



ISLAMIC WOMEN'S COUNCIL OF NEW ZEALAND'S SUBMISSION TO THE UN HUMAN RIGHTS COMMITTEE: HIGHLIGHTING PRIORITY ISSUES FOR NEW ZEALAND'S 7TH REVIEW UNDER THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

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Introduction

The Islamic Women's Council of New Zealand (IWCNZ) is a national umbrella organisation that has been in existence and advocating for Muslim women in the country since 1990. Over the past 34 years, IWCNZ has grown alongside the Muslim female population in New Zealand, which has increased from approximately 150 individuals to more than 35,000. Dedicated to supporting and developing Muslim women (Muslimah) to excel, IWCNZ facilitates community engagement, education, participation, and representation in New Zealand society through a wide range of programmes and activities.

IWCNZ played a highly visible and prominent role in the aftermath of the Christchurch terrorist attacks, in 2019 advocating for the interests of Muslim women and participating extensively in the Royal Commission of Inquiry (RCOI) into the attacks. (Royal Commission of Inquiry, 2020, *Final Report*) This involvement stemmed not only from IWCNZ's national leadership position but also from the Council's proactive efforts prior to the tragedy. (See 7 part series by Bingham 2022) Notably, IWCNZ leadership had previously alerted the New Zealand Government to risks facing the Muslim community, including a specific warning of a threat nearly three weeks to a mosque prior to the attack for the specific date of 15 of March 2019 . Tragically, members of our community were among those lost in the attacks, while others sustained injuries or were directly affected by the events. The broader community continues to feel the impact of and fallout from this atrocity.

Following the attacks, IWCNZ has collaborated extensively with the New Zealand Government to improve public service approaches to address challenges facing the Muslim community, advocate for social media reform, and push for stricter regulations on digital platforms. Unfortunately, New

Zealand's response has not neared the international standards anticipated by the United Nations and set out its various agencies in the Model Legislative Provisions to Support and Protect the Rights and Needs of Victims of Terrorism. IWCNZ must also highlight significant concerns regarding the regression of progress in implementing the RCOI recommendations under the current administration implemented within the last year.

IWCNZ would like to emphasise that many of concerns do not solely arise from the Christchurch attacks. Our concerns are nationwide and not exclusive to one region. Significant risks to the whole Muslim community and have persisted for many years and in many areas as identified in the previous review. Statistically though, Muslim women and our children appear to be bearing the brunt. Urgent attention is needed across the board.

IWCNZ operates under the governance of a democratically elected executive board, which ensures active member participation and provides strategic leadership to improve the lived experiences of Muslim women. While we acknowledge improvements in some areas, significant progress remains outstanding. The cessation of key initiatives that were previously being implemented under the prior government has raised serious concerns, as these setbacks further expose the community to vulnerabilities identified in earlier reviews.

In alignment with our advocacy efforts, we would also draw like to refer to our submission to Universal Periodic Review for New Zealand, where we prioritised issues and is attached hereto as Addendum A. For further context, we refer to our original submission to the RCOI, which we have linked herein for ease of reference. Should a hard copy of the submission be required, we are able to provide this upon request. (Islamic Women's Council of New Zealand, 2019, *submission*) IWCNZ also relies in further support for its positions on the advice and recommendations provided by Kāpuia during its three-year tenure as a Ministerial Advisory Group, established in response to the findings and recommendations of the Royal Commission of Inquiry into the Christchurch attack. (Kāpuia, *Final report*, 2024; Kāpuia, *Advice from Kāpuia*, 2021–2024; Kāpuia, *Proactive release of feedback*, 2021–2023)

In preparation for the seventh periodic report of New Zealand under the International Covenant on Civil and Political Rights, IWCNZ submits a detailed list of issues. Each item is accompanied by citations to supporting evidence and information that substantiates our positions and concerns.

