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I. General factual and statistical information

A. Demographic, economic, social and cultural characteristics

1. Land

1. New Zealand is situated in the South-West Pacific Ocean, halfway between the Equator and South Pole. It is made up of two main islands: the North and South Islands, and a number of smaller islands. Its total land area is 268,021 kilometres, making it similar in size to Japan or the British Isles. New Zealand's largest neighbour is Australia, to the west. New Caledonia, Fiji and Tonga lie to the north. This area of the world is characterised by active volcanoes and frequent earthquakes. The boundary between the Indo-Australian plate and the Pacific plate runs through New Zealand and the interaction between these two plates has a profound effect on New Zealand's size, shape, and geology.

2. The Southern Alps of the South Island, which rise amid permanent snowfields and many glaciers, include 19 peaks exceeding 3,000 metres. The two main islands cover 1,600 kilometres from the northern tip to the southern extremity, with no part more than 120 kilometres from the surrounding ocean. The long coastline and distance from the nearest neighbouring countries contribute to giving New Zealand a large maritime Exclusive Economic Zone.

2. History

3. The first Polynesian settlers are believed to have arrived in New Zealand more than 1,000 years ago. Māori settlements were scattered over most of the country by the 12th century. In 1642, Dutch navigator Abel Tasman sighted New Zealand. However, it was another 127 years, in 1769, before British naval captain James Cook became the first European to set foot in New Zealand. Organised European settlement began in the mid-19th century.

4. In 1840, the Treaty of Waitangi was signed between iwi Māori (the indigenous tribes of New Zealand) and the British Crown. The Treaty of Waitangi is a founding document of modern New Zealand.

3. Population

5. Some data in this report is drawn from the 2006 population census. The next census will be held in March 2011.

6. New Zealand's resident population reached 4 million in 2003 and was estimated to be 4.29 million at the end of December 2008. During 2008, the population grew by 0.9 per cent. This rate of growth was lower than that recorded in 2007 (1.0 per cent) and lower than the average annual increase during the decade ended December 2008 (46,300 or 1.1 per cent).

7. The main contributing countries to the net migration gain in 2008 were the United Kingdom of Great Britain and Northern Ireland (7,800), India (5,200), the Philippines (3,700), South Africa and Fiji (each 2,800), and China (2,600). Increased net inflows of people from these six countries between 2007 and 2008 were not sufficient to offset the increased net outflow to Australia.

(a) Ethnic composition

8. The ethnic diversity of the New Zealand population continues to increase. While the European ethnic group still has the largest share (78 per cent) of the total population, the number of people identifying as European increased by only 8 per cent in the 15 years between 1991 and 2006. Over the same period, the number who identified as Māori increased by 30 per cent, the Pacific peoples¹ ethnic group increased by 59 per cent, and the number of Asian people increased by 255 per cent. While people of all other ethnicities still make up less than one per cent of the population, they grew in number faster than any of the major ethnic groups (by 440 per cent).

9. In major surveys in New Zealand ethnicity is often ascribed by the respondent. Classifying households by ethnicity presents a challenge since inter-racial marriage is common in New Zealand. Aggregate comparisons should be alert to demographic differences between ethnicities. For instance, Māori tend to be younger than non-Māori and, as a result, phenomena involving a younger population tend to over-represent Māori.

Table 1
Ethnic distribution of the population, 1991–2006

<i>Ethnic group</i> ⁽¹⁾	1991	%	1996	%	2001	%	2006	%
European ⁽²⁾	2 783 028	83.2	2 879 085	83.1	2 871 432	80.1	2 997 051	77.6
Māori	434 847	13.0	523 374	15.1	526 281	14.7	565 329	14.6
Pacific peoples	167 070	5.0	202 233	5.8	231 798	6.5	265 974	6.9
Asian	99 759	3.0	173 502	5.0	238 176	6.6	354 549	9.2
Other	6 597	0.2	15 804	0.5	24 885	0.7	36 237	0.9
Total people with ethnicity specified	3 345 741		3 466 515		3 586 641		3 860 163	

Source: Statistics New Zealand (2007e) Table 1, and unpublished 2006 Census data (for European/New Zealander and Other).

Notes: ⁽¹⁾ Includes all of the people who stated an ethnic group, whether as their only ethnic group or as one of several ethnic groups. Where people reported more than one ethnic group, they have been counted in each applicable group. Totals therefore do not add up to 100 per cent.

⁽²⁾ Before the 2006 Census, people who specified their ethnicity as “New Zealander” were included in the European ethnic group. The 429,429 people who identified as “New Zealander” in 2006 have been included in the European ethnic group to maintain consistency over time.

⁽³⁾ In 2006, the Other category includes 17,514 people who identified with Middle Eastern ethnic groups, 6,657 with Latin American groups, and 10,647 people with African groups.

⁽⁴⁾ Up to three responses were used for 1991 and 1996; up to six for 2001 and 2006.

10. Ethnic diversity varies by age: among those aged under 25 years at the 2006 Census, Europeans made up 72 per cent, Māori 22 per cent, Pacific and Asian peoples each 11 per cent, and people of all other ethnicities 1 per cent. Among those aged 65 years and over, Europeans made up 91 per cent, Māori 5 per cent, Asians 3 per cent, Pacific peoples 2 per cent, and people of “Other” ethnicities 0.2 per cent.

¹ “Pacific peoples” refers to people who identify with Pacific Island countries.

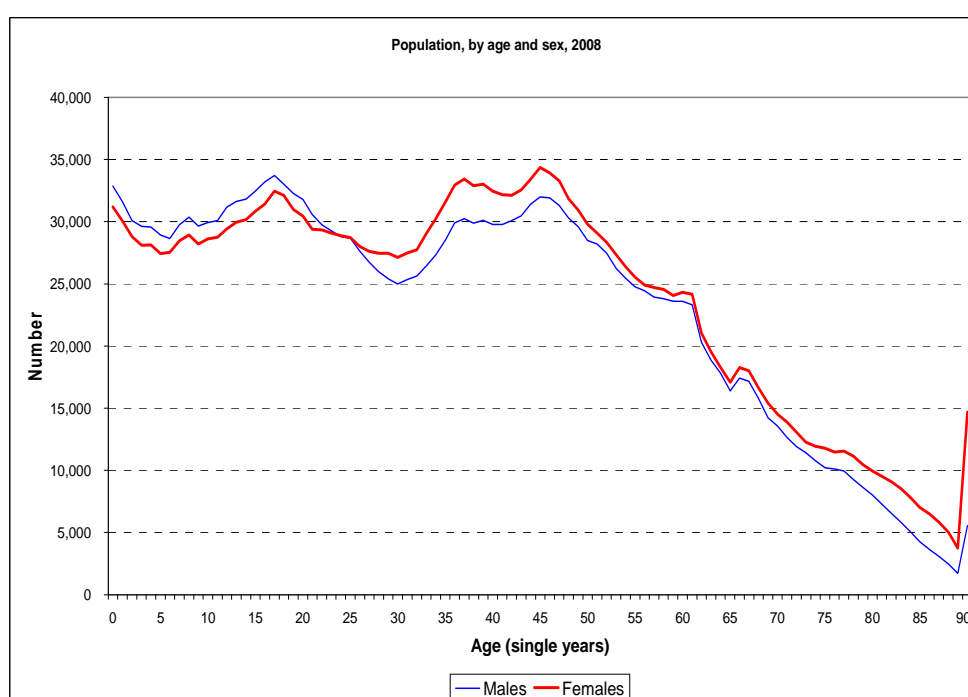
11. The number of people with multiple ethnic identities is increasing. In 2006, 90 per cent of the population identified with only one ethnicity, down from 95 per cent in 1991. Younger people are far more likely to identify with more than one ethnicity than older people, with 19.7 per cent of children aged under 15 years reported as belonging to two or more ethnic groups in 2006, compared with 3.5 per cent of people aged 65 years and over.

(b) Age and sex structure of the population

12. Just over half (51 per cent) of the New Zealand population is female. Males outnumber females among children and youth, but females predominate among adults. More males are born than females, but males have higher mortality rates than females at all ages, particularly at 20–29 years. The imbalance in the middle years is partly an outcome of sex differences in net migration. At older ages, the difference reflects higher male mortality rates.

Table 2

Population, by age and sex, 2008



Source: Statistics New Zealand.

Note: The apparent population increase in the 90-plus age group is because all persons aged over 90 are counted in one grouping.

13. The New Zealand population is ageing: the median age of the total population was 36 years in 2006, and is expected to rise to 38 years by 2016, and to 40 years in 2026.

14. Age structure varies by ethnic group. In 2006, the European or Other population was the oldest, with a median age of 38 years, followed by the Asian population (28 years), the Māori population (23 years), and Pacific peoples (22 years). By 2026, half of all Māori will be older than 25 years and half of all Pacific peoples will be older than 23 years. Over the same period, the median age of Asian New Zealanders is expected to rise to 36 years, while for European or Other New Zealanders it will rise to 43 years.

4. Distribution of the population

15. The New Zealand population is highly urbanised. At the 2006 Census, 86 per cent of the population was living in an urban area. This includes 72 per cent living in main urban areas (population of 30,000 or more), 6 per cent living in secondary urban areas (10,000–29,999), and 8 per cent living in minor urban areas (1,000–9,999).

Table 3

Urban and rural residence (%), by ethnic group, 2006

	<i>European</i>	<i>Māori</i>	<i>Pacific peoples</i>	<i>Asian</i>	<i>Other</i>	<i>Total</i>
Main urban area (30,000+)	69	65	92	94	91	72
Secondary urban area (10,000–29,999)	7	7	3	2	2	6
Minor urban area (1,000–9,999)	9	13	2	2	3	8
Total urban	84	84	97	98	96	86
Rural	16	16	2	2	4	14
Total	100	100	100	100	100	100

Source: Statistics New Zealand, 2006 Census, unpublished data.

Note: New Zealander is included in European; Middle Eastern, Latin American, and African groups are included in Other.

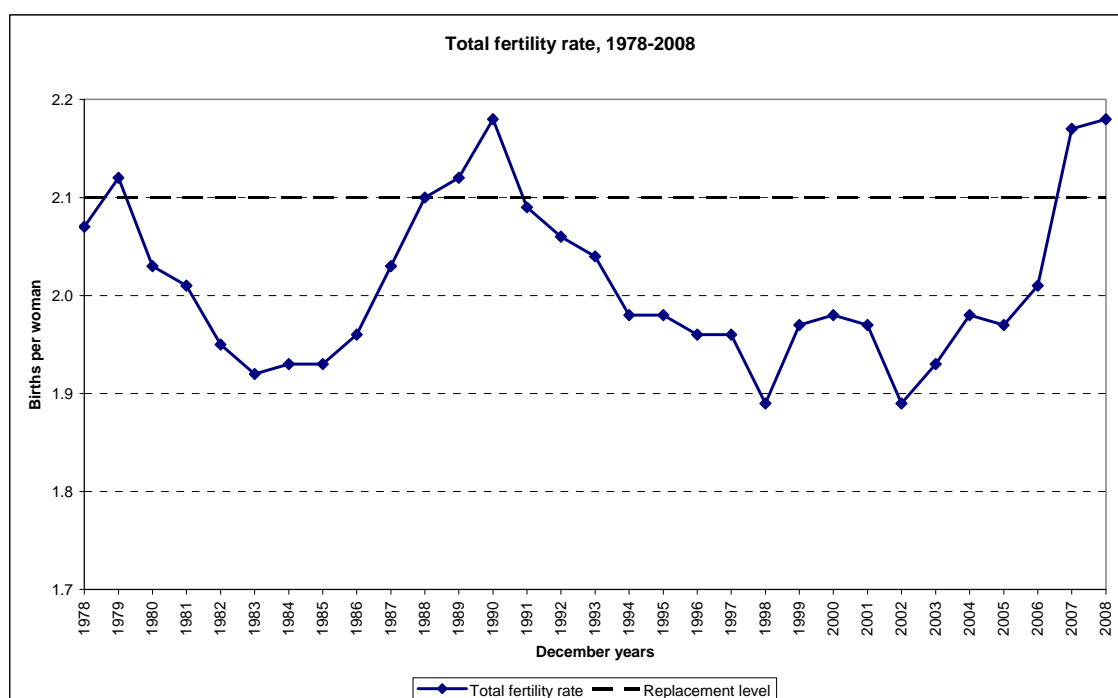
16. There are marked ethnic differences in urbanisation, with the great majority of Pacific peoples, Asian, and Other ethnic groups living in main urban areas and very few in rural areas.

17. Over three-quarters (76 per cent) of the population live in the North Island and one third (33 per cent) in the Auckland region. Auckland City is the largest city in New Zealand.

5. Fertility

18. Fertility rates for the year 2008 indicate that New Zealand women average 2.18 births per woman. This is slightly higher than the rate of 2.17 births per woman in 2007 and just above the level required by any population to replace itself without migration (2.1 births per woman). Despite the recent upturn, New Zealand's total fertility rate has been relatively stable over the last three decades, averaging 2.01 births per woman. During this period, the total fertility rate varied from 2.18 births per woman in 1990 and 2008 to 1.89 in 1998 and 2002.

Table 4
Total fertility rate, 1978–2008



Source: Statistics New Zealand.

19. New Zealand's comparatively high fertility rate reflects, in part, the higher fertility rates of Māori women (2.95 births per woman in 2008) and Pacific women (2.95 in 2005–2007) as well as the higher share of Māori and Pacific women in the female population of childbearing age. In the December 2008 year, births registered to Māori women accounted for 23 per cent of all live births registered. In the period 2005–2007, 11 per cent of all live births were registered to Pacific women. The total fertility rate for Asian women in 2005–2007 was 1.52 births per woman and 10 per cent of all live births were registered to Asian women in that period.

20. New Zealand has a relatively high rate of childbearing at young ages compared with most other developed countries. At 33.1 births per 1,000 females aged 15–19 years in 2008, the New Zealand teenage birth rate is higher than the rate in England and Wales (26.0 per 1,000 in 2007) but considerably lower than that of the United States (41.9 per 1,000 in 2006).

21. In 2008, the teenage (under 20 years) fertility rate was 33.1 births per 1,000 females aged 15–19 years, an increase from 31.6 per 1,000 in 2007. The teenage fertility rate fell between 1997 and 2002 (from 33.2 to 25.8 per 1,000) but rose by almost as much between 2002 and 2008. Over the same period, the Māori teenage fertility rate fell from 84.0 per 1,000 in 1997 to 61.8 per 1,000 in 2002, rising to 80.7 per 1,000 in 2008.

22. For non-Māori females aged under 20 years, the pattern was similar but less pronounced: a fall in the fertility rate between 1997 and 2003 (from 19.9 to 15.7 per 1,000), followed by a rise to 20.3 per 1,000 in 2008. The birth rate for Pacific females aged 15–19 years declined from 47.4 per 1,000 in 2000–2002 to 42.5 per 1,000 in 2005–2007. Over the same period, the birth rate for Asian teens fell from 7.4 to 6.9 per 1,000.

6. Official languages

23. New Zealand has three official languages: English, Māori (from 1987), and New Zealand Sign Language (from April 2006). The 2006 Census recorded that 96 per cent of people could speak English, 4 per cent of people could speak Māori, and 0.6 per cent could converse in New Zealand Sign Language.

24. In 2006, eight out of 10 people (79 per cent) spoke English as their only language while a further 17 per cent spoke English along with at least one other language. Of the 4 per cent of New Zealanders who could not speak English, almost half (49 per cent) were children under the age of five, most of whom would still be learning to speak. Of the 2 per cent of people who spoke at least one language but not English, most (80 per cent) were born overseas. People born in Asian countries (17 per cent) and those born in Pacific countries (12 per cent) had the highest proportions who spoke at least one language but not English.

7. Religious affiliation

Table 5

Religious affiliation (total response) by area of usual residence (urban and rural area indicator) for the 2006 Census usually resident population count

<i>Religious affiliation</i>	<i>Total urban area</i>	<i>Total rural area</i>	<i>Other (inland water, inlet and oceanic)</i>	<i>Total</i>
Anglican	461 043	93 789	93	554 925
Baptist	51 030	5 877	6	56 913
Catholic	447 039	61 338	60	508 437
Christian (not further defined)	159 216	26 982	36	186 234
Latter-day Saints	40 122	3 414	0	43 536
Methodist	108 234	13 557	12	121 806
Pentecostal	72 717	6 432	3	79 155
Presbyterian, Congregational and Reformed	335 421	65 367	54	400 839
Other Christian religions	98 250	10 653	18	108 924
Ratana	42 141	8 421	0	50 565
Ringatū	12 213	4 206	0	16 419
Other Māori Christian religions	456	123	0	576
Buddhist	49 785	2 574	6	52 362
Hindu	63 396	993	0	64 389
Islam/Muslim	35 364	705	0	36 072
Judaism/Jewish	6 312	543	0	6 855
Spiritualism and New Age religions	16 869	2 928	6	19 797
Other religions	22 128	2 319	3	24 450
No religion	1 104 588	192 270	249	1 297 104
Object to answering	202 020	40 518	69	242 607
Total people specifying one or more religious affiliation (including no religion and object to answering)	3 221 286	521 772	600	3 743 652
Not elsewhere included ⁽²⁾	249 435	43 302	234	292 971
Total	3 463 185	563 931	831	4 027 947

Source: Statistics New Zealand.

Notes: ⁽¹⁾ Religious affiliations (total responses) includes all of the people who stated each religious affiliation, whether as their only religious affiliation or as one of several religious affiliations. Where a person reported more than one religious affiliation, they have been counted in each applicable group.

⁽²⁾ Not elsewhere included includes Response unidentifiable, Response outside scope, and not stated.

8. Household characteristics

25. There were 1.45 million households in New Zealand at the 2006 Census, an increase of 8 per cent over the number recorded in 2001 and 34 per cent higher than the number in 1986. Twenty-eight per cent of households contained couples without children in 2006, 30 per cent contained two-parent families with children, 12 per cent were one-parent family households, 3 per cent contained more than one family, 5 per cent comprised a group of individuals, and 23 per cent were one-person households.

Table 6

Sex of parent for one-parent with child(ren) families in private occupied dwellings

<i>Sex of parent</i>	<i>Count</i>
Male	35 721
Female	157 914
Total	193 635

Source: Statistics New Zealand Census 2006.

9. New Zealanders experiencing disability

26. In 2006, an estimated 660,300 New Zealanders reported a disability, representing 17 per cent of the total population. Disability increases with age. In 2006, the prevalence of disability ranged from 10 per cent of children (0–14 years) to 45 per cent of people aged 65 years and over.

27. For children with disabilities, conditions or health problems that existed at birth and disease or illness were the most common causes. Disease or illness, accidents or injuries, and ageing were the most common causes of disability for adults.

Table 7

Number and prevalence of people experiencing disabilities (total population residing in households and residential facilities), by age group and sex, 2006

<i>Age group (years)</i>	<i>Males</i>		<i>Females</i>		<i>Total</i>	
	<i>Number</i>	<i>Rate (%)</i>	<i>Number</i>	<i>Rate (%)</i>	<i>Number</i>	<i>Rate (%)</i>
0–14	53 500	12	36 500	9	90 000	10
15–44	73 800	9	67 600	8	141 500	9
45–64	104 700	21	103 800	19	208 500	20
65+	95 600	43	124 700	46	220 300	45
Total	327 700	17	332 600	16	660 300	17

Source: Statistics New Zealand, 2006 Disability Survey.

28. The total disability rate for Māori (17 per cent) was higher than the disability rate for Pacific peoples (11 per cent) but lower than the disability rate for Europeans (18 per cent). The Asian population had the lowest rate (5 per cent). Māori and Pacific peoples have a younger age structure than Europeans, therefore disability rates should be compared by age group. In every age group, Māori had a higher disability rate than other ethnic groups.

29. Only 60 per cent of 15–64 year olds with a disability were employed in 2006, compared with 80 per cent of non-disabled 15–64 year olds.

10. Economy

30. New Zealand is a developed country with a market economy. During the 1980s and early 1990s New Zealand, like many other countries, experienced a sustained period of rather flat economic growth. Since 2000, New Zealand's economic growth has averaged 3.1 per cent per year. Recent growth has been impacted by the global slowdown, averaging 1.0 per cent over the past five years. Although living standards remain relatively high by international standards, New Zealand has slipped down the Organisation for Economic Co-operation and Development (OECD) per capita income rankings, primarily because of the rapid rise in income in other OECD economies.

31. New Zealand's small economy is dependent on overseas trade compared with some other larger economies. Traditionally, a large proportion of New Zealand's exports, mainly agricultural products, went to the United Kingdom. In the past 20 years, however, New Zealand has adapted to a changing world and now the Asia-Pacific region is more dominant. The largest export markets are Australia, China, the United States of America, Japan, Singapore, and the United Kingdom. New Zealand has developed its agriculture and manufacturing industries to suit the needs of niche markets. New Zealand's largest merchandise exports are across dairy, meat, forestry, horticulture, fishing, and niche manufacturing. New Zealand has significant service exports in international tourism, education, and other business services.

(a) Population by broad industry sector

32. The primary sector refers to agriculture, forestry, fishing, and mining. Secondary refers to manufacturing, electricity, gas, water, supply, and construction. "Services mainly to Business" refers to wholesale, transport, storage, communication, finance, insurance, property, and business. "Services mainly to Households" refers to retail, accommodation, cafes and restaurants, government administration, defence, education, health, community, cultural recreational, personal, and other.

Table 8

Population by broad industry sector and sex by 1,000s of people, 2009

<i>Sector and sex differences</i>	<i>Male</i>	<i>Female</i>
Primary Industry	106.1	47.1
Secondary Industry	347.6	98.9
Services mainly to Business	320.8	224.3
Services mainly to Households	368.6	642.3

Source: Statistics New Zealand.

