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Summary record of the 3245th meeting
Held at the Palais Wilson, Geneva, on Tuesday, 15 March 2016, at 10 a.m.

Chair: Mr. Salvioli

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 40 of the Covenant (*continued*)

Sixth periodic report of New Zealand (continued) (CCPR/C/NZL/6; CCPR/C/NZL/QPR/6)

1. *At the invitation of the Chair, the delegation of New Zealand took places at the Committee table.*

2. **The Chair** invited the Committee members to resume asking follow-up questions.

3. **Mr. Seetulsingh** said that he had been surprised by the comments made by the head of delegation at the Committee's 3244th meeting regarding the "Roast Busters" case, since she had appeared to suggest that the girls involved, most of whom were underage, might have been responsible for what had happened to them.

4. **Ms. Adams** (New Zealand) said that she had not meant to suggest that the women involved were in any way responsible for what had happened. By alluding to the fact that the women themselves had testified that they were not sure whether or not they had given consent, she had intended to highlight the critical importance of ensuring that young women were better educated about the meaning of consent.

5. **The Chair** said that, while it was important to educate young people about issues relating to consent, it was even more important to eradicate the underlying macho culture that led to rape. Furthermore, where underage girls were concerned, consent could not be an issue.

6. **Ms. Waterval** asked whether members of the Human Rights Commission were appointed by the executive or Parliament and whether the Commission was adequately resourced in human and financial terms.

7. **The Chair** invited the delegation to reply to that question and those that had been raised at the previous meeting.

8. **Ms. Adams** (New Zealand) said that members of the Human Rights Commission were appointed by the executive following broad consultations with Parliament and civil society. The intense public scrutiny to which the process was subjected ensured that appointees met the standards required. The Commission received sufficient funds for it to perform all of its functions effectively.

9. **Mr. Smith** (New Zealand) said that, in order to address concerns about the exploitation of crews on foreign-chartered vessels operating in the exclusive economic zone of New Zealand, new legislation was due to come into effect on 1 May 2016 that would require those vessels to fly the New Zealand flag and to comply fully with domestic legislation, in particular labour and health and safety laws. In addition, government observers would be placed on all such vessels, and crew members would be required to open individual bank accounts in New Zealand for the payment of wages in order to monitor compliance with relevant laws.

10. **Ms. Leota** (New Zealand), replying to a question concerning the reservation to article 10 of the Covenant, said that, while the Government was committed to achieving full compliance with that article, a number of challenges remained. In particular, it was not always possible to ensure the availability of separate detention facilities for minors who were required to attend court. The authorities were therefore planning to make greater use of audiovisual links in court proceedings in order to reduce the need for some young people to be detained in court cells together with adults.

11. **Ms. Adams** (New Zealand) said that the Countering Terrorist Fighters Legislation Bill had been passed under urgency in order to meet the emerging challenges posed by the rise of Islamic State in Iraq and the Levant (ISIL) and to give effect to the State's obligations under Security Council resolution 2178 (2014). A number of additional safeguards had been included in the legislation, in line with recommendations made by parliamentary select committees. The 2013 Government Communications Security Bureau (GCSB) Amendment Bill had been passed under an expedited procedure in response to a court ruling that had questioned the legality of some of the Bureau's core functions and had led to the cessation of all its activities pending clarification of the law. A full review of the law had recently been completed; the Government was committed to undertaking a full select committee process for any legislative changes that might be required as a result.

12. Legislation that provided for the cancellation of passports and other travel documents did not permit the cancellation of core identity documents such as birth certificates. There was no requirement whatsoever under the Telecommunications (Interception Capability and Security) Act for the retention or preservation of data or metadata. The Act did, however, require operators to make and keep a record of the number of their customers, because smaller operators — those with fewer than 4,000 clients — were subject to a lower-level compliance regime than larger ones. Operators were not required to disclose the names or details of their customers.

