

TŪRANGAWAEWAE

Human Rights Commission News

DECEMBER TŪRANGAWAEWAE

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Tenā koutou katoa

It has been a big year. Internationally, the focus has been on terrorism, surveillance, threats to fundamental freedoms, the rise of hate speech and the most refugees the world has ever seen on the move at any one time. Human rights are very hard won but so easily lost.

It is a timely reminder that in New Zealand we have our share of human rights issues, but we still live in one of the most free and peaceful countries on earth and one of the most diverse.

I say one of the most peaceful countries on earth but for many that is not true: if there is one thing I would ask for us as a country as a Christmas present, it is to stop violence and abuse – family violence, sexual violence and bullying in schools and the workplace. It is our own domestic terrorism.

The Children's Commissioner Dr Russell Wills this last week published his report on [child poverty](#) and in doing so he (again) challenged the Government to tackle this issue head on. While the label used is child poverty, the underlying deprivation issues Russell's expert group found were inadequate housing, failures in the realisation of people's rights to education, health and an adequate standard of living.

The role of poor housing, education, health and violence and abuse in the journey of people to detention is well understood. Over 40 percent of people in our prison are there for offences related to violence.

Russell's other priority is to put a stop to the violence and abuse our children suffer too often at the hands of those who supposedly love them. The statistics on child abuse continue to appal and are a terrible indictment on a country which prides itself as a world leader in peace. A child has died more than once a month this year.

Child poverty and abuse need all parties to work together, over a long period of time. Stop the politicking and we might see some progress. Only then can we claim the 'peace' prize.

We welcome the work underway on laws and policy in sexual and family violence, the appointment of a victims' advocate, and the review of CYFS.

A change in culture in New Zealand is what is required. Laws and policies can help but only people's actions change a culture. That means more of us are prepared to stop the "put downs" that are endemic in New Zealand culture.

The All Blacks "no dickheads policy" directly addressed that problem in the team. We need a "no dickheads" policy and culture for New Zealand. As the All Blacks found, it will need to grow from within, not be imposed from the top. That culture change also means we stand up when we see others trying to exclude or bully.

This issue of *Tūrangawaewae* is a feast of stories telling of good work that has happened; some of it by the Commission and a lot of it with or by others. The article about our stakeholder audit and the insights it gave us remind me that working together delivers much, much more than we could ever hope to alone.

And so, to all of you, thank you and on behalf of the Commission a very Happy Christmas, Hanukah and holidays! Keep you and yours safe, we want to see you all back next year.



David Rutherford

Chief Human Rights Commissioner



“Gender inequality is everyone’s problem and we need to normalise gender equality so it becomes a reality for everyday New Zealanders.” Dr Jackie Blue



The National Council of Women’s white paper¹, *Enabling women’s potential – the social, economic and ethical imperative* has 12 actions to spur more New Zealanders into action so the country can step forward for equality.

Evidently gender inequality persists in all aspects of our society and it negatively impacts businesses, the economy, families and the community, as well as individuals. The Council says gender clearly is still a barrier to many people having the freedom and opportunity to determine their own future. The paper identifies five prerequisites to a gender equal New Zealand. This includes forming a shared understanding of the issues, creating a gender positive culture and ensuring we have leadership and governance, structural equality and data and monitoring in place.

Equal Employment Opportunities Commissioner, Dr Jackie Blue says achieving gender equality will advance New Zealand society by bringing an end to everyday sexism in New Zealand.

“The gender pay gap is at a six-year high at 11.8%. The fastest way to reduce our

entrenched gender pay gap is to improve the wages of those New Zealanders in the lowest paid jobs, the overwhelming majority of whom are women,” she said.

The Commission’s *Tracking Equality at Work* research found that women and young people are more likely to be paid less than any other New Zealand workers. Pacific women were at the bottom of the pay ladder.

“Equal participation of women in the labour market is essential to the future of our workforce. The time is now to map out the path to a zero gender pay gap,” Dr Blue said.

The white paper 12 actions include speaking out against sexism, ensuring we have the right policies in place and encouraging leaders to champion gender equality within their sectors, industries, communities and families.

Download the [white paper](#) (PDF) and the [key information booklet](#) (PDF).

First Superdiversity Stocktake

The Superdiversity Stocktake urges action to develop ethnically diverse workplaces and is a call to government to establish a more linked up approach to get New Zealand ready for our changing population demographic.

Producer of the report and Chair of the Superdiversity Centre for Law, Policy and Business, Mai Chen explains that there are significant implications of New Zealand's ethnic superdiversity for business, government and citizens.

"New Zealand's defining issue is superdiversity. This is especially evident in Auckland now, where almost 50 per cent of the population is Māori, Asian and Pacific peoples; where 44 per cent were not born in New Zealand; and where there are over 200 ethnicities, and 160 languages spoken," said Ms Chen.

