

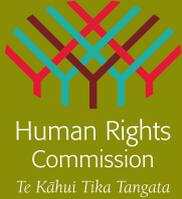


Human Rights  
Commission  
*Te Kāhui Tika Tangata*

# 2012-2015 Statement of Intent and Service Performance

Human Rights Commission  
Te Kāhui Tika Tangata

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



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# Contents

<b>Foreword</b>	<b>2</b>
<b>Values</b>	<b>4</b>
<b>Strategic context</b>	<b>5</b>
<b>Part A</b>	<b>8</b>
The Human Rights Commission	8
The Commission's priorities and services	13
<b>Commission outcomes, impacts and measures</b>	<b>16</b>
<b>Outcome areas</b>	<b>18</b>
1 The human rights environment	20
2 Disabled people	24
3 Race relations	27
4 Equal employment opportunities	30
5 Te Mana i Waitangi	33
<b>Organisational health and capability</b>	<b>35</b>
<b>Part B</b>	<b>37</b>
<b>Forecast statement of service performance</b>	<b>37</b>
<b>Forecast financial statements</b>	<b>49</b>

# Foreword

## Mihi

### **The work of the Human Rights Commission for 2012 to 2015 recognises the human rights dimensions of the aftermath of the Canterbury earthquakes, the weak economic outlook and the effects of international unrest and conflict.**

These events, and their cumulative effects, highlight the critical relevance of human rights protections and some of the weaknesses that remain a feature of New Zealand's human rights arrangements. In identifying priorities for 2012, the Commission has drawn on the evidence provided by the Universal Periodic Review and New Zealand's response to it, evidence provided by its complaints processes, and its five yearly review *Human Rights in New Zealand 2010 – Ngā Tika Tangata o Aotearoa* (the Review). The Review maps how well human rights have been promoted, protected and implemented over the five years until 2010. The Review confirmed that New Zealand continues to meet and often surpasses human rights standards in many respects. It acknowledged steady improvements since 2004, while warning that some gains are threatened, and recorded areas where there has been deterioration. The analysis shows no room for complacency about the serious human rights challenges New Zealand continues to face. These challenges need to be met by political will and leadership, and by strong civil society commitment and engagement.

As in previous years, this Statement of Intent is divided into five outcome areas and a section on organisational health and capability. The outcome areas are the human rights environment, disabled people, race relations, equal employment opportunities, and te mana i Waitangi.

This year, the Commission will focus on monitoring the Canterbury earthquake recovery; eliminating violence, abuse, harassment and bullying; and tackling entrenched inequalities and discrimination.

The Commission's organisational challenge will be to secure financial sustainability beyond 2015. This will ensure it can provide the services necessary to meet its statutory functions and comply with the international standards required for its "A" accreditation as a national human rights institution (NHRI).

An organisational review is underway and is expected to be completed by early 2013 to inform the next Statement of Intent process.

The Commission is in an on-going period of leadership transition. Last year saw the appointment of a new Chief Commissioner, David Rutherford, following the completion of two five-year terms by Rosslyn Noonan. Paul Gibson was appointed as the first Human Rights Commissioner with a specific responsibility for disability rights. The Race Relations Commissioner Joris de Bres; EEO Commissioner Dr Judy McGregor; and Director of the Office of Human Rights Proceedings, Robert Hesketh, will complete their second five-year terms on 22 September 2012, 19 January 2013 and 20 June 2012 respectively. New Commissioners and a new Director are expected to be appointed.

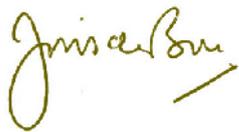
Part-time Commissioners Karen Johansen and Jeremy Pope will complete their first five-year terms in February 2013. The Human Rights Act 1993 allows for up to five part-time Commissioners. The Human Rights Amendment Bill, currently before Parliament, proposes the Commission comprise a maximum of five Commissioners, all of whom would be effectively full-time.



David Rutherford  
**Chief Commissioner**  
Te Amokapua



Karen Johansen  
**Commissioner**  
Kaihautū



Joris de Bres  
**Race Relations Commissioner**  
Kaihautū Whakawhanaunga ā Iwi



Jeremy Pope  
**Commissioner**  
Kaihautū



Dr Judy McGregor  
**EEO Commissioner**  
Kaihautū Ōritenga Mahi



Richard Tankersley  
**Commissioner**  
Kaihautū



Paul Gibson  
**Disability Rights Commissioner**  
Kaihautū Tika Hauātanga

# Values

## He uara

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

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

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

**The Commission seeks to be:**

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

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

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

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

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

**The Commission:**

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

**Respects Tangata Whenua:** The Commission values and respects, in its work and its ways of working, the place of Tangata Whenua in New Zealand.

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

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

# Strategic context

## Te horopaki rautaki o te Kāhui Tika Tangata

### The international environment

In the past year, a weak global economy, civil and political instability, and the impact of citizens' movements for change have characterised the international environment. This has had a significant impact on the promotion, protection and realisation of civil, political, economic, social and cultural rights. New Zealand, with its small, trade-dependent, open economy is vulnerable to international events and has a direct interest in their outcomes

Developments in the Asia–Pacific region have particular significance. Recognition of the centrality of human rights to security and sustainable development continues to rise throughout the Pacific. The Commission's expertise is sought by Pacific states seeking to more effectively integrate human rights into their work, and by National Human Rights Institutions (NHRIs) and other bodies in the Asia–Pacific region.

The Association of South East Asian Nations (ASEAN) is scheduled to make an ASEAN Declaration of Human Rights in December this year. The Plan of Action to implement an ASEAN–New Zealand Joint Declaration on Comprehensive Partnership, signed by the Prime Minister on behalf of New Zealand, envisages the Commission contributing to good governance and human rights promotion throughout the region. The Commission will examine how best it can be involved in 2012.

The Commission is a member of an international organisation of NHRIs known as the International Coordinating Committee of NHRIs for the Promotion and Protection of Human Rights (the ICC). The United Nations recognises NHRIs as a crucial link between international human rights bodies and local communities, with a distinct and independent role from governments and civil society organisations. The role of NHRIs within the international human rights framework has recently been strengthened while past New Zealand Chief Human Rights Commissioner Rosslyn Noonan was Chair of the ICC until March 2012.

As a result of the 2010–11 review of the United Nations Human Rights Council, a number of proposals were agreed that provide greater and more effective opportunities for the participation of "A" accredited national institutions in

the work of the Council and its associated bodies. The role of NHRIs in the proceedings of the Council, human rights treaty bodies and other UN procedures was reaffirmed and enhanced by a resolution of the UN General Assembly in December 2011, sponsored by more than 80 states across all regions, including New Zealand. NHRIs now have speaking rights alongside states in a number of important UN human rights fora, including through the use of video conference statements. This independent status accorded to NHRIs recognises that international structures require authoritative, robust and independent information and analysis on domestic human rights issues. The expectation is that NHRIs will be called upon even more for their practical experience, at the national level, to be applied to the continuing development of international human rights standards and jurisprudence.

New Zealand's domestic human rights performance comes under the scrutiny of the UN Human Rights Council and UN treaty bodies. The Commission provides independent input into these accountability processes. New Zealand will engage with a series of treaty bodies this year: the Committee on the Rights of Persons with Disabilities, the Committee on the Elimination of Discrimination Against Women, and the Committee on the Elimination of Racial Discrimination.

This year, New Zealand will begin preparations to be examined by the UN Human Rights Council under the second Universal Periodic Review in 2014.

### New Zealand context

As New Zealand deals with the impact of a global recession, a key challenge is to ensure that the relevance, value and benefits of human rights protections to the economy and democracy are considered. New Zealand has a strong human rights reputation. New Zealand is party to a number of international covenants that require it to progressively realise a range of economic, social, cultural, civil and political rights. However, there is evidence that discrimination, exclusion and entrenched inequalities remain a reality for women, disabled people, Māori, Pacific peoples, and other minority groups, with unemployment impacting disproportionately on these groups as well as on young people.

The Canterbury earthquakes have posed unprecedented challenges to a number of economic and social rights. These include the rights to housing, an adequate standard of living, health and education, and to civil and political rights including the right of access to justice. These challenges are acute for those already dealing with the impact of disadvantage and discrimination, particularly disabled people, cultural minorities, and children and young people. Human rights standards established in international instruments such as the International Covenant on Economic, Social and Cultural Rights and the Inter-Agency Standing Committee's (IASC) Operational Guidelines on Human Rights and Natural Disasters (2011) can guide and assist the recovery.

Auckland, New Zealand's largest city, continues to experience significant population growth. The Auckland Council recently developed its strategic plan which identifies six critical challenges for Auckland: social and economic inequalities, infrastructure planning and funding, climate change, international economic competitiveness, population growth, and environmental quality. Of immediate concern is affordable and accessible housing to accommodate the region's growing population.

The Government is focusing more on children and young people, and advancing their well-being. Current spending is being reviewed and it is likely there will be more focus on achieving gains in the early years of a child's life. Priority is also being placed on early intervention to address risks, particularly those associated with child poverty.

Violence, abuse and harassment continue to occur at an unacceptably high level. New Zealand's rates of violent assaults of people over the age of 15, school violence, child abuse, and sexual violence are particularly concerning. So too is the discrimination and exclusion experienced by members of disadvantaged groups such as disabled people, cultural minorities, and the GLBTI (gay, lesbian, bi-sexual, trans people and intersex) communities. Violence, along with discrimination and exclusion, impede the enjoyment of rights and prevent full participation in society.

There is recognition that some New Zealanders, including children and disabled people, experience disadvantage across a range of socio-economic indices. The need to link individual empowerment to systemic and attitudinal change has never been more critical.

Evidence shows that more New Zealanders recognise the relevance and importance of the Treaty of Waitangi to New Zealand and its peoples. Its place in New Zealand's constitutional arrangements remains to be clarified and will be considered in the Government's Constitutional Review announced in 2011. The Waitangi Tribunal's recent report on claim WAI 262 – *Ko Aotearoa Tēnei* – proposed a range of actions to take the Crown-iwi relationship into the post-Treaty settlement phase. The Government has yet to respond to the report but the ramifications are potentially significant across many sectors of society.

### **The Commission's focus**

The Commission has based its work programme for 2012–2015 on the evidence provided by *Human Rights in New Zealand 2010 – Ngā Tika Tangata o Aotearoa*, the Universal Periodic Review and New Zealand's response to it, and the Commission's complaints processes.

The Commission is extending some elements of its programme and will introduce initiatives to address the most pressing human rights issues, where these could significantly impact on discharging the Commission's statutory responsibilities. The initiatives include monitoring the human rights dimensions of the Canterbury earthquake recovery work; advocating for and monitoring a national response to bullying, violence and abuse in schools; and conducting an inquiry into the support for New Zealand Sign Language (NZSL) as an official language of New Zealand.

The Commission's approach emphasises the contributions Parliament, the executive, the judiciary, local government, regional communities, media, universities, the legal profession, business and non-governmental organisations can make to strengthen the fundamental freedoms while also ensuring all New Zealanders' human rights are fully realised. The Commission will work to:

- build greater knowledge, respect for and realisation of human rights and responsibilities; and foster the application of human rights standards in law, policy and practice
- improve disabled people's well-being by encouraging the implementation of provisions in the UN Convention on the Rights of Persons with Disabilities

- increase harmonious race relations, through greater participation and a reduction in inequalities
- reduce barriers to employment and support more inclusive workplaces through an increased use of equal opportunities policies, practices and programmes
- improve understanding of the Treaty and the participation of Māori through application of indigenous rights in Crown-Tangata Whenua relationships.

Priorities which will be advanced as focuses across all of the Commission work areas are monitoring the Canterbury earthquake recovery; reducing violence, bullying and harassment; reducing entrenched inequalities and discrimination; and promoting the full and effective incorporation of international human rights obligations into policy and practice.

