



Human Rights
Commission
Te Kāhui Tika Tangata

2011–2014 Statement of Intent and Service Performance

Human Rights Commission
Te Kāhui Tika Tangata

The Office of Human Rights Proceedings
Te Tari Whakatau Take Tika Tangata



Human Rights
Commission
Te Kāhui Tika Tangata

Contact the Commission

Human Rights Commission InfoLine

If you have a human rights enquiry or discrimination complaint, call:

0800 496 877 (toll free)

TXT 0210 236 4253

Fax 09 377 3593 (attn: InfoLine)

Email infoline@hrc.co.nz

Language Line and New Zealand Sign Language interpreter available

www.hrc.co.nz

Tāmaki Makaurau – Auckland

Level 4 Tower Centre, 45 Queen Street

PO Box 6751, Wellesley Street, Tāmaki Makaurau Auckland 1141

Waea/telephone 09 309 0874

Waea whakāhua/fax 09 377 3593

Te Whanganui ā Tara – Wellington

Level 1 Vector Building, 44-52 The Terrace

PO Box 12411, Thorndon, Te Whanganui ā Tara Wellington 6144

Waea/telephone 04 473 9981

Waea whakāhua/fax 04 471 6759

Ōtautahi – Christchurch

Level 2 Plan B Building, 9 Baigent Way

PO Box 1578, Ōtautahi Christchurch 8140

Waea/telephone 03 379 2015

Waea whakāhua/fax 03 353 0959

Office of Human Rights Proceedings

Te Tari Whakatau Take Tika Tangata

Email ohrp@ohrp.org.nz

PO Box 6751, Wellesley Street, Auckland 1141

ISSN: 1175-4303 (online)

Published May 2011

Aotearoa New Zealand



This work is licensed under the Creative Commons Attribution 3.0 New Zealand License.
To view a copy of this license, visit <http://creativecommons.org/licenses/by/3.0/nz/>.

Contents

Foreword	2
Values	4
Strategic context	5
Part A	8
The Human Rights Commission	8
The Commission's priorities	12
Commission outcomes, impacts and measures	14
Outcome areas	16
1 The human rights environment	17
2 Disabled people	21
3 Race relations	24
4 Equal employment opportunities	27
5 Te Mana i Waitangi	30
Organisational health and capability	32
Part B	34
Forecast statement of service performance	34
Forecast financial performance	45

Foreword

Mihi

The difficult economic environment and the continuing impact of the Christchurch earthquakes have highlighted the critical importance of human rights protections and some of the weaknesses that remain a feature of New Zealand's human rights arrangements.

In Christchurch, the earthquakes not only killed people and seriously injured others, but destroyed homes, businesses and livelihoods, forced people to move or be moved and undermined basic necessities of life, in particular, access to clean water and sanitation. The immediate response to such a disaster constrains people's freedom of movement and restricts other civil and political rights. Without great care, the recovery processes may exacerbate existing inequalities and further marginalise already disadvantaged people.

The Human Rights Commission's work programme for 2011 to 2014 recognises the human rights dimensions of the Christchurch earthquakes, the consequences of the weak economic outlook, the constrained national economy, and the effects of international unrest and conflict.

In identifying priorities for 2011, the Commission has taken account of the challenging environment. It has drawn on the evidence provided by *Human Rights in New Zealand 2010 – Ngā Tika Tangata o Aotearoa*, which maps how well human rights have been promoted, protected and implemented over the last five years.

Human Rights in New Zealand 2010 – Ngā Tika Tangata o Aotearoa confirmed that New Zealand continues to meet and often surpasses human rights standards in many respects. It acknowledged steady improvements since 2004, while warning that some of the gains are threatened, and recorded areas where there has been deterioration. It clearly shows there is no room for complacency and that New Zealand continues to face serious human rights challenges. They are, however, challenges that can be met where there is political will and strong civil society commitment and engagement.

This Statement of Intent is divided into five outcome areas and a section on organisational health and capability. The five outcome areas are the Human rights environment; rights of Disabled people; Race relations; Equal employment opportunities; and Te Mana i Waitangi. The activities and services planned will contribute to strengthening New Zealand's constitutional and legal framework; tackling entrenched inequalities and systemic structural discriminations; and more explicitly and effectively implementing civil and political, economic, social and cultural rights.

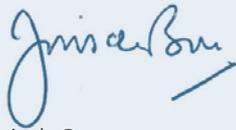
Particular attention will be paid to monitoring developments in Christchurch across all areas of the work programme, as part of the Commission's strong focus on better protecting the rights of disabled people and of other groups of people who are particularly vulnerable to human rights abuses.

This year will be challenging for the Human Rights Commission as it works to secure its financial sustainability beyond 2013; while, through high quality services, meeting both its statutory functions and the international standards, required for continuing "A" accreditation as a national human rights institution (NHRI).

It will also be a period of significant change with a new Human Rights Commissioner with responsibility for disability issues and a new Chief Commissioner taking up appointments early in the year.



Rosslyn Noonan
Chief Commissioner
Te Amokapua



Joris de Bres
Race Relations Commissioner
Kaihautū Whakawhanaunga ā Iwi



Dr Judy McGregor
EEO Commissioner
Kaihautū Ōriteanga Mahi



Karen Johansen
Commissioner
Kaihautū



Jeremy Pope
Commissioner
Kaihautū



Richard Tankersley
Commissioner
Kaihautū

Values

He uara

Hūtia te rito o te harakeke, kei hea te kōmako e kō?
 Kī mai ki au, He aha te mea nui?
 Māku e kī atu. He tangata, he tangata, he tangata.

Take the heart from the flax bush and where would the bellbird sing?
 Ask what is the greatest thing?
 I will tell you. It is people, people, people.

The Human Rights Commission is committed to promoting and protecting universal human rights, and will reflect those rights in everything it does.

The Commission seeks to be:

Accessible: The Commission listens to, respects and responds to all people it comes into contact with. It is committed to removing barriers to its services.

Relevant: The Commission works to improve understanding and enjoyment of universal human rights and harmonious relations in ways that are meaningful to New Zealanders and New Zealand communities.

Strategic: The Commission takes a strategic, evidence-based approach to carrying out its functions.

Independent: The Commission ensures that it is independent, transparent and accountable in carrying out its functions.

Credible: The Commission's reputation and credibility are built upon its integrity, expertise, professionalism and the quality of its work.

The Commission:

Values diversity: The Commission respects the dignity of every person. It celebrates diversity, difference and open-mindedness, and recognises the plurality of views and perspectives held by New Zealanders.

Respects tangata whenua: The Commission values and respects, in its work and its ways of working, the place of tangata whenua in New Zealand

Honours the Treaty of Waitangi: The Commission values and respects, in its work and its ways of working, the Treaty of Waitangi as the founding document of the nation.

Works with others: The Commission works in partnership and cooperation with government, iwi, business, unions, community organisations and individuals to achieve shared goals.

Strategic context

Te mahinga taiao o te Kāhui Tika Tangata

The international environment

In the early months of 2011, the international environment has been characterised by national disasters, persistent economic problems, and the struggle for democracy and human rights in the Middle East and North Africa. Around the world, youth unemployment has been a factor in those countries where unrest has been most intense.

The impact of the natural disasters, and the weak global economy, on the lives of millions of people worldwide has highlighted the importance of adopting a human rights approach in responding to the crises. The situation in the Arab world has demonstrated, yet again, that there can be no lasting stability or peace where fundamental civil and political, as well as economic, social and cultural rights are denied.

New Zealand, with its small, trade-dependent, open economy is vulnerable to such international events and, therefore, has a direct interest in their outcomes.

Developments in its Pacific neighbourhood have particular significance. Recognition of the centrality of human rights to human security and sustainable development is increasing throughout the Pacific. The Commission's expertise continues to be sought by Pacific states, seeking to more effectively integrate human rights into their work, and by NHRIs in the Asia-Pacific region.

Internationally, there is growing acknowledgement that conflict and human rights violations at the national level may trigger international responsibility to protect the victims and action to prevent further violations. Increasing demands are therefore being made on NHRIs, not only to monitor and identify national human rights situations that will undermine peace and sustainable development, but also to advise governments and civil society to develop human rights-compliant solutions. The Plan of Action to Implement the Joint Declaration for an Association of South East Asian Nations ASEAN-New Zealand envisages the New Zealand Commission contributing to good governance and human rights promotion throughout the region.

Further, during the 2010–11 process of the United Nations Human Rights Council Review, a number of proposals were agreed that provide greater and more effective opportunities for the participation of "A" accredited national institutions in the work of the Council and its associated bodies. Last year, at the UN Permanent Forum of Indigenous Peoples, NHRIs were granted distinct status and participant rights separate from those of government and non-government organisations (NGOs). Discussions are beginning for that status to apply throughout all United Nations bodies. The independent status being accorded NHRIs reflects recognition that international structures require authoritative, robust information and analysis on domestic human rights issues. The expectation is that NHRIs will increasingly contribute from their practical experience at the national level to the continuing development of international human rights standards and jurisprudence.

An increased focus on the impact of the business sector on the realisation of people's human rights has been another significant feature of work by both the United Nations and the OECD over the past year. Professor John Ruggie, the UN General-Secretary's Special Representative on human rights and transnational business has completed a six-year programme with the publication of a set of Guiding Principles for Business and Human Rights. These provide, for the first time, an authoritative global standard for preventing and addressing the risk of adverse human rights impacts linked to business activity. The UN Human Rights Council will consider formal endorsement of the text at its June 2011 session.

The guiding principles outline how States and businesses should implement the UN "Protect, Respect and Remedy" Framework in order to better manage business and human rights challenges. That framework, which Professor Ruggie proposed in 2008, was unanimously adopted by the UN Human Rights Council at the time, and has since enjoyed extensive uptake by international and national governmental organisations, businesses, NGOs and other stakeholders.

The guiding principles highlight what steps States should take to foster business respect for human rights; provide a blueprint for companies to know and show that they respect human rights, and reduce the risk of causing or contributing to human rights harm; and constitute a set of benchmarks for stakeholders to assess business respect for human rights.

NHRIs, through their global organisation the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), contributed significantly to the development of the framework and the guiding principles. Those principles make reference to the potential responsibilities of NHRIs in relation to all three pillars of the UN framework.

For the first time, the OECD will include a chapter on human rights, based on the UN Framework and Guiding Principles, in its review of the OECD Guidelines for Multinational Enterprises.

The challenge for NHRIs is to consider how – with their broad human rights mandates, unique Paris Principles-based responsibilities and generally modest resources – to work effectively with governments and support business and employers' organisations, trade unions, indigenous peoples, non-governmental organisations and grass-roots civil society to build societies that respect, protect and fulfil human rights, at every level and in every sector.

The New Zealand environment

Two major earthquakes in Christchurch within a few months of each other have caused a tragic loss of life, injured many and destroyed or damaged whole sections of the city. Significant numbers of people were without secure shelter, clean water and safe sanitation – the most basic essentials for life. Many businesses have been shattered, with their owners and workers facing an uncertain future. People have had to relocate. In some cases, those in residential care have been involuntarily moved to other centres, including to the North Island.

When combined with already constrained economic circumstances, the huge rebuilding that Christchurch requires will, of necessity, shape government priorities and dominate government resource allocation. This will have consequences for people in other parts of New Zealand, particularly as a result of the impact of the provision of public support and services.

In such a situation, human rights standards are the essential foundation for a fair and just recovery programme and for balancing of rights, responsibilities and resource allocation throughout other areas, sectors and regions of New Zealand.

Human rights challenges

In 2010, the Commission completed the second, comprehensive review of how well human rights are recognised and respected in New Zealand. *Human Rights in New Zealand 2010 – Ngā Tika Tangata o Aotearoa* confirms that the international human rights framework has a welcome and growing visibility in government and among some sectors of New Zealand society. In the last five years, there have been three new international human rights instruments of direct interest to New Zealand: the Optional Protocol to the Convention against Torture; the Convention on the Rights of Persons with Disabilities; and the Declaration on the Rights of Indigenous Peoples. Ratification by New Zealand of the first two has already had an effect on the well-being of disabled people and of those held in detention. Ratification has served to raise expectations among different communities about their implementation.

Human Rights in New Zealand 2010 – Ngā Tika Tangata o Aotearoa also reveals increasing references to human rights and specific covenants and conventions in New Zealand law. But for the most part, these continue to be ad hoc and there is still no comprehensive incorporation of ratified treaties in New Zealand's domestic law.

In assessing New Zealand's human rights performance against the civil and political, economic, social and cultural rights proclaimed in the Universal Declaration of Human Rights, the Commission summarises New Zealand's most pressing human rights issues as:

- Lack of participation and lack of representation that fairly reflects the diversity of New Zealand society, and are barriers to the development of sustainable economic and social policy. They also contribute to alienation, marginalisation and ultimately conflict.
- Poverty, entrenched inequalities and structural discrimination, which continue to severely limit the ability of significant numbers of young people to develop and achieve to their full potential, particularly Māori, Pacific and disabled people.
- The persistence of violence, bullying and harassment, which constitutes one of the most difficult and intractable human rights challenges New Zealand faces.

Uncertainty about the place of the Treaty of Waitangi in New Zealand's constitutional arrangements and the lack of any comprehensive legal protection of human rights are also identified as pressing human rights issues.

However, it is also clear that, even when there are supportive laws and policies, the extent to which people enjoy their human rights in their everyday lives depends on the extent to which other people reflect basic human rights principles and values in their behaviours and practices. This includes family members, whānau, neighbours, friends, work colleagues, service providers and government officials.

The Commission's focus

The Commission has based its work programme for 2011–2014 on the evidence provided by *Human Rights New Zealand 2010 – Ngā Tika Tangata o Aotearoa*.

The Commission is extending some elements of its programme and introducing new initiatives to address the most pressing human rights issues. The new initiatives include Tūhonohono, a bilingual kaupapa Māori human rights community development programme; an inquiry into employment issues in the aged-care sector; and one into institutional barriers to the elimination of entrenched social and economic inequalities between ethnic groups in New Zealand. The programme to strengthen the realisation of human rights of disabled people is also being extended.

The Commission's approach emphasises the contribution government agencies, businesses, trade unions, community groups and organisations can make to strengthen the realisation of human rights.

