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| Speak Up 15 June |
| Male | This programme was first broadcast on Canterbury’s community access radio station Plains FM 96.9 and was made with the assistance of New Zealand on Air. |
| Female | Coming up next conversations on human rights with “Speak Up” – “Kōrerotia”, here on Plains FM. |
| Sally | E ngā mana, E ngā reo, E ngā hau e whāTēnā koutou katoaNau mai ki tēnei hōtaka: “Speak Up” – “Kōrerotia”. Join the New Zealand Human Rights Commission as it engages in conversations around diversity in our country. Tune in as our guests “Speak Up”, sharing their unique and powerful experiences and opinions... May you also be inspired to “Speak Up” when the moment is right.Welcome to the June 2016 show of “Speak Up” – “Kōrerotia”, this is the last of the Human Rights Commission sponsored shows and it will be continuing but independently of the Human Rights Commission. I’m Sally Carlton based here in Christchurch and our topic today is racial discrimination. We’re going to be thinking about what is racial discrimination: What constitutes it? What can people do about it? All sorts of big and quite difficult to answer questions I suspect. We’ve got three guests with us today: Maria Hansen who is one of my colleagues with the Human Rights Commission here in Christchurch; nice to see you here, Maria. Selene Mize who is from the University of Otago and Rosa Hibbert-Schooner who is representing both Middleton Grange School and is also here in her capacity as the winner of the Canterbury heat of the Race Unity Speech Awards. And just once, again Rosa, congratulations because it was a fantastic speech. Now if you could all please introduce yourselves that would be fantastic.  |
| Maria | Hello, I’m Maria Hansen, I’m a mediator with the Human Rights Commission and we are discussing race complaints today but we also have of course a number of other areas we deal with such as disability, age, gender, harassment and it’s a fascinating role.  |
| Selene | Kia ora everyone, I’m Selene Mize, I’m an Associate Professor at the Faculty of Law at the University of Otago. One of the classes I teach is civil liberties that covers discrimination as well as censorship protest and other types of issues like that. I have a particular research interest in indirect discrimination and I’ve written a long article on that for the *New Zealand Law Review*.  |
| Sally | And I guess we’ll learn more about indirect and direct discrimination as we continue through.  |
| Rosa | Hi I’m Rosa, I go to Middleton Grange, I’m a 15 year old Māori and I think I’ll talk about my experiences of being a teenager and discrimination throughout society and in school and from kid-to-kid.  |
| Sally | It’s going to be really valuable to have such a young perspective, I think you’re probably the youngest guest in “Speak Up” – “Kōrerotia” so it’s going to be really nice having that perspective coming to the discussion. To kick off I thought maybe we could start with trying to - and I’ll stress here *trying* - to define the issue. What is discrimination and what is racial discrimination? And I guess there are multiple ways of approaching this. Is it a legal definition or are there other ways that people look at it? So I open the floor to whoever would like to comment on that.  |
| Maria | For the purposes of the Human Rights Act there are legal definitions and they’re quite well worded. There are things like detrimental treatment by reason of race, detrimental meaning disadvantage or something bad happening by reason of someone’s race. There’s racial harassment which is probably our commonest workplace type of race discrimination and that’s repeated or significant behaviour so words or behaviour, making fun of people, put downs, some of the ones recently that I dealt with were the phrases Arab terrorist, nigger, darkie, curry muncher, pom and Irish jokes came up, they’re examples of racial harassment. And there’s refusal or denial, so refusing someone accommodation or employment or access to goods and services because of their race. Having said that, in reality people do allege that these things have occurred and sometimes it isn’t actually their race that is the real issue. Nevertheless there will be examples where evidence is hard to get but that person has a real strong sense that something has happened and they may well be right.  |
| Sally | Have you got anything to add to that, Selene?  |
| Selene | Well issues of proof is one of the things I’m particularly interested in and I think that we’re going to talk about that later in the programme. I do accept that a lot of times that people on both sides of an issue feel that they are in the right, someone may feel that they’ve been discriminated against and the person that they think discriminated against them equally strongly feels that they have not discriminated and it’s one of the problems. I think sometimes we have this view of someone who would be discriminating as somebody who is always intentionally doing it. They’re saying, “Boy I hate people from this race and I don’t want them working for me or I don’t want them using my restaurant or other things” but a lot of times… I mean, I can’t deny that there is some of that and people that try to quantify it sometimes put it at about 10% of the discrimination issues - but so often it is people who don’t see themselves as racist at all but are nevertheless acting in ways that has an impact. And there’s