Table 9
Population by broad industry sector by ethnicity by 1,000s of people, 2009

<i>Sector and ethnicity</i>	<i>European</i>	<i>Māori</i>	<i>Pacific peoples</i>	<i>Asian</i>	<i>Total people specifying an ethnicity</i>	<i>Total</i>
Primary Industry	128.0	19.7	2.6	11.4	153.0	153.2
Secondary Industry	344.2	62.7	29.5	41.7	446.0	446.5
Services mainly to Business	427.6	49.3	25.5	73.2	544.6	545.1
Services mainly to Households	786.1	114.3	42.5	133.7	1 009.2	1 010.8

Source: Statistics New Zealand.

(b) Gross domestic product

33. Gross domestic product (GDP) in current prices for the year ending March 2010 was \$187,362 million and in real GDP (1995/96 prices) was \$132,737 million.² The New Zealand economy, which was already in recession as a result of domestic factors, faced a strong contraction in economic activity as a result of the global financial crisis. New Zealand is experiencing a gradual recovery from the crisis in line with Treasury forecasts. Export performance has fared better than many other developed economies following the crisis, supported by the fortunes of the Australian and emerging Asian economies. Although the recovery has been mainly export-led, continued expansion in the export sector is required for further rebalancing of the economy.

(c) Rate of inflation

34. The Consumers Price Index rose 2.0 per cent from the March 2009 quarter to the March 2010 quarter. Because of increases in retail fuel and food prices, inflation is expected to remain around the upper limit of New Zealand's target band (1 to 3 per cent on average over the medium term). Over the last five years, the annual change in New Zealand's Consumers Price Index has been at the upper end of the target band. The band was exceeded in 2008.

(d) Gross national income per capita

35. Gross national income (GNI) per capita in March 2005 was \$34,700, \$35,971 in 2006, \$37,259 in 2007, \$39,593 in 2008, and in 2009 it was \$40,121.

(e) Median hourly earnings

36. In June 2008, the median hourly wage for male employees was \$20.00 while for female employees it was \$17.50. Median hourly earnings from wage and salary jobs were highest at ages 30–34 years and 35–39 years. Europeans had the highest median hourly earnings at \$19.50 an hour. In comparison, the Other ethnic group (including Asian) had median hourly earnings of \$17.00. The median hourly earnings of Māori and Pacific peoples ethnic groups were the lowest at \$16.74 and \$15.40, respectively.

37. Over the 11 years to June 2008, increases in inflation-adjusted median hourly earnings from wage and salary jobs were highest for Māori (20 per cent) followed by Europeans (17 per cent) and Pacific peoples (14 per cent).

² All dollar amounts are New Zealand dollars unless specifically described in another way.

(f) Market income per person

38. The total value of goods and services available to New Zealanders, expressed in inflation-adjusted dollars, per head of population, is also known as real gross national disposable income (RGNDI) per person. Per person RGNDI measures the average income available to New Zealanders.

39. In the year to March 2009, RGNDI per person was \$30,179 in 1995/96 dollars. This was 1.7 per cent below RGNDI per person for the year ended March 2008 (\$30,708) due to negative economic growth over the year to March 2009. Between 1988 and 1991, RGNDI per person was around \$23,000. It then fell sharply to a low of \$20,940 in 1992. From 1992, RGNDI per person grew continuously, until it fell in 2009. The average annual growth rate over the whole period from 1988 to 2009 was 1.4 per cent.

40. New Zealand was ranked 22nd out of 30 OECD countries for GDP per person in 2007 (the same ranking as in the previous six years) and 22nd out of 29 countries for GNI per person in 2006. Using GDP per person, New Zealand was the 18th most prosperous out of 26 countries in 1986 and the ninth most prosperous in 1970. Using GNI per person, the rankings for New Zealand were 19th in 1986 and eighth in 1970.

41. Between 1986 and 2007, real GDP per person (using United States dollars and current purchasing power parities for the year 2000) grew by 32 per cent in New Zealand compared with an OECD average of 51 per cent.

Table 10

New Zealand Government budget by sector

<i>New Zealand Government budget by sector</i>										
	2005/06		2006/07		2007/08		2008/09		2009/10	
<i>Sector</i>	\$'000	%	\$'000	%	\$'000	%	\$'000	%	\$'000	%
Economic development and infrastructure	3 207 055	6	3 784 684	6	4 358 356	7	26 033 391	27	6 087 932	8
Education/Science	9 183 903	17	9 766 203	16	10 213 777	16	11 944 551	12	12 284 700	17
Environment	422 729	1	533 495	1	524 269	1	697 744	1	1 184 425	2
External	3 007 518	6	3 487 442	6	3 450 959	5	4 031 818	4	4 532 038	6
Finance and Government administration	9 161 116	17	10 058 023	17	10 447 981	16	16 965 215	17	9 764 947	13
Health	9 680 965	18	10 412 845	17	11 928 703	19	12 078 610	12	12 977 715	17
Justice	2 401 476	4	2 753 976	5	3 097 452	5	3 793 795	4	4 172 249	6
Māori, other populations and cultural	895 832	2	892 014	1	987 625	2	1 170 367	1	1 289 299	2
Primary	585 625	1	638 938	1	749 137	1	1 562 971	2	803 529	1
Social development and housing	15 981 810	29	17 340 021	29	17 748 188	28	19 346 188	20	21 143 303	28
Total	54 528 029		59 667 641		63 506 447		97 624 650		74 240 137	

Source: The Estimates of Appropriations, New Zealand Treasury.

(g) Percentage of gross national income spent on official development assistance

Table 11
Spending on official development assistance (ODA)

<i>Calendar year</i>	<i>GNI \$ million</i>	<i>ODA/GNI (%)</i>
2005	143 303.00	0.27
2006	148 843.00	0.27
2007	163 385.50	0.27
2008	165 487.98	0.30
2009	172 953.02	0.29

Source: The Ministry of Foreign Affairs and Trade.

42. The percentage of GNI spent on ODA went down between 2008 and 2009 primarily because of an increase in actual GNI against forecast, and a Government decision to make an absolute dollar expenditure increase, rather than a proportion of GNI. Expenditure against budget was slightly lower over Calendar Year 2009, but the ODA budget is set to rise by \$25m each year to 2012/13.

(h) External and internal public debt

43. Table 12 presents core public debt, which is made up of New Zealand (domestic) and foreign (external) currency debt. Core crown debt represents borrowings of the Crown, departments, offices of Parliament, and the Reserve Bank, and therefore excludes the debt of state-owned enterprises.

Table 12
External and internal public debt

	<i>12 months to 30 June 2005 \$ millions</i>	<i>12 months to 30 June 2006 \$ millions</i>	<i>12 months to 30 June 2007 \$ millions</i>	<i>12 months to 30 June 2008 \$ millions</i>	<i>12 months to 30 June 2009 \$ millions</i>
New Zealand	22 163	16 729	41 547	18 329	44 285
Foreign	12 882	18 732	(5 397)	19 007	6 257
Core Crown Borrowings	35 045	35 461	36 150	37 336	50 545

Source: New Zealand Treasury.

11. Unemployment

44. In New Zealand the unemployment rate is defined as the number of people aged 15 years and over who are not employed and who are actively seeking and available for paid work, expressed as a percentage of the total labour force. The labour force is defined as the population aged 15 years and over who are either employed or unemployed.

45. In the year to March 2009, 4.5 per cent of the labour force (or 103,300 people) were unemployed and actively seeking work, an increase from 3.7 per cent (or 82,600 people) in the year to March 2008. This reflects the economic recession over the year to March 2009.

46. The unemployment rate reached a peak of 10.9 per cent in the year to March 1992 (184,200 people unemployed), then declined steadily between 1999 and 2008. The 2009 unemployment rate was slightly higher than the rate in the year to March 1987 (4.1 per cent or 69,700 people unemployed).

(a) Age and sex differences

47. Unemployment rates for different age groups have followed similar trends, but for those aged 15–24 years have consistently been more than twice the rates for those aged 25–64 years.

48. Unemployment rates were the same for males and females in the year ended March 2009, after being higher for females than for males between 2003 and 2008, and higher for males than for females in the peak years of unemployment.

Table 13

Unemployment rates (%), by age and sex, selected years, 1987–2009

Year	<i>Males</i>			<i>Female</i>		<i>Total</i>
	15–24	25–44	45–64	15+	15+	15+
1987	7.9	3.3	1.8	3.7	4.8	4.1
1991	15.6	7.3	5.1	9.1	8.1	8.7
1996	12.3	5.5	3.8	6.3	6.4	6.4
2001	13.1	4.9	3.8	6.0	5.7	5.9
2006	9.7	3.1	2.2	3.5	4.2	3.9
2008	9.9	2.9	1.9	3.4	3.9	3.7
2009	12.1	3.5	2.4	4.5	4.5	4.5

Source: Statistics New Zealand, Household Labour Force Survey.

Note: Average for March years.

(b) Ethnic differences

49. The unemployment rate is lowest among people of European ethnicity. For this group, the unemployment rate rose from 3.3 per cent in the year to March 1987 to a peak of 8.1 per cent in 1992, before declining to 3.3 per cent in the year to March 2009 (up from the record low of 2.6 per cent in the years to March 2006–2008). The unemployment rate of the Other ethnic group category (made up mainly of Asians, but includes many recent migrants) increased from 3.5 per cent in the year to March 1987 to peak at 14.4 per cent in 1992 and 1993, fell to 5.2 per cent in the year to March 2008 and increased to 5.9 per cent in the year to March 2009.

50. The Māori unemployment rate rose from 11.2 per cent in the year to March 1987 to a peak of 26.1 per cent in 1992. It fell to a record low of 7.9 per cent in 2007, increased slightly to 8.0 per cent in the year to March 2008, then rose to 8.8 per cent in the year to March 2009. Between 1987 and 1992, the unemployment rate for Pacific peoples rose from 6.1 per cent to 28.8 per cent, the highest rate for any ethnic group. After falling to 6.3 per cent in 2006, the Pacific peoples unemployment rate increased slightly over the following two years, then rose sharply from 6.5 per cent in the year to March 2008 to 8.5 per cent in the year to March 2009.

Table 14
Unemployment rate, by ethnic group, 1987–2009



Source: Statistics New Zealand, Household Labour Force Survey.

Note: "Other" includes Asian.

(c) International comparison

51. In the year ended December 2008, New Zealand's harmonised unemployment rate of 4.2 per cent was the 10th equal lowest (along with Australia's) out of 30 OECD countries and lower than the OECD average of 6.0 per cent. New Zealand's rate was lower than those for the United Kingdom (5.6 per cent), the United States (5.8 per cent), and Canada (6.1 per cent). In 2007, New Zealand had the fifth lowest proportion of people unemployed who had been unemployed for six months or longer.

12. Employment

52. The employment rate is the proportion of the population aged 15–64 years who are employed for at least one hour per week. In the year ended March 2009, 74.6 per cent of 15–64 year olds (2.112 million people) were employed.

53. The full-time employment rate for 15–64 year olds declined sharply between the years ended March 1987 (60.1 per cent) and March 1992 (51.4 per cent), and had almost recovered to the mid-1980s level by 2009 (58.4 per cent). The part-time employment rate increased over the period, from 12.1 per cent in the year to March 1987 to 16.2 per cent in 2009. Although the part-time rate has almost doubled for men since 1986, women continue to have a higher part-time employment rate than men (23.5 per cent compared with 8.5 per cent in the year ended March 2009).

(a) Age and sex differences

54. The employment rate for women is significantly lower than that for men. This is mainly because women spend more time on childcare and other unpaid household work and are more likely than men to undertake some form of study or training. However, growth in the employment rate between the years ended March 1992 and March 2009 was stronger for women than for men and the sex difference in the employment rate has narrowed from 16 to 12 percentage points over that time.

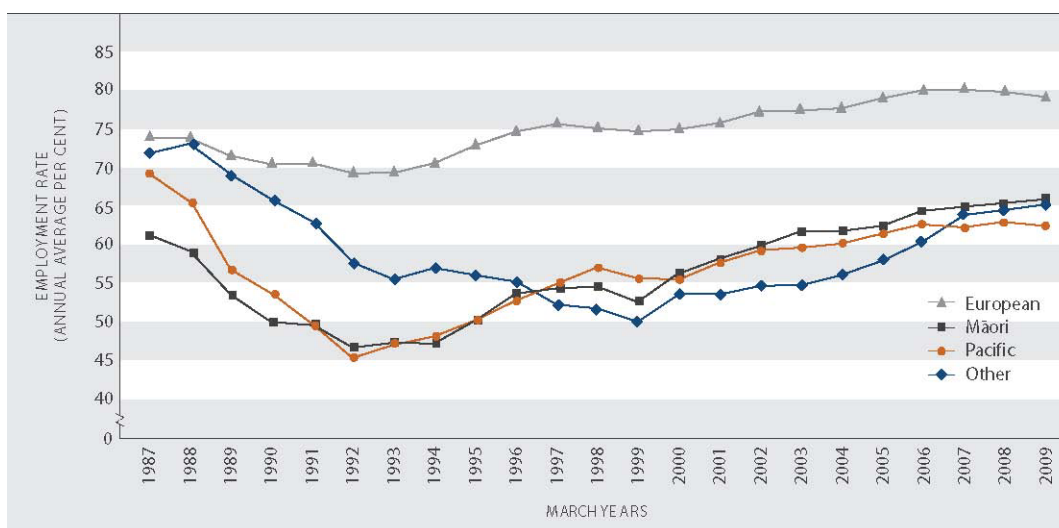
(b) Ethnic differences

55. The employment rates for Māori and Pacific peoples showed the steepest fall between 1987 and 1992, but also the strongest recovery as economic conditions improved. In the year to March 2009, the Māori employment rate, at 65.6 per cent, was slightly higher than the rate for the previous year (65.1 per cent) and had surpassed the 1987 level (61.0 per cent).

per cent). In contrast, the Pacific peoples employment rate declined slightly between the 2008 and 2009 March years (from 62.8 per cent to 62.4 per cent) and they were still less likely to be employed than in 1987 (69.0 per cent). Pacific peoples have had the lowest employment rate since 2007.

56. After declining slightly between 1987 and 1992, the European employment rate reached a record high of 79.9 per cent in the year to March 2007, then fell slightly to 79.6 per cent in 2008 and 79.1 per cent in 2009. The European employment rate had surpassed the level of the mid-1980s (73.8 per cent in 1987) by the mid-1990s. The employment rate for the Other (including Asian) ethnic group, which includes many new migrants, has shown the most change over the period, falling from the second highest in the late-1980s to the lowest over the decade to 2006. Faster growth in employment from 2003 to 2007 saw this group exceed the employment rate of Pacific peoples. The Other employment rate, like that of Māori, has continued to increase, from 64.4 per cent in the year ended March 2008 to 65.0 per cent in the year ended March 2009.

Table 15
Employment rate, by ethnic group, 1987–2009



Source: Statistics New Zealand, Household Labour Force Survey.

Note: Based on a population aged 15–64 years.

(c) International comparison

57. In the year to December 2008, New Zealand was ranked seventh highest of 30 OECD countries with an employment rate of 74.7 per cent for people aged 15–64 years. This was well above the OECD average of 66.6 per cent.

58. The Council of Trade Unions estimates that approximately 20 per cent of the workforce are union members.

(d) Dependency ratio

59. The dependency ratio is an age population ratio of those typically not in the labour force and those typically in the labour force. In international statistics, the ratio is usually equal to the number of individuals aged below 15 or above 64 divided by the number of individuals aged 15–64 expressed as a percentage. An increasingly high ratio means the economy faces a greater burden in supporting the aging population.

Table 16
Dependency ratio by sex, at 30 June 2005–2009

Sex and age group (years)	Dependency ratio ⁽¹⁾ at 30 June as a percentage				
	2005	2006	2007	2008	2009
Male					
0–14	33.9	33.3	33.0	32.7	32.4
65+	16.4	16.8	17.2	17.4	17.8
Female					
0–14	31.0	30.5	30.2	29.9	29.7
65+	19.7	19.9	20.2	20.4	20.7
Total 0–14	32.4	31.9	31.6	31.3	31.0
Total 65+	18.1	18.4	18.7	18.9	19.2

Source: Statistics New Zealand.

Note: ⁽¹⁾ Number of people in dependent age group per 100 people of working age (15–64 years).

(e) **Share of household composition on food, housing, health, and education**

60. Many education and health services are funded by general taxation and are provided free of charge or at subsidised rates. This limits the value of international comparisons of direct household expenditure in these areas.

Table 17

Household expenditure for subgroup by household income group, 2006–2007

Income group	Under \$17,600	\$17,600 to \$25,799	\$25,800 to \$33,399	\$33,400 to \$44,899	\$44,900 to \$55,799	\$55,800 to \$67,999	\$68,000 to \$80,899	\$80,900 to \$98,799	\$98,800 to \$131,299	\$131,300 and over
Category	Average weekly household expenditure (\$)									
Food	67.70	82.70	102.10	120.60	140.80	150.60	178.20	201.30	226.80	285.40
Housing/household utilities	119.70	132.30	147.80	190.10	202.10	208.60	232.30	314.20	335.00	357.30

Source: Statistics New Zealand.

13. Measures of inequality

61. Income inequality rose between 1988 and 1991, briefly plateaued, then rose again from 1994 to 2004. Most of the observed increase in income inequality between 1988 and 2004 was due to a larger overall rise in incomes for those in the top 20 per cent of incomes – around a quarter once adjustments for inflation are made. In that period, incomes for those in the bottom 20 per cent of incomes decreased slightly. Incomes for the middle 60 per cent climbed more for those closer to the top 20 per cent than for those closer to the bottom 20 per cent.

62. From 2004 to 2008, incomes for households in the low-to-middle income range rose more quickly than incomes for higher income households. Incomes for the lower four deciles grew by 13–17 per cent, while those above the median typically grew by around 8–9 per cent. This was the only period in the last 25 years when the incomes of low-to-middle income households grew more quickly than those of households above the median.

63. Comparisons with other OECD countries are available using a different measure, the Gini coefficient. Gini coefficients measure income inequality, with a score of 100 indicating perfect inequality and a score of 0 indicating perfect equality. The most recent OECD comparison (from 2004) gives New Zealand a score of 34, indicating higher inequality than the OECD median of 31 and a ranking of 23rd equal out of 30 countries. The 2008 Gini score for New Zealand was 34 (33 in 2007).

(a) Proportion of population under the poverty line

64. New Zealand does not have a poverty line as such. When talking about poverty or material hardship in the context of the richer nations such as New Zealand, people are usually referring to relative disadvantage. Income maintenance policies provide all citizens with a basic income should they become unemployed, incapacitated by sickness or disability, or if they are providing care for dependants, are retired, or face other emergencies.

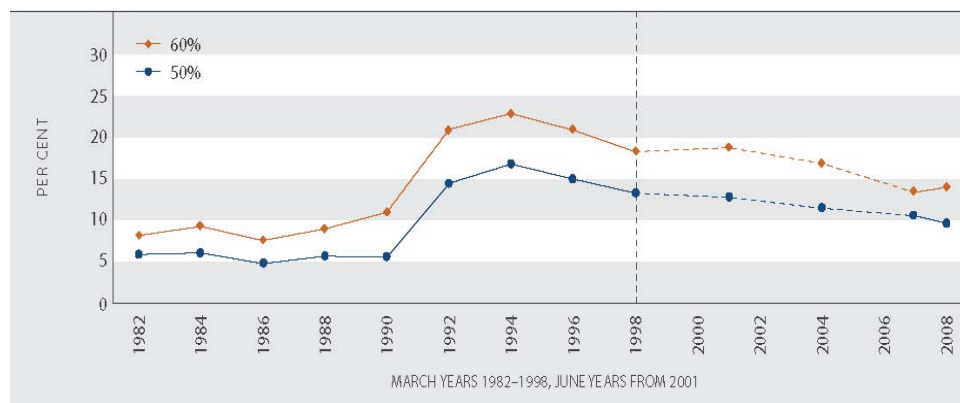
65. The measure most often used as an equivalent to a poverty line in New Zealand is the proportion of the population in households with equivalised disposable income net-of-housing-cost below two thresholds. Incomes are after deducting tax and housing costs and adjusting for household size and composition.

66. The thresholds are 50 per cent and 60 per cent of the 1998 household disposable income median, with 25 per cent deducted to allow for average housing costs. The thresholds are adjusted for inflation to keep them fixed in real terms.

67. In the year to June 2008, 14 per cent of the population was living below the 60 per cent threshold. This was similar to the 13 per cent in the previous survey year to June 2007. The proportion of the population with low incomes rose sharply from 1990, reached a peak in the mid-1990s and has generally declined since then. However, in 2008, the proportion was still above what it had been in the 1980s.

Table 18

Proportion of the population with net-of-housing cost household incomes below selected thresholds, 1982–2008



Source: Derived from Statistics New Zealand's Household Economic Survey (1982–2008) by the Ministry of Social Development.

Note: Between 1998 and 2004, the Household Economic Survey was conducted on a three-yearly basis, rather than annually.

(b) Age and sex differences

68. A lower proportion of older people than younger people are below the 60 per cent threshold, although the difference between younger and older people was much smaller in

2008 than it was a decade earlier. The relatively low rates for New Zealanders aged 65 years and over reflect their high rate of mortgage-free home ownership.

69. In 2008, 20 per cent of dependent children were in households with incomes below the 60 per cent threshold. This was an increase from 16 per cent in 2007 and reflects the rise in housing costs for households with children. The 2008 rate was considerably lower than the peak rate of 35 per cent in 1994, but was still above the levels of the mid-1980s (11 per cent). Since 1986, rates for females aged 15 years and over have generally been a little higher than those for males of that age.

