

**Hon Paul Goldsmith**  
Minister of Justice

**Proactive release of documents relating to New Zealand’s fourth Universal Periodic Review**

Date of issue: 29 April 2024

The following documents have been proactively released in accordance with Cabinet Office Circular CO (23) 4.

No.	Document	Comments
1	<b>Universal Periodic Review: Draft national report for approval</b> <i>Cabinet Paper</i> Office of the Minister of Foreign Affairs and Trade Office of the Minister of Justice Cabinet Social Outcomes Committee 29 February 2024	Released in full
2	<b>Universal Periodic Review: National Report for Approval</b> <i>Cabinet Minute</i> Cabinet Office 6 March 2024	Released in full
3	<b>New Zealand’s National report submitted pursuant to Human Rights Council resolutions 5/1 and 16/211</b> 18 March 2024	This document is available on the United Nations’ website: <a href="https://www.unhcr.org/refugees-and-asylum-seekers/2024/3/18/new-zealand-national-report-2024">A_HRC_WG.6_46_NZL_1_AV_New_Zealand_E.docx (live.com)</a>
4	<b>New Zealand’s Universal Periodic Review National Report 2024, Annex 1 to New Zealand Report – Tokelau and Annex 2: Overarching Themes from Public Submissions on Draft UPR 2024 National Report</b> 18 March 2024	Released in full

## In Confidence

Office of the Minister of Foreign Affairs and Trade

Office of the Minister of Justice

Cabinet Social Outcomes Committee

## UNIVERSAL PERIODIC REVIEW: DRAFT NATIONAL REPORT FOR APPROVAL

### Proposal

- 1 This paper seeks approval of New Zealand's national report on our domestic human rights situation between January 2019 to November 2023, for submission to the United Nations (UN) Human Rights Council (the Council) in Geneva ahead of New Zealand's Universal Periodic Review (UPR) session on 29 April 2024.

### Relation to government priorities

- 2 As a core function of the Human Rights Council, the UPR is an opportunity to review each UN Member State's human rights situation every five years, with input from other UN Member States and civil society.

### Executive Summary

- 3 In the UPR process, the Council undertakes a comprehensive review of the human rights performance of all UN Member States in a five yearly cycle, and provides non-binding recommendations to improve fulfilment of human rights obligations. The process is State-driven and designed to ensure equal treatment for every country.
- 4 New Zealand's fourth UPR is scheduled for 29 April 2024. 41 other countries are being reviewed in 2024, including Norway, Chile, Mexico, Uruguay and Portugal, along with countries with more sensitive human rights situations such as China and Afghanistan.
- 5 Ahead of the UPR, New Zealand must submit a national report to the UN, outlining developments in its domestic human rights situation since the 2019 Review. The draft report (**Annex 1**) was prepared by the Ministry of Foreign Affairs and Trade (MFAT), in cooperation with the Ministry of Justice, with input from other government departments, and includes feedback from public engagement.

### Background

- 6 Each Review follows a standard process. A national report is drafted with input from relevant government agencies and submissions from the public. The report focuses on human rights developments and work undertaken, including implementation of recommendations, since the last review. This report is submitted to the UN and shared publicly and with UN Member State's several months in advance of the UPR session.

- 7 The Minister of Justice has led the New Zealand delegation at all previous UPR sessions (in 2009, 2014 and 2019). After opening remarks by the Minister, UN Member States will ask questions and make recommendations, informed by New Zealand's national report, material provided by the UN, and civil society submissions. At the session, the New Zealand delegation will have the opportunity to respond to some of these remarks and outline New Zealand's human rights priorities and approaches.
- 8 Following the Review, the UN will prepare a report summarising proceedings in consultation with New Zealand, including the recommendations from other countries that New Zealand will need to formally respond to (either accept or note). This will require a Cabinet decision after the Review.

#### *Contents of the 2024 National Report*

- 9 Issues discussed in the draft report include domestic human rights system and international treaties; racism and discrimination; migrants, refugees and asylum seekers, including trafficking and modern slavery; the cost of living and housing; the criminal justice system and disproportionate representation of Māori; and climate change. Issues related to the rights of specific persons or groups are discussed under sections on Indigenous rights; women's rights, including the pay gap and family violence and sexual violence; children's rights including child poverty reduction and legislative changes; the rainbow community; and disability rights, including the formation of the Ministry of Disabled People. Issues relating to health, including mental health services and the COVID-19 response, and education are also covered.
- 10 The report includes an annex on the human rights situation in Tokelau, as a dependent territory of New Zealand, which is standard practice. New Zealand is not required to account for the Cook Islands and Niue in its national report, as they are neither dependent territories of New Zealand nor UN Member States. Given our constitutional ties, advance copies will be shared with the Governments of the Cook Islands and Niue, in addition to Tokelau.

#### *Timeline of compilation and drafting*

- 11 As the period covered by the report includes actions taken under the previous government, the report has been updated to clarify that work programmes will be adjusted in line with the new government's priorities. During opening remarks at the UPR in April, the New Zealand delegation will have an opportunity to provide further updates on the government's priorities and approach to human rights.
- 12 The previous government approved the release of the draft national report for public consultation in July 2023 [CAB-23-MIN-0279]. 23 public submissions were received during public consultations (summarised in **Annex 2**). The report was updated to include public feedback and agency input, and reflect developments since it was released for public consultation.

#### **Analysis**

- 13 Participating in the UPR process will highlight New Zealand's human rights analysis on the international stage, while demonstrating our willingness to accept scrutiny.

Domestically, the UPR is an opportunity for agencies and civil society to discuss human rights issues and for the Government to make policies strengthening human rights for New Zealanders.

- 14 UPR typically attract domestic and international NGO and media interest. New Zealand is internationally seen as a leader in human rights. While the UPR process involves some criticism, the human rights issues raised in the national report are known challenges that are being addressed.
- 15 We anticipate the report will be viewed as a credible self-assessment of New Zealand's human rights situation. Experience demonstrates that front-footing human rights issues in the national report is the best way to ensure that the UPR is robust and useful. This open approach has worked well in previous UPR sessions, particularly given civil society interest in the process.

### **Financial Implications**

- 16 Nil. Costs associated with the UPR are covered by agency baselines.

### **Legislative Implications**

- 17 There are no legislative implications associated with this paper.

### **Regulatory Impact Statement**

- 18 Nil.

### **Climate Implications of Policy Assessment**

- 19 Nil.

### **Population Implications**

- 20 Nil.

### **Human Rights**

- 21 The UPR is an important transparency and accountability mechanism, and strengthens our human rights protections.

### **Consultation**

- 22 The UPR national report has been drafted with input from the following agencies: the Ministry of Justice, Crown Law Office, Department of Corrections, Department of Internal Affairs, Department of Prime Minister and Cabinet, Ministry of Business, Innovation and Employment, Ministry for Children, Ministry of Education, Ministry for the Environment, Ministry for Ethnic Communities, Ministry of Disabled Peoples, Ministry of Health, Māori Health Authority, Ministry of Housing and Urban Development, Ministry for Māori Development, Ministry of Pacific Peoples, Ministry of Social Development, Ministry for Women, New Zealand Police, The Public

Service Commission, The Office for Māori Crown Relations: Te Arawhiti, and The Executive Board for the Elimination of Family Violence and Sexual Violence.

### **Communications**

- 23 The final report will be posted on MFAT’s website and shared with the public through relevant Government agency networks. Advance copies of the report will be provided to the New Zealand Human Rights Commission and the Governments of the Cook Islands, Niue, and Tokelau.

### **Proactive Release**

- 24 The Minister of Foreign Affairs and Minister of Justice intend to release this Cabinet paper proactively in its entirety.

### **Recommendations**

- 25 The Ministers of Foreign Affairs and Justice recommend that the Committee:
- 25.1 **Note** that New Zealand will undergo its fourth Universal Periodic Review (UPR) on 29 April 2024 at the United Nations (UN) Human Rights Council in Geneva.
  - 25.2 **Note** that a national report on New Zealand’s domestic human rights situation between 2019 and November 2023, has been prepared by the Ministry of Foreign Affairs and Trade, in cooperation with the Ministry of Justice and other relevant Government agencies.
  - 25.3 **Note** that although the report covers actions taken under the previous government, it also clarifies that work programmes will be adjusted in line with the new government’s priorities.
  - 25.4 **Approve** the final UPR national report, as attached, subject to any amendments you may wish to make, for submission to the UN.

Hon Winston Peters  
Minister of Foreign Affairs

Hon Paul Goldsmith  
Minister of Justice



# Cabinet Social Outcomes Committee

## Minute of Decision

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*This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.*

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### Universal Periodic Review: National Report for Approval

**Portfolios**                      **Foreign Affairs / Justice**

On 6 March 2024, the Cabinet Social Outcomes Committee:

- 1        **noted** that New Zealand will undergo its fourth Universal Periodic Review (UPR) on 29 April 2024 at the United Nations (UN) Human Rights Council in Geneva;
- 2        **noted** that a national report on New Zealand’s domestic human rights situation between 2019 and November 2023 has been prepared by the Ministry of Foreign Affairs and Trade, in cooperation with the Ministry of Justice and other relevant government agencies;
- 3        **noted** that although the report covers actions taken under the previous government, it also clarifies that work programmes will be adjusted in line with the new Government’s priorities;
- 4        **approved** the final UPR national report, attached as Annex 1 under SOU-24-SUB-0003, for submission to the UN, subject to minor changes requested by the Committee.

