

He whakarāpopotonga: He whakaritenga whai tikanga mō te hunga hauā ki Aotearoa

Summary

Reasonable accommodation of persons with disabilities in New Zealand



ARTICLE 33
Committee on the Rights of Persons with Disabilities
Monitoring Group

Ombudsman
Fairness for all

NZ Human Rights
Human Rights Commission
Te Kaitiaki Take Kōwhiri

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Kua puta i te ohu Independent Monitoring Mechanism (IMM) he puka tohutohu matawhānui mō ngā [whakaritenga whai tikanga, e wātea ana hei toro māu i konei](#). Ko te IMM te rōpū aroturuki i te Kawenata a te Kotahitanga o ngā Iwi o te Ao mō ngā Mana o te Hunga Hauā ki Aotearoa, ā, he mea whakatōpū ia i te Tari o te Kaitiaki Mana Tangata, te Kāhui Tika Tangata me te Rōpū Aroturuki Kawenata (Convention Coalition Monitoring Group).

He ariā mātuatua te '*whakaritenga whai tikanga*' i te Kawenata a te Kotahitanga o ngā Iwi o te Ao mō ngā Mana o te Hunga Hauā (te Kawenata). Ko tōna whakamāramatanga, ko te whakarite panonitanga e whai tikanga ana, e aro ana ki te matea o te tangata hauā. Ko te whakamāramatanga o te '*whai tikanga*' e mea nei, ko te panonitanga e tonoa ana:

- e matea ana;
- kāore i uaua rawa te whakatutukihanga; ka mutu
- kāore i nui rawa te utu e taea ai.

Ko tā te whakaritenga whai tikanga he turaki tauārai e taea ai e te hunga hauā te ako me te mahi, te toro mōhiohio, te whai wāhi ki ngā ratonga me te haere ki ngā wāhi e hiahia nei rātou; pēnei pū i te katoa o te iwi.

[Hoki ki ngā ihirangi.](#)

He aha nei te whakaritenga whai tikanga?

E tautuhitia pēneitia ana te whakaritenga whai tikanga i te Kawenata: *'he panonitanga, he whakaritenga anō me mātua whakatutuki, e tika anō ana, kāore e uta kawenga tuwhena, inati rānei, e matea ana i tētahi tūāhua, e mātua taea ai e te hunga hauā te rongu, te whakaū rānei i ngā mana tangata me ngā mana herekore matua katoa, kia rite hoki ki tāngata kē atu'*. E whakaaetia ana he nui ngā tauārai e ārai nei i tā te hunga hauā whai wāhi mārika atu ki ngā mahi o ia rā, ā, he nui ēnei tauārai ka taea te turaki atu. Koinei ētahi o ngā momo tauārai:

- **ā-hoahoanga, ōkiko anō**, hei tauira, he kauhanganui whāiti, kāore e ō atu he tūru wīra whai pūkaha.
- **ā-mōhiohio, ā-whakawhitinga kōrero anō**, hei tauira, he momotuhi, he iti rawa hei pānui mā te tangata kanohi atarua.
- **ā-waiaro**, hei tauira, te pōhēhē kāore tētahi e hauā ā-kōrero ana e mārāma ki ētahi tohutohu.
- **ā-hangarau**, hei tauira, he pae tukutuku kāore e taea ai ngā pūmanawa pānui-ā-mata.
- **ā-pūnaha**, hei tauira, he tukanga kimi kaimahi kāore e wātea ana ki ētahi e hauā ana.

He āwhina te whakaritenga whai tikanga hei turaki, hei whakakore atu rānei i ēnei tauārai. E tika ana kia whakaūngia tēnei ki ngā rāngai katoa

o te ao e noho nei tātou, kia kore ai te hunga hauā e utaina ki te taumaha i te āhua o tētahi pūnaha, o tētahi ratonga rānei. He nui te wā he iti noa iho te utu, he utukore rānei te whakaū whakaritenga e hāngai ana ki ngā matea o te hunga hauā. Arā he wā he māmā noa te whakatutukihanga, pēnei i te panoni waiaro, i te tuku i tētahi anō ara whakawhiti kōrero, i te whakawātea rānei i ngā tomokanga ōkiko o tētahi wāhi.