The Commission will work to:

- build greater knowledge, respect for and realisation of human rights and responsibilities; and foster application of human rights standards in law, policy and practice
- improve disabled people's well-being through encouraging implementation of provisions of the Convention on the Rights of Persons with Disabilities
- increase harmonious race relations, through greater participation and a reduction in inequalities
- reduce barriers to employment and more inclusive workplaces through an increased use of equal opportunities policies, practices and programmes
- improve understanding of the Treaty and the participation of Māori through application of indigenous rights in Crown-tangata whenua relationships.

Part A:

The Human Rights Commission

Te Kāhui Tika Tangata

The Commission's purpose and functions

The Human Rights Commission works for a fair, safe and just society, where diversity is valued, human rights are respected, and everyone is able to live free from prejudice and discrimination.

The Human Rights Commission's statutory functions are set out in the Human Rights Act 1993 to:

- advocate and promote respect and an understanding and appreciation of human rights in New Zealand
- encourage the maintenance and development of harmonious relations between individuals and among the diverse groups in New Zealand
- lead, evaluate, monitor and advise on equal employment opportunities
- provide an enquiries and complaints service and legal representation through the Office of Human Rights Proceedings.

Roles and functions

The Human Rights Act sets out the Commission's functions and related responsibilities, which include:

- advocating for human rights
- conducting human rights programmes and activities
- making public statements on human rights and race relations issues
- promoting understanding of the human rights dimensions of the Treaty of Waitangi
- publishing guidelines and voluntary codes of practice
- receiving and inviting public representations on human rights
- consulting and cooperating with other organisations
- inquiring into infringements of human rights
- bringing proceedings and intervening in court proceedings
- reporting to the Prime Minister on human rights compliance, international standards and legislation
- developing a national plan of action for human rights.

Decisions about which functions and related responsibilities are most appropriate and effective are influenced by the experience of working with a wide range of individuals and groups, the development of an evidential base and use of empirical data, as well as a rigorous legal analysis, and the Commission's knowledge of international good practice.

Responsibilities as New Zealand's National Human Rights Institution

The Commission holds "A" status accreditation as an NHRI, which is the prerequisite for recognition by the United Nations. NHRIs have distinct responsibilities in the international human rights framework, which include the requirement to provide information to treaty bodies and special procedures on the State's human rights performance, to assist in the making of informed recommendations.

The accreditation, reviewed every five years, requires each NHRI to comply fully with the standards set out in the United Nations' Paris Principles (UN General Assembly Resolution 48/134 20 December 1993, annex). These specify that a NHRI must have:

- a clearly defined and broad mandate, based on universal human rights standards
- independence guaranteed by legislation or the constitution
- autonomy from government
- pluralism, including membership that broadly reflects society
- adequate powers of investigation
- power to advise and make recommendations to government, parliament and any other bodies
- sufficient resources provided by the State.

The Commission is subject to re-accreditation under the Paris Principles during 2011. The process assesses the legislative and regulatory framework in which the Commission operates, whether government funding is sufficient to enable it to carry out its functions, and the extent to which the Commission is meeting those requirements in practice. It amounts to an international performance review.

The Commissioners

The Human Rights Act (HRA) provides for the positions of Chief Commissioner, Equal Employment Opportunities Commissioner, Race Relations Commissioner, up to five part-time human rights commissioners and the Director of Human Rights Proceedings. The commissioners and the director are required by the HRA to act independently. All commissioners are responsible for overseeing the Commission's statutory functions, including setting strategic priorities and for leading activities in their respective areas of responsibility.

Chief Commissioner Rosslyn Noonan, Race Relations Commissioner Joris de Bres and Equal Employment Opportunities (EEO) Commissioner Judy McGregor have a range of additional statutory functions. The Chief Commissioner chairs the Commission jointly with the EEO and Race Relations Commissioners, in their areas of designated functions, and has overall responsibility for the activities of the Commission and for the administration of the Office of Human Rights Proceedings. Acting jointly with the Chief Commissioner, the Race Relations Commissioner is responsible for providing leadership and advice to the Commission on race relations matters. Acting jointly with the Chief Commissioner, the EEO Commissioner is responsible for the provision of advice, evaluation through benchmarks, developing guidelines, monitoring progress and liaising with others to progress equal employment opportunities. The EEO Commissioner also has responsibility to provide guidance to Crown entities on their "good employer" obligations under the Crown Entities Act 2004. The Chief Commissioner and EEO Commissioner are jointly designated as lead commissioners for disability rights, pending appointment of a new part-time commissioner in 2011 to focus on the rights of disabled people. The part-time commissioners have responsibility for a range of activities in accordance with their areas of expertise and the Commission's strategic direction. Commissioner Karen Johansen has a focus on the Tairāwhiti, Treaty of Waitangi and right to education. Commissioner Jeremy Pope focuses on accountability, the rights to

an adequate standard of living, Treaty of Waitangi issues and issues in criminal law. Commissioner Richard Tankersley focuses on the South Island, disability issues, Māori communities, sexual minorities and interfaith issues.

Office of Human Rights Proceedings – Te Tari Whakatau Take Tika Tangata

The Office of Human Rights Proceedings (OHRP) was established by the Human Rights Act 1993 and it is an independent part of the Commission. It is headed by the Director of Human Rights Proceedings, who is responsible to the Chief Commissioner. The director decides whether to provide legal representation for people who have complained of breaches of the HRA. Those proceedings are heard at the Human Rights Review Tribunal. The director may also appear for the Human Rights Commission before the Tribunal. The director has functions under the Privacy Act 1993, which include issuing proceedings in cases referred by the Privacy Commissioner and intervening in Privacy Act cases before the Tribunal.

The key activities of the OHRP and the relevant reporting measures are included in the Forecast Statement of Service Performance.

Foundations of the Commission's work

The foundations for the Commission's work are the international human rights standards, the Treaty of Waitangi, the Paris Principles 1993, the Human Rights Act 1993 and the New Zealand Bill of Rights Act 1990. The Commission's five yearly review of human rights in New Zealand, *Human Rights in New Zealand 2010 – Ngā Tika Tangata o Aotearoa*, provides the evidential base for its work. Priorities are identified from a national plan of action that the Commission has a statutory obligation to develop.

Human Rights Commission



Human rights foundations

- Treaty of Waitangi 1840
- New Zealand Bill of Rights Act 1990
- United Nations Paris Principles 1993
- Human Rights Act 1993
- International human rights covenants, conventions and declarations

Areas of work

- Human rights environment
- Disabled people
- Race relations
- Equal employment opportunities
- Te Mana i Waitangi

Approaches

- Encouraging community action
- Monitoring, reporting and advocacy
- Enquiries, complaints and legal interventions

In cooperation with

- Parliament and executive
- MPs and political parties
- Judiciary
- Business and unions
- Iwi, hapū and whānau
- Communities, including ethnic communities
- Media and internet communities
- NGOs
- Local government
- Other civil society
- International communities
- Government agencies

The Commission's approach

The Commission tackles systemic issues, prioritising those affecting people who are most vulnerable to human rights violations. The Commission approaches its work by encouraging community action, monitoring, reporting and advocacy, handling enquiries and complaints, and undertaking legal interventions.

The Commission applies the human rights approach in all aspects of its work. The human rights approach, developed internationally and adapted for New Zealand by the Human Rights Commission, requires:

- linking of decision-making at every level to human rights standards set out in the relevant human rights covenants and conventions
- identification of all relevant human rights involved and a balancing of rights, where necessary prioritising those of the most vulnerable people, to maximise respect for all rights and rights holders
- an emphasis on the participation of individuals and groups in decision-making that affects them
- non-discrimination among individuals and groups through equal enjoyment of rights and obligations by all

- empowerment of individuals and groups by their use of rights as leverage for action and to legitimise their voice in decision-making
- accountability for actions and decisions, which enables individuals and groups to complain about decisions that affect them adversely.

The Commission's areas of work

The Commission structures its work across five outcome areas that reflect the priorities identified in the review of *Human Rights in New Zealand 2010 – Ngā Tika Tangata o Aotearoa*.

- **Te taiao tika tangata – The human rights environment**
Human rights standards are fully incorporated in New Zealand law and barriers to equality, and discrimination are eliminated in all areas of society so that human rights are protected.
- **Te hunga hauā – Disabled people**
Systemic discrimination and inequalities are eliminated, so disabled people report they live in a fair and just society, they participate fully, their contributions are acknowledged and they are respected for who they are.
- **Whakawhanaungatanga ā iwi – Race relations**
Relations between diverse ethnic and cultural groups are harmonious and underpinned by the equal enjoyment of human rights, mutual respect and a shared sense of belonging to Aotearoa New Zealand.
- **Ōritenga mahi – Equal employment opportunities**
Barriers to equal employment opportunities for vulnerable groups are eliminated so all people in New Zealand enjoy access to decent and productive work and fairness in the workplace.
- **Te mana i Waitangi – Human rights and the Treaty of Waitangi**
The human rights dimensions of the Treaty of Waitangi are understood, the rights of Māori as indigenous people are realised and human rights are enjoyed equally by all New Zealanders.

Improving efficiency and effectiveness

To deliver on its statutory mandate and provide services as efficiently and effectively as possible, the Commission undertakes:

- programmes to build staff and organisational capability
- regular reviews of systems, policies and processes
- targeted project and activity evaluations.

Accountability

The Commission reports to the Minister of Justice three times a year and to Parliament annually against its Statement of Service Performance. The Minister is informed of all the major activities. Briefings are also offered to other relevant ministers, to the leaders of all parliamentary parties and to parliamentary select committees. Specifically, the Commission ensures the Minister is fully briefed on all matters relating to financial accountability, advises the Minister on major projects or events, and ensures the Minister's office receives copies of all reports and other published documents. When the Minister requests specific information, the Commission undertakes to provide it promptly.

The Commission is committed to high levels of public accountability and to a constructive working relationship with government and the wider New Zealand community – a relationship in which the Commission's independence is respected and valued.

International engagement

The Commission is a member of the Asia Pacific Forum of National Human Rights Institutions (APF) and of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC).

This membership enables the Commission to build its professional capacity through sharing of good practice. Membership of the APF also supports the Commission's role in building human rights in the region. Membership of the ICC supports and facilitates the Commission's engagement with the UN Human Rights Council and its reporting to treaty bodies and the Universal Periodic Review.

The Commission's priorities

Ngā mahi tuatahi a te Kāhui

The Commission's vision

The vision that the Commission is seeking to achieve, in cooperation with others, is:

As the foundation for a fair, safe and just society, New Zealanders know their rights, acknowledge their responsibilities and respect the rights of others.

Outcome areas

The Commission's work is grouped into five outcome areas. For each area, a long-term outcome is stated, with priorities and intermediate impacts towards this goal specified. None of the outcomes can be achieved by the Commission alone; all require engagement with and action by others.

The Commission provides an enquiries and complaints service, litigates on human rights, and monitors draft legislation and policy initiatives across all of its five outcome areas.

These outcome areas represent the Commission's core business, as determined by its statutory functions, and reflect the evidence from *Human Rights in New Zealand 2010 – Ngā Tika Tangata o Aotearoa*, the Commission's updated analysis identifying the most pressing current human rights issues in New Zealand.

Priorities

The Commission has to focus its efforts on those activities that are likely to make the greatest contribution to achieving the outcomes. Every year, the Commission reviews the critical human rights issues and its chosen priorities under each outcome area, to ensure that it remains focused on the right goals. This year, there are 17 priorities.

The following section, Outcome Areas, outlines the outcomes and priorities, why the Commission judges them to be important, and their expected impacts and measures.

The Commission's approach to its statutory responsibilities has three broad elements: encouraging community action; monitoring, reporting and advocacy, and enquiries, complaints and legal interventions. The Statement of Service Performance groups the specified priorities under these three headings or output areas.

Contribution to other government outcomes

Human rights underpin New Zealand's system of government and New Zealanders' expectations about education, health, work, personal security, equal opportunity and fair treatment. Human rights cover all areas of government activity and priorities.

As an independent Crown entity, the Commission determines its priorities and work programme independently of government.

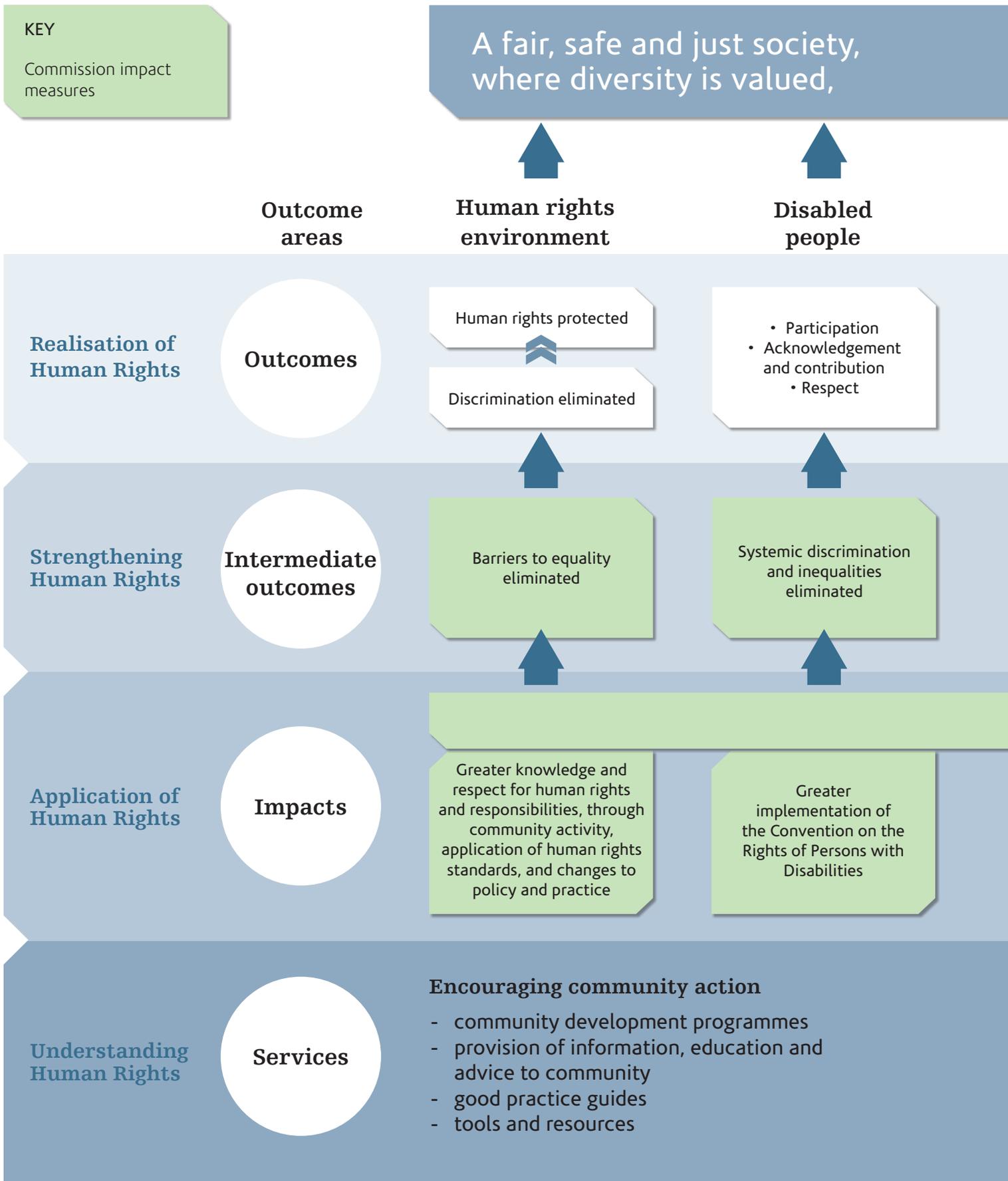
The functions and outcomes of the Commission are essential to greater prosperity, security and opportunities for all New Zealanders. The Commission's activities contribute directly to the overarching justice sector goal of a safe and just society, where communities are safer and civil and democratic rights and obligations are enjoyed. More specifically, the Commission's work relates directly and indirectly to a number of government outcomes in the justice sector, including:

- a trusted justice system
- accessible justice services
- effective constitutional arrangements
- durable settlement of Treaty claims
- being internationally connected.

