



Human Rights
Commission
Te Kāhui Tika Tangata

2013–2016 Statement of Intent

Human Rights Commission
Te Kāhui Tika Tangata

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Foreword

Wahinga korero

Historically, New Zealand has shown a high regard for the importance of the realisation of human rights. There has been, and there remains, a real and strong commitment to promote and protect universal human rights through international human rights instruments and regional institutions. Much of this is based on a desire to do the right thing by people rather than a deep understanding by decision-makers about how the international human rights obligations New Zealand has agreed to meet can assist in delivering better outcomes for New Zealanders.

This is the foundation on which the Commission wants New Zealanders to work together on to address the entrenched inequalities that prevent a good society from being far better.

This *Statement of Intent* marks a fresh and innovative approach to the realisation of human rights. The Commission has chosen four new outcome areas: work and education; housing, health and community; violence and abuse; and human rights mainstreaming.

At the heart of each is the goal to marry the Commission's focus on human rights with key result areas of the Government's Better Public Services programme.

We can reduce long-term welfare dependency by improving equality of opportunity in work and education. We can boost skills and employment by improving equality of opportunity in work and education. We can support vulnerable children and reduce crime by addressing the causes of violence against the vulnerable, women, children and people with disabilities. We can improve interaction with the Government by ensuring national and local government, business and non-governmental agencies use the human rights approach for policy and practice and to increase representation from disadvantaged groups.

This new focus seeks to bring greater urgency and relevance to the Commission's role and work. Despite progress in the realisation of human rights that include the

ratification of significant human rights instruments from the Convention on the Rights of Persons with Disabilities to the Declaration on the Rights of Indigenous Peoples, inequalities for some in our society have worsened over the last 20 years.

Young New Zealanders bear the brunt of this. If you are young and Māori you are one and a half times more likely to be jobless than your Pākehā counterparts. If you are a young Pacific person, then you are twice as likely to be without work. At the same time, many Māori and Pacific people live in overcrowded and substandard housing to the detriment of their health and wellbeing.

Of particular concern to the Commission is what the 2003 National Health Committee referred to as "systemic neglect" of the primary health care of adults with an intellectual disability. In 2009, the Special Olympics movement told the Government in the first Universal Periodic Review process that there had been no action to improve the situation. The Government advised the United Nations in 2009 that it had a work plan to address this. The Disability Convention Coalition best sums up what has yet to happen in their 2012 report which said that: "... minimal progress had been made on dealing with the health care issues facing people with intellectual impairments".

The Commission's focus is also on the people of Canterbury. No less than elsewhere in New Zealand, the people of Canterbury deserve the same virtues of a good society: a warm home, equal opportunity of access to education and health care and participation in decision-making. The Commission's response is a strong commitment to assisting Cantabrians to realise their human rights to health, housing, and participation in decisions that affect them. We are committed to working with government and civil society to make Christchurch the most accessible city in the world.

Each of these priorities will receive greater focus in the year ahead as New Zealand is due to report on its progress towards the realisation of human rights to the United Nations Human Rights Council through the Universal Periodic Review process in October this year. Recommendations from this review create a strong obligation for the Government to put them into action.

In turn, the Universal Periodic Review will inform the Commission's work on a national plan of action for human rights for adoption by the Government and society. The plan will outline the path to the greater realisation of human rights for all New Zealanders and, as such, it belongs to all of us.

Haere rā



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Who we are and what we do

Ko wai mātou ā he aha tā mātou mahi

The Human Rights Commission (the Commission) works to achieve a society in which people in New Zealand enjoy their human rights, duty-bearers uphold their human rights responsibilities, and people live together harmoniously by showing a common respect for each other's human dignity.

The Commission, which includes the Office of Human Rights Proceedings, is an independent Crown entity for the purposes of the Crown Entities Act, accountable to the Minister of Justice (the Minister). Our functions and related responsibilities are set out under the Human Rights Act (our Act).

The Commission is an "A status" accredited national human rights institution (NHRI). This allows us formal participation at the United Nations (UN) Human Rights Council, including its Universal Periodic Review (UPR). It also allows us to provide information on New Zealand's human rights performance through UN special procedures and to UN treaty bodies, to assist them in making informed recommendations. The accreditation, reviewed every five years, requires each NHRI to comply fully with the standards set out in the UN *Principles Relating to the Status of National Institutions for the Promotion and Protection of Human Rights* – commonly known as the "Paris Principles".

We engage internationally as a member of the Asia Pacific Forum of NHRIs (APF) and of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC). These memberships enable us to build mutual capability through the sharing of good practice and participation in professional development programmes.

The foundations for our work are the international human rights instruments, the Treaty of Waitangi, the Paris Principles, the Human Rights Act and the New Zealand Bill of Rights Act.

Our responsibilities

Our primary functions, set out under our Act, are to:

- 1 advocate and promote respect for, and an understanding and appreciation of, human rights in New Zealand society

- 2 encourage the maintenance and development of harmonious relations between individuals and among the diverse groups in New Zealand society.

Related functions and responsibilities under our Act are to:

- 1 conduct human rights programmes and activities
- 2 make public statements on human rights and race relations issues
- 3 promote understanding of the human rights dimensions of the Treaty of Waitangi
- 4 publish guidelines and voluntary codes of practice
- 5 receive and invite public representations on human rights
- 6 consult and cooperate with other organisations
- 7 inquire into infringements of human rights
- 8 bring proceedings and intervene in court proceedings
- 9 report to the Prime Minister on human rights compliance, international standards and legislation
- 10 develop a national plan of action for human rights.

We are governed by a Board made up of all the Commissioners, chaired by the Chief Commissioner. The Board determines the strategic direction and general nature of the Commission's activities. In addition to their governance role, Commissioners act as strategic leaders in areas designated by our Act, or by allocation of spheres of responsibility by the Chief Commissioner (in consultation with the Minister). Commissioners engage in activities of the Commission (excepting those set out in section 76 of our Act¹) as determined by the Chief Commissioner (in consultation with the Minister).

The functions of the Director of Human Rights Proceedings include providing legal representation to applicants whose complaints of unlawful discrimination have not been resolved through the Commission's dispute resolution process. The Director's functions also include bringing proceedings under the Privacy Act in respect to interferences with privacy referred by the Privacy

¹ Section 76(1) Human Rights Act 1993 describes primary functions of the Commission under Part 3 of the Act as: to provide information to members of the public who have questions about discrimination; and to facilitate the resolution of disputes relating to discrimination by Government, related persons and bodies, or persons or bodies acting with legal authority, as well as unlawful discrimination.

Commissioner. Claims of unlawful discrimination or interference with privacy are heard in the Human Rights Review Tribunal.

We apply the human rights approach (developed internationally and adapted for New Zealand by the Commission) in all aspects of our work, which requires:

- 1 linking of decision-making at every level to human rights standards set out in the relevant human rights covenants and conventions
- 2 identification of all relevant human rights involved and a balancing of rights, where necessary prioritising the rights of the most vulnerable people, to maximise respect for all rights and rights-holders
- 3 an emphasis on the participation of individuals and groups in decision-making affecting them
- 4 non-discrimination among individuals and groups through the equal enjoyment of rights and obligations by all
- 5 empowerment of individuals and groups by their use of rights to leverage for action and to legitimise their voice in decision-making
- 6 accountability for actions and decisions, enabling individuals and groups to complain about decisions adversely affecting them.

Part A: Strategic context

Wāhanga A: Te horopaki rautaki

The international environment

Internationally, economic disparities and social inequalities continue to adversely affect the realisation of human rights. The gap between rich and poor continues to widen. At community level, the effect is social fragmentation, manifesting in high levels of unemployment and negative health and wellbeing outcomes. Rural to urban migration flows and international labour migration flows have growing significance in the area of human rights. The importance of a home, education, employment and health to the realisation of human rights is critical in this global climate.

This international context underlines the importance of human rights and the democratic principles of governance. Developments following the “Arab Spring” are, in some countries, showing prospects of improved realisation of human rights, good governance and the rule of law. In some other countries, however, good governance and respect for human rights and the rule of law are deteriorating with the development of conflict, oppression and human rights abuses. Such situations present significant challenges to an international rules-based system.

The strengthening of regional human rights institutions along with UN-based and other cooperative mechanisms with strong cross-border commitment to promoting peace, human rights and development, democracy, consensus building, and the rule of law continue to be crucial in building peace and social cohesion. International justice systems require continuing development and consolidation through international cooperation, despite recent progress in these areas.

International efforts to develop a post-2015 approach to global poverty and human development are progressing. Businesses are increasingly aware of the human rights dimensions of their activities. Collaboration and cooperation is essential for sustainable and transformative human development. Furthermore, achieving improved human rights outcomes for women and children will help increase the stability and strength of communities and economies. Commitment to human rights data collection and measurement requires nurturing at the international, governmental and civil society levels.

Human rights in Aotearoa New Zealand

New Zealand has generally high levels of human rights realisation and continues its commitment at the international level to promote and protect universal human rights through international and regional institutions. However, New Zealand must continue to strive to improve its national human rights performance. Collecting more systematic, rigorous and robust national human rights data will better inform human rights interventions and highlight gaps for improvement.

Ensuring all people living in New Zealand understand the relevance and value of human rights protection remains a challenge. This is clear in the context of the Canterbury earthquake recovery with human rights issues relating largely to health, housing, participation and accessibility. The importance of a home and housing to human rights, and especially to psychological and physical health and social wellbeing, is increasingly apparent. The absence of an overarching, national approach to, or plan for affordable housing, is amplified in Canterbury. The importance of the home and an adequate standard of living intersect with issues of education, employment and community. Canterbury's human rights challenges demonstrate the necessity for a people-centred approach to disaster recovery, informed by a human rights approach and international human rights standards. This will improve lives in Canterbury, and provide lessons for the future elsewhere in New Zealand.

Beyond Canterbury, violence, abuse and harassment continue to occur at unacceptably high levels in New Zealand. Violence and bullying in schools is concerning. As recommended by the UN Committee on Economic, Social and Cultural Rights, systematic data collection to understand the magnitude of this issue is necessary, and the lack of a comprehensive national policy on violence and bullying in the education sector is problematic.

In the area of social and economic inequality, there has been some key progress in New Zealand, evidenced by the passage of the Marriage Equality Bill. Despite this, social and economic exclusion and entrenched inequalities remain a reality for certain groups in New Zealand. Inequalities have worsened over the last 10 years. Those seriously affected are women, people with

disabilities, Māori, Pacific peoples and other minority groups. Particularly concerning are the growing disparities between Māori and Pacific peoples and European New Zealanders; and between disabled and non-disabled New Zealanders. These disparities are reflected in child poverty, unemployment and school expulsion rates, as well as in health outcomes and life expectancy. Over the past five years, however, there is evidence of improvements in education for all ethnic groups with some key indicators showing some progress.

