



Human Rights Commission  
Te Kāhui Tika Tangata

# Statement of Intent

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**2016/17 – 2019/20**

Human Rights Commission  
Te Kāhui Tika Tangata

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# Foreword

The Human Rights Commission (the Commission) is responsible for advocating and promoting respect for human rights and encouraging harmonious relations across New Zealand's diverse communities. The full functions of the Commission are set out in the Human Rights Act 1993. Selected provisions of the Crown Entities Act 2014 also apply to the Commission's operations and the Commission is designated as the Central National Preventive Mechanism under the Crimes of Torture Act 1989. The Commission's role as a monitoring mechanism mandates it to monitor and report on the Government's performance against the obligations in the Convention on the Rights of Persons with Disabilities.

The Commission is funded under the Output Expense: Justice Advocacy, Advice and Promotion Services.

New Zealand has signed many international treaties acknowledging that respect for human dignity and the human rights of every person provide the foundation for freedom, justice and peace in the world. New Zealand is respected internationally as a free, just and peaceful nation. Relatively high levels of respect for human dignity and a high realisation of human rights in New Zealand are the foundations of this reputation.

While there are many reasons to celebrate being a New Zealander in Aotearoa New Zealand today, we can never be complacent. As well as continuing our existing work the Commission is committed to identifying new areas of human rights importance and adjusting our activities and focus to ensure that these are addressed appropriately.

New Zealand is now one of most ethnically diverse and peaceful nations on the planet. Our multicultural change

has taken place in less than a generation. For many, it is a very different New Zealand to the one they grew up in.

The 2013 Census demonstrated that demographically we are much more multicultural: one in four people living in New Zealand in 2013 was born in another country and 39 percent of Aucklanders were born overseas.

Statistics NZ's population projections for 2038 are that the Māori, Asian, and Pacific populations will continue to grow faster than New Zealand's population overall, so will increase their share of the total population.

The Commission continues to monitor and report on human rights realisation in New Zealand, and to educate and promote awareness of human rights and associated obligations and responsibilities. The Commission continues engagement with leaders in government and business, as well as decision makers and key influencers in civil society, to enable affected people to identify their human rights issues and develop solutions.

We also facilitate engagement between Government, business and civil society to leverage systemic change and provide resolution for breaches of human rights.

The Commission has developed a National Plan of Action (NPA) which takes into account the recommendations made to New Zealand during the Universal Periodic Review of New Zealand's human rights record at the United Nations in 2014. The NPA is a powerful tool that highlights human rights issues in New Zealand. It identifies commitments that the Government has made to address these issues and monitors implementation.

The NPA allows the Commission, civil society, government and international stakeholders to monitor and track human rights progress in New Zealand.

The Commission's work programme includes

- promoting human rights in the business environment to enable equality for all
- promoting harmonious relations by eliminating discrimination and embracing diversity
- promoting an inclusive and just society so that no-one is left behind; and
- developing and supporting New Zealand's international human rights treaties and legislation.

There is increasing recognition of the importance that business plays in the protection and promotion of human rights. Governments, investors, consumers and market regulators have greater expectations that companies will report on human rights issues and will contribute positively to human rights realisation both in New Zealand and in the markets in which they operate and source materials or services.

The Commission is developing clear guidance on how companies can identify and address human rights issues and will be providing information and resources to assist with these processes.

The Commission as a national human rights institution (NHRI) complies with the Paris Principles<sup>1</sup> and has an important role to play in helping the State identify whether relevant laws are aligned with their human rights obligations.

International human rights treaties generally do not impose direct legal obligations on business enterprises. It is the duty of States to translate their international human rights law obligations into domestic law and provide for their enforcement. Indeed, the laws of all States include various protections against human

rights abuse by business, including labour laws; non-discrimination laws; health and safety laws; environmental laws; and similar.

The United Nations Guiding Principles (UNGPs<sup>2</sup>) emphasise the important role of NHRIs with regard to the State duty to protect in the business context.