Table 19

Proportion (%) of the population in low-income households (60 per cent threshold), by age and sex, selected years, 1986–2008

Year	Children				Males		Females	Total
	0–17	18–24	25–44	45–64	65+	15+	15+	
1986	11	5	8	5	4	5	7	8
1990	16	8	12	6	6	8	9	11
1994	35	20	23	15	8	17	20	23
1998	28	16	18	12	9	13	16	18
2001	29	21	18	14	7	14	17	19
2004	23	22	17	13	7	15	15	17
2007	16	17	13	11	8	11	13	13
2008	20	12	13	12	9	11	13	14

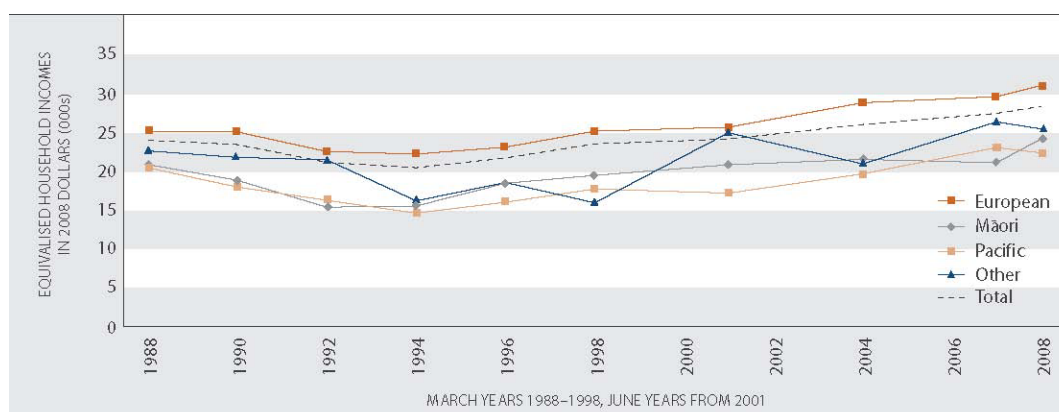
Source: Derived from Statistics New Zealand's Household Economic Survey (1986–2008) by the Ministry of Social Development.

(c) **Ethnic differences**

70. Sample sizes in the source data are not large enough to support a reliable time series for proportions below the 60 per cent threshold by ethnic group. Trends in real equivalised median household incomes are less volatile and are used to give an idea of the relativities between ethnic groups. For all ethnic groups, median incomes rose from the low point in 1994 through to 2008, with some volatility evident for smaller ethnic groups.

Table 20

Real equivalised median household incomes, by ethnic group, 1988–2008



Source: Derived from Statistics New Zealand's Household Economic Survey (1988–2008) by the Ministry of Social Development.

Notes: ⁽¹⁾ Household ethnicity is defined by the presence, within the household, of an adult of a particular ethnic group.

⁽²⁾ Between 1998 and 2004, the Household Economic Survey was conducted on a three-yearly basis, rather than annually.

71. In 2009, using the net-of-housing-costs 60 per cent fixed-line measure, around one in six European children, one in four Pacific children, and one in three Māori children (double the rate for European children) lived in lower income households.

72. The higher rate for Māori children reflects the relatively high proportion of Māori children living in sole parent beneficiary families and households (for example, in June 2009, 43 per cent of Domestic Purposes Benefit³ recipients were Māori).⁴

14. Health

73. Overall health status in New Zealand is good. Life expectancy at birth has increased rapidly over the past decade, both for males and females, and for the Māori and non-Māori ethnic groups. The gender gap in life expectancy in New Zealand has decreased from 5.3 years in 1996 to 4.2 years in 2006. The gap between Māori and non-Māori has decreased by approximately 1.2 years for males and 2.0 years for females over the decade.

(a) Life expectancy

Table 21

Life expectancy at birth

	1996	2006	Improvement
Males (all ethnicities)	74.4 years	78.0 years	A gain of 3.6 years
Females (all ethnicities)	79.7 years	82.2 years	A smaller gain of 2.5 years
Māori males	65.6 years	70.4 years	A gain of 4.8 years
Māori females	70.8 years	75.1 years	A gain of 4.3 years

Source: Ministry of Health.

74. Statistics New Zealand does not produce official statistics for Pacific and Asian peoples because of the small size of these populations. The crude death rate for New Zealand was 6.8 deaths per 1,000 estimated resident population in the December 2008 year, down from 8.3 per 1,000 in 1988. The age distribution of people dying has changed significantly over recent decades, with an increased proportion of deaths occurring in older age groups. This can be attributed to an ageing population, increased life expectancy, and the dramatic decline in infant mortality.

75. Communicable diseases associated with extreme poverty, such as typhoid, cholera, and leprosy, are rare in New Zealand.

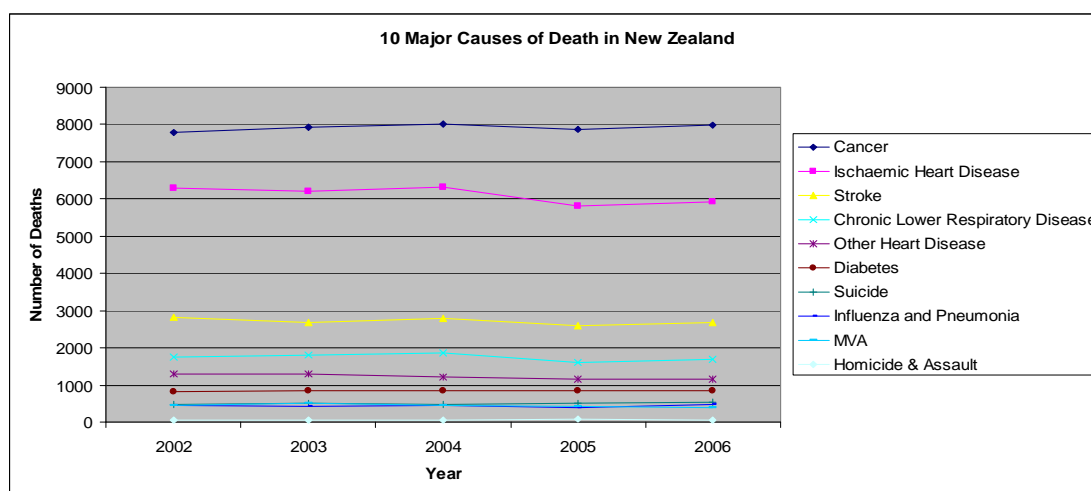
³ The Domestic Purposes Benefit is a weekly payment made by the Government to sole parents with dependant children and no other adequate source of income.

⁴ Household incomes in New Zealand: trends in indicators of inequality and hardship 1982 to 2009, prepared by Brian Perry, Ministry of Social Development, August 2010.

(b) Major causes of death in New Zealand

76. There were approximately 28,000 deaths per year during the period 2002 to 2006. The 10 major causes of death listed in Table 22 make up 75–80 per cent of total deaths. Deaths from cancer and ischaemic heart disease make up 50 per cent of total deaths.

Table 22

Ten major causes of death

Source: Ministry of Health.

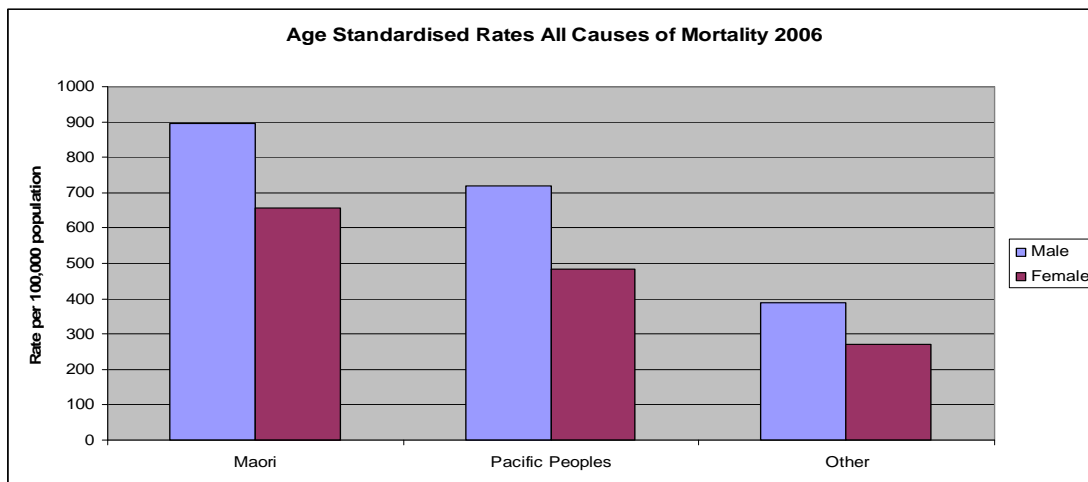
77. The total number of deaths for each major cause was relatively stable over the five-year period 2002 to 2006. Male mortality was higher than female for motor vehicle accidents, homicide and assault, and suicide as the cause of death. Female mortality was higher than male for cerebrovascular disease (stroke) and influenza and pneumonia as the cause of death. The remaining major causes of death had similar numbers of deaths between males and females.

(c) Ethnicity as a factor

78. When ethnicity is taken into account in analysing health status or burden of disease, clear patterns emerge that help to inform policy responses.⁵

⁵ Age-standardised rates for 2002 to 2005 are not available for Pacific peoples all causes or non-Māori, non-Pacific all causes of mortality. Data for 2006 only are presented in this section, but as there were no extreme trends in the five-year period further analysis beyond 2006 is unlikely to show any significant differences.

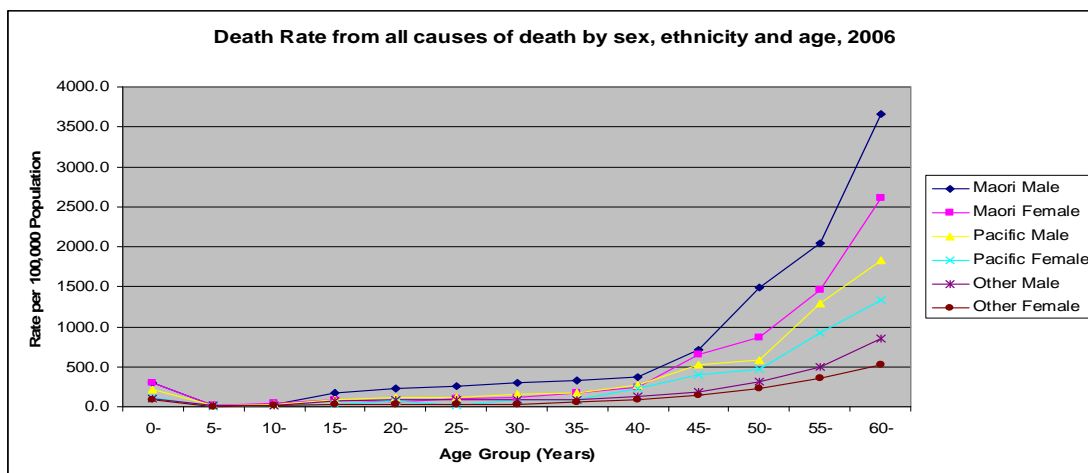
Table 23
Rates for all causes of mortality, 2006



Source: Ministry of Health.

79. Māori males have a consistently higher rate of death than all other groups. In 2006, the Māori male rate of death (896.8 per 100,000 population) was more than double the non-Māori, non-Pacific male rate (390.0 per 100,000 population). In 2006, the Māori female rate of death (658.9 per 100,000 population) was also more than double the non-Māori female rate (270.7 per 100,000 population).

Table 24
Death rates from all causes of death, 2006



Source: Ministry of Health.

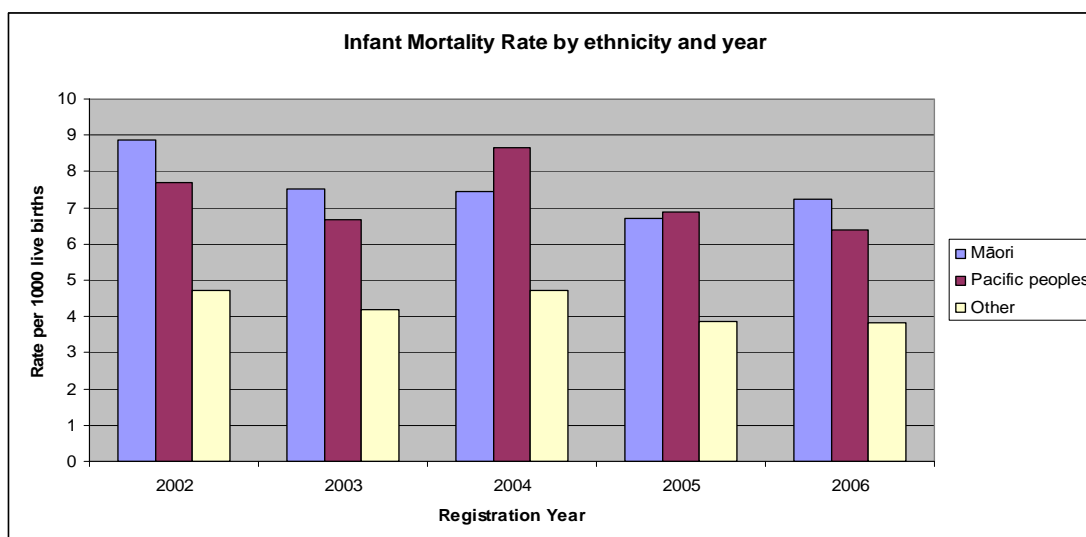
80. Māori and Pacific peoples had higher age-specific mortality rates than the Other ethnicity (non-Māori, non-Pacific), as shown in Table 24. Death rates are provided up to age 65 to show most clearly the differences between population groups. (The death rate for all population groups climbs steeply from age 65 onwards.)

81. Compared with the Other ethnic group, Māori and Pacific peoples had higher age-specific mortality rates of cancer, diabetes, ischaemic heart and cerebrovascular diseases, and lower respiratory diseases, motor vehicle accidents, homicide, and assault.

(d) Infant mortality

82. Over the period 2003–2008, infant death rates fell from 5.4/1,000 live births to 4.7/1,000 live births. However, in the last three years of the period, rates appeared to plateau. This is primarily due to rises in neonatal (0–28 days) mortality. Post-neonatal mortality has remained stable over this period.⁶

Table 25

Infant mortality rates by ethnicity and year

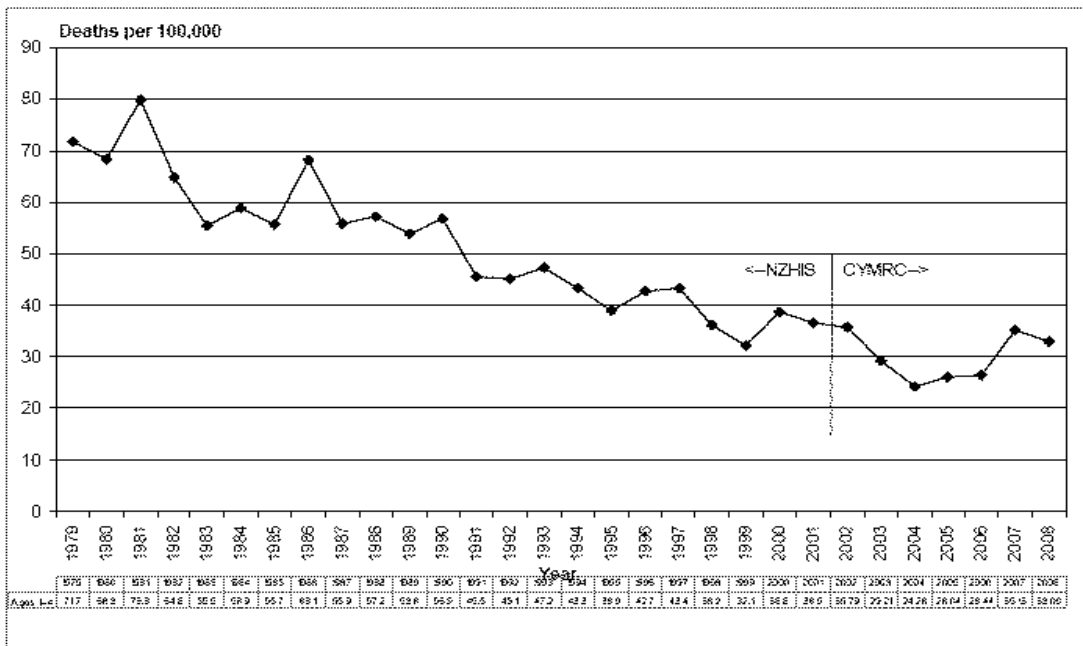
Source: Ministry of Health.

83. Infant death rates for Māori and Pacific peoples have reduced in recent years but ethnic disparities remain, with Māori and Pacific rates higher than the rate for the Other ethnic group. Post-neonatal mortality for Māori infants is twice that of non-Māori infants.

84. Child (1–4 years) mortality has also fallen over the period 2003–2008 but the trend has been for a fall to 2004 levels and then a rise to close to 2002–2003 levels. The cause of this is unclear, and may be due to random fluctuations. Most of the increased deaths are due to infectious diseases and neoplasms, drowning and vehicle-related injuries, however, the rates for these groupings vary considerably from year to year.

⁶ Child and Youth Mortality Review Committee (CYMRC) data, 2009 report www.cymrc.govt.nz. CYMRC was established by the Minister of Health in 2009 to review deaths of children and young people aged 28 days to 24 years.

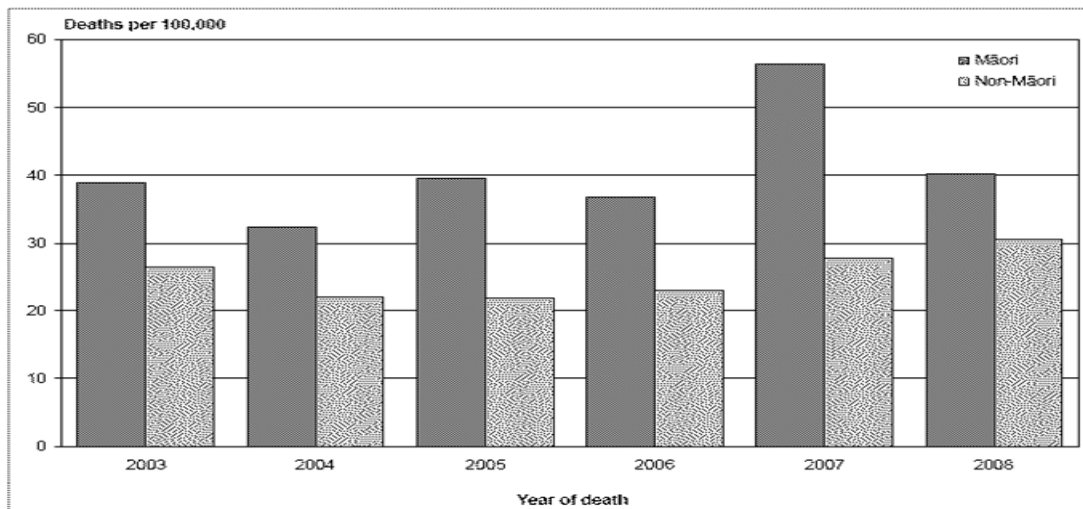
Table 26
Mortality (age-specific rate per 100,000 in children aged 1–4 years), 1979–2008



Source: Ministry of Health.

85. There is a significant disparity in mortality between Māori and non-Māori children in the age group 1–4 years.

Table 27
Mortality (age-specific rates per 100,000 in Māori and non-Māori children aged 1–4 years), 2003–2008



Source: Ministry of Health.

86. While New Zealand is making slow gains in addressing infant and child mortality, there are significant year-to-year fluctuations that are not well understood. New Zealand

still has relatively high rates of Sudden Unexpected Death in Infancy, especially among Māori babies.

87. Although New Zealand was not severely affected by the global recession, it has resulted in increased unemployment rates. This is likely to have adverse impacts on children's health and well-being, despite many low-cost and free health and welfare services being available for families. This situation is being closely monitored by the Ministry of Health.

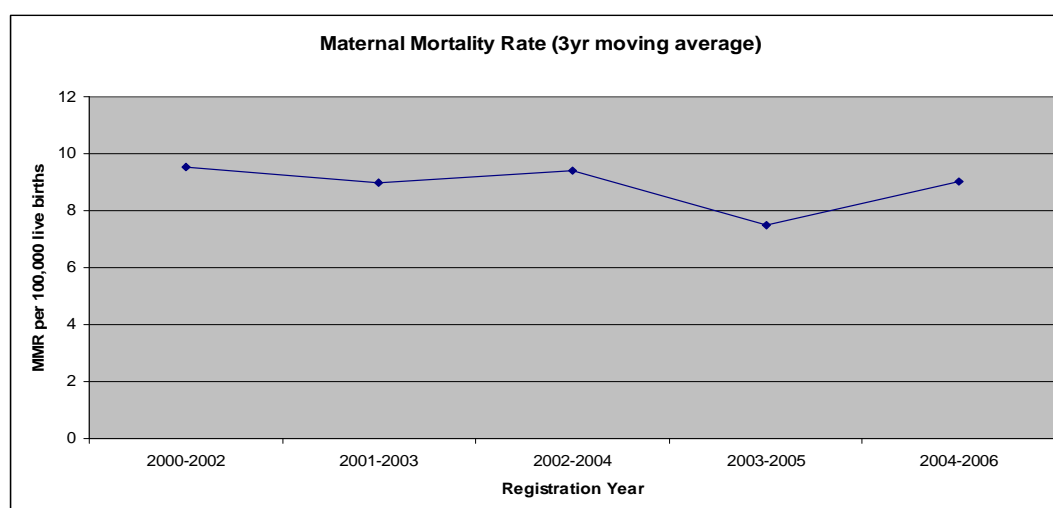
(e) Maternal mortality

88. The maternal mortality rate has remained stable over the period 2000 to 2006 when analysed as a three-year moving average (necessary due to the small number of maternal deaths of less than 10 per year). Ethnicity or maternal age comparisons are not possible due to the small number of deaths.

89. New Zealand uses the World Health Organization definition of maternal death/maternal-related death. Maternal mortality in New Zealand is calculated per 100,000 maternities (defined as all live births and fetal deaths from 20 weeks' gestation or where the fetus weighs 400 grams or more if gestation is unknown).