Auckland, New Zealand's largest and most culturally diverse urban centre, highlights many of these social and economic disparities. The *Auckland Plan* notes approximately 30 per cent of Aucklanders (almost 400,000 people) live in communities of high deprivation (measured by nine Census-based socio-economic factors). South Auckland has the highest concentration of disadvantage. As a response, the cross-sector *Southern Initiative* is being developed focusing on critical issues such as educational achievement and job growth.

At central government level, Better Public Services (BPS) sets high-level targets for the delivery of value-for-money public services of outstanding quality, aiming to address inequalities in areas such as health, education, employment and the justice system.

A Constitutional Review is underway, with public consultation being undertaken during 2013. This will consider the place of the Treaty of Waitangi in New Zealand's constitutional arrangements. New Zealanders are, however, increasingly recognising the importance and relevance of the Treaty to New Zealand and its peoples. The relationship between the Treaty partners (iwi, hapū, whānau and the Crown) is evolving as iwi further develop their economic base – now estimated in the region of \$40 billion – and Treaty settlements provide new mechanisms for consultation, co-management and self-determination. Water and water-related issues remain a prominent point of contention in Crown–Tangata Whenua relations. Recently, customary rights in relation to fresh water have been brought to the fore with the Government's proposal to sell shares in publicly owned hydro-electric power companies. Other "property rights" or Treaty issues have also arisen in relation to minerals and mining, and the use of foreign fishing vessels.

Contribution to Government goals

The human rights priorities we have identified align with the Government's Better Public Services programme as follows:

Better Public Services Key Result Areas	Commission focus
Reducing long-term welfare dependency	Improving equality of opportunity in work and education
Boosting skills and employment	Improving equality of opportunity in work and education
Supporting vulnerable children	Reducing violence against vulnerable groups (children and women, people with disabilities)
Reducing crime	Reducing violence against vulnerable groups (children and women, people with disabilities)
Improving interaction with government	Working with central agencies to connect Better Public Services to use the human rights approach and promoting increased representation of disadvantaged groups to match that of the community within the Public Service

The Commission, through our activities, will also contribute to Government goals concerned with building a more competitive and productive economy, and rebuilding Canterbury.

Our performance

Goals

People in New Zealand enjoy their human rights

Duty-bearers in human rights

Outcomes

Work and education
Structural discrimination and barriers to equality eliminated so all people in New Zealand have access to decent and productive work and quality education

Housing, health and community
Inclusion and participation achieved through all people in New Zealand having access to healthy housing, the highest attainable level of health and wellbeing, and accessibility consistent with the Convention on the Rights of Persons with Disabilities

Impacts

Increased understanding of the causes of inequalities in work and education and increased adoption of good work and education practices

Improved engagement in problem identification, solution design and decision-making in the Canterbury earthquake recovery by people most affected by the earthquakes

Increased awareness about human rights and increased understanding about

Output areas

Education, promotion and advocacy

Monitoring

Organisational capability

Strategic alignment

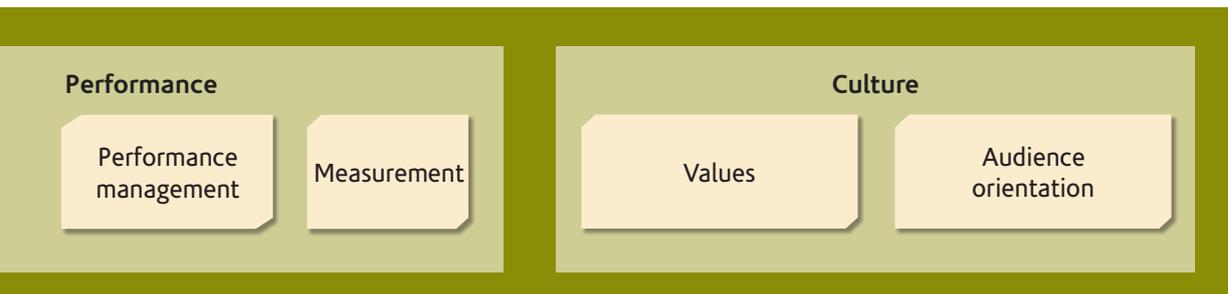
People

Systems and processes

Products

Planning

framework 2013–16



Our operating intentions

Tā mātou koronga whakahaere

Human rights are our core business. They are reflected in our goals that people in New Zealand enjoy their human rights, duty-bearers uphold their human rights responsibilities, and people live together harmoniously by showing a common respect for each other's human dignity.

We direct our activities to the critical human rights issues facing people in New Zealand, as well as building a greater understanding and respect for human rights in our communities. Every year we review the human rights situation in New Zealand to determine where we can take practical steps and make a positive contribution to achieving improved human rights outcomes for everyone in New Zealand. From our review of the current human rights situation in New Zealand, we have designed our work programme around four outcome areas:

- 1 work and education
- 2 housing, health and community
- 3 violence and abuse
- 4 human rights mainstreaming.

In this section, we analyse what the current situation is in relation to each of these outcome areas, set out what we will do to achieve improvements in these areas, identify who we will work with in carrying out our activities, and what impact we intend to make in these outcome areas through the services we provide.

In detailing what our operating intentions are over the next three years, we acknowledge our support for the outcomes of other agencies where these complement our own priorities. In particular, in aspiring to improve educational achievement of children and young people from economically disadvantaged areas and with disabilities, and to reduce violence and abuse within secondary schools, our work programme complements the Office of the Children's Commissioner's priority focus which is to improve outcomes for children.

The following diagram sets out our foundations, outcome areas, the key services we provide, and our key external audiences.

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 instruments

Outcome areas

- Work and education
- Housing, health and community
- Violence and abuse
- Human rights mainstreaming

Services

Education, promotion and advocacy

- human rights education, advocacy and awareness programmes
- community development programmes
- good practice guides
- tools and resources

Enquiries and complaints, and legal interventions

- information, referral and disputes resolution process
- legal interventions

Office of Human Rights Proceedings

- legal representation

Monitoring and reporting

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

External audiences

- Influencers and decision-makers
- Public
- Interest groups and partners
- Media

Outcome area one: Work and education

Outcome

Structural discrimination and barriers to equality eliminated so all people in New Zealand have access to decent and productive work and quality education.

Situation analysis

Inequalities in employment

Women continue to be paid approximately 10 per cent less than men on a median hourly basis and are over-represented among workers earning at, or just above, the minimum wage. Women remain under-represented in leadership roles in both the private and public sectors. The gender pay gap in the public service is wider than that of the whole labour force. These inequalities are more acute for Māori women, Pacific women, young women, and women with disabilities.

Despite the ethnic composition of the public service broadly matching the ethnic composition of the New Zealand population, significant ethnic inequalities in pay and management roles persist across the public sector. Māori, Pacific and Asian peoples are under-represented in senior leadership roles. The pay gap between Māori and European New Zealanders is 11 per cent, while it is 19 per cent for Pacific peoples, and 12 per cent for Asian peoples. Population-wide, Māori and Pacific rates of unemployment are three times higher than that of European New Zealanders, while the rates of unemployment of people from other backgrounds (Asian, Middle Eastern, Latin American and African) are approximately twice as high.

Employment data on people with disabilities is collected infrequently. In all three disability surveys to date, conducted as part of the general Census, people with disabilities of working age are more than twice as likely as non-disabled people to be unemployed. We will contribute to the work of the Disability Convention independent monitoring mechanism on guidelines on reasonable accommodation in employment, led by the Office of the Ombudsman.

Young people have been disproportionately affected by the global financial crisis and, when they are able to find work, are often employed in more vulnerable sectors where there is less job security, high turnover, lower wages

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 1, Universal Declaration of Human Rights

International human rights standards

The International Covenant on Economic, Social and Cultural Rights (ICESCR) refers explicitly to equal opportunities at work and establishes the main international human rights standards relevant to this outcome, along with core International Labour Organisation conventions. Both ICESCR and the Convention on the Rights of the Child provide for the right to education. Other human rights standards further assert these rights for identified vulnerable population groups.

and more part-time and casual hours. The unemployment situation of Māori and Pacific youth is acute. The Pacific youth unemployment rate is at least twice that of the youth unemployment rate for European New Zealanders; the Māori youth unemployment rate one and a half times. Disability advocates and commentators note the double disadvantage in the labour market of being both disabled and young.

Provincial and rural New Zealand communities are particularly vulnerable to layoffs in dominant location-based industries. The loss of several hundred jobs from one company or one industry in smaller centres has a much more significant effect on the whole community than is the case in urban New Zealand.

Inequalities in education

Māori and Pacific peoples continue to experience significant disadvantage in terms of educational outcomes. In compulsory education, approximately 50 per cent of Māori students leave school with no educational qualifications compared to 21 per cent of the overall population. Pacific expulsion rates are over three and a half times higher than for New Zealand European students; the expulsion rate for Māori students three times higher.

The Education Review Office has found that schools with initiatives specific to Māori and Pacific needs and cultural practices are more effective in building relationships and enhancing student achievement.

The link between poverty and children's ability to fully engage in education is critical. Socio-economic factors – including poverty – play a key role in determining inequitable educational outcomes. The NCEA Level 1 pass rate at the poorest 30 per cent of schools is only two-thirds that of the wealthiest 30 per cent of schools.

In New Zealand, the right to education for students with disabilities is not established in a way consistently guaranteeing these students the ability to attend their local State school and receive an education aimed at full realisation of their abilities and talents. In 2010, the Education Review Office reviewed how well schools demonstrated inclusive practices, finding that only 50 per cent of schools surveyed were fully inclusive, 30 per cent were partially inclusive, and 20 per cent were not inclusive. The Education Review Office will now measure and report on schools' performance in achieving a fully inclusive school. Evaluation indicators include: presence, participation and engagement, and achievement of students with high needs. Furthermore, the Disability Convention independent monitoring mechanism, of which the Commission is part, is working on guidelines on reasonable accommodation in education, led by the Office of the Ombudsman.

The Ministry of Education is prioritising improvement of education outcomes for Māori students, Pacific students, students with special education needs, and students from low socio-economic areas. The Ministry measures the increase in the number of children accessing early childhood education as a result of targeted participation projects. This measure covers all children, but is only disaggregated by three population groups: Māori, Pacific peoples, and children from low socio-economic areas. Educational outcomes for students with disabilities are difficult to improve if data is not also disaggregated for this group of students.