Race Relations Commissioner Dame Susan Devoy said at the launch of the stocktake that this ground breaking research is quite simply leadership in action and the kind of tool decision makers will need as they chart the nation's next 200-years.

"New Zealand is at a race relations crossroads. As well as one of the most rapidly changing, ethnically diverse nations on earth, we also live in one of the most peaceful. If we fail to understand, plan for and make the most of diversity then opportunities will be lost and our future will be put at risk," she said.

The Stocktake includes relevant statistics and research on ethnic superdiversity; recommendations for best practice; new surveys results of the impact of superdiversity on business, government and citizens; key benefits, issues and challenges from superdiversity. It includes a stocktake of Government departments and the work they are doing to adjust to ethnic superdiversity and the needs of the new, New Zealand, including a top four ranked departments and a 'most improved'.



Dame Susan Devoy speaking at the Stocktake launch

Some of the Superdiversity Stocktake's key implications for business, Government and New Zealand are:

1. We don't have the luxury of time. New Zealand's superdiverse future is already here - especially in Auckland, but also in other cities and on farms throughout rural New Zealand.
2. A survey of visually diverse migrants found a top concern is discrimination against them and their NZ-born children, especially in employment, suggesting more legal challenges for breaches under the New Zealand Bill of Rights Act and the Human Rights Act.
3. Studies show that an ethnically diverse workforce is essential for business competitiveness and greater profitability.
4. Business needs government to continue investing in settlement services, English language services, legal protections in the labour market and social cohesion initiatives promoting the benefits of migration, and training migrants in how to get jobs and advising them how to invest in this country.
5. To maintain societal trust and racial harmony, we need public agencies capable of forming policies and services for all New Zealanders and to engage with and consult all New Zealanders, including migrants and ethnic groups.

You can find the report [here](#):

He Petihana kia Whakamaumaharatia ngā Pakanga Whenua o Aotearoa

Homai Te Rā!

Nō muri mai i tāku [tuku pānui ki](#) tēnei pūrongo mō te petihana kia whakamaumaharatia ngā pakanga whenua o Aotearoa i te rautau 19, kua wani kē te haere a ngā tauira o te Kāreti o Ōtorohanga me ā mātau kaitautoko manomano nei!

I te Mahuru, kāore i tau te rā mō te haere ki te Pāremata, kāore mātau i mōhio tērā te rima rau tāngata nō ngā pito katoa o Aotearoa e hiahia ana ki te āwhina i tā mātau tuku petihana ki te Pāremata, hāunga anō te pūtea mō ngā mahi nei. Heoi anō, ka piki haere te tokomaha o te hunga i haina ai i tā mātau petihana ki runga i te tekau mano tāngata i whai ai mātau, ka kaha te aro mai o te hunga pāpāho, nō Aotearoa, nō te ao hoki, ki ngā tauira tokowhā nō tētahi tāone pakupaku i te tuawhenua kāore pea i rangona tōna ingoa i mua, ka huri mai te iwi ki te tautoko i tēnei kaupapa maumaharatanga.

E hia nei ngā wā i pātai mai ai te hunga pāpāho kia whakamārama mātau i ngā mahi o te 8 o Hakihea, arā, ko te rā i tuku ai mātau i te petihana ki ngā Minita nei, ki a Nanaia Mahuta, ki a Chris Finlayson, ki a Maggie Barry, ki a Te Ururoa Flavell hoki. Kotahi tā mātau whakautu, “haramai tētahi āhua”. Ko te haka tīpuna tērā, ko te kite atu i te tautoko o ngā rōpū tōrangapū maha, kāore i kō atu, kāore i kō mai.

Kua tata nei te riro atu o ngā mahi nei i ō mātau ringaringa. Ka riro mā ngā kaiarahi ā-iwi me ngā Minita o te Pāremata e whakariterite te pēheatanga o ngā mahi nei, me te tautoko mai o ngā iwi o Aotearoa. Ko te wāhi ki a mātau, ko te akiaki kia tukuna he tāpaetanga ki te Komiti Whiriwhiri Take Māori hei whakaatu i ngā whakaaro o te iwi mō te whakamahara i ngā Pakanga Whenua o tēnei whenua. Ka tuku kōrero māua ko Waimārama Anderson ki te Komiti Whiriwhiri ā te 9 o Poutū-te-rangi 2016.

Ka nui te mihi ki a koutou katoa kua tautoko mai i a mātau, ka mihi hoki ki te hunga e whakahē ana i te whakaaro me mahara ki a rātau mā i whawhai, i hinga, i ngā taha e rua o ngā Pakanga Whenua, nō te mea hoki kua āwhina koutou i tētahi wāhanga o tā mātau kaupapa, arā kia kōrero whānuitia tēnei āhuatanga.

