



Human Rights Commission

Te Kāhui Tika Tangata

Statement of Intent (SOI)

2019/20 – 2022/23

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Introduction

The Human Rights Commission (the Commission) is New Zealand’s national human rights institution (NHRI). It 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 is funded under the Output Expense: Services from the Human Rights Commission.

The Commission is accredited with “A” status by the United Nations (UN) Office of the High Commissioner for Human Rights and the Global Alliance of National Human Rights Institutions. This status is the highest recognition of independence that an NHRI can achieve and provides the Commission with speaking rights at relevant UN Human Rights Council and committee sessions. This means we operate in accordance with the principles relating to the Status of National Institutions, commonly known as the ‘Paris Principles’¹. These principles set out the minimum international standards required for NRHIs to be considered credible and operating independently.

The Office of Human Rights Proceedings (OHRP) is an independent body within the Human Rights Commission. Michael Timmins was appointed Director of Human Rights Proceedings on 8 March 2019. The Director heads the OHRP 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 2019 to 30 June 2023 has been prepared in accordance with the requirements of the Crown Entities Act 2004 and the Human Rights Act 1993.

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

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 UN 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 (NRHIs)

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 most human rights in New Zealand are the foundations of this reputation.

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.

In preparing this Statement of Intent, we are mindful of the events of 15 March 2019; the attacks on the two Christchurch mosques. Our work on diversity and inclusiveness will be further informed by the tragedy.

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.

The Commission's focus on addressing discrimination, inequalities and equal opportunities for all people contributes positively to the well-being of all New Zealanders.

The Commission's work programmes are directed at improving outcomes and reducing inequalities across a range of key indicators for Māori, Pacific people, children, women, disabled people, migrants and refugees, older people, the SOGISC² community, victims of family violence and those living in marginalised communities.

Reducing family violence is a priority for government. The Commission plays an active role in contributing to this reduction. It does this by advocating for legislative change and promoting workplace family violence policies and anti-bullying activities that support all New Zealanders to live safe, violence free lives.

Promoting and advocating for opportunities for employment, full inclusion and meaningful community participation by all people in New Zealand is a key component of enhancing mental and physical wellbeing and is well-covered by the Commission's work programmes. Improving basic living standards, in conjunction with reducing discrimination and social isolation, are important factors in addressing mental illness and distress and they contribute positively to

² Sexual orientation, gender identity and sex characteristics

overall wellbeing of individuals and help promote healthy communities.

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

In response to the UN Universal Periodic Review (UPR) in 2013, a National Plan of Action (NPA) was developed as a human rights monitoring framework for both government and civil society which indicate key priorities for action.

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

The Universal Periodic Review

The New Zealand Government was formally reviewed at a UN Human Rights Council UPR Working Group session on 21 January 2019. As a result of this process, 194 recommendations were issued by a wide variety of UN Member States.

Many of the recommendations regarded long-standing human rights problems in New Zealand such as family violence, economic and social inequality (in particular child poverty) and structural discrimination. A number of recommendations were made which reflect the advocacy efforts of the Commission and other submitters in these particular areas. These include recommendations on disability rights, SOGISC rights, business and human rights, a national plan of action for the Declaration on the Rights of Indigenous Peoples (UNDRIP) and climate change.

The Commission will continue to advocate for the status of the Treaty of Waitangi; to eradicate family violence, discrimination and inequality; to close the gender pay gap; combat child poverty; and advance the rights to housing, health and education.

The rights of disabled people, who remain socially and economically disadvantaged, remain a focus area for the Commission.

As part of its indigenous and Treaty of Waitangi rights work, the Commission will continue to advocate for better outcomes for Māori.

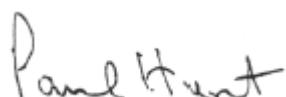
The government of the day has a focus on improving the wellbeing of all New Zealanders. The Commission aims to contribute to three of the priority areas of the government's wellbeing initiative, namely lifting Māori and Pacific incomes, skills and opportunities; reducing child

poverty and improving child wellbeing, including addressing family violence; and supporting mental wellbeing for all New Zealanders.

The March 2018 review by the UN Committee on the Covenant on Economic, Social and Cultural Rights (ICESCR) identified a significant number of issues and areas that need to be addressed by the State, and which already inform the Commission's ongoing work plans and focus areas.

These include the State's legislative compliance with international human rights obligations, addressing discrimination, gender equality and women's rights, as well as addressing violence across all sectors.

The Commission continues to promote, monitor and report on the government's implementation and compliance with international human rights mechanisms that have been ratified by New Zealand.



