



**NZ
Human
Rights.**

Te Kāhui Tika Tangata
Human Rights Commission

Feedback on Human Rights Commission Framework for New Zealand's Third Universal Periodic Review: Mid-Term Report November 2021

Mid-term reporting

On 21 January 2019, New Zealand underwent its third UPR. The review was an opportunity for New Zealand to take stock of how well we are protecting the human rights of people in New Zealand. The government received 194 recommendations on a wide range of human rights issues and accepted 164 of them.

From July 2021 onwards, all stakeholders are encouraged to submit a mid-term report to the Office of the High Commissioner for Human Rights in Geneva, highlighting efforts made to implement UPR recommendations as well as remaining gaps and challenges in the implementation process. As the UN Human Rights Commissioner for Human Rights stated in her letter to the New Zealand government after the review, the mid-term stage constitutes an important opportunity to put in place follow-up tools and mechanisms and to contribute positively to follow-up action.

In New Zealand's response to the recommendations in 2019 it indicated an intention to submit a mid-term report in 2021.

Mid-term reporting webinar

- This 2-hour mid-term reporting webinar for CSOs and the NZHRC will focus on the more technical aspects on how to make a submission on the UPR.
- The webinar will take place on **Thursday 21 October at 7:00pm** via Zoom. You can [register for the webinar here](#). After registering, you will receive a confirmation email containing information about joining the meeting.

Opportunity to provide input on NZHRC's mid-term report

The Commission has compiled a framework for responding to some of the key issues it seeks to address in its UPR mid-term report, and is seeking feedback from civil society organisations (CSO) on those issues. The four areas the report will focus on are:

- The aftermath of the Christchurch Terror Attacks in March 2019
- The impacts of COVID-19 on human rights in Aotearoa
- Housing
- Te Tiriti o Waitangi.

The Commission encourages CSO's to contribute to the Commission's report by responding to the questions set out below. You do not need to respond to all the questions set out in the framework. You are welcome to address only those you consider most pressing or relevant to your organisation.



If you would like to contribute to the Commission's report, please register your interest by clicking this [link](#). After registering, we will send you a form to complete. The deadline for contributions to the Commission's report is Friday 29 October.

The Commission notes that contributing to the Commission's report does not preclude CSO's from submitting their own reports. In fact, the Commission also encourages CSO's to submit their own reports if they wish to do so.

NZHRC's UPR Framework for the mid-term report

1. The aftermath of the Christchurch Terror Attacks on 15 March 2019

New Zealand accepted the following recommendations at the last UPR that are relevant to the Christchurch Terror attacks:

Equality and non-discrimination

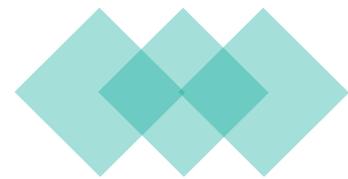
- 122.41-122.45 Strengthen measures to combat racially motivated crimes, racial discrimination and hate speech against marginalised groups
- 122.46, 48 Adopt a comprehensive national plan of action to combat racism, racial discrimination, xenophobia and other forms of intolerance, including racial and religious hatred.

The Government responded to the above recommendations with the below:

"The Christchurch attacks highlighted the importance of inclusivity. The Government is reviewing the current protections against hate speech and will develop a national strategy to address racial discrimination and racism".

Questions

- What specific measures has the Government taken to:
 - o combat racially motivated crimes, racial discrimination and hate speech against marginalised groups; and
 - o develop a national action plan against racism and other forms of intolerance
 - in accordance with Aotearoa's human rights obligations
- What are some recommendations to improve the Government's compliance with human rights in these two areas?



Counter-Terrorism

- Pursuant to Recommendation 122.59 to “clarify the definition of “terrorist” and review the Terrorism Suppression Act.”

The Government responded that it was “*assessing whether current counter-terrorism regulatory frameworks are adequate. It will do so considering all persons’ human rights*”.

Question

- What specific measures has the Government taken to assess counter-terrorism legislation in accordance with Aotearoa’s human rights obligations?

