2009-2012 Statement of Intent and Service Performance

Human Rights Commission
Te Kāhui Tika Tangata

The Office of Human Rights Proceedings
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Values
He Uara

Hutia te rito o te harakeke, kei hea te komako e ko?
Ki mai ki au, He aha te mea nui?
Maku e ki 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, 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, communities, community organisations and individuals to achieve shared goals.
The Cloak of the Human Rights Commission

The korowai or cloak of human rights embraces those who gather together under the kaupapa of human rights. The cloak symbolises the protective role of human rights and the Commission’s role in making human rights real. The horizontal strands of the cloak (weft) represent the Commission’s strategic areas. The vertical strands of the cloak (warp) show how the Commission carries out its role.

Te Taiāo Tikanga
Tangata/Human Rights Environment
Goal: Human rights standards are incorporated in law, upheld in policy and delivered in practice.

Whakawhanaungatanga ā Iwi/Race Relations
Goal: Relations between the diverse groups that make up New Zealand are harmonious, based on equality, mutual respect and a shared sense of belonging.

Te Mana I Waitangi/Human Rights and the Treaty
Goal: Treaty relationships operate effectively at all levels for the protection of the rights of Tangata Whenua and the benefit of society.

Te Hunga Haana/Disabled People
Goal: Disabled people enjoy full and effective participation in New Zealand society and are respected for who they are.

Tika ki te Whai Mahi/Right to Work
Goal: All people in New Zealand have equal employment opportunities and access to decent and productive work.

Kāpititita ā Taiāo/International Connectedness
Goal: The country’s security and prospects for sustainable development are strengthened by national and global respect for international human rights law.
Foreword

Mihi

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 global recession, the first international review of New Zealand’s human rights performance – the Universal Periodic Review by the United Nations Human Rights Council – and the change of government are key factors in the Commission’s focus and priorities in this year’s Statement of Intent.

The most pressing challenge for 2009 is the global recession. It is likely to remain the dominant feature for the international and domestic environment for some time. In the context of such global and international insecurity, a strong human rights approach is of particular importance. Without it, economic deterioration is likely to impact disproportionately on those whose realisation of human rights, particularly economic, social and cultural rights, is already tenuous.

The Commission’s programme of work in 2009 focuses on:

• building community-wide understanding of and respect for human rights and responsibilities
• incorporating human rights standards, particularly economic, social and cultural rights, into legislation, policy and practice
• reducing discrimination, entrenched social and economic inequalities and barriers to full participation in society
• accelerating progress on equal employment opportunities
• effectively implementing the Convention on the Rights of Persons with Disabilities, with an emphasis on education, employment and fully accessible public transport
• strengthening Treaty relationships and promoting understanding of the human rights dimensions of the Treaty of Waitangi
• increasing respect for cultural diversity and making provision for diverse communities in the delivery of goods and services
• promoting and monitoring New Zealand’s implementation of its international human rights obligations.

Since 2005, Mana ki teTangata, the 2005-2010 New Zealand Action Plan for Human Rights, has provided the evidential basis for the Commission’s work programme. An evaluation in 2008 of progress in implementing Action Plan priorities found that, despite significant gains, a number of the issues identified remain critical. This year the Commission begins the research, analysis and consultations for the development of the 2010-2015 Action Plan for the promotion and protection of human rights in New Zealand.

The global recession has had an immediate impact on the Commission’s allocation of resources. This Statement of Intent has been developed in accordance with government expectations of tight budgeting, and in recognition of the predicted five years of public sector deficits. This has involved deferring some elements of infrastructure development as well as making savings in personnel costs and a 10 per cent reduction in the project budget.
As in previous years, this Statement of Intent reflects the Commission’s recognition that society-wide respect for human rights, harmonious relations and equal employment opportunities can be achieved only by working with others – across the community, in education, business, and central and local government.

The Commission is committed to working with government and the wider community to ensure the rights and responsibilities set out in the Universal Declaration of Human Rights are widely recognised and respected as the best basis for ensuring the dignity, equality and security of everyone in New Zealand, in hard times as well as in good times.
Kupu Whakataki

Ko ngā tika tangata te paparite o te pūnaha kāwanatanga o Aotearoa me ngā whāinga o ngā tāngata o Aotearoa mō te mātauranga, hauora, mahi, haumaru whaiaro, whai wāhitanga ārīte me te manaaki tikatia. E kapi ana i ngā tika tangata ngā wāhi o ngā mahi katoa me ngā mea tuatahi a te kāwanatanga.

Ko te whakakekenga o te ao, te arotake ā-ao tuatahi mō te āhua o ngā tika tangata o Aotearoa – te Arotake Pokapoka Whānui a Te Kaunihera Tika Tangata o Te Kotahitanga o ngā Whenua o te Ao – me te kāwanatanga hou ngā āhuatanga nui i roto i te arotahi me ngā mea tuatahi a Te Kāhui Tika Tangata i roto i te Whakapuaki Whakamaunga o te tēnei tau.

Ko te wero whitawhita mō te tau 2009 ko te whakakekenga o te ao. Te āhua nei ka noho ko tēnei te take matua mō te ao me te motu whānui mō tētahi wā roa. I roto i te horopaki o tēnei titengitanga o te ao whānui, ko te aronga tika tangata tētahi mea nui. Ki te kore tēnei raonga, nā runga i te tupuhēkenga āhanga ka pākia ko te hunga e whai ana ki te whakapiki i ngā tika tangata, tae noa ki ngā tika āhanga, pāpori me te ahurea.

Ko te hōtaka mahi a Te Kāhui Tika Tangata mō te tau 2009 e arotahi ana ki:

- te waihanga i te māramatanga me te whakautete o te hāpori whānui ki ngā tika tangata me ngā kawenga
- te whakauru i ngā paearu tika tangata, otirā ko ngā tika āhanga, pāpori me te ahurea, ki roto i te ture, kaupapa here me te whakatinana hoki
- te whakaiti i te aukatitanga, ngā rerekētanga pāpori me te āhanga pūmāu me te whakaiti anō i ngā tauārai ki te whai wāhi tūturu ki roto i te iwi whānui
- te whakatere i te whanaketanga o ngā whai wāhitanga mahi ārīte
- te whakatinana tōtika i Te Ture o ngā Tika mō te Hunga Hauā, me te arotahi ki te mātauranga, me te whai wāhi whānui atu ki ngā waka kawe tūmatanui
- te whakakahia i ngā whanaungatanga Tiriti me te hāpai i te māramatanga ki ngā korahi tika tangata o te Tiriti o Waitangi
- te whakanui i te whakautete ki te ahurea kanorau me te tuku wahanga mō ngā hāpori kanorau i roto i te whakaratonga rawa me te ratonga
- te hāpai me te aroturuki i te whakatinanatanga o ngā here tika tangata o te ao o Aotearoa.

Mai i te tau 2005, ko te Mana ki te Tangata, te Mahere Mahi mō Aotearoa 2005-2010, kua whakarato i te tūpapa taunakitanga mō te hōtaka mahi a Te Kāhui Tika Tangata. Nā te aromātai i te kauneke o te whakatinana i ngā mea tuatahi o te Mahere Mahi ka kītea ahakoa ngā hua nui, he maha tonu ngā take i tautuhia kei te noho kaikini hē tonu. I tēnei tau ka timatahia e Te Kāhui Tika Tangata te rangahau, tātari me te whakawhitinga kōrero mō te whakawhanaketanga o te Mahere Mahi 2010-2015 mō te hāpaitanga me te tīaki i ngā tika tangata i Aotearoa.

Tere tonu te pā mai o te whakakekenga o te ao ki ngā tohatohatanga papanga a Te Kāhui Tika Tangata. I whakawhanaketia te Whakapuaki Whakamaunga ki ngā hīhia a te kāwanatanga kia ihupirotia ngā pūtea, me te whakaarohi anō ki ngā takarepa o te wāhanga tūmatanui e matakiteoria mō ngā tau e rima. Kei roto i tēnei ko te hiki i ētahi āhuatanga o te whanaketanga hanganga me te penapena anō i ngā utu whaiaro me te 10 paihēneti anō o te whakaiti i te tāhua kaupapa.
Përā anō i ngā tau ki muri, e whakaata ana te Whakapuaki Whakamaunga i te whakamanatanga o Te Kāhui Tika Tangata i te whakauta whānui o te hapori mō ngā tīka tangata, ngā whanaungatanga tino pai me ngā whai wāhitanga māhia ā-rite ka taea mā te mahi tahi anake me ātahi atu – puta noa i te hapori, i roto i te mātauranga, pakihi, me te kāwanatanga me ngā kaunihera ā-rohe.

E pūmāu ana Te Kāhui Tika Tangata ki te mahi tahi me te kāwanatanga me te hapori whānui ki te whakapūmāu i ngā tīka me ngā kawenga e takoto ana i roto i te Whakapuakanga Whānui o ngā Tīka Tangata e mōhio whānuitia me te whakauta anō hei tūāpapa pai mō te whakapūmāu i te mana, ā-rite tangata me te haumaru o ngā tāngata katoa o Aotearoa, i ngā wā ua ua me ngā wā pai hoki.