Rachel Clarke  
Committee Secretary

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**Present:**

Hon David Seymour  
Hon Nicola Willis (Chair)  
Hon Erica Stanford  
Hon Paul Goldsmith  
Hon Louise Upston  
Hon Mark Mitchell  
Hon Tama Potaka  
Hon Matt Doocey  
Hon Melissa Lee  
Hon Nicole McKee  
Hon Casey Costello  
Hon Penny Simmonds  
Hon Chris Penk  
Hon Karen Chhour

**Officials present from:**

Office of the Prime Minister  
Officials Committee for SOU

## New Zealand's Universal Periodic Review National Report 2024

*UN Word Count requirement: approx. 10,630*

*Current word count (exc. Annexes & endnotes): 10,684*

### I. Introduction

- 1 New Zealand is committed to promoting and protecting human rights, domestically and internationally. New Zealand welcomes the opportunity of its Fourth Universal Periodic Review (UPR) to provide this National Report and participate in discussions and reflections on its human rights situation.
- 2 New Zealand is submitting this National Report very early in the term of a new government. While this does not affect New Zealand's commitment to human rights, the programmes summarised and reported below are historical, occurring between January 2019 and November 2023. These will go through a process of review and readjustment in line with the new government's priorities and preferred approaches. New Zealand will provide an update on its priorities and approach at its UPR Working Group Review, in April 2024.
- 3 New Zealand's third UPR in 2019 resulted in 194 recommendations, of which 160 were accepted. Actions taken to address these recommendations are summarised in this report. However, future planned government action has not been included due to the recent change in government. In 2021, New Zealand submitted its first mid-term UPR report.
- 4 Three factors since 2019 have particularly shaped the work programme: the 2019 terrorist attack on Christchurch mosques; the COVID-19 pandemic; and, increasingly, climate change. The extreme weather events of early 2023 are an example of how climate change is affecting the lives of New Zealanders. These themes are reflected throughout the report.

#### *Report preparation*

- 5 The public's views on human rights in New Zealand were sought to inform this report. Seven open engagement and two online consultations were held throughout New Zealand in early 2023, and schools were visited to hear youth perspectives. These views informed the draft national report, which was released for public consultation in July 2023. Issues raised in public submissions were incorporated in this final report.
- 6 A wide variety of issues and perspectives were raised by the public, underlining the intrinsic value of open discussions on human rights. Key themes that emerged included: COVID-19 response measures and concerns about these, such as the experience of some people who decided not to be vaccinated; climate change impacts; the importance of adequate housing; the rising cost of living; family violence and sexual violence; and child poverty. Access to mental

health and disability support services was raised, along with continued inequities in outcomes amongst Māori and Pacific peoples, particularly with regard to education, health and the criminal justice system. A wide range of views were expressed on freedom of expression and measures to prevent hate speech, and the most appropriate balance between the two. Women's and children's rights, men's rights, rainbow rights, and specifically the transgender, communities, were also highlighted. Others called for all communities to be treated equally, and for no group to receive more benefits or privileges than another.

- 7 The vast majority of the human rights concerns raised in the UPR public consultations are already priorities for New Zealand. However, there is still work to do, and achieving results can take time. New Zealand acknowledges the concerns raised and is committed to continuing engagement on these issues.
- 8 New Zealand's dependent territory of Tokelau is included in this report, in an Annex on its human rights situation.

## **II. Implementation of recommendations and developments**

### **Human Rights infrastructure and institutions<sup>i</sup>**

- 9 New Zealand's constitution is located in various sources, including the Treaty of Waitangi, legislation, the common law, constitutional convention, parliamentary customs and customary international law. Three main laws specifically promote and protect human rights: the Human Rights Act 1993 (HRA); the New Zealand Bill of Rights Act 1990 (BORA); and the Privacy Act 2020. In public consultations, it was suggested that human rights should be supreme law, incorporated into a written constitution or otherwise entrenched. This would require a review of New Zealand's constitutional arrangements.
- 10 The HRA is the main anti-discrimination law, extending fair and equal treatment to all. It lists unlawful discrimination and prohibits sexual and racial harassment and the incitement of racial disharmony. It outlines the role of the New Zealand Human Rights Commission<sup>ii</sup> and the Human Rights Review Tribunal. Funding of the Commission has increased since 2019 to support its work and projects.
- 11 The BORA affirms the government's obligations under the International Covenant on Civil and Political Rights. All new legislation introduced to Parliament must be examined for consistency with BORA rights and freedoms. The BORA was strengthened in 2022 by an amendment requiring that legislation the courts declare to be inconsistent with the BORA must be brought to the attention of Parliament for consideration and debate. The government must respond in a report to Parliament.
- 12 Officials are currently considering options to develop and adopt a national action plan on business and human rights.<sup>iii</sup> New Zealand will provide an update at its 2024 UPR dialogue.

### *National Reporting Mechanism*



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

#### *International Human Rights Framework<sup>v</sup>*

- 14 New Zealand has ratified seven core human rights treaties and is committed to implementing international human rights obligations domestically.<sup>vi</sup> The Government will receive advice on whether legislative and other changes would allow New Zealand to ratify further human rights instruments or withdraw reservations.
- 15 In December 2022, the Optional Protocol to the Convention on the Rights of the Child on a communications procedure came into effect for New Zealand.<sup>vii</sup> A communications plan is being developed to raise awareness of the Children's Convention and the right to take a complaint to the UN under the Optional Protocol.
- 16 Officials have started considering the implications of ratifying the International Convention for the Protection of all Persons from Enforced Disappearance, and removing its reservation to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Further consideration of whether New Zealand should become party to the 1954 Convention relating to the Status of Stateless Persons is scheduled.
- 17 New Zealand is committed to development outcomes that are effective, inclusive, resilient and sustainable. This is integral to achieving the 2030 Sustainable Development Goals. Strategic action plans, covering human rights, gender, and child and youth wellbeing, reflect New Zealand's commitment to the global advancement of human rights across its development cooperation programmes. New Zealand's multi-year budget for International Development Cooperation was increased by NZ\$719 million over 2021-2024, with a focus on scaling up our climate finance.

#### **Racism and discrimination<sup>viii</sup>**

- 18 On 15 March 2019, a foreign national terrorist attacked two mosques in Christchurch, killing 51 people and injuring 50 others. The convicted terrorist had an extremist right-wing Islamophobic ideology and the attack influenced a nation-wide conversation about racism in New Zealand. The Government established

an independent Royal Commission of Inquiry to investigate the attack and make recommendations.

- 19 The Royal Commission's Report, released in December 2020, identified several lessons to be learnt and areas where significant changes are needed. It made 44 recommendations, which the Government accepted in principle. These are outlined in New Zealand's 2021 UPR Midterm Report.
- 20 In 2021, the Government agreed to a significant multi-year work programme addressing all recommendations. This emphasises lifting community engagement and coordination across government agencies, to help strengthen New Zealand's counter-terrorism efforts and foster a more inclusive society.
- 21 This work has been spread across five themes:
  - Social cohesion, education, and inclusion;
  - Reducing hate-motivated crime and racism;
  - Firearms and safety;
  - Countering terrorism and violent extremism; and
  - National security system.
- 22 A package of social cohesion tools and resources was launched in 2022, developed after extensive public engagement. It includes a strategic framework providing a structure for strengthening social cohesion, a framework to understand and measure components of social cohesion, a work programme identifying existing activities contributing to social cohesion, information sheets supporting organisations and individuals to strengthen social cohesion within their contexts, and a time-limited fund supporting community-led initiatives promoting social cohesion.
- 23 *A Preventing and Countering Terrorism and Violent Extremism Strategic Framework* is being developed, building on New Zealand's current strategy. Its stakeholder working group has included the Chief Human Rights Commissioner and the Race Relations Commissioner. An annual Counter-Terrorism conference has been established, along with an independent National Centre of Research Excellence for Preventing and Countering Violent Extremism. A review of security policy settings led to the development in 2023 of New Zealand's first National Security Strategy.
- 24 New Zealand continues to centre its response work on the 51 Shuhada (victims) of the attack, as well as the survivors, witnesses, families and community voices. The Royal Commission's recommendations encourage far-reaching, intergenerational change to realise the vision of a 'safe, diverse and inclusive New Zealand.'
- 25 The domestic response has been complemented by New Zealand's co-leadership with France of the international Christchurch Call to eliminate terrorist and violent extremist content online.<sup>x</sup> Established immediately following the attacks, it has delivered significant change in the way such content is managed

online. The Call commits governments and online service providers to working together with civil society, while protecting and promoting international human rights law and a free, open, and secure internet. New Zealand is also a member of the Freedom Online Coalition.

### *Counter-terrorism laws*

- 26 The Government has been reviewing counter-terrorism legislation in response to Royal Commission recommendations. The Counter-Terrorism Legislation Act 2021 amended the Terrorism Suppression Act 2002, updating the definition of a 'terrorist act' to improve clarity, while other amendments reduce the danger of terrorist attacks and activities that support or enable terrorism.<sup>x</sup>
- 27 The Budapest Convention and Other Matters Legislation Bill will enable New Zealand to accede to the Budapest Convention on Cybercrime by bringing domestic legislation into compliance with its requirements.
- 28 New Zealand reviewed the Intelligence and Security Act 2017 to ensure it remains clear and effective. Other legislative and regulatory changes to update counter-terrorism laws include the Security Information in Proceedings Legislation Act 2022, and the Counter-Terrorism Acts (Designations and Control Orders) Amendment Act 2023.
- 29 When reviewing counter-terrorism legislation, the Government considers the impact of counter-terrorism measures on human rights, while recognising the impact of terrorist attacks on the rights of victims to be free from harm. While counter-terrorism legislation is sometimes found to affect fundamental rights, this has generally been determined to be a justifiable limitation on those rights.
- 30 Further work is planned to address relevant Royal Commission recommendations, including community engagement on future legislative reform priorities.

### *Reducing incitement, hate crime and racism*

- 31 Public consultations were undertaken in 2021 on proposals to strengthen protections in the HRA that prohibit incitement of hatred based on race, colour, ethnicity, or nationality. This consultation generated extensive public debate and showed a wide spectrum of views. The Government has decided not to reform incitement laws. In UPR consultations, some members of the public called for progress on prohibiting hate speech, while others cautioned against limiting free speech.
- 32 New Zealand surveys and studies report that ethnic and Indigenous Peoples, and groups of colour, experience racism. New Zealand agreed at its 2019 UPR to develop a *National Action Plan Against Racism* to progressively eliminate racism in all forms. The Government has been working with the National Iwi<sup>xi</sup> Chairs Forum<sup>xii</sup>, community and civil society groups to develop the plan.

