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Additional NGO information to the Human Rights Committee

Fifth Periodic Report of New Zealand under the International Covenant on Civil and Political Rights

5 March 2010

Overview

1. This follow up report to the Human Rights Committee (the Committee) provides comment on some of the state party's replies to the List of Issues and outlines some additional issues of concern with regard to its compliance with the provisions of the International Covenant on Civil and Political Rights (the Covenant).
2. This report should be read in conjunction with our preliminary report, which was submitted on 8 June 2009¹ to assist the Country Report Task Force's compilation of the List of Issues.
3. Our preliminary report included information about Peace Movement Aotearoa², and raised issues that are not covered in this report, including: the state party's approach to the right of self-determination³; the state party's understanding of the right of minorities to enjoy their own culture⁴; Treaty of Waitangi settlements⁵; the impact of foreign policy, New Zealand companies and government investments on indigenous communities in other parts of the world⁶; 'Operation Eight' and apparent breaches of Covenant rights⁷; compensation for persons wrongfully convicted and imprisoned⁸; the Immigration Bill⁹; and the Sentencing (Offender Levy) Amendment Bill¹⁰.
4. It should be noted that in the intervening time period none of the issues raised in our preliminary report have been satisfactorily addressed by the state party. Rather, policy and legislation have proceeded at a rate which suggests that while the state party pays lip service to meeting its human rights obligations, in practice it has little interest in ensuring Covenant rights are respected, let alone protected, in this country.
5. The information in this report is arranged into nine sections:
 - A. The constitutional and legal framework;
 - B. Participation in local government;
 - C. Counter-terrorism measures;
 - D. Foreshore and Seabed Act;
 - E. Treatment of prisoners;
 - F. Deployment of electro-muscular disruption devices (tasers);

- G. Right to privacy, freedom of speech and freedom of association;
- H. Rights of the child; and
- I. UN Declaration on the Rights of Indigenous Peoples

6. We thank you for this opportunity to provide information to the Committee.

A. The constitutional and legal framework

7. With regard to the constitutional and legal framework within which the Covenant is implemented, we draw the Committee's attention to two crucial statements in the state party's replies to the List of Issues¹¹.

8. Firstly:

*"Under New Zealand's present constitutional structure, it remains open to Parliament to legislate contrary to the Bill of Rights Act and the other legislative protections set out above and so to the Covenant."*¹²

9. This precisely illustrates the problem outlined in our preliminary report as:

... "the constitutional arrangements remain unchanged so that there is still no effective remedy for an Act of parliament or action of the Executive that breaches any Covenant right."¹³ and "Furthermore, while these arrangements - and thus the possibility for rights violating legislation to be enacted - continue, the government is not only in breach of the requirement that state parties must provide effective remedies for any violation, but also with regard to the obligation to take measures to prevent a recurrence of such, an obligation integral to Article 2."¹⁴

10. As pointed out in our preliminary report¹⁵ and in the submission from the Aotearoa Indigenous Rights Trust¹⁶, these constitutional arrangements are particularly problematic for Maori because the collective and individual rights guaranteed in the Treaty of Waitangi similarly remain unprotected from Acts of parliament and actions of the Executive.

11. We note that the state party has informed the Committee that: *"In its response to the Universal Periodic Review lodged in July 2009, the New Zealand Government noted that it had agreed to consider further constitutional protection of human rights."*¹⁷ There has been no indication as yet that the government intends to do this.

12. Secondly, we draw the Committee's attention to the statement: *"The New Zealand courts have discussed, but have not determined, whether there is a formal power to issue a declaration that legislation is inconsistent with the Bill of Rights Act"*¹⁸ - and that in the one instance where such a declaration has been made, the state party's response has been to appeal the Court's decision. Even if the state party fails in its appeal, it should be noted that there is no requirement on parliament to amend or overturn legislation or policy that is inconsistent with the Bill of Rights Act (or the Human Rights Act, international human rights instruments, and the Treaty of Waitangi).

13. We note that the state party has not directly answered the Committee's question in the List of Issues with regard to the measures taken by the state party to increase the awareness of members of parliament regarding the Covenant. It is our experience from appearing before parliamentary Select Committees that, although there are a few notable exceptions, members of parliament tend to have a low level of knowledge about human rights in general and about the international human rights instruments in particular.

