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**Aotearoa New Zealand's Universal Periodic Review 2024  
Draft National Report****I. Introduction**

- 1 Aotearoa New Zealand is committed to promoting and protecting human rights, domestically and internationally.<sup>1</sup> New Zealand welcomes the opportunity of its Fourth Universal Periodic Review (UPR) to provide this National Report and participate in discussions and reflections on its human rights progress, achievements, challenges and opportunities.
- 2 New Zealand's unique identity is underpinned by the 1840 signing of te Tiriti o Waitangi, the Treaty of Waitangi (the Treaty).<sup>2</sup> This foundational constitutional document established a partnership between the Crown and Māori, New Zealand's Indigenous People. The Crown, embodied by Government, has a duty to ensure it is a better Treaty partner, engaging effectively with Māori on a range of issues and building true and practical partnerships with Māori. The Treaty underpins New Zealand's bicultural national identity and provides the fundamental context for its human rights approach, in what is today a vibrant, ethnically diverse nation, committed to the achievement of an inclusive society.
- 3 New Zealand's third UPR in 2019 resulted in 194 recommendations, of which the Government accepted 160. Government agencies have incorporated the recommendations in their work, summarised in this report covering the period 2019-2023. In 2021, New Zealand submitted its first mid-term UPR report.
- 4 Three factors since 2019 have particularly shaped the Government's work programme: the 2019 terrorist attack on Christchurch mosques; the COVID-19 pandemic; and increasingly, climate change. Flooding in early 2023 followed by the devastation of Cyclone Gabriel are two recent examples of how climate change is affecting the lives of New Zealanders. These themes are reflected throughout the report.

*Report preparation*

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<sup>1</sup> Hereinafter referred to as New Zealand, Aotearoa is one of the names that Indigenous Māori use to refer to New Zealand.

<sup>2</sup> In 1840, te Tiriti o Waitangi/the Treaty of Waitangi agreement was signed between the British Crown and Māori chiefs. It is New Zealand's founding document and establishes and guides the relationship between the Crown (embodied by Government) and Māori, conferring rights and obligations on each Treaty partner. It has three Articles: Article One – the Government gained the right to govern (kāwanatanga); Article Two – the Crown promised that Māori will have the right to make decisions over their lands, resources and valued possessions (taonga) which they wish to retain (tino rangatiratanga); and Article Three – the Crown promised that its obligations to New Zealand citizens are owed equally to Māori. Reference to 'the Treaty' in this document includes both English and te reo Māori texts.

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- 5 Government officials sought the public's views on human rights in New Zealand to inform this report. Seven open engagement hui<sup>i</sup> throughout New Zealand were held in 2023, plus two online hui, to listen to New Zealanders' concerns. Written submissions were also received and seven schools were visited to hear youth perspectives. These views contributed to the draft National Report, which was released online for public consultation.
- 6 A wide variety of issues and perspectives were raised by the public, underlining the intrinsic value of open discussion on human rights. Themes which emerged strongly included COVID-19 response measures and concerns about these, such as the experience of some people who decided not to be vaccinated, climate change impacts, the importance of adequate housing and the rising cost of living, and domestic violence and child poverty. Mental health and disability support access were raised, along with persisting inequities in outcomes amongst Māori and Pasifika<sup>ii</sup>, particularly in education, health and the criminal justice system. People spoke about freedom of expression and preventing hate speech, balanced with the need for open debate. Women's and children's rights, discrimination against men, and the rights of the Rainbow, and specifically transgender, communities, were also advocated.
- 7 The vast majority of the human rights concerns raised in the UPR public consultations are already priorities in the Government's work programme. However, there is still work to do, and results can take time. The Government acknowledges and is committed to continuing engagement on the concerns raised.
- 8 New Zealand's dependent territory of Tokelau is included in this report, in a dedicated Annex on its human rights situation. This report was also shared with the governments of Tokelau, the Cook Islands and Niue, as part of the Realm of New Zealand.

## II. Implementation of recommendations and developments

### Human Rights infrastructure and institutions<sup>iii</sup>

- 9 New Zealand's constitution is located in various sources, including the Treaty of Waitangi, legislation, the common law, constitutional convention, parliamentary customs and customary international law. Three main laws specifically promote and protect human rights: the Human Rights Act 1993 (HRA); the New Zealand Bill of Rights Act 1990 (BORA); and the Privacy Act 1993. In public consultations it was suggested that human rights should be supreme law, incorporated into a written constitution, or entrenched (protected from repeal by a simple majority). This would require a review of constitutional arrangements.
- 10 The HRA is the main anti-discrimination law, ensuring that everyone is treated fairly and equally. It lists unlawful discrimination and prohibits sexual and racial harassment and the incitement of racial disharmony. It outlines the role of the

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New Zealand Human Rights Commission<sup>iv</sup> and the Human Rights Review Tribunal. Funding of the Commission has increased since 2019 to support its work and projects.

- 11 The BORA affirms obligations under the International Covenant on Civil and Political Rights. All new legislation introduced into Parliament must be examined for consistency with the BORA rights and freedoms. The BORA was strengthened in 2022 by an amendment requiring that legislation the courts declare to be inconsistent with the BORA must be brought to the attention of Parliament for consideration and debate. The Government must respond in a report to the House of Representatives.
- 12 Government officials are currently considering options to develop and adopt a national action plan on business and human rights, including an assessment of work progressing this important area.<sup>v</sup> New Zealand will provide an update at its 2024 UPR dialogue.

*National Reporting Mechanism*

- 13 In 2021 the Government endorsed New Zealand's Inter-Ministerial National Mechanism on human rights.<sup>vi</sup> The National Mechanism aims to improve agency cooperation and the consistency and effectiveness of international human rights reporting processes. It includes:
  - a Governance Group of Deputy Chief Executives of agencies leading work under international human rights treaties and the UPR;
  - a web-based monitoring tool recording UN recommendations and tracking implementation progress; and
  - guidelines for all public sector agencies on reporting, implementation and follow-up obligations under the core international human rights treaties and the UPR.

*International Human Rights Framework<sup>vii</sup>*

- 14 New Zealand has ratified seven core human rights treaties and is committed to implementing international human rights obligations domestically.<sup>viii</sup> The Government is considering whether legislative and other changes would allow New Zealand to ratify further human rights instruments or withdraw reservations.
- 15 In December 2022 the UN Optional Protocol to the Convention on the Rights of the Child on a communications procedure came into effect for New Zealand, implementing 2019 UPR recommendations.<sup>ix</sup> This improves protection of children's rights in New Zealand and aligns with government priorities. A communications plan is being developed to raise awareness of the Children's Convention and people's right to take a complaint to the UN under the Optional Protocol.

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- 16 New Zealand has started considering the implications of ratifying the International Convention for the Protection of all Persons from Enforced Disappearance, and removing its reservation to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Further consideration of whether New Zealand should become party to the 1954 Convention relating to the Status of Stateless Persons is scheduled. Information on the Declaration on the Rights of Indigenous Peoples is provided in paragraph 73.
- 17 New Zealand's policy for International Cooperation for Effective Sustainable Development (2019) affirms its commitment to development outcomes that are effective, inclusive, resilient and sustainable. This is integral to achieving the 2030 Sustainable Development Goals. Strategic action plans, covering human rights, gender, and child and youth wellbeing, reflect New Zealand's commitment to the global advancement of human rights across its development cooperation programmes. New Zealand's multi-year budget for Official Development Assistance was increased by NZ\$714 million over 2018-2021; by NZ\$269 million over 2021-2024; plus NZ\$800million over 2022-2026 for Climate Finance initiatives.

**Racism and discrimination<sup>x</sup>**

- 18 New Zealand is a bicultural and multi-cultural country, home to many different cultures and backgrounds. The Government recognises that in the centuries since colonisation began, New Zealand has struggled with racism and discrimination. New Zealand is on the path to improving relationships and social cohesion.
- 19 On 15 March 2019, a terrorist attacked two mosques in Christchurch, killing 51 people and injuring 50 others. The convicted terrorist had an extremist right-wing Islamophobic ideology and the attack influenced a nation-wide conversation about racism in New Zealand. The Government established an independent Royal Commission of Inquiry to investigate the attack and make recommendations.
- 20 The Royal Commission's Report, released in November 2020, identified several lessons to be learnt and areas where significant changes are needed. It made 44 recommendations, which the Government accepted in principle, outlined in New Zealand's 2021 UPR Midterm Report.
- 21 In 2021, the Government agreed to a significant multi-year work programme addressing all 44 recommendations. This emphasises lifting community engagement and coordination across government agencies, to help strengthen New Zealand's counter-terrorism efforts and foster a more inclusive society.
- 22 Work is ongoing, across five themes:
- Social cohesion, education, and inclusion;
  - Reducing hate-motivated crime and racism;

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- Firearms and safety;
- Countering terrorism and violent extremism; and
- National security system.