		<b>Focuses</b>			
<b>Commission's work</b>	<b>Build greater knowledge of and respect for human rights</b>	<b>Monitor the Canterbury earthquake recovery</b>	<b>Reduce violence, abuse and bullying</b>	<b>Reduce entrenched inequalities and discrimination</b>	<b>Effective incorporation of international human rights treaty obligations</b>
	<b>Improve disabled people's well-being</b>				
	<b>Increase harmonious race relations</b>				
	<b>Reduce barriers to employment and support inclusive workplaces</b>				
	<b>Improve understanding of The Treaty</b>				

## Part A:

# The Human Rights Commission

## Te Kāhui Tika Tangata

### The Commission's purpose and functions

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

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

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

### Roles and functions

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

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

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

### Responsibilities as New Zealand's National Human Rights Institution (NHRI)

The Commission holds "A" status accreditation as an NHRI, which is the prerequisite for full recognition by the United Nations. "A" accreditation allows formal participation at the UN Human Rights Council, including its Universal Periodic Review, and requires the Commission to provide information to UN treaty bodies and special procedures, on the State's human rights performance, to assist in the making of informed recommendations.

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

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

The Commission was re-accredited as an "A" status institution under the Paris Principles during 2011. The process assessed the legislative and regulatory framework in which the Commission operates, whether government funding is sufficient to enable it to carry out its functions, and the extent to which the Commission is meeting those requirements in practice. It amounts to an international performance review. The report on the Commission's re-accreditation commended the inclusion of individual

and collective selection criteria in the NZHRC's enabling legislation. In addition, it acknowledged actions taken in response to the recommendations made at its October 2006 accreditation review, particularly the introduction of changes to the process for the selection of Commissioners which include the advertising of vacancies and consideration of applicants by an independent selection panel. The review noted, however, that these latter changes have not been included in legislation, regulation or binding administrative guidelines. It also noted that the Commission has had a relatively stable budget since 2007/8, with modest additional funds provided to assist it in undertaking national monitoring functions under Article 33 of the UN Convention of the Rights of Persons with Disabilities. The review appreciated the continuation of the Commission's funding in a constrained environment but expressed concern over the adequacy of existing funds for any additional activities.

### **The Commissioners**

The Human Rights Act (HRA) provides for the positions of Chief Commissioner, Equal Employment Opportunities Commissioner, Race Relations Commissioner, up to five part-time Human Rights Commissioners and the Director of Human Rights Proceedings. In 2011, one part-time Commissioner was appointed with responsibility for disability issues.

The Commissioners, acting together, determine the strategic direction and the general nature of the activities of the Commission. The Commissioners are the Board for the purposes of the Crown Entities Act.

The Commission (including the Director) is required by the HRA to act independently. Chief Commissioner, David Rutherford; Race Relations Commissioner, Joris de Bres; and Equal Employment Opportunities (EEO) Commissioner, Judy McGregor have a range of additional statutory functions. The Chief Commissioner chairs the Commission (jointly with the EEO and Race Relations Commissioners, in their areas of designated functions), and has overall responsibility for the activities of the Commission and for the administration of the Office of Human Rights Proceedings. Acting jointly with the Chief Commissioner, the Race Relations Commissioner is responsible for providing leadership and advice to the Commission on race relations matters, and for supervision

of the Executive Director on race relations matters. Acting jointly with the Chief Commissioner, the EEO Commissioner is responsible for the provision of advice, evaluation through benchmarks, developing guidelines, monitoring progress and liaising with others to progress equal employment opportunities. The EEO Commissioner also has responsibility to provide guidance to Crown entities on their "good employer" obligations under the Crown Entities Act 2004.

Commissioners have responsibility for a range of activities in accordance with their areas of expertise and the Commission's strategic direction. In addition to their statutory responsibilities, Chief Commissioner David Rutherford has a focus on the human rights environment; Race Relations Commissioner Joris de Bres on race relations, the Treaty of Waitangi, refugees, migrants and religious diversity; and EEO Commissioner Dr Judy McGregor on equal opportunities, freedom of expression, human rights and the environment, business and human rights, women's rights, and age discrimination. Commissioner Karen Johansen has a focus on Te Tairāwhiti, the Treaty of Waitangi, and the right to education. Commissioner Jeremy Pope focuses on litigation strategy, criminal justice, and the right to an adequate standard of living. He also chairs the Commission's Audit and Risk Committee. Commissioner Richard Tankersley focuses on the South Island – Te Waipounamu, sexual minorities and interfaith issues and the Canterbury earthquake recovery. Commissioner Paul Gibson has a designated focus on the rights of disabled people.

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

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

The key activities of the OHRP and the relevant reporting measures are included in the Forecast statement of service performance.

### Foundations of the Commission's work

The foundations for the Commission's work are the international human rights standards, the Treaty of Waitangi, the Paris Principles 1993, the Human Rights Act 1993 and the New Zealand Bill of Rights Act 1990. The Commission's five yearly review of human rights in New Zealand, *Human Rights in New Zealand 2010 – Ngā Tika Tangata o Aotearoa*, the Universal Periodic Review and New Zealand's response to it, and the Commission's

complaints processes provide the evidential base for its work. This evidential base informs New Zealand's national plan of action for human rights that the Commission has a statutory obligation to develop in consultation with interested parties. Work will begin on a second national plan of action during the period of this Statement of Intent.

### The Commission's approach

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

## Human Rights Commission



### Human rights foundations

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

### Areas of work

- Human rights environment
- Disabled people
- Race relations
- Equal Employment Opportunities
- Te Mana i Waitangi

### Approaches

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

### In cooperation with

- Parliament
- Executive
- MPs and political parties
- Judiciary
- Business
- Iwi, hapū and whānau
- Communities, including ethnic communities
- Media
- Internet communities
- Unions
- NGOs
- Other civil society
- International communities
- Government agencies
- Local government
- Academia
- Legal profession

undertaking legal interventions. These approaches, derived from the Commission's statutory functions, form the basis of the products and services the Commission will provide, as set out in Part B of this Statement of Intent.

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

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

### **The Commission's areas of work**

The Commission structures its work across five outcome areas that reflect the priorities identified in the review of *Human Rights in New Zealand 2010 – Ngā Tika Tangata o Aotearoa*, the Universal Periodic Review and New Zealand's response to it, and the Commission's complaints processes.

#### **• Te taiao tika tangata – The human rights environment**

Human rights standards are fully reflected in New Zealand law, policy and practice, and rights and responsibilities are practised in all areas of society so that human rights are protected.

#### **• Te hunga hauā – Disabled people**

Individual and systemic discrimination and inequality are eliminated, so that the strengths of disabled people of all ages are recognised, disabled people are respected for who they are, participate fully, and are included in families, communities, and all aspects of society.

#### **• Whakawhanaungatanga ā iwi – Race relations**

Prejudice, inequality and exclusion are eliminated so that relations between ethnic and cultural groups are harmonious, mutually respectful, and there is a shared sense of belonging to Aotearoa New Zealand.

#### **• Ōritenga mahi – Equal employment opportunities**

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

#### **• Te mana i Waitangi – Human rights and the Treaty of Waitangi**

The Treaty of Waitangi is understood as belonging to all New Zealanders, so that the Treaty's promise of two peoples to take the best possible care of each other is realised.

### **Improving efficiency and effectiveness**

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

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

## **Accountability**

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

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

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

## **International engagement**

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

This membership enables the Commission to build its capacity through sharing of good practice and participation in professional development programmes. Membership of the APF also supports the Commission's role in building human rights in the region. The New Zealand Government has traditionally contributed to the core funding of APF as part of its overseas development programme, but this is not guaranteed beyond the end of June 2013.

Membership of the ICC supports and facilitates the Commission's engagement with the UN Human Rights Council and its reporting to treaty bodies and the Universal Periodic Review.

# The Commission’s priorities and services

## Ngā mahi tuatahi me ngā ratonga o Te Kāhui

### The Commission’s vision

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

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

### Outcome areas

The Commission’s work is grouped into five outcome areas, all of which progress the five key priorities outlined in the Strategic Context. For each area, a long-term outcome is stated, with priorities and intermediate impacts towards each goal specified. The outcomes cannot be achieved by the Commission alone; all require engagement with, and action by, others.

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

These outcome areas represent the Commission’s core business, as determined by its statutory functions, and reflect the evidence from *Human Rights in New Zealand 2010 – Ngā Tika Tangata o Aotearoa*, the Universal Periodic Review and New Zealand’s response to it, and the Commission’s complaints processes.

### Priorities

The Commission has to focus its efforts on those activities that are likely to make the greatest contribution to achieving its outcomes, consistent with the overall priorities set out in the Strategic Context section. Every year, the Commission reviews the critical human rights issues and its chosen priorities under each outcome area, to ensure it remains focused on the right goals.

The next section, Outcome Areas, outlines the outcomes and priorities, why the Commission judges them to be important, and their expected impacts on human rights in New Zealand.

### Services

The Commission sets out its services to achieve these priorities in its Statement of Service Performance. These services are divided into three output areas derived from the Commission’s statutory responsibilities: encouraging community action; monitoring, reporting and advocacy; and enquiries, complaints and legal interventions. The diagram below shows how the Commission’s output areas in its Statement of Service Performance link with the Commission’s priorities within its outcome areas and with the societal impacts the Commission seeks to contribute towards, which are set out on pages 16 to 17.



### **Contribution to other government outcomes**

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

The Commission's activities contribute directly to the overarching justice sector goal of a safe and just society, where civil and democratic rights and obligations are enjoyed, and to a number of government outcomes in the justice sector, including:

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

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

The Government has announced the next phase in its public sector reform programme, focusing on reducing costs and increasing the effectiveness and efficiency of government expenditure. The Commission's monitoring and other work will be influenced by the Government's announced themes and 10 public service result areas which have been set for the next three to five years. Specific and measurable targets will be set by the Government for each of the 10 result areas in the next few months. Those themes and public service result areas are:

### **Reducing long-term welfare dependency**

1. Reduce the number of people who have been on a working age benefit for more than 12 months.

### **Supporting vulnerable children**

2. Increase participation in early childhood education.
3. Increase infant immunisation rates and reduce the incidence of rheumatic fever.
4. Reduce the number of assaults on children.

### **Boosting skills and employment**

5. Increase the proportion of 18-year-olds with NCEA level 2 or equivalent qualification.
6. Increase the proportion of 25-34 year olds with advanced trade qualifications, diplomas and degrees (at level 4 or above).

### **Reducing crime**

7. Reduce the rates of total crime, violent crime and youth crime.
8. Reduce re-offending.

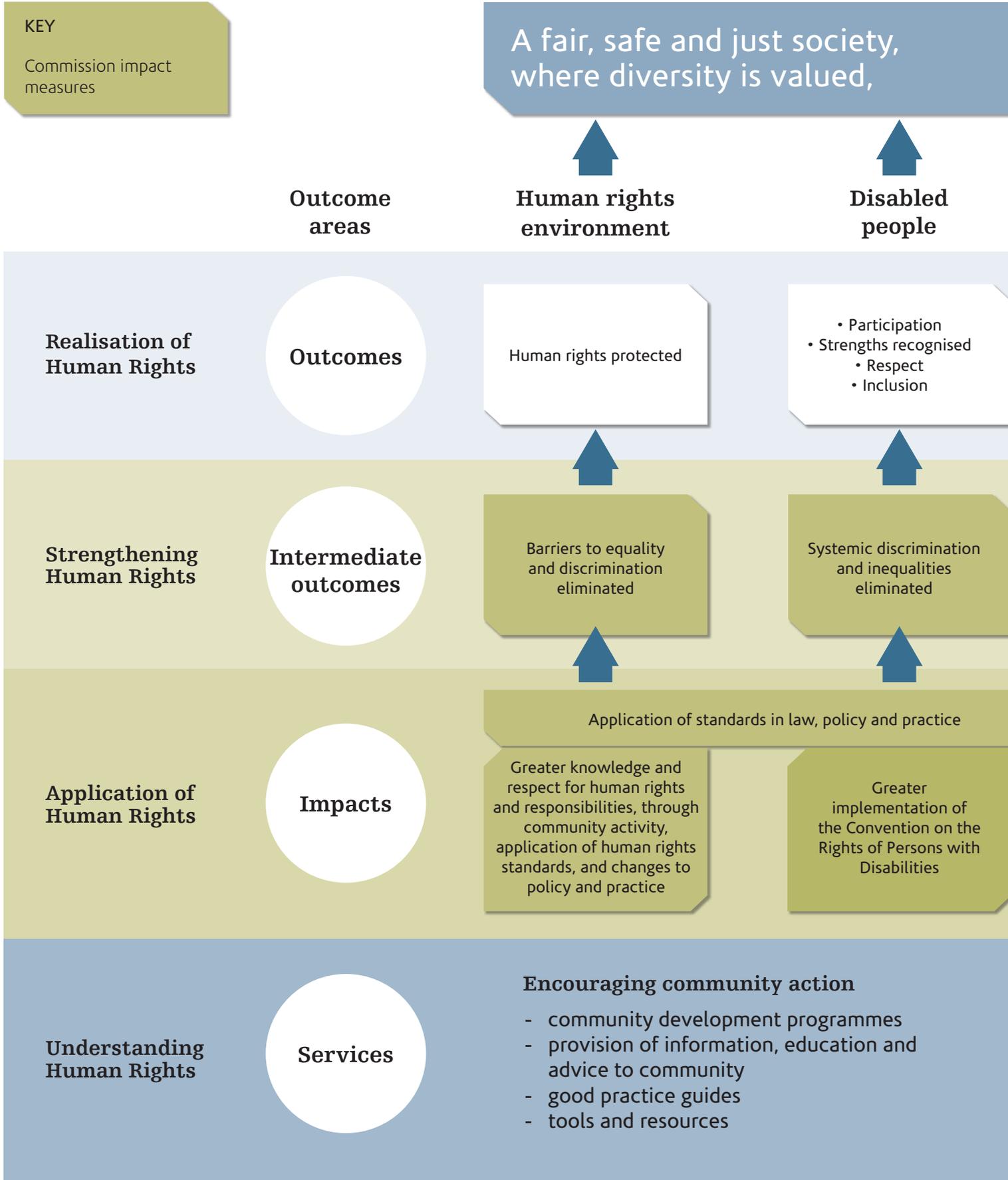
### **Improving interaction with government**

9. New Zealand businesses have a one-stop online shop for all government advice and support they need to run and grow their business.