An important aspect to reducing inequalities is access to information and communication in indigenous or community languages. There is no national strategy for New Zealand Sign Language (NZSL), reflected in a lack of standards and infrastructure, including insufficient numbers of NZSL

interpreters. Māori deaf are particularly poorly served, with only two qualified tri-lingual interpreters in New Zealand.

The future of te reo Māori remains under scrutiny following the 2011 publication of major reports by the Waitangi Tribunal and a Ministerial Review Panel. The development of a new Māori Language Strategy is urgently needed to address issues raised in the reports. The Pacific Languages Framework was completed in 2012, addressing the declining use of Pacific languages in New Zealand. However, a similar strategy for other community languages is required in recognition of the importance of language retention to culture.

What we will do

Over the next three years, we will deliver services that increase awareness and application of human rights by the State sector and the community in the areas of employment and education.

We will advocate and encourage implementation of te reo Māori; NZSL; community languages and strategies; and support promotional language weeks, given their importance in building stronger and more productive New Zealand communities.

We will scope ways to encourage the scaling of good practice in the education system that have led to improved inclusion and better educational outcomes for students who live in economic decile 1–3 areas, and identify how we can assist this process.

Beyond 2013–14, our work will be shaped by the human rights priorities identified through the second national plan of action for the promotion and protection of human rights in New Zealand.

During 2013–14, we will:

- 1 scope ways to encourage the scaling of good practice in the education system that have led to improved inclusion and better educational outcomes for students with disabilities
- 2 provide advice to the State Services Commission, the Ministry of Health and the Ministry of Education on reducing structural discrimination in employment in the State sector, including advice on pay equity and employment discrimination

- 3 advocate for the collection of data on the employment of people with disabilities in the health and education sectors including advocacy with the State Services Commission
- 4 identify and disseminate case studies of knowledge of effective solutions (including solutions from young people) that have resulted in reduced youth unemployment for young people with disabilities and young people living in economic decile 1–3 areas of South Auckland and in one work-poor rural community.

Who we will work with

We will work with key partners, including government agencies; local authorities; community organisations; iwi, hapū, and whānau; businesses; unions; and school boards of trustees.

Impact

Impact measures for 2013–16:

- 1 a reduction in State sector structural discrimination, including in pay and employment equity, as evidenced by incorporation of Commission advice and guidance at least five times into State sector policy and practice
- 2 an increase in measures on reasonable accommodation of people with disabilities in employment, as evidenced by adoption by employers of Commission advice and guidance at least three times
- 3 a reduction in youth unemployment, including young people with disabilities, as evidenced by adoption by duty-bearers of at least two of the Commission's case studies of good practice programmes addressing employment of young people living in economic decile 1–3 areas and one work-poor rural community, and of young people with disabilities
- 4 improved educational achievement for people with disabilities, as evidenced by adoption by duty-bearers of at least two of the Commission's case studies of good practice programmes addressing educational standards and work-relevant qualifications of students living in economic decile 1–3 areas and/or students with disabilities.

Outcome area two: Housing, health and community

Outcome

Inclusion and participation achieved through all people in New Zealand having access to healthy housing, the highest attainable level of health and wellbeing, and accessibility consistent with the Convention on the Rights of Persons with Disabilities.

Situation analysis

Affordable, habitable housing remains a challenge for New Zealand as a whole, with a concentration of housing issues in Auckland. Inequalities experienced by people in terms of health, housing and accessibility within the community are particularly acute for those people affected by the Canterbury earthquakes. It is essential that lessons and gains made in Canterbury regarding habitable and affordable housing are transferred to other parts of New Zealand in the future.

The Canterbury earthquakes have triggered challenges to the realisation of a number of economic and social rights, including the rights to housing, an adequate standard of living, health and education. Civil and political rights have also been challenged. These challenges are acute for those who were already experiencing disadvantage and discrimination in the pre-disaster context, particularly people with disabilities, cultural minorities, and children and young people. Many people face uncertainty over accommodation, work and business prospects as a consequence of the earthquakes. In post-disaster situations, human rights standards are part of the essential foundation for a fair and just recovery.

A coordinated focus on the psychosocial recovery of Canterbury remains one of New Zealand's most pressing human rights issues and is much needed. Repeated exposure to trauma through the major earthquakes and repeated aftershocks has resulted in chronic stress and psychosocial harm for many Cantabrians, showing in high rates of anti-depressant medication use and people presenting to mental health facilities, community dislocation, and anti-social behaviour. Deterioration in mental health and wellbeing amongst young people is particularly concerning.

Housing affordability, habitability and property rights are core human rights concerns arising in the Canterbury earthquake recovery. A lack of participation in decision-

Human rights don't disappear the moment an earthquake, a hurricane or a tsunami strikes. We witnessed after the Indian Ocean tsunami, the earthquake in Haiti and many other disaster situations that during relief and recovery efforts the protection of human rights gains in importance as it can safeguard the dignity of those affected.

United Nations Inter-Agency Standing Committee (2011)
Operational Guidelines on the Protection of Persons in Situations of Natural Disasters

International human rights standards

The international human rights standards underpinning this outcome area are the:

- 1 guidelines produced by the Inter-Agency Standing Committee (IASC), established by a UN General Assembly resolution in 1991, to bring together international organisations working to provide humanitarian assistance to people in need as a result of natural disasters, conflict-related emergencies, global food crises and pandemics
- 2 Convention on the Rights of Persons with Disabilities (Disability Convention)
- 3 International Covenant on Civil and Political Rights (ICCPR)
- 4 International Covenant on Economic, Social and Cultural Rights (ICESCR).

The right to property is of significance in terms of the Canterbury earthquake recovery. Article 17 of the Universal Declaration of Human Rights states:

- 1 Everyone has the right to own property alone as well as in association with others.
- 2 No-one shall be arbitrarily deprived of his property.

making processes about housing, insurance and community dislocation compound the psychosocial stress experienced by Canterbury residents. Many are unable to move on with their lives while they navigate complex insurance assessment and repair processes, and are largely left out of problem identification and solution design processes. In many instances, they are struggling to access the information required to be able to make important decisions.

The current housing shortage has been exacerbated by a loss of social housing. This is affecting migrant workers arriving for the rebuild, families in need of temporary housing, and renters. The Government has acknowledged the rebuild of Christchurch is an opportunity to make the city more accessible, safer, easier to navigate and also to have more accessible housing. In 2013–14, planned government initiatives are focused on promoting accessible housing.

Lessons from the Canterbury recovery will prove useful to achieving improved outcomes more widely for people across New Zealand in terms of housing, health and accessibility within the community.

What we will do

We are committed to working with the people of Canterbury, government and non-government agencies, tangata whenua, local authorities and business to ensure that people affected by the Canterbury earthquakes experience health and wellbeing equal to, or better than, international norms in post-disaster recovery, and that the Government's goal of making Christchurch the world's most accessible city is realised.

The focus of our work will be to promote the primacy of a human rights approach to the Canterbury earthquake recovery and to replicate lessons learnt elsewhere in New Zealand, particularly in decile 1–3 economic areas.

We will continue to engage with and provide advice to central and local government on adopting a human rights approach to address systemic issues in the development of policies and practices. We will provide advocacy and advice on issues related to the recovery for vulnerable communities and civil society organisations.

We will continue involvement in the development of an internationally benchmarked monitoring framework that will work to ensure the recovery is inclusive, non-discriminatory and meets international best practice.

Over time, we intend to leverage what we learn from our focus on improving outcomes of the people most affected by the Canterbury earthquakes to identify what activities we might replicate more widely across New Zealand in contribution to achieving improved outcomes for the wider New Zealand population.

During 2013–14, we will:

- 1 advocate for the informing of policy-makers and service providers about psychosocial harm arising out of the aftermath of the earthquakes, and advocate for government agencies, civil society and business to ensure psychosocial harm is reduced
- 2 advocate for more inclusive services and support mechanisms to improve the wellbeing and whānau ora of people living in Canterbury
- 3 facilitate dialogue between key influencers and decision-makers with affected and vulnerable people to ensure their participation in post-earthquake problem definition, solution-design and decision-making
- 4 advocate for a human rights approach to influence technical and legal frameworks on building design, land use and recovery, and accessibility of the built environment in Canterbury to support human rights outcomes
- 5 inform decision-makers on the economics of affordable, accessible and healthy housing in Canterbury.

Who we will work with

Our partners in the monitoring framework include the Office of the Ombudsman, the Office of the Auditor-General, the Insurance and Savings Ombudsman, and the Serious Fraud Office. We will maintain our membership of The Earthquake Disability Leadership Group and continue to engage with the business sector – focusing on the insurance, banking and property areas – to build an understanding of the human rights implications of their activities in the recovery context. We will also continue to build meaningful relationships with affected people, connecting them with decision-makers and influencers as part of a solutions-focused, citizen-centred approach to improving human rights outcomes.

Impact

Decision-makers in the Christchurch rebuild use the Commission's advice and guidance as evidenced by them increasingly:

- 1 delivering their accessibility obligations under Article 9 of the Convention on the Rights of Persons with Disabilities towards people living within Christchurch communities
- 2 making housing decisions in Christchurch which reflect the input of people living within these communities and upholding property rights
- 3 ensuring affordable, accessible and healthy housing in the built environment of Christchurch
- 4 making insurance decisions that reflect an understanding of the human rights of the people they insure.

Outcome area three: Violence and abuse

Outcome

People in New Zealand are free from violence and abuse.

Situation analysis

Violence, abuse and bullying remain among the most intractable human rights issues in New Zealand. They undermine people's right to safety and their ability to enjoy other fundamental rights, including the right to school education.

Violence in schools

Violence presents a challenge in New Zealand schools and has serious effects on victims. Effects include living with anxiety and fear, lowered self-esteem, engagement in risk-taking behaviours such as substance abuse and self harm, truancy, and early dropout from the education system. Victims may suffer mental health issues, relationship difficulties, and impeded emotional, behavioural and cognitive development. In extreme cases, some victims may resort to suicide.

Harmful digital communication is of increasing concern to schools, students and parents. It can take a variety of forms, including cyber-bullying via email, blogs and social media, and via text and voice messages. These media can be used to intimidate and harass, spread damaging or humiliating rumours and publish invasive and distressing photographs.