been a lot of research done on unconscious bias and what some of the theorists say is its racism without racists because if you ask people if they’re racists everybody will say no. Well I’ll go on record: I am racist. I don’t want to be but I can see it, sometimes I just fall back on some programming and if somebody has a particular surname or colour of their skin, there’s a fleeting moment when I think oh well their English probably won’t be very good which is ridiculous because from looking at somebody’s surname you can’t know whether their English is going to be good or not and of course for a lot of circumstances it doesn’t particularly matter whether their English is good either. So I don’t know, I think there’s something positive in considering that we could be influenced by things like unconscious and cultural bias. I think we’ve got more of a chance of trying to deal with it if we accept that that exists than if we don’t and there’s a lot of research evidence backing up the unconscious bias. There’s the implicit association tests that they do overseas and there’s a lot of other things; a typical way they’ll do some research is where you can’t see the person, they will describe the person of being of a particular race or ethnicity or just give you a name like so and so applies for a job with you and here are all their qualifications and how likely are you to hire them? Sometimes people have Pākehā names, sometimes they have ethnic names and the people would say oh no, I’m just looking at their CV’s that you’ve given me, I’m just focusing on what their qualifications are but when you compare the results because they change the names on the CV’s for different people then you can see that there is unconscious racism happening there.  |
| Sally | I guess when we’re thinking about potentially unconscious racism, is it the same as racial profiling? Racial discrimination and racial profiling.  |
| Selene | I think it’s a little different. Racial profiling is a structure that has been adopted by an organisation and it may have come from implicit bias. Something that you hear a lot is that a high proportion of the people in prison are of Māori heritage and that would be a profiling type of thing and if you leapt from that fact - which could stem from all kinds of societal deprivation and other types of issues - and you leap from that factor thinking oh well this person is more likely to be a criminal or I think they’re more likely to be guilty or we should treat them differently at the airport when they’re coming into the country or treat them differently when we see them driving along the road. I mean thankfully - at least I think but maybe other people could correct me - there isn’t as much of that in New Zealand as there is in United States. I lived in the United States up until 30 years ago and there was an amazing degree of profiling at times. There’s one study I’m familiar with where they had an African American police officer, an actual police officer, wear casual clothing and hang around outside a convenience store at 2am in a particular area of town in Los Angeles and the police arrived very quickly. There were hidden cameras all over the place so you could see that the police really had no reason for targeting this person and then they shoved him into the glass window and glass went everywhere and they arrested him for resisting arrest. I would love to see their faces when they realised that he was an undercover police officer and that it was all research to demonstrate the different ways people are treated based on the colour of their skin.  |
| Sally | I think we’ll probably think about the New Zealand context more as we move forward. We’re just going to break for our first song now.  |
|  | **MUSIC BY BIRDY – PEOPLE HELP THE PEOPLE** |
| Sally  | Welcome back to “Speak Up” – “Kōrerotia” here on Plains FM 96.9. I’m with Maria, Rosa and Selene discussion racial discrimination. We’ve been thinking about what is it and how does it get defined and what’s the difference between discrimination and profiling and we’re going to move on now and think more about discrimination within the New Zealand context; we finished off thinking about some of the instances in America. I guess maybe just to open up this segment, what are some of the enquiries and complaints that the Human Rights Commission receives in terms of racial complaints?  |
| Maria | We get workplace ones, they’re probably one of the most common. Things like cultural dress or adornments which people are given a hard time about or in fact declined employment, things like moko, headscarves, wearing a pounamu. In my experience as a mediator of 20 years, they often turn out very well in mediation once people are open to hearing from that person and hearing their story, where they come from and why they wear or have what they have, people can come to a good understanding. We have complaints about English-speaking-only policies in the workplace and what we advise about that is there are no hard and fast rules. If it’s a safety issue, if you’re in a factory situation or there’s machinery, one language is the wisest, commonly English. However if it’s your time, if you’re in the smoko room, there should be no reason you can’t speak your own language with your friends. Some of the complaints we get particularly from Pākehā people is those in the workplace who object to being part of a karakia or powhiri or Te Tiriti o Waitangi education. They’re quite challenging to progress.  |
