



PARENTS OF VISION IMPAIRED (NZ) INC

National Office: 59 Commerce Street, Frankton, Hamilton

Postal address: PO Box 5629, Frankton, Hamilton 3242

Email: rgraham@pvi.org.nz

www.pvi.org.nz

Providing a community to support parents of children with vision impairments

Position statement on accessing public buildings

A fully inclusive society recognises and values disabled people as equal participants¹. Reasonable and practicable access to buildings for people with disabilities is acknowledged in the United Nations Convention on the Rights of Persons with Disabilities (ratified by New Zealand in 2008) and as a right under the New Zealand Human Rights Act (1993). More on the UNCRPD is included at the end of this statement.

People who experience disability have equal rights to access the physical environment and public spaces including education, employment, recreation, and participation as citizens. PVI recognises that access is a critical issue for people experiencing disabilities. Lack of access to buildings and other facilities is an obstacle in obtaining employment, education, housing, entertainment, health care and other services.

The NZ Government's main tools for providing for accessibility of the built environment are the Building Act 2004, the Building Code and its Acceptable Solutions and the New Zealand Standard NZS 4121, summarised as the Building Regulations. The basic objective of the Building Act, as stated in section 118, is that people with disabilities must be able to 'carry out normal activities and processes' in the building.

An accessible building is one which people with disabilities can use in the same way as anyone else. An accessible building must be considered in the context of an accessible journey encompassing the route to the building (approachability), the route through the building (accessibility) and the facilities within the building (usability).

The advantages of an accessible building apply to the population as a whole and not just those with disabilities. For example mothers with pushchairs and older people may have the same access requirements as people with a temporary or permanent disability.

Broadly speaking, PVI supports the following comments made by those consulted with by MBIE² for their 2014 report regarding how to strengthen the current regulations and processes to promote accessibility:

- Developing a more aspirational model of access
- Improving information and increasing awareness about how to make buildings accessible
- Improving understanding of the benefits of accessible buildings

¹ Human Rights Commission. Better design and buildings for everyone: Disabled people's rights and the built environment

² See <https://www.mbie.govt.nz/dmsdocument/7303-malatest-report-access-to-buildings-for-people-with-disabilities>

- Promoting a universal design approach to facilitate understanding that access is not just for people with disabilities
- Changes to the regulations to update them, remove gaps and inconsistencies between the Building Code and NZS 4121
- Improved guidance about expectations when buildings are being altered.

Position statement on physical access to public spaces

People with disabilities should not be prohibited from participation in their chosen recreational, social or employment activities because of architectural or attitudinal barriers. The barriers to the participation of disabled people in society occur far too often in the built environment. The step, heavy door and entry phone at the entrance to a building; the lack of colour contrasting on busy thoroughfares; and the high positioning of lift buttons and door handles all act as barriers to people with disabilities. With a little thought for access needs, the environment could easily be designed to be accessible.

PVI believes that people with disabilities ought to have equitable access to public services, facilities and environments.

PVI recommends that local councils:

1. Design, construct, maintain footpaths, crossings, paved areas and streets in ways, which facilitate their safe and practical use.
2. Address specific road safety issues raised by people with disabilities. These include problems with specific pedestrian crossings and intersections and uneven footpath surfaces.
3. Design, provide and monitor the use of mobility parking which is physically accessible, affordable, safe to use and appropriately located.
4. Ensure parking provisions for people with physical disabilities are retained or enhanced when 'green' anti-car measures are implemented in central cities, by giving these parking provisions proper legislative standing.
5. Enforce regulations relating to footpaths and streets to allow people with disabilities to move about unobstructed (this includes, for example, cars parked across entrance ways and sandwich boards on footpaths).
6. Ensure all Council services, facilities, amenities and places of recreation (for example parks and beaches, galleries, libraries and cultural venues) maximise the opportunities for people with disabilities to attend and participate.
7. Employ general design principles appropriate for people with disabilities in any re-development or new building undertaken.
8. Enforce statutory requirements for buildings and amenities to ensure their compliance with Building Act, Building Code and NZS 4121: 1985 Code of Practice. New Zealand Standard 4121: Design for Access and Mobility - Buildings and Associated Facilities.
9. Consult people with disabilities in the early planning and design stages of new developments and redevelopment.