The Commission also contributes to the outcomes of other government sectors, including those of health, education, social development, labour, culture and heritage, and those of the Ministry of Women's Affairs, Office of Ethnic Affairs, Te Puni Kōkiri, Ministry of Pacific Island Affairs and the Office of Disability Issues.

The following diagram shows how the Commission's outputs, in its Statement of Service Performance, contribute to the anticipated impacts, intermediate impacts and outcomes of the five outcome areas. The diagram identifies which impacts will be measured by the Commission.

Commission outcomes, impacts and measures



human rights are respected, and everyone is able to live free from prejudice and discrimination.

Race relations

Equal employment opportunities

Te Mana i Waitangi

Harmonious relations

Decent productive work and fair workplaces

Human rights enjoyed equally by all New Zealanders
 Indigenous rights recognised

- Equal enjoyment of human rights
- Mutual respect
- Shared sense of belonging

Eliminate barriers to equal employment opportunities for vulnerable groups

Human rights dimensions of the treaty understood

Application of standards in law, policy and practice

Increased harmonious race relations and a reduction in inequalities, through participant organisations in the NZ Diversity Action Programme

Reduced barriers to employment, through the Commission's inquiry into EEO issues in the aged-care sector

Improved application of the Treaty of Waitangi and participation of Māori, through increased representation in local government bodies

Monitoring, reporting and advocacy

- advice and guidance to government and civil society
- provision of analysis and information to international treaty bodies
- engagement with civil society to identify issues

Enquiries, complaints and legal interventions

- information, referral and disputes resolution service
- legal representation
- legal interventions



Outcome areas

The Commission has selected a number of key societal impact measures, which are relevant to all its outcome areas. Taken together, they provide an overview of progress towards the Commission's desired outcomes. These are not intended to be comprehensive, but are significant and representational measures from data that is readily available to assess the level of civil and political, and economic, social and cultural rights in New Zealand.

The measures that the Commission will track to assess progress nationally are:

- Improvement in the representation and voter participation rates in Parliament and local government elections of disadvantaged groups. The baseline for representation in Parliament is Māori 16 per cent, Pacific four per cent, Asian five per cent¹; and for representation in local government is Māori 4.8 per cent² and non-NZ European 6.3 per cent³. The baseline for local election voter turn-out is female 65.2 per cent, Asian 52.2 per cent, Pacific 62.5 per cent, Māori 57.6 per cent. Baseline for general election voter turn-out is female 81.1 per cent, Asian 60.7 per cent, Pacific 74.5 per cent, and Māori 74.8 per cent⁴
- Increase in rates of educational participation and achievement, from a baseline measuring the proportion of the percentage of male school leavers with NCEA Level 2 or above of 66 per cent, female of 75.8 per cent, Māori of 50.4 per cent and Pacific of 62.9 per cent⁵. Rates of educational participation and achievement for disabled people to be measured from a baseline to be anticipated in 2011⁶

- Decrease in the rates of people not engaged in education, employment or training, from a baseline among 15-24-year-olds of Māori 16.9 per cent and Pacific 14.3 per cent, among all 20-24-year-old males 12.5 per cent and among all 20-24-year-old females of 10.2 per cent⁷
- A decrease in the extent of child poverty, as measured by two (60 per cent of median after housing costs) income poverty lines, one relative and one absolute, starting from a baseline of 22 per cent in 2007⁸
- Increased understanding of the human rights dimensions of the Treaty, measured by an annual national survey, from a baseline of 39 per cent⁹.

Where data is available, these measures will be disaggregated across the population groups in the Commission's outcome areas of disabled people, ethnic minorities, women, young people, children and Māori.

The Commission will make a comprehensive qualitative and quantitative assessment including reporting against these indicators in its periodic review of *Human Rights in New Zealand – Ngā Tika Tangata o Aotearoa*. They will also be monitored in the Commission's annual race relations report (*Tūi Tūi Tuitiā – Race Relations in New Zealand*), its equality framework indicators and its biennial *Census of Women's Participation*.

In addition to these societal impacts and measures, the Commission has selected a number of measures that relate more directly to the impact of the Commission's own work. These are set out within the following five outcome areas.

1 Parliamentary Library Research Paper 2008/05 <http://www.parliament.nz/NR/rdonlyres/5C49DDB6-5058-47AA-BA07-2955B47F8005/96299/FinalResults2008GeneralElection1.pdf>.

2 Tūi Tūi Tuitiā – Race Relations in New Zealand 2007.

3 Local Government New Zealand.

4 New Zealand General Social Survey 2008.

5 The Social Report 2010.

6 Rates of educational participation and achievement of disabled people to be measured from a baseline to be made available by from the Ministry of Education, anticipated in 2011.

7 NEET (Not in Education, Employment or Training) rate as measured by the Statistics New Zealand Household Labour Force Survey 2010 and the Disability Census.

8 MSD Household Incomes in New Zealand, based on Statistics New Zealand's Household Economic Survey. A third measure based on non-monetary indicators could be used, subject to the availability of suitable time series data from the Ministry of Social Development (MSD).

9 UMR 2010.

Outcome area 1

The human rights environment

Te taiao tika tangata

The Commission shall advocate and promote respect for, and an understanding and appreciation of, human rights in New Zealand society.

Human Rights Act 1993 s.5(1)(a)

Outcomes

Human rights standards are fully incorporated in New Zealand law and barriers to equality, and discrimination are eliminated in all areas of society so that human rights are protected.

Impact

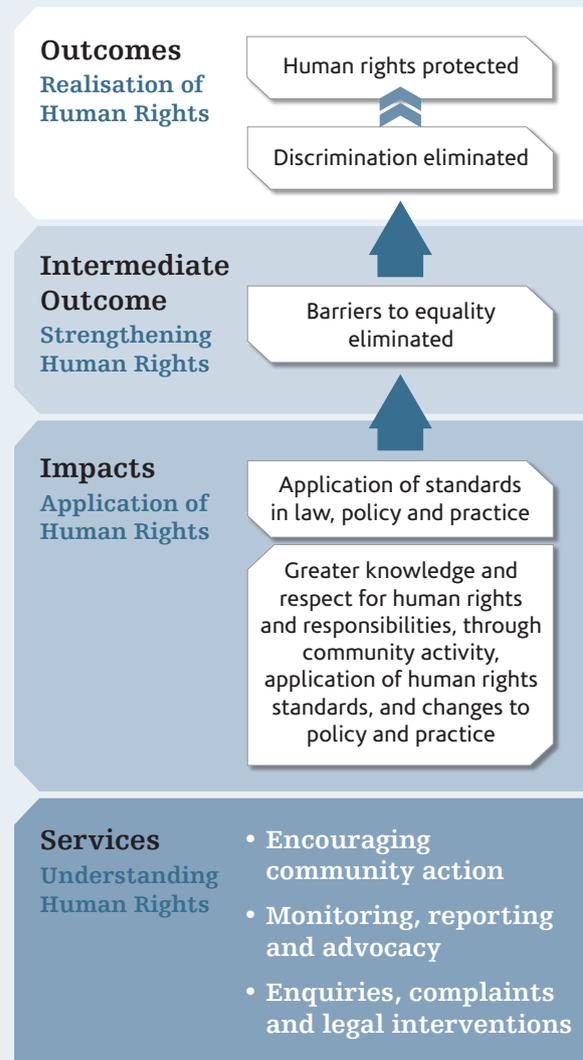
The Commission will contribute greater knowledge and respect for human rights and responsibilities among New Zealanders through:

- human rights activities in communities leading to greater realisation of human rights in people's day-to-day lives, as evidenced by at least three Taku Manawa case studies each year showing positive changes in practice or policy in communities where Taku Manawa is operating (new measure)
- greater application of human rights standards in law, policy and practice, as evidenced by incorporation of at least 10 Commission recommendations into law, policy and practice each year (forecast of 10 recommendations in 2010)
- at least 45 systemic changes to policy and practice recorded each year as a result of the Commission's enquiries and complaints service (forecast of 40 in 2010, measured for six months).

International Human Rights Standards

The International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR) are the underpinning international human rights standards for this outcome area. New Zealand will be examined by the Committee on Economic Social and Cultural Rights in 2012.

Outcomes, impacts and measures for the human rights environment



Current Situation And Key Issues

Human Rights in New Zealand 2010 – Ngā Tika Tangata o Aotearoa reported that, since 2004, explicit references in New Zealand law to human rights and to specific covenants and conventions have been increasing. It also recorded a welcome and growing visibility of the international human rights framework in government and among some sectors of New Zealand society. For the most part, however, New Zealand still does not consistently or fully

incorporate human rights standards in domestic law or comprehensively apply them in the development of legislation and policy.

The 2010 report identified five other broad areas of critical concern:

- the place of the Treaty of Waitangi in New Zealand's constitutional arrangements
- participation and representation that reflects fairly the diversity of New Zealand society
- poverty, entrenched inequalities and structural discrimination that continue to severely limit the ability of significant numbers of young people to develop to their full potential
- the persistence of violence, bullying and harassment, violating the right to security of the person
- severely limited data in relation to disabled people and for sexual and gender minorities.

Even in areas where law and policy are well developed and consistent with international human rights standards, the report found they are still not always applied in practice. Few central or territorial government agencies have yet incorporated human rights standards into their professional staff training and development. Complaints received by the Commission often reflect this.

The State does not have responsibility alone for the protection and promotion of the human rights of those who live within its borders. The extent to which people enjoy their human rights day-to-day depends also on the extent to which those they come into contact with – family members, whānau, neighbours, friends, work colleagues, service providers and others – reflect basic human rights principles and values in their behaviour and practices.

Improving human rights protections at a time of global and national economic recession is difficult, not least because progress may be halted and even reversed in some areas. In New Zealand, the situation has been exacerbated by the Christchurch earthquake in February this year. In addition to the tragic loss of life, the earthquake has resulted in a significant

number of people without secure shelter, clean water, safe sanitation – the very basic necessities for life – and who face uncertain accommodation, work and business prospects ahead. In such a situation, human rights standards are the essential foundation for a fair and just recovery programme.

In the 12 months ending 30 June 2010, the Commission dealt with a record number of enquiries and complaints. This was largely due to two high-profile incidents that together resulted in 1139 approaches to the Commission. In this period, 8000 new human rights enquiries and complaints were recorded. Of these, 4647 requested the Commission to intervene and 1908 of the complaints featured an element of unlawful discrimination. The balance of complaints raised possible breaches of other human rights standards. Disability, sex and race-based discrimination are the most common grounds of complaint, with a large proportion (46.1 per cent) relating to employment and pre-employment issues.

Commission's role and approach

Section 5(1)(a) of the Human Rights Act requires the Commission to advocate and promote respect for, and an understanding and appreciation of, human rights. In addition, Part 3 of the Human Rights Act requires the Commission and the Office of Human Rights Proceedings to deal with complaints of unlawful discrimination.

The Commission draws on all the functions set out in section 5(2) and Part 3 of the Act to fulfil its statutory mandate. These can be summarised as encouraging community action; monitoring, reporting and advocacy; and handling enquiries and complaints and undertaking legal interventions.

A key responsibility of an NHRI, as set out in the United Nations Paris Principles, is monitoring and reporting to United Nations bodies on national compliance with ratified human rights treaties. The Commission's role includes advising UN bodies about the domestic human rights context, so their recommendations acknowledge human rights progress and more effectively identify steps required to further strengthen human rights in New Zealand.

The Commission's approach emphasises the contribution government agencies, businesses, trade unions, community groups and organisations all make to strengthening human rights. In key areas, the Commission contributes to the initiatives of others. For example, *Human Rights in New Zealand 2010 – Ngā Tika Tangata o Aotearoa* reinforced the pivotal role the right to education plays in the realisation of other rights. This will be reflected in a heightened Commission focus on children and young people in schools and early childhood centres, working alongside the Human Rights in Education initiative.

Human rights are only fully realised if people know their rights and their responsibilities and consider them an integral part of their identity, principles and values. Human rights have to be given effect at the local level, in people's daily lives. Enhancing people's capacity to identify and address their own human rights issues is crucial to building a sustainable human rights culture. The Commission will be working with key partners, including tertiary institutions, local authorities, community organisations, hapū and marae to deliver its human rights community development programmes, Tūhonohono and Taku Manawa.

Tūhonohono, a recently piloted initiative, explores human rights through a kaupapa Māori framework. This places the human rights values and principles that were an integral part of traditional Māori society and customs alongside the human rights dimension of the Treaty of Waitangi and the international human rights framework. Tūhonohono enables Māori to apply this knowledge within their whānau and hapū, and in their broader interactions with society as a whole.

The Commission's policy interventions, advice and resources provide government with constructive, practical, independent advice about what international standards and the human rights approach mean in the domestic context. The Commission also advocates and promotes respect for, and an understanding and appreciation of, human rights in New Zealand, utilising its specific litigation mandate in sections 5(2)(i) and (j) of the Human Rights Act 1993. The Commission undertakes strategic litigation when it has the potential to strengthen domestic jurisprudence in relation to fundamental human rights standards.