Rosslyn Noonan
Chief Commissioner
Te Amokapua

Joris de Bres
Race Relations Commissioner
Kaihautu Whakawhanaunga ā Iwi

Dr Judy McGregor
EEO Commissioner
Kaihautu Īrīteanga Mahi

Robyn Hunt
Commissioner
Kaihautu

Karen Johansen
Commissioner
Kaihautu

Joy Liddicoat
Commissioner
Kaihautu

Jeremy Pope
Commissioner
Kaihautu

Richard Tankersley
Commissioner
Kaihautu
Part A:
The Human Rights Commission
Te Kāhui Tika Tangata

THE COMMISSION’S PURPOSE AND FUNCTIONS

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

• To advocate and promote respect and an understanding and appreciation of human rights in New Zealand.
• To encourage the maintenance and development of harmonious relations between individuals and among the diverse groups in New Zealand.
• To lead, evaluate, monitor and advise on equal employment opportunities.
• To provide information to people who have questions about discrimination, and to facilitate resolution in disputes about discrimination.

THE COMMISSIONERS

The Act provides for the positions of Chief Commissioner, Equal Employment Opportunities Commissioner, Race Relations Commissioner, five part-time Human Rights Commissioners, and the Director of Human Rights Proceedings. The Commissioners and the Director are required by the Act to act independently.

The Chief Commissioner, the Race Relations Commissioner and the Equal Employment Opportunities (EEO) Commissioner have a range of additional statutory functions. Acting jointly with the Chief Commissioner, the Race Relations Commissioner is responsible for providing leadership and advice to the Commission on race relations matters. 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.

OFFICE OF HUMAN RIGHTS PROCEEDINGS - TE TARI WHAKATAU TAKE TIKA TANGATA

The Office of Human Rights Proceedings is established by the Human Rights Act 1993 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 Act. 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 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 Office of Human Rights Proceedings and the relevant reporting measures are included in the Forecast Statement of Service Performance.

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 through promotion and education, advocacy and protection, handling enquiries and complaints, and undertaking litigation.

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 of 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 and use of empirical data, as well as a rigorous legal analysis, and the Commission’s knowledge of international good practice.

THE HUMAN RIGHTS APPROACH

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

• 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 under six outcome areas that reflect the priorities identified in Mana ki te Tangata/ The New Zealand Action Plan for Human Rights.

Te Taiao Tika Tangata - The Human Rights Environment

Human rights standards are incorporated in New Zealand’s law, upheld in policy and delivered in practice.

Te Hunga Haua - Disabled People

Disabled people enjoy full and effective participation in New Zealand society and are respected for who they are.

Whakawhanaungatanga a Iwi - Race Relations

Relations between the diverse groups that make up New Zealand society are harmonious, based on equality, mutual respect, and a shared sense of belonging to Aotearoa New Zealand.

Tika ki te Whai Mahi - Right to Work

All people in New Zealand have equal employment opportunities and access to decent and productive work.

Te Mana I Waitangi - Human Rights and the Treaty of Waitangi

Treaty relationships operate effectively at all levels for the protection of the rights of Tangata Whenua and the benefit of society as a whole.

Kāpititia a Taiao - International Connectedness

New Zealand’s security and prospects for sustainable development are strengthened by national and global respect for international human rights law.

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

The Commission reports to the Minister of Justice three times a year and to Parliament annually against its Statement of Service Performance. The Minister is informed of all the major activities, and briefings are also offered to other relevant ministers, to the leaders of all parliamentary parties and to parliamentary Select Committees. Specifically, 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 government and the wider New Zealand community - a relationship in which the Commission’s independence is respected and valued.

INTERNATIONAL ACCREDITATION

The Commission is a member of the Asia Pacific Forum of National Human Rights Institutions and of the International Coordinating Committee of National Human Rights Institutions. It holds “A” status accreditation, which is the United Nations prerequisite for participation in the Human Rights Council. The accreditation, reviewed every five years, requires the Commission to fully comply with the standards set out in the United Nations’ Paris Principles (UN General Assembly Resolution 48/134 20 December 1993, annex). They specify that a national human rights institution must have:

- a clearly defined and broad-based mandate, based on universal human rights standards
- independence guaranteed by legislation or the constitution
- autonomy from government
- pluralism, including membership that broadly reflects society
- adequate powers of investigation
- sufficient resources provided by the State.
Strategic Context
Te Mahinga Taiao o te Kāhui Tika Tangata

THE INTERNATIONAL ENVIRONMENT

Human rights are integral to security and sustainable development. Around the world, there is increasing recognition of the centrality of human rights to the major challenges facing humanity: the global recession, poverty and economic development, violent conflict, terrorism, climate change and environmental degradation, and global migration.

The most pressing challenge for 2009 is the global recession. It is likely to remain the dominant feature of the international and domestic environment for some time. In the context of such global insecurity, a strong human rights approach is of particular importance. Without it, further economic deterioration is likely to impact disproportionately on those whose realisation of human rights, particularly economic, social and cultural rights, is already tenuous.

The United Nations High Commissioner for Human Rights has warned that "the downturn in economics around the world would likely undermine access to work, affordability of food and housing, as well as of water, basic healthcare and education."\(^1\) Economic deprivation, she noted, can give rise to an increase in discrimination and exclusionary practices, and that particularly vulnerable groups include women and children, migrants, refugees, indigenous people, minorities and persons with disabilities.

Geographical proximity, trading opportunities and recent migration patterns are increasingly linking New Zealand’s prosperity and well-being to the stability and development of the Asia Pacific region. With Auckland the largest Polynesian city in the world, human rights issues in New Zealand and neighbouring Pacific states impact on each other. New Zealand, therefore, has an interest in working with its neighbours and trading partners on human rights issues that are of significance nationally and in other parts of the Asia Pacific region.

To strengthen the effectiveness of the international monitoring of human rights, the United Nations requires national human rights institutions to assume a greater role in evaluating the application of international treaties and in engagement with the relevant international treaty bodies.

New Zealand’s first Universal Periodic Review (UPR) took place before the United Nations Human Rights Council (UNHCR) in May this year. New Zealand will be reviewed every four years, with subsequent reviews focusing on the implementation of agreed recommendations resulting from the process.

THE NEW ZEALAND ENVIRONMENT

A change in government provides opportunities and challenges for human rights in New Zealand. Among the possible opportunities, the post-election agreement between the National Party and the Māori Party has the potential to strengthen Crown-Tangata Whenua relationships and may lead to a constitutional review. Some government criminal justice and labour market initiatives have the potential to weaken human rights protections.

The effects of the global recession are beginning to be seen. Even in the period of relative prosperity that New Zealand has enjoyed in recent years, entrenched inequalities have persisted. The global recession threatens to reverse progress that has been achieved in addressing disparate economic and social outcomes, particularly for Māori and Pacific peoples.

The change in government and the global recession impact across all areas of the Commission’s work.

With deteriorating economic circumstances, increasing numbers of people are facing serious hardship.\(^2\) The effect on children is particularly insidious. Children in poor families are more likely to be sick and injured, they are at greater risk of abuse and neglect, and their educational achievement and subsequent employment opportunities are affected.\(^3\)

Labour market statistics have begun to show the negative effects of the global recession, with forecasts suggesting labour market indicators will worsen. Statistics suggest the groups of

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2 The Auckland City Mission has seen a 27 per cent increase in the number of food parcels distributed in the first three months of 2009 compared with 2008. This is a 35 per cent increase compared with the first three months of 2007.

workers likely to be most affected by the economic downturn are young people, and Māori and Pacific workers. Increasingly, redundancies are impacting on professionals and tradespeople. While recent years have seen increased participation by women in the labour force, the gender pay gap has remained.

Race relations are also affected by the challenges of the recession and increased competition for employment and other resources.

The Commission’s fifth annual review of race relations, Tūi Tūi Tuitiu – Race Relations in 2008, recorded a number of positive developments, noting that New Zealand’s population is increasingly diverse. The report also identified several challenges, including recognition and realisation of the rights set out in the UN Declaration of the Rights of Indigenous Peoples; the disproportionate number of Māori in prison; and ensuring that immigration law and policy accord with human rights standards.

Non-government organisations, community groups, businesses and trade unions have been crucial to the growing understanding and respect for human rights and the greater valuing of diversity in New Zealand.

**HUMAN RIGHTS CHALLENGES AND THE COMMISSION’S FOCUS**

The developments described provide a context for the Commission to review and focus its priorities, to ensure they remain relevant and responsive to the evolving national and international human rights environments.

An evaluation in 2008 of progress in implementing the New Zealand Action Plan for Human Rights has found that despite significant gains, the pressing issues and priorities identified remain critical. That review informed the Commission’s Report on New Zealand’s Human Rights Performance, which was submitted to the United Nations Human Rights Council as part of the UPR process.

Areas of achievement highlighted in the Commission’s UPR report included actions to reduce violence against young people, policies to reduce poverty, improved access to healthcare, improvements in social and economic indicators for Māori and Pacific peoples, a revised school curriculum, strengthening of the rights of gay, lesbian, bisexual and transgender people, greater use of the Māori language, fostering Pacific languages, migrant settlement initiatives, and the integration of human rights into New Zealand’s International Aid and Development agency’s (NZAID) policies and practices.

**Human rights challenges that are a focus for the Commission:**

- Building community-wide understanding of and respect for human rights and responsibilities.
- Incorporating human rights into legislation, policy and practice. Economic, social and cultural rights, in particular, lack robust protection and have significance in the present economic climate.
- Reducing discrimination, entrenched social and economic inequalities and barriers to full participation in society, particularly affecting women, disabled people, Māori, Pacific peoples and new migrants.
- Removing barriers to equal participation and accelerating progress on EEO, through public discussion on equality at work.
- Effectively implementing the Convention on the Rights of Persons with Disabilities, and addressing the barriers to full participation in society by disabled people, including in relation to transport, employment and education.
- Strengthening Treaty relationships and promoting understanding of the human rights dimensions of the Treaty of Waitangi.
- Increasing respect for cultural diversity and making provision for diverse communities in the delivery of goods and services.
- Promoting and monitoring New Zealand’s implementation of its international human rights obligations, including actions and recommendations arising from the UPR and other Treaty body reviews.
This chart summarises the Commission’s outcomes and medium-term impacts described more fully in the section that follows. It identifies how the Commission will monitor medium-term progress, linking that to the short-term measures set out in the Statement of Service Performance (SSP). The SSP provides detail on what will be done in 2009-10.

