Reimagining education: An interview with Prudence Walker, Kaihautū Tika Hauātanga Disability Rights Commissioner for Aotearoa New Zealand

Tēnā koutou katoa. Ko Nicola Leete toku ingoa. It's my absolute pleasure to be here today with Prudence Walker, Disability Rights Commissioner for Aotearoa, New Zealand. Tēnā koe Prudence. To begin, I'm wondering if you could tell us a bit about your background, and in particular, what led you into your role as Disability Rights Commissioner?

I've always been interested in what I now know to be human rights and justice. From a young age. I observed people, our experiences and attitudes and behaviours towards each other, as well as how people were treated by systems. When I moved from the North to the South Island at the tender age of 13, my world, as I knew it, changed, and I realised that my peers had different experiences and knowledge and understanding of these things. So then, a few years later, my own experiences with injury and illness and acquired disability further alerted me to real barriers and injustice and discrimination within, for example, education, healthcare, and employment. I then began working in the disability sector nearly 20 years ago, with much of that time being spent on things like disability awareness or responsiveness, education and facilitating workshops around human rights and disability rights. Along the way, I've met some amazing people who are so knowledgeable about human rights and the rights of disabled people in particular, and many of those were disabled people themselves who've shared with me their own stories, insights, and understanding, as well as helping me to unpack my own experiences and identity.

So coming from that existing interest, just an inbuilt interest in human rights, I suppose, but having developed that through my life experiences and studies and everything really led me to this. Before this role, I was the Chief Executive of a Disabled Persons Organisation, and before that, I worked for a number of years for a disability service provider, so all three have been different types of organisations, but all three have had a real basis of human rights and disability rights.

For readers who might not be familiar with your current role as Disability Rights Commissioner, how would you describe it?

So the Human Rights Act gives my role and that of Te Kāhui Tika Tangata – The Human Rights Commission, a broad mandate to promote and protect human rights, and in my case to promote and protect the rights of disabled people and Te Tiriti rights of Tāngata Whaikaha Māori. The Act also prohibits discrimination on the ground of disability. As disabled people, we should have equal access to services, and be able to assert our rights and fully participate in society, so I work towards that through advocacy, influencing policy, monitoring and reporting on New Zealand's obligations under the Convention on the Rights of Persons with Disabilities, but also the Commission in general. There's a number of other treaties that we are monitoring under and also in collaborating with others in Aotearoa, but also overseas, and we are feeding into the International Human Rights Framework.

Thank you. That's really helpful in giving us that broad understanding of your role. Thinking more specifically about education, I'm wondering what your schooling experiences were like, and to what extent, if any, they have influenced your advocacy in the education area?

So personally, for much of my primary and secondary education, I did well and had good support to achieve, and my peers were from varied backgrounds, including a few disabled people. Looking back, I think I may have always been neurodivergent, and then I acquired a brain injury at the end of my 5th Form year, so when I was 16, which had a massive impact on my learning and achievement, but so-called "mild brain injury" was not well understood by most or in the education system at the time. While my mother was a teacher and was a really amazing advocate for me, the school system didn't really understand or adapt to my needs, having acquired that brain injury. I went on to tertiary study, where I continued to try and find the support to best achieve, with a number of successes and failures along the way, and finding what worked for me, and how my learning could be best supported. So I guess you know, like having acquired disability along the journey of my education, I keep all of those experiences in mind, as well as other things that I observed and experienced in that journey, and so I'm really always advocating, for you know people to be the best supported in their journey in education that they can be, and to have their rights upheld, and for us all, to have an understanding of people who need different things in education, or what things might work best to support learning.

Prudence, from your perspective, why is education so important?

It's so fundamental to our lives. Of course, the right to education and the right to a whole lot of other rights are really interdependent. You can't separate rights, but education is so foundational. So many of our other rights rest on education. You know, from a social point of view, understanding ourselves and our context relative to other people and our families, and demonstrating the values of society and our experience of being valued and included as well as the many specific learning areas we gain knowledge on at school. Of course, education also has a real impact on our ability to take on tertiary education and opportunities and work. Often I hear stories when I'm out and about engaging a lot around bullying and a lot of those stories are in education or in people's experiences where they haven't received the support that would have really helped them to move along their education journey. I do also hear about wonderful teachers who were inclusive and had high expectations for all their students, and were flexible in their teaching to suit what students need, so that's always reassuring.

Prudence, you mentioned the word *inclusive*, and of course it's a term that as educators we read and hear a lot, particularly in our policy documents describing our education system. I'm wondering from your perspective, what would an inclusive education system or class, school, centre look and feel like?

You know, it's great that you asked about that, because at a systems level, what the Convention on the Rights of Persons with Disabilities Committee has set out in its General Comment on Education is that inclusive education requires commitment at a systems level across all parts of the education system. So, that means we're valued and expected to be there and to participate. On a more practical level it's about things like spaces of learning, about curriculum, about communications and about the language we use in those learning environments. It's about learning environments being flexible and incorporating Universal Design for Learning, and also that teachers expect and feel that they are equipped to support learner diversity at all levels. For leaders and trustees, it's about understanding the rights of all children to learn in their local schools, to be included in social activities and to receive tailored learning support. In inclusive learning environments there's that real relationship and understanding between students and teachers. I think really, it's about students being able to be who they are.

