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**Human Rights Committee****List of issues prior to submission of the seventh periodic report of New Zealand\*****A. General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant**

1. Please report on any significant developments in the legal and institutional framework within which human rights are promoted and protected that have taken place since the adoption of the Committee's previous concluding observations<sup>1</sup>. Please indicate which procedures are in place for the implementation of the Committee's Views under the Optional Protocol and provide information on measures taken to ensure full compliance with each of the Views adopted in respect of the State party.

**B. Specific information on the implementation of articles 1 to 27 of the Covenant, including with regard to the previous recommendations of the Committee****Constitutional and legal framework (art. 2)**

2. With reference to the Committee's previous Concluding Observations (paras 9-10), please report on any measures taken to entrench the Bill of Rights Act 1990 and amend it in order to ensure that it incorporates all the rights enshrined in the Covenant. Please provide information on measures taken to strengthen scrutiny of draft legislation by parliament to ensure its consistency with the Bill of Rights Act 1990 and the Covenant, and – further to the 2022 amendment to the former - to ensure that Court declarations of inconsistency with the Bill of Rights Act 1990 are appropriately acted upon. Please provide information on measures taken to ensure access to effective remedies for violations of rights guaranteed under the Covenant, including the establishment of a legal right to compensation for unlawful arrest or detention (article 9[5]) or for wrongful conviction (article 14[6]).

3. With reference to the Committee's previous Concluding Observations (paras 5-6), please indicate steps taken to withdraw the State party's reservation to article 10(2)(b) and (3) of the Covenant and to consider withdrawing its reservations to articles 14 (6), 20 and 22.

4. Please provide information on measures taken to ensure the New Zealand Human Rights Commission is provided with adequate human, financial and technical resources to be able to discharge its mandate effectively and independently in full compliance with the Paris

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\* Adopted by the Committee at its 143rd session (3-28 March 2025).

<sup>1</sup> [CCPR/C/NZL/CO/6](#).

Principles, including for developing an updated National Plan of Action on human rights informed by meaningful public engagement.

**Non-discrimination (arts. 2, 19, 20 and 26)**

5. With reference to the Committee's previous Concluding Observations (paras 27-28), please report on measures taken to amend the Adoption Act 1955 and repeal all of its discriminatory provisions and consider permitting civil union partners to adopt children. Please provide information on how the State party ensures effective protection from discrimination on the grounds of gender identity, gender expression and sex characteristics and indicate whether the State party intends to amend the Human Rights Act to provide for explicit protection against discrimination on these grounds. Please indicate whether the State party intends to repeal Immigration Act section 392 which precludes individuals bringing complaints of discrimination to the New Zealand Human Rights Commission relating to application of the Act or related regulations.

6. With reference to the Committee's previous Concluding Observations (paras 19-20), please provide information on the adoption of a comprehensive national strategy to combat racism, racial discrimination, xenophobia and other forms of intolerance, including racial and religious hatred, with clearly defined targets, systematic data collection, awareness-raising campaigns, training programmes, and programmes for victim rehabilitation and redress. Please provide information on how the strategy will address racism, including institutional racism, faced by Māori and Pasifika, including the over-representation of Māori and Pasifika in the criminal justice system.

7. Please provide information on measures taken to ensure a comprehensive response to hate speech and hate crime, in law and in practice. Please include information on measures taken to implement the recommendations pertaining to hate crimes and hate speech made by the Royal Commission of Inquiry into the 2019 Christchurch terrorist attack.

**Counter-terrorism (arts. 2, 9, 12, 14, 17, 22)**

8. With reference to the Committee's previous Concluding Observations (paras 13-14), please provide information on measures taken to ensure that the State party's counter-terrorism legislation is compatible with the principles of necessity, legality and proportionality, non-discrimination and due process, that it is subject to adequate judicial oversight and that the rights guaranteed under the Covenant are fully respected, including the right to privacy. Please include information on the necessity and proportionality of the control orders regime introduced under the Terrorism Suppression (Control Orders) Act in 2019, its application including relevant statistical information, and the adequacy and effectiveness of safeguards in place including with regard to judicial oversight and access to appeal and redress.

9. Please provide information on safeguards in place to ensure that measures implemented to combat terrorist financing do not impede or unduly restrict the work of civil society organisations and are in full compliance with article 22 of the Covenant and the risk-based, proportionate approach to countering terrorist financing set out in recommendation 8 of the Financial Action Task Force, as revised in November 2023. Please provide information on the provision of reparations - including relevant support services and compensation - to survivors, witnesses and the families of victims of the 2019 Christchurch terror attack, and provide details of any steps taken to devise and implement a compensation plan in consultation with all relevant stakeholders.