10. New Zealanders can complete their transactions with the Government easily in a digital environment.

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

## Commission outcomes, impacts and measures



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

**Race relations**

**Equal employment opportunities**

**Te Mana i Waitangi**

- Harmonious relations
- Mutual respect
- Shared sense of belonging

Decent productive work and fair workplaces

Treaty's promise is realised

Prejudice, inequality and exclusion eliminated

Eliminate barriers to equal employment opportunities for vulnerable groups

The Treaty understood as belonging to all New Zealanders

Application of standards in law, policy and practice

Increased harmonious race relations and all groups treated more equally

Improved employment status of targeted sectors, and reduced barriers to equal employment opportunities

Improved application of human rights dimensions of the Treaty of Waitangi

**Monitoring, reporting and advocacy**

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

**Enquiries, complaints and legal interventions**

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

## Outcome areas

The Commission has selected a number of key societal impact measures which it monitors. These are selected as indicators against the outcomes set by the Commission in this Statement of Intent (see diagram on the previous pages). Taken together, the societal measures provide an overview of progress towards the Commission's desired outcomes. These are not intended to be comprehensive. They are measures from readily available data to help assess the level of the realisation of civil and political; and economic, social and cultural rights in New Zealand.

Where data is available, these measures are to be disaggregated across the population groups of disabled people, ethnic minorities, women, young people, children and Māori. It should be noted that there is very little disaggregated data for disabled people which limits the ability to develop targeted policy from an evidence base.

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

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

- **Improvement in the representation and voter participation rates in Parliament and local government elections and disadvantaged groups:** Figures from the 2011 General election showed a slight improvement in the figures of representation in Parliament for Māori (from 16% to 17%) and Pacific people (from 4% to 5%) since the 2008 General election. Asian representation decreased (from 5% to 4%)<sup>1</sup>. The most significant change in the General election voter turnout was the increased proportion of Asian people aged 15 or older who voted, which rose from 60.7% in 2008 to 66.3% in 2011. Voter turnout fell for women (from 81.1% to

79.8%) and for Pacific people (from 74.5% to 73.1%) and rose slightly for Māori (from 74.8% to 75%)<sup>2</sup>.

In the 2009 local body elections, Māori representation in local government improved (from 4.8% to 7.4%) with "Other" groups dropping (from 6.3% to 2.1%)<sup>3</sup>. Local election voter turnout figures dropped slightly for both Māori (from 57.6% to 56.7%) and female voters (from 65.2% to 64.3%), remained static for Asian voters (52.2%), and increased for Pacific people (from 62.5% to 64.1%)<sup>4</sup>.

- **Increase in rates of educational participation and achievement:** The proportion of school leavers with NCEA Level 2 or above increased for males (from 66% to 70.3%), females (from 75.8% to 78.9%), with rates for Māori and Pacific people increasing (from 50.4% to 55.5% and from 62.9% to 68% respectively) in the years from 2008 to 2010<sup>5</sup>. Rates of achievement for disabled people to be measured from a baseline to be determined in 2012.
- **Decrease in the rates of people not engaged in education, employment or training (NEET):** Between 2010 and 2011 the proportion of Māori and Pacific people not engaged in education, employment or training dropped slightly for 15–24 year olds (from 16.9% to 16.4% and from 14.3% to 13.4% respectively). The NEET figures for the 20–24 year olds, disaggregated by gender, dropped for both men and women (from 12.5% to 10.4% and from 10.2% to 6.6% respectively)<sup>6</sup>.
- **Employment rates (a new measure this year):** Household Labour Force figures in the year to December 2011 show a high unemployment rate for young people (15–24 years) at 16.6% compared to the overall rate of 6.3%. Māori and Pacific peoples' unemployment rates were at 13.4% and 13.8% respectively, followed by unemployment rates of 9.1% and 4.7% for Asian and

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

2 Source: General Social Survey 2010. Relates to 2008 general elections.

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

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

5 Source: [http://www.educationcounts.govt.nz/statistics/schooling/school\\_leavers2](http://www.educationcounts.govt.nz/statistics/schooling/school_leavers2).

6 Source: Household Labour Force Survey (Statistics NZ) and Department of Labour Youth Labour Market Factsheet for December 2011 <http://www.dol.govt.nz/publications/lmr/quick-facts/youth.asp>.

European people. Participation rates were higher for men (74.4% for men and 62.3% for women) and higher for European (70%) compared to 66% for Māori and 63.9% for Pacific people<sup>7</sup>.

- **Decrease in the extent of child poverty:** As measured by two (60% of median after housing costs) income poverty lines, one relative and one absolute, starting from a baseline of 22% in 2007. This has remained the same in 2009 and 2010<sup>8</sup>.
- **Increased understanding of the human rights dimensions of the Treaty:** Measured by an annual national survey, from a baseline of 39%. This increased to 49% in 2011<sup>9</sup>.

The Commission will monitor the societal impact measures across its significant reports including the Commission's annual review of race relations, its equality framework indicators, and its biennial Census of Women's Participation.

The Commission will further consider its selection of societal measures through its Organisational Review. This consideration will take into account the specific and measureable targets to be agreed by the Government for each of the 10 public service results areas for the next three to five years.

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

7 Source: Household Labour Force Survey (Statistics NZ) December 2011 (released Feb 2012).

8 Source: <http://www.msd.govt.nz/about-msd-and-our-work/publications-resources/monitoring/household-incomes/index.html>.

9 Source: Treaty of Waitangi UMR Omnibus Results November 2011 <http://www.hrc.co.nz/race-relations/annual-review-of-race-relations/race-relations-in-2011>.

## Outcome area 1

# The human rights environment

### Te taiao tika tangata

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

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

#### Outcome

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

#### Impact

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

- human rights activities in communities leading to greater realisation of human rights in people's day-to-day lives, as evidenced by at least three Taku Manawa case studies, each year showing positive changes in practice or policy in communities where Taku Manawa is operating (forecast of three case studies in 2011)
- greater application of human rights standards in law, policy and practice, as evidenced by incorporation of at least 10 Commission recommendations into law, policy or practice each year (forecast of 10 recommendations in 2011)
- at least 45 systemic changes to policy and practice recorded each year as a result of the Commission's enquiries and complaints service (forecast of 45 systemic changes in 2011).

#### International human rights standards

The International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR) are the underpinning international human rights standards for this outcome area.

Many of the Commission's submissions include a significant focus on the United Nations Convention on the Rights of the Child (UNCROC).

#### Current situation and key issues

Explicit references to human rights and specific covenants and conventions have been increasing. For the most part, however, New Zealand still does not consistently or fully incorporate human rights standards in domestic law or apply them comprehensively in the development of legislation and policy.

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

The State does not have sole responsibility for the protection and promotion of the human rights of those who live within its borders. The extent to which people enjoy their human rights day-to-day also depends on those they come into contact with – family members, whānau, neighbours, friends, work colleagues, service providers and others – and if they are treated equally, and with dignity and respect. Yet violence, abuse and bullying remain among the most intractable human rights issues in New Zealand. They undermine peoples' right to safety and their ability to enjoy other fundamental rights. This includes the right to education within the school environment.

Improving economic and social human rights protections at a time of global and national economic recession is difficult, not least because progress may be halted or even reversed in some areas. In New Zealand, the situation has been exacerbated by the Canterbury earthquakes. A significant number of people face uncertain accommodation, work, and business prospects. In such a situation, human rights standards are the essential foundation for a fair and just recovery programme. One core component is the need for accessible information, including about review and appeal mechanisms, and also available in a range of formats and community languages.

In the 12 months ending 30 June 2011, the Commission recorded 5791 new human rights enquiries and complaints. Of these, 3389 requested the Commission to intervene, with 1339 (39.5%) of these complaints involving an element of unlawful discrimination.

Disability, sex and race-based discrimination remain the most common grounds of complaint. A large proportion (39.7%) of all unlawful discrimination complaints continue to be in the areas of employment and pre-employment. While resolution of complaints is typically limited to addressing discrimination experienced by individual complainants, 75 outcomes in the past year resulted in systemic change.

These cases included:

- accommodating the requirements of passover and Ramadan in two institutions
- fitting specifically modified EFTPOS machines in a chain of stores to enable customers with visual impairments, and those using wheelchairs, to pay by this method
- changing the practice of requesting place of birth as a method of identification
- training for all managers of a large organisation on disability awareness and reasonable accommodation in recruitment and appointment
- setting up a sub-committee to incorporate cultural aspects in an organisation
- amending a school uniform policy to reflect religious requirements
- providing a tikanga programme at a workplace
- reviewing transport rates for disabled groups
- adding advice about bus accessibility to a bus company's public information.

### Commission's role and approach

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

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

The Commission also has a responsibility to periodically develop a national plan of action in consultation with interested parties, for the promotion and protection of human rights in New Zealand. The Commission will start to develop a second action plan during the period of this Statement of Intent.

A key responsibility of an NHRI, as set out in the United Nations Paris Principles, is monitoring and reporting to UN bodies on national compliance with ratified human rights treaties. The Commission's role includes advising UN bodies about the domestic human rights context, so their recommendations acknowledge human rights progress and more effectively identify steps required to further strengthen human rights in New Zealand. As well as engaging with UN treaty bodies, this also includes working with the UN Human Rights Council on New Zealand's next Universal Periodic Review (UPR) which is currently scheduled for the 18th session of the UPR in 2014. The Commission will engage with the Government in preparation for this examination during 2013.

During the year, the Commission will advocate for, and monitor progress in implementing a national response to bullying, violence and abuse in schools including legislative, policy and/or practice changes required to improve students' safety at school. The Commission will also monitor other initiatives being progressed in schools including the roll-out of a new complaints procedure by the Ministry of Education.

The Commission's approach emphasises the contribution government agencies, businesses, trade unions and community groups make to strengthening human rights. Human rights are only fully realised if people know their rights and their responsibilities, and consider them an integral part of their identity, principles and values. Human rights should be realised in people's daily lives. A core component of both the school violence and Canterbury earthquake projects will be enabling those most affected to participate in the development of appropriate policy responses.

Enhancing people's capacity to identify and address their own human rights issues is crucial to building a sustainable human rights culture. The Commission will work with key partners, including tertiary institutions, local authorities, community organisations, hapū and marae to deliver

its human rights community development programmes, Tūhonohono and Taku Manawa.

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

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

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

### Priority for outcome area

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

### What the Commission will do

#### Monitoring, reporting and advocacy

##### *Human Rights and Government*

The Commission will:

- provide specialist human rights education and advice to the executive and Parliament so that the State's international and domestic human rights obligations are reflected in policy and practice
- provide human rights advice and guidance prior to and in the development of legislative and policy proposals including through the Constitutional Review
- monitor the State's compliance with its international human rights obligations and the State's reporting on that compliance to United Nations human rights mechanisms
- scrutinise domestic legislation and policies for human rights compliance and, where appropriate, participate in select committee processes
- fulfil its specific responsibilities as the central National Preventative Mechanism (NPM) under the Optional Protocol to the Convention against Torture (OPCAT) including coordinating the statutory responsibilities of the other four New Zealand NPMs and reporting annually to Parliament on the implementation and impact of their work. In order to meet international guidelines requiring ongoing improvement to OPCAT monitoring systems, the Commission will work with the other NPMs to complete a five year review of their OPCAT roles.