Paul Hunt
Chief Commissioner
Te Amokapua



Paula Tesoriero MNZM
Disability Rights Commissioner
Kaihautū Tika Hauātanga



Saunoamaali'i Karanina Sumeo
Equal Employment Opportunities Commissioner
Kaihautū Ōritenga Mahi

Governance

Dr Paul Hunt commenced as Chief Human Rights Commissioner on 14 January 2019 and Saunoamaali'i Karanina Sumeo commenced as the Equal Employment Opportunities Commissioner on 5 November 2018.

Paula Tesoriero MNZM is the Disability Rights Commissioner. She started in her role on 31 July 2017.

The Race Relations Commissioner position remains vacant at the time of writing.

Nature and Scope of the Commission's Functions

The Commission's primary functions, as set out in section 5(1) of the Human Rights Act 1993 are to:

- advocate and promote respect for, and an understanding and appreciation of, human rights in New Zealand society
- encourage the maintenance and development of harmonious relations between individuals and among the diverse groups in New Zealand society
- promote racial equality and cultural diversity
- promote equal employment opportunities (including pay equity)
- promote and protect the full and equal enjoyment of human rights by disabled people

The Commission also has additional functions as the Central National Preventive Mechanism under the Crimes of Torture Act.

Section 5(2) of the Human Rights Act 1993 (HRA) lists the detailed functions of the Commission:

- Advocating for the promotion and protection of human rights through education and publicity
- Encouraging and coordinating programmes and activities in the field of human rights
- Making public statements in relation to any matter that may affect or infringe human rights including statements commenting on the position of the Government
- Making public statements promoting an understanding of and compliance with the HRA or the New Zealand Bill of Rights
- Promoting through research, education and discussion better understanding of the human

rights dimensions of the Treaty of Waitangi and their relationship with international law

- Preparing and publishing guidelines and voluntary codes of practice
- Receiving and inviting representations from members of the public about any matter affecting human rights
- Consulting and cooperating with other persons and bodies concerned with the protection of human rights
- Inquiring generally into matters that may involve an infringement of human rights
- Applying to intervene in court or tribunal proceedings or appear as counsel assisting if this would facilitate the performance of the Commission's functions
- Reporting to the Prime Minister on any matters affecting human right including, the desirability of New Zealand becoming bound by any international human rights instrument
- Reporting to either or both the Prime Minister and the Minister responsible on any existing or proposed legislation, administrative provision, or policy of the Government that may affect human rights
- To promote the development of new international instruments on human rights
- To promote and monitor compliance by New Zealand with, and reporting by New Zealand on, the implementation of international instruments on human rights ratified by New Zealand
- Making public statements in relation to people in New Zealand or coming to New Zealand who may be subject to hostility, contempt or unlawful discrimination
- Performing other functions, powers or duties conferred under the HRA, including the provision of dispute resolution services for the resolution of unlawful discrimination complaints
- Developing a national plan of action, in consultation with interested parties, for the promotion and protection of human rights in New Zealand
- To exercise specific functions in relation to equal employment opportunities, including monitoring and development of guidelines, and
- Exercising or performing other functions, powers and duties conferred or imposed on it by, or under, the HRA or any other enactment.

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

- Treaty of Waitangi 1840
- New Zealand Bill of Rights Act 1990
- 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:

- International Covenant on Civil and Political Rights (ICCPR)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- International Convention on the Elimination of Racial Discrimination (CERD)
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
- Convention on the Rights of the Child (CRC)
- Convention on the Rights of Persons with Disabilities (CRPD)
- United Nations Convention against Corruption (UNCAC)

New Zealand has also indicated that it will implement the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

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: A fair and dignified life for everyone in Aotearoa New Zealand that is free from inequalities, violence and discrimination

Outcomes we seek

- A safe, harmonious, equitable society
- The human rights of everyone in Aotearoa New Zealand are respected, protected and fulfilled

The impacts we intend to have

- Our communities are free from inequality and discrimination
- Government, decision makers and the New Zealand public understand, uphold and respect human rights

Measuring our impacts

- The New Zealand public becomes increasingly informed and educated on human rights issues, including those facing marginalised groups
- We promote, monitor and report on the government's compliance with international human rights obligations
- Human rights are protected by providing an accessible, effective avenue for complaints about discrimination to be heard and resolved

How we deliver

- 1 Human rights education, promotion, and advocacy programmes that are delivered effectively
- 2 Promotion of human rights through legal interventions in courts and tribunals
- 3 Recommending, monitoring and reporting on human rights standards to government, civil society and business
- 4 Human rights enquiries and complaints received are advanced and concluded within agreed timeframes and standards
- 5 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: 2019/20 – 2022/23

Our Vision

A fair and dignified life for everyone in Aotearoa New Zealand that is free from inequalities, violence and discrimination

The outcomes we seek

- A safe, harmonious, equitable society
- The human rights of everyone in Aotearoa New Zealand are respected, protected and fulfilled

The resources we use

- 1 Financial resources
 - Vote Justice: Services from the Human Rights Commission
- 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 and international experts and institutions
 - Effective systems and processes.