Me Maumahara Tātou

He kōrero nā Leah Bell, he tauira ki te Kura Tuarua o Ōtorohanga

(For an English translation, [click here](#))



Left to right: Whatumoana Paki, Rhiannon Magee, Marama Davidson, Nanaia Mahuta, Waimarama Anderson, Leah Bell, Te Ururoa Flavell, Maggie Barry, Tai Jones.

Mental health in places of detention

This year the predominant findings of agencies monitoring places of detention in New Zealand is that the mental health of a substantial number of detainees is at risk of worsening while they are under state care.

When a state deprives people of their liberty it has the responsibility to ensure that they receive adequate treatment for all their health needs, including mental health and that the conditions under which they are detained does not injure their health.

Chief Human Rights Commissioner David Rutherford, speaking as Chair of the National Preventative Mechanism, says the combination of lack of proper attention to mental health and an inability of many staff to cope with the mental health needs of detainees means the government is not consistently providing the care that people have a right to receive.

The Independent Police Conduct Authority (IPCA) has again found that the number of people in Police detention that suffer from mental impairment, including alcohol and drug dependency is alarming, putting considerable pressure on staff. Mental health related calls for assistance to the Police has increased 350 percent over the last 20 years and incidents involving threatened or attempted suicide attempts by 800 percent.

Its review of police custodial management focused on problems with the way in which people suffering from mental health related distress are dealt with in police custody. It found that the police custodial environment is an entirely inappropriate environment to hold such persons when they have not committed an offence but instead have been detained for assessment as a result of a mental health crisis.



“This is an inappropriate way to treat such people. It can be traumatic for them and exacerbate their mental health condition,” Mr Rutherford said.

A new Police and Ministry of Health initiative which treats people with mental health issues as patients, not prisoners has just been announced.

“I congratulate the Police and health authorities on working together to develop working practices so that people who need a mental health assessment do not end up detained in Police cells for that purpose.”

Both the Ombudsman’s Office and the Office of the Children’s Commissioner have found that our youth facilities have many areas in need of development.

“Some have rundown environments, there is a lack of direction for youth justice facilities, there are issues with children and young people lacking confidence in the complaint system and there is a lack of staff capacity and capability to assist children that need counselling and specialist mental health support,” Mr Rutherford said.

The Optional Protocol to the Convention against Torture (OPCAT) 2015 report is [here](#)

Respecting human rights makes good business sense

The Human Rights Commission has always been involved in business and human rights through its mediation of unlawful discrimination complaints, and now the Commission is expanding its work in the business and human rights area, Chief Commissioner David Rutherford explained at a UN Association NZ forum on Human Rights Day, 10 December.

In today's globalised and transparent world companies are increasingly under pressure to demonstrate that they are not harming the fundamental dignity and rights of people as they go about their legitimate work and generate the jobs, wealth and growth that benefit all societies.

Human rights are basic standards aimed at securing dignity and equality for all. International human rights laws constitute the most universally accepted standards for such treatment, but there is an intuitive aspect to respecting human rights that goes beyond laws and conventions. Put simply, what feels wrong is in all likelihood wrong.

Businesses have a responsibility to ensure no human rights harm is done in their supply chains, whether onshore or offshore. So it is not just the human rights of people in New Zealand that business needs to be concerned about.

Human rights in business are set out in the United Nations Guiding Principles for Business and Human Rights (UNGPs): the State **protects** human rights (Pillar 1); the corporate **responsibility is to respect** human rights (Pillar 2); and the need for greater access to appropriate and effective **remedy**, judicial and non-judicial, for victims of business-related abuse (Pillar 3).

So, what is the Commission doing? Starting with Pillar 1 we're assessing how many New Zealand government ministries, State-owned Enterprises and Crown Entities are meeting their obligation to protect human rights by at least having a human rights policy. For example, we know from our Canterbury earthquake recovery work that State owned businesses like EQC and Southern Response were not aware of their requirement, as government-owned organisations, to protect human rights. And while our government agencies have a world-leading, all-of-government procurement process, it is not yet world leading in its UNGP compliance. We have and will work alongside such agencies to help them become compliant.

All Commissioners engage in public and private advocacy on business-related human rights issues and this work will expand in 2016.

For more information read David's Human Rights Day speech [here](#)

Supreme Award goes to Muskan Devta

The winner of the Attitude Supreme Award this year is 16 year old Muskan Devta author who is an author, radio host, public speaker and living successfully with a disability.

Muskan was born prematurely in her home country of India. As a result, she has a condition called partial hemiplegia, which makes half her body weaker than the other.

Because of this and her difficulty speaking English as a second language, Muskan experienced bullying and exclusion as a child in New Zealand. But now at just 16 years old, she is a published author, award winner and sought after inspirational speaker.