14. Furthermore, an alarming lack of interest in the state party's human rights obligations is displayed by some members, along with the curious perception that there are a limited or finite number of human rights. The latter is most apparent when it comes to the rights of indigenous peoples (under the international instruments, including the Covenant, domestic legislation, and the Treaty of Waitangi) and an apparent fear that if the rights of indigenous peoples are respected, that means that rights will have to be taken away from others.

B. Participation in local government

15. The issue of participation in local government is currently an issue of great public concern due to the state party's amalgamation of the wider Auckland region, which currently comprises eight local authorities, into one unitary authority. The population of the region is just over 1.3 million, which is one-third of New Zealand's total population.

16. Recent developments suggest that Auckland's governance will concentrate "*power in the hands of the Super Auckland Council and council-controlled organisations (CCOs), which will be run by unelected directors along business lines.*"¹⁹ The plans for the new unitary authority have been described as lacking "*transparency and accountability, with between 70 and 90 per cent of local government assets put in the hands of unelected companies*".²⁰

17. A New Zealand Herald Editorial published today outlined the situation thus:

*"The way it is shaping up, the single mayor and council will be a puppet show, purely for democratic appearances, while the real decisions are made by people the public has not elected and will never see."*²¹

18. There is a considerable level of opposition to the proposals from Auckland citizens, NGOs, Community Boards²², council officials and the region's mayors²³.

19. Aside from the general issues, there is the specific matter of Maori representation on the new authority. The Royal Commission on Auckland Governance recommended that there be three seats for Maori on the unitary authority - two elected by voters on the Maori roll and one appointed by a forum of iwi representatives. However, on 24 August 2009, the Prime Minister announced there would be no Maori seats on the authority, even though the Select Committee considering the options was not due to report back until 4 September - a premature, politically expedient decision that was widely condemned.²⁴

20. Instead, Maori in the region have been offered an essentially powerless Maori Advisory Board on the unitary authority, which in the past week one iwi (Ngati Whatua) have said they will reluctantly participate in "*but only because there is no other option*".²⁵

C. Counter-terrorism measures

21. We note that in its comments on the terrorism suppression legislation²⁶ the state party has not included the information that when the Solicitor General announced he could not authorise terrorism charges being brought against those arrested in Operation 8, he described the existing legislation as *"unnecessarily complex, incoherent and as a result almost impossible to apply to the domestic circumstances observed by the police in this case"*²⁷.

22. Rather than taking the opportunity to review the existing legislation, in particular to amend its provisions in order to give full effect to Covenant rights, the government of the day instead proceeded to pass the Terrorism Suppression Amendment Act (2007) just five days later²⁸.

23. Contrary to the assertion of the state party in its reply to the List of Issues, the Amendment Act was not primarily to ensure compliance with its obligations under Security Council resolutions, as these were covered in the existing legislation, rather it was to include a new offence of committing a terrorist act (with a penalty of life imprisonment), and to shift the review process of non-UN designations from the High Court to the Prime Minister, who also makes such designations²⁹.

24. We also note that while the state party refers to any designation decision made by the Prime Minister as remaining subject to judicial review, there are limitations in any court proceedings under the Amendment Act which are inconsistent with Covenant rights; for example, neither the accused nor their lawyers are guaranteed access to information used in court proceedings if it is designated as classified security information.³⁰

D. Foreshore and Seabed Act

25. While the state party has indicated that it is considering options to repeal the Foreshore and Seabed Act, there has been no announcement of the details of what will replace it.

26. There have, however, been a number of public comments by government politicians that are a cause for concern. For example, on 5 February 2010 the Prime Minister commented that there will need to be "give and take" in the negotiations, and that if hapu and iwi Maori are not prepared to do this, the Act will remain as it is³¹. As the state party was responsible for taking away foreshore and seabed areas from hapu and iwi Maori, it is somewhat difficult to imagine what they can be expected to give, and to reconcile this kind of threatening statement with the need for a just solution to remove the discriminatory effects of the legislation.

27. From recent comments by government politicians, it looks as though the state party may propose some kind of court process to investigate the interests and rights of hapu and iwi Maori in their respective foreshore and seabed areas. In our opinion, this would further illustrate the discriminatory nature of the state party's approach to Maori, as no other New Zealanders are required to go to court (and bear the human and financial costs of such action) to prove that something belongs to them.

