

Te Rito — August 2007

Human rights complaints

A selection of cases



Human Rights
Commission

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Cover image: Phormium cookianum (mountain flax) flowers by Denis Cleverley

Please note names and other details have been changed in these case studies to protect the privacy of the parties involved.

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Te Rito is the heart or core of the plant, as human rights are at the heart of the Commission's disputes resolution service.

Hutia te rito o te harakeke
Kei hea to komato e ko?

Whakatairangitia
Rere ki uta, rere ki tai
Ki mai ki ahau
He aha te mea nui o tenei ao?
Māku e ki atu
He tangata, he tangata, he tangata

Take the heart from the flax bush and where would the bellbird sing?
Ask what is the greatest in all creation?
I will tell you,
It is people, people, people.

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Introduction

The unlawful discrimination complaints that come to the Human Rights Commission (the Commission) chart social tensions and human rights issues that affect everyday New Zealanders.

The 25 cases selected for this publication illustrate the range and impact of unlawful discrimination complaints mediated by the Commission's free and confidential Disputes Resolution Service or dealt with through the Commission's broader mandate.

Ten of these case studies were previously published in December 2006 as *10 human rights cases that made a difference*. Together with the additional 15 they make up the first volume of *Te Rito* which is to be a regular Commission case studies publication.

The mediation-based Disputes Resolution Service, introduced in 2002, replaced a sometimes adversarial approach with one emphasising a mutual exploration of issues. By providing clear information about the rights and responsibilities conferred by the Human Rights Act 1993 (the Act), the goal is that both parties reach an understanding. Through that understanding changes in behaviour and in policy and practice at an organisational level can be achieved.

The focus on mediation is not at the expense of robust discussion on substance. While impartial, mediators actively ensure parties are fully aware of the Act and the consequences of not resolving their complaint.

With the emphasis on low level, informal dispute resolution complaints are generally quickly resolved. A high number of cases, 91 per cent, are resolved within three months of the Commission receiving a complaint.

Since 2002, the unlawful discrimination grounds most featured in complaints are race and disability, far outstripping the next two contenders, sex (and sexual harassment), and age. Disability complaints

have increased steadily, and age discrimination complaints are also growing. Levels of sexual harassment and racial harassment complaints have remained steady.

Many complaints — particularly on the grounds of disability, age, marital and family status — arise in response to the design of state social provisions.

Where complainants are not satisfied with the outcome of the mediation process they can approach the Director of the Office of Human Rights Proceedings for representation. In a number of cases these matters are settled prior to litigation commencing.

Race Discrimination

A consolidation of race based complaints consistently makes up the largest number of complaints to the Commission. This includes those made on the grounds of ethnic or national origins and colour. These complaints are dominated by allegations of unlawful discrimination in employment and provision of goods and services. With a high awareness that overt public racism is unacceptable, race complaints are often about indirect discrimination. Indirect or institutional examples of discrimination can include required levels of English language proficiency, judgments about the comprehensibility or suitability of accents, prohibitions on non-English language use in the workplace, whether English is a 'first language,' and requirements for New Zealand work experience.

1. Fast food language barrier

WHAT HAPPENED

Dorothy, a Mandarin-speaking Chinese migrant, worked in a fast food franchise where many of the other staff were Mandarin-speaking Chinese students. Because Dorothy had worked there for several years and was in her 30s, the student staff looked up to her as an 'aunty' and supervisor figure, often conferring with her in Mandarin on how to carry out tasks.

Customers complained about staff speaking in 'Asian' languages in their presence, fearing that staff could be passing remarks about them. Dorothy was told not to speak Mandarin at work within earshot of customers. She was caught doing so while giving instructions to new staff, and received a formal warning. The second time this happened she lost her job. Dorothy complained to the Commission that she had been discriminated against on the grounds of nationality and ethnic origin.

THE DISPUTES RESOLUTION PROCESS

When contacted by the mediator, the franchise company disputed Dorothy's version of events, including: the circumstances of her dismissal, where in the workplace she had been 'caught' speaking Mandarin, how loudly she had been speaking, and whether customers were within earshot. However, they admitted that the complaints about 'Asian' languages from customers had led to a directive that branch managers were to 'clamp down' on non-English language use in the workplace. The franchise's human resources manager was very willing to enter into mediation, and appreciated that the complaint was directed against the franchise policy rather than the individual branch managers.

An educator from the Commission participated in the mediation, and the franchise representatives were enthusiastic about engaging with the educator over EEO policy development on language in the workplace. The franchise was large, and its staff composition had a high degree of ethnic diversity. They recognised it was in their interest to develop practical guidelines on the use of language in the workplace.

OUTCOME

The franchise agreed to compensate Dorothy, and offered her a job at another branch, although she had already moved on to other work. The franchise also passed their language policy guidelines to the Commission for advice and feedback.

2. Plumber accused of racism

WHAT HAPPENED

Nancy, a British migrant of Afro-Caribbean descent, owned and operated a small café. She called a plumber to fix the water cylinder on the premises, although when he arrived and got to work, he seemed distracted and uncooperative. She asked him if he was having a bad day, and he responded by telling her in front of witnesses that “I don’t deal with black n-----rs like you”. Nancy was horrified, and shouted at him to leave the café. As he left, he continued to insult her with racial slurs in front of witnesses, telling her that he didn’t care if she reported him. After he left, Nancy was very shaken and had to take leave, as she felt unsafe working at the café. She called the Plumbers, Fitters & Gaslayers Board to inquire about laying a complaint against the plumber. She was advised to lay a complaint with the Commission, which she did.

THE DISPUTES RESOLUTION PROCESS

Through the mediator, Nancy received a written letter of apology from the plumber. However, the plumber later sent a letter to the Commission saying that Nancy had been lying, and was trying to cover up an Occupational Health and Safety problem he had noticed. Nancy found that the plumber had made a complaint with OSH about her premises, but she was quickly cleared by OSH. She felt the plumber was trying to take revenge on her, and that the complaint had not been resolved. She took the case to the Office of Human Rights Proceedings.

THE OFFICE OF HUMAN RIGHTS PROCEEDINGS

The Director of the Office agreed to represent her at the Human Rights Review Tribunal, on the legal grounds that the plumber had racially harassed Nancy, and unlawfully discriminated against her

in the provision of goods and services. After the Director filed proceedings before the Tribunal the plumber contacted the Office and agreed to settle out of court.

OUTCOME

The plumber apologised for Nancy’s humiliation, loss of dignity and hurt feelings, and paid her \$3,000 in compensation.

3. Housing denied because of race

Latu, a Samoan woman, was looking at a property with the intention of renting it. However, the real estate agent told her that the landlord didn’t like to rent to ‘Islanders’ because he thought they always had more people living with them than was agreed to in the tenancy. The estate agent was not sympathetic to the landlord’s opinions, but believed that he had to follow their instructions. He tried to find Latu other accommodation. Latu was extremely aggrieved and insulted, and made a written complaint about the agent to the Commission.

THE DISPUTES RESOLUTION PROCESS

The real estate agent was very upset as he believed he had done the right thing by being upfront about the landlord’s specification, and had done his best to find Latu another house. He did not accept that he bore any liability under the Act and believed that the landlord was the guilty party.

Latu brought aiga support people with her to mediation, which created tension in the first part of the session, because they felt offended by the discriminatory treatment. The mediator decided to split the meeting into different rooms and carried out separate sessions. After the mediator explained to the agent in person how real estate agents could breach the Act by carrying out the discriminatory instructions of the landlord, the agent realised

the law applied to him. His earlier defensiveness disappeared and he was remorseful.

OUTCOME

“With new understanding they moved forward really quickly,” says the mediator. The estate agent was able to come back to the table and offer sincere acknowledgement of wrongdoing and Latu was also able to acknowledge that the estate agent had tried to help her find another house with good will. As well as the mutual acknowledgement, the estate agent agreed to a substantial financial settlement to reflect his legal liability. The presence of the mediator to defuse, educate, and engage in “shuttle diplomacy”, was vital in this case.

