

## ADVANCE UNEDITED VERSION

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**Committee on the Elimination of Racial Discrimination****Concluding observations on the twenty-third and twenty-fourth periodic reports of New Zealand\***

1. The Committee considered the combined twenty-third and twenty-fourth periodic reports of New Zealand (CERD/C/NZL/23-24), submitted in one document, at its 3179<sup>th</sup> and 3180<sup>th</sup> meetings (see CERD/C/SR.3179 and 3180), held on 25 and 26 November 2025. At its 3190<sup>th</sup> meeting, held on 3 December 2025, it adopted the present concluding observations.

**A. Introduction**

2. The Committee welcomes the submission of the combined 23<sup>rd</sup> and 24<sup>th</sup> periodic reports of the State Party. The Committee also welcomes the constructive dialogue with the high-level delegation and wishes to thank the delegation for the information that it provided during the Committee's consideration of the reports and after the dialogue.

**B. Positive aspects**

3. The Committee further welcomes the following legislative, institutional and policy measures taken by the State Party:

- (a) The establishment of the Office for Māori Crown Relations Te Arawhiti, formerly the Office of Treaty Settlements and Takutai Moana, in 2019;
- (b) The establishment of the Ministry for Ethnic Communities in 2021;
- (c) The revision of the Refugee Resettlement Strategy and the Migrant Settlement and Integration Strategy in 2023;
- (d) The adoption of the Pacific Languages Strategy 2022–2032;
- (e) The launch of the *Ao Mai te Rā*: the Anti-Racism *Kaupapa* in 2022 to address systemic racism in the health sector;
- (f) The publication, under *Ao Mai te Rā*, of *Whiria te Muka Tangata*: Anti-Racism Systems Change in 2021 to guide anti-racism action in health services;
- (g) The adoption of the National Plan of Action Against Forced Labour, People Trafficking and Slavery (2020–2025);
- (h) The adoption of the Māori Language Strategy Te Maihi Karauna (2019–2023) under the Māori Language Act 2016;
- (i) The establishment of the Royal Commission of Inquiry into the Terrorist Attack on Christchurch Mosques in 2019 and the subsequent Christchurch Call to Eliminate Terrorist and Violent Extremist Content Online in 2019; and

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\* Adopted by the Committee at its 116th session (17 November–5 December 2025).

(j) The establishment of the Royal Commission of Inquiry into Abuse in Care in 2018.

4. The Committee also welcomes the State Party's adoption of the Family Violence Amendment Act 2018, the Victims Protection Act 2018, the Equal Pay Amendment Act 2020, the Care and Support Workers (Pay Equity) Settlement Act 2017, the Conversion Practices Prohibition Legislation Act 2022 and the *Pae Ora* (Healthy Futures) Act 2022, as well as the Action Plan for Pacific Education 2020-2030 and the Disability Action Plan 2023-2027.

## **C. Concerns and recommendations**

### **Data collection**

5. The Committee welcomes the statistical information provided in the State Party report and by the State Party delegation with regard to the situation of Māori, Pacific peoples and members of other ethnic groups, as derived from the 2018 census. It notes, however, the plans to discontinue the five-yearly census and replace it with an administrative data collection system. The Committee expresses concern that the potential impact of this change on the collection of statistics needed to accurately assess the situation of Māori, Pacific peoples, other ethnic groups, migrants, refugees and asylum seekers, including their socioeconomic status and progress achieved through targeted policies and programmes remains unclear. It is also concerned about the possible implications of this shift for decisions that have traditionally relied on census-based data, such as those relating to affirmative action measures, quotas and other targeted policies.

6. **Recalling its general recommendation No. 8 (1990) concerning the interpretation and application of article 1 (1) and (4) of the Convention, and its guidelines for reporting under the Convention, the Committee recommends that the State Party:**

**(a) Ensure that the transition from the five-yearly census to an administrative data collection system does not undermine the availability, quality, timeliness or disaggregation of comprehensive statistical information necessary to assess the situation of Māori, Pacific peoples, other ethnic groups, migrants, refugees and asylum seekers;**

**(b) Conduct a thorough impact assessment, in consultation with disadvantaged groups, to evaluate how this change may affect decisions traditionally based on census-driven data, including those relating to affirmative action measures, quotas, and targeted policies in areas such as employment, education, health, social security and political participation; and**

**(c) In its next periodic report, provide the Committee with updated statistical information, with a view to establishing a robust empirical basis for assessing the availability of opportunities for equal enjoyment of the rights enshrined in the Convention.**

### **Convention in the domestic legal order**

7. While acknowledging the information provided by the State Party in relation to several cases in which the provisions or principles of the Convention were invoked before or applied by domestic courts, the Committee notes that such instances remain limited. The Committee further notes that section 21 of the Human Rights Act (1993) does not include "descent" as a prohibited ground of discrimination.