Throughout the year, the Commission will report on its impacts and how quality targets are being met. This includes:

- a report on progress to the Ministry of Justice three times a year
- an annual report to Parliament
- the annual Race Relations Report
- an internal report to the Commission three times a year
- specific project reports and evaluations.

### Outcomes and Monitoring Chart

**Mahere Whaihua me te Tirotiro**

<table>
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<th>Outcome</th>
<th>Medium-term impact</th>
<th>Medium-term monitoring</th>
<th>Short-term measure</th>
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| Human rights standards are incorporated into New Zealand law, upheld in policy and delivered in practice | - Laws, policies and practices increasingly meet human rights standards  
- Taku Manawa regions identify and address human rights issues in local planning and decision-making | - Progress reported on three times a year  
- Progress reported by annual case studies | - Policy interventions meet internal quality standards  
- Participant evaluations show increased knowledge of human rights, partnerships are developed with organisations and human rights activities are delivered |
| Disabled people enjoy full and effective participation in New Zealand society and are respected for who they are | - Disputes resolution results in positive outcomes for the parties, increased knowledge of rights and responsibilities and reduced discriminatory practices  
- Second Action Plan provides analysis of critical issues and practical steps to ensure human rights are fully realised for everyone and is supported by key civil society groups | - Outcomes reported on three times a year  
- Evaluation demonstrates widespread support for the analysis and necessary steps to be taken | - Disputes resolutions meet internal quality and completion standards; published case studies demonstrate how outcomes are achieved  
- Key civil society groups agree on the key issues to be researched and consulted on  
- Evaluation demonstrates widespread support for the analysis and necessary steps to be taken |

- Independent assessments of progress on implementing the Convention, advocacy for full realisation of rights and establishing a partnership with disabled people will contribute to increased realisation of disabled people’s rights
- Annual report on progress

- Disabled people’s advocacy groups support the proposed independent monitoring mechanism and framework and the proposed partnership model
<table>
<thead>
<tr>
<th>Outcome</th>
<th>Medium-term impact</th>
<th>Medium-term monitoring</th>
<th>Short-term measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relations between the diverse groups that make up New Zealand society are harmonious</td>
<td>• Networking, sharing knowledge and promoting good practice to support diversity and inclusion will contribute to changes in the policies and practices of government agencies, businesses and communities</td>
<td>• Case studies will be reported in the annual Race Relations Report</td>
<td>• Diversity Action Programme participant numbers maintained; and Diversity Forum report shows increased participation and positive feedback</td>
</tr>
<tr>
<td>All New Zealanders have equal employment opportunities and access to decent and productive work</td>
<td>• Increased use of EEO practices; and improved participation of disadvantaged groups is achieved by developing a comprehensive picture of the issues for employers, employees, and communities, improving relationships and developing strategies, practices and programmes</td>
<td>• Progress reported by analysis of publicly available statistics</td>
<td>• Regional reports completed; NEON website employer contact list increased; National Reference Group endorses summary report of National Conversation on Work</td>
</tr>
<tr>
<td>Treaty relationships operate effectively at all levels</td>
<td>• Protection of rights of Tangata Whenua and all New Zealanders are improved by greater application of the human rights aspects of the Treaty of Waitangi</td>
<td>• Progress reported in the annual Race Relations Report</td>
<td>• Network functioning; online survey indicates strengths of network and ideas for improvement</td>
</tr>
</tbody>
</table>
| New Zealand’s security and prospects for sustainable development are strengthened by national and global respect for international human rights law | • Providing independent advice on periodic reports, the UPR, and other United Nations reporting mechanisms will contribute to the full implementation of international human rights standards  
• The treatment of people in places of detention is improved by the systematic identification of issues and the development of policies to address them | • Subsequent periodic reports and recommendations from the UPR identify progress and where further work is necessary  
• The OPCAT annual reports identify the progress on the main issues | • Requests from treaty bodies and United Nations Human Rights Council are responded to; contributions made to periodic reports due in 2009  
• OPCAT annual report meets the UN subcommittee’s requirements |
The Commission’s Strategy
Ngā Kaupapa

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 activities are grouped into six outcome areas. For each area, a long-term outcome is stated, with intermediate outcomes towards this goal specified. None of the outcomes can be achieved by the Commission alone; all require engagement with and action by others. Every year, the Commission reviews the critical issues and its chosen priorities and actions under each outcome area, to ensure that it remains focused on the right goals.

In addition, the Commission provides an enquiries and complaints service, and monitors draft legislation and policy initiatives across all of its six outcome areas.

PRIORITIES
The Commission has to focus its efforts on those activities that are likely to make the greatest contribution to achieving the outcomes. From among its range of activities, it has identified nine priorities.

The following section, Outcome Areas and Priorities, outlines the priorities, why the Commission judges them to be important, and their expected impacts.

The priorities incorporate the Commission’s approach to its work through promotion and education, advocacy and protection, handling enquiries and complaints, and undertaking litigation. This approach is determined by the Commission’s range of statutory functions, and is given effect through the four output areas within the Statement of Service Performance.

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.

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

The functions and outcomes of the Commission are essential to greater prosperity, security and opportunities for all New Zealanders. The Commission’s activities contribute directly 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
• international connectedness.

The Commission also contributes to the outcomes of other government sectors, including those of health, education, social development, labour, and culture and heritage.

The diagram on the following page describes the Commission’s outcome areas, priorities and the key approaches used across all outcome areas.
Outcomes and Priorities
Te Whaihua me ngā Whainga Matua

Human Rights and Government

Human Rights and Community

NZ Action Plan for Human Rights

The Human Rights Environment
TE TAIAO TIKA TANGATA
Human Rights Standards are incorporated in New Zealand law, upheld in policy and delivered in practice.

Right to Work
TIKA KI TE WHAI MAHI
All people in New Zealand have equal employment opportunities and access to decent and productive work.

The Commission’s Purpose
The Human Rights 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.

Human Rights and the Treaty of Waitangi
TE MANA I WAITANGI
Treaty relationships operate effectively at all levels for the protection of the rights of Tangata Whenua and the benefit of society as a whole.

Promotion and Education

Litigation

National Conversation About Work - Listening to New Zealanders

Treaty Relationships
Impacts

- Legislation, policy and practice incorporate human rights standards
- Increased and improved participation of individuals and groups in decision-making that affects them
- Barriers to participation in all areas of society are reduced, and equal employment opportunities promoted
- Improved human rights protections and effective means of accessing them
- Harmonious relations and improved understanding between the diverse groups in New Zealand
- Improved international and regional understanding of human rights issues and incorporation of human rights standards into institutional arrangements
- A healthy relationship between the Treaty partners which is conducive to the realisation of human rights.
Outcome Area 1:  
The Human Rights Environment  
Te Taiao Tika Tangata

OUTCOME

**Human rights standards are incorporated in New Zealand’s law, upheld in policy and delivered in practice.**

Incorporating human rights standards into New Zealand law and policy, and better reflecting them in how the state and private sector deal with members of the public will contribute to:

- greater knowledge and respect for human rights and responsibilities among New Zealanders
- greater participation of individuals and groups in decision-making that affects them
- improved human rights protections and effective means of accessing them
- reduction of barriers to participation in all areas of society.

CURRENT SITUATION AND KEY ISSUES

New Zealand does not consistently or fully incorporate human rights standards in domestic law or comprehensively apply them in the development of legislation and policy.

Economic, social and cultural rights are particularly insecure in the global recession.

Even in areas where law and policy is well developed and consistent with international human rights standards, their application in practice can be problematic in the absence of accompanying human rights education and systematic integration of human rights into day-to-day practices.

The annual number of complaints to the Commission is about 4000, with 1300 of these claiming unlawful discrimination, and the balance raising possible breaches of other human rights standards. Disability, race- and sex-based discrimination are the most common grounds of complaint, with a large proportion relating to employment and pre-employment issues.

The New Zealand Action Plan for Human Rights has increased the understanding of the value of human rights to New Zealand society. It is a basis for human rights advocacy by civil society and has been used internationally as an example of good practice.

As the five-year period of the Action Plan comes to a close, the Commission’s monitoring shows several issues identified in 2004-05 remain of concern. Changes in the international and domestic environment, including terrorism, climate change, and the global economic recession, have also highlighted a number of other human rights issues.

COMMISSION’S ROLE AND ACTIVITIES

Critical areas remain where action is needed for the effective promotion, protection and fulfilment of human rights in New Zealand.

For 2009-10, the Commission’s priorities will be:

- scrutinising legislation and policy initiatives
- human rights community development
- enquiries and complaints

The Commission will also:

- identify opportunities to intervene in cases before the courts, to strengthen human rights jurisprudence in New Zealand
- reduce unlawful discrimination against transgender people by advocating for the implementation of recommendations in the inquiry report To Be Who I Am - Kia Noho Au ki Tōku Anō Ao
- promote greater realisation of the right to education for young people, by supporting the Human Rights in Education initiative to build human rights communities in early childhood centres and schools
- respond to broader human rights issues through the range of approaches provided for under the Human Rights Act.