13. As part of the process to reform family courts, legislative measures had been introduced to remove the ability of lawyers to involve themselves in proceedings where they were not required so as to ensure that persons who could not afford their services were not placed at a disadvantage. In order to circumvent those regulations and reinsert legal representation in cases that did not warrant it, some lawyers had taken the opportunity to apply for "without notice" hearings. However, judges granted such applications only in cases where such a procedure was appropriate.

14. **Mr. Smith** (New Zealand) said that all migrants, with the exception of those who were in New Zealand on temporary visas to fill short-term job shortages, were entitled to take part in government employment schemes. In the previous two years, following the establishment of two specialist units, 32 prosecutions had been brought against employers for exploitation of migrant workers; to date, 24 convictions had been handed down.

15. **Mr. Shany** said that he would like to know the policy reason that lay behind section 23 (a) of the Telecommunications Act, which required network operators that provided infrastructure-level services to ensure that the police-appointed registrar was advised of the names of all existing customers that purchased such services.

16. He asked whether the Government had decided to expand the use of tasers by equipping all front-line police officers with those devices and, if so, what need had prompted that decision. It would also be interesting to know whether the Government had decided to replace the current taser model with a more powerful version and, if so, whether it planned to provide police officers with appropriate training on its use. While welcoming the fact that tasers used by the police were now fitted with cameras, he asked whether the authorities were considering introducing the use of body cameras in police operations, so as to provide a more comprehensive picture of circumstances that might lead to the use of violence or weapons by the police.

17. He asked whether any measures had been taken during the reporting period to address the structural problems identified by the Independent Police Conduct Authority during its inquiry into police actions during Operation Eight regarding, for example, the environmental effects of police operations and the apparent profiling of individuals on the basis of their community membership.

18. **Mr. Iwasawa** asked the delegation to comment on reported disparities in treatment between refugees arriving under the quota programme and other groups of refugees. He said that he would like to know whether there were plans to extend the mandate of the Human Rights Commission to allow it to receive complaints of human rights violations related to immigration laws and practices. He asked the delegation to respond to concerns that had been expressed about the protection of privacy following the disclosure of personal information by the Refugee Status Branch to third parties. Did the State party have any plans to introduce legal safeguards or a set of confidentiality guidelines in that regard? In view of reports concerning restrictions on the movement of refugees detained in open immigration facilities, he asked the delegation to explain the precise nature of those facilities. Did the Government intend to retain the option of using offshore detention centres for migrants? He requested the delegation to explain in greater detail the asylum application procedure for refugees who were considered to be part of a mass arrival and to respond to claims that it was inconsistent with article 9 of the Covenant.

19. He would welcome information on the impact of the targeted joint-agency operations referred to in paragraph 181 of the periodic report (CCPR/C/NZL/6). In the light of information furnished by the delegation concerning the case of T.A.T. referred to in paragraph 17 of the list of issues (CCPR/C/NZL/QPR/6), he would like to know what criteria the authorities used to distinguish between cases of human trafficking and other cases of illegal immigration and whether immigration officers and the police were provided with guidelines or training to enable them to detect trafficking cases.

20. **Mr. Seetulsingh** said that the State party should clarify the situation regarding the proposed amendment of the Misuse of Drugs Act 1975 and the impact of such amendment on the presumption of innocence in cases involving the possession of drugs. If the resulting legislation lacked adequate safeguards, it was contrary to section 25 of the New Zealand Bill of Rights and article 14 (2) of the Covenant.

21. He wished to know whether solitary confinement was permitted in private prisons and whether the Government would implement the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules), under which solitary confinement was limited to 15 days. Noting that different institutions made up the preventive mechanism required to be in place when a State acceded to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, he wished to know which institution visited prisons. He asked whether the Subcommittee on Prevention of Torture, which according to the periodic report had visited the Mount Eden Corrections Facility in 2013, had issued a report following its visit.