Table 28

Maternal mortality rate (three-year moving average)



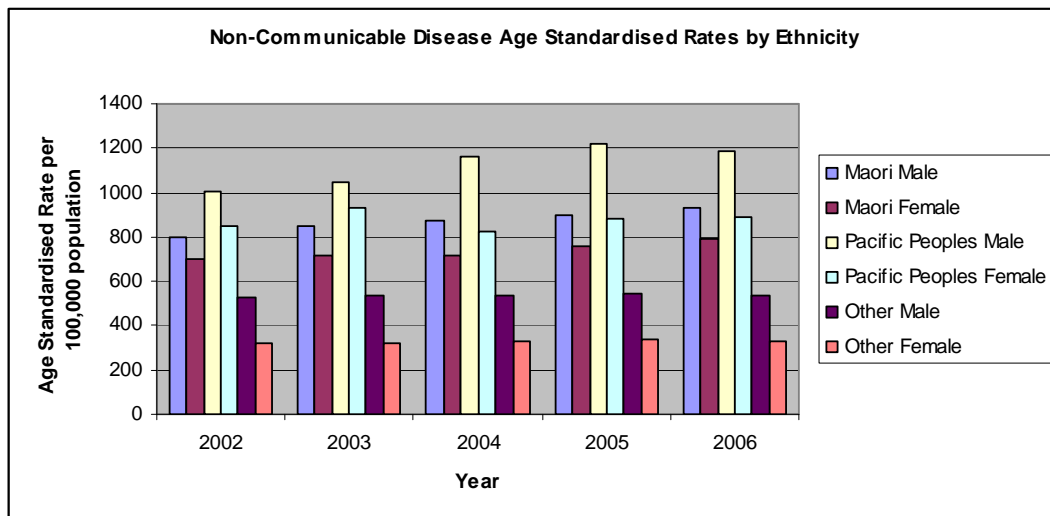
Source: Ministry of Health.

(f) Selected communicable and non-communicable disease trends in New Zealand⁷

90. Across a selection of communicable and non-communicable diseases, Pacific males had a consistently higher rate of hospitalisation from 2002–2006. Non-Māori, non-Pacific females (Other) had the lowest rate of hospitalisations each year over the five-year period.

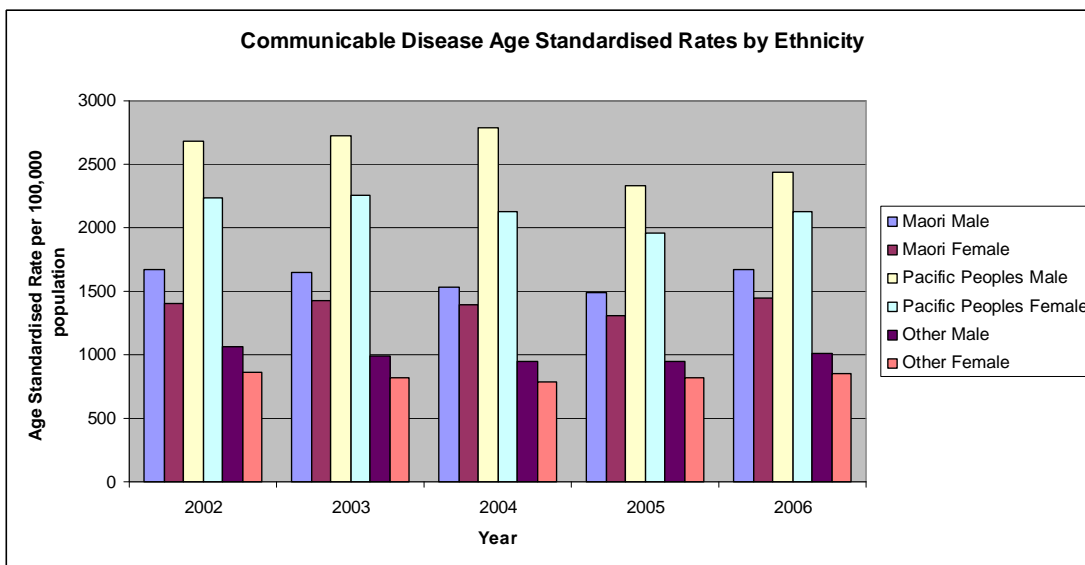
⁷ Diseases included are: acute myocardial infarction, cerebrovascular disease, diabetes, diarrhoeal diseases, hepatitis, HIV/AIDS, hypertensive disease, rheumatic fever, rheumatic heart disease, tuberculosis, acute respiratory infection. The latter is split into three groups for ease of graphing: acute lower respiratory disease (diseases affecting the lower respiratory tract including the lungs and chronic obstructive pulmonary disease (COPD), emphysema, bronchitis, asthma, tuberculosis and also smoking-related disorders); acute upper respiratory disease (illnesses caused by an acute infection that involves the upper respiratory tract: nose, sinuses, pharynx or larynx); influenza and pneumonia.

Table 29
Non-communicable disease age-standardized rates by ethnicity



Source: Ministry of Health.
 Note: Non-communicable diseases grouped are: acute myocardial infarction, hypertension, diabetes, and cerebrovascular disease.

Table 30
Communicable disease age-standardized rates by ethnicity



Source: Ministry of Health.
 Note: Communicable diseases grouped are: HIV/AIDS, viral hepatitis, diarrhoeal diseases, tuberculosis, rheumatic fever and rheumatic heart disease, acute respiratory infections (includes upper, lower and influenza and pneumonia).

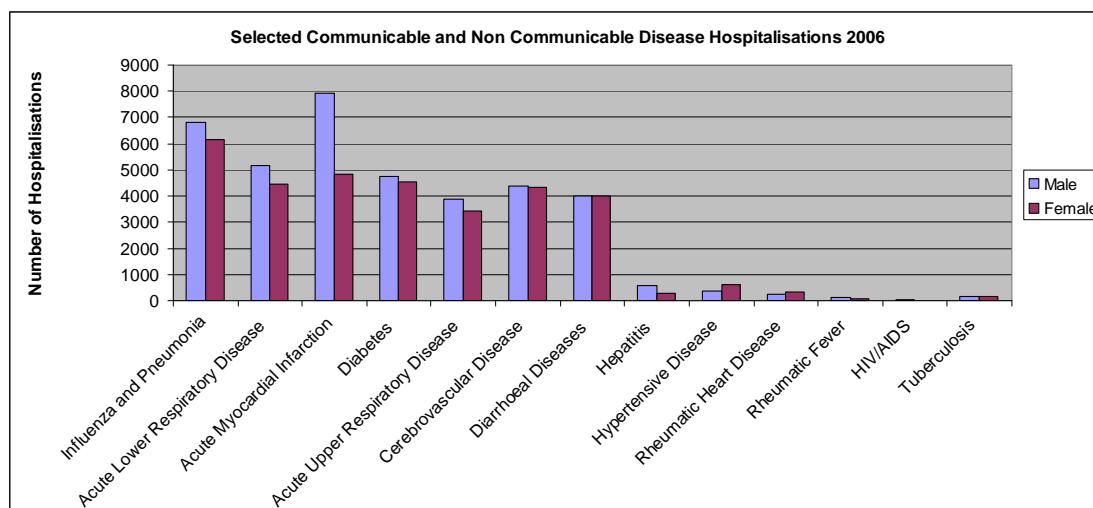
(g) Male and female hospitalizations by selected diseases

91. The number of hospitalisations was similar between males and females for all diseases except acute myocardial infarction, which resulted in 7,940 male hospitalisations

and 4,846 female hospitalisations. The number of hospitalisations for rheumatic fever, HIV/AIDS and tuberculosis was low.

Table 31

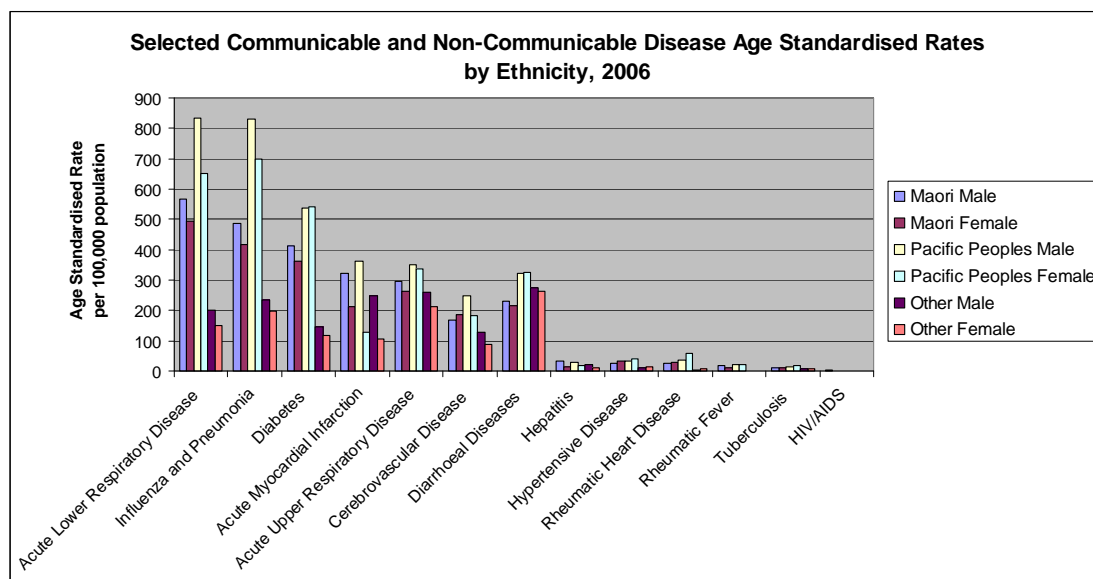
Selected communicable and non-communicable disease hospitalizations



Source: Ministry of Health.

Table 32

Selected communicable and non-communicable disease rates by ethnicity, 2006



Source: Ministry of Health.

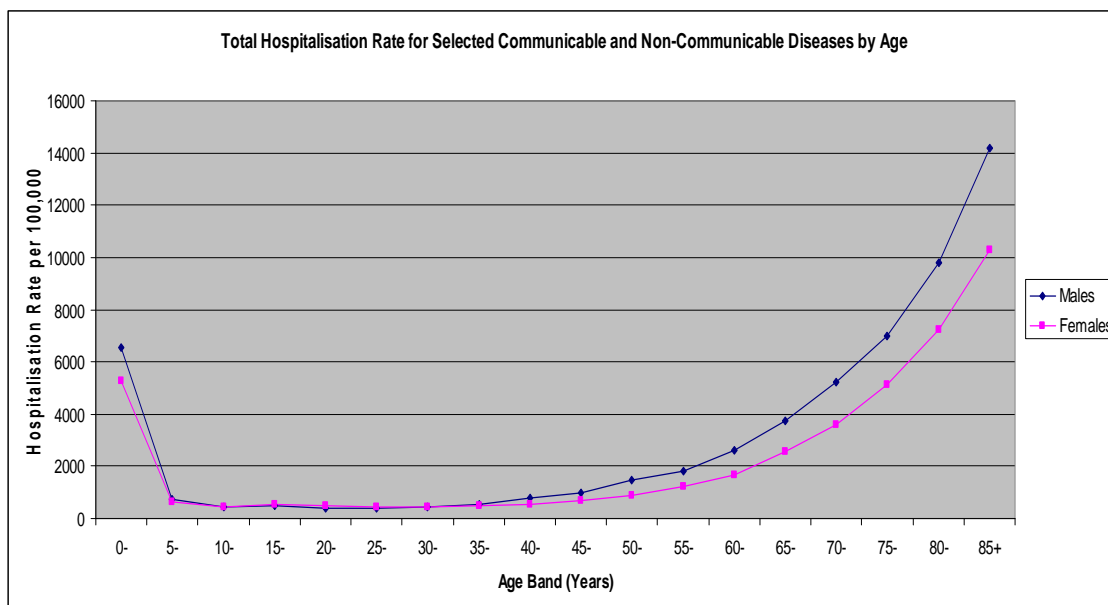
92. Of the major ethnic groupings, Pacific peoples had significantly higher rates of acute lower respiratory infection, influenza and pneumonia, diabetes, rheumatic fever, and rheumatic heart disease in 2006.

93. Data from 2006 on hospitalisations by age group show that children under 5 have a high rate of hospitalisation, but this falls in the 5–10 age group. At 40–45 years for males

and 50–55 years for females, the number of hospitalisations begins to rise with increasing age.

Table 33

Hospitalization rates for communicable and non-communicable diseases by age



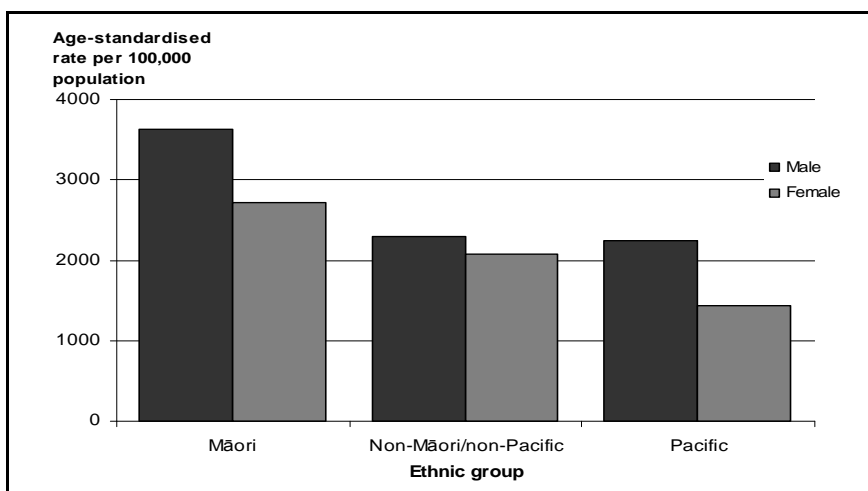
Source: Ministry of Health.

(h) Mental health services use in New Zealand

94. Table 34 presents financial year data from 2006/07 on the provision of secondary mental health services (specialist hospital-based or hospital outpatient mental health services) and alcohol and drug services funded by the Government (Mental Health Information National Collection).

Table 34

Age-standardized rates for provision of mental health services per 100,000 population, by ethnic group and sex, 2006–2007



Source: Mental Health Information National Collection.

95. There are different patterns for males and females. The rates for Māori were generally higher than those for the other two ethnic groups for both males and females.

96. For males, the difference between Māori and the other two ethnic groups was most pronounced for adults aged 20–44 years. For non-Māori, non-Pacific males, the rates were similar to Māori rates up until the age of 15 years, and from then onwards they were closer to Pacific rates. From the age of 55 years onwards, the differences between the ethnic groups were much less pronounced.

97. Female clients show a more even age distribution for the Pacific ethnic group. For Māori females, there was a spike in the 15–19 year age group, and the age-specific rates peaked for the 35–39 year age group. There was a noticeable peak for non-Māori, non-Pacific females in the 15–19 year age group, where the rate exceeded the Māori rate. The age-specific rates for Pacific clients should be interpreted with caution because the number of clients seen in this group was low compared with the numbers in the other ethnic groups.

(i) Non-hospital data

98. Not all diseases that have high prevalence are adequately described using the measure of hospitalisation. Many would normally only be seen at primary care level (by a general practitioner (GP)) or are not sufficiently serious to warrant admission to hospital. However, such illnesses can result in a high burden of disease, for example, arthritis, less severe infections including respiratory conditions, and anxiety disorders or depression. Health surveys and information collected by GPs provide an indication of the level of these illnesses. For example, a survey from 2004⁸ reports that the main reason for a GP visit was for less serious respiratory conditions.

99. Under the Health Act 1956, cases of a range of infectious diseases are required to be reported by doctors and laboratories. In 2009, 19,856 cases of notifiable diseases were reported, which was higher than the previous two years, but lower than the seven years prior to 2007.

100. Acquired immune deficiency syndrome (AIDS) is notifiable, but human immunodeficiency virus (HIV) is not. Of note, between 2008 and 2009, was a statistically significant decrease in reported cases of AIDS – from 48 to 28, a 42 per cent reduction, with a rate of 0.6 per 100,000 people. Of these cases, 35.7 per cent were European, 25.0 per cent Māori, 14.3 per cent Pacific peoples, 7.1 per cent Asian, and 17.9 per cent of Other ethnicity. Of all cases, 53.6 per cent were men infected through sex with other men and 32.1 per cent were infected through heterosexual contact. Two deaths due to AIDS were reported in 2009.⁹

101. Ten cases of cholera (all linked to travel) have been reported since 1996, the last case in 2007. Three cases of leprosy were reported in 2009.

102. With regard to typhoid, after decades of numbers in the tens and under, there has been an increasing number of cases reported since 2000. These have been associated with returning New Zealanders, following travel especially to Samoa, Fiji and India. In 2006, there were 42 cases, 48 in 2007, 29 in 2008 and 35 in 2009.

⁸ *Family Doctors: Methodology and description of the activity of private GPs: The National Primary Medical Care Survey (NatMedCa): 2001/02. Report 1.* Wellington: Ministry of Health. This is based on data contributed by 199 private GPs who logged 36,211 visits and provided detailed information on 8,258 of those visits.

⁹ HIV/AIDS data are collected by the AIDS Epidemiology Group at Otago University (<http://dnmeds.otago.ac.nz/departments/psm/research/aids/index.html>; email: aidsepigroup@otago.ac.nz).

(j) Contraception

103. Table 35 sets out the percentage of community pharmacy-dispensed contraceptives for women aged 10–49 years in 2008–2009, by age and ethnicity. This is an underestimate as it does not include contraceptives purchased by women's partners and/or contraceptives purchased by women from other sources.

Table 35

Women of childbearing age using contraception or whose partner is using contraception

	<i>All (%)</i>	<i>European (%)</i>	<i>Māori (%)</i>	<i>Other (%)</i>	<i>Asian (%)</i>	<i>Pacific (%)</i>
10–14 years	1.1	1.2	1.4	0.4	0.3	0.3
15–19 years	26.9	34.9	22.2	12.8	7.8	8.2
20–24 years	39.0	50.2	26.3	26.6	20.2	16.3
25–29 years	31.9	40.7	22.2	22.8	18.8	15.7
30–34 years	25.2	30.9	17.8	19.1	15.7	13.3
35–39 years	17.9	21.1	12.5	14.0	11.8	9.9
40–44 years	10.8	12.4	7.6	8.1	8.2	6.4
45–49 years	6.2	7.0	4.3	4.9	4.5	3.4
All ages	19.5	23.7	14.6	14.5	11.3	9.2

Source: Ministry of Health.

(k) Abortions

104. There were 17,940 induced abortions performed in New Zealand in the December 2008 year. This figure is down from 18,382 in 2007, and similar to the number in 2006. The abortion rate (abortions per 1,000 women aged 14–44 years) increased from 19.6 in 2006 to 20.1 in 2007, then dropped back to 19.7 in 2008.

(l) Nutrition and weight

105. National nutrition surveys in New Zealand are undertaken once every five years for adults or children. Data used below are from the 1997 adult survey and the 2002 survey of children.

106. Dietary intakes for New Zealanders (both adults and children) of most vitamins appear satisfactory. However, there is a greater risk of inadequate intakes of vitamin A, riboflavin and folate particularly for those adults living in the most deprived areas compared with less deprived areas. For adults, younger females are more likely to have inadequate intakes of riboflavin and folate compared with older females.

107. For most minerals, dietary intakes appear adequate but there were some age and gender groups with a higher prevalence of inadequate intakes for calcium, iron, selenium and zinc. For calcium, this was especially for adolescent and adult females and iron intakes were an issue for menstruating females for all ethnicities, although when iron status was assessed by blood test, levels of poor iron status and anaemia were much lower than dietary iron intakes suggested. For zinc, the 11–14 year age group of children appears more at risk of inadequate intakes and selenium intakes are generally lower in New Zealand because of the low selenium levels in the soil.

108. The 2006–2007 New Zealand Health Survey assessed prevalence of thinness (underweight) at around 3 per cent in children aged 2–4 years, which is very low, with little difference between boys and girls. In New Zealand, as in other developed countries, there is

far greater concern about the rates of overweight and obesity in children than the rate of thinness or underweight.

15. Education

109. School is compulsory for all students aged between 6 and 16 years. However, parents of students aged 15 years may apply to the Ministry of Education for an exemption from schooling on the basis of educational problems, conduct, or the unlikelihood of the student gaining benefit from attending available schools. Parents are required to give details about training programmes or employment that the student would move on to in the event of an exemption being granted.

Table 36

Early leaving exemption rates per 1,000 15-year-old students, by ethnic group (2000 to 2009) excluding international fee-paying students

<i>Ethnic Group</i>	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Māori	134.2	139.6	151.5	153.4	138.7	156.9	150.5	73.3	25.1	21.2
Pacific peoples	54.9	48.3	52.4	58.4	54.0	62.7	54.3	32.6	6.7	5.7
Asian	5.1	4.7	6.0	3.9	5.1	3.9	5.1	1.5	x	x
European/Pākehā	48.6	53.9	55.3	53.8	55.7	54.9	48.8	23.2	8.3	7.6
Total	63.4	66.4	69.8	68.9	67.3	71.1	65.3	32.4	11.0	9.6

Source: Ministry of Education.

Table 37

Early leaving exemption rates per 1,000 15-year-old students, by gender and ethnic group (2009)

<i>Ethnic Group</i>	<i>Female</i>	<i>Male</i>
Māori	15.2	26.8
Pacific peoples	3.5	7.9
Asian	x	x
European/Pākehā	4.0	11.1
Total	5.9	13.1

Source: Ministry of Education.

Notes: ⁽¹⁾ The data (tables 36 and 37) are expressed as a rate rather than as absolute numbers to allow comparison between groups.

⁽²⁾ For the category x above there were less than five early leaving exemptions and/or students.

