

# **RACIAL DISCRIMINATION & DISABILITY**

**A Response Prepared by the:**

**National Ethnic Disability  
Alliance  
(NEDA)**

**for the World Conference Against Racism, Racial  
Discrimination, Xenophobia and Related Intolerance**

This paper can also be found on the *HREOC and World Conference Against Racism*  
Website: [http://www.hreoc.gov.au/worldconference/bulletin\\_submissions/  
full\\_submissions/racial\\_discrimination.html](http://www.hreoc.gov.au/worldconference/bulletin_submissions/full_submissions/racial_discrimination.html)

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# INTRODUCTION

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People from a non-English speaking background (NESB) with disability experience multiple layers of discrimination – discrimination on the basis on disability, race or ethnicity, gender, sexuality etc. This paper will look specifically at the intersection of disability and ethnicity.

Discrimination occurs at both an individual and systemic level. Due to the high level of social control that people with disability experience, the discrimination experienced is often institutional.

Research indicates that people with disability from a NESB are often stigmatised and isolated because of attitudes and misconceptions prevalent in their own communities and in the broader community. In respect of the broader community, disadvantage is compounded by discriminatory attitudes towards disability and ethnicity.

This paper will look at four areas:

- the inter-related nature of disability and ethnicity
- racial discrimination in the areas of disability services and information provision
- the Racial Discrimination Act
- suggested solutions / strategies to tackle the issue of racial discrimination and disability.

## The Statistics

At present, there are no statistics available about the incidence of disability within NESB communities. NEDA has used available data from the:

- Australian Bureau of Statistics (ABS)
- NSW Ageing and Disability Department (ADD)
- Department of Family and Community Services (FaCS)

to extrapolate the following.

The 1998 statistics show that:

- 19% of the population in Australia has a disability [**ABS, 1998 *Disability, Ageing and Carers: Summary of Findings***].

The ABS statistics show that:

- 41% of the population were either born overseas (English speaking + non-English speaking countries) or have one or both parents born overseas (English speaking + non-English speaking countries)
- 60% of those born overseas or with one or both parents born overseas come from a non-English speaking background [**ABS, 1996 Census**].

Using this information, NEDA estimates that 24.6% of the population of Australia are people from a NESB. Thus, approximately 24.6% of all people with a disability living in Australia are from a NESB.

Therefore, NEDA concludes that approximately **4.6% of the population** or 902,082 people in Australia are from a NESB with a disability.

## NEDA

The National Ethnic Disability Alliance (NEDA) is the national consumer-based peak body for people from a non-English speaking background (NESB) with disability, their families and carers. NEDA follows the Department of Immigration and Multicultural Affairs in its definition of NESB. That is, NESB refers to a person who is either:

- born overseas and whose language or cultural is not English or Anglo Celtic / Saxon
- born here in Australia and the first language or culture of at least one parent is not English or Anglo Celtic / Saxon
- born in Australia with a linguistic or cultural background other than English or Anglo Celtic / Saxon who wish to be identified as such.

This definition encompasses second and possibly third generation NESB.

The overarching aim of NEDA is to advocate at a federal level, for the rights and interests of people from NESB with disability, their families and carers. All activities undertaken by NEDA include strong consumer involvement and is based on the following Objectives:

- 1.) Represent the rights and interests of people from NESB with disability, their families and carers.
- 2.) Advocate on issues impacting on people from NESB with disability, their families and carers.
- 3.) Work towards securing equitable outcomes for people from NESB with disability, their families and carers.
- 4.) Co-ordinate policy advice to the Federal government and relevant peak bodies on the impact of policy and legislation on people from NESB with disability, their families and carers.

As a result of its unique cross-sector role (disability and multicultural affairs), NEDA aims to collaborate and work with a broad range of organisations to represent the interests of people from NESB with disability. This includes working with:

- ethnic organisations and services
- the disability sector and its peak bodies.

Due to its cross sector position, NEDA's role is to bring a disability perspective into ethnic issues, and an ethnic perspective into disability issues. NEDA works across all areas of disability and across all cultural and linguistic groups.

For more information, please visit NEDA's website: [www.neda.org.au](http://www.neda.org.au).

## **DISABILITY & ETHNICITY**

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There is a common myth that for people from a NESB with disability, their disability is the major concern and that being from a NESB does not matter. The reality is that for people from NESB with disability, disability and ethnicity are inter-related.

**Example**        If ethnicity did not matter, the provision of services to people from NESB with disability would be comparable to Anglo-Australians.

The fact that there are so many Anglo-Australians and so few people from NESB in services shows that ethnicity does matter. It is our experience that issues of ethnicity and disability are interdependent and one cannot be valued over the other.