22. He would welcome information on whether the Waitangi Tribunal was provided with adequate resources. The State party claimed, in its periodic report, that there was no big backlog of cases, yet 1,865 claims remained outstanding, even after the number had been reduced because some claims had not met the required criteria. He would like to know what those criteria were and whether it was the case that claimants were not heard before their claims were dismissed; the rejection of such claims might cause dissatisfaction in the Maori community. The delegation should inform the Committee of the timetable for implementing the decisions of the Tribunal.

23. The Maori made up only 15 per cent of the population but 50 per cent of the prison population and he wondered whether the situation was linked to the social or the justice system. He commended the Turning of the Tide: A Whānau Ora Crime and Crash Prevention Strategy, but the State party should consider whether, if Maori could not be integrated or their traditions respected, society or the education system was at fault. The lack of qualifications of Maori meant that they had menial jobs; he wondered whether there were vocational institutions where they could learn skills and avoid a life of crime.

24. He would be interested to have a fuller account of the crime prevention initiatives listed in paragraph 213 of the State party's report. While the initiatives were commendable, it seemed that remedial action was taken only after the harm was done. The work of the Rangatahi and Pacific Youth Courts, which involved Maori elders, was also laudable, provided that it included follow-up programmes. He wondered whether courts for Maori were outside the official judicial system and whether there were Maori judges within the official system. He also wished to know what proportion of police officers were Maori and how likely they were to gain promotion to inspector level or higher. He asked why Maori were more likely to be apprehended and to be the most severely punished and why so many Maori women were sent to prison.

25. **Ms. Waterval** said that, despite some progress, the level of family violence in New Zealand was unacceptably high: child abuse rates were among the highest of all the States members of the Organization for Economic Cooperation and Development (OECD). In 2014, there had been 3,178 cases of physical abuse of children, 1,294 of sexual abuse and 9,499 of emotional abuse and neglect. The fact that that constituted a decrease of 12 per cent from 2013 was, however, encouraging. She would be glad to learn the corresponding figures for 2015.

26. She wished to know whether the recommendations of the Bullying Prevention Advisory Group set up in 2013 were binding on schools, whether there was legislation on violence and bullying, whether any research into the causes of bullying had been carried out and what statistical data existed.

27. Children aged 15 to 18 years were allowed in law and in practice to engage in hazardous work and she asked what measures the State party would take to protect them. She also suggested that the Government should review the Adoption Act, which might fall foul of the prohibition of discrimination, and bring it into line with the Covenant. Lastly, she asked whether the State party had measured the impact of awareness-raising campaigns on the incidence of forced and underage marriage.

28. **Mr. Fathalla** said that the State party should provide information about the training provided for refugees before they found employment.

29. Noting the State party's statement that the Marine and Coastal Area Act 2011 had removed the foreshore and seabed from Crown ownership and recognized Maori rights, he said that the Committee had in fact learned that Maori did not have exclusive rights to the foreshore and the seabed. He would welcome clarification.

30. Referring to the State party's report, according to which inclusion of references to the Treaty in new legislation was considered on a case-by-case basis, and also that specific policy and timing decisions were yet to be made, he said it was not clear how the measures mentioned in paragraph 200 formed part of domestic law. The State party should provide an explanation in that regard.

31. He would be interested to learn by how much the representation of Maori in local elections had increased and whether local councils were developing measures to engage Maori in decision-making; examples of action that had been taken would be welcome. He asked who was responsible for implementing the recommendations of the Royal Commission on Auckland Governance and how the State party was developing the technical capacity of Maori to ensure the effective use of their traditional decision-making procedures.

The meeting was suspended at 11.05 a.m. and resumed at 11.30 a.m.

32. **Ms. Adams** (New Zealand) said that training was indeed given to unemployed migrants. With regard to the question of the disclosure of customer information under article 23 (a) of the Telecommunications (Interception Capability and Security) Act, she

said that the rules applied only to infrastructure providers that provided layer 1 unlit services, not to the end users. Such providers were required to pass on the names of wholesale telecommunication companies that used layer 1 services. They could provide wholesalers with a lit fibre service, which was layer 2, or they could provide layer 1 services, while other providers could provide layer 2 services. There was a clear policy rationale for such regulations.