⁽³⁾ Ethnicity is prioritised in the order of Māori, Pacific peoples, Asian, other groups except European/Pākehā, and European/Pākehā. Due to poor coding of the Other ethnic group in 2000 and 2001, the ethnic group Other is not shown separately but is included under Total. European/Pākehā refers to people who affiliate as New Zealand European, Other European, or European (not further defined). For example, this includes and is not limited to people who consider themselves as Australian (excluding Australian Aborigines), British and Irish, American, Spanish, and Ukrainian.

110. The percentage of Māori students staying at school until at least 17.5 years increased from 39.4 per cent in 2005 to 45.8 per cent in 2009.

(a) Teacher-student ratios

Table 38

Ratio* of students to teaching staff at State and State-integrated schools, 2003–2009

	2003	2004	2005	2006	2007	2008	2009
Overall ratio**							
Primary/Intermediate	19.1	18.8	18.8	18.4	18.1	17.9	17.2
Composite	13.5	13.4	12.7	12.3	12.2	12.1	11.9
Secondary	15.4	15.2	14.8	14.5	14.4	14.3	14.4
General classroom ratio							
Primary/Intermediate	22.7	23.1	23.9	23.9	23.2	22.8	23.8
Composite***	17.6	16.7	16.4	15.4	15.5	14.4	14.7
Secondary	18.6	18.4	18.0	17.7	17.6	17.3	17.3

Source: Ministry of Education.

Notes:

* The primary and intermediate ratios are based on July rolls – the secondary and composite ratios are based on March rolls.

** Includes management, special education teachers, and other additional teachers.

*** A composite school provides both primary and secondary education and may not provide the full range of year levels to older students.

(b) Literacy

111. The reading literacy knowledge and skills of New Zealand's 15 year olds were assessed in the OECD international standardised study, which is the Programme for International Student Assessment (PISA). In PISA 2006, the average reading score for the 30 OECD countries was 492. European students' average reading score was 542, a score that was significantly higher than Asian students' reading score of 528. Asian students, on average, achieved a significantly better reading literacy result than Māori students' average score of 477 and Pacific peoples students' average score of 461.

112. There was no statistical difference in the average achievement of Māori and Pacific peoples students. While European and Asian students' reading literacy, on average, was significantly stronger than the average for the 30 OECD countries, Māori and Pacific peoples' students reading literacy achievement, on average, was substantially weaker than the OECD average. The data show that low proficiency is correlated with low socio-economic status.

113. In 2006, New Zealand participated in the Adult Literacy and Life Skills Survey (ALL), an international comparative survey. ALL measured skills of 16–65 year olds, including "prose literacy", which is reading and understanding paragraphs of continuous text in English. ALL results showed that women had relative strength in prose literacy compared with men. Women's average score was 279 (on a 0–500 scale) compared with 275 for men.

114. On average, New Zealand European adults performed substantially better in prose literacy than Māori, Asian, and Pacific adults. The average scores were: 287, 258, 248, and 233, respectively.

(c) Achievement

115. Achievement rates in secondary school have been improving since 2002, with just 6.2 per cent of all school leavers leaving school with little or no formal attainment in 2008.

116. The National Certificate of Educational Achievement (NCEA) has been in place since 2002. Secondary school students study courses based on achievement and unit standards at Level 1, 2 and 3 to attain credits towards an NCEA qualification. Credits can be gained through internal and external assessment.

117. In 2008, 69.9 per cent of school leavers achieved at least NCEA Level 2, a 33 per cent increase from 2003. The percentage of Asian students achieving at least NCEA Level 2 in 2008 was 84.2 per cent, with European at 74.5 per cent. This compares with 62.4 per cent of Pacific students and 49.3 per cent of Māori students attaining at least NCEA Level 2.

118. In 2008, 42.8 per cent of school leavers achieved at least a university entrance standard that would allow them to go directly into tertiary study at degree level, a 49 per cent increase from 2003. In 2008, 65.3 per cent of Asian students, 48.3 per cent of European students, 22.8 per cent of Pacific peoples students, and 20.3 per cent of Māori students attained a university entrance standard.

16. Political processes

119. On parliamentary election day, 8 November 2008, 2,991 million people, or 95.31 per cent of those eligible, were enrolled to vote. To qualify to vote in New Zealand one must be 18 years of age or older, a New Zealand citizen or permanent resident, and have lived in New Zealand for more than one year continuously.

120. For the 2008 parliamentary election, 464 complaints were registered. Of these, 44 related to administration, 223 related to an alleged breach by a political party, candidate or third party, 189 related to general legislative issues, and eight were classified as “other” complaints. Many complaints received at the Chief Electoral Office (CEO) were not breaches of electoral law and these cases were resolved by providing clarification of the law. In these cases, complainants were usually advised how to make a submission to the Justice and Electoral Select Committee during its review of the general election.

121. Of all the complaints received about an alleged breach, 81 investigations were conducted by the CEO and three were referred to the Police. No prosecutions proceeded. In addition, the CEO initiated investigations into suspected cases of dual voting and failure to file candidate returns of election expenses and donations. Fifty-eight cases of apparent dual voting were referred to the Police for further investigation, resulting in two prosecutions. Nine cases of failure to file candidate returns were referred to the Police, resulting in two prosecutions.

122. The turnout for the 2008 general election was 79.46 per cent of enrolled voters. Voter turnout in the 2007 local authority elections was 44 per cent. National and sub-national elections are held within schedules laid out by law.

123. Parliamentary seats are currently distributed as follows: National Party 58, Labour Party 43, Green Party 9, ACT New Zealand 5, Māori Party 5, Jim Anderton’s Progressive Party 1, and United Future 1.

17. Media ownership

124. Of the six main free-to-air television channels in New Zealand, three (TV One, TV2, and Māori Television) are government-owned and three (TV3, C4, and Prime) are private operations. TV One and TV2 rely on advertising revenue for the bulk of their income. The

Māori Television Service, launched in 2004, is substantially government-funded. It attracts many non-Māori viewers. Two large privately owned radio networks attract the majority of radio listeners. Non-commercial and public radio networks are government-funded through New Zealand On Air, an arm's-length Crown entity, which also allocates funding contestably for the production of local programmes screened on all the main free-to-air television channels. Two large Australian-based companies own most daily and weekly newspapers.

18. Crime

125. Table 39 provides data on recorded offences, rather than prosecutions.

Table 39

Recorded offences

	2005 total number	2005 rate per 100,000	2006 total number	2006 rate per 100,000	2007 total number	2007 rate per 100,000	2008 total number	2008 rate per 100,000
Intentional homicide	61	1.46	49	1.16	48	1.12	53	1.23
Assault					1 000	23.51	998	23.25
Rape	1 127	27.08	1 336	31.72	1 314	30.89	1 308	30.47
Sexual violence offences against children					1 057	24.85	1 414	32.94
Robbery	2 019	48.52	2 481	58.91	2 294	53.94	2 234	52.05

Source: New Zealand Police.

126. The definition of assault changed from 2006 to exclude common assault. The 2007/2008 numbers refer to all offences where either the intent to cause grievous bodily harm (GBH) or the consequences of the assault equated to GBH regardless of intent.

127. There are no recorded cases of trafficking in persons to date in New Zealand.

128. Female genital mutilation is illegal in New Zealand and there is no documented evidence of cases performed in New Zealand. There is anecdotal evidence of families sending daughters offshore for this procedure. Honour crimes and acid attacks are extremely uncommon.

(a) Pretrial detention

Table 40

Average time of pretrial detention

Year ending	Days
June 2004	45.8
June 2005	44.5
June 2006	48.8
June 2007	51.6
June 2008	56.1
June 2009	56.2

Source: Ministry of Justice.

(b) Prison population

129. In 2007, 7,534 people were held in prison, which is 177.16 per 100,000 persons in New Zealand. In 2008, 7,860 people were held (183.15 per 100,000 persons) and in 2009, 8,244 people were held (189.64 per 100,000). This population includes people held in prisons, penal institutions, or correctional institutions and excludes non-criminal prisoners held for administrative purposes, including people held pending investigation into their immigration status. In February 2010, Māori made up just over 51 per cent of the prison population and Māori women made up nearly 60 per cent of the female prison population. This over-representation of Māori in the prison population has not changed significantly over the past five years.

130. The “prison population” described in Table 41 includes remand prisoners. The “sentenced population” is convicted prisoners only. The indeterminate sentence is preventive detention and life sentences.

Table 41

Prison population with breakdown of offence and length of sentence at 30 June 2010

	<i>Male</i>	<i>Female</i>	<i>Total</i>
Sentenced population	6 487	429	6 916
Sentence length			
< 2 years	1 787	191	1 978
2–5 years	2 384	157	2 541
5–10 years	1 238	47	1 285
> 10 years	392	3	395
Indeterminate sentence	686	31	717
Most serious offence			
Administrative	63	10	73
Dishonesty	1 153	114	1 267
Drugs and anti-social offences	809	93	902
Justice (miscellaneous)	57	8	65
Property abuses	26	1	27
Property damage	107	15	122
Sexual offences	1 400	2	1 402
Traffic	212	22	234
Violence	2 644	162	2 806
Not yet recorded	16	2	18
Prison population	8 195	551	8 746
Ethnicity			
Asian	220	20	240
European	2 761	174	2 935
Māori	4 124	324	4 448
Other	73	6	79
Pacific peoples	981	22	1 003
Unknown	36	5	41
Age group			

	<i>Male</i>	<i>Female</i>	<i>Total</i>
Under 18	84	9	93
18–24 years	2 078	139	2 217
25–34 years	2 444	176	2 620
35–44 years	2 042	132	2 174
45+ years	1 547	95	1 642

Source: Department of Corrections.

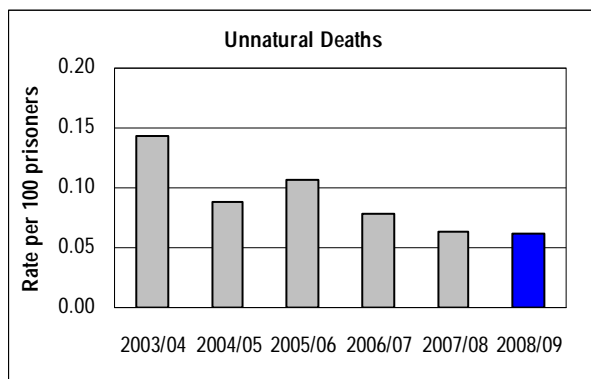
Note: The “prison population” includes remand prisoners while the “sentenced population” is convicted prisoners only. It includes people held in prisons, penal institutions, or correctional institutions and excludes non-criminal prisoners held for administrative purposes, including people held pending investigation into their immigration status. The indeterminate sentence is preventive detention and life sentences.

(c) Rates of unnatural deaths in prison

131. There were five unnatural deaths during the 2008/2009 financial year, with a rate of 0.06 unnatural deaths per 100 prisoners. This is the same number and rate as reported in the 2007/2008 financial year. Four of the five unnatural deaths were apparent suicides, the remaining death was the result of a serious assault on a prisoner. All deaths in custody are subject to a Coroner’s inquest to determine the cause of death.

Table 42

Unnatural deaths in prison



Source: Department of Corrections.

132. In New Zealand, it is not open to the court to sentence any offender to death for any offence. The Abolition of the Death Penalty Act 1989 removed the death penalty for all crimes, including treason. The Act gave the Minister of Justice the power to refuse extradition to any country if the offender is liable to face the death penalty in the country to which he or she is being extradited.

(d) Numbers of police and judges

Table 43

Number of police personnel* per 100,000 persons in New Zealand

	2005		2006		2007		2008	
	<i>number</i>	<i>rate</i>	<i>number</i>	<i>rate</i>	<i>number</i>	<i>rate</i>	<i>number</i>	<i>rate</i>
Police personnel	7 528	180.92	7 763	184.33	8 113	190.77	8 453	196.97

Source: New Zealand Police.

* These are sworn police officers rather than clerical and other support staff employed by the New Zealand Police.

133. Of the recruits who graduated from the Royal New Zealand Police College in 2007/08, 22.9 per cent were female, in 2008/2009 this rate was 23.0 per cent and 22.1 per cent in 2009/2010. The ethnic breakdown of these recruits is shown in Table 44.

Table 44

Ethnicity of police recruits

	2007–2008 (%)	2008–2009 (%)	2009–2010 (%)
New Zealand European	55.4	47.6	57.1
Māori	10.2	10.3	12.1
Pacific peoples	4.1	5.8	8.6
Asian	2.9	5.2	7.6
Other	0.5	0.3	0.5

Source: New Zealand Police.

Table 45

Number of judges, magistrates and prosecutors per 100,000 persons

	2005		2006		2007		2008	
	<i>number</i>	<i>rate</i>	<i>number</i>	<i>rate</i>	<i>number</i>	<i>rate</i>	<i>number</i>	<i>rate</i>
Judges or magistrates*	192	4.61	195	4.63	209	4.91	210	4.89

Source: Ministry of Justice.

* Judges and magistrates above refers to both full-time and part-time officials authorised to hear civil, criminal, and other cases and to make dispositions in a court of law, and authorised associate judges and magistrates.

134. Judges are not required to provide information concerning their ethnicity and they may nominate more than one ethnicity. There were 139 District Court Judges on 30 November 2009 and, of those who did provide information concerning their ethnicity, they identified as outlined in Table 46.

Table 46

Ethnicity and sex of judges

<i>Ethnicity</i>	<i>Male</i>	<i>Female</i>
European	82	34

<i>Ethnicity</i>	<i>Male</i>	<i>Female</i>
Māori	7	4
Pacific peoples	1	1
Other	1	1

Source: Ministry of Justice.

135. There are 16 Crown Solicitors who are responsible for the conduct of indictable trials in the High Court and District Court on behalf of the Crown. Crown Solicitors are private legal practitioners appointed on the recommendation of the Attorney-General and by warrant of the Governor-General. The current Crown Solicitors are partners in private law firms throughout New Zealand. The Solicitor-General has overall responsibility for the supervision of Crown Solicitors. As at 1 January 2010, there were 238 prosecutors employed by the 16 Crown Solicitors throughout the country.

(e) **Public expenditure on police and judiciary**

Table 47

Share of public expenditure on police and judiciary

	<i>2005/06 (%)</i>	<i>2006/07 (%)</i>	<i>2007/08 (%)</i>	<i>2008/09 (%)</i>	<i>2009/10 (%)</i>
Police	1.84	1.90	1.94	1.54	2.02
Courts	0.89	0.93	1.03	0.69	0.95
Total	2.73	2.83	2.97	2.23	2.97

Source: The Estimates of Appropriations, New Zealand Treasury.

136. Courts above include the salaries of judges. The cost of the entire justice sector is provided in Table 10.

(f) **Legal aid and reparations**

137. Legal aid is available for criminal, family, and civil proceedings and for Māori to appear at the Waitangi Tribunal. Legal aid is granted subject to a financial eligibility test, which assesses whether the person has sufficient means to pay for a lawyer, and a merits test, which assesses whether the case should be funded.

138. The successful applicant may be required to repay some, or all, of their legal aid. The rate of successful applications indicates some degree of self-selection, where people who would not be eligible for legal aid do not attempt to apply for legal aid.

Table 48

Legal aid applications not approved

	<i>Criminal</i>		<i>Family</i>		<i>Civil</i>		<i>Total</i>	
	<i>2008–2009</i>	<i>2007–2008</i>	<i>2008–2009</i>	<i>2007–2008</i>	<i>2008–2009</i>	<i>2007–2008</i>	<i>2008–2009</i>	<i>2007–2008</i>
Application total	67 795	59 971	24 381	21 167	2 776	2 493	94 952	83 631
Refused applications (%)	12.0	12.7	8.4	9.1	24.7	19.1	11.5	12.0

Source: Ministry of Justice.

139. A judge can order an offender to pay someone money if they have suffered emotional harms or had property lost as a result of a crime. This is known as reparation. The amount of reparation ordered is the Judge's decision after consideration of how much damage, loss or cost the person has incurred and the offender's ability to pay.

Table 49

Value and numbers of reparation payments made during the financial year 1 July 2009 to 30 June 2010

<i>Female</i>		<i>Male</i>		<i>Sex not recorded or payment not made by an individual</i>		<i>Total</i>	
<i>Amount paid</i>	<i>Number of fines with reparation</i>	<i>Amount paid</i>	<i>Number of fines with reparation</i>	<i>Amount paid</i>	<i>Number of fines with reparation</i>	<i>Amount paid</i>	<i>Number of fines with reparation</i>
\$5 694 691	4 738	\$18 964 852	18 071	\$3 223 090	807	\$27 882 633	23 616

Source: Ministry of Justice.

B. Constitutional, political and legal structure

1. Constitution

140. New Zealand's constitutional arrangements have evolved over many years and increasingly reflect regard for the Treaty of Waitangi as a founding document of modern government in New Zealand. As noted by the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people in 2005 and the Committee on the Elimination of Racial Discrimination in 2007, the Treaty of Waitangi is not a formal part of New Zealand's domestic law. Treaty references and principles have been incorporated in different pieces of legislation. All government legislation is expected to comply with the principles of the Treaty of Waitangi. Papers to Cabinet seeking agreement to introduce a bill must certify that the bill is consistent with the principles of the Treaty (as well as the New Zealand Bill of Rights Act 1990 and Human Rights Act 1993).

141. New Zealand's constitutional framework also establishes the country's democratic parliamentary system of government. The doctrine of separation of powers requires the legislature, executive, and judiciary to be kept separate from each other to provide checks and balances within the system and to ensure accountability and impartiality. New Zealand's constitutional arrangements are also based on the rule of law. The powers exercised by parliamentarians and officials are based on legal authority and there are minimum standards of justice to which the law must conform.

142. The judiciary provides a check on the power of the executive by ensuring that it acts in accordance with the laws made by Parliament and the common law (or "judge-made law" accruing from fundamental legal principles and interpretation of statutes). However, the courts cannot strike down any provision of an Act of Parliament (although they can strike down secondary legislation that is inconsistent with a provision of an Act of Parliament).

(a) Head of State and the Governor-General

143. The Queen (the Sovereign in right of New Zealand) is the Head of State. She appoints the Governor-General to represent her in New Zealand. In general, each has the powers of the other. By law, they may appoint Ministers of the Crown as well as judges, defence chiefs and the Ombudsmen, and dismiss them (following certain procedures); they may summon and dissolve Parliament; and assent to bills and agree to regulations. By

convention, they do so only on the advice of the Prime Minister or Ministers, who have the support of the House of Representatives.

(b) House of Representatives

144. Parliament, which is the legislature, consists of the Sovereign and a single chamber, normally a 120-member House of Representatives, elected every three years unless earlier dissolved. Parliament has full power to make law but delegates some lesser law-making powers to government (for example, to make regulations).

145. Usually, a simple majority in the House suffices to make changes to an Act of Parliament, although some limits to change arise from ratification of international legal instruments. The Electoral Act 1993 is the only statute with entrenched provisions. The protected provisions relate to the three-year term of Parliament, membership of the Representation Commission, the division of New Zealand into general electorates, the voting age, and method of voting. If changes to these provisions are to be made, they must be passed either by 75 per cent of the House or a majority vote in a referendum.

146. Parliament has a number of select committees that examine proposed legislation in detail and hear submissions from interested members of the public. These committees also hold inquiries within their subject area. They can call for public submissions and request evidence from organisations that may be the subject of the inquiry. After considering the evidence, the select committees may report to the House with findings and recommendations. The Government must respond to recommendations within 90 days.

147. Parliament therefore plays an important role in the promotion and protection of human rights in New Zealand, first and foremost by representing the views of the people. It exists not only to legislate but also to scrutinise legislation and hold the executive branch of government to account. Parliament also supervises the Government through the annual grant of financial authority and scrutiny of delegated powers and functions. Sessions of Parliament are broadcast live on radio and television.

(c) Executive

148. The executive governs. It comprises Ministers of the Crown (collectively, the Executive Council), the public service, and some statutory bodies. Only Members of Parliament may be Ministers of the Crown. By convention, the Prime Minister and other Ministers may hold office as Government only while they are able to win a vote in the House on matters of confidence (issues vital to the Government's programme) and supply (finance). This means that Ministers are accountable to Parliament for the performance of the Government. Most Ministers are in the Cabinet. This is the body that makes policy decisions and supervises the administration of law and policy by the public service.

149. The Prime Minister is the head of Government, chairs the Cabinet, and has a coordinating role across all areas of Government. By convention, the Prime Minister alone can advise the Governor-General to dissolve Parliament and call an election, or accept the resignation of Ministers.

150. Each department of the public service has an appointed Minister as its political head and a public servant as its administrative head. The role of the public service is set out in various pieces of legislation, including the State Sector Act 1988, Public Finance Act 1989, and Official Information Act 1982. Constitutional principles and these statutes dictate that members of the public service act in accordance with the law and, in the spirit of service to the community, provide free and frank advice to Ministers and give effect to ministerial decisions.

(d) Judiciary

151. The independence of the judiciary is an important principle of the New Zealand constitution; consequently freedom from political interference is an essential feature of the judiciary's position. This principle is reflected in the standing orders of the House of Representatives (their rules), which prohibit a member from criticising a judge. Further, the Constitution Act 1986 protects judges of the Supreme Court, Court of Appeal, and High Courts from salary reductions and politically motivated removal from office.

152. The New Zealand courts operate on an adversarial system. The highest court is the Supreme Court of New Zealand, based in Wellington. The Supreme Court was established on 1 January 2004. Before then, the Judicial Committee of the Privy Council in London was New Zealand's final appellate court. Appeals against Court of Appeal decisions made before 31 December 2003 can still be made to the Judicial Committee. The second highest court in New Zealand is the Court of Appeal. It is the principal intermediate appellate court and hears the vast majority of appeals. Below the Court of Appeal is the High Court, which is New Zealand's only court of general jurisdiction. It hears the most serious jury trials and civil cases as well as administrative law cases.