- 23 The Social Cohesion-Te Korowai Whetū package of tools and resources was launched in 2022, developed after extensive public engagement. The package includes a strategic framework providing a structure for strengthening social cohesion, a framework supporting consistent social cohesion measurement, a work programme identifying existing government activities contributing to social cohesion, information sheets supporting organisations and people to strengthen social cohesion within their contexts, and a time-limited NZ\$2million fund supporting community-led initiatives promoting social cohesion.
- 24 The Preventing and Countering Terrorism and Violent Extremism Strategic Framework is currently being developed, building on New Zealand's current strategy. Its stakeholder working group included the Chief Human Rights Commissioner and the Race Relations Commissioner. An annual Counter-Terrorism hui has been established, along with an independent National Centre of Research Excellence for Preventing and Countering Violent Extremism. A review of security policy settings led to the development in 2023 of New Zealand's first national security strategy.
- 25 The Government continues to centre the 51 Shuhada (victims), survivors, witnesses, families and community voices in its response work. The Royal Commission's recommendations encourage far-reaching, intergenerational change to realise the Government's vision of a 'safe, diverse and inclusive New Zealand.'
- 26 The domestic response has been complemented by New Zealand's co-leadership with France of the international Christchurch Call to eliminate terrorist and violent extremist content online.<sup>xi</sup> Established immediately following the attacks, it has delivered significant change in the way such content online is managed. The Call commits Governments and online service providers to work together with civil society, while protecting and promoting international human rights law and a free, open, secure internet. New Zealand is also a member of the Freedom Online Coalition.

*Anti-terrorism laws*

- 27 The Government has been reviewing counter-terrorism legislation in response to Royal Commission recommendations. The Counter-Terrorism Legislation Act 2022 amended the Terrorism Suppression Act 2002, modernising the definition of a 'terrorist act' to improve clarity, while other amendments reduce the danger of terrorist attacks and activities that support or enable terrorism.<sup>xii</sup>

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- 28 The Budapest Convention and Other Matters Legislation Bill will enable New Zealand to accede to the Budapest Convention on cybercrime by bringing New Zealand's domestic legislation into compliance with its requirements.
- 29 New Zealand reviewed the Intelligence and Security Act 2017, to ensure it continues to be clear and effective. Other legislative and regulatory changes to update domestic counter-terrorism law include the Security Information in Proceedings Legislation Act 2022, and the Counter-Terrorism Acts (Designations and Control Orders) Amendment Act 2023.
- 30 When reviewing counter-terrorism legislation, the Government considers the impact of counter-terrorism actions on human rights, while recognising the impact of terrorist attacks on victims' rights to be free from harm. While counter-terrorism legislation is sometimes found to limit fundamental rights, this has generally been determined to be a justifiable limitation on those rights.
- 31 Further work addressing relevant Royal Commission recommendations is being planned, including community engagement on future legislative reform priorities.

*Reducing incitement, hate crime and racism*

- 32 The Government undertook public consultation in 2021 on proposals to strengthen protections in the HRA that prohibit incitement of hatred based on race, colour, ethnicity, or nationality. In 2022, the Government referred a comprehensive review of incitement and hate crime laws to the Law Commission. It will consider legal responses to hate-motivated offending and speech that expresses hostility towards, or contempt for, people who share a common characteristic. In UPR consultations, some members of the public called for progress on prohibiting hate speech, while others cautioned against limiting free speech.
- 33 New Zealand surveys and studies report that Indigenous and Ethnic People, and groups of colour, experience the most racism, and that it is deeply ingrained in society. Racism is experienced by individuals, whānau,<sup>xiii</sup> and entire communities. New Zealand agreed at its 2019 UPR to develop a *National Action Plan Against Racism* to progressively eliminate racism in all forms. The Government is working with the National Iwi<sup>xiv</sup> Chairs Forum<sup>xv</sup>, community and civil society groups to develop the plan, due for completion in 2024.

*Ministry for Ethnic Communities*

- 34 The Government established the Ministry for Ethnic Communities in July 2021. Its core functions include working to improve outcomes for ethnic communities, through policy and advice, monitoring and data, and partnering and engagement. In August 2022, the Ministry published its *Strategy 2022–2025: A pathway to an Aotearoa where ethnic communities feel at home*. The strategy

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is shaped by four priorities and will guide and underpin the Ministry's work programme, including actions to deliver the strategic priorities:

- Promoting the value of diversity and improving the inclusion of ethnic communities in wider society;
- Ensuring government services are provided equitably and in ways that are accessible for ethnic communities;
- Improving economic outcomes for ethnic communities, including addressing barriers to employment (a concern raised in UPR public consultations); and
- Connecting and empowering ethnic community groups.

### *Employment rights<sup>xvi</sup>*

- 35 In 2019, the Government launched New Zealand's Employment Strategy. Its main objectives include promoting inclusive work so everyone has access to opportunities to participate in meaningful and fulfilling work, and promoting inclusive employment outcomes. It is supported by seven Employment Action Plans (EAPs) to improve outcomes for groups that are consistently disadvantaged in the labour market: Youth; Disabled people; Māori; Pacific people; Older Workers; Former Refugees, Recent Migrants and Ethnic Communities; and Women. Three of the EAPs are:
- 36 The 2022 Former Refugees, Recent Migrants and Ethnic Communities Employment Action Plan includes 19 actions addressing the employment challenges faced by each of these groups, as well as cross-cutting actions to improve outcomes for all.
- 37 The 2022 te Mahere Whai Mahi Māori - Māori Employment Action Plan outlines immediate, medium and long-term actions to support more Māori into quality employment, education and training. Other EAPs such as the Youth Employment Action Plan and the Women's Employment Action Plan also contain actions to improve labour market outcomes for rangatahi<sup>xvii</sup> Māori and wāhine<sup>xviii</sup> Māori.
- 38 The 2020 Working Matters - Disability Employment Action Plan aims to help ensure disabled people, including people with health conditions, have equal opportunity to access quality employment, including by promoting accessibility. and giving effect to guidance on addressing public bias in the workplace.

### **Migrants, refugees and asylum seekers<sup>xix</sup>**

- 39 More than a quarter of New Zealand's population was born overseas. Refugees and migrants are valuable members and significant contributors to New Zealand, but can face challenges integrating into society, adjusting culturally, and participating fully in communities. Former refugees can face significant barriers to employment and encounter difficulty accessing services. The cross-government New Zealand Refugee Resettlement Strategy and New Zealand

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Migrant Settlement and Integration Strategy are currently being refreshed, to ensure they continue supporting successful settlement outcomes and reflect refugees' and migrants' aspirations for settlement. Outcomes of the refresh are expected in late 2023

- 40 In mid-2020 New Zealand increased its annual quota of resettlement places to 1500 people (nominated by UNHCR), and doubled the annual number of residence places for family members of resettled refugees to 600. New Zealand extended a previous pilot for refugees sponsored by community organisations to 150 places over three years.
- 41 New Zealand's Immigration Act 2009 incorporates the 1951 Convention on the Status of Refugees, the 1984 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the 1966 International Convention on Civil and Political Rights. Refugee and protection (asylum) claims made in New Zealand are determined in accordance with the relevant instruments. Asylum seekers have publicly-funded access to legal representation, interpreters, and health care and, if granted a temporary visa, can undertake work or study. Claimants who are not granted a visa are provided with a weekly allowance. Young asylum seekers can attend primary and secondary education.
- 42 In June 2021 Immigration New Zealand (INZ) commissioned an independent review assessing operational practices relating to the restriction of freedom of movement, including detention, of people claiming asylum.<sup>xx</sup> The review recommended legislative and operational changes; INZ has instituted procedures and processes to ensure decisions to detain asylum claimants are consistent with the 2012 UNHCR Detention Guidelines. Detention is limited to exceptional cases meeting a high threshold, decided at high level and regularly reviewed and no asylum seekers have been detained in prison since early 2020. Compliance with detention standards is also ensured through monitoring under the Optional Protocol to the Convention against Torture. There have been no instances of mass detention.