Sex Discrimination

Unlawful sex discrimination makes up about seven per cent of complaints and complainants are mostly women. Sex discrimination against women is increasingly 'underground' — complaints are mostly about indirect discrimination, and are dominated by employment and pre-employment issues such as pregnancy, breastfeeding and childcare within the workplace.

4. Breastfeeding on the job

Lori had returned to work after parental leave. Her baby was suffering health problems, and required exclusive breastfeeding, so she expressed milk at work on her breaks, and fed her child in the morning and evening at home. Because her work regularly required out-of-town travel, she had taken her baby and her 17-year-old son to act as the baby's caregiver with her on several trips.

Lori's employer was unhappy with the situation, and refused to let her use the company car for these trips, saying it was not insured for transporting employees' family and children. Lori offered to take her own car on trips, but the employer refused to reimburse her petrol costs if she drove with her baby and caregiver. Lori was upset about this, as she thought it was a reasonable accommodation. She was also suspicious that there had been no previous objections to her or other staff members, including management, driving their family members in company cars. When the time came for her next out of town trip, she was forced to make a choice between paying for petrol she could not afford and not taking the trip at all, as she could not leave her baby behind. She made a complaint of sex discrimination to the Commission.

THE DISPUTES RESOLUTION PROCESS

The employer said that his understanding of the company's liability for work-related travelling with

children was unclear. However, he said that his broader reason for refusing to approve Lori's travel was that he felt it was unsuitable for Lori to take her son out of school to take care of the new baby when she travelled for work. Lori's employer was also concerned about how stress over juggling her baby's health, her family's needs, and her job might impact on her health, wellbeing, and work performance. He was of the view that she should take more parental leave. Lori noted that if her only choice for keeping her job was to either stop breastfeeding or be forced to take unpaid parental leave, she would take the issue to the Human Rights Review Tribunal.

OUTCOME

Lori and her employer agreed that work would be found for her solely within the city over the next three to five months so she would not have to travel. This meant a drop in hours of work and a drop in income. The solution was acceptable to both sides, but did not address the legal foundation for her complaint. The terms were less favourable than before she was breastfeeding, and combined with the employer's reasons for treating Lori less favourably, could still have arguably amounted to unlawful sex discrimination. Despite this, Lori's priorities were to make sure she could still exclusively breastfeed her baby, keep her job, and maintain a positive relationship with her employer. The settlement also meant her son or partner did not need to take time off school or work in order to accompany her as a caregiver on out of town trips. For Lori, the reduced impact on the family overall and her job security was felt to be worth the compromise.

5. Wanted: Females only

Taika saw a 'help wanted' notice put up in a local dairy for a cashier. He asked about the job but the male shop owner said "I'm only after females," and told Taika not to bother. Taika was shocked and upset at the loss of opportunity. He found out the shop owner had said the same thing to other applicants and when challenged about his policy, had asserted his proprietary right to "hire girls if I want". Taika complained to the Commission.

THE DISPUTES RESOLUTION PROCESS

The dairy owner agreed to attend a mediation meeting with Taika. At the meeting, Taika explained to the owner how his comments had affected him. The mediator clarified the anti-discrimination provisions of the Act and how it related to employment and advertising.

OUTCOME

The dairy owner apologised for his actions in person and in writing. He acknowledged the distress he had caused Taika, and that he had been too hasty in his judgements. He said he would try to create a better system for advertising for staff in the future. Taika accepted the apology.

6. The female truckie

Susan was a seasoned truck driver. Despite 25 years experience on the road and good references, she was refused an interview over the phone by a small trucking subcontractor. The subcontractor told her that the freight company contracting him did not allow the hiring of women drivers because they 'get pregnant'. Susan was astonished. She pointed out that she was 48, and that at her stage of life, children were not on her mind. The subcontractor still refused to grant her an interview.

Susan called the freight company and asked them about their policy. They said they most certainly did not have a policy that cut out women and would welcome her direct applications for any vacancies they had. At this point she called the Commission's duty mediator for advice.

THE DISPUTES RESOLUTION PROCESS

Susan was a confident person. Before becoming directly involved, the mediator suggested a strategy. Susan's priority was to get a job interview and there was a possibility that if the Commission called this could reduce Susan's chances of a good outcome. The mediator suggested that Susan contact the subcontractor to tell him she had spoken to the freight company about their policies and to ask again for an interview.

When Susan called again, the subcontractor again refused to grant her an interview, and told her off for trying to stir up trouble. The mediator then decided to make a call on Susan's behalf. However, before this happened, the subcontractor called Susan back with a change of attitude.

OUTCOME

The subcontractor apologised to Susan for being in a bad mood that day and offered her a job interview straight away. Although the subcontractor did not admit they had applied an unlawfully discriminatory policy, or that they checked the policy with the freight company, Susan achieved what she wanted out of the process.

Sexual Harassment

Sexual harassment is unwelcome or offensive and harmful behaviour of a sexual nature in public life; or unwanted requests for sex, for example by a colleague, combined with an implication that not meeting those requests will be disadvantageous. The vast majority of complainants are women, particularly those at work. Their levels of social, economic and workplace vulnerability, and the personal stress that the harassment has caused them, can affect their desire to participate in the complaints process. Resolutions for complaints of sexual harassment have included apologies, assurances, compensation, reinstatement and education.

7. Textual harassment

Odette, a bus driver, started receiving offensive phone calls and text messages requesting sex. Although she changed her phone number several times, the calls continued. She was very upset and became afraid of answering her phone or checking text messages. She eventually gathered that the callers were her male workmates, as phone numbers were kept in a dispatch register. One of the callers told her that her ex-boyfriend Rick had given out her phone number, and had encouraged him to call her and request sex for money. Rick also worked for the bus company and Odette believed he could have accessed the dispatch register. Rick was later heard making offensive sexual remarks about Odette to a colleague at work. Odette felt unable to talk about the issue with company management, and instead resigned. It was only when she received an anonymous call from Rick after resigning, that she made a sexual harassment complaint to the Commission. The complaint was against both Rick and the bus company.

THE DISPUTES RESOLUTION PROCESS

The mediator wrote to the bus company manager about the details of the complaint. The manager expressed disappointment that Odette was unable to come to them directly with her complaint before she resigned, but assured the Commission that it would take the allegations very seriously. The bus company then dealt with the issue internally and informed the Commission of its actions. Both the bus company and Rick were open to the suggestion of a mediation meeting, but a meeting did not occur.

OUTCOME

In his discussions with bus company management and in his letter to the Commission, Rick denied that he had given out Odette's phone number. Rick did admit to the offensive conversation and final phone call. He said that his offensive sexual remarks about her were taken out of context and were not meant to offend or upset, but he apologised for the offence caused.

The bus company said that Rick had accepted that his actions were inappropriate. He had been given a formal verbal warning, and counselling on his legal responsibilities under the Act. The bus company also pledged to secure its dispatch register and to ensure staff knew that sexual harassment was unacceptable. The company reported the incident to its senior compliance officer at Land Transport New Zealand.

Odette was happy with the company's response and considered her complaint against them resolved. She did not accept Rick's written response as resolving her complaint, but did not want to have a mediation meeting with him. She changed and delisted her phone number.

8. Gifts from the boss

WHAT HAPPENED

Cathy worked for a small Auckland business run by a couple, Shane and Alison. The business operated out of Shane and Alison's house, and the three of them had a close working relationship. Cathy's employers treated her as a friend and spent a great deal of time with her. However, Cathy felt that Shane was crossing the line between humorous banter and inappropriate behaviour. Over a period of time, he had given her presents that made her uncomfortable, including money, perfume and g-strings. Cathy decided to resign.