### *Ministry for Ethnic Communities*

- 33 The Ministry for Ethnic Communities was established in July 2021. Its core functions include working to improve outcomes for ethnic communities, through policy and advice, monitoring and data, and partnering and engagement. In August 2022, the Ministry published its *Strategy 2022–2025: A pathway to an Aotearoa<sup>xiii</sup> where ethnic communities feel at home*. The strategy is shaped by four priorities that guide and underpin the Ministry’s work programme:
- Promoting the value of diversity and improving the inclusion of ethnic communities in society;
  - Ensuring government services are provided equitably and are accessible for ethnic communities;
  - Improving economic outcomes for ethnic communities, including addressing barriers to employment (a concern raised in UPR consultations); and
  - Connecting and empowering ethnic community groups.

### *Right to work<sup>xiv</sup>*

- 34 New Zealand launched the *Employment Strategy* in 2019 and refreshed it in 2022. Its main objectives included promoting economic participation, so everyone has access to opportunities for meaningful and fulfilling work, and improving employment outcomes. Seven *Employment Action Plans* were developed to improve outcomes for groups that face persistent disadvantages in the labour market: Youth; Disabled people; Māori; Pacific people; Older Workers; Former Refugees, Recent Migrants and Ethnic Communities; and Women.
- 35 The *2022 Māori Employment Action Plan* outlines immediate, medium and long-term actions developed to support more Māori into employment, education and training. Other plans, such as the Youth Employment Action Plan and the Women’s Employment Action Plan, also include actions to improve outcomes for Māori youth and Māori women.
- 36 The *2020 Working Matters – Disability Employment Action Plan* was developed to help ensure disabled people, including people with health conditions, have equal opportunities to access quality employment, including by promoting accessibility and addressing public bias in the workplace.

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

- 37 More than a quarter of New Zealand’s population was born overseas. Refugees and migrants are valued members of, and significant contributors to, New Zealand society, but can face challenges integrating, adjusting culturally, and participating fully in communities. Former refugees can face barriers to employment and encounter difficulty accessing services. The cross-government *New Zealand Refugee Resettlement Strategy* and *New Zealand Migrant Settlement and Integration Strategy* were refreshed in 2023, to ensure they continue to support successful settlement outcomes and reflect refugees’ and migrants’ aspirations for settlement.

- 38 In mid-2020, New Zealand increased its annual quota of resettlement places to 1500 people (nominated by UNHCR<sup>xvi</sup>) and doubled the annual number of residence places for family members of resettled refugees to 600. New Zealand extended a pilot for refugees sponsored by community organisations to 150 places over three years.
- 39 New Zealand's Immigration Act 2009 incorporates the 1951 Convention on the Status of Refugees, the 1984 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the 1966 International Covenant on Civil and Political Rights. Refugee and protection (asylum) claims made in New Zealand are determined in accordance with the relevant instruments. Asylum seekers have publicly-funded access to legal representation, interpreters, and health care and, if granted a temporary visa, can undertake work or study. Claimants who are not granted a visa are provided with a weekly allowance. Young asylum seekers can attend primary and secondary education as domestic students. During consultations on the strategies, asylum seekers reported facing difficulties accessing income, affordable housing and health care. Further consideration of support for asylum seekers during their claim process will be undertaken in 2024.
- 40 In 2021, Immigration New Zealand (INZ) commissioned an independent review of practices regarding the restriction of freedom of movement, including detention, of people claiming asylum.<sup>xvii</sup> The review recommended legislative and operational changes. An Immigration (Mass Arrivals) Amendment Bill, which would ensure that members of a Mass Arrival Group had access to legal representation in detention decisions, is before Parliament and is under consideration by the new government. INZ has instituted procedures ensuring decisions to detain asylum claimants are consistent with 2012 UNHCR Detention Guidelines. Detention is limited to exceptional cases meeting high thresholds, decided at a senior level, and regularly reviewed. Monitoring under the Optional Protocol to the Convention against Torture also ensures compliance with detention standards. There have been no instances of mass detention.

### *Migrant exploitation*

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

- 43 The Worker Protection (Migrant and Other Employees) Act 2023 introduced a graduated offence and penalty regime to deter employers of temporary migrant workers from non-compliance with their obligations under immigration and employment law.

### *Trafficking*

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

### *Modern Slavery*

- 46 Public consultation on proposed legislation to address modern slavery and worker exploitation in supply chains occurred in 2022. This would create new responsibilities across the operations and supply chains of all types of organisations in New Zealand, with more responsibilities for larger organisations. The direction of work to progress proposals will be clarified in 2024.

### **Climate Change<sup>xviii</sup>**

- 47 New Zealand acknowledges the importance of a healthy and sustainable environment for the enjoyment of human rights. Climate change and its impact on human rights was raised frequently in UPR public consultations and features highly in national debate. New Zealand is responding to climate change and supporting sustainability as a priority.
- 48 In 2019, New Zealand strengthened its climate change legislation by introducing a 'Zero Carbon' framework into the Climate Change Response Act 2002. This framework supports New Zealand's transition to a low-emissions, climate resilient future and contributes to global efforts to limit temperature rise to 1.5 degrees Celsius above pre-industrial levels.
- 49 The framework is being implemented through:
- Establishment of a Climate Change Commission to provide expert advice to the government;

- Legislation of a 2050 domestic emissions reduction target informed by modelling undertaken by the Intergovernmental Panel on Climate Change;
- A system of emissions budgets (interim targets) that step progressively towards the 2050 target, of which the first three were set in May 2022;
- The first emissions reduction plan was published in May 2022, containing over 300 actions to meet the first emissions budget and put New Zealand on track for its 2050 target; and
- Development of six-yearly climate change risk assessments and national adaptation plans that respond to the risks identified, of which the first plan was published in August 2022.

50 Actions taken to reduce domestic emissions support New Zealand's first Nationally Determined Contribution, strengthened in 2021 to reduce net emissions to 50% below gross 2005 levels by 2030. New Zealand's emissions are reducing, with total greenhouse gas emissions in 2021 falling to their lowest levels since 2009.

### **Right to Adequate Standard of Living, including Housing<sup>xix</sup>**

#### *Welfare Reform and cost of living*

51 Government investment in the welfare system since 2019 has included financial support for low-income workers and families. The rising cost of living was raised frequently in UPR consultations. In 2022 and 2023, New Zealand prioritised measures to reduce the impact of rising global inflationary pressures on New Zealanders' cost of living. These included temporary cost of living payments to low income households, reductions in fuel excise and half-price public transport. Other payments increased, including those to superannuitants, veterans and students. From April 2023, subsidised childcare assistance was extended to a further 10,000 children, and 345,000 families, including 646,000 children, were estimated to be better off through increases to Working for Families Tax Credits. Around 356,000 beneficiaries are estimated to receive NZ\$118 more per week on average (NZ\$142 during winter) compared to late 2017 policy settings. This figure increases for sole parents and couples with children.

52 However, challenges remain in the welfare system. In December 2023, there were approximately 378,700 people receiving a main benefit. This is 30.7 percent higher than the 289,000 in December 2017.

#### *Housing*

53 New Zealand acknowledges ongoing issues related to its housing and urban system, including with housing supply, affordability and quality. Between 2021 and 2023, the Human Rights Commission conducted an inquiry into housing which reinforced this point. Unaffordable housing has far-reaching consequences – children and families living in cars and motels, declining home ownership, health problems from overcrowding, and lower living standards for all New Zealanders.

54 In 2021, the *Government Policy Statement on Housing and Urban Development (GPS-HUD)*, and *National Māori Housing Strategy* were released. Implementation of the *GPS-HUD* has focused on four connected action areas:

- Reducing barriers to building, including by ensuring that planning and regulation settings allow more homes to be built, and making funding for housing, urban development and infrastructure more sustainable and accessible;
- Building homes where people need them to create more options for affordable home ownership and reduce pressure on the rental market. Government has partnered with others to deliver new housing, including through infrastructure investment to develop build-ready land, acceleration of Māori-led housing solutions enabling Māori to deliver housing to their own communities, and investment in a build programme of over 18,000 public and transitional homes by 2024;
- Helping people into affordable homes including through government funds to support people to purchase a home; support for the development of new affordable homes for low-to-moderate income families; and the promotion of growth in the build-to-rent sector; and
- Helping people in urgent housing need through a Homelessness Action Plan, and reform of the Emergency Housing System.

55 A report on progress towards meeting the outcomes and priorities set out in the *GPS-HUD* and the *National Māori Housing Strategy* will be published in coming months. The *GPS-HUD* will be reviewed in 2024.

56 Regulatory changes in the rental sector between 2019 and 2023 included:

- The 2019 Healthy Homes Standards, which introduced standards for rental housing, such as heating, insulation and ventilation, to close the quality gap between rental properties and owner-occupied homes; and
- The Residential Tenancies Amendment Act 2020 reforms, which sought to balance the rights of landlords and tenants, including enabling tenants experiencing family violence to end a tenancy quickly.