2. The impacts of COVID-19 on human rights

Equal employment opportunities

New Zealand accepted the following recommendations at the last UPR that are relevant to equal employment opportunities:

- 122.80 Increase employment opportunities for marginalised groups, and notably Māori, Pasifika, women and persons with disabilities
- 122.81 Address discrimination in employment against indigenous persons, individuals belonging to ethnic minority groups, and individuals with disabilities, including those with intellectual disabilities, and remove barriers to their participation in the labour market in addition to funding further community support services, to include post-learning opportunities
- 122.82-122.87 Continue its efforts to reduce the gender pay gap, promote women to leadership positions, and remove structural or policy barriers that undermine women’s empowerment in employment.

The Government responded to the recommendations above with the following:

“New Zealand has committed to closing the public service gender pay gap, with substantial progress by 2020, and to ensuring the wider public and private sectors are on similar pathways. The Government set a 50 percent target for women on state sector boards by 2021.

“The Ministry for Women works with private sector organisations to progress change in this sector. The Government is also implementing the Equal Pay Amendment Bill which establishes a process aligned with the existing bargaining framework, to address systemic sex-based pay discrimination in female-dominated occupations”.

Questions

- What effects have COVID-19 had on employment opportunities in New Zealand, particularly for vulnerable groups?
- What specific measures has the Government taken to address discrimination in employment and other human rights issues during COVID-19?



- To what extent has the Government's responses above (regarding closing the public service gender pay gap and implementing the Equal Pay Amendment Bill) been implemented in accordance with human rights norms, and how effective have these responses been in addressing/alleviating the impacts of COVID-19 on living standards?
- In light of the employment-related issues that have been exacerbated by COVID-19, what are some recommendations to improve employment opportunities in Aotearoa?

Living standards

New Zealand accepted the following recommendations at the last UPR that are relevant to mental health:

- 122.89 Continue efforts to further protect of economic and social rights of vulnerable persons, including persons with disabilities
- 122.90 Formulate and implement effective policies geared towards the elimination of poverty.

The Government responded to the recommendations above with the following:

"One of the Government's priorities is to improve all New Zealanders' wellbeing, including through the Living Standards Framework, a tool to measure, and report on, inter-generational wellbeing. A substantial work programme is in place to reduce child poverty. This includes the \$5.5 billion Families Package announced in Budget 2018. Welfare settings are also being reviewed".

Questions

- What effects have COVID-19 had on living standards in New Zealand, particularly for vulnerable groups?
- What specific measures has the Government taken to alleviate the impacts COVID-19 on living standards?
- To what extent has the Government's Living Standards Framework been implemented in accordance with human rights norms, and how effective has its implementation been in addressing/alleviating the impacts of COVID-19 on living standards?
- In light of the issues that have been exacerbated by COVID-19, what are some recommendations to improve living standards in Aotearoa?

Mental Health

New Zealand accepted the following recommendations at the last UPR that are relevant to mental health:

- 122.94 Enhance mental health policies with a view to guaranteeing that persons with mental health conditions and psychosocial disabilities have access to appropriate mental health services, including community-based care, which respect their dignity and human rights



- 122.100 Progress with efforts in addressing disparities in mental health and improve services for vulnerable groups.

The Government responded to the recommendations above with the following:

“The Inquiry into Mental Health and Addiction report ‘He Ara Oranga’ calls for change, with an emphasis on wellbeing, prevention, early intervention, expanded access to services, more treatment options, community-based responses and cross-government action. In 2019, the Government will respond to the report’s recommendations and decide on actions.

“A new model of care is being piloted in prisons. It allows more flexibility in supporting prisoners vulnerable to self-harm and increases therapeutic options.

“Guidelines to better administer mental health legislation in line with human rights obligations are being developed”.

Questions

- What effects have COVID-19 had on mental health in New Zealand?
- What specific measures has the Government taken to alleviate the impacts on mental health during the pandemic?
- To what extent have the Government’s initiatives set out above (e.g. the He Oranga Report, the new model of care for prisons and the mental health guidelines) been implemented in accordance with human rights norms, and how effective have those responses been in addressing/alleviating the impacts of SGBV during the pandemic?
- In light of the issues that have been exacerbated by COVID-19, what are some recommendations to improve mental health in Aotearoa?