10. Develop and implement (with appropriate consultation) a standard of excellence for building access.
11. Provide pedestrian traffic signals which maximise the ability of people with visual and hearing impairments to move about safely.
12. Provide appropriate designated changing facilities at Council swimming pools and facilities.
13. Identify and resolve bus and other public transport barriers.
14. Facilitate an appropriate range of levels of access to parks and outdoor facilities.

PVI also supports the position of **Blind Low Vision NZ** with regards to public spaces. Their position statement is included in full below.

Supporting documents for our position statements are the New Zealand Disability Strategy, the United Nations Millennium Development Goals, the UN Habitat Forum on Disability Inclusion and Accessible Urban Development, and the UNCRPD. Relevant aspects of each of these are outlined in turn after Blind Low Vision NZ's position statement.

Blind Low Vision NZ position statement on public spaces

<https://blindlowvision.org.nz/about-us/position-statements/>

Issue

Public spaces and buildings are not fully accessible for people who are blind or have low vision.

Statement

The RNZFB Board believes that:

- The needs of all users of public buildings and spaces must be taken into account in developing infrastructure in New Zealand.
- It is time to develop and legislate for a mandatory standard of access to public spaces and buildings.

Background

For many blind people, the built environment acts as a barrier to their participation in the community. The inability to fully access the facilities that everyone else in the community takes for granted – footpaths, cafes, public buildings, swimming pools, libraries, sporting facilities and movie theatres – limits independence and impacts on quality of life.

Most often access to the built environment is thought of only in terms of wheelchair access within buildings and carparks. Blind or low vision users are often not considered.

Blind people and those with low vision must be able to use footpaths safely and effectively. When cyclists and pedestrians share pathways, there is an increased potential for pedestrians to be injured. Cyclists move more quickly than pedestrians move and blind people and those with low vision often cannot hear them.

There are existing standards that apply to the built environment, such as the New Zealand Standard 4121:2001 Design for access and mobility: Building and associated facilities [by authority of compliance document for clause D1 Access Routes of the New Zealand Building Code].

What Blind Low Vision NZ Will Do:

- Encourage blind people to express their needs and explain when something is not accessible.
- Work with infrastructure specialists, local authorities, building developers, owners and local and central government to advise how to improve access to public buildings and the built environment, and contribute to accessibility audits.
- Seek an undertaking from the Property Council of New Zealand to reduce constraints for blind and low vision users of public spaces and buildings.
- Support efforts to enshrine universal design in the Building Act and the Building Code and establish mandatory access standards for public building and spaces.
- Increase public awareness of how making the environment accessible for people who are blind or have low vision benefits everyone.

What Blind Low Vision NZ Wants Government to Do:

- Investigate what comparable countries are doing to create the conditions where building developers, designers and owners design for all users when designing, upgrading, modifying and retrofitting public buildings and spaces.
- Ensure that public sector procurement practices for public spaces and buildings specify accessibility standards.
- Support efforts to enshrine Universal Design in the Building Act and the Building Code and establish mandatory access standards for public building and spaces.
- Amend legislation and regulations to set a clear expectation of what access standards must be.
- Require access audits to be included in the design process and to be reviewed (as are fire safety standards) and adhered to.
- Remove shared use paths until minimum safety standards are met.
- Give priority and sufficient resources to the implementation of the Malatest Report on the revision of the Building Code and NZ Standard 4121.
- Enact a comprehensive accessibility law that will provide enforceable standards for all aspects of the built environment.

The New Zealand Disability Strategy

The New Zealand Disability Strategy guides the work of government agencies on disability issues from 2016 to 2026.

The vision of the New Zealand Disability Strategy is:

New Zealand is a non-disabling society - a place where disabled people have an equal opportunity to achieve their goals and

aspirations, and all of New Zealand works together to make this happen.

