SHADOW REPORT FOR NEW ZEALAND

116TH SESSION

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION APRIL 2025

SUBMITTED BY NATIONAL IWI CHAIRS FORUM

IN RELATION TO AOTEAROA-NEW ZEALAND

Prepared by the National Iwi Chairs Forum

EXECUTIVE SUMMARY

New Zealand's international human rights commitments include adherence to the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and recommendations of the CERD committee. In November 2023, the New Zealand National Party entered into a coalition agreement with the New Zealand First Party and the ACT Party to form the 54th New Zealand Parliament. This coalition agreement included multiple commitments that could only be met through breaching the aforementioned international human rights obligations under the International Convention on the Elimination of Racial Discrimination (ICERD), the Human Rights Charter, and the Covenant on Civil and Political Rights.

These actions include: measures include: attempts to redefine or remove Treaty clauses; weakening of the Waitangi Tribunal; suppression of Te Reo Māori and tikanga; disestablishment of Māori-led health institutions; punitive justice reforms that disproportionately target Māori; rollbacks in housing, disability, education and child protection rights; environmental law changes that undermine Māori authority; abandonment of hate speech reforms; and electoral changes that erode Māori democratic participation. The collective impact of these actions have serious and ongoing consequences for Māori and other racially minoritised groups in Aotearoa. The rapid, successive nature of the legislative and policy changes that directly impact Māori, in addition to procedural rights violations by elected officials, have exhausted Māori advocacy efforts, have largely taken place without free, prior, and informed consent, and any consultative processes to date are undermined by the fact that many of the outcomes are pre-supposed in the 2023 Coalition Agreements.

These legal and policy shifts are accompanied by escalating racialised rhetoric from elected officials, including xenophobic statements, disinformation, and the weaponisation of human rights language to portray Te Tiriti justice and affirmative action as "racism." This has emboldened racial hostility and normalised impunity for hate speech targeting Māori, Muslim and transgender communities.

There is further a demonstrated impunity towards deeply racist and harmful speech and actions by private actors targeting Māori, Muslim and transgender communities, including the justification of violence against these communities and increasingly militarised rhetoric.

There is a serious, persistent pattern of racial discrimination being carried out by the Government, and it is almost certain that without intervention there will be further racial discrimination and racialised harm. Additionally, there is an ongoing escalation of racial hatred and violence, and repeated appeals to racial intolerance by elected officials, all of which remains unchecked by the current government.

Overarching Recommendations

The National Iwi Chairs Forum urges the Committee to:

- Invoke the Early Warning/Urgent Action procedure in light of systemic legislative rollback and incitement of racial hatred.
- Appoint a rapporteur for enhanced follow-up and request in-country consultations with Māori and affected communities.
- Urge the State to issue a standing invitation to CERD members, the Special Rapporteur on Contemporary Forms of Racism, and the Special Rapporteur on the Rights of Indigenous Peoples to investigate and report on the situation.

Thematic recommendations addressing Te Tiriti and constitutional issues; racism, hate speech and democratic participation; health, housing, social rights; children and justice; education, language and culture; environment and climate; and international obligations follow in subsequent sections.

NATIONAL IWI CHAIRS FORUM

The National Iwi Chairs Forum (NICF) is an entity founded in 2005 made up of the chairpersons of 71 iwi groups in New Zealand, facilitating the sharing of information among iwi leaders. The Forum holds meetings four times a year at different marae throughout the country and brings together Māori leaders around strategic topics. The NICF functions in accordance with tikanga (Māori law) and on the basis of He Whakaputanga o te Rangatiratanga o Nu Tireni (He Whakaputanga), te Tiriti o Waitangi (te Tiriti), and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). It meets regularly to discuss and act collectively on issues ranging from Treaty justice and constitutional transformation, resource protection, climate change, to implementation of UNDRIP and economic development. The Forum also addresses government policy and practice as it impacts on Māori, engaging in regular dialogue with government representatives on priorities, issues and projects.

Peoples' Action Plan Against Racism in Aotearoa

In 2023, the NICF appointed a Tangata Whenua (Indigenous) Caucus to work in partnership with the Ministry of Justice towards a *National Action Plan Against Racism* (in alignment with previous CERD recommendations). A draft action plan was produced over the following 24 months. Throughout this process the Tangata Whenua caucus held two clear positions: that colonial racism against Māori formed the bedrock of racism in Aotearoa; and that the dominant form of racism experienced in Aotearoa is institutional racism, the ultimate responsibility for which rests with the Crown government. In March 2024, following indications from the Minister for Justice Paul Goldsmith that he wanted to reduce the focus on colonial racism against Māori and reduce the focus on institutional racism, it was collectively decided by the Tangata Whenua caucus to withdraw from the government's national action plan against racism. The NICF are now progressing the Independent ***People's Action Plan Against Racism***, independent of the New Zealand government.

Definition of Racism

The working definition of racism adopted by the National Iwi Chairs Forum is as follows:

> *Racism is a collection of ideas, actions, and institutional practices, backed by institutional and social power, that produce, maintain and normalise inequity and inequality for Tangata Whenua and other racialised groups.*

PREVIOUS CERD COMMITTEE RECOMMENDATIONS

The following direct instructions have been made by the CERD Committee to the New Zealand Crown Government:[1]

- Develop a National Action Plan Against Racism;
- To work in partnership with Maori towards resolving the recommendations of the Constitutional Advisory Panel regarding the role of the Treaty of Waitangi within its constitutional arrangements, along with the proposals contained in the report of Matike Mai Aotearoa and all stakeholders;
- Ensure that its public policy and legislative initiatives comply with the participation principle of article 2 of the Treaty of Waitangi;
- Give greater assurance that the State party recognises the fundamental right to self-determination of Maori and the obligation to establish shared governance with hapu;
- Provide adequate resources for the Waitangi Tribunal;
- Strengthen its efforts to address the root causes leading to disproportionate incarceration rates of Maori;
- Ensure Māori and Pasifika are equally represented and empowered in decision-making processes concerning health and disability policy planning and in service delivery and evaluation;

- Increase representation of Maori, Pasifika and other minorities in corporate governance and senior management in the public sector;
- Take effective steps to reduce the number of Maori and Pasifika children in State care, including through the policy of “whanau-first” placement for Maori children;
- Strengthen the inclusion of Te Reo Maori instruction in its core educational curriculum for all New Zealand students, and increase its efforts to mainstream the use of the Maori language throughout the country.

COALITION AGREEMENTS

In November 2023, the New Zealand National Party signed coalition agreements with the New Zealand First Party and the ACT Party to form the 54th New Zealand Parliament.[2,3] The Agreements operate upon the premise that advancements in Treaty and racial justice in recent decades undermine the principle of equal citizenship, and a significant portion of the Agreements are dedicated to reversing these actions. The Agreements include:

- Provisions for the repeal of legislative references to Te Tiriti o Waitangi;
- A review of the scope and function for the Waitangi Tribunal;
- Renunciation of the United Nations Declaration for the Rights of Indigenous Peoples;
- Introduction of a “Treaty Principles Bill” which seeks to unilaterally redefine the Crown’s treaty responsibilities in the absence of Māori as the treaty partner;
- Making Māori representative seats in local councils subject to referendums;
- Reduction of Māori language use and initiatives within the public sector;
- Introduction of punitive legislation with disproportionate impacts upon Māori and Pacific populations including: Gang Member Patch Ban; gang membership as an aggravating factor during sentencing;
- Introduction of the Regulatory Standards Bill, which would replace the current human and treaty rights standards for New Zealand legislation with partisan standards centred on individual property rights and corporate interests, and displaces the role currently held by the New Zealand judiciary in interpretation and continuity oversight;
- Tenancy reforms that allowed for easier and more swift termination of tenancy agreements;
- Disestablishment of Te Aka Whaiora (the Māori Health Authority);
- Repealing legislation aimed at smoking reduction and cessation;
- Repealing legislative sections designed to support culturally appropriate placements for children under state custody;
- Removal of co-governance from public services;
- Ruling out the introduction of hate speech legislation and stopping the Law Commission's work on hate speech legislation;
- Repealing the Kai Tahu Representation Act 2022;
- Establishment of militarised bootcamps for youth offenders;
- Commitment to not progress any policies that operate on the basis of differing ethnicities (including targeted policies to reduce racially disparate outcomes);

- Ceasing work on implementation of the UNDRIP and confirmation of UNDRIP as non-binding;
- Limiting the scope and powers of the Waitangi Tribunal;

The National Iwi Chairs Forum submit that the coalition agreements upon which the current government is based contain multiple contraventions of ICERD obligations and CERD recommendations, resulting in multiple, successive and enduring racialised human rights violations.