PRIORITIES

The Commission’s key priorities aim to strengthen the human rights environment through activities directed at increasing awareness and application of human rights in government and in the community.
WHAT THE COMMISSION WILL DO

1. Human rights and government

The Commission will:

• scrutinise domestic legislation and policies for human rights compliance and provide specialist human rights policy initiatives advice to Parliament, government agencies and other organisations and groups

• provide practical guidance to assist the state sector to apply the human rights approach in legislation and policy development.

IMPACT

New Zealand’s laws, policies and practices will increasingly meet human rights standards through the more widespread use of the human rights approach across the state sector. The Commission’s policy interventions, advice and resources will encourage the greater use of this approach by providing the government with independent advice on the application of human rights standards to the domestic context.

2. Human rights in the community

The Commission will build local human rights capacity through its regional human rights community development programme

The Taku Manawa (My Human Rights) project involves engagement over a period of three years in an identified region. To date, it has been implemented in Tairawhiti (East Coast), Tai Tokerau (Northland) and Murihiku (Southland). Evidence has shown the community development approach contributes significantly to increasing respect for and an understanding and appreciation of human rights.

The Commission’s regional engagement programme will continue its phased implementation throughout New Zealand. The focus is on building relationships and enhancing local human rights capability across rural, provincial and metropolitan areas.

IMPACT

Regions and communities will increasingly identify and address human rights issues in local planning and decision-making. The Commission’s regional engagement programme will build human rights capacity in selected regions and communities.
3. Enquiries and complaints service

The Commission will provide an accessible, high-quality enquiries and complaints service that assists individuals and groups to resolve complaints of unlawful discrimination efficiently and effectively.

A 2008 New Zealand survey found almost one in five respondents had experienced some form of discrimination in the past year. More than a third of Māori respondents said they had experienced some form of discrimination, most commonly on the grounds of race.

The Commission’s Enquiries and Complaints Service provides a process for the effective and informal resolution of complaints of discrimination. The Commission also provides an information and referral service for those making complaints or needing information on broader human rights matters.

As human rights enquiries often involve people from the most vulnerable sections of society, the focus in 2009 will be on improving access and ensuring complainants are appropriately supported. Maintaining accessibility will entail monitoring the profile of those who contact the Commission, increasing its visibility, ensuring systems support ease of access, providing accessible information and resources, translations of relevant information, and the continued development of internal capability in te reo Māori.

**IMPACT**

The resolution of disputes will result in positive outcomes for the parties involved, increased awareness of rights and responsibilities and a reduction in discriminatory practices. Analysis of the trends and patterns of disputes will inform the Commission’s approach to promotion and education, and advocacy and protection.

In 2009-10, the Commission will begin to develop the second New Zealand Action Plan for Human Rights, as required by the Act. This will identify a programme of action over the next five years, in order that human rights are better respected and protected. In 2009-10, background research will be conducted and a process established for production of the plan, which will be published in early 2011.

The groundwork undertaken this year will provide an evidential base to write the 2011-2016 Action Plan, and will be informed by activities across all areas of the Commission's work. These include:

- work to develop a New Zealand monitoring mechanism for the Convention on the Rights of Persons with Disabilities
- research on the human rights of people in detention
- a series of round tables on the right to an adequate standard of living
- data gathered from the National Conversations on Work around the country and from the Diversity Action Programme
- community engagement throughout New Zealand on human rights concerns
- analysis of the human rights dimensions of the Treaty of Waitangi
- Universal Periodic Review and Treaty body recommendations.

These activities will build on the Action Plan, which the Commission will continue to use and monitor.

IMPACT

New Zealand's laws, policies and practices will be improved by an analysis of the most critical human rights and race relations issues and the identification of concrete steps to improve the situation. The Commission's research, consultation and advocacy will ensure the second Action Plan for Human Rights is evidence-based, and has wide support from civil society.
Outcome Area 2:  
Disabled People  
Te Hunga Haua

OUTCOME

Disabled people enjoy full and effective participation in New Zealand society and are respected for who they are.

The Commission works for the removal of barriers and discrimination that deny disabled people equitable outcomes in education and employment and equal access to accommodation, to health and to other services. An inclusive economic, social and physical environment which actively accommodates people with impairments and the provision of suitable support services and facilities is essential to this outcome.

CURRENT SITUATION AND KEY ISSUES

About one in five people report they have an impairment.

Recent data (Post Census Disability Survey 2006) indicates disabled New Zealanders have lower employment rates, incomes and education attainment rates, and more unmet health needs than non-disabled people.


The Convention introduces new monitoring requirements, which envisages a new role for human rights institutions such as the Human Rights Commission. Disabled people and their organisations should be included as partners in the implementation and monitoring of the Convention.

A review of the first five years of the New Zealand Disability Strategy (2002) concluded there had been some success, but further progress would depend on linking funding to outcomes and targets.

As a result of the Commission’s advocacy, the New Zealand Transport Strategy (2008) includes a short-term goal to develop an implementation plan by July 2009, to respond to recommendations resulting from the Commission’s Inquiry into Accessible Public Land Transport.

Complaints received by the Commission relating to access to education for disabled students include the provision of appropriate accommodation, the inability to enrol at a chosen school, students being stood down or excluded because of disability-related behaviour, and disabled students not being unable to attend school activities such as camps or field trips.

COMMISSION’S ROLE AND ACTIVITIES

The mid-term review of Mana ki te Tangata - The New Zealand Action Plan for Human Rights (2005), completed in December 2008, identified the full participation of disabled people in society as a continuing priority. The Commission has:

• contributed to the development of the Convention on the Rights of Persons with Disabilities, advocating for its ratification and advising on how best to implement and monitor it

• inquired into and advocated to ensure public land transport is accessible to all New Zealanders, including disabled people

• provided (in partnership with the Like Minds Like Mine project) an education and advocacy programme on the rights of people with experience of mental illness

• advocated for the development of outcomes and indicators to measure the progress of disabled people in achieving their rights

• intervened in cases before the courts that have implications for disabled people.

The Commission also monitors domestic legislation for human rights compliance and advises Parliament, government agencies and other groups on the rights of disabled people.
**PRIORITY**

**Disability Convention**

Focusing on issues arising from New Zealand’s ratification of the United Nations Convention on the Rights of Persons with Disabilities, the Commission will:

- contribute to implementation that effectively addresses barriers to full participation in society by disabled people, ensuring disabled people are full partners in all relevant processes, including monitoring
- advocate for a fully accessible public land transport system
- report on requirements to ensure all disabled children have access to an inclusive education.

All three aspects of the priority, along with equal access and fairness at work for disabled people (in the Right to Work outcome area), will inform the next human rights Action Plan, to be developed by 2011.

**WHAT THE COMMISSION WILL DO**

The Commission will contribute to the full realisation of the rights set out in the Disability Convention by:

- participating in the implementation and development of effective monitoring, as described in Article 33 of the Convention. The Commission will contribute its expertise to the development of systems to provide independent assessments of progress of, and to ensure disabled people are involved as equal partners in, the implementation of the Convention
- undertaking a comprehensive assessment of progress on implementing the recommendations from the Commission’s Inquiry into Accessible Public Land Transport. The assessment will be used as the basis for advocating for the full implementation of the recommendations, working with all levels of government and disabled people
- researching and advocating for changes to laws, policies and procedures that might be necessary to improve disabled students access to inclusive education and equitable outcomes in education.

**IMPACT**

A reduction in the discrimination and marginalisation experienced by disabled people will be achieved by establishing a mechanism and a framework for monitoring the Convention and regularly reporting on progress to the Government, to the community, and to the international monitoring committee. The Commission will provide an independent assessment of progress, advocate for the full realisation of rights and establish a partnership with disabled people.
Outcome Area 3: 
Race Relations 
Whakawahanaungatanga ā Iwi

OUTCOME

Relations between the diverse groups that make up New Zealand society are harmonious, based on equality, mutual respect, and a shared sense of belonging to Aotearoa New Zealand.

The Commission seeks to achieve harmonious relations among the diverse individuals and groups in New Zealand. The foundations for harmonious relations are that everyone enjoys equal opportunities, respects each other’s cultures and beliefs, and has a shared sense of belonging and inclusion.

A greater appreciation of diversity and its value improves relationships and behaviours that underpin a prosperous society. The Commission seeks to engage with community and government organisations to encourage them to address the challenges of diversity and to secure the benefits.

CURRENT SITUATION AND KEY ISSUES

Public policy and economic decision-making needs to take account of rapidly changing demographics:

• The 2006 census demonstrates the increasing ethnic, cultural and religious diversity of New Zealanders, which continues to grow.
• Of babies born in New Zealand in the year ending September 2008, just over half were partly Māori, Pacific or Asian.
• The number of New Zealanders identifying with more than one ethnic group increased from 10-15 per cent from 2006-2008.

A poll conducted for the Commission in December 2008 showed race and ethnicity were still major grounds of discrimination; and perceived discrimination against Asian people had increased. The highest number of race-related complaints to the Human Rights Commission in the last year concerned discrimination in employment, the provision of goods and services, and racial harassment.

The Commission’s annual review of race relations, Tūi Tūi Tuituiā - Race Relations in 2008, highlighted four significant issues in 2008:

• The 2007 raids that became known as Operation 8 had their sequel in the courts.
• Ethnic communities’ perceptions of police came under the spotlight.
• Asian Aucklanders came out in a mass protest against crime.
• The disproportionate rate of Māori imprisonment.

The review concluded the deepening recession is the most challenging issue for race relations in 2009, particularly for Māori and Pacific peoples. The report emphasised the importance of the post-election agreement between the National Party and the Māori Party, which held the potential to strengthen Crown-Tangata Whenua relationships. Safety of international students and Asian communities was another area of concern. The police need to continue efforts to be more responsive to ethnic communities and develop effective relationships with them.