28. It would also illustrate the continuation of the state party's underlying monocultural approach, because one of the fundamental issues of concern about the Foreshore and Seabed Act is the way it codifies Maori cultural concepts and practices using inappropriate and non-

indigenous concepts such as "customary rights". So for example in our submission to the Foreshore and Seabed Ministerial Review Panel, we described such codification as being:

"... also contrary to the Treaty [of Waitangi] and to international human rights jurisprudence - as referred to in the section above, one of the themes in the latter is that cultural values and belief systems are as defined by those in a particular culture, not by others.

*It is difficult to see how culture can ever be adequately defined by statute, or by politicians - culture is not owned by them in any instance; and certainly they have no authority to define tikanga Maori. Culture is constantly evolving; it is qualitative, not quantitative; it is not something that is amenable to codification."*³²

29. It is our view that the process of repeal should be the reverse of what has occurred to date, that is, it must be based on the assumption that the foreshore and seabed areas belong to hapu and iwi, rather than on an assumption of Crown ownership. The burden of proof thus should fall on the state party, not on hapu and iwi.

30. The only resolution that would be entirely consistent with the Treaty of Waitangi, domestic human rights legislation, and the state party's obligations with respect to indigenous peoples' rights under international law, is what the Waitangi Tribunal referred to as *"the full restoration of te tino rangatiratanga over the foreshore and seabed"*³³. As stated in the Waitangi Tribunal's Report:

- a. ... *"a government whose intention was to give full expression to Maori rights under the Treaty in 2004 would recognise that where Maori did not give up ownership of the foreshore and seabed, they should now be confirmed as its owners."*³⁴

E. Treatment of prisoners

31. This section outlines five examples of legislation, policy and practice in relation to the state party's approach to prisoners and their human rights. While we appreciate the state party's concern for the "rights of victims", that nevertheless does not relieve it of its responsibilities under the Covenant to ensure that prisoners are treated humanely and that their human rights are respected, nor does it justify the state party's increasing shift towards retribution rather than rehabilitative and restorative justice.

i. Privatisation of prisons

32. The Corrections (Contract Management of Prisons) Amendment Bill which allows competitive tendering for contracts by private sector organisations to manage prisons was enacted under urgency on 26 November 2009³⁵.

33. According to the Corrections Minister: *"Private sector management of prisons will bring greater innovation, efficiency and cost effectiveness to the corrections system."*³⁶

34. It should be noted that evaluations of the last privately run prison, the Auckland Remand Prison, showed that it cost more to run than a state run prison (\$7000 more than the Corrections

Department costs per remand prisoner³⁷). Aside from the other issues around the privatisation of prisons, even the state party's main argument for this policy shift cannot be justified. From the experience of privately run prisons overseas, "innovation" and "efficiency" simply mean cutting services for prisoners³⁸.

35. There was widespread opposition to the Corrections (Contract Management of Prisons) Amendment Bill from a range of non-governmental and civil society organisations, primarily based on the view that the powers of detention and coercion inherent in running prisons and other places of detention must be retained by the state party as it is its responsibility to ensure the human rights of detained persons are respected. There has been considerable protest against the privatisation of prisons since the Bill was enacted, led in part by the Public Service Association and the Corrections Association³⁹.

ii. Conditions in prisons

36. The increased use of double bunking, and concerns about how the Covenant rights of prisoners will be protected under such conditions, were raised in our preliminary report⁴⁰.

37. We also draw the Committee's attention to the state party's proposal to use shipping containers to house prisoners, which the Corrections Minister hopes: "*will point the way to how we can build extra prison capacity faster and much cheaper than in the past.*"⁴¹ Concerns as to whether or not these will meet the standards for humane conditions have been expressed by the Council for Civil Liberties⁴² and others. It was announced on 3 February 2010 that the first container cells will be ready to house prisoners from April⁴³.

iii. Sentencing and Parole Reform Bill

38. The Police Minister announced on 13 January 2010 that the National and Act parties had reached an agreement on a revised three-strikes policy which will be incorporated into the Sentencing and Parole Reform Bill as follows:

*"Under the regime, an offender will receive a standard sentence and warning for the first serious offence. For the second offence they will get a jail term (in most cases) with no parole and a further warning. On conviction for their third serious offence, the offender will receive the maximum penalty in prison for that offence with no parole."*⁴⁴

39. The latter provision is an amendment from the mandatory life sentence for a third offence initially proposed in the Bill.

40. The Law and Order Committee made an interim report⁴⁵ on the Bill to parliament on 17 February 2010. It is now being considered further by Law and Order Committee and the final report on the Bill is due on 30 March 2010.