TE TIRITI O WAITANGI AND THE WAITANGI TRIBUNAL[1]

Direct Assault Upon Te Tiriti o Waitangi

While all of the legislative and policy actions of the current New Zealand Government may be characterised as disrespectful of Te Tiriti o Waitangi, there are a number of actions in particular that comprise what NICF submit to be the boldest attack upon the political status of Te Tiriti o Waitangi in living memory, and constitute what we describe below as "Treaty Racism".

Treaty Principles Bill

The Treaty Principles Bil(4) sought to replace the current principles of Te Tiriti o Waitangi with three new principles that have unilaterally been developed without Māori input.(5)

- Governmental authority: Affirms the government's full authority to govern and Parliament's power to legislate in the best interests of all citizens, upholding the rule of law and democratic values.
- Rights of Hapū and Iwi Māori: "The Crown recognises the rights that hapū and iwi had when they signed the Treaty/te Tiriti. The Crown will respect and protect those rights". However, if those rights differ from the rights of everyone, then they will only be recognised if they are agreed in the settlement of a historical treaty claim under the Treaty of Waitangi Act 1975.
- Right to equality: "Everyone is equal before the law and is entitled to the equal protection and equal benefit of the law without discrimination. Everyone is entitled to the equal enjoyment of the same fundamental human rights without discrimination".(4)

The Bill underwent its first reading on November 14, 2024 and was referred to Parliament's Justice Committee for further consideration. Throughout the submission process, concerns were raised regarding the racism within the Bill and generated by the bill. Public debates and commentary by elected officials led to heightened racial hostilities towards Māori, largely characterised by a lack of understanding about Te Tiriti o Waitangi. The Bill was voted down at the second reading, however within 24 hours commitments were made by the leader of the ACT Party that suggested an intention to continue to pursue the bill's outcomes, saying to "watch this space".(6)

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[1] Since 1975, legislative clauses regarding the principles of Te Tiriti o Waitangi have guided the Crown government towards improved compliance with Te Tiriti o Waitangi. In 2014, the Waitangi Tribunal released findings which confirmed that Te Tiriti o Waitangi is the authoritative treaty document, and that it was not a treaty of cession.(7) In its findings, the Tribunal noted:

> "This conclusion may seem radical. It is not. A number of New Zealand's leading scholars who have studied the treaty – Māori and Pākehā – have been expressing similar views for a generation. In that sense, our report represents continuity rather than change. When all of the evidence is considered.. we cannot see how other conclusions can be reached."

These findings again raised important questions regarding the rightful extent of Crown political authority, and have yet to be addressed by the New Zealand Crown government. Since 2010 the National Iwi Chairs Forum have progressed discussions and research upon constitutional models which align with Te Tiriti o Waitangi. Recommendations have been made by the United Nations Committee for the Elimination of Racial Discrimination, as well as multiple other United Nations treaty bodies and mechanisms, to enhance the political status of Te Tiriti o Waitangi within New Zealand's constitutional settings through a process of dialogue and partnership with Māori as the Treaty partner.

Throughout the *Treaty Principles Bill* process, Minister Seymour consistently mis-framed legislative and policy recognition of Treaty obligations as divisive, inequitable, and even a form of "racial supremacy", stating in his oral submission:

> *We see consultation on resource management consents, the structure of local government and some central government departments taking this divisive approach. Dividing people into racial groups is the definition of racism. Just as sexism is to judge a person first by their sex and then by their other characteristics. Their belief that roles in society should be preserved with race as the primary qualifier is the definition of racism, something we abhor, should give nothing to, and should all do everything in our power to expunge from our society. When you see people as a member of a group first and an individual second, you miss interesting things about them.*[8]

The National Iwi Chairs Forum notes with further concern the use of human rights and anti-racist terminology, divorced from its context and meaning, to direct hate towards Treaty justice initiatives for Māori.

Incitement of Hate through Treaty Principles Bill

In his Treaty Principles Bill submission, Dr Sanjana Hattotuwa, independent researcher focussing on online harms stated the following:

> *I wish to unequivocally stress the stated intent of the Treaty Principles Bill, as presented on the Parliament website, clashes sharply with the significant rise in anti-Māori and anti-Treaty discourse observed online and on social media. While the Bill claims to promote clarity, conversation, and social cohesion, the evidence clearly indicates it has instead fuelled division, misinformation, and harmful rhetoric in Aotearoa New Zealand, growing at pace… The discourse around the Treaty Principles Bill studied is a rhetoric that prefigured significant unrest, and violence in other countries, leading to intergenerational harms aside from the more immediate loss of life, destruction of property, erosion of social cohesion, and weakening of liberal democracy. This is worrying, even (or especially) in a high-trust society like Aotearoa New Zealand with weak institutional frameworks to address the growth of polarisation, division, and incitement to violence, growing at pace.*[9]

While we note the strong level of support for Tiriti justice evident through the submissions, the National Iwi Chairs Forum is nonetheless gravely concerned at the continuation of racialised hate and its ongoing intensification, provoked by the racialised rhetoric of elected officials.

Regulatory Standards Bill

The Regulatory Standards Bill seeks to create a new regulatory regime based upon a narrow set of libertarian standards for the rule of law, liberties, taking of property, taxes, fees and levies, role of courts, good law-making and regulatory stewardship. It does not include any reference to te Tiriti o Waitangi and as such is a regressive departure from the role te Tiriti o Waitangi has grown to play in New Zealand's legislative process. The bill proposes a mechanism for assessing whether new laws are consistent with the proposed standards, and where they are not, whether the departure is justified. The New Zealand Bill of Rights Act, which protects fundamental human rights such as the right to life and liberty, is also marginalised by this Bill. The Bill provides similar protections for private property rights without due regard to other matters such as public good, Indigenous, environmental and human rights or social values.

The bill received 159,000 written submissions - second in New Zealand history only to the Treaty Principles Bill that directly preceded it. Of the 159,000 written submissions, 156,882 submissions were opposed to the Bill (98.7%), 1,191 were in support of the Bill (0.7%), and the remaining 927 were either unclear or did not take a position on the Bill overall (0.6%). The government invited 200 oral submissions to be heard by select

committee regarding the Bill. Māori leaders, lawyers and legal scholars, constitutional experts, community organisations, economists, social justice organisations and advocates of human, environmental, Indigenous and treaty rights strongly opposed the bill in the select committee hearings. There were 180 oral submissions made against the Bill (87%), and 19 in favour (9%).

Dominant themes of opposition included:

- Omission of Te Tiriti o Waitangi and its principles,
- Breach of the Crown's obligations under Te Tiriti,
- The Bill's ideological basis being unreflective of New Zealand values,
- Inconsistency with the New Zealand Bill of Rights Act 1990 (NZBORA),
- Inconsistency with international human rights law and in particular CERD and ICCPR,
- Pre-existing legislation that can accomplish functions of what the Bill aims to achieve.

On 10 October 2025, the Finance and Expenditure Select Committee report was released, wherein the select committee recommended that the bill be passed with minimal amendments, in spite of the significant public opposition. The National Iwi Chairs Forum considers this to be a gross miscarriage of democracy, and seek a recommendation from the Committee that the member state abandon the bill and halt all further actions that seek to reinterpret te Tiriti o Waitang and limit its political status and application.

Treaty Clause Review

The 1975 Treaty of Waitangi Act created the Waitangi Tribunal and also provided the context for legislative references to the principles of the Treaty of Waitangi. These Treaty clauses require the Crown and other decision-makers, such as local governments, to uphold, respect, consider, or act in accordance with the Treaty's principles within legal frameworks. The decision to review all Treaty clauses stems from the 2023 coalition agreement, and has taken place without the free, prior and informed consent of Māori. The Treaty Clause Review includes a thorough review of legislation containing references to the Treaty's principles—excluding those related to full and final Treaty settlements—with the aim of either replacing such references with specific wording on the Treaty's relevance and application or removing them altogether.