Violence against women and children

In OECD rankings, New Zealand rates poorly in terms of child health and safety, and in the past has had one of the highest rates of child maltreatment. Similarly, the level of violence against women in New Zealand remains high despite concerted efforts to tackle the problem. It is estimated that violence affects between a third to half of all New Zealand women over their lifetime.

Claims of historic abuse in State care

It is more than 10 years since the first civil proceedings alleging historic abuse and ill-treatment while in State care were instituted.

Historic abuse claims are overwhelmingly from people who experienced ill-treatment when in State care as children. In many cases, those who experienced ill-treatment in State care had already been in the care of neglectful or abusive

All are equal before the law and are entitled without any discrimination to equal protection of the law.

Article 7, Universal Declaration of Human Rights

International human rights standards

The core human rights standards for this outcome area are the:

- 1 Convention on the Rights of the Child (UNCROC), including the right to education
- 2 Convention on the Elimination of Discrimination Against Women (CEDAW)
- 3 Convention Against Torture (CAT) which strengthens the protection of persons deprived of their liberty.

UN bodies have recently agreed to two new declarations related to women's rights. The ICC Amman Declaration 2012 affirms women's and girls' rights are human rights, guaranteed in all human rights treaties.

In 2013, the Commission on the Status of Women agreed a comprehensive statement on the elimination and prevention of all forms of violence against women and girls, noting that gender-based violence persists in every country and is a pervasive violation of the enjoyment of human rights.

parents or guardians. The combined effect of early abuse and/or neglect in State care has lifelong effects on some people, leaving them vulnerable to mental illness; drug and alcohol addiction; and low basic literacy, numeracy and employment skills. A significant number of those currently in New Zealand prisons were wards of the State as children.

Efforts to progress claims of historic abuse through the courts have been largely unsuccessful. The initiation of proceedings by increasing numbers of victims has, however, led to successive governments establishing alternative resolution processes, such as the Confidential Listening and Assistance Service and the Ministry of Social Development's Care, Claims and Resolution process.

Individual claims have largely been resolved through these alternative processes through specific investigations into the allegations made.

What we will do

Over the next three years, we will advocate, monitor, report and engage with the Government, other duty-bearers and the community to help reduce violence and abuse in New Zealand. Our work will be directed to ensuring that more women and children, and people in State care are free from all forms of violence and abuse, and the level of bullying and violence experienced by secondary school students (including students of all ethnicities; gay, lesbian, bisexual, transgender and intersex students; and students with disabilities) is better understood through systemic measurement which informs practice.

Our priority in this area is to identify and promote good practice, and advocate for the uptake of actions recommended by international and national bodies with an interest and expertise in the elimination of violence and abuse. We will produce and distribute a resource for secondary school students and their parents to help them understand their rights and responsibilities in relation to violence and abuse.

We will scope a review of cases and claims of historic abuse in State care to inform State care and welfare services currently delivered in New Zealand, ensuring lessons are learnt from the past so that children are safe while in State care today and into the future.

During 2013–14, we will:

- 1 advocate for the adoption of the Law Commission's recommendations for the education sector on bullying and violence in schools (as per the Ministerial Briefing on harmful digital communications)
- 2 advocate to the Ministry of Education, and to associations of teachers and members of boards of trustees on the importance of the measurement of bullying and violence in schools as a means to determine the success of their interventions
- 3 identify and disseminate good practice through partners in the education sector
- 4 advocate for the Government to accept the concluding observations of the Committee on Economic, Social and Cultural Rights (May 2012), the Committee on the Elimination of Discrimination Against Women (July 2012), and the Committee on the Rights of the Child (April 2011).

Who we will work with

We will engage with duty-bearers in the education sector (including the Ministry of Education, associations of teachers and boards of trustees).

Impact

Impact measures for 2013–16:

- 1 adoption and replication by secondary schools of Commission information on good practice, and the adoption by secondary schools and the Ministry of Education of the measurement of incidents of violence and abuse and the monitoring of the success of interventions
- 2 Commission advice that the Government adopt the recommendations of the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Discrimination Against Women is accepted by the Government through the second Universal Periodic Review cycle.

Outcome area four: Human rights mainstreaming

Outcome

Human rights standards fully reflected in law, policy and practice so the human rights of people in New Zealand are protected.

Situation analysis

New Zealand's policy is that a treaty is only ratified or acceded to once all legislation required to implement it has been passed. However, international treaty bodies have concluded that New Zealand still does not consistently or fully incorporate human rights standards in domestic law or apply them comprehensively in the development of legislation, policy and practice.

Even in areas where law and policy are developed consistent with, and reflect, international human rights standards, they are not always applied in practice. Few central or territorial government agencies have incorporated human rights standards into their staff training and development. Complaints we receive often reflect this.

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

Our monitoring and reporting responsibilities include working with the UN Human Rights Council on New Zealand's next Universal Periodic Review, currently scheduled for the 18th session of the Universal Periodic Review in January–February 2014. We anticipate engaging with the Committee Against Torture, and the Committee on the Rights of Persons with Disabilities during 2013–14. We contribute to an informal UNCROC monitoring mechanism with the Office of the Children's Commissioner, UNICEF, Action for Children and Youth Aotearoa, the Child Poverty Action Group, and Save the Children. Future opportunities may exist for the Commission to contribute to an informal monitoring mechanism for CEDAW.

The Commission advocates and promotes respect for, and an understanding and appreciation of, human rights in New Zealand society.

Section 5(1)(a), Human Rights Act

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

Section 5 (1)(b), Human Rights Act

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

Section 5 (2)(d), Human Rights Act

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. Other human rights treaties such as the Convention on the Elimination of All Forms of Racial Discrimination (CERD), the Convention on the Elimination of Discrimination Against Women (CEDAW), and the Disability Convention identify these rights for specific population groups. The UN Declaration on the Rights of Indigenous Peoples is also relevant. Many provisions are already binding on New Zealand because they derive from international treaties New Zealand has ratified, while others are non-binding but set aspirational standards to be met.

The Vienna Declaration and Programme of Action (1993) calls for states to develop national plans of action for the promotion and protection of human rights. We are mandated to develop a national plan of action for the promotion and protection of human rights in New Zealand.

We undertake strategic policy interventions to provide the Government with constructive, practical, independent advice about what international standards and the human rights approach mean in the New Zealand context.

In the 12 months ending 30 June 2012, we recorded 6147 new human rights enquiries and complaints. Of these, 4061 requested us to intervene, with 1539 (38 per cent) of these complaints alleging an element of unlawful discrimination.

Disability, sex and race-based discrimination remain the most common grounds of complaint. Close to half of all unlawful discrimination complaints continue to be in the areas of employment and pre-employment. While resolution of complaints is typically limited to addressing discrimination experienced by individual complainants, 95 outcomes in the past year resulted in systemic change.

What we will do

Over the next three years, our focus will be on delivering services that increase awareness and application of human rights standards by the Government, other duty-bearers, and in the community in order to strengthen the protection of human rights in New Zealand.

We will continue to fulfil our statutory responsibility to monitor and report on New Zealand's compliance with its international and domestic human rights obligations.

During 2013–14, we will:

- 1 develop, in consultation with interested parties, the second national plan of action for the promotion and protection of human rights in New Zealand (NPA), drawing on the second Universal Periodic Review
- 2 fulfil specific responsibilities as the central National Preventative Mechanism (NPM) under the Optional Protocol of the Convention against Torture that includes coordinating the statutory responsibilities of the other four New Zealand NPMs and completing an annual report to Parliament on the implementation and impact of their work
- 3 fulfil specific responsibilities as coordinator of the independent monitoring mechanism to monitor, report on and advocate for the implementation of the Disability Convention
- 4 produce an annual review of the reporting of Good Employer obligations by Crown entities
- 5 provide specialist human rights education and promotion to duty-bearers so that the State's human rights obligations and the human rights dimensions of the Treaty of Waitangi are reflected in policy and practice
- 6 provide human rights community development programmes to enhance people's capacity to identify and address their own human rights issues
- 7 encourage organisations to participate in the New Zealand Diversity Action Programme to undertake projects contributing to human rights and harmonious relations, equality and cultural diversity in their own organisations and communities; and host the New Zealand Diversity Forum
- 8 provide an enquiries and complaints service that assists individuals and groups to resolve human rights complaints including those of unlawful discrimination; undertake strategic legal interventions to strengthen domestic law in relation to fundamental human rights standards; and through the Office of Human Rights Proceedings, provide representation or institute proceedings.

Who we will work with

We will engage with UN treaty bodies in fulfilling our monitoring and reporting responsibilities. We will also work with the UN Human Rights Council on New Zealand's next Universal Periodic Review. We will work with the Office of the Children's Commissioner, UNICEF, Action for Children and Youth Aotearoa, the Child Poverty Action Group, and Save the Children who are also participants in the informal UN Convention on the Rights of the Child monitoring mechanism.

We will work with the other four NPMs (the Office of the Ombudsman, Independent Police Complaints Authority, Office of the Children's Commissioner, and Inspector of Service Penal Establishments), in fulfilling our statutory responsibility as the central National Preventative Mechanism under the Optional Protocol to the Convention against Torture.

Impact

Impact measures for 2013–16:

- 1 greater application of human rights standards in law, policy and practice, as evidenced by incorporation of at least five Commission recommendations to use the human rights approach by duty-bearers, and the NPA setting a clear cross-sector human rights agenda for New Zealand
- 2 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 case studies, each showing positive changes in practice or policy in communities where our community development programmes are operating, or by organisations participating in the New Zealand Diversity Action Programme
- 3 at least 55 systemic changes to policy and practice recorded each year as a result of the Commission's enquiries and complaints service.

Outcome measures

In 2013–14, in addition to the impacts and measures set out within our four outcome areas which relate more directly to the impact of our own work, we will maintain a select number of key societal impact measures to monitor. Collectively, these societal measures provide an overview of progress towards our desired outcomes. These are not intended to be comprehensive, but are measures from readily available data to help assess the level of the realisation of civil and political, and economic, social and cultural rights in New Zealand.

Where data is available, these measures are disaggregated across the population groups of people with disabilities, ethnic minorities, women, young people, children, and Māori. There is very little disaggregated data for people with disabilities, limiting the ability to develop targeted policy from an evidence base.

We adopted this set of measures in our 2011–14 *Statement of Intent*. The indicators were drawn from the most recently available data at the time, some of which were earlier than the 2011 year. The indicators from the 2011–14 *Statement of Intent* have provided the baseline for tracking progress.