8. **The Committee recommends that the State Party conduct regular training programmes and awareness-raising campaigns, in particular for judges, prosecutors, lawyers and law enforcement officials, to ensure that the provisions of the Convention are invoked, when relevant, by and before domestic courts. It also recommends that the State Party explicitly prohibit descent as a ground of discrimination, in line with article 1 of the Convention.**

### **Convention and the national framework for its implementation**

9. The Committee remains concerned about the developments in the State Party that may seriously risk weakening the legal, institutional and policy framework for the implementation of the Convention. It expresses particular concern about:

(a) The abolishment of legal safeguards designed to promote substantive equality and protect against direct, indirect, structural, and systemic discrimination;

(b) The lack of progress towards the adoption of the National Action Plan Against Racism, and the absence of a national plan of action to implement the objectives of the United Nations Declaration on the Rights of Indigenous Peoples;

(c) The challenges to the implementation of existing substantive equality frameworks, such as the Social Cohesion Framework, including due to limited political commitment and prioritization as well as insufficient resource allocation; and

(d) The overall weakening of the institutional framework, including the disestablishment of the Māori Health Authority Te Aka Whai Ora in 2024, as well as significant budget reductions affecting the Ministry for Ethnic Communities, the Ministry for Pacific Peoples, and the Ministry of Māori Development Te Puni Kōkiri.

**10. The Committee recommends that the State Party strengthen the legal, institutional and policy framework for the implementation of the Convention, and in particular:**

(a) **Effectively prevent any regression in legal safeguards designed to ensure non-discrimination and substantive equality, reinstating and strengthening relevant statutory protections for Māori and other disadvantaged groups;**

(b) **Adopt effective policy measures to fully give effect to the Convention, including through the prompt adoption of the National Action Plan Against Racism and the development of a national action plan to effectively implement the United Nations Declaration on the Rights of Indigenous Peoples, in close consultation with affected communities and civil society;**

(c) **Intensify efforts to implement existing frameworks to eliminate racial discrimination and advance substantive equality, including the Social Cohesion Framework, in collaboration civil society and affected communities, including through strengthened implementation initiatives such as the Community Initiatives Fund; and**

(d) **Strengthen the institutional framework for implementing the Convention, including by maintaining and empowering public institutions mandated to combat racial discrimination and promote substantive equality, and by allocating adequate human, technical, and financial resources to these bodies, including the Ministry for Ethnic Communities, the Ministry for Pacific Peoples, and the Ministry of Māori Development Te Puni Kōkiri.**

### **National human rights institution**

11. The Committee, while welcoming the information on the activities of the New Zealand Human Rights Commission and, in particular, the role of the Race Relations Commissioner in combating racism and promoting the equal enjoyment of human rights, expresses serious concern at public calls by some politicians and elected officials to dismantle the Commission. The Committee is further concerned about structural challenges to the Commission's independence from the executive branch, noting in particular that the current process for selecting and appointing commissioners lacks sufficient transparency and participation. It also notes with concern that the Commission has experienced significant reductions in its resources in recent years, and that it does not possess an explicit mandate to monitor and investigate violations of human rights.

**12. Recalling its general recommendation No. 17 (1993) on the establishment of national institutions to facilitate the implementation of the Convention, the Committee recommends that the State Party take all measures necessary to ensure that the New**

**Zealand Human Rights Commission can carry out its mandate effectively and independently without undue pressure and interference, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). It further recommends that the State Party establish a transparent, participatory and merit-based process for selecting commissioners, which guarantees the Commission's independence from the executive branch. The Committee also recommends that the State Party provide adequate human, technical and financial resources, and consider strengthening the Commission's mandate to include monitoring and investigation of human rights violations, to enable it to fulfil its functions effectively.**

#### **Complaints of racial discrimination**

13. While welcoming the information provided on the mandates of the New Zealand Human Rights Commission, the Labour Inspectorate, and the Human Rights Review Tribunal to review complaints of racial discrimination, the Committee notes that the lack of detailed information on the outcomes of such complaints, including implementation and follow-up, does not allow for a proper assessment of access to effective remedies for victims.

**14. The Committee recommends that the State Party reinforce the capacities of the New Zealand Human Rights Commission, the Labour Inspectorate and the Human Rights Review Tribunal to review complaints of racial discrimination. In particular, it recommends that the State Party strengthen data collection with regard to such complaints and their outcomes, disaggregated by age, gender, national or ethnic origin and migration status, including complaints referred to authorities for further action, investigations undertaken, administrative and criminal sanctions imposed and reparations provided to the victims.**

#### **Access to justice**

15. While noting the legal aid scheme review, which according to the information provided by the State Party during the dialogue, could lead to an increase of eligible beneficiaries, and initiatives such as *Te Ao Mārama* and *Whakaorangia te Mana Tangata*, the Committee remains concerned that such initiatives are negatively affected by public sector funding cuts and lack a systemic approach to address the systemic challenges faced by Māori, Pacific people and other ethnic groups concerned.