***Canterbury earthquakes***

The Commission will:

- work with government agencies, civil society and business to ensure human rights are protected, promoted and realised in a practical way during the recovery from the Canterbury earthquakes, particularly for vulnerable groups including disabled people
- assess current and planned responses to the Canterbury earthquakes and develop a monitoring framework in accordance with international human rights standards for State and NGO responses.

***Violence in schools***

The Commission will:

- use communications technology to engage with children, young people, parents, schools and other stakeholders for the purpose of enhancing safety at school, providing information, and assisting best practice responses to violence, bullying and abuse in schools.

**Encouraging community action**

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

The Commission will:

- deliver a bilingual kaupapa Māori programme, Tūhonohono
- extend Taku Manawa into a further region, with a focus on disability rights.

**Enquiries and complaints and legal interventions**

The Commission will:

- provide an accessible, high quality enquiries and complaints service that assists individuals and groups to resolve human rights complaints, including those of unlawful discrimination, efficiently and effectively
- undertake legal interventions to strengthen domestic jurisprudence in relation to fundamental human rights standards

- provide, through the Office of Human Rights Proceedings (OHRP), quality legal representation before the Human Rights Review Tribunal (HRRT) for selected complaints, not resolved at the Commission, that meet the requirements set out in section 92 of the Human Rights Act. The OHRP will also consider requests from the Commission for legal representation when the Commission has brought proceedings before the HRRT or is intervening in a case before the HRRT, or another court or tribunal.

## Outcome area 2: Disabled people Te hunga hauā

**Article 33.2 of the United Nations Convention on the Rights of Persons with Disabilities (the Convention) requires that States Parties shall, in accordance with their legal and administrative systems, maintain, strengthen, designate or establish within the State Party, a framework, including one or more independent mechanisms, as appropriate, to promote, protect and monitor implementation of the Convention.**

**The Human Rights Commission has been designated by Cabinet as one of “the independent partners to promote, protect, and monitor implementation of the Convention in New Zealand ... within the scope of its functions under section 5 of the Human Rights Act 1993.”**

Cabinet minute, 4 October 2011

### Outcome

Individual and systemic discrimination and inequality are eliminated, so that the strengths of disabled people of all ages are recognised, disabled people are respected for who they are, can participate fully, and are included in families, whānau, communities, and all aspects of society.

### Impact

The Commission will contribute to the greater implementation of the provisions of the UN Convention on the Rights of Persons with Disabilities (the Disability Convention), as evidenced by incorporation of Commission advice and guidance at least eight times into law, policy or practice and three case studies demonstrating changes in policy or practice by organisations that have participated in Commission engagements.

### International human rights standards

The Disability Convention is the main, comprehensive international human rights standard for this area.

### Current situation and key issues

Disabled people remain one of the most disadvantaged groups in New Zealand, experiencing both structural and systemic discrimination in fundamental areas such as

employment and education, according to the Commission’s review of *Human Rights in New Zealand 2010 – Ngā Tika Tangata o Aotearoa* and supported by extensive consultation with disabled people undertaken by the Commission in 2010–2011. However, the absence of reliable statistical data and information about disabled people in New Zealand, disaggregated by age, ethnicity and gender, makes it difficult to obtain a full and reliable picture of the human rights of disabled people.

The Commission has received a number of New Zealand Sign Language (NZSL) related complaints concerning the availability of NZSL interpreters, access to the New Zealand Curriculum in NZSL, and the promotion and protection of NZSL as one of the country’s official languages. A review of the New Zealand Sign Language Act 2006 was undertaken by the Ministry of Social Development in 2011. Further work is required to ensure that Deaf people, who consider NZSL as their first or preferred language, are able to participate fully in all aspects of New Zealand society.

Complaints about disabled students’ access to education are amongst the most complex the Commission receives and potentially have some of the most profound effects on future opportunities. In 2010, the Education Review Office reviewed how well schools provided an inclusive education environment for disabled students. The report concluded that about two-thirds of schools needed to improve their performance. The Government review of special education, *Success for All: Every school, every child*, indicated a commitment to move towards inclusive schools with a target of 80 per cent fully inclusive by 2014. International human rights standards provide detailed guidance about how this can best be achieved.

Access issues have emerged as one of the key issues for disabled people in the rebuilding of Christchurch. Having a united and effective voice will be important to disabled people in the rebuilding process. This will help to ensure that all rebuilding activities will support disabled people to live independently and allow them to participate fully in their community.

New Zealand will be examined by the UN Committee on the Rights of Persons with Disabilities on its implementation of the Disability Convention in New Zealand, and this may take place in 2013.

In September 2011, the Commission welcomed the establishment of the position of Human Rights Commissioner with responsibility for disability issues as a significant step in advancing the implementation of the Disability Convention.

### Commission's role and approach

Article 33 of the Disability Convention requires that an independent monitoring mechanism be established to monitor, report on and advocate for the implementation of the Disability Convention. The Government has designated the Commission to promote, protect and monitor the Disability Convention and to act as the coordinating organisation for the independent monitoring mechanism. The other independent partners in the monitoring mechanism are the Office of the Ombudsmen and the Convention Coalition, a group of disabled people's organisations. The mechanism has developed a framework to monitor the implementation of the Disability Convention including developing suitable measures to progress and advocate for the further collection of relevant data where it is unavailable.

As part of its role to promote the Disability Convention, the Commission undertook a community engagement programme and extensive consultation with disabled people to promote the existence and use of the Disability Convention by disabled people and their organisations, and to find out where action is needed most. An analysis of the responses indicates that further engagement would be beneficial with Māori and Pacific disabled people, children and young people, older people, people with experience of mental illness and those with responsibilities under the Disability Convention including disability service providers and local authorities. The analysis also indicated where further policy interventions were needed.

The Commission's 2010–11 consultations indicated access issues were one of the most pressing issues for disabled people, requiring further research, consultation and advocacy. The Commission produced a report, *The Wider Journey: The rights of disabled people*, providing analysis and recommendations regarding accessible voting in elections, access to the built environment and accessible information.

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

- monitoring and reporting on the Government's implementation of the review of special education to advise of consistency with human rights obligations and guidelines
- advocating for the implementation of the recommendations from *The Wider Journey* regarding increased access for disabled people
- advocating for disabled people's full participation in the rebuild to ensure accessibility issues are addressed, resulting in a fully accessible Canterbury
- advocating for disabled people to live independently and be included in the community through engagement with disabled people based in Canterbury, their families, whānau, and organisations providing services and support
- providing advice on government reviews of vulnerable children and welfare working group reforms
- continuing to advocate for accessible land transport services from its Inquiry into the accessibility of public land transport
- advocating for legal capacity and supported decision making; the highest possible standard of health services, including for people with intellectual disabilities; and greater use of television captioning.

The Commission will also, if requested this year, provide an issues report to the UN Committee on the implementation of the Disability Convention in New Zealand.

### Priority for outcome area

The Commission will promote the Disability Convention to both those with rights and those with responsibilities under this convention, and will monitor and advise on its implementation.

## What the Commission will do

### Encouraging community action

The Commission will:

- deliver a further programme of engagement to promote the knowledge of, and implementation, of the Disability Convention with a focus on building the responsiveness of disability service providers, territorial authorities and central government agencies.

### Monitoring, reporting and advocacy

The Commission will:

- fulfil its responsibility as the coordinator of the independent monitoring mechanism to strengthen its monitoring of the implementation of the Disability Convention and to provide an annual report to Parliament
- use its powers of inquiry to investigate and report on the status of New Zealand Sign Language (NZSL) as one of New Zealand's official languages.

## Outcome area 3: Race relations Whakawhanaungatanga ā iwi

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

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

### Outcome

Prejudice, inequality and exclusion are eliminated so that relations between ethnic and cultural groups are harmonious, mutually respectful, and there is a shared sense of belonging to Aotearoa New Zealand.

### Impact

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

### International human rights standards

The UN Convention on the Elimination of All Forms of Racial Discrimination (CERD) is the main, comprehensive international human rights standard for this outcome area. The New Zealand Government is due to be examined by the UN Committee monitoring CERD in 2012–13.

### Current situation and key issues

The Commission's annual review of race relations monitors developments in race relations, and complements the Commission's five yearly review of human rights. The 2011 review of race relations, published in March 2012, noted that while progress continued to be made in many areas of race relations, three major challenges remain. These are a continuing degree of racial prejudice, significant racial inequalities, and exclusion of minorities from full participation in all aspects of society.

Racial prejudice, in its many forms, continues to frustrate the achievement of positive race relations in New Zealand. Racial prejudice is evident in the level of perceived discrimination reported in surveys conducted for the Commission. Asian people continue to be perceived as the most discriminated against, with 76 per cent of respondents in 2011 agreeing that Asian people experience discrimination.

Racial inequality occurs when members of some ethnic groups experience social, economic and political disadvantage compared to others. Racial inequality is evident in many areas, for example health, where Māori life expectancy at birth is at least eight years less than that for non-Māori for both genders, and Pacific people have experienced the least improvement in life expectancy over the past 20 years. Eliminating racial inequality needs to be a whole-of-government priority, addressing systemic discrimination, taking all necessary special measures to assist disadvantaged groups, supporting initiatives by them to assist and strengthen their own communities, setting targets and reviewing progress.

Exclusion occurs when members of minority ethnic groups are not able to participate in decision making, are under-represented in employment, are unable to engage with the wider community and are marginalised by the media. Māori, Pacific and ethnic peoples continue to be under-represented in local government, on schools Boards of Trustees, and in senior management of the public and private sector.

The annual review of race relations identified 10 race relations priorities for 2012 to address racial prejudice, inequality and exclusion in New Zealand. These were:

1. **The safety and well-being of our most vulnerable children:** focusing on the rights of children, including through the Māori Affairs Select Committee inquiry into the well-being of Māori children, and the Government responses to the Green Paper for Vulnerable Children and the Early Childhood Education report.
2. **Reducing social and economic inequalities:** addressing entrenched inequalities across different sectors, with a focus on structural discrimination.
3. **Protecting beneficiaries and their families:** ensuring that reforms aimed at reducing welfare dependency do not adversely affect the welfare of beneficiaries and their families.
4. **Canterbury earthquake recovery:** developing central and local government capability to communicate with culturally and linguistically diverse communities in the Canterbury earthquake recovery, and in the event of future civil emergencies elsewhere.

5. **The constitutional review:** public discussion of New Zealand's constitutional arrangements including the Treaty of Waitangi.
6. **Inclusion:** actively focusing on inclusion in all aspects of New Zealand life as a means to break down discrimination against Asian New Zealanders and other minority ethnic groups.
7. **Refugee resettlement:** approving and beginning to implement the refugee resettlement strategy.
8. **Language:** approving and implementing the Pacific Languages Framework and determining of the future strategy for te reo Māori.
9. **Diversity in the media:** improving representation of diverse communities in the media, recognising the changing demographics of the New Zealand audience.
10. **United Nations review of New Zealand:** engaging with the United Nations Committee on the Elimination of Racial Discrimination in their review of New Zealand's compliance with the Convention on the Elimination of All Forms of Racial Discrimination.