| Sally | Why Maria, what makes them challenging?  |
| Maria | Because - and invariably its Government departments that are trying to be bicultural, multicultural with very good intentions - they don’t consult workers, employees often about whether you wish to make these changes in the workplace or be part of these things and people are quite indignant that this is being forced upon me. Of course the vast majority of people are happy to take part in alternative or a new cultural experience. Another one we get complaints about is targeted recruitment drives, again within Government sector but also in some private large companies who want to diversify their workplace, have more representatives from minorities. There are people who miss out on work or perceive they miss out on work and object to that. We get complaints about funded health assistance like diabetes and cervical cancer funding checks which are potentially targeting certain racial groups because they’re over-represented in those health statistics and we get commonly every year a few that object to the Māori seats or the Māori rugby team. And of course, we have to treat those with dignity of any individual with a point of view.  |
| Rosa | I think in school, the way I see discrimination is a lot of subtle ways like the jokes or the stereotypes and even those can be very hurtful to teenagers because when you’re a teenager things a lot more dramatic and you assume things a whole lot differently. So when someone makes a joke or a stereotype like “Oh, that’s pretty good for a Māori” that can really hurt someone and say “Well oh should I not be achieving well or should I be getting this?” I think that’s what hurts people of different races when they’re younger because they’re brought up with the stereotypes brought on them and so they kind of just get used to it and used to the society around them to be like that towards them. So there’s always that tension between different cultures and I think that’s what we’ve been brought up in, even in schools.  |
| Sally | One thing I thought about when Maria was talking, was when you gave your speech you had a painted-on moko. And I guess, what brought on that choice to adopt that symbol?  |
| Rosa | For me it was just a way of representing that yes I’m Māori and I want to embrace this and I want people to see me as Māori and I want them to know that I am proud of it and I don’t want any of the stereotypes because I am Māori. That doesn’t give me a disadvantage, it just means that I am just the same and I have just as much chance to be a normal citizen while being Māori.  |
| Sally | One thing that Maria, you brought up, and I think you touched on it too, Rosa, is the subtlety of some of these discriminations. And I guess one of the big questions is how do you know racial discrimination is taking place and if so, how do you even begin to act upon it?  |
| Rosa | I think when I see it, it’s usually in the ways that it causes division. Like if someone feels left out because of the way they are or they feel different… like they feel different compared to everyone else, it’s really hard to stand up for that sort of thing because it can’t always be like direct mean comments. Someone might be, “Oh it was just a joke” but I think it’s more standing up for each other and realising, especially in our school communities, that we are here as a school, we’re together united in that force, not just well we’re Asian, we’re Maori. You need to unite as one race and really look after each other.  |
| Sally | I guess that touches on something you were talking about too, Selene, the burden of proof and that unconscious bias as well and I guess that comes into the enquiries and complaints. How do you process an enquiry or complaint if it’s not very tangible that discrimination has taken place?  |
| Maria | Simple answer is we don’t.  |
| Selene | Yes.  |
| Maria | If someone doesn’t have some evidence - written, spoken, whatever - to prove disadvantage we can’t progress it because if that goes further to litigation there is no evidence to work with.  |
| Selene | There is no evidence the way it would be accepted now but there would be the possibility… I mean if you can imagine a huge corporation or something that does not hire particular minorities or genders or other types of things, at some point the numbers could be said to speak for themselves. And I know that there’s a lot of very ill-feeling about targets - people see them as quotas - whereas a target is just something that you try to have a diverse employees rather than you absolutely must have 10% this or 15% that. I think that it can be useful, targets, to help address things that people might not be conscious of having an impact.  |
| Sally | I haven’t heard it framed so much as targets actually, more just as quotas. I think that’s a good suggestion there. Something that you aspire towards rather than you have to do.  |
| Selene | I had an Honour student who wrote about it a couple of years ago, she was talking about women on corporate boards.But there’s a whole variety of things you can do, like if Parliament passes legislation that violates the Bill of Rights Act you don’t get a remedy other than that there’s a published judgment and the Attorney General has submitted a report so it’s almost like a little bit of public shaming and you could do similar types of things, it’s not forcing anybody to do anything but if Telecom or Fonterra or whoever - and I’m just picking those names out of a hat, I have no idea what they’re like - but if they only had 2% Maori employees or 10% female employees then publishing those statistics could help encourage a company to change.  |
