



**NZ
Human
Rights.**

Te Kāhui Tika Tangata
Human Rights Commission



Talanoa: Human rights issues for Pacific peoples in Aotearoa New Zealand



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ISBN: 978-0-478-35612-0

Online: 978-0-478-35613-7

The New Zealand Human Rights Commission was set up in 1977 and works under the Human Rights Act 1993. Our purpose is to promote and protect the human rights of all people in Aotearoa New Zealand. We work for a free, fair, safe and just New Zealand, where diversity is valued, and human dignity and rights are respected.

For more information, please visit our website: www.hrc.co.nz

Citation: New Zealand Human Rights Commission. (2020) Talanoa: Human Rights issues for Pacific Peoples in Aotearoa New Zealand. Wellington: Human Rights Commission.

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December 2020

Acknowledgements:

Talanoa was born from kōrero which took place at five hui held across Aotearoa New Zealand in 2018 and 2019.

The Commission would like to wholeheartedly thank our Pacific communities for sharing their experiences, insights and recommendations through fono and other gatherings. It has helped the Commission understand the key human rights issues faced by Pacific communities presented herein.

We would also like to thank our former Pacific Human Rights Advisor, Tuiloma Lina-Jodi Vaine Samu who began drafting this paper. This work is greatly enhanced by the contributions made by Filipo Katavake-McGrath.

Project support was provided by Laurie McGregor, Dr Margaret MacDonald, Vanushi Walters, Andre Afamasaga, Eleanor Vermunt, Hannah Northover, Nid Satjipanon, and Rachna Nath (all HRC).

Cover image: Pacific youth at the Climate March in Auckland. *Photo courtesy of Pacific Climate Warriors/ Sivendra Michael*



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Foreword

Kia orana tātou katoatoa! Fakaalofa lahi atu ki mutolu oti! Tālofa nī! Mālō nī! Ni sa bula vinaka! Malo e lelei! Fakatalofa atu! Kam na mauri! Noa'ia 'e mauri! Halo olgeta! Halo olaketa! Ekamowir omo! Mogethin! Ran alim! Kaselehia! Lotu Wo! Ia orana! Aloha mai kākou! Malo lava le lagi e mama ma le soifua maua! Tēnā koutou katoa e rau rangatira mā!

I greet you in the languages of the Pacific, Te Moana-nui-a-Kiwa, from the Cook Islands, Niue, Tokelau, Fiji, the Kingdom of Tonga, Tuvalu, Kiribati, Rotuma, Solomon Islands, Vanuatu, Papua New Guinea, Nauru, the Federated States of Micronesia, Tahiti, Hawai'i, Sāmoa and from our whanaunga Māori relations, the Indigenous peoples of Aotearoa New Zealand.

The Human Rights Commission (the "Commission") would like to thank all Pacific peoples, organisations, and agencies from private and public sectors that engaged with us through fono and other gatherings, to inform this Talanoa paper. Talanoa is often used to describe when a discussion happens or when talking things through, in Tokelauan, Tuvaluan, Sāmoan, Tongan and Fijian languages.

The Commission works in service of all peoples in Aotearoa. It is our pleasure to invite and foster further discussion about the human rights issues presented in this paper.

The face of Pacific communities is young, people likely to have been born in Aotearoa New Zealand and connected to language and cultural resources. Since the early 2000s, Pacific peoples have migrated from the major metropolitan centres to establish lives and communities in provincial centres. Pacific people volunteer significantly more hours to community organisations than any other population group.

Despite these positives, Pacific peoples in Aotearoa New Zealand are likely to have experienced some form of racial profiling and discrimination. Uncounted and unpaid work among Pacific peoples in homes and communities is invisible. When communities experience further vulnerabilities because of their human rights being infringed upon, they cannot rectify this alone. Duty bearers must take responsibility for these violations with urgency.

I am confident that following this paper, we can work with communities, government, local government, businesses, faith-based communities and civil society to address the human rights issues experienced by Pacific peoples. The Commission commits to deliver on its role to advocate on behalf of and to work with Pacific communities in making this real.

Ma le ava ma fa'aaloalo lava. Soifua ma ia manuia.



Saunoamaali'i Karanina Sumeo
Equal Employment Opportunities Commissioner

New Zealand Human Rights Commission | Te Kāhui
Tika Tangata



Executive Summary

Pacific communities in Aotearoa New Zealand benefit from rich histories and cultures. Service and care for others is foundational to the way Pacific peoples live their lives and aspire to the future. Pacific cultures and human rights are not foreign to each other. Rather, Pacific cultures and human rights share common principles and values that have shaped the societies we live in today. These are principles and values based on equality, dignity, family, protection of vulnerable people, fairness and participation.

In Aotearoa New Zealand, Pacific peoples have historically contributed to the local manufacturing and primary production economy. However, their contribution has long been unrecognised and instead they have been subjected to inequitable treatment by successive governments, such as being disproportionately targeted for deportations. In 2020, lockdowns to reduce the spread of COVID-19 led to workplace closedowns, from which families lost income. Community groups were also required to stop congregational activities. In response, Pacific communities developed safe methods of getting food and other resources to affected families.

The Commission has worked with Pacific communities, organisations and agencies in the last few years to understand their key human rights issues. In addition, the international human rights system has been interested in the rights of Pacific peoples in Aotearoa New Zealand. Below are the key themes discussed in this Talanoa report.

Families

Families are the core institution that Pacific peoples identify with. Children's exposure to the stresses of family hardship and family violence is increasingly concerning. Being safe from violence as well as equitable wages and working conditions are human rights issues facing Pacific people, particularly women. In recent years, Pacific communities have grappled with acceptance of people with diverse sexual orientations and gender identities and

expressions and other characteristics (SOGIESCs), in contrast to traditional church teachings which have been critical of these people. In addition, as life expectancies increase, a greater focus on aged care and dignity in older age is emerging in Pacific communities.

Wellbeing

Pacific communities take wellbeing to heart. Low wages have maintained families and communities but have resulted in both housing and health issues as well as insecure work tenures. Pacific workers also report discrimination in the workplace and are calling for support to understand their rights. At the same time, Pacific young people aspire to achieve well at school, and educational outcomes have steadily improved in the last 20 years. The numbers of people maintaining heritage languages and cultural traditions continues to be strong.

Climate Change

Communities are concerned about the impact of climate change on families in the Pacific Islands. The main human rights issues include the rights of people to derive both sustenance and income from fishing, as well as the rights of nations to determine their own boundaries.

The Commission would like to see Government, civil-society and communities work together to support Pacific peoples' aspirations for better futures and address human rights issues. A good starting point is an appropriate and responsive framework for human rights, to be established in talanoa with Pacific communities. It can then be applied to the areas of policy, regulation and practice that currently cause human rights issues for Pacific peoples in Aotearoa New Zealand.

Introduction

The Human Rights Commission (“the Commission”) set out to identify and understand the issues relevant to human rights realisation for Pacific peoples in Aotearoa New Zealand. This Talanoa paper contains information obtained from a series of community fono¹ hosted by the Commission,² engagements with government and private organisations, local research and reports from inter-governmental organisations, like the UN and its specialised agencies.

The purpose of this Talanoa paper is to provide a foundation piece about human rights of Pacific peoples in Aotearoa New Zealand. It identifies how human rights fits within the unique context of Pacific peoples, and how they provide a baseline understanding of the issues that require greater attention and collaboration. It aims to raise awareness of these issues and make recommendations as to how they can be addressed. The focus of this paper is on the human rights issues of Pacific peoples in Aotearoa New Zealand. It generally does not cover human rights issues within Pacific Island countries, apart from some issues in the Realm countries (Cook Islands, Niue and Tokelau) and climate change related issues. The paper touches on



Pacific people have the same human rights as anyone.
Photo courtesy of Le Va.

domestic human rights issues in the Realm countries as their citizens are also citizens of Aotearoa New Zealand. It also discusses issues relating to climate change because they were raised during the fono. It is important that the Pacific diaspora still maintain cultural ties to their respective Pacific Island nations, which will be adversely affected by climate change.

The Commission hopes that this paper can be used as a basis for greater discussion and collaboration, and an advocacy tool for discussion around human rights of Pacific peoples in Aotearoa New Zealand.

Whakatauki

In this Talanoa paper, the Commission recognises the unique place Pacific peoples have as non-indigenous migrants and their descendants with enduring indigenous cultures, that flourish in Aotearoa New Zealand. This Talanoa paper acknowledges Tangata Whenua, and their kaitakitanga guardianship of Aotearoa as a place where other cultures are welcomed and nurtured. In

this Talanoa paper, we also acknowledge the many cultures of Te Moana-nui a-Kiwa, which connects the island nations of the Pacific region, including Aotearoa New Zealand. In acknowledgement of the kaitakitanga of Tangata Whenua and the cultures of Te Moana-nui-a-Kiwa, we have chosen the following whakatauki from Tokelau.

Ko te tama a te manu a fafaga i na ika, ka ko te tama a te tagata e fafaga i na kupu.
As the birds nourish their young with fish, people nourish their young with language

¹ Fono is Samoan for gathering or meeting.

² The participation at the five fono was as follows: 1) South Auckland with 25 Pacific participants, 2) Auckland with 12 Pacific, two Māori & two Pākehā participants, 3) Christchurch with 12 Pacific participants, 4) Wellington CBD with five Pacific participants, 5) Wellington with 15 Pacific participants.



Pacific peoples in Aotearoa New Zealand

In this Talanoa paper, the term “Pacific peoples” is used to describe people from all Pacific Islands residing in Aotearoa New Zealand including smaller migrant communities from Rotuma, Kiribati, Solomon Islands, Vanuatu, Tahiti, Papua New Guinea and Hawai’i. The terms “Pacific peoples”, “Pacific”, or “Pasifika” are not intended to imply homogeneity of those Pacific communities living in Aotearoa New Zealand. Instead, they refer to population groups

with shared histories in the Pacific and Aotearoa New Zealand, to strengthen the legitimacy of their position in Aotearoa New Zealand. We also use the term “Pākehā”, rather than Pacific peoples’ terms such as “Papālagi” (Samoan), Pālagi (Niuean & Tokelauan), Pālangi (Tongan) or Papa’ā (Kuki Āirani/ Rarotongan Māori). This is because it is the most widely-used and recognised name to describe people of European descent in Aotearoa New Zealand.

Pacific resilience through culture and spirit

Guided by values including relationships, care, reciprocity, respect, family, community and spirituality, Pacific cultures have endured over centuries of change and challenge.

A traditional way of envisioning these relationships focused on the imagery and complexities of village life in the Pacific Islands, best depicted by the fonofale, developed by Fuimaono Karl Pulotu-Endemann in the 1980s. In the fonofale, the fale

or home represents the foundation of the family and protection of culture connected through physical ties, spiritualities, mindsets and other realms integrated into wider contexts of time and environments. Pacific peoples recognise that life is complex and interconnected.

Since the 1980s, the proportion of the community born in Aotearoa New Zealand and born to New Zealand-born parents have increased. At the 2018

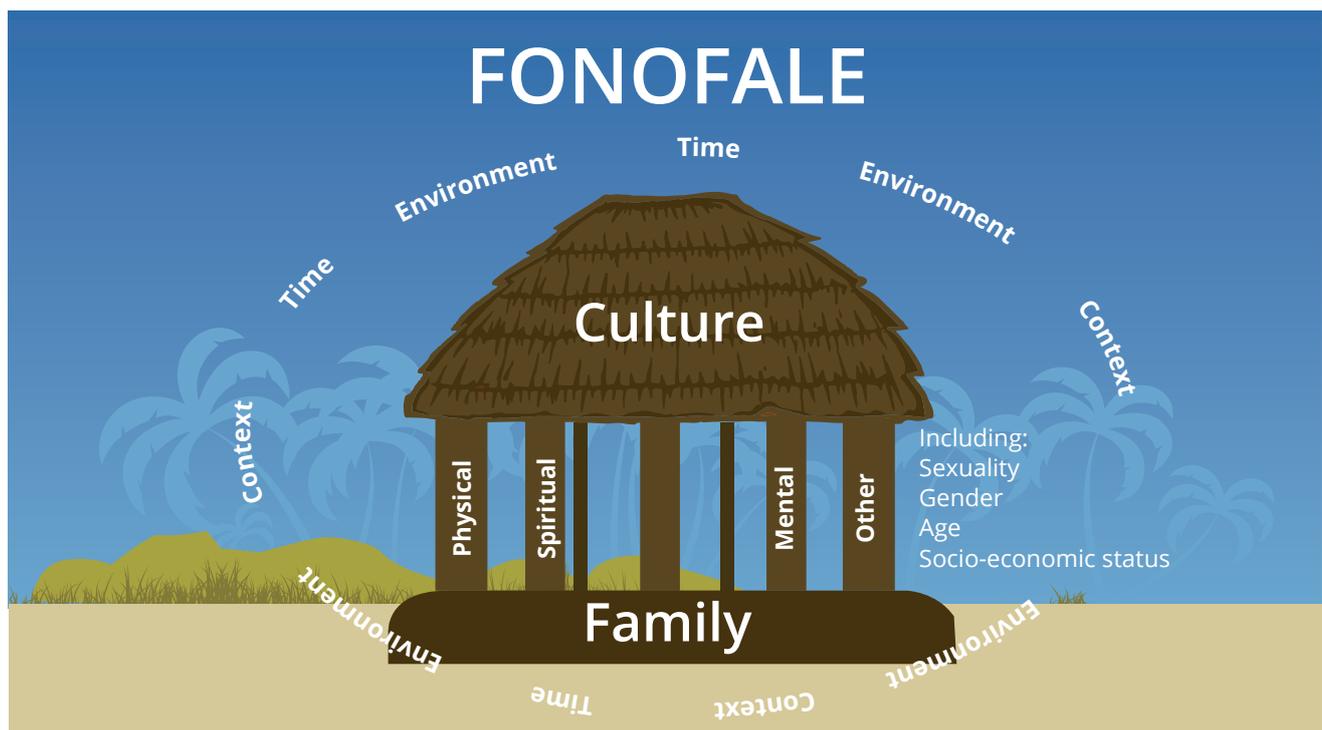


Figure 1 – Fonofale model of Pacific cultural worldviews

Census, 66.4% of Pacific peoples were born in Aotearoa New Zealand.³ This means that the Pacific Island-orientated view has expanded to include Aotearoa New Zealand contexts where multi-cultural, commercial, industrial, governmental and individual settings are more prominent.

Pacific communities have experienced the impact of neoliberalism in Aotearoa New Zealand and of other global, political, and commercial economies from the 1980s, yet Pacific cultures and traditions have endured.

The evolution of this Pacific Island-orientated view is important in the human rights sphere. We recognise that traditionally; the actions of Pacific leaders have been based on values systems in which they are trusted to act in the collective interest of the community. As commercial, governmental and industrial systems outside of those values systems evolve, however, the human rights lens becomes crucial in ensuring the best interests of Pacific people are maintained.

Spirituality is still a significant community force among Pacific peoples in Aotearoa New Zealand. The 2018 Census reported that 73 percent of Pacific peoples had a religious affiliation, predominantly Christian. This is much higher than the national average of 44 percent. Pacific churches have navigated changing views to increase community awareness and care for people with mental health conditions⁴ and people with diverse sexual orientations and gender expressions.⁵

The 'fale lotu' or Church is seen as a community hub. Many early childhood education programmes, such as aoga vagahau (Niue), akoga kamata (Tokelau), a'oga 'amata (Samoan), puna reo (Cook Island Māori) and ako kamata (Tongan) are connected to churches. Churches also contribute to the active not-for-profit sector in Pacific communities. There are 496 Pacific not-for-profit organisations in Aotearoa New Zealand of which 320 are of a religious nature. Collectively, Pacific peoples volunteer 26,700 hours of their time to these organisations every week.⁶

Pacific cultural and spiritual values in response to COVID-19 in 2020

Pacific organisations and communities demonstrated the values of communicating with their community during lockdowns and times of economic hardship brought about by COVID-19 outbreaks in 2020. Pacific media organisations played an important role in disseminating authoritative and non-judgemental clinical and community information. Auckland-based radio broadcaster, Radio 531pi, used Facebook to mobilise its broadcasting to national audiences. It also interviewed Pacific clinicians and Pacific experts to help inform and reassure communities.

To encourage adherence to physical distancing and lockdown Pacific community groups demonstrated the ethos of service to others, such as through the sharing good quality information, and ensuring that

access to physical exercise and cultural activities was sustained. While the service ethos was key, the maintenance of relationships was also central to the Pacific responses to COVID-19 and helping ensure that people were cared for collectively.

For some communities, the COVID-19 lockdowns created hardship as workers were either furloughed or made redundant. For the Tongan Society of South Canterbury, for example, service meant mobilising resources in the community to share among families facing a cold winter with less income due to the lockdown. The community group was able to redirect community development funding and community donations to buy and deliver hygiene packs, food packs and winter warming packs.

³ Statistics New Zealand (2020) Pacific peoples ethnic group, accessed from <https://www.stats.govt.nz/tools/2018-census-ethnic-group-summaries/pacific-peoples>.

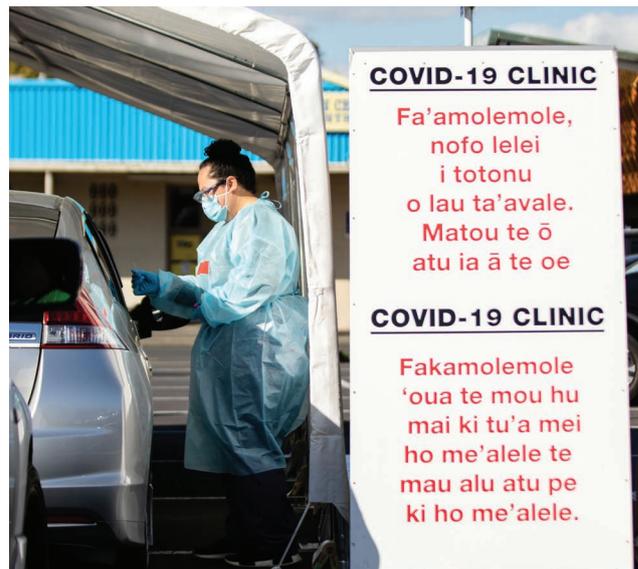
⁴ Tamasese, Peteru & Waldegrave (2005) Ole Taaeo Afua, the New Morning: A Qualitative Investigations into Samoan Perspectives on Mental Health and Culturally Appropriate Services.

⁵ Katavake-McGrath (2020): Untitled PhD Thesis – Lived Experience of Pacific Gay Men of legislative change.

⁶ Samu, L-J. V., Moewaka Barnes, H., Asiasiga, L. and McCreanor, T. (2019). We're not privileged to have that foundation of language: Pasifika young adults share their deep concerns about the decline of their ancestral/ heritage languages in Aotearoa New Zealand. *AlterNative: An International Journal of Indigenous Peoples*, Volume 15, Issue 2, 1-9.