33. **Ms. Leota** (New Zealand), responding to a question about tasers, said that the police did not routinely carry firearms. Tasers were therefore one of the technical options available to them in dealing with offences such as assault. The police had no intention of relinquishing their use of tasers, but such use was closely monitored. Taser users received initial training and annual recertification training. The policy on the use of tasers by police reflected the provisions on the statutory use of force contained in the Crimes Act 1961. All taser use was subject to review by the Taser Assurance Forum, which was made up of police operations groups, a district representative and a representative of the New Zealand Police Association. A report was made by officials at inspector level or above on every use of technical options. There was a camera on the taser, showing what had occurred before its deployment, and the presentation of footage of incidents was mandatory.

34. In 2014, there had been 7,163 uses of technical options at 4,823 events. Tasers had been used 1,014 times, or 21 per cent of the times that technical options had been used. Technical options were rarely used in interactions with the public. Tasers had been displayed 95 times, in presentation, laser painting or arcing mode, but discharged only 119 times, or 12 per cent of all deployment. Only 1.4 per cent of persons hit by a taser suffered injury, as against 2.3 per cent of those struck by oleoresin capsicum (OC) spray, 5.7 per cent of those secured in handcuffs, 23.4 per cent of those struck with batons and 86.3 per cent of those disciplined using a police dog. The police were exploring the possibility of adopting on-body cameras, the use of which had already undergone trials in a number of prisons.

35. With regard to Operation Eight, the police had made a public apology to the people of Tuhoe. The Independent Police Conduct Authority had found that, although the planning and preparation of the Operation had been in accordance with policy, the roadblocks in Ruatoki and Taneatua had been deficient. The Authority had recommended that police should not wear balaclavas except in conjunction with ballistic helmets where such action might affect community trust and confidence and that an impact assessment should be made before any police operation.

36. **Mr. Stuart** (New Zealand) said that, under the Immigration Act, individual immigrants could not complain to the Human Rights Commission about the content or application of immigration law. That ensured that the review and appeal process was not subject to delays. In that connection, he said that most cases could be brought before the Immigration and Protection Tribunal, which was an independent body. However, the Act explicitly preserved all other functions of the Human Rights Commission in relation to immigration matters. The Commission could also respond to complaints about issues that were not related to the substance of immigration law and policy, such as complaints of alleged racist abuse in the provision of immigration services.

37. Under the Immigration Act, information must be kept confidential but could be disclosed under limited circumstances and with appropriate safeguards. The Act did not require the person concerned to be notified; however, information was disclosed in very few cases. A recent survey of 287 decisions had resulted in one inquiry in which information had been disclosed to the home country, with the consent of the person concerned. In a further eight cases information had been disclosed to safe third countries; in five of those cases, the person concerned had given his consent.

38. Three different types of procedures existed for processing asylum claims. Firstly, under a refugee quota programme, persons who had been accepted as genuine refugees were placed in the Mangere Refugee Resettlement Centre and underwent an induction programme. Secondly, when undocumented migrants claimed asylum, a decision had to be made as to whether they would be returned to their country of origin. The persons concerned could be held in custody for 28 days. Most such asylum seekers were also eventually sent to the Resettlement Centre. The third type of procedure was in place to deal with mass arrivals, mostly by boat. The Government sought to impose the least restrictive conditions on the new arrivals. However, a district court judge could order detention for up to six months. A new open detention centre was currently being completed at Mangere; it would be able to accommodate much larger numbers of people than the existing premises.

39. The Mangere Refugee Resettlement Centre was an open detention centre that asylum seekers could enter and leave freely; however, they were required to report when they left or returned to the Centre. Some persons were placed there by court order, which could impose certain conditions on their movement. New Zealand did not have any offshore processing arrangements.