153. Below the High Court are the District Courts. They deal with a large number of criminal and civil cases and conduct some jury trials. The Family Court, a division of the District Court, deals with matters of family law. The Youth Court deals with serious and persistent criminal offending by young people aged 14–16 years. Disputes Tribunals (established as divisions of District Courts) deal with lower level civil disputes (other than debt recovery) by way of a simplified procedure. In addition, there are a number of specialist courts (including the Employment Court, Environment Court, and Māori Land Court) and approximately 100 tribunals (for example, the Accident Compensation Appeal Authority, Copyright Tribunal, Deportation Review Tribunal, Human Rights Review Tribunal, and Tenancy Tribunal).

(e) Electoral system

154. New Zealand's first parliamentary elections were held in 1853, with universal suffrage achieved by 1893. In this year, New Zealand became the first country in the world to grant women the vote. The Electoral Referendum Act 1991 provided for an indicative referendum on electoral reform that asked voters to choose between the status quo (a simple plurality system referred to as "first past the post") and electoral reform. The majority of voters chose the Mixed Member Proportional Representation (MMP) system. MMP was introduced after the second and final binding referendum held in conjunction with the 1993 general election.

155. The Electoral Act 1993 prescribes the electoral system. Under MMP, voters have a party vote and an electorate vote. The party vote enables voters to choose which party they would like represented in Parliament. As of June 2010, there were 16 registered political parties. The electorate vote enables voters to choose a Member of Parliament (MP) to represent their electorate.

156. Under the MMP system, there will usually be 120 MPs (although currently there are 122). In the Parliament elected in November 2008, there were 52 party list members, 63 general electorate members, and seven Māori electorate members. The general and Māori electorates are geographical areas of similar populations, with the Māori seats overlaying the general ones. Following the 2008 general election, there were 21 MPs who identified as Māori (17 per cent of all 122 MPs in Parliament), five MPs of Pacific descent, and six MPs of Asian descent. There are now 38 women MPs in the current Parliament (31 per cent of all 122 MPs in Parliament). The estimated eligible voting population at 30 June 2009 (using 2006 Census data) was 3,177,800.

2. Māori representation

157. The New Zealand Parliament established four Māori seats in 1867 to give Māori a direct say in Parliament. This was seen as a temporary measure as collective land ownership made it difficult for Māori to meet the property qualification of the time. All Māori men over 21 years of age were eligible to vote regardless of property ownership. The Māori electorates remained in place after universal suffrage was extended to European males in 1879.

158. Today, the Electoral Act 1993 gives New Zealand Māori the option of registering as an elector of a Māori electorate or a general electorate. The Māori Electoral Option is held every five years, just after the population census. A person cannot change electoral rolls in between Māori Electoral Options. The next Māori Electoral Option will take place in 2012.

159. The number of Māori seats was fixed at four until 1996 but is now based on the proportion of electors on the Māori roll. This ensures that Māori and general electorates have approximately the same population. The number of Māori seats in Parliament has increased from four under the previous system to seven in the current Parliament.

3. Representation Commission

160. The Representation Commission is an independent statutory body. It determines the boundaries of the general and Māori electorates after each five-yearly census and Māori Electoral Option. The electoral boundaries are determined using criteria set in law. The boundaries were last updated in April 2002 and reviewed in 2007.

161. The Commission comprises four ex officio members (the Government Statistician, Surveyor-General, Chief Electoral Officer, and Chairperson of the Local Government Commission). The Governor-General appoints another two members: one to represent the political parties in Government; the other to represent the political parties in opposition. The seventh member and Chair is normally a District Court Judge, nominated by the other members and appointed by the Governor-General. Another three members join the Commission to draw the Māori electorates. They are: the Chief Executive of Te Puni Kōkiri (the Ministry of Māori Development), one Māori appointed by the Governor-General to represent the parties in Government, and another Māori to represent the parties in opposition.

4. Treaty of Waitangi settlements

162. The Waitangi Tribunal is a permanent commission of inquiry established under the Treaty of Waitangi Act 1975 to investigate Māori claims that the Crown has breached the Treaty of Waitangi. Its members are appointed by the Governor-General on the recommendation of the Minister of Māori Affairs, and are chosen for their expertise in the matters likely to come before them. Since 1985, the Tribunal has been able to consider Crown acts and omissions dating back to 1840. This has provided Māori with an important means to have their grievances against the actions of past governments investigated.

163. The Waitangi Tribunal is supported by the Ministry of Justice, through the Waitangi Tribunal Business Unit, which provides administrative, research, and support services. The Tribunal's chairperson and deputy chairperson are based in Wellington and their offices are located alongside the business unit's offices in the central business district.

164. The role of the Tribunal, set out in the Treaty of Waitangi Act, includes inquiring into and making recommendations upon any claim properly submitted to the Tribunal, and examining and reporting on any proposed legislation referred to the Tribunal by the House of Representatives or a Minister of the Crown. It also makes recommendations or

determinations in respect of certain Crown forest land, railways land, state-owned enterprise land, and land transferred to educational institutions.

165. Since 1975, the Tribunal has registered over 2,200 claims. Approximately 1,200 further claims, most of which were filed before the 1 September 2008 deadline for lodging historical claims, have been filed but the information required to register these claims is yet to be provided.

166. The Waitangi Tribunal received an increase in funding in 2007 and its current total operating expenditure is \$7.6 million per annum.

167. If the Government decides to settle a claim (often following a report of the Waitangi Tribunal), the Office of Treaty Settlements enters into negotiations with the claimants. A Treaty settlement would usually include a Government apology, cultural redress (such as gifting sites of cultural significance), and commercial redress (which may be a combination of land and financial redress). Legislation is normally required to implement the settlement fully.

168. The Government and iwi Māori are making progress in negotiating the settlement of claims. As at 30 June 2009, \$NZ 1.057 billion had been committed to final and comprehensive settlements and several part settlements. This included \$22.066 million paid as claimant funding separate from the negotiated settlement redress. As a result, the settlement process is helping to re-establish an economic base for future Māori development. While the Government recognises that the Treaty settlement process is important, it should not be seen as the primary focus or mechanism for encouraging the Treaty relationship in the future.

5. Non-governmental organizations (NGOs)

169. A study conducted by Statistics New Zealand published in 2007 and based on 2004 data shows that there are over 97,000 non-profit institutions in New Zealand. The sector's scope ranges from service-type organisations to those that offer citizens the opportunity to express their wider interests and values (for instance, sport, the arts, religion, and environmental protection).

170. The Charities Commission registers and monitors charities in accordance with the Charities Act 2005. Registration is voluntary and free but a prerequisite for tax-exempt status. Tax-exempt status means registered charities do not have to pay income tax (including resident withholding tax) and donors of gifts to registered charities do not have to pay gift duty.

171. To support the sector, the Office for the Community and Voluntary Sector (OCVS) was established in 2003. Located within the Ministry of Social Development, and reporting to the Minister for the Community and Voluntary Sector, OCVS supports government agencies to strengthen their relationships with community and voluntary organisations. OCVS also acts as a central contact point to address cross-agency issues that affect the sector in dealing with government. It is also responsible for raising the profile of the sector in government.

II. General framework for the promotion and protection of human rights

A. New Zealand's acceptance of international human rights norms

172. The annex to the present report shows that New Zealand is a party to the main international human rights conventions and protocols. There are no regional human rights instruments to which New Zealand could become a party.

B. General legal framework for protecting human rights at the national level

1. How human rights instruments are made part of the national legal system

173. For an international agreement to have domestic effect in New Zealand, either its provisions must be reflected in New Zealand's existing law or new legislation must be enacted by Parliament. Before becoming a party to an international human rights instrument, the Government reviews New Zealand's domestic law, policy, and practice to see what additional legislation or amendments to existing legislation would be required to ensure the full and effective implementation of the agreement. New Zealand's international human rights obligations also influence the jurisprudence of the courts when it comes to interpreting a statutory provision.

2. Role and activities of Parliament in promoting and protecting human rights

174. Parliament exists not only to legislate but to scrutinise legislation and hold the executive to account. It achieves this role through formalised processes for parliamentarians to put questions to the Government (both written and oral) and through parliamentary debate. In addition, there are opportunities for members of the public to present submissions to committees of Parliament outlining their concerns or suggestions with respect to draft legislation.

175. The key pieces of legislation and relevant authorities in this regard are described in the following paragraphs.

(a) New Zealand Bill of Rights Act 1990

176. This Act was designed to affirm, protect, and promote human rights and fundamental freedoms in New Zealand and to affirm the country's commitment to the International Covenant on Civil and Political Rights. The Act applies to actions taken by the legislative, executive, or judicial branches of the Government of New Zealand or by any person or body in the performance of any public function, power, or duty conferred or imposed on that person or body by or according to the law.

177. The Attorney-General is required to bring to Parliament's attention any provision of a bill that appears to be inconsistent with any of the rights or freedoms contained in the Act, on introduction in the case of a government bill or as soon as practicable after introduction of any other bill. The Regulations Review Committee is empowered to bring to Parliament's attention any regulation that infringes on the same rights and freedoms. The

Court of Appeal has held that an action against the Crown for damages is available in respect of breaches of rights and freedoms in the Act.¹⁰

178. The Cabinet requires that all policy advice contains a statement on human rights implications, addressing consistency with the Bill of Rights Act and Human Rights Act (see below). Cabinet also requires a gender implications statement and disability perspective to be included in policy advice, where relevant. The Ministry of Justice has the lead role in providing policy advice to the Government on human rights issues. The Ministry is also responsible for vetting all new bills for consistency with the Bill of Rights Act and providing legal advice on its findings to the Attorney-General. The Ministry has published “Guidelines on the New Zealand Bill of Rights Act 1990” to help all public servants integrate human rights considerations into policy advice and operational practice.

(b) Human Rights Act 1993

179. This Act prohibits discrimination in New Zealand. The Act sets out 13 prohibited grounds of discrimination: sex, marital status, religious belief, ethical belief, colour, race, ethnic or national origin, disability (including illness), age, political opinion, employment status, family status, and sexual orientation. The age-discrimination provisions of the Act relate to people 16 years of age or older. Part 1A of the Act sets out the non-discrimination standard (under section 19 (1) of the New Zealand Bill of Rights Act) that applies in the public sector. Part II sets out the non-discrimination standard in both the private and public sectors in relation to employment, sexual harassment, racial disharmony, racial harassment, and victimisation. It also provides for exceptions to the prohibition of discrimination and lists the situations in which the prohibition applies.

180. The Human Rights Act further provides for the structure and mandate of the New Zealand Human Rights Commission (NZHRC) (discussed later in this report), including the appointment of a full-time Chief Human Rights Commissioner, Race Relations Commissioner, Equal Employment Opportunities Commissioner, and up to five part-time Commissioners. It established an independent Office of Human Rights Proceedings and a procedure for the resolution of disputes about compliance with Parts 1A and 2 of the Act, including the remedies available. The constitution, functions, powers, and procedure of the Human Rights Review Tribunal are defined as are the powers of the NZHRC in relation to inquiries and the offence of inciting racial disharmony.

(c) Ombudsmen Act 1975

181. This Act provides for the appointment of Ombudsmen by the Governor-General on the recommendation of the House of Representatives. The Ombudsmen may investigate any decision or recommendation made, or any act done or omitted, relating to a matter of administration and affecting any person or body of persons in her, his, or its personal capacity by any Minister of the Crown, government department, or certain other organisations that are listed in the Schedules of the Act. These investigations occur as a result of a complaint from any person or an Ombudsman’s own motion. An Ombudsman may make such recommendations as she or he thinks fit and report these to the appropriate department or organisation. If the requested action is not taken within a reasonable time, then the report may be sent to the Prime Minister and reported to Parliament. The Office of the Ombudsmen also reports annually to Parliament.

¹⁰ *Simpson v. Attorney-General* [1994] 3 NZLR 667 (Baigent’s Case).

182. When new bodies are created by statute, consideration is given to the desirability of including them in the Schedules to the Ombudsmen Act 1975 and Official Information Act 1982.

(d) Official Information Act 1982

183. This Act is designed to make official information more freely available, to protect it to the extent consistent with the public interest and preservation of personal privacy, and to establish procedures for those purposes. The definition of official information is set out in section 2 of the Act and the bodies to which the Act is applicable are listed in Schedules to the Act and Ombudsmen Act. Generally, Ministers, government departments, and all agencies of Government are subject to the Act.

184. Individuals and some organisations may request the various bodies listed in the Schedules to make official information available. Official information is to be made available unless there is a good reason (as defined by the Act) to withhold it. The Ombudsmen can investigate and review any refusal by a department, Minister, or organisation to make official information available once requested. They then report to the relevant body with any recommendations. Ministers, departments, and organisations have a public duty to observe any recommendation unless the Governor-General, by Order in Council, directs otherwise. It is possible for the person who made the original request to review the making of such an Order in Council in the High Court and to appeal to the Court of Appeal.

185. The Local Government Official Information and Meetings Act 1987 establishes a similar regime in relation to official information held by local government agencies.

(e) Privacy Act 1993

186. This Act promotes individual privacy in general accordance with OECD guidelines for protection of privacy and international flows of data. The Act carries forward the provisions of the Privacy Commissioner Act 1991 and establishes 12 information privacy principles regulating the collection, retention, use, and disclosure of information relating to individuals by public and private sector agencies. The principles also regulate access to personal information held by these agencies. The Privacy Commissioner may grant exemptions to some principles under codes of practice.

187. The Act also establishes four “public register privacy principles” regulating access to personal information on statutory lists (such as the births, deaths, and marriages registers). There is also a regime for information matching that establishes controls on statutory information-matching provisions implemented by the public sector.

188. The Privacy Commissioner has a wide brief under the Act to monitor and report on policy and legislation that have privacy implications. The Act establishes a complaints mechanism that enables individuals to complain to the Privacy Commissioner if they believe that their privacy has been infringed. The focus is on resolving complaints by way of settlement, wherever possible. However, civil proceedings before the Human Rights Review Tribunal are available where a complaint is not resolved.

189. The Privacy Commissioner also has a general monitoring and reporting function in relation to policy and legislative proposals that impact on individual privacy. Like the NZHRC, the Privacy Commissioner reports annually to the Minister of Justice on the exercise of his or her functions under the Acts. The Minister tables this report in Parliament.

(f) Children's Commissioner Act 2003

190. The Children's Commissioner, established initially under the Children, Young Persons, and Their Families Act 1989 and now in the Children's Commissioner Act, has broad-ranging functions aimed at promoting and ensuring the best interests of children and young people. The Convention on the Rights of the Child is used as a basis for this work. The Commissioner has a specific responsibility to advance and monitor the application of the Convention by government agencies.

(g) Health and Disability Commissioner Act 1994

191. This Act establishes the Health and Disability Commissioner. The Commissioner is responsible for promoting and protecting the rights of health and disability service consumers through public education activities and the resolution of complaints. The rights themselves are outlined in the Code of Health and Disability Services Consumers' Rights, a regulation under the Act that came into effect in July 1996. All providers of health care and disability services are required to uphold them. Claims for a breach of the Code may also be taken to the Human Rights Review Tribunal by the Director of Proceedings or the aggrieved person in certain circumstances.

(h) Independent Police Conduct Authority

192. The Independent Police Conduct Authority (IPCA) is an independent body that considers complaints about Police misconduct or neglect of duty, or Police practices, policies, and procedures. The IPCA replaced the Police Complaints Authority in November 2007. The Police Complaints Authority relied on Police investigations and was perceived as lacking independence. The IPCA is headed by a High Court Judge and is supported by teams of independent investigators. While the Police still have the primary complaint investigation role, their complaint investigation procedures must comply with the Act and are subject to investigation or oversight by the IPCA. The IPCA may investigate or oversee a Police investigation in cases that fall within the most serious categories of complaints.

193. Under section 12 of the Independent Police Conduct Authority Act 1988, the Authority's functions are to:

- Receive complaints (i) alleging misconduct or neglect of duty by any member of the Police or (ii) concerning any Police practice, policy, or procedure affecting a complainant, or
- Investigate incidents in which a member of the Police (acting in the execution of his or her duty) causes or appears to have caused death or serious bodily harm

194. The IPCA has the same powers as a commission of inquiry to summon witnesses and gather evidence. Police are required to provide all information and assistance needed for the IPCA to carry out its functions. Once an investigation is completed, the Authority must determine whether any Police act or omission was contrary to law, unreasonable, unjustified, unfair, or undesirable. The IPCA must inform the Police of its findings, and can make recommendations, which may include disciplinary action or criminal charges. The IPCA cannot itself lay charges or take disciplinary action. If the Authority is not satisfied with the Police response to its recommendations, it must inform the Attorney-General and Minister of Police. The Attorney-General must in turn inform Parliament. The IPCA can release public reports on its investigations in the public interest or interests of any person.

(i) Families Commission Act 2003

195. This Act established the Families Commission to promote a better understanding of family issues and needs among government agencies and the community. The Act defines

“family” as any two or more people living together. This broad definition ensures that the Families Commission advocates for the interests of all families, regardless of their marital status, gender, or circumstances.

(j) Ministry of Women’s Affairs

196. The Ministry of Women’s Affairs is a policy agency established in 1984. The Ministry’s work is focused on three priorities areas for women: women participating in leadership roles across the economy; the damaging impact of violence against women (in particular, sexual violence) is reduced; and all women can be fully engaged in the economy and contribute to the country’s economic growth.

197. Within the “women in leadership” priority the Ministry has a specific role to nominate suitable women for state-sector boards. The Ministry also manages New Zealand’s international obligations in relation to the status of women, in particular, under the United Nations Convention on the Elimination of All Forms of Discrimination against Women.

(k) Office for Senior Citizens

198. The Office for Senior Citizens was established in 1990 as a unit within the Ministry of Social Development and reports directly to the Minister for Senior Citizens. It currently has six staff and its key role is to promote the rights and interests of older people, lead, monitor, and promote the New Zealand Positive Ageing Strategy, provide policy advice on issues that affect older people, and lead strategic and cross-sectoral policy.

(l) Te Puni Kōkiri (Ministry of Māori Development)

199. Te Puni Kōkiri was created by the Ministry of Māori Development Act 1991, with a focus on education, training and employment, health, and economic resource development. Te Puni Kōkiri’s principal duties under the Act are to promote increases in Māori achievement across these key social and economic areas.

200. Linked to this, Te Puni Kōkiri has a duty to monitor and liaise with each department or agency that provides, or has a responsibility to provide, services to or for Māori, for the purpose of ensuring the adequacy of those services. Te Puni Kōkiri’s role includes managing and advising on Crown-Māori relationships, both nationally and locally via its 10 regional offices, and partnering Māori initiatives with investment and facilitation to support the aspirations of Māori people to realise their potential.

(m) Ministry of Pacific Island Affairs

201. The Ministry of Pacific Island Affairs is the Government’s adviser on policies and interventions to promote the social, economic, and cultural development of Pacific peoples in New Zealand. The Ministry brings a Pacific perspective to the work of central and local government agencies and private sector organisations. It provides a bridge between Pacific peoples in New Zealand and government, ensuring effective communication and delivery of services to Pacific communities. It has offices in the three main population centres.

(n) Office of Ethnic Affairs

202. The Office of Ethnic Affairs was established in 2001 and reports to the Minister for Ethnic Affairs. It advises the Government on issues to do with ethnic New Zealanders. Its focus is on those whose ethnic heritage distinguishes them from the majority; primarily those who identify as African, Asian, Continental European, Latin American, or Middle Eastern. The activities of the Office include:

- Increasing access for ethnic people to economic development opportunities, for example, holding business leaders' forums to maximise the talents, skills, and connections of ethnic people for New Zealand's economic growth, particularly from the opportunities offered by New Zealand's Free Trade Agreements
- Building and maintaining strong, positive connections between ethnic communities and the wider New Zealand community, and between ethnic communities and government (for example, through the Building Bridges programme that aims to build understanding between Muslim and non-Muslim communities in New Zealand)
- Building capacity among ethnic New Zealanders, so that they can actively participate in all aspects of New Zealand life (for example, through civic participation forums)
- Raising intercultural awareness, competence, and skills among employers, government agencies, and community groups

(o) Office for Disability Issues

203. The Office for Disability Issues is a strategic and whole-of-government focused policy group, located within the Ministry of Social Development. It was established in 2002 to be the focal point in government on disability issues. The Office provides policy advice on disability issues, including leading strategic policy development on disability issues across government. It maintains an overview of, and contributes a disability perspective to, policy development by other agencies and meets formal international obligations in relation to disability issues.

204. The Office promotes, monitors, and reports on the progress of the New Zealand Disability Strategy within government and the wider community. It ensures the disability sector has a voice within government by building strong government-disability sector relationships to enhance understanding of sector perspectives, issues, and concerns (including emerging issues).

3. Enforcement of human rights instruments by domestic courts and other authorities

205. Generally, for an individual to take a case on rights protected by international human rights instruments, the right needs to be incorporated into domestic statute law. Where the wording of a statute permits, the courts will interpret the statute in a way that is consistent with, and gives effect to, international law. Failure to consider relevant international instruments may make a decision maker liable to judicial review.

Remedies, compensation, and rehabilitation

206. Individuals who consider that any of their rights under the Bill of Rights Act have been infringed can bring an action against the Crown. There are a number of possible remedies available, including orders excluding evidence obtained in breach of a right guaranteed by the Act. Such orders are made subject to a balancing exercise that gives appropriate weight to the right and to other factors mitigating for or against exclusion. A court can also order a stay in proceedings where there has been a delay of such length that it constitutes a breach of section 25 (b) of the Bill of Rights Act (the right to be tried without undue delay).¹¹ The Court of Appeal has held that where a statutory provision cannot be

¹¹ *Martin v. Tauranga District Court* [1995] 2 NZLR 419.

given a meaning that is consistent with the Bill of Rights Act, a court may issue a declaration of inconsistency despite the fact that the provision must be enforced.¹²

207. With respect to the Human Rights Act, complaints of unlawful discrimination can be resolved through the complaints mechanism of the NZHRC. The NZHRC attempts to assist the parties to resolve the complaint by using a flexible and speedy approach to dispute resolution, which includes mediation and other low-level dispute resolution mechanisms. If low-level dispute resolution fails or is inappropriate, complainants may take their case to the Human Rights Review Tribunal (formerly the Complaints Review Tribunal) for adjudication. The Director of Human Rights Proceedings (an autonomous office situated within the NZHRC), who represents complainants free of charge in the litigation, if they meet certain criteria, may represent a complainant. Alternatively, complainants may take their case to the Tribunal themselves or engage their own legal counsel.