**16. The Committee recommends that the State Party develop a comprehensive, systemic implementation strategy to ensure that special measures addressing systemic barriers, including cultural, linguistic and financial, are embedded across the justice system, are proportionate to the number of persons affected by racial discrimination and ensure regular evaluation of the outcomes, as to numbers and type of cases, including in criminal and juvenile justice.**

#### **Administration of criminal and juvenile justice**

17. While noting the initiatives taken by the police to address systemic bias in policing practices and the increase of the number of Māori judges in district courts, the Committee remains concerned about reports on systemic racism in the administration of criminal and juvenile justice, which contributes to the over-representation of Māori and Pacific peoples at every stage, including arrest, prosecution, conviction, imprisonment, re-imprisonment, and as victims. The Committee also notes with concern that Māori and Pacific peoples continue to comprise a disproportionately high share of both the adult prison population and the youth justice system. It is particularly alarmed by proposals under the *Oranga Tamariki (Responding to Serious Youth Offending) Amendment Bill* (2024), especially the draft bill's introduction of military-style "boot camps" for so-called "young serious offenders", despite documented risks of harm and abuse.

**18. Recalling its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system and its general recommendation No. 36 (2020) on preventing and combating racial profiling**

by law enforcement officials, the Committee recommends that the State Party take concrete and effective measures to eliminate racial discrimination, including its institutional and systemic dimensions, at all stages of policing and the administration of criminal and juvenile justice, and in particular:

(a) Ensure that police practices refrain from racial profiling, prioritize mental health-informed de-escalation, disability awareness and proactive community engagement at every stage of policing, in particular in designing and implementing policing operations, including searches and raids;

(b) Revise the legislative and policy framework with a view to addressing the overrepresentation of Māori and Pacific peoples in criminal and juvenile justice systems and by advancing alternatives to arrest and incarceration for minor offences; and

(c) Consider withdrawing the legislative proposals under the *Oranga Tamariki (Responding to Serious Youth Offending) Amendment Bill (2024)*, focusing instead on developing holistic and human rights-based approaches that prioritize community-based rehabilitation and support, and that address the root causes of youth offending, in collaboration with affected communities and civil society.

#### Children in alternative care

19. The Committee acknowledges the establishment of the Royal Commission of Inquiry into Abuse in Care in 2018 and welcomes the government's formal apology in 2024. However, it notes with concern that only 19 of the Royal Commission's 207 recommendations have been fully accepted, the intent of 38 has been accepted, and 28 have been only partially accepted, and further that the current redress framework does not provide victims with adequate and effective remedies. Moreover, the Committee regrets that Māori and Pacific children continue to be disproportionately placed in both residential and foster care and remain at heightened risk of abuse and neglect. It expresses particular concern that Section 7AA of the *Oranga Tamariki* Act has been repealed, effectively removing the statutory requirement to consider the *whānau*, *hapū* and *iwi* of Māori children and young people in State care, thereby exposing them to heightened risk of abuse and neglect and further contributing to their alienation from collective Māori structures, cultural identity and *whakapapa* (genealogical and ancestral) connections.

20. The Committee recommends that the State Party develop a comprehensive plan to fully implement all recommendations of the Royal Commission, in consultation with civil society and affected communities. It further urges the State Party to ensure that perpetrators of all forms of physical, psychological, sexual, and emotional abuse of children in State and faith-based care are held fully accountable, and to put in place a redress framework to guarantee that all victims receive timely, adequate, and effective remedies. The Committee reiterates its previous recommendation that the State Party take effective measures to reduce the number of Māori and Pacific children in State care, taking steps to reform the child protection agency *Oranga Tamariki* and to revise child protection laws and policies, including by restoring Section 7AA of the *Oranga Tamariki* Act so as to enable the adoption of a "*whanau-first*" placement approach.

#### Racist hate speech and hate crimes

21. The Committee notes with grave concern the terrorist attack carried out against two mosques in Christchurch in 2019. While it welcomes the establishment of the Royal Commission of Inquiry in relation to the attack, it regrets the limited progress in implementing the Commission's recommendations, particularly those aimed at improving social cohesion and preventing and combating white supremacist, Islamophobic, and other hate-motivated crimes and hate speech, both online and offline. The Committee is especially concerned about the persistence of racist hate speech by certain politicians and public figures. Moreover, the Committee acknowledges the information in relation to the Law Commission's legislative review on hate crimes and the efforts by law enforcement authorities to improve data collection on hate-motivated offences. However, it remains concerned that, although the majority of reported hate-motivated offences are perceived to

target a person's ethnicity, hate motivation appears to be rarely invoked or applied as an aggravating factor during prosecution or sentencing. Finally, the Committee is concerned by continuing reports of racially motivated incidents, including physical attacks, targeting Māori and Pacific peoples; persons of Asian, African, and Middle Eastern descent; as well as Muslim and Jewish communities (arts. 2, 4 and 6).

