



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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Excellency,

In my capacity as Special Rapporteur for Follow-up to Concluding Observations of the Human Rights Committee, I have the honour to refer to the follow-up to the recommendations contained in paragraphs 30, 32 and 44 of the concluding observations on the report submitted by New Zealand ([CCPR/C/NZL/CO/6](#)), adopted by the Committee at its 116th session in March 2016.

On 30 August 2017, the Committee received the reply of the State party. At its 132nd session (28 June 2021 to 23 July 2021), the Committee evaluated this information. The assessment of the Committee and the additional information requested from the State party are reflected in the Addendum 3 ([CCPR/C/132/2/Add.3](#)) to the Report on follow-up to concluding observations (see [CCPR/C/132/2](#)). I hereby include a copy of the Addendum 3 (advance unedited version).

The Committee considered that the recommendations selected for the follow-up procedure have not been fully implemented and decided to request additional information on their implementation. Given that the State party accepted the simplified reporting procedure, the requests for additional information will be included, as appropriate, in the list of issues prior to submission of the seventh periodic report of the State party.

The Committee looks forward to pursuing its constructive dialogue with the State party on the implementation of the Covenant.

Please accept, Excellency, the assurances of my highest consideration.

Vasilka SANCIN

Special Rapporteur for Follow-up to Concluding Observations
Human Rights Committee

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Report on follow-up to the concluding observations of the Human Rights Committee

Addendum

Evaluation of the information on follow-up to the concluding observations on New Zealand

<i>Concluding observations (116th session):</i>	CCPR/C/NZL/CO/6 , 24 March 2016
<i>Follow-up paragraphs:</i>	30, 32 and 44
<i>Follow-up reply:</i>	CCPR/C/NZL/CO/6/Add.1 , 30 August 2017
<i>Committee's evaluation:</i>	Additional information required on paragraphs 30[A], 32[A][B] and 44[C]

Paragraph 30: Domestic and gender-based violence

The State party should strengthen efforts to combat domestic and all forms of gender-based violence, including sexual violence, particularly in relation to Māori and Pasifika women and girls, as well as women and girls with disabilities. In particular, the State party should ensure that:

- (a) **Its criminal legislation concerning domestic and gender-based violence, including sexual violence, is enforced effectively across its territory;**
- (b) **Programmes to combat domestic and gender-based violence, including sexual violence, are incorporated into the National Plan of Action for Human Rights;**
- (c) **Effective monitoring and evaluation processes with clearly defined indicators and systematic data collection are put in place to assess the extent of the problem of domestic and gender-based violence and inform future legislative and policy initiatives;**
- (d) **Programmes of victims' rehabilitation and redress are developed and implemented across its territory, involving the provision of specialized medical, psychosocial and legal assistance;**
- (e) **The existing family dispute settlement framework is implemented effectively and monitored, particularly for the protection of those experiencing domestic violence, especially women and children.**

Summary of the State party's reply

(a) Since establishing the Ministerial Group on Family Violence and Sexual Violence in 2014, the Government has been creating a system that is integrated across its component parts, with a skilled workforce able to recognize risk and need, and that knows how to respond. In addition, the State party has: (i) established the National Home Safety Service; (ii) developed the Risk Assessment and Management Framework; (iii) developed the Workforce Capability Framework; (iv) expanded the Family Start intensive home visiting service for high-risk families with children; (v) launched the "Danger Signs" public awareness campaign in late 2016 as part of the "It's Not OK" campaign; (vi) extended E Tū Whānau (a community-based violence prevention programme) into hard-to-reach communities, particularly those belonging to gangs and refugee and migrant communities; (vii) expanded the bail information pilot from two to eight locations to give judges making bail decisions more information about a defendant's previous family violence history and thus help support informed bail decisions; and (viii) allocated \$NZ 503 million to the Safer Communities package to substantially increase police staff and resources throughout the country. The Ministerial Group is also overseeing work on family violence and sexual



violence prevention that aims to stop violence before it begins and to stop it from reoccurring.

On 15 March 2017, the Minister of Justice introduced to Parliament the Family and Whānau Violence Legislation Bill, aiming to strengthen the justice sector response to family violence and support the ongoing development of an integrated system. The Bill includes changes that will increase access to risk and needs assessments and services; more accurately record family violence offending in the criminal justice system; enable codes of practice to be introduced; and introduce new information-sharing provisions. It also introduces three new offences: non-fatal strangulation, coercion to marry and assault on a family member.