To date, the Government has announced 28 pieces of legislation under review:

- Climate Change Response Act 2002
- Conservation Act 1987
- Criminal Cases Review Commission Act 2019
- Crown Minerals Act 1991
- Crown Pastoral Land Act 1998
- Crown Research Institutes Act 1992
- Data and Statistics Act 2022
- Digital Identity Services Trust Framework Act 2023
- Education and Training Act 2020
- Energy Efficiency and Conservation Act 2000
- Environment Act 1986
- Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012
- Harbour Boards Dry Land Endowment Revesting Act 1991

- Hauraki Gulf Marine Park Act 2000
- Hazardous Substances and New Organisms Act 1996
- Kāinga Ora–Homes and Communities Act 2019
- Land Transport Management Act 2003
- Local Government Act 2002
- Mental Health and Wellbeing Commission Act 2020
- Oranga Tamariki Act 1989
- Organic Products and Production Act 2023
- Pae Ora (Healthy Futures) Act 2022
- Plant Variety Rights Act 2022
- Resource Management Act 1991
- Smokefree Environments and Regulated Products Act 1990
- Taumata Arowai–The Water Services Regulator Act 2020
- Therapeutic Products Act 2023
- Urban Development Act 2020

The National Iwi Chairs Forum opposes the removal of treaty clauses from legislation, and reiterates the importance of free, prior and informed consent, and working in partnership with Māori as the treaty partner on all matters pertaining to the Treaty of Waitangi.

Waitangi Tribunal on the Treaty Principles Bill, Treaty Clause Review and Regulatory Standards Bill

The Waitangi Tribunal's Ngā Mātāpono report on the Crown's Treaty Principles Bill and associated Treaty Clause Review found the policy to be unfair, discriminatory and inconsistent with core Treaty principles (partnership/reciprocity, active protection, equity and redress), and pursued without proper consultation in breach of the Crown's duty of good faith; it concluded the proposed statutory "principles" would, in effect, reinterpret te Tiriti o Waitangi, advance assimilationist agendas, extinguish tino rangatiratanga in law, and misstate "equality" in ways that negate legitimate Māori rights, warning that enactment would constitute the worst, most comprehensive modern breach of the Treaty and recommending that the Bill be abandoned.

For the Regulatory Standards Bill, the Tribunal's interim urgent report found the Crown had already breached the partnership obligation by failing to meaningfully consult Māori and recommended an immediate halt to further progression of the Bill pending targeted engagement with Māori, given its potential to constrain the fulfilment of Te Tiriti obligations across the statute book

Hostility towards the Waitangi Tribunal

The Waitangi Tribunal itself has also been pulled into disrepute by actions of the current government and statements by elected officials. A review of the Tribunal and an inferred reduction in scope is included in the coalition agreement. Senior elected officials have made repeated disparaging statements regarding the Tribunal, including Hon. Shane Jones who repeatedly referred to the Tribunal as a "star chamber"[2] and saying he looked forward to the review,(10) and ACT Party leader Hon. David Seymour, who has suggested it is no

[2] A star chamber was a medieval royal English court or tribunal known for its arbitrary judgments, and the use of torture to extract confessions.

longer useful, is separatist, “increasingly activist” and biased towards Māori. ACT MP Karen Chhour has also repeatedly criticised the role of the Tribunal, suggesting it should not make any recommendations regarding Crown legislation and policy.

In 2024, MP Tama Potaka controversially appointed Richard Prebble to the Waitangi Tribunal.[11] Prebble, a previous leader of the ACT Party, has been vocally critical of Māori, Te Tiriti o Waitangi, and the Tribunal, characterising settlements as barriers to economic progress, and arguing that Treaty-based policies created “special privileges” for Māori rather than addressing historical injustice. Mr Prebble resigned from the Tribunal in 2025, claiming that it was a biased institution.

The mischaracterisation of the Tribunal in this instance functions to call the Tribunal into disrepute and diminishes public trust in the Tribunal as a standing commission of inquiry. The hostility towards the Tribunal was continued by ACT Party Leader (and Deputy Prime Minister) David Seymour who accused the Tribunal of “race fanaticism”and then going on to say: *“No wonder some people think they’re past their use-by date. Perhaps they should be wound up for their own good.”*[12]

Treaty Racism

The National Iwi Chairs Forum posit that the dismissive treatment, disregard and hostility reserved for Te Tiriti o Waitangi, and for Māori as the Treaty partner, amounts to a form of racism expressed through treaty policy and practice. We submit that “Treaty Racism” may be defined as:

> *A set of ideas, actions and institutional practices in relation to treaties which are rooted in an assumed racial superiority, and which produces, maintains and normalises inequity between treaty partners.*

New Zealand is party to some 1,900 treaties. While compliance issues can arise across a range of agreements, we are not aware of any other context in which the Crown has, over decades, simultaneously sought to redefine a treaty’s meaning, narrow its obligations through domestic legislation and policy, and contest the standing of the treaty partner itself. This assessment is based on publicly available government records, findings of the Waitangi Tribunal, and observations from UN human rights bodies. On that evidence, the pattern surrounding Te Tiriti o Waitangi is singular in scale and persistence, and is appropriately described as ‘Treaty Racism’.

HEALTH

There are long-standing, well-documented ethnic inequities in health experiences, access and outcomes for Māori and other racially minoritised groups, relative to NZ European/Pākehā in New Zealand.[13,14] Recent proposed or actual changes to policies, regulations and legislation are likely to, or have already had, racially discriminatory impacts on health, have been largely carried out without consultation or meaningful engagement with Māori as Treaty partners, and have been implemented with an awareness by the government of the discriminatory impacts for Māori.

This includes the **disestablishment of Te Aka Whaiora Māori Health Authority (MHA)** that was set up in 2022 as a direct response to the recommendations of the Waitangi Tribunal in the Hauora (Wai 2575) claim, which found that the Crown has systematically failed to uphold its Treaty of Waitangi obligations in relation to Māori health.[14] The Tribunal highlighted institutional racism within the health system, persistent health inequities, and the need for a Māori-led approach to healthcare to address these inequities.[10] The government's decision to disestablish the MHA without providing a viable alternative constitutes a regression in the realisation of Māori health rights.[15] No sufficient replacement mechanism has been implemented to ensure that Māori health needs are met. Racialised health experiences and outcomes for Māori persist and, in some areas, are worsening.[13,16]

Establishment of the MHA aligned with recommendations from the CERD that consistently emphasise the

need to ensure Indigenous peoples' rights to health through self-determined governance structures. Greater decision-making power over health policies, funding allocations, and service delivery is an essential mechanism to support fulfillment of rights outlined in Article 5 of the ICERD. Disestablishing the MHA undermines not only the Waitangi Tribunal but also breaches international rights under Article 23 of UNDRIP, that reaffirms Indigenous peoples' right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions. As a consequence, this also further contravenes recommendations of ICERD, which called upon member states to refrain from imposing restrictions on the permanent rights of Indigenous Peoples and endangering their self-determination, traditional livelihoods and cultural rights, in accordance with the standards of UNDRIP.

Recent changes to **funding of disability services** also have a differential, racialised impact for Māori and took place without consulting disabled peoples and their families, the caregiver workforce, or Māori as the Treaty partner. Māori have higher rates of disability compared with NZ European/Pākehā and the total population[3].[13,17] While the NICF acknowledges the government announcement of an additional $1.1 billion into disability support services over five years, much of that $1.1 billion is subject to the results of an independent review, and it is currently unclear how allocation of that funding will be determined. In the interim, the government has narrowed criteria for access to existing funding, leading to decreased flexibility in how disabled persons and their families can use allocated funds.[18]

The government has decided to **retain the Minimum Wage Exemption Scheme (MWES)**, an exploitative scheme allowing employers to pay disabled persons below the minimum wage, sometimes as low as NZ$2 per hour before tax.[19] This decision reversed the previous government's plan to abolish the scheme and implement a Wage Supplement. In addition to the racialised impact of this issue for Māori and Pacific disabled peoples and their families, the MWES is a violation of human rights, conflicting with state obligations under the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) that emphasises the rights of disabled peoples to equitable pay and work conditions.