41. There has been widespread opposition to this legislation (including from the Police Association⁴⁶ and the Corrections Association⁴⁷), and Ministry of Justice officials were blocked from giving evidence to the Law and Order Committee⁴⁸ last month.

42. According to an NZPA report on papers obtained under the Official Information Act:

"The Justice Ministry warned the Government against changing its three strikes violent crime policy saying it risked breaching New Zealand's Bill of Rights and international obligations, went against the Government's own policy on the drivers of crime and impacted on judicial powers." ...

"In December officials provided a briefing paper for Mr Power [Minister of Justice], raising human rights concerns.

"Removing the five year sentence threshold greatly exacerbates the risk of disparities amounting to disproportionately severe treatment in terms of... the New Zealand Bill of Rights Act 1990. The risk is only partially mitigated by replacing the stage three life sentence with the maximum penalty for the offence without parole."

The memo also said some offenders would serve sentences 10 or more times longer than they would have otherwise. Some offenders would get far longer jail sentences than others who committed worse crimes but had not been caught for other strike offences.

The Ministry of Foreign Affairs had confirmed the policy increased the risk of violating international obligations not to arbitrarily deprive individuals of their liberty and not to employ cruel, inhuman or degrading treatment or punishment, the paper said.

Another concern raised by Justice officials was the regime would see more people in jail for longer when New Zealand had one of the highest imprisonment rates in the world. In 2007-08 the rate was 186 per 100,000 which was higher than several developed countries including Australia and England. The revised policy can only exacerbate this."⁴⁹

43. The Ministry of Justice paper also pointed out that the conviction-only based approach increases the impact on Maori⁵⁰ because once convicted, Maori individuals are more likely to be re-convicted and re-sentenced - a view confirmed by a former Head of the Corrections Department⁵¹ and the Maori Party⁵².

44. This advice from the Ministry of Justice, and the apparent intention to ignore it, is thought to be why the Police Minister (rather than the Minister of Justice) has taken the lead role in getting the Bill enacted, with the New Zealand Police as lead advisers, assisted by the Corrections Department.

iv. Electoral (Disqualification of Convicted Prisoners) Amendment Bill

45. The Electoral (Disqualification of Convicted Prisoners) Amendment Bill, a government member's Bill, which will *"remove the right of a person serving a term of imprisonment of less than three years to register as an elector"*, was introduced to parliament on 10 February 2010.⁵³

v. Prisoners' Aid and Rehabilitation Society

46. In line with the state party's increasingly retributive approach to prisoners, it was revealed last month that the state party plans to cut government funding to the Prisoners' Aid and Rehabilitation Society⁵⁴. The Society's aim is to reduce offending by providing support and

reintegration services to offenders and their families, it is staffed mostly by volunteers, and helps 25,000 prisoners, ex-prisoners and their families each year.

F. Deployment of electro-muscular disruption devices (tasers)

47. As outlined in our preliminary report, the Campaign Against the Taser (a consortium of NGOs) monitored the New Zealand Police taser trial. Even from the extremely limited amount of information initially released by the police to the Campaign, it was clear that a number of incidents involving inappropriate and sometimes dangerous use of the taser had occurred during the trial, and that tasers had been used disproportionately against Maori individuals, individuals from Pacific Island communities, and individuals in a state of mental health crisis. The subsequent release of more comprehensive information about the trial confirmed these observations.

48. We note that subsequent to the decision to deploy tasers here, Taser International, manufacturer of the devices used by New Zealand police, issued a warning to police forces regarding the consequences of stunning anyone in the chest because of the risk of fatal or permanent injury.⁵⁵ More recently, a paper written on the experience of mental health patients during the trial indicates that mental health problems are likely to be exacerbated by the use of tasers⁵⁶.

49. As the state party indicates in its replies to the list of issues⁵⁷, the full deployment of tasers is now beginning and 681 tasers will be "readily available" nationwide for use by 3,500 frontline police officers⁵⁸. According to documents released by the New Zealand Police, in the year following full roll out of tasers, they are anticipating there will be 2,809 taser deployments, with 213 taser discharges.⁵⁹

50. It should be noted that in the state party's reply to the list of issues, the description of 'General guidelines' includes *"Under no circumstances is the device to be used to induce compliance of an uncooperative but otherwise non-aggressive person."*⁶⁰

51. Yet police officers have throughout the trial, and since, *"reported that targeted people were surrendering when the Taser was pointed at them"*⁶¹ which strongly suggests that officers are in fact using the threat of taser to induce compliance.