The ability to bring complaints and to have them addressed is an integral component of human rights protections, as stipulated in international human rights treaties. The Commission's Enquiries and Complaints Service provides an effective, timely and informal process for resolving human rights complaints. When complaints cannot be resolved at the Commission level and they meet criteria set out in the Human Rights Act, complainants have access through the Director of Human Rights Proceedings to legal representation before the Human Rights Review Tribunal and, when required, to the High Court and beyond. The Enquiries and Complaints Service and the Office of Human Rights Proceedings contribute to the realisation of human rights on both a personal and systemic level. In the process, they promote respect for and an understanding of human rights and encourage harmonious relations between diverse groups.

Priority

The Commission's priority is to strengthen respect for human rights in New Zealand through services that increase awareness and application of human rights in government and in the community.

What the Commission will do

Encouraging community action

The Commission will continue its focus on provincial and regional communities through its human rights community development programmes, which build human rights understanding so that people know their rights and responsibilities. Specifically, the Commission will:

- deliver a bilingual kaupapa Māori programme, Tūhonohono
- extend Taku Manawa: My Human Rights into South Auckland.

Monitoring, reporting and advocacy

The Commission will:

- provide advice and guidance to government, local government and civil society on implementation of the recommendations of the review of *Human Rights in New Zealand 2010 – Ngā Tika Tangata o Aotearoa*

- scrutinise domestic legislation and policies for human rights compliance, participate in the select committee process, and provide specialist human rights advice to Parliament, government agencies and other organisations and groups.

The Commission will fulfill its specific responsibilities as the Central National Preventive Mechanism under the Optional Protocol to the Convention against Torture (OPCAT). This will include:

- coordinating the statutory responsibilities of the four New Zealand National Preventive Mechanisms
- reporting annually to Parliament on the implementation and impact of the work of the National Preventive Mechanisms
- reviewing and making recommendations on any systemic issues and liaising with the UN Committee that oversees the implementation of the OPCAT.

Enquiries, complaints and legal interventions

The Commission will provide an accessible, high-quality enquiries and complaints service that assists individuals and groups to resolve human rights complaints, including those of unlawful discrimination, efficiently and effectively.

In addition to legal interventions by the Commission itself, the Office of Human Rights Proceedings will provide quality legal representation before the Human Rights Review Tribunal for selected complaints not resolved at the Commission that meet criteria set out in section 92 of the Human Rights Act 1993. It will also consider requests from the Commission for legal representation when the Commission has brought proceedings before the Human Rights Review Tribunal or is intervening in a case before the review tribunal or another court or tribunal.

Outcome area 2: Disabled people Te hunga hauā

The Commission shall uphold the Human Rights Act, which prohibits discrimination on the grounds of disability. This means physical disability or impairment, physical illness, psychiatric illness, intellectual or psychological disability or impairment, any other loss or abnormality of psychological, physiological, or anatomical structure or function, reliance on a guide dog, wheelchair, or other remedial means, or the presence in the body of organisms capable of causing illness.

Human Rights Act 1993 s. 21(1)(h)

Outcomes

Systemic discrimination and inequalities are eliminated so disabled people report they live in a fair and just society, they participate fully, their contributions are acknowledged and they are respected for who they are.

Impact

The Commission will contribute to greater implementation of the provisions of the disability rights convention, as evidenced by incorporation of Commission advice and guidance at least five times into law, policy and practice each year (forecast of five times in 2010).

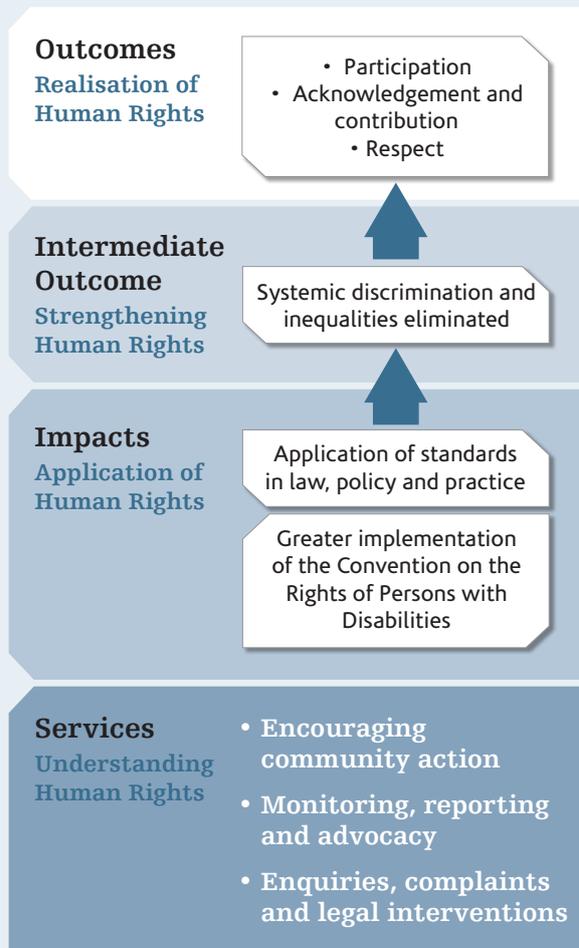
International human rights standards

The Convention on the Rights of Persons with Disabilities is the main, comprehensive international human rights standard for this outcome area.

Current situation and key issues

Disabled people remain one of the most disadvantaged groups in New Zealand, experiencing both structural and systemic discrimination in fundamental areas, such as employment and education, according to the Commission's review of *Human Rights in New Zealand 2010 – Ngā Tika Tangata o Aotearoa*. However, the absence of reliable statistical data and information about

Outcomes, impacts and measures for disabled people



disabled people in New Zealand, disaggregated by age, ethnicity and gender, hampers a full and reliable picture of the human rights of disabled people. What little information is available indicates the position of disabled people relative to the general population has barely changed in the last 15 years. Māori disabled people – whānau hauā – are particularly vulnerable, more likely to be disabled than non-Māori, and have the lowest employment rates among disabled groups. Improved consultation with whānau hauā by government and other agencies is urgently required.

The review identified a number of priority issues that the Commission wants progressed in the next four years. These include:

- improved access to New Zealand Sign Language (NZSL)

- better resourcing of inclusive education, which should increasingly conform with human rights standards
- greater provision of official information in accessible formats
- removal of barriers for disabled people in the built environment
- improved accessible public transport for disabled people and others.

A review of the implementation of the New Zealand Sign Language Act, which made NZSL an official language in 2006, is currently underway. Complaints to the Commission show Deaf children are not fully supported to access the curriculum in NZSL, and parents and families of Deaf children struggle to access NZSL resources. There are also insufficient NZSL interpreters available to fulfil basic citizenship rights, and concerns about the lack of a clear complaints process in relation to NZSL interpreters.

Recommendations from the Government review of special education, *Success for All: Every school, every child*, in October 2010, includes the aim of having 80 per cent of schools fully inclusive by 2014. To achieve this, the government has provided extra resourcing for students with high or very high needs, changed the way resources are provided, required initial teacher-education programmes to focus on inclusive education, and changed the emphasis of the roles of special schools. There is very little information about the achievements of disabled students, but what there is indicates students with high or very high support needs have very poor outcomes at NCEA Levels 1-3, when compared to their non-disabled peers.

There has been some progress with the provision of official information in accessible formats, including the development of website design standards for core government departments. However, information essential for full citizenship participation and access to services is still not available in accessible formats.

Access to the built environment is a significant barrier for many disabled people. While there have been a number of encouraging developments, it is evident that the 'universal design' approach to building New

Zealand towns and cities is still not mainstreamed into everyday practice. Rebuilding Christchurch, for example, will require that disabled people are actively involved in decision-making about design and building standards.

It is now five years since the Commission's *Inquiry into the Accessibility of Public Land Transport* report was published. The Minister for Disability Issues has identified three priority issues for government agencies to work on: work, support services, and access and mobility issues. The Commission's 2010 review identified the need for a comprehensive work programme to implement the inquiry recommendations.

The Government has produced its first periodic report to the United Nations on the implementation of the disability rights convention in New Zealand. The timetable for the United Nations disability rights convention committee to consider the Government's first report, together with any independent or shadow reports, is likely to take place in 2012.

Commission's role and approach

Article 33 of the disability rights convention requires that an independent monitoring mechanism be established. The Commission has been designated to protect, promote and monitor the implementation of the disability rights convention and coordinate the activities of the other two organisations, with responsibilities as part of the new mechanism. The other organisations are the Office of the Ombudsmen, and the Disability Convention Coalition, a group of disabled people's organisations. The Commission has begun to develop a framework to monitor the implementation of the disability rights convention.

The Commission has also provided advice to the Government on its first periodic report to the UN Committee on the implementation of the disability rights convention in New Zealand, and will prepare its own issues report for the committee. It has undertaken a community engagement programme, including a focus on Māori and Pacific disabled people, to promote knowledge and use of the disability rights convention by disabled people and their organisations, and to find out where action is needed the most.

The Commission continues to monitor, report on and advocate for human rights issues important to disabled people. In the coming year, this will include:

- providing advice and guidance to the Government on making the provision of NZSL comply with the requirements of disability rights convention
- monitoring and reporting on the Government's implementation of the review of special education to advise on consistency with human rights obligations and guidelines
- researching and reporting on accessible public information and advocating for independent voting to be available to all citizens in local and central government elections
- monitoring access to the built environment, consistent with international human rights standards
- monitoring and reporting on providing fully accessible public land transport.

The Commission will continue to provide legal interventions in court cases that involve significant implications for the legal interpretation of the rights of disabled people.

Priority

The Commission will promote the disability rights convention to disabled people and their organisations, and monitor and advise on its implementation.

What the Commission will do

Encouraging community action

The Commission will deliver a programme of engagement to promote the knowledge of and use of the disability rights convention by disabled people and their organisations.

Monitoring, reporting and advocacy

The Commission will provide an issues report to the United Nations disability rights convention committee, identifying the main human rights issues facing disabled people in New Zealand, and recommendations for government action over the next four years, with a particular focus on the right to education, public transport and reasonable accommodation.

Outcome area 3: Race relations Whakawhanaungatanga ā iwi

The Commission shall encourage the maintenance and development of harmonious relations between individuals and among the diverse groups in New Zealand society.

Human Rights Act 1993 s.5 (1) (b)

Outcomes

Relations between diverse ethnic and cultural groups are harmonious and underpinned by the equal enjoyment of human rights, mutual respect and a shared sense of belonging to Aotearoa New Zealand.

Impact

The Commission will contribute to harmonious relationships between ethnic groups and to all groups being treated equally, as evidenced by at least three case studies showing that participant organisations in the New Zealand Diversity Action Programme are responding positively to the diversity of their clients, communities or staff (new measure).

International human rights standards

The Convention on the Elimination of Racial Discrimination (CERD) is the main, comprehensive international human rights standard for this outcome area. The New Zealand Government is due to be examined under CERD during 2012.

Current situation and key issues

The Commission's five yearly review of human rights, *Human Rights in New Zealand 2010 – Ngā Tika Tangata o Aotearoa*, and the annual review of race relations, *Tūi Tūi Tuituiā – Race Relations in 2010* (published in March 2011), record entrenched racial inequalities in health, education, employment, justice, and housing. They note that Māori were disproportionately represented in all areas of the criminal justice process, including as victims of crime, apprehended, in prison and serving community-based sentences. Unemployment rates for Māori and Pacific peoples remained higher than the 6.57 per cent rate for the total population. Māori and Pacific youth were the hardest hit, unemployment

Outcomes, impacts and measures for race relations



rising approximately eight per cent for both to 27.4 per cent and 27.2 per cent, respectively, in the December 2010 quarter. The Ministry of Social Development's *Social Report 2010* showed high levels of household overcrowding for Pacific peoples and poor health for Māori and Pacific peoples. It also showed that a lower proportion of Māori and Pacific school leavers had achieved NCEA Level 1 than any other ethnic group.

Though many institutions reflect increasing diversity, Māori, Pacific peoples, women, young people, disabled people and people of ethnic, cultural, religious and linguistic minorities are under-represented in elected office. In 2010, elections were held for local government and district health boards (results from those elections by ethnicity are not yet available).

Results from board of trustee elections show little change since the previous election, with the ethnicity of all trustees remaining relatively unchanged. Although Māori are adequately represented on boards of trustees, both Pacific and Asian peoples are under-represented.

The majority of the Immigration Act 2009 came into force on 29 November 2010. It introduces changes intended to modernise border security and make immigration more efficient, without changing the key criteria for travel and stay in New Zealand.

Further work is needed by all sectors to address inequalities. The annual review of race relations identified 10 race relations priorities for New Zealand in 2011. These were to:

- protect from harm children who are vulnerable to abuse, and ensure that all children equally enjoy the right to education, good health, housing and freedom from poverty
- reduce unemployment, particularly of Māori and Pacific peoples
- reduce the number of people in New Zealand prisons, and the disproportionate number of those who are Māori
- identify and work to remove the structural barriers to racial equality in the enjoyment of civil, political, social and economic rights
- make better provision for Māori representation in local government in the 2011 representation reviews
- ensure transitional arrangements of the Auckland Council to provide for cultural diversity, inclusion and responsive services for diverse communities are confirmed and enhanced
- monitor the impact of the new Immigration Act on migrants and refugees
- renew efforts to provide for the learning and use of te reo Māori, Pacific and other community languages
- promote public discussion and input into New Zealand's 2010 report to the United Nations Committee on the Elimination of Racial Discrimination
- agree on actions by government, business and communities to implement the priority areas identified in the Human Rights Commission's review of human rights, *Human Rights in New Zealand 2010 – Ngā Tika Tangata o Aotearoa*.

Commission's role and approach

Harmonious relations are only achieved when promoted across all sectors and communities. The Commission has a statutory function to encourage harmonious relations and seeks to achieve this by acting as a catalyst for action to advance racial equality, foster inclusion and celebrate diversity.

The Commission advocates, monitors, reports, and engages with government and the community to encourage them to address the challenges of diversity and secure the benefits. Key issues will be addressed by the Commission through:

- advocacy to central and local government to address structural barriers to racial equality
- working with partner organisations to address emerging issues
- monitoring and reporting on key race relations issues in an annual review of race relations
- advising on draft legislation and policy
- handling race-related public enquiries and complaints to provide advice and mediate for agreement between parties where necessary.