The Commission will continue focussing on human rights within business as this work has an impact beyond the workplace and touches on all aspects of improving the realisation of human rights.

Equally, the Commission will be focusing on programmes to address discrimination across all sectors of New Zealand society. Research indicates that this continues to be a significant issue in employment, education, health and housing. Discrimination based on race, ethnicity, disability, nationality, age, gender and sexual orientation remain barriers to inclusion for many people in our society. The country is still working towards equal employment opportunities for all, and there remain significant gender and pay imbalances.

- 1 The Paris Principles were defined at the first International Workshop on National Institutions for the Promotion and Protection of Human Rights held in Paris in October 1991. They were adopted by the United Nations Human Rights Commission by Resolution 1992/54 of 1992, and by the UN General Assembly in its Resolution 48/134 of 1993. The Paris Principles relate to the status and functioning of national institutions for the protection and promotion of human rights. It includes a comprehensive series of recommendations on the role, composition, status and functions of national human rights institutions (NHRIs)
- 2 The United Nations Guiding Principles on Business and Human Rights (UNGPs) are a global standard for preventing and addressing the risk of adverse impacts on human rights linked to business activity.

# Who we are

The Human Rights Commission (the Commission) is an independent Crown entity responsible for promoting and encouraging the protection of human rights and harmonious relations between all people in New Zealand.

The Commission has an A-status accreditation as a National Human Rights Institution with the Global Alliance of National Human Rights Institutions (GANHRI). This status is the highest recognition of the independence a national human rights institution can achieve and gives it the right to speak at the United Nations.

The Office of Human Rights Proceedings (OHRP) is an independent office within the Commission and provides legal representation under the Human Rights Act 1993 and brings proceedings under the Privacy Act 1993.

This *Statement of Intent* covering the period 1 July 2016 to 30 June 2020 has been prepared in accordance with the requirements of the Crown Entities Act 2004 and the Human Rights Act 1993.

# Nature and scope of the Commission's functions

The Commission's primary functions, as set out in the Human Rights Act 1993 and Crimes of Torture Act 1989, are to: (1) advocate and promote respect for, and an understanding and appreciation of, human rights in New Zealand society; and (2) encourage the maintenance and development of harmonious relations between individuals and among the diverse groups in New Zealand society.

Section 5(2) of the Human Rights Act lists the detailed functions of the Commission:

- 1 advocate for human rights and to promote and protect through education programmes and publicity, respect for, and observance of human rights
- 2 encourage and co-ordinate human rights programmes and activities
- 3 make public statements on issues affecting human rights
- 4 promote understanding of the human rights dimensions of the Treaty of Waitangi through research, education programmes and discussion
- 5 prepare and publish guidelines and voluntary codes of practice to help people meet their legal obligations to respect and protect human rights
- 6 receive and invite representations from members of the public on any matters affecting human rights
- 7 consult and cooperate with other organisations concerned with the protection of human rights
- 8 inquire into infringements, either in law or practice, of human rights
- 9 bring legal proceedings and intervene in court proceedings on human rights matters
- 10 report to the Prime Minister (1) on the need for new legislation, regulations or policy to better protect human rights; (2) on the desirability of New Zealand ratifying further international human rights conventions or norms; and (3) on the implication of any proposed legislation, which may affect human rights
- 11 develop a national plan of action for the promotion and protection of human rights.

Important human rights principles are enshrined in New Zealand's constitutional arrangements or legislation, including:

- 1 Treaty of Waitangi 1840
- 2 New Zealand Bill of Rights Act 1990
- 3 Human Rights Act 1993.

Moreover, as a member of the United Nations, New Zealand supports the human rights provisions of the United Nations Charter and the Universal Declaration of Human Rights 1948.