Pacific families and communities were significantly affected by the Auckland-specific lockdown in August 2020. Media reporting on the spread of the virus prematurely exposed a Pacific family. This led to heightened and disproportionate scrutiny of Pacific families and communities, and racist comments in public discourses and social media. The Race Relations Commissioner highlighted that as Pacific people were vilified for contracting COVID-19 in the August outbreak, a Pākehā who contracted it in the March outbreak escaped that indignity.⁷ The Commission also highlighted the long-standing health inequity that was brought into sharp relief by the rate of Pacific infections in the August outbreak. COVID-19 and its impact on people who have had long-standing difficulties accessing affordable and timely health care, demonstrated the need for change.⁸



A pop-up COVID-19 testing centre in South Auckland. Photo courtesy of RNZ Pacific

Pacific Peoples as economic migrants in Aotearoa New Zealand

The most significant wave of Pacific peoples migration to Aotearoa New Zealand occurred between the early 1950s and the early 1990s. Aotearoa New Zealand required a supply of low-skilled workers to help service its booming manufacturing and primary production economy and sourced much of that labour from the Pacific Islands.⁹

Pacific peoples were then eagerly welcomed to Aotearoa New Zealand, predominantly from the Cook Islands, Niue and Tokelau (as citizens of Aotearoa New Zealand), Sāmoa, the Kingdom of Tonga and Fiji. In this period the term "Pacific Islanders" was created and which homogenised and grouped people from the different Pacific, mostly Polynesian, islands together. The description did not recognise the independence or individual identity of the island states or acknowledge Pacific peoples' connections and histories to their separate homelands.¹⁰

Dawn Raids

In Aotearoa New Zealand, Pacific peoples have suffered breaches of human rights. At the downturn of the New Zealand economy following the entry of the UK into the European Economic Committee (EEC) and the Gulf Oil Crisis of 1973, Pacific peoples were notoriously targeted in what became known as "The Dawn Raids" (1974–1976). Initiated by the 1972 Labour Government and intensified under the following National government, an unofficial taskforce oversaw raids on Pacific families' homes to find overstayers and deport them.¹¹ This taskforce also had the power to demand that any suspected illegal overstayers produce documentation to prove they were rightfully in Aotearoa New Zealand. The raids targeted mainly brown people, which meant that Māori, Niuean, Tokelauan and Cook Islands Māori people, who were already New Zealand citizens, were also stopped and investigated.¹²

⁷ <https://www.rnz.co.nz/news/national/425061/meng-foon-racist-stereotypes-on-the-rise-in-the-age-of-covid-19>.

⁸ <https://www.rnz.co.nz/news/on-the-inside/425302/what-pacific-health-equity-must-look-like>.

⁹ Salesa, D. 2017. *Island Time. New Zealand's Pacific Futures*. Wellington: Bridget Williams Books, p. 20.

¹⁰ Ibid.

¹¹ *NZ On Screen*. 2005. Dawn Raids. Accessed at <https://www.nzonscreen.com/title/dawn-raids-2005>.

¹² *New Zealand Herald* (Auckland). "When Pacific Islanders Were Raided in their Beds.". 7 March 2015. Accessed at https://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=1141307.9

A study carried out in 1985–86 revealed the prejudice of the Dawn Raids, showing that while Pacific peoples comprised only one third of overstayers, they constituted 86 percent of all prosecutions for overstaying. In contrast, citizens from the United States and the United Kingdom, who also made up almost a third of those overstaying, represented only five percent of prosecutions.¹³ The research also discovered that Tokelauan, Niuean and Cook Islands people, as New Zealand citizens, were threatened with deportation. The Dawn Raids were recognised as discriminatory because of the disproportionate emphasis on investigating Pacific communities despite the majority of overstayers being British or Australian citizens.¹⁴

The Rise of Pacific “Communities”

In 1975, Pacific communities established the Pacific Island Advisory Council to address their socio-

economic needs. The Council established education resources and multicultural centres while Pacific communities lobbied for a stand-alone Ministry. Cultural identity, community, unity, courage and the resilience of Pacific peoples enabled them to stand up for their rights despite the systemic barriers which, intended or not, marginalised, discriminated and victimised them.¹⁵

The establishment of the Ministry of Pacific Island Affairs in 1984 (now known as the Ministry for Pacific Peoples), recognised the significance of Pacific peoples to Aotearoa New Zealand. The agency was to deliver welfare and jobs programmes to Pacific communities around the country. At the same time, the Pacific Business Trust was established to administer small loans to Pacific people wanting to establish businesses.

Pacific people living in Realm countries

There are three Pacific nations, the Cook Islands, Tokelau and Niue, which are members of the Realm of New Zealand, whose citizens are also New Zealand citizens. While human rights issues within the Pacific island countries are not the focus of this paper, the Human Rights Commission is interested in the rights of citizens in the Realm countries, as these nations do not receive the same level of human rights protections as people in New Zealand, despite being New Zealand citizens.¹⁶

In 2010, a Parliamentary Select Committee report, the Inquiry into New Zealand’s relationships with South Pacific Countries,¹⁷ commented on the existing constitutional arrangements:

... In many ways they are not working, and they need to be seriously reviewed at a Government-to-Government level, and in the communities of Cook Islanders, Niueans, and Tokelauans in New Zealand and in their home islands ... we are deeply concerned that there are island communities of people with New Zealand citizenship who receive services of lower standard—particularly regarding health and education—than those available to people living in New Zealand in similar-sized population centres.

¹³ Te Ara, The Encyclopaedia of New Zealand. 2015. Immigration Regulation. Accessed at <https://teara.govt.nz/en/immigration-regulation/page-6>.

¹⁴ <https://nzhistory.govt.nz/culture/the-1970s/1976>.

¹⁵ Anae, M., Tamu, L., Iuli, L. (2015). Polynesian Panthers: Pacific Protest and Affirmative Action in Aotearoa NZ 1971–1981. ISBN: 9781775502050.

¹⁶ Role of the New Zealand Human Rights Commission in Pacific Islands including Tokelau, the Cook Islands and Niue, <https://www.hrc.co.nz/files/8914/2398/5044/Commission-role-in-Pacific-realm-nations-for-web.pdf>.

¹⁷ Inquiry into New Zealand’s relationships with South Pacific countries (I.4A) (10 December 2010) https://www.parliament.nz/en/pb/sc/reports/document/49DBSCH_SCR4945_1/inquiry-into-new-zealands-relationships-with-south-pacific.



Some of the human rights issues common to the three Realm nations include the rights of women, the rights of children, and the rights of persons with disabilities. In its 2018 response to the periodic reports of the Cook Islands, the Committee on the Elimination of Discrimination against Women, highlighted concerns about stereotyping and discrimination in society, work and education and violence against women.¹⁸ In its 2020 response to the periodic reports of the Cook Islands, the UN Committee on the Rights of the Child highlighted a range of concerns about the access that Cook Islands' children had to education and health services. It raised concerns about the abilities that children had to participate in family and community decision making due to prevailing attitudes which hindered the views of the child.¹⁹ In its 2015 concluding observations on the initial report of the Cook Islands, the UN Committee on the Rights of Persons with Disabilities raised concerns about accessibility of public buildings and transportation for persons with disabilities, the lack of measures to support children with disabilities to allow for inclusive education, access to justice, and negative stereotypes of persons with disabilities in the media.²⁰

In Niue, the UN Committee on the Rights of the Child noted several concerns in its 2013 concluding observations on the initial report of Niue.²¹ This included the fact the minimum age for labour had not been established and that there was no legal

protection for working children, and no mechanism had been put in place to monitor the working conditions and overall situation of working children. While the Committee welcomed Niue's measures to relocate children with disabilities to Aotearoa New Zealand for off-island care, it raised concerns about the lack of professionals trained to support children with disabilities, the lack of sufficient means for early detection of children with disabilities. It also noted that the statistics and information provided by Niue were inconsistent with regard to the situation of children with disabilities. UN Women have also noted from their own engagements that violence against women is believed to be widespread in Niue, but there is little data collection.²²

In Tokelau, an absence of data has also been raised as an issue by the UN. Both UN Women²³ and UNICEF²⁴ note an absence of data, but from their engagements certain observations could still be made. The agencies noted strong community-led culture and social behaviours in Tokelau both enable and create barriers. For instance, they noted that communities were engaged in child protection, with social norms tending towards supporting all children within a community, with community networking protecting children from food poverty. At the same time, some norms were accepting of violence against women and children, dissuading any formal justice processes.

¹⁸ Committee on the Elimination of Discrimination against Women, Concluding observations on the combined second and third periodic reports of the Cook Islands, adopted by the Committee at its seventieth session (2–20 July 2018), CEDAW/C/COK/CO/2-3.

¹⁹ Committee on the Rights of the Child, Concluding observations on the combined second to fifth periodic reports of the Cook Islands, adopted by the Committee at its eighty-fourth extraordinary session (2–6 March 2020) CRC/C/COK/CO/2-5.

²⁰ on the Rights of Persons with Disabilities, Concluding observations on the initial report of the Cook Islands, adopted by the Committee at its thirteenth session (25 March–17 April 2015) CRPD/C/COK/CO/1.

²¹ Committee on the Rights of the Child, Concluding observations on the initial report of Niue, adopted by the Committee at its sixty-second session (14 January–1 February 2013) CRC/C/NIU/CO/1.

²² UN Women, Asia and the Pacific, Niue, <https://asiapacific.unwomen.org/en/countries/fiji/co/niue>.

²³ UN Women, Asia and the Pacific, Tokelau <https://asiapacific.unwomen.org/en/countries/fiji/co/tokelau>.

²⁴ <https://www.unicef.org/pacificislands/media/1236/file/Situation-Analysis-of-Children-Tokelau.pdf>.

A Statistical Snapshot of Pacific peoples in Aotearoa New Zealand

At the 2018 Census, Pacific peoples made up 8.1 percent of the population, making this group the fourth largest ethnic group, at over 380,000 people.²⁵ New Zealand Europeans accounted for the largest group, followed by Māori and then Asian peoples. 9 percent of Pacific peoples identified with more than one Pacific ethnicity, and almost a third with ethnicities outside Pacific ethnic groups.²⁶

The eight largest Pacific ethnic groups are illustrated in Figure 2.²⁷ Other Pacific ethnic groups include Solomon Islands, Papua New Guinea, Ni-Vanuatu, Nauru, Palau, French Polynesia, New Caledonia, Marshall Islands and Federated States of Micronesia.²⁸

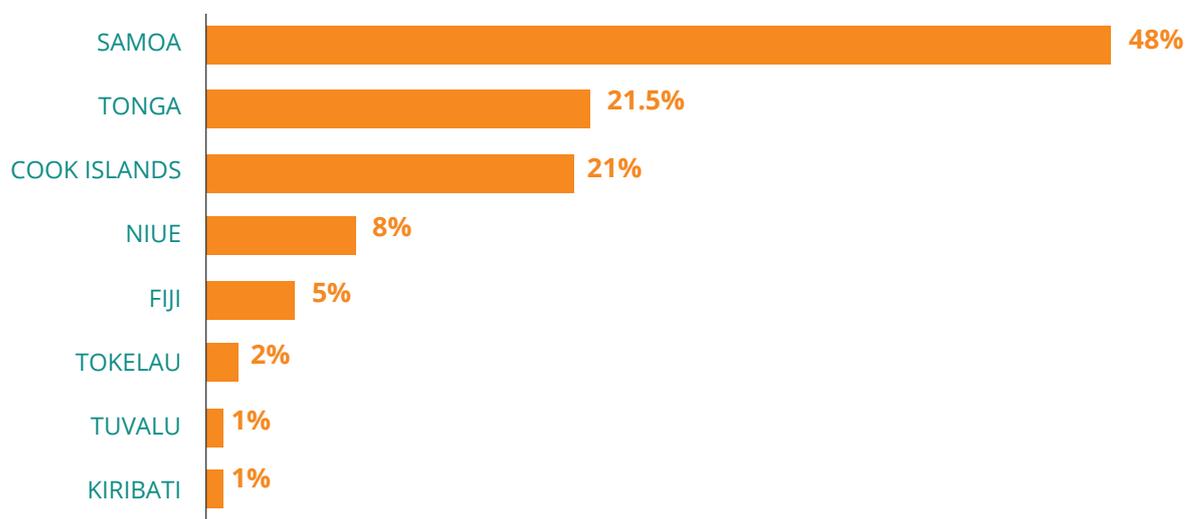


Figure 2: Largest Pacific Ethnicities in Aotearoa New Zealand²⁹

²⁵ 2018 NZ Census <https://www.stats.govt.nz/tools/2018-census-ethnic-group-summaries/pacific-peoples>.

²⁶ <https://www.pasefikaproud.co.nz/assets/Uploads/Pasefika-Proud-Pathways-for-Change-2019-2023.pdf>.

²⁷ 2018 NZ Census.

²⁸ Tunoa, A. 2018. Pacific peoples Progress in the Labour Market: A Literature Review. Auckland: Ministry of Business Innovation and Employment and the Southern Initiative, p. 7.

²⁹ This table adds to 107 percent which reflects the multiple number of Pacific ethnicities some people identify with.



The main concentration of Pacific peoples is in Auckland. Most Pacific peoples are born in New Zealand and live in urban areas.²⁹

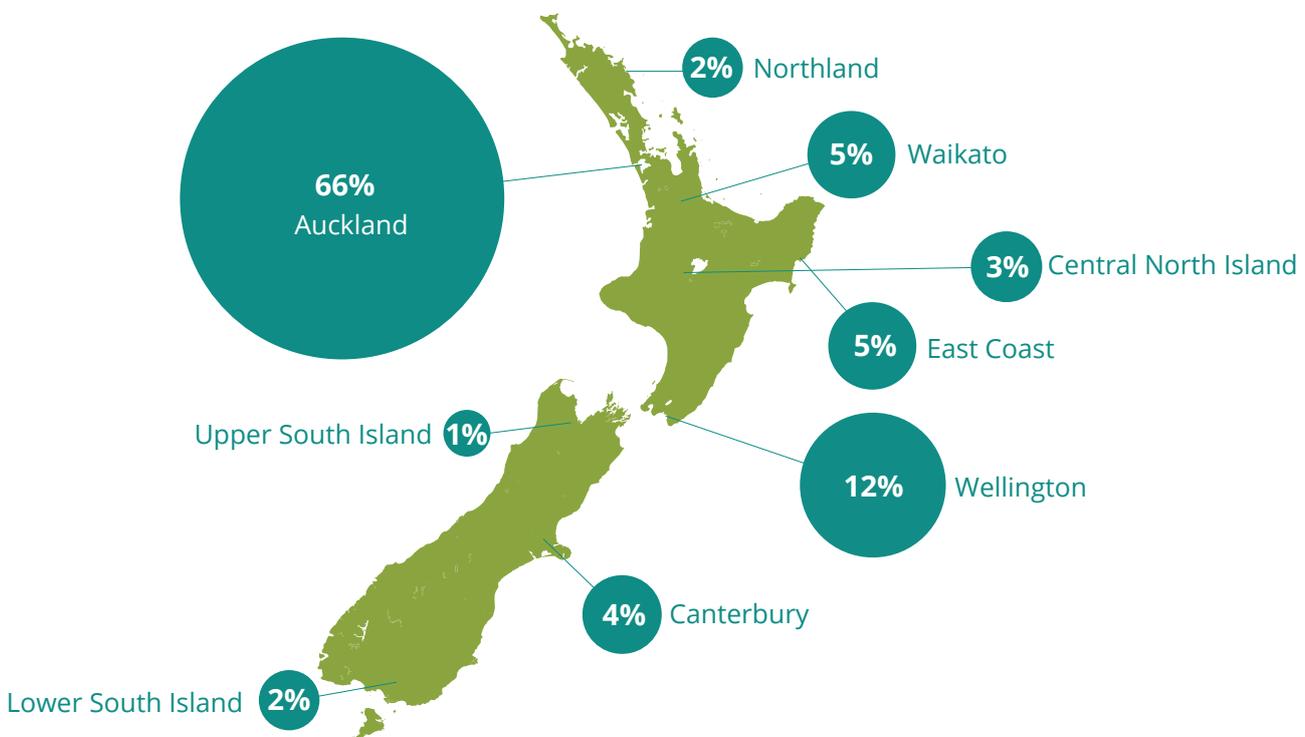


Figure 3: Distribution of Pacific peoples in Aotearoa New Zealand³⁰

At the time of the 2018 Census, almost two-thirds of Pacific peoples in Aotearoa New Zealand were New Zealand-born. Almost four out of five Niueans; over three out of four Cook Islanders; almost three in four Tokelauans; two out of three Samoans and three out of five Tongans are born in New Zealand.³¹

The Pacific population in Aotearoa New Zealand is young and growing with a median age of Pacific peoples being 22 years.³² Pacific peoples are forecast to become 10 percent of Aotearoa New Zealand's population by 2026, approximately 440,000–480,000 people. By 2038 Aotearoa New Zealand's Pacific population is estimated to be at 11 percent or 530,000–650,000 people.³³ By that point in time, one out of five children will be of Pacific ethnicity.³⁴

²⁹ Ministry of Health. 2017. Tagata Pasifika in New Zealand. Wellington: Ministry of Health. Accessed at <https://www.health.govt.nz/our-work/populations/pacific-health/tagata-pasifika-new-zealand>.

³⁰ Pasifika Proud. 2016a. Pacific peoples in New Zealand: Understanding Who We Are. Wellington: Pasifika Proud. Accessed at <http://www.pasifikaproud.co.nz/assets/Resources-for-download/PasifikaProudResource-Understanding-who-we-are-infographic.pdf>.

³¹ Pasifika Futures. 2017. Pasifika People in New Zealand: How Are We Doing? Auckland: Pasifika Futures, p.6. Accessed at http://pasifikafutures.co.nz/wp-content/uploads/2015/06/PF_HowAreWeDoing-RD2-WEB2.pdf.

³² Ministry of Health. 2017. Tagata Pasifika in New Zealand. Wellington: Ministry of Health. Accessed at <https://www.health.govt.nz/our-work/populations/pacific-health/tagata-pasifika-new-zealand>.

³³ Tunoa, A. 2018. Pacific peoples Progress in the Labour Market: A Literature Review. Auckland: Ministry of Business Innovation and Employment and the Southern Initiative, p. 7.

³⁴ Tunoa, A. 2018. Pacific peoples Progress in the Labour Market: A Literature Review. Auckland: Ministry of Business Innovation and Employment and the Southern Initiative, p. 26.

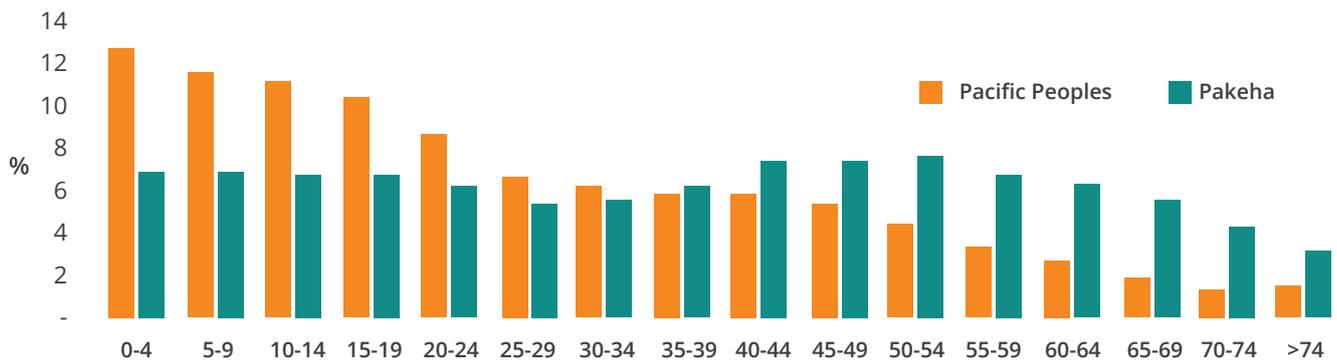


Figure 4: Distribution of Pacific peoples and Pākehā by age group

Pacific peoples and the relationship to Tangata Whenua a Te Tiriti o Waitangi

Aotearoa New Zealand is like Tāne Mahuta with many roots in the forest of Oceania. The special relationship that Aotearoa New Zealand has with Pacific nations is biological, spiritual, historical, geographical and environmental. There is sharing and commonalities of whakapapa in the histories of Tangata Whenua in Aotearoa New Zealand, as one of the many Tagata o te Moana-nui-a-Kiwa (people of the Pacific Ocean). Te Moana-nui-a-Kiwa is the highway by which Tangata migrated, over thousands of years, from the ancient lands of Hawaiiki nui, Hawaiiki roa and Hawaiiki pa’amama’o, also known as Rangiātea. There are ties between Tangata Whenua and whanaunga (relations) all over Oceania.