Lack of Progress in Strengthening Human Rights Protections

New Zealand should provide updates on recent changes to laws, institutions, and initiatives that promote and protect human rights. This includes notable court rulings, education for legal professionals on human rights obligations, and details of political or administrative measures taken to uphold these rights, with clear information on resources, objectives, and outcomes. The government should also outline its actions to implement the Committee's previous recommendations, supported by relevant data.

IWCNZ understands there has been consistent underfunding in this area, with many items referred but not funded. (See e.g, Pennington, 2024) For instance, the Law Commission's consideration of

hate speech matters lacked financial backing, leading to stalled efforts. (Matthews, 2024) In the past year, limited progress has regressed further, with no advancement on hate speech initiatives, insufficient funding for a police hate register, and diminished capacity to monitor and address hate reporting. This underinvestment undermines the nation's ability to effectively protect human rights and fulfil its obligations.

Constitutional and Legal Framework

New Zealand should clarify whether it intends to withdraw its reservations to the Covenant and provide detailed reasons if it does not, including how current reservations align with the Covenant's objectives. The government should report on national human rights plan, its outcomes, and whether further action plan on it will occur. Additionally, steps to strengthen the Bill of Rights Act should be outlined, particularly efforts to include all Covenant rights and ensure consistency.

The findings of the Royal Commission of Inquiry (RCOI) emphasised the urgent need to strengthen and expand the Bill of Rights Act. (Royal Commission of Inquiry, 2020) In fact, they published an expanded compendium on the point. These recommendations, made by commissioners selected, who looked at the evidence privately and without public hearing and under very limited terms of reference, underscore the significance of comprehensive legal reforms.¹ The government's decision not to address these recommendations, despite their alignment with RCOI findings, requires close scrutiny and justification.

Concerns have also been raised regarding the National Action Plan Against Racism, particularly allegations that it does not adequately address experiences of racism. Reports suggest that the government may be disregarding input from its own advisers on this critical issue (e.g., Tikanga Tangata). These omissions and the lack of transparency in addressing such concerns must be questioned to ensure the Plan is inclusive and responsive to all forms of racism in New Zealand.

Counter-Terrorism Measures

New Zealand should provide updates on how the designation of terrorist groups and individuals aligns with human rights obligations, including measures to ensure those designated can challenge such classifications. The government must also outline any changes to the Government Communications Security Bureau laws to address privacy concerns raised by the Human Rights Commission, ensuring surveillance practices comply with human rights standards. Additionally, far more clarity is needed on legal provisions and changes thereto such as the definitions of "national security" "terrorism", the extent of access to user data and intercepted information by authorities,

¹ Reviewers should be advised that the Royal Commission of Inquiry (RCOI) into the terrorist attack on Christchurch mosques did not follow normal inquiry due processes and vetting of evidence. It did not allow the impacted community to have input into its terms of reference, despite community members raising concerns immediately after March 15 2019 and pushing for the inquiry. Furthermore, the RCOI was conducted as a closed inquiry, preventing those affected from seeing or challenging the evidence provided by government officials. It was the only RCOI in New Zealand's history to operate under such restrictive conditions, including a sweeping 30-year suppression order on all evidence submitted. These practices raise significant concerns about compliance with principles of transparency, accountability, and community participation, which are central to good human rights practices. (Graham-McLay, 2019; Davison, 2020)

and safeguards for classifying and using such information. This is a fast moving space with minimal scrutiny. Further, the RCOI recommended an entire restructuring of the system so there would be more leadership, more cohesive responses and far more independent oversight. (Royal Commission of Inquiry, 2020, *Final Report*) There has been minimal changes in this area and significant risks remain. (Kāpuia, Final Report, 24 April 2024; Kāpuia, Letter of Advice, 24 April 2024; Kāpuia, Letter to Lead Coordination Minister, 30 May 2024) These updates are critical to demonstrating compliance with the Covenant and safeguarding individual rights.