THE DISPUTES RESOLUTION PROCESS

The mediation was fraught because of the blurred lines between friendship and employment, given that the workplace was also a home. Shane and Cathy could not agree on whether there had been inappropriate or harassing behaviour.

OUTCOME

Cathy abandoned mediation and sought representation from the Director of Human Rights Proceedings at the Human Rights Review Tribunal. However, the Director referred the case back to mediation. A mediation settlement was eventually reached, including \$7,000 in compensation.

9. The homophobic garage

WHAT HAPPENED

Mark, a gay man, worked as a mechanic in a garage. His workmates knew he was gay and harassed him regularly at work about his sexual orientation, calling him a "faggot" and other insulting names. He tried to ignore it, but it was extremely distressing and he found it increasingly difficult to concentrate on his job. Mark reached his limit when he arrived

at work to see a pornographic picture displayed in the workplace, with writing on it directed at him. He resigned, and complained to the Commission.

THE DISPUTES RESOLUTION PROCESS

The employer investigated the allegations and attended a mediation meeting with Mark. Mark's co-workers had admitted to the behaviour.

OUTCOME

The employer paid Mark \$3,000 in compensation and agreed to promote the company's anti-harassment policies more vigorously on the workshop floor. They also promised to establish a process for complaints.

Sexual Orientation Discrimination

Complaints of unlawful discrimination based on sexual orientation make up two to three percent of complaints to the Commission on average. The ground of sexual orientation covers being heterosexual, homosexual, lesbian or bisexual.

Although New Zealand has decriminalised homosexuality and made sexual orientation a prohibited ground of discrimination, many homosexual people still experience barriers to enjoying their human rights.

10. Lesbians denied foster child

WHAT HAPPENED

Jude and Miriama were eagerly awaiting the arrival of a foster child. They had told the family services agency they were dealing with at the beginning that they were a lesbian couple. The agency's frontline staff had said that it was not a problem, had approved their applications as foster parents, put them through a training programme, and been in close, supportive contact preparing for the arrival of the child. However, the day the child was due to arrive, the Board of the agency "pulled the plug" on their application due to their sexual orientation. It was a Christian family services agency that was partially funded by Child, Youth and Family. The agency's in-house legal opinion was that they did not come under the jurisdiction of the Act, as they were not providing a service under a contractual relationship to its foster parents. Jude and Miriama were extremely upset and bereft, and complained to the Commission.

THE DISPUTES RESOLUTION PROCESS

The Commission's in-house legal opinion was that there were arguments in favour of the agency coming under the jurisdiction of the Act, because it appeared to be carrying out a public function

covered by Part 1A of the Act. The mediator proceeded with the complaint.

Jude and Miriama wrote to request that the agency change its policy to meet the anti-discrimination standards of the Act, and compensate them for their financial and emotional investments in preparing to foster the child.

The agency was willing to attend mediation to acknowledge the distress caused, but indicated that there was no possibility it could change its policy to not discriminate against homosexuals. It explained the religious basis of the agency's stance on homosexuality, and offered a sum of compensation that was less than requested by Jude and Miriama.

OUTCOME

At mediation, the agency did not shift its position. They did not agree to allow Jude and Miriama in their foster parent programme, or to change their policy to let homosexual couples foster the children in their care.

However, the agency took the opportunity to offer sincere apologies for the hurt caused to the couple. They agreed to the higher sum of compensation.

Jude and Miriama decided not to take the case to the Human Rights Review Tribunal to test the validity of the agency's claim that its policy was not within jurisdiction of the Act. They agreed to settle the case, and indicated that they would offer to foster directly through CYFS.

11. Sperm donor spurned

WHAT HAPPENED

Jason, a gay man, responded to a fertility service's advertisement calling on sperm donors to help infertile couples have children. When he went to the fertility clinic and filled out their screening form,

he was refused as a donor because he was gay. The fertility service's explanation for its policy was that gay men posed a greater risk of HIV/AIDS infection for sperm recipients, and that the policy was part of the industry accreditation standards. After publicising his case in the media, Jason contacted the Commission and made a complaint against the fertility service for discriminating against him on the grounds of his sexual orientation.

THE DISPUTES RESOLUTION PROCESS

The mediation meeting was very positive, with the fertility service more than willing to cooperate. The fertility service had tried repeatedly to change the policy in the past, because advances in screening technology meant that all donors were routinely tested for HIV and there was no argument for excluding any group. However, it had failed to persuade the Australasian accreditation body to change the policy, which had been in effect since the 1980s. They felt that the complaint and the advice of the Commission would help their case for change, and that the time was right to gain support for a review.

OUTCOME

The complaint and mediation resulted in a successful change of policy to not discriminate on the grounds of sexual orientation. After mediation, the fertility service revised its policies and procedures and provided an assurance that donors would not be excluded on the basis of any prohibited ground of discrimination, including sexual orientation.

The success was due to a combination of willingness on the part of the respondent and good timing. The fertility service was able to use external public pressure and Commission involvement to accelerate change in their organisation's processes.

MEDIATION HIGHLIGHT

The complainant was delighted with the outcome, saying that as a recent arrival to New Zealand, "it makes me feel good and proud to be living in a country where social justice is strong and active, and where the individual really does have a powerful voice through organisations like the Human Rights Commission."

Disability Discrimination

Unlawful disability discrimination is consistently the second largest source of complaints to the Commission.

Around half of these complaints are in the area of employment or pre-employment. Because disability often requires open discussion about how it might be accommodated, it is not unusual for complaints to be the result of a direct negotiation, and an overt refusal to interview, employ or accommodate a disabled or chronically ill person on the job.

12. Nurse aide with Hepatitis C

Genevieve was a nurse aide at a retirement home, where she had been working for some years. She had Hepatitis C. Genevieve had recovered from a drug addiction, and her job was an important part of her new life — she was a well liked, dependable and enthusiastic member of staff. She had always been open with management about her health status and medical history, and they had never indicated that they considered her to be a health risk to the population or staff of the retirement home. Genevieve began taking on too much work to compensate for an increasing understaffing problem, resulting in burnout and a period of extended sick leave unrelated to her Hepatitis C. Before she returned, she was informed by a manager that her Hepatitis C presented a risk to the population of the home, and that she would not be welcomed back. She was not given a letter of warning or termination, nor was any change of workplace policy over Hepatitis C discussed with her, although the manager gave her a small sum of severance cash. Genevieve believed she had been unfairly discriminated against, but felt that challenging the rest home would be a long, drawn-out and stressful process that she could not face on her own, given the blow to her confidence. Eventually, her case manager and a disability

advocacy group supported her to make a complaint to the Commission against the rest home, in particular against the manager who dismissed her.

THE DISPUTES RESOLUTION PROCESS

Genevieve wanted acknowledgement that she had been treated unfairly, an apology, compensation for loss of wages, and Hepatitis C training to be provided to the staff. The rest home denied they had dismissed Genevieve, and stated that she had resigned of her own accord. They doubted the use of mediation in this case but said they would attend a meeting if asked. However, after several months, the rest home had still not agreed to a date for a meeting. Suspicious, Genevieve decided not to pursue mediation.

OUTCOME

Genevieve's request for legal representation at the Human Rights Review Tribunal has been accepted by the Director of the Office of Human Rights Proceedings.

13. Taxi discount denied

WHAT HAPPENED

Geoff disembarked at a long-haul transport terminal, and searched for a taxi that accepted his discount card for disabled people. However, he could not find a taxi that was a party to that particular scheme. He laid a complaint with the Commission against the terminal where the discounted service was meant to be available.

THE DISPUTES RESOLUTION PROCESS

The mediator was unsure whether the terminal's uneven availability of a discounted service for disabled people was within the Act's anti-discrimination jurisdiction. The transport terminal's legal advisor was adamant that the case was not.