Sexual and Gender-Based Violence (SGBV)

3. New Zealand accepted the following recommendations at the last UPR that are relevant to SGBV:

- 122.109-43: Strengthen measures to combat domestic, sexual and gender-based violence through adequate resourcing to provide support and protection for victims, and a comprehensive national strategy.



4. The Government responded to the above with the following:

"We are committed to eradicating family and sexual violence, and creating a system delivering an integrated, consistent and effective response to victims, perpetrators and their families.

"A Joint Venture of government agencies was established in 2018 to provide support through an effective, whole-of-government response. A national strategy and action plan are being developed enabling a strategic overview of prevention, early intervention, crisis response and support for long-term recovery.

"The new Family Violence Act 2018 provides a modern framework to better prevent, identify and respond to family violence. Legislation will support sector-wide collaboration, for example through information sharing and codes of practice.

"Legislation will make important improvements to victims' experience of court processes, helping to bring more perpetrators to justice. Programmes and services will focus on vulnerable groups more likely be victimised".

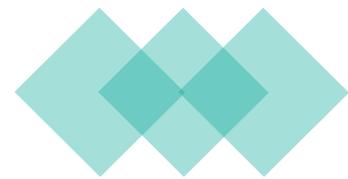
Questions

- What effects have COVID-19 had on SGBV in New Zealand?
- What specific measures has the Government taken to alleviate the impacts of SGBV during the pandemic?
- To what extent have the Government's initiatives set out above (e.g. the system delivering on effective responses to victims and the national strategy and action plan) been implemented in accordance with human rights norms, and how effective have those responses been in addressing/alleviating the impacts of SGBV during the pandemic?
- In light of the issues that have been exacerbated by COVID-19, what are some recommendations to improve SGBV in Aotearoa?

Children

New Zealand accepted the following recommendations at the last UPR that are relevant to the rights of children:

- 122.103, 104, 146 Improve accessibility and inclusivity of education to all children and increase financial aid for children in difficulty to guarantee their right to further education
- 122.144-46 Strengthen efforts to prevent and address child abuse
- 122.147 Develop a national strategy for the promotion and protection of the rights of all children in implementation of the Convention on the Rights of the Child
- 122.149-153 Prioritise efforts and legislation to reduce child poverty and advance child wellbeing in accordance with the Convention on the Rights of the Child and the Treaty of Waitangi
- 122.154-55 Continue efforts to combat discrimination and reduce all forms of inequalities and discrimination among children, for Māori and Pasifika children in particular, as well as children belonging to ethnic minorities, refugee and migrant children and children with disabilities.



The Government responded to the recommendations above with the following comments:

“The wellbeing of children is a priority for New Zealand. The first Child and Youth Wellbeing Strategy will be published in 2019. It will help protect children’s rights, including those under the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities (CRPD).

“Violence against children is addressed through work to combat family and sexual violence. A five-year transformation programme will build a more child-centred state care system. The Royal Commission of Inquiry into Historical Abuse in State Care and in Care in Faith-based Institutions is investigating abuse of children and vulnerable adults.

“Reducing child poverty is a priority. Under new legislation, ambitious child poverty reduction targets have been announced and annual reporting is required.

“Education must be accessible and inclusive. Education strategies for Māori and Pacific people are being updated to enable all learners to succeed”.

Questions

- How has COVID-19 affected the rights of children in New Zealand?
- What specific measures has the Government taken to alleviate the human rights impacts of children?
- To what extent have the Government’s initiatives set out above (e.g. the Wellbeing Strategy and Child Poverty legislation) been implemented in accordance with human rights norms, and how effective have those responses been in addressing/alleviating the impacts of COVID-19 on NZ children?
- In light of the issues that have been exacerbated by COVID-19, what are some recommendations to improve the rights of children in Aotearoa?