Thank you. We often talk about being on a journey towards being a more inclusive education system. So if we use that metaphor, do you have any thoughts around how we get there? And I guess whether there are any particular enablers we can draw on or barriers we need to overcome, to move closer towards an inclusive education system?

Yes, as I mentioned, disabled students want to be welcomed in their local school like other students. But, too often that's not the case because of a lack of commitment to an inclusive education system. Disabled children and young people often experience little real choice and lack the genuine option of being supported in their communities and schools. As I referred to before, the Committee on the Rights of Persons with Disabilities has made it clear that disabled students need to have the option of education being provided in mainstream settings, and not only in isolation from other students, so there needs to be real investment in that support for students and in schools to be able to support teachers and other staff to be able to support the needs of those students in their schools. The expectations of the school and the culture of the school, and the way that teachers and other staff contribute to that, are also really important. We often hear of really cool stuff that's done in some areas, and it's just a natural way of operating in their school. Facilitating that learning seems to come more naturally in some environments than it does in others, and often these things, are influenced by the system. So, I think, at every level, we need to be setting that expectation. So policy, for example, and policy coming from the Ministry of Education as well as policy in schools, needs to set that expectation because that helps support the actual delivery of education and then, of course, there's got to be the culture and opportunity for people to continue their learning and receive the support that they need to be able to facilitate really inclusive environments for children.

Prudence, you've referred a number of times to the Convention on the Rights of Persons with Disabilities. As you'll know, when the Education Review Office carried out research into education for disabled ākonga, one of their key findings was that there was a lack of awareness of education

rights. So, I'm wondering if you might be able to touch on some of the key provisions, that as educators, we should be aware of?

Yes, the right to education is a general human rights principle of core economic and social importance, and is recognised as a precondition for social and economic inclusion. It's a right that's recognised in the Universal Declaration of Human Rights and it's articulated in a range of international conventions that New Zealand has ratified, including the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities. Both those treaties contain provisions concerning the right to education, and are directly applicable to the New Zealand education system and our legislative framework. The provision of an education system that is fundamentally inclusive, and assures that disabled children and young people are able to exercise their right to education on an equal basis with others, is not merely an aspirational concept or abstract policy or principle, it's a human rights obligation. Then, flowing down from that, there are a number of organisations and individuals involved with the delivery of education, of course, and so that requires real adoption of the human rights model of disability, which recognises the obligation to remove social barriers so that disabled people are not further marginalised.

So, at the start I talked about education as a core human rights principle and the Universal Declaration of Human Rights. So that's about everyone, right? And conventions like the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities, I often, in really simple terms, explain it as they're reinforcing those human rights obligations that exist. Like saying, "Hey, when we talk about human rights for everyone, we mean children, and we mean disabled people included in that". And there might be some more specific detail for those specific groups but I think a way of thinking about it in a practical sense is, what are the barriers here? And actually, if this student wasn't disabled, would we be thinking about this differently? For disabled Māori children with learning support needs these rights are further supported by Te Tiriti o Waitangi, and regardless of whether a principles or articles approach is taken to interpreting Te Tiriti, the obligations are still relevant to disabled Māori children with learning support needs and their whānau. For example, equal rights and privileges means that tamariki in Kura Kaupapa Māori are entitled to the same learning support services as children with learning support needs in mainstream education. So, there is a lot to the human rights framework, but I think, really thinking: What are the barriers here? How can we best support the needs of this child? And realising that that child has a right to education, is at the core.

Prudence, you've mentioned a number of times about barriers, and also about the importance of language. So, picking up on that, I'm wondering if you could share any guidance around considerations for educators on ensuring the language they use when working with and sharing information about disabled ākonga is inclusive and respectful.

Yes, I guess a real focus on strengths. You know, not in an unrealistic way, or anything, but to be respectful of who people are, and to focus on the strengths that they have in that setting and to have actually the same expectations of disabled students as for non-disabled, so that's not unrealistic expectations, as in somebody who has a physical impairment that means they can't run, they're not going to do the cross country, for example. But, looking at that from an inclusion point of view, and

not assuming that that student won't participate in the cross country at all, because actually, that student might want to and be able to participate in that or any other activity. It might just require some different thinking to what people see that activity as and/or it might require some different support to other students for the student to be able to participate.