### Commission's role and approach

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

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

- advising on draft legislation and policy
  - handling race-related public enquiries and complaints, and provide advice and mediate for agreement between parties where necessary.
- As New Zealand's National Human Rights Institution, the Commission also fulfils its role – as set out in the Paris Principles – to monitor and report on the domestic situation to the United Nations Committee for the Elimination of All Forms of Racial Discrimination. New Zealand's compliance with the Convention on the Elimination of All Forms of Racial Discrimination is due to be reviewed this year.
- In some instances, the Commission leads the work through its policy programme or complaints service. In other areas, it advocates for action by the Government and the community, including its national facilitation of the New Zealand Diversity Action Programme (NZDAP) and an annual review of race relations, which provides information and analysis to encourage others to take action to enhance harmonious relations in New Zealand. The Commission facilitates NZDAP as a mechanism to connect and support individuals and organisations engaged in action that promotes equality, recognises and celebrates diversity, fosters harmonious relations and encourages effective implementation of the Treaty of Waitangi. In 2011, 251 organisations participated in NZDAP, delivering 697 projects.
- In 2011, the Commission conducted a review of structural discrimination and circulated a draft discussion paper, to facilitate discussion amongst a number of agencies. The Commission will continue to develop its findings and support discussion in 2012, and will also continue to advocate for priorities identified in the annual review of race relations.
- ### Priority for outcome area
- In order to advance the realisation of harmonious race relations, the Commission will encourage community action to increase policy and practice to support diversity, and will monitor, report and advocate on barriers to racial equality.
- advocacy to central and local government to address structural barriers to racial equality
  - working with partner organisations to address emerging issues
  - monitoring and reporting on key race relations issues in an annual review of race relations

## What the Commission will do

### Encouraging community action

The Commission will:

- recruit organisations to participate in the NZDAP, and encourage them to undertake projects that contribute to positive race relations, racial equality and cultural diversity in their own organisations and communities
- connect and coordinate participants, provide information, resources, publicise networks and events, host the New Zealand Diversity Forum and acknowledge positive contributions.

### Monitoring, reporting and advocacy

The Commission will:

- promote the understanding of the findings of the Commission's paper on structural discrimination (institutional barriers), and advocate practical initiatives to encourage action on institutional barriers (structural discrimination) towards the elimination of the entrenched social and economic inequalities that currently exist between groups in New Zealand
- publish an annual review of developments in race relations.

## Outcome area 4: Equal employment opportunities Ōritenga mahi

**The Commission will advance equal employment opportunities (EEO) by advocacy, providing advice, benchmarking, developing guidelines, monitoring progress, and liaising with others.**

Human Rights Act 1993 (s.17)

### Outcome

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

### Impact

The Commission will work with employers, employees and government agencies on the implementation of the Commission's recommendations from its inquiry into equal employment opportunities in the aged care sector, with the aim of improving the employment status of carers, and improving the respect and dignity for older people.

The Commission will also contribute to removing systemic barriers to equal opportunities by continuing to monitor women's progress in leadership in public and private life, and by assisting employers to meet their good employer obligations, as measured by the annual review of Crown entity reporting and the biennial Census report examining women's representation.

### International human rights standards

The International Covenant on Economic, Social and Cultural Rights refers explicitly to equal opportunities at work and is the main international human rights standard for this outcome, along with core International Labour Organisation conventions and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

### Current situation and key issues

The Commission's latest review of Crown entity "good employer" obligations, shows the need for renewed emphasis on leadership, remuneration and flexibility, in practice, in this area of the public sector. The Commission will review and modernise its online good employer advice and information in light of changes to the economic,

political and social environment, advances in EEO and management practices, and changes in employment law as an aid to employers and employees.

The Commission found the number of Māori, employed by Crown entities, who progress to senior management is too low. The Commission suggests active recruitment strategies aimed at employing Māori are needed if Crown entities are to honour their good employer obligations and provide a more diverse base of senior managers.

The fourth Census of Women's Participation, published by the Commission in 2010, showed that there had been a number of initiatives to advance women in corporate governance and considerable public awareness of the issue. However, there appears to have been a softening of women's representation from 2010, particularly in the public sector, for example, shown by the declining percentage of female chief executives in the core public service, which is at 12.5 per cent in March 2012, compared to 17.6 per cent in 2010. The Commission monitors progress and reports to the Committee on the Elimination of Discrimination Against Women and as part of its own statutory duties.

Other issues of concern include accessing quality childcare for working families and the concern that many new jobs are increasingly part-time, with reports that 42 per cent of new appointments in the public service are fixed-term rather than permanent positions.

The global recession continues to have an impact on vulnerable groups in the community, and the Commission's *Tracking Equality at Work* identified varying rates of unemployment for different segments of the population. Youth in particular continue to have high rates of unemployment with the latest Household Labour Force Survey figures (in the year to December 2011) indicating that 17.3 per cent of youth aged 15 to 24 years are unemployed. This compares to the unemployment rate overall of 6.3 per cent. The youth rate is significantly higher<sup>10</sup>.

The Canterbury earthquakes have also had a disproportionate impact on female job losses in the retail trade, accommodation and food services sectors in particular. Canterbury accounted for 7400 lost jobs of the

10 Source: Department of Labour (2012) Youth Labour Market Factsheet for December 2011 <http://www.dol.govt.nz/publications/lmr/quick-facts/youth.asp>.

9000 job losses for women nationally towards the end of 2011. The anticipated boom in building and construction jobs has yet to materialise. It is anticipated that when job growth picks up in these sectors, it is unlikely to benefit women, given the small number of females in construction jobs or taking up apprenticeships in the trades.

The Commission's inquiry into equal employment opportunities in the aged care sector has shown the extent of undervaluation of women's work, particularly the low pay of carers. The work of supporting older people is typically at, or just above, the minimum wage, despite the level of responsibility and skill required to do the work safely. The Commission's inquiry report contains recommendations aimed at improving employment outcomes for aged care workers.

Equality in the workplace requires active intervention as well as the anti-discrimination measures contained in the Human Rights Act 1993. Changes to legislation, particularly in relation to equal pay and pay equity, have resulted in the Commission promoting a new Pay Equality Bill. Policy and practice are required to support and advance equal employment opportunities and to address systemic disadvantage of a number of groups in the community.

### Commission's role and approach

The Commission has a statutory function to progress equal employment opportunities. This includes advocacy for EEO, the provision of advice, evaluation through benchmarks, developing guidelines, monitoring progress, and liaising with others to progress EEO including pay equity. The Commission also has a responsibility to provide guidance to Crown entities on their good employer obligations under the Crown Entities Act 2004.

During 2009 and 2010, the Commission undertook a nationwide series of engagements to determine what would make a difference for New Zealanders to achieve greater equality and fairness at work. The findings from this project, the National Conversation about Work, have informed the priorities for the Commission's programme.

In most regions visited, youth unemployment was raised as a concern. In 2011–2012, the Commission produced an audio resource that provided a voice for youth to comment on their experience finding work.

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

Many participants identified fair pay as an important element of equality at work. Participants whose income was at or close to minimum wage levels talked about the difficulty they experienced making ends meet. In 2011–2012, the Commission undertook an inquiry into EEO issues in the aged care sector.

Every two years, the Commission monitors and reports on the progress of women in leadership roles in a benchmark census report that will inform the Commission's reporting to CEDAW. The most recent census was 2010 and the fifth census will be produced in 2012.

The Commission provides guidance to Crown entities on their good employer obligations. Guidance has also been given to public and private sector employers on pay and employment equity, including an online tool to assist organisations to track progress. The Commission also provides advice to employers and employees about how to prevent discrimination, through the publications such as *Getting a job: An A to Z for employers and employees*.

The NEON website (National Equal Employment Opportunities Network), developed in partnership with the EEO Trust, is an online resource which includes toolkits and fact sheets on EEO issues. Each year the Commission monitors EEO and good employer reporting in the annual reports of Crown Entities and this informs the focus of advice available on NEON [www.neon.org.nz](http://www.neon.org.nz).

### Priority for outcome area

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

## What the Commission will do

### Encouraging Community Action

The Commission will:

- revise and modernise the online toolkit on the NEON website to assist employers and employees meet and enhance their good employer obligations.

### Monitoring, reporting and advocacy

The Commission will:

- publish and distribute the fifth New Zealand Census of Women's Participation in 2012
- support and provide technical expertise through roundtables, where appropriate, for stakeholders and peak bodies in the implementation of recommendations of the Inquiry into EEO issues in the aged care sector
- produce a report to the Committee on the Elimination of Discrimination against Women (CEDAW) in 2012.

## Outcome area 5: Te Mana i Waitangi Human rights and the Treaty of Waitangi

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

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

### Outcome

The Treaty of Waitangi is understood to belong to all New Zealanders, so that the Treaty's promise of two peoples to take the best possible care of each other is realised.

### Impact

The Commission will contribute to improved application of the human rights dimensions of the Treaty of Waitangi, as evidenced by feedback from organisations who participate in the Commission's workshops about their intention to undertake follow-up actions.

### International human rights standards

As affirmed by the New Zealand Government in 2010, the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) is the main international human rights standard for this outcome area. Many of its provisions were already binding on New Zealand because they derive from international treaties the Government has ratified, others are non-binding but are a standard "to be aspired to".

### Current situation and key issues

The Commission published its annual review of developments in the Treaty relationship, *The Treaty Relationship in 2011: Te Hononga Tiriti i te tau 2011*, in January 2012. The review noted a number of significant developments in 2011, including a degree of closure on the foreshore and seabed controversy; a panel appointed to conduct the constitutional review; a record level of Treaty settlement milestones achieved; the report of the United Nations Special Rapporteur on the Rights of Indigenous Peoples; and the publication of the Waitangi Tribunal's WAI 262 report, *Ko Aotearoa Tēnei: This is New Zealand*, which addresses the Treaty relationship in a post-Treaty settlement environment and proposes partnership mechanisms in a range of sectors. The constitutional

review will proceed to public discussion in 2012. Progress with Treaty settlements will continue, with the majority of iwi now at least in negotiations with the Crown. The Government is yet to respond to the WAI 262 report. The review also noted significant developments over the past five years, including New Zealand Government support for UNDRIP, which is an expression of Treaty rights.

Agencies have inconsistent approaches to their Treaty obligation to protect Rangatiratanga and reduce discrimination against Māori. This is evident in their relationships with Tangata Whenua and the extent of their incorporation of tikanga.

The Special Rapporteur praised New Zealand's support for UNDRIP, repeal of the Foreshore and Seabed Act 2004, and efforts to carry out a constitutional review. He recommended steps to reduce inequalities, noting that extreme social and economic disadvantage of Māori is a barrier to true Crown–Māori partnership. Recommendations included continued support for Whānau Ora, overcoming the shortage of teachers fluent in te reo Māori, addressing Māori social and economic disadvantage, increasing Māori representation in local governance, and guaranteeing Māori seats on the Auckland Council.

The option of establishing seats for Māori was considered by 49 out of 78 councils around the country in 2011. For many councils, controversy surrounded the question of whether to establish Māori seats. Concern about Māori being given "special seats" was a part of public debate. That controversy goes to the heart of public attitudes towards the Treaty, indigenous rights and the UNDRIP.

Waikato Regional Council and Nelson City Council resolved to establish Māori seats at the 2013 elections, and New Plymouth and Wairoa Councils resolved to have a poll on the issue at the 2013 election.

The Commission tasked UMR Research Limited with conducting a poll on attitudes towards the Treaty and indigenous rights. Results were published in the Commission's review of the Treaty relationship. In the poll, only 49 per cent of respondents said they had a good knowledge of the Treaty (of Māori respondents, 61% said they had a good knowledge). Knowledge of

indigenous rights scored even lower, with 36 per cent of all respondents and 45 per cent of Māori respondents saying they had a good knowledge of indigenous rights. By contrast, in a survey of 4000 year 9 students conducted by the Ministry of Education last year, two thirds said the Treaty held personal importance to them.

### Commission's role and approach

The Commission has a statutory function to promote an understanding of the human rights dimensions of the Treaty and their relationship to domestic and international law. These are the rights and responsibilities of the State, the guarantee of protection of rangatiratanga, and commitment to the equal rights of all New Zealanders, and duty of each Treaty party to act reasonably and in good faith towards the other. The Commission promotes understanding of the Treaty as the promise of two peoples to take the best possible care of each other.

The Commission engaged with all local councils in 2011 to ask whether they would consider the option of establishing Māori seats before the 23 November deadline, in order for seats to be established in the 2013 election. The Commission will continue to monitor councils, and will advocate and provide support to those who consider the option.

The Commission has engaged with community groups and government agencies to facilitate education and discussion about the human rights dimensions of the Treaty of Waitangi. It also develops and distributes information and resources, and provides advice and guidance on the implementation of UNDRIP, as a means to give effect to the Treaty.

The Commission has a role in promoting and monitoring the implementation of UNDRIP. To support its domestic programme, the Commission engages with the UN Expert Mechanism on the Rights of Indigenous Peoples.

The Commission will monitor and report on progress through its annual review of developments in relation to the Treaty as part of the annual review of race relations.