The impacts we intend to have

The Commission's work programmes, projects and activities are directed at the realisation of a safe, equitable society that is free from inequality and discrimination.

We strive to create a peaceful society where everyone is included and where everyone's human rights are respected, protected and fulfilled.

In addition, we protect people's dignity and human rights by providing an accessible, effective avenue for complaints about discrimination to be heard and resolved and encouraging increased observation of human rights obligations.

How we know we are succeeding

- The New Zealand public becomes increasingly informed and educated on human rights issues, including those facing marginalised groups
- We promote, monitor and report on the government's compliance with international human rights obligations
- Human rights are protected by providing an accessible, effective avenue for complaints about discrimination to be heard and resolved

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
- The New Zealand public and our stakeholders will provide feedback on how well our education and advocacy programmes are working
- Our effectiveness as a NHRI is confirmed through formal United Nations accreditation
- 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.

How we will deliver

The strategy and direction of the Commission is informed by evidence-based human rights issues, its legislative framework, and its mandate and enablers. The strategy also takes into account the national and international human rights framework to which New Zealand has committed.

The appointment of new Commissioners, along with the work of the review group to implement the recommendations in Judge Shaw's report, and the financial sustainability review, will provide further impetus to the Commission as it works for a free, fair, safe and just Aotearoa New Zealand, where diversity is valued, and human dignity and rights are respected.

In particular, the Commission will deliver through

1. Human rights education, promotion, and advocacy programmes that are delivered effectively
2. Legal interventions in courts and tribunals promote human rights
3. Recommending, monitoring and reporting on human rights standards to government, civil society and business.
4. Human rights enquiries and complaints received are advanced and concluded within agreed timeframes and standards
5. 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 allows it to educate, promote and advocate for human rights so rights holders and duty bearers 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 advocating for better outcomes for our marginalised groups we aim to facilitate a fair and dignified life for everyone in New Zealand that is free from inequalities, violence and discrimination.

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.

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. 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 domestically but also in the international sphere.

In 2016, our accreditation as a NHRI was again reviewed and confirmed. This process takes place every five years. It entails the Commission being independently assessed against strict criteria.

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

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 UN Human Rights Council and engagement with other UN treaty bodies.

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

The Commission, reporting to UN 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. Both CRPD and UNDRIP have independent monitoring mechanisms.

Under the Crimes of Torture Act 1989 the Commission is designated as the Central National Preventive Mechanism (NPM) responsible for coordinating activities of the NPM agencies who monitor places of detention in accordance with the Optional Protocol for the Convention against Torture. The Commission coordinates the activities of the National Preventive Mechanism, 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 Right of Persons with Disabilities (CRPD), 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 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.

We will also continue to monitor and report on the performance of Crown entities in meeting their statutory “good employer” obligations.

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. 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 enquiries and complaints. A specialist call centre makes an initial assessment and is 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.

5. 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.

Strengthening organisational culture and capability

The Commission recognises that a strong organisational culture is essential to deliver on our strategic directions. A significant focus of the Commission for the past year and future years is to continue to build a collaborative, vibrant working culture where people feel valued, connected and engaged.

In February 2018 retired Judge Coral Shaw was appointed to review the Commission following publicity about an incident that occurred in October 2017.

The Shaw Report identified shortcomings in relation to the Commission's governance, management structures and organisational culture, and made several recommendations.

The Commission has worked with the Public Service Association (PSA) and all staff throughout the previous year particularly through an internal review group. The majority of the recommendations will be completed by 30 June 2019.

The Shaw Report also identified that the Commission's baseline funding has not been reviewed since Budget 2007. As a result, the report found there was a chronic lack of resources required for the Commission to deliver its work, and its ability to fund activity from reserves was limited.

The Commission retains 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.

Like most organisations we are committed to continuous improvement.

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 operating as a good employer and providing equal opportunities for all staff. We 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.

Culture

The Commission's staff believe in what the organisation 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.

The Commission's Treaty-Based Organisation (TBO) programme aims to support staff in the promotion and advocacy of indigenous rights, Treaty of Waitangi rights, and tangata whenua human rights issues.

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.

Financial sustainability

The Commission has taken proactive steps to ensure its long-term financial sustainability.

The Commission has been partially successful in its 2019 budget bid to increase baseline funding to address its longer-term sustainability issues. There has been no increase to the Commission's baseline funding since 2007, and this increase will enable the Commission to function more effectively over the coming years.

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 will continue to be exercised.

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 our 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.