[Hoki ki ngā ihirangi.](#)

Mō āhea whakaaengia ai he whakaritenga whai tikanga

E arahina ana ngā momo whakaritenga whai tikanga e te Ture Tika Tangata 1993 e mea nei he takahitanga ture te aukati atu i te tangata nā runga i tōna hauātanga. Ko ētahi o ngā mea hei whakaaro ake i te wā e tonoa ana, e tukuna ana rānei he whakaritenga whai tikanga ko ēnei:

- Ka whai hua rānei te panonitanga e tonoa ana?
- E whaitake ana te/ngā panonitanga e matea ana?
- He aha ngā utu ā-pūtea?
- Ka pākia pēheatia ētahi atu e te panonitanga e tonoa ana? Mā konā e noho mōrea ai ētahi atu?

Kia āta whakaarohia te whakaritenga whai tikanga e ai ki ngā horopaki motuhake o ia tūāhua. Ki te kore e taea tētahi panonitanga, me hōpara ētahi atu ara.

[Hoki ki ngā ihirangi.](#)

He āwhina mā ngā whakahaere

Ko ngā panonitanga e hāngai ana ki te hunga hauā he mea e whai hua hoki ai ngā kaimahi hauā-kore, ngā kiritaki, ā, me ngāi tūmatanui anō. Ko āu mahi whakaū whakaritenga whai tikanga hei mea whakatairanga hoki i tō pakihi, mā konā e whānui ake ai te hunga ka aro atu, i tō whakatairanga i tō whakahaere hei whakahaere e aro ana ki ngā hua o ngā tāngata **katoa**.

He whaitake hoki te whai whakaaro ki te āhua e whakahoungia ai ngā kaupapa here me ngā tukanga o tō whakahaere e ai ki te kaupapa o te whakaritenga whai tikanga. Whakaarohia ngā ratonga ka tukuna e koutou, ka whai whakaaro ai ki te āhua e hāngai ai ō mahi ki te hunga hauā, otirā, e āwhinatia ai rātou, kaimahi mai, kiritaki mai anō.

Mēnā i whai whakaarohia ngā tikanga hoahoa arowhānui i te wā whakamāherehere, hoahoa hoki i ngā tukanga me ngā wāhi ōkiko o tō pakihi, ka iti noa ngā tono whakaritenga whai tikanga. He pēnei i te mea nā te kaupapa **tikanga hoahoa arowhānui** – te hoahoa whare, taputapu, taiao anō hoki e wātea ana ki te hunga hauā - i whakaritea ai he mahi, he ratonga, he wāhi tūmatanui hoki e noho tauārai-kore ana.

Ki te arongia te kaupapa tikanga hoahoa arowhānui i te tīmatanga, ka iti iho ngā wā e mate ai koe ki te panoni i ō rawa, i ō pūnaha, i ō ratonga rānei ā tōna wā.

Kia maumahara hoki, me whakapau kaha koe kia hua ai he whakaritenga whai tikanga ina tonoa ai. Āta whakamōhiohia te kaitono ki ngā nekehanga o te wā (ngā mea ka taea, kāore hoki e taea), ka hōpara ai i ētahi ara kē atu mēnā e tika ana kia pērā.

[Hoki ki ngā ihirangi.](#)

He tohutohu mā te hunga hauā e tono whakaritenga whai tikanga ana

Nōu te mana ki te:

- tono whakaritenga whai tikanga kia wātea ai koe ki te toro ki ngā ratonga e matea ana e koe;
- whakamōhio i ētahi whakahaere mēnā e aukatihia ana tō toro, tō whakamahi rānei i ā rātou pūnaha, ratonga rānei; ka mutu
- whakamahi i te pūnaha, i te ratonga rānei, kia rite hoki ki tā ētahi atu whakamahi.