Outcome 5: Accessibility³. We access all places, services and information with ease and dignity. What this means:

- Disabled people are consulted on and actively involved in the development and implementation of legislation and policies concerning housing (home ownership, social housing and private rentals), transport (public and private), public buildings and spaces and information, communication and technology.
- Universal design is understood, recognised and widely used.
- All professionals involved in accessibility have a good understanding of the principles of universal design and the needs of disabled people and take these into account in their work.
- We enjoy and are fully included in artistic, cultural, sporting and recreation events whether as spectators or as performers.
- Decision-making on issues regarding housing, transport, public buildings and spaces and information, communication and technology is informed by robust data and evidence.

United Nations Millennium Development Goals

PVI agrees with the following recommendations on the Millennium Development Goals (MDGs) as outlined in the Position paper by Persons with Disabilities⁴. Realizing through an enabling environment the full potential of persons with disabilities (MDG's 6, 7, 8, 9 and 11).

Recommendation 2.5: Promote universal design and remove barriers to public accommodation, transport, information, and communication to facilitate the participation of persons with disabilities in education, employment and social life; in line with CRPD Articles 9, 11, 19, 21 (e), 24, 27, 28 and 30, e.g. access to ICTs, in order to enable communication, promotion of sign languages and forms other than traditional written and verbal communication.

Recommendation 2.6: All such investment and infra-structure development should be guided by the principle of ecologically sustainability and universal design.

UN Habitat Forum on Disability Inclusion and Accessible Urban Development

The UN Habitat Forum on Disability Inclusion and Accessible Urban Development was held in Nairobi, 28-30 October 2015, in advance of the Third UN Conference on

³ See <https://www.odi.govt.nz/nz-disability-strategy/outcome-5-accessibility/>

⁴ See <https://sustainabledevelopment.un.org/>

Housing and Sustainable Development (Habitat III), Oct 2016. The 5 key recommendations developed from this Forum are:

1. Promoting accessibility as a collective good and a key component in urban policy, design, planning and development.

- Accessibility shall be actively promoted as a collective good that benefits all.
- Accessibility facilitates full and effective participation of all and should therefore be incorporated and actively promoted as an integral component of good policy to achieve inclusive and sustainable urban development. A city that is well designed is designed for all.
- Accessibility is a precondition for their enjoyment of human rights and is a means for economic, social, cultural and political empowerment, participation and inclusion.
- An accessible and disability-inclusive urban development agenda can be realized everywhere. This requires strong commitments in concrete terms, which include inclusive and disability-responsive urban policy frameworks, appropriate regulatory structures and standards, "design for all" approaches in planning and design, and predictable resource allocations. It also requires active and meaningful participation of persons with disabilities and their organizations, as rights-holders and as agents and beneficiaries of development during all stages of the urbanization process.

2. Accessible Housing and built infrastructures as key elements for sustainable and inclusive cities

- Integrated approaches to housing, and positioning housing at the centre of inclusive urban development, need to take account not only of environmental sustainability, diversity (including disability) and financial aspects, but also human rights.
- Universal design, as a concept and principle, should be reflected in designs and plans for new built environments and in renovations to existing buildings and facilities to ensure they are accessible for all.
- Building standards, laws and effective enforcement mechanisms are essential to ensure accessibility, availability, affordability and quality of housing and public services for all, including persons with disabilities.

3. Accessible transportation, public spaces and public services

- Integrated transportation facilities and services not only provide accessibility for all but are also reliable and affordable. They drive sustainable and inclusive growth and change.
- Inclusive transportation requires continuity of accessibility throughout travel chains, meaning all elements of a journey from the starting point to the final destination include accessible entrances.
- Integrated urban policy and plans must identify and address gaps in accessibility in public spaces and from one built environment to another.

- Social equity requires that the costs of accessible transportation and basic public services shall not be borne fully by users who require services since these are essential to ensure opportunities for full and effective participation in social, economic, cultural and political life for persons with disabilities.