Evidence highlights the need for thorough questioning on these topics. The Royal Commission of Inquiry found that counter-terrorism resources were inappropriately concentrated on the threat of Islamist extremist terrorism, without an informed assessment of other ideological threats. More recently, findings by the New Zealand Supreme Court and Inspector-General of Intelligence and Security have flagged further concerns, including insufficient evidence provided to justify decisions, limited opportunities for the Muslim community to input or hear evidence, not informing lead Ministers on actions and going beyond scope and flawed processes. (*A v Minister of Internal Affairs* [2024] NZSC 63, IGIS Reports) These issues further underscore the importance of ensuring counter-terrorism measures are transparent, evidence-based, and function with adequate independent oversight.

Equality and Non-Discrimination

New Zealand should provide updates on actions taken to address gender pay disparities, improve the representation of women in leadership roles, and tackle the root causes of pay inequality in the public sector. Clear evidence of progress, including measurable outcomes and targeted initiatives, is essential to demonstrate a commitment to achieving gender equality in the workplace.

Efforts to promote ethnic and religious equality should include measures to combat stereotypes, hate speech, and systemic inequalities faced by Māori, Pacific peoples, and migrants, particularly in education and employment. (MEC Ethnic Evidence Report 2024, ERO, *Education For All Our Children*, March 2023) Evidence highlights that Muslim women, in particular, experience disproportionate and unequal treatment. (See IWCNZ UPR Submission in Addendum A) While some support is being provided to address these challenges, it remains insufficient.

The Royal Commission of Inquiry recommended updates to hate speech legislation to include protections for religious groups; however, this has been referred to the Law Commission without funding and has now been halted entirely. This leaves no legal protections for religious communities and exposes Muslim women to heightened risks of hate and discrimination. Authorities have noted a significant rise in Islamophobia in light of recent geopolitical events, further exacerbating risks to the Muslim community, especially women. Unfortunately, even though the NZ Police have begun to collect hate data, they are not regularly releasing data and are not releasing the intersectionality findings so it is hard to fully assess the increase or the risk (See Tom, Sept 2024).

Given the foregoing and the findings for the RCOI into the Christchurch mosque attacks, a full and transparent review of what the government is doing to protect vulnerable communities and eliminate inequalities should occur. Concrete actions, including sufficient funding, legal protections,

and comprehensive strategies to address discrimination and hate, are urgently needed to ensure all communities are safeguarded and treated equally.

Children's Rights

New Zealand should provide updates on measures implemented to detect and address child abuse, encourage reporting, and offer effective support to victims. This includes establishing early detection mechanisms, raising public awareness, and ensuring that suspected and actual abuse cases are promptly investigated. Relevant data on the number of reports, prosecutions, convictions, and support services provided should be shared to demonstrate the effectiveness of these measures.

Efforts to ensure safe and inclusive education for all children, free from discrimination, harassment, and harm, should also be prioritised. This includes legislative and community-based actions to raise awareness, promote education, and enforce protections for vulnerable individuals. Schools must be environments where children can learn and thrive without fear of bullying or prejudice based on ethnicity, religion, or gender. This requires robust anti-discrimination policies, teacher training, and effective reporting mechanisms to protect vulnerable students. Addressing these challenges is essential to foster resilience, promote wellbeing, and ensure equity in educational outcomes for all students.

As evidence, it is clear that ethnic youth, particularly African, Middle Eastern, and some South Asian groups, are not experiencing the same outcomes as their counterparts. Reports from Ministers, the Education Review Office (ERO, 2023), and the Ministry of Ethnic Communities (MEC, 2024) highlight significant disparities, with faith, gender, and ethnicity frequently serving as bases for discrimination. For young people, these inequities create a range of risks, including high levels of suicide ideation, as noted in New Zealand's own reports. The government must be pressed on what it is doing to address these systemic issues and protect the most vulnerable youth in society—in particular those facing intersectionality layering of issues. Comprehensive actions, including targeted interventions and measurable outcomes, are essential to ensure these disparities are addressed and the rights of all children are upheld.