**Right to life (art. 6)**

10. In view of the Committee's general comment No. 36 (2018) on the right to life (para. 62), please provide information on measures taken to ensure a precautionary approach to the sustainable use of natural resources and the protection of people from the negative impacts of climate change and natural disasters, including information on how national legislation and policies address the disproportionate impacts on vulnerable groups including Māori, people with disabilities, low-income families and rural communities. Please indicate how the State party ensures that its asylum policy is in conformity with its obligations under the

Covenant to ensure that persons seeking international protection are not returned to countries where the impacts of climate change or environmental degradation would place them at risk of irreparable harm. .

11. Please report on steps taken by the State party to reduce the suicide rate, including information on specific measures to address the higher rate of suicide among young people, males and Māori.

**Gender-based violence (arts. 2, 3, 6, 7 and 26)**

12. With reference to the Committee's previous Concluding Observations (paras. 29-30) and the related follow-up evaluation (CCPR/C/132/2/Add.3), please report on and assess the effectiveness of measures taken to address the persistently high level of gender-based violence against women, including measures to address under-reporting and high rates of recidivism. Please include information on measures taken to address the disproportionately high rates of domestic and intimate-partner violence faced by women with disabilities, Māori women and women belonging to ethnic minorities. Please provide information on measures taken to improve accessibility and resourcing of culturally appropriate support for victims. Please describe steps taken to strengthen the capacity of judges, prosecutors, law enforcement and welfare personnel to provide gender-sensitive responses to sexual and gender-based violence.

**Prohibition of torture and other cruel, inhuman or degrading treatment or punishment, liberty and security of person, and treatment of persons deprived of their liberty (arts. 6, 7, 9, 10, 16 and 24)**

13. With reference to the Committee's previous Concluding observations (paras 33-34), please report on measures taken to ensure that the State party's policies on the use of electro-muscular disruption devices, such as tasers, are consistent with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement. Please report on measures taken to improve conditions in all places of deprivation of liberty, including measures to remedy the lack of meaningful recreational and educational activities and to improve the provision of gender- and age-specific and culturally appropriate medical services, particularly for those with intellectual or psychosocial disabilities. Please provide information on safeguards in place to ensure that solitary confinement is used only in exceptional cases as a last resort, for as short a time as possible, in accordance with rule 45 (1) of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).

**Trafficking in persons (arts. 6, 7 and 8)**

14. With reference to the Committee's previous Concluding observations (paras 9-40)), please provide information on measures taken to strengthen the investigation and prosecution of trafficking in persons, while ensuring that victims of trafficking are not prosecuted, detained or punished for activities linked to their being trafficked persons. Please include information on measures taken to strengthen the identification of victims, including through training of judges, law enforcement officials and immigration and border control officers in the early identification of victims of trafficking and their referral to appropriate social and legal services. Please provide information on measures taken to ensure that victims of trafficking are provided with adequate protection and support, including through ensuring access to specialised shelters and legal, medical and psychological support, and where appropriate, through the granting of immigration status options.

**Treatment of aliens, including refugees and asylum seekers (arts. 2, 7, 9, 10 and 17)**

15. With reference to the Committee's previous Concluding observations (paras 37-38), and in light of its General comment No. 35 (2014) on liberty and security of person (para. 18), please report on steps taken to ensure that migrants and asylum seekers subject to detention under the Immigration Act, including those who fall under the definition of "mass arrivals," are detained only when strictly necessary and for the shortest possible period of time, in a manner proportionate to each individual's case, and that detention is subject to

periodic re-evaluation and judicial review. Please provide information on steps taken to place a maximum term on detention of asylum seekers. Please provide information on measures taken to ensure that, in cases where detention of migrants and asylum seekers is necessary, information on rights and legal processes is provided promptly in a language they can understand and that detention takes place in appropriate facilities ensuring their separation from the rest of the detainee population.

#### **Administration of justice (articles 2, 14 and 15)**

16. Please provide information on steps taken to ensure the conformity of the preventive detention and post-sentence supervision regimes with the New Zealand Bill of Rights Act 1990 and the Covenant, notably articles 9 and 14. Please provide information on measures taken to ensure that convicted persons claiming a miscarriage of justice are able to effectively challenge the conviction based on newly discovered evidence of their innocence, including new DNA evidence. Please include information on procedures for reviewing convictions, access to DNA testing and to legal and financial assistance, and systems in place for evidence preservation.