Housing is a known determinant of health.[20] After a formal visit in 2020, the Special Rapporteur on Housing as a Human Right, Leilani Farha, noted that the state of housing in New Zealand is a human rights crisis, with disproportionate impacts upon Māori, Pacific and other minoritised racial groups.[21] The 2017 CERD concluding observations for New Zealand also noted a lack of adequate support for secure housing for asylum seekers and refugees, and emphasised the importance of a non-discriminatory approach to safe and secure housing.[1]

Housing instability for Māori has been exacerbated by climate change, with successive severe weather events disproportionately impacting upon Māori households. In some locations, more than 70 percent of cyclone and flood damaged homes were occupied by Māori, and more than 60 percent were rentals.[22] Māori are more likely to live in rented accommodation and have lower median incomes compared to the total population, thus any changes to tenancy law and policy will disproportionately impact Māori tenants and their families. On 12 December 2024, the government enacted the **Residential Tenancies Amendment Act 2024.** This Act included the reinstatement of "no-cause evictions", where landlords are able to terminate periodic tenancies without providing a specific reason, given 90 days' notice; and a shortened notice period of 42 days for landlords if they intend to sell their property or move in themselves. The government's own The Departmental Disclosure Statement for the Act, prepared by the Ministry of Housing and Urban Development, Te Tūāpapa Kura Kāinga, stated:

> *Evidence suggests that the termination related proposals will negatively impact on actual and*

[3] Research has also confirmed that Māori with disabilities experience inequitable access to the determinants of good health and wellbeing, inequitable access to health and disability services, and differential quality of health and disability care.[17]

perceived security of tenure for many tenants compared to the status quo. These negative impacts are likely to disproportionately affect Māori, as Māori are more likely to live in rented accommodation, have a lower overall median income, and are more likely to experience discrimination than the general population.[23]

The NICF submits that the tenancy reforms, and specifically the reintroduction of no-cause evictions, violate Articles 2 (Prohibition of Racial Discrimination) and 5 (Right to Equal Treatment) of the ICERD, in addition to being contradictory with the aforementioned CERD recommendations.

CHILDREN AND FAMILY

A number of current and planned actions of the government disproportionately impact on Māori children, young people, and families. In addition to actions discussed in the other sections, this section identifies three specific legislative and policy examples for further attention, namely **the introduction of the Oranga Tamariki (Responding to Serious Youth Offending) Amendment Bill, the Oranga Tamariki (Repeal of Section 7AA) Amendment Bill,** and the **defunding and centralisation of Ka Ora Ka Ako School Lunch Programme.**

The **Oranga Tamariki (Responding to Serious Youth Offending) Amendment Bill** was introduced in November 2024, with the stated aim of addressing "serious youth offending" through establishing military-style academies (MSA) and creating a 'serious young offender' (YSO) category. The justification given for the Bill is not supported by evidence, with research instead suggesting that MSAs are not effective.[24] Oral hearings were conducted by the Social Services and Community Select Committee in December 2025, with the Bill expected to be passed in 2025.

The Bill was developed and introduced without the free, prior and informed consent of Māori, and without any meaningful engagement with Māori, despite the well-documented differential and racially-discriminatory experiences of youth justice systems and policies for Māori,[24] including Māori youth being more likely to be in the Youth Court, and evidence of racism in policing, corrections and justice sectors over many years. The Crown Regulatory Impact Statement for this BilIl acknowledged the lack of consultation with Māori as the Treaty partner and also noted that the Bill "...will come at a cost to Māori communities in particular as the proposal for a YSO declaration and MSA order are highly likely to have a disproportionate effect on rangatahi Māori and their whanau;", further finding that "...modelling suggests that Māori will make up 80-85 percent of the young people eligible to be declared YSOs".[24]

In addition to being inconsistent with Article 6 of the ICERD, the Bill is misaligned with the recommendations of the CERD to the New Zealand Government in 2017 that the State party strengthen its efforts to address the root causes leading to disproportionate incarceration rates of Maori, and is further inconsistent with the International Covenant on the Rights of the Child.

The **Oranga Tamariki (Repeal of Section 7AA) Amendment Bill** was introduced in May 2024 to remove Section 7AA from the Oranga Tamariki Act 1989. Section 7AA currently mandates the government child welfare agency, Oranga Tamariki, to honor Treaty of Waitangi obligations by ensuring the well-being of Māori children, acknowledging their cultural heritage, and collaborating with iwi (tribes) and Māori organisations to address inequities between Māori and non-Māori children in state care. In line with historical patterns, over the past decade, tamariki Māori accounted for more than half of all children entering care, and are four to five times more likely to be uplifted from their families and placed in state care than non-Māori.[25] This creates a racialised impact for all policies and legislation relating to children uplifted and placed in state care.

In its report on the urgent inquiry into the Bill, the Waitangi Tribunal found that it was inconsistent with the principles of the Treaty of Waitangi, noting that:

A key problem we see with the government's decision to repeal section 7AA is that it has come about

> *without proper regard to its obligations to Māori under the Treaty of Waitangi. The evidence suggests this is due to a belief or assumption on the part of the government that the coalition agreements that lead to its formation override or take precedence over the Crown's obligations under the Treaty of Waitangi.*[26]

In particular, there is broad concern that removing the requirement to consider whakapapa (genealogy) and whanaungatanga (relationships) may disconnect Māori children from their cultural roots, affecting their identity and sense of belonging, and is inconsistent with CERD recommendations that New Zealand "*Take effective steps to reduce the number of Maori and Pasifika children in State care, including through the policy of "whanau-first" placement for Maori children".* It also is inconsistent with UNDRIP (particularly Article 7, Section 2).

The **Ka Ora Ka Ako school lunch programme** was introduced in 2020 with the aim to reduce food insecurity by providing access to a nutritious lunch in school every day to approximately 235,000 students in need of the most support.[27] In 2025, the coalition government led by Prime Minister Christopher Luxon and Associate Education Minister David Seymour restructured the programme to reduce spending from $8.60 to $3 per meal. The contract was removed from community providers and awarded to the School Lunch Collective, a consortium including Compass Group NZ. The revised programme has faced widespread criticism for poor food quality, unsafe conditions of food delivery, operational issues such as late or incorrect deliveries, lack of culturally appropriate food options (e.g. mislabelling of non-halal meals as halal, and nutritional concerns.[28, 29]

The Ka Ora Ka Ako programme aimed to reduce inequitable food access and its impact on learning outcomes, particularly for Māori and Pacifica students who are disproportionately affected by food insecurity. Further, the original iteration of the program encouraged community involvement, including partnerships with iwi and hapū Māori, fostering community cohesion. The defunding of the programme has therefore disproportionately impacted Māori and Pacifica students, with further impacts upon the communities who previously held the contracts for providing school lunches. The decision to defund and centralise the program was carried out without the free, prior and informed consent of communities impacted by the decision. The process for defunding contravenes the recommendations of the CERD committee earlier this year in relation to the right to health, where it was held that "...(an) important aspect [of the right to health] is the participation of the population in all health-related decision-making at the community, national and international levels."[4]

Further, CERD noted that:

> *[Racial and ethnic communities] are entitled to measures that address issues such as food deserts, limited economic resources, discriminatory practices in the food industry and other barriers to accessing healthy food. Vulnerability and poverty affect their diet and health, contributing to higher rates of diet-related diseases and nutritional deficiencies.*[1]

The government's handling of the Ka Ora, Ka Ako school lunch programme raises serious concerns regarding New Zealand children's rights to adequate nutrition and freedom from discrimination. The cost-cutting measures have compromised meal quality and cultural sensitivity, violating New Zealand's international obligations under ICERD and the Convention on the Rights of the Child, which recognises every child's right to a standard of living adequate for their physical, mental, spiritual, moral, and social development.

RACIALISED DEMOCRATIC CORROSION

Across multiple policy fronts, the Crown is recalibrating electoral and decision-making rules in ways that

[4] United Nations Committee on the Elimination of Racism General recommendation No. 37 (2024) on equality and freedom from racial discrimination in the enjoyment of the right to health CERD/C/GC/37

predictably suppress Māori voice, weaken Te Tiriti-based participation, and entrench executive discretion, amounting to racialised democratic corrosion. The **Fast-Track Approvals Act 2024** centralises consenting power in Ministers, truncates consultation, enables revival of projects previously blocked on environmental/Treaty grounds, and heightens risks to wāhi tapu, taonga species and customary food sources. Compressed timeframes and bypassed protections marginalise kaitiakitanga and meaningfully exclude iwi and hapū from decisions with intergenerational impacts; these settings are inconsistent with CERD guidance on environmental harms to Indigenous Peoples. The **Māori Ward Rollback** reinstates binding polls on Māori wards/constituencies, reversing a 2021 equity safeguard and contravening CERD General Recommendation No. 32 (affirmative measures should not be weakened while disparities persist). Public rhetoric framing Māori wards as "race-based" has further chilled participation and exposed Māori representatives to hostility, undermining local-government Tiriti compliance. The subsequent local elections culminating on 11 October 2025 resulted in the removal of 25 Māori ward electorates around Aotearoa after the 2025-2028 electoral term. The **reinstatement of a blanket ban on prisoner voting**—announced 30 April 2025—directly curtails a fundamental right in circumstances long found disproportionate, and will fall most heavily on Māori given their over-representation in prisons; this reverses 2020's partial restoration and is at odds with CERD's 2017 recommendations and ICCPR General Comment 25.