**22. The Committee recommends that the State Party:**

**(a) Accelerate the implementation of the recommendations of the Royal Commission of Inquiry, particularly measures aimed at preventing further racist violence, providing effective remedies to victims of hate crimes and hate speech, and strengthening coexistence, tolerance, and dialogue among diverse communities;**

**(b) Continue efforts to strengthen the legislative framework to be able to sufficiently respond to hate crimes, including by engaging with the Law Commission, New Zealand Human Rights Commission, civil society, and affected communities;**

**(c) Unequivocally condemn all forms of racist hate speech, including by politicians and public figures, publicly distance itself from such expressions, and intensify efforts to prevent and combat racist hate speech, addressing their root causes and manifestations both offline and online, in line with the Committee's general recommendation No. 35 (2013) on combating racist hate speech;**

**(d) Ensure that all cases of racist hate speech and hate crimes, including any dissemination of ideas based on racial or ethnic superiority or hatred, and any incitement to hatred, contempt or discrimination against indigenous peoples, ethnic, ethno-religious and national groups, are promptly, thoroughly, and impartially investigated, that perpetrators are prosecuted and appropriately punished, and that victims have access to effective remedies and support;**

**(e) Continue efforts to strengthen data collection on hate speech and hate crimes, disaggregated by age, gender, and indigenous, ethnic, ethno-religious and national origin of the victims, with a view to informing evidence-based policies; and**

**(f) Enhance awareness-raising and education programmes to promote tolerance, mutual understanding, and respect for diversity, in particular targeting law enforcement officials, media actors, and the general public.**

**Racist organizations and propaganda**

23. The Committee observes that, although far-right extremism and white-supremacism have increasingly been recognized as significant threats to national security, such groups have so far been able to promote and incite racial discrimination with limited accountability. It also notes the information that the lists of organizations targeted under the Gangs Act 2024 largely excludes many far-right extremist and white supremacist groups, their activities as well as symbols, further reflecting systemic bias in the administration of criminal justice.

**24. The Committee urges the State Party to bring its legislation into full conformity with article 4 of the Convention and to take immediate steps to declare illegal and prohibit far-right extremist, white-supremacist and other racist organizations, as well as racist propaganda activities that promote or incite racial discrimination, and to ensure that participation in such organizations or activities constitutes a punishable offence. The Committee also recommends that the State Party prevent and prohibit racial discrimination and bias in the application of the Gangs Act 2024, including by regularly evaluating its impact on the exercise of human rights by Māori, Pacific and other ethnic groups.**

**Structural discrimination**

25. The Committee notes with concern the persistent structural discrimination that results in disproportionately high levels of poverty and material deprivation, including food insecurity, homelessness, overcrowding, and poor housing conditions and lower levels of enjoyment of the rights to work, education, health, and adequate standard of living, among

Māori, Pacific peoples, and members of other ethnic groups, as further explained below in paragraphs 29 to 36. Additionally, the Committee is concerned about the misrepresentation of affirmative action to address structural discrimination as “racial privilege” and “at odds with universal human rights” by some political and public figures.

**26. The Committee recommends that the State Party strengthen efforts to eliminate persistent structural discrimination affecting Māori, Pacific peoples, and other ethnic groups, including by upholding and reinforcing affirmative action and other special measures under article 2(2) of the Convention and:**

**(a) Publicly counter narratives that misrepresent special measures as “racial privilege”, and enhance public education and awareness-raising on the historical and structural causes of current inequalities and the need for evidence-based affirmative action to achieve substantive equality;**

**(b) Continue efforts to expand access to secure, affordable, and culturally appropriate housing, including social housing and rental support for Māori and Pacific households;**

**(c) Implement targeted programmes to reduce food insecurity, such as school-feeding schemes, subsidies, and community food initiatives; and**

**(d) Provide direct financial support and material assistance to households experiencing hardship, including for utilities, healthcare, and essential goods.**

#### **Intersectional discrimination**

27. The Committee remains concerned about the persistence of discrimination on grounds of race, colour, descent, and national or ethnic origin, where it intersects with sex, age, disability, sexual orientation, and gender identity. In particular, the Committee is concerned about:

(a) Reports of multiple and intersecting forms of discrimination faced by women, older persons, persons with disabilities, and LGBTI individuals who are Māori, Pacific, members of other ethnic groups, or migrants, refugees, and asylum-seekers, including barriers to employment, social protection, health care, education, and participation in public and political life;

(b) Reports of gender-based violence against Māori and Pacific women, and women from other ethnic groups, alongside financial, societal, cultural, and structural obstacles limiting access to justice, legal aid, and victim support services; and

(c) Discriminatory impact of the “acceptable standard of health” requirement in immigration and asylum frameworks, particularly on older persons and persons with disabilities, including those seeking family reunification.