*Migrant exploitation*

- 43 Migrant workers make an important contribution to New Zealand, yet migrant worker exploitation does occur. In 2020 the Government announced a coordinated package of legislative, policy and operational changes to reduce migrant exploitation, with funding of NZ\$50 million over 2020-2024 to resource regulatory agencies' responses to exploitation reports.
- 44 Initiatives launched in 2021 included dedicated tools for easier migrant worker exploitation reporting; establishment of the Migrant Exploitation Protection Visa, allowing temporary workers to quickly leave exploitative situations and remain lawfully in New Zealand; and the establishment of liaison advisors to support and connect migrants to services. These initiatives have been well used, supporting migrants to report and leave exploitative workplace situations.



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- 45 In September 2022 the Worker Protection (Migrant and Other Employees) Bill was introduced into Parliament (expected to enter into force in 2024). This introduces an offence and penalty regime to deter employers of temporary migrant workers from non-compliance with their obligations under immigration and employment law.

*Trafficking*

- 46 The consequences of Covid-19, conflict, and climate change have increased the risk of irregular migration, including trafficking in persons. New Zealand is not immune to this and trafficking activity is evident. The Government remains committed to combatting people trafficking, launching a revised all-of-government Plan of Action against Forced Labour, People Trafficking and Slavery in 2021. This established a high-level framework for government agency actions to 2025, covering prevention, protection, and enforcement. The Plan is accountable to a Reference Group of senior government and non-government representatives.
- 47 Actions include awareness raising, training and tools for communities, front-line officials, and employers; pursuing funding to establish a National Referral Mechanism and specialised support services to identified victims of trafficking; and strengthened operational, policy and legislative settings to enhance enforcement and align with international obligations. New Zealand is currently reviewing compliance with the UN Convention Against Transnational Organised Crime.

*Modern Slavery*

- 48 Public consultation on proposed legislation to address modern slavery and worker exploitation in supply chains occurred in 2022. This would create new responsibilities across the operations and supply chains of all types of organisations in New Zealand, with more responsibilities for larger organisations. The Government is considering the next steps for this legislation.

**Climate Change<sup>xxi</sup>**

- 49 New Zealand acknowledges the importance of a healthy and sustainable environment for the enjoyment of human rights; climate change and its impact on human rights was raised frequently in UPR public consultations and features highly in national debate. New Zealand is responding to climate change and supporting sustainability as a priority.
- 50 In 2019, New Zealand strengthened its climate change legislation by introducing the 'Zero Carbon' framework into the Climate Change Response Act 2002. This framework supports New Zealand's transition to a low-emissions, climate

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resilient future and contributes to global efforts to limit temperature rise to 1.5 degrees Celsius above pre-industrial levels.

- 51 The framework is being actively implemented through:
- A Climate Change Commission to provide expert advice to the government;
  - Legislating a 2050 domestic emissions reduction target aligned with the Nationally Determined Contribution under the Paris Agreement;
  - A system of emissions budgets with five year targets that step progressively towards the 2050 target, of which the first three were set in May 2022;
  - The first emissions reduction plan, published in May 2022, contains over 300 actions to meet the first emissions budget to put New Zealand on track to 2050; and
  - Six-yearly climate change risk assessments and national adaptation plans that respond to the risks identified, of which the first plan was published in August 2022.
- 52 Other key actions to reduce New Zealand's emissions include Emissions Trading Scheme reform, ending new offshore fossil fuel exploration, committing to phase out coal, and introducing world-first climate reporting legislation. These actions support New Zealand's Nationally Determined Contribution to the Paris Agreement, which was strengthened in 2021: for the period 2021-2030, New Zealand will reduce net emissions by 50% below gross 2005 levels.
- 53 New Zealand's emissions are reducing, with total greenhouse gas emissions in 2021 falling to their lowest levels since 2009. However more work remains to meet New Zealand's domestic and international emissions reductions targets.

**Right to Adequate Standard of Living, including Housing<sup>xxii</sup>***Welfare Reform and cost of living*

- 54 New Zealand's reform of its welfare system continues with significant government investment, to ensure people have adequate incomes and are treated with respect and dignity. Significant government investment including the NZ\$5.5 billion Families Package of financial support for low-income families, NZ\$2.8 billion Income Support package, indexation of benefit payments to wages and Winter Energy Payments, has resulted in higher incomes for those supported by benefits than in 2018.
- 55 In 2022 and 2023, the Government prioritised measures to reduce the impact of rising global inflationary pressures on New Zealanders' cost of living. The rising cost of living was raised frequently in UPR consultations. Measures included temporary cost of living payments to low income households, reduction in fuel excise and half-price public transport. Other payments have increased, including to superannuitants, veterans and students. From April 2023, over half of New Zealand families with children are eligible for subsidised childcare assistance, and 345,000 families, including 646,000 children, receive Working

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for Families Tax Credits. Around 356,000 beneficiaries are estimated to receive NZ\$118 more per week on average (rising to NZ\$142 during winter) compared to late 2017. This figure increases for sole parents, to NZ\$180 per week (NZ\$287 during winter), and for couples, to NZ\$256 per week (NZ\$212 during winter).

*Housing*

- 56 New Zealand acknowledges it has a housing crisis. Not enough houses have been built in the right places, at the right prices, at the right time, to meet people's needs, and urban development has not been responsive, including to population growth, demographic change and evolving preferences and needs. These challenges have been decades in the making and will take time to fix. Addressing the housing crisis is a central priority of Government, and significant investment has been made since 2019.
- 57 The 2021 Government Policy Statement on Housing and Urban Development (GPS-HUD), and MAIHI Ka Ora - National Māori Housing Strategy, together set a 30-year direction for housing and urban development systems. These align with the concept of the right to a decent home.
- 58 Near-term implementation of the GPS-HUD focuses on four connected action areas:
- *Reduce barriers to building* including by ensuring planning and regulation settings allow more homes to be built, and making funding for housing, urban development and infrastructure more sustainable and accessible;
  - *Build homes where people need them* to create more options for affordable home ownership and reduce pressure on the rental market. The Government is partnering with others to deliver new housing, including through infrastructure investment to develop build-ready land, accelerating Māori-led housing solutions enabling Māori to deliver housing to their own communities and regions, and investing in the biggest build programme in generations, of over 18,000 public and transitional homes by 2024;
  - *Help people into affordable homes* including through the Government's Progressive Home Ownership Fund; delivering affordable rental homes through the Affordable Housing Fund; and encouraging build-to-rent sector growth; and
  - *Help people in urgent housing need* through the New Zealand Homelessness Action Plan and reform of the Emergency Housing System.
- 59 Regulatory changes to improve rental housing include:
- 2019 Healthy Homes Standards introducing minimum and specific standards for rental housing, such as heating, insulation and ventilation, to close the quality gap between rental properties and owner-occupied homes; and

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- Residential Tenancies Amendment Act 2020 reforms, focusing on improving security of tenure and enabling tenants experiencing family violence to end a tenancy quickly.

### **Administration of Justice, including Criminal Justice System<sup>xxiii</sup>**

60 The Government acknowledges that Māori incarceration rates are still disproportionately high (54% of the 2022 prison population, compared to 17.4% of the national population)<sup>xxiv</sup> and continues to address the overrepresentation of Māori across the criminal justice system. Concerns about this issue were raised in public consultations.

#### *Criminal Justice System reforms*

- 61 Since New Zealand's 2019 UPR and 2021 mid-term report, significant reforms continue in the criminal justice sector and broader government services, aiming to ensure the justice system:
- does not dehumanise or retraumatise, is empathetic and easier to navigate;
  - supports people to address the underlying causes of their offending including drug and alcohol abuse, mental health, unresolved trauma, neuro-disabilities and poverty;
  - addresses the disproportionate harm that Māori experience;
  - is reformed in partnership with Māori; and
  - meets the needs of Tangata Whenua<sup>xxv</sup> and diverse groups, including Pasifika, refugee and migrant, disabled and LGBTQI+ communities.
- 62 The Department of Corrections' Hōkai Rangi strategy 2019-2024<sup>xxvi</sup> aims to significantly lower the disproportionate representation of Māori in the corrections system. It seeks to achieve better outcomes for Māori, with Māori, by prioritising the wellbeing of people in Corrections' management and their families.
- 63 In 2021 Corrections updated its Women's Strategy 2021–2025 to align to Hōkai Rangi and better enable provision of individualised rehabilitation and reintegration support to women in prison, in more humanising environments. Designed to help break the reoffending cycle and improve the wellbeing and safety of women, their families, and wider communities, contributing to intergenerational transformation. Legal aid assistance is available to all women in prison, via freely available phone lines and contact information.
- 64 Access to quality medical services in prison is being improved through the Pae Ora Corrections team leading the transformation of the Māori health service, to achieve healthy futures for Māori, and all those in Corrections' care and management. Officials are engaging frontline custodial, healthcare staff, Māori, and other agencies to contribute to the service's development.