### Priority for outcome area

The Waitangi Tribunal's report, *Ko Aotearoa Tēnei*, asserts that unless Māori "are welcomed into the very centre of the way we do things in this country, nothing will change". The Commission will contribute to achieving this by promoting public understanding of the human rights dimensions of the Treaty and encouraging action to give effect to them in practice.

### What the Commission will do

#### Monitoring, reporting and advocacy

The Commission will:

- promote awareness of the human rights dimensions of the Treaty of Waitangi, of UNDRIP and the findings of the Waitangi Tribunal's report, *Ko Aotearoa Tēnei*, through facilitated discussion and advice for local and central government agencies and Parliament, as well as whānau, hapū and iwi, on ways to implement them in policy and practice.

# Organisational health and capability

## Te kaha ora o te Kāhui Tika Tangata

### Context

The current economic climate and the Government's expectations of the state sector require the Commission to undertake measures to manage within a static baseline revenue, to focus on its core business, and to measurably improve efficiency in its programme delivery. While doing this, the Commission must also ensure it is viewed by all its stakeholders as a source of quality analysis, knowledge and is of practical help, and fulfil its responsibilities as an "A" status NHRI under the Paris Principles.

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

Within this context, the objectives for the Commission's programme of organisational health and capability for 2012–13 are:

#### Financial and organisational sustainability

To deliver more, and to do so, cost-effectively, the Commission will:

- set tight, realistic budgets, and manage its out-year's financial resources sustainably
- have effective and efficient systems and processes to plan and operate, to manage resources, risks, knowledge and opportunities, and to monitor and evaluate its work.

#### Quality services

To deliver quality services, the Commission will:

- develop staff skills and knowledge to meet high standards of service, including increasing the accessibility of the Commission's information, and building its capability to deliver its enhanced disability programme
- work successfully with other organisations, groups and individuals to achieve shared outcomes.

#### The Commission's organisational health

This Statement of Intent has been developed in accordance with Government expectations of tight, realistic budgeting and a focus on core business. The Commission had expected to bid for further baseline funding in 2010. In this changed

economic context, the Commission has taken steps to be financially sustainable in the context of a static baseline and rising costs. In doing so, it has deferred some elements of its infrastructure development, for which it was specifically funded, as well as committed to other measures, including savings in personnel costs, and operating a static project budget. The Commission has also made concentrated efforts to reduce its overheads through reduced office costs, including moves to open-plan with a reduced floor plate and use of shared services, a significant increase in the use of video-conferencing to reduce travel costs, and new cost-efficient service contracts. It will continue to explore cost-effective opportunities for use of shared space and back office services.

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

Between 2009 and 2012, the Commission built on this foundation, enhancing the capacity and capability of its people, and the accessibility of its information and services.

This has included:

- a professional development programme
- enhanced performance management processes
- new and increasingly efficient systems for knowledge management
- co-location and shared services with other organisations
- improved systems and processes for setting and measuring performance outputs, impacts and measures
- enhanced accessibility of the website, provision of multi-lingual and multi-format resources, and provision of an online complaints form.

Along with targeted evaluations and improved planning, monitoring and financial systems, this programme is helping the Commission to achieve its goal of continuous improvement. The increased demand from government agencies for early advice on draft legislation reflects a growing confidence in the value of early human rights assessment. For a third year, the Commission received a "very good" audit assessment for its financial systems in 2011 (the highest grade).

Following a focus on improvement, the Commission received a “good” grading for its performance setting and reporting for a second year.

This programme will be continued in 2012–13, maintaining a focus on efficiency, effectiveness, sustainability, accessibility, and the quality and responsiveness of its services. This will include seeking opportunities to develop shared back office services where possible. The Commission will also consolidate its disability services and strengthen its role as coordinator within the designated independent monitoring mechanism for the implementation of the Disability Convention.

### Priority

To meet its organisational health and capability objectives, and to be fit for the future, the Commission is undertaking an organisational review. The aims of this review are to:

- be financially sustainable in the context of continuing budget constraints and rising costs
- meet the Government’s expectation of increasing efficiencies in alignment with other state sector entities
- address civil society and other stakeholder concerns and expectations with regard to human rights and harmonious relations, ensuring a wide reach and relevance of the Commission.

The review will:

- establish a strategy and priorities consistent with the Paris Principles framework and the Commission’s statutory mandate, including the Treaty of Waitangi
- identify opportunities for cooperation and close partnership for shared outcomes with other Crown entities and public sector functions, and with business and civil society
- establish an effective and sustainable organisational structure, and enhance robust processes and systems, and efficient ways of working which:
  - align with strategic priorities
  - ensure a sustainable financial plan until at least 2017, including a reserves policy

- increase accessibility, profile and intersectionality of the Commission’s work
- allow staff and managers to work to the full extent of their role
- achieve quality work to time, including responsive deadlines
- provide capacity for raising funds and resources in addition to core government funding.

## Part B

# Forecast statement of service performance 2012–13

### Output: Encouraging community action

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

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

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

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

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

**Cost:** The Commission has one output class, but has allocated its resources across its three output areas. The total allocation to this output area for 2012–13 is \$4,045,857.

Outputs <sup>11</sup>	Performance measure	Forecast 2011/12	Standard 2012/13
<b>Outcome Area 1: Human Rights Environment</b>			
<ul style="list-style-type: none"> <li>Extend Taku Manawa into a sixth region by delivering a seven day facilitation course with a disability rights focus that includes NZQA Unit Standard 19444, and preparing participants to undertake human rights activities in the following year</li> </ul>	<ul style="list-style-type: none"> <li>At least 14 people participate in the course</li> <li>Programme meets academic standards, as moderated by a partner tertiary institution</li> <li>Satisfaction of participants with the course, as assessed by a survey</li> </ul>	<ul style="list-style-type: none"> <li>14 people participated</li> <li>Programme approved by partner tertiary institution 75% of participants rated the course as of value or great value to them.</li> <li>12 people were assessed as competent against the NZQA Unit Standard 19444</li> </ul>	<ul style="list-style-type: none"> <li>14 people participate<sup>12</sup></li> <li>Facilitation course approved by partner tertiary institution</li> <li>On a 5–point scale, at least 75% of participants rate the course on scores of four or five – of value or great value to them</li> <li>At least 12 people complete the course and are assessed as competent against the NZQA unit standard 19444<sup>13</sup></li> </ul>
<ul style="list-style-type: none"> <li>Extend bilingual kaupapa Māori programme Tūhonohono into a ninth community</li> </ul>	<ul style="list-style-type: none"> <li>Programme run in one new community</li> <li>Value to participants in increasing knowledge and understanding of human rights through a kaupapa Māori framework as assessed by a survey</li> </ul>	<ul style="list-style-type: none"> <li>Three new communities participated<sup>14</sup></li> <li>75% of participants rated the course as of value or great value to them</li> </ul>	<ul style="list-style-type: none"> <li>On a 5–point scale, at least 75% of participant groups report they found the programme met scores of four or five – of value or great value to them</li> </ul>

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

12 This figure has been the baseline figure for the past four years and has been found to be the optimum programme size relative to the resource availability for the output. The programme grows by extending to a new region each year. Participants in previous programmes continue to undertake human rights activities in their regions.

13 This completion rate has been the baseline figure for the past four years, based on experience that often there are 1-2 participants whose personal circumstances may not allow them to complete the programme.

14 These and a further five communities will be maintained in 2011/12 and the reduced rate of expansion to new communities in 2012/13 reflects this work.

Outputs <sup>11</sup>	Performance measure	Forecast 2011/12	Standard 2012/13
<b>Outcome Area 2: Disabled People</b>			
<ul style="list-style-type: none"> <li>• Deliver a programme of further engagement and capacity building to promote the knowledge of, and use of, the Convention on the Rights of Persons with Disabilities (the Disability Convention) by disabled people and their organisations with a focus on duty bearers and rights holder</li> </ul>	<ul style="list-style-type: none"> <li>• At least four programmes delivered to central and local government, disability service providers, and disability advisory groups</li> <li>• Three case studies of agencies engaged in promotion of the Disability Convention which show changes in their practice and/or policy</li> <li>• The programme is viewed as being of value by at least three participating agencies as assessed by feedback</li> </ul>	<p><b>New measure:</b> programme engaging with new audiences</p>	<ul style="list-style-type: none"> <li>• Case studies demonstrate participating agencies are engaged improving their practice and/or policy</li> <li>• At least three agencies provide feedback that they found the programme of value<sup>15</sup></li> </ul>

15 The scale of this output has been determined by the level of new resourcing available to this outcome area, and the measures and standards have been set drawing on experiences of comparable programmes.

Outputs <sup>11</sup>	Performance measure	Forecast 2011/12	Standard 2012/13
<b>Outcome Area 3: Race Relations</b>			
<ul style="list-style-type: none"> <li>• Deliver the New Zealand Diversity Action Programme (NZDAP), supporting organisations and individuals to undertake action to promote harmonious relations by providing information, support, acknowledgement, publicity and sharing of good practice, through:               <ul style="list-style-type: none"> <li>(a) Publishing network newsletters</li> <li>(b) Awarding certificates of acknowledgement of contributions to harmonious race relations and diversity awards</li> <li>(c) Holding forums and events</li> <li>(d) Maintaining, developing and connecting a network of participating organisations</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>(a) Five network e-newsletters published 10 times per year</li> <li>(b) Annual Diversity Forum held</li> <li>(c) Network of 250 participating organisations maintained</li> <li>(d) Announcements and details of awards published monthly in e-newsletter; at least 10 Diversity Awards presented annually               <ul style="list-style-type: none"> <li>• Forum attendees and NZDAP participants indicate the programme was of value to them in recognising and celebrating cultural diversity, promoting equality or fostering harmonious relations, as assessed by an evaluation of the Forum and a survey of NZDAP participants</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Five newsletters sent out at least 10 times and subscriptions/ "Likes" for the Commission's race relations e-newsletters and race relations Facebook pages increased by 10%</li> <li>• 251 organisations participated in NZDAP</li> <li>• 12 Diversity Awards presented</li> <li>• Subscriptions to acknowledgements e-newsletters declined by 5% largely as a result of community organisations merging to align with new Auckland Council structure</li> <li>• 84.3% of respondents rated the Forum as of value or great value to them.</li> <li>• On a 5–point scale, 75% of survey respondents indicate that NZDAP has met scores four or five – been of value or great value to them in recognising and celebrating cultural diversity, promoting equality or fostering harmonious relations</li> </ul>	<ul style="list-style-type: none"> <li>• Overall increase in the subscriptions/"Likes" for the Commission's race relations e-newsletters and race relations Facebook pages by 10%<sup>16</sup></li> <li>• On a 5–point scale, at least 75% of evaluation and survey respondents indicate the Forum<sup>17</sup>/ NZDAP has met scores of four or five – been of value or great value to them</li> </ul>

<sup>16</sup> This percentage increase is indicative of an annual trend the Commission has observed with its e-newsletters.

<sup>17</sup> Although the 2011 forum exceeded the standard set for its evaluation, the 75% rate has been maintained for 2012, as the Commission will introduce an increasingly robust valuation.

Outputs <sup>11</sup>	Performance measure	Forecast 2011/12	Standard 2012/13
<b>Outcome Area 4: Equal Employment Opportunities</b>			
<ul style="list-style-type: none"> <li>Revise and promote the <i>Good Employer Toolkit</i> on NEON website to assist employers in their employment obligations</li> </ul>	<ul style="list-style-type: none"> <li>The <i>Good Employer Toolkit</i> is promoted to 50 employers</li> <li>The <i>Good Employer Toolkit</i> is viewed as of value or great value by employers, as assessed through a survey of employer feedback</li> </ul>	<b>New measure</b>	<ul style="list-style-type: none"> <li>On a 5–point scale, at least 80% of survey respondents indicate the toolkit has met scores of four or five – that the toolkit is of value or great value</li> </ul>

### Output: Monitoring, reporting and advocacy

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

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

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

- advice and guidance to government
- information and analysis to international human rights treaty bodies

- analysis, information and guidance to civil society.

#### Quality performance measures for monitoring, reporting and advice

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

- **Timeliness:** specified closing dates or reporting deadlines are met
- **Participation:** where appropriate, the views of affected parties are considered and ways to have their views communicated are incorporated into the advice or guidance as assessed by systematic feedback
- **Thoroughness:** evidence based, accurate and fit for purpose in that all relevant issues are identified and covered, relate to relevant human rights standards, are based on research and analysis, viable options are described and assessed and practical proposals are presented, when appropriate
- **Accessibility:** advice and guidance is presented in a style and in formats and languages that are easily useable by the core audiences and is an approach appropriate to the intervention
- **Value:** advice, guidance and interventions are found to be useful to government and civil society in developing or assessing the relevant legislation, policy or programme proposal.