As New Zealand's National Human Rights Institution, the Commission also fulfils its role – as set out in the Paris Principles – to monitor and report on the domestic situation by contributing to New Zealand's report to United Nations Committee for the Elimination of Racial Discrimination.

In some instances, the Commission leads the work through its policy programme or complaints service. In other areas, it advocates for action by government and the community, including through the New Zealand Diversity Action Programme (NZDAP) and a review of race relations, which provides information and analysis to encourage others to take action to enhance harmonious relations in New Zealand. The Commission

will continue to advocate for priorities identified in the annual review of race relations. The Commission facilitates NZDAP as a mechanism to connect and support individuals and organisations engaged in action that promotes equality, recognises and celebrates diversity, and fosters harmonious relations. In 2010, 255 organisations participated in NZDAP, delivering 720 projects.

The annual review of race relations, *Tūi Tūi Tuituiā – Race Relations in 2009*, received positive review. Reader feedback affirmed it provided a useful overview of developments in race relations in New Zealand.

Priorities

In order to advance the realisation of harmonious race relations, the Commission will encourage community action to increase policy and practice to support diversity, and will monitor, report and advocate on barriers to racial equality.

What the Commission will do

Encouraging community action

The Commission will:

- recruit organisations to participate in the NZDAP, and encourage them to undertake projects that contribute to positive race relations, racial equality and cultural diversity in their own organisations and communities
- connect and coordinate participants, provide information, resources, publicity, networks, forums and acknowledgement of positive contributions.

Monitoring, reporting and advocacy

The Commission will:

- inquire into institutional barriers (structural discrimination) to the elimination of the entrenched social and economic inequalities that currently exist between ethnic groups in New Zealand
- publish an annual review of developments in race relations.

Outcome area 4: Equal employment opportunities Ōritenga mahi

The Commission shall advance equal employment opportunities by advocacy, providing advice, benchmarking, developing guidelines, monitoring progress, and liaising with others.

Human Rights Act 1993, s17.

Outcomes

Barriers to equal employment opportunities for vulnerable groups are eliminated so all people in New Zealand enjoy access to decent and productive work and fairness in the workplace.

Impact

The Commission will contribute to removing systemic barriers to employment as evidenced by a survey of submitters and participants, including carers, employers, trade unions and the elderly, 18 months after the end of the Commission’s inquiry into EEO issues for employers and workers in the aged-care sector (new measure).

International human rights standards

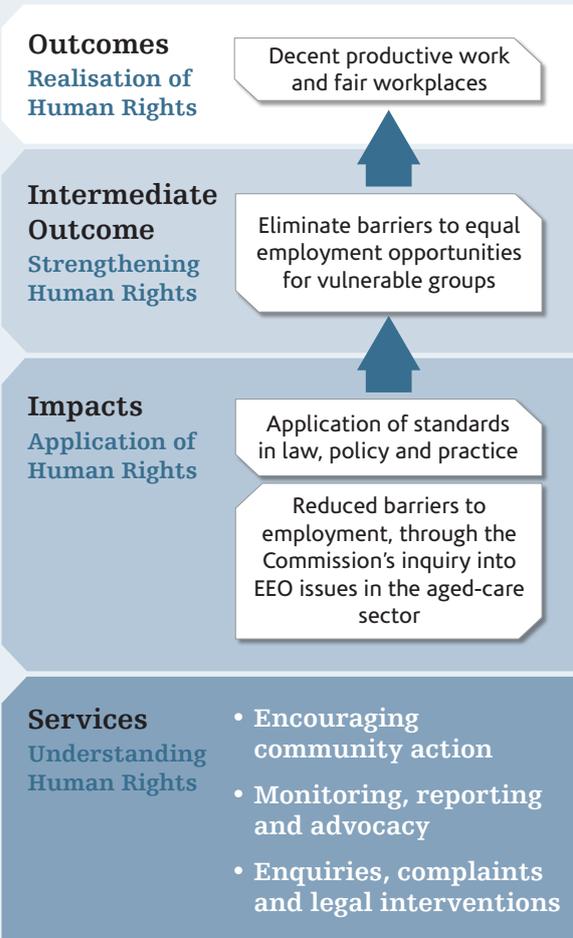
The International Covenant on Economic, Social and Cultural Rights refers explicitly to equal opportunities at work and is the main international human rights standard for this outcome, along with the core International Labour Organisation conventions.

Current situation and key issues

The global recession continues to have a significant impact on the labour market. Unemployment was at 6.5 per cent, as measured in the Household Labour Force Survey (HLFS) in December 2010.

Youth unemployment rates are of particular concern. In the December 2010 HLFS, the youth unemployment rate (those aged 15–24 years) was 16.8 per cent. The unemployment situation of Māori and Pacific youth is particularly acute. Māori youth unemployment is 27.4 per cent and Pacific youth unemployment is 27.2 per cent. While up-to-date data for unemployed disabled youth is not available, disability advocates and commentators note the double disadvantage in the labour market of being both disabled and young.

Outcomes, impacts and measures for equal employment opportunities



A total of almost 10 per cent of youth (15–24-year-olds) are not in employment or education or training (NEET). Young men are more likely to be NEET than young women, and NEET rates for Māori and Pacific youth are higher than that for all youth.

The recession has impacted severely on youth employment across the globe. The Economist reports that in New Zealand, Sweden and Luxembourg, the youth-to-adult unemployment ratio is more than four. In an OECD report cited by the New Zealand Institute, New Zealand’s youth-to-adult unemployment ratio is the worst in the OECD.

The fourth *Census of Women's Participation*, published by the Commission in 2010, showed there has been a flurry of initiatives to advance women in corporate governance, and considerable public awareness of the issue. The Prime Minister, in observing the dearth of women at a Business New Zealand event in February 2011, using the Commission's data, urged an improvement in women's representation in business. However, in a number of significant areas, women's participation has stalled and is sliding backwards. This has occurred in both the private sector, and the state sector, which has traditionally been a leader for women's advancement in public life. For example, as of March 2011, four chief executives in the public service were women (12.5 per cent). In the private sector, there were only two women chief executives in the NZSX Top 100 companies as at May 2010.

According to the *Quarterly Employment Survey June 2010*, the gender pay gap is 10.6 per cent, and is exacerbated by ethnicity. The gender gap between the highest hourly rate (European men) and the lowest (Pacific women) is 24.4 per cent.

One of the major contributors to the gender pay gap is occupational segregation. According to a 2010 report from the National Advisory Council on the Employment of Women, one in eight (12.6 per cent) prime-aged female employees worked as personal care workers (24,100), sales workers (31,400) or cleaners and caretakers (15,100). European women were over-represented as sales workers, and Māori and Pacific women were over-represented as cleaners/caretakers and personal care workers.

Women's work is typically undervalued in comparison to work predominantly done by men. Three in four (74.3 per cent) female employees working as cleaners/caretakers, 64.9 per cent of sales workers and 64.1 per cent of personal care workers were low paid, (i.e. two thirds of the mean hourly rate for all workers). Carers, for example, are predominantly female, and are one of the lowest paid workforces in New Zealand. The recent *A report into Aged Care: What does the future hold for older New Zealanders?* published in October 2010, stated: "the average pay rate is \$14.40 an hour, but

many receive the minimum wage (\$12.75) for highly demanding (physical, mental and emotional) work."

To achieve equality in the workplace, anti-discrimination measures, such as those contained in the Human Rights Act 1993, active labour market policies, and changes to the legislative framework for equal employment opportunities to address systemic issues are necessary. The development of policies to support youth into decent sustainable work is critical as is addressing issues of undervaluing work that is traditionally seen as women's work.

Commission's role and approach

The Commission has a statutory function to progress equal employment opportunities. This includes advocacy for equal employment opportunities (EEO), the provision of advice, evaluation through benchmarks, developing guidelines, monitoring progress and liaising with others to progress equal employment opportunities, including pay and employment equity. The Commission also has responsibility to provide guidance to Crown entities on their good employer obligations under the Crown Entities Act.

During 2009 and 2010, the Human Rights Commission undertook a nationwide series of engagements to determine what would make a difference for New Zealanders to achieve greater equality and fairness at work. The findings from this project, the National Conversation about Work, have informed the priorities for the Commission's programme. In most regions visited, youth unemployment was raised as a concern. There are examples of effective initiatives, but these schemes are precariously funded and variably implemented. Many participants identified fair pay as an important element of equality at work. Participants whose income was at or close to minimum wage levels talked about the difficulty they experienced making ends meet. In industries such as the aged-care sector and horticulture, managers told us they had to monitor the hours staff worked, including for other employers, to ensure safe working practices.

Findings from the National Conversation have informed the development of a new Equality at Work framework, designed to progress EEO practice in New Zealand. The framework includes a set of equality at work indicators that will enable the Commission to monitor and report on progress. It also makes practical recommendations about how stakeholders could improve practice in order to achieve equality.

Every two years, the Commission monitors and reports on the progress of women in leadership roles, in a benchmark census report that will inform the Commission's reporting to CEDAW.

The Commission provides guidance to Crown entities on their good employer obligations. Guidance has also been provided to employers on pay and employment equity, including an online tool to assist organisations to track progress and to provide advice on actions to address pay and employment issues. The Commission also provides advice for employers and employees about how to prevent discrimination, such as the publication *Getting a job: An A to Z for employers and employees*. The Commission will continue to provide advice and guidance to employers and employees, including through the NEON website (the National Equal Employment Opportunities Network, developed in partnership with the EEO Trust).

Priority

The Commission will provide advice, guidance and advocacy, regarding legislation, policy and practice, including good practice guidelines, to support the prevention of discrimination in the workplace and the advancement of inclusive workplaces, with a focus on key issues identified through the Commission's monitoring and reporting.

What the Commission will do

Encouraging community action

The Commission will implement the Equality at Work Framework, prioritising the development and promotion of a national youth-to-work employment strategy that encourages a plan for every young New Zealander.

Monitoring, reporting and advocacy

The Commission will:

- use its powers to inquire into EEO issues for employers and workers in the aged-care sector
- produce a women's rights issues paper on New Zealand's implementation of the Convention on the Elimination of Discrimination Against Women.

Outcome area 5:

Te Mana i Waitangi

Human rights and the Treaty of Waitangi

The Commission shall promote, by research, education and discussion, a better understanding of the human rights dimensions of the Treaty of Waitangi and their relationship with domestic law and international human rights law.

Human Rights Act 1993 (s.5(2)(d))

Outcomes

The human rights dimensions of the Treaty of Waitangi are understood, the rights of Māori as indigenous people are realised and human rights are enjoyed equally by all New Zealanders.

Impact

The Commission will contribute to improved application of the treaty and the participation of Māori, as measured by increased representation in local government bodies at the 2013 elections, from a baseline of 4.8 per cent recorded in the *Local Government New Zealand Survey 2007*.

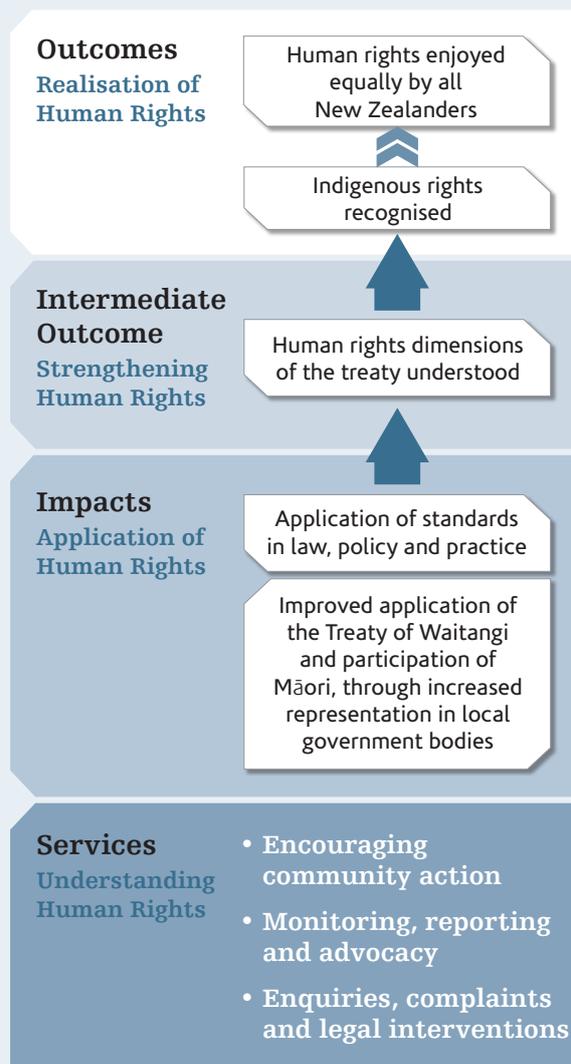
International human rights standards

The Declaration on the Rights of Indigenous Peoples (UNDRIP) is the main international human rights document for this outcome area. Many of its provisions derive from international treaties ratified by New Zealand and are, therefore, binding; others are a minimum standard “to be aspired to”.

Current situation and key issues

The Commission reviewed the status of human rights and the treaty as part of the review of *Human Rights in New Zealand 2010 – Ngā Tika Tangata o Aotearoa*. The review found that, while there are legislative mechanisms in place to protect the principles of the treaty and the rights of Māori as indigenous people, the level of recognition and protection varies in practice. Significant progress was noted in hearing and settling treaty claims; the revitalisation of the Māori language; and establishing whānau-centred initiatives, particularly in health and education. However, the review also found systemic disadvantages remain to be

Outcomes, impacts and measures for Te Mana i Waitangi



fully addressed. Significant challenges include enabling Māori participation in decision-making at the local level; and improving social and economic outcomes for Māori in health, education, employment, standard of living and imprisonment, which are significantly worse than the general population.

The Commission undertook a case study of Māori constituencies in the Bay of Plenty Regional Council. It also published a discussion document on Māori representation in local government, recommending that councils consider the option of establishing Māori seats in the context of their representation reviews in 2011.

A survey conducted by the Commission in December 2010 showed 60 per cent of people agree that the treaty is New Zealand's founding document, but only 51 per cent consider it is for all New Zealanders. Approximately one third said they had a "high degree" of knowledge about the treaty, while only a quarter said they have "some" knowledge of indigenous rights.

The review noted that, with the Māori population projected to grow to over 16 per cent by 2026, it is vital representative structures and public services are optimised. This is to ensure the endurance of the treaty partnership and, as a consequence, better economic, social and cultural outcomes for Māori and non-Māori New Zealanders.