| Sally | The Commission does have a Tracking Equalities at Work tool actually, which tries to do that to a degree, keep a tab on some of the distribution of different races and genders within organisations. Maria, within the enquiries and complaints process, do you have a sense of how many you get per year and how many are related to race?  |
| Maria | Race is sometimes the majority of the 13 unlawful grounds and disability is equally highly represented.  |
| Sally | And just to make it clear for the listeners that’s the grounds of the Human Rights Act.  |
| Maria | There are 13 grounds of the Human Rights Act; gender, marital status, religion, age, disability, sexual orientation, etc.. I won’t list them. So race is up there. It seems to stay fairly stable. Disability sometimes, as I said, takes over. The percentage of race complaints is around 34% and we have broken that down over the years into regions and into some racial groups but those statistics are not completely reliable because it depends on people being willing to share that information.  |
| Sally | I guess just on that point are there groups that are less likely to come forward and any sense of why that might be the case?  |
| Selene  | I don’t know, all I know is that I’ve seen over my lifetime that there’s particular times when people don’t like to complain because they don’t want to make waves and there’s a lot of negative vibes that come down on somebody that does make a complaint. It’s against the Human Rights Act for a company to take negative action against a person who makes a complaint about them but there’s quite a few successful cases in that area and it shows that it really does happen so I can see some people hanging back, sometimes people get stroppier as they get older, sometimes people get a clearer picture of human nature as they get older too.  |
| Sally | I suppose that’s true, isn’t it? Now we’re going to go and have a break now and we’ve got your song Selene which is ‘Where Is The Love?’ by the Black Eyed Peas. Was there a reason why you chose that one?  |
| Selene | Just that it helped me thinking about these issues.  |
|  | **MUSIC BY BLACK EYED PEAS – WHERE IS THE LOVE?**  |
| Sally | Welcome back to “Speak Up” – “Kōrerotia” here on Plains FM 96.9. We’re speaking with Maria, Selene and Rosa about racial discrimination and just to start this segment I’ve got some statistics here from the Human Rights Commission Enquiries and Complaints. Last year there were about 5,200 enquiries and complaints received of which 1,300 were complaints of alleged unlawful discrimination. Of those 1,300 complaints, about 34% are race-related, as you mentioned Maria. Divided by region, Canterbury had about 14% of those race-related enquiries and complaints and if we break those down by ethnicity, which is quite interesting, we have about 43% coming from Pākehā, about 13% from Māori, 7% from the Indian community and 5% from the Pacific community. So quite big differences in the statistics there. So just to build on those statistics - because I’m a qualitative person rather than a quantitative one - what kind of stories have we got around racial discrimination? Maybe ones that have been coming through the enquiries or complaints process or stories from school, people you know of, those sorts of things.  |
| Rosa | I think for me I’ve seen actually quite a lot of discrimination throughout school and that sort of life but the main ones have been how some of my friends have even been called like oh well you’re just brown, you just need to go play your sport or go off, you don’t understand this, we’ll do this for you type thing and the fact that they undermine some of us. If we’re in physics or science, for example, they just let us sit there and go oh we’ll just help you with that and I’m like oh actually I can do it myself. So it’s that subtleness of oh you need that extra support because that’s what they’ve been brought up in, like New Zealand nation we’ve been brought up in oh we need to give Māori extra support. The statistics aren’t quite good enough, that sort of stuff. And I think that’s been really evident even in teachers, they give us - not advantages - but they think we need that extra support because of the culture that we come under and I think that’s the thing that hurts kids the most is they feel undermined and they feel that they aren’t quite good enough to be like any other kids and the separation is quite shown throughout those cases.  |
| Sally | You mentioned a lot of stereotypes in the speech that you gave and I think it’s one of those interesting ideas that ties into racial discrimination is these idea of stereotyping different ethnicities, different nationalities. Why did you select the stereotypes that you did?  |
