

NZ
Human
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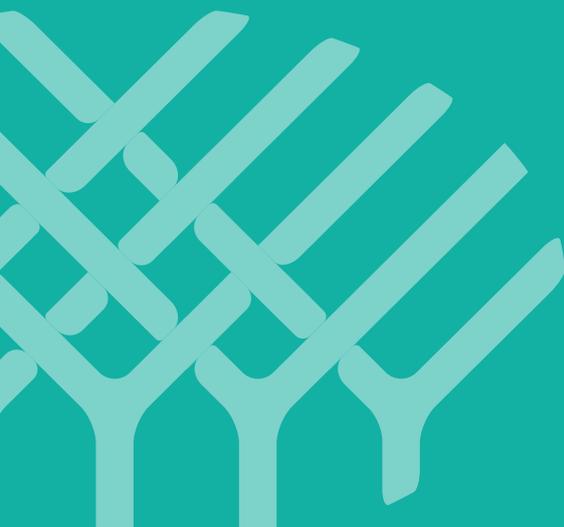
Te Kāhui Tika Tangata
Human Rights Commission

Ko Ō Tika, ko Tō Reo

Your Rights, Your Voice

October 2020

Human Rights Commission
Te Kāhui Tika Tangata



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Human rights belong to everyone

They relate to people and issues we all care about – survivors of abuse, people in care, decent homes, fair work and vibrant communities.

Human rights are based on values: fairness, respect, equality, freedom, wellbeing, whanaungatanga (kinship), kaitiakitanga (stewardship), community and responsibility. You have human rights no matter where you are from, what you believe or how you choose to live.

You have the right to speak your mind, privacy, education and a decent home; to not be discriminated against for a wide range of reasons including your religion, ethnicity, disability, gender or sexual orientation.

We can use human rights to improve our schools, hospitals, workplaces, housing, social security, transport, environment and communities.

For many years, our governments have signed up to these human rights and made commitments to deliver them. They have also promised to honour Te Tiriti o Waitangi (the Treaty of Waitangi).

With a new Government being formed, it is important politicians are asked how they will honour decades-old human rights and Te Tiriti promises. We hope Ko Ō Tika, ko Tō Reo (Your Rights, Your Voice) will help you ask the questions that are most important to you.

We have based it on promises made and voices – your voices – we have heard across Aotearoa New Zealand.

Below we have grouped a selection of issues under the areas of responsibility we have as Commissioners. You will then find a short commentary on each. We own these together. There are many more we continue to work on.

Our goal is a vibrant, inclusive democracy, founded on Te Tiriti, which protects everyone's human rights.

We would love to hear your views because it's our privilege to help advance your human rights. You can join the conversation on our social media pages.



From left to right:
Chief Commissioner **Paul Hunt**,
Disability Rights Commissioner **Paula Tesoriero**,
Equal Employment Opportunities Commissioner
Saunoamaali'i Dr Karanina Sumeo and
Race Relations Commissioner **Meng Foon**

Key human rights issues



Chief Human Rights Commissioner Paul Hunt

Everyone should have a warm, dry, safe, decent home

Look after the environment as kaitiaki (guardian) for our children and grandchildren

We not only have rights, we also have responsibilities to our communities

Rainbow communities can express who they are and be respected and safe

A community-based health system (physical and mental health) for everyone

Public officials must respect the human rights promises governments have made to all of us

The welfare system should ensure a secure and dignified life for everyone

Honour and implement the growing partnership between kāwanatanga (Crown) and rangatiratanga (hapū and iwi)

Establish a Human Rights Commissioner for Older People

Getting the balance right between freedom of speech and the right to be safe

Treat people who are deprived of their liberty with respect

A written Constitution that honours Te Tiriti o Waitangi



Disability Rights Commissioner Paula Tesoriero MNZM

Respect for disabled people by upholding our dignity and celebrating our contributions

Give disabled young people a fair go in our education system

Make houses, transport and public places accessible so everyone can use them

Services respect and work in partnership with tāngata whaikaha (Māori disabled people)