New Zealand is also a state party to, or has endorsed a number of international human rights instruments, including the:

- 1 International Covenant on Civil and Political Rights (ICCPR)
- 2 International Covenant on Economic, Social and Cultural Rights (ICESCR)
- 3 International Convention on the Elimination of Racial Discrimination (CERD)
- 4 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- 5 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
- 6 Convention on the Rights of the Child (CRC)
- 7 Convention on the Rights of Persons with Disabilities (CRPD)
- 8 United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)
- 9 United Nations Convention against Corruption (UNCAC)

These instruments impose obligations on states parties, including regular reporting on implementation.

The Commission also has functions to facilitate the resolution of disputes involving unlawful discrimination in the most efficient, informal, and cost-effective manner possible.

# Human Rights Commission's Strategic Framework

**Our Vision: People in New Zealand live together harmoniously, sharing a common respect for each other's inherent dignity and human rights**

## Outcomes we seek

- A peaceful and inclusive New Zealand society in which human dignity and human rights are respected
- Discrimination and barriers to inclusion are reduced through education and compliance with human rights standards

## The impacts we intend to have

- Increased adoption of policies and practices to achieve equality of opportunity and non-discrimination
- Advancing human rights, including the reduction of barriers to inclusion to facilitate peaceful and inclusive societies
- Protecting human dignity and rights through effective mechanisms of redress and increased observance of human rights obligations by decision makers

## Measuring our impact

- The NZ public has a greater awareness and appreciation of human rights of all the diverse groups of people that make up our society
- Central and local government agencies increasingly consider and implement human rights standards and obligations into policy and legislative decisions
- Increased positive outcomes for breaches of human rights standards through the provision of effective dispute resolution services and legal representation

## How we deliver

- 1 Human rights education, promotion, and advocacy programmes that are delivered effectively
- 2 Legal interventions in courts and tribunals promote human rights
- 3 Effective engagement with government, civil society and business to protect human rights and reduce barriers to inclusion
- 4 Recommending, monitoring and reporting on human rights standards to government, civil society and business
- 5 Human rights enquiries and complaints received are advanced and concluded within agreed timeframes and standards
- 6 Applications for legal representation under the Human Rights Act 1993 and referrals received under the Privacy Act 1993, and associated litigation are progressed within the agreed timeframes and in accordance with professional standards.

# Strategic Objectives

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## Our Vision

The Commission's vision is that people in New Zealand live together harmoniously, sharing a common respect for each other's inherent dignity and human rights.

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## The outcomes we seek

We will strive to create a peaceful and inclusive society in which human dignity and human rights are respected.

In addition, we work towards reducing discrimination and barriers to inclusion through education and ensuring compliance with universal human rights standards.

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## The resources we use

- 1 Financial resources
  - Vote Justice: Equity promotion and protection services \$9,496M
- 2 People
  - Experienced and expert Commissioners and staff
  - Well-established national and international networks
- 3 Knowledge, Systems and Processes
  - Application of knowledge and practice drawn from national international experts and institutions
  - Effective systems and processes.

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## The impacts we intend to have

The Commission's work programmes, projects and activities are directed at the realisation of non-discrimination and equal opportunities for everyone in New Zealand.

We strive to create a peaceful society where everyone is included, and we do this through advancing human rights and reducing barriers.

In addition, we protect people's dignity and human rights by providing effective mechanisms of redress and encouraging increased observation of human rights obligations.

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## How we know we are succeeding

The New Zealand public has a greater awareness and appreciation of human rights of all the diverse groups of people that make up our society.

Central and local government agencies increasingly consider and implement human rights standards and obligations into policy and legislative decisions.

Increased positive outcomes for breaches of human rights standards through the provision of effective dispute resolution services and legal representation.

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## How we will measure success

Increased reach and access of our online content (social media, web site) by the public and civil society on relevant human rights issues

- Surveys and feedback indicate the success of our advocacy, education and interventions work programmes
- An increasing adoption of human rights standards and obligations as reflected in government policy and legislative decisions; human rights standards increasingly reflected in civil society and business decisions and policies
- Maintaining a high level of customer satisfaction with our complaints, mediation and legal representation services to ensure positive outcomes for affected people.

These link to the Statement of Performance Expectations (SPE) measures for output activities in the Commission's SPE document.