The police force has introduced initiatives to deliver better responses to domestic and gender-based violence, including sexual violence, including: (i) a partnership between the police and Maori tribes to prevent the intergenerational effects of family violence and reduce the disproportionate number of Maori who are victims and perpetrators of family violence; (ii) family violence victim video interviewing on scene, which aims to improve victims' experience when the police attend and investigate cases of family violence and to better enforce the family violence legislation; (iii) the Safer Whānau (extended family) work programme, under which the police force trains all frontline responders to family harm, including the reintroduction in 2017 of a specialist family violence coordinator course.

(b) Under the New Zealand National Plan of Action, the Government's progress in addressing the 121 recommendations it accepted at the universal periodic review in 2014 is monitored. The Human Rights Commission is considering extending the Plan in order to also encompass recommendations made by the treaty bodies. The Plan already contains a large number of actions aimed at combating domestic and gender-based violence, including sexual violence, many of which have been completed or are well under way.

(c) The New Zealand Crime and Safety Survey, which is a significant source of data about victims experiencing family violence in New Zealand, is being redeveloped into an annual survey, called the Crime and Victims Survey. This will enable the Government to better track and measure family violence. Seven family violence indicators have been identified to better monitor trends in prevalence, victim harm and perpetrator cost/harm. These will be used to inform better public services targets and the work programme of the Ministerial Group on Family Violence and Sexual Violence as of 2017. Furthermore, improvements have been made to the statistics on recorded crime victims and offenders to make them more user-friendly for the public; they are now published monthly and are available through the New Zealand Police website.

(d) In July 2016, the Ministerial Group launched a project on responding to victims, which focuses on advice and long-term care for victims of family violence. Integrated services for sensitive claims, including care from social workers, counsellors and psychologists, are also available to victims of sexual violence. The Ministerial Group is also piloting a new approach, the Integrated Safety Response, to make sure that families experiencing violence get the help they need.

(e) Family dispute resolution can lead to durable settlements of disputes relating to the care of children. Such resolution is not required in the case of domestic violence experienced by a party or a child. Victims of family violence can seek direct access to the Family Court.

Committee's evaluation

[A]: (a), (b), (c) and (d) and (e)

The Committee welcomes the extensive information provided by the State party. It requests further information, including the results achieved, on: (i) the system that is currently being created to establish a workforce able to recognize risk and need with regard to domestic and gender-based violence; (ii) the Risk Assessment and Management Framework; (iii) the Workforce Capability Framework; (iv) the extension of the E Tū Whānau programme into



hard-to-reach communities; (v) the \$NZ 503 million Safer Communities package to substantially increase police staff and resources across the country; (vi) the Family and Whānau Violence Legislation Bill to reform the law in relation to family violence, including the timeline for adoption; and (vii) the initiatives taken by the New Zealand Police.

The Committee takes note of the information provided on the incorporation of a large number of recommendations from the 2014 universal periodic review into the New Zealand National Plan of Action. It requests clarification of the measures that have been taken since the adoption of its concluding observations to combat domestic and gender-based violence, including sexual violence, and to incorporate programmes to combat domestic and gender-based violence into the Nation Plan of Action.

The Committee welcomes the steps the State party has taken to redevelop the New Zealand Crime and Safety Survey into the annual Crime and Victims Survey, including the identification of indicators to better monitor trends in prevalence, victim harm and perpetrator cost/harm. It also welcomes the improvements made to the statistics on recorded crime victims and offenders to make them more user-friendly for the public. The Committee requests that the State party include in its next periodic report data on cases of domestic and gender-based violence, including on investigations, prosecutions and convictions, and information on how these figures have been used to inform future policy initiatives and legislation.

The Committee also welcomes the launch in 2016 of the project on responding to victims and the integrated services for sensitive claims. It requests information on: (a) measures taken to provide legal assistance to the victims; (b) the number of victims who have received support under that project and those services over the past three years; (c) whether the project and services cover the entire territory; and (d) whether they are accessible free of charge to all women, particularly those in Maori and Pasifika families, as well as women and girls with disabilities.

The Committee takes note of the information provided, but regrets the lack of information on specific measures taken with regard to cases of domestic violence that are submitted to family dispute resolution and how these cases have been monitored. It requests information on the number of cases of domestic violence considered under the family dispute resolution mechanism over the past three years and on whether the State party plans to take any special measures to ensure that the dispute settlement framework is implemented effectively, particularly for the protection of those experiencing domestic violence, especially women and children.