More and better employment opportunities for disabled people

Better services for those experiencing violence and abuse

Make the health system work for all disabled people

Public information provided in ways, such as te reo Māori, NZ Sign Language, and braille, so that everyone can understand

Collect better information about disabled people so services can be better designed for them



Equal Employment Opportunities Commissioner Saunoamaali'i Dr Karanina Sumeo

Ensure government contracts have job targets for Māori, women, disabled people, 55+, vulnerable youth, Pacific Peoples and ethnic minorities

End pay discrimination

Free early childhood education

Establish fair employment contracts for all

Make the minimum wage a living wage

Establish a safe and trusted process to deal with sexual harassment and bullying

Eliminate modern slavery and exploitation in the workplace

Develop a national strategy to deal with family violence



Race Relations Commissioner Meng Foon

A National Action Plan Against Racism

Teach Te Tiriti o Waitangi, local histories and human rights in schools

Police to collect hate crime data

Make government systems work for Māori e.g. health, justice, education, Oranga Tamariki, welfare and housing

A public anniversary to commemorate the New Zealand Wars

Support Māori to take part in the political process

Equal rules for creating general wards and Māori wards

Establish a national action plan for the implementation of the UN Declaration on the Rights of Indigenous Peoples

Appoint an Indigenous Rights Commissioner at the Human Rights Commission

A government Ministry for ethnic communities

Commentaries

Chief Human Rights Commissioner Paul Hunt

Everyone should have a warm, dry, safe, decent home

Everyone has the right to a decent home – one that is warm, dry, safe, secure and accessible. A decent home must be financially affordable to everyone, whatever their age, income, ethnicity or background, and physically accessible to older and disabled people. When people have a decent home, they are better able to fully participate in society.

Look after the environment as kaitiaki (guardian) for our children and grandchildren

The environment and climate are under grave threat. There is a human right to a safe and healthy environment. This and other human rights, and Te Tiriti o Waitangi, can help us make good environmental decisions, challenge climate change and remind us of our responsibilities to future generations.

We not only have rights, we also have responsibilities to our communities

The Universal Declaration of Human Rights, which New Zealand helped write in 1948, not only says we have human rights, but we also have duties to our communities too. Te Ao Māori (the Māori worldview) and Te Tiriti also emphasise our responsibilities to each other. We have a duty to respect the human rights of others, support inclusivity, care for our environment and honour Te Tiriti.

Rainbow communities can express who they are and be respected and safe

The rainbow community includes people with diverse sexual orientation, gender identity or expression and sex characteristics. The law should be updated to better reflect and protect the full range of identities and experiences within rainbow communities and ensure they are free from discrimination and violence. People should be able to express who they are, including by changing their identity documents and making decisions about their own bodies.

A community-based health system (physical and mental health) for everyone

Aotearoa New Zealand has signed up to the right to the highest attainable standard of health. This means it must do all it reasonably can to establish a system which is community-based, provides health protection and medical care without discrimination, and includes physical and mental health. New Zealand has not fulfilled this obligation to all.

Public officials must respect the human rights promises governments have made to all of us

Human rights help to create fair societies. Although successive governments have promised to advance national and international human rights and Te Tiriti, public officials do not always take these promises into account when they advise Ministers, design policies and implement laws. By disregarding them, they miss opportunities to make Aotearoa a fairer place.

The welfare system should ensure a secure and dignified life for everyone

The government has a responsibility to do all it can to create a society in which we are able to look after ourselves. But, if we can't, the welfare system must ensure we have the necessities of life and are able to fully participate in society. Everyone has the human right to a decent standard of living. The government must advance the recommendations of the Welfare Expert Advisory Group published in 2019.

Honour and implement the growing partnership between kāwanatanga (Crown) and rangatiratanga (hapū and iwi)

Te Tiriti and human rights provide for co-existing systems of governance: Crown kāwanatanga (governorship) and iwi and hapū rangatiratanga (right to exercise authority). Building on positive examples, Crown-Māori relationships need to be elevated from sporadic engagement and consultation, to substantive partnership and equitably shared decision-making. Such partnership and decision-making reflect the international human rights requirement of 'free, prior and informed consent' in relation to initiatives that affect indigenous peoples, including tāngata whenua in Aotearoa.

