

**APPENDIX TO SUBMISSION OF NEW ZEALAND HUMAN RIGHTS COMMISSION
21ST AND 22ND PERIODIC REVIEW OF NEW ZEALAND UNDER THE CONVENTION
ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION**

SUMMARY OF RECOMMENDATIONS

1

The Committee urges the Government to:

- (a) review the adequacy of current structures and processes to respond appropriately to New Zealand’s changing demographics; and**
- (b) make necessary changes to ensure that the diversity of the population is appropriately reflected in planning and delivery of services; and**
- (c) develop and implement measures aimed at increasing social cohesion.**

2

The Committee urges the Government to:

- (a) Review the adequacy of current legislation in addressing and sanctioning hate speech and incitement to racial disharmony, including hateful and disharmonious speech targeted at the religion and beliefs of ethnic minority communities; and**
- (b) Following that review, make any changes necessary to ensure that the legislative framework is adequate and contains appropriate and effective sanctions.**

3

The Committee urges the New Zealand Government to commit, as a matter of priority, to the collection of data on hate motivated crimes disaggregated by race and the other characteristics listed under s 9(1)(h) of the Sentencing Act 2002.

4

The Committee urges New Zealand Government to:

- (a) Urgently progress the recommendations of the Constitutional Advisory Panel regarding the role of the Treaty within New Zealand’s constitutional arrangements, in partnership with Māori.
- (b) Ensure that its public policy and legislative initiatives comply with the participation principle of Article 2 of the Treaty of Waitangi.

5

The Committee urges the Government to:

- (a) Outline its progress to date in implementing the recommendations from the Waitangi Tribunal’s Wai 262 decision and issue a concrete plan and timetable for implementing the remainder.
- (b) Take immediate steps to review its “large natural group” policy with a view to replacing it with a policy that fully complies with both the Treaty of Waitangi and international human rights standards regarding the participation rights of indigenous people.

6

The Committee urges the Government to commit to addressing the disproportionate representation of Māori in the criminal justice system by:

- (a) Ensuring actions are based on the Treaty and UNDRIP, and are informed by the Waitangi Tribunal findings and EMRIP study;
- (b) Stepping up its efforts to address the root causes which lead to disproportionate incarceration rates of Māori; and
- (c) Ensuring that justice, social sector and care and protection initiatives for Māori are linked up, have transparent governance frameworks with a designated chairperson of influence, and are based on partnerships with, and inclusion of, Iwi.

7

The Committee urges the New Zealand Government, working in partnership with Māori and other key groups, to implement a comprehensive plan that identifies actions, builds ownership and measures results to meet the target of the SDG Agenda that all people in New Zealand live in adequate, affordable and safe housing by 2030. The implementation plan should have a particular focus on addressing housing affordability, habitability and security of tenure.

8

The Committee recommends that the New Zealand Government works in partnership with Māori and other affected communities to:

- (a) Expand the current set of child health targets to include targets aimed at:
 - (i) Reducing overall hospitalisations for medical conditions with a social gradient; and
 - (ii) Reducing ethnic disparities in both hospitalisation and Mortality rates, particularly amongst Māori and Pasifika children.
- (b) Increase the provision and accessibility of primary health care services to socio-economically deprived communities, including primary health care delivered by Whānau Ora providers.

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The Committee urges the Government to work in partnership with Māori and Pasifika to:

- (a) Set targets to increase the representation of Māori and Pasifika in corporate governance and senior management in the public sector over the next reporting period; and
- (b) Strengthen its efforts to increase the participation of Māori and Pasifika in the labour market.

10

The Committee urges the Government to:

- (a) Initiate an independent inquiry into the abuse of people held in State care in order to identify the systemic issues that permitted this to occur and the broader impact of these events on Māori communities;
- (b) Publicly apologise to those who were affected, including those who were abused, their families and whānau.
- (c) Take other appropriate steps to acknowledge the harm that has been caused to the victims and to provide them with appropriate redress and rehabilitation; and
- (d) Take necessary steps to ensure that similar events do not happen again.
- (e) Ensure that the implementation of legislative reforms to the care and protection system fully conforms with the principles of the Treaty of Waitangi.
- (f) Urgently implement and make publicly available the Privacy, Human Rights and Ethics Framework governing predictive risk modelling in the child protection sector.

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The Committee urges the Government to:

- (a) Reduce the gap in educational outcomes between Māori and Pasifika, and other ethnicities; and
- (b) To do this in consultation and partnership with iwi and Pasifika communities.
- (c) Increase its investment in indigenous language retention and culturally responsive learning environments.

12

The Committee requests that the Government reports back within 12 months on progress made to address violence and abuse against women and girls with data disaggregated by race.

13

The Committee requests that the Government ensures that:

- (a) Appropriate frameworks and mechanisms are in place to support the safety and wellbeing of international students; and
- (b) That the initiatives committed to in the International Student Wellbeing Strategy and the International Education Strategy are implemented.

14

The Committee urges the New Zealand Government to ensure that all asylum seekers and people from refugee backgrounds have access to adequate and appropriate services and support to facilitate the full realisation of their economic, social and cultural rights.

15

The Committee urges the Government to ensure that:

- (a) Asylum seekers detained in correctional facilities are separated from other prisoners;
- (b) Asylum seekers are not subject to criminal standards of detention; and
- (c) Prison staff are appropriately trained in relation to standards of detention for asylum seekers, the identification of the symptoms of trauma and human rights.

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The Committee encourages the Government to ensure the availability of adequate and appropriate alternatives to detention for asylum seekers in all but the most exceptional of circumstances.