208. Where a complaint is upheld by the Human Rights Review Tribunal, including complaints about government policies and practices, a wide range of remedies is available, including: awards of damages; restraining orders; orders to perform acts to redress the loss; and orders for training to assist those who have breached the Act to comply with their future obligations. When a complaint concerns legislation or validly made regulations, and the complaint is upheld, the sole remedy available is a declaration of inconsistency. This does not mean that the legislation is invalidated, but the responsible Minister is required to bring the declaration to the attention of Parliament, along with the executive's response to that declaration.

209. Decisions of the Human Rights Review Tribunal may be appealed to the High Court on questions of fact and law, or to the Court of Appeal and Supreme Court on points of law.

210. The Employment Relations Authority and Employment Court also have some jurisdiction in relation to personal grievance claims and claims concerning a breach of an employment contract. Matters covered by personal grievance procedures include claims of unjustified dismissal, discrimination in particular areas, unjustifiable action by an employer, sexual harassment, and duress in relation to membership or non-membership of an employees' organisation. Decisions of the Employment Relations Authority can be appealed to the Employment Court.

211. Finally, under sections 131 and 134 of the Human Rights Act, the District Court has jurisdiction over the offences of inciting racial disharmony and of refusing access on discriminatory grounds to a public place, vehicle, or facility. Such prosecutions may be instituted only with the consent of the Attorney-General.

212. New Zealand citizens may also avail themselves of the complaint provisions under the individual communication procedures contained in both the first Optional Protocol to the International Covenant on Civil and Political Rights and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. New Zealand has also made the declaration under article 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment recognising the competence of the Committee against Torture to receive communications from individuals subject to its jurisdiction.

¹² *Moonen v. Film and Literature Board of Review* [2000] 2 NZLR 9.

C. General framework for promoting human rights at the national level

1. Publication of human rights instruments

213. In commemoration of the 60th anniversary in 2008 of the Universal Declaration of Human Rights, the Government produced the third edition of the *New Zealand Handbook on International Human Rights*. The handbook was published to provide an introduction for New Zealanders wanting to know more about the international human rights framework. It was first published in 1998 and again in 2003. The handbook is distributed widely, including to government agencies, Ministers, MPs, the Human Rights Commission, non-governmental organisations, schools, universities, libraries, diplomatic missions (both in New Zealand and abroad), and international organisations. The handbook contains the text of all human rights treaties to which New Zealand is a party.

2. National human rights institutions: The New Zealand Human Rights Commission

214. The NZHRC was established in September 1978. It is an independent national human rights institution with “A” status accreditation from the International Coordinating Committee of National Human Rights Institutions. The NZHRC’s statutory functions are set out in the Human Rights Act 1993:

- (a) To advocate and promote respect and an understanding and appreciation of human rights in New Zealand;
- (b) To encourage the maintenance and development of harmonious relations between individuals and among the diverse groups in New Zealand;
- (c) To lead, evaluate, monitor, and advise on equal employment opportunities; and
- (d) To provide information to people who have questions about discrimination and facilitate resolution in disputes about discrimination.

(a) Roles and functions

215. The Human Rights Act 1993 sets out the NZHRC’s functions and related responsibilities, which include:

- Advocating for human rights
- Conducting human rights programmes and activities
- Making public statements on human rights and race relations issues
- Promoting understanding of the human rights dimensions of the Treaty of Waitangi
- Publishing guidelines and voluntary codes of practice
- Receiving and inviting public representations on human rights
- Consulting and cooperating with other organisations
- Inquiring into infringements of human rights
- Bringing proceedings and intervening in court proceedings
- Reporting to the Prime Minister on human rights compliance, international standards, and legislation
- Developing a national plan of action for human rights

216. The NZHRC publishes an annual Race Relations Report, which reviews developments over the past year, monitors compliance with treaty body recommendations, and identifies priorities for the coming year.

217. The NZHRC has offices in the three main cities in New Zealand.

(b) New Zealand Action Plan for Human Rights

218. The Human Rights Amendment Act 2001 required the NZHRC to develop a New Zealand Action Plan for Human Rights (NZAPHR). The NZAPHR was published in March 2005 and contained 178 priorities for action. In response, the Government directed departments to consider implementing the priorities for action as part of normal business. Departments were also encouraged to respond to requests from the NZHRC for relevant information. This approach encouraged continuing dialogue between the NZHRC and government departments.

219. In 2008, the NZHRC conducted a “mid-term” review of the NZAPHR. The NZHRC noted that 21 priorities for action had been achieved and 132 had seen some progress, ranging from limited to significant. In 24 cases, no progress had occurred (that is, the issues in question were not part of the Government’s work programme). Examples of achievements include:

- Actions to reduce violence against children and young people including the replacement of section 59 of the Crimes Act 1961 (which allowed the use of reasonable force for the purposes of correction)
- Action to reduce poverty including increases in the minimum wage
- Introduction of paid parental leave
- Ratification of the Convention on the Rights of Persons with Disabilities
- Recognition of New Zealand Sign Language as an official language
- Ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment providing for preventive visits to all places of detention
- Greater recognition of the right to equality of gay, lesbian, bisexual, and transgender people including the Civil Union Act 2005

220. The NZHRC intends to develop a second Action Plan for the period 2010 to 2015.

(c) Human rights education and information

221. Human rights education and information is delivered by the NZHRC in a number of ways. It has a comprehensive website, which provides users with access to complaints information, media releases, resources, submissions, discussion papers, responses to frequently asked questions, and information on events. InfoLine is a free and confidential enquiries and complaints service. Various interactive e-newsletters and Facebook pages enable community engagement in a range of its projects. Human rights information is also provided via printed material including discussion papers, information on the NZHRC’s services, situation-specific human rights guidance, bookmarks, postcards, and posters. Key information is provided in diverse languages and accessible formats including New Zealand Sign language and large print.

222. The NZHRC has a dedicated advisory team that delivers human rights education to a wide range of civil society, public and private organisations. Education programmes cover the Human Rights Act, integration of human rights into policy and practice, sexual and racial harassment, bullying, and workshops on the various international human rights

instruments, including the Convention on the Rights of Persons with Disabilities. Human Rights Dimensions of the Treaty of Waitangi workshops are delivered throughout the country as part of the NZHRC's Te Mana I Waitangi Project.

223. The NZHRC has developed Taku Manawa, a human rights community development programme that builds capability to address local human rights issues. The Taku Manawa programme provides training for community members to employ a human rights approach to advocacy for groups and individuals within their community. Those receiving this training are able to receive credits under the New Zealand Qualifications Framework. The programme has been implemented in three regions to date.

224. The NZHRC facilitates the New Zealand Diversity Action Programme. Through this programme, 250 government agencies, community, and private sector organisations annually register projects that support cultural diversity, equality, and harmonious race relations. The NZHRC provides information, support, and sharing of good practice through the four topic-specific networks that participate in the programme and an annual Diversity Forum.

(d) Human rights education for the public sector

225. The NZHRC works with a range of government agencies to integrate a human rights approach into their policies and practices. To date this has included the New Zealand Police, Ministry of Foreign Affairs and Trade, and Department of Corrections.

226. There is no coordinated programme for human rights education specifically designed for local authorities in New Zealand. Instead, each local authority is responsible for ensuring all employees understand, and can apply in practice, relevant human rights standards (such as those in the Bill of Rights Act). The Local Government Act 2002 requires each local authority to consult and consider the needs of its people in relation to social, economic, environmental, and cultural development.

227. A number of local authorities have received human rights education through the NZHRC's regional engagement programme. This includes working with the NZHRC and community groups on specific human rights events, such as Race Relations Day.

3. Promotion of human rights awareness through educational programmes and government-sponsored public information

228. The core principles of the new national education curriculum acknowledge the importance of the Treaty of Waitangi, cultural diversity, and inclusion (being non-sexist, non-racist, and non-discriminatory). In addition, the values statement encourages students to respect themselves, others, and human rights. Human rights appear under two optional achievement objectives in social studies for 13–16 year old students.

Human rights education in tertiary institutions

229. The New Zealand Qualifications Framework offers a number of unit standards linked to human rights. Accredited providers include institutes of technology, wānanga (centre of Māori learning and research), industry training organisations, private training establishments, NGOs, and some community groups. A number of university courses include human rights components, particularly within law, social science, and business studies programmes.

230. The Office of the Children's Commissioner provides information and advice on the application of the Convention on the Rights of the Child as part of its advocacy role. In particular, training on children's rights in education is provided through workshops run by

the Office for those who may advocate for children to resolve issues such as exclusion from school participation through disability and disciplinary processes.

4. Role of civil society including non-governmental organizations

231. NGOs play an active and important role in the promotion and protection of human rights in New Zealand. There are a large number of such groups in New Zealand and many operate as lobby groups, putting forward submissions to government on matters of particular concern. Some of these agencies have received funding from the Government to assist in their work.

232. Human Rights in Education or Māori Mana Tika Tangata is an initiative originally launched by Amnesty International, the Children's Commissioner, Development Resource Centre, NZHRC, and Peace Foundation. It assists schools and early childhood education centres to develop as communities that understand, promote, and practice their human rights responsibilities.

233. Other NGOs also offer specific programmes for schools, including the Culture of Peace Outreach Programme and Cool Schools Peer Mediation Programme (UNESCO, 2000). Some have focused on addressing the vulnerability of students to harassment and bullying. This includes work on discrimination faced by disabled students and education on sexual orientation and gender identity issues.

5. Promotion of human rights awareness through the mass media

234. The media in New Zealand enjoys a high degree of freedom, which allows the press, radio, television, and internet to play a significant role in exposing breaches of human rights and exerting pressure for remedial action. The media is free to report parliamentary and court decisions relating to human rights matters and parliamentary questions are often prompted by media coverage of a particular matter.

6. Development cooperation and assistance

235. New Zealand is strongly committed to the protection and promotion of international human rights, as embodied in the Universal Declaration on Human Rights and core human rights treaties. New Zealand seeks to defend and advance international human rights in multilateral human rights fora, focusing on the sessions of the Human Rights Council in Geneva, meetings of the Third Committee of the General Assembly in New York, and negotiations of new international human rights instruments.

236. New Zealand also focuses on the promotion of human rights in the Asia-Pacific region and in countries with which it has bilateral relationships, through exchanging views about human rights and providing practical assistance. The strategic objective for the Government's international aid and development programme is sustainable development in developing countries in order to reduce poverty and contribute to a more secure, equitable, and prosperous world. Human rights is a cross-cutting theme for the aid programme, as this supports development effectiveness.

D. Role of reporting in promoting human rights at the national level

National coordinating structure for reporting under treaties

237. The Ministry of Foreign Affairs and Trade is responsible for the overall coordination of the preparation of New Zealand's periodic reports to the United Nations human rights treaty bodies. The Ministry of Women's Affairs and Ministry of Social Development prepare the reports under the Convention on the Elimination of All Forms of Discrimination

against Women and Convention on the Rights of the Child respectively. The Ministry of Justice prepares New Zealand's reports under the 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, and Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Office for Disability Issues prepares New Zealand's reports under the Convention on the Rights of Persons with Disabilities.

(a) Participation of departments, institutions and officials at national levels of government and participation of entities outside of government

238. The reports (including the common core document) are prepared on the basis of information received from a wide range of government departments and agencies. The reports are also made available for comment by the NZHRC and civil society organisations. They can be obtained from the relevant Ministry's website. The International Covenant on Civil and Political Rights (and its first Optional Protocol), Convention on the Elimination of All Forms of Discrimination against Women (and its Optional Protocol), and Convention on the Rights of the Child have been translated into Māori.

(b) Role of the legislature

239. New Zealand's reports are submitted to Cabinet for approval before being submitted to the United Nations Secretariat.

(c) Publication of reports

240. A summary of the relevant United Nations human rights treaty bodies' consideration of New Zealand's periodic reports, including the specific questions of the committees, is available free of charge to members of the public on the Ministry of Foreign Affairs and Trade's website.

III. Information on non-discrimination, equality, and effective remedies

A. Non-discrimination and equality

241. The principle of non-discrimination is enshrined in section 19 of the Bill of Rights Act and in Parts 1A and 2 of the Human Rights Act.

242. The Employment Relations Act 2000 and Equal Pay Act 1972 provide protections against discrimination in employment on the basis of gender. Employees who believe that they have been discriminated against by reason of their gender can take a personal grievance against their employer under the Employment Relations Act; they can make a complaint to the Labour Inspectorate of the Department of Labour under the Equal Pay Act; or they can make a complaint to the NZHRC under the Human Rights Act. A variety of material is available that explains the procedures and remedies provided under the Acts.

243. The NZHRC monitors human rights performance including through its five-yearly review "Human Rights in New Zealand Today". The NZHRC also publishes a biennial Census of Women in Leadership, undertakes an annual survey on public perceptions of discrimination, and publishes an annual report on the compliance of Crown entities with the "Good Employer" and "Equal Employment Opportunities" provisions of the State Sector Act.

244. Under the “Good Employer” requirement, chief executive officers of New Zealand Government agencies must operate a personnel policy containing provisions including: an equal employment opportunities programme; recognition of the need for greater involvement of Māori in the public service; recognition of the employment requirements and cultural differences of ethnic or minority groups; recognition of the employment requirements of women; and recognition of the employment requirements of persons with disabilities.

B. Social protection and education

245. New Zealand has a core social security system and various policies, which vary according to the changing needs of society. The system aims to ensure an adequate standard of living, and provide opportunities for people to participate fully in society. This section provides a description of the core social security system and examples of policies relevant to specific United Nations conventions New Zealand is a party to.

246. The social security system provides a safety net for people who are unable to provide for themselves or their families. This system has four main components:

(a) A universal social security benefit system funded through general taxation. Social security benefits are paid to all residents who meet the eligibility criteria, regardless of their current, or previous, employment status, including a universal superannuation scheme for people aged 65 and over;

(b) A comprehensive, no-fault personal injury-by-accident cover for all New Zealand residents, and for visitors to New Zealand while in New Zealand, funded through a mix of levies and general taxation;

(c) A publicly funded health care system, with 78 per cent of health care funded through general taxation, that covers: public health preventive and promotional services; inpatient and outpatient hospital care; primary health care services; inpatient and outpatient prescription drugs; mental health care; maternity care; dental care for school children; limited emergency dental care for vulnerable adults; and disability support services;

(d) Publicly funded rental homes for people on low incomes or with special housing needs. The Government owns or manages more than 66,000 rental properties nationwide, including approximately 1,500 homes for community groups providing residential services and provides home ownership loans for people on low-to-medium incomes.

247. The Government provides over 70 different grants, benefits, and allowances that assist families and individuals to provide for themselves. These include a study assistance grant that helps people who wish to start up their own business, funding for attendance at short-term employment-related training courses, and a wide range of special needs grants.

248. New Zealand benefits and assistance are annually adjusted with the Consumers Price Index. Old-age pensions are further adjusted to meet 66 per cent of the average general wage, as per legislation.

249. Vulnerable children are a key focus of social policy in New Zealand. General benefits exist to assist families with children. For example, childcare subsidies are provided to help families with the cost of preschool child care and an allowance is paid to the main carer of a child or young person with a serious disability. Some benefits are paid to families who are enrolled in selected child maltreatment prevention programmes to help with the cost of early childhood education for children aged 18 months to 3 years.

250. Tax credits are paid to some families with dependent children aged 17 years or younger (18 years if the child is still a student). New Zealand has a three-tier family tax credit system. Family income forms the threshold between each tier. Families with dependent children may be eligible for one or more of these tax credits at the same time. The amount of family or child tax credit each family receives depends on joint family income and the number of children the family is supporting. New Zealand's main family tax credit system comprises:

(a) The Minimum Family Tax Credit, which acts as a top up to guarantee a minimum family income to low-income working families;

(b) The Family Tax Credit, which is paid to working families who already receive a social security benefit. This is subject to a family income test to be met by the principal caregiver of the child; and

(c) The In-Work Tax Credit, which is paid to families as a set rate for each child where one or both parents is in work. The total amount the family can receive is capped.

251. The Parental Tax Credit sits outside of this system as it is a one-off payment made to low-income families for the first eight weeks after the birth or adoption of a child. It is typically a lump-sum payment.

252. New Zealand also has specific policies to reduce the cost barriers of early childhood education (ECE). All teacher-led ECE services, playcentres and kohanga reo (Māori language ECE services) offer 20 hours' ECE funded by the Government.

253. Improvement in ECE participation for Māori and Pacific peoples is considered vital. A new package of policies was introduced in May 2010 to achieve this goal. These include: intensive community-focused participation projects; supported playgroups; language, culture, and community engagement support projects. Projects to support home-based services participation projects will be concentrated in areas with large numbers of non-participating children and respond to the different needs of each area. It is expected up to 3,500 children over four years will access quality ECE as a result of these projects.

254. Some improvements in Māori participation in ECE have already been observed, for example, participation increased from 89.9 per cent in 2006 to 91.4 per cent in 2009. The proportion of Māori ECE teachers who are registered (trained and certified to teach) increased from 23.2 per cent in 2004 to 52.8 per cent in 2009.

255. Supporting vulnerable teen parents and their children is another policy that may reduce inequities. To assist this group, New Zealand has intensive case workers and is looking to provide over the next four years up to seven supported houses in high-needs communities. These houses will provide 24 hours a day, seven days a week support by trained staff for teen parents and their children. Parenting support will provide teen fathers with information and skills to prepare for the birth of their child, parent their children effectively, and identify and respond to their children's health, education, and social needs.

256. New initiatives targeted at young people who are at high risk of long-term unemployment were introduced in 2009 in response to the global recession. This suite of initiatives provides employment and training opportunities for 16- to 24-year-olds up to the end of 2011. This includes a job opportunities programme to help young people obtain employment and a training scheme that is intended to increase the educational achievement of 16 and 17 year olds.

257. Other initiatives, programmes, and funds that also assist families and individuals include:

(a) The Whānau Ora initiative, which provides practical, community-based support to families so they can be self-managing and determine their own economic, cultural, and social development;

(b) The Housing Innovation Fund (HIF), which is aimed at fostering collaboration between government and community organisations to provide more housing for New Zealanders on low-to-moderate incomes or with special housing needs. The HIF provides community housing providers and Māori organisations with funding to build or buy community rental housing and to provide affordable home ownership opportunities;

(c) The Mainstream Employment Programme, which provides a package of subsidies, training, and other supports to help people with significant disabilities to obtain work in the state sector; and

(d) The Lifetime Design standard (an initiative of an NGO part funded by the Government), which promotes and licenses designs for new homes that incorporate features that make them safe, affordable, comfortable, and easy to adapt to changing family needs, particularly those of disabled and older family members.

258. New Zealand over the next three years, via funding and policy support, is aiming to help promote, protect, and monitor the rights of people with disabilities in line with the United Nations Convention on the Rights of Persons with Disabilities. The NZHRC and Office of the Ombudsmen will have an active role in this work, independent of government, along with disabled people's organisations.

C. Health

259. Since 2002, the level of public funding for primary care services has increased significantly. Government subsidies now apply to all population groups using General Practice (GP) services. This initiative was taken to reduce cost barriers to early intervention health care. The Government also introduced a different method of funding for Primary Health Organisations (PHOs) in 2002 – per capita annual funding for all patients enrolled with a PHO instead of a fee-for-service payment made to the doctor after each patient visit.

260. The capitation funding method supports a public health approach at primary care level, including health promotion and disease prevention initiatives, additional monitoring, screening, and recall for periodic follow-up assessments for “at-risk” populations. Capitation funding also allows the development of a primary health care team, where services are delivered by a range of health care providers including GPs, practice nurses, health educators, dietitians, diabetes advisers, and physiotherapists. Patients can see the team member best able to assist with their health needs, rather than almost always seeing a GP.

261. Progress is being made to ensure public reporting of PHO performance on measures of access, service utilisation, and health improvement. This information will be publicly available before the end of 2010.

262. Other initiatives include:

(a) Proactive recruitment of Māori and Pacific peoples to medical and nursing training; and an increase in the range of health care service providers, particularly Māori and Pacific providers at primary care level;

(b) Public information campaigns urging people to take part in smoking cessation, immunisation or screening programmes, or to seek care earlier in an illness;

(c) Public reporting of information on health care service access, for example, access to non-urgent health care services including surgery. This has promoted discussion

on why people with a disproportionate burden of disease may not be receiving equitable levels of service. As a result, clinicians have been able to identify and improve practices that may have resulted in barriers to access or discrimination;

(d) The identification and public reporting of key performance targets for the health care sector, so as to meet government goals of better, more timely, and more convenient care; and

(e) Improvements to insulation in housing and increased rates of childhood vaccinations.

Public information and social marketing

263. New Zealand has a policy of using social marketing campaigns, educational programmes, and public information campaigns aimed at changing attitudes and behaviours. Listed below are examples of recent campaigns aimed at these goals:

(a) “*It’s not OK*” campaign. This consists of television advertisements and community projects that lead with the message “family violence is not ok – but it is ok to ask for help”. A Community Action Fund provides support for community-led activities and a free Family Violence Information Line provides self-help information and connects people to services where appropriate;

(b) “*Never shake a baby*” campaign. This campaign is aimed at educating caregivers about why you must never shake a baby. It involves television, radio and print advertising, online ads, mall and bus shelter banners in main centres, supported by strong community action. The aim is to reach all new parents, in particular, young, first-time mothers and fathers, with messages about the dangers of shaking a baby, and how to get help;

(c) “*Take a moment*” campaign. This campaign is aimed at making people with an intellectual disability feel included in society and changing perceptions about people with intellectual disabilities. The advertisements show everyday moments in the life of a person with an intellectual disability;

(d) Health campaigns, for example, regular public information campaigns urging people to take part in smoking cessation programmes, immunisation or screening programmes, and national depression initiatives. These are examples of how New Zealand’s health sector aims to help people to participate fully in society and exercise choice about how to live their lives.