The review identified a number of priority areas for action towards this goal, including:

- increasing public awareness of the treaty and the rights of indigenous peoples
- reviewing constitutional arrangements to ensure the treaty, indigenous rights and human rights are fully protected
- developing and implementing new pathways to partnership between tangata whenua and the Crown
- promoting awareness of UNDRIP.

The Government announced its support for UNDRIP in 2010. The declaration both affirms the importance of honouring treaties between governments and indigenous peoples, and sets out in a more elaborate form the fundamental rights and responsibilities contained in the Treaty of Waitangi. UNDRIP can be regarded as an international expression of the Treaty of Waitangi, and its implementation would help realise the human rights dimensions of the treaty.

Commission's role and approach

The Commission has a statutory function to promote understanding of the human rights dimensions of the treaty. The Commission develops and distributes information resources and provides advice and guidance on the implementation of UNDRIP, as a means to give effect to the treaty.

The Commission monitors and reports on progress of developments in relation to the treaty as part of the

review of race relations. In 2010, the Commission published further case studies of good practice in the partnership between the Crown and tangata whenua.

The Commission, along with other NHRIs, committed to continue work for the protection of indigenous rights at the United Nations Durban Review Conference in Geneva in 2009. The review was held to review progress in implementing the Durban Declaration and Programme of Action (DDPA).

The Commission has a role in promoting and monitoring the implementation of UNDRIP. To support its domestic programme, the Commission engaged with the UN's Expert Mechanism on the Rights of Indigenous Peoples. In 2010, the Commission co-hosted (with the UN Office of the High Commissioner for Human Rights) an Asia-Pacific regional workshop in Auckland on implementation of UNDRIP. The workshop (in its Tāmaki Makaurau Declaration) emphasised the role of NHRIs in promoting implementation of UNDRIP, and advised on the development of guidelines for NHRIs to support implementation.

Priorities

The Commission will promote public understanding of the human rights dimensions of the treaty and encourage action to give effect to them in practice.

What the Commission will do

Encouraging community action

The Commission will promote public awareness of the UN Declaration on the Rights of Indigenous Peoples, through facilitated discussion and advice for whānau, hapū, iwi and government agencies on ways to implement it in policy and practice.

Monitoring, reporting and advocacy

The Commission will monitor Māori representation and participation in local government, and provide advice to local government and iwi to support increased Māori representation and participation in the 2013 local government elections, including through uplifting the option of Māori wards and constituencies provided for under the Local Electoral Act 2002.

Organisational health and capability

Te kaha ora o te Kāhui Tika Tangata

Context

The current economic climate and government expectations of the state sector require the Commission to take steps to manage within static baseline revenue, to focus on its core business, and to measurably improve efficiency in its programme delivery. The Commission has also received additional funding for an enhanced programme to support the appointment of a new Commissioner with responsibility for disability rights and an extended programme on implementation of the Convention on the Rights of Persons with Disabilities. The Commission is, however, concerned that this funding is provided for three years only, although the new Commissioner is a permanent position.

The Commission's programme of organisational health and capability is designed to meet these expectations and to develop capability in key areas to increase the impact of its work. The Commission has focused on how its services can be delivered most efficiently and effectively, and in doing so has set and forecast a particularly tight budget.

Within this context, the objectives for the Commission's programme of organisational health and capability for 2011–12 are:

Financial and organisational sustainability

To deliver more cost-effectively, the Commission will:

- set tight, realistic budgets, manage within its existing revenue for the next three years, and take steps to manage within budget constraints beyond this period
- have effective and efficient systems and processes to plan and operate, to manage resources, risks, knowledge and opportunities, and to monitor and evaluate its work.

Quality services

To deliver quality services, the Commission will:

- develop staff skills and knowledge to meet high standards of service, including further increasing the accessibility of the Commission and building its capability to deliver its enhanced disability programme

- be viewed as a source of quality analysis, knowledge and practical help
- work successfully with other organisations, groups and individuals for shared outcomes.

The Commission's organisational health

This Statement of Intent has been developed in accordance with government expectations of tight, realistic budgeting and a focus on core business. The Commission had expected to bid for further baseline funding in 2010. In this changed economic context, the Commission has taken steps to project a balanced budget until 2013, and to manage within budget constraints beyond this period. In doing so, it has deferred some elements of its infrastructure development, for which it was specifically funded, as well as committed to other measures, including savings in personnel costs, and a static project budget. The Commission has also made concentrated efforts to reduce its overheads through reduced office costs, including moves to open plan with reduced floor plate and use of shared services, a significant increase in the use of video-conferencing to reduce travel costs, and new cost-efficient service contracts.

Between 2005 and 2008, the Commission completed a three-year programme to develop its organisational health and capability, focusing on financial sustainability, organisational design and internal policy development.

Between 2009 and 2011, the Commission built on this foundation, enhancing the capacity and capability of its people, and the accessibility of its information and services. This has included:

- a professional development programme
- enhanced performance management processes
- new and increasingly efficient systems for knowledge management
- co-location and shared services with other organisations
- improved systems and processes for setting and measuring performance outputs, impacts and measures

- enhanced accessibility of the website, provision of multi-lingual and multi-format resources and provision of an online complaints form.

Along with targeted evaluations and improved planning, monitoring and financial systems, this programme is helping the Commission achieve its goal of continuous improvement. The increased demand from government agencies for early advice on draft legislation reflects a growing confidence in the value of early human rights assessment. For the second year, the Commission received a “very good” audit assessment for its financial systems in 2010 (the highest grade), and also received a “good” grading for its performance setting and reporting, moving up from a “needs improvement” grading in 2009.

This programme will be continued in 2011–12, maintaining a focus on efficiency, effectiveness, sustainability and accessibility. The Commission will also consolidate its disability services and establish its new role within the designated independent monitoring mechanism for the implementation of the disability rights convention.

Priority

Developing the efficiency and effectiveness of its people and systems, the sustainability of its resources and the accessibility of the Commission’s information and services through an integrated quality framework are priorities for 2011–12.

What the Commission will do

Developing efficiency, effectiveness, sustainability and accessibility

To ensure financial and organisational sustainability, the Commission will:

- continue to implement its strategy for financial sustainability, through an expenditure model that will enable the Commission to operate within its current baseline for the next two years, and within budget constraints beyond this period
- further develop planning, monitoring, operating and evaluation systems and processes which enable effective and efficient management of the

Commission’s activities and resources, assist quality reporting and meet the Commission’s responsibilities as a good employer

- ensure an effective transition to a new Chief Commissioner and a Commissioner with responsibility for disability rights
- ensure an effective recovery of its programme in the South Island following the Christchurch earthquake.

To develop quality services, the Commission will:

- continue to raise the quality and efficiency of the Commission’s activities, through enhanced performance management processes, a professional development programme, enhanced knowledge management and other selected interventions
- improve the accessibility and visibility of its information and services, through increased use of new technology, alternative languages and formats, and other interventions
- engage regularly with key audiences to build understanding of the role and value of human rights, to improve the Commission’s ability to understand their issues and concerns, and to discuss and respond to relevant human rights matters
- develop its ability to work with key stakeholders and audiences, through systematic engagement
- draw on best practice internationally, and meet or exceed the Paris Principles, through its membership of the APF and the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.

The impact of these objectives will be assessed by internal and external feedback, and the outcome of the Commission’s application to the ICC for re-accreditation under the Paris Principles.

Part B

Forecast statement of service performance 2011–12

Output: Encouraging community action

Description: This output ensures human rights protections that exist in legislation and policy are practised and have a positive effect on people's everyday lives. It also acknowledges that harmonious relations can only be achieved with the wide participation and engagement of diverse communities in the process.

The output gives partial effect to the Commission's primary functions outlined in the Human Rights Act 1993, to promote respect and an understanding and appreciation of human rights in New Zealand, and the maintenance and development of harmonious relations between diverse individuals and groups in New Zealand society.

This involves undertaking human rights programmes and activities, promoting understanding of the human rights dimensions of the treaty and consulting and cooperating with other organisations. Services include:

- providing education and community development programmes including delivering human rights workshops, presentations and courses
- developing and coordinating networks to deliver human rights activities
- providing guidance, and organising human rights events and fora to share and promote good practice,
- development and dissemination of human rights information, tools and resources.

Cost: The Commission has one output class, but has allocated its resources across its three output areas. The total allocation to this output area for 2011–12 is \$3,913,277.

Outputs	Performance measure	Forecast 2010/11	Standard 2011/12
Outcome Area 1: Human rights environment			
<ul style="list-style-type: none"> Extend Taku Manawa into a fifth region by introducing it into South Auckland, with a focus on children and young people, delivering a seven day facilitation course that includes NZQA Unit Standard 19444, and preparing participants to undertake human rights activities in the following year 	<ul style="list-style-type: none"> At least 14 people participate in the course Programme meets academic standards, as moderated by a partner tertiary institution Satisfaction of participants with the course, as assessed by a survey 	<ul style="list-style-type: none"> 18 people participated Programme approved by partner tertiary institution WINTEC 100% of participants rated the course as of value or great value to them. 18 people were assessed as competent against the NZQA Unit Standard 19444 	<ul style="list-style-type: none"> 14 people participate Facilitation course approved by partner tertiary institution On a 5–point scale, at least 75% of participants rate the course on scores of four or five – of value or great value to them At least 12 people complete the course and are assessed as competent against the NZQA unit standard 19444
<ul style="list-style-type: none"> Deliver a bilingual kaupapa Māori programme Tūhonohono 	<ul style="list-style-type: none"> Programme run in at least three communities Value to participants in increasing knowledge and understanding of human rights through a kaupapa Māori framework 	<ul style="list-style-type: none"> New measure 	<ul style="list-style-type: none"> On a 5–point scale, at least 75% of participant groups report they found the programme met scores of four or five – of value or great value to them

Outcome Area 2: Disabled people

<ul style="list-style-type: none"> Deliver a programme of engagement to promote the knowledge of and use of the Convention on the Rights of Persons with Disabilities (the Convention) by disabled people and their organisations 	<ul style="list-style-type: none"> Programme delivered in at least four regions of New Zealand Value to participants in increasing knowledge and understanding of the Convention and how they may use it to advance human rights for disabled people in New Zealand 	<ul style="list-style-type: none"> New measure 	<ul style="list-style-type: none"> On a 5–point scale, at least 75% of participants report they found the programme met scores of four or five – of value or great value to them
--	---	---	---

Outputs	Performance measure	Forecast 2010/11	Standard 2011/12
Outcome Area 3: Race relations			
<ul style="list-style-type: none"> • Deliver the New Zealand Diversity Action Programme (NZDAP), supporting organisations and individuals to undertake action to promote harmonious relations by providing information, support, acknowledgement, publicity and sharing of good practice, through: <ul style="list-style-type: none"> (a) Publishing network newsletters (b) Awarding certificates of acknowledgement of contributions to harmonious race relations and diversity awards (c) Holding forums and events (d) Maintaining, developing and connecting a network of participating organisations 	<ul style="list-style-type: none"> (a) Five network e-newsletters published 10 times per year (b) Annual Diversity Forum held (c) Network of 250 participating organisations maintained (d) Announcements and details of awards published monthly in e-newsletter; at least 10 Diversity Awards presented annually <ul style="list-style-type: none"> • Forum attendees and NZDAP participants indicate the programme was of value to them in recognising and celebrating cultural diversity, promoting equality or fostering harmonious relations. As assessed by an evaluation of the Forum and a survey of participants in the NZDAP programme 	<ul style="list-style-type: none"> • Five newsletters sent out at least 10 times and subscriptions to e-newsletters increased by 30% overall • 255 participating organisations with 720 projects • 13 Diversity Awards presented. Subscriptions to acknowledgements e-newsletter declined by 5% due to database clear-up following merger of Auckland council • 94% of respondents rated the Forum as of value or great value to them • On a 5–point scale, 95% of survey respondents indicate that NZDAP has met scores four or five – been of value or great value to them in recognising and celebrating cultural diversity, promoting equality or fostering harmonious relations 	<ul style="list-style-type: none"> • Subscriptions to network e-newsletters increased by at least 10% overall, with subscriptions to acknowledgements e-newsletter at least maintained • On a 5–point scale, at least 75% of evaluation and survey respondents indicate the Forum/programme has met scores of four or five – been of value or great value to them

Outputs	Performance measure	Forecast 2010/11	Standard 2011/12
Outcome Area 4: Equal employment opportunities			
<ul style="list-style-type: none"> National youth-to-work employment strategy developed and promoted including concept of a plan for every young New Zealander 	<ul style="list-style-type: none"> Strategy is viewed as credible and useful by key stakeholders as assessed through a survey of all participating employers, youth and agencies 	<ul style="list-style-type: none"> New measure 	<ul style="list-style-type: none"> Quality standards met A survey of selected stakeholders indicates that at least 80% are satisfied that the strategy is credible and useful

Outcome Area 5: Te Mana i Waitangi/Treaty of Waitangi			
<ul style="list-style-type: none"> Programme of discussion and advice delivered for whānau, hapū, iwi and government agencies on ways to implement the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and the human rights dimensions of the Treaty of Waitangi in policy and practice 	<ul style="list-style-type: none"> Programme run with three agencies and in five communities Value to participants in increasing knowledge of the Declaration and how to apply it, as assessed by evaluations by programme participants 	<ul style="list-style-type: none"> Programme run with eight communities (new measure regarding agencies) 75% of participants report they found the programme met scores of four or five, of value or great value to them 	<ul style="list-style-type: none"> On a 5- point scale, at least 75% of participants report they found the programme met scores four or five, of value or great value to them

Output: Monitoring, reporting and advocacy

Description: This output contributes to incorporating international human rights standards in New Zealand law, policy and practice, which is essential to the protection of human rights and a reduction of barriers to equality.

The Commission provides advice and guidance on options for improvement, advocates for action when progress is slow and intervenes in situations that could involve a serious infringement of human rights. The Commission also provides information, advice and guidance to civil society to support their contribution to monitoring and developing human rights standards. Outputs include making submissions on draft legislation or policy papers, providing oral evidence at select committees, providing analysis of human rights

issues to government and civil society, providing legal advice and information on human rights enquiries, and engaging with government, business and community leaders on human rights issues and standards.

This output is determined by the Commission's functions, outlined in the Human Rights Act, to advocate for human rights, inquire into possible infringements of human rights, publish guidelines and voluntary codes, monitor and report on compliance with international human rights standards, make public statements on human rights and race relations, and develop a national plan of action for human rights. The services provided include provision of:

- advice and guidance to government
- information and analysis to international human rights treaty bodies
- analysis, information and guidance to civil society.