In terms of language, I mean, I could talk about language all day, but I think the important thing is that it comes from a respectful place and a strength place of being mindful of language that devalues in general terms, and being honest with yourself about whether you have attitudes that may be showing through in your language that are maybe not that strengths based or respectful. We all have our own inbuilt attitudes that have been shaped by our own experiences. It's important to be conscious of that, and mindful of how actually your own experience or lack of knowledge may come through in your language and your approach to inclusion in the value that you place on people. A lot of assumptions are made about what people are capable of, especially for all of us when we're children. This is particularly so for disabled children who may have different learning processes but they just need support to be included. In terms of information for example, there could be an assumption that a child doesn't understand something that their peers might. Regardless of that, it's still respectful to be sharing information with somebody if it's about them, and it's still important to be mindful about how we're talking about people. For example, people who most of their communication might not be in a verbal sense, and so assumptions may be made about what they understand or are capable of, which a lot of the time is, is not correct. I've seen that in some of those cases, you know, people will talk about that person like they are not there, or sometimes they are not of the same value. It's really important that we treat people with respect and include them in the conversation because one, it is about them, and two, we may be making some assumptions that are not correct.

You really highlighted there the importance of communication, and just like with information sharing, thinking for educators about gathering student voice, I'm wondering if there are particular considerations that we should keep in mind when gathering and listening to the voices of disabled ākonga.

Yes. I mean, disabled people are the best experts on our lives. So for disabled ākonga, they're experts on how they learn and how they want to participate in the school community. They can provide insights about the school, and inclusion and barriers as well, so it's really important to make sure that disabled ākonga are having a voice. So, not just having a voice around things that are related to disability, either having a voice in general, that actually they're having a say about everything that other students are having a say about, because it all impacts on them and their experience at school and their experience of inclusion. Schools and teachers need to be mindful of that, and of ensuring that those processes for voice are accessible and that students are able to participate, but also that disabled students in some cases will need extra encouragement to participate and reassurance that their voice does matter because there are so many situations as disabled people, direct and indirect, that we get messages that our voice is not important or just by things not being designed for our needs. So, it's so important to have their voices coming through and for all ākonga, of course including disabled, to be involved in the decisions that affect them.

There is a project called the Voices Project. It's a collection of 10 films of young disabled people talking about their educational experiences and that's by the inclusive Education Action Group. You can find it on their website. It might provide some insight for some people who are not familiar with the voices of disabled ākonga.

Thank you Prudence for some great practical guidance there. As educators, you'll know that we are always looking to strengthen our practice, so I'm wondering to conclude whether you might have a key message or a challenge for us around how we can best support the disabled ākonga we're working with?

I think over the years and all the conversations I've had around disability in general, I think that people are often fearful about doing the wrong thing, or perhaps the things that they've learned about disability along the way. What I would say from my point of view, because I'm focused around disability rights, is that we should always be thinking about what rights those students have and what our human rights approach would be, but I think also that it's actually not as complicated often as we think it is to build inclusive environments, to be coming from a human rights approach, to recognise the rights that disabled ākonga have. Sometimes it might take thinking about something we haven't thought about before to support the learning needs of that ākonga and sometimes it can be really creative solutions. Disabled people are often really creative, because that's how we have to live our lives in a world that's not designed for us. I think the most important thing is really that disabled students need to feel like they belong, and they are welcomed and are a valued member of the class and school community, that we need to challenge our own attitudes around disability and any ableist beliefs or behaviour that we might have that excludes some students. We need to include like when a particular learning activity is happening in a classroom, we're including disabled ākonga in that. If we are, you know, using examples of role models or people in history, that there are disabled people included in that and that disabled students have the opportunity to see and learn about people who they might have something in common with in terms of that disability experience. We need to adapt teaching methods to meet the diverse learning needs of ākonga and, you know, be providing learning material in formats that people need. That might be a variety of different ways and we need to be advocating for those accommodations and supports that students need.

It's about teachers taking the time to understand ākonga and their interests and strengths and challenges, and establishing trust with their students by being approachable, supportive and respectful. Also, as I know that teachers often are anyway, but in particular, for disabled students, being aware of bullying that can be happening around disability. In addition to you know, any other issues of bullying because disabled students are known to experience more bullying and harassment at school and that may look similar to other cases of bullying and harassment, and it may look different so teachers have a really important role in acting to prevent and stop bullying.

Thank you so much Prudence for taking time to share your experiences, perspectives and suggestions with us. We are very appreciative and want to wish you all the very best in your invaluable mahi as Disability Rights Commissioner.

I really appreciate the opportunity to focus in on a discussion around education with you.

INTERVIEWEE PROFILE

Prudence Walker

As the Disability Rights Commissioner and rainbow/ health/ housing rights spokesperson for Te Kāhui Tika Tangata | New Zealand Human Rights Commission, Prudence Walker is deeply committed to advancing equity for all people. With over 20 years working in and around human rights, their work is driven by a strong belief in social justice.

Prudence grew up in Wairarapa, Taranaki, North Otago, and now resides in Ōtautahi | Christchurch.

Bringing a lived experience as a disabled and queer person, Prudence's approach is fundamentally intersectional.

With 25 years of advisory and governance experience, Prudence is a strategic thinker, and their work has always involved a strong people focus.

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