Persons with disabilities

New Zealand accepted the following recommendations at the last UPR that are relevant to the rights of persons with disabilities:

- 122.156 Continue its efforts to extend welfare services and assistance to all persons with disabilities;
- 122.157 Continue its efforts in implementing legislation and strategies to promote and protect the rights of children and young people and persons with disabilities;
- 122.158 Harmonize its national legislation on the rights of persons with disabilities, especially in relation to inclusive education, with international standards;
- 122.159 Strengthen efforts to combat marginalization and discrimination of children with disabilities, especially in their access to health, education, care and protection services;
- 122.160 Grant children with disabilities the right to quality inclusive education and increase the provision of reasonable accommodation in primary and secondary education in line with international standards



- 122.161 Continue the development of inclusive education programmes for children with disabilities
- 122.162 Respect the rights of persons with mental health conditions and psychosocial disabilities, in line with the Convention on the Rights of Persons with Disabilities, including by combating institutionalization, stigma, violence and overmedicalization, and by developing community-based and people-centred mental health services which promote inclusion in the community and respect their free and informed consent.

The Government responded to the above with the following comments:

“New Zealand is working towards a society where persons with disabilities have equal opportunities to achieve their goals.

“The Disability Strategy 2016-2026 guides the Government’s work and the implementation of CRPD. New legislation aims to strengthen rights of children, particularly in state care.

“The Government is transforming the disability support system and is committed to an inclusive and accessible education system, including through the Disability and Learning Support Action Plan.

“The Government is committed to improving the welfare system and also funds programmes to reduce stigma and discrimination associated with mental health issues”.

Questions

- How has COVID-19 affected the rights of disabled people in New Zealand?
- What specific measures has the Government taken to alleviate the human rights impacts of COVID-19 on disabled people?
- To what extent have the Government’s initiatives set out above (e.g. the Disability Strategy, Disability and Learning Support Action Plan, improvements to welfare system and funds for mental health) been implemented in accordance with the CRPD and how effective have those responses been in addressing/alleviating the impacts of COVID-19 on disabled people?
- In light of the issues that have been exacerbated by COVID-19, what are some recommendations to improve the rights of disabled people in Aotearoa?

5. Housing

New Zealand accepted the following recommendations at the last UPR that are relevant to the rights to housing:

- 122.91-92 Continue efforts to increase the availability of adequate and affordable housing for all segments of society;:
 - o paying particular attention to low-income families;
 - o ensuring equitable housing for the elderly, persons with disabilities, and all ethnic groups.



The Government responded with the following:

“Ensuring that everybody has somewhere warm, dry and safe to live is a priority. A comprehensive programme to address housing issues is underway.

“A dedicated Māori Housing Unit works with Māori to improve housing opportunities”.

Questions

- How has COVID-19 affected the right to housing in New Zealand, particularly for vulnerable groups?
- What specific measures did the Government take to alleviate housing pressures on vulnerable groups as a result of COVID-19?
- To what extent has the Government succeeded in its responses to the recommendations above (devising a comprehensive programme and a dedicated Māori Housing Unit) and how effective have those responses been in addressing the issues of COVID-19?
- In light of the issues that have been exacerbated by COVID-19, what are some recommendations to improve the right to housing in Aotearoa?

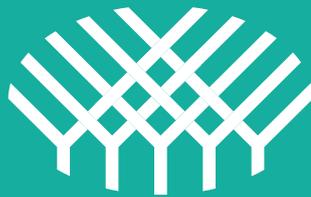
6. Te Tiriti o Waitangi

The New Zealand Government accepted the recommendations of the last UPR (among others) to develop, in partnership with Māori, a national strategy or plan of action to align public policy and legislation with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

The Government responded that *“Work is underway towards a comprehensive national plan setting out how New Zealand regulations align with [UNDRIP]”* and that it *“will take into account Te Tiriti principles and highlight areas for improvement”.*

Questions

- What specific measures has the government taken since 2019 to progress a comprehensive national plan to align New Zealand’s public policy and legislation with UNDRIP?
- To what extent does the national plan uphold Te Tiriti o Waitangi and address relevant areas for improvement?
- What are some recommendations to ensure the national plan of action aligns with UNDRIP and Te Tiriti o Waitangi?



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