17. Please provide information on measures taken to ensure an adequately funded and high quality legal aid system, including measures to ensure adequate funding for Māori wishing to bring claims before the Waitangi Tribunal. Please report on consideration given to increasing the age of criminal responsibility, currently set at 10 years, to ensure it is in conformity with international standards including article 14(4) of the Covenant. Please provide information on measures taken to ensure that all current and proposed legislation is in conformity with article 15 of the Covenant, including the Sentencing (Reinstating Three Strikes) Amendment Act 2024.

#### **Right to privacy (art 17)**

18. With reference to the Committee's previous Concluding Observations (paras. 15-16), please provide information on measures taken to ensure the State party's legal framework regulating communications surveillance is in line with its obligations under the Covenant, in particular article 17, and that sufficient judicial safeguards are in place with regard to interception of communications and metadata collection, processing and sharing. Please provide information on measures taken in response to public submissions by the New Zealand Council for Civil Liberties Council alleging the erosion of privacy rights through expansion of search powers in a wide range of recent legislation, including counter-terrorism laws and the Immigration Amendment Bill (No 2). Please report on steps taken or envisaged in order to protect the privacy of biometric information held by public and private actors, including employers.

#### **Freedom of expression (art. 19)**

19. Please provide information on measures taken or envisaged in order to ensure that any proposed legislation that includes restrictions on the right to access publicly held information are subject to review under section 7 of the Bill of Rights Act to ensure consistency with sections 5 and 14 of the Act. Please provide information on measures implemented or envisaged to ensure the State party's freedom of information legislation is compliant with article 19 of the Covenant and other relevant international standards, notably to ensure that all publicly controlled or majority public-funded organisations are brought within the scope of the Official Information Act 1982 and the Local Government Official Information and Meetings Act 1987 and that information requests are a) responded to in a timely fashion ; b) that all reasons for withholding information are subject to a public interest override, and c) that the withholding of information is subject to time limits.

#### **Rights of the child (arts. 7 and 24)**

20. With reference to the Committee's previous Concluding Observations (paras.31-32) and the related follow-up evaluation (CCPR/C/132/2/Add.3), please report on measures taken and progress achieved with regard to combating child abuse in all settings, including through the development and implementation of multi-stakeholder, child-friendly early detection and reporting mechanisms and through the effective investigation of cases and the

accountability of perpetrators. Please provide detailed information on the measures taken in order to increase the efficiency and quality of child and youth protection and rehabilitation services. Please respond to reports that the planned repeal of Section 7AA of the Oranga Tamariki Act 1989 (Children's and Young People's Well-being Act 1989) – which provided special measures for protecting the rights of Māori children in coordination with Māori child rights organizations – is not based on robust evidence and may have a detrimental impact on the wellbeing of Māori children.

21. Please provide information on measures taken to implement the recommendations of the Abuse in Care Royal Commission of Inquiry, issued in 2024, notably to bring those responsible to justice, to ensure full redress for victims including rehabilitation and adequate compensation, and to guarantee non-recurrence.

#### **Right to participate in public life (art. 25)**

22. Please provide information on measures taken to ensure adequate, meaningful public participation in the development of legislative initiatives and respond to reports that key stakeholders, in particular Māori, have not been adequately consulted or involved in the development of bills of major constitutional significance, notably the Principles of the Treaty of Waitangi Bill and the Regulatory Standards Bill. With reference to the Committee's previous Concluding Observations (paras.47-48), please provide information on measures taken to enhance Māori and Pasifika representation in government positions at all levels, in particular at the local council level, including through the establishment of special electoral arrangements. In light of the Committee's Views on communication No. 3666/2019 in July 2023 concerning prisoners' voting rights, please provide information on measures taken to ensure any restrictions on the voting rights of prisoners are compliant with article 25 of the Covenant and the aforementioned Views.

#### **Rights of minorities and Indigenous Peoples (arts 2 and 27)**

23. With reference to the Committee's previous Concluding Observations (paras 45-46), please respond to reports that the Principles of the Treaty of Waitangi Bill and the Regulatory Standards Bill, if enacted, would fundamentally weaken the role of the Treaty of Waitangi in the existing constitutional arrangements and result in immediate and sustained reductions in human rights and Indigenous rights protections throughout the State party's legislative and regulatory framework, including by diminishing the role of the judiciary and the Waitangi Tribunal. With reference to the Committee's previous Concluding Observations (paras 43-44), and follow-up evaluation (CCPR/C/132/2/Add.3), please respond to reports that the legislative process for the Marine and Coastal Area (Takutai Moana) (Customary Marine Title) Amendment Bill failed to adequately consult Māori stakeholders and that the bill will further restrict Māori rights and interests in foreshore and seabed areas. Please report on the status of the Wairarapa Moana case on land and resource rights, including the claimants' application to the Court of Appeal for a declaration of inconsistency with the right of access to justice.