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

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

**Cost:** The Commission has one output class, but has allocated its resources across its three output areas. The total allocation to this output area for 2012–13 is \$3,682,474.

Outputs <sup>18</sup>	Performance measure	Forecast 2011/12	Standard 2012/13
<b>Outcome Area 1: Human Rights Environment</b>			
<ul style="list-style-type: none"> <li>Develop a monitoring framework in relation to current and planned responses to the Canterbury earthquakes in accordance with international human rights standards</li> </ul>	<ul style="list-style-type: none"> <li>At least five organisations or agencies engage with the framework to review progress against international human rights standards</li> <li>The framework reflects current and planned responses in government activity in relation to the earthquakes, as assessed by records in the Commission’s policy register</li> </ul>	<p><b>New measure</b></p>	<ul style="list-style-type: none"> <li>The policy register records at least three instances of feedback from stakeholders that the Commission’s monitoring framework has been valuable</li> </ul>

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

Outputs <sup>18</sup>	Performance measure	Forecast 2011/12	Standard 2012/13
<b>Outcome Area 1: Human Rights Environment</b>			
<ul style="list-style-type: none"> <li>• Advice and guidance provided on draft legislation or policy and programme initiatives with significant human rights implications</li> </ul>	<ul style="list-style-type: none"> <li>• Approximately 40 instances of advice and guidance provided</li> <li>• Valued by government in its responsibility to meet human rights standards, and by civil society in supporting their engagement with policy development, as recorded in the Commission’s policy register</li> <li>• Timeliness quality measure met, as recorded in the Commission’s policy register</li> <li>• Participation and thoroughness quality measures met, as recorded through internal peer review</li> </ul>	<ul style="list-style-type: none"> <li>• 45 instances of advice and guidance provided</li> <li>• Policy register records 20 instances where advice and guidance has been valued, and 5 instances of recommendations that have been incorporated into legislation or policy</li> </ul>	<ul style="list-style-type: none"> <li>• 40 instances of advice and guidance provided<sup>19</sup></li> </ul> <p>The policy register records:</p> <ul style="list-style-type: none"> <li>• At least five instances of a change in policy or legislation as a result of the Commission’s intervention</li> <li>• At least 20 instances where the work has been valued (through citation or acknowledgement)</li> <li>• Timeliness quality measures met 95% of the time. Internal peer review records thoroughness and participation quality measures met 90% of the time</li> </ul>
<ul style="list-style-type: none"> <li>• Communications tool established on bullying, violence, abuse and harassment in schools that engages with a range of stakeholders including children, young people, parents and schools</li> </ul>	<ul style="list-style-type: none"> <li>• Communications tool established</li> <li>• Value to users through increased knowledge about bullying as indicated by online user feedback</li> </ul>	<b>New measure</b>	<ul style="list-style-type: none"> <li>• On a 5–point scale, at least 75% of feedback from online users is scored four or five – being of value or great value to user<sup>20</sup></li> </ul>

19 This decrease in the standard relative to the 2011/12 forecast reflects a re-prioritisation away from submissions to select committees and towards early intervention.

20 As per footnote 14.

Outputs <sup>18</sup>	Performance measure	Forecast 2011/12	Standard 2012/13
<b>Outcome Area 1: Human Rights Environment</b>			
<ul style="list-style-type: none"> <li>Coordinate and facilitate the monitoring of Optional Protocol to the Convention Against Torture in consultation with the four NPMs (Office of the Ombudsmen, Independent Police Complaints Authority, Office of the Children's Commissioner and Inspector of Service Penal Establishments) and provide an annual report on the results of this monitoring to Parliament</li> <li>Undertake a five year review of OPCAT monitoring in New Zealand</li> </ul>	<ul style="list-style-type: none"> <li>New Zealand's four National Preventive Mechanisms (NPMs) are satisfied with the Commissions coordinating role, as assessed by a survey of NPMs</li> <li>NPMs approve the content of the annual report and view it as a thorough, timely and valuable document</li> <li>Five year report produced</li> <li>Recommendations in the report are regarded as of value or great value, as assessed by NPMs</li> </ul>	<ul style="list-style-type: none"> <li>Three out of four NPMs report they are satisfied or very satisfied with the Commission's coordinating, with scores of four or five on a 5–point scale</li> <li>100% agreement by NPMs with contents of the annual report</li> </ul>	<ul style="list-style-type: none"> <li>Three out of four NPMs report they are satisfied or very satisfied with the Commission's coordinating, with scores of four or five on a 5–point scale</li> <li>100% agreement by NPMs with contents of the annual report and satisfaction with its thoroughness and value and timeliness</li> <li>On a 5–point scale, at least three out of four NPMs report they find the recommendations in the five year report have met scores of four or five – being of value or of great value to them</li> </ul>
<b>Outcome Area 2: Disabled People</b>			
<ul style="list-style-type: none"> <li>Coordinate and facilitate the provision of an annual report to Parliament in collaboration with the other two parties in the Disability Convention independent monitoring mechanism, the Disability Convention Coalition and the Ombudsmen</li> </ul>	<ul style="list-style-type: none"> <li>Report meets quality measure of participation, as assessed through a survey of selected disabled people's organisations</li> <li>Report meets quality measures of thoroughness and valuable in its recommendations for government action, as assessed by selected disability experts</li> </ul>	<b>New measure</b>	<ul style="list-style-type: none"> <li>Disabled people's organisations participate by providing information and analysis for the report, and a selected survey shows 75% of participants are satisfied that their views are listened to<sup>21</sup></li> <li>On a 5–point scale, 75% of selected disability experts score the report four or five – it is of value or great value</li> </ul>
<ul style="list-style-type: none"> <li>Publish a report on the status of New Zealand Sign Language (NZSL) as one of New Zealand's official languages</li> </ul>	<ul style="list-style-type: none"> <li>The report is regarded as credible and accurate, as assessed through a survey of selected disability experts</li> </ul>	<b>New measure</b>	<ul style="list-style-type: none"> <li>At least 75% of the selected disability experts indicate that they regard the report as accurate and useful</li> </ul>

21 As per footnote 14.

Outputs <sup>18</sup>	Performance measure	Forecast 2011/12	Standard 2012/13
<b>Outcome Area 3: Race Relations</b>			
<ul style="list-style-type: none"> <li>Deliver a programme of promotion in relation to the findings of the report on institutional barriers (structural discrimination) to the elimination of the entrenched social and economic inequalities that currently exist between ethnic groups in New Zealand</li> </ul>	<ul style="list-style-type: none"> <li>Programme is considered useful in providing advice on the implementation of the findings contained in the report as assessed by a survey of participating government agencies</li> </ul>	<p><b>New measure</b></p>	<ul style="list-style-type: none"> <li>On a 5–point scale, at least five key agencies indicate that they have found the engagement scored at four or five – of value or great value<sup>22</sup></li> </ul>
<ul style="list-style-type: none"> <li>Publish a report that reviews developments in race relations in the past year and identifies priorities for action</li> </ul>	<ul style="list-style-type: none"> <li>The report is useful to stakeholders, as assessed by a survey circulated with the publication and an additional online survey</li> </ul>	<ul style="list-style-type: none"> <li>On a 5–point scale, 70% of the combined respondents scored the report at four or five – useful or very useful</li> </ul>	<ul style="list-style-type: none"> <li>On a 5–point scale, at least 60% of the combined respondents scored the report at four or five – useful or very useful<sup>23</sup></li> </ul>

**Outcome Area 4: Equal Employment Opportunities**

<ul style="list-style-type: none"> <li>Publish and distribute the fifth New Zealand Census of Women’s Participation in 2012</li> </ul>	<ul style="list-style-type: none"> <li>The Census is regarded as reliable, relevant and comprehensive in meeting international treaty body standards, as assessed by selected civil society and policy agencies</li> </ul>	<p><b>New measure:</b> in comparison with 2011/12 Statement of Service Performance</p>	<ul style="list-style-type: none"> <li>Reliability assessed at 95%, and report data referenced 25 times in year following publication<sup>24</sup></li> </ul>
<ul style="list-style-type: none"> <li>Host a summit of key stakeholders in the aged care sector</li> </ul>	<ul style="list-style-type: none"> <li>At least eight of the key stakeholders are represented</li> <li>The summit is considered useful by the majority of participants, as assessed by a survey</li> </ul>	<p><b>New measure</b></p>	<ul style="list-style-type: none"> <li>On a 5–point scale 60% of participants gave the summit scores of four or five – finding the summit useful or very useful<sup>25</sup></li> </ul>

22 As per footnote 14.

23 As per footnote 14.

24 This is consistent with the standards set and achieved by previous New Zealand Census of Women’s Participation reports.

25 The scale of this output has been determined by the level of new resourcing available to this outcome area, and the measures and standards have been set drawing on experiences of comparable programmes.

Outputs <sup>18</sup>	Performance measure	Forecast 2011/12	Standard 2012/13
<b>Outcome Area 5: Te Mana i Waitangi</b>			
<ul style="list-style-type: none"> <li>Promote awareness of Treaty through facilitated discussion and advice for local and central government agencies and parliament on ways to implement it in policy and practice</li> </ul>	<ul style="list-style-type: none"> <li>Three agencies and three local authorities engaged and advised through facilitated discussion on UNDRIP</li> <li>Workshops and engagement are considered to be valuable, as assessed through participant feedback</li> </ul>	<ul style="list-style-type: none"> <li>75% of the participants consider the advice to be of value or great value to them</li> </ul>	<ul style="list-style-type: none"> <li>On a 5–point scale at least 75% of the participants indicate that the Commission's advice has met scores four or five – of value or great value to them</li> </ul>

### Output: Enquiries and complaints and legal interventions

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

appropriate to do so. The Commission undertakes strategic litigation in order to advocate and promote respect for, and an understanding and appreciation of, human rights in New Zealand, utilising its legislative mandate in sections 5(2)(i) and (j) of the Human Rights Act.

Services provided include:

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

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

**Cost:** The Commission has one output class, but has allocated its resources across its three output areas. The total allocation to this output area for 2012–13 is \$3,192,010.

Outputs <sup>26</sup>	Performance measure	Forecast 2011/12	Standard 2012/13
<b>Outcome Area 1: Human Rights Environment</b>			
<ul style="list-style-type: none"> <li>Provide an accessible, high-quality enquiries and complaints service that assists individuals and groups to resolve human rights complaints, including those of unlawful discrimination as defined in sections 76-89 of the Human Rights Act, efficiently and effectively</li> </ul>	<ul style="list-style-type: none"> <li>Enquiries and complaints result in 6000 new human rights enquiries and complaints</li> <li>Provide a disputes resolution service for an estimated 1600 complaints alleging unlawful discrimination</li> <li>Enquiries and complaints receive an initial response within three working days</li> <li>Complaints of unlawful discrimination closed within one year, with the situation advanced (resolved, progressed or referred to the OHRP) as assessed by internal records</li> <li>Evaluation of satisfaction, as assessed by a questionnaire sent to participants in the mediation process</li> </ul>	<ul style="list-style-type: none"> <li>14,000 enquiries and complaints</li> <li>6000 new human rights matters</li> <li>Disputes resolutions service for 1600 complaints</li> <li>90%</li> <li>80%</li> <li>On a 5–point scale, 90% of returned mediation evaluation forms scored four of five – reporting they were satisfied or very satisfied with the process</li> </ul>	<ul style="list-style-type: none"> <li>6000 new enquiries and complaints</li> <li>Disputes resolutions service for 1600 complaints</li> <li>90% timeliness</li> <li>80% closed within one year<sup>27</sup></li> <li>On a 5–point scale, 90% of returned mediation evaluation forms will score four or five-reporting they are satisfied or very satisfied with the process<sup>28</sup></li> </ul>