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- 65 Community alternatives to imprisonment are reducing prison overcrowding, with a recent increase in intensive supervision sentences served in the community as alternatives to prison sentences under two years' duration.
- 66 New Zealand Police's Reframe Strategy aims to improve frontline practice to keep people out of court and prison and address the underlying causes of offending. The transformation programme is funded by NZ\$32.26 million over 2023-2026. Reframe will contribute to criminal justice reform by creating the systems, tools, and processes to strengthen the fundamentals of policing, investigation and equitable resolution, and improve outcomes for victims, witnesses, offenders, their whānau and communities through effective referrals to support services.
- 67 New Zealand Police runs Te Pae Oranga, a supported resolution programme delivered in partnership with Māori, to respond to offending outside of the traditional judicial system. Evaluation has shown that Te Pae Oranga led to a 22% reduction in harm from re-offending compared to an equivalent cohort of cases proceeding through the District Court.
- 68 New Zealand Police uses the 2019 Prevention First Operating Model and Te Huringa o Te Tai to improve Police's recognition and understanding of its commitment to the Treaty of Waitangi and Māori. This has supported Police delivery of national programmes and initiatives developed and implemented with Māori to improve outcomes for Māori, reduce offending and victimisation, and build trust and confidence in Police.
- 69 New Zealand's District Courts established Te Ao Mārama programme in 2020, applying approaches from solution-focused and therapeutic courts, across all District Court locations. Te Ao Mārama works in partnership with communities and Māori in regional contexts, and seeks to address the underlying causes of offending. Funding of NZ\$47.4million in 2022 will support increased use of Te Ao Mārama approaches in the criminal jurisdiction (including the Youth Court), care and protection, care of children, and family violence proceedings in the Family Court across a number of District Court sites. Te Ao Mārama approaches will eventually be available for all participants who interact with the District Court, including defendants, victims, children and young people, and families.
- 70 Other court initiatives to address and break the cycle of offending include funding of NZ\$45.8 million over 2022-2026 to ensure the innovative Alcohol and Drug Treatment Courts continue, and Whakaoranga te mana tangata, a whānau centred initiative to reduce Māori imprisonment and reoffending rates and humanise the court experience. Services are designed, tailored and provided by local iwi to support Māori offenders, victims and whānau through the court process, supporting the Ao Mārama approach for District Courts.

*Legal aid and minimum age of criminal responsibility*

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- 71 Changes in 2023 to legal aid eligibility and repayment thresholds means 93,000 more people can access legal aid. User charges for applicants have been removed and interest on legal aid debt is no longer charged. Legal aid lawyers' remuneration increased in 2022. These changes improve access to justice, make repayments more equitable, and ensure the scheme's future viability.
- 72 Following its 2019 UPR, New Zealand agreed to consider raising its minimum age of criminal responsibility (10 years) to align with international best practice.<sup>xxvii</sup> Members of the public recommended raising the minimum age in UPR consultations. Officials have been working through the implications. A key consideration is ensuring that any legislative change can be successfully implemented by agencies working with children and young people who offend.

**Indigenous rights<sup>xxviii</sup>**

- 73 Māori hold special status as tangata whenua, the Indigenous People of Aotearoa New Zealand. New Zealand's founding document, Te Tiriti o Waitangi/The Treaty of Waitangi, is at the heart of the Māori Crown relationship. Addressing issues and inequities faced by Māori and strengthening indigenous rights continues to be a priority for New Zealand. The inequities experienced by Māori in education, employment, health and the criminal justice system are covered elsewhere in this report.

*Implementing the UN Declaration on the Rights of Indigenous Peoples*

- 74 Consistent with international guidelines, Te Puni Kōkiri (Ministry of Māori Development), has been working in partnership with the New Zealand Human Rights Commission (HRC) and the National Iwi Chairs Forum (NICF) on the development of a draft Declaration plan.
- 75 Between 2021 and 2022, Te Puni Kōkiri, HRC and NICF engaged with Indigenous communities on their aspirations for a Declaration plan. Key themes were that Government should share its power and support Māori involvement in decision making on issues that impact Māori. This applied to a range of topics, from justice, health and education to housing, the environment, and cultural expression and identity.
- 76 In December 2022, the Government decided to defer a draft Declaration plan until 2024 and focus on building awareness and understanding of the Declaration and Indigenous rights in 2023. It is essential that all communities have a good understanding of Indigenous rights and how New Zealand's Declaration plan can deliver beneficial outcomes for Māori and a more equitable and prosperous future for everyone.

*Te Arawhiti*

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- 77 Te Arawhiti (Office of Māori Crown Relations) was established in 2019 as a departmental agency to support Māori Crown partnerships and realise the promise of the Treaty. Te Arawhiti's functions were detailed in New Zealand's 2021 UPR mid-term report. These include resolution of historical Treaty of Waitangi claims, and by January 2023, approximately 70% of all deeds with settling claimant groups were signed.
- 78 Te Arawhiti contributes to building public service capability to engage with Māori, understand Māori perspectives and the Treaty. Since 2019 it has provided guidance, frameworks and tools to monitor and enhance understanding, oversight and accountability of Crown Treaty obligations, including under Treaty settlements.<sup>xxix</sup>
- 79 An important step for the Māori Crown relationship was the creation and 2022 inaugural celebration of Te Rā Aro ki a Matariki, the Matariki public holiday, which Te Arawhiti supported. We understand Matariki is the first Indigenous national public holiday in the world.

*Waitangi Tribunal inquiries*

- 80 The Waitangi Tribunal is a permanent commission of inquiry that makes recommendations on claims brought by Māori relating to Crown actions which breach the promises made in the Treaty of Waitangi. Kaupapa (thematic) inquiries include the 2021 inquiry into issues affecting Māori in the justice system, covering funding claimant participation in Waitangi Tribunal processes, conforming with tikanga Māori (customs and traditional values) in a justice context, criminal and civil justice systems and specialised courts like the family court, environmental court and Māori land court. The Mana Wāhine Kaupapa Inquiry is investigating claims that the Crown failed to protect the rangatiratanga of Māori women and their right to non-discrimination on the ground of gender, with serious prejudicial consequences.<sup>xxx</sup> A government working group is identifying opportunities to address the issues raised in this claim.

*Electoral law*

- 81 The number of Māori voters on the Māori or general rolls helps determine the number of Māori seats in Parliament. The Electoral (Māori Electoral Option) Legislation Act came into force in March 2023, enabling Māori to change electoral rolls at any time and as often as they choose (except during certain pre-election periods). Previously, Māori voters were only able to choose to be on the Māori or general electoral roll once every four to six years. This change will support Māori voters to exercise their democratic rights by removing restrictions to Māori electoral participation and engagement. Of Parliament's 120 Members, 26 are Māori, including the dedicated seven Māori Electorate Members, while six of the 20 Cabinet (government's senior executive body) Ministers are Māori.

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82 The Government has established an independent panel to review New Zealand's electoral law. How electoral arrangements support and promote Māori involvement in the parliamentary electoral system will be considered.

*Māori language revitalisation*

83 The Government is committed to working in partnership with Māori to actively protect, promote and revitalise te reo Māori, the Māori language. The Māori side of the partnership is led by Te Mātāwai, an independent statutory entity established under Te Ture mō Te Reo Māori (the Māori Language Act 2016) to act on behalf of Māori.

84 The partnership is defined through a Māori lens and expressed using the framework of Te Whare o te Reo Mauri Ora (the house of the living language) which articulates how the Crown and Māori collectivise their revitalisation efforts. The Act acknowledges that Māori are the custodians of te reo Māori, while also recognising the Government's ability to promote strategic objectives in wider New Zealand society. The Act provides for two distinct but complementary strategies:

- The Maihi Māori – developed and led by Te Mātāwai, focuses on restoring te reo Māori (as a first language) by enabling intergenerational transmission within Māori homes and communities; and
- The Maihi Karauna – developed and led by the Government, focuses on creating the societal conditions for te reo Māori to thrive in wider society.