Paragraph 32: Child abuse

The State party should:

(a) **Strengthen its efforts to combat 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;**

(b) **Provide detailed information, in its next periodic report, on the outcomes of the Children's Action Plan and the review of the Child, Youth and Family agency, as well as on the measures taken in order to increase the efficiency and quality of the child and youth protection and rehabilitation services that are provided;**

(c) **Ensure that all appropriate measures are taken, including conducting awareness-raising programmes in schools, to prevent the recurrence of events such as those that took place in the Roast Busters case.**

Summary of the State party's reply

(a) In the wake of the Child Youth and Family review, the Government agreed in 2016 to develop and implement a new operating model for the care and protection and youth justice systems. The Ministry for Vulnerable Children was established as a new child-



centred, stand-alone ministry and has been operational since 1 April 2017. It will act in partnership with the wider social sector, reinforcing the fact that it can only achieve outcomes through others, rather than as a primary direct delivery agency. The new Ministry has assumed responsibility for making sure that vulnerable children and their families and *whānau* receive the services they need at the earliest opportunity. Under the new operating model, efforts to combat child abuse in all settings will be strengthened through five core service areas: (i) prevention of harm through availability of services families can access; (ii) intensive intervention when concerns escalate to ensure that children and families get the help they need; (iii) care support when children are unable to live with their birth families; (iv) youth justice services for young people who offend; and (v) transition support for care experienced young people entering adulthood. The new operating model will focus on improved outcomes for Maori and will be implemented over the next four to five years, during which the Government will invest nearly \$NZ 350 million. The State party also provides details of existing programmes, services and arrangements to prevent and address child abuse and neglect.

(b) No information provided.

(c) As a result of the 2015 Independent Police Conduct Authority's review of the Roast Busters case, the Ministry of Social Development took action to prevent the recurrence of such events, which included internal practice changes, such as the inter-agency management of child abuse and neglect cases. The new operating model will improve the protection of children and young people from sexual violence, for example, through the focus on improved child participation and establishment of the prevention and intensive intervention services. In addition, joint standard operating procedures were introduced, setting out the agreed working arrangements between the New Zealand Police and the new Ministry in the event of a mass allegation investigation. Moreover, the Ministry of Education and the New Zealand Police have also been active in developing resources and providing advice and training in schools so that the school staff are equipped to address bullying and to prevent it. Furthermore, in 2016 a section was added to the Child Protection Protocol regarding underage sexual conduct, detailing factors to be considered during the consultation stage between both agencies. Training in this area has been increased and is now part of the Child Protection Investigators course. In addition, the Accident Compensation Corporation has a prevention team and is actively involved in sexual violence prevention initiatives that target children and young people.

Committee's evaluation

[A]: (a)

The Committee welcomes the establishment in 2017 of the Ministry for Vulnerable Children. It requests further information on the new operating model, including measures in place to ensure early detection of child abuse and how the identified cases are appropriately investigated by the authorities and, when necessary, perpetrators are prosecuted and convicted.

[B]: (c)

The Committee takes note of the measures taken to prevent the recurrence of events such as those that took place in the Roast Busters case. Nevertheless, it requires information on: (a) the date on which the inter-agency management of child abuse and neglect cases was established; (b) the date on which the joint standard operating procedures were introduced for mass allegation investigations; (c) the date on which, and the results of, the training carried out on the section added to the Child Protection Protocol in 2016; and (d) the work carried out by the Accident Compensation Corporation after the adoption of the Committee's concluding observations.

[Not applicable]: (b)

The Committee notes that the information is to be provided in the State party's next periodic report.

**Paragraph 44: Marine and Coastal Area (Takutai Moana) Act 2011**

The State party should revise the Marine and Coastal Area (Takutai Moana) Act 2011 with a view to ensuring respect of the customary rights of Māori on their land and resources, and their cultural development.

Summary of the State party's reply

The Government has no plans to review the Marine and Coastal Area (Takutai Moana) Act 2011. The Act recognizes and promotes the exercise of the customary interests of Maori in the common marine and coastal area. The Act removed Crown ownership of that area and restored the customary interests of Maori that had been previously extinguished. Under the Act, the whole of the New Zealand coastline is amenable to inquiry rather than the limited areas available for inquiry under the previous Act.

Committee's evaluation

[C]: The Committee regrets that the State party has no plans to review and revise the Marine and Coastal Area (Takutai Moana) Act 2011. It takes note of the explanation provided and requests further information on how the Act ensures respect not only of the interests, but also of the customary rights of Maori on their land and resources, and their cultural development. The Committee reiterates its recommendation.

Recommended action: A letter should be sent informing the State party of the discontinuation of the follow-up procedure. The information requested should be included in the State party's next periodic report.

Next periodic report: 2026 (country review in 2027, in accordance with the predictable review cycle. See www.ohchr.org/EN/HRBodies/CCPR/Pages/PredictableReviewCycle.aspx).