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

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

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

Outputs <sup>26</sup>	Performance measure	Forecast 2011/12	Standard 2012/13
<b>Outcome Area 1: Human Rights Environment</b>			
<p>Undertake human rights and privacy matters through:</p> <ul style="list-style-type: none"> <li>• Providing legal representation before the Human Rights Review Tribunal or related proceedings where Section 92 criteria of the Human Rights Act are met</li> <li>• Providing representation for the Human Rights Commission</li> <li>• Taking proceedings under the Privacy Act when referred by the Privacy Commissioner</li> <li>• Intervening in appropriate proceedings under the Privacy Act</li> </ul>	<ul style="list-style-type: none"> <li>• Estimated 65-85 human rights and privacy matters undertaken, as assessed by internal records</li> <li>• Thorough decisions on representation made within 60 days of receipt of s82 HRA material from Commission, as assessed by internal records and acceptance of decision by complainants</li> <li>• Satisfaction with thoroughness of decision, as assessed by responses to decision by complainants</li> <li>• Set performance standards achieved in providing representation: <ul style="list-style-type: none"> <li>- compliance with Lawyers and Conveyancer's Act</li> <li>- compliance with Tribunal and Court timetables</li> <li>- positive comments from courts as assessed by internal records and satisfactory feedback from complainants on standard of service</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• 73 matters undertaken</li> <li>• 80%</li> <li>• 80%</li> <li>• 100%</li> </ul>	<ul style="list-style-type: none"> <li>• Quantity met</li> <li>• 80% timeliness<sup>29</sup></li> <li>• 80% satisfaction<sup>30</sup></li> <li>• 100% compliance<sup>31</sup></li> </ul>
<p>Undertake at least two legal interventions in instances where there are human rights matters that directly relate to areas of the Commission's expertise</p>	<ul style="list-style-type: none"> <li>• At least two legal interventions undertaken</li> <li>• Commission's legal interventions conform and promote international human rights standards, as assessed by external peer review</li> </ul>	<b>New measure</b>	<ul style="list-style-type: none"> <li>• External peer review finds that legal interventions conform and promote international human rights standards</li> </ul>

29 These standards have been established as high quality benchmarks based on baseline figures from 2009-2011.

30 As at 13.

31 As at 13.

# Forecast financial statements

## 2012/2013 – 2014/2015

### **Key Assumptions for Proposed Statement of Intent Budget 2012/2013**

The impact of the global economic recession remains a key driver in the context of budget setting in the New Zealand environment, particularly in light of the European crisis which presents a potential threat to the world economy, and therefore to the New Zealand economy. The Government has expressed its commitment to returning to a surplus position in 2014/15, and has set out its expectations of the Commission in its letter of expectations of 9 March 2012.

The Commission has budgeted with regard to this letter of expectations, with no expectation of new funding over the forecast period, although it has assumed continuation of the additional funding for its enhanced responsibilities for the promotion, protection and monitoring of the Disability Convention beyond 2013.

The Commission's financial strategy to manage within existing baseline for an extended period is set out in the section of this Statement of Intent on the Commission's organisational health and capability.

## Forecast statement of comprehensive income

For the period ended 30 June 2012

	2011/2012 Estimated Projected Actual \$000s	2012/2013 Forecast Budget \$000s	2013/2014 Forecast Budget \$000s	2014/2015 Forecast Budget \$000s
<b>Income</b>				
Vote Justice operating grant	9,696	9,696	9,396	9,396
NZ Agency for International Development	15	0	0	0
Other income	163	36	36	36
Interest income	199	195	92	54
<b>Total Income</b>	<b>10,073</b>	<b>9,927</b>	<b>9,524</b>	<b>9,486</b>
<b>Expenses</b>				
Personnel	6,630	7,348	7,208	7,326
Travel	347	367	374	382
Direct and Overhead cost	1,803	1,813	1,848	1,884
Projects and Programmes	1,019	1,049	974	974
Depreciation	337	337	300	283
<b>Total Expenses</b>	<b>10,136</b>	<b>10,914</b>	<b>10,704</b>	<b>10,849</b>
<b>Net operating Surplus (Deficit)</b>	<b>-63</b>	<b>-987</b>	<b>-1,180</b>	<b>-1,363</b>
<b>Total Comprehensive Income</b>	<b>-63</b>	<b>-987</b>	<b>-1,180</b>	<b>-1,363</b>

\*\$300k appropriated in 2010-2011 for three years is projected to cease after the 2012/13 year.

# Forecast statement of financial position

As at 30 June 2012

	2011/2012 Estimated Projected Actual \$000s	2012/2013 Forecast Budget \$000s	2013/2014 Forecast Budget \$000s	2014/2015 Forecast Budget \$000s
<b>Current assets</b>				
Cash at Bank	4,110	3,209	2,078	747
Accounts receivable	172	150	150	150
GST receivable				
Prepayments	120	120	121	120
<b>Total Current Assets</b>	<b>4,402</b>	<b>3,479</b>	<b>2,349</b>	<b>1,017</b>
<b>Deduct Current liabilities</b>				
Accounts payable	396	393	400	400
GST payable	125	160	160	160
Provision for Annual leave	554	574	577	580
<b>Total Current Liabilities</b>	<b>1,075</b>	<b>1,127</b>	<b>1,137</b>	<b>1,140</b>
<b>Working capital</b>	<b>3,327</b>	<b>2,352</b>	<b>1,212</b>	<b>-123</b>
<b>Non current assets</b>	<b>777</b>	<b>750</b>	<b>681</b>	<b>653</b>
<b>Non current liabilities</b>	<b>134</b>	<b>119</b>	<b>90</b>	<b>90</b>
Accumulated Funds	3,970	2,983	1,803	440
<b>Balance B/f</b>	<b>4,033</b>	<b>3,970</b>	<b>2,983</b>	<b>1,803</b>
<b>Net Surplus</b>	<b>-63</b>	<b>-987</b>	<b>-1,180</b>	<b>-1,363</b>
<b>Accumulated Funds</b>	<b>3,970</b>	<b>2,983</b>	<b>1,803</b>	<b>440</b>

## Forecast statement of cash flows

As at 30 June 2011

	2011/2012 Estimated Projected Actual \$000s	2012/2013 Forecast Budget \$000s	2013/2014 Forecast Budget \$000s	2014/2015 Forecast Budget \$000s
<b>Cash flows from operating Activities</b>				
Cash was provided from:				
Vote Justice operating grant	9,696	9,696	9,396	9,396
Other income	377	231	128	90
	10,073	9,927	9,524	9,486
Cash was dispersed to:				
Employees and suppliers	9,799	10,577	10,404	10,566
	9,799	10,577	10,404	10,566
Net operating inflow/(outflow)	274	-650	-880	-1,080
<b>Cash flow from investing activities</b>				
Cash was dispersed to:				
Purchase of fixed assets	548	251	251	251
Net investing cash inflow/(outflow)	548	251	251	251
Net cash	-274	-907	-1,131	-1,331
Add opening cash at bank	4,384	4,110	3,209	2,078
Total cash at bank	4,110	3,209	2,078	747

# Statement of accounting policies

## Reporting entity

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

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

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

Commissioners include:

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

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

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

The funds of the Commission are appropriated by Parliament but paid out of Vote Justice.

The Commission also receives funding for international projects from the Ministry of Foreign Affairs and Trade.

The Commission prepares financial accounts, which are audited by the Auditor-General and submitted to Parliament.

The Commission prepares an Annual Report to the Minister of Justice on the exercise of its function during the year, a copy of the report being laid before Parliament.

The proposed budgeted financial statements of the Commission are for the period 2012/13 – 2014/15.

## Basis of preparation

### Statement of compliance

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

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

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

### Measurement base

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

### Revenue

Revenue is measured at the fair value of consideration received.

### Revenue from the Crown

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

### Other income

Other income is received from the sublease of office premises; supply of contract work; sale of pamphlets, books and videos; and the provision of advice and educational seminars to third parties. Other income is recognised at the time the product or service is provided to the client.

### Interest

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

### Leases

#### Finance leases

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

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

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

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

#### Operating leases

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

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

### Financial instruments

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

### Cash and cash equivalents

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

### Debtors and other receivables

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

Impairment of a receivable is established when there is objective evidence that the Commission will not be able to collect amounts due according to the original terms of the receivable. Significant financial difficulties of the debtor, probability that the debtor will enter into bankruptcy, and default in payments are considered indicators that the debtor is impaired. The amount of the impairment is the difference between the asset's carrying amount and the present value of estimated future cash flows, discounted using the original effective interest rate. The carrying amount of the asset is reduced through the use of an allowance account, and the amount of the loss is recognised in the surplus or deficit. Overdue receivables that are renegotiated are reclassified as current (that is, not past due).

### Foreign currency transactions

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

### Property, plant and equipment

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

Property, plant and equipment is shown at cost, less any accumulated depreciation and impairment losses.

#### Additions

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

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

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

**Disposals**

Gains and losses on disposals are determined by comparing the proceeds with the carrying amount of the asset. Gains and losses on disposals are included in the surplus or deficit.

**Subsequent costs**

Costs incurred subsequent to initial acquisition are capitalised only when it is probable that future economic benefits or service potential associated with the item will flow to the Commission and the cost of the item can be measured reliably. The costs of day-to-day servicing of property, plant and equipment are recognised in the surplus or deficit as they are incurred.

**Depreciation**

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

Motor Vehicles	5 years	20%
Equipment	3-5 years	20-33%
Furniture and Fittings	5 years	20%
Leasehold Improvements	5 years	20%
Library Books	5 years	20%

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

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

**Intangible assets**

**Software acquisition**

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

Costs associated with maintaining computer software, the development and maintenance of the Commission’s website, and staff training costs are recognised as an expense when incurred.

**Trademarks**

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

**Amortisation**

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

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

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

**Impairment of property, plant and equipment and intangible assets**

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

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

If an asset’s carrying amount exceeds its recoverable amount, the asset is impaired and the carrying amount is written down to the recoverable amount. The total impairment loss is recognised in the surplus or deficit. A reversal of the impairment loss is also recognised in the surplus or deficit.

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

**Creditors and other payables**

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

## Borrowings

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

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

## Employee entitlements

### Short-term employee entitlements

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

### Long-term employee entitlements

Employee benefits that are due to be settled beyond 12 months after the end of the period in which the employee renders the related service, such as long service leave and retirement leave, have been calculated on an actuarial basis. The calculations are based on:

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

### Presentation of employee entitlements

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

## Superannuation schemes

### Defined contribution schemes

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

### Defined benefit schemes

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

### Provisions

A provision is recognised for future expenditure of an uncertain amount or timing when there is a present obligation (either legal or constructive) as a result of a past event, it is probable that an outflow of future economic benefits will be required to settle the obligation and a reliable estimate can be made of the amount of the obligation.

Provisions are measured at the present value of the expenditure expected to be required to settle the obligation using a discount rate that reflects current market assessments of the time value of money and the risks specific to the obligation. The increase in the provision due to the passage of time is recognised as an interest expense and is included in finance costs.

### Commitments

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

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

### Accumulated Funds

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

### Goods and services tax (GST)

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

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

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

Commitments and contingencies are disclosed exclusive of GST.

### **Income tax**

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

### **Project costs**

Direct costs are those costs that are directly attributable to an output and these costs are charged to the relevant project activity and reported in the statement of comprehensive income as project expenditure.

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

### **Critical accounting estimates and assumptions**

In preparing these financial statements the Commission has made estimates and assumptions concerning the future. These estimates and assumptions may differ from the subsequent actual results. Estimates and assumptions are continually evaluated and are based on historical experience and other factors, including expectations of future events that are believed to be reasonable under the circumstances. The estimates and assumptions that have a significant risk of causing material adjustment to the carrying amount of assets and liabilities within the next financial year are discussed below:

#### **Useful lives of property, plant and equipment and intangible assets**

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

### **Critical judgments in applying the Commission's accounting policies**

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

#### **Lease classification**

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

Judgement is required on various aspects that include, but are not limited to, the fair value of the leased asset, the economic life of the leased asset, whether or not renewal options are included in the lease term, and determining an appropriate discount rate to calculate the present value of the minimum lease payments. Classification as a finance lease means the asset is recognised in the statement of financial position as property, plant and equipment and the present value of the minimum lease payments is recognised as borrowings. For an operating lease no such asset or liability is recognised.

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

#### **Comparatives**

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

#### **Changes in accounting policies**

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

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

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

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

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

**He tangata kē koutou**

**He tangata kē mātou**

**I roto i tēnei whare (motu)**

**Tātou tātou ē**

Human Rights Commission

Te Kāhui Tika Tangata

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



Human Rights  
Commission  
*Te Kāhui Tika Tangata*