40. The Plan of Action to Prevent People Trafficking had been in place for two years and would be reviewed in the near future. Under the plan, which had proved to be a success, the Government, in cooperation with police and various agencies, introduced preventive, educational and other measures for victims of trafficking. The Organised Crime and Anti-corruption Legislation Bill had recently been amended to remove transnational elements of human trafficking and include provisions on trafficking for purposes of exploitation. The first few cases were currently being considered by the courts. The Government had also increased its focus on victims of trafficking, ensuring that they received support services and visas to enable them to remain in New Zealand.

41. **Mr. Luey** (New Zealand) said that, under the Misuse of Drugs Act, individuals found to possess a certain amount of drugs were presumed to be drug suppliers. The Supreme Court had found that the Act imposed a burden on defendants to prove that they were not in possession of that quantity of drugs for the purpose of supply, which was considered to be inconsistent with the principle of presumption of innocence. The Law Commission had recommended that the possession of a certain amount of drugs should be considered as an aggravated offence, so that individuals found with a certain amount of drugs would automatically be exposed to higher penalties. The Government had taken note of the recommendation but had chosen to focus on amendments related to the issue of artificial psychoactive substances. At present, there was no intention to adopt the amendment recommended by the Law Commission. However, the Ministry of Health would examine it as part of a wider review of the national drug policy.

42. **Ms. Leota** (New Zealand) said that, under the Corrections Act 2004, contracted managed prisons must comply with the same domestic laws, international standards and regulations as publicly managed prisons. Privately managed prisons could use solitary confinement. A prisoner could initially be placed in solitary confinement for up to 14 days. The Department of Corrections and private providers understood the importance of prisoners being in contact with each other; however, in some cases, the use of solitary confinement was necessary, especially if prisoners posed a threat to themselves or others. The measure was reviewed at monthly intervals and visiting judges could participate in that process to ensure that legislation was being properly applied.

43. **Mr. Luey** (New Zealand) said that, given the large number of parties involved, including claimants, Crown counsel and historical researchers, the Waitangi Tribunal could only deal with cases at a certain pace. Providing additional resources to the Waitangi Tribunal would therefore not necessarily result in faster or more robust Tribunal reports. As at December 2015, the Tribunal had grouped all historical claims into 37 districts and had

reported on 19 of them, covering around 79 per cent of New Zealand. A further 10 districts were under inquiry and iwi from the remaining 8 districts had either settled their claims or were preparing for settlement negotiations with the Crown.

44. The Tribunal had launched additional initiatives to improve the efficiency of its administration. The Tribunal continued to respond effectively to urgent applications in which claimants alleged that they were suffering or likely to suffer significant and irreversible prejudice as a result of current or pending Crown actions or policies. Referring to paragraph 204 of the State party's report, he said that, in order to register a claim, the Tribunal had to determine whether the claimant was in a position to represent the iwi or Maori families affected by that claim. At present, there were 200 outstanding unregistered claims.

45. **Mr. Crooke** (New Zealand) said that the Marine and Coastal Area (Takutai Moana) Act had established a common marine and coastal area which could not belong to anyone. The area had thereby been removed from Crown ownership and the inherited, albeit non-exclusive, Maori rights in that area had been recognized. The Act also acknowledged the cultural and spiritual relationship of Maori to that area by recognizing Wahi Tapu areas and protecting specified areas from public access.

46. Referring to paragraph 200 of the periodical report, he pointed out that the Treaty of Waitangi was a relatively short document and much of the disagreement surrounding the Treaty had arisen from differences between the English and Maori texts. As a result of those differences, it was common to refer to the intention, the spirit or the principles of the Treaty, rather than to the Treaty itself. Several laws had been passed to give effect to settlements made between the Crown and Maori, which recognized the principles of the Treaty. Those laws outlined the ways in which historical actions of the Crown were inconsistent with the principles of the Treaty and the opportunities for redress provided by the settlement. All government legislation was expected to comply with the principles of the Treaty. Any requests to the Cabinet seeking agreement to introduce a bill must certify that the bill was consistent with those principles. The courts had held that the Treaty was part of the context in which legislation was interpreted; as such, it could have an effect on the interpretation of an Act regardless of whether the latter contained a direct reference thereto.