The assessment at the time of this *Statement of Intent* is as follows:

Improvement in the representation and voter participation rates in Parliament and local government elections disadvantaged groups

Figures from the 2011 General Election showed a slight improvement in the figures of representation in Parliament for Māori (16% to 17%) and Pacific peoples (4% to 5%) since the 2008 General Election. Asian representation decreased (5% to 4%).² The most significant change since the General Election voter turnout was the increased proportion of Asian people aged 18 or older who voted,

which rose from 60.7% in 2008 to 66.4% in 2011. Voter turnout fell for women (from 81.1% to 79.8%) and for Pacific people (from 74.5% to 73.1%) and rose slightly for Māori (74.8% to 75%).³

In the 2009 local body elections, Māori representation in local government improved (4.8% to 7.4%) with “Other” groups dropping (6.3% to 2.1%).⁴ Local election voter turnout figures dropped slightly for both Māori (57.6% to 56.7%) and female voters (65.2% to 64.3%), remained static for Asian voters (52.2%), and increased by 1.5% for Pacific people (62.5% to 64.1%).⁵

Increase in rates of educational participation and achievement

The percentage of school leavers with NCEA Level 2 or above increased for males (66% to 70.9%), females (75.8% to 77.9%), with rates for Māori and Pacific peoples increasing (from 50.4% to 57.1% and 62.9% to 65.5% respectively) in the years from 2008 to 2011.⁶ Rates of achievement for people with disabilities were to be measured from a baseline to be determined in 2012. However, this measurement has not been undertaken.

Decrease in the rates of people not engaged in education, employment or training (NEET)

Between 2010 and 2012, the NEET rate of young people aged 15–19 remained relatively steady (increasing slightly from 9.2% to 9.6%). For the 20–24 age group, the NEET rate was higher, with a slight increase between 2010 and 2012 (17.1% and 18.5% respectively).⁷

Employment rates

Household Labour Force Survey figures in the year to December 2012 show a high unemployment rate for young people (15–24 years) at 18.9% compared to the overall rate of 6.9%. Māori and Pacific peoples’ unemployment rates are at 14.8% and 16.0% respectively, followed by unemployment rates of 8.0% and 5.5% for Asian and

2 Source: <http://www.parliament.nz/en-NZ/ParlSupport/ResearchPapers/d/c/3/00PlibCIP191-The-2011-General-Election.htm>.

3 Source: *General Social Survey 2010*. Relates to 2009 local elections.

4 Source: Correspondence with Local Government NZ. Response rate was 47.2% to the elected members survey. Survey went to all elected members in 2011, not just mayors, chairs and councillors as in previous years.

5 Source: *General Social Survey 2010*. Relates to 2009 local elections.

6 Source: www.dol.govt.nz/publications/lmr/scorecard/feb-2013/scorecard-feb-2013.pdf.

7 Source: *Statistics New Zealand Household Labour Force Survey December 2012 Quarter*, (released 07 February 2013) http://www.stats.govt.nz/browse_for_stats/income-and-work/employment_and_unemployment/HouseholdLabourForceSurvey_HOTDec12qtr.aspx <http://www.dol.govt.nz/publications/lmr/quick-facts/youth.asp>.

European people. Labour force participation rates are higher for men than women (73.4% for men and 61.9% for women) and higher for European people (68.7%) compared to 64.7% for Māori and 59.6% for Pacific peoples.⁸

Decrease in the extent of child poverty

Measured by two (60% of median income after housing costs) income poverty lines, one relative (“moving line”) and one absolute (“fixed line”), starting from a baseline of 22% in 2007. On the absolute measure, this has remained steady up until 2011. On the relative measure, this rose to 25% in 2009 and then remained steady through to 2011.⁹

Increased understanding of the human rights dimensions of the Treaty of Waitangi

Measured by an annual national survey, from a baseline of 39%, this fell to 38% in 2012.¹⁰

Development of future indicators

During 2013–14, we intend to identify a comprehensive set of key indicators which, taken together, will provide an overview of progress towards the realisation of human rights and harmonious relations in New Zealand. These indicators will be drawn from internationally recognised measures which can also be used to assess New Zealand’s performance in comparison with other developed countries. Specifically, they will be used to monitor progress against the outcomes we set in this *Statement of Intent*, reported in our annual report, and reported as appropriate in other periodic reports to domestic and international bodies.

It is likely that these selected indicators will not all be measurable since data is not captured in New Zealand against many indicators which are used widely internationally. Where this is the case, we will advocate for the collection of this data, disaggregated across population groups.

⁸ Source: *Statistics New Zealand, Household Labour Force Survey: December 2012 Quarter*, (released 07 February 2013), http://www.stats.govt.nz/browse_for_stats/income-and-work/employment_and_unemployment/HouseholdLabourForceSurvey_HOTPDdec12qtr.aspx.

⁹ Source: Ministry of Social Development (Bryan Perry), *Household Incomes in New Zealand: Trends in indicators of inequality and hardship 1982 to 2011*, August 2012, available online <http://www.msd.govt.nz/about-msd-and-our-work/publications-resources/monitoring/household-incomes/>.

¹⁰ Source: UMR Research, Treaty of Waitangi and perceived discrimination UMR Omnibus Results November 2012.

Organisational health and capability

Te kaha ora o Te Kāhui Tika Tangata

Our organisational health and capability programme reflects that our efforts need to be strategically targeted to achieve valuable impacts with effective interventions while operating within the financial constraints of a static baseline, rising costs and the loss of funding for our enhanced responsibilities for the promotion, protection and monitoring of the Disability Convention which ends in June 2013.¹¹ This is consistent with the Government's expectations of improved performance, reduced costs, and better results throughout the public sector.

The wider context for our organisational health and capability programme 2013–14 is the comprehensive organisational review. This was conducted to deliver a new organisation with increased capability, aligned, engaged and strategically deployed to achieve an increase in the relevance of human rights to people in New Zealand. The new organisation will also enable us to increase our contribution to influencing improved human rights outcomes for everyone in New Zealand.

The review included revising our values; auditing the state of our audience engagement and communications; conducting an internal capacity assessment with the assistance of the Asia Pacific Forum of National Human Rights Institutions; clarifying governance, leadership roles and internal responsibilities under the Human Rights Act; developing a new strategic framework organised around the four outcome areas in this *Statement of Intent*; and developing a new design for the organisation. The review also concluded that the Commission should maintain offices in Wellington, Auckland and Christchurch, positioned to be close to the organisation's key audiences.

The results of the organisational review are reflected in our Business Plan for 2013–14, which includes the priority to implement our new structure, financial plan and ensuing development programme.

What we will do

Organisation design

During 2013–14, we will embed the new design and the leadership roles within this to operate as one organisation.

Organisational development programme

During 2013–14, we will implement an organisational development programme based around the three themes of strategic alignment, performance, and culture. The goals underpinning these three themes are set out below.

Theme	Goal
Strategic alignment	Our people, products, processes and systems support the achievement of our human rights priority outcomes
Performance	We plan, measure, manage and improve our own performance to be effective and make the best possible use of limited resources
Culture	We are characterised by engaged, motivated people with a shared sense of purpose to improve human rights outcomes for the people of New Zealand

In addition, during the year we will continue to identify further opportunities for improvement, maintaining a focus on efficiency, effectiveness, sustainability, accessibility, and the quality and responsiveness of our services. We will review office space and location to identify potential savings and explore opportunities to develop shared back-office services and shared space where possible.

Strategic alignment to achieve outcomes

During 2013–14, we will develop capabilities of identifying, describing and quantifying human rights outcome improvement opportunities; establishing, developing and maintaining strategic relationships with audiences; and developing a portfolio of our intervention strategies to effect social change. We will also increase business development capability to optimise revenue opportunities.

We will conduct further reviews to ensure further alignment with our strategy. We will review processes to address unlawful discrimination complaints and enquiries to the Commission.

¹¹ See also Forecast financial statements for assumptions underlying the Commission's financial planning on page 39.

In the area of information systems, we will implement information technology management and knowledge management improvements to support our strategy and deliver operations effectively. We will implement enhanced accessibility of electronic and online media and continue development of multi-lingual and multi-format resources.

The impact we intend to make through these activities is that the Commission operates as one organisation, implementing effective strategic interventions. Impact will be measured by feedback from our audiences and the effects of our interventions.

Performance

In 2013–14, we will implement team and individual workplans as part of delivering our Business Plan, actively manage developed capabilities, develop and implement a performance management and development framework, and conduct further reviews aimed at improving operational efficiencies and effectiveness.

The impact we intend to make through these activities is that we are more efficient, accountable and productive, deploying all our resources to maximum effect against strategic priorities. Evidence of impact will be measured by comparative benchmarking.

Culture

During 2013–14, we will develop and implement cultural change. This will include implementing the Commission's revised values (human dignity – mana tangata; courage and integrity – maia, tika, pono; and relationships – whakawhanaungatanga), adopting an audience orientation, and defining and initiating becoming a Treaty of Waitangi-based organisation.

The intended impact of these activities is that the Commission has an engaged workforce and provides a healthy workplace. This will enable us to attract, develop and retain skilled, high-performing and diverse people to achieve our human rights priorities. Impact will be measured through an annual engagement survey.

Part B: Forecast statement of service performance

Wāhanga B: Te pūrongo matapae mo te whakatutukitanga i ngā ratonga

We will report to our responsible Minister, the Minister of Justice, three times a year and to Parliament annually on our Statement of Forecast Service Performance and financial performance.

Outputs

We have one output class but have allocated our resources across three output areas. This section describes our outputs and how they link to our outcomes, together with output measures and performance standards for 2013–14. We have allocated our forecast costs for 2013–14 across these output areas with the proviso that the Commission has developed these forecast costs based on its strategy and proposed new organisation design. At the time of producing this forecast, the final decisions and implementation of the new organisation design have not been completed. The financial forecasts are therefore derived from a model rather than from actual known costs. Once implementation has been completed, there may be some adjustments to elements of this financial forecast, based on actual rather than modelled costs. This may alter the final allocation of costs across the output areas.

Quality performance measures

As an element of quality performance measurement, we set quality measures for our products and services that involve the production of case studies, reports and resources. The most appropriate quality measures are selected for each output, and these are specified in the performance measures. Quality measures are:

- 1 **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
- 2 **thoroughness:** evidence-based, accurate and appropriate 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
- 3 **accessibility:** advice and guidance is presented in a style and in formats and languages that are easily useable by our core audiences and is an approach appropriate to the intervention
- 4 **value:** advice, guidance and interventions are found to be useful and timely to government and civil society in developing or assessing the relevant legislation, policy or programme proposal.

