



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

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REFERENCE: CERD/97th session/FU/MJA/oy

14 December 2018

Excellency,

I wish to inform you that the Committee on the Elimination of Racial Discrimination, during its 97th session, considered the follow-up report submitted by the Government of New Zealand, pursuant to Article 9 (1) of the Convention, and Rule 65 (1) of the Rules of Procedure of the Committee.

The Committee welcomes the submission of the report, in response to its request to receive information within one year of the implementation of the recommendations contained in paragraphs 15, 17 and 34 of the Concluding Observations (CERD/C/NZL/CO/21-22), adopted following the consideration of the State party's combined 21st to 22nd periodic reports, at its 93rd session held in July-August 2017.

The Committee appreciates the opportunity provided to continue its dialogue with the State party, and would like to draw the State party's attention to the observations mentioned below. The Committee requests that comments and responses on actions taken by the State party on these issues be included in its combined 23rd and 24th periodic reports, to be submitted in a single document by 22 December 2021.

Paragraph 15 of the Concluding Observations: The Committee appreciates the information provided by the State party. However, the Committee reiterates its call on the State party to collect and provide information on the extent of land returned through the settlement process and of land that is not subject to the settlement process, to allow a thorough and comprehensive assessment of the implications and consequences of the settlement process on the rights of Māori to own, develop, control and use their communal lands, territories and resources, and other rights under the Convention.

Her Excellency Ms. Jillian Dempster
Permanent Representative of New Zealand
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The Committee welcomes the creation of the Crown/Māori Relations Ministerial portfolio and the support unit within the Ministry of Justice with a view to strengthening relations between the Government and Māori in the period following the treaty settlement process. The Committee calls on the State party to report on the activities held and services provided by the Ministry of Justice to give effect to the Convention rights in its next periodic report.

Paragraph 17 of the Concluding Observations: The Committee welcomes the adoption of Maihi Karauna (Crown Strategy) for Māori language revitalization. The Committee calls on the State party to report in its next periodic report on the measures taken under the Maihi Karauna and the Maihi Māori, and their impact on the enjoyment of Māori intellectual and cultural property rights and Māori treasured possessions, including language, culture and knowledge.

The Committee welcomes the adoption of the Te Awa Tupua (Whanganui River Claims Settlement) Act conferring legal personality on the Whanganui River. The Committee calls on the State party to provide detailed information in its next periodic report on the co-governance arrangements for natural landmarks of particular cultural and spiritual significance to Māori.

The Committee calls on the State party to report in its next periodic report on the public consultations on the review of the Plant Variety Act 1987 and their impact on the enjoyment of Māori intellectual and cultural property rights and Māori treasured possessions.

The Committee reiterates its recommendation to produce and publish a plan with targets and a timetable for implementing the remainder of the recommendations contained in the Wai 262 decision and to take necessary steps to freeze recognition of the validity of acts taken under the framework established in the Wai 262 report that do not comply with the Treaty of Waitangi and the United Nations Declaration on the Rights of Indigenous Peoples.

Paragraph 34 of the Concluding Observations: The Committee welcomes the establishment of the Royal Commission into Historical Abuse in State Care on 1 February 2018 and information on the draft Terms of Reference of this Commission. The Committee calls on the State party to report in its next periodic report on the relevant activities of the Royal Commission; its composition, the guarantees for its independence and impartiality, its human and financial resources, its working methods, as well as the information on the participation of the victims and the populations concerned. The Committee requests that the State party provide detailed information on the measures for reparation, the redress available to the victims and survivors and the findings and recommendations made following the substantive inquiry.



The Committee takes note of the information provided by the State party on the measures and initiatives taken to reduce the number of Māori and Pasifika children in State care, including through supporting Māori families at risk and engaging with Pasifika young people. The Committee calls on the State party to take concrete and effective measures in this regard, including through the implementation of policies, practices and services of Oranga Tamariki, and provide detailed information in its next periodic report on these measures and their impact.

Rest assured, Excellency, that the Committee looks forward to continuing its constructive dialogue with the Government of New Zealand, with a view to providing it with assistance in its efforts to ensure the effective implementation of the Convention.

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

Yours sincerely,

A handwritten signature in black ink, appearing to read "Nouredine Amir".

Nouredine Amir
Chair

Committee on the Elimination of Racial Discrimination