Conclusion

IWCNZ acknowledges that some progress has been made and solutions have been proposed by the New Zealand government; however, there is clearly much more work to be done. We offer this **List of Issues** with the hope of fostering meaningful improvements for our community and contributing to better outcomes for the nation as a whole

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ADDENDUM



The Islamic Women's Council of New Zealand (IWCNZ) is a national umbrella organization advocating for Muslim women since 1990. Over the last 33 years, IWCNZ has grown alongside the Muslim female population from 150 to more than 30,000. Focused on enabling Muslimah to achieve and thrive, IWCNZ facilitates community engagement, education, participation, and representation in New Zealand society through various activities. IWCNZ played a significant role around the Christchurch attacks, advocating for Muslim women's interests and participating in the Royal Commission of Inquiry to enhance public service approaches and has been pushing for digital platform regulations. Governed by a democratically-elected executive board, IWCNZ ensures active member participation and provides guidance and strategic leadership to improve the lived experiences of Muslim women.

Areas for Improvement for New Zealand to Address, as Offered by IWCNZ for Universal Periodic Review :

1. **Combat Violence Against Women and Children:** Increased efforts are needed to prevent and address all forms of gender-based violence, including in-person and online abuse, and ensuring victims have access to justice and support.
2. **Improve Representation and Rights of Indigenous Peoples and Minorities:** Greater efforts required to protect the rights and improve the socioeconomic conditions and welfare of Māori and minority groups, with particular focus on improved education, health outcomes, employment opportunities and respect for cultural rights and identity.
3. **Address Racial Discrimination, Islamophobia, and Xenophobia:** Work to eradicate racism, Islamophobia, xenophobia, and related intolerance and white supremacy through human rights legal reforms, awareness campaigns, more effective public reporting and data collection of hate crimes (including perpetrator ethnicity and gender), regulating social media for safe navigation, and funding independent media that promotes democracy, minority representation and rights.
4. **Guarantee Equitable Legal System Access and Treatment in Judicial System:** Undertake actions to guarantee equal access to the legal system, equitable treatment as victims, and the rights to information and truth. conducting sensitivity training for legal personnel and the judiciary, establishing monitoring mechanisms for equitable treatment, and improving access to justice and legal aid services.
5. **Enhance Counter-Terrorism Frameworks and Victim Support:** Improving counter-terrorism laws to ensure efforts are streamlined, effective, non-discriminatory, and protect victims' rights, including equitable access to legal, medical, psychosocial, and financial support.
6. **Support for Migrants, Refugees, and Asylum Seekers:** Advocacy for the rights of migrants, asylum seekers, and refugees, including improving policies for their protection and integration, and facilitating family reunification to maintain social well-being and cultural identity and preventing human trafficking and slavery.
7. **Promote Gender Equality and Empowerment of Women:** Initiatives to increase women's representation in leadership roles (with focus on Māori and minority communities), ensure gender pay equality, and advance women's rights in the labour market and across all sectors of society.
8. **Protect and Promote Children's Rights:** Strengthening policies and programs aimed at protecting children from abuse and neglect, reducing child poverty, and ensuring access to safe educational environments and healthcare.
9. **Enhance Participation and Rights of Disabled Persons:** Recommendations to improve accessibility, support, and inclusion for people with disabilities, particularly in education, employment, and public services.

HIGHLIGHTED CHALLENGES

Muslim women are experiencing per capita far more hate than other New Zealanders as they are targets due to several factors: Religion, Race and Ethnicity, Migrant, and Gender.

When intersectionality considerations are applied, using publicly released Police data, 4 out every 11 incidents of daily hate will involve a Muslim female. Muslim women represent less than 1 percent of the New Zealand population, yet IWCNZ can confirm Muslim women have received more than 36 percent of the nation's hate over the past two years. Our Middle Eastern and African sisters bear an even higher burden [Increased likelihood of experiencing hate for Middle Easterners (28%) and Africans (42%) compared to our South Asian sisters] See Graham-McLay, C. (2023, June 7). Exclusive: Racism, homophobia fuelling thousands of crimes in New Zealand each year, figures show. *THE GUARDIAN* Please note, this data is from June 2023, and hate has increased exponentially since the Gaza conflict.