However, as access to transport for disabled people is a serious human rights issue, the mediator took the initiative to convene a private meeting between all interested parties as part of wider systemic work, under the mandate of Section 5 of the Act. The meeting included representatives of the transport terminal, the complainant, disability advocates, the regional authority funding the discount scheme, and the contracting taxi companies in the midst of tendering their services to the terminal.

OUTCOME

After the first meeting, the parties committed to reconvening directly with each other without the Commission's involvement. Said the mediator: "The fact that they had the choice of going away and dealing with it themselves was a good one for them, and they took it eagerly."

The transport terminal operators committed to ensuring all its licensees were part of the disability discount programme. The stakeholders reported back to the Commission about their continued engagement on disability compliance in contracting.

14. "Invisible" impairment leads to abuse

WHAT HAPPENED

Doug was accompanying his wife Dorothy to the shops. Dorothy had suffered a head injury, which had affected her speech and movement, and she was trying to emerge from her recovery into public life again. The couple went into a small garden centre, where Dorothy was concerned that the manager was reacting negatively to her disability. Doug went to the counter to pay for Dorothy's choice of plants. The manager had a disagreement with Doug over an apparent mistake in the transaction, and during the course of their argument

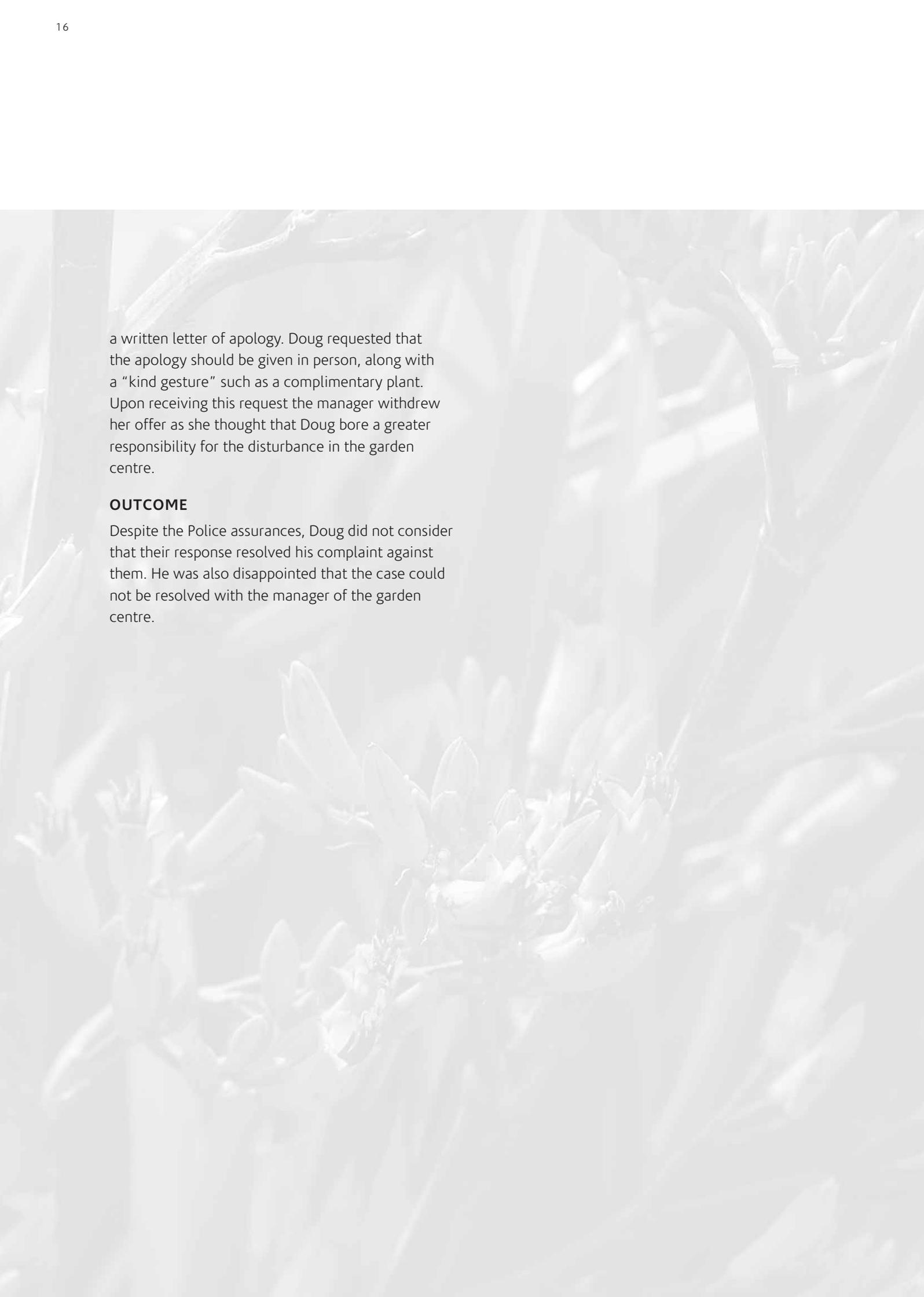
referred to Dorothy as a 'P-head', accused them both of being "druggies" and told them to leave the premises. In response Doug threw a small pot plant. The manager called the Police, and Doug and Dorothy left the store. After discussing the situation with Doug and the manager, the Police did not press charges against Doug for the disturbance. The experience at the garden centre was a serious blow to Dorothy's confidence, and she began refusing to leave the house. Doug complained to the Commission on behalf of his wife about the manager's treatment of her, and against the Police for not doing more about the manager's comments.

THE DISPUTES RESOLUTION PROCESS

The mediator thought that a low level intervention was initially appropriate, and contacted a local advocacy group for people with head injuries to approach the manager to provide some education and information. A person who had a head injury, but also a visible physical disability, visited the garden centre with the advocate, and they found the manager to be polite and helpful. Because of this, they did not carry out any educational activity. Doug was unhappy about this and asked the mediator to intervene formally.

The complaint then progressed through "shuttle diplomacy". Once notified of the complaint, the Police response was that the Officer on duty was aware of Dorothy's head injury, and was sympathetic to how the manager's comments and behaviour had escalated the situation. The Police believed that this was reflected in the fact that Doug had not been arrested and charged for his behaviour. The manager had not broken any laws by asking them to leave, and the Police were unable to take any further action.

The manager of the garden centre communicated to the mediator that she was willing to give Dorothy



a written letter of apology. Doug requested that the apology should be given in person, along with a “kind gesture” such as a complimentary plant. Upon receiving this request the manager withdrew her offer as she thought that Doug bore a greater responsibility for the disturbance in the garden centre.

OUTCOME

Despite the Police assurances, Doug did not consider that their response resolved his complaint against them. He was also disappointed that the case could not be resolved with the manager of the garden centre.

Disability Discrimination and the Public Sector

Public sector employers are obliged to have good employer policies and have an equal employment opportunity programme. They should be making improvements in how to provide fair opportunities for people with many kinds of impairments. They are also likely to have staff dedicated to dealing with those issues.

15. The colour-blind police candidate

After a lengthy assessment process, Josh passed the entry level requirements to join the Police force. The next stage was a medical examination, which found that he had a mild form of colour-blindness. Josh was told that he could not become a police officer. He challenged this decision after locating research from the United States that showed his particular form of colour-blindness was not a significant risk to police work. The Police were conducting a review of eyesight requirements at that time and Josh submitted a paper to the review. However, his career was essentially on hold for an unspecified period with no guarantee of the outcome of the review, or when his application would be reconsidered. It had been over a year since he began the recruitment process. He asked the Commission for help.