The report concluded that practical action is needed by government and organisations to monitor racially motivated crimes, review our constitutional arrangements, ensure fair treatment of seasonal and temporary workers, continue with Pacific and community languages strategies, and to address the challenges of religious diversity.

COMMISSION’S ROLE AND ACTIVITIES

The Commission’s role in race relations is defined in the Human Rights Act as encouraging the maintenance and development of harmonious relationships between individuals and among the diverse groups in New Zealand society, and to advocate and promote respect for human rights, which include freedom from discrimination on the grounds of race, colour, ethnic or national origins.

The Commission facilitates the New Zealand Diversity Action Programme. This brings together a range of government and non-government organisations involved in promoting harmonious relations and an appreciation
of cultural diversity. The Commission’s role includes the facilitation of sectoral networks, acknowledgement of positive contributions, and the annual New Zealand Diversity Forum. The Commission is uniquely placed to facilitate this process, because it has a mandate and role as an independent Crown entity to act as a catalyst among State and community organisations.

The Commission also works with others to promote te reo and language policy initiatives, produces an annual review of race relations, deals with enquiries and complaints, and advises on draft legislation and policy.

**PRIORITY**

**New Zealand Diversity Action Programme**

**WHAT THE COMMISSION WILL DO**

The Commission will:

- continue to develop the New Zealand Diversity Action Programme (NZDAP), to better connect organisations involved in promoting harmonious relations and support them through information, publicity, networks and acknowledgement
- retain or replace existing NZDAP participants for 2009-10, and increase the number and quality of projects
- maintain one national network on general diversity matters and four national specialist networks on religious diversity, refugees, media and languages policy (this provides a relationship between the Commission and the community, enabling appropriate interventions in response to race-related issues and events)
- host the annual Diversity Forum, as part of the NZDAP (participants hold network meetings, forums, workshops, and outstanding contributions are acknowledged)
- promote and facilitate events for Race Relations Day (the International Day for the Elimination of Racial Discrimination) and provide a theme for the year.

**IMPACT**

Greater support for diversity and inclusion will be evident in the policies and practices of government, business and communities as a result of the Commission supporting networking, sharing knowledge and promoting good practice. This will contribute to the development of policies and services which meet diverse cultural needs and lead to a reduction in inequalities and to the enhancement of harmonious relations between diverse groups in New Zealand.
Outcome Area 4:  
Right to Work  
Tika Ki Te Whai Mahi

OUTCOME

All people in New Zealand have equal employment opportunities and access to decent and productive work.

Long-term outcomes that the Commission is seeking to achieve in relation to this area:

- A national consensus is built around the principle that access to decent employment and productive work for fair and adequate remuneration is a fundamental human right.
- Barriers to equal participation in employment by disadvantaged groups, such as women, Māori, Pacific peoples, people with disabilities, older workers, people who are new migrants and refugees are eliminated.

CURRENT SITUATION AND ISSUES

Despite a favourable labour market last year, Māori, Pacific peoples, migrant and ethnic communities, women, youth and people with disabilities continued to experience higher rates of unemployment.

Increased participation by women in the labour force has not been matched by participation in leadership positions or pay equity.

Significant numbers of women (in particular Māori), Pacific peoples and women from other ethnic communities continued to suffer greater pay gaps, and work for low or no pay. In the less favourable labour market this year, these groups are experiencing reduced hours of paid work, redundancy or unemployment. Young people (15-24 years) are also more likely to be affected.

The global recession is expected to have a significant impact on the labour market. Early indicators, reflected in the December 2008 Household Labour Force Survey (HLFS), are that unemployment rates are rising.

Data on the impact of the recession for people with disabilities is not available, but from past experience this group will be affected by job loss and reduced access to paid work. The lack of availability of employment data for this group inhibits monitoring of progress.

Employers are seeking ways to retain skilled workers while ensuring their business remains economically viable. Workers are suffering redundancy and reduced hours, and there are signs of resentment of migrant workers, and social and community stress.

Other key issues of focus for the Commission in this area:

- Access to work and ensuring fairness at work for disabled people, as outlined in the Convention on the Rights of Persons with Disabilities.
- Ratification of outstanding International Labour Organisation Conventions relating to work.

COMMISSION’S ROLE AND ACTIVITIES

The Commission’s role in relation to the right to work is the provision of advice, evaluation through benchmarks, developing guidelines, monitoring progress, and liaising with others to progress equal employment opportunities.

Progress has been made:

- Guidance and monitoring provided to Crown entities is being used to inform EEO/good employment practice across the public and private sector.
- Participants in the “Women in Leadership” programmes in universities are reporting an improved rate of success and promotion. Alumni are now holding their own conferences.
- User-friendly good practice guides published by the Commission are being well used by both employers and employees.
- Increased interactivity of the NEON website, developed in partnership between the EEO Trust and the Commission.
- A website dedicated to the National Conversation about Work provides opportunities for people for participation in regional reports, submissions and surveys.
PRIORITY
The Commission will complete the National Conversation about Work with employers, unions, agencies, workers and community groups in a further 10 regions to promote and develop good practice in equal employment opportunities. Good employer advice will be updated for Crown entities, local government and the private sector, with a particular focus on fair remuneration and employment conditions.

National Conversation about Work – Listening to New Zealanders

WHAT THE COMMISSION WILL DO
The Commission will consult with a range of stakeholders in the National Conversation about Work. The goals are to find out what would make a difference to men and women to achieve equality at work, how this would impact on their families, and how the Commission could assist employers to enable them to implement equal employment opportunities. Activities included in the National Conversation About Work:

• In 2009-2010, a further 10 provincial regions will be covered to allow participation from employers and employees across a variety of industries.
• The Commission will meet public and private sector employers and provide good employer advice.
• Three workshops will be run in Auckland, Wellington and Christchurch with human resources practitioners and others involved in delivering equal employment opportunities.
• The Commission will continue to monitor the annual reports of Crown entities, with a focus on fair remuneration and employment conditions.

Employment retention is a significant economic and social priority for the Government. The Commission has a mandate for leadership on equal employment opportunities, which includes policies and practices to minimise recessionary impacts on the labour market.

IMPACT
An increased use of EEO practices and programmes, and increased participation of disadvantaged groups in all sectors, including the private sector, will be achieved by the Commission developing a comprehensive picture of the issues facing employers, employees, and community groups across the country, improving relationships with new and different groups and developing and promoting strategies, practices and programmes.
Outcome Area 5:  
**Te Mana I Waitangi**  
Human Rights and the Treaty of Waitangi

**OUTCOME**

The Treaty relationship between the Crown and Tangata Whenua operates effectively at all levels for the protection of the rights of Tangata Whenua and the benefit of society as a whole.

The Treaty of Waitangi established a set of rights and obligations and a relationship between the Crown and rangatira, which remains in place today. It created a governance framework for the nation (kawanatanga), affirmed the existing rights of Tangata Whenua (rangatiratanga) and guaranteed shared citizenship and equal rights for all (rite tahi). The Treaty has been described as “the promise of two peoples to take the best care of each other.” The human rights dimensions of the Treaty of Waitangi include both universal human rights and indigenous rights.

The Commission seeks to contribute to the following long-term outcomes:

- New Zealand’s constitutional arrangements give greater effect to the Treaty of Waitangi and human rights protections.
- Healthy Crown-Tangata Whenua relationships, which are essential to the realisation of the human rights (including indigenous rights) of Māori and the maintenance of harmonious relation between Māori and all New Zealanders.
- Tangata Whenua enjoy greater protection of their culture, full participation at all levels of society, and improved social and economic outcomes.

**CURRENT SITUATION AND KEY ISSUES**

Recent surveys show a greater proportion of New Zealanders believe the Treaty is New Zealand’s founding document. Relatively few New Zealanders have significant declared knowledge about the Treaty, human rights and indigenous rights, or believe that the Treaty relationship between the Crown and Māori is healthy.

The Crown and many iwi are working to achieve Treaty settlements. The settlement process has led to iwi and communities playing a leading role in the economic, cultural and social development of their people and assets.

The Commission’s submission to the United Nations Human Rights Council’s Universal Periodic Review (UPR) of New Zealand recommends a review of New Zealand’s constitutional arrangements to give greater effect to the Treaty and human rights protections. The Government has indicated it will establish a group by 2010 to consider constitutional issues.

The Crown-Tangata Whenua relationship is being addressed through the confidence and supply agreement between the National Party and the Māori Party. At Pukawa Marae, Taupo, in December 2008, the Prime Minister said discussions will continue around issues such as water, energy and the constitution.

The adoption of the United Nations Declaration on the Rights of Indigenous Peoples has established an international set of standards. New Zealand meets many of these standards but has yet to embrace the Declaration as “a standard of achievement to be pursued in a spirit of partnership and mutual respect.” In its UPR report, the Commission recommends that “the government should engage with Māori and the wider community to promote greater recognition and realisation of indigenous rights as set out in the [Declaration].”

**COMMISSION’S ROLE AND ACTIVITIES**

The Commission has a statutory responsibility to “promote by research, education and discussion a better understanding of the human rights dimensions of the Treaty of Waitangi and their relationship with domestic and international human rights law.”

The Commission has been building a network of groups involved in Crown-Tangata Whenua relationships. Case studies from the network identify an increasing number of relationships which have:

- agreement on common goals
- a commitment to sustainable development
- processes to work together
- regular engagement based on mutual respect.
In the coming year, through regional engagement, the Commission will:

- promote universal human rights to Māori
- advocate for the protection of indigenous rights to all New Zealanders
- promote and educate people about the human rights dimensions of the Treaty
- advocate for Māori people’s economic and social rights.