While New Zealand has now established a hate incident monitoring and recording system, only some of the data obtained has been released. Further, there has not been a public discussion led by NZ Government of the results of the data register and there is no established process for the public release of the information recorded in the register, such as who are the main categories of perpetrators. This absence of public information leaves vulnerable communities, such as IWCNZ, to have to advocate on their own behalf. This, in turn, puts our IWCNZ leadership at further risk of hate and harm.

As a result, Muslim women continue to suffer the harm of hatred without full legal protections. The removal of considerations to protect vulnerable communities through an effective Bill of Rights and harmful speech legislation has kept the whole Muslim community at risk.

CONCERNING STATISTICS:

Serious Distress:

44% of MELAA learners vs. 28% overall.

Feeling Overwhelmed:

57% of MELAA learners vs. 49% overall.

Life Not Worth Living:

51% of MELAA learners vs. 41% overall.

ALARMING STATISTIC:

39% of MELAA learners have seriously considered suicide, compared to 26% of respondents overall.

children), who report the lowest levels of "good to excellent wellbeing", higher incidences of distress, feelings of being overwhelmed, and suicidal contemplation. See Education Review Office. (2023). *Education for all our children: Embracing diverse ethnicities*. <https://ero.govt.nz/our-research/education-for-all-our-children-embracing-diverse-ethnicities>

These findings underscore the urgent need for targeted interventions both for Muslim women generally but also for our children within the education environments to address inclusion issues, racism, harassment and bullying to improve outcomes and wellbeing across all ethnic groups within our communities.

Further, information from the Education Review Office shows that racism and harassment are present and widespread within the schooling environment. Data collected from a one-month period show ethnic youth encountered racist messages (19%), have been bullied due to ethnic identity (20%), had their identity, culture, or language ridiculed (22%) and observed mistreatment of their peers based on ethnic identity/culture (54%).

The consequences are having a significant impact on MELAA group learners (which include a significant number of Muslim

Response to the 15 of March Christchurch Terrorist Attacks: Justice, Truth and Reparation

Need for Fair and Impartial Judicial Inquiries

Whilst there has been a Royal Commission of Inquiry into the Christchurch Mosque Attacks (RCOI), the probe did not fully meet the expectations of fairness and impartiality of similar inquiries. Specifically, this was the first NZ Royal Commission that did not hold any public hearings, did not allow key stakeholders to hear or challenge the evidence, and the RCOI itself was precluded by its Terms of Reference from looking into some key matters (i.e. social media platforms).

To ensure fairness and impartiality in investigating terrorist attacks, it is critical that the investigation is thorough, follows due process, aims to uncover the truth and remains independent. These are essential to understand the causes of the attack and adequately recommend preventive measures.

Right to Truth and Information

Both the Muslim community and the impacted family members of those massacred in the Christchurch mosques have inalienable rights to know the truth including being informed about investigation progress and findings. Transparency is an absolute necessity for public trust and buy-in into the recommendations. Unfortunately, the RCOI, was not an open process, only provided for limited information sessions and there was limited consultation on recommendations. The Islamic Women's Council of New Zealand sought to participate in the evidentiary process to be able to hear, test and challenge evidence, but we were not allowed. In fact, no bullet wounded individuals or impacted family members were allowed to do so either.

- **Lack of Transparency:** Unlike previous inquiries, the RCOI conducted its proceedings in private with no access of the public to hearings and evidence.
- **Limited Participation:** The decision not to allow affected parties and the wider community, including a Muslim reference group, to hear or challenge government evidence, restricted meaningful participation. Thus, limiting understanding of the events and diminished public understanding of the need for the recommendations.
- **Exclusion of Key Stakeholders:** By precluding media platforms and not considering their potential contributing factors, the RCOI may have missed a critical analysis of the role such platforms may have played in the dissemination/promotion of extremist content.
- **Suppression of Evidence:** The suppression of behind-the-doors testimony from government officials for 30 years, pre-emptively given (but not publicly disclosed until RCOI Report issued), has raised questions about the completeness and accuracy of the investigation, hindering full understanding of the causes.
- **Cleansed Report:** The report being "cleansed" for security reasons further contributed to concerns over its transparency and thoroughness. While security concerns are valid, the balance between protecting sensitive information and providing a comprehensive, unvarnished account is crucial.