THE DISPUTES RESOLUTION PROCESS

The mediator contacted the liaison person at the Police to discuss whether the review action could be sped up over Josh's case, and whether it was necessary to proceed to a complaint to the Commission. It was decided that the review process should run its course first, after timeline assurances on Josh's case were given by the liaison person. The Police liaison person also met with Josh, who found her to be "more approachable" than other people he had been dealing with. Within a few weeks, the Police were able to advise that enough preliminary work had been completed on the eyesight review to consider Josh's case.

OUTCOME

A month after he contacted the Commission, the Police advised that they were prepared to accept Josh's application. He was "absolutely delighted".

HIGHLIGHT

Low level intervention by a mediator helped the complainant connect with the most effective and supportive parts of an institution he was struggling to engage with.

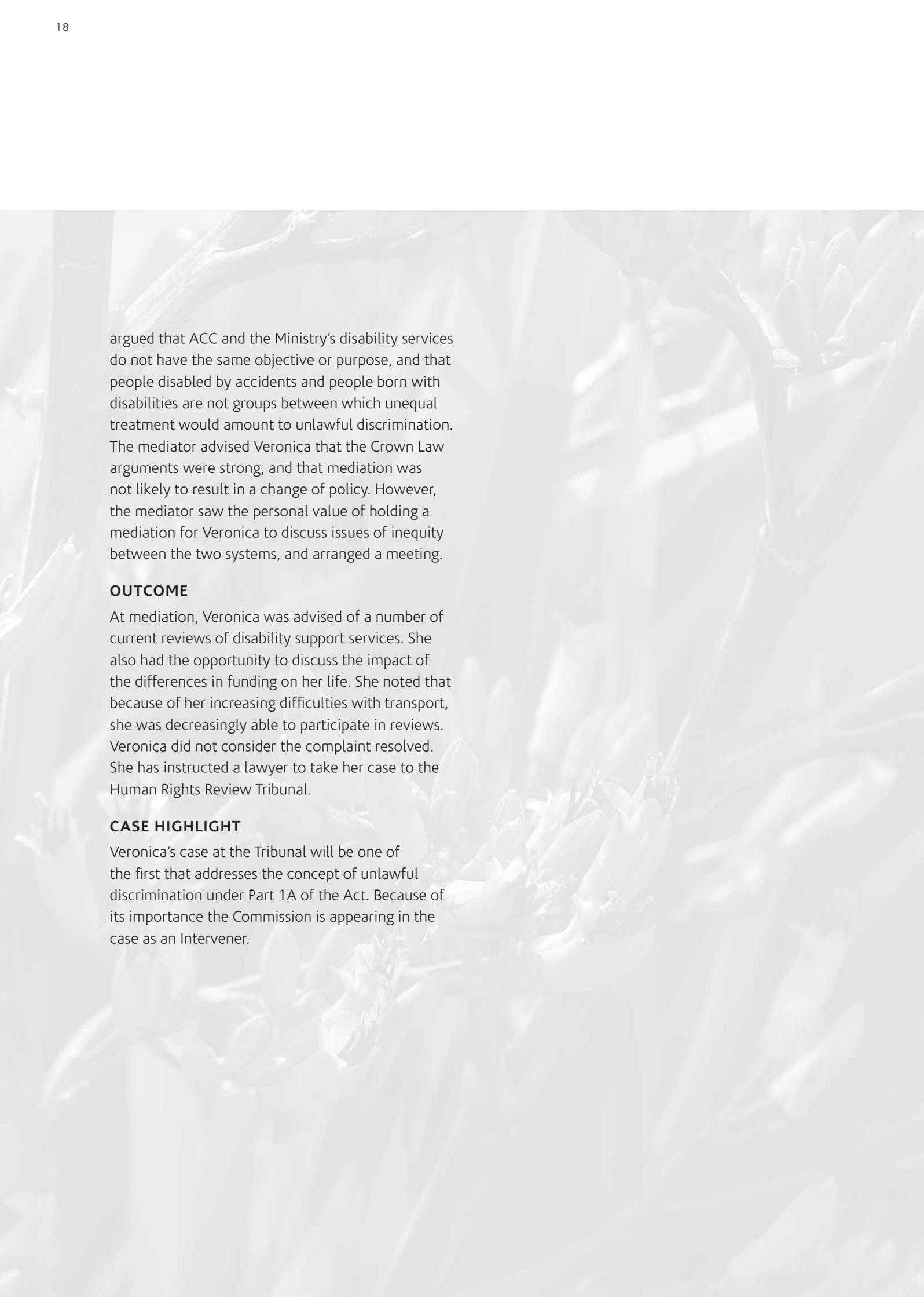
16. Caught in the policy bind

WHAT HAPPENED

Veronica had a congenital physical disability, and the chair hoist she had long used to lift herself into her vehicle was starting to damage her body. She lived in a remote area with no adequate public transport, and needed to frequently drive to a specialist hospital some distance away. To prevent further damage to her body, she needed a new van with special modifications at a cost of around \$90,000. This was far beyond what she could afford, but the maximum amount available to her from the health system via support service Enable New Zealand was \$11,900. However, if her disability had been caused by an accident, ACC would have fully funded the vehicle and modifications. She believed this differentiation was unlawful discrimination and laid a complaint with the Commission against the Ministry of Health, and Enable New Zealand.

THE DISPUTES RESOLUTION PROCESS

The Crown Law Office said that the government had received similar complaints and intended to review the "equity and coherence" of disability support services across agencies. However, Crown Law did not believe that the Act's anti-discrimination provisions extended to the differences between people based on the cause of their disability. It also



argued that ACC and the Ministry's disability services do not have the same objective or purpose, and that people disabled by accidents and people born with disabilities are not groups between which unequal treatment would amount to unlawful discrimination. The mediator advised Veronica that the Crown Law arguments were strong, and that mediation was not likely to result in a change of policy. However, the mediator saw the personal value of holding a mediation for Veronica to discuss issues of inequity between the two systems, and arranged a meeting.

OUTCOME

At mediation, Veronica was advised of a number of current reviews of disability support services. She also had the opportunity to discuss the impact of the differences in funding on her life. She noted that because of her increasing difficulties with transport, she was decreasingly able to participate in reviews. Veronica did not consider the complaint resolved. She has instructed a lawyer to take her case to the Human Rights Review Tribunal.

CASE HIGHLIGHT

Veronica's case at the Tribunal will be one of the first that addresses the concept of unlawful discrimination under Part 1A of the Act. Because of its importance the Commission is appearing in the case as an Intervener.

Religious Belief Discrimination

Unlawful religious discrimination has generally comprised only two to four per cent of all complaints. The small number suggests that New Zealand's generally secular public life is accommodating of different religions. However, the conflict between secularism, and selective recognition of some spiritual or religious traditions but not others within state institutions, has proved difficult to resolve.

Although the number of New Zealanders who identify as Christian has decreased and the number of those who profess no religion has increased, Christianity remains present in state institutions, particularly with the Christian content of some Maori tikanga. Meanwhile, there have also been significant increases in the Muslim, Hindu, Buddhist and other non-Christian populations in the last 20 years, reflecting increasing ethnic diversity. Within this context, religious complaints have fallen into three general categories: discrimination against non-Christian ethnic minorities due to religious dress or customs; discrimination or insults against Muslims within the international context of the 'war on Terror'; and complaints against the persistence of Christianity within government-sanctioned practises.

Unlawful religious discrimination complaints often show how symbols of difference may be rejected or accommodated, in similar ways to complaints over symbols of ethnic and cultural identity. There have been several recent cases where, because of the dress code of a club or a workplace, people have been unlawfully discriminated against due to religious headwear — a Muslim hijab and a Sikh turban. These resulted in swift resolutions and apologies.