### **SI EW- CHIN**

Siew-Chin is a young woman of Chinese descent with a physical disability. She is a tertiary student and because of the lack of accessible public transport, she lives on campus. Siew-Chin is the only person from a non-English speaking background with a visible disability living on campus.

She has repeatedly been the subject of harassment by some able-bodied students. Her room has been broken into several times, her nametag removed from the door and offensive graffiti alluding to her ethnicity and disability has been scrawled on the door.

Some students do not refer to her by name but call her 'crippled nip'.

### **MAHAN**

Mahan and her family came to Australia as refugees from Iran. She is 23 years old and works in a sheltered workshop. She is the only NESB worker in the workshop and is harassed and tormented on a daily basis by her co-workers because she does not speak English.

Despite the fact that her work mates have intellectual disability, just like her, she is still singled out and called 'stupid' and 'slow'. Hierarchies exist everywhere, even in the sphere of disability.

Mahan aspires to become an actress. It seems her dream will never become a reality because of the hostile environment she is subjected to and the lack of opportunities this presents.

# **RACIAL DISCRIMINATION & DISABILITY SERVICES**

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In NSW, it is estimated that some 3 out of 4 people from a NESB with disability miss out on receiving non-government disability services. In Australia, three out of four people from a NESB with disability miss out on receiving Commonwealth funded disability services. This is in addition to the current unmet need for people with disability in general.

This figure stands despite genuine efforts made by many to redress this appalling situation. This figure points towards the need to seek **systemic solutions to a systemic problem** that involves the disability services system as a whole.

Many services seem unable to accommodate linguistic and cultural diversity because:

- ethnic communities tend to be overlooked when considering the 'target group'
- staff need continual accredited, quality training in cultural difference, diversity and disability, and in particular, the nature and reality of the person's experiences
- the disability services system has not adopted even the most basic mechanisms for people from NESB such as the use of interpreters or the publication of material in languages other than English. Poor language skills prevent carers from accessing services so they have less opportunity to develop their personal, social or professional capabilities
- there are insufficient strategies and practices to ensure that people from NESB with disability and their families and carers participate in decision-making
- the myth of extended family support is still subscribed to by both service providers and funding bodies resulting in fewer services for NESB communities.

## **HA**

Ha, a Vietnamese woman with an intellectual disability wants to receive living skills training. She has been accepted by a local service but she is not learning very much because the training is performed in English and she has limited language skills.

## **VERONICA**

Veronica, is 30 years old and lives her family who came from Malta. She has a disability and is receiving personal care from the Home Care Service of NSW. The family has asked for a permanent Maltese female worker, because they have trouble communicating in English. Veronica is always assigned someone from a completely different ethnic background and sometimes they are male.

# **RACIAL DISCRIMINATION & INFORMATION PROVISION**

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Access to information is often the first step towards people participating in the community. Access to information means, in effect, access to opportunities and therefore choices to participate in the community.

Like all people from NESB, people from NESB with disability and their families and carers experience increased difficulties in accessing services because of the lack of resources made available for interpreters and translations.

Services such as the Translation and Interpreting Service (TIS) and the Ethnic Affairs Commission language services have increasingly adopted the user pays principle, severely restricting the number of free or subsidised on-site and telephone interpreting sessions available to people and non-profit service providers.

The costs for language services are mostly unbudgeted, resulting in:

- a reduction in community services for people with disability from NESB
- the provision of inappropriate information
- the overall increase in the use of family members and other relatives as interpreters, in violation of standards such as confidentiality, dignity, privacy, etc.

For some people with disability and their carers from NESB communities who are not fluent in English, access to easily understood information about services and benefits in community languages and the availability of interpreters would go some way towards enhancing the quality of life. Conversely, the lack of awareness or failure to promote such information and the absence of interpreters or bilingual staff can further isolate and marginalize people from NESB with disability.

## **RITA**

Rita is a Filipina with an intellectual disability. She migrated to Australia with her family more than 10 years ago. Even though the 10 year waiting period for migrants with disability was not yet implemented, she had not accessed the Disability Support Pension because her family, who have not had much education and have language difficulties, did not know about this entitlement.

## **IVAN**

A Croatian refugee and her teenage son, Ivan, who has an intellectual disability, are not able to access any disability services. Ivan stays at home all day and receives no services. Due to the Settlement Officer's lack of knowledge, the family was not informed about the services that could support him.

## **RDA**

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The *Racial Discrimination Act 1975* was the first piece of anti-discrimination legislation enacted by the Commonwealth government. The RDA makes racial discrimination unlawful in all areas of public life and it gives rights to equality before the law to people of all races, national and ethnic origins – this include people with disability.