Compounding these trends, the **Electoral Amendment Bill** would end same-day enrollment and require voters to be enrolled 13 days before election day, mandate 12 days of advance voting, tighten "treating" by prohibiting free food/drink/entertainment within 100 m of voting places, and adjust donation-disclosure thresholds. Each change carries disparate-impact risks for Māori: earlier cut-offs disproportionately burden younger, more mobile, and socio-economically marginalised voters (groups in which Māori are over-represented), special-vote restrictions reduce avenues commonly used by Māori voters, treating rules may constrain marae-based turnout practices that include communal sharing of food, and the prisoner-ban repeats a discriminatory impairment of political rights. The Attorney-General has warned the package appears inconsistent with the Bill of Rights (s12) and could disenfranchise very large numbers of voters; Ministry of Justice advice describes the 100m treating control as a "blunt tool." Taken together with the fast-track and Māori-ward changes, these measures reflect a systematic re-engineering of rules and forums that denies Māori equal and effective participation in public life contrary to CERD Article 5(c).

CESSATION OF RESPONSE TO RECOMMENDATIONS FROM THE ROYAL COMMISSION OF INQUIRY INTO THE MARCH 15TH TERRORIST ATTACK ON CHRISTCHURCH MOSQUES

On 2nd of August 2025, Minister Juditch Collins announced that the government is concluding its response to the recommendations of the Royal Commission of Inquiry into the Terrorist Attack on Christchurch Mosques, and that the government would not be fulfilling its prior commitment to adopt all 44 recommendations. The remaining commitments that the government will no longer be adopting include:

- Establish a new national intelligence and security agency.
- Establish an Advisory Group on counter-terrorism via legislation.
- Include a summary of advice from the Advisory Group from the previous year, and the actions taken, in the annual National Security Intelligence Priorities threatscape report.
- Develop and promote a system allowing the public to easily and safely report concerning behaviours or incidents.
- Introduce mandatory reporting of firearms injuries to police by health professionals.
- Direct DPMC and other relevant agencies to discuss with whānau, survivors and witnesses of the March 15 attack what restorative justice processes might be desired and how these might be designed and resourced.
- Repeal section 131 of the Human Rights Act 1993 and insert a provision in the Crimes Act 1961 for an offence of inciting racial or religious disharmony, based on an intent to stir up, maintain or

normalise hatred, through threatening, abusive, or insulting communications with protected characteristics that include religious affiliation.

- Amend the definition of “objectionable” in section 3 of the Films, Videos, and Publications Classification Act 1993 to include racial superiority, racial hatred and racial discrimination.

Survivors and members of the Muslim community have expressed feelings of abandonment and frustration[30]. The government’s actions, or lack thereof, have not only undermined trust in the government's commitment to addressing the root causes of the attack but have also perpetuated a sense of vulnerability among Muslim communities in New Zealand in the face of rising racialised tensions. We further echo the stated concerns of the Muslim community that the Minister has cancelled the only two recommendations that were for Muslims (Restorative Justice and Wrap-Around One-Stop Service) out of the 44 recommendations. Compounding matters further, the government has also embarked upon a rollback of post-Christchurch safeguards and gun reforms. The tight timeframes within which these were pushed through, in addition to the lack of transparent, inclusive consultation processes have led to fears that these changes compromise the safety and trust of communities most affected by gun violence.

This sense of vulnerability has been tragically underscored by the recent revelation of an intended knife attack[31] targeting a mosque in Hawke’s Bay, which was narrowly averted following a tip-off to New Zealand Police. The muted public and political response to this incident stands in stark contrast to the gravity of the threat. We join the Federation of Islamic Associations of New Zealand (FIANZ) in condemning the attack and echoing their call for urgent, systemic action to address white supremacist and Islamophobic threats in Aotearoa. As FIANZ stated[32], Muslim communities continue to face escalating dangers while the Crown retreats from the Royal Commission’s recommendations, leaving critical gaps in national security and community protection. This incident highlights both the ongoing risks faced by Muslim communities and the consequences of government inaction in addressing racially motivated violence.

In October 2024, the government announced that they would be defunding the Whenua Taurikura - a national center of research excellence dedicated to countering and preventing terrorism and violent extremism in Aotearoa New Zealand, and established in response to the March 15 attacks. This has raised major concerns for the ability of the government to access Aotearoa-specific research on the nature of extreme violence and terrorism, and has exacerbated the sense of insecurity for those at the highest risk of extreme violence.

The NICF strongly submits that the Muslim community in Aotearoa must be centered and listened to, and prior commitments to adopt all 44 recommendations must be met, in collaboration with the Muslim community and iwi Māori as the Treaty partner. It is an affront to our role as the Treaty partner and customary custodians of Aotearoa that the security of marginalised groups is being compromised through government actions and inaction. We note in particular that the rationale for abandoning recommendations 40 and 41 stem from commitments made through the coalition agreement to abandon all work on hate speech legislation, a further contravention of recommendations made by the CERD committee.

PALESTINE

CERD’s Early Warning/Urgent Action decisions on Israel/Palestine expressly address “all States” and require due-diligence measures, including “ceasing any military assistance if there is a clear risk” it could be used in violation of international law.[33] This sits alongside General Recommendation 19 (States must prevent, prohibit and eradicate apartheid/segregation)[34] and the International Court of Justice’s 19 Jul 2024 Advisory Opinion,[35] which relied on CERD Art. 3 and reminded all States not to recognize, aid or assist the unlawful situation. While the Crown Government has taken some steps (West Bank settler travel bans; sanctions on two Israeli ministers; UN votes endorsing the ICJ opinion; continued humanitarian and UNRWA support), it has not adopted a presumption of denial for military-relevant exports to Israel nor imposed broader measures commensurate with CERD’s EWUA standard for all States. Concurrently, there have been continued concerns expressed over the use of Aotearoa-located rocket launch sites for the purposes of aiding Israeli

Defence Forces.[36,37] In September 2025, Minister for Foreign Affairs, Hon. Winston Peters MP confirmed that the New Zealand Crown Government does not recognise Palestinian statehood.[38] The recognition of statehood provides an important lever of accountability within international systems which could prevent state violence by Israel, and has been recognised by the United Nations as being a crucial step for securing peace and stability.[39]

It is the NICF position that the limited scope of sanctions upon Israel; the failure to announce an Israel-specific embargo on all arms and activities that support the Israeli military; and the failure to acknowledge Palestinian statehood collectively fall short of duties under ICERD arts. 2(1)(b) and 3 to avoid aiding serious racial discrimination and to act to prevent/eradicate segregation/apartheid in situations beyond its borders, as well as the more recent recommendations to cease military assistance that poses a risk of being used in violation of international law.

Further, the lack of acknowledgement, action and clear condemnation from the Crown government towards Israel's acts as extreme colonial violence, in the face of significantly stronger stands by the majority of the member state community, risks communicating tacit support for colonial violence, contributing further to the emboldening of ideologies of colonial and white supremacist violence towards Palestinian, Arab, Muslim and Māori communities in Aotearoa.

RACIALISED ENVIRONMENTAL LEGISLATION

Across the environmental sector, the Crown is re-engineering standards and processes in ways that foreseeably diminish Māori authority, voice and environmental protections, producing racially disparate burdens and contravening Te Tiriti obligations and CERD Article 5(c) (equal participation in public life).

Marine and Coastal Area Amendment Bill (MACA)

The Bill, introduced in September 2024, would substantially raise the threshold for customary marine title (e.g., proof of "exclusive use and occupation" across the whole period) that was established through the Court of Appeal in 2011. Parts of the change will apply retrospectively, forcing re-hearings and disruption that would create legal and financial burdens specifically for Māori communities. The Crown government consulted with commercial fishing interests but not with Māori as the treaty partner. The Waitangi Tribunal's urgent inquiry found the policy breached partnership, tino rangatiratanga, active protection and good-government duties, including for lack of consultation and retrospective effects. The Bill passed its second reading on 9 October 2025. It has been described by Māori leaders as a major act of *raupatu* (territorial confiscation), and continues a long history of the Crown government legislating over the top of established court findings which were protective of Māori proprietary interests (particularly in relation to the foreshore and seabed) and treaty obligations.