Te Tiriti o Waitangi is the founding document of Aotearoa and is a unique statement of human rights. This document was signed in 1840 between representatives of the British Crown and several Māori rangatira (chiefs) and is a promise between two peoples. It establishes a relationship, akin to partnership, between the Crown and Māori chiefs. It affirms the rights that Tangata Whenua had prior to 1840, including the right to protect and preserve their lands, forests, waters and other treasures for future generations. It also gave tauwiwi (non-Māori)

and the Crown a set of rights and responsibilities that enabled them to settle in Aotearoa; these rights extend to Pacific peoples.

By upholding Te Tiriti o Waitangi and addressing the legacy of colonisation in Aotearoa New Zealand, including structural racism, this will benefit Pacific peoples along with Tangata Whenua and others. The institutions and structures in Aotearoa New Zealand that have their source in colonisation and breach Te Tiriti o Waitangi do not work for and harm Māori. In many cases, they also do not work for and harm Pacific peoples and others too. Te Tiriti o Waitangi provides a framework for addressing the injustices of colonisation for the benefit of Tangata Whenua as well as Pacific peoples who have settled here as Tangata Tiriti.

Te Tiriti of Waitangi provides a place for the relationship between Pacific peoples and Tangata Whenua to be strengthened within Aotearoa New Zealand. There are examples of Pacific peoples working alongside Tangata Whenua to combat racism/colonisation, uphold Te Tiriti and work together/support each other on issues of shared concern, such as climate change and indigenous rights. This includes, for example, the recent work of the Polynesian Panthers regarding the events unfolding at Ihumātao.



Pacific peoples' experiences of human rights

What are human rights?

Human rights are basic rights and freedoms to which every person in the world is entitled. These basic rights are based on shared values such as dignity, fairness, equality and respect. Human rights apply to all, yet there are particular groups who, for various reasons, are vulnerable or have been subject to violations and who consequently require special protection for the equal and effective enjoyment of human rights. In Aotearoa New Zealand, these groups include Pacific people, disabled people, women and SOGIESC. In this context, it should be noted that while Māori have also been subject to human rights violations, Māori also hold a special place as Tangata Whenua with tino rangatiratanga and the indigenous partner of Te Tiriti. International law is an important aspect of human rights. The United Nations is the inter-governmental organisation founded to promote worldwide cooperation and to protect human rights. A series of human rights treaties and other instruments were adopted by the UN in the post-World War II era and they are monitored by the UN Human Rights Council and UN treaty bodies.

Aotearoa New Zealand is party to many of the international treaties or instruments, including:

- International Covenant on Civil and Political Rights (ICCPR)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- Convention on the Rights of The Child (CRC)
- Convention on the Elimination of Discrimination Against Women (CEDAW)
- Convention on the Elimination of All Forms of Racial Discrimination (CERD)

The UN bodies that monitor these treaties have made recommendations to Aotearoa New Zealand in periodic reviews, several of which concern Pacific peoples. These recommendations are set out in Appendix One.

In Aotearoa New Zealand, human rights are protected by the New Zealand Bill of Rights Act 1990 (NZBORA) and the Human Rights Act 1993 (HRA). The NZBORA incorporates into New Zealand law most of the civil and political rights set out in the ICCPR, such as freedom of expression, freedom of religion and the rights of minorities. The HRA prohibits unlawful discrimination in public and private areas of life.

In the Aotearoa New Zealand context, human rights take place alongside and are influenced by Te Tiriti o Waitangi. Te Tiriti reaffirms the pre-existing rights and authority of Māori as Tangata Whenua to tino rangatiratanga (including self-determination). Aotearoa New Zealand's obligations towards Te Tiriti are affirmed by international human rights frameworks, particularly as a signatory to the UN Declaration on the Rights of Indigenous Peoples (the Declaration). Some of the key themes from the articles of the Declaration include self-determination, equality, non-discrimination, participation underpinned by free prior and informed consent, culture and land, territories and resources. These themes reinforce Aotearoa New Zealand's obligations to honour Te Tiriti.

The Commission has worked with communities through fono, government agencies and community groups to better understand Pacific peoples' experiences of human rights in Aotearoa New Zealand and their aspirations for the future. Communities have been clear with the Commission that solutions to the human rights issues faced by Pacific peoples need to focus on the core strengths of the community, abilities to understand and to navigate complexity and the ethos of service.

Using international and domestic human rights laws as a framework, this Talanoa paper explores human rights issues from the following perspectives: equality and dignity, the environment, the family, and wellbeing. These broad topics will encompass issues such as women's rights, children's rights, health-related rights, economic rights and the impacts of climate change.

Equality in dignity and rights

Human rights are derived from the inherent dignity of the person, and the general principle of equality and non-discrimination is a fundamental element of domestic and international human rights law.³⁵ It requires governments to respect and ensure the enjoyment of human rights by everyone, regardless of race, sex, disability and several other grounds.³⁶ Pacific communities shared with us their aspirations to overcome social and economic discrimination and to become equal partners in Aotearoa New Zealand society. Community members and organisations have noted the effort of government programmes since the 1980s, and we note successive government efforts to address inequalities and discrimination have intensified.

While the Dawn Raids took place forty plus years ago, discrimination towards Pacific people in Aotearoa New Zealand continues and remains in the collective consciousness of Pacific people. We were told about the impacts of systemic racism and structural discrimination and their continued impact on Pacific peoples' pursuit of wellbeing. The right to be free from discrimination was raised as a matter of significant concern to Pacific peoples. Communities told us that outside of community settings, their knowledge is disregarded and at times ridiculed. Workplaces were repeatedly described as places where Pacific workers were overlooked for job advancement through training and promotions. Often, workplace discrimination was unreported due to fears of reprisal or victimisation.

In 2019, the Government announced that it would develop a national action plan to address racial discrimination and racism. The work to develop a plan is in progress, and the Commission's view is that it should also include targeted strategies to reduce racism and the effects of racial discrimination upon Pacific people.

Pacific communities and organisations have told us that they were not used to defining and understanding unlawful discrimination or accessing information or support through agencies such as the Commission. Community members and organisations were also keen to know more about how they could relate to and familiarise themselves with the Human Rights Act 1993. Pacific people who took part in fono with the Commission in 2018 revealed they were experiencing poor treatment and being disregarded in public services and were subjected to racial profiling in retail businesses.

Pacific peoples at the fono spoke of the lack of trust they have towards service providers to treat people without discrimination. As a result, many Pacific peoples stated that they lacked the confidence to raise concerns, or to make complaints. They also outlined they did not possess the information they needed to stand up for themselves. They internalised shame for experiencing discrimination and feeling helpless. Some expressed that Pacific young people often feel that there are low expectations of Pacific peoples to succeed, especially in education and employment settings.

³⁵ The principal of equality and freedom from discrimination is referred to in the International Covenant on Civil and Political Rights (ICCPR); the International Covenant on Economic, Social and Cultural Rights (ICESCR); and the treaties on racial discrimination, discrimination against women and the rights of refugees, stateless persons, children, migrant workers and members of their families, and persons with disabilities. Other treaties require the elimination of discrimination in specific areas, such as employment and education. Article 26 of the ICCPR also guarantees equal and effective protection before, and of, the law.

³⁶ Other prohibited grounds of discrimination include language, religion, political or other opinion, national or social origin, property, birth, age or other status.



The Natural Environment

The natural environment is a natural starting place for an exploration of data about Pacific peoples and human rights. The natural environment, the oceans, the sky and the lands, are inherent parts of Pacific identities. There is an emotional link, for diaspora in Aotearoa New Zealand, to the homelands of their cultural identities. While this Talanoa paper focuses generally on the human rights of Pacific peoples in Aotearoa New Zealand, the innate link of the Pacific diaspora to the environment and their homelands means that the environmental issues affecting those lands must be considered in this paper. In the 1980s and 1990s, nuclear testing in French Polynesia was a key concern that demonstrated the connection between Pacific peoples in Aotearoa New Zealand to the environmental issues across the Pacific. It is also important to note that while environmental sustainability is often proposed as a subject in its own right, the capabilities of Pacific worldviews to intersect and navigate complexity, means that Pacific responses to environmental degradation will always be inclusive of cultural, social and economic considerations.

Climate Change

Climate Change in the Pacific region is important to Pacific peoples in Aotearoa New Zealand. The effects of climate change impact their homelands, cultural traditions and extended families. When severe storms hit the islands, Pacific communities donate significant amounts of money and other resources to those affected. More recently, concern has centred on sea-level rise and the risks to human life and housing. The most impacted areas include the Tuvalu, Kiribati and Tokelau Exclusive Economic Zones.

At its meeting in Nauru in 2018, the Pacific Islands Forum leaders signed the region's updated security agreement, the Boe Declaration. This expanded the idea of security to include humanitarian assistance, regional co-operation, human security and environmental security. In announcing the Boe Declaration, Forum leaders reaffirmed that "climate change remains the single greatest threat to the



Pacific youth lead climate march in Auckland last year.
Photo courtesy of RNZ Pacific

livelihoods, security and wellbeing of the peoples of the Pacific..." They also affirmed their commitment to the Paris Agreement.³⁷

Climate change migration

The United Nations Economic and Social Commission for Asia and the Pacific (ESCAP) and the International Labour Organisation (ILO) explained that in the Pacific a series of 'hotspots' will become the source areas for future climate change-related migrants. These areas include urban areas, urban and non-urban atolls, and coastal communities.³⁸ The report highlighted a range of impacts on the environment and on the security issues that will be faced by communities, such as risks to livelihoods, health and homes.

³⁷ <https://www.forumsec.org/2018/09/05/boe-declaration-on-regional-security/>

³⁸ Campbell and Warrick,(2014) UNESCAP – Climate Change and Migration Issues in the Pacific <https://www.ilo.org/dyn/migpractice/docs/261/Pacific.pdf>

| Climate change impact | Community security impact |
|--|--|
| Sea level rise <ul style="list-style-type: none"> • inundation • coastal erosion • storm surge exacerbated | Land security in coastal and atoll locations may be severely reduced and there may be impacts on livelihood security through loss of agricultural land and salinisation of soils, plants and water supplies |
| Water resource impacts <ul style="list-style-type: none"> • rainfall uncertainty • increased frequency and magnitude of droughts • reduced quantity and quality of water resources • salinisation | Livelihood security may be affected by decreased agricultural productivity and habitat security may be adversely affected by water borne diseases. |
| Coral reef health decline <ul style="list-style-type: none"> • reef degradation as a result of increased sea surface temperatures and increased ocean acidity | Livelihood security may be compromised by reductions in fisheries and other marine resources dependent upon healthy coral environment. Land security may be reduced by increased exposure to high waves and storm surge. |
| Agricultural production decline <ul style="list-style-type: none"> • adverse effects from a variety of processes including temperature rise, reduced water availability, salinisation, exposure to tropical cyclones (wind, rain and wave damage) | Reduced agricultural productivity would impinge upon livelihood security and where extremely severe may render some locations uninhabitable. |
| Human health challenges <ul style="list-style-type: none"> • changing disease vectors such as malaria, dengue • increased incidence of water borne disease • increased incidence of heat related diseases | Effects on human health are likely to reduce the habitat security of island settlement locations and where severe may render some locations uninhabitable. |

SOURCE: UNESCAP (2014) – MODIFIED FROM CAMPBELL (2014)

Figure 5: The main effects of climate change on Pacific Islands and implications for community security

Pacific Region Exclusive Economic Zones

Tuna fisheries are a major source of income for many Pacific nations. Approximately half of the worlds canning tuna comes from the Pacific Ocean. Approximately 50-60 percent of the total amount of tuna caught in the Pacific is caught within the Exclusive Economic Zone (EEZ)³⁹ of Pacific Islands Forum Fisheries Agency member nations.⁴⁰ Under international law, coastal states are required to determine their own mapping, delimiting and declaration of maritime borders, the rules for which are codified in the United Nations Convention of the Law of the Sea (UNCLOS).

Under UNCLOS the rules for boundaries are tied to measurements from baseline land features, at the tidal low-water mark. However, UNCLOS is silent on whether the low-water mark is ambulatory or static

from the date that UNCLOS came into force. Thus, the threat of sea-level rise and its effect on maritime boundaries is a risk for many Pacific nations whose EEZs are extended by various land masses under UNCLOS jurisdiction.

Therefore, for those Pacific nations whose land features are atolls, especially Tokelau, Kiribati and Tuvalu, having their EEZs identified and ratified is intricately linked to sea-level rise from climate change. In this context, the key human rights implications for affected Pacific nations include the right to derive income from fishing, the right to derive sustenance from fishing and the right to make decisions about stewardship of the water space, and fishing activities. The adverse effect on the social, cultural, environmental, and economic well-being of these nations were of high concern for Pacific peoples in Aotearoa New Zealand raised in the fono.

³⁹ An exclusive economic zone (EEZ) is a sea zone prescribed by the 1982 United Nations Convention on the Law of the Sea over which a sovereign state has special rights regarding the exploration and use of marine resources. It stretches from the baselines out to 200 nautical miles from the coast of the state in question (See Articles 55-57 of UNCLOS).

⁴⁰ FAO – Annex D, regional MCES The South Pacific Forum Fisheries Agency Experience - <http://www.fao.org/3/Y4411E/y4411e0e.htm>.



Aotearoa New Zealand has a key role in its official development assistance to address the issue of sea-level rise and the risk to Pacific livelihoods, as well as playing our part in climate change mitigation and adaptation. The Commission has previously highlighted challenges that Aotearoa New Zealand faces in its role supporting development and rights in the Pacific. In its submission for the Universal Periodic Review of Aotearoa New Zealand in 2018, the Commission recommended that the Government continues its annual increases to development funding to meet the international standard of 0.7 percent of Gross National Income. Prior to the 2018 review, Aotearoa New Zealand had agreed to increase its official development assistance to the internationally agreed level of 0.7 percent of Gross National Income. In 2017, assistance was worth 0.23 percent, which rose to 0.28 percent in 2019⁴¹ and in 2021 it is likely to rise to 0.33 percent.⁴²

The Rights of Children and Young People

Pacific cultures have traditionally prized children as the continuation of cultural knowledge and tradition, and as holders of imagination and creativity. Families will often cite their children as the motivation or purpose of inter and intra-family relationship maintenance. Many families attempt to balance the inherent celebration of purpose, imagination and creativity in Pacific worldviews against existing church teachings which traditionally positioned children as subservient. More recently, Pacific churches have worked to emphasise healthy relationships between elders and children.

Views of Pacific children and young people

The Office of the Children's Commissioner and Oranga Tamariki engaged with children and young people in their landmark report released in 2019, *What Makes a Good Life?* As part of this engagement, children and young people were invited to talk about what is important and what is challenging in their lives, how they envisage a good life for themselves and their families, and about the barriers they face

which can prevent them from truly experiencing a good life. Information from the survey and interviews has been provided to the Commission and informs this section.⁴³ When talking in interviews and focus groups about what makes a good life, key messages that emerged for Pacific children and young people were about culture, family and education.

Pacific children and young people raised the importance of family connection as a key theme in their answer to the question "what makes a good life?" They often saw themselves within the context of their families. Many talked about how their family supported them and how important family is to them.

Pacific children and young people explained that their families need to be well for them to be well, and families needed to be involved in making things better. Pacific children and young people identified the cost of living and financial responsibilities in their household as a barrier to having a good life. For Pacific children and young people, it was clear that the removal of financial stresses, which impact on housing, transport and education, would make for a better life for them and their family. Some children and young people also identified racism as a barrier to having a good life, with some sharing their own experiences and how it adversely affects their wellbeing.

Many children and young people who identified as Pacific also talked about the importance of culture in the context of family, wider community and religion. Of the children and young people who were asked how strongly they agreed with the statement 'I am proud of my culture', those from Pacific backgrounds were more likely to have answered 'strongly agree' as compared to the overall survey response. Many identified their religion as important to them, with attending church as contributing to the feeling of community and in turn, important to making a good life. Many also identified the importance of being able to speak the language of their traditional homelands as part of their culture and their feelings of connection.

⁴¹ <https://www.mfat.govt.nz/en/aid-and-development/our-approach-to-aid/where-our-funding-goes/>.

⁴² <https://www.beehive.govt.nz/release/aid-spending-boost-budget-2020>.

⁴³ Among the 6000 people that took part, in surveys, interviews and focus groups for *What Makes a Good Life?* 956 were Pacific. There were 63 face to face participants and 893 online survey respondents.

Pacific children and young people also talked about expectations from their parents to achieve at school and make them proud. For some, this resulted in feelings of pressure. Another common message was that schools and teachers could have greater cultural competency and should listen to, and amplify, the voices of children and young people.

Overall, children and young people who identified as Pacific reflected that their relationships with their families and the sharing of cultural activities including oral traditions and faiths, as central to their lives.

In the human rights context, these elements of wellbeing are analogous to rights to an adequate standard of living, to take part in cultural life and to be free from discrimination, founded on the principles of inherent dignity and equality. These elements of wellbeing highlight the intersection between Pacific values and cultures and key principles of human rights in Aotearoa New Zealand.

Economic wellbeing and children

Statistics New Zealand data showed that 28 percent of Pacific children lived in households where there was material hardship,⁴⁴ defined as having a DEP17 score of six or more.⁴⁵ The data also showed that 14 percent of Pacific children lived in a household where there as severe material hardship, defined as a having a DEP17 score of nine or more.⁴⁶

In response to a 2019 report by the Welfare Expert Advisory Group on welfare reforms, the Child Poverty Action Group (CPAG) highlighted that government support for children, via direct payments, could be improved.⁴⁷ CPAG's response focused on directing increased support to children supported by a core Work and Income benefit. It also recommended that parents who received benefits could be allowed more hours of paid work

before their benefits were reduced and that asset benchmarks for accommodation support were increased, to ensure more children had access to affordable housing.

CPAG also recommended that Work and Income could improve its customer service and case management, ensuring that all entitlements were being offered proactively.

The latest review of Aotearoa New Zealand by the Committee for the Convention of the Rights of the Child in 2016 highlighted the following improvements relevant to Pacific children:⁴⁸

- Government collection and use of data to understand Pacific children's needs
- Addressing disparities in accessing education, health, minimum standards of living
- Combatting negative attitudes in society about Pacific children
- Support for raising children

The Committee for the Rights of the Child recommended that the government considers the needs of Pacific children in low-income settings in its policy-making about housing, health services and climate change.

Rights of women

Pacific cultures have traditionally honoured women in society, from the ancient legends of warriors such as Salamasina and Nafanua to the modern Tongan matriarchal structures of the fahu. Traditionally, churches have taught that women were subservient to men, however more recently, some churches have worked to overcome those teachings and the resulting societal attitudes.⁴⁹ Pacific traditions of gender also include the unique genders of the

⁴⁴ Statistics New Zealand: Child Poverty Statistics – year ended June 2019, table 3.03 Percentage of children living in households in New Zealand in each financial year who fell in: Material hardship.

⁴⁵ DEP-17 is a well-established deprivation index developed by the Ministry for Social Development (MSD) for New Zealand. Thresholds will be set at a DEP-17 score of 6 or more for material hardship, and at a DEP-17 score of 9 or more for severe material hardship.

⁴⁶ Statistics New Zealand: Child Poverty Statistics – year ended June 2019, table 8.03 Percentage of children living in households in New Zealand in each financial year who fell in: Severe Material Hardship.

⁴⁷ Child Poverty Action Group, 2019: What the government needs to do now to lift children out of poverty, accessed from: <https://www.cpag.org.nz/assets/190828%20CPAG%20response%20to%20Whakamana%20Tangata.pdf>.