We keep an impact register which records relevant quality standards; feedback from external stakeholders on the effect and influence of our work; requests for our input; and any changes to policy, legislation and practice as a result of our intervention.

Output: Education, promotion and advocacy

Description: This output ensures human rights protections in legislation and policy are practised and have a positive effect on people's everyday lives. It acknowledges that harmonious relations can only be achieved with the wide participation and engagement of diverse communities in the process, and by duty-bearers undertaking their responsibilities to uphold human rights.

This output gives partial effect to our primary functions outlined in our Act to advocate and promote respect for, and an understanding and appreciation of, human rights in New Zealand, and to encourage the maintenance and development of harmonious relations between individuals and among the diverse groups in New Zealand.

This involves undertaking human rights education, advocacy, promotion and awareness programmes and activities, promoting understanding of the human rights dimensions of the Treaty of Waitangi, and consulting and cooperating with other organisations. Services include:

- 1 providing education including delivering human rights workshops, training, presentations and courses
- 2 facilitating community development programmes including increasing others' capabilities to promote and protect human rights
- 3 developing and coordinating networks to deliver human rights activities
- 4 providing guidance, facilitating discussions, and organising human rights events and forums to share and promote good practice
- 5 developing and disseminating human rights information, tools and resources to promote and facilitate good practice.

Performance determination: footnotes provide information on how the scale of outputs have been determined and how measures and standards have been set.

Cost: the total allocation to this output area for 2013–14 is \$3,862,444.

Link with Human Rights Commission outcomes: this output contributes primarily towards the Commission's outcomes: 1) work and education; 2) housing, health and community; and 4) human rights mainstreaming.

Outcome area 1: Work and education

Outputs ¹²	Performance measure	Forecast 2012–13	Standard 2013–14
Publish case studies of effective solutions, including solutions from young people, that have resulted in reduced unemployment for young people with disabilities, young people living in economic decile 1-3 areas of South Auckland and in one work-poor rural community	Quantity	New measure	
	Number of case studies		Minimum of 2
	Quality		
	Case studies meet quality measure of participation and accuracy, as assessed by a survey circulated to contributors		At least 75% of respondents report that they are satisfied that their initiatives have been accurately represented
	The case studies are regarded as valuable by duty-bearers, as recorded in the Commission's impact register		The impact register records at least 5 private or public sector agencies provide feedback that the case studies are of value or great value

Outputs	Performance measure	Forecast 2012–13	Standard 2013–14
Provide advice and guidance to duty-bearers on good practice in the education system to improve inclusion and better educational outcomes for students with disabilities	Quantity	New measure	
	At least 2 instances of advice and guidance provided		Quantity measure met
	Quality		
	Valued by education system in their responsibility to provide good educational outcomes for students with disabilities		The impact register records at least 3 agencies in the education system provide feedback that advice and guidance is of value or great value

¹² The scale of the products and services in this output area has been determined by available capacity. The standards for each output have been determined based on historical trends. Qualitative feedback and recorded observations triangulated with survey results has indicated that products and services in this output area are consistently regarded by participants as valuable or very valuable. Inevitably, given the contestable nature of the content and as evidenced through results to date, there will always be a percentage (0-25%) of participants who will not indicate that a programme has been of value or great value to them, irrespective of the quality of the programme. Consequently, standards for this output area are set at a range of 70-80% participants who rate the output of value or great value to them. There are no readily available comparable domestic or international standards and measures.

Outcome area 2: Housing, health and community

Outputs	Performance measure	Forecast 2012–13	Standard 2013–14
Facilitate engagement and dialogue between government agencies, civil society and business and provide advice to improve engagement in problem identification, solution design and decision-making on housing, health and community in the Canterbury earthquake recovery by people most affected by the earthquakes	Quantity	New measure	
	At least 15 instances of advice and guidance provided		Quantity measure met
	Quality		
	Valued by government agencies in their responsibility to meet human rights standards and by civil society in supporting their engagement with government agencies around their human rights as recorded in the Commission's impact register		The impact register records at least 3 government agencies provide feedback that they found the advice and guidance of value, and at least 5 instances where community representatives have identified that they have new information to assist them to advocate for their human rights

Outcome area 4: Human rights mainstreaming

Outputs	Performance measure	Forecast 2012–13	Standard 2013–14
Provide an education programme to increase understanding of human rights and responsibilities among duty-bearers, including the human rights dimensions of the Treaty of Waitangi	Quantity	New measure	
	At least 3 education programmes, one to key influencers and decision-makers, the other two to duty-bearers in organisations such as local government		Quantity measure met
	Quality		
	Programmes are of value to participants in increasing their understanding of human rights and responsibilities, including the human rights dimensions of the Treaty of Waitangi, as assessed by an evaluation of participants		On a 5–point scale, at least 75% of the evaluation respondents report that the programme met scores of 4 or 5 – of value or great value – in increasing their understanding of human rights and responsibilities, including the human rights dimensions of the Treaty of Waitangi

Outputs	Performance measure	Forecast 2012–13	Standard 2013–14
Maintain Taku Manawa community development programmes for people with disabilities (Auckland) and children and young people (South Auckland) by supporting participants to undertake human rights activities	Quantity		
	Participants facilitate human rights activities in their communities	45 activities facilitated in communities	35 activities facilitated in communities ¹³
	Number of case studies of human rights activities undertaken in communities	New measure	Minimum of 2
	Quality		
	Case studies of human rights activities undertaken in communities demonstrate increased capability within these communities to protect and promote human rights	New measure	Quality measure met
Maintain bilingual kaupapa Māori programme, Tūhonohono in 6 communities	Quantity		
	Programme maintained in 6 communities	New measure	Quantity measure met
	Quality		
	Value to participants in increasing knowledge and understanding of human rights through a kaupapa Māori framework as assessed by a survey	On a 5–point scale, 75% of participants rated the course as of value or great value to them	On a 5–point scale, at least 75% of participant groups report they found the programme met scores of 4 or 5 – of value or great value to them

¹³ Performance standard based on one fewer programme being delivered in 2013–14.

Outcome area 4: Human rights mainstreaming

Outputs	Performance measure	Forecast 2012–13	Standard 2013–14
Deliver the New Zealand Diversity Action Programme (NZDAP), supporting organisations and individuals to undertake action to promote human rights and harmonious relations by providing information, support, acknowledgement, publicity and sharing of good practice, through:			
a) Maintaining, developing and connecting a network of participating organisations	Quantity		
	Network of 250 participating organisations maintained	256 organisations participated in the NZDAP	Quantity measure met
b) Holding Diversity Forum	Quantity		
	Annual Diversity Forum held	Annual Diversity Forum held	Quantity measure met
	Quality		
	Forum attendees and NZDAP participants indicate the programme was of value to them in recognising and celebrating diversity and promoting human rights, as assessed by an evaluation of the forum and a survey of NZDAP participants	87.2% of respondents rated the forum as of value or great value to them On a 5–point scale, 75% of evaluation and survey feedback from respondents scored 4 or 5, indicating the NZDAP has been of value or great value to them	On a 5–point scale, at least 75% of evaluation and survey respondents indicate the Forum / NZDAP has met scores of 4 or 5 – of value or great value to them

Output: Monitoring and reporting

Description: This output contributes to incorporating international human rights standards in New Zealand law, policy and practice, which is essential to protecting human rights and reducing barriers to equality.

We provide advice and guidance on options for improvement, advocate for action when progress is slow, and intervene in situations that could involve a serious infringement of human rights. We also provide information, advice and guidance to civil society to support its contribution to monitoring and developing human rights standards. Outputs include 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 functions, set out in our 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 the provision of:

- 1 advice and guidance to the Government
- 2 information and analysis to international human rights treaty bodies
- 3 analysis, information and guidance to civil society.

Performance determination: Footnotes provide information on how the scale of outputs has been determined and how measures and standards have been set.

Cost: the total allocation to this output area for 2013–14 is \$3,488,195.

Link with Human Rights Commission outcomes: this output contributes primarily towards the Commission's outcomes: 1) work and education; 3) violence and abuse; and 4) human rights mainstreaming.

Outcome area 1: Work and education

Outputs ¹⁴	Performance measure	Forecast 2012–13	Standard 2013–14
Provide advice to the State Services Commission, the Ministry of Health and the Ministry of Education on reducing structural discrimination in employment in the State sector workplace, including pay and employment equity, and the collection of data on the employment of people with disabilities in the health and education sectors	Quantity	New measure	
	At least 5 instances of advice and guidance provided, as recorded in impact register		Quantity measure met
	Quality		
	Valued by government in meeting its responsibility to reduce structural discrimination in the workplace and collect data on the employment of people with disabilities as assessed by feedback recorded in the impact register		The impact register records at least 3 instances of feedback from stakeholders that the Commission's advice has been valuable (through citation or acknowledgement)

¹⁴ The scale of the products and services in this output area have been determined by available capacity and known responsive requirements. The standards for each output have been determined based on historical trends. They have also been adjusted to reflect some project re-prioritisation. Inevitably, given the contestable nature of the content and as evidenced through results to date, there will always be a percentage (0-40%) of stakeholders who will not indicate that a product or service has been of value, or of great value to them irrespective of its quality. This is particularly evident where surveys are used as an evaluation methodology as the outputs often focus on long-term change that is not evident when the surveys are undertaken. Consequently, standards for surveys of these outputs set a range of 60-80% of stakeholders or participants rating the output of value or great value with the final figure determined by the length of time the programme has been established and previous year's results. No comparable data was available domestically or internationally.