85 Shared priorities that bring together the two strategies are in development to support the overarching vision of “Kia Mauri Ora te reo” or “A thriving and living language” by 2040.

**Rights of Women<sup>xxxii</sup>**

86 The Government is proud to maintain New Zealand's role as a leader in gender equality<sup>xxxii</sup> but recognises that more can be done to protect and promote women's rights. Legislation provides women with protection against discrimination. Women were disproportionately impacted by COVID-19, which highlighted many ongoing inequities, including around unpaid care work and economic security.

*Women in leadership*

87 In 2021 the Government met its target of gender-equal Minister-appointed public sector boards and committees. There is, however, a lack of diversity on boards and in senior leadership roles for Māori and diverse women including Pasifika and disabled women. Women in private sector leadership is still lagging and progress is desirable. In September 2020, women held 22.5% of



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board roles and 25.4% of senior management roles in NZX-listed companies, showing no change from 2019.<sup>xxxiii</sup> Gender parity in New Zealand's Parliament was reached in 2020 and in Cabinet in 2023.

*Pay equity*

- 88 Addressing pay equity means re-valuing work which has been historically undervalued, predominantly in female-dominated sectors. The Equal Pay Amendment Act 2020 allows individual employees and unions to raise a pay equity claim directly with an employer. In late 2022, 26 pay equity claims were in progress, across public and private sectors.

*Pay gap*

- 89 In 2022, New Zealand's gender pay gap was 9.2%, representing no significant change since 2019. Furthermore, it is not equal for all women. For Pākehā<sup>xxxiv</sup> women, the gap with all men is about 6%. For Wāhine Māori and Pacific women it is around 15%, for Asian women 11% and for disabled women 19% (falling to 3% compared to disabled men).
- 90 The Equal Pay Taskforce on closing Public Service gender, Māori, Pacific and Ethnic pay gaps, expressed concern about the compounding impacts of gender and ethnicity. Its Public Service Pay Gaps Action Plan 2021-24 requires all agencies to accelerate progress and publish annual pay gaps and action plans, including progression for people from Pacific and ethnic communities.
- 91 Officials are developing advice on a pay transparency system for New Zealand, including a pay gap reporting system, with guidance from key partners.

*Family Violence and Sexual Violence* <sup>xxxv</sup>

- 92 Family violence and sexual violence continues to be of concern and was raised in public consultations. Nearly half of all homicides and reported violent crimes are family violence related, and it is estimated that one in four females and one in eight males experience sexual violence or abuse in their lifetimes. Such violence also has a disproportionate impact on whānau Māori. The Government is committed to addressing family and sexual violence in New Zealand and to implementing its 2019 UPR Recommendations, including through passing the Family Violence Act 2018.<sup>xxxvi</sup>
- 93 Developments since 2019 include establishing a national multi-sectoral mechanism to transform how government agencies work together on family violence and sexual violence strategy, policy and investment; and developing a national strategy to eliminate family and sexual violence, including violence against women and girls, children and young people, and people with disabilities.

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- 94 In 2022, an Interdepartmental Executive Board was established under the Public Service Act 2020 to strengthen and sustain a collective approach to preventing and responding to family violence and sexual violence. Te Puna Aonui brings together ten government agencies and four associate agencies, and coordinates implementation of Te Aorerekura - the National Strategy to Eliminate Family Violence and Sexual Violence, launched in December 2021.<sup>xxxvii</sup> A Ministerial advisory group, Te Pūkotahitanga, was also formed in 2022 as a sustainable mechanism for Māori to work alongside the Te Puna Aonui Board and contribute to high-level decision-making related to family violence and sexual violence. It has a significant role in creating systems and supports that are governed and led by, and for, tāngata whenua, in the best interests of their whānau, hapū, iwi and all communities.
- 95 The National Strategy was developed with tāngata whenua<sup>xxxviii</sup>, communities, specialists and civil society. It sets out six evidence-based ‘shifts’ aimed at preventing, responding to and healing from family and sexual violence, and creating environments that support system change. Achieving change includes transforming social norms and attitudes that excuse and normalise family and sexual violence; centring people, whānau, and families who are most impacted by violence in decision-making; increasing the capacity for healing and recovery; focusing on intergenerational wellbeing through te ao Māori approaches; improving integrated responses; building sustainable, culturally competent workforces; and expanding evidence and sharing information. Te Aorerekura is grounded in Te Tiriti o Waitangi, and aligns with core national wellbeing strategies and international human rights norms and standards. A national Action Plan (2021-2023) accompanies Te Aorerekura and sets out 40 priority activities to contribute to its goals.

*Decriminalisation of abortion<sup>xxxix</sup>*

- 96 As detailed in New Zealand’s 2021 UPR midterm report, abortion was removed from the Crimes Act 1961 in March 2020. Abortion is now treated as a health issue, not a criminal law issue, and a suite of related health initiatives have been implemented. Data shows these changes are making a positive difference to access, while the average gestation at the time of abortion has decreased for all ethnic groups.

**Rights of Children<sup>xl</sup>**

- 97 Children and young people make up around 31% of New Zealand’s population (rising to around 50% of the Māori population). Most children do well, but many face challenges like poverty, inequality, violence, addiction and poor mental wellbeing. These can negatively affect children’s development and health, reduce their educational and life opportunities, and the harmful effects can persist across generations.

*Child and Youth Wellbeing Strategy*

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- 98 The 2019 Child and Youth Wellbeing Strategy (CYWS)<sup>xi</sup> provides a shared framework to understand child wellbeing and support actions to improve child and youth wellbeing outcomes. It aims to reduce inequity of outcomes, including by improving outcomes for Māori and Pacific children and young people. It promotes better coordination across government agencies and organisations, measuring progress against a suite of indicators. One of the Strategy's nine principles is a commitment to respecting and upholding children's rights, including those derived from the Children's Convention and the Convention on the Rights of Persons with Disabilities.
- 99 Since New Zealand's 2021 UPR mid-term report, the first review of the Strategy was completed in 2022 (required by legislation every three years). The review found broad ongoing support for the Strategy's vision and outcomes and recommended changes to strengthen implementation. These included embedding collective ownership of the Strategy, including by increasing the representation of Māori, Pasifika, and children and young people across its governance, ownership and implementation. Four of the Review's 16 recommendations reflect feedback from children and young people about how they can be better supported and empowered to have their voices heard on decisions that affect them.

*Oranga Tamariki Action Plan*

- 100 The Oranga Tamariki Action Plan 2022<sup>xlii</sup> sets out how children's agencies<sup>xliii</sup> will work together to achieve CYWS outcomes and improve the wellbeing of children and young people with the greatest needs. Priority populations comprise approximately 120,000 children and young people who are, have been, or are at risk of, involvement with the care and protection and youth justice systems. Cross agency work is underway to assess the housing, health and education needs of these children and young people, and improve agency responsiveness.

*Child Poverty Reduction*

- 101 Reducing child poverty will significantly improve the wellbeing of children, young people and their families. The Child Poverty Reduction Act 2018 (CPRA) established ongoing political accountability for child poverty reduction. Successive governments are required to set and report against 3-year and 10-year targets for reducing child poverty, and report annually on progress across multiple measures and indicators.
- 102 2022 child poverty data show that all nine of the child poverty measures have reduced, and eight have had statistically significant reductions since 2018 (baseline year). The percentage of children living in poverty on the after-housing-costs primary measure has fallen by 7.4 percentage points since 2018 (to 15.4%) and the percentage of children living in material hardship has fallen by 3 percentage points (to 10.3%).

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- 103 Government measures to ensure adequate income levels since 2019 are outlined in paragraphs 53 and 54, in addition to payments to parents of newborns and in-kind assistance such as the Free Healthy School Lunches programme and free doctors' visits for children under 14. Given the economic impacts of COVID-19 and cost-of-living pressures, the absence of an increase in poverty rates in 2021/22 suggests that recent substantial investments have provided some protection to households. However, global economic conditions, particularly high inflation, will make progress towards the child poverty targets challenging. The Government remains committed to achieving the ambitious targets set out in the CPRA, and the CYWS outcomes.