**28. The Committee recommends that the State Party:**

**(a) Take appropriate targeted measures to eliminate multiple and intersecting forms of discrimination against women, older persons, persons with disabilities, and LGBTI individuals who identify as Māori, Pacific, other ethnic groups, or migrants, refugees, and asylum-seekers, to ensure their equitable access to employment, social protection, health care, education, and participation in public and political life;**

**(b) Ensure that measures to prevent and respond to gender-based violence are designed and implemented with due regard to the multiple and intersecting forms of discrimination faced by Māori and Pacific women, and women from other disadvantaged groups. This should include removing financial, societal, cultural, and structural barriers to justice, legal aid, and victim support services, and establishing accessible, culturally responsive programs developed in consultation with the affected communities; and**

**(c) Consider the review and reform of the “acceptable standard of health” requirement in immigration and asylum procedures to prevent discriminatory impacts on older persons and persons with disabilities, including those seeking family reunification.**

### **Employment**

29. The Committee notes with concern the information in relation to the persistent inequalities in employment opportunities affecting Māori, Pacific peoples, and other ethnic groups, including disproportionately higher unemployment and underemployment rates, as well as their overrepresentation in lower-paid and less secure forms of work.

**30. The Committee recommends that the State Party promote equitable employment opportunities for Māori, Pacific peoples, and other ethnic groups concerned, by strengthening policies that support skills development and employability, ensure fair wages and decent working conditions.**

### **Education**

31. The Committee welcomes the progress made in improving educational attainment among Māori, Pacific learners, and learners from other ethnic groups, as well as initiatives such as *Ka Hikitia - Ka Hāpaitia* strategy (2020) for Māori education and the Action Plan (2020-2030) for Pacific Education. However, it remains concerned about persistent educational disparities, including still significantly lower school attendance and educational attainment rates, and academic performance among Māori and Pacific learners. The Committee further notes with concern that the Education and Training Amendment Act (No. 2) (2025) repealed key legislative provisions relating to the implementation of the Treaty of Waitangi in the education sector, which had supported efforts to advance equitable educational outcomes for Māori.

**32. The Committee recommends that the State Party intensify efforts to eliminate persistent educational disparities affecting Māori, Pacific learners, and learners from other ethnic groups, including by developing culturally responsive curricula, rolling out mentorship initiatives, and strengthening targeted support programs with a view to improving school attendance and retention rates, participation in higher education, and overall academic performance. It further recommends that the State Party restore and reinforce mechanisms and processes that give effect to the Treaty of Waitangi within the education sector, and ensure that reforms and policies are designed and implemented in close consultation with Māori and other ethnic communities to advance equitable educational outcomes.**

### **Health**

33. While welcoming initiatives such as the *Ao Mai te Rā: the Anti-Racism Kaupapa* (2022) to address systemic racism in the health sector, and the *Whiria te Muka Tangata* model (2021) to guide anti-racism action in health services, the Committee is concerned that recent developments, particularly the disestablishment of the Māori Health Authority, risk further marginalizing Indigenous peoples and ethnic communities and undermining their access to timely, culturally appropriate and equitable health services. The Committee is especially concerned about persistent and significant health disparities affecting Māori and Pacific peoples. In particular, the Committee notes with concern structural and systemic barriers to accessing quality health and preventive services, including cost, limited availability of specialized care, and lower uptake of immunizations and cancer screenings.

**34. Recalling its general recommendation No. 37 (2024) on racial discrimination in the enjoyment of the right to health, the Committee recommends that the State Party:**

**(a) Strengthen efforts to eliminate persistent health disparities affecting Māori, Pacific peoples, and other ethnic communities by ensuring equitable access to timely, culturally appropriate, and high-quality health and preventive services;**

(b) Revitalize the Māori Health Authority, or establish bodies composed of Māori and Pacific health experts, to guide policies and programmes aimed at reducing health disparities;

(c) Strengthen the implementation of the *Ao Mai te Rā: the Anti-Racism Kaupapa* (2022), the *Whiria te Muka Tangata* model, as well as community-based initiatives specifically designed to address disproportionately poor health outcomes among Māori, Pacific, and other ethnic groups; and

(d) Intensify efforts to remove structural and systemic barriers to care, including financial, geographic, and service-related obstacles, enhancing access to specialized care, preventive services, immunizations, and cancer screenings, and implementing targeted, evidence-based interventions to reduce preventable morbidity and mortality, including from cardiovascular disease, diabetes, cancer, respiratory illnesses, tobacco use; and to address disproportionately higher rates of suicide.