Resource Management Changes

In 2024, the Resource Management (Freshwater and Other Matters) Amendment Act excluded key Te Mana o te Wai hierarchy provisions from consent decision-making (while leaving the concept in plans), weakening freshwater protections co-developed with iwi and undermining mahinga kai and health-related rights. In 2025, the Resource Management (Consenting and Other System Changes) Amendment Bill advanced through committee with significant late amendments; debate recorded concerns that new section-70 settings could allow permitted discharges that worsen water quality (e.g., conspicuous clarity changes, water unfit for stock), entrenching environmental inequities for Māori communities already disproportionately affected by degraded waterways.

Crown Minerals

Parliament enacted the Crown Minerals Amendment Act 2025 (5 Aug 2025), reversing the 2018 ban on new offshore oil and gas exploration and changing the purpose back to "promote prospecting, exploration and

mining," alongside a more flexible (ministerial-discretion) decommissioning/"trailing liability" regime. These shifts predictably heighten climate and marine risks borne disproportionately by Māori and Pacific communities, and were advanced without guarantees of free, prior and informed consent.

Fast-Track Approvals

The Fast-Track regime centralises decisions, compresses timeframes and can revive projects with significant effects on taonga species, wāhi tapu and customary fisheries, curtailing effective Māori participation. A current example is the Waipiro Bay Marina (Bay of Islands): on 4 Aug 2025 the Minister accepted referral of a 250-berth commercial marina (with dredging, reclamation, fuels, hospitality), sending it to a panel under the Fast-Track Approvals Act 2024. While some iwi/hapū engagement steps are directed, the pathway still bypasses ordinary RMA checks and lengthier consultation, intensifying distributional and cultural risks for tangata whenua.

EDUCATION AND RESEARCH

Te Reo Māori, Mātauranga Māori and Te Tiriti o Waitangi in Education

In March 2025 the Minister for Education proposed that the Government stop funding 174 roles in resource education for literacy and Māori from next year, in addition to **cutting over $30 million in funding** to Te Ahu o te Reo, a program aimed to increase reo Māori proficiency amongst teachers. This is further layered upon **removal of resources that include te reo Māori** for use in structured literacy[40], and a review of the New Zealand curriculum that has been highly criticised as assimilative and exclusionary of mātauranga Māori and Te Tiriti o Waitangi[41]. The retrogressive **"curriculum reset"** removes important special measures designed to address generations of assimilative education in Aotearoa as the basis for enduring racism throughout society.

Changes to Research Funding

In 2024, the Minister for Science, Innovation, and Technology, Hon Judith Collins KC, issued new directives targeting spending within her portfolio to specific sciences. Changes to the terms of the Marsden Fund, a major source of science and research funding in Aotearoa-New Zealand, "**explicitly exclude research areas in the social sciences and humanities** that were previously eligible", resulting in an estimated loss of $16.4 million annually to social science research funding.[42] While the Minister has stated that the fund will continue to resource research relating to health, many projects funded under the social science and humanities directly contribute to health and wellbeing, and it is expected that the loss of research in this area will result in a racialised stagnation of progress towards health and wellbeing goals. This is likely compounded by recent **changes to health research funding**, that include a reduction in budget and changes to funding guidelines for the Health Research Council.[43]

It is further expected that these funding changes will have disproportionate impacts for research that incorporates Mātauranga Māori (Māori science and knowledge frameworks), which still, within the science sector, experiences racist exclusionary attitudes and policies. It will also diminish Aotearoa-New Zealand's ability to honour its commitments under Te Tiriti o Waitangi, alongside the important work done within the science sector towards meaningful partnership and redressing harms caused by colonisation.

These changes are likely to result in the loss of researchers, with a disproportionate impact on Māori and Pacific researchers, a significant number of whom are engaged in social science, humanities and health research. For example, in 2024 Māori researchers represented 13 percent of funded investigators.[44] However, without the social sciences and humanities funding, that number would have dropped to only 5.5 percent. As noted by Victoria University scholars, *"Such policies reflect coded attacks on Indigenous scholarship, devaluing methodologies that do not conform to Western paradigms and research interests that do not align with political priorities".*[44]

Research is critical to achieving New Zealand's commitments to human rights, including the elimination of racism. The National Iwi Chairs Forum submits that these changes in priority and funding directly contravene Article 7 of ICERD, which recommends that "States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination".

JUSTICE

Gangs Legislation Act 2024 and Sentencing (Reform) Amendment Act 2024

New Zealand's incarceration rate is among the highest in the OECD, with Māori disproportionately affected at every stage of the system. In 2017 the CERD expressed concern that Māori remain overrepresented in arrest, prosecution, conviction, imprisonment and re-imprisonment, recommending that New Zealand address root causes and ensure justice and social initiatives are built on transparent, Māori-led partnerships. In 2024, the government passed the Gangs Legislation Act and Sentencing Amendment Act, intensifying punitive measures instead of tackling systemic causes of hyper-incarceration.

Key provisions in the Gangs Legislation Act 2024 include:

- Prohibition on gang insignia in public, punishable by up to six months imprisonment or a $5,000 fine.
- Police power to issue dispersal notices to gatherings of three or more suspected gang members.
- Non-consorting orders preventing association or communication between specified offenders for up to three years (breach punishable by five years' imprisonment or $15,000 fine).
- Gang membership as an aggravating factor in sentencing.
- Gang Insignia Prohibition Orders (GIPOs), allowing searches of private residences.

Māori make up an estimated 70–80% of gang membership and 83% of those charged under these laws, reflecting systemic legacies such as the state care system and they way in which the government classifies gangs and gang membership. The Attorney-General found the Bill inconsistent with the New Zealand Bill of Rights Act 1990, violating freedoms of expression, association and assembly. The Law Society also warned of unreasonable searches under GIPOs. These laws reinforce racial profiling of Māori and Pacific peoples, breaching UNCERD General Recommendation No. 36 (2020) on preventing racial profiling by law enforcement.

The Legal Services Amendment Act 2024

The Legal Services Amendment Act 2024 removes legal aid funding for Section 27 reports under the Sentencing Act 2002. These reports provide judges with comprehensive insights into the personal, familial, and cultural background of someone before the courts, often highlighting systemic factors contributing to alleged harm, and enabling judges to provide more targeted sentencing measures. The New Zealand Law Society stated that the Act "strikes at the rights of all to equal access to justice", going on to note:

> *Defunding the availability of these reports through legal aid will have a more pronounced effect on Māori, who remain overrepresented in the criminal justice system. But we must be clear here – despite common sentiment, this is not an issue of certain ethnic groups receiving more favourable sentences, and it is not about simply reducing sentences. The provision of these reports is about equitable, effective, and tailored sentencing outcomes. The reports serve a range of individuals across all ethnic groups, many of whom come from lower socio-economic backgrounds*.[45]

Given that such reports may still be purchased by those from more advantaged socio-economic backgrounds, and the racialised nature of economic privilege, significant concerns have been raised that the Act may drive further racialised inequity within the justice system.

In its departmental disclosure statement, the Ministry of Justice has noted:

> *it is unclear how the [act] fits with New Zealand's international commitments, such as the international convention on the elimination of all forms of racial discrimination. Māori are over-represented in the criminal justice system, and the funding change may exacerbate this disparity, as a high proportion of Māori and Pacific peoples offenders receive a legally-aided section 27 report, compared with New Zealand European and others. Due to the time constraints, though, no steps have been taken to conclusively determine the effect of this bill.*[46]

When assessed for alignment with Te Tiriti o Waitangi, the Ministry of Justice responded that it had consulted with the Ministry for Māori Affairs, who did not support the policy, however no further consultation with Māori took place. The NICF agrees that this Act significantly undermines equitable access to justice, with racialised impacts upon Māori, Pacifica and other minoritised racial groups who experience socio-economic deprivation.

SUPPRESSION OF LANGUAGE AND CULTURE

Since 2024–25, senior Ministers have publicly questioned the place of tikanga such as karakia in state settings, framing it as "spiritual" practice that should be dropped from public institutions and even linking cultural protocols and cultural impact processes to higher power and food bills.[47] These ministerial statements—delivered at national sector forums and defended in subsequent media—signal a **policy preference to strip tikanga from normal public-sector practice** and risk a chilling effect on everyday Māori cultural expression in workplaces and meetings.