17. Hijab ban on the job

WHAT HAPPENED

Azizah was a recent migrant with excellent English and experience working in a global fast food franchise in Pakistan. Newly arrived in New Zealand, she applied for a job at the same franchise, and at her interview asked if she could wear her hijab at work. Her interviewer said she thought there would not be a problem, but she would have to check the policy with the store manager. The interviewer then booked Azizah for a trial shift, for which she had to buy the store uniform, including shoes. Before she went in for her trial shift, the interviewer called her and said the store manager's policy was that she could not wear her hijab on the job. Azizah said that she would be unable to work without her hijab, and had to decline the trial. She then applied for work at a second branch of the same fast food franchise, where she again inquired about the branch's hijab policy at the interview. The interviewer said they would check the policy with the store manager, but did not call her back. She applied at a third branch, and was declined with no explanation. She believed that this was a reflection of a franchise-wide policy against the hijab, and made a complaint to the Commission against the franchise as a whole. She said "I want them to accept a Muslim woman for who I am, and not just see the headscarf".

THE DISPUTES RESOLUTION PROCESS

When contacted by the mediator, the head office management of the franchise said that it was definitely not the franchise policy to forbid people from wearing the hijab. They quickly agreed to a mediation meeting. Azizah was in a hurry to mediate the complaint as she had pressing family business to take care of in Pakistan. This meant there was not enough time to organise a community representative to be Azizah's support person at the mediation.

OUTCOME

The franchise head apologised to Azizah and offered her work at another branch. However, Azizah had to decline the offer of work, due to her family emergency in Pakistan.

18. Religious leader on plane

Mr Adam was a Muslim religious leader aboard a plane waiting to go overseas, where he would be speaking at a conference. He was a New Zealand resident but had dual citizenship and was not travelling on a New Zealand passport. He was dressed in traditional religious attire, and went to the toilet to perform some ritual ablutions before takeoff, as he intended reading some religious texts on the flight. Mr Adam took about ten minutes in the toilet, taking time to tidy it before leaving.

After leaving the toilet, the flight attendant asked to see his passport, and escorted him off the plane. Airport security and police had been called, and had been conferring with flight staff about him. The officials questioned the validity of Mr Adam's passport which had an unfamiliar irregularity. The passport was then security checked while Mr Adam waited, and was cleared as valid. Despite this, Mr Adam was not allowed back on the flight to attend the conference, because he had "upset the staff".

He was not given any information on how he had upset the flight staff beyond the passport query, and made a complaint to the Commission on the grounds of race and national origin discrimination.

THE DISPUTES RESOLUTION PROCESS

When contacted by the mediator, the airline confirmed that the time Mr Adam had spent in the toilet was the cause of the "upset", and had caused Mr Adam to be viewed as a security risk. After Mr Adam's departure from the plane, the toilet and the aisle in which he had been seated was searched.

The decision to prevent Mr Adam from re-boarding the flight was made jointly between airport security, police, and flight staff, but had been based on the flight staff's concern about Mr Adam's unusual "behaviour". The airline said that it had been following security protocols. Upon receiving the complaint, and with it, information about the context of Mr Adam's actions and community standing, the airline agreed that he was not a security threat, realised the gravity and harmful impact of their actions, and were eager to resolve the issue through mediation.

OUTCOME

The settlement of the complaint included:

- a written apology to Mr Adam
- a replacement air ticket
- monetary compensation
- a gift to his religious association
- an agreement that Mr Adam's religious association would give a training session for airline staff on matters of religious and cultural practices, and
- a promise of a review of the airline's methods for dealing with possible security threats.

HIGHLIGHT

Mr Adam was satisfied with the level of engagement. His primary aim in taking the complaint was to prevent the same thing happening to other people.

19. Religion in public school

WHAT HAPPENED

Yvonne had chosen to send her five year old daughter Lily to a public school, and was adamant that her children would have a secular education. However, she discovered while attending a school assembly that the children regularly sang the Lord's Prayer to open proceedings, and offered prayers as part of their assembly presentations on class projects. Yvonne was aware that the Education Act allowed for Bible study in schools, provided the schools were 'closed' in that period and that parents were asked for permission to let their children attend those classes. However, this primary school had not informed Yvonne of any religious content of its education. Yvonne was particularly concerned that offering prayers in thanks for educational presentations were "not just confined to a ritualistic singing of the Lord's prayer", but included such invocations as "thanking God for not dissolving the dinosaur bones". This meant that class-time would have been spent on preparing prayers during standard curriculum time, and in direct relation to curriculum material. Yvonne complained to the school, which offered to remove Lily from assembly during prayers. Yvonne and her husband felt that this would make Lily feel stigmatised and excluded. She took her complaint to the Ministry of Education, which offered the opinion that assembly might not strictly be classified as 'class time' and could therefore fall outside the secular requirements of the Education Act. Yvonne made a complaint to the Commission against the Ministry of Education.

THE DISPUTES RESOLUTION PROCESS

With Yvonne's permission, the mediator contacted the Ministry of Education to clarify their position on the case. The Ministry had discussed the case with the principal of the school, and suggested they

meet with Yvonne to try to come to a resolution face to face. At the mediation meeting, both sides were able to discuss the philosophies behind their positions, as well as the Education Act and relevant international case law on the issue provided by the mediator.

OUTCOME

The school pledged to remove the religious nature of the expressions of thanks before class presentations at assembly, and seek more feedback on and provide more opportunities to opt-out of other religious activities such as Christmas Carol services and the Bible Studies course. Instead of agreeing to stop performing the Lord's Prayer at assembly, they proposed incorporating occasional prayers from other religions and cultures. They also restated the various ways that Lily could miss the prayer at assembly while minimising stigma. Yvonne was unhappy with the proposals around the assembly prayers, because she felt they would still be stigmatising, and the aim of her complaint was to have less religion in schools, not more. Yvonne began investigating alternative out-of-zone schools for Lily.

Age Discrimination

Unlawful age discrimination complaints are on the rise, from six per cent for the 2002-03 financial year to nearly 10 per cent of all complaints in the last year. The two key areas for both older and younger age groups are employment and the way Government funding is distributed, differentiated, and prioritised. The Commission has taken a strong advocacy position against ageism in employment and the EEO Commissioner is promoting an Employment of the Older Worker strategy. Successive governments have made a wide variety of provisions for people of different age groups — for example in eligibility for education and training, benefits, licencing, and other entitlements. Complaints reflect the complex task of designing state social policy based on different categories of need, without unfairly cutting some groups out, or placing onerous requirements on others.

20. Arthritis drug for juveniles

In early 2004, the government drug agency Pharmac began subsidising a new kind of effective medication for rheumatoid arthritis. The drug, Enbrel, was only available for people with the disease who were aged 18 and under — defined as juvenile arthritis. A steady stream of complaints to the Commission followed, from arthritis sufferers of many ages, from 19 upwards. These people were unable to access any affordable and effective medication because of their age.

THE DISPUTES RESOLUTION PROCESS

Pharmac targeted juvenile arthritis sufferers in its initial subsidies because they were a small and vulnerable group. Pharmac's initial response to the complaint was that their medical advisers recommended making these few dozen children the priority, before more funding was made available from the Ministry of Health. However, Pharmac also noted that they were investigating

how to fund arthritis drugs of this kind for older people. Eventually, they announced that they were negotiating with suppliers with a view towards providing a wider subsidy, and requested that mediation processes be put on hold as the results could resolve the complaint.

OUTCOME

In 2006 Pharmac began subsidising an arthritis drug with a similar effect to Enbrel for people over 18. Complainants who were now able to access the drug were very happy with its effects and pleased that they were able to use the complaints process. While the complaints process did not necessarily cause the expansion of the drug funding, the Commission's involvement meant Pharmac was obliged to consider the legal and human rights aspects of its funding decision. Some complainants felt that their complaint had not been resolved because the same drug was not available for people of all ages, but the Commission considered the complaints closed.