“I decided to go ahead and accept myself for who I was,” says Muskan, “this hemiplegia was something I would have to live with throughout my entire life – so why worry!”

Muskan presents a popular programme on Radio Tarana called ‘You and Muskan’. She was an Intermediate school class captain, and is a tech wizard, assisting other students with IT issues.

Muskan has written a book on her life journey to date from India to Auckland. The proceeds are going to Starship hospital. Her next projects will support breakfasts for less privileged children in lower decile schools in Aotearoa, and supporting a school for girls in Orissa, India.

This month she started a popular social media movement: Makes a Difference (#makesadifference) that encourages others to perform random acts of kindness and promotes empathy and understanding.

“You pretty much do your own life and you make your life what you want it to be.”



Muskan Devta, Manu Vatuvei and ACC Minister Hon Nikki Kaye

Living in the red zone – 5 years on



For most of us living outside Christchurch's so called 'red zone' it is hard to imagine a life where, almost five years after the devastating earthquakes of February 2011, over 300 people are still grappling with financial pressures, bureaucratic frustrations and degrading services and infrastructure.

In June and July of this year the Human Rights Commission and the New Zealand Red Cross teamed up to hand deliver surveys to as many households still occupied in Christchurch's red zone as possible.

For Red Cross, the door knocking was part of their Winter Warmer outreach campaign and was an opportunity to assess what people in the red zone needed to help them get through their fifth post-February 2011 winter.

The purpose of the research was to continue to monitor the fulfilment of economic and social rights of people who remain living in, or own land or property in, the residential red zone in order to collect evidence to establish whether change is needed and in what areas.

The findings of the research are both surprising and unsurprising. Many 'myths' have grown up around the red zone residents: for example, of the 60 survey respondents living in the red zone who owned a residential dwelling before the September 2010 earthquake, 56 out of 60 (93%) said they had insurance. Yet the general perception of red zone owners is that they were uninsured.

For many, the ongoing uncertainty about their future combined with the stress of dealing with financial pressures and bureaucratic frustrations, have significantly impacted their wellbeing. Of the 101 people who answered the question about the level of stress they had experienced, 82 said their stress was due to dealing with the after-effects of the earthquakes rather than the earthquakes themselves.

This research is a continuation of the Commission's earthquake recovery monitoring work and follows the 2013 Commission report *Monitoring Human Rights in the Canterbury Earthquake Recovery*.

103 people responded to the survey either in hard copy or online. The Commission will publish its report on the results of the survey early in 2016.

YMCA getting involved



Participating in sport or recreational activities is well documented for creating a healthy and fulfilling life. But for physically disabled people, regular activity also brings social and personal benefits many non-disabled people take for granted, says Halberg Disability Sport Foundation Chief Executive, Shelley McMeeken.

“The work the Foundation does in schools, sports clubs and organisations around New Zealand to make inclusive physically activity a reality is essential to the lives of disabled people.” says Shelley McMeeken,

The Halberg Disability Sport Foundation is striving to get disabled people included. This is one reason the foundation was thrilled to be part of the 3 December ‘Inclusion Matters’ campaign (holding a morning tea and decorating their tree with the wrist bands) and announced the YMCA’s involvement with their training programme that day.

The Foundation provides No Exceptions Training (NET) - a nationwide course for schools, coaches, clubs and organisations on adapting sport, physical activity and recreation to include physically disabled New Zealanders in mainstream sports and recreation programmes and events. So far 69 organisations and schools have registered to do a Halberg NET.



Shelley McMeeken

“On 3 December I was pleased to announce that YMCA Auckland has committed its 500 staff at 16 facilities across Auckland to the NET course next year,” she says.

“Improving social skills, self-esteem, confidence and physical fitness, and bringing a stronger sense of belonging are just some of the changes we hear about from the people we’ve supported.”

To sign up for a Halberg NET go to www.halbergallsports.co.nz

HRC much improved, but more work to be done

The Commission recently conducted in depth interviews with 21 key stakeholders from government, business, civil society and clients who had used the Commission's services or worked with us in the past 18 months.

Thank you to all those who gave their precious time and insights into the Commission's work; this is invaluable information which we will use to inform our strategy, priorities and how we engage with and build our relationships with our stakeholders and more broadly, New Zealanders.

You told us that the Commission has improved its relationships and its impact since the last stakeholder audit in 2012, but that there is still a need for greater clarity and consistency of messaging across all our commissioners and activities.

We will respond by being more granular and planned in our stakeholder engagements and focus on stronger issue-based campaigns with stakeholders and the public.

This 'deep dive' audit complemented an online survey to a wider group of stakeholders a couple of months earlier. Both surveys said similar things.

Please send us your event notices so we can post them on our website.

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