by disabled people.

**Partnership with DPOs**

The implementation of the UNCRPD depends on a partnership between DPOs and the Government. This is highlighted in Article 4.3 which says governments shall consult closely with and actively involve disabled people, including disabled children, through their representative organisations. This partnership goes beyond just consulting with disabled people, it mandates Governments to actively involve disabled people and our organisations in everything that affects us.

**UNCRPD is the minimum standard**

DPA upholds the UNCRPD as the minimum standard for our participation in society.

**The Submission**

DPA strongly supports this bill. It must be clear that discrimination against a Disability Assist dog amounts to discrimination against a disabled person. The refusal of service to someone who has with them a Disability Assist dog must be prohibited. By refusing a service, the primary reason for having a Disability Assist dog - to enable and enhance normal day to day living for a disabled person - is negated.

**Main articles of the UNCRPD relevant to this submission**

Two of the main articles of the UNCRPD relevant to this submission are articles 4 (Clause 1, sub- clause (e)) and article 5 (clauses 1 and 2)..

***Article 4 – General obligations***

***1. States Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability. To this end, States Parties undertake:***

***e) To take all appropriate measures to eliminate discrimination on the basis of disability by any person, organization or private enterprise;***

***Article 5 – Equality and non-discrimination***

***1. States Parties recognize that all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law.***

***2. States Parties shall prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds.***

Taken together these articles affirm the right of disabled people to be free from discrimination on the basis of disability.

**The Role of Disability Assist Dogs**

Disability assist dogs play a critical role in supporting disabled people to access their rights and live independently.

Guide dogs give people who are blind, deafblind, or have low vision, freedom and independence by helping them to get around safely and confidently.

Epilepsy Assist Dogs are trained to keep people safe from harm during a seizure.

Hearing Dogs are trained to alert their recipient to everyday sounds such as the doorbell, text messages, baby monitor, timer, or smoke alarm.

Assistance Dogs are individually trained to meet the specific needs of their client, which includes support with improving fine and gross motor skills and providing safety.

Mobility Dogs are trained to help people living with an impairment with everyday tasks. Each dog is trained to:

* Retrieve and carry items – such as help load and unload the washing.
* Deliver items to a person
* Open and close doors and drawers
* Press buttons for elevators and pedestrian crossings
* Help with payments in shops
* Assist with daily activities such as dressing and undressing
* Turn lights on and off

Not only do Disability Assist dogs provide assistance to disabled people in a variety of ways, they also provide essential companionship, emotional support and a connection to the community which leads to improved mental wellbeing.

This is something that is particularly relevant given the disproportionately high levels of loneliness that many disabled people in NZ experience - as highlighted in the recent report “Still Alone Together” by the Helen Clark Foundation.[[1]](#footnote-2)

Members have told DPA that having a Disability Assist dog means that their day-to-day life is greatly enhanced. One member who has a Hearing dog told us the following

“*A hearing impairment can lead to social isolation and depression… So many places have alarming amounts of background noise which makes it impossible at those venues, to fully participate in a social gathering. The choice often is made simply not to go. Having a hearing dog means that people readily identify with the fact that there is an invisible impairment, and there is a greater acceptance of and care taken when communicating with me.”*

**Discrimination Against Disabled People**

Numerous surveys and studies show that disabled people experience discrimination at significantly higher rates than non-disabled people and this appears to be increasing.

According to Stats NZ, 40 percent of disabled people said they had experienced discrimination in the previous 12 months, up from 30 percent in the June 2020 quarter. This compares to 19 percent of non-disabled people in both the June and December 2020 quarters. [[2]](#footnote-3)

A person with a Disability Assist dog is not accepted unless the Assist dog is.  Any reasonable access situation where a disabled person is impeded or denied free movement or participation or a service due to their Disability Assist dog poses a problem.  While DPA is not aware of formal studies that specifically highlight the level of discrimination that disabled people experience on the basis of their Disability Assist dog, anecdotally we are aware of many occasions of this occurring in NZ.

In particular members have shared with DPA the following experiences of discrimination due to having a Disability Assist dog with them:

1. Denied access to restaurants, motels, malls and stores
2. Refused a loan car from a panel beater
3. Denied access onto public transport
4. Denied access to a vaccination venue by a security guard
5. Multiple incidents of taxis driving away when seeing that there is a Disability Assist dog with a passenger.
6. Denied rental property
7. One Local Council initially refused a member with a Disability Assist dog access rights to public spaces including the town centre itself.

**More Public Awareness is Urgently Needed.**

From member feedback, it is very clear to DPA that in addition to amending the Human Rights Act, there needs to be a public awareness campaign to lift the profile of Disability Assist dogs and increase understanding of the vital role they play for many disabled people.

The wider public need to understand that Disability Assist dogs are highly trained, often to international standards . They undergo extensive socialization as puppies and training to ensure that they are able to handle a wide range of public situations such as traffic, children, public transport and crowds.

Such a campaign needs to reach people in key jobs such as security guards, taxi drivers and store operators, many of which are not aware of the status of Disability Assist dogs in New Zealand. DPA asks select committee members to support funding being set aside for such a public awareness campaign.

1. [Still Alone Together | The Helen Clark Foundation](https://helenclark.foundation/publications-and-media/still-alone-together/) [↑](#footnote-ref-2)
2. [Disabled people still faring worse than non-disabled people | Stats NZ](https://www.stats.govt.nz/news/disabled-people-still-faring-worse-than-non-disabled-people) [↑](#footnote-ref-3)