*Addressing Māori and Pacific children's inequities*

- 104 The Government is undertaking substantial work to improve education, health and protection outcomes for Māori and Pacific children, who experience higher rates of inequities. Oranga Tamariki has a range of services to support its work with Māori, including Whānau Care—a kaupapa-Māori model of accredited Māori organisations providing their own models of care, and growing use of Māori-led Family Group Conferences (FGC).
- 105 The Māori Health Action Plan 2020-2025 will redesign the Well Child programme for Māori children and families, to ensure equitable access and improved outcomes. The Māori Disability Action Plan 2018-2022 details actions to ensure disabled Māori children are receiving the support they need.
- 106 The Pacific Health and Wellbeing Action Plan 2020-2025 details outcomes and accompanying actions to improve the health and wellbeing of the growing Pacific population living in New Zealand.
- 107 The Ministry for Pacific Peoples funds a range of services to support Pasifika children and youth, including youth employment and training opportunities, supporting young Pacific leaders and encouraging Science, Technology, Engineering and Mathematics study and careers. The National Pasifika Disability Plan 2016–2021 includes actions to improve the lives of disabled Pasifika children and their families.

*Royal Commission of Inquiry into historical abuse<sup>xliv</sup>*

- 108 The Royal Commission of Inquiry into historical abuse in care was established in 2018 to investigate the abuse and neglect of children, young people and vulnerable adults within State and faith-based institutions in New Zealand between 1950-1999. It has the widest scope of any similar inquiry around the world. Its final report setting out findings and recommendations is due in 2024. An interim report on redress for survivors of abuse, He Purapura Ora, he Māra Tipu, was published in 2021 and outlined:

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- the significant types of harm and serious life-long harm many people experienced in care;
- the failures of previous State and faith-based responses to that harm, including the Crown's current historic abuse claims processes; and
- the need for, and functions of, a future independent, holistic redress system and how such a system could be developed through a survivor-led process.

109 The Government is considering the Royal Commission's recommendations and findings as they are issued. Following the redress report, the Government committed to develop a new independent, trauma-informed redress system for people abused in care. It is intended the new system will replace existing claims processes run by Crown agencies and faith-based institutions. A survivor-focused process is underway to design and establish the new redress system.

*Oranga Tamariki changes<sup>xlv</sup>*

110 Changes have been made to legislation improving advocacy and monitoring of systems supporting children. The Children and Young People's Commission Act 2022 replaced the Children's Commissioner with a new Children and Young People's Commission, which provides system-level advocacy for all children and young people in New Zealand. The Commission will also monitor compliance with the UN Convention on the Rights of the Child. The Commission retains existing monitoring responsibilities under the Optional Protocol to the Convention Against Torture.

111 The Oversight of Oranga Tamariki System Act 2022 will uphold the rights, interests and improve the wellbeing of children and young people supported through the Oranga Tamariki system, and promote the system's effectiveness. The Act establishes the Independent Monitor of the Oranga Tamariki System, expanding the previous monitoring mandate beyond National Care Standards compliance to the broader Oranga Tamariki system.

*Adoption and family law reforms*

112 New Zealand is reviewing its adoption laws, as noted in its 2021 UPR midterm report, to create a modern system reflecting society and safeguarding the rights, best interests and welfare of children, and upholding international human rights obligations. Feedback from public engagement in 2021 and 2022 is being used to refine adoption policy proposals.

**Rainbow rights<sup>xlvi</sup>**

113 Increased support for the rainbow community and the rights of all its diverse members was a theme in UPR public feedback. The Government is committed to addressing higher mental health risks in the rainbow community.<sup>xlvii</sup> NZ\$4.6 million over 2021-2025 is funding mental wellbeing initiatives for rainbow young people and training for the mental health and addiction workforce to be responsive to rainbow communities' needs.

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- 114 New Zealand is currently developing a rights-based approach to healthcare for intersex children and young people, to reduce unnecessary medical intervention and prevent associated harms, with NZ\$2.5 million in funding over four years. This will include appropriate information and peer support to intersex children, young people and their families to make informed decisions about their healthcare.
- 115 The Births, Deaths, Marriages, and Relationship Registration Act 2021 strengthens the rights of rainbow communities by introducing a new administrative process for people to change the sex recorded on their birth certificate, including options for those who do not identify as male or female, based on self-identification. The 2023 Census was the first to ask New Zealanders about their gender, sexual identity, and whether they have any variations of sex characteristics (also known as intersex status). Improved data collection will contribute to improved research and policy.

*Conversion Practices prohibition*

- 116 New Zealand passed the Conversion Practices Prohibition Legislation Act in 2022. It is now unlawful to perform a conversion practice.<sup>xlviii</sup> Civil redress is available with a complaints procedure to the Human Rights Commission and, if not resolved, to the Human Rights Review Tribunal. It is a criminal offence to perform a conversion practice causing serious harm, or on a person under 18 years of age or lacking decision-making capacity.

*Law Commission review of HRA protections*

- 117 The HRA does not explicitly state that gender, including gender identity and expression, and variations of sex characteristics are covered by the anti-discrimination protections, referring only to protection based on “sex”. In 2023, the Law Commission began reviewing HRA protections for transgender people, non-binary people and people with diverse sex characteristics. Clarification of the HRA protections is strongly supported by rainbow communities and human rights organisations, including the Human Rights Commission.

**Disability Rights<sup>xlix</sup>**

- 118 Whaikaha-Ministry of Disabled People<sup>l</sup> was established in 2022, to drive improved outcomes for disabled people through coordinating cross-government strategic policy and progressing work to transform the disability support system. Whaikaha aims to enable a holistic and whole of life approach to addressing inequities and realising aspirations and opportunities for disabled people and their families. The Government actively engages with disabled people in establishing the foundations of how the Ministry operates, consistent with the UN Convention on the Rights of Persons with Disabilities, and some of the concerns raised in UPR consultations may be addressed by the formation of the Ministry.
- 119 Whaikaha leads work on:

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- Leadership, strategy and policy on issues related to disabled people across government;
  - Ensuring that the voice of disabled people and their families influence key government policies and programmes which impact disabled people;
  - Ensuring equity and recognising the intersectional nature of disability; and
  - Building capacity and capability among disabled people and those who work with disabled people.
- 120 Whaikaha is responsible for the commissioning and contracting of disability support services to about 43,000 New Zealanders and transforming the disability support system through the application of the Enabling Good Lives approach, promoting greater choice and autonomy over received support.
- 121 New Zealand was examined by the UN Committee on the Rights of Persons with Disabilities in 2022.

**Health<sup>li</sup>**

- 122 In July 2021, New Zealand established a new national health system underpinned by the Pae Ora (Healthy Futures) Act 2022. This established three national entities: Manatu Hauora-Ministry of Health; Te Whatu Ora-Health New Zealand (replacing District Health Boards); and Te Aka Whai Ora-Māori Health Authority. The national system is designed to build a fairer, more equitable health and disability system and achieve better outcomes for New Zealanders' health.

**COVID-19**

- 123 COVID-19 was first reported in New Zealand in February 2020. The Government adopted a health-led response, initially focused on elimination, limiting access to New Zealand's border to primarily New Zealand citizens and permanent residents, and implementing public health protective measures including lockdowns. As a result, COVID-19 did not circulate in the population for most of 2020 and 2021 and New Zealand had the lowest number of cases, hospitalizations and deaths in the OECD.<sup>lii</sup>
- 124 New Zealand's vaccination programme began in early 2021 and by December 2021, 90% of eligible New Zealanders had been fully vaccinated (at least two doses). The highly vaccinated population and advances in treatment allowed the Government to shift its management of COVID-19 in late 2021, implementing passes to allow greater freedoms and stability for those vaccinated. New Zealand began re-opening its border from early 2022. All vaccine mandates ended by September 2022.
- 125 New Zealand's response has limited the spread and impact of the virus. New Zealand had one of the lowest rates of excess mortality in the world during the pandemic period, and was one of only nine countries whose mortality rate was lower than before it.<sup>liii</sup> In parallel, the Government's NZ\$50 billion

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COVID-19 Response and Recovery Fund sustained the economy while its wage subsidy scheme supported nearly 1.8 million jobs in 2020/21.