Outcome area 3: Violence and abuse

Outputs	Performance measure	Forecast 2012–13	Standard 2013–14
Provide advice and guidance on policy, legislation and good practice to reduce violence and abuse	Quantity	New measure	
	At least 5 instances of advice and guidance provided, as recorded in impact register		Quantity measure met
	Quality		
	Valued by government and the wider education sector in their responsibility to reduce violence and abuse, and by civil society in supporting their engagement with policy and practice development, as recorded in the Commission's impact register		The impact register records at least 5 instances where the work has been valued (through citation or acknowledgement)

Outcome area 4: Human rights mainstreaming

Outputs	Performance measure	Forecast 2012–13	Standard 2013–14
Coordinate and facilitate the provision of an annual report to Parliament in collaboration with the other 2 parties in the Disability Convention independent monitoring mechanism: the Disability Convention Coalition and the Ombudsman	Quantity		
	Annual report produced	Annual report produced	Quantity measure met
	Quality		
	Report meets quality measures of thoroughness and is valuable in its recommendations for government action as assessed by the parties to the independent monitoring mechanism	Disabled people's organisations participated by providing information and analysis for the report, and a selected survey showed 75% of participants were satisfied that their views were listened to On a 5–point scale, at least 75% of selected disability representatives scored the report 4 or 5 – it is of value or great value	100% agreement by parties to the independent monitoring mechanism with the content of the annual report and with its thoroughness and value

Outputs	Performance measure	Forecast 2012–13	Standard 2013–14
Coordinate and facilitate the monitoring of the Optional Protocol to the Convention Against Torture in consultation with the 4 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	Quantity		
	Annual report produced	Annual report produced	Quantity measure met
	Quality		
	The Commission satisfactorily coordinates 3 initiatives that involve NPMs working together to prevent or address issues for people in detention, as assessed by feedback from NPMs	3 out of 4 NPMs reported they were satisfied or very satisfied with the Commission’s coordinating, with scores of 4 or 5 on a 5–point scale	NPMs report that they are satisfied with the opportunities to participate in joint initiatives, with scores of 4 or 5 on a 5–point scale – satisfied or very satisfied
	NPMs approve the content of the annual report and assess it as a thorough and valuable document	100% agreement by NPMs with contents of the annual report and satisfaction with its thoroughness and value and timeliness	100% agreement by NPMs with contents of the annual report and satisfaction with its thoroughness and value
	Five-year report produced, and on a 5–point scale, 3 NPMs reported they found the recommendations in the report met scores of 4 or 5 – of value or great value to them		

Outputs	Performance measure	Forecast 2012–13	Standard 2013–14
Produce the national action plan for the promotion and protection of human rights in New Zealand 2014–19 (NPA), in consultation with key stakeholders, drawing on the recommendations of the second UPR	Quantity	New measure	
	National plan produced		Quantity measure met
	Quality		
	Plan meets quality measure of participation, as assessed through a survey of selected key stakeholders		Survey shows 75% of respondents are satisfied with the opportunities for participation that were provided
	Plan meets quality measure of thoroughness and value, as assessed by feedback from stakeholders		Impact register records at least 5 instances of feedback from key stakeholders that the NPA is thorough and of value
Plan incorporates recommendations to which the Government has committed in advance of release of final UPR recommendations in 2014, as recorded through internal peer review	Peer review assessment confirms that the NPA incorporates recommendations to which the Government has committed in advance of release of final UPR recommendations in 2014		
Produce annual review of the reporting of “good employer” obligations by Crown entities	Quantity	New measure	
	Annual report produced		Quantity measure met
	Quality		
	Report meets quality measure of accuracy as assessed through feedback from contributors		Survey shows 75% of participating Crown entities are satisfied that their information has been accurately represented
Report meets quality measures of thoroughness and is considered valuable in its recommendations for Crown entity good employer best practice, as assessed by selected Crown entities	On a 5–point scale, 75% of Crown entities score the report 4 or 5 – it is of value or great value		

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 they have been unlawfully discriminated against. The Commission has a statutory responsibility to provide a disputes resolution service that is as efficient, informal and cost effective, and an information and referral service for enquirers on human rights matters.

The Office of Human Rights Proceedings (OHRP) may also provide legal representation before the Human Rights Review Tribunal and higher courts where the criteria in our Act are met. Those proceedings are brought under the anti-discrimination provisions of the Human Rights Act.

The OHRP also receives referrals from the Privacy Commissioner under the Privacy Act 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.

Services provided include:

- 1 information, referral and disputes resolution service
- 2 bringing legal proceedings
- 3 intervening in court proceedings.

Performance determination: Footnotes provide information on how the scale of outputs have been determined and how measures and standards have been set.

Cost: the total allocation to this output area for 2013–14 is \$3,085,227.

Link with Human Rights Commission outcomes: this output contributes primarily towards the Commission's outcome 4: human rights mainstreaming.

Outcome area 4: Human rights mainstreaming

Outputs ¹⁵	Performance measure	Forecast 2012–13	Standard 2013–14
Provide an efficient, effective, 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	Quantity		
	Enquiries and complaints result in 6000 new human rights enquiries and complaints	6000 new enquiries and complaints	Quantity measure met
	Provide a disputes resolution service for an estimated 1400 complaints alleging unlawful discrimination	Disputes resolution service for 1200 complaints	Quantity measure met ¹⁶
	Timeliness		
	Enquiries and complaints receive an initial response within 3 working days	90% timeliness	90% timeliness
	Quality		
	Complaints of unlawful discrimination closed within one year, with the situation advanced (resolved, progressed, or referred to the OHRP) as assessed by internal records	80% closed within one year ¹⁷	80% closed within one year ¹⁸
Evaluation of satisfaction, as assessed by a questionnaire sent to participants in the mediation process	On a 5–point scale, 90% of returned mediation evaluation forms scored 4 or 5 – reporting they were satisfied or very satisfied with the process	On a 5–point scale, 90% of returned mediation evaluation forms will score 4 or 5 – reporting they are satisfied or very satisfied with the process ¹⁹	

¹⁵ The scale of the products and services in this output area have been determined by available capacity and known responsive requirements. The standards and measures for each output have been determined based on historical trends and in comparison with other government agencies and entities, including the Office of the Ombudsman and the Independent Police Conduct Authority and the Australian Human Rights Commission (AHRC). The standards for response time and service satisfaction compare favourably against these domestic benchmarks, and against the standards set by the AHRC.

¹⁶ This is a responsive service, and reasons for this decline in complaints can only be speculative. This decline is a cross-sector trend and has therefore been reflected in the expected standard for 2013–14.

¹⁷ This standard is benchmarked against the standard developed by the complaints service of the AHRC.

¹⁸ This standard is benchmarked against the standard developed by the complaints service of the AHRC.

¹⁹ This figure compares favourably with the AHRC complaints standard, which is for 80% of those surveyed to be satisfied with the service they receive.

Outcome area 4: Human rights mainstreaming

Outputs	Performance measure	Forecast 2012–13	Standard 2013–14
Undertake human rights and privacy matters through: a) providing legal representation before the Human Rights Review Tribunal or higher courts where Section 92 criteria of the Human Rights Act are met b) providing representation for the Human Rights Commission in appropriate cases c) instituting proceedings under the Privacy Act when referred by the Privacy Commissioner d) intervening in appropriate proceedings under the Privacy Act 1993	Quantity		
	Estimated 60–80 human rights and privacy matters undertaken, as assessed by internal records ²⁰	65	Quantity measure met
	Timeliness		
	Applicants for representation are sent an initial response within 5 working days	New measure	80% timeliness
	Determination of application pathway made within 10 working days of receiving s82 material from the Commission	New measure	80% timeliness
	Matters substantially progressed ²¹ within one year, as assessed by internal records	New measure	80% timeliness
	Quality		
	Satisfaction with thoroughness of decision, as assessed by analysis of responses to decision by complainants	80% satisfaction	80% satisfaction ²²
	Set performance standards achieved in providing representation:	100%	
	a) compliance with Lawyers and Conveyancers Act 2006		100% compliance
	b) compliance with Tribunal and Court timetables		100% compliance
	c) positive feedback from courts as assessed by internal records		95% satisfaction
	d) positive feedback from complainants on standard of service		90% satisfaction

20 This figure is slightly lower than in previous years. This reflects a trend in which there are a smaller number of applications received, but their subject matter is more complex than previously. This can be attributed to the enquiries and complaints service dealing effectively with the straightforward complaints, leaving the more complex matters to be resolved.

21 Substantial progress can include a decision not to provide representation, progress toward settlement, alternative dispute resolution processes such as referral back to mediation, and litigation.

22 Measured by exception-based reporting.

Outcome area 4: Human rights mainstreaming

Outputs	Performance measure	Forecast 2012–13	Standard 2013–14
Undertake legal interventions in instances where there are human rights matters that directly relate to areas of the Commission's expertise	Quantity		
	At least 2 legal interventions undertaken	6 legal interventions undertaken	Quantity measure met
	Quality		
	Commission's legal interventions conform and promote international human rights standards, as assessed by external peer review	External peer review found that legal interventions conform and promote international human rights standards	External peer review finds that legal interventions conform and promote international human rights standards

Forecast financial statements

Te pūrongo matapae pūtea

Statement of underlying assumptions

The Government is committed to returning to a surplus position in 2014–15, and has set out its expectations of the Commission in its letter of expectations of 19 February 2013.

The Commission's forecast financial statements have been developed in accordance with Government expectations of tight, realistic budgeting and a focus on core business. We have planned on the assumption that funding of our enhanced responsibilities for the promotion, protection and monitoring of the Disability Convention will end in June 2013. We have also decided that it is prudent to plan on the expectation of receiving no extra Government funding for the foreseeable future and at least until 2020.

Our financial planning has been developed through our organisation review which has established:

- 1 a strategy to increase the relevance of human rights to all people in New Zealand and increase the value of our contribution to improving human rights outcomes for all people in New Zealand, and includes a focus on a few human rights outcome changes for the whole organisation with interventions to deliver improved services within existing funding levels
- 2 a plan to be financially sustainable until 2018–19. This includes a reduction in staffing, further efficiencies to manage cost drivers within tight financial constraints including through shared services, realistic pay and employment conditions, and exploring opportunities for other sources of revenue
- 3 principles for the development of a reserves policy to prudently manage the Commission's financial position, using reserves for identified purposes.²³

The Commission has developed these forecast financial statements based on its strategy and proposed new organisation design. At the time of producing this forecast, the final decisions and implementation of the new organisation design have not been completed. The financial forecasts are therefore derived from a model rather than from actual known costs. Once implementation has been completed, there may be some adjustments to elements of this financial forecast, based on actual rather than modelled costs. This may alter the final budget projections for 2013–14 and the ensuing out years, although financial sustainability to 2018–19 will be maintained.

²³ Note: The total reserve available at the end of the 2013 fiscal year is expected to be approximately \$3 million. We have established principles for allocating this reserve. A portion of the reserves (totalling \$525,000) comprise the remainder of funds appropriated for information technology (IT) and an electronic document management system which must be spent for the purpose for which they were appropriated. These are required to develop the Commission's IT and knowledge management systems to be fit-for-purpose. A further portion of these reserves will be required to fulfil the Commission's statutory responsibility to prepare the NPA, to build funds over five years for the production of the next NPA, to fund replacement of assets, and to provide contingency for unexpected activities (e.g. human rights events and litigation through the OHRP). The design of our new structure reflects our intent to operate within our financial resources with a break-even budget.