D. Justice and corrections

264. Addressing the underlying drivers of crime is a whole-of-government priority. Social and justice sector agencies work together to reduce offending and victimisation, particularly for Māori. Four areas were prioritised in 2009 following public consultation:

(a) Improving the effectiveness of maternity and early parenting support services particularly for those most at risk. Government agencies are helping families access different types of maternity, child health, and family support services;

(b) Addressing conduct and behavioural problems. Severe conduct and behavioural problems in childhood are the most important predictors of later chronic anti-social behaviour, including crime. Work is focused on development and implementation of culturally appropriate school-based programmes, mentoring-based programmes, and specialist parenting services;

(c) Reducing harm from alcohol and improving the availability and accessibility of alcohol and other drug treatments. The Government is improving access to addiction assessments and treatment services at all points in the adult criminal justice system. In addition, the Law Commission has undertaken a review of the sale of alcohol in New Zealand and this is likely to produce reform aimed at limiting the availability of alcohol;

(d) Identifying alternative approaches to manage and support low-level repeat offenders. Approaches such as restorative justice and special assistance to take up educational and employment opportunities are either being implemented or developed. At present, some youth court hearings are held on marae (traditional Māori meeting places). Young Māori people gain from being in an environment where tribal care and authority is sought to bear. Restorative justice involves a meeting between the victim and offender, where victims can identify their needs and offenders can take responsibility for putting things right. Offenders must admit responsibility for the offence before they go into the restorative justice process. The Ministry of Justice funds restorative justice processes before sentencing through 26 community-based provider groups throughout New Zealand.

265. The Department of Corrections provides a number of programmes and services specifically aimed at reducing Māori re-offending through the use of tikanga Māori (customary Māori) concepts and values, some of which are listed below:

- *Tikanga Māori Programmes*: These are tailored for all offenders who identify as Māori and have been sentenced to imprisonment, supervision, intensive supervision, home detention, release on conditions, parole, and community work. The programmes use customary concepts and values to equip participants with a willingness and motivation to address their rehabilitation, specifically focusing on their offending behaviour. An evaluation undertaken during 2007/2008 found moderate improvements across assessed participant responses.
- *Māori Therapeutic Programmes*: These are tailored specifically for Māori male high-risk offenders. They are based on cognitive behavioural therapy integrated with tikanga Māori and are delivered in the Department's five Māori Focus Units and the Northland Region Corrections Facility.
- *Māori Focus Units*: Five 60-bed Māori Focus Units for male prisoners use tikanga Māori to motivate and rehabilitate prisoners within a therapeutic community in a custodial environment. Corrections staff work closely with hapū (larger extended family, clan) and iwi (tribe) programme providers to support prisoners in working towards a responsible and pro-social life in the community.
- *Whānau Liaison Workers*: There is a Whānau Liaison Worker attached to each Māori Focus Unit. These workers play a critical role in establishing links between prisoners, their whānau (family group), hapū and iwi, and the local Māori community before release. Whānau Liaison Workers work directly with an offender's whānau by putting in place strategies to resolve or manage identified reintegrative issues.
- *Kaitiaki*: Kaitiaki (guardians) are Māori groups from the areas in which four new regional corrections facilities have been established. Kaitiaki are actively involved in supporting the reception, rehabilitation, and reintegration of Māori prisoners, including the involvement of prisoners' families. Kaitiaki also take part in the recruitment and training of Corrections staff.
- *Kōwhiritanga*: The Kōwhiritanga (making choices) programme is designed to help women offenders examine the causes of their offending and develop specific skills to prevent them from re-offending. The programme draws on western therapies and is designed to be responsive to Māori women.

Annex

Status of ratification of international instruments related to human rights

International human rights norms

International Covenant on Economic, Social and Cultural Rights

Status	Signed 1968. Ratified 1978.
Reservation	The Government of New Zealand reserves the right not to apply article 8 to the extent that existing legislative measures, enacted to ensure effective trade union representation and encourage orderly industrial relations, may not be compatible with that article.
Reason	New Zealand entered this reservation due to incompatibility with provisions of the Industrial Relations Act 1973. New Zealand's employment relations law and policy are now very different.
Action	To date, progress on both reservations has been linked to ratifying the Freedom of Association and Protection of the Rights to Organise Convention, 1948 (No. 87), article 3, which promotes workers' ability to participate lawfully in sympathy and protest strikes. According to the International Labour Organisation (ILO), section 86 of New Zealand's Employment Relations Act 2000 (which provides for a penalty against workers participating in such strikes) means that New Zealand cannot ratify the Convention. The Government does not want at this time to make sympathy and protest strikes lawful by removing such penalties. While it is not, in and of itself, necessary to ratify ILO Convention No. 87 in order to lift this reservation, New Zealand believes that ILO jurisprudence will be persuasive in determining the extent of the right to strike under the International Covenant on Economic, Social and Cultural Rights.

International Covenant on Civil and Political Rights

Status	Signed 1968. Ratified 1978.
Declaration	The Government of New Zealand declares under article 41 of the International Covenant on Civil and Political Rights that it recognises the competence of the Human Rights Committee to receive and consider communications from another State party, which has similarly declared under article 41 its recognition of the Committee's competence in respect to itself except where the declaration by such a State party was made less than 12 hours before the submission by it of a complaint relating to New Zealand.
Reservation	The Government of New Zealand reserves the right not to apply article 10 (2) (b) or article 10 (3) in circumstances where the shortages of suitable facilities make the mixing of juveniles and adults unavoidable; and further reserves the right not to apply article 10 (3) where the interests of other juveniles in an establishment require the removal of a particular juvenile offender or where mixing is considered to be of benefit to the persons concerned.
Reason	New Zealand entered this reservation, and a similar one to article 37 on the Convention on the Rights of the Child, because it had a shortage of juvenile-only detention facilities, which precluded compliance. New Zealand also had other concerns, including that it might not always be in the best interests of juveniles to be segregated from adult prisoners, especially where that would mean they

	had to be separated from family.
Action	<p>In September 2003, the Committee on the Rights of the Child advised New Zealand that including vulnerable 18 and 19 year olds in young offender units would not breach obligations under article 37 (c), were the reservation to be lifted.</p> <p>New youth offender units were completed in 2005. Further, in July 2005, new Corrections legislation and regulations came into force, lowering the age of a young offender to 18 years and stipulating that there be no age mixing unless the Chief Executive determines it is in the best interests of the person concerned. Substantial improvements have been made to prisons to ensure compliance with this provision. However, further work is required regarding other custodial facilities, especially court cells and Police transportation, to ensure full compliance with the obligation. Prisoners aged seventeen and under are generally held separate from adults when being transported or held in court cells. This is not always possible because of the limitation of existing facilities, particularly in small, remote courthouses. New Zealand is therefore not in a position to remove the reservation at this stage.</p>
Reservation	The Government of New Zealand reserves the right not to apply article 14 (6) to the extent that it is not satisfied by the existing system for ex gratia payments to persons who suffer as a result of a miscarriage of justice.
Reason	This reservation was entered because New Zealand's system of ex gratia payments for wrongful conviction does not fulfil the article 14 (6) requirement of "compensation according to law". No statutory scheme is in place. The Crown may make an ex gratia payment to a person who has been pardoned by the Queen or Governor-General, or whose conviction has been quashed following referral under section 406 of the Crimes Act 1961, but these payments are entirely at the discretion of the Crown and not pursuant to any legal obligation.
Action	In 2001, Cabinet revised the guidelines for the executive to follow when considering a claim for compensation. The revised guidelines contain eligibility criteria and list factors to be taken into account in determining the size of payments. They are very detailed, use mandatory language, and instruct the Minister of Justice to refer eligible cases to a Queen's Counsel for further assessment. The revised guidelines thus bring more certainty and transparency to the process. However, they are not law and cannot be used as the basis for a claim of compensation. New Zealand will therefore maintain its reservation for the time being.
Reservation	The Government of New Zealand, having legislated in the areas of advocacy of national and racial hatred and the exciting of hostility or ill will against any group or persons and having regard to the right to freedom of speech, reserves the right not to introduce further legislation with regard to article 20.
Reason	New Zealand law does not specifically prohibit propaganda for war or advocacy of religious hatred. The Crimes Act 1963 prohibits the excitement of hostility or ill will between different classes of persons that may endanger public safety. The Human Rights Act 1993 forbids the excitement of hostility against any group of persons on the grounds of colour, race, ethnic, or national origins.
Action	The Human Rights Committee expressed concern that the Human Rights Act 1993 did not prohibit advocating religious hatred when it considered New Zealand's third report under the International Covenant on Civil and Political Rights. In response to the Committee's concerns, the New Zealand Human Rights Commission looked into the issue, but found no evidence of a problem. Issues of religion that had been investigated by the Commission tended to be related to the issue of accommodation of religious differences, rather than to overt discrimination on this ground. The Commission is not currently advocating any amendment to the Act – rather, it is maintaining a watching brief for the possible emergence of problems in this context.

International human rights norms

Reservation The Government of New Zealand reserves the right not to apply article 22 as it relates to trade unions to the extent that existing legislative measures, enacted to ensure effective trade union representation and encourage orderly industrial relations, may not be fully compatible with that article.

Reason See information above on New Zealand's reservation to article 8 of the International Covenant on Economic, Social and Cultural Rights.

Action See information above on New Zealand's reservation to article 8 of the International Covenant on Economic, Social and Cultural Rights.

Optional Protocol to the International Covenant on Civil and Political Rights (Individual Petition)

Status Acceded 1989.

Second Optional Protocol to the International Covenant on Civil and Political Rights (Abolition of Death Penalty)

Status Signed 1990. Ratified 1990.

International Convention on the Elimination of All Forms of Racial Discrimination

Status Signed 1966. Ratified 1972.

New Zealand deposited its acceptance of the 1992 Amendments with the Secretary-General on 8 October 1993.

Convention on the Elimination of All Forms of Discrimination against Women

Status Signed 1980. Ratified 1985.

Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women

Status Signed 2000. Ratified 2000.

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Status Signed 1986. Ratified 1989.

New Zealand deposited its acceptance of the 1992 amendments with the Secretary-General on 8 October 1993.

Declaration In accordance with article 21, paragraph 1, of the Convention, the Government of New Zealand declares that it recognizes the competence of the Committee against Torture to receive and consider communications to the effect that a State party claims that another State party is not fulfilling its obligations under the Convention; and in accordance with article 22, paragraph 1, of the Convention, the Government of New Zealand recognizes the competence of the Committee against Torture to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State party of the provisions of the Convention.

International human rights norms

Reservation	The Government of New Zealand reserves the right to award compensation to torture victims referred to in article 14 only at the discretion of the Attorney-General of New Zealand.
Reason	New Zealand entered this reservation because compensation to victims of torture is solely at the discretion of the Crown rather than an enforceable right under law.
Action	Other remedies are available to victims of torture, including compensation under sections 69(b) and (c) of the Injury Prevention, Rehabilitation, and Compensation Act 2001 or monetary damages from the Crown under section 9 of the New Zealand Bill of Rights Act 1990. The Government is considering whether these and future proposed changes are sufficient to enable removal of the reservation.

Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Status Signed 2003. Ratified 2007.

Convention on the Rights of the Child

Status Signed 1990. Ratified 1993.

Reservation	Nothing in this Convention shall affect the right of the Government of New Zealand to continue to distinguish as it considers appropriate in its laws and practice between persons according to the nature of their authority to be in New Zealand, including but not limited to their entitlement to benefits and other protections described in the Convention, and the Government of New Zealand reserves the right to interpret the Convention accordingly.
Reason	New Zealand entered this reservation on the basis of the internationally accepted principle that a sovereign State must be able to manage and control its borders, and that it can prioritise people habitually resident in its territory in the allocation of scarce social resources.
Action	This reservation is under review.
Reservation	The Government of New Zealand considers that the rights of the child provided for in article 32 (1) are adequately protected by its existing law. It therefore reserves the right not to legislate further or to take additional measures as may be envisaged in article 32 (2).
Reason	This reservation was entered because it was felt that existing law adequately protected children and young people from exploitation, hazardous or harmful situations, or interference with their studies. Further, this article was considered to restrict young people from gaining work experience.
Action	In 2003, the Government decided to defer consideration of this reservation until it had assessed the steps required to ratify the ILO Minimum Age Convention, 1973 (No. 138). As a response to the Committee's concerns about the adequacy of measures to protect children in employment, the Government of New Zealand approved a work programme to be led by the Department of Labour to raise awareness of children's employment rights and to identify options for monitoring children's participation in the workplace.
Reservation	The Government of New Zealand reserves the right not to apply article 37 (c) in circumstances where the shortage of suitable facilities makes the mixing of juveniles and adults unavoidable; and further reserves the right not to apply article 37(c) where the

International human rights norms

	interests of other juveniles in an establishment require the removal of a particular juvenile offender or where mixing is considered to be of benefit to the persons concerned.
Reason	See information above on New Zealand's reservation to articles 10 (2) (b) and 10 (3) of the International Covenant on Civil and Political Rights.
Action	See information above on New Zealand's reservation to articles 10 (2) (b) and 10 (3) of the International Covenant on Civil and Political Rights.

Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

Status	Signed 2000. Ratified 2001.
Declaration	<p>The Government of New Zealand declares that the minimum age at which New Zealand will permit voluntary recruitment into its national armed forces shall be 17 years. The Government of New Zealand further declares that the safeguards which it has adopted to ensure that recruitment is not forced or coerced include the following:</p> <p>(a) Defence Force recruitment procedures requiring that persons responsible for recruitment ensure that such recruitment is genuinely voluntary;</p> <p>(b) Legislative requirements that the consent of the parent or guardian is obtained for enlistment where such consent is necessary under New Zealand law. The parent or guardian must also acknowledge that the person enlisting will be liable for active service after reaching the age of 18 years;</p> <p>(c) A detailed and informative enlistment process, which ensures that all persons are fully informed of the duties involved in military service before taking an oath of allegiance; and</p> <p>(d) A recruiting procedure that requires enlistees to produce their birth certificates as reliable proof of age.</p>

Second Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

Status	Signed 2000. Ratification under active consideration.
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International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

Status	Accession was considered and decided against in 2003.
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Convention on the Rights of Persons with Disabilities

Status	Signed 2007. Ratified 25 September 2008.
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Optional Protocol to the Convention on the Rights of Persons with Disabilities

Not party.

Other United Nations and related conventions

<i>Other United Nations human rights and related conventions</i>	<i>Signature</i>	<i>Ratification</i>	<i>Accession</i>
Convention on the Prevention and Punishment of the Crime of Genocide	25/11/1949	28/12/1978 28/3/1979 (EIF)	
Slavery Convention 1926 as amended 1955	25/9/1926	18/6/1927 18/6/1927 (EIF)	
Protocol amending the Slavery Convention signed at Geneva on 25 September 1926			16/12/1953 16/12/1953 (EIF)
Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery			26/04/1962 26/04/1962 (EIF)
Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others	Not party		
Convention relating to the Status of Refugees, 1951			30/6/1960 28/9/1960 (EIF)
Protocol relating to the Status of Refugees			6/8/1973 6/8/1973 (EIF)
Convention relating to the Status of Stateless Persons, 1954	Not party		
Convention on the Reduction of Statelessness, 1961			20/09/2006 19/12/2006 (EIF)
Rome Statute of the International Criminal Court, 1998	7/10/1998	7/9/2000 1/7/2002 (EIF)	
United Nations Convention Against Transnational Organized Crime, 2000	14/12/2000	19/7/2002 29/9/2003 (EIF)	
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime	14/12/2000	19/7/2002 25/12/2003 (EIF)	
Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime	14/12/2000	19/7/2002 28/01/2004 (EIF)	
Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime	Not party		

<i>Other United Nations human rights and related conventions</i>	<i>Signature</i>	<i>Ratification</i>	<i>Accession</i>
Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages	23/12/1963	12/06/1964 09/12/1964 (EIF)	

Relevant Conventions of the International Labour Organization

<i>Conventions of the International Labour Organization</i>	<i>Signature</i>	<i>Ratification</i>	<i>Accession</i>
Weekly Rest (Industry) Convention, 1921 (No. 14)		29/3/1938 29/3/1938 (EIF)	
Forced Labour Convention, 1930 (No. 29)		29/3/1938 29/3/1939 (EIF)	
Labour Inspection Convention, 1947 (No. 81)		30/11/1959 30/11/1960 (EIF)	
Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)	Not party		
Migration for Employment Convention (Revised), 1949 (No. 97)		10/11/1950 22/1/1952 (EIF)	
Right to Organise and Collective Bargaining Convention, 1949 (No. 98)		9/6/2003 9/6/2004 (EIF)	
Equal Remuneration Convention, 1951 (No. 100)		3/6/1983 3/6/1984 (EIF)	
Abolition of Forced Labour Convention, 1957 (No. 105)		14/6/1968 14/6/1969 (EIF)	
Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106)	Not party		
Discrimination (Employment and Occupation) Convention, 1958 (No. 111)		3/6/1983 3/6/1984 (EIF)	
Employment Policy Convention, 1964 (No. 122)		15/7/1965 15/7/1966 (EIF)	
Labour Inspection (Agriculture) Convention, 1969 (No. 129)	Not party		
Minimum Wage Fixing Convention, 1970 (No. 131)	Not party		
Holidays with Pay Convention (Revised), 1970 (No. 132)	Not party		

<i>Conventions of the International Labour Organization</i>	<i>Signature</i>	<i>Ratification</i>	<i>Accession</i>
Minimum Age Convention, 1973 (No. 138)	Not party		
Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)	Not party		
Labour Relations (Public Service) Convention, 1978 (No. 151)	Not party		
Occupational Safety and Health Convention, 1981 (No. 155)		12/6/2007 12/6/2008 (EIF)	
Workers with Family Responsibilities Convention, 1981 (No. 156)	Not party		
Indigenous and Tribal Peoples Convention, 1989 (No. 169)	Not party		
Worst Forms of Child Labour Convention, 1999 (No. 182)		14/6/2001 14/6/2001 (EIF)	

Relevant Conventions of the United Nations Educational, Scientific and Cultural Organization

<i>Relevant Conventions of the United Nations Educational, Scientific and Cultural Organization</i>	<i>Signature</i>	<i>Ratification</i>	<i>Accession</i>
Convention against Discrimination in Education		12/2/1963 12/5/1963 (EIF)	
Convention on the Protection and Promotion of the Diversity of Cultural Expressions			5/10/2007 2/01/2008 (EIF)
Convention for the Safeguarding of the Intangible Cultural Heritage, 2003	Not party		

Conventions of the Hague Conference on Private International Law

<i>Conventions of the Hague Conference on Private International Law</i>	<i>Signature</i>	<i>Ratification</i>	<i>Accession</i>
Convention relating to the settlement of the conflicts between the law of nationality and the law of domicile, 1955	Not party		
Convention on the recovery abroad of maintenance, 1956			26/2/1986 28/3/1986 (EIF)
Convention concerning the recognition and enforcement of decisions relating to maintenance obligations towards children, 1958	Not party		

<i>Conventions of the Hague Conference on Private International Law</i>	<i>Signature</i>	<i>Ratification</i>	<i>Accession</i>
Convention concerning the powers of authorities and the law applicable in respect of the protection of minors, 1961	Not party		
Convention on Jurisdiction, Applicable Law and Recognition of Decrees relating to Adoptions, 1965	Not party		
Convention on the Law Applicable to Maintenance Obligations, 1973	Not party		
Convention on the Recognition of Divorces and Legal Separations, 1970	Not party		
Convention on the Recognition and Enforcement of Decisions relating to Maintenance Obligations, 1973	Not party		
Convention on the Civil Aspects of International Child Abduction, 1980			31/5/1991 1/8/1991 (EIF)
Convention on Celebration and Recognition of the Validity of Marriages, 1978	Not party		
Convention on the Law Applicable to Matrimonial Property Regimes, 1978	Not party		
Convention on International Access to Justice, 1980	Not party		
Convention on the Law Applicable to Succession to the Estates of Deceased Persons, 1989	Not party		
Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, 1993			18/9/1998 1/1/1999 (EIF)
Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children, 1996	Not party		
Convention on the International Protection of Adults, 2000	Not party		

Geneva conventions and treaties on international humanitarian law

<i>Geneva conventions and other treaties on international humanitarian law</i>	<i>Signature</i>	<i>Ratification</i>	<i>Accession</i>
Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of 12 August 1949	11/2/1950	2/5/1959 2/11/1959 (EIF)	
Geneva Convention (II) for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of the Armed Forces at Sea, 1949	11/2/1950	2/5/1959 2/11/1959 (EIF)	
Geneva Convention (III) relative to the Treatment of Prisoners of War, 1949	11/2/1950	2/5/1959 2/11/1959 (EIF)	

<i>Geneva conventions and other treaties on international humanitarian law</i>	<i>Signature</i>	<i>Ratification</i>	<i>Accession</i>
Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War, 1949	11/2/1950	2/5/1959 2/11/1959 (EIF)	
Protocol Additional to the Geneva Conventions of 12 August 1949 and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), 1977	27/11/1978	8/2/1988 8/8/1988 (EIF)	
Protocol Additional to the Geneva Conventions of 12 August 1949 and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 1977	27/11/1978	8/2/1988 8/8/1988 (EIF)	
Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, 1987	3/12/1997	27/1/1999 1/7/1999 (EIF)	