However, the RDA is a very complex piece of legislation. Consultations conducted by HREOC have indicated that many people do not have a good grasp of the contents of the Act and anecdotal evidence suggests that people from a NESB with disability have not made use of the RDA.

People with disability from a NESB can be reluctant to lodge complaints because of:

- the complexity of the process involved
- fear of reprisal
- the associated costs
- the adversarial nature of making complaints
- the burden of proof that rests on the complainant.

The Act encompasses an individual complaints based model, though there are allowances for representative complaints. This means that the act has little capacity to deal with systemic racial discrimination.

# SOLUTIONS

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## Disability – Ethnicity Interface

For people from a NESB with disability, ethnicity and disability are inseparable factors affecting everyday life. Unless the intersection between ethnicity and disability is recognised and understood, people from a NESB with disability will continue to fall through the gaps of the disability service system.

## Equity of Access to Information

Although information provision has been considered for a long time as an important issue by government departments and disability service providers, by and large information about disability, entitlements, rights and service provision has been inaccessible.

The lack of information to the NESB sector has a two-fold consequence:

- people with disability know little about disability, rights and opportunities
- families and NESB communities have no knowledge about disability, resulting in stigmatisation and isolation of people with disability and their families.

Furthermore, service providers (and governments) know little about people from NESB with disability and have little understanding about how to facilitate communication and the flow of information between people from NESB with disability and disability services.

### Sample Strategies:

- Community education and information campaign to NESB communities to increase awareness about disability issues and the disability service sector.
- Facilitation of formal and informal links between ethnic communities, disability service sector and Government departments.
- Government departments to effectively monitor contractual arrangements with disability service providers which ensure that service providers comply with Access & Equity principles, produce information in community languages and utilise interpreters as required.
- Additional and adequate funding for interpreters and translators.
- Peer community education and information for people from NESB with disabilities and their families about disability, rights, services and entitlements.
- Development of Access & Equity plan in relation to communication.
- Development of concrete and relevant multilingual information and resources about disability, rights, services and entitlements.
- Funding, developing and attending training in how to provide culturally competent information.
- The establishment of a credit line with the interpreter and translator service of the Ethnic Affairs Commission to be available to all ADD funded disability services.
- Disability awareness training to interpreters and translators.

## **Equity of Access to Disability Services**

Equity in accessing and retaining the necessary services has traditionally been identified as the primary area of concern of Access & Equity policies.

The main consequence of inequitable access to disability services has been that 3 out of 4 people from NESB with disability are missing out on services.

### **Sample Strategies:**

- Undertake accredited Access and Equity audit and develop Access and Equity plan.
- Staff to access accredited Cultural Competency Training relevant to their area of service provision.
- Development of culturally specific service information and disability information in community languages.
- Government departments to effectively monitor contractual arrangements with service providers in relation to people from NESB with disability.
- Disability service providers have access to a diverse range of ethno-specific workers who act as cultural consultants and who are trained, supported and accredited.
- Monitor, evaluate and further research the impact of Access & Equity plans in terms of increasing participation rates of people from NESB.
- Continued improvement and development of culturally competent disability service provision.

## **Equity of Access to Service Development**

This area involves a range of provisions within a service, from developing policies and plans that aim to increase cultural competency in service provision, to departmental monitoring of services, to policy making and planning which is culturally competent. Traditionally, this area has not been considered in discussions about Access & Equity.

The main consequence of this lack of consistent planning, service development and monitoring has been that people from NESB with disability are falling through the gaps.

### **Sample Strategies:**

- Government departments and service providers to consult culturally competent and to achieve quality outcomes for organisations and participants.
- Transform identified needs into policy advice and strategies on a state-wide and local level.
- Government departments to implement and monitor effective contractual arrangements with service providers which ensure that they meet the diverse needs of their target group and are culturally competent.
- Document and promote of best practice models.
- Government departments and disability service providers to implement consultation outcomes and policy advice.

Conduct further research to identify barriers to people from NESB with disability using services equitably.

## **Equity of Access to the RDA**

For people with disability to access the RDA at the same rate as those without a disability, changes need to be made.

### **Sample Strategies:**

- Community education targeted at ethnic communities with some specific focus on people with disability to encourage the use of the RDA should discrimination occur on the basis of race.
- Education provided to advocacy services dealing with people from a NESB with disability to assist advocates in the use of the RDA.
- Simplification of the current processes used.
- Financial assistance granted to people from a NESB with disability who cannot meet the costs associated with making complaints.