Quality performance measures for monitoring, reporting and advice

As an element of its quality performance measurement, the Commission sets quality measures for its outputs in this area. The most appropriate quality measures are selected for each output, and these are specified in the performance measures. These quality measures are summarised below.

- **Timeliness:** Specified closing dates or reporting deadlines are met.
- **Participation:** Where appropriate, the views of affected parties are considered and ways to have their views communicated are incorporated into the advice or guidance as assessed by systematic feedback.
- **Thoroughness:** evidence based, accurate and fit for purpose in that all relevant issues are identified and covered, relate to relevant human rights standards, are based on research and analysis, viable options are described and assessed and practical proposals are presented when appropriate.

- **Accessibility:** Advice and guidance is presented in a style and in formats and languages that are easily useable by the core audiences and is an approach appropriate to the intervention.
- **Value:** Advice, guidance and interventions are found to be useful to government and civil society in developing or assessing the relevant legislation, policy or programme proposal.

The Commission keeps a policy register, which monitors relevant quality standards and records feedback from external stakeholders on the effect and influence of the Commission’s work, direct requests for Commission input, and any changes to policy and legislation as a result of the Commission’s intervention.

Cost: The Commission has one output class, but has allocated its resources across its three output areas. The total allocation to this output area for 2011–12 is \$3,463,247.

Outputs	Performance measure	Forecast 2010/11	Standard 2011/12
---------	---------------------	------------------	------------------

Outcome Area 1: Human rights environment

<ul style="list-style-type: none"> • Advice and guidance provided to government, local government and civil society to implement the recommendations on the review of <i>Human Rights in New Zealand 2010 – Ngā Tika Tangata o Aotearoa</i> 	<ul style="list-style-type: none"> • Advice and guidance provided to at least 20 agencies, local government authorities and civil society organisations • Valued by stakeholders in their responsibility to meet and promote human rights standards, as recorded in the Commission’s policy register • Quality measure of participation met, as recorded through internal peer review 	<ul style="list-style-type: none"> • New measure 	<ul style="list-style-type: none"> • The policy register records at least five instances of feedback from stakeholders that the Commission’s advice and guidance has been valuable • Quality measure of participation met 90% of the time
--	--	---	---

Outputs	Performance measure	Forecast 2010/11	Standard 2011/12
<ul style="list-style-type: none"> • Advice and guidance provided on draft legislation or policy and programme initiatives with significant human rights implications 	<ul style="list-style-type: none"> • Approximately 40 instances of advice and guidance provided • Valued by government in its responsibility to meet human rights standards, and by civil society in supporting their engagement with policy development, as recorded in the Commission's policy register - timeliness quality measure met, as recorded in the Commission's policy register - participation and thoroughness quality measures met, as recorded through internal peer review 	<ul style="list-style-type: none"> • 45 instances of advice and guidance provided • Policy register records value of advice and guidance to government and civil society and recommendations that are incorporated into legislation or policy 	<p>The policy register records:</p> <ul style="list-style-type: none"> • At least five instances of a change in policy or legislation as a result of the Commission's intervention • At least 20 instances where the work has been valued (through citation or acknowledgement) • Timeliness quality measures met 95% of the time Internal peer review records thoroughness and participation quality measures met 90% of the time
<ul style="list-style-type: none"> • Coordinate and facilitate the monitoring of Optional Protocol to the Convention Against Torture in consultation with the four NPMs (Office of the Ombudsman, Independent Police Complaints Authority, Office of the Children's Commissioner and Inspector of Service Penal Establishments) and provide an annual report on the results of this monitoring to Parliament 	<ul style="list-style-type: none"> • New Zealand's four National Preventive Mechanisms (NPMs) are satisfied with the Commission's coordinating role, as assessed by a survey of NPMs • NPMs approve the content of the annual report and view it as a thorough, timely and valuable document 	<ul style="list-style-type: none"> • Three out of four NPMs report they are satisfied or very satisfied with the Commission's coordinating, with scores of four or five on a 5-point scale • 100% agreement by NPMs with contents of the annual report 	<ul style="list-style-type: none"> • Three out of four NPMs report they are satisfied or very satisfied with the Commission's coordinating, with scores of four or five on a 5-point scale • 100% agreement by NPMs with contents of the annual report and satisfaction with its thoroughness and value and timeliness

Outputs	Performance measure	Forecast 2010/11	Standard 2011/12
Outcome Area 2: Disabled people			
<ul style="list-style-type: none"> Provide an issues report to the United Nations disability rights convention committee identifying the main human rights issues facing disabled people in New Zealand and recommendations for government action, with a particular focus on the right to education, public transport and reasonable accommodation 	<ul style="list-style-type: none"> Report meets quality measure of participation, as assessed through a survey of selected disabled people's organisations Report meets quality measures of thoroughness and valuable in its recommendations for government action, as assessed by the Commission's expert disability reference group 	<ul style="list-style-type: none"> New measure 	<ul style="list-style-type: none"> Disabled people's organisations participate by providing information and analysis for the report, and a selected survey shows 75% of participants are satisfied that their views are represented 75% of disability reference group agree that their expertise was listened to in developing the report, and believe it meets scores four or five, of value or great value

Outcome Area 3: Race relations

<ul style="list-style-type: none"> Produce a report on institutional barriers (structural discrimination) to the elimination of the entrenched social and economic inequalities that currently exist between ethnic groups in New Zealand 	<ul style="list-style-type: none"> Report meets quality measure of participation as assessed by a survey of government agencies and civil society participating in its development Report is credible and meets quality measures of thoroughness and value, providing useful recommendations to eliminate structural discrimination, as assessed by a survey of government agencies and civil society organisations 	<ul style="list-style-type: none"> New measure 	<ul style="list-style-type: none"> Five key agencies and 75% of civil society organisations indicate that they have found the process of engagement valuable, and the final report thorough, credible and of value
<ul style="list-style-type: none"> Publish a report that reviews developments in race relations in the past year and identifies priorities for action 	<ul style="list-style-type: none"> The report is useful to stakeholders, as assessed by a survey circulated with the publication and an additional online survey 	<ul style="list-style-type: none"> On a 5-point scale, 60% of the combined respondents scored the report at four or five – useful or very useful 	<ul style="list-style-type: none"> On a 5-point scale, at least 60% of the combined respondents scored the report at four or five – useful or very useful

Outputs	Performance measure	Forecast 2010/11	Standard 2011/12
Outcome Area 4: Equal employment opportunities			
<ul style="list-style-type: none"> Produce a report on EEO issues for employers and workers in the aged care sector, using the inquiry powers of the Human Rights Act 	<ul style="list-style-type: none"> Engage with at least 100 employers, employees and civil society organisations (the respondents) The report meets participation and thoroughness quality measures, as assessed by feedback from respondents 	<ul style="list-style-type: none"> New measure 	<ul style="list-style-type: none"> On a 5–point scale, at least 75% of respondents report that they found the process of engagement to be of value or great value to them, and the final report to be thorough, credible and of value
<ul style="list-style-type: none"> Produce a women’s rights issues paper on New Zealand’s implementation of the Convention on the Elimination of Discrimination Against Women 	<ul style="list-style-type: none"> Timeliness quality measure met Quality measures of thoroughness and value are met, as assessed by peer review of selected academics and experts 	<ul style="list-style-type: none"> New measure 	<ul style="list-style-type: none"> The issues paper is received by the committee by 30 June 2012 Peer review confirms quality measures are met

Outcome Area 5: Te Mana i Waitangi

<ul style="list-style-type: none"> Monitor Māori representation and participation in local government and provide advice to local government and iwi to support increased Māori representation and participation in the 2013 local government elections, including through uplifting the option of Māori wards and constituencies provided for under the Local Electoral Act 2002 	<ul style="list-style-type: none"> Engage with all local authorities and iwi, as recorded in internal reports Quality measures of participation and value are met, as assessed by a survey of local government authorities 	<ul style="list-style-type: none"> New measure 	<ul style="list-style-type: none"> On a 5–point scale, at least 80% of local authorities report that the Commission’s advice has been of value or great value to them, and they have considered the issue of Māori representation
--	--	---	--

Output: Enquiries and complaints and legal interventions.

Description: This output involves providing New Zealanders with a means of seeking advice and possible redress if they think their human rights have been infringed, in matters of complaints about discrimination. The Commission has a statutory responsibility under the Human Rights Act 1993 to provide a disputes resolution service that is as efficient, informal and cost effective as possible, and an information and referral service for enquirers on human rights matters. Under the Human Rights Act 1993, the Office of Human Rights Proceedings (OHRP) may also provide legal representation before the Human Rights Review Tribunal and higher courts where criteria in the Act are met and where the parties have not been able to resolve their matters within the Commission's disputes resolution service. Those proceedings are brought under the anti-discrimination provisions of the Human Rights Act 1993. The OHRP also receives referrals from the Privacy Commissioner under the Privacy Act 1993 in cases where the Commissioner concludes that there has been interference with a person's privacy. The Director may bring proceedings in his name if he is satisfied that it is appropriate to do so. The Commission undertakes strategic litigation in order to advocate and promote respect for, and an understanding and appreciation of, human rights in New Zealand, utilising its legislative mandate in sections 5(2)(i) and (j) of the Human Rights Act 1993.

Services provided include:

- information, referral and disputes resolution service
- bring legal proceedings
- intervene in court proceedings.

Cost: The Commission has one output class, but has allocated its resources across its three output areas. The total allocation to this output area for 2011–12 is \$3,072,613.

Outputs	Performance measure	Forecast 2010/11	Standard 2011/12
Outcome Area 1: Human rights environment			
<ul style="list-style-type: none"> • Provide an accessible, high-quality enquiries and complaints service that assists individuals and groups to resolve human rights complaints, including those of unlawful discrimination as defined in sections 76 – 89 of the Human Rights Act, efficiently and effectively 	<ul style="list-style-type: none"> • An estimated 16,000 enquiries and complaints, of which an estimated 6000 will be new human rights matters • Provide a disputes resolution service for an estimated 1600 complaints alleging unlawful discrimination • Enquiries and complaints receive an initial response within three working days • Complaints of unlawful discrimination closed within one year, with the situation advanced (resolved, progressed or referred to the OHRP) as assessed by internal records • Evaluation of satisfaction, as assessed by a questionnaire sent to participants in the mediation process 	<ul style="list-style-type: none"> • 15,800 enquiries and complaints, 6000 new human rights matters • Disputes resolutions service for 1600 complaints • 90% • 80% • On a 5–point scale, 90% of returned mediation evaluation forms reported they were satisfied or very satisfied with the process 	<ul style="list-style-type: none"> • 16,000 enquiries and complaints, 6000 new human rights matters • Disputes resolutions service for 1600 complaints • 90% • 80% • On a 5–point scale, 90% of returned mediation evaluation forms will report they are satisfied or very satisfied with the process

Outputs	Performance measure	Forecast 2010/11	Standard 2011/12
---------	---------------------	------------------	------------------

Outcome Area 1: Human rights environment

Undertake human rights and privacy matters through:	<ul style="list-style-type: none"> Estimated 65-85 human rights and privacy matters undertaken, as assessed by internal records 	<ul style="list-style-type: none"> 71 matters undertaken 	<ul style="list-style-type: none"> Quantity met
<ul style="list-style-type: none"> Providing legal representation before the Human Rights Review Tribunal or related proceedings where Section 92 criteria of the Human Rights Act are met 	<ul style="list-style-type: none"> Thorough decisions on representation made within 60 days of receipt of s82 HRA material from the Human Rights Commission, as assessed by internal records and acceptance of decision by complainants 	<ul style="list-style-type: none"> 80% 	<ul style="list-style-type: none"> 80%
<ul style="list-style-type: none"> Providing representation for the Human Rights Commission 	<ul style="list-style-type: none"> Satisfaction with thoroughness of decision, as assessed by responses to decision by complainants 	<ul style="list-style-type: none"> 80% 	<ul style="list-style-type: none"> 80%
<ul style="list-style-type: none"> Taking proceedings under the Privacy Act when referred by the Privacy Commissioner 	<ul style="list-style-type: none"> Set performance standards achieved in providing representation <ul style="list-style-type: none"> - compliance with Lawyers and Conveyancer's Act 2006 - compliance with Tribunal and Court timetables 	<ul style="list-style-type: none"> 100% 	<ul style="list-style-type: none"> 100%
<ul style="list-style-type: none"> Intervening in appropriate proceedings under the Privacy Act 1993 	<ul style="list-style-type: none"> positive comments from courts as assessed by internal records and satisfactory feedback from complainants on standard of service 		

Forecast financial performance

2011/2012 – 2013/2014

Key Assumptions for Proposed Statement of Intent Budget 2011/2012

The negative impact of the global economic recession is still a key driver in the context of budget setting in the New Zealand environment. The Government continues to predict public sector deficits for a number of years and has reiterated this to the Commission in its letter of expectations of 4 February 2011.

The explicit expectations are that the Commission:

- have financial sustainability as a critical part of its strategy
- demonstrate a strong understanding of its core business, and provide a focus on its core business as part of its strategy
- set tight, realistic budgets and manage within those budgets
- have realistic pay and employment conditions
- continue to review how the Commission's services can be delivered better and more cost effectively, including looking at opportunities to use technology or shared services agreements to lower costs and improve services and implement changes to deliver on these findings.

The letter of expectation also noted that the current constrained public sector economic situation is anticipated to last into the 2020's.

The financial situation also shows the \$300,000 of new revenue allocated for three years in the 2010–2011 year for disability purposes. Whilst the funding stream for this is shown as ceasing in the 2013–2014 year, the costs associated with this revenue, including the new position of Commissioner with responsibility for disability issues, will continue into the future years.

In light of this information and the further financial constraints expected following the 22 February

Canterbury earthquake, the Commission's planning has focused on maintaining sustainability to 2013 and this modelling reflects the projections to that point. Currently, the forecast financial statements have no costs included for the impact of the Christchurch earthquake, despite office displacement and interruption to the Commission's business continuity.