### **Treaty of Waitangi**

35. The Committee notes with concern that, while the Treaty of Waitangi has long been recognised as the foundational framework governing the relationship between the Crown and Māori, recent legislative and policy developments raise serious questions, including with regard to the State Party's obligations under the Convention. In particular, the Committee is concerned about:

(a) Recent initiatives to reinterpret the Treaty and its established principles, efforts to review or replace legislative references to Treaty principles, and various proposals that may weaken mechanisms for shared decision-making and co-governance between the Crown and Māori, largely undertaken without ensuring the free, prior, and informed consent or meaningful engagement of Māori;

(b) Attenuation of Treaty principles or co-governance arrangements, which could undermine progress towards reconciliation and risk entrenching historical, structural, and systemic discrimination against Māori, including by restricting the scope of Māori customary rights and weakening the exercise of Māori self-determination in matters guaranteed by the Treaty; and

(c) Limited political interest and prioritization given to implementing the recommendations of the Wai 262 report, released by the Waitangi Tribunal in 2011.

**36. Recalling its previous recommendations, the Committee urges the State Party to:**

(a) Uphold its commitment to the Treaty of Waitangi as a constitutional framework for equal participation and partnership between Māori and the Crown, and take measures to counter misinformation and divisive narratives regarding the Treaty and to promote public understanding of its role in advancing harmony and equality;

(b) Ensure that any review of relevant legislative or regulatory frameworks, where necessary, is undertaken in full and effective consultation and partnership with Māori political representatives, the Waitangi Tribunal, and representative iwi, hapū and whānau, and in accordance with the principle of free, prior and informed consent;

(c) Preserve and strengthen existing co-governance and partnership arrangements established under the Treaty and relevant legislation, recognising them as essential mechanisms for realising the Treaty's safeguards and for guaranteeing the right to self-determination and substantive equality; and

(d) Intensify efforts towards the implementation of the recommendations contained in the Wai 262 report released by the Waitangi Tribunal in 2011.

### **Māori land rights**

37. The Committee acknowledges the information provided on Māori land rights, in particular with regard to the settlement processes under the Treaty of Waitangi framework. However, the Committee notes with concern that:

(a) Reportedly only a small portion of land, territories, and resources dispossessed from Māori has so far been returned, as redress has generally been limited to symbolic measures, formal apologies, and monetary compensation;

(b) Recent legislative developments risk significantly curtailing statutory protections of Māori land rights, particularly with regard to their right to self-determination over lands, territories, and resources they have historically owned and used. In this context, the Committee expresses concern about the amendments under the Marine and Coastal Area (Takutai Moana) (Customary Marine Title) Amendment Act (2025) and the Fast-Track Approvals Act (2024); and

(c) Significant shortcomings remain in ensuring meaningful Māori participation and safeguarding the principle of free, prior, and informed consent in legislative and administrative processes, and in other decisions affecting traditional lands and resources, including marine and coastal areas, forests, freshwater, and geothermal resources.

**38. Recalling its previous recommendations, the Committee urges the State Party to:**

(a) **Ensure that settlement processes facilitate the effective restoration of Māori lands, territories and resources, and undertake, in consultation with Māori, a comprehensive review of settlement policies and procedures to identify and remove barriers to land restitution, and to expand the range of redress options available, including land swaps, joint management arrangements, and long-term resource stewardship agreements;**

(b) **Ensure that legislation, regulations, and administrative practices affecting Māori lands and resources, including marine and coastal areas, forests, freshwater, and geothermal resources, fully respect Māori rights to self-determination and to the ownership, use, development, and control of their traditional lands and resources; and**

(c) **Strengthen mechanisms to guarantee the free, prior, and informed consent of Māori in all decision-making processes affecting their lands and resources, including through early engagement, transparent information-sharing, and comprehensive environmental and human rights impact assessments.**

#### **Environment and climate change**

39. The Committee notes with concern the harmful consequences of environmental degradation and climate change on the health, livelihoods, and traditional lifestyles of Māori. In particular, the Committee is concerned about reports about serious threats posed to Māori cultural and spiritual identity.

**40. The Committee recommends that the State Party take urgent and comprehensive measures to protect Māori from the disproportionate impacts of environmental degradation and climate change. In particular, the Committee urges the State Party to:**

(a) **Ensure full participation of Māori in climate change related decision-making, policy development and implementation processes, in accordance with the Treaty of Waitangi and the principle of free, prior and informed consent;**

(b) **Strengthen protections for Māori land, waterways, coastal areas and taonga species, including through improved environmental regulation, restoration programmes and long-term climate adaptation planning;**

(c) **Prevent forcible displacement and ensure that any relocation of affected communities occurs only as a last resort, is voluntary, culturally appropriate, and adequately supported; and**

(d) **Support the safeguarding and transmission of Māori cultural knowledge, practices and livelihoods that are at risk due to climate change and environmental degradation, such as tūrangawaewae (a place to stand) resulting from forced relocation or loss of land; the erosion of traditional relationships with te taiao (the natural environment); the decline of taonga (treasured) species; and the disruption of**

intergenerational knowledge and cultural practices such as mahinga kai (customary food gathering).