Forecast budget statement of financial performance

For the period ended 30 June 2013

	2012/13 Estimated Projected Actual \$000s	2013/14 Forecast Budget \$000s	2014/15 Forecast Budget \$000s	2015/16 Forecast Budget \$000s
Income				
Vote Justice operating grant	9,696	9,396	9,396	9,396
Other revenue	136	50	50	50
Revenue development		40	80	120
Interest income	223	109	68	56
Total Income	10,055	9,595	9,594	9,622
Expenses				
Personnel and transition costs ²⁴	7,244	7,094	6,615	6,471
Travel	401	309	305	307
Direct and Overhead cost	1,694	1,572	1,410	1,355
Projects and Programmes	1,285	1,161	1,056	1,029
Depreciation	334	303	401	403
Total Expenses	10,958	10,439	9,787	9,565
Net operating Surplus (Deficit)	-903	-844	-193	57

²⁴ Includes salaries and expenses related to personnel such as professional development, supervision, language allowance and superannuation; also includes an estimate of transition costs related to staff changes, incurred only in FY14 and FY15.

Forecast statement of financial position

As at 30 June 2013

	2012/13 Estimated Projected Actual \$000s	2013/14 Forecast Budget \$000s	2014/15 Forecast Budget \$000s	2015/16 Forecast Budget \$000s
Current assets				
Cash at Bank	3,750	2,583	2,273	2,523
Accounts receivable	41	27	39	51
GST receivable				
Prepayments	128	37	27	26
Total Current Assets	3,919	2,647	2,339	2,600
Deduct Current liabilities				
Accounts payable	422	422	422	422
GST payable	134	119	165	159
Finance Lease	25	16		
Provision for Annual leave	675	610	582	598
Total Current Liabilities	1,256	1,167	1,169	1,179
Working capital	2,662	1,480	1,170	1,421
Non current assets	669	991	1,108	914
Non current liabilities	78	62	62	62
Accumulated Funds	3,253	2,409	2,216	2,273
Balance B/f	4,156	3,251	2,405	2,210
Net Surplus	-903	-844	-193	57
Accumulated Funds²⁵	3,253	2,409	2,216	2,273

25 Accumulated Funds are maintained to address variation in work activities and funding requirements. Two critical applications have been defined for Accumulated Funds as a result of repeated reviews in recent years: to meet the targeted level of Funds required for operations and to enable the Commission to operate under a flat Crown contribution until 2020. The targeted level of funds is generally more than \$1m. The target includes a fixed amount for OHRP and HRC litigation support for significant matters; a cycle of building funds for the National Plan of Action every 5 years; on-going retention of funds for replacement of assets, as indicated by depreciation; and funds committed for an EDRMS project with expected delivery over 2013–16. Accumulated Funds more than cover the targeted level in the near term, but are significantly reduced in the forecast for FY18, FY19, and FY20.

Forecast statement of cash flows

As at 30 June 2013

	2012/13 Estimated Projected Actual \$000s	2013/14 Forecast Budget \$000s	2014/15 Forecast Budget \$000s	2015/16 Forecast Budget \$000s
Cash flows from operating activities				
Cash was provided from:				
Vote Justice operating grant	9,696	9,396	9,396	9,396
Other income	359	199	198	226
	10,055	9,595	9,594	9,622
Cash was dispersed to:				
Employees and suppliers	10,624	10,136	9,386	9,162
	10,624	10,136	9,386	9,162
Net operating inflow/(outflow)	-569	-541	208	460
Cash flow from investing activities				
Cash was dispersed to:				
Purchase of fixed assets	179	626	518	210
Net investing cash inflow/(outflow)	179	626	518	210
Net cash	-748	-1,167	-310	250
Add opening cash at bank	4,498	3,748	2,579	2,267
Total cash at bank	3,750	2,583	2,273	2,523

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 was 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, replaced the 1977 Act. It extended 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.

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 are:

- 1 the Chief Commissioner
- 2 the Race Relations Commissioner
- 3 the Equal Employment Opportunities Commissioner
- 4 not more than five other part-time Commissioners.

As designated by Cabinet, since September 2011, one part-time Commissioner has been appointed a Human Rights Commissioner with responsibility for disability issues.

All Commissioners are appointed by the Governor-General on the recommendation of the Minister of Justice. The Commission is 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 and paid out of Vote Justice. The Commission also receives funding for international projects from the Ministry of Foreign Affairs and Trade.

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 2013/14 – 2015/16.

Basis of preparation

Statement of compliance

The budgeted financial statements of the Commission have been prepared pursuant to the Crown Entities Act 2004, which includes the requirement to comply with generally accepted accounting practice in New Zealand (NZ GAAP).

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

The accounting policies set out below have been applied consistently to all periods presented in these financial statements.

Measurement base

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.

Revenue from the Crown

The Commission is primarily funded through revenue received from the Ministry of Justice for the provision of outputs set out in the Memorandum of Understanding signed by the Chief Commissioner and the Minister of Justice. Revenue from the Crown is recognised as revenue when earned and is reported in the financial period to which it relates.

Other income

Other income is received from the supply of contract work; the sale of other sundry promotional materials; and the provision of advice and educational seminars to third parties. Other income is recognised at the time the product or service is provided to the client.

Interest

Interest income is recognised using the effective interest method. Interest income on an impaired financial asset is recognised using the original effective interest rate.

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.

The finance charge is charged to the surplus or deficit over the lease period so as to produce a constant periodic rate of interest on the remaining balance of the liability.

At the commencement of the lease term, finance leases are recognised 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.

Lease incentives received are recognised in the surplus or deficit over the lease term as an integral part of the total lease expense.

Financial instruments

Financial assets and financial liabilities are initially measured at fair value plus transaction costs unless they are carried at fair value through surplus and deficit in which case the transaction costs are recognised in the surplus or deficit.

Cash and cash equivalents

Cash includes cash on hand and funds on deposit at banks with an original maturity of three months or less.

Debtors and other receivables

Debtors and other receivables are initially measured at fair value and subsequently measured at amortised cost using the effective interest method, less any provision for impairment.

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 surplus or deficit. Overdue receivables that are renegotiated are reclassified as current (that is, not past due).

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 surplus or deficit.

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 is shown at cost, less any 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.

Work in progress is measured at cost less impairment and is not depreciated.

In most instances, an item of property, plant and equipment is initially 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 surplus or deficit.

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. The costs of day-to-day servicing of property, plant and equipment are recognised in the surplus or deficit as they are incurred.

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	3–5 years	20–33%
Furniture and Fittings	5 years	20%
Leasehold Improvements	5 years	20%
Library Books	5 years	20%

Leasehold improvements are depreciated over the unexpired period of the lease or the estimated remaining useful lives of the improvement, whichever is the shorter.

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, the development and maintenance of the Commission’s website, and staff training costs are recognised as an expense when incurred.

Trademarks

Trademarks are capitalised on the basis of the costs incurred to register the trademark with the Intellectual Property Office of New Zealand.

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 financial year is recognised in the surplus or deficit.

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

Computer Software	3–5 years	20–50%
Trademarks	10 years	10%

Impairment of property, plant and equipment and intangible assets

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 surplus or deficit. A reversal of the impairment loss is also recognised in the surplus or deficit.

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.

Creditors and other payables

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

Borrowings

Borrowings are initially recognised at their fair value. After initial recognition, all borrowings are measured at amortised cost using the effective interest method.

Borrowings are classified as current liabilities if the borrowings are expected to be settled within 12 months of balance date. All other borrowings are classified as a non-current liability.

Employee entitlements

Short-term employee entitlements

Employee benefits that are due to be settled within 12 months after the end of the period in which the employee renders the related service are measured at nominal values based on accrued entitlements at current rates of pay. These include salaries and wages accrued up to balance date and annual leave earned but not yet taken at balance date.

Long-term employee entitlements

Employee benefits that are due to be settled beyond 12 months after the end of the period in which the employee

renders the related service, such as long service leave and retirement leave, have been calculated on an actuarial basis. The calculations are based on:

- 1 likely future entitlements accruing to staff, based on years of service, years to entitlement, the likelihood that staff will reach the point of entitlement and contractual entitlements information
- 2 the present value of the estimated future cash flows.

Presentation of employee entitlements

Accrued salaries and wages, annual leave and vested long service leave are classified as a current liability. Non-vested long service leave and retirement leave expected to be settled within 12 months of balance date are classified as a current liability. All other employee entitlements are classified as a non-current liability.

Superannuation schemes

Defined contribution schemes

Obligations for contributions to KiwiSaver, the Government Superannuation Fund and the Pension National Scheme of the National Provident Fund are accounted for as defined contribution schemes and are recognised as an expense in the surplus or deficit as incurred.

Defined benefit schemes

The Commission currently does not make contributions to defined benefit schemes.

Provisions

A provision is recognised 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 measured at the present value of the expenditure 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. The increase in the provision due to the passage of time is recognised as an interest expense and is included in finance costs.

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 disclosed 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 and consequently is exempt from the payment of income tax. Accordingly, no charge for income tax has been provided for.

Project costs

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 statement of comprehensive income as project expenditure.

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 assumptions 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. The estimates and assumptions that have a significant risk of causing material adjustment to the carrying amount of assets and liabilities within the next financial year are discussed below:

Useful lives of property, plant and equipment and intangible assets

Management has made an estimate as to the useful lives and residual amounts in respect of property, plant and equipment and intangibles. Assessing the appropriateness of useful life and residual value estimates of property, plant and equipment requires a number of factors to be considered such as the physical condition of the asset, expected period of use of the asset by the Commission, and expected disposal proceeds from the future sale of the asset. An incorrect estimate of the useful life or residual value will affect the depreciation expense recognised in the surplus or deficit and carrying amount of the asset in the statement of financial position.

Critical judgments in applying the Commission's accounting policies

Management has exercised the following critical judgement in applying accounting policies:

Lease classification

Determining whether a lease agreement is a finance lease or an operating lease requires judgement as to whether the agreement transfers substantially all the risks and rewards of ownership to the Commission.

Judgement is required on various aspects that include, but are not limited to, the fair value of the leased asset, the economic life of the leased asset, whether or not renewal options are included in the lease term, and determining an appropriate discount rate to calculate the present value of the minimum lease payments. Classification as a finance

lease means the asset is recognised in the statement of financial position as property, plant and equipment and the present value of the minimum lease payments is recognised as borrowings. For an operating lease no such asset or liability is recognised.

The Commission has exercised its judgement on the appropriate classification of an equipment lease and has determined the lease arrangement is a finance lease.

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.



Human Rights
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