| Rosa | So some of them that I picked for my speech was like how Pacific people should be like the guys off Bro Town and how Indians are curry munchers and dairy owners and that sort of thing because that’s something that I feel as teenagers we talk about and we kind of make fun of other people that are different and we’re like oh well this happens and the majority of dairy owners, if you see a few that are similar to be Indian or something, like we see that and I think people generalise it to everyone and make that assumption and really exaggerate it just for like… I don’t know, some people do it for a joke, to be funny. And I think it’s just something that we’ve been brought up in like I said because we were taught… I don’t know, we’ve been taught to try and be the funniest, try to be the coolest and that’s the way people try to do it now, they try to bring down other people to bring themselves up and that’s what discrimination does and that’s what it does to the different people that have been victims and that sort of stuff.  |
| Sally | Maria how about some of the cases you might see?  |
| Maria | As I said there are those ones in the workplace where it can go from an outright refusal to ‘we have enough of your type here,’ things like that. They tend to be immigrant minorities rather than Māori or Pacific in my experience.  |
| Sally | Who are targeted?  |
| Maria | Who are not favoured you could say, I wouldn’t say targeted. Not favoured so miss out on opportunities. I said there’s people that come forward and say I think I was right for this position but I missed out and I think it’s because I’m Indian, Somali, whatever but they have no real evidence of that so that’s very difficult and on occasions when we might raise this with an employer, they’re very helpful sometimes but they can’t really address it. Other examples are access to goods and services, to pubs, to shops where some individuals have their own biases and say you’re not coming in here. I had a quite fun one actually a while ago from a person who is an immigrant, who owned a small store, who didn’t like Māori people coming in… would say you people are not to be trusted. I mean that was an amazing thing to progress and it turned out OK.  |
| Rosa | Did he explain why he had that point of view towards the Māori culture?  |
| Maria | I don’t think there’s an explanation. I think, as you said, people just have these fixed ideas, from where who knows and it’s all over the world and it’s gone on forever. I think my experience as the years have gone by is that in this country things are better, that there’s not overt awful comments but as our ethnic diversity grows people’s experience will… there will be a lot more examples I suppose I’m saying. The moko ones are quite interesting. There’s the people that shy away from employing someone with a moko, whether it’s tattoo on the leg for a Pacific Island person or on the arm or on the face “because it doesn’t look good for our client base” and then there’s those ones in nightclubs, pubs and I’ve had a few of those where people are turned away and they think is it because of the way I look and sometimes it actually is. We don’t allow tattoos, we don’t allow nose studs and they put all that in the same category when in fact tattoos and mokos are cultural, or the ones I’m talking about are cultural. And they’re, again, quite good to deal with, you usually get a reasonable response from a bar owner.  |
| Sally | I know in Australia I’ve seen signs outside bars saying “No visible tattoos.” Would that be unlawful in New Zealand because of the moko?  |
| Maria | If it added except cultural moko it wouldn’t be because all other tattoos and there’s all sorts as you know, numbers, swastikas are not protected by discrimination law but a broad sign like that would be possibly discriminatory.  |
| Sally | One thing I think when we’re thinking about what’s happened in New Zealand recently is this idea of surnames and Selene you touched on it earlier and if we think about the big hoo-ha last year around Chinese buying property in Auckland for example and some of the blanket statements that are coming from really high up, this is no longer sort of playground talk but this is coming from very senior… positions of seniority within the Government and also within business and whatnot and I guess moving from that sort of interpersonal level to the high level now, if we’ve got any comments to that and what could be done around that as well.  |
| Selene | I don’t know, I mean there’s people that do make fun of other people’s surnames. I remember there was one of the media people talking about someone who was on Big Brother UK and making fun of the surname and it’s nice when people in positions, very high profile people in positions of responsibility are sensitive to these types of issues. I mean I remember Sir Paul Holmes calling Kofi Annan a cheeky darkie, he was deliberately being provocative but provocative in a really racially inappropriate way and it’s an unfortunate thing and I was listening to Rosa and I think she’s right about high school students, they’re finding their own way and so they do what they see other people do around them and we’ve got a tendency now on the internet and in the media to try to deliberately shock people. One of the cases of racial hatred speech was a radio announcer who started talking about immigrants moving in and the Archer case went all the way to talking about you can’t pull your rickshaw as easily in Wellington because it’s so hilly which is a real stereotype and then talking about Enola Gay which was one of the planes that dropped a nuclear bomb on Japan and just very loaded stuff.  |
| Sally | And what are the implications of all of that I guess. Maybe we’ll consider that in our final part, the kind of the longer term effects of this type of discrimination. We’ve got the final song now which is Maria’s choice, you’ve chosen George Benson, the Greatest Love of All. Was there a reason for that one?  |