This is layered over recent moves by the Crown government to remove the Treaty clause from the Resource Management Act, further diminishing how Māori interests and cultural factors such as kaitiakitanga and tikanga are treated in planning law and processes.[48]

Finally, in June 2025 the House adopted the Privileges Committee's recommendation to suspend three Te Pāti Māori MPs (two for 21 days; one for 7 days) for conduct during a haka performed in the Chamber while the House was voting. Although officials stressed the penalties were for disorder and "intimidation" rather than the haka itself, the unprecedented severity has been widely read as chilling Māori cultural and political expression inside Parliament.[49]

Since the 2023 general election, the coalition Government has implemented several policies that have been widely criticised as detrimental to te reo Māori. The government committed through the coalition agreement to direct public services to prioritise English in official communications, excepting services that are "specifically relevant to Māori", and instructed all Ministries and departments to use their English names predominantly. The government further undermined visibility and normalisation of te reo Māori in public life by reducing funding by 64% to Aotearoa Reorua (Bilingual Towns and Cities), an initiative to assist councils, businesses, groups and individuals adopting bilingual or te reo Māori signage in public spaces.

Initiatives that support the presence and development of te Reo Māori in the public service have also been drastically reduced. In December 2023, Public Service Minister Nicola Willis announced plans to prevent the inclusion of te reo Māori proficiency bonuses in future collective employment agreements.[50]

Collectively, these policies have held a detrimental effect upon the normalisation and development of te Reo Māori, and amount to a regression in Māori cultural rights.

RACIALISED MISCONDUCT BY ELECTED OFFICIALS

Propaganda And Abuse By Elected Officials

Throughout this current Government's term, elected officials have engaged in multiple instances of incitement of hate based on race, including through disinformation. In March 2024, Deputy Prime Minister Winston Peters made repeated comments that incited hate towards Treaty justice measures such as designated safe spaces for minoritised racial groups or co-governance, for example:

> *Some of our Universities have become a haven of 'woke cultural brainwashing' – where they teach, and clearly actively participate in, dangerous rhetoric and demonstrable race-based practices… They try to justify their actions by attributing it to some sort of 'moral cultural crusade' and wilfully ignore the direct comparisons to the KKK and the apartheid way of thinking where we are divided by race.*(49)

> *…where some people's DNA made them better than others. The left had simply run roughshod over society… And from this academic deceit and legal misconstruction have come all manner of demands based on ethnicity of race inevitably to the benefit of self-appointed Maori elite.*(52)

The mis-characterisation of Māori leaders as "self-appointed elite" and of co-governance as apartheid or nazism directs hate towards Māori and towards Treaty justice initiatives.

Minister Peters has also been criticised for using racially hostile language towards Mexican and Chinese New Zealander MPs in Parliament, stating:

> *The very people who are here on the very refuge that we give to them have come here with their ideas, foreign to our country, native to theirs, and they wish to impose them upon our Parliament. No, you don't. You're not going to succeed here. You might be laughing now, you might be laughing now, but you'll be crying tomorrow. Come to this country, show some gratitude*.(53)

Such accusations operate upon xenophobic replacement theories and are designed to frame migrants as a risk to national identity. Throughout the same debate, Minister Shane Jones also called out:

> "Call Mr. Trump, call Mr. Trump! Send the Mexicans home!"

Further xenophobic commentary from the same elected official (Minister Jones) occurred in September 2025, when he remarked to press that Indian surnames such as "Singh" and "Patel" represented a significant, "irreversible" shift in the "demography, character and the make-up of society", inferring that the demographic shift was intentional and should be "campaigned on".(54)

Language such as this contributes to fear-based disinformation narratives such as the "great replacement theory", increasing hostility towards non-European migrant New Zealanders and contributing towards unprecedented levels of threats and harassment towards marginalised New Zealanders, politicians and political candidates.

Weaponisation of Human Rights Language

There has been a consistent warping of human rights language by elected officials in an attempt to pass legislation that would harm human rights for tangata whenua and minoritised racial groups. As examples, both the Treaty Principles Bill and the Regulatory Standards Bill discussed above were advanced under mischaracterisations of Treaty-based provisions (often aligned with UNCERD recommendations for affirmative action) as "race-based", "racist" and "unfair", whilst mis-aligning "equality" with sameness. In his oral submission before the parliamentary select committee on the Treaty Principles Bill, Deputy Prime Minister David Seymour made numerous statements which decontextualised and misrepresented human rights terminology, including:

What we've witnessed in recent decades, as the courts in the Waitangi Tribunal have sought to define the principles of the treaty, is incompatible with freedom under the law, with a free society where each of us have equal rights…

Dividing people into racial groups is the definition of racism…

The belief that roles in society should be preserved with race as the primary qualifier is the definition of racism, something we abhor, should give nothing to, and should all do everything in our power to expunge from our society…

Using race or your ancestral background as a way of deciding who needs help is simply ineffective… (55)

Similar arguments were also utilised to defend and promote the Regulatory Standards Bill, which also operates upon a conflation of equality with sameness.

We note that such warping of human rights has been addressed by previous CERD committees, particularly in General Recommendation No. 32 (2009) which confirms that special measures designed to correct a racialised injustice (ie affirmative action) are *not* discrimination and should not be deemed as such.(56)

The NICF reiterate our concerns that elected officials are weaponising human rights language in order to exploit racial tensions for political advantage.

RECOMMENDATIONS

1. The Committee **invoke its Early Warning/Urgent Action procedure** in relation to New Zealand, in light of the systemic legislative rollback and incitement of racial hatred.
2. The Committee **appoint a rapporteur** for enhanced follow-up and request an **in-country consultation** with Māori and other affected communities.
3. The Committee **urge the State party to issue a standing invitation to CERD members, the SRRIP, and the Special Rapporteur on Contemporary Forms of Racism**, to investigate and report on the situation in Aotearoa.

Te Tiriti o Waitangi & Constitutional Issues

4. Urge the State party to **abandon the Treaty Clause Review and the Regulatory Standards Bill**, and cease all actions that seek to reinterpret Te Tiriti o Waitangi or limit its political status and application.
5. Recommend that the Crown **formally recognise Te Tiriti o Waitangi and He Whakaputanga as the authoritative constitutional foundation of Aotearoa New Zealand**, and engage in genuine partnership with Matike Mai Aotearoa to progress towards constitutional justice.
6. Call for the State to **cease political attacks on the Waitangi Tribunal**, guarantee its independence, and provide it with adequate resources.

Racism, Hate Speech & Democratic Participation

7. Recommend that the State **re-establish work on hate speech legislation**, consistent with CERD General Recommendations 35 and 36, and reverse the cessation of responses to the Christchurch Royal Commission recommendations.
8. Call upon the State to work with the National Iwi Chairs Forum on **recognition and**

implementation of the People's Action Plan Against Racism.

9. Call on the State to **prohibit incitement to racial hatred by elected officials**, ensure accountability mechanisms for racialised propaganda, and adopt codes of conduct for Parliamentarians aligned with ICERD.
10. Call upon the State to **prohibit the use of human rights language against affirmative action measures.**
11. Urge reinstatement of measures to **protect Māori democratic participation**, including Māori wards and prisoner voting rights, and review recent electoral reforms to ensure they do not disproportionately disenfranchise Māori.

Health, Housing & Social Rights

12. Recommend reinstating and strengthening **Te Aka Whaiora (Māori Health Authority)** or equivalent Māori-led institutions ***as defined by Māori*** to uphold Māori health rights.
13. Call for the State to **end the Minimum Wage Exemption Scheme** for disabled workers and ensure equitable employment rights for Tāngata Whaikaha Māori.
14. Recommend reforms to tenancy law to **restore protections against no-cause evictions**, with special regard to the disproportionate impacts on Māori, and minoritised non-Māori households.
15. Ensure that food security programmes, such as Ka Ora Ka Ako, are **adequately funded, culturally appropriate, and delivered with community/iwi involvement**.

Children, Families & Justice

16. Urge the State to **retain Section 7AA of the Oranga Tamariki Act** and commit to a "whānau-first" policy for Māori children in care.
17. Recommend withdrawal of military-style academies and punitive youth justice reforms, and instead invest in **Māori-led, restorative and preventative initiatives**.
18. Call for repeal of discriminatory gang and sentencing laws that disproportionately affect Māori, and for **restoration of funding for Section 27 reports** to ensure equitable sentencing.