**PRIORITY**

**Treaty relationships**

The focus of the Commission’s work will be on Treaty relationships at three levels: constitutional, government and community. Over the next year, the Commission will support healthy Treaty relationships to promote a better understanding of the human rights dimensions of the Treaty of Waitangi.

**WHAT THE COMMISSION WILL DO**

The Commission will aim to strengthen Treaty relationships, through a network, newsletters, case studies and engagements.

The Commission will provide resources on the human rights dimensions of the Treaty, raise awareness of the Declaration on the Rights of Indigenous Peoples, and contribute a human rights analysis to the proposed constitutional review.

**IMPACT**

Greater protection and promotion of the rights of Tangata Whenua and all New Zealanders will result from the human rights aspects of the Treaty of Waitangi being more widely recognised and applied. The Commission will contribute by analysis of related issues, publication of resources, and activities to promote greater recognition and application of the human rights dimensions of the Treaty of Waitangi.
Outcome Area 6: International Connectedness
Kāpititia ā Taiao

OUTCOME

New Zealand’s security and prospects for sustainable development are strengthened by national and global respect for international human rights law.

The well-being of New Zealanders is inextricably linked to global developments, whether political, economic, environmental, scientific or technological. For a small Pacific trading nation with an open economy, fair, just and effective international agreements are essential.

International human rights law provides the foundation for New Zealanders’ rights and responsibilities and a standard against which to measure the State’s performance.

Three key indicators of respect for international human rights law are:

• Ratification of the key international Covenants and Conventions and incorporation of their provisions into legislation, policy and practice.

• Engaging constructively with United Nations Treaty Bodies, including meeting the periodic reporting requirements.

• The establishment of national human rights institutions that meet the United Nations’ Paris Principles.

CURRENT SITUATION AND KEY ISSUES

Successive New Zealand governments have contributed actively to the development and subsequent ratification of international human rights law.

Incorporation of their provisions in law, policy and practice, however, is far from comprehensive. Each treaty ratified requires regular reporting on the State’s implementation of its provisions.

Over the next two years, New Zealand will be examined by the United Nations Human Rights Council and its relevant Treaty bodies on its implementation of several international Covenants and Conventions. These include the International Covenants on Civil and Political Rights, and on Economic, Social and Cultural Rights, and the Conventions on the Rights of the Child, and on the Elimination of Discrimination Against Women.

In May 2009, New Zealand was examined under the UPR, a new human rights monitoring process covering all the rights contained in the Universal Declaration of Human Rights.

Increasingly, the United Nations Human Rights Council is calling on “A” status national human rights institutions (NHRIs) to actively contribute to the procedures both nationally and at the international level. The Commission’s UPR report identifies the need to improve New Zealand’s reporting. It recommended that government establish a comprehensive UPR and Treaty body reporting process that includes engagement with civil society, greater integration across public agencies, and clearer accountability for coordinating and publicising reports and following up recommendations.

International recognition of the role of NHRIs has been highlighted by the two most recent international human rights agreements, the Optional Protocol to the Convention Against Torture, and the Convention on the Rights of Persons with Disabilities. These agreements have created new procedures for preventing human rights abuses, through more effective monitoring, including specific responsibilities for NHRIs such as the Commission.

Asia Pacific lacks a regional human rights charter or court, and that makes the development of NHRIs of particular importance. Increasingly, requests are coming to the Asia Pacific Forum (APF) of NHRIs, and at times directly to the Commission, to assist governments to establish or strengthen Paris Principles-compliant national institutions.

COMMISSION’S ROLE AND ACTIVITIES

The New Zealand Human Rights Commission is an independent NHRI, with an “A” status accreditation. It derives its statutory mandate from the Human Rights Act 1993. The Act states that its purpose is “to provide better protection of human rights in New Zealand, in general accordance with United Nations Covenants and Conventions on human rights.”
To give effect to this role, it is vital the Commission is connected with the international human rights system. International connectedness enables the Commission to access and contribute to developing jurisprudence, focusing on human rights areas which are priorities for New Zealanders. It enables benchmarking of the Commission’s work against international good practice, through membership of the United Nations sponsored International Coordinating Committee of national human rights institutions (ICC) and the Asia Pacific Forum. Both organisations operate stringent accreditation processes and scrutinise the Commission.

The Commission’s international connections and collaborative work include the Commonwealth Secretariat, the Pacific Islands Forum Secretariat (PIFS) and the United Nations Office of the High Commissioner for Human Rights (OHCHR). These connections assist the establishment and strengthening of NHRIs, and enable the Commission to make contributions to security and development objectives in our region, where there are many pressing human rights issues and no regional human rights instrument.

The Commission is also working on three programmes to strengthen human rights in the Asia Pacific region, funded through NZAID’s Overseas Development Assistance programme.

**PRIORITY**

**Monitoring conventions**

The Commission’s overarching priority will be contributing to the strengthening of human rights in New Zealand by engaging with the international monitoring of human rights treaties in New Zealand.

**WHAT THE COMMISSION WILL DO**

The Commission will continue to work to maintain New Zealand’s international reputation by ensuring New Zealand’s international human rights obligations are met.

- Develop a process for systematically monitoring and publicising New Zealand’s reporting and the subsequent UPR and Treaty body recommendations.
- Contribute to the New Zealand reports by reviewing and commenting on drafts and provide supplementary reports and material to the Human Rights Council and Treaty bodies.
- Meet the Commission’s specific responsibilities as the Central National Preventive Mechanism under the Optional Protocol to the Convention against Torture (OPCAT). The Commission will coordinate the work of the four New Zealand National Preventive Mechanisms, liaise with the international committee that oversees the protocol, and address issues that arise.
- Contribute to the strengthening of national human rights institutions and to the Commission’s effectiveness through membership of the Asia Pacific Forum and the International Coordinating Committee of NHRIs.
- Support the work of the Asia Pacific Forum’s Advisory Council of Jurists.
- Work with partners (with the assistance of NZAID) to strengthen understanding and respect for human rights in the Asia Pacific region, in particular with the Pacific Islands Forum Secretariat, the Pacific Cooperation Foundation and the Commission on Human Rights of the Philippines.

**IMPACT**

Improved realisation of human rights in New Zealand will be achieved by accurate and thorough identification of the changes necessary for the full implementation of international human rights standards. The Commission will provide independent advice on the Universal Periodic Review, Treaty body reports and other United Nations reporting mechanisms, and coordinate the monitoring of places of detention.
Organisational Health and Capability
Te Kaha Ora o te Kāhui Tika Tangata

OBJECTIVES
The global recession has been a key consideration in the development of the Commission’s work programme for 2009-10. 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 are:

• The Commission is fit for purpose
  Staff understand the Commission’s goals, and how they contribute to achieving these goals. Staff develop their knowledge and skills to enhance the accessibility of the Commission and to deliver good practice. The Commission has effective and efficient systems to plan, monitor progress, manage resources, risks, knowledge and opportunities, and evaluate its work.

• The Commission has effective relationships with key audiences
  It is regarded by government, business, Tangata Whenua, the community sector and other key stakeholders as credible, trustworthy and relevant. The Commission is viewed as a source of quality analysis, knowledge and practical help. The Commission is regarded by the public as a source of accessible information and assistance on human rights and unlawful discrimination, and as a guardian and champion of human rights for New Zealand and the region. The Commission works successfully with other organisations, groups and individuals for shared outcomes.

CURRENT SITUATION AND ACTIVITIES
The Commission has completed a three-year programme to develop its organisational health and capability, focusing on financial sustainability, organisational design and internal policy development. In 2009, the Commission’s organisational development programme will focus on growing the capacity and capability of its people, and the accessibility of its information and services.

FINANCIAL AND ORGANISATIONAL SUSTAINABILITY
The Commission is a small, modestly resourced agency. A baseline review in 2006 realigned the Commission’s cost base and structured its organisation and activities to best provide services, and to give effect to its statutory functions. In 2007, the Commission gained three-year funding, including some new or increased funding for specific activities, which provided it with the ability to deliver its mandate and with a measure of financial stability for the following two years. This allowed for an extension of its programme to build human rights capacity in the regions and rural areas of New Zealand and an increased number of legal interventions, a priority advocated by Ministry of Justice officials to increase New Zealand’s human rights jurisprudence. The Commission has also begun to renew its obsolete IT infrastructure.

This Statement of Intent has been developed in accordance with government expectations of tight budgeting, and in recognition of the predicted five years of public sector deficits. The Commission had expected to bid for further baseline funding in 2010. In this changed economic context, the Commission has taken steps to project a balanced budget until 2012-13. In doing so, it has had to defer some elements of its infrastructure development, for which it was specifically funded, as well as commit to other measures, including savings in personnel costs of three full-time equivalents and a 10 per cent reduction in its project budget.

CAPACITY, CAPABILITY AND SERVICE DEVELOPMENT
A programme of organisational development begun in 2006 included a new competency and performance management framework, clarifying expectations and informing the Commission’s professional development programme. Along with targeted evaluations and improved planning, monitoring and financial systems, the programme is helping the Commission 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. The Commission has also improved the accessibility of its services, including the provision of multilingual and multi-format resources and an online complaints form.

**PRIORITY**

**Developing capacity, capability and accessibility**

Developing the capacity and capability of its people and the accessibility of the Commission’s information and services are priorities for 2009.

**WHAT THE COMMISSION WILL DO**

To be fit for purpose, the Commission will:

- continue to raise the quality of the Commission’s activities, through a professional development programme, enhanced knowledge management, and other selected interventions
- improve the accessibility of its information and services through increased use of new technology, alternative languages and formats and other interventions
- develop and implement the next stage of the Commission’s Good Employer Plan of Action
- improve planning, monitoring and evaluation systems, which enable effective and efficient management of the Commission’s activities and resources, as well as to assist quality reporting.