⁴⁸ Committee on the Rights of the Child Concluding observations on the fifth periodic report of New Zealand 2016 CRC/C/NZL/CO/5.

⁴⁹ Koloto and Sharma (2005).



32%

PREVALENCE RATE OF VIOLENCE TOWARDS PACIFIC WOMEN



4 out of 63

WOMEN KILLED BY INTIMATE PARTNER VIOLENCE BETWEEN 2009 AND 2012 WERE PACIFIC

Pacific, such as Sāmoan fa’afafine, and the SOGIESC section of this Talanoa paper discusses the human rights of Pacific people who identify with Pacific gender identities.

The rights of women both in Aotearoa New Zealand and the Pacific is emerging as an ongoing matter of concern for Pacific families and communities.

Issues

Violence against women is recognised in international law as a violation of human rights.⁵⁰

Research has revealed the following statistics about violence towards Pacific women.⁵¹

The Health Quality and Safety Commission’s Family Violence Death Review Committee reported that rates of Pacific peoples as both fatal victims and perpetrators of intimate partner violence deaths in Aotearoa New Zealand were 0.35 and 0.62 per 100,000 people per year respectively. These rates were higher than those for non-Māori and non-Pacific people.⁵² The Ministry of Social Development’s latest report on the Profile of Pacific Peoples noted that 13 percent of Pacific women and 8.1 percent of Pacific men reported having ever experienced sexual violence.⁵³

Pacific students were three times as likely as New Zealand European students to report witnessing adults hit children in their homes and 3.5 times as likely to report witnessing adults hitting other adults

in their home.⁵⁴ Six percent of women accessing the services of Women’s Refuge identified as Pacific.⁵⁵

In 2012 the Ministry for Social Development produced “Nga vaka o kaiga tapu- A Pacific Conceptual Framework to address family violence in New Zealand” (Nga Vaka).⁵⁶ Within this framework seven Pacific cultures (Cook Islands Māori, Fijian, Niuean, Samoan, Tokelauan, Tongan and Tuvaluan) each have their own culturally specific frameworks for addressing family violence. These frameworks define and explain meanings of family, violence, and key concepts and principles that promote family wellbeing without changing the essential meanings from each of the seven ethnic groups.

In the 2018 CEDAW Committee’s review of Aotearoa New Zealand’s treaty obligations, the Committee made several recommendations to prevent violence against women in Aotearoa. One of the recommendations made to the New Zealand Government that are relevant to Pacific women was *“that criteria and guidelines be adopted for the provision of victim-oriented and culturally appropriate legal, psychosocial and economic assistance that recognize the special needs...women and girls belonging to ethnic minority groups.”*⁵⁷ There was also a recommendation by the CEDAW Committee that collecting of data regarding violence against women be improved, and that women’s refuges be available for women from ethnic minority groups within Aotearoa New Zealand.⁵⁸

⁵⁰ “UN Human Rights Treaties”, May 2013, by Stop Violence Against Women A project of The Advocates for Human Rights.

⁵¹ Fanslow J, Robinson E, Crengle S, Perese L. Juxtaposing beliefs and reality: Prevalence rates of intimate partner violence and attitudes to violence and gender roles reported by New Zealand women. Violence Against Women. 2010; 16(7): 812-831.

⁵² Health Quality & Safety Commission, “Family Violence Death Review 4th annual report 2013, pg 17.

⁵³ Pasefika Proud, Ministry for Social Development, 2016, “The profile of Pacific peoples.” p17.

⁵⁴ Ibid.

⁵⁵ Women’s Refuge; “Statistical Report 2014-2015” pg 24.

⁵⁶ <http://www.pasefikaproud.co.nz/assets/Resources-for-download/PasefikaProudResource-Nga-Vaka-o-Kaiga-Tapu-Main-Pacific-Framework.pdf>.

Pacific disabled people

Pacific families and communities have significant experience in living with disabilities and caring for people with disabilities. 2350 Pacific people receive Ministry of Health Disability Support Services, and the median age of service users is 22 years. Thirteen percent of all family funded care funding goes to Pacific families, who manage disability care within the family.⁵⁹

Participants at Commission fono wanted co-ordinating government agencies to improve the service to Pacific peoples, to reduce the frustrations they have with those agencies, such as the duplication of services, and inconsistency. The following concerns were raised during the fono:

- Government ministries have different and conflicting definitions of “disability”
- Inconsistent definitions of family member

- Agencies’ proprietary criteria for support eligibility
- No streamlined processes to access support across government portfolios



Fofola e fala kae talanoa e kāinga” The fala (mat) is a common space for talanoa (dialogue) with family and friends. *Photo courtesy of Le Va.*

Disability Support Allocations to Pacific people

| Characteristic | Statistic |
|---|-----------|
| Median Age of Pacific Disability Support Services clients | 22 years |
| Total number of Pacific clients | 2350 |
| Percentage of total allocations to Pacific clients | |
| Home and Community Support Services | 5% |
| Carer Support | 8% |
| Community Residential Services | 4% |
| Aged Residential Care (Younger People) | 6% |
| Supported living | 3% |
| Respite Services | 7% |
| Behaviour support services | 7% |
| Day services | 3% |
| High and Complex needs | 9% |
| Choice in community living | 4% |
| Individualised funding | 6% |
| Enhanced individualised funding | 1% |
| Funded family care | 13% |

Figure 6: Pacific peoples allocations of disability support services⁶⁰

⁵⁷ Concluding observations on the eight periodic report of New Zealand, Committee on the Elimination of Discrimination against Women, 25/07.2018, United Nations. Accessed from https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/NZL/CO/8&Lang=En.

⁵⁸ *ibid.*

⁵⁹ Ministry of Health, 2018. Demographic Report for Clients Allocated the Ministry of Health’s Disability Support Services, accessed at https://www.health.govt.nz/system/files/documents/publications/demographic-report-for-client-allocated-ministry-of-health-disability-support_services-2018-update14nov2019.pdf.

⁶⁰ Ministry of Health, 2018. Demographic Report for Clients Allocated the Ministry of Health’s Disability Support Services, accessed at https://www.health.govt.nz/system/files/documents/publications/demographic-report-for-client-allocated-ministry-of-health-disability-support_services-2018-update14nov2019.pdf.



In its Faiva Ora 2016-2021: Pasifika Disability Plan, the Ministry of Health reports, Pacific young people with disabilities reported their voices as not being heard or respected, with a lack of support for developing intellectual and academic knowledge, or transition into adulthood.⁶¹ Pacific young people also spoke about the burden of administration, having to continually provide “proof of disability” to access State allowances, or explaining school absence.⁶² Pacific families and caregivers of people with disabilities also spoke about barriers to accessing support, which left them feeling alone and isolated within the system.

The Ministry of Health summarised that while Pacific peoples were equitably represented among those allocated the carer support subsidy and home and community support services, they were low users of community residential services, supported-living and day programmes. The Ministry suggested the following reasons:⁶³

- Lack of awareness of support available
- A lack of culturally responsive services to choose from
- Preferences for caring for disabled people within the home

Pacific people with diverse sexual orientations, gender identities and expressions and sexual characteristics (SOGIESC).

Traditionally, ideas of gender identities and expressions and sexual characteristics have surpassed the westernised constructs of a male female binary and heterosexualism in family formation, which

were later introduced by missionaries in the 1820s.⁶⁴ In 2011, Pacific gender identity expert, Phylesha Brown-Acton, presented the term MVPFAFF⁶⁵ to an international audience, which comprised the terms in Pacific heritage languages to refer to Pacific gender identities.⁶⁶

Traditionally, these individuals were a valued part of intra and inter familial service by holding roles in caring for elders, which involved significant learning about cultural, village and island traditions.⁶⁷ In Sāmoa, fa’afafine were also responsible for the care and raising of children while birth parents were working (often away from the village setting). The cultural knowledge placed fa’afafine in powerful positions where they were not only highly trusted carers, but also holders of significant amounts of local and customary knowledge.



Sonya Apa Temata prior to Auckland Pride’s OurMarch. Photo courtesy of RNZ Pacific.

⁶¹ Ministry of Health. 2017. Faiva Ora 2016–2021: National Pasifika Disability Plan. Wellington: Ministry of Health, p.9. Accessed at https://www.health.govt.nz/system/files/documents/publications/faiva-ora-2016-2021-national-pasifika-disability-plan-aug17_0.pdf.

⁶² Ministry of Health. 2017. Faiva Ora 2016–2021: National Pasifika Disability Plan. Wellington: Ministry of Health, p.9. Accessed at https://www.health.govt.nz/system/files/documents/publications/faiva-ora-2016-2021-national-pasifika-disability-plan-aug17_0.pdf.

⁶³ Ministry of Health. 2017. Faiva Ora 2016–2021: National Pasifika Disability Plan. Wellington: Ministry of Health, pp. 10-12. Accessed at https://www.health.govt.nz/system/files/documents/publications/faiva-ora-2016-2021-national-pasifika-disability-plan-aug17_0.pdf.

⁶⁴ Niko Besnier and Kalissa Alexeyeff (eds) Gender on the edge: Transgender, gay, and other Pacific Islanders (University of Hawai’i Press, Hawai’i, 2014).

⁶⁵ Mahu, Vakasalewalewa, Palopa, Fa’afafine, Akavai’ine, Fakaleiti (Leiti), Fakafifine.

⁶⁶ Brown-Acton (2011) Presentation at the 2nd Asia Pacific Outgames.

⁶⁷ Pulotu-Endemann and Peteru, 2001, Beyond the Paradise Myth: sexuality and identity.

People of Pacific cultural gendered identities also played significant supporting roles in village, community, church and educational life. Quite often, the punake or musicians, choir conductors or poets would be fa'afafine or leiti, while others would be responsible for garland weaving, cooking and tapa making.

The influence of missionaries and their teachings since the 1800s has shifted Pacific worldviews of gender away from fluidity and pansexuality towards condemnation. In Aotearoa New Zealand, as social acceptance and celebration of both gender identities and sexual orientations increased in the mainstream, Pacific communities, especially those involved in churches, condemned the social attitudes, and the people being accepted and celebrated.⁶⁸ At the same time, the voices of Pacific people who identified with the unique genders of Pacific cultures⁶⁹ were silenced due to misrepresentation⁷⁰ as well as suppression by community and church leaders.

Religious belief is a powerful influence that can be weaponised to discriminate. Some interpretations of the Christian religion can further marginalise minorities within the community. Pacific gender and sexuality diverse peoples are one example of this. Compared to heterosexual people, these communities generally experience higher rates of bullying, victimisation, suicide, verbal assault, depression, tobacco smoking, alcohol use and other drug dependence, all of which are barriers to career advancement and can lead to workplace discrimination.⁷¹ This discrimination is often perpetrated and reinforced by family members and church communities. There is a culturally-ingrained paradigm that being sexually diverse or being physically or mentally disabled is a curse,

or the consequence of wrongdoings by parents, grandparents or ancestors. There is a growing number of Pacific peoples now challenging these prejudicial interpretations of religion and culture.

In its most recent recommendations, the Committee for the Rights of the Child recommended that the New Zealand government take affirmative action in support of gay, lesbian, bisexual transgender and intersex children, including Pacific children.⁷²

Older Pacific people

Older people in Pacific families and communities are known as elders, or matua. These terms recognise the contributions of their wisdom and knowledge to the family and community, as well as the care they offer small children. Often, the welfare of elders and matua is a matter for the extended family, and care takes place within that context.

According to the 2018 Census, 10.6 percent of the Pacific population, or 40,454 people, are aged over 65. Due to historically low numbers of Pacific elders, and the focus of the family environment, little is known about Pacific peoples' experiences of retirement income and transitioning from work.

In 2018, the Health Research Council awarded a research fund to a project which will investigate the health and wellbeing of Pacific matua. It will seek to understand the impacts of migration, housing issues, work and living arrangements on matua wellbeing and family care.

⁶⁸ Katavake-McGrath (2020) – Unpublished PhD thesis, Pacific gay mens lived experience of legislative change.

⁶⁹ Including Tongan leiti, Fijian vakasalewalewa, Tahiti and Hawai'ian mahu, PNG palopa, Samoan *fa'afafine*, Cook Islands *akava'ine*, and Niuean *fakafefine*.

⁷⁰ Brown-Acton (2011) Presentation at the 2nd Asia Pacific Outgames.

⁷¹ Human Rights Commission (2020) PRISM – Human Rights issues relating to Sexual Orientation, Gender Identity and Expression and Sex Characteristics in Aotearoa New Zealand (https://www.hrc.co.nz/files/9215/9253/7296/HRC_PRISM_SOGIESC_Report_June_2020_FINAL.pdf); Young people Attracted to the Same Sex or Both Sexes: Findings from the Youth '12 national youth health and wellbeing survey - <https://www.fmhs.auckland.ac.nz/assets/fmhs/faculty/ahrg/docs/Youth'12%20Young%20People%20Attracted%20to%20the%20Same%20or%20Both%20Sexes%20Report.pdf>.

⁷² Committee on the Rights of the Child Concluding observations on the fifth periodic report of New Zealand 2016 CRC/C/NZL/CO/5.

⁷³ United Nations. 1966. International Covenant on Economic, Social and Cultural Rights. New York: United Nations. Accessed at <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>.



Wellbeing

Wellbeing is a topic that Pacific peoples know well. Pacific cultural values and the traditions they drive are centred around the maintenance of relationships for the improvement of wellbeing across families and communities. This section of the report focuses on matters of economic and social wellbeing, informed by Pacific community feedback to Commission fono and relevant government data.

Adequate standard of living

The right to an adequate standard of living is recognised in article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR). The right is defined as: *The right of everyone to an adequate standard of living for themselves and their family, including adequate food, clothing, housing and continuous improvement in living conditions.*⁷³ An adequate standard of living is essential in order to achieve other economic, social, cultural and political rights, such as the rights to health and education.

Recent research indicates that working households with at least one adult of Pacific ethnicity experience the highest poverty rates (at 9.5 percent) compared with New Zealand European households (at 5.9 percent).⁷⁴ The research also found that the mean number of individuals in these working households was significantly higher for Pacific peoples compared to other ethnicities, suggesting that the household income may be stretched to support a larger number of household members.⁷⁵

In February 2018, Treasury established its Living Standards Framework which identified twelve dimensions that will be used to measure the

standard of life for Aotearoa New Zealand's population.⁷⁶ The Wellbeing Framework included indicators identified by Pacific stakeholders which were family resilience, connectedness and belonging, religious centrality and embeddedness, and cultural recognition.⁷⁷

Pacific communities have told us that wealth creation is better seen as developing cultural and social resources for future generations. Traditionally, work generated income that was spread across extended families and often spread between Aotearoa New Zealand and the Pacific Islands. For some, business ventures are born out of the desire to provide a service to their communities.⁷⁸

In 2018, Pacific peoples in Aotearoa New Zealand had the lowest net worth of all ethnic groups.⁷⁹ The net worth of Pacific peoples is an average of 80 percent less than the national average in Aotearoa New Zealand.⁸⁰

Statistics New Zealand net worth data highlights that Pacific peoples' individual net worth is lower than that of other groups due to; lower equity held in owner-occupier homes; a lower number of households who own their own home; lower amounts in savings and on term-deposit; and lower balances in Kiwisaver and other managed funds. Limited wealth results in less ability to manage unexpected financial setbacks such as the loss of job, illness, family breakdown, or emergencies and vulnerable to hardship and poverty.

⁷⁴ In-work poverty refers to a household that has one or more working members yet are still living in poverty. Alexander Plum, Gail Pacheco and Rod Hick, In-work Poverty in New Zealand, 2019 (New Zealand Work Research Institute, Auckland, 2019) at Table 5.

⁷⁵ Ibid.

⁷⁶ King, A, Huseynli, G & MacGibbon, N. 2018. Wellbeing Frameworks for the Treasury. Wellington: The Treasury. Accessed at <https://treasury.govt.nz/sites/default/files/2018-02/dp-18-01.pdf>.

⁷⁷ Thomsen, S., Tavita, J. And Levi-Teu, Z. (2018). A Pacific Perspective on the Living Standards Framework and Wellbeing. The Treasury: Wellington. Accessed at <https://treasury.govt.nz/sites/default/files/2018-08/dp18-09.pdf>.

⁷⁸ Prescott (2009), Pacific Business Sustainability in New Zealand: A Study of Tongan Experiences, PhD Thesis.

⁷⁹ Pasifika Futures. 2017. Pasifika People in New Zealand: How Are We Doing? Auckland: Pasifika Futures, p.34. Accessed at http://pasifikafutures.co.nz/wp-content/uploads/2015/06/PF_HowAreWeDoing-RD2-WEB2.pdf.

⁸⁰ Ministry of Business Employment and Innovation. 2015. MBIE's Pacific Economic Strategy 2015-2021, p. 9. Accessed at Ministry of Business Employment and Innovation, MBIE's Pacific Economic Strategy 2015-2021.

Total Mean Individual Net Wealth - By Ethnic Group

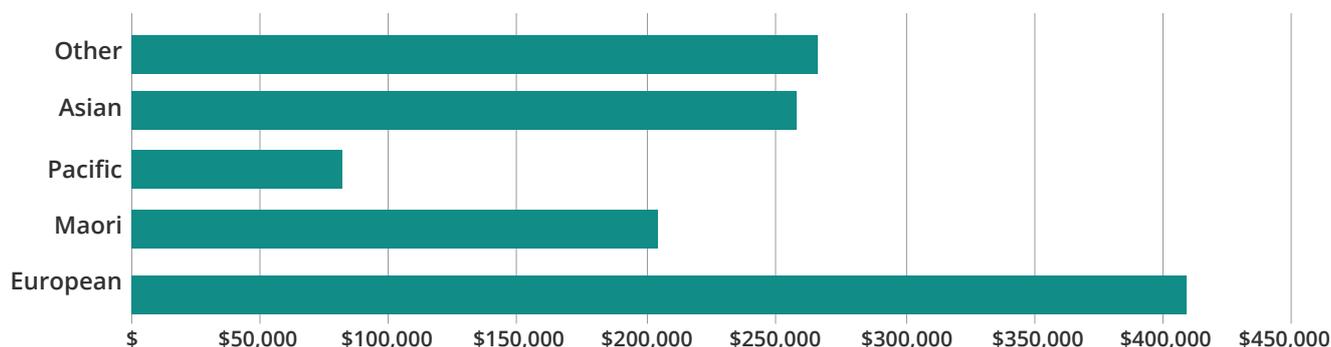


Figure 7: Mean individual net wealth by ethnic groups in Aotearoa New Zealand⁸¹

The CEDAW Committee recommend that the New Zealand government monitor levels of pay in industries where Pacific women were concentrated. In addition, the Committee for the Rights of the Child recommended that disparities in minimum standards of living for Pacific families be addressed.⁸²

Business

Growing and developing businesses has been long understood by Pacific peoples as a way to build family and community asset bases, while providing products and services delivered in ways that understand what Pacific customers want. Due to the lack of ethnic data collected through company registrations or company tax returns, a clear number of Pacific companies does not exist.

The Pacific Business Trust (PBT) was established (as the Pacific Islands Business Development Trust) in 1985 to deliver business development seminars and courses to people from Pacific communities. Since 1985, the PBT has received government funding for its services.⁸³ The PBT also acted as a funding provider, offering business start-up or development loans of up to \$100,000.⁸⁴ However, according to its 2008 annual reports, the PBT had ceased lending money to small Pacific businesses.

Pasefika Proud and the New Zealand Institute for Economic Research surveyed 252 Pacific small business owners, and found that 57 percent of business owners were self-employed, and a further 24 percent had between one and five employees.