Ki te mate koe ki te tono panonitanga i tētahi whakahaere, whāia he māramatanga ki ā rātou kaupapa here hei āwhina mōu.

Whakamāramatia atu he aha i tonoa ai e koe ngā panonitanga, ā, he

aha i kore ai ngā whakaritenga o te wā e whai hua. Whakamāramatia atu ngā mahi me mahi, me te take e āwhinatia ai koe e ngā panonitanga nei. Whakamahia te Kawenata hei tautoko i tō tono.

Arā he wā e kore ai e taea te panonitanga e tonoa ana e koe, heoi, arā pea he ara anō hei whakakore atu, hei whakangāwari rānei i te tauārai kei tō aroaro.

Kia maumahara ake, ki te kore tētahi whakahaere e whakatutuki i te panonitanga kua tonoa e koe, ki te kore rānei e whai whakaaro ki ētahi ara kē atu, ka kīia pea tēnei he aukati tangata. Ki te whakapono koe kua aukatihia koe nā runga i tō hauātanga, ka taea e koe te tuku amuamu ōkawa ki:

- **Te Kāhui Tika Tangata**

Ka taea e te Kāhui nei te tuku he ratonga takawaenga ki te takahia te Ture Tika Tangata, otirā, ki te aukatihia koe. Ka whakahaerehia tēnei i waenga i a kōrua ko te tangata, ko te whakahaere rānei e whai pānga ana.

- **Te Tari o te Kaitiaki Mana Tangata**

Ka taea pea tā te Kaitiaki Mana Tangata tuku āwhina mēnā e hāngai ana tō amuamu ki ngā mahi a tētahi tari kāwanatanga, a tētahi mana ā-rohe rānei. I mua i tō whakapā atu ki te Kaitiaki Mana Tangata, whāia kia whakatatūria tō amuamu ki te tari kāwanatanga, ki te mana ā-rohe rānei i te tuatahi mā te whai i tā

rātou tukanga amuamu. Ki te kore tonu e tatū tō amuamu, ka taea pea e te Kaitiaki Mana Tangata te whakatewhatewha.

Ko te tūmanako nā tēnei whakarāpopotonga i whai āwhina whaitake ai koe ki te kaupapa o te whakaritenga whai tikanga. E whakapono nei mātou he mea pūrua tēnei i ngā mātāpono o te Kawenata, otirā, he mea kōkiri i ngā mana tangata me ngā mana herekore matua o te hunga hauā.

[Hoki ki ngā ihirangi.](#)

He rauemi me ētahi momo putanga kē atu

Ka taea te toro ki te puka tohutohu IMM i tōna katoa ki ngā momo e rārangi iho nei:

- [He whakaritenga whai tikanga mō te hunga hauā ki Aotearoa \(putanga Word reo Pākehā\)](#)
- [He whakaritenga whai tikanga mō te hunga hauā ki Aotearoa \(putanga PDF reo Pākehā\)](#)
- [Te putanga he māmā ake te pānui o He whakaritenga whai tikanga mō te hunga hauā ki Aotearoa \(Word\)](#)
- [Tuhi matapō \(ka tonoa ana\).](#)

Ko taea pēneihia te whakarāpopotonga:

- [He whakarāpopotonga: He whakaritenga whai tikanga mō te hunga hauā ki Aotearoa \(putanga Word\)](#)
- [He whakarāpopotonga: He whakaritenga whai tikanga mō te hunga hauā ki Aotearoa \(putanga PDF\)](#)
- [He whakarāpopotonga ki te Reo Rotarota o Aotearoa.](#)

[Hoki ki ngā ihirangi.](#)

Te Kāhui Tika Tangata: infoline@hrc.co.nz

Te Kaitiaki Mana Tangata: info@ombudsman.parliament.nz

[Hoki ki ngā ihirangi.](#)

KA MUTU I KONEI