4. Accessible Information and communication technologies (ICTs) for building inclusive, resilient and smart cities and communities

- Governments should develop accessible ICTs, including mobile applications, government websites, public kiosks and automated teller machines, and should include the use of accessible ICT services in their urban development plans.
- The rapid pace of development and innovation in ICT products and services means that assistive and adaptive devices and technologies are not always compatible and the cost of many such technologies limits access for persons with disabilities, particularly in low-income and middle-income countries. Governments should promote and facilitate research, development and mainstreaming of accessible ICT products and services by including accessibility requirements in public procurement exercises for ICT products and services used by public organizations or their customers or staff.
- Many national telecommunication authorities have universal service goals which recognize affordability and access to networks as a right; consideration shall be accorded urgently to accessibility as a third universal service goal.

5. Full and active participation of persons with disabilities and broad-based multi-stakeholders partnership for advancing inclusive and accessible urban development

- The Sustainable Development Goals message to “leave no one behind” seeks to ensure that the targets are met for all peoples and segments of society, including persons with disabilities in cities.
- Achievement of a truly inclusive New Urban Agenda, where no one is left behind, requires a holistic and people-centred approach that informs, engages, and involves persons with disabilities and their organizations in all aspects of urban development, in particular in their access to adequate housing.
- The New Urban Agenda should further the advancement of accessibility for all with respect to the right to adequate housing, the built environment, public spaces, transportation, facilities and services and ICTs.
- A New Urban Agenda cannot be achieved unless it responds to the needs and rights of everyone, including the estimated one billion people with disabilities

The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)⁵

The aim of the UNCRPD is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, including an obligation to promote respect for their inherent dignity. The UNCRPD contains a preamble and 50 articles.

Article 19 obligates signatories to ‘recognise the equal right of all persons with disabilities to live in the community with choices equal to other.’ Article 19 has a particular focus on people’s ability to choose their place of residence; to access the community supports they need to prevent isolation or segregation; and to access mainstream community-based services and facilities that are in turn, responsive to their needs⁶.

PVI supports the UNCRPD, and particularly notes the following general obligations for persons with disabilities:

“to undertake or promote research and development of universally designed goods, services, equipment and facilities, as defined in Article 2 of the Convention, which should require the minimum possible adaption and the least cost to meet the specific needs of a person with disabilities, to promote their availability and use, and to promote universal design in the development of standards and guidelines⁷.”

“to enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and other facilities and services open or provided to the public, both in urban and in rural areas⁸.”

The **United Nations High-level Meeting on Disability and Development** (2013) in its action-oriented Outcome Document stressed the importance of ensuring accessibility for and inclusion of persons with disabilities in all aspects of development and giving due consideration to all persons with disabilities in the **2030 Agenda for Sustainable Development**.

The Outcome Document further called for actions to ensure accessibility, following the universal design approach, by removing barriers to the physical environment, transportation, employment, education, health, services, information and assistive devices, such as ICTs, including in remote or rural areas, to achieve the fullest potential throughout the whole life cycle of persons with disabilities⁹.

⁵ See Accessibility and Inclusion of Persons with Disabilities in Urban Development, <https://www.sheltercluster.org/sites/default/files/docs/desaissuepaperonaccessibilityandinclusionofpersonswithdisabilitiesinurbandevelopment.pdf>

⁶ New Zealand based research on Article 19: <https://ccsdisabilityaction.org.nz/assets/Uploads/article-19-research.pdf>

⁷ Article 4, general obligations, the Convention on the Rights of persons with Disabilities

⁸ Article 9, Convention on the Rights of Persons with Disabilities

⁹ General Assembly resolution A/RES/68/3, the United Nations

Available evidence illustrates that urban infrastructures, facilities and services, if designed and built following accessibility or inclusive “universal design” principles from the initial stages of planning and design, bear almost no or only 1 per cent additional cost¹⁰.

Cities that depend on a tourism economy are also likely to pay high opportunity costs for inaccessible infrastructure and services if they exclude tourists with disabilities, (as well as older persons and parents with young children, who may experience accessibility limitations), who may otherwise visit these destinations. It is estimated that, in economic terms, this would equate to an opportunity loss of approximately 15-20 per cent of the global tourism market share¹¹.

¹⁰ The World Bank. (2008). Design for All: Implications for Bank Operations. From http://siteresources.worldbank.org/DISABILITY/Resources/Universal_Design.pdf

¹¹ Sakkas (2004).