Through its consultations in communities, the Commission notes that business owners and potential business owners are lacking access to capital for start-ups and working capital to improve cashflow while businesses become established. The Commission acknowledges that government and commercial sector procurement practices are not supporting Pacific businesses to have equitable access to markets and opportunities. However, the Commission also welcomes the Government's recent announcement in September 2020, that it has agreed to change the procurement rules so that 138 departments and agencies must consider how they can create quality jobs, particularly for displaced workers and traditionally disadvantaged groups such as Māori, Pacific, disabled and women, in the procurement process.⁸⁵

⁸¹ Statistics New Zealand, 2018. Household net worth statistics, Year ended June 2018, accessed at <https://www.stats.govt.nz/information-releases/household-net-worth-statistics-year-ended-june-2018#:~:text=For%20the%20year%20ended%20June,of%20total%20household%20net%20worth>.

⁸² Committee on the Elimination of Discrimination against Women Concluding observations on the eighth periodic report of New Zealand 2018 CEDAW/C/NZL/CO/8.

⁸³ Katavake-McGrath (2015): Their Worldview and Ours: an exploratory study into Pacific peoples, as seen in New Zealand government policies, 1998-2013.

⁸⁴ Pacific Business Trust Annual Report, 2006.

⁸⁵ See more: <https://www.beehive.govt.nz/release/procurement-promote-jobs-m%C4%81ori-and-pasifika-businesses-and-sustainability>.



Low Pay

Pacific workers earn the lowest wages in Aotearoa New Zealand. As further explained in the predatory section later, those low wages have a material impact on not only household management, but also making contributions to wider family and

community wellbeing. In 2019 the gap between the average hourly earnings of a Pacific worker and a New Zealand European worker was \$7.48, or 23%. The following graph shows the difference in hourly earnings between European, Māori and Pacific workers in 2018.

Average hourly earnings by ethnicity and age group

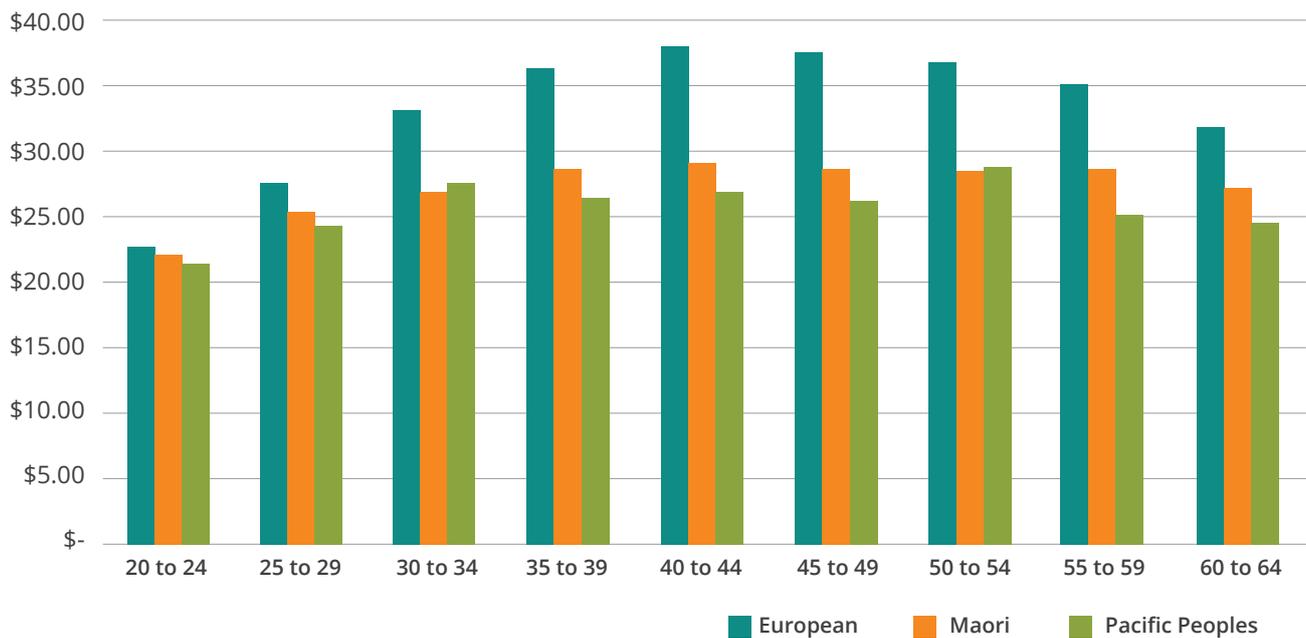


Figure 8: Average hourly earnings⁸⁶

A recent report by the Ministry for Business, Innovation and Employment (MBIE) acknowledged that Pacific workers experience reduced access to secure and stable employment, low paid occupations, and discriminatory workplace practices in recruitment, pay, retention and progression.⁸⁷ Participants in the Commission fono in 2018 and 2019 agreed with the issues in the MBIE report. They described how the cumulative effect of these practices and experiences led to a serious reduction in their ability to fulfil their roles as contributors to family and community wellbeing.

Participants explained that in practical terms the industrial practices described above caused the following difficulties

- Securing tier-one or “prime” finance (such as bank mortgages to buy family homes)
- Securing lending products at prime interest rates/terms
- Ability to fulfil finance agreements to full term – impacting credit reporting scores
- Creating savings funds
- Investing in managed funds, shares, property or other investment vehicles

The Living Wage Movement in Aotearoa New Zealand has received support from Pacific peoples. A living wage is calculated to enable workers to live with dignity, provide workers with life’s basic necessities

⁸⁶ Statistics New Zealand, 2019, Dataset: Earnings from main wage and salary job by industry (ANZSIC 2006), sex, age groups, and ethnic groups accessed from: http://nzdotstat.stats.govt.nz/wbos/Index.aspx?_ga=2.159576255.341765299.1591926861-15918882.1591926861#.

⁸⁷ Tunoa, A. 2018. Pacific peoples Progress in the Labour Market: A Literature Review. Auckland: Ministry of Business Innovation and Employment and the Southern Initiative, p. 14.

and to participate as active citizens in society. For many workers in Aotearoa New Zealand, the minimum wage is simply not enough to provide for these basic needs. Whereas the current minimum wage is \$18.90/hour, Living Wage Movement Aotearoa New Zealand has calculated the current living wage to be \$22.10/hour.⁸⁸ Making the minimum wage a living wage would help people earning the least to have a decent standard of living, better support their families and to fully participate in society.

Gender and Ethnic Pay Gaps

In addition to the gap between Pacific wage earners and others in the labour market, there is also a significant gap between male and female workers. The gender pay gap between men and women in Aotearoa New Zealand it is at 9.4 percent and is forecast to reach a gender pay gap of zero within 40 years.⁸⁹ The biggest gender and ethnic pay gap in Aotearoa New Zealand is between European men and Pacific women at 27 percent. The pay gap between Pacific men and European men is 22 percent.⁹⁰ At the current rate of progress, it will take Pacific women 120 years and Pacific men 100 years to reach pay equity with European men.⁹¹

There is no data reporting the extent of disadvantage that Pacific disabled persons and Pacific SOGIESC people experience, but anecdotal evidence suggests that individual experiences of discrimination and unfair treatment because of their identity or ability are many.⁹²

Predatory Lending

As a result of low wages lack of access to mainstream lending and equity options, a market has emerged of high-cost cash loans and proprietary credit for purchasing facilities. This market has been an entrenched part of Pacific peoples' engagement with Aotearoa New Zealand's retail and finance economy since the 1970s. A regular feature of Pacific language newspapers between the 1980s and 2000s were the pages of names and photos of people who had either defaulted on loans or were behind in payments to Pacific cash-loan and payday lenders.⁹³

Participants at Auckland fono held in 2019 talked about being vulnerable to third tier lenders, including "mobile truck lenders" that target suburbs where Pacific peoples live. The mobile lending industry is characterised by large trucks that drive around suburbs where lower-income and less mobile people live. The trucks main business is from sale of goods on weekly-payment credit agreements.⁹⁴ Fono participants explained that the trucks sold overpriced, household basic goods, such as food and children's clothing, with exceedingly high interest rates.^{95,96} The presence of high-interest credit agreements for food and children's clothing is a stark indicator of the gap between Pacific workers' wages and the cost of supporting extended family and kinship networks.

Such agreements, including sales from truck shops, are governed by the Credit Contracts and Consumer Finance Act. This legislation was updated in 2019 to include the following protections for consumers:

⁸⁸ Living Wage Aotearoa New Zealand. Accessed at <https://www.livingwage.org.nz/>.

⁸⁹ Tracking Equality at Work Report, 2018.

⁹⁰ Ibid.

⁹¹ Ibid.

⁹² See more at New Zealand Human Rights Commission. 2018. Tracking Equality at Work 2018. Wellington: New Zealand Human Rights Commission. Accessed at: https://www.hrc.co.nz/files/2115/3013/8951/Tracking_Equality_Report_FINAL.pdf, p. 3.

⁹³ Global Peace and Justice Auckland 2004: Press Release "Urgent Action Needed on Loan Sharking" accessed at: <https://www.scoop.co.nz/stories/PO0412/S00206/urgent-action-needed-on-loan-sharking.htm>.

⁹⁴ Feedback from Pacific People's Human Rights fono held on Monday March 26th at Mangere Arts Centre and Tuesday March 27th 2018 at Potters Park Events Centre.

⁹⁵ Vaughn, G. "Loan shark crackdown includes interest & fee caps, fit & proper person test and tougher penalties, Commerce & Consumer Affairs Minister Kris Faafoi says," Interest, accessed May 9, 2019 at <https://www.interest.co.nz/personal-finance/96271/loan-shark-crackdown-includes-interest-fee-caps-fit-proper-person-test-and>.

⁹⁶ Feedback from Pacific People's Human Rights fono held on Monday March 26th at Mangere Arts Centre and Tuesday March 27th 2018 at Potters Park Events Centre.

TOTAL AMOUNT OWED
2X
THE AMOUNT ADVANCED



INDIVIDUAL FEES
\$30
MAXIMUM

TOTAL AMOUNT OWED

Contact details

FOR FINANCIAL
ADVICE SERVICES



MAXIMUM DAILY
COST OF FINANCE

0.8%



Fono participants explained that a mix of low incomes and access to lending culminated in financial hardship.⁹⁷ They noted that due to their obligations to extended-family networks and community groups, they lacked ready access to capital from their wages, therefore required lending. Compounding this, their low levels of wages make them higher risk to mainstream lending institutions, leaving them exposed to high-cost and predator lenders. In turn, further compounding the financial stress, the higher repayments on the loans for the obligations reduce Pacific borrowers' ability to meet daily household expenses which then necessitate the need for new high-cost lending from such providers.⁹⁸

Employment

Pacific workers are predominantly employed in the manufacturing, wholesale and retail and healthcare sectors. Pacific workers are prevalent in low-paying industries and under-represented in higher skilled industries (such as public administration and professional, scientific and technical services) and higher income industries (such as the financial and insurance sector).

People from Pacific communities have told us about workplace and labour practices that inhibited their access to decent work and an adequate standard of living. They were often passed over for promotion and not considered or identified as employees that could advance further in the workplace. In addition, they were vulnerable to both unemployment and under-employment, which further impacted their ability to manage financially.

The right to work is affirmed in the ICESCR. Article 6.1 provides that States Parties "recognise the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts and will take appropriate steps to safeguard this right." Article 2.2 provides that this right must be exercised without discrimination.

Communities are concerned that there isn't sufficient available information about workers' rights and protections.

⁹⁷ *Stuff* (Auckland) "Low-income people turning to loan sharks because 'they're nicer'". 15 October 2018. Accessed at <https://www.stuff.co.nz/business/107815319/low-income-people-turning-to-loan-sharks-because-theyre-nicer>.

⁹⁸ Families Commission. 2012. Pacific families and Debt Problem. Wellington: Families Commission, p. 36. Accessed at <https://www.superu.govt.nz/sites/default/files/pacific-families-problem-debt.pdf>.

Proportion of Pacific Peoples in industries, Jun 2019

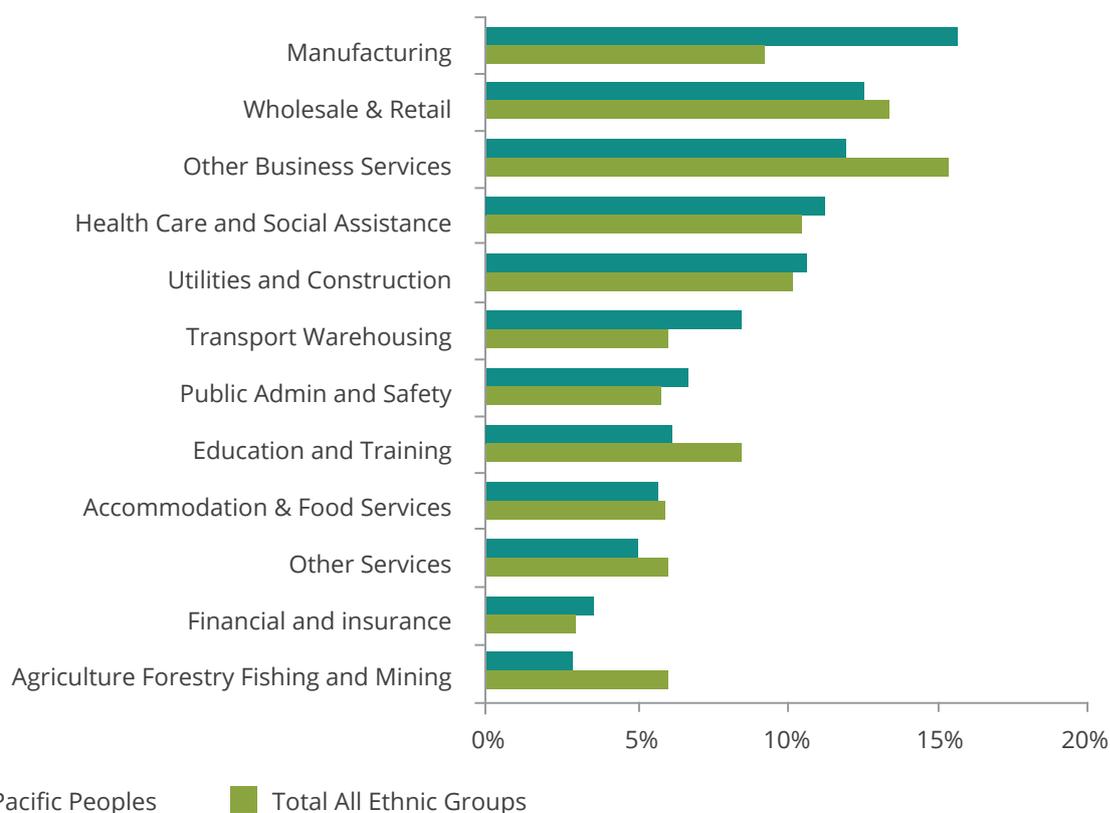


FIGURE 9: Proportion of Pacific People in industries, June 2019⁹⁹

We are also aware of workers' experiences of exploitation, through employers' threats of deportation and misrepresentation of regulations and worker entitlements.¹⁰⁰ Communities have also shared their experiences of unemployment and under-employment with the Commission. Pacific communities in New Zealand have significant experience with unemployment after the early waves of industrial closures resulting from international market change from the 1970s, economic reforms of the 1980s and the post-1987-stockmarket-crash recessions of the early 1990s. Under-employment is recognised as either insufficient work from one job to take care of household financial responsibilities, or as working few hours but wanting to do more. Fono participants highlighted that both unemployment and under-employment makes caring for families and wealth accumulation a considerable challenge.

At the time of writing this Talanoa paper, the full impact of COVID-19 on the economy and labour market was not yet known. Since 2017, the unemployment rate of Pacific peoples has dropped beneath ten percent, which reversed a trend set in the late 1980s. Today the main concentrated groups of Pacific people who are unemployed are:

- **Pacific Men aged 15-24 – 24.2 percent**
- **Pacific Women aged 15.24 – 20 percent**

Pacific peoples make considerable contributions to Aotearoa New Zealand's economy through their participation in the workforce and there is a potential for an even greater contribution in the future.

⁹⁹ MBIE Pacific Peoples Labour Report June 2019.

¹⁰⁰ Community Feedback at Preventing Pacific Worker Exploitation in New Zealand fono, 22 May 2019.



Unemployment and Under utilisation rate 2019/2020

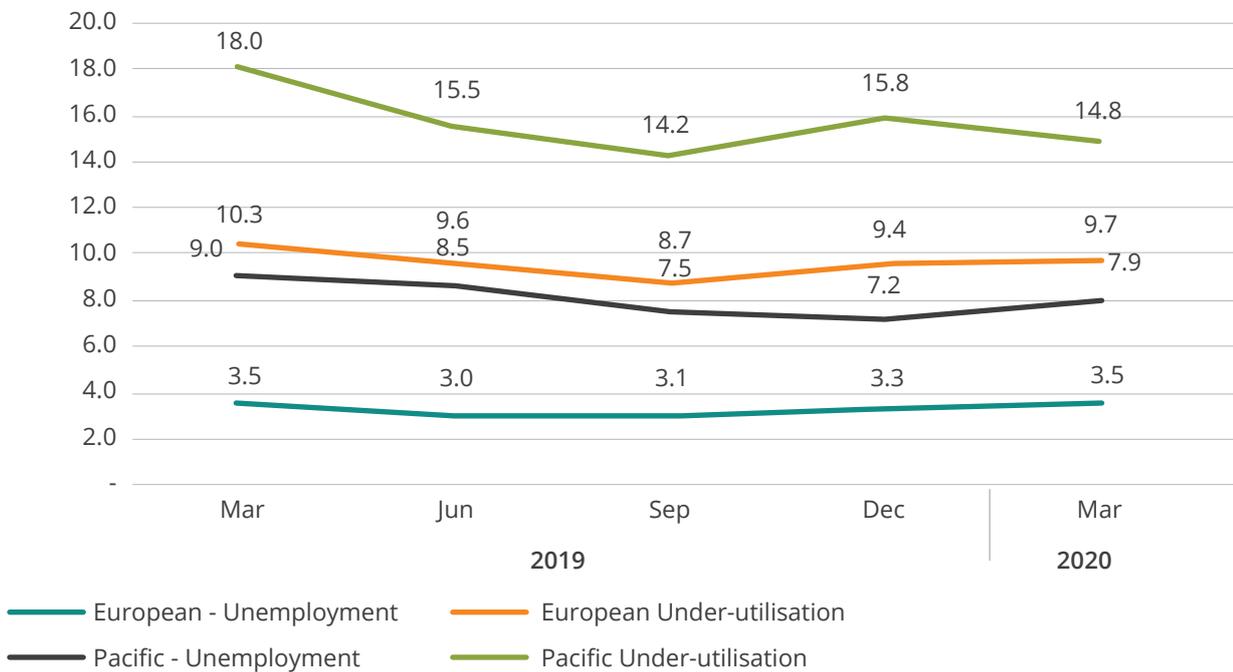


FIGURE 10: Unemployment and under-utilisation rate, Pacific and European people in Aotearoa New Zealand¹⁰¹

The Treasury explored Pacific peoples’ contribution in 2018. According to its report, Pacific peoples’ production of goods, expenditure in the economy and receipt of household income, contributed of \$21.5 billion in the 2018 year.

| Contribution to GDP Type | \$ (billions) |
|---------------------------|---------------|
| Production | 3.1 |
| Expenditure | 10.4 |
| Income | 8.0 |
| Total Contribution | 21.5 |

FIGURE 11: The fiscal contribution to GDP made by Pacific Peoples¹⁰²

¹⁰¹ Statistics New Zealand 2020 - Household Labour Force Survey March 2020 Quarter.

¹⁰² Treasury. 2018. The New Zealand Pacific Economy. Wellington: Treasury. Accessed at <https://treasury.govt.nz/sites/default/files/2018-11/nz-pacific-economy-nov18.pdf>.