21. Older drivers seek equal treatment

People 80 years of age and over were subject to mandatory practical driving tests every two years to remain eligible for a driver's licence. This was of concern to senior citizens who felt that the policy was discriminatory and harmful. When the Government's partial exemption from the Act's anti-discrimination provisions ended on the last day of 2001, Grey Power, an older people's lobby group, immediately launched a campaign encouraging members to make complaints to the Commission about the driver licensing policy.

THE DISPUTES RESOLUTION PROCESS

The Commission received more than 150 complaints, most of which described the significant

harm that regular testing caused to older people in terms of anxiety, cost, restriction of livelihood, and loss of confidence. In its response, the Government accepted that this was a prima facie case of age discrimination, but that it was a justifiable limitation. Complainants overwhelmingly rejected the Government's opinion that the testing regime was justified arguing that research showed older drivers were at less risk of causing accidents.

OUTCOME

Grey Power was represented on the group which subsequently responded to the Minister of Transport's request for a review of crash risks for older drivers. As of December 2006 the Government ended the requirement that drivers over 80 years of age be subjected to regular mandatory driving tests to retain their licences.

HIGHLIGHTS

Through their representation on the policy review process, the complainants were able to participate in the considerations which eventually resulted in the amendment to the legislation.

22. Recruitment agency rebuffs older applicant

WHAT HAPPENED

Harry was sixty, and was just starting to source casual work through a recruitment agency. He had recently qualified in accounting after an earlier career in construction. His recruitment agent called him with the first offer of work that suited his skills, which was exciting for Harry, as he had plans to build his experience and start a small business. However, the agent rang back in the afternoon and told Harry that the job had fallen through, as the employer was looking for someone younger. Harry was shocked, and said that this was discriminatory. His agent said that he would try to

find him other work. However, Harry had further experiences of being put forward for positions by the agency, and then turned down by the employer for unspecified reasons. Eventually the recruitment agency stopped calling him. He was convinced that age discrimination had played a part in the disintegration of the relationship, and made a complaint to the Commission against the agency, and the agent involved in the first incident.

THE DISPUTES RESOLUTION PROCESS

In a written response to Harry's complaint, the agency denied that its agent had ever told Harry that he had been turned down by an employer because he was too old, and said that this had been a miscommunication. They also denied that they had given less attention to finding Harry suitable work, and said that Harry was too easily discouraged. At mediation, the parties did not agree on the facts, nor come to a settlement, but agreed to keep negotiating towards a resolution.

OUTCOME

After mediation, the agent wrote Harry a letter of apology, and the agency offered to keep searching for work opportunities for Harry. However, the blow to Harry's confidence from the first incident meant that he gave up on his plans to re-launch his career. He declined their offer and asked instead for a small cash settlement. The agency refused. Upset by this, Harry declared his intention to take the case to the Human Rights Review Tribunal.

Marital Status, Family Status and Employment Status Discrimination

Together these grounds of unlawful discrimination have comprised about nine per cent of recent complaints, with marital and family status generally totalling about seven to eight per cent.

These forms of unlawful discrimination have traditionally affected sole parents, beneficiaries, women, and parents with young children trying to find accommodation and employment. There have been recent cases of a single mother being denied accommodation, beneficiaries being denied accommodation, and a parent challenging a body-corporate rule against young children. Unlawful family status discrimination, with regard to accommodating childcare, still has a particular impact on women — these complaints have a degree of overlap with breastfeeding and pregnancy complaints (see case study 4). Unlawful marital and family status discrimination have also been problems for de facto couples, particularly in accessing employment benefits for partners. This kind of discrimination has affected gay and lesbian couples and heterosexual couples. Since de facto partnerships have been given an equal legal status to that of marriage, and the Civil Unions Act has been introduced, these complaints are generally resolvable at a low level.

Currently, unlawful marital, family and employment status discrimination cases are most noticeable for the increasing numbers of Part 1A complaints. This reflects the complex task of designing state social provisions based on different categories of need without unfairly disadvantaging some groups. Some of the complaints are about unintended technical gaps in policy and funding coverage. One such example was a childcare subsidy funding system that unintentionally discriminated against people whose children might take longer absences from childcare centres, including sole parents, and the unemployed who could spend more time with their children. In that case and others, the Commission's

disputes resolution process functioned as an 'early warning system' for government, and also helped facilitate contributions to policy reviews.

However, other complaints are against specific policies and laws based on policy rationales that the government is reluctant to change. These include the decision to reward working families but not unemployed families with tax credits in order to incentivise work, or to restrict disability funding to families caring for their own disabled children, due to expectations that families will bear the cost of raising children. These two cases present comprehensive challenges which are being heard in the Human Rights Review Tribunal with the assistance of the Office of Human Rights Proceedings.

23. Caregiver parents claim unlawful discrimination

WHAT HAPPENED

Caregivers of disabled people qualify for various levels of funding through the Ministry of Health. The Ministry's current policy excludes immediate family members (including parents) of people with serious disabilities who require full-time care, from access to funding at an equivalent rate to that paid to non-family members who provide a similar type and level of care to people with similar levels of disability. Aroha was one of many parental caregivers of disabled people who have complained to the Commission since 2002, on the grounds of family status discrimination. For various reasons, she and the other complainants had chosen to raise and care for their now adult disabled children in their own homes. Her 30 year old son has physical and intellectual disabilities, and had been upset by bad experiences with caregivers outside the family. Other complainants also had no suitable residential or care facilities in their area.

THE DISPUTES RESOLUTION PROCESS

In response to Aroha's complaint and others, the Crown Law office justified the different treatment for a variety of reasons including: that the disability support system was a safety net for disabled people who did not want family caregivers; that the family unit was expected to play a supportive role for individuals in society; and that parental caregivers did not have the same roles as caregivers who were not parents. The Commission facilitated Aroha's participation in an interdepartmental review of support to caregivers of disabled people. The review found that family caregivers of disabled people bore immense financial, social and emotional strain, and deserved more support from government. However, this did not result in a change of policy.

THE OFFICE OF HUMAN RIGHTS PROCEEDINGS

Aroha and other parental caregivers asked the Office of Human Rights Proceedings to represent them in their case at the Human Rights Review Tribunal. The Director of the Office accepted their requests. The Director believed that: parental caregivers did carry out comparable roles to non-family caregivers; that parents were therefore disadvantaged due to a prohibited ground of discrimination, and that the Bill of Rights only allowed for "justified limitation" of freedom from discrimination when that discrimination was "prescribed by law". The exclusion of parents from funding was a matter of policy, not of law. The case is being taken to the Tribunal.

24. Government policy challenged

WHAT HAPPENED

When the government announced policy that would provide tax credits to low-income working families, the Child Poverty Action Group (CPAG) believed that

the children of beneficiaries were disadvantaged due to the employment status of their parents. CPAG complained to the Commission arguing that this constituted unlawful discrimination on the grounds of employment status and family status.

THE DISPUTES RESOLUTION PROCESS

The Crown Law Office response to the complaint asserted that the policy was not discriminatory because the benefits received by unemployed parents were overall greater than the tax credit to working families; and the differentiation in provision of social services was justified under the Act and because of legitimate financial constraints on government. This did not resolve CPAG's complaint.