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## How we will deliver

- 1 Human rights education, promotion, and advocacy programmes that are delivered effectively
- 2 Legal interventions in courts and tribunals promote human rights
- 3 Effective engagement with government, civil society and business to protect human rights and reduce barriers to inclusion
- 4 Recommending, monitoring and reporting on human rights standards to government, civil society and business.
- 5 Human rights enquiries and complaints received are advanced and concluded within agreed timeframes and standards
- 6 Applications for legal representation under the Human Rights Act 1993 and referrals received under the Privacy Act 1993, and associated litigation are progressed within the agreed timeframes and in accordance with professional standards.

## **1 Human rights education, promotion, and advocacy programmes that are delivered effectively**

The Commission's mandate under section 5(2) of the Human Rights Act 1993 requires it to educate, promote and advocate for human rights so people know and practice their rights and duties.

The Commission will over the period of this *Statement of Intent* broaden the reach of its activities to promote and advocate for human dignity and human rights across all spheres of society.

Our programmes, projects and activities will focus on addressing the most salient human rights issues in our society, and through increasing human rights awareness and reducing barriers to inclusion we aim to facilitate a peaceful and inclusive society that is free from discrimination.

Our education and advocacy role is our key lever for increasing harmonious relations in New Zealand. Taking opportunities to work with leaders in government, business and civil society to develop a better understanding of the strength of diversity and the impacts of discrimination are key to this.

We will increase our reach and relevance and inform and educate the public on relevant human rights issues through effectively harnessing digital and social media; and making available publications, guidelines and other relevant information through our web page. Our Commissioners and staff will state human rights positions and make statements in the media on issues and matters that warrant human rights input.

We will continue to advocate for a just recovery in Canterbury by facilitating engagement between decision-makers and affected people involved in the recovery process, and continue to advocate with decision-makers for human rights standards to be applied in developing solutions to housing pressures including the relief of secondary stressors of housing, insurance and financial issues.

## **2 Legal interventions in courts and tribunals promote human rights**

We intervene in legal proceedings in Courts and tribunals when there are significant human rights issues involved and where our participation will contribute positively to the development of jurisprudence, policies or practice that will enhance observance of human rights in New Zealand.

## **3 Effective engagement with government, a, civil society and business to protect human rights and reduce barriers to inclusion**

The Commission's role is one of connecting and brokering between government, civil society and business decision-makers and key influencers to improve the realisation of human rights of people in New Zealand, and

this should be reflected in the adoption of policies, processes and practices that improve human rights for all people in New Zealand.

It is particularly important that people or organisations with legal obligations under domestic law comply, and that they respect and protect human dignity and the human rights of all people in New Zealand.

The Commission has broad powers under the Human Rights Act 1993 to encourage fair, transparent and accountable decision-making. Intervention during the policy development stage through the provision of advice to, and sharing research with, central and local government is often effective. In this regard, we are able to contribute to the problem definition and the identification of practical solutions to the issues facing government as well as affected people.

The preparation and presentation of submissions on draft legislation, policies and regulations is another mechanism to ensure that human rights issues are properly considered.

#### **4 Recommending, monitoring and reporting on human rights standards to government, civil society and business**

New Zealand is a State party to a number of international human rights instruments. This requires the State (including the Executive, Legislature and Judiciary) to: (1) implement the obligations set forth in these conventions; and (2) to regularly report on its compliance to the treaty monitoring bodies and the United Nations Human Rights Council. The Commission plays a critical role in both areas.

The Commission maintains an “A” Status accreditation as a NHRI and compliance with and reporting on ratified human rights treaties form an important part of our activities. In addition, we participate in a number of international commitments and engagements which aim to have a positive impact in the realisation of human rights, not only locally but also in the international sphere.

In 2016, our accreditation as a NHRI will again be reviewed. This process takes place every five years. It entails the Commission being independently assessed against strict criteria. Accordingly, this measure is included in our Statement of Performance Expectations, as a proxy of the Commission’s independence, credibility and effectiveness.