The impact of these activities will be measured by a staff survey at the end of the financial year and from stakeholder feedback.

To build quality relationships, the Commission will:

- engage regularly with key audiences to improve the Commission’s ability to understand their issues and concerns, and to discuss and respond to relevant human rights matters
- develop its ability to work with key stakeholders and audiences through systematic engagement.

The impact of these relationship objectives will be assessed by feedback, completed by the end of 2010.
The Forecast Statement of Service Performance sets out performance measures associated with the key activities or outputs that the Commission will undertake in the 2009-10 year period.

The Commission’s outputs are determined by its range of statutory functions. The Commission categorises these as:

- Promotion and education
- Advocacy and protection
- Enquiries and complaints
- Human rights and privacy litigation.

The performance measures in this section relate to the outputs for 2009-10, which in turn contribute to the longer-term impacts described in the outcome areas of Part A, as illustrated in the table on page 11.

The Commission’s outcome targets are selected in accordance with the best use of resources in the current external and internal context.

A guide to the columns on the following pages:

- **Key activities**: what the Commission will do.
- **Performance standards**: the result of the activity.
- **Performance measures**: how the Commission will measure and report its achievement of the performance standard.
Output: Promotion and Education

DESCRIPTION

This output involves engaging with communities and individuals to promote understanding, develop relationships and foster action to build community-wide respect, protection and fulfilment of human rights. In these activities, the Commission often acts as a catalyst and works in ways that encourage others to take action.

The Commission will undertake an estimated 16 promotion and education programmes during 2009-10. This will consist of:

- developing, maintaining and supporting national networks
- developing and facilitating websites
- developing and delivering education programmes
- organising and facilitating events
- planning, delivering and evaluating community development programmes.

PRIORITY

**Human Rights in the Community (Human Rights Environment outcome area)**

<table>
<thead>
<tr>
<th>Key activities</th>
<th>Performance Standard</th>
<th>Performance Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Develop local human rights capacity in the three Taku Manawa Programme regions</td>
<td>• Human rights education activities are delivered across all regions In Murihiku and Tai Tokerau, community organisations commit to deliver human rights activities</td>
<td>• 35 human rights activities are delivered, regular participant evaluations show increased knowledge of human rights, and an enhanced partnership with the Commission Partnerships developed with 12 community organisations</td>
</tr>
<tr>
<td>New Zealand Diversity Action Programme (Race Relations Outcome Area)</td>
<td>Key activities</td>
<td>Performance Standard</td>
</tr>
<tr>
<td>-------------------------------------------------------------</td>
<td>----------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>• Lead and facilitate the New Zealand Diversity Action Programme by:</td>
<td>• The number of participants is maintained and the quality of projects is developed</td>
<td>• 250 organisations participate annually in the Diversity Action Programme. The annual review of Race Relations outlines examples of quality projects as case studies of good practice</td>
</tr>
<tr>
<td>- Maintaining and promoting networks and events</td>
<td>The diversity networks are maintained. The number of members in diversity networks and subscribers to diversity newsletters is increased</td>
<td>Network and newsletter statistics show increase in members and subscribers. Five diversity network e-newsletters published at least 10 times a year</td>
</tr>
<tr>
<td>- Identifying and publicising good practice</td>
<td>Increased participation in Diversity Forum and positive feedback from participants</td>
<td>Diversity Forum evaluation report shows increased participation and positive feedback</td>
</tr>
<tr>
<td>National Conversation on Work (Right to Work outcome area)</td>
<td>• Visit 10 regions in New Zealand to establish EEO issues for employers, unions, workers and the community</td>
<td>• Comprehensive benchmark of EEO issues is developed and future legislation, policy and practice options are identified</td>
</tr>
<tr>
<td></td>
<td>• A summary report with recommendations is produced by June 2010</td>
<td>Relationships are established with employers, unions, workers and community agencies</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Report outlines major issues and key recommendations for improving EEO in the public and private sectors</td>
</tr>
<tr>
<td>Key activities</td>
<td>Performance Standard</td>
<td>Performance Measure</td>
</tr>
<tr>
<td>------------------------------------</td>
<td>---------------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>• New publication identifies and explains human rights elements of the Treaty of Waitangi</td>
<td>• All key issues identified and explained in ways that invite involvement and meet international and domestic standards</td>
<td>• Content and approach satisfies external stakeholders</td>
</tr>
<tr>
<td>• Te Mana I Waitangi network is maintained and strengthened</td>
<td>• Increased number of participants in the network</td>
<td>• 1500 participants in the network</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Online survey indicates strengths of network activity and ideas for improvement</td>
</tr>
</tbody>
</table>
Output: Advocacy and Protection

DESCRIPTION
This output includes strengthening and protecting constitutional arrangements in accordance with human rights standards. This may involve inquiries into possible infringements of human rights; developing guidelines and voluntary codes of practice; investigating, monitoring and reporting on compliance with international human rights standards; and bringing proceedings and intervening in court proceedings. It also involves making submissions on bills before Parliament, presentations to parliamentary select committees, and developing discussion documents and reports.

The Commission will undertake an estimated 12 advocacy and protection programmes, and make an estimated 40 submissions and policy interventions.

PRIORITIES

<table>
<thead>
<tr>
<th>Key activities</th>
<th>Performance Standard</th>
<th>Performance Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Human Rights in Government</strong> <em>(Human Rights Environment outcome area)</em></td>
<td>- Policy interventions in relation to draft legislation and policy with significant human rights implications</td>
<td>- Quality interventions which reflect and promote the human rights approach</td>
</tr>
<tr>
<td><strong>Action Plan for Human Rights</strong> <em>(Human Rights Environment outcome area)</em></td>
<td>- Research and consultation completed to identify issues</td>
<td>- Research and consultation covers key areas and identifies pressing human rights issues</td>
</tr>
<tr>
<td><strong>Disability Convention</strong> <em>(Disabled People outcome area)</em></td>
<td>- Develop a proposal for the independent monitoring of the Convention - Comprehensive assessment of progress towards accessible public land transport services</td>
<td>- Mechanism allows for disabled people to participate as equal partners - All major initiatives and programme plans are included in the assessment</td>
</tr>
<tr>
<td>Key activities</td>
<td>Performance Standard</td>
<td>Performance Measure</td>
</tr>
<tr>
<td>----------------</td>
<td>----------------------</td>
<td>---------------------</td>
</tr>
</tbody>
</table>
| Monitoring of International Conventions (International Connectedness outcome area) | • Actively engage with the international and national monitoring of the application of the international human rights treaties in New Zealand. This will include the Commission’s specific responsibilities for the monitoring of OPCAT | • Systematic monitoring of New Zealand’s reporting and the subsequent Treaty body recommendations documented  
Contributions made to State reports, and if appropriate, supplementary reports provided to the Treaty bodies  
Requests for contribution from the Human Rights Council and Treaty bodies responded to  
Commission’s specific responsibilities to coordinate the monitoring of OPCAT are met | • Producing reports which demonstrate the impact the Commission has made  
Evidence of internal documents to demonstrate progress by government  
Evidence of responses where sought  
National Preventive Mechanisms report satisfactory progress; annual report produced |
## Output: Enquiries and Complaints

**DESCRIPTION**

The Commission has a statutory responsibility to deal with complaints of unlawful discrimination in the areas covered by the Act. The Commission’s Enquiries and Complaints Service provides a process for the effective and informal resolution of complaints of unlawful discrimination, and an information and referral service for enquirers on human rights matters.

The Commission expects to receive and manage 15,000 individual contacts initiated by members of the public during 2009-10, of which a predicted 6000 will be new human rights matters, with 1600 having an element of unlawful discrimination.

### PRIORITIES

<table>
<thead>
<tr>
<th>Enquiries and Complaints (Human Rights Environment outcome area)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Key activities</strong></td>
</tr>
<tr>
<td>• Provide an enquiries and complaints service, in which:</td>
</tr>
<tr>
<td>Information is provided and referrals made in relation to</td>
</tr>
<tr>
<td>human rights matters</td>
</tr>
<tr>
<td>Unlawful discrimination complaints are resolved in</td>
</tr>
<tr>
<td>the most efficient, informal and cost-effective manner</td>
</tr>
<tr>
<td>possible</td>
</tr>
<tr>
<td>Individual and organisational behaviour and practice</td>
</tr>
<tr>
<td>change as a result of the dispute resolution process</td>
</tr>
<tr>
<td><strong>Performance Standard</strong></td>
</tr>
<tr>
<td>• Enquiries responded to within three working days;</td>
</tr>
<tr>
<td>80 per cent of complaints closed within one year, with</td>
</tr>
<tr>
<td>the situation advanced for the enquirer/complainant; 95</td>
</tr>
<tr>
<td>per cent of complaints dealt with to agreed internal</td>
</tr>
<tr>
<td>quality and timeliness standards</td>
</tr>
<tr>
<td>The process leads to changes to policies, procedures and</td>
</tr>
<tr>
<td>practices</td>
</tr>
<tr>
<td><strong>Performance Measure</strong></td>
</tr>
<tr>
<td>• Feedback from enquirers and complainants, and timeliness</td>
</tr>
<tr>
<td>reports from database</td>
</tr>
<tr>
<td>Enquiries and complaints service meets National Human Rights</td>
</tr>
<tr>
<td>Institutions’ good practice quality measures</td>
</tr>
<tr>
<td>Annual selection of case studies demonstrates changes in</td>
</tr>
<tr>
<td>policy, procedure and practice</td>
</tr>
</tbody>
</table>
Output: Human Rights and Privacy Litigation

DESCRIPTION
The Office of Human Rights Proceedings provides legal representation before the Human Rights Review Tribunal or related proceedings. Proceedings can be taken under either the Human Rights Act 1993 or the Privacy Act 1993.