| Maria | When you listen to it, you’ll know.  |
|  | **MUSIC BY GEORGE BENSON – THE GREATEST LOVE OF ALL** |
| Sally  | Welcome back to “Speak Up” – “Kōrerotia”, I’m with Maria, Rosa and Selene discussion racial discrimination. We’re going to start thinking about some of the particular cases, you mentioned Paul Henry, Maria, in the break and cases that people complain about but which the Commission at least is unable to act on.  |
| Maria | So explain act on, the Commission offers a mediation process, a lot of people come to us assume that we will investigate and form a view on something, we do not; we offer mediation. Those ones in the category of offensive comments in media - whether by politicians or broadcasters or in the newspaper - are not things we offer mediation for. They come under Section 61 of the Human Rights Act which is racial disharmony and that has a very, very high threshold. So in order to progress that under the law, words have to be threatening and they have to incite some kind of public reaction. So we got a great many approaches about both matters that I have referred to.  |
| Sally | Maybe you should just mention that for the listeners?  |
| Maria | What they were?  |
| Sally | Yes please.  |
| Maria | So Paul Holmes made the unfortunate comment about Kofi Annan I think from the UN, I think he referred to him as a cheeky darkie and Paul Henry - who I personally think is quite a laugh - referred to an Indian woman with her surname which is Dikshit and that didn’t fare very well for Mr Henry. But we got a lot of approaches about both those and we continue to get approaches about similar things; they are not things we offer mediation for. We do refer people to the Broadcasting Standards Authority and other such agencies but because we are in a democratic society, we have the Bill of Rights Act, people are allowed freedom of expression in a public arena. And some may say that’s not a good thing and many would say just as well.  |
| Sally | Does it tip into discrimination then if its targeted to a particular person on a personal level?  |
| Maria | Not when it’s in the public arena.  |
| Sally | Selene have you got anything to add to that around the laws and things like that?  |
| Selene | Nothing particularly about that, I mean freedom of expression obviously is very important but they’re still very hurtful comments and getting the balance right is something for the Courts in applying the Bill of Rights Act and things like that in situations where there is jurisdiction. One of the possible changes, though, that could be made to the Human Rights Act is with the standard of proof. The way it works now, the person who makes the complaint has to show that they were treated differently by reason of their gender or their race or their sexual orientation or things and that’s really difficult. How do you prove what was going on in the other person’s head? And there’s cases that I know of where they’ve established that the person was treated differently to some extent at least because of their gender - and the Goodren case is one of the ones I’m thinking about - but it doesn’t meet the burden of proof. So one of the things you could do is upon a showing - I mean you still, the complaint has to have some evidence that their race or their age or gender or whatever played a role - but once they’ve made a reasonable case that it affected the way they were treated you could shift the burden of proof to the other side and make the employer or the provider of goods and services justify then that it wasn’t for any discriminatory reason and this is somewhat similar to what happens in indirect discrimination. Indirect discrimination is where people are treated equally on the surface but some rule is applied that has a disproportionally severe impact on a protected group. So for example if you say no-one in this job can work part-time then that’s going to have a big impact on people that have to care for young children because they’re one of the groups that really cares about working part time. And so if they have this neutral provision and it has the disproportionate impact then the burden shifts to the employer to show good reason. And good reason doesn’t sound like a very difficult thing to prove but in fact the cases have been really tough on that and they say no, it’s got to be really a great reason even if we call it good reason. And I would love to see something like that happen where there is some reasonable evidence of discrimination but it’s not compelling enough on its own to prove that the person was discriminated against. I think in those cases it’s important then for the employer who really does know what’s happened - they know what they were thinking when they promoted someone else or failed to hire someone - it’s for them to justify and the burden of proof becomes really important because a lot of times you’re left with some uncertainty and that’s where the burden of proof becomes important. If at the end of the day we’re not entirely sure whether it was discrimination and the complainant bears the burden of proof then the complainant loses. If on the other hand the complainant has shown that there was a lot of racial language or there were good reasons to believe that the employer treated the person differently because of their race, if you put the burden of proof on the employer and they couldn’t convince people no, it definitely was a neutral decision, no it was for good business reasons like education or skills, it had nothing to do with the person’s race – well if they didn’t meet the burden of proof then they would lose and then so the burden of proof can be really important in determining the outcome of the case.  |