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

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

#### *Criminal Justice System reforms*

58 Since New Zealand's 2019 UPR and 2021 mid-term report, significant reforms continued in the criminal justice sector and broader government services, aiming to ensure the justice system:

- Does not dehumanise or retraumatise, is empathetic and easier to navigate;



- Supports people to address the underlying causes of their offending, including drug and alcohol abuse, mental health, unresolved trauma, neuro-disabilities and poverty;
  - Addresses the disproportionate harm that Māori experience;
  - Is reformed in partnership with Māori; and
  - Meets the needs of Māori and diverse groups, including Pacific peoples, refugee and migrant, disabled and LGBTQI+ communities.
- 59 The Department of Corrections' *Hōkai Rangi Strategy 2019-2024*<sup>xxii</sup> has had three interconnected goals: to improve public safety, reduce reoffending, and reduce the overrepresentation of Māori in the corrections system. It has sought to achieve better outcomes for Māori, with Māori, by prioritising the wellbeing of people in Corrections' management and their families.
- 60 In 2021, Corrections updated its *Women's Strategy 2021–2025* to align to *Hōkai Rangi* and better enable provision of rehabilitation and reintegration support to women in prison, in more responsive environments. The strategy was designed to help break the reoffending cycle and contribute to intergenerational change by improving the wellbeing and safety of women, their families, and wider communities. Legal aid assistance is available to all prisoners, including women, via freely available phone lines and contact information.
- 61 Access to quality health services for people in prison has been the focus of a dedicated programme that has sought to improve service delivery and address current health inequities for Māori, and all those in Corrections' care and management. Officials have engaged frontline custodial and healthcare staff, Māori partners, people with lived experience of prison, and community agencies to contribute to the programme's development. Corrections have also expanded mental health services since 2019. Work is under way to further improve these services.
- 62 The prison population decreased since the peak of March 2018, however is once again increasing, though remains less than 2018. Various workforce, capacity and facility design and quality challenges, along with the complexity of the prison population, have affected how prisoners are accommodated and managed. Work is under way on a long-term prison network configuration plan to address this.
- 63 New Zealand Police runs *Te Pae Oranga-Iwi Community Panels*, a supported resolution programme delivered in partnership with Māori, to respond to offending outside of the traditional judicial system. Evaluation has shown that this programme has led to a 22% reduction in harm from re-offending compared to an equivalent cohort of cases proceeding through the District Court.
- 64 New Zealand Police work with Māori partners through the *2023 Prevention First Operating Model* and *Te Huringa o Te Tai (Crime and Crash Prevention Strategy)*. This has supported Police delivery of national programmes and initiatives developed and implemented with Māori to improve outcomes for Māori, reduce offending and victimisation, and build trust and confidence in Police.

- 65 The *Te Ao Mārama-Enhancing Justice for All* programme has sought to improve the experience of all people who participate in the District Courts (defendants, victims, children and young people, and families) by partnering with local Māori and communities. *Te Ao Mārama* expands best practice approaches from solutions-focused and therapeutic courts in District Court locations. It is focused on the criminal jurisdiction (including the Youth Court), as well as Family Court care and protection, care of children, and family violence proceedings.
- 66 In 2021, funding was received to implement *Whakaorangia te Mana Tangata*, a family centred initiative to reduce Māori imprisonment and reoffending rates and humanise the court experience. Services have been designed, tailored and provided by local Māori to support Māori offenders, victims and family through the court process, supporting *Te Ao Mārama* in District Court locations. Another initiative to address and break the cycle of offending has been the innovative Alcohol and Drug Treatment Courts.

#### *Legal aid and minimum age of criminal responsibility*

- 67 Changes in 2023 to legal aid eligibility and repayment thresholds have made legal aid available to around 93,000 more people. User charges for applicants have been removed and interest is no longer charged on legal aid debt. Legal aid lawyers' remuneration increased in 2022. These changes have improved access to justice.
- 68 Following its 2019 UPR, New Zealand agreed to consider raising its minimum age of criminal responsibility (10 years) to align with international best practice.<sup>xxiii</sup> Members of the public recommended raising the minimum age in UPR consultations. Officials have been working through the implications of such a change. A key consideration is ensuring that any legislative change could be successfully implemented by agencies working with children and young people who offend.

#### **Indigenous rights<sup>xxiv</sup>**

- 69 Māori are the Indigenous People of New Zealand. New Zealand's founding document, te Tiriti o Waitangi/The Treaty of Waitangi, is at the heart of the Māori-Crown relationship. Addressing inequities faced by Māori and upholding indigenous rights remains a priority for New Zealand. The inequities experienced by Māori in education, employment, health and the criminal justice system are covered elsewhere in this report.

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

- 70 Consistent with international guidelines, Te Puni Kōkiri-The Ministry of Māori Development (TPK), has worked in partnership with the New Zealand Human Rights Commission (HRC) and the National Iwi Chairs Forum (NICF) on the development of a draft Declaration plan.

- 71 Between 2021 and 2022, TPK, HRC and NICF engaged with Indigenous communities on their aspirations for a Declaration plan. Key themes were that the Government should support Māori involvement in decision making on issues that impact Māori. This applied to a range of topics, from justice, health and education to housing, the environment, and cultural expression and identity.

#### *Te Arawhiti*

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

#### *Waitangi Tribunal inquiries*

- 75 The Waitangi Tribunal is a permanent commission of inquiry that determines whether Crown actions or omissions breach the Treaty of Waitangi. The Waitangi Tribunal has a programme of inquiries that deal with nationally significant issues affecting Māori (Kaupapa Inquiries). This includes inquiries into: health services and outcomes, housing policy and services, the justice system, the Constitution, education services and outcomes, and prejudice to Māori women as a result of Treaty of Waitangi breaches by the Crown. The Crown is actively participating in these inquiries.

#### *Electoral law*

- 76 The number of Māori voters on the Māori or general rolls helps determine the number of Māori seats in Parliament. The Electoral (Māori Electoral Option) Legislation Act came into force in March 2023, enabling Māori to change electoral rolls at any time and as often as they choose (except during certain pre-election periods). Previously, Māori voters were only able to choose to be on the Māori or general electoral roll once every four to six years. This change will support Māori voters to exercise their democratic rights by removing restrictions to Māori electoral participation and engagement. Of the current Parliament's 123 Members, 33 are Māori, including the dedicated seven Māori Electorate Members, while seven of the 20 Cabinet (government's senior executive body) Ministers are Māori.<sup>xxvi</sup>

- 77 An independent panel was established to review New Zealand’s electoral law, conduct public engagement and report to Government by late 2023. How electoral arrangements support and promote Māori involvement in the parliamentary electoral system will be considered.

*Māori language revitalisation*

- 78 The Government is committed to working in partnership with Māori to actively protect, promote and revitalise te reo Māori, the Māori language. The Māori side of the partnership is led by Te Mātāwai, an independent statutory entity established under Te Ture mō Te Reo Māori (the Māori Language Act 2016) to act on behalf of Māori.
- 79 The partnership is defined through a Māori lens and expressed using the framework of Te Whare o te Reo Mauri Ora (the house of the living language) which articulates how the Crown and Māori collectivise their revitalisation efforts. The Act acknowledges that Māori are the custodians of te reo Māori, while also recognising the Government’s ability to promote strategic objectives in wider New Zealand society. The Act provides for two distinct but complementary strategies:
- The *Maihi Māori* strategy – developed and led by Te Mātāwai, focuses on restoring te reo Māori (as a first language) by enabling intergenerational transmission within Māori homes and communities; and
  - The *Maihi Karauna* strategy – developed and led by the Government, focuses on creating the societal conditions for te reo Māori to thrive in wider society.
- 80 Shared priorities that bring together the two strategies are in development to support the overarching vision of “Kia Mauri Ora te reo” or “A thriving and living language” by 2040.

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

- 81 New Zealand is proud to maintain its role as a leader in gender equality<sup>xxviii</sup> but recognises that more can be done to protect and promote women’s rights. Legislation provides women with protection against discrimination. However women were disproportionately impacted by COVID-19, which deepened pre-existing inequities, including social and economic insecurity and their disproportionate share of unpaid work.

*Women in leadership*

- 82 Women have held over 50% of roles on public sector boards and committees for the past three years. In December 2022, representation of Māori, Pacific women on public sector boards has increased to 15.1% and 4.5% respectively.<sup>xxix</sup> In

June 2023, women held 55.9% of public sector senior leadership roles.<sup>xxx</sup> New Zealand reached gender parity in Parliament in 2020 and in Cabinet in April 2023.<sup>xxxi</sup> By the end of their Parliamentary term (September 2023), women made up 48% of Parliament. Women in private sector leadership is lagging and more progress is desirable. In July 2022, women held 28.5% of board director positions, 36.5% of board roles with the S&P/NZX 50 and 26.4% of executive management positions in NZX-listed companies.

### *Pay equity*

- 83 Addressing pay equity means addressing any sex-based undervaluation of predominantly female-dominated work. The Equal Pay Act 1972 (amended 2020) allows individual employees and unions to raise a pay equity claim directly with an employer. In November 2023, 25 pay equity claims were in progress, across public and private sectors. There have been 14 pay equity settlements to date, correcting the pay of 175,134 people by an average of 30%.

### *Pay gaps*

- 84 In 2023, New Zealand's gender pay gap was 8.6%, remaining relatively unchanged since 2017.<sup>xxxiii</sup> The pay gap between all men and European women was 4.5%. For Asian women, it was 12%. For Māori and Pacific women, the gap was larger at 14.3% and 15.2% respectively, and for disabled women 18.2% (6.2% compared to disabled men).
- 85 The Equal Pay Taskforce oversees the *Public Service Pay Gaps Action Plan 2021-24*, a coordinated programme to close Public Service gender, Māori, Pacific and ethnic pay gaps and create fairer workplaces for disabled people and members of rainbow communities. The Plan has required agencies and Crown entities to take specific actions and publish annual reports and plans. Concerted efforts since 2018 have led to considerable reductions in gender, Māori and Pacific pay gaps, and increased representation for these groups in leadership.
- 86 Plans to introduce a mandatory gender pay gap reporting system were announced in August 2023. The direction of this work is yet to be clarified.

### *Family Violence and Sexual Violence* <sup>xxxiv</sup>

- 87 Family violence and sexual violence continues to be of concern and was raised in public consultations. 27% of homicides in 2021 were committed by family members, and in 2018, 7% of children had a family violence notification to government. It is estimated that one in three women and one in ten men experience sexual violence or abuse in their lifetimes. Such violence also has a disproportionate impact on Māori families.
- 88 New Zealand is committed to addressing family and sexual violence. In 2021, the Government passed the Sexual Violence Legislation Act.<sup>xxxv</sup> New Zealand has also established a national multi-sectoral mechanism to transform how

government agencies collaborate on family and sexual violence strategy, policy and investment.