52. The Campaign Against the Taser outlined two incidents in the NGO Report on the taser trial where a taser was actually used to induce compliance (in breach of the Standard Operating Procedures which similarly stated that *"under no circumstances is the device to be used to induce compliance with an uncooperative but otherwise non-aggressive person"*) - in both of those cases, the person was tasered twice, the second time while lying on the ground⁶².

53. As those incidents were just two among multiple breaches of the standard operating procedures for taser use during the trial period⁶³, a time when a high degree of compliance would have been expected, we are of the view that the full deployment of tasers should be suspended until there has been a thorough and independent investigation into its use and effects.

G. Right to privacy, freedom of speech and freedom of association

54. This section outlines three examples of recent developments in relation to the state party's approach to the right to privacy, freedom of speech and freedom of association.

i. Criminal Investigations (Bodily Samples) Amendment Bill

55. The Criminal Investigations (Bodily Samples) Amendment Bill, which allows police wide powers to collect DNA from persons before being charged or convicted, such as matching DNA profiles against samples from unsolved scenes of crime⁶⁴, was enacted on 28 October 2009.

ii. Telecommunications (Interception Capability) Act 2004

56. According to news reports⁶⁵, the provisions of the Telecommunications (Interception Capability) Act 2004⁶⁶ whereby telecommunications network operators were given five years to install an "interception capability" into their networks so that state surveillance agencies can tap into and monitor all forms of telecommunication have now come into effect.

iii. Search and Surveillance Bill

57. The Search and Surveillance Bill is currently before the Justice and Electoral Select Committee. If enacted, it will, among other things: extend search and surveillance powers for police and about 70 other state agencies with enforcement duties, including to remotely hack into and trawl through computers, and copy any document⁶⁷; shift the power to issue a warrant from a judge to someone called an "issuing officer" who could be a court registrar or a Justice of the Peace⁶⁸; lower the threshold for granting a search warrant; confer the power to obtain a surveillance warrant allowing non-Police agencies to engage in "trespassory surveillance"; and set the age that a young person can consent to a search at 14 years in certain circumstances.

58. The Bill has been described as providing for:

"... a massive extension in State agency powers of entry, search and seizure; and of surveillance - perhaps the greatest single expansion of such powers in New Zealand legislative history." ... "The powers proposed by the Bill affect not only the fundamental human right to privacy (specifically the right to be secure from unreasonable search and seizure) but also other fundamental human rights - for example, the rights to freedom of expression, assembly and association. If passed in its present form the Bill is likely to have a chilling effect on the exercise of these fundamental freedoms that are recognised in the New Zealand Bill of Rights Act 1990 and in major United Nations human rights instruments (eg, the International Covenant on Civil and Political Rights) to which New Zealand is a signatory.

A key component of the individual's right to privacy is the right to be free from unwanted surveillance. The surveillance powers provided for in this Bill - in particular the surveillance powers that may be exercised by any enforcement agency with a current power of search - represent a major erosion of the already greatly diminished right to privacy in New Zealand society."⁶⁹

59. An indication of the scale of concern about the Bill was the Chief Justice taking the unusual step of providing a written submission on aspects of the Bill on behalf of the Judges of the

Supreme Court, Court of Appeal and High Court⁷⁰. Telecom⁷¹ (the largest telecommunications company) and the ANZ National Bank⁷² have also expressed concern about the legislation.

H. Rights of the child

60. The Children, Young Persons, and Their Families (Youth Courts Jurisdiction and Orders) Amendment Bill⁷³ was enacted under urgency on 25 February 2010.

61. Among other things, the Act *"provides greater Youth Court powers, including extending jurisdiction to 12 and 13 year olds and tougher, more effective sentences."*⁷⁴

62. Judge Andrew Becroft, the Principal Youth Court Judge, described the proposal to include 12-13 year olds within the youth justice system as constituting the most fundamental change to the system since its inception in 1989.⁷⁵

63. He also told the Select Committee considering the Bill:

"that sentencing youthful offenders to boot camp was "arguably the least successful sentence in the Western world".

Physical programmes backed up by mentoring and family support could work, but New Zealand's corrective training camps, programme which ran up until 2002, found 92 per cent of young attendees reoffended within a year, he told The Dominion Post.