Establish a Human Rights Commissioner for Older People

Older people face very serious human rights challenges, such as elder abuse, poverty, inaccessible housing and social isolation. The Human Rights Commission does not have a fulltime designated commissioner for older people. Establishing such a position would help to create a society where the rich contributions of older people are recognised and their human rights respected.

Getting the balance right between freedom of speech and the right to be safe

There is an important debate about whether our hate speech law is adequate for our modern diverse society. Presently, hate speech is defined as speech that can be proven to cause a third party to act with violence or hostility towards an ethnic or national group, it does not safeguard other protected characteristics such as religion, sexual orientation or disability. A suitable balance must be struck between two extremely important human rights: freedom of speech and the right to live in safety.

Treat people who are deprived of their liberty with respect

Human rights require that people deprived of their liberty, including older, young and disabled people are treated with dignity. The Ombudsman, Office of the Children's Commissioner, Independent Police Conduct Authority and others, carry out independent inspections of care and protection residences, secure mental health units, youth justice facilities and prisons. By helping to ensure everyone deprived of their liberty is treated with respect, the independent inspectors play a vital human rights role which deserves the robust support of us all.

A written Constitution that honours Te Tiriti o Waitangi

New Zealand is one of few countries without a written constitution. This means the government's human rights promises are less secure than they should be. A constitution founded on Te Tiriti o Waitangi will help us build a vibrant inclusive democracy which protects everyone's human rights.

Equal Employment Opportunities Commissioner Saunoamaali'i Dr Karanina Sumeo

Ensure government contracts have job targets for Māori, women, disabled people, 55+, vulnerable youth, Pacific Peoples and ethnic minorities

The Government spends billions of taxpayer money every year on projects and services that create jobs in the community. Introducing targets for job opportunities for those most disadvantaged will help businesses, unions and government work together to lift people out of poverty. The Government has the duty to ensure everyone has a decent standard of living, decent work and freedom from discrimination.

End pay discrimination

Publicise salary scales for jobs and pay gaps based on gender and race in the private and public sectors. This will help people negotiate pay, seek promotion and identify and address discrimination that affects wages. We all have the right to equal opportunities and pay for equal work without discrimination.

Free early childhood education

Free, including kaupapa Māori, education for children until they turn five. It would remove the financial hurdle for caregivers, who are disproportionately women, to be more engaged in paid work, tertiary study or training. We all have the right to work, gender equality and equal employment opportunities.

Establish fair employment contracts for all

Establish fair pay agreements that set standards across industries to ensure fair pay, safety, training and give vulnerable workers a voice. Everyone has human rights to decent work, safety and, if they choose, to be part of a collective.

Make the minimum wage a living wage

The living wage is required in the core public service but not the private sector. Too many workers on the minimum wage are living in poverty because it is not enough to provide for basic needs, such as food, housing, water, power, health and education. The living wage will help people earning the least to have a decent standard of living, better support their families and to fully participate in society.

Establish safe and trusted processes to deal with sexual harassment and bullying

Victims of sexual harassment do not trust our justice system or workplaces to protect them. Too many businesses fail to protect victims of sexual harassment or address bullying appropriately. Everyone has the right to justice, equal treatment before the law, to be safe and live free of violence and discrimination.

Eliminate modern slavery and exploitation in the workplace

No person working in Aotearoa New Zealand should be treated like a slave or exploited, but it is happening. Australia and the United Kingdom have laws against modern slavery requiring companies to publicly report on slavery risks in their supply chains in order to protect workers. New Zealand should enact similar laws. We have the human rights to fair and just working conditions and to live free from inhuman and degrading treatment.

Develop a national strategy to deal with family violence

Urgently develop a victim-centric national strategy ensuring continued inclusive and accessible services, both prevention and response to support survivors of violence and those at risk of committing violence. This plan must involve the voices of Māori, Pacific, disabled, ethnic, and trans women and encourage collaboration at both local and national levels between Police, Civil Defence, Iwi, and other community groups in supporting whānau.