47. The Waitangi Tribunal's report on the Wai 262 claim had implications across many different areas of the relationship between the Crown and Maori, from health and education to indigenous flora and fauna and the Maori language. It also considered the involvement of Maori in the development of the country's position on international instruments affecting indigenous issues. The Crown had established a secretariat to consider the report of the Waitangi Tribunal. A range of measures had been taken to support the relationship between the Crown and Maori. For example, the Patents Act 2013 provided for a Maori advisory committee and gave the Commissioner of Patents the power to refuse to grant patents which could lead to problems within the context of the Wai 262 claim. Several other initiatives had been taken in relation to the Maori language, including the Developing a New Maori Language Strategy in 2014.

48. As for the representation of Maori in local elections, he said that the proportion of elected members who were Maori had increased from 3.6 in 2007 to 5.7 per cent in 2010. The proportion of elected members who identified themselves as both European and Maori had increased from 1.2 in 2007 to 1.7 per cent in 2010. A number of measures were being taken to facilitate Maori involvement in local Government. The Local Government Act 2002 required councils to facilitate Maori participation in local government decision-making. Councils had representatives from local iwi appointed to standing committees and had formal consultation arrangements with iwi and Maori communities. Maori planning and advisory committees updated councils, inter alia, on projects directly affecting Maori

organizations and on service provision. The Local Government (Auckland Council) Act 2009 had established an independent Maori statutory board to promote issues of significance to Maori in Auckland.

49. **Ms. Adams** (New Zealand) said that the high incarceration rates of Maori were linked to failures in both the social and justice systems. There were too many Maori entering the justice system and further problems with the way in which Maori were dealt with thereafter. The Government had focused its related initiatives on health, education, welfare, family support, community support and housing.

50. Particular efforts had been made to help Maori and Pasifika families through the education system. Since 2008, the number of Maori students who had achieved level two of the National Certificate of Educational Achievement had increased by 33 per cent, for a total of about 70 per cent of Maori students. Among Pasifika families the number of students achieving level two of the National Certificate had increased by 48 per cent, for a total of 75 per cent of students.

51. Within the criminal justice system, there was a strong focus on ensuring that organizations addressed subconscious biases. Police promoted community-based initiatives. For example, iwi justice panels enabled police to divert less serious offenders to Maori and community elders who worked with the offenders, often helping them to avoid prison sentences and prevent recidivism.

52. **Ms. Leota** (New Zealand) said that the same prevention and protection mechanisms were in place in private prisons as in State-run facilities. Under the "Turning of the Tide" initiative, which had been launched in response to concerns about the disproportionately high rates of Maori in the criminal justice system, the police and members of the Maori community had pledged to work together to achieve a number of common goals by 2018, including a 10 per cent reduction in the proportion of first-time youth and adult offenders who were Maori.

53. Police officers received training to enhance their cultural understanding and thereby minimize the potential for unconscious bias in decision-making. The police had also formed partnerships with the Maori community to design and implement crime prevention programmes, to facilitate access to justice and to guarantee equal treatment before the law.

54. A significant number of prisoners lacked basic skills and had a history of unemployment and addiction. The Department of Corrections was working to address the causes of offending and to rehabilitate inmates, in part by offering a range of industry-based training programmes. Commonly used alternatives to incarceration included community service. Offenders serving community-based sentences were entitled to spend 20 per cent of their time acquiring practical living and working skills.

55. The Te Tirohanga promoted the social reintegration of Maori inmates by strengthening their connection to their iwi; its introduction in five male prisons had led to a 6 per cent fall in recidivism rates. While the Government had adopted many corrective and restorative measures to ensure public safety and to improve outcomes for victims, offenders and their families, it was equally committed to crime prevention through early intervention.

56. Maori women accounted for just under two thirds of all women prisoners, who in turn constituted between 5 and 6 per cent of the total prison population. All Maori inmates had access to rehabilitation programmes underpinned by Maori principles.