- 89 In 2022, Te Puna Aonui-The Executive Board for the Elimination of Family Violence and Sexual Violence, was established under the Public Service Act 2020. Te Puna Aonui brings together ten government agencies and four associate agencies, and coordinates implementation of *Te Aorerekura - National Strategy to Eliminate Family Violence and Sexual Violence*, launched in December 2021.<sup>xxxvi</sup> A Ministerial advisory group was also formed in 2022 as a sustainable mechanism for Māori to give advice to the Minister for the Prevention of Family and Sexual Violence and contribute to high-level decision-making related to family and sexual violence. It has a significant role in creating systems and supports that are governed and led by, and work for, Māori, in the best interests of their families, local Māori and all communities
- 90 The National Strategy was developed with Māori, communities, specialists and civil society, to eliminate family and sexual violence, including violence against women and girls, children and young people, and people with disabilities. It set out six evidence-based ‘shifts’ aimed at preventing, responding to and healing from family and sexual violence, and creating environments that support system change, including social norms and attitude change, building competent workforces and expanding evidence and sharing information. The Strategy aligns with core national wellbeing strategies and international human rights norms and standards. A national action plan accompanies the Strategy.
- 91 In August 2023, New Zealand introduced the Victims of Sexual Violence (Strengthening Legal Protections) Legislation Bill and the Victims of Family Violence (Strengthening Legal Protections) Legislation Bill. These Bills are intended to strengthen current legislative settings regarding children and victims’ rights.

#### *Decriminalisation of abortion*<sup>xxxvii</sup>

- 92 Abortion was removed from the Crimes Act 1961 in March 2020. Abortion is now treated as a health issue and a suite of initiatives have been implemented. Following these changes, data shows a positive increase in accessibility of services, as well as a decrease in average gestation at the time of abortion. Further changes to the Legislation in 2022 allowed for Safe Areas around abortion services to protect the safety, well-being, privacy and dignity of people accessing or providing abortion services.

#### **Rights of Children**<sup>xxxviii</sup>

- 93 Children and young people up to age 18 are around 24% of New Zealand’s population.<sup>xxxix</sup> Most children do well, but many face challenges like poverty, inequality, violence, addiction, youth offending and poor mental wellbeing. These can negatively affect children’s development and health, and reduce their educational and life opportunities. These harmful effects can persist across generations.

### *Child and Youth Wellbeing*

- 94 The 2019 *Child and Youth Wellbeing Strategy* (CYWS)<sup>xi</sup> has provided a framework to understand and improve child and youth wellbeing outcomes up to age 24. It aims to reduce inequitable outcomes, including by improving outcomes for the Māori and Pacific cohorts. It has sought to promote better coordination across agencies, measuring progress against a suite of indicators. One of the CYWS's nine principles is a commitment to respect and uphold children's rights, including those derived from the Children's Convention and the Convention on the Rights of Persons with Disabilities.
- 95 Since New Zealand's 2021 UPR mid-term report, the first review of the CYWS was completed in 2022 (required by legislation every three years). The review found broad ongoing support for the CYWS's vision and outcomes with the 16 recommendations focusing on opportunities to strengthen implementation. These included greater prioritisation and focus on fewer actions, strengthening collective ownership (including involvement of children and young people in decisions affecting them), improving governance, improving measurement, monitoring and reporting and embedding te ao Māori concepts of wellbeing.
- 96 Oranga Tamariki-Ministry for Children, has legislated responsibility for oversight of the *Oranga Tamariki Action Plan 2022*<sup>xii</sup>. The Plan sets out how children's agencies<sup>xiii</sup> will work together to improve outcomes for children and young people who are or have been involved, or are at risk of involvement, with the care and protection and youth justice systems.

### *Child Poverty Reduction*

- 97 Reducing child poverty significantly improves the wellbeing of children, young people and their families. The Child Poverty Reduction Act 2018 (CPRA) established ongoing political accountability for child poverty reduction. Governments are required to set and report against 3-year and 10-year targets for reducing child poverty, and report annually on progress across multiple measures and indicators.
- 98 Child poverty data from 2023 shows that three out of nine measures under the Child Poverty Reduction Act have shown statistically significant increases compared to the previous year. However five of the nine measures continue to be lower than they were in the baseline year (2017/18). About one in eight children lived in material hardship in 2023. This is similar to the rates in 2018.
- 99 Measures since 2019 to ensure adequate income levels are outlined in paragraph 51. These are in addition to 'Best Start' payments to parents of new-borns, free doctors' visits for children under 14, and targeted programmes such as Healthy School Lunches. Given the economic impacts of cost-of-living pressures, the increase in some poverty rates in 2022/23 suggests that it is harder for families to meet their basic needs. Current economic and fiscal conditions, particularly high inflation, will challenge progress towards child poverty targets.

*Addressing Māori and Pacific children's inequities*

- 100 New Zealand has undertaken substantial work to improve education, health and protection outcomes for Māori and Pacific children, who experience higher rates of inequities. The Ministry for Children has a range of services to support its work with Māori, including Whānau<sup>xliii</sup> Care—a Māori model of accredited Māori organisations providing their own models of care, and growing use of Māori-led Family Group Conferences.
- 101 The *Māori Health Action Plan 2020-2025* will redesign the *Well Child* programme and seeks to ensure equitable access and improved outcomes for Māori children and families. The *Māori Disability Action Plan 2018-2022* details actions to ensure disabled Māori children are receiving the support they need.
- 102 *The Pacific Health and Wellbeing Action Plan 2020-2025* details outcomes and actions to improve the health and wellbeing of the growing Pacific population in New Zealand.
- 103 The Ministry for Pacific Peoples funds a range of services to support Pacific children and youth, including employment and training opportunities, supporting young Pacific leaders and encouraging Science, Technology, Engineering and Mathematics study and careers. The *National Pasifika Disability Plan 2016–2021* includes actions to improve the lives of disabled Pacific children and their families.

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

- 104 The Royal Commission of Inquiry into historical abuse in care was established in 2018 to investigate the abuse and neglect of children, young people and vulnerable adults within State and faith-based institutions in New Zealand between 1950 and 1999. Its final report setting out findings and recommendations is due in March 2024. An interim report on redress for survivors of abuse was published in 2021 and outlined:
- The significant types of harm and serious life-long harm many people experienced in care;
  - The failures of previous State and faith-based responses to that harm, including the Crown's current historic abuse claims processes; and
  - The need for, and functions of, a future independent, holistic redress system, and how such a system could be developed through a survivor-led process.
- 105 The Government is considering the Royal Commission's recommendations as they are issued. New Zealand has committed to developing a new independent, trauma-informed redress system for people abused in State and faith-based care. It is intended that the new system will be operating from mid-2025 and replace existing claims processes run by Crown agencies and faith-based institutions. A survivor-focused process is underway to design and establish the new redress system.



### *Legislative changes*

- 106 Changes have been made to legislation to improve advocacy for and the monitoring of systems supporting children. The Children and Young People's Commission Act 2022 replaced the Children's Commissioner with a new Children and Young People's Commission, comprising a Chief Children's Commissioner and board members. The Commission's purpose is to promote and advance the rights, interests and participation of children and young people and to improve their well-being within the context of their families.
- 107 The Oversight of Oranga Tamariki System Act 2022 upholds the rights and interests of children and young people who have received or are receiving support through the Oranga Tamariki system, as well as improving their overall well-being. The Oranga Tamariki system is responsible for providing services and support to children and young people and their families, which includes the Ministry for Children, Department of Corrections and the Ministries of Health, Social Development, Education, Justice and New Zealand Police. The Act also set up an Independent Monitor of the Oranga Tamariki System, expanding the previous monitoring mandate beyond National Care Standards compliance to the broader Oranga Tamariki system.

### *Adoption and family law reforms*

- 108 New Zealand is reviewing its adoption laws to create a modern system that protects the rights, best interests and welfare of children, and upholds international human rights obligations. Feedback from public engagement in 2021 and 2022 is being used to refine adoption policy proposals. The Family Court (Supporting Children in Court) Legislation Act came into force in 2023, introducing a new emphasis on children's participation in mediation and in Family Court cases about caregiving arrangements. The Act also signals that family violence should be considered in all decisions about children's care.

### **Rainbow rights<sup>xlv</sup>**

- 109 Increased support for the rainbow community and the rights of all its diverse members was a theme in UPR public feedback. New Zealand is committed to supporting the health and well-being of rainbow communities, including through improved access to primary health care. Funding is being provided for mental wellbeing services and initiatives for rainbow young people, along with training and workforce resources to be responsive to rainbow communities' needs.
- 110 New Zealand is currently developing a rights-based approach to healthcare for intersex children, young people and their families, to reduce unnecessary medical intervention and prevent associated harms. This will include appropriate information and peer support for intersex children, young people and their families to make informed decisions about their healthcare.
- 111 The Births, Deaths, Marriages, and Relationship Registration Act 2021 strengthened the rights of rainbow communities by introducing an administrative process for people to change the sex recorded on their birth certificate, including options for those who do not identify as male or female, based on self-

identification. The 2023 Census was the first to ask New Zealanders about their gender, sexual identity, and variations of sex characteristics.

### *Conversion Practices prohibition*

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

### **Disability Rights<sup>xlvii</sup>**

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

114 The Ministry leads work on:

- Leadership, strategy and policy on issues related to disabled people across government;
- Ensuring that the voice of disabled people and their families influence key government policies and programmes which impact disabled people;
- Ensuring equity and recognising the intersectional nature of disability; and
- Building capacity and capability among disabled people and those who work with disabled people.

115 The Ministry is responsible for the commissioning and contracting of disability support services to about 43,000 New Zealanders and transforming the disability support system through the application of the Enabling Good Lives approach, promoting greater choice and autonomy over received support.