QUANTITY
The Director of Human Rights Proceedings will:

• provide legal representation before the Tribunal or related proceedings for cases which the Director has decided meet the criteria in section 92 of the Human Rights Act 1993
• provide representation of the Human Rights Commission in appropriate cases
• an anticipated 70-90 human rights and privacy matters will be conducted
• take proceedings under the Privacy Act 1993 in appropriate cases referred to the Director by the Privacy Commissioner
• intervene in appropriate proceedings under the Privacy Act 1993.

QUALITY AND TIMELINESS
• 80 per cent of decisions on representation made within 60 days of application.
• 90 per cent of human rights and privacy matters are conducted to agreed internal standards.
Forecast Financial Performance
2009/2010

KEY ASSUMPTIONS FOR PROPOSED BUDGET
2009/2010
In the 2007/2008 budget bid funding round the Human Rights Commission received additional funding for wage, overhead and programme sustainability and for infrastructure and knowledge management for 2007/2008 and out years. This funding provided sustainability to 2010/2011. Given the current global economic recession and the projected five years of public sector deficits, the Commission has reassessed its long-term planning and deferred some planned work with a view to managing within current funding until 2012/2013.
## Forecast Budget Statement of Financial Performance

for the period ended 30 June 2010

<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td></td>
<td>$000s</td>
<td>$000s</td>
<td>$000s</td>
<td>$000s</td>
</tr>
<tr>
<td><strong>INCOME</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vote Justice operating grant</td>
<td>9,163</td>
<td>9,277</td>
<td></td>
<td></td>
</tr>
<tr>
<td>NZ Agency for International Development</td>
<td>758</td>
<td>901</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other income</td>
<td>48</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interest income</td>
<td>292</td>
<td>75</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total Income</strong></td>
<td>10,261</td>
<td>10,255</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>EXPENSES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personnel</td>
<td>6,426</td>
<td>6,255</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Travel</td>
<td>409</td>
<td>367</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Direct and Overhead cost</td>
<td>1,932</td>
<td>1,936</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Projects and Programmes</td>
<td>1,802</td>
<td>1,730</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Depreciation</td>
<td>264</td>
<td>264</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total Expenses</strong></td>
<td>10,833</td>
<td>10,552</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Net operating Surplus (Deficit)</strong></td>
<td>-572</td>
<td>-297</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
# Forecast Statement of Financial Position

As at 30 June 2010

<table>
<thead>
<tr>
<th></th>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$000s</td>
<td>$000s</td>
</tr>
<tr>
<td><strong>Current Assets</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cash at bank</td>
<td>3,050</td>
<td>2,781</td>
</tr>
<tr>
<td>Accounts receivable</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>GST receivable</td>
<td>25</td>
<td>25</td>
</tr>
<tr>
<td>Prepayments</td>
<td>15</td>
<td>17</td>
</tr>
<tr>
<td><strong>Total Current Assets</strong></td>
<td>3,110</td>
<td>2,843</td>
</tr>
<tr>
<td><strong>Deduct Current Liabilities</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accounts payable</td>
<td>411</td>
<td>416</td>
</tr>
<tr>
<td>Provision for annual leave</td>
<td>598</td>
<td>595</td>
</tr>
<tr>
<td><strong>Total Current Liabilities</strong></td>
<td>1,009</td>
<td>1,011</td>
</tr>
<tr>
<td><strong>Working capital</strong></td>
<td>2,101</td>
<td>1,832</td>
</tr>
<tr>
<td><strong>Non current assets</strong></td>
<td>278</td>
<td>250</td>
</tr>
<tr>
<td><strong>Accumulated Funds</strong></td>
<td>2,379</td>
<td>2,082</td>
</tr>
<tr>
<td><strong>Balance B/f</strong></td>
<td>2,951</td>
<td>2,379</td>
</tr>
<tr>
<td><strong>Net Surplus</strong></td>
<td>-572</td>
<td>-297</td>
</tr>
<tr>
<td><strong>Accumulated Funds</strong></td>
<td>2,379</td>
<td>2,082</td>
</tr>
</tbody>
</table>
## Forecast Statement of Cash Flows

As at 30 June 2010

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Cash Flows from Operating Activities</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cash was provided from:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vote Justice operating grant</td>
<td>9,163</td>
<td></td>
<td>9,277</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other income</td>
<td>1,098</td>
<td></td>
<td>978</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>10,261</td>
<td></td>
<td>10,255</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cash was dispersed to:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employees and suppliers</td>
<td>10,569</td>
<td></td>
<td>10,288</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>10,569</td>
<td></td>
<td>10,288</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Net operating inflow/(outflow)</td>
<td>-308</td>
<td></td>
<td>-33</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**CASH FLOW FROM INVESTING ACTIVITIES**

Cash was dispersed to:

- **Purchase of fixed assets**
  - 356
  - 236

Net investing cash inflow/(outflow)

- 356
- 236

Net cash

- -664
- -269

Add opening cash at bank

- 3,714
- 3,050

Total cash at bank

- 3,050
- 2,781
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 is 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, replaces the 1977 Act, and extends 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.

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 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 also laid before Parliament.

The proposed budgeted financial statements of the Commission are for the year ended 30 June 2010.

BASIS OF PREPARATION

The proposed budgeted financial statements of the Commission have been prepared pursuant to section 41 of the Public Finance Act 1989, which includes the requirement to comply with New Zealand generally accepted accounting practices (NZ GAAP), section 141 of the Human Rights Act 1993 and the Crown Entities Act 2004.

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

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

Government grant

The Government grant is received from the Ministry of Justice for the provision of outputs set out in the Memorandum of Understanding as signed by the Chief Commissioner and the Minister of Justice. The grant is recognised as income when earned.

Other income

Other income is received from the supply of contract work, the 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 sold to the customer.
Interest
Interest income is recognised using the effective interest method.

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.

At the beginning of the lease term, the Commission recognises finance leases 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.

FINANCIAL INSTRUMENTS
Financial assets and financial liabilities are initially measured at fair value plus transaction costs unless they are carried at fair value through profit and loss in which case the transaction costs are recognised in the statement of financial performance.

CASH AND CASH EQUIVALENTS
Cash includes cash on hand and funds on deposit at banks.

DEBTORS AND OTHER RECEIVABLES
Debtors and other receivables are initially measured at fair value and subsequently measured at amortised cost using the effective interest rate, less impairment changes.

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 statement of financial performance. Overdue receivables that are renegotiated are reclassified as current (i.e. not past due).

Accounting for 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 statement of financial performance.

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 or valuation, less 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.
In most instances, an item of property, plant and equipment is 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 statement of financial performance.

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.

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:

<table>
<thead>
<tr>
<th>Asset Type</th>
<th>Useful Life</th>
<th>Depreciation Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Motor Vehicles</td>
<td>5 years</td>
<td>20%</td>
</tr>
<tr>
<td>Equipment</td>
<td>5 years</td>
<td>20%</td>
</tr>
<tr>
<td>Furniture and Fittings</td>
<td>5 years</td>
<td>20%</td>
</tr>
<tr>
<td>Leasehold Improvements</td>
<td>5 years</td>
<td>20%</td>
</tr>
<tr>
<td>Library Books</td>
<td>5 years</td>
<td>20%</td>
</tr>
</tbody>
</table>

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 are recognised as an expense when incurred. Staff training costs are recognised as an expense when incurred.

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 period is recognised in the statement of financial performance.

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

<table>
<thead>
<tr>
<th>Asset Type</th>
<th>Useful Life</th>
<th>Amortisation Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Computer Software</td>
<td>3 years</td>
<td>33%</td>
</tr>
</tbody>
</table>

IMPAIRMENT OF NON-FINANCIAL ASSETS
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.

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 statement of financial performance. A reversal of the impairment loss is also recognised in the statement of financial performance.
CREDITORS AND OTHER PAYABLES
Creditors and other payables are initially measured at fair value and subsequently measured at amortised cost using the effective interest rate method.

EMPLOYEE ENTITLEMENTS
Employee entitlements are measured at the present value of estimated future cash flows based on accrued entitlements at current rates of pay. These included salaries and wages accrued up to balance date, annual leave earned but not yet taken at balance date, and retiring and long service leave entitlements.

SUPERANNUATION SCHEMES
Defined contribution schemes
Obligations for contributions to KiwiSaver, the Government Superannuation Fund, and the National Provident Fund are accounted for as defined contribution schemes and are recognised as an expense in the statement of financial performance as incurred.

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

PROVISIONS
The Commission recognises a provision 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 not recognised for future operating losses.

Provisions are measured at the present value of the expenditures 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.

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 included in the statement of commitments at the value of that penalty or exit cost.

ACCUMULATED FUNDS
Accumulated funds are the government’s investment in the Commission and is 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 is 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; it is exempt from the payment of income tax. Accordingly, no charge for income tax has been provided for.
COST
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 project item in the statement of financial performance.

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 judgements 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.

CRITICAL JUDGEMENTS IN APPLYING THE COMMISSION’S ACCOUNTING POLICIES
No critical judgements of a material nature were made by management in applying the Commission’s accounting policies.

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 tenei whare (motu)
Tātou tātou ē

www.hrc.co.nz
Human Rights Commission
Te Kāhui Tika Tangata
The Office of Human Rights Proceedings
Te Tari Whakatau Take Tika Tangata