The Treasury's report also acknowledged the unquantified but significant economic contribution made in unpaid labour. This uncounted labour predominantly falls to Pacific women, older children and youth in homes and community organisations. Economically, this unpaid labour is the unseen force that amplifies the economic resilience of Pacific communities.

However, this contribution is absent from evidence bases, monitoring and review mechanisms that inform the development of policies and laws and which, if it was, could improve the lives of Pacific peoples. In addition, the counted and uncounted economic contribution of Pacific peoples to Aotearoa New Zealand would be significantly higher if their rate of accession to higher income positions was equal to those among other ethnic groups.¹⁰³ The Pacific population is projected to make up an increasing proportion of Aotearoa New Zealand's future workforce, especially in Auckland.¹⁰⁴

There is great potential for upskilling, training and future employment within the health, science, technology and engineering industries.¹⁰⁵ Pacific families have significant challenges in achieving adequate standards of living, relating to access to consistent employment, freedom from discrimination at work, low wages and lack of access to business finance.

In considering employment, it is also prudent to consider government protections for those who have lost their source of income or are unable to work. In 2018 the Government convened the Welfare Expert Advisory Group to review the welfare system in Aotearoa New Zealand. In its 2019 report, the Welfare Expert Advisory Group found that the welfare system was no longer fit for purpose and needs fundamental changes. Several of the Group's recommendations were specific to



Pacific people do up to 30 hours of unpaid work per week according to a Treasury report. *Photo courtesy of RNZ Pacific.*

“It should be remembered that the GDP measure of ‘value’ is a narrow measure indeed. The Treasury Living Standards framework reinforces the notion that the concept of contribution to an economy should embrace broader measures – including, for example, voluntary work, cultural capital, spiritual wellbeing, and intergenerational considerations.” (Treasury, 2018)

Pacific peoples, including directing the Ministry of Social Development to commit to building its cultural responsiveness to Pacific people, to achieve equitable outcomes for Pacific people engaging with the welfare system.¹⁰⁶

The Committee on the Elimination of Racial Discrimination has recommended that discrimination in hiring, retention and promotion be eliminated.¹⁰⁷

¹⁰³ Ministry of Business Innovation and Employment and the Southern Initiative. Pacific peoples' Workforce Challenge: Accelerating the advancement of Pacific people in the workforce, p. 6.

¹⁰⁴ Chen, M. 2015. Superdiversity Stocktake: Implications for Business, Government and New Zealand. Wellington: Superdiversity Centre, p. 80. Accessed at https://www.chenpalmer.com/wp-content/uploads/Superdiversity_Stocktake.pdf.

¹⁰⁵ Chen, M. 2015. Superdiversity Stocktake: Implications for Business, Government and New Zealand. Wellington: Superdiversity Centre, p. 82. Accessed at https://www.chenpalmer.com/wp-content/uploads/Superdiversity_Stocktake.pdf.

¹⁰⁶ See report <http://www.weag.govt.nz/assets/documents/WEAG-report/aed960c3ce/WEAG-Report.pdf>.

¹⁰⁷ Committee on the Elimination of Racial Discrimination Concluding observations on the combined twenty-first and twenty-second periodic reports of New Zealand 2017 CERD/C/NZL/CO/21-22.



Housing

The right to adequate housing is enshrined in the International Covenant on Social and Cultural Rights (ICESCR), the Convention on the Rights of Persons with Disabilities (CRPD) and the Convention on the Rights of the Child (CRC). Participants of the fono stated that rents were too high, especially in Auckland. In turn, this affects their ability to find adequate accommodation, with many having to live in overcrowded and sub-standard conditions, often under insecure tenancies. With the cost of rent being a major issue, the idea of home ownership itself was a goal viewed as out of reach for most participants.

A report by Statistics New Zealand estimated that between 1986 and 2013, the percentage of Pacific people who lived in an owner-occupied dwelling had fallen from 50.8 percent to 33.1 percent.¹⁰⁸ Ministry of Social Development data showed at March 2020, 2210 Pacific peoples were on the social housing register.

Significant research has been done to understand the issues that Pacific peoples face regarding access to stable, healthy, affordable and appropriate housing. The following infographic draws out the key statistics from reports by MBIE, Auckland Council and the Welfare Expert Advisory Group.

In its 2018 report, the UN Committee on Economic, Social and Cultural Rights reported its ongoing concern for Pacific peoples and the risk of experiencing severe housing deprivation, including overcrowding. It recommended that the New Zealand government:

“Step up its efforts to increase the availability of quality affordable housing, paying particular attention to low-income, Māori and Pasifika families, persons with disabilities and older persons, and allocate the necessary resources for the effective implementation of the KiwiBuild programme.”

In February 2020, the UN Special Rapporteur on the right to adequate housing undertook a visit to Aotearoa New Zealand to explore the challenges and opportunities in realising and protecting the human right to adequate housing. Her End



39,384

PACIFIC PEOPLE REPORTED LIVING IN A DAMP HOUSE



39%

PACIFIC HOUSEHOLDS REPORTED BEING IN CROWDED OR SEVERLY CROWDED HOUSES



71%

OF ALL PACIFIC HOUSEHOLDS ARE RENTED

of Mission Statement noted that Māori, Pacific peoples and other ethnic communities, persons with disabilities, single-parents (particularly single mothers), youth and children, and those living in poverty were among the groups experiencing the housing crisis most acutely.¹⁰⁹ The Special Rapporteur also highlighted that the 2013 census provided a staggering picture, that 32 percent of homeless were Māori and 29 percent were Pacific peoples. She also noted that Pacific peoples, along with other minorities, experienced racial discrimination in the rental market, making access to private rental accommodation very difficult. While her End of Mission Statement did not make any recommendations specific to Pacific peoples, the recommendations generally highlight the need for the government to adopt a rights-based approach to housing to address the crisis.

¹⁰⁸ Statistics New Zealand (2014) Changes in Home Ownership Patterns, 1986-2013: A focus on Maori and Pacific peoples.

¹⁰⁹ End of Mission Statement, Visit of the Special Rapporteur on the right to adequate housing to New Zealand, 19 February 2020.

Health

The right to health includes complete physical, mental and social wellbeing, as well as absence of disease and infirmity. It includes access to both timely and appropriate healthcare as well as the underlying social and economic factors that affect health, such as conditions of work and adequate food and shelter. The right of everyone to the enjoyment of the highest attainable standard of physical and mental health is set out in article 12 of the ICESCR and is referred to in a number of international treaties.¹¹⁰

Child Health

Structural and economic inequities have historically impacted on the health of many Pacific children. In its 2018 review of Pacific child indicators, the Ministry of Health noted that while there were some improvements in access to enrolment in GP services and full immunisation status at eight months of age, other health indicators demonstrated Pacific children still required additional support and investment to reach equity in health outcomes.¹¹¹

Areas of improvement towards equitable outcomes

| Indicator | Pacific peoples | Total NZ |
|---|-----------------|----------|
| Percentage of Pacific infants who are enrolled with a general practice by three months of age | 69.0% | 66.1% |
| Immunisation coverage at eight months of age | 94.5% | 92.3% |

FIGURE 12: 'Ala Mo'ui indicators which suggest positive results for Pacific Peoples as compared to the total New Zealand population, as at 31 March 2017

Areas of further improvement needed

| Indicator | Pacific peoples | Total NZ |
|--|-----------------|----------|
| Percentage of infants exclusively or fully breastfed at three months of age | 46.0% | 56.0% |
| Percentage of children aged 2 to 14 years interviewed in the NZ Health Survey who were obese | 30% | 11% |
| Percentage of children (dental) caries free at age five | 33% | 60% |
| Mean number of decayed, missing or filled teeth (DMFT) per child in school year eight | 1.39 | 0.90 |

FIGURE 13: 'Ala Mo'ui indicators which suggest unequitable health outcomes for Pacific Peoples as compared to the total New Zealand population, as at 31 March 2017

¹¹⁰ The right to health is guaranteed in the following conventions: Convention on the Elimination of all Forms of Racial Discrimination (CERD): Article 5(e), (iv); International Covenant on Economic, Social and Cultural Rights (ICESCR): Article 12; Convention on the Elimination of All Forms of Discrimination against Women (CEDAW): Articles 11(1)(f), 12 and 14 (2)(b); Convention on the Rights of the Child (UNCROC): Article 24 (1989); Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (Migrant Workers Convention): Articles. 28, 43(e) and 45(c) (1990); Convention on the Rights of Persons with Disabilities (CRPD): Article 25 (2006). For more details see New Zealand Human Rights Commission. 2010. Human Rights in New Zealand 2010. Wellington: New Zealand Human Rights Commission, p. 27.

¹¹¹ Ministry of Health, 2018: 'Ala Mo'ui Progress Report: Child Health, accessed from <https://www.health.govt.nz/system/files/documents/publications/ala-moui-child-health-dec18.pdf>.



The other significant health indicator where marginal improvement has occurred, but inequity still exists, is the rate of avoidable hospitalisations among Pacific children before the age of four. Most commonly, children are hospitalised for serious skin infections, gastroenteritis and for respiratory conditions. Pacific

children have the highest rates of hospitalisations when expressed as a percentage of population.¹¹² In some District Health Boards, Pacific children, while not being the largest population, have the highest rates of hospitalisation.

ASH rate of Pacific, Māori and Other children - 2015 to 2019

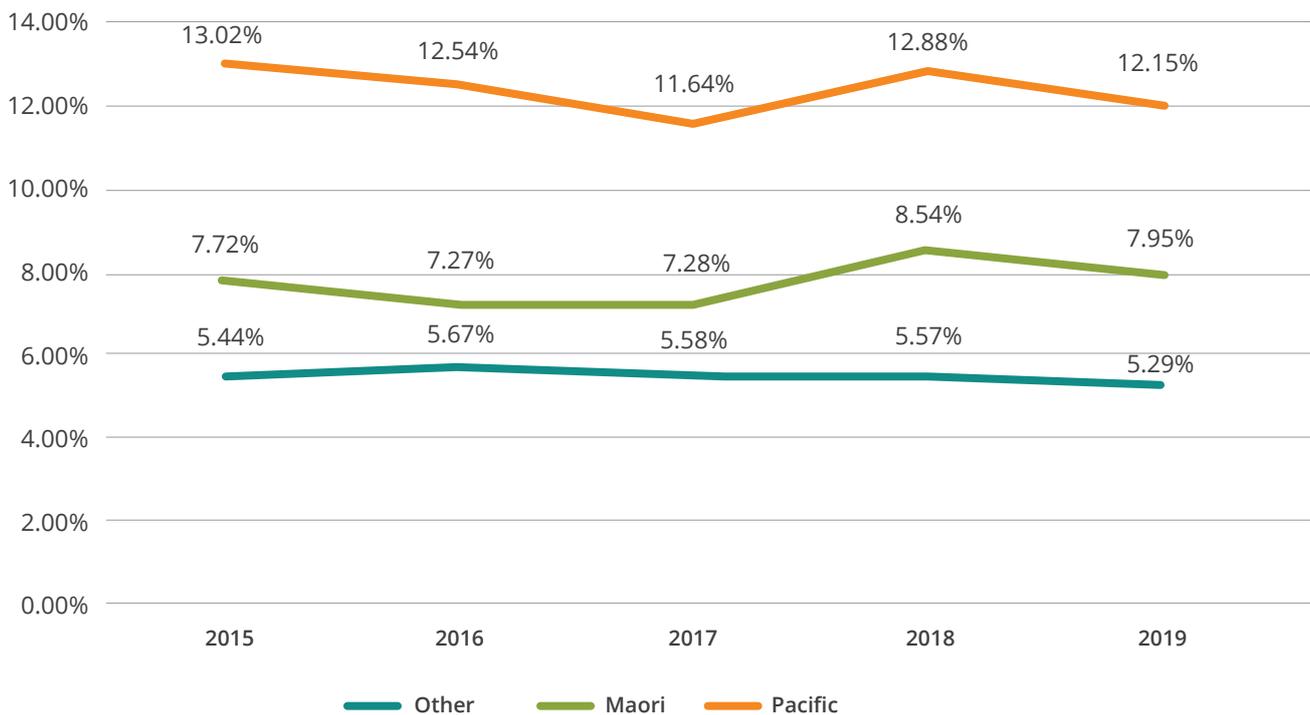


FIGURE 14: Ambulatory sensitive hospitalisation rate of Pacific, Māori and other children between 2015 and 2019.

¹¹² Ministry of Health National Service Framework Library: Data for reporting against SLM Ambulatory Sensitive (avoidable) hospital admissions to December 2019, accessed from <https://nsfl.health.govt.nz/accountability/performance-and-monitoring/data-quarterly-reports-and-reporting/ambulatory-sensitive>.

Adult Health

Pacific adults face significant health challenges which impact their abilities to serve communities. One in every four Pacific adults is a smoker,¹¹³ and nine percent of Pacific adults have been diagnosed with diabetes.¹¹⁴ Pacific peoples carry a higher burden of mental health issues¹¹⁵ and are two times more likely to suffer from anxiety or depression than other New Zealanders.¹¹⁶ Pacific adults are less likely to drink than adults of other ethnic groups in Aotearoa New Zealand, but those who do are more likely to be hazardous drinker.¹¹⁷ One in every two Pacific male drinkers of alcohol is a hazardous drinker.¹¹⁸

Education

Attaining educational qualifications is commonly regarded among Pacific families as one of the most important drivers of intergenerational connection and commitment.¹¹⁹ Pacific stories of migration, from outer island to mainland and onto Aotearoa New Zealand, have included discourses about seeking educational opportunities.¹²⁰ Seeking educational opportunity is based around the continuation of service ethics in Pacific cultures. Family and community leaders instil the idea that as the world grows in sophistication, formal and informal education play roles in supporting an individual's service to the family and community.

Early Childhood Education

Since the year 2000, the number of Pacific children enrolled in licenced Early Childhood Education (ECE) services has nearly doubled, from 7834 in 2000 to 15890 in 2019.¹²¹ The Ministry of Education data does not count the numbers of children enrolled in Pacific language ECE services specifically, but data did highlight that in 2019, 153 children were enrolled in Pacific Island Early Childhood Groups,¹²² and a further 17 percent, 2701 children, were enrolled in a home-based service.¹²³

Qualification Attainment

In the past decade, significant effort has been made to improve the qualifications attainment rates of Pacific students. The following data demonstrates the attainment rates of Pacific students compared to European students at the main school-based qualifications, NCEA Level 1, NCEA Level 2, NCEA Level 3 and University Entrance.¹²⁴

¹¹³ Pasifika Futures. 2017. Pasifika People in New Zealand: How Are We Doing? Auckland: Pasifika Futures, p.24 Accessed at http://pasifikafutures.co.nz/wp-content/uploads/2015/06/PF_HowAreWeDoing-RD2-WEB2.pdf.

¹¹⁴ Ministry of Health. 2017. Faiva Ora 2016–2021: National Pasifika Disability Plan. Wellington: Ministry of Health, pp.9-10. Accessed at https://www.health.govt.nz/system/files/documents/publications/faiva-ora-2016-2021-national-pasifika-disability-plan-aug17_0.pdf.

¹¹⁵ Ministry of Health. 2008. Pacific peoples and Mental Health: A paper for the Pacific Health and Disability Action Plan Review. Wellington: Ministry of Health, pp. 4-6.

¹¹⁶ Pasefika Proud. 2016a. Pacific peoples in New Zealand: Understanding Who We Are. Wellington: Pasefika Proud, p.2. Accessed at <http://www.pasefikaproud.co.nz/assets/Resources-for-download/PasefikaProudResource-Understanding-who-we-are-infographic.pdf>.

¹¹⁷ Pasifika Futures. 2017. Pasifika People in New Zealand: How Are We Doing? Auckland: Pasifika Futures, p.11. Accessed at http://pasifikafutures.co.nz/wp-content/uploads/2015/06/PF_HowAreWeDoing-RD2-WEB2.pdf.

¹¹⁸ A Hazardous Drinker is defined according to the Alcohol Use Disorders Identification Test (AUDIT). (AUDIT), developed by the World Health Organisation. The AUDIT is a 10-item questionnaire covering alcohol consumption, alcohol-related problems, and abnormal drinking behaviour. Each question is scored from zero to four, so the questionnaire has a maximum score of 40. An AUDIT score of eight or more is defined as potentially hazardous drinking.

¹¹⁹ Macpherson, Spoonley & Anae, 2001, Tangata o te Moana Nui, Dunmore Press.

¹²⁰ Tu'itahi, 2005, Langa Fonua: in search of success: how a Tongan kainga strived to be socially and economically successful in New Zealand, Massey University.

¹²¹ Education Counts, 2020, Enrolments in ECE accessed from <https://www.educationcounts.govt.nz/statistics/early-childhood-education/participation>.

¹²² *ibid.*

¹²³ Ministry of Education, early Childhood Education Census 2019, accessed from https://www.educationcounts.govt.nz/_data/assets/pdf_file/0011/196562/Attendance-at-licensed-ECE-services-in-2019.pdf.

¹²⁴ Ministry of Education: Enrolment-based NCEA, UE and NZ Scholarship statistics, accessed from: <https://www.educationcounts.govt.nz/statistics/schooling/senior-student-attainment>.