Forecast budget statement of financial performance

For the period ended 30 June 2011 – 30 June 2014

	2010/2011 Estimated Projected Actual \$000s	2011/2012 Forecast Budget \$000s	2012/2013 Forecast Budget \$000s	*2013/2014 Forecast Budget \$000s
Income				
Vote Justice operating grant	9,695	9,695	9,695	9,395
NZ Agency for International Development	150	0	0	0
Other income	249	67	67	67
Interest income	238	194	147	78
Total Income	10,332	9,956	9,909	9,540
Expenses				
Personnel	6,628	7,116	7,196	7,273
Travel	343	351	358	365
Direct and Overhead cost	2,052	1,800	1,835	1,870
Projects and Programmes	1,575	856	856	856
Depreciation	264	325	300	283
Total Expenses	10,862	10,448	10,545	10,647
Net operating Surplus (Deficit)	-530	-492	-636	-1,107

*\$300k appropriated in 2010-2011 for three years is projected to cease in this year.

Forecast statement of financial position

As at 30 June 2011

	2010/2011 Estimated Projected Actual \$000s	2011/2012 Forecast Budget \$000s	2012/2013 Forecast Budget \$000s	2013/2014 Forecast Budget \$000s
Current assets				
Cash at Bank	3,067	2,419	1,844	781
Accounts receivable	371	350	350	350
GST receivable				
Prepayments	125	120	121	120
Total Current Assets	3,563	2,889	2,315	1,251
Deduct Current liabilities				
Accounts payable	396	212	210	201
GST payable	120	112	112	117
Provision for Annual leave	571	574	577	580
Total Current Liabilities	1,087	898	899	898
Working capital	2,476	1,991	1,416	353
Non current assets	841	834	773	729
Accumulated Funds	3,317	2,825	2,189	1,082
Balance B/f	3,847	3,317	2,825	2,189
Net Surplus	-530	-492	-636	-1,107
Accumulated Funds	3,317	2,825	2,189	1,082

Forecast statement of cash flows

As at 30 June 2011

	2010/2011 Estimated Projected Actual \$000s	2011/2012 Forecast Budget \$000s	2012/2013 Forecast Budget \$000s	2013/2014 Forecast Budget \$000s
Cash flows from operating Activities				
Cash was provided from:				
Vote Justice operating grant	9,695	9,695	9,695	9,395
Other income	637	261	214	145
	10,332	9,956	9,909	9,540
Cash was dispersed to:				
Employees and suppliers	10,598	10,123	10,245	10,364
	10,598	10,123	10,245	10,364
Net operating inflow/(outflow)	-266	-167	-336	-824
Cash flow from investing activities				
Cash was dispersed to:				
Purchase of fixed assets	393	481	239	239
Net investing cash inflow/(outflow)	-393	-481	-239	-239
Net cash	-659	-648	-575	-1,063
Add opening cash at bank	3,726	3,067	2,419	1,844
Total cash at bank	3,067	2,419	1,844	781

Statement of accounting policies

Reporting entity

The Human Rights Commission was established by the Human Rights Commission Act 1977, which was passed on 21 November 1977 but came into force on 1 September 1978. As well as establishing the Commission, the Act is designed to promote the advancement of human rights in New Zealand in general accordance with the United Nations International Covenants or Conventions on Human Rights. The Human Rights Act 1993, which came into effect on 1 February 1994, replaces the 1977 Act, and extends the jurisdiction of the Commission. The Human Rights Commission Amendment Act 2001 made further significant changes in the operation of the Commission.

The Commission is a body corporate with perpetual succession and common seal, and is domiciled in New Zealand.

The primary objective of the Commission is to provide services to the public rather than making a financial return. Accordingly, the Commission has designated itself as a public benefit entity for the purposes of New Zealand equivalents to International Financial Reporting Standards (NZ IFRS).

Commissioners include:

- the Chief Commissioner
- the Race Relations Commissioner
- the Equal Employment Opportunities Commissioner
- up to five part-time Commissioners.

All Commissioners are appointed by the Governor-General on the recommendation of the Minister of Justice. The Commission is thus independent of the executive and its staff are not public servants – their numbers, terms and conditions of employment and salaries and allowances are determined internally after consultation with the State Services Commission.

The funds of the Commission are appropriated by Parliament but paid out of Vote Justice. The Commission prepares financial accounts, which are audited by the Auditor-General and submitted to Parliament. The Commission prepares an Annual Report to the Minister of Justice on the exercise of its function

during the year, a copy of the report being laid before Parliament.

The proposed budgeted financial statements of the Commission are for the period 2011/12 – 2013/14.

Basis of preparation

The proposed budgeted financial statements of the Commission have been prepared pursuant to section 41 of the Public Finance Act 1989, which includes the requirement to comply with New Zealand generally accepted accounting practices (NZ GAAP), section 141 of the Human Rights Act 1993 and the Crown Entities Act 2004.

These financial statements have been prepared in accordance with, and comply with, NZ IFRS as appropriate for public benefit entities.

The financial statements have been prepared on an historical cost basis, except assets and liabilities that have been valued at fair value as identified in their respective accounting policies, and are presented in New Zealand dollars. The functional currency of the Commission is New Zealand dollars.

Revenue

Revenue is measured at the fair value of consideration received.

Government grant

The Government grant is received from the Ministry of Justice for the provision of outputs set out in the Memorandum of Understanding as signed by the Chief Commissioner and the Minister of Justice. The grant is recognised as income when earned.

Other income

Other income is received from the supply of contract work, the sale of pamphlets, books and videos, and the provision of advice and educational seminars to third parties. Other income is recognised at the time the product or service is sold to the customer.

Interest

Interest income is recognised using the effective interest method.

Leases

Finance leases

A finance lease is a lease that transfers to the lessee, substantially all of the risks and rewards incidental to ownership of an asset, whether or not title is eventually transferred.

At the beginning of the lease term, the Commission recognises finance leases as assets and liabilities in the statement of financial position at the lower of the fair value of the leased item or the present value of the minimum lease payments.

The amount recognised as an asset is depreciated over its useful life. If there is no certainty as to whether the Commission will obtain ownership at the end of the lease term, the asset is fully depreciated over the shorter of the lease term and its useful life.

Operating leases

An operating lease is a lease that does not transfer substantially all the risks and rewards incidental to ownership of an asset. Lease payments under an operating lease are recognised as an expense on a straight-line basis over the lease term.

Financial instruments

Financial assets and financial liabilities are initially measured at fair value plus transaction costs, unless they are carried at fair value through profit and loss in which case the transaction costs are recognised in the statement of financial performance.

Cash and cash equivalents

Cash includes cash on hand and funds on deposit at banks.

Debtors and other receivables

Debtors and other receivables are initially measured at fair value and subsequently measured at amortised cost using the effective interest rate, less impairment changes.

Impairment of a receivable is established when there is objective evidence that the Commission will not be able to collect amounts due according to the

original terms of the receivable. Significant financial difficulties of the debtor, probability that the debtor will enter into bankruptcy, and default in payments are considered indicators that the debtor is impaired. The amount of the impairment is the difference between the asset's carrying amount and the present value of estimated future cash flows, discounted using the original effective interest rate. The carrying amount of the asset is reduced through the use of an allowance account, and the amount of the loss is recognised in the statement of financial performance. Overdue receivables that are renegotiated are reclassified as current (i.e. not past due).

Accounting for foreign currency transactions

Foreign currency transactions are translated into New Zealand dollars using the exchange rates prevailing at the dates of the transactions. Foreign exchange gains and losses resulting from the settlement of such transactions and from the translation at year end exchange rates of monetary assets and liabilities denominated in foreign currencies are recognised in the statement of financial performance.

Property, plant and equipment

Property, plant and equipment consists of motor vehicles, equipment, furniture and fittings, leasehold improvements, and library books.

Property, plant and equipment are shown at cost or valuation, less accumulated depreciation and impairment losses.

Additions

The cost of an item of property, plant and equipment is recognised as an asset, if and only if, it is probable that future economic benefits or service potential associated with the item will flow to the Commission and the cost of the item can be measured reliably.

In most instances, an item of property, plant and equipment is recognised at its cost. Where an asset is acquired at no cost, or for a nominal cost, it is recognised at fair value as at the date of acquisition.

Disposals

Gains and losses on disposals are determined by comparing the proceeds with the carrying amount of the asset. Gains and losses on disposals are included in the statement of financial performance.

Subsequent costs

Costs incurred subsequent to initial acquisition are capitalised only when it is probable that future economic benefits or service potential associated with the item will flow to the Commission and the cost of the item can be measured reliably.

Depreciation

Depreciation is provided on a straight-line basis on all property, plant and equipment, at rates that will write off the cost of the assets to their estimated residual values over their useful lives. The useful lives and associated depreciation rates of major classes of assets have been estimated as follows:

Motor Vehicles	5 years	20%
Equipment	5 years	20%
Furniture and Fittings	5 years	20%
Leasehold Improvements	5 years	20%
Library Books	5 years	20%

The residual value and useful life of an asset is reviewed, and adjusted if applicable, at each financial year-end.

Intangible assets

Software acquisition

Acquired computer software licenses are capitalised on the basis of the costs incurred to acquire and bring to use the specific software.

Costs associated with maintaining computer software are recognised as an expense when incurred. Staff training costs are recognised as an expense when incurred.

Amortisation

The carrying value of an intangible asset with a finite life is amortised on a straight-line basis over its useful life. Amortisation begins when the asset is available for use and ceases at the date that the asset is derecognised. The amortisation charge for each period is recognised in the statement of financial performance.

The useful lives and associated amortisation rates of major classes of intangible assets have been estimated as follows:

Computer Software	3 years	33%
-------------------	---------	-----

Impairment of non-financial assets

Intangible assets that have an indefinite useful life are not subject to amortisation and are tested annually for impairment. An intangible asset that is not yet available for use at the balance sheet date is tested for impairment annually.

Property, plant and equipment and intangible assets that have a finite useful life are reviewed for impairment whenever events or changes in circumstances indicate that the carrying amount may not be recoverable. An impairment loss is recognised for the amount by which the asset's carrying amount exceeds its recoverable amount. The recoverable amount is the higher of an asset's fair value less costs to sell and value in use.

Value in use is depreciated replacement cost for an asset where the future economic benefits or service potential of the asset are not primarily dependent on the asset's ability to generate net cash inflows and where the entity would, if deprived of the asset, replace its remaining future economic benefits or service potential.

If an asset's carrying amount exceeds its recoverable amount, the asset is impaired and the carrying amount is written down to the recoverable amount. The total impairment loss is recognised in the statement of financial performance. A reversal of the impairment loss is also recognised in the statement of financial performance.

Creditors and other payables

Creditors and other payables are initially measured at fair value and subsequently measured at amortised cost using the effective interest rate method.

Employee entitlements

Employee entitlements are measured at the present value of estimated future cash flows based on accrued entitlements at current rates of pay. These included salaries and wages accrued up to balance date, annual leave earned but not yet taken at balance date, and retiring and long service leave entitlements.

Superannuation schemes

Defined contribution schemes

Obligations for contributions to KiwiSaver, the Government Superannuation Fund, and the National Provident Fund are accounted for as defined contribution schemes and are recognised as an expense in the statement of financial performance as incurred.

Defined benefit schemes

The Commission does not make contributions to defined benefit schemes.

Provisions

The Commission recognises a provision for future expenditure of an uncertain amount or timing when there is a present obligation (either legal or constructive) as a result of a past event, it is probable that an outflow of future economic benefits will be required to settle the obligation and a reliable estimate can be made of the amount of the obligation. Provisions are not recognised for future operating losses.

Provisions are measured at the present value of the expenditures expected to be required to settle the obligation using a discount rate that reflects current market assessments of the time value of money and the risks specific to the obligation.

Commitments

Expenses yet to be incurred on non-cancellable contracts that have been entered into on or before balance date are disclosed as commitments to the extent that there are equally unperformed obligations.

Cancellable commitments that have penalty or exit costs explicit in the agreement on exercising that option to cancel are included in the statement of commitments at the value of that penalty or exit cost.

Accumulated Funds

Accumulated funds are the Government's investment in the Commission and are measured as the difference between total assets and total liabilities.

Goods and Services Tax (GST)

All items in the financial statements are stated exclusive of GST, except for receivables and payables, which are stated on a GST-inclusive basis. Where GST is not recoverable as input tax, then it is recognised as part of the related asset or expense.

The net amount of GST recoverable from, or payable to, the Inland Revenue Department (IRD) is included as part of receivables or payables in the statement of financial position.

The net GST paid to, or received from the IRD, including the GST relating to investing and financing activities, is classified as an operating cash flow in the statement of cash flows.

Commitments and contingencies are disclosed exclusive of GST.

Income tax

The Commission is a public authority; it is exempt from the payment of income tax. Accordingly, no charge for income tax has been provided for.

Cost

Direct costs are those costs that are directly attributable to an output and these costs are charged to the relevant project activity and reported in the project item in the statement of financial performance.

Indirect costs are those costs that cannot be identified accurately to a specific output and are not allocated to the Commission's project activities.

Critical accounting estimates and assumptions

In preparing these financial statements, the Commission has made estimates and assumptions concerning the future. These estimates and assumptions may differ from the subsequent actual results. Estimates and judgements are continually evaluated and are based on historical experience and other factors, including expectations of future events that are believed to be reasonable under the circumstances.

Critical judgements in applying the Commission's accounting policies

No critical judgements of a material nature were made by management in applying the Commission's accounting policies.

Comparatives

Where necessary, comparative information has been reclassified to achieve consistency in disclosure with the current year.

Changes in accounting policies

There have been no changes in accounting policies since the date of the last audited financial statements. All accounting policies have been applied on a basis consistent with those used in the previous year.



Te kāhui tika tangata is the korowai or cloak of the Human Rights Commission.

Te kāhui embraces those who gather together under the kaupapa of human rights and symbolises both their protective role and the Commission's role in promoting them.

Tika tangata refers to our human rights and responsibilities, suggesting the highest imperatives of respect and conduct. The design of the Commission's logo derives from the traditional art of taniko, the weaving used to make korowai. Taniko is a uniquely New Zealand art form. In particular, the knots and hanging threads at the bottom of the cloak are characteristic of the design.

The Commission's logo symbolises the many muka, or strands, that are woven together, representing both the uniqueness of individuals and our collective identity – our diversity and our unity. The muka emphasise our interconnectedness and interdependence. The pona (knot) secures the threads. Together they make up the korowai of our human rights and responsibilities.

He tangata kē koutou

He tangata kē mātou

I roto i tēnei whare (motu)

Tātou tātou ē

Human Rights Commission
Te Kāhui Tika Tangata

The Office of Human Rights Proceedings
Te Tari Whakatau Take Tika Tangata



Human Rights
Commission
Te Kāhui Tika Tangata