116 New Zealand was examined by the UN Committee on the Rights of Persons with Disabilities in 2022.

### **Health<sup>xlix</sup>**

117 In July 2021, New Zealand established a new national health system underpinned by the Pae Ora (Healthy Futures) Act 2022. This established three national entities: the Ministry of Health; Health New Zealand (replacing District Health Boards); and the Māori Health Authority.

118 While there has been structural reform, there is considerable transformation required to design a fairer, more equitable health and disability system and

achieve better health outcomes. Regardless of organisational form, there is a need to address Māori health outcomes which are persistently poorer than those of the general population. Disestablishing the Māori Health Authority and transferring expertise back into the public health system is an important part of achieving better health outcomes for all New Zealanders, including Māori.

- 119 The Pae Ora (Healthy Futures) Act 2022 is under consideration to allow the disestablishment of the Māori Health Authority under the new government's 100 day plan.

#### COVID-19

- 120 COVID-19 was first reported in New Zealand in February 2020. New Zealand adopted a health-led response, initially focused on elimination, limiting access to New Zealand primarily to citizens and permanent residents, and implementing public health protective measures including lockdowns. COVID-19 did not circulate in the population for most of 2020 and 2021 and New Zealand had the lowest number of cases, hospitalizations and deaths in the OECD.<sup>i</sup>
- 121 New Zealand's vaccination programme began in early 2021 and by December 2021, 90% of eligible New Zealanders had been fully vaccinated (at least two doses). In late 2021, vaccine passes were introduced. New Zealand began re-opening its border from early 2022. All vaccine mandates ended by September 2022. In August 2023, the last remaining mandatory COVID-19 requirements were removed.
- 122 In September 2023, a new Strategic Framework for the current and long-term management of COVID-19 was released. It is intended to provide a single source of direction for all government COVID-19 action; clarity and transparency on COVID-19 priorities; and ensure an effective transition to the new business-as-usual in managing COVID-19.
- 123 Māori and Pacific peoples have experienced the highest rates of hospitalisation and death from COVID-19.<sup>ii</sup> While Pacific peoples had higher vaccination rates compared to other population groups, Māori had lower levels of vaccination.<sup>iii</sup> In late 2021, 79% of Māori had received a first dose and 63% a second dose (reducing to 56% in some areas). Further work has been undertaken to address this, including support for Māori health providers, the Māori vaccinator workforce and local Māori and community groups to deliver immunisation solutions; the sharing and better capturing of data and insights related to the Māori COVID-19 response; and monitoring the impact of COVID-19 on Māori. Separate work is also underway to understand the long-term health effects of the virus.
- 124 The COVID-19 pandemic response presented significant and ongoing challenges for New Zealand. As in most countries, efforts to protect peoples' lives and health required placing limits on other human rights and freedoms in an unprecedented way. Legislation included safeguards to ensure limitations on human rights remained justified, proportionate and time-bound. Aspects of the government's approach to managed isolation and quarantine were found by a New Zealand

court to be an unreasonable limit of the right of New Zealand citizens to enter New Zealand for a certain period of time.<sup>liii</sup>

- 125 Concerns about the impact of COVID-19 on human rights was raised in UPR public consultations, and more generally in the public debate. In particular, concerns were raised about temporary vaccine mandates and how they affected access to medical treatment, employment, social cohesion, as well as the temporary moderated border entry measures. New Zealand, like other countries, has also faced challenges from the increased prevalence of misinformation and false information regarding the COVID-19 pandemic.
- 126 In December 2022, the Government announced a Royal Commission of Inquiry into its COVID-19 response. Its scope is wide-ranging, covering the health response, vaccine mandates, the border, community care, isolation, quarantine, communication with communities and the economic response including monetary policy. There will also be specific consideration of the impacts on Māori. The Inquiry will conclude in September 2024.

#### *Addressing health inequities*

- 127 Six strategies have been developed under the Pae Ora (Healthy Futures) Act 2022, finalised in July 2023, to set the direction for a system that is equitable, accessible, cohesive and people-centered. The strategies are the *New Zealand Health Strategy*; *Pae Tū: Hauora Māori Health Strategy*; *Te Mana Ola: Pacific Health Strategy*; *Health of Disabled People Strategy*; *Women's Health Strategy*; and *Rural Health Strategy*.
- 128 *Pae Tū: Hauora Māori Strategy*, was produced by the Ministry of Health and the Māori Health Authority to ensure the reformed health system upholds the Treaty of Waitangi, improves equity and enhances long-term health outcomes for Māori. It is an interim step ahead of a full review and refresh of the *Māori Health Strategy*.
- 129 *Te Mana Ola: The Pacific Health Strategy* is New Zealand's first health strategy that focuses on Pacific peoples and set out the strategic direction and long-term priorities for Pacific health over the next 10 years. As Pacific health is broad and holistic, *Te Mana Ola* has encouraged the health system to value the physical, mental, social, spiritual, and cultural wellbeing of Pacific peoples to achieve better health outcomes. An extensive community and health sector engagement process was undertaken to ensure the development of *Te Mana Ola* was strongly guided by the perspectives of the diverse Pacific peoples and communities across New Zealand.
- 130 The *Women's Health Strategy* has been designed to improve sexual and reproductive health and rights among women, girls, trans and gender diverse people.
- 131 The *Health of Disabled People Strategy* is the first dedicated, health system-led strategy for disabled people in New Zealand. It has sought to guide health entities to achieve improved health outcome for disabled people.

### *Mental Health and Addiction*

- 132 Improving New Zealanders' mental health and access to appropriate services and support remains a priority. This was raised in UPR public consultations.
- 133 New Zealand launched an independent inquiry into mental health and addiction in 2018. Its report called for urgent action to transform New Zealand's approach to mental health and addiction and ensure more options for people to access support. The response since 2019 has included:
- Release of *Kia Manawanui Aotearoa: Long-term Pathway to mental well-being* in 2021, a whole-of-government strategy and action plan to improve mental wellbeing;
  - Investment of NZ\$1.9 billion in 2019 in a mental wellbeing package, including NZ\$455 million for people with mild to moderate mental health and addiction needs;
  - Establishment of the Suicide Prevention Office in 2019 and release of the *National Suicide Prevention Strategy and Action Plan*;
  - Establishment of the Mental Health and Wellbeing Commission in 2021; and
  - Steps to repeal and replace New Zealand's Mental Health (Compulsory Assessment and Treatment) Act 1992, to reflect a human rights-based approach, promote supported decision-making, and align with the recovery and well-being model of mental health.
- 134 There is a national effort to reduce and eventually eliminate seclusion and restraint in compulsory mental health treatment settings. Guidelines were published in 2023 to shift practices towards a seclusion free environment, grounded in human rights. Longer term work is progressing, including consideration of seclusion in new mental health legislation.

### **Education<sup>liv</sup>**

- 135 New Zealand's education system continues to evolve to better reflect, welcome and respond to the diversity and needs of all learners participating in education. Schooling is compulsory from age 6-16 and free between ages 5-19 in state schools. Early childhood education is not compulsory, but is attended by a high percentage of children. However, rates are lower amongst Māori, Pacific and low-income families. The tertiary education system is highly diverse, and ranges from foundational education, vocational and higher education, through to advanced research.
- 136 Underpinned by the Treaty of Waitangi, education settings seek to empower Māori decision-making and education provision. Māori-medium education teaches all or some curriculum subjects in the Māori language at least 51% of the time, using the Māori language curriculum. Schools teaching in English use the New Zealand Curriculum.
- 137 The Māori Language Curriculum is being redesigned to provide Māori learners with the essential knowledge, skills, and values to operate successfully and confidently in the Māori and wider worlds. This is intended to support better

outcomes for Māori learners in kaupapa Māori<sup>iv</sup> and Māori medium schooling and contribute to the revitalisation of the Māori language.

- 138 The *Education Work Programme 2021* was developed following extensive multiyear engagement with children and young people, Māori and Pacific communities, parents and people with learning support needs. It focuses on implementation, delivery and addressing systemic issues, including school bullying - a concern raised in UPR public consultations. Cross-sector work continues under the Bullying Prevention Advisory Group, including initiatives to promote cybersafety. In 2020 New Zealand began a process to strengthen the National Certificate of Educational Achievement (NCEA) to improve credibility, equity, coherence, and learner pathways.
- 139 The *2022 Education (Pastoral Care of Tertiary and International Learners) Code of Practice* supports the wellbeing of all tertiary and international learners.

#### *Addressing education inequities*

- 140 In 2023, New Zealand began implementing the Equity Index, replacing the decile school system. The Equity Index has been designed to identify schools for additional resources, target funding to learner needs, and reduce the impact of socio-economic factors on achievement. Actions taken under the *Early Learning Action Plan 2019-2029* have included improving adult-child ratios, achieving a fully qualified teacher workforce, and improving consistency in salaries and conditions.
- 141 The updated *Māori Education and Māori Language in Education Strategies* and a focus on improved workforce capability have helped to integrate and increase the Māori language in schools and early learning services. The *Action Plan for Pacific Education* and the *Pacific Languages Strategy* were developed to better support Pacific learners. The *Learning Support Action Plan 2019-2025* provided for greater support, control and choice for learners with disabilities, neurodiversity and behavioural issues and those who are gifted.
- 142 In 2022-2023, over 2,500 deaf and hard of hearing learners were supported through a range of initiatives, including New Zealand Sign Language at school.
- 143 Changes in school environments have been undertaken to make schools safer and more welcoming for rainbow learners. Provision of free menstruation products in schools supports education access. A government funded school donations scheme was established in 2020, to reduce financial pressure on families.