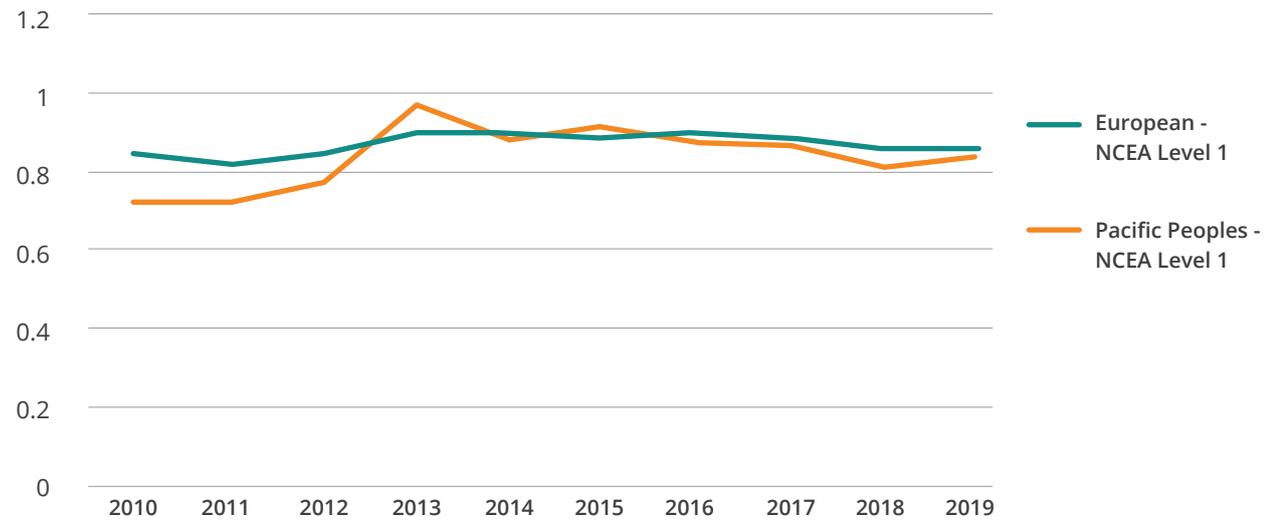


FIGURE 15: NCEA Level 1 attainment rate 2010 to 2019

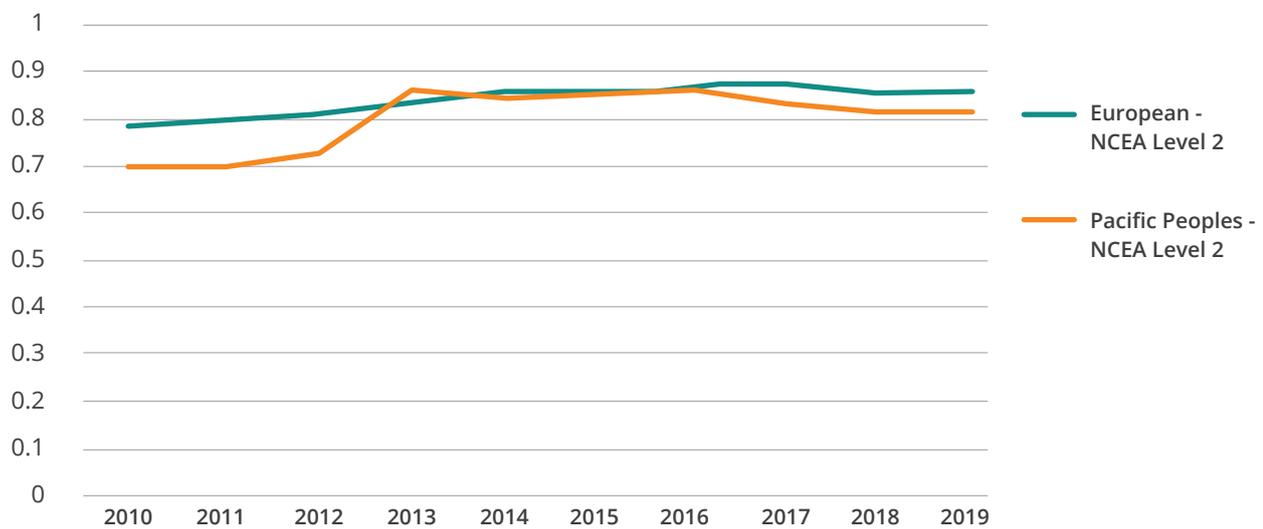


FIGURE 16: NCEA Level 2 attainment rate 2010 to 2019

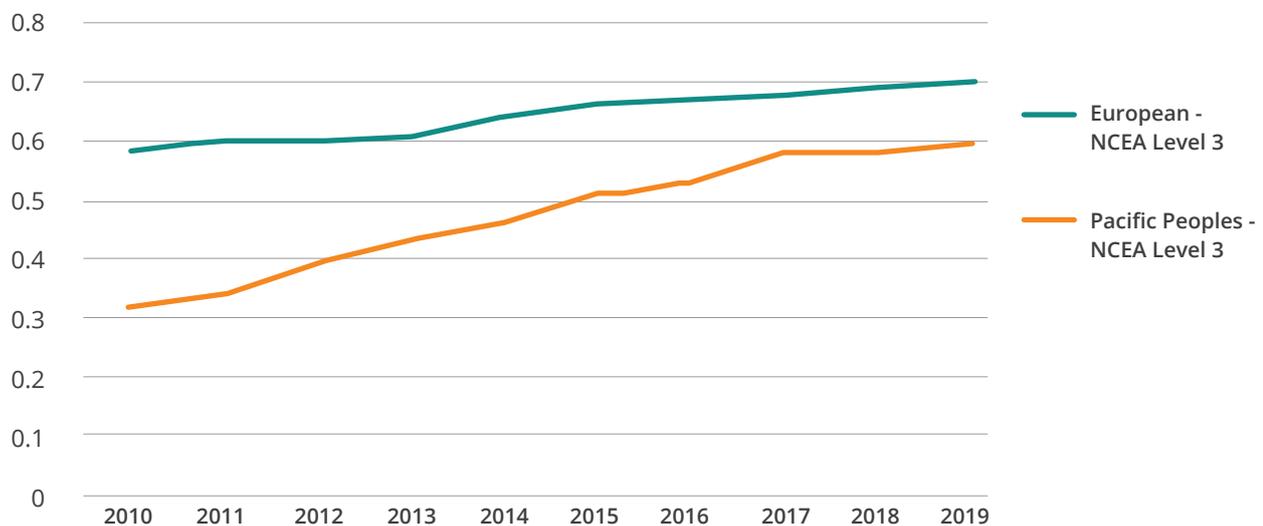


FIGURE 17: NCEA Level 3 attainment rate 2010 to 2019

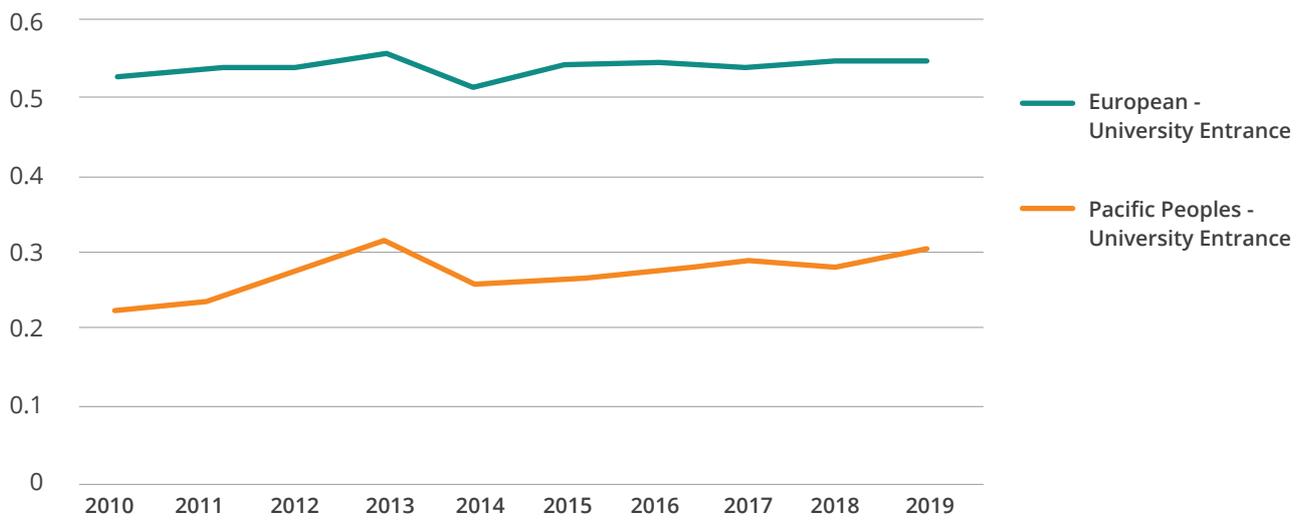


FIGURE 18: University Entrance attainment rate 2010 to 2019

The data demonstrates that while near parity in attainment rate is close for students seeking their NCEA Level 1 and 2 qualifications, improvement is needed to achieve the same parity in Level 3 and University Entrance qualifications.

Students' achievement of NCEA in 2019

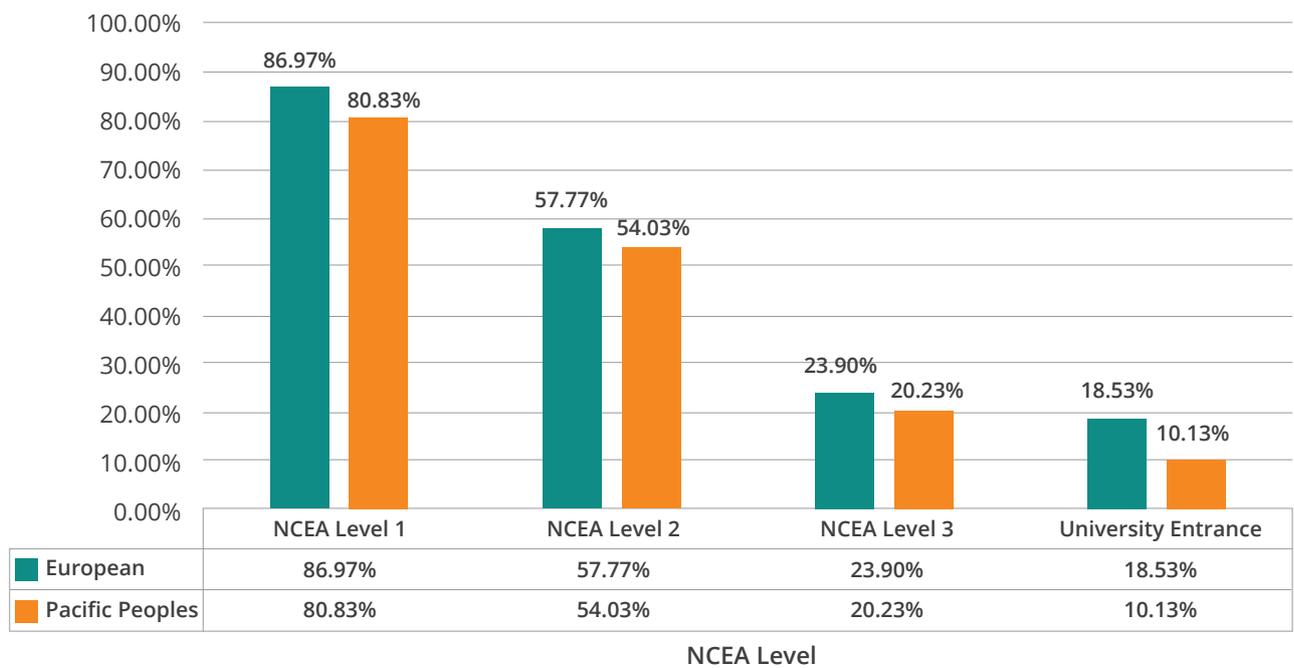


FIGURE 19: Students' achievement of NCEA in 2019, Pacific Peoples and European



Articles 28 and 29 of the CRC focus on a child’s right to quality education. Some of the key elements of the right to education include:

- Entitlement to free and compulsory primary education
- Availability of different forms of secondary education
- Access to higher education on non-discriminatory terms
- Education directed to develop individuals to their fullest potential and to prepare them for responsible life in a free society, including development of respect for others and for human rights
- Availability of accessible educational and vocational information
- Measures developed by the State to ensure full participation in education

Some Pacific children and young people who engaged in the Office of the Children’s Commissioner report *What Makes a Good Life?* noted a range of factors that affected their wellbeing with regards to education. Some participants identified financial stress as a barrier to a better life for them and their family. The cost of tuition, uniforms and transport to and from school, which in turn may affect parents’ decisions as to their choice of school, were shared as examples of financial worries.

Some Pacific children and young people also talked about their experiences of racism at school including negative stereotyping and people having a lack of understanding of Pacific culture. This indicated a lack of cultural competency among schools and teachers. Recognition of Pacific cultures in the education system could be improved to give effect to the realisation of the right to education for Pacific children and young people.

Cultural Wellbeing

Cultural rights are human rights. The ICESCR recognises the right of everyone to take part in

cultural life¹²⁵ which is inherently linked to the rights of minorities to enjoy their own culture under the ICCPR.¹²⁶ UNESCO defines culture as “the set of distinctive spiritual, material, intellectual and emotional features of society or a social group, that encompasses, not only art and literature, but lifestyles, ways of living together, value systems, traditions and beliefs.”¹²⁷ In Aotearoa New Zealand, maintenance of language has been seen as the main pathway for communities to uphold cultural wellbeing along with other forms of expression such as song, dance and custom.

Language

Pacific communities prize their heritage languages as connections to identity, culture and the homelands. As explained at the start of this Talanoa paper, the Pacific identity is a complex interaction between the self, others, the environment, histories and spiritual dimensions. While service to others is one of the primary mechanisms through which Pacific people access their identities and take part in these interactions, language is the other main mechanism due to expressions of cultural knowledge being made primarily in the heritage languages of the Pacific.



37.8 percent of Pacific peoples can speak two languages or more. *Photo courtesy of Le Va.*

¹²⁵ Article 15(1)(a).

¹²⁶ International Covenant on Civil and Political Rights, Article 27.

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

¹²⁷ UNESCO Universal Declaration on Cultural Diversity http://portal.unesco.org/en/ev.php-URL_ID=13179&URL_DO=DO_TOPIC&URL_SECTION=201.html.



Gagana Samoa

THIRD MOST SPOKEN
LANGUAGE IN
NEW ZEALAND



Participants in Commission fono were deeply concerned about the loss of Pacific languages and cultures in Aotearoa New Zealand especially among Niue, Tokelau and the Cook Islands, whose majority populations all live in Aotearoa New Zealand, and overwhelmingly speak English.

In 2013, 43 percent of Pacific peoples spoke two languages or more. Samoan was the third most spoken language, and Tongan the tenth most spoken language.¹²⁸ In 2018, the number of Pacific peoples that spoke two languages or more fell to 37.8 percent, and while Samoan remained the third most spoken language, Tongan became the 14th most spoken language in Aotearoa New Zealand.¹²⁹

Recent research revealed a fear among Pacific peoples that the ancestral languages could disappear within two to three generations.¹³⁰ It noted that at every census, the ability of New Zealand-born Pacific peoples to speak ancestral languages significantly reduces. The Tuvalu New Zealand-born population has the highest proficiency in their ancestral language more than any other ethnic group, but this proficiency too is shown to decrease as time goes on.¹³¹

The *Superdiversity Stocktake (2015)* strongly recommended that the New Zealand Government establish a National Language Policy. The recommendation highlighted a number of issues: the importance of status, support and protection for languages and cultures; the reduction of impediments to civic engagement and accessing public services; the need to improve student achievement in school; better career opportunities for young people; and all-round enhanced social harmony and cohesion.¹³²

The Ministry for Pacific peoples has outlined a clear vision for flourishing Pacific peoples in Aotearoa New Zealand grounded in language, culture and identity captured in the following goals:¹³³

Goal One - Thriving Pacific languages, cultures and identities

Goal Two - Prosperous Pacific communities

Goal Three - Resilient and healthy Pacific peoples

Goal Four - Confident, thriving & resilient Pacific young people

¹²⁸ Harvey, S. 2015. "Language Policy and Planning in Superdiverse Times: Aotearoa/New Zealand" Paper presented at the Launch of the Tāmaki Makaurau Auckland Languages Strategy, Auckland 27 November 2015. Accessed at http://www.cometauckland.org.nz/webfiles/CometNZ/files/New_presentation_for_Friday_2-Sharon.pdf.

¹²⁹ <https://www.stats.govt.nz/information-releases/2018-census-totals-by-topic-national-highlights-updated>.

¹³⁰ Samu, L-J. V., Moewaka Barnes, H., Asiasiga, L. and McCreanor, T. (2019). We're not privileged to have that foundation of language: Pasifika young adults share their deep concerns about the decline of their ancestral/ heritage languages in Aotearoa New Zealand. *AlterNative: An International Journal of Indigenous Peoples*, Volume 15, Issue 2, 1-9.

¹³¹ Samu, L-J. V., Moewaka Barnes, H., Asiasiga, L. and McCreanor, T. (2019). We're not privileged to have that foundation of language: Pasifika young adults share their deep concerns about the decline of their ancestral/ heritage languages in Aotearoa New Zealand. *AlterNative: An International Journal of Indigenous Peoples*, Volume 15, Issue 2, 1-9.

¹³² Chen, M. 2015. *Superdiversity Stocktake: Implications for Business, Government and New Zealand*. Wellington: Superdiversity Centre, p. 80. Accessed at https://www.chenpalmer.com/wp-content/uploads/Superdiversity_Stocktake.pdf.

¹³³ Ministry for Pacific Peoples. (2018). *Pacific Aotearoa, Lalanga Fou: A Shared Vision for Pacific Peoples in Aotearoa*. Accessed at https://docs.wixstatic.com/ugd/8fdfe4_56adb264146348fa82d44fb0f544dc5e.pdf?fbclid=IwAR0gRdoDcN9aWNbUnv6rHt_ZCmLlikAe4YkS47ahkUU5j-Ld4vK4svmSotw.



Pacific youth lead the climate march in Auckland last year. *Photo courtesy of RNZ Pacific.*

Realising human rights for Pacific peoples

This Talanoa paper has explored human rights issues informed by existing international frameworks, government programmes and, most importantly, insights and information from Pacific community groups and organisations. The Commission is concerned that the existing and enduring values of service, trust and reciprocity in Pacific cultures is not paralleled in New Zealand economic, commercial, industrial and regulatory settings, leading to human rights issues.

The rights of Pacific peoples are highlighted by the United Nations human rights monitoring bodies. At the same time, Aotearoa New Zealand's human rights framework contains ample space to make concerted effort in addressing the human rights issues faced by Pacific peoples in the areas of employment, income, discrimination, and women's and children's rights.

The ICESCR which protects rights such as to housing, food, and work, requires countries to "undertake steps ... to the maximum of its available resources, with a view to achieving progressively the full realization" of the rights. The reference to "resource availability" reflects a recognition that the realisation of these rights can be hampered by a lack of resources and can be achieved only over a period of time. However, Aotearoa New Zealand does have an immediate obligation to take steps towards realising these rights, irrespective of resources. The UN Committee on Economic, Social and Cultural Rights have stated that the immediate obligations for the realisation of these rights include ensuring that

the rights will be exercised without discrimination, ensuring that the steps taken towards the realisation of these rights are deliberate, concrete and targeted as clearly as possible towards meeting these rights, avoiding retrogressive measures, and providing international assistance and cooperation.¹³⁴

The New Zealand government holds the power to address these human rights that it has committed to upholding under domestic and international human rights law in future policies and regulations.

The Commission's overarching recommendation arising from this report is that the government, its agencies and its main decision-makers engage Pacific communities in dialogue that places their concerns at the heart of activities to address human rights issues.

In addition, we note that the first aspect of this dialogue focus on developing a framework for human rights that encompasses the strengths of Pacific people communities in activities to address human rights issues. The main strengths we see as the starting point for a framework include cultural, gender and social diversity, cultures where relationships are prized, as are languages and connections to the environment.

¹³⁴ UN Committee on Economic, Social and Cultural Rights General Comment 3: The Nature of States Parties' Obligations 1990. These comments on the requirements of progressive realisation have since been repeated in the Committee's other General Comments on specific rights under the ICESCR.

Recommendations arising from this Talanoa Paper

This Talanoa paper is the first time the Commission has explored the relationship between Pacific peoples and human rights, as defined in domestic and international laws and policies. In the traditions of Pacific Island villages, the idea of “human rights” were matters that were addressed by the servanthood of leaders and the collectivist modus operandi of village and family life. In the traditional way, family members had specific roles and responsibilities and families had roles and responsibilities. The purpose of these collective roles was to fulfil the responsibility to act in the best interest of the family and community, and to ensure that no-one was left out.

Equality in dignity and rights

- Strengthen current social sector policy strategies aimed at reducing disparities and discrimination experienced by Pacific people in Aotearoa New Zealand. This includes explicit reference to the influence and impact of racial discrimination upon Pacific people working within the public sector and those that interact with the public sector.
- Ensure the Government’s National Action Plan Against Racism includes targeted strategies to reduce racism and the effects of racial discrimination upon Pacific people.
- Measure unpaid service as an essential contributor to the maintenance of individual, household and community wellbeing and development.
- Ensure the welfare system enables a secure and dignified life for all, including Pacific peoples.

The natural environment

- Engage with, listen to and incorporate the human rights and environmental concerns of Pacific peoples in Aotearoa New Zealand, including diaspora, for Pacific communities in Aotearoa New Zealand and throughout the Pacific.
- Implement and adequately resource the all-of-government climate change strategy and ensure

this is informed by human rights principles, obligations and engagement with Pacific peoples.

- Strengthen commitments towards mitigating the impact of climate change on our Pacific Island neighbour states and dependent territories through the provision of aid and development support, including support to comply with the Sustainable Development Goals and international standards of development funding.