57. **Ms. Adams** (New Zealand) said that efforts to eliminate cases of domestic and gang violence, in which Maori people were substantially overrepresented, had helped to reduce the Maori prison population.

58. The Government was determined to improve the country's child abuse record. Given that Maori children were five times more likely to be victims, steps would be taken to engage with Maori communities in order to address patterns of abuse. One of the Government's 10 Better Public Service targets to be achieved by 2017 was to reduce the number of assaults on children by 25 per cent. Legislation was currently being drafted to provide for the registration of child sex offenders and follow-up was being given to the recommendations of an expert advisory panel that had been set up to assess the effectiveness of the Child, Youth and Family service in meeting the care needs of children who had been removed from their family environment.

59. Pursuant to the Vulnerable Children Act of 2014, government agencies were required to work collaboratively across portfolios to support vulnerable children. To combat bullying, which was a global issue, the Government had developed Positive Behaviour for Learning initiatives and an advisory board, whose members included education professionals, had been created to evaluate the initiatives and to make non-binding recommendations to schools.

60. The Harmful Digital Communications Act had been passed to mitigate the harm caused by bullies online. The Act provided for preventive measures in schools and among community groups, and for the removal of abusive or threatening online material. An approved non-governmental organization was set to be given a mandate to ensure that a balance was struck between respecting the right to freedom of speech and protecting Internet users from harmful content.

61. It was too early to gauge the impact of the initiatives outlined in paragraph 232 of the periodic report (CCPR/C/NZL/6). Monitoring was ongoing, however, and evaluations would be conducted in due course.

62. As New Zealand moved towards a post-settlement environment, the capacity of Maori organizations had grown and Maori people had become more involved in issues such as the management of freshwater resources. The Government was endeavouring to establish a statutory process for incorporating the views of the Maori community in decision-making at the local and national levels, and was funding the provision of technical and advisory support to foster the participation of Maori people in that regard.

63. **Mr. Iwasawa** sought clarification on the distinction drawn, if any, between safe countries and other countries when verifying information provided by asylum seekers. Noting that the Refugee Status Branch was drawing up guidelines for dealing with children during asylum procedures, he invited the delegation to respond to concerns that interviewing children in the absence of their parents could have negative consequences and that asylum officers had not been appropriately trained in that respect.

64. **Mr. Shany** asked whether police discrimination against persons of African descent was a matter of concern for the Government, particularly in the light of a report published by the Auckland University of Technology in which serious related allegations had been made, and invited the delegation to comment on the public reaction to the police's subsequent denial of the claims and criticism of the findings used to substantiate them.

65. **Mr. Stuart** (New Zealand) said that the asylum authorities were very conscious of the importance of identifying safe third countries. In the past, enquiries had been made with the authorities in an asylum seeker's country of origin only with the applicant's consent. Guidelines for dealing with children during asylum procedures were being developed to ensure that children could exercise their right to be heard and that priority was given to their best interests in all decisions affecting them. A second draft of the guidelines, which were expected to be finalized in the near future, had recently been circulated among civil society organizations.

66. **Ms. Adams** (New Zealand) said that the decision of the Human Rights Review Tribunal regarding certain provisions of the Adoption Act had been adopted only eight days previously, on 7 March 2016. It was therefore too early to say how the Government would respond.

67. The allegations of police discrimination against persons of African descent had been made on the basis of anonymous online surveys and were thus of dubious merit. The New Zealand Police took steps to ensure that its composition was representative of the population as a whole. Persons who believed themselves to be victims of discrimination were encouraged to file a formal complaint through the relevant national and international mechanisms. The possibility of unconscious bias in the criminal justice system was taken seriously and efforts were being made to address any possible issues.

68. To conclude, New Zealand had historically led the way with regard to a number of human rights issues. The Government guarded that record jealously, but was aware that there were always areas for improvement. It considered the reporting process to be highly valuable and welcomed the opportunity to gain an international perspective on domestic challenges.

The meeting rose at 12.50 p.m.