#### *COVID-19*

- 144 The COVID-19 pandemic disrupted education, a concern also raised in UPR consultations. New Zealand's pandemic response sought to support learners' wellbeing and achievement, including expanded mental health and counselling services and financial support for continuity of services from early learning to international education. Resources and targeted support helped 300,000

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

- 145 Regular school attendance continues to be disrupted by the COVID-19 pandemic. The 2022 Attendance and Engagement Strategy set out expectations for parents, teachers, government agencies, learners and communities. It seeks to support local school and community-led solutions.
- 146 During the pandemic, actions were taken to connect over 40,000 learner households to the internet, launch educational TV channels in Māori and English, distribute more than 25,000 devices, and fund access to technology-enabled tertiary education and training, to minimise disruption to teaching and support learning from home.

### **III. Conclusion**

- 147 New Zealand welcomes this opportunity to review and reflect on developments in its human rights situation. While New Zealand has made advances in many areas, ongoing issues remain. New Zealand looks forward to participating in the UPR dialogue and receiving recommendations from States, in addition to continued engagement with Māori and civil society, to inform the Government's future actions on human rights in New Zealand.

## ANNEX 1 TO NEW ZEALAND REPORT – TOKELAU

1 This Annex was prepared by the New Zealand Government in consultation with the Government of Tokelau.

2 Tokelau consists of three atolls: Atafu, Nukunonu and Fakaofu. The atolls are separated from each other by 60–100km of open ocean and are located about 500km to the north of Sāmoa. The total land area of Tokelau is 12 square kilometres and the population is approximately 1500. In addition to Tokelauan, English and Sāmoan are widely spoken.

### I. Constitutional Status and Government

3 Tokelau is a non-self-governing territory and has been administered by New Zealand since 1926. Tokelau is considered “part of New Zealand” under the Tokelau Act 1948 (NZ) and Tokelauans are New Zealand citizens.

4 In practice, however, Tokelau exercises a substantial degree of self-government. In accordance with obligations under the UN Charter, over the past three decades New Zealand has progressively devolved administrative powers to Tokelau and supported the development of its governance institutions. For example, in 1986 a separate court system was established; in 1993 public service responsibilities were transferred; and, in 1996 Tokelau’s national decision-making body, the *General Fono*, was given the power to make national laws. Tokelau’s current governance arrangements reflect a unique combination of local traditions and models from abroad. The Administrator of Tokelau takes a largely advisory role rather than getting involved in day-to-day government.

5 In the mid-2000s Tokelau held two referenda on becoming self-governing in free association with New Zealand. The first vote was held in February 2006 but narrowly missed the two-thirds majority required for a change of status, as did a second vote held in 2007. However, the closeness of the results reflected a considerable desire by the Tokelauan people to achieve greater self-governance. Following the referenda Tokelau put questions about its constitutional status on hold, and at Tokelau’s behest, New Zealand’s focus turned to improving the quality of life on the atolls.

6 In May 2022, Tokelau’s General Fono took a decision to commence a further “conversation” on self-determination, in the lead-up to the 100-year anniversary of New Zealand administration of Tokelau in February 2026. Inter-atoll consultations are planned to commence in early 2024.

7 The current formal statement of the relationship between Tokelau and New Zealand is the 2003 *Joint Statement of the Principles of Partnership* which sets out the medium- to long-term context in which work can be carried forward on Tokelau’s constitutional and other development. The *Principles of Partnership* affirm the partners’ shared values of human rights, commitment to good governance and respect for the rule of law, and notes the responsibilities of both parties, including the importance of working together in a partnership based on trust, openness, respect and mutual accountability. The *Principles of Partnership* also outlines New Zealand’s obligations to provide economic and administrative assistance to Tokelau, which,



because of its isolation, small size and tiny population, faces considerable development challenges.

8 In relation to the question of self-determination, the *Principles of Partnership* note that (i) self-determination is a goal for both New Zealand and Tokelau; (ii) that both commit to work in partnership with the United Nations to achieve a self-determination outcome that fits the local Tokelauan context and has the support of the Tokelauan people; (iii) that where a self-determination option involves an ongoing relationship between Tokelau and New Zealand, the nature of that relationship will be one that is acceptable to both; and (iv) that New Zealand will continue to work with Tokelau to provide the people of Tokelau with balanced and comprehensive information concerning the self-determination options of independence, self-government in free association and full integration.

9 New Zealand provides around 40-50% of the budget for the Government of Tokelau, and its development assistance is focusing on supporting Tokelau to improve core public services (education, health, transport, telecommunications), build its climate change resilience, and strengthen its capacity and confidence to effectively self-govern.

10 A number of human rights instruments apply in Tokelau through New Zealand treaty action, including the International Covenant on Civil and Political Rights, and its two Optional Protocols; the International Covenant on Economic, Social and Cultural Rights; Convention on the Elimination of All Forms of Discrimination Against Women; International Convention on the Elimination of Racial Discrimination; and Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

11 With New Zealand's support, Tokelau participates in certain regional organisations in its own right, including the Secretariat of the Pacific Community, the South Pacific Regional Environmental Programme, the Forum Fisheries Agency, and the Council of the University of the South Pacific; and is an associate member of a number of other organisations including the Pacific Islands Forum, the Food and Agriculture Organisation, the World Health Organisation, and the United Nations Educational Scientific and Cultural Organisation.

## **II. Promotion and Protection of Human Rights**

12 The Constitution of Tokelau 2007 provides that the individual human rights for all people in Tokelau are those stated in the Universal Declaration of Human Rights and reflected in the International Covenant on Civil and Political Rights. Those rights are to be exercised with proper regard to the rights of other individuals, and to the community to which the individual belongs. A person may apply to the Council for the On-going Government of Tokelau for protection of any of their rights.

### Women

13 Tokelau has a National Policy for Women and National Plan of Action that assists the Government's response to women's development issues. Women are employed throughout the public service, including in leadership roles, and participate in both national and village governance institutions. In the *General Fono*, three of the twenty

one delegates are women. Tokelau's women's groups (*fatupaepae*) also play an important role in representing women's interests.

### Employment

14 The public service is the major employer on each of the three atolls as private sector activity is limited. The Public Service Rules 2004 and Public Services Human Resources Manual provide for the protection of certain labour rights. For example, there are processes to ensure that appointments are made on merit.

15 The Tokelau Public Service Code of Conduct is a key document that governs the performance and conduct of its workforce. All public servants regardless of their gender, religion, nationality or political opinion are guided by this document. They are expected to read and adhere to the provisions in the Code of Conduct, and workshops are run to ensure it is understood and applied. The Tokelau Public Service does not tolerate or accept any form of discrimination amongst public servants, and complaints of discrimination have never been received.

### Education

16 Tokelau children and young people have access to free education. Primary, senior secondary and foundation tertiary education is provided on each atoll. Ensuring the ongoing quality of education remains a challenge because of Tokelau's remoteness, small population and difficulties around recruiting and retaining trained teaching staff. In October 2019, the Government of Tokelau approved a major shift in strategic direction by adopting New Zealand's National Certificate of Educational Achievement (NCEA) qualification as Tokelau's secondary school qualification. Since then Tokelau has developed a new curriculum which was rolled out in 2022, and began implementation of the new NCEA Level 1 achievement standards in 2023.

### Health

17 Tokelau is committed to quality health services and education facilities for its people. Hospital facilities have been upgraded and increasing emphasis is being given to primary health care efforts. Rates of non-communicable diseases and lifestyle-related illnesses are high and remain the main health challenge in Tokelau.

18 Following an independent review in 2019 of Tokelau's healthcare system and patient referral scheme, Tokelau is implementing a new health-strengthening strategy. In line with our shared aspirations for Tokelau's self-determination, Tokelau has led its response to the management of COVID-19 including the requirement for, and the rollout of, COVID-19 vaccines.

### Fair Trial

19 Tokelau has its own criminal code set out in the Crimes, Procedure and Evidence Rules 2003. Tokelau's 2008 Handbook for the Law Commissioners of Tokelau, includes the main human rights documents of relevance to Tokelau (Children and Young People and Persons with Disabilities). Police and Law Commissioners (local

lay judges with limited jurisdiction) are receiving ongoing training to enhance their familiarity with these documents and strengthen the justice system within Tokelau.

### **III. Identification of achievements, best practices, challenges and constraints**

20 In 2003 the *General Fono* outlined *Human Rights Rules* for Tokelau, which were incorporated as Article 16 of Tokelau's Constitution endorsed by the *General Fono* following the second referendum in 2007. The *Principles of Partnership* between Tokelau and New Zealand signed in 2003 provide a platform for Tokelau's constitutional development.

21 As noted above, Tokelau faces a range of challenges to fully realising human rights in the areas of health and education, including from the lack of economies of scale inherent in small, isolated atoll communities. Human resource constraints are an ongoing issue and Tokelau faces the challenge of retaining skilled teachers and medical practitioners on its atolls.

22 Tokelau also faces a fundamental question regarding the interaction between law and custom, particularly of the challenge inherent in reconciling socially known codes based in oral traditions with written law. A similar question involves reconciling the imported notion of individuality, as it is promoted in human rights principles, with the Tokelauan emphasis on collectivity and community.

### **V. Capacity Building**

23 Core capacity needs in Tokelau include attracting and retaining trained teachers and medical personnel, improving core infrastructure for the people of Tokelau, and strengthening governance. New Zealand remains committed to developing capacity in all these areas, which comprise a key part of its development assistance to Tokelau.