"It made them healthier, fitter, faster, but they were still burglars, just harder to catch."

*He described it as "a spectacular, tragic, flawed, failure".*⁷⁶

64. Yet the Act will establish: *"Military activity camps for the most serious repeat young offenders will teach self-discipline, respect and responsibility, with mentoring, parenting and drug and alcohol rehabilitation programmes to address the causes of offending."*

65. While it is undeniable that some young persons need assistance to develop self-discipline and a sense of responsibility, it is doubtful that military discipline in camps run by armed forces personnel is a reasonable way to go about this.

66. This is just one facet of the state party's increasing and disturbing trend towards militarisation of young persons and their education. In addition to the New Zealand Cadet Forces (which children can join at 13 and are marketed as "fun" and "a chance to get into out-of-the-way places" and participate in "a range of exciting out-door activities"⁷⁷) the sixteenth military-style academy opened in a secondary school last month⁷⁸.

*"Service academies are military-style programmes for Year 12 and 13 students and are part of the government's Youth Opportunities package announced by the Prime Minister last August. They are provided at secondary schools with the help of the New Zealand Defence Force."*⁷⁹ [Year 12 and 13 students are generally aged from 15 to 18 years.]

67. Other schools are currently investigating the possibility of establishing a "military wing".⁸⁰

I. UN Declaration on the Rights of Indigenous Peoples

68. The final issue we would like to bring to the Committee's attention is the state party's position on the UN Declaration on the Rights of Indigenous Peoples (the Declaration). New Zealand was one of four member states to vote against the Declaration in the General Assembly; following the Australian government's announcement of support for the Declaration in April 2009, is now one of only three member states to remain opposed to it.

69. On Human Rights Day, 10 December, 2008 we presented a petition to parliament calling on the government to change its position on the Declaration - the petition was referred to the Foreign Affairs, Defence and Trade Select Committee in February 2009. Although we submitted written evidence⁸¹ (supported by submissions from other national NGOs) in April 2009, appeared before the Select Committee in June 2009, and provided supplementary evidence as requested in August 2009, the Select Committee has not yet reported back to parliament on this matter.

70. The state party's position on the Declaration is a cause of considerable concern to a wide range of Maori and non-governmental organisations, as indicated by the number of organisations which added their names to the joint Universal Periodic Report submission on indigenous peoples' rights which was co-ordinated by ourselves and the Aotearoa Indigenous Rights Trust and submitted to the Human Rights Council in November 2008⁸². In addition, a request for Human Rights Council members to support the Declaration was included in the Universal Periodic Review submission coordinated by Action for Children and Youth Aotearoa⁸³, and the joint submission coordinated by the Human Rights Foundation⁸⁴.

71. We urge you to recommend as strongly as possible that the state party change its position on the UN Declaration.

72. Thank you for your attention to our comments.

References

¹ NGO information to the Human Rights Committee: For consideration when compiling the List of Issues

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² Peace Movement Aotearoa, paras 4 to 6

³ Peace Movement Aotearoa, paras 7 and 8

⁴ Peace Movement Aotearoa, para 12

⁵ Peace Movement Aotearoa, paras 13 and 14

⁶ Peace Movement Aotearoa, paras 15 to 18

⁷ Peace Movement Aotearoa, para 22

⁸ Peace Movement Aotearoa, para 27

⁹ Peace Movement Aotearoa, paras 29 to 31

¹⁰ Peace Movement Aotearoa, para 32

¹¹ Replies to the List of Issues to be taken up in connection with the consideration of the Fifth Periodic Report of New Zealand, CCPR/C/NZL/Q/5/Add.1, 5 January 2010

¹² CCPR/C/NZL/Q/5/Add.1, p 3

¹³ Peace Movement Aotearoa, para 20, generally paras 20 and 21

¹⁴ Peace Movement Aotearoa, para 20.3

- ¹⁵ Peace Movement Aotearoa, paras 13 (generally) and 21
- ¹⁶ Submission of nongovernmental organisation Aotearoa Indigenous Rights Trust, p 2
- ¹⁷ CCPR/C/NZL/Q/5/Add.1, p 3
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- ³⁰ Terrorism Suppression Act 2002 No 34 (as at 01 December 2009), Section 38
- ³¹ See, for example, PM warns Maori about foreshore, Radio New Zealand, 5 February 2010, at http://www.radionz.co.nz/audio/national/ckpt/2010/02/05/pm_warns_maori_about_foreshore
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