- 126 However, there are differences across the population, with Māori and Pasifika having the highest rates of hospitalisation and death from COVID-19. While Pacific people had higher vaccination rates compared to other population groups, Māori had lower levels of vaccination. In late 2021, 79% of Māori had received a first dose and just 63% a second dose (in some areas only 56%). There is ongoing work to address this, for example, supporting Māori health providers, the Māori vaccinator workforce and iwi and community groups to deliver immunisation solutions; sharing and better capturing of data and insights related to the Māori COVID-19 response; and monitoring the impact of COVID-19 on Māori. Separate work is also underway to understand the long term health effects of the virus.
- 127 The COVID-19 pandemic response presented significant and ongoing challenges for New Zealand. As in most countries, the aim to protect peoples' lives and health required placing limits on other human rights and freedoms in an unprecedented way. Legislation included safeguards to ensure limitations on human rights remained justified, proportionate and time-bound. Aspects of the government's approach to managed isolation and quarantine were found by a New Zealand court to be an unreasonable limit of the right of New Zealand citizens to enter New Zealand for a certain period of time.<sup>liv</sup>
- 128 Concerns about the impact of COVID-19 on human rights was raised in UPR public consultations, and more generally in public debate. In particular, concerns were raised about temporary vaccine mandates and how they affected medical treatment, employment, and social cohesion, and the temporary moderated border entry measures. New Zealand, like other countries, has also faced challenges from the increasing prevalence of misinformation and false information regarding the COVID-19 pandemic.
- 129 In December 2022, the Government announced a Royal Commission of Inquiry into its COVID-19 response between February 2020 and October 2022. Its scope is wide-ranging, covering the health response, vaccine mandates, the border, community care, isolation, quarantine, communication with communities and the economic response including monetary policy. There will also be specific consideration of the impacts on Māori in the context of a pandemic consistent with the Treaty of Waitangi. The Inquiry will conclude in mid-2024.

#### *Addressing health inequities*

- 130 The establishment of the independent Aka Whai Ora - Māori Health Authority is a significant advance towards improving Māori health outcomes across the health system. Its commissioning powers and joint decision making powers with the Ministry of Health and Health New Zealand enable Māori to exercise self-determination, invest in the design and delivery of Māori health services and improve system performance and accountability for Māori health outcomes.



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- 131 The Pae Ora (Healthy Futures) Act 2022 requires the development of six population-based health strategies: New Zealand Health Strategy; Hauora Māori Health Strategy; Pacific Health Strategy; Health of Disabled People Strategy; Women's Health Strategy; and Rural Health Strategy.
- 132 The Hauora Māori Strategy, jointly being developed by the Māori Health Authority and the Ministry, will guide the new health system in advancing Māori health and wellbeing. The current Māori Health Strategy and Māori Health Action Plan 2020-2025 are being reviewed and updated to ensure these still meet Māori needs, and will become an interim Hauora Māori Strategy. The full review and comprehensive engagement process will begin in 2024.
- 133 New Zealand's first Pacific Health Strategy is also being developed, setting the direction and priorities for Pacific health, including health sector and workforce improvements. Significant considerations include addressing Pacific people's health holistically and reflecting Pacific values in the health system. Addressing the broader determinants of health, placing families at the centre of care, and recognising the heterogeneity of New Zealand's Pacific population will also be important.
- 134 National engagement with diverse Pacific communities has contributed to the Strategy's development. Feedback highlighted increased resourcing for Pacific health providers and community-led solutions (building on successful COVID-19 responses), amongst other priorities.

*Mental Health*

- 135 Improving New Zealanders' mental health and access to appropriate services and supports continues to be a government priority. This was raised in UPR public consultations.
- 136 New Zealand launched an independent inquiry into mental health and addiction in 2018. Its report called for urgent action to transform New Zealand's approach to mental health and addiction, and ensure more options for people to access support. The Government's response since 2019 includes:
- Release of Kia Manawanui Aotearoa: Long-term Pathway to mental wellbeing in 2021, the 10 year whole-of-government strategy and action plan to improve mental wellbeing;
  - Investment of NZ\$1.9 billion in 2019 in a mental wellbeing package, including NZ\$455 million for people with mild to moderate mental health and addiction needs;
  - Establishment of the Suicide Prevention Office in 2019 and release of the national suicide prevention strategy and action plan;
  - Establishment of the independent Mental Health and Wellbeing Commission in 2021; and
  - Currently repealing and replacing New Zealand's Mental Health (Compulsory Assessment and Treatment) Act 1992, to improve protection of individual rights and safety.

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- 137 There is a national effort to reduce and eventually eliminate seclusion and restraint in compulsory mental health treatment settings. Guidelines were published in 2023 to shift practices towards a seclusion free environment, grounded in human rights. Longer term work is progressing, including consideration of seclusion in new mental health legislation.

**Education<sup>lv</sup>**

- 138 New Zealand's education system continues to evolve to better reflect, welcome and respond to the diversity and needs of all learners participating in education. Schooling is compulsory from age 6-16 and free between ages 5-19 years in state schools. Early childhood education is not compulsory, but is attended by a high percentage of children, however rates are lower amongst Māori, Pacific and low-income families. The Government subsidises early childhood education (ECE) and kōhanga reo<sup>lv</sup> for every child up to the age of five. The tertiary education system is highly diverse, and ranges from foundational education, vocational and higher education, through to advanced research. Most tertiary education in New Zealand is subsidised by the Government in some form, but learners still have to pay some fees.
- 139 Underpinned by the Treaty of Waitangi, education settings seek to empower Māori decision-making, governance and education provision. Māori-medium education teaches all or some curriculum subjects in te reo Māori at least 51% of the time. Schools teaching in te reo Māori use Te Marautanga o Aotearoa, the Māori language curriculum, while schools teaching in English use the New Zealand Curriculum.
- 140 The New Zealand Curriculum is being refreshed so that it gives effect to the Treaty, and is inclusive, clear and easy to use. It will make the learning journey coherent, rich, and responsive to the needs of all learners. New content teaching New Zealand histories in schools began in 2023, reflecting how we see ourselves as a nation. Te Marautanga o Aotearoa is being redesigned to reflect a more indigenous curriculum and support more equitable outcomes for Māori learners in kaupapa Māori<sup>lvii</sup> and Māori-medium schooling and contribute to the revitalisation of te reo Māori.
- 141 The Education Work Programme 2021 was developed following extensive multiyear engagement with children and young people, Māori, Pacific, parents and people with learning support needs. It focuses on implementation, delivery and addressing systemic issues, including school bullying - a concern raised in UPR public consultations.
- 142 New Zealand is strengthening the National Certificate of Educational Achievement (NCEA) to improve credibility, wellbeing, equity, coherence, and pathways. Two new strategies released in 2022 are designed to guide the development of action plans to improve outcomes for young people in maths, literacy, communication.

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- 143 Through the Reform of Vocational Education (RoVE), New Zealand is creating a strong, unified vocational education system that is sustainable and fit for the future of work. In 2021, as one of the seven key changes of RoVE, Te Pūkenga–New Zealand Institute of Skills and Technology, was established, putting learners at the centre and ensuring greater consistency in vocational learning across the country. The Apprenticeship Boost Initiative resulted in 50,000 more apprentices by late 2022, of which 19% identified as Māori, 8% Pacific and 17% female.
- 144 The 2022 Education (Pastoral Care of Tertiary and International Learners) Code of Practice supports the wellbeing of all tertiary and international learners in New Zealand education providers.

*Addressing education inequities*

- 145 The Government is phasing out the decile school system and implementing the Equity Index. This will better allocate equity funding and identify schools for additional resources, more accurately targeting funding to learner need and supporting schools to reduce the impact of socio-economic factors on achievement. An Equity Index for Early Childhood Education will also be developed, responding to the Early Learning Action Plan 2019-2029. Other actions include improving adult-child ratios, a fully qualified teacher workforce and improving consistency in salaries and conditions.
- 146 Other work addressing inequities includes the refreshed Ka Hikitia–Ka Hāpaitia and Māori Language in Education Strategies and improving workforce capability to integrate and grow use of te reo Māori in schools and early learning services. The Action Plan for Pacific Education and the Pacific Languages Strategy aim to better support Pacific learners. The Learning Support Action Plan 2019-2025 provides greater support, control and choice for learners with disabilities, neurodiversity and behavioural issues and those who are gifted.
- 147 School environments are safer and more welcoming for Rainbow learners, with the introduction of gender neutral bathrooms, school resources on sexuality, mental health and healthy relationships, and updated data management tools to include diverse gender identities.
- 148 A government funded school donations scheme is reducing financial pressures on families. Provision of free menstruation products in schools supports education access.