## **ANNEX 2: Overarching Themes from Public Submissions on Draft UPR 2024 National Report**

- 1 The Ministry of Foreign Affairs and Trade (MFAT) ran public consultations on the draft UPR National Report from 3-31 July 2023. The draft National Report, approved for public consultation release by Cabinet, was posted on MFAT's website and advertised on MFAT's social media accounts. Links to the report were emailed to participants of the March-May 2023 public engagement meetings, in addition to other agencies for distribution.
- 2 Consultations were open ended. The public was invited to email submissions to a dedicated MFAT address. The public were also reminded that submissions could be made to the UN for New Zealand's 4<sup>th</sup> UPR as well.
- 3 MFAT received 23 submissions, of which 10 were from organisations and 13 were from individuals.
- 4 Overall, strong themes emerging from these submission were:
  - Concerns about unequal outcomes for Māori and inequities affecting Māori communities, particularly in education, health, work opportunities and the criminal justice system;
  - Concerns about racism, including institutional racism in the public service, racism towards ethnic communities, delays in developing the National Action Plan on Racism, hate speech amendments, and progress implementing Employment Action Plans, including for Pacific Peoples. Concerns were also raised about 'reverse racism', including that new legislation gives more rights to Māori citizens and that no race should have more benefits and privileges than another;
  - New Zealand's Human Rights Infrastructure, including that the Bill of Rights Act 1990 be entrenched, requests for more information on the status of decisions to ratify or remove reservations to international human rights legal instruments, UNDRIP implementation and progress to develop a National Reporting Mechanism web-based monitoring tool;
  - Concerns about discrimination, including concerns about stagnant wage and salaries for disabled earners and inequity in employment and access for disabled people;
  - Migrants, refugees and asylum seekers, including that New Zealand should do more to welcome migrants, make it easier for skilled migrants to work, make migrants feel like equal members of society, improve implementation of the Refugee Family Support Category Tier 2 and asylum seeker service access;
  - Climate Change, including the right to a healthy environment;
  - Housing availability suitable for disabled people including public housing;
  - Criminal Justice System concerns, including the overrepresentation of Māori, meeting disabled people's needs in the justice system, that children (particularly over-represented Māori and Pacific youth) in state care frequently enter the criminal justice system, and that improvements to Legal Aid were insufficient;

- Rights of Women, including concerns about the gender pay gap particularly in the health sector, and requests that sexual and reproductive health and rights issues, and progress to address sexual and family violence including the Sexual Violence Legislation Act 2020, be included in the report;
- Rights of Children, particularly concerns about overrepresentation of Māori and Pacific youth in state care including abuse in state care, outcomes of the Royal Commission of Inquiry into Abuse in Care including redress mechanisms for survivors, concerns about Oranga Tamariki advocacy and monitoring legislation, and the right of children to receive New Zealand Sign Language education;
- Rainbow Rights, including access to community health care, that Changes to Births, Deaths, Marriages and Relationship Registration Act 2021 were not available to people born outside New Zealand/non-citizens, and appropriate terminology for intersex references in the report;
- Disability Rights, including concerns about access to disability support services, the work of family caregivers, and the Accessibility for New Zealanders Bill;
- Health, particularly addressing lower Māori health outcomes, the competency of New Zealand Sign Language providers in medical settings, and the perceived overreach of the state in dealing with the COVID-19 pandemic; and
- Education, including continued disparities in academic achievement between Māori and non-Māori and calls for a continued education system response, the availability of Kura Kaupapa Māori throughout New Zealand, instruction on international humanitarian law in the school curriculum, concerns about quality of instruction on relationships and sexuality education, recovering lost learning from the COVID-19 pandemic, addressing bullying, and acknowledgement of support for Pacific bilingual education to help the achievement of Pasifika students.

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<sup>i</sup> 2019 UPR Recommendations 35-42, 49.

<sup>ii</sup> Te Kāhui Tika Tangata Human Rights Commission is New Zealand's National Human Rights Institution.

<sup>iii</sup> 2019 UPR Recommendation 57.

<sup>iv</sup> 2019 UPR Recommendations 35-40, 43-49.

<sup>v</sup> 2019 UPR Recommendations 1, 5, 10, 18, 19, 21, 26.

<sup>vi</sup> International Covenant on Civil and Political Rights; International Covenant on Economic, Social and Cultural Rights; International Convention on the Elimination of All Forms of Racial Discrimination; Convention on the Elimination of All Forms of Discrimination Against Women; Convention on the Rights of the Child; Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and the Convention on the Rights of Persons with Disabilities.

<sup>vii</sup> 2019 UPR Recommendations 1, 18-22.

<sup>viii</sup> 2019 UPR Recommendations 41, 43-48.

<sup>ix</sup> The Christchurch Call, [Home | Christchurch Call](#)

<sup>x</sup> 2019 Recommendation 59.

<sup>xi</sup> Iwi: **(noun)** extended kinship group, tribe, nation, people, nationality, race - often refers to a large group of people descended from a common ancestor and associated with a distinct territory.

<sup>xii</sup> National Iwi Chairs Forum: a national tribal organisation.

<sup>xiii</sup> Aotearoa: **1. (location)** North Island - now used as the Māori name for New Zealand.

<sup>xiv</sup> 2019 UPR Recommendation 80-81.

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- xv 2019 UPR Recommendations 71-79.
- xvi [UNHCR, the United Nations High Commissioner for Refugees](#). Also known as the UN Refugee Agency.
- xvii The Review was conducted by Victoria Casey KC (King's Counsel).
- xviii 2019 UPR Recommendations 54-56.
- xix 2019 UPR Recommendations 90-92.
- xx 2019 UPR Recommendations 60-68.
- xxi Data source: [Prison statistics | Department of Corrections](#). New Zealand's estimated Māori ethnic population was 17.4% of the national population, 30 June 2022. Source: [www.stats.govt.nz](#).
- xxii [https://www.corrections.govt.nz/resources/strategic\\_reports/corrections\\_strategic\\_plans/hokai\\_rangi](https://www.corrections.govt.nz/resources/strategic_reports/corrections_strategic_plans/hokai_rangi)
- xxiii 2019 UPR Recommendation 69.
- xxiv 2019 UPR Recommendations 164-183.
- xxv The Waitangi Tribunal is a standing commission of inquiry. It makes recommendation on claims brought by Māori relating to legislation, policies, actions or omissions of the Crown that are alleged to breach the obligations under the Treaty of Waitangi/Te Tiriti o Waitangi. Findings are not binding.
- xxvi [New Zealand Parliament \(www.parliament.nz\)](#)
- xxvii 2019 UPR Recommendations 50, 82-88.
- xxviii New Zealand ranked fourth in the World Economic Forum's 2022 Global Gender Gap Report, [https://www3.weforum.org/docs/WEF\\_GGGR\\_2022.pdf](https://www3.weforum.org/docs/WEF_GGGR_2022.pdf).
- xxix Manatū Wāhine Ministry for Women, [2022 Stocktake of Gender, Māori, Pacific and Ethnic Diversity on Public Sector Boards and Committees](#).
- xxx Te Kawa Mataaho Public Service Commission, [2023 Workforce data](#).
- xxxi The 53<sup>rd</sup> Government (2020-2023) was the most diverse parliament to be elected with several women, Māori and LGBTQIA+ Members; ['New Zealand cabinet reaches gender parity for first time | New Zealand | The Guardian](#)
- xxxii <sup>[1]</sup> NZX, [Gender Diversity Statistics, July 2022](#)
- xxxiii [What's my Gender Pay Gap? | Ministry for Women \(www.women.govt.nz\)](#).
- xxxiv 2019 UPR Recommendations 105-146.
- xxxv The Family Violence Act 2018 renamed the earlier Family and Whānau Violence Legislation Bill referred to in several 2019 UPR Recommendations, such as Recommendation 139.
- xxxvi Te Puna Aonui/ The Joint Venture for Family Violence and Sexual Violence comprises: Accident Compensation Corporation, Department of Corrections, Ministry of Education, Ministry of Health, Ministry of Justice, Ministry of Social Development, New Zealand Police, Public Service Commission, Ministry for Children and Te Puni Kōkiri/[Ministry of Māori Development](#). Its four associate agencies are: Department of Prime Minister and Cabinet, Ministry for Women, Ministry of Pacific Peoples and Ministry for Ethnic Communities.
- xxxvii 2019 UPR Recommendation 96.
- xxxviii 2019 UPR Recommendations 147-155.
- xxxix Population data at December 2022, <https://infoshare.stats.govt.nz/>
- xl <https://www.Child and Youth Wellbeing Strategy .govt.nz/>
- xli [Oranga-Tamariki-Action-Plan.pdf \(orangatamariki.govt.nz\)](#)  
[Implementing the Oranga Tamariki Action Plan](#)
- xlii Children's agencies: Oranga Tamariki-Ministry for Children, New Zealand Police and the Ministries of Education, [Social Development](#), Health, and Justice.
- xliii Whānau: **(noun)** extended family, family group, a familiar term of address to a number of people - the primary economic unit of traditional Māori society. In the modern context the term is sometimes used to include friends who may not have any kinship ties to other members.
- xliv 2019 UPR Recommendations 143-146, 150.
- xliv 2019 UPR recommendation 101,102.
- xlvi Conversion practices encompass a broad range of practices that seek to change or suppress a person's sexual orientation, gender identity, or gender expression.
- xlvii 2019 UPR Recommendations 30, 89, 156-162

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<sup>xlviii</sup> ‘Disabled people’ is the preferred wording in New Zealand, based on the advice of disability community leaders who developed and informed the 2001 and 2016 New Zealand Disability Strategies.

<sup>xlix</sup> 2019 UPR Recommendations 93-94, 99-102.

<sup>l</sup> Our World in Data, Global Change Data Lab and University of Oxford.

<sup>li</sup> *Covid-19: Māori and Pasifika hospitalised more than other ethnic groups - new data* | RNZ News, accessed 29/08/2023, [www.rnz.co.nz/news](http://www.rnz.co.nz/news)

<sup>lii</sup> Anglemyer A, Grey C, Tukuitonga C, et al. 2022. “Assessment of ethnic inequities and subpopulation estimates in COVID-19 vaccination in New Zealand.” JAMA Network Open 5(6): e2217653-e2217653.

<sup>liii</sup> *Grounded Kiwis Group Incorporated v Minister of Health* [2022] NZHC 832

<sup>liv</sup> 2019 UPR Recommendations 103, 104, 148, 161, 183.

<sup>lv</sup> Kura kaupapa Māori are state schools that operate within a whānau-based Māori philosophy and deliver the curriculum in te reo Māori.