The process of accreditation is by peer review; involving the Sub-committee on Accreditation with the Global Alliance of National Human Rights Institutions (GANHRI), and approval of the bureau on behalf of the United Nations.

NHRIs which are awarded A-status are recognised for their credibility and professionalism. It shows that the NHRI “is legitimate, relevant and effective in promoting human rights at the national level” (OHCHR, 2012). A-status also provides formal participation in the United Nations Human Rights Council and engagement with other UN treaty bodies.

Retention of A-status to the Commission would not only recognise our performance, it also serves to enhance New Zealand's reputation and reinforcing our international standing. This is important at a time when New Zealand is seeking to have greater international influence.

The Commission, reporting to United Nation treaty monitoring bodies, works with government and civil society by providing reports, advice and technical assistance in response to periodic compliance examinations.

We contribute to the monitoring of New Zealand's compliance with international human rights instruments. Two of the international conventions signed and ratified by the New Zealand Government have special monitoring mechanisms.

Under the Crimes of Torture Act 1989 the Commission is designated as the Central National Preventive Mechanism responsible for coordinating activities of the NPM agencies who monitor places of detention in accordance with the Optional Protocol for the Convention against Torture (OPCAT). The Commission coordinates the activities of the National Preventive Mechanisms, including facilitating meetings and preparing reports.

This involves coordination with the Ombudsman, Independent Police Conduct Authority (IPCA), Office of the Children's Commissioner and the Inspector of Service Penal Establishments. We also work with the New Zealand Convention Coalition and the Ombudsman to report on the implementation of the Convention on the Rights of Persons with Disabilities (CRPD).

Over the next four years we will be involved in monitoring compliance with the:

Convention on the Rights of the Child (CRC), Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), International Covenant on Economic, Social and Cultural Rights (ICESCR), International Convention on the Elimination of Racial Discrimination CERD), as well as New Zealand's third Universal Periodic Review (UPR).

The Commission's involvement ensures that relevant issues for affected people are considered by Treaty bodies and that the Committees involved receive information to assist them to make appropriate and practical recommendations to the Government.

The Commission will also continue to promote and monitor the implementation of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and the human rights dimensions of the Treaty of Waitangi.

Our work coordinating the National Plan of Action remains a key focus for the Commission. We will have the greatest impact by connecting those whose rights are not fully realised to those with the power to enable better realisation of their rights, encouraging them to build shared plans for change. Leading the NPA provides an opportunity to share our expertise.

The NPA is supported by a set of indicators and a corresponding monitoring and evaluation framework. We will track progress and undertake a mid-term review, which will be linked directly to the UPR process. We update the monitoring tool twice a year to reflect changes to actions, and produce an annual report.

We will also continue to monitor and report on the performance of Crown entities in meeting their statutory “good employer” obligations. This is one of our key functions and we have developed an effective mechanism to assess performance across key elements.

## **5 Human rights enquiries and complaints received are advanced and concluded within agreed timeframes and standards**

We are committed to finding better remedies for breaches of human dignity and rights. We provide a process for discrimination complaints to be resolved in variety of ways, including through non-judicial mechanisms.

The Commission has a triage process to respond to all enquires and complaints. A specialist call centre makes an initial assessment and are often able to help complainants resolve issues or refer them to a more appropriate agency.

The Enquiries and Complaints Team provides a confidential and impartial service to help resolve complaints of unlawful discrimination or other breaches of human rights. Our approach centres on dispute resolution and mediation. This enables both parties to understand the human rights issues through open communication and active participation. In the majority of cases, it also helps both parties arrive at a workable solution. Often this entails making positive systemic changes, which help with the realisation of human dignity and rights, as well as reducing the potential for complaints to arise in the future.

Parties have the option to take any unresolved complaints to the Human Rights Review Tribunal. The Office of Human Rights Proceedings can, if the Director so determines, provide free legal representation to complainants that wish to take proceedings.