Despite these shortcomings, IWCNZ acknowledges that the RCOI made a significant number of appropriate and needed recommendations. However, the process's limitations have impacted the effectiveness and implementation of these recommendations. The challenges and deficiencies of the RCOI are now impacting the current coronial inquiry as matters covered by RCOI are now considered for the most part outside scope for the inquest. Thereby, transferring the deficiencies of the RCOI onward to the coronial process. Further, the legislative mandate for coroners to primarily rely on police for investigations, despite potential conflicts of interest from police involvement in the Christchurch Attacks, undermines the investigation's objectivity and public trust, suggesting an independent investigatory body would better ensure transparency and accountability.

Securing the Right to Restoration and Reparation

In the wake of the Christchurch terrorist attacks, the ongoing challenges faced by the directly impacted and the community confirm the need for a multifaceted approach to reparation and restorative justice. The long-term well-being of those affected hinges on financial reparations and the provision of culturally appropriate support services. An effective response should encompass both individual and collective needs. Thus far, there has been insufficient reparatory actions.

Financial compensation must be paired with trauma-informed counselling and social services, specifically designed to meet the unique needs of the Muslim community. This approach acknowledges the necessity of addressing the physical, psychological, and communal impacts of terrorism.

- Improved access to mental health services needed for survivors and victims' families.
- Lack of faith and language-specific counseling leaves many without support, risking long-term damage.
- Racism and systemic barriers hinder access to comprehensive health services.
- Professional immigrants face barriers in having qualifications recognized, limiting assistance.
- Immigration issues increase isolation, with bureaucratic delays affecting healing.
- Dissatisfaction with ACC policies highlights fairness and equity issues, leading to financial instability.
- Insufficient support for youth who lost family members, impacting future societal contributions.
- Trauma affects employment, with some working part-time or leaving jobs due to stress.
- Lack of career clarity and under-addressed PTSD among younger demographics.

Clearly, the path to healing requires more than just financial and emotional support; it calls for truth-telling processes that allow for a collective understanding of the events and their root causes. Implementing restorative justice principles is key, focusing on addressing victims' multifaceted needs, ensuring accountability, and fostering dialogue and reconciliation within the community. There hasn't been a formal restorative justice program explicitly designed for the victims of the attacks, nor have there been public reports detailing such initiatives.

IWCNZ acknowledges the journey towards healing and reconciliation is complex, marked by challenges such as varying levels of victim participation. Despite these obstacles, a committed, community-driven approach promises to enhance dialogue, promote accountability, and contribute to a more understanding and peaceful future.

Community-Driven Approach: Achieving meaningful restorative justice demands sensitivity, cultural awareness, and consistent support tailored to the Muslim community. An inclusive, adaptive, and carefully planned strategy is crucial for facilitating healing and reconciliation, emphasising the need for a broad, yet personalized, response to the aftermath of the attacks.

However, the government's efforts have not been entirely absent of restorative justice elements. Certain actions have been taken that align with these principles, as evidenced by the implementation of some of the Royal Commission's recommendations and the provision of support to victims. This support includes some financial assistance and efforts to source culturally appropriate counselling, aimed directly at addressing the needs of those affected by the tragedy; however, it has not been consistent across the cohort. While these measures reflect aspects of restorative justice, the complete absence of a formal program encompassing dialogue, reconciliation, and accountability indicates that the approach may not fully meet the comprehensive needs associated with restorative justice. Further exploration, resource and investment are needed for a deeper understanding of these efforts.

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