### **Political participation**

41. The Committee acknowledges the information provided by the State Party delegation in relation to political participation of all ethnic groups. It nevertheless remains concerned about the systemic barriers that may limit the effective participation of Māori and other ethnic groups in political and public life, noting the challenges faced in having their voices meaningfully reflected in legislative and policy processes. The Committee expresses particular concern about:

(a) The removal of dedicated Māori wards and constituencies in 24 local councils following the decision to subject Māori political rights to local referendums in 2025, thereby limiting Māori participation in local governance and decision-making processes;

(b) Recent developments involving several Māori Members of Parliament who were suspended following a protest haka in Parliament, which may indicate a broader environment in which Māori political expression is disproportionately scrutinized and sanctioned; and

(c) Proposals under the Electoral Amendment Bill (2025), which are likely to have a detrimental impact on the political rights of Māori and Pacific peoples, particularly the abolition of same-day election enrolment and the blanket disqualification of all prisoners serving a term of imprisonment from enrolling and voting while in prison, regardless of sentence length.

**42. The Committee recommends that the State Party take measures to remove systemic barriers to the full and effective participation of Māori and other ethnic groups in political and public life. It recommends, in particular, that the State Party:**

(a) **Take appropriate measures to ensure that Māori have equitable opportunities to meaningfully reflect their perspectives in legislative and policy decision-making processes at all levels, including in local councils;**

(b) **Safeguard the right of Māori to express their cultural and political identity without disproportionate sanction or scrutiny, including through reviewing parliamentary procedures and disciplinary practices to ensure they do not indirectly restrict Māori political expression; and**

(c) **Ensure that electoral laws and regulations do not result in indirect discrimination against Māori or any other ethnic group, including by reviewing the proposals under the Electoral Amendment Bill (2025) in consultation with civil society and Māori, Pacific peoples and other ethnic groups.**

### **Māori cultural rights**

43. The Committee acknowledges the information provided by the State Party regarding efforts to safeguard investments in the promotion of Māori cultural rights amid public sector funding constraints. However, it remains concerned at reports that Māori arts, crafts, music, cultural heritage, and cultural property continue to be insufficiently protected from misappropriation and commercial exploitation, including under existing intellectual property regimes. While noting the measures introduced under the Plant Variety Rights Amendment Act (2022), the Committee is still concerned that Māori *mātauranga* (traditional knowledge), including related to indigenous plant and animal species, ecological systems, customary practices, and biodiversity stewardship, remains inadequately recognised and protected.

**44. The Committee recommends that the State Party strengthen legislative and policy measures to ensure the effective protection of Māori intellectual and cultural property rights, including safeguards against the misappropriation and commercial**

exploitation of Māori arts, crafts, music, and cultural heritage. It further recommends increasing sustainable funding and support for Māori-led cultural institutions, artists, and heritage initiatives. The Committee also urges the State Party to continue efforts to enhance the recognition and protection of Māori *mātauranga*, including knowledge of indigenous plant and animal species, ecological systems, customary practices, and biodiversity stewardship, ensuring meaningful consultation and participation of Māori in decisions affecting their cultural and ecological heritage.

#### **Māori language**

45. The Committee is concerned about the ongoing challenges to *Te Reo Māori* (Māori language) despite measures aimed at its promotion and protection, as reflected in the limited number of students receiving instruction in the language and the shortage of qualified teachers.

**46. The Committee urges the State Party to intensify efforts to revitalize *Te Reo Māori* (Māori language), ensuring that more students have the opportunity to receive instruction in the language, including by investing in teacher training.**

#### **Situation of immigrants, refugees and asylum-seekers**

47. The Committee acknowledges the information provided regarding efforts to support the resettlement and integration of immigrants and refugees. It expresses concern, however, about the legislative provisions under the Immigration Act (2009) allowing for immigration detention, including the detention of asylum-seeking children in cases of boat arrivals. It also notes that reportedly migrants, refugees and asylum-seekers continue to face significant barriers in accessing basic social services and adequate housing, leaving many in precarious living conditions, particularly those without stable legal status.

**48. The Committee recommends that the State Party further strengthen efforts to support the resettlement and integration of migrants and refugees, taking into account regional migration trends, including those driven by climate change. It urges the State Party to review and reform legislative provisions under the Immigration Act 2009 to expand alternatives to detention, ensuring that the detention of any asylum-seeker is employed only as a measure of last resort and in full compliance with international human rights standards, and to eliminate the provisions permitting the detention of asylum-seeking children. The Committee further encourages the State Party continue its efforts to facilitate access to social services and adequate housing for immigrants, refugees and asylum-seekers.**

#### **Situation of migrant workers**

49. While recognizing the measures undertaken under the Plan of Action against Forced Labour, People Trafficking and Slavery (2020–2025), the Committee expresses concern about reports of exploitation of migrant workers, including underpayment, reliance on employer-controlled accommodation, the use of tied visas that restrict the ability to change employers, and threats to immigration status, all of which discourage workers from reporting abuses and hinder their access to effective remedies.