## **6 Applications for legal representation under the Human Rights Act 1993 and referrals received under the Privacy Act 1993, and associated litigation are progressed within the agreed timeframes and in accordance with professional standards**

The Office of Human Rights Proceedings (OHRP) provides legal representation under the Human Rights Act 1993 and brings proceedings under the Privacy Act 1993.

### **Human Rights Act 1993**

The Director of Human Rights Proceedings can provide applicants with publicly-funded litigation assistance where complaints have not been resolved through the Commission's dispute resolution process.

The Director provides representation independently of the Commission. Applications for representation are assessed against the criteria set out in the Human Rights Act 1993.

For example, the Director considers whether providing representation would be in the public interest and whether it would be an effective use of resources. If assistance is offered, it is free of charge and typically includes representation in the Human Rights Review Tribunal.

The Director may also consider applications from the Commission for representation in proceedings before the Human Rights Review Tribunal or related proceedings.

### **Privacy Act 1993**

The Director may bring proceedings in the Tribunal involving the alleged breach of the privacy of an individual, if the Office of the Privacy Commissioner refers the matter to the Director.

The Director can also intervene in Privacy Act proceedings brought by other plaintiffs, and is likely to do so if the proceeding raises important legal issues.

# The health and capability of our organisation

The Commission has a particular focus on its performance and productivity, and this will remain a priority over the coming years. We continue to refine and streamline our processes to match our performance and productivity focus. We have a well-defined and formalised project management structure to ensure timely, effective delivery of our programmes and projects.

Like most organisations we are committed to continuous improvement and delivering in a way that provides value for money.

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## Strategic alignment

We are developing and implementing a communications and engagement strategy that will increase our reach and relevance to all our stakeholders.

We will develop capability to identify, describe and quantify human rights indicators and places where New Zealand can improve; establish, develop and maintain strategic relationships with audiences and partner organisations; and develop a portfolio of interventions to effect social change. We will also increase business development capability to find new revenue or resources.

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## Performance

The Commission is results oriented. Our emphasis is on having priorities that target and address the needs of the most vulnerable in our society, and making contributions that add value and make a unique and significant impact where it is most needed.

We are committed to being a good employer and providing equal opportunities for all staff. We do have special regard to the importance of recruiting staff with lived experience of specific population groups, those that are under-represented in employment such as women, Māori, other ethnic and minority groups, and disabled people. The diversity of staff enriches the work that we do and helps ensure that we are familiar with the experiences of our target population groups.

We have developed a range of policies and practices across the seven good employer elements. In this regard, we are able to compare our performance against, and draw good practice from, all other Crown entities as part of our monitoring function on behalf of the Government.

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## Culture

Our people believe in what the Commission is trying to accomplish. Our ability to unite in support of the protection, promotion and realisation of human dignity and rights creates a strong sense of engagement. Our people are able to see how their work contributes to our strategic outcomes and they derive satisfaction from working with people to build harmonious relations between individuals and across diverse population groups.

Our values are important to us and inform how we conduct ourselves:

- 1 mana tangata – human dignity
- 2 maia tika pono – courage and integrity
- 3 whanaungatanga – relationships.

We will measure engagement through a biennial survey. This allows us to compare our performance against comparable public sector organisations.

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## Financial sustainability

The Commission has taken proactive steps to ensure its long-term financial sustainability. There are not expected to be any changes to our appropriation for the duration of this plan, and the baseline funding will remain static for the foreseeable future. Our strategic and financial planning is focused on core business and implementing fiscally responsible and realistic budgets.

Opportunities to improve the efficiency and effectiveness of our service delivery and to save on operational and other overheads will be exercised.

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## Assessing performance

The Commission will assess performance through a range of measures that consider the quality, quantity and timeliness of our services. These measures are set out in the Statement of Performance expectations.

These indicators will measure both the long term impacts of interventions that New Zealand undertakes, as well as the Commission's performance in improving the realisation of human rights.

For those services to the general public we measure response times and customer satisfaction.

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