Disability Rights Commissioner Paula Tesoriero

Respect for disabled people by upholding our dignity and celebrating our contributions

Disabled people are an enormous source of untapped potential for creativity, innovation and leadership. Achievements need celebrating. We need to change the thinking that makes society not work for disabled people. Everyone in Aotearoa New Zealand needs to better understand why diversity in the community, school system and workforce is a great thing. It supports the rights of Māori as tangata whenua, and of everyone to participate and to make sure disabled people are not discriminated against.

Give disabled young people a fair go in our education system

The Commission hears many stories and receives complaints about disabled young people being discriminated against in education. More Kaupapa Māori options, teacher aides, appropriate buildings, anti-bullying messages, teachers being trained to respond to all students, the teaching programme (NZ curriculum) being designed for all and people believing that disabled young people can do well at school, would help address the problems. All young people have the right to an education.

Make houses, transport and public places accessible so everyone can use them

Disabled people have the same rights as others to participate in our communities and to live in a decent home. We need more houses, buildings and public spaces that disabled people can live, work and play in. Our transport system must work better for disabled people. For example: more taxis and buses that are wheelchair accessible; technology systems that pronounce te reo Māori correctly, allow people who are blind or have low vision to hear travel information; and use New Zealand Sign Language.

Services respect and work in partnership with tāngata whaikaha

The rights of tāngata whaikaha (Māori disabled people) can only be met within the cultural context of Māori as indigenous people, as tāngata whenua and in upholding Te Tiriti rights. Yet Māori fare worse on many socio-economic indicators than non-Māori, Māori experience disability at higher rates than non-Māori and tāngata whaikaha fare worse than non-disabled Māori. All community and disability services need to work in partnership with tāngata whaikaha to make sure services celebrate culture and improve people's lives.

More and better employment opportunities for disabled people

Disabled people have the same right to decent work with fair pay and conditions as everyone. Businesses do better when they employ a range of people, so does government. A range of things are needed to grow equal employment opportunities for disabled people such as internships, mentoring, inclusive workplaces and better awareness that disabled people have great skills.

Better services for those experiencing violence and abuse

Disabled people are at higher risk of experiencing violence, but most services are not set up to support them. It means there may be nowhere to turn when help is needed. We all have a right to be safe from harm. We need to invest in services that are designed in partnership with, and for, disabled people. Ultimately, we need to eliminate violence and abuse including towards disabled people.

Make the health and disability system work for all disabled people

Our health system must support everyone's right to health care and protection, yet many disabled people live shorter lives than non-disabled people because

the system doesn't work for everyone. Many disabled people cannot afford the health care they need or receive health information that caters for a range of communication needs. We need our health system to be set up so that tāngata whaikaha can determine their needs and solutions. Everyone must get the care and support needed.

Public information provided in ways, such as te reo Māori, NZ Sign Language, and braille so that everyone can understand

Disabled people have a right to access information that caters for a range of communication needs. It helps people to make personal decisions and to take part in community and public life. Public information should be available in New Zealand Sign Language (an official language), te reo Māori, and in other ways such as Braille, captioning and audio

descriptions. It needs to be written for people with learning disabilities. Action is needed to address the longstanding shortage of te reo Māori Sign Language interpreters.

Collect better information about disabled people so services can be better designed for them

Good data about disabled people is important for every other right they want to enjoy. Governments have a duty to make sure information about disabled people is captured in official data so public services, and support, work well for them. Data must be disaggregated and enable comparisons between non-Māori and Māori, so that specific needs and issues can be addressed. This information needs to be able to be shared and understood not only by agencies, but also by disabled people.

Race Relations Commissioner Meng Foon

A national action plan against racism

For many years, members of our diverse communities have been asking for anti-racism leadership from governments. Recent events such as the 15 March massacres, COVID-19 and allegations of institutional racism against Māori and Pasifika highlighted in the Armed Response Trial, confirm why anti-racism leadership in government is so important. Based on the human rights to life, safety and non-discrimination, a government plan to eliminate racism should include funding for local and national anti-racism campaigns.