**50. The Committee recommends that the State Party take effective measures to address and prevent the exploitation of migrant workers, including through strengthened labour inspections, thorough investigations, and effective sanctions against perpetrators, while ensuring that victims can safely report abuses without fear of intimidation and have access to timely and effective remedies.**

#### **Racial stereotypes**

51. The Committee remains concerned about the persistent racial stereotypes towards Māori, Pacific peoples, migrants, refugees, and other ethnic communities, which continue to affect social cohesion and undermine respect for cultural diversity.

52. The Committee recommends that the State Party intensify efforts to prevent and counter racial stereotypes, including through the revision of educational curricula at all levels to promote intercultural dialogue, respect for ethnic and cultural diversity, and understanding of the histories, including by incorporating the history and legacies of colonialism, as well as the linguistic identities and cultural heritage of Māori, Pacific peoples, migrants, refugees, and other ethnic communities, including those of African, Asian, Middle Eastern, and Latin American descent.

## **D. Other recommendations**

### **Ratification of other treaties**

53. Bearing in mind the indivisibility of all human rights, the Committee encourages the State Party to consider ratifying those international human rights treaties that it has not yet ratified, in particular treaties with provisions that have direct relevance to communities that may be subjected to racial discrimination, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Convention for the Protection of All Persons from Enforced Disappearance, as well as the Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization. The Committee also encourages the State Party to accede to the 1954 Convention relating to the Status of Stateless Persons.

### **Declaration under article 14 of the Convention**

54. The Committee encourages the State Party to consider making the optional declaration provided for in article 14 of the Convention recognizing the competence of the Committee to receive and consider individual complaints.

### **Follow-up to the Durban Declaration and Programme of Action**

55. In light of its general recommendation No. 33 (2009) on the follow-up to the Durban Review Conference, the Committee recommends that, when implementing the Convention in its domestic legal order, the State Party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the outcome document of the Durban Review Conference, held in Geneva in April 2009. The Committee requests that the State Party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.

### **International Decade for People of African Descent**

56. In its resolution 79/193, the General Assembly proclaimed 2025–2034 the Second International Decade for People of African Descent. Also in that resolution, the Assembly decided to extend the programme of activities for the implementation of the International Decade for People of African Descent adopted in its resolution 69/16, with a view to ensuring continuing efforts in promoting the respect, protection and fulfilment of all human rights and fundamental freedoms of people of African descent. In light of this development, the Committee recommends that the State Party implement the programme of activities in collaboration with people of African descent and include in its next periodic report information on the measures adopted in that framework, taking into account the Committee's general recommendation No. 34 (2011) on racial discrimination against people of African descent.

### **Consultations with civil society**

57. The Committee recommends that the State Party continue consulting and increasing its dialogue with civil society organizations working in the area of human

rights protection, in particular those working to combat racial discrimination, in connection with the preparation of the next periodic report and in follow-up to the present concluding observations.

#### **Dissemination of information**

58. The Committee recommends that the State Party's reports be made readily available and accessible to the public at the time of their submission, and that the concluding observations of the Committee with respect to those reports be similarly made available to all State institutions entrusted with the implementation of the Convention, including relevant Ministries as well as local government, and publicized on the website of the Ministry of Foreign Affairs, in the official and other commonly used languages, as appropriate.

#### **Common core document**

59. The Committee encourages the State Party to update its common core document,<sup>1</sup> which dates to 2010, in accordance with the harmonized guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted at the fifth inter-committee meeting of the human rights treaty bodies held in June 2006 (HRI/GEN/2/Rev.6, chap. I). In the light of General Assembly resolution 68/268, the Committee urges the State Party to observe the limit of 42,400 words for such documents.

#### **Paragraphs of particular importance**

60. The Committee wishes to draw the attention of the State Party to the particular importance of the recommendations contained in paragraphs 18 (Administration of criminal and juvenile justice), 38 (Māori land rights) and 40 (Environment and climate change) above and requests the State Party to provide detailed information in its next periodic report on the concrete measures taken to implement those recommendations.

#### **Follow-up to the present concluding observations**

61. In accordance with article 9 (1) of the Convention and rule 74 of its rules of procedure, the Committee requests the State Party to provide, within one year of the adoption of the present concluding observations, information on its implementation of the recommendations contained in paragraphs 20 (Children in alternative care), 34(b) (Health) and 36(d) (Treaty of Waitangi) above.

#### **Preparation of the next periodic report**

62. The Committee recommends that the State Party submit its combined twenty-fifth to twenty-eighth periodic reports, as a single document, by 22 December 2029, taking into account the reporting guidelines adopted by the Committee during its seventy-first session (CERD/C/2007/1) and addressing all the points raised in the present concluding observations. In the light of General Assembly resolution 68/268, the Committee urges the State Party to observe the limit of 21,200 words for periodic reports, and 42,400 words for the common core document.

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<sup>1</sup> HRI/CORE/NZL/2010.