*COVID-19*

- 149 COVID-19 has disrupted education, a concern raised in UPR public consultations. The Government's pandemic response supported learners' wellbeing and achievement, including by expanding mental health and wellbeing support, financial support for continuity of services from early learning to international education, and one-off funding for additional counselling services. Resources and targeted support helped 300,000 learners at risk of

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dis-engagement and additional teacher aide hours for over 6,000 students with learning support needs.

- 150 Regular school attendance continues to be affected by the disruptions of COVID-19. The 2022 Attendance and Engagement Strategy set expectations for parents, teachers, government agencies, learners and communities. It supports local school and community led solutions.
- 151 The Government connected over 40,000 learner households to the internet, launched educational TV channels in Māori and English, distributed more than 25,000 devices and funded access to technology-enabled tertiary education and training, to minimise disruption to teaching and support learning from home during the pandemic.

**III. Conclusion**

- 152 The Government welcomes this opportunity to review and reflect on New Zealand's human rights progress. While Aotearoa New Zealand has made advances in many areas, we recognise that significant, sometimes persistent, ongoing challenges remain. We look forward to participating in the UPR dialogue and receiving recommendations from States, in addition to continued engagement with civil society and Treaty Partners, to inform the Government's future actions on human rights in New Zealand.

**IV. Annex on Tokelau (forthcoming)**

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- <sup>i</sup> Hui: (noun) gathering, meeting, assembly, seminar, conference.
- <sup>ii</sup> Pasifika: (adjective) used to describe people from the Pacific Islands who live in New Zealand.
- <sup>iii</sup> 2019 UPR Recommendations 35-42, 49.
- <sup>iv</sup> Te Kāhui Tika Tangata Human Rights Commission is New Zealand's National Human Rights Institution.
- <sup>v</sup> 2019 UPR Recommendation 57.
- <sup>vi</sup> 2019 UPR Recommendations 35-40, 43-49.
- <sup>vii</sup> 2019 UPR Recommendations 1, 5, 10, 18, 19, 21, 26.
- <sup>viii</sup> International Covenant on Civil and Political Rights; International Covenant on Economic, Social and Cultural Rights; International Convention on the Elimination of All Forms of Racial Discrimination; Convention on the Elimination of All Forms of Discrimination Against Women; Convention on the Rights of the Child; Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and the Convention on the Rights of Persons with Disabilities.
- <sup>ix</sup> 2019 UPR Recommendations 1, 18-22.
- <sup>x</sup> 2019 UPR Recommendations 41, 43-48.
- <sup>xi</sup> The Christchurch Call, [Home | Christchurch Call](#)
- <sup>xii</sup> 2019 Recommendation 59.
- <sup>xiii</sup> Whānau: (noun) extended family, family group, a familiar term of address to a number of people - the primary economic unit of traditional Māori society. In the modern context the term is sometimes used to include friends who may not have any kinship ties to other members.
- <sup>xiv</sup> Iwi: (noun) extended kinship group, tribe, nation, people, nationality, race - often refers to a large group of people descended from a common ancestor and associated with a distinct territory.
- <sup>xv</sup> National Iwi Chairs Forum: a national tribal organisation.
- <sup>xvi</sup> 2019 UPR Recommendation 80-81.
- <sup>xvii</sup> Rangatahi: (noun) younger generation, youth
- <sup>xviii</sup> Wāhine Māori: Māori women.
- <sup>xix</sup> 2019 UPR Recommendations 71-79.
- <sup>xx</sup> The Review was conducted by Victoria Casey KC (King's Counsel).
- <sup>xxi</sup> 2019 UPR Recommendations 54-56.
- <sup>xxii</sup> 2019 UPR Recommendations 90-92.
- <sup>xxiii</sup> 2019 UPR Recommendations 60-68.
- <sup>xxiv</sup> Data source: [Prison statistics | Department of Corrections](#). New Zealand's estimated Māori ethnic population was 17.4% of the national population, 30 June 2022. Source: [www.stats.govt.nz](#).
- <sup>xxv</sup> Tangata whenua: People of the land, Māori, New Zealand's indigenous people.
- <sup>xxvi</sup> <https://www.corrections.govt.nz/resources/strategic-reports/corrections-strategic-plans/hokai-rangī>
- <sup>xxvii</sup> 2019 UPR Recommendation 69.
- <sup>xxviii</sup> 2019 UPR Recommendations 164-183.
- <sup>xxix</sup> The Waitangi Tribunal is a standing commission of inquiry. It makes recommendation on claims brought by Māori relating to legislation, policies, actions or omissions of the Crown that are alleged to breach the obligations under the Treaty of Waitangi/Te Tiriti o Waitangi. Findings are not binding.
- <sup>xxx</sup> Rangatiratanga translates to self-governance; Tino rangatiratanga to self-determination, sovereignty or absolute sovereignty.
- <sup>xxxi</sup> 2019 UPR Recommendations 50, 82-88.
- <sup>xxxii</sup> New Zealand ranked fourth in the World Economic Forum's 2022 Global Gender Gap Report, [https://www3.weforum.org/docs/WEF\\_GGGR\\_2022.pdf](https://www3.weforum.org/docs/WEF_GGGR_2022.pdf).
- <sup>xxxiii</sup> <sup>11</sup> NZX, [Gender Diversity Statistics, September 2020](#)
- <sup>xxxiv</sup> Pākeha: (noun) New Zealander of European descent.
- <sup>xxxv</sup> 2019 UPR Recommendations 105-146.
- <sup>xxxvi</sup> The Family Violence Act 2018 renamed the earlier Family and Whanau Violence Legislation Bill referred to in several 2019 UPR Recommendations, such as Recommendation 139.
- <sup>xxxvii</sup> Te Puna Aonui comprises: Accident Compensation Corporation, Department of Corrections, Ministry of Education, Ministry of Health, Ministry of Justice, Ministry of Social Development, New Zealand Police, Public Service Commission, Ministry for Children and Te Puni Kōkiri/[Ministry of Māori Development](#). Its four associate agencies are: Department of Prime Minister and Cabinet, Ministry for Women, Ministry of Pacific Peoples and Ministry for Ethnic Communities.
- <sup>xxxviii</sup> Tangata whenua: People of the land, Māori, New Zealand's indigenous people.

## DRAFT

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xxxix 2019 UPR Recommendation 96.

xi 2019 UPR Recommendations 147-155.

xli [https://www.Child and Youth Wellbeing Strategy .govt.nz/](https://www.ChildandYouthWellbeingStrategy.govt.nz/)

xlii [Oranga-Tamariki-Action-Plan.pdf \(orangatamariki.govt.nz\)](https://www.OrangaTamariki.govt.nz/assets/Uploads/Oranga-Tamariki-Action-Plan.pdf)

Implementing the Oranga Tamariki Action Plan

xliii Children's agencies: Oranga Tamariki-Ministry for Children, New Zealand Police and the Ministries of Education, Social Development, Health, and Justice.

xliv 2019 UPR Recommendations 143-146, 150.

xlvi Oranga Tamariki is the Ministry for Children, established in 2017. The Oranga Tamariki system refers to the system of care and protection services provided by Oranga Tamariki.

xlvii 2019 UPR recommendation 101,102.

xlviii The 2018 Counting Ourselves survey (national health survey of trans and non-binary people) found that 71% of participants aged 15 and older reported high or very high psychological distress, compared with only 8% of the general New Zealand population.

xlix Conversion practices encompass a broad range of practices that seek to change or suppress a person's sexual orientation, gender identity, or gender expression.

l 2019 UPR Recommendations 30, 89, 156-162

li 'Disabled people' is the preferred wording in Aotearoa New Zealand, based on the advice of disability community leaders who developed and informed the 2001 and 2016 New Zealand Disability Strategies.

lii 2019 UPR Recommendations 93-94, 99-102.

liii Our World in Data, Global Change Data Lab and University of Oxford.

liiii [The Covid-19 experience in Aotearoa New Zealand and other comparable high-income jurisdictions and implications for managing the next pandemic phase | PHCC](#)

liiii *Grounded Kiwis Group Incorporated v Minister of Health* [2022] NZHC 832

lv 2019 UPR Recommendations 103, 104, 148, 161, 183.

lvi Kōhanga reo: State early childhood education centres that operate within a whānau-based Māori philosophy and deliver the curriculum in te reo Māori.

lvii Kura kaupapa Māori are state schools that operate within a whānau-based Māori philosophy and deliver the curriculum in te reo Māori.