Teach Te Tiriti o Waitangi, local histories and human rights in schools

In 2019 it was announced that New Zealand history would be taught in all schools by 2022. This welcome initiative should include local history, Te Tiriti and human rights. It will ensure our rangatahi (young people) understand critically important values like fairness, respect, equality, freedom, wellbeing, community and responsibility.

Police to collect hate crime data

The Human Rights Commission and many others have been calling for the Police and government to collect hate crime data for years. Crimes committed against someone because of their race, religion, sexual orientation or disability are recorded by Police as general offences (e.g. assault). The motivation for the offence, however, is not recorded and reported on. This misses the opportunity to understand the nature and scale of hate-motivated crime and design evidence-based policies in response.

Make government systems work for Māori e.g. health, justice, education, Oranga Tamariki, welfare and housing

Māori face deep-rooted disparities in the enjoyment of fundamental rights – including in health, education, justice, housing and employment. Systemic barriers and structural racism are well-documented and widely recognised, yet these inequities persist. Over many years, Māori have put forward solutions and a range of reports (for

example from the Waitangi Tribunal, various working groups and international human rights bodies) have recommended clear pathways for change. Action is required to put these changes in place and to enable Māori to exercise rangatiratanga (right to exercise authority) in leading solutions.

A public anniversary to commemorate the New Zealand Wars

We are in a better position to understand the present, and plan for the future, when we know our shared history. While iwi currently hold an annual event, Te Pūtake o Te Riri, on 28 October to commemorate the New Zealand Wars, a public anniversary would affirm the right of tāngata whenua to maintain their cultural customs by remembering the sites and events involving their tīpuna (ancestors). Like Anzac Day, it would help New Zealanders take more seriously our shared history.

Support Māori to take part in the political process

Māori voters face barriers to exercising their collective voice and right to vote on the Māori Roll because of the way that the Māori Option is managed. Māori voters are only able to change rolls every five years, but they should be allowed to do so at any time. Participation in our democratic processes is a key to building inclusion and social cohesion between the increasing Māori population and non-Māori. Increased awareness about how voting and enrolment can support Te Ao Māori (the Māori world view) will help achieve this.

Equal rules for creating general and Māori wards

Local councils should be able to create Māori wards the same way as general wards are created – giving equality to Māori and general wards. The current process is unfair because in most cases Māori wards are rejected by the larger non-Māori population through a local referendum. Without Māori wards at council level it is harder for their voices to be heard, and for councils and Māori to contribute together to the wellbeing of the whole community.

Establish a national action plan for the implementation of the UN Declaration on the Rights of Indigenous Peoples

The UN Declaration on the Rights of Indigenous Peoples provides a framework for upholding Te Tiriti, enhancing Māori wellbeing and improving Crown-Māori relationships. However, as yet there is no strategic approach to its implementation, and there are gaps between the rights and obligations affirmed in the declaration and Te Tiriti and their implementation. This is particularly the case in relation to rangatiratanga (right to exercise authority). A coordinated Te Tiriti strategy across all government agencies and sectors could build on work towards a national action plan for the declaration, which was affirmed by the government in 2020.

Appoint an Indigenous Rights Commissioner at the Human Rights Commission

The Commission does not have a fulltime designated Commissioner to focus on the human rights of tāngata whenua, Te Tiriti o Waitangi and the UN Declaration on the Rights of Indigenous Peoples. This is inconsistent with human rights and Te Tiriti. It is also a national and international human rights embarrassment which diminishes the global standing of Aotearoa New Zealand.

A government Ministry for ethnic communities

An increasing number of people from ethnic and multicultural backgrounds live here. There is an Office for Ethnic Communities, but a standalone government Ministry would better reflect the importance and needs of our richly diverse population. The 15 March 2019 attacks confirmed why it is crucial for government to better provide for Aotearoa's ethnically diverse and multi-faith communities with the aim of creating a fairer and more inclusive society.



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