THE OFFICE OF HUMAN RIGHTS PROCEEDINGS

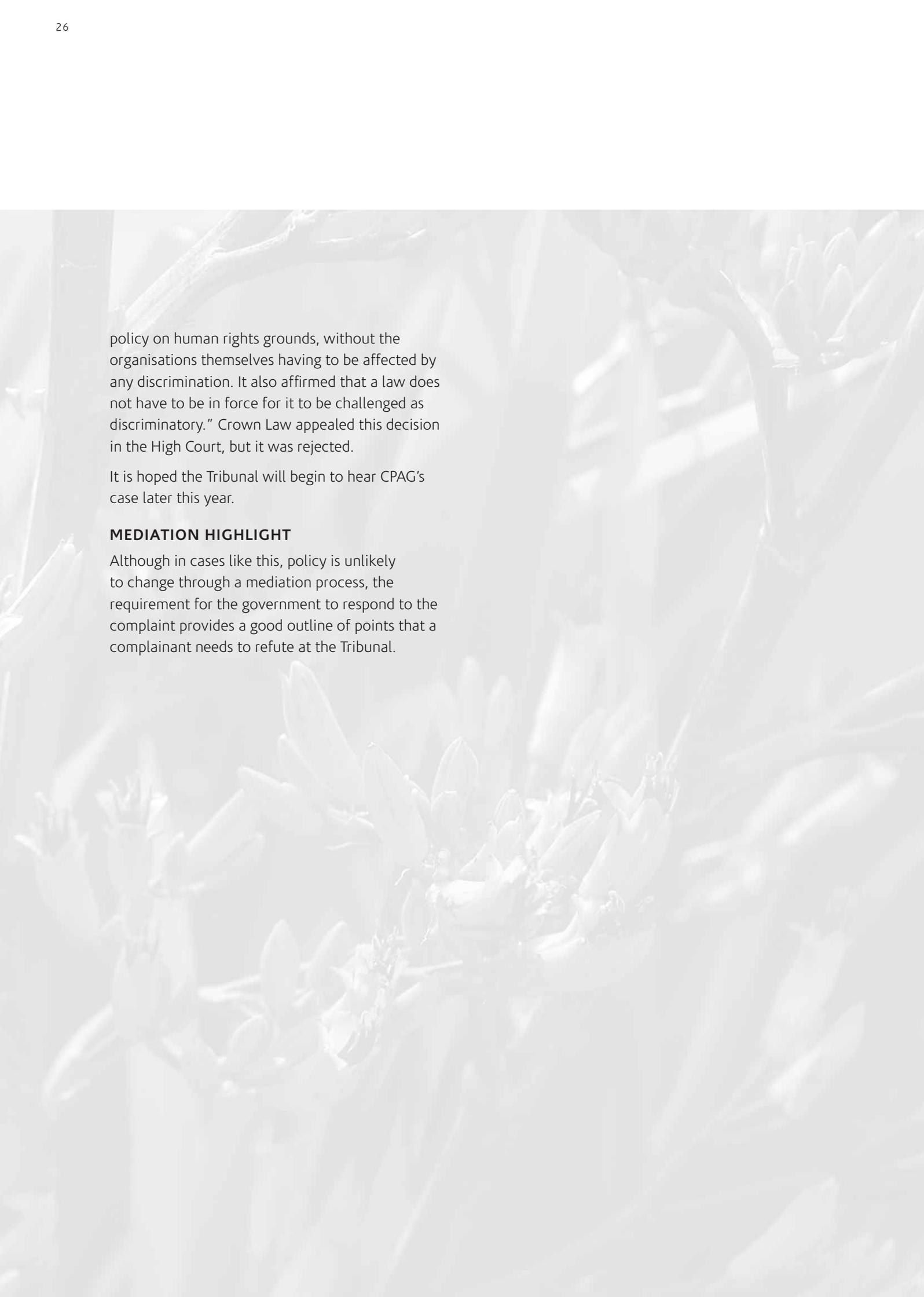
CPAG requested representation at the Tribunal from the Director of the Office of Human Rights Proceedings. The Director agreed to represent the case, saying "we believe that the legislation infringes Part 1A of the Act, because it treats the families of beneficiaries less favourably than the families whose income is the same as a beneficiary's income."

THE HUMAN RIGHTS REVIEW TRIBUNAL AND CROWN CHALLENGES

The Crown challenged CPAG's right to act as a complainant, as they were not people directly affected by the subject of the complaint, and opposed its right to challenge a law that had been passed but had not come into force.

At preliminary hearing, the Human Rights Review Tribunal rejected the Crown's arguments and found in CPAG's favour on both counts.

CPAG said "The decision is an important human rights law precedent because it affirms the right of non-government organisations to challenge



policy on human rights grounds, without the organisations themselves having to be affected by any discrimination. It also affirmed that a law does not have to be in force for it to be challenged as discriminatory.” Crown Law appealed this decision in the High Court, but it was rejected.

It is hoped the Tribunal will begin to hear CPAG’s case later this year.

MEDIATION HIGHLIGHT

Although in cases like this, policy is unlikely to change through a mediation process, the requirement for the government to respond to the complaint provides a good outline of points that a complainant needs to refute at the Tribunal.

Section 61 ‘Exciting racial disharmony’

Section 61 of the Act makes it unlawful to publish or broadcast material which is threatening, abusive or insulting and is likely to excite hostility against groups of people, or bring them into contempt, because of their race, colour, ethnicity, or national origin. This provision has to be read in conjunction with the right to free speech affirmed in the Bill of Rights Act. This creates a high threshold for this category of complaint. Furthermore, there is case law that Muslims are not an ethnic or racial group. However, the complaints were an important gauge of the intensity of community feeling. Dialogue about offensiveness, community engagement, and press responsibilities proved the appropriate response.

25. The Mohammed Cartoons

Global controversy erupted in 2006 over the publication in a Danish newspaper of cartoons depicting the Prophet Mohammed, several of which linked the Prophet and Islam with terrorism. Depiction of the Prophet Mohammed is proscribed by Islam. The newspaper was eventually subjected to threats and international protests, followed by violent unrest in many countries where Muslims were offended. Numerous other newspapers reprinted the cartoons arguing solidarity with the principles of a free press. In the context of the news story about the reasons for this violence and controversy overseas, The Dominion Post, The Press, and the Nelson Mail published the cartoons in New Zealand. New Zealand Muslim communities protested, and a wide variety of people complained to the Commission, including Christians. TV One and TV 3 news broadcast the images in the context of the local reaction.

THE DISPUTES RESOLUTION PROCESS

The complaints did not fall within the jurisdiction of the Act’s complaint provisions, but the Race Relations Commissioner became involved as part of the Commission’s wider mandate to encourage harmonious relations. The Commissioner publicly questioned the usefulness of publishing the cartoons, and was able to convene a meeting between religious leaders and media institutions to discuss the issues.

OUTCOME

The resolution attempted to overcome Muslim alienation from the mainstream media by committing to better channels of dialogue, and to informing the community about diverse cultures and beliefs. The Dominion Post and The Press did not resile from their decision to publish the stories in the context of the news, but apologised for offence caused and undertook not to publish the cartoons again. All parties affirmed the importance of freedom of the media, but also acknowledged the responsibilities that come with that freedom include sensitivity to diverse cultures and beliefs.

The industry participants agreed that the Commission should facilitate further discussion, that the Journalists Training Organisation should address training issues that arose from this debate, and that a directory of Muslim spokespeople would be compiled and made available to the media to facilitate a better flow of information.

The Federation of Islamic Associations of New Zealand was happy with the outcome, and considered that the matter had been dealt with appropriately. It called off any further protests. A month later, after a further meeting between FIANZ, the Race Relations Commissioner, and the Freedom Committee of the Commonwealth Press Union, opinion pieces written by the FIANZ President were published in newspapers throughout the country.

HIGHLIGHT

In his opinion piece, the FIANZ President said: “That meeting epitomised for me what New Zealand is all about — that despite our diverse backgrounds, we can work together in good faith to build a strong and cohesive society. This debate also provided the Muslim community with an opportunity to open a dialogue with the broader New Zealand community and address a number of the myths and stereotypes that some people have about Muslims.”

LEGAL CONTEXT

In accordance with local and international jurisprudence, the Commission’s view is that Muslims are from a wide range of ethnicities and cannot be defined as an ethnic group, or a group defined by racial or national origins. The cartoon issue could therefore not be dealt with under Section 61 of the Act.



Human Rights
Commission

Te Kāhui Tika Tangata

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