| Maria | It doesn’t really cause a problem in the mediation context actually. As long as we’ve got some evidence then we will advance a case of a mediation and it is for the respondent party to prove otherwise. So we don’t get too tied up in the burden of proof in the mediation context but of course when it goes to litigation it’s a whole different thing.  |
| Selene | Yeah the Human Rights Review Tribunal is more the level I’m thinking about, or the Courts occasionally.  |
| Rosa | I think going back to the freedom of expression and the comments that are protected by that, I personally see it as we need to be reteaching the rising generations the difference between freedom of expression and just being plain rude. We need to be taught that some stuff like that isn’t actually accepted because we’re seeing this in our media and this is what we watch, this is what we hear and we’re taking this in and we shouldn’t be thinking that it’s OK, we shouldn’t be hearing this and being told oh yeah, it’s just another racist comment or he was just joking. We shouldn’t be told those sorts of things, we need to be reiterated that there is a difference and there is a line that can be crossed and I think that line needs to be kind of more told to us and taught to us by the Government and by our schools and maybe that should be a way that they try to stop the discrimination that happens in our nation.  |
| Maria | In a way the good thing about those unfortunate comments that are made is that it does generate a huge debate and of course it generates complaints to our agency and others so it keeps the debate alive which you could say is a good thing. And of course an individual example, some of the perpetrators of those comments get into a lot of trouble.  |
| Sally | We’ve been speaking a bit about potentially high level changes, Rosa you brought in the media and the role that the media should be playing. Are there any final thoughts on what else might be done to raise awareness of racial discrimination and I suppose also what people can do about it if they feel they’ve been the victim of discrimination?  |
| Maria | Call us Sally.  |
| Sally | Of course, you can call… |
| Maria | You can have a chat confidentially, it doesn’t need to go anywhere and we have a bit of expertise.  |
| Sally | And you can find that information on the website, just the Human Rights Commission website, the Contact Us page, lots of different ways you can contact by email or phone, fax I think even.  |
| Rosa | For me the Race Unity competition was a really good experience to help me realise that there is actually a lot of things being done to raise awareness that we sometime as teenagers or adults we kind of block out and don’t really realise that they’re happening whilst we all just go on with our lives. And it was something I really learnt from because I did a conference in Auckland and it taught us all about different ways we should try to reach out and help people and even help run programmes for our school like maybe a buddy system of people with different cultures to learn about each other rather than just let that division stay there. So I think that way of teaching from an early age is quite an important thing for our new generations.  |
| Sally | I think I feel like we end these conversations on the radio show very often talking about that one-on-one getting to know somebody on a personal level and how important it is in terms of building things from there. Once you know somebody they’re not scary anymore, the stereotypes start to break down. Any final thoughts?  |
| Selene | It’d be great to see people speak up when they see racist things happening too, to make it less cool, less acceptable. I think that could help as well .  |
| Sally | Not being a bystander. That was the theme for this year actually, wasn’t it, for the Race Unity Speech Awards? |
| Rosa | One of the quotes that we got given to add in was “When we stand together we’re invincible rather than being broken alone” and I think that’s something that really hit me and was quite inspirational: we will be a broken nation until we come together through these odds and through these differences because we’re not working together fully. And I think that’s something for the whole human race to be thinking about which is hard to address but if we all start small I reckon we could all make an impact in our small environments. And that’s something I talked on in my speech and that lots of the teenagers talked about because it’s something that we can do personally. I think thinking about those different personal ways we can improve the culture of New Zealand really will help and make a difference.  |
| Sally | That seems like a very nice uplifting place to finish up on so I’d like to thank you all very much for coming in. This is the last of the Human Rights Commission sponsored “Speak Up” – “Kōrerotia” shows, so thanks to the Commission for the last 16 months I think it’s been and for the listeners look out for the new iteration from the 1st of July and check out our Facebook page, you just have to search for <https://www.facebook.com/hrcspeakup>. Thank you very much.  |