The rights of women

- Strengthen efforts to combat domestic and all forms of gender-based violence, including sexual violence, particularly in relation to Pacific peoples.
- Incorporate Pacific peoples’ voices in the development of a victim-centric national strategy to eliminate all forms of family violence, intimate partner violence, and gender-based violence.
- Establish Pacific-specific resources for women and their children seeking to escape violence. This includes creating women’s refuges that are targeted towards Pacific peoples, increasing awareness of rights and resources with Pacific communities throughout the country.
- Develop safer victim-centred processes for use by the police, and the justice, health, and employment sectors, as well as therapeutic support for survivors and offenders.
- Resource and ensure long-term commitment to the ongoing development of Pacific-led approaches, such as Pasefika Proud, to underpin policies that address violence towards Pacific women.

The Rights of Children and Young People, including those in care

- Ensure that Pacific children and young people are supported to express their views in matters that affect them and that these views are incorporated into the government’s sixth periodic review of the Children’s Convention.



- Continue ongoing efforts to reduce all forms of inequalities and discrimination of Pacific children and young people.
- Work towards the elimination of child poverty in Aotearoa New Zealand, measured against the indicators provided under the Child Poverty Reduction Act 2018.
- Implement the recommendations made by the 2019 Welfare Expert Advisory Group report.

Pacific disabled people

- Evaluate the review of funded family care for insights about the system's responsiveness to Pacific peoples as carers and as people receiving care.
- Address the barriers Pacific disabled people and their carers face in accessing funding and other resources.
- Develop increased Pacific capabilities among Needs Assessment and Service Coordination services (NASCs).
- Support and resource the further development of an autonomous Pacific disabled peoples-led organisation, through which Pacific disabled peoples' voices can be formally included in all disability-related policy and legislative development, and in the co-design of an extended range and choice of support options.
- Collect disaggregated data articulating the experiences of Pacific disabled people.

Pacific Sexual Orientation, Gender Identity and Expression, and Sexual Characteristics (SOGIESC) and gender diverse people

- Develop a framework of Pacific SOGIESC and Pacific MVPFAFF human rights issues in Aotearoa New Zealand.
- Amend section 21(1)(a) of the Human Rights Act 1993 to include gender identity, gender expression and sex characteristics as specific prohibited grounds of discrimination.
- Develop and implement, in consultation with Pacific SOGIESC-diverse people, a comprehensive plan to collect sexual orientation, gender identity and sex characteristics data in population and household surveys.

- Develop definitions, classifications, data standards, and data collection guidelines reflective of SOGIESC-diverse groups in accordance with this plan.
- Establish monitoring frameworks to track discrimination against people who identify with Pacific MVPFAFF genders

Adequate standard of living

- While the Pacific Business Trust (PBT) exists to ensure better access and support for Pacific peoples to start a business and to access to business development capital, we would like to see some targets set for the number of Pacific businesses being engaged by PBT. Additionally, we would like to seek assurance that funding being given to PBT is being proportionately dispersed to businesses rather than the organisation itself.
- Ensure all government agencies are aware of Rule 17 of the Government Procurement Rules, which requires agencies to consider creating greater access to Pacific businesses. Where possible agencies should: (a) demonstrate how they have improved conditions for Pacific businesses to access procurement opportunities; (b) for Pacific targeted projects, procurement criteria should be adequately weighted for Pacific owned businesses.
- Ensure government agencies including MBIE and Government Procurement hires Pacific capacity to support agencies with ensuring Pacific capability within their procurement processes.
- Ensure ongoing attention to address predatory lending practices.
- Increase social protection for the disabled, the elderly and those living with mental health challenges, including those caring for dependents at home and in their communities to ensure they live a life of dignity and enable participation in their communities.
- Make the minimum wage a living wage in Aotearoa New Zealand.

Employment

- Increase the provision of free early childhood education to help carers engage more in paid work and education.

- Close ethnic and gender pay gaps via collaboration between the state sector, big business and unions on policies, programmes and targets.
- Increase the number of Pacific people in leadership hierarchies, advisory groups and local boards.
- Require pay scales to be made public in all job advertisements, transparent career progression (including training, scholarships), fair pay, and user- friendly processes for pay equity claims.
- Introduce procurement policies with targets to ensure jobs for Pacific women, disabled, youth, 55 years+ workers, including contracts for Pacific owned businesses.
- Review the mobility of Pacific workers and the barriers placed by employers and Human Resources industry attitudes and practices.
- Take action to address the pay gap, discrimination and working conditions Pacific peoples experience in employment, including the introduction of pay transparency mechanisms to end pay secrecy.
- Address issues relating to bullying and sexual harassment of Pacific peoples in the workplace.
- Address issues relating to the exploitation of Pacific peoples in the workforce, including creating safeguards against threats of deportation.

Housing

- Ensure that Pacific peoples have equal access to adequate housing, which is warm, dry, safe, secure, accessible and affordable. This include developing a human rights housing guideline to help landlords, including state housing providers, to ensure fair access, healthy, safe, affordable homes and secure tenancies.
- Monitor and review the KiwiBuild programme (and any subsequent state-sponsored housing building programmes) to ensure that it meets the cultural requirements of Pacific peoples.
- Address the overrepresentation of Pacific peoples in homelessness and facing housing crisis issues such as deprivation, overcrowding and unaffordability, including by:
 - o Monitoring the Social Housing register to ensure Pacific people are accessing housing in a timely manner.

- o Working with housing providers to address the lack of adequate housing.
- o Financial institutions to support collective borrowing and ownership of assets by Pacific households to support more families into home ownership.
- o Monitor and, if necessary, introduce measures to address racial discrimination in the private rental market which makes access to private rental accommodation more difficult for Pacific peoples (along with other racial minorities).

Health

- Ensure skilled and supported home-based care for Pacific elderly and disabled.
- Build the Pacific cultural competency of the whole health workforce, including elder care, mental health, child and youth services, and disability services.
- Increase the clinical Pacific workforce for private and public health services.
- Mandatory involvement of Pacific experts and community leaders on the strategic planning of services and responses to national emergencies.
- Continue to focus on specific programmes and actions aimed at improving health outcomes for Pacific peoples, such as increasing resourcing for the Pacific Community Health Fund to support Pacific community organisations put into action their own ideas to contribute towards the achievement of better health outcomes for Pacific peoples and their communities.
- Ensure commitment to the implementation of the Pacific strategic framework, Ola Manuia: The Pacific Health and Wellbeing Action Plan 2020-2025, including adequate resourcing to achieve health and wellbeing outcomes for Pacific peoples.
- Ensure that all parts of the health and disability sector are responsible for improving Pacific health outcomes and reducing inequalities.
- Ensure adequate resourcing and access to culturally appropriate health services, including age-appropriate mental health services, with particular attention to Pacific children.



Young performers at Polyfest in Auckland. *Picture courtesy of Penina Momoiseā for the CoconetTV*

Education

- Ensure commitment to the implementation of the Action Plan for Pacific Education 2020-2030, including adequate resourcing to achieve education outcomes for Pacific peoples.
- Create an education system fit for purpose to ensure Pacific disabled children have access to inclusive education, including attending the school of their first choice and receiving the support they need to suit their individual needs.

Cultural Wellbeing

- Preserve and maintain indigenous Pacific languages through early childhood education, schools, and adult community provision including prisons.
- Address the barriers for Pacific people wishing to engage in their heritage languages.
- Protect Island-based and faith-based hubs.
- Develop repositories to increase access for people wishing to find resources to learn their heritage languages.

Right to participation

- Government to uphold its duty to ensure transparency and civic participation in the development of significant policies, ensuring that the voices of children and youth, elders, and disabled people, are engaged and reflected in national strategies and investment, particularly in relation to health, education, economic development, justice, and social services.
- Establish a Pacific informed national human rights framework to review outcomes of public policies on Pacific people.

Conclusion

Pacific communities in Aotearoa New Zealand are vibrant, young, hard-working, complex thinkers who have successfully faced generations of challenges in response to more powerful sectors of society.

In conversation with community members and groups, we saw the values of service and care, and those we spoke to wanted to ensure that the voices of others were heard alongside theirs.

It became evident that many Pacific peoples do not have an adequate standard of living, which impacts their pursuit of family and community wellbeing. They remain over-represented in areas of deprivation, including working in lower-skilled manual work, higher unemployment rates and lower income levels.¹³⁵ Many of these problems are exacerbated by the persistence of racism and discrimination.

We see Pacific peoples as experts in identifying the challenges facing their communities, and we recognise they could be better supported to understand how human rights can be used as an advocacy lever for empowerment. There needs to

“This dialogue is so important! Having non-Pasifika people as part of this particular forum is valuable because 1. our voice needs to be heard and 2. Pasifika people have been trying to talk and tell our stories having them heard outside of the Pasifika communities is so important!”

be more discussion and consideration for disabled Pacific peoples, those who identify with the SOGISC community as well as women, girls and children.

The Commission is glad to make this baseline information resource available to Pacific peoples, governments, NGOs and other stakeholders working towards the advancement of Pacific peoples. The Commission envisions holding more consultation fono with Pacific peoples, to discuss this initial thinking and to inform the collaborative development and priorities of the Commission’s human rights strategy for Pacific peoples.



Young performers at Polyfest in Auckland. *Picture courtesy of Penina Momoiseā for the CoconetTV*

¹³⁵ Tunoa, A. 2018. Pacific peoples Progress in the Labour Market: A Literature Review. Auckland: Ministry of Business Innovation and Employment and the Southern Initiative, p. 11.



Appendix One – Recommendations from the United Nations human rights monitoring bodies in relation to Pacific peoples in Aotearoa New Zealand

Human Rights Committee¹³⁶

- Develop programmes for the implementation of Sustainable Development Goal 5 to achieve gender equality and empower all women and girls, with particular focus on Māori and Pasifika women and girls, as well as women and girls with disabilities.
- Address the high unemployment rates among Māori and Pasifika, in particular Māori and Pasifika women and young people, among persons with disabilities and among migrants, through the adoption and effective implementation of comprehensive employment and vocational training strategies.
- Review its law enforcement policies with a view to reducing the incarceration rates and the overrepresentation of members of the Māori and Pasifika communities, particularly women and young people, at all levels of the criminal justice system, as well as reconviction and reimprisonment rates.
- Eliminate direct and indirect discrimination against Māori and Pasifika in the administration of justice, including through human rights training programmes for law enforcement officials, the judiciary and penitentiary personnel.
- Strengthen efforts to combat domestic and all forms of gender-based violence, including sexual violence, particularly in relation to Māori and Pasifika women and girls, as well as women and girls with disabilities.
- Take all appropriate measures to enhance Māori and Pasifika representation in government positions at all levels, in particular at the local council level, including through the establishment of special electoral arrangements.

Committee for Economic, Social and Cultural Rights¹³⁷

- Assess the effectiveness of measures taken to increase employment opportunities in general and for specific groups, notably Māori, Pasifika, women, persons with disabilities, and youth.
- Strengthen its efforts to combat poverty, in particular among households with dependent children, notably Māori or Pasifika children and children with disabilities.
- Step up its efforts to increase the availability of quality affordable housing, paying particular attention to low-income, Māori and Pasifika families, persons with disabilities and older persons, and allocate the necessary resources for the effective implementation of the KiwiBuild programme.
- Intensify its efforts to close the gaps in the enjoyment of the right to health by improving the health outcomes of Māori and Pasifika, in close collaboration with the groups concerned.
- Develop culturally appropriate education programmes in partnership with Māori and Pasifika and identify associated education targets, with the aims of improving the educational outcomes among Māori and Pasifika students and tackling stigma and disciplinary measures in schools.

Committee on the Rights of the Child¹³⁸

- Develop a comprehensive mechanism for data collection and an information system on all areas of the Convention. The data should be disaggregated by age, sex, disability, geographic location, ethnic origin, nationality and

¹³⁶ Human Rights Committee Concluding observations on the sixth periodic report of New Zealand 2016 CCPR/C/NZL/CO/6.

¹³⁷ Committee on Economic, Social and Cultural Rights Concluding observations on the fourth periodic report of New Zealand 2018 E/C.12/NZL/CO/4.

¹³⁸ Committee on the Rights of the Child Concluding observations on the fifth periodic report of New Zealand 2016 CRC/C/NZL/CO/5.

socioeconomic background, to facilitate analysis on the situation of all children, and particularly Māori and Pasifika children, children in care, children with disabilities, children living in poverty, refugee, asylum-seeking and migrant children and children in other situations of vulnerability.

- Taking urgent measures to address disparities in access to education, health services and a minimum standard of living by Māori and Pasifika children and their families.
- Strengthening its measures to combat negative attitudes among the public and other preventive activities against discrimination and, if necessary, taking affirmative action for the benefit of children in vulnerable situations, such as Māori and Pasifika children, children belonging to ethnic minorities, refugee children, migrant children, children with disabilities, lesbian, bisexual, gay, transgender and intersex children and children living with persons from those groups.
- Develop a comprehensive strategy to combat abuse and neglect encompassing all children in all settings, with particular attention to Māori and Pasifika children and children with disabilities.
- Strengthen awareness-raising and education programmes, including campaigns, to prevent and combat child abuse, with the involvement of children, with particular attention to Māori and Pasifika children and children with disabilities.
- Take the necessary measures to ensure adequate access to health services to all children, including age-appropriate mental health services, with particular attention to Māori and Pasifika children.
- Take immediate action to reduce the prevalence of preventable and infectious diseases, including by improving housing conditions, especially for Māori, Pasifika and children living in poverty.
- Ensure that the special vulnerabilities and needs of children, and their views, are taken into account in developing policies or programmes addressing the issues of climate change and disaster risk management, with special attention to groups of children most likely to be affected by climate change, including Māori and Pasifika children and children living in low-income settings.

- introduce a systemic approach to addressing child poverty, in particular Māori and Pasifika children, including establishing a national definition of poverty
- Take measures to end the overrepresentation of children with disabilities, Māori and Pasifika children in disciplinary processes, including by providing adequate social and psychosocial support to children and only use the disciplinary measure of permanent or temporary exclusion as a means of last resort.
- Take the measures necessary to ensure that children from low socioeconomic backgrounds, Māori and Pasifika children have effective access to early childhood care and education.
- Invest in the availability and quality of early childhood care and education ensuring that, at a minimum, is free for children from low socioeconomic backgrounds, and that care personnel are adequately trained, including on Māori and Pasifika cultures
- Develop a comprehensive, cross-sectorial strategy for the full enjoyment of the rights of Māori and Pasifika children, in close cooperation with them and their communities.
- Strengthen its efforts to address the overrepresentation of Māori and Pasifika children and young people in the juvenile justice system, including by improving the police's cultural capability and by investigating allegations of racial biases.

Committee on the Elimination of Discrimination Against Women¹³⁹

- Address the working conditions of Māori and Pasifika women, women with disabilities and young women in all areas of employment including through data collection and analysis.
- Take measures to reduce poverty and improve the economic empowerment of women, in particular women living in rural areas, Māori, Pasifika, Asian, immigrant, migrant and refugee women and women with disabilities.

¹³⁹ Committee on the Elimination of Discrimination against Women Concluding observations on the eighth periodic report of New Zealand 2018 CEDAW/C/NZL/CO/8,



Committee on the Elimination of All Forms of Racial Discrimination¹⁴⁰

- Party take robust measures to increase the representation of Māori, Pasifika and other minority groups as decision makers, including as prosecutors and judges, at all levels of the criminal justice system.
- Increase the provision and accessibility of primary health-care services to Māori and Pasifika communities and ensure they are equally represented and empowered in decision-making processes concerning health and disability policy planning and in-service delivery and evaluation.
- Reduce overall hospitalizations for medical conditions with a social gradient and reduce disparities in both hospitalization and mortality rates, particularly among Māori and Pasifika children.
- set targets to increase representation of Māori, Pasifika and other minorities in corporate governance and senior management in the public sector, and to provide data on Māori, Pasifika and other minorities currently employed in the public sector with regard to distribution at job and managerial levels.
- Take effective steps to reduce the number of Māori and Pasifika children in State care.
- To provide in its next periodic report information on measures taken to improve the educational outcomes of Māori and Pasifika students.

Universal Periodic Review (2018)¹⁴¹

New Zealand supported the following recommendations:

- Improve anti-discrimination legislation for ensuring protection of the rights of the ethnic minorities, including Māori and Pasifika communities (Islamic Republic of Iran).
- Increase employment opportunities for marginalized groups, and notably Māori, Pasifika, women and persons with disabilities (Hungary).
- Continue to strengthen efforts to combat domestic and all forms of gender-based violence, including

sexual violence, particularly in relation to Māori and Pasifika women and girls, as well as women and girls with disabilities (Iceland).

- Continue to ensure justice and social protection for domestic violence against vulnerable groups, particularly women from indigenous and Pacific peoples (Myanmar).
- Continue its ongoing efforts to reduce all forms of inequalities and discrimination among children, for Māori and Pasifika children in particular (Maldives).
- Work to combat discrimination against vulnerable children, including Māori and Pasifika children, children belonging to ethnic minorities, refugee and migrant children and children with disabilities (Syrian Arab Republic).
- Take all appropriate measures to enhance Māori and Pasifika representation in government positions at all levels, in particular at the local council level, including through the establishment of special electoral arrangements (Pakistan).
- Provide Māori and Pasifika with adequate access to education and the labour market (Russian Federation).
- Continue to focus on specific programmes and actions aimed at improving health and education outcomes for Māori and Pacific communities (Sri Lanka).
- Strengthen measures aimed at ensuring equality for all citizens, especially those of indigenous people of Māori and Pasifika, and ensuring their full rights within the legal system and in the labour, health and education sectors (Syrian Arab Republic).
- Design a strategy to tackle social inequalities experienced by Māori and Pasifika communities in health, housing, employment, education, social services and justice (United Kingdom of Great Britain and Northern Ireland).
- Take concrete steps to improve education and participation rates for Māori and Pacific communities in New Zealand so that these are equal with other ethnic groups (Bahamas).

¹⁴⁰ Committee on the Elimination of Racial Discrimination Concluding observations on the combined twenty-first and twenty-second periodic reports of New Zealand 2017 CERD/C/NZL/CO/21-22.

¹⁴¹ Report of the Working Group on the Universal Periodic Review New Zealand (1 April 2019) <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/087/77/PDF/G1908777.pdf?OpenElement>.

Appendix Two – Human Rights Commission consultation fono/ 'uipa'anga with Pacific peoples in 2018:

March 26 - 27 in AKL, April 3 in CHC and April 4 - 5 in WLG

- In attendance: 75 people overall in Auckland, Christchurch and Wellington.
- March 26 Mangere Arts Centre, Mangere Town Centre, Auckland = 23
- March 27 Potters Park Events Centre, Balmoral, Auckland = 17
- April 3 Canterbury DHB Community and Public Health Aoraki Room, Christchurch = 15
- April 4 Human Rights Commission Office, Wellington = 5
- April 5 Porirua Union & Community Health Service, Porirua, Wellington = 15

Talanoa Discussion areas

- What did participants consider to be “human rights”?
- Perspectives of different groups – such as young people
- What is working for Pacific people, what isn't?
- Where do we see human rights issues emerging?
- What do participants see as they key human rights issues for Pacific peoples?

FIGURE A: Current Human Rights issues discussed by participants at Commission Fono in 2018

| Issue |
|---|
| Right to an adequate standard of living |
| Right to adequate housing |
| Right to be free from racism |
| Right to equal inclusion and participation in society |
| Right to education |
| Right to physical and mental health |
| Right to be free from violence |
| Right to be free from discrimination |
| Right to freedom of opinion and expression |
| Right to employment |
| Rights under Te Tiriti o Waitangi |
| Settlement of Pacific migrants & newcomer communities |

FIGURE B: Future facing Human Rights issues discussed by Fono participants

| Issue |
|---|
| Future-facing human rights issues |
| The environment and climate change |
| Technological impacts on employment |
| Online safety, security and privacy |
| Refugees and asylum seekers |
| Human rights issues for young people aged 16-24 |
| Human rights issues for older people |
| Pacific migrant settlement support |



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