Education, Language & Culture

19. Recommend that the State **restore and expand funding for Te Reo Māori education and revitalisation**, including teacher training and bilingual signage initiatives.
20. **Request detailed information** (within 90 days) on curriculum reforms since 2023, including how Te Tiriti and mātauranga Māori are embedded across all learning areas; evidence of Māori co-design/FPIC; and impact assessments on Māori learners.
21. **Urge immediate non-regression**: restore the Treaty-honouring, mātauranga-centred architecture (as in *Te Mātaiaho* 2021–23); ring-fence resources for reo/tikanga integration; and publish a time-bound plan to close Māori attainment gaps consistent with **arts. 2(2), 5(e)(v), 7**.
22. Call for **protection of tikanga Māori, te Reo Māori and Māori cultural expression** within Parliament and public institutions.
23. Recommend **reinstatement of funding** for social science and mātauranga Māori research to fulfil obligations under Article 7 ICERD.

Environment & Climate

24. Urge **withdrawal of the Marine and Coastal Area Amendment Bill** and other environmental

reforms that raise barriers to Māori customary rights.

25. Call for **repeal or amendment of the Fast-Track Approvals Act** to ensure **Māori free, prior and informed consent (FPIC)** in environmental decision-making.
26. Recommend **restoration of climate commitments** consistent with UNDRIP and CERD guidance, recognising the disproportionate impact of climate disasters on Māori and racially minoritised communities.

International Obligations & Foreign Policy

27. Recommend that the State adopt a **clear presumption against arms exports and defence cooperation with Israel**, in line with CERD's Early Warning/Urgent Action measures and the ICJ Advisory Opinion.
28. Call for the State to **recognise Palestinian statehood** as part of its obligations under Articles 2 and 3 of ICERD to prevent complicity in apartheid and segregation.
29. Recommend **re-commitment to UNDRIP implementation**, adopt a position that views UNDRIP and Te Tiriti o Waitangi as mutually complementary rather than contradictory.

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GLOSSARY

Māori Term / Placename	Explanation
Aotearoa	Māori name for New Zealand. Literally “long white cloud.”
Aotearoa Reorua	“Bilingual Aotearoa” – initiative supporting bilingual towns and cities through te reo Māori signage and visibility.
Hapū	Extended kinship group and political unit within iwi.
Hauraki Gulf	A coastal area in the North Island (Hauraki Gulf Marine Park Act is referenced).
He Whakaputanga o te Rangatiratanga o Nu Tireni	The 1835 Declaration of Independence of the United Tribes of New Zealand, asserting Māori sovereignty.
Iwi	A large kinship based nation, often descended from a common ancestor.
Ka Ora, Ka Ako	“Healthy and Well Students Learn” — national school lunch programme established to address food insecurity.
Kāinga Ora	Government agency for housing and urban development. Literally “living place of wellbeing.”
Kaitiakitanga	Guardianship, stewardship — a customary Māori approach to protecting communities, the environment and resources.
Karakia	Prayer or invocation, often used to open or close gatherings.

Mahinga kai	Customary food gathering practices.
Marae	Communal meeting place that serves as a focal point for Māori communities.
Mātauranga Māori	Māori knowledge systems, including science, philosophy, and cultural practices.
Matike Mai Aotearoa	Independent report and movement led by Māori to explore models for constitutional transformation.
Oranga Tamariki	Government child welfare agency. Literally “the wellbeing of children.”
Pae Ora	“Healthy Futures” — policy framework and legislation for Māori health.
Rangatahi	Youth, younger generation.
Raupatu	Land confiscation, usually by the Crown during the colonial period.
Tangata Whenua	Indigenous people of the land — Māori.
Tāngata Whaikaha Māori	Māori disabled people; “people with strength” (a mana-enhancing term for disability).
Taonga	Treasures — can refer to physical objects, natural resources, language, or cultural treasures.
Tapu / Wāhi Tapu	Sacred or spiritually significant; wāhi tapu = sacred sites.
Te Aka Whaiora	The Māori Health Authority (est. 2022, later disestablished). Literally

	“the vine of pursuit.”
Te Ahu o te Reo	Government programme to support teachers’ te reo Māori proficiency.
Te Kuku o Te Manawa	“The core of the heart” — title of a report by the Children’s Commissioner on child uplifts.
Te Mana o te Wai	“The authority of the water” — freshwater management framework placing water’s health first.
Te Pāti Māori	A political party founded in 2004, specifically focussed upon Māori interests.
Te Reo Māori	The Māori language.
Te Tiriti o Waitangi	The Māori language text of the Treaty of Waitangi, signed in 1840 between Māori rangatira and the Crown.
Te Tūāpapa Kura Kāinga	Ministry of Housing and Urban Development.
Tīpuna	Ancestors.
Tikanga	Māori customary law, protocols, correct ways of doing things.
Tino rangatiratanga	Absolute authority, self-determination; guaranteed to Māori under Te Tiriti.
Wāhi tapu	Sacred sites, often associated with ancestral events or burials.
Whakapapa	Genealogy, lineage, connections between people and the natural world.

Whānau	Extended family group.
Whanaungatanga	Kinship, relationships, sense of belonging and connection.
Whenua Taurikura	National research centre established post-Christchurch attacks to counter terrorism. Literally “lands of peace.”

APPENDIX 1 TABLE OF BREACHES

STATE ACTION	RELEVANT BREACH
Coalition Agreement	CERD Articles 2,5,6,7; General Recommendations No. 23, 31, 32, 35, 37; 2017 Concluding observations (CERD/C/NZL/CO/21–22)
Abandonment of National Action Plan Against Racism	CERD Articles 2, 5 & 7; General Recommendations No. 23, 30, 31,32, 34, 35, 36, 2017 Concluding observations (CERD/C/NZL/CO/21–22)
TIRITI ASSAULT	
Treaty Principles Bill	CERD Articles 1–5; General Recommendations No. 23, 32; 2017 Concluding Observations (CERD/C/NZL/CO/21–22)
Regulatory Standards Bill	CERD Articles 1–5; General Recommendations No. 23, 32; 2017 Concluding Observations (CERD/C/NZL/CO/21–22)
Treaty Clause Review	CERD Articles 1–5; General Recommendations No. 23, 32; 2017 Concluding Observations (CERD/C/NZL/CO/21–22)
Waitangi Tribunal Hostility & Treaty Racism	CERD Articles 2, 4,5,6 & 7; General Recommendations 23, 31,32,35,36,37; 2017 Concluding Observations (CERD/C/NZL/CO/21–22)
HEALTH & DISABILITY	
Disestablishment of Te Aka Whaiora Māori Health Authority	CERD Article 5 (Right to Health); General Recommendation No. 37
Changes to Disability Funding	CERD Articles 2, 5 & 6; General Recommendations Nos 23, 32, 37; 2017 Concluding Observations (CERD/C/NZL/CO/21–22)
Minimum Wage Exemption Scheme	CERD Articles 2, 5, & 6; General Recommendations 23, 32 & 37, Concluding Observations (CERD/C/NZL/CO/21–22)
Residential Tenancies Amendment Act 2024	CERD Articles 2, 5 & 6; General recommendations 23, 37; Concluding Observations (CERD/C/NZL/CO/21–22)

CHILDREN AND FAMILY	
Oranga Tamariki (Responding to Serious Youth Offending) Amendment Bill	CERD Article 6; 2017 Concluding Observations (CERD/C/NZL/CO/21–22)
Oranga Tamariki (Repeal of Section 7AA) Amendment Bill	CERD Articles 2, 5, & 6. General Recommendations 23,32,31,35, 37, (CERD/C/NZL/CO/21–22)
Defunding & Centralisation of Ka Ora Ka Ako	CERD Article 5 (Right to Health); General Recommendation No. 37
RACIALISED DEMOCRATIC CORROSION	
Māori Ward Rollback	CERD Articles 2, 5(c); General Recommendation No. 32
Reinstatement of Prisoner Voting Ban	CERD Articles 2, 5; General Recommendations 23, 30; 2017 Concluding Observations (CERD/C/NZL/CO/21–22)
Electoral Amendment Bill	CERD Articles 2, 5, 6; General Recommendations 23 , 30; 2017 Concluding Observations (CERD/C/NZL/CO/21–22)
INTERNATIONAL OBLIGATIONS & FOREIGN POLICY	
Palestine	CERD Articles 2, 3, 4, & 7; General recommendations 19, 35, 36, 37; CERD EWU_10086; ICJ Advisory Opinion 2024
UN Declaration for the Rights of Indigenous Peoples	CERD Articles 2, 5, &6, General recommendations 23, 32; 35; 37; 2017 (CERD/C/NZL/CO/21–22)
RACIALISED ENVIRONMENTAL LEGISLATION	
Crown Minerals Amendment Bill 2024	CERD Articles 2, 5 & 6; General Recommendations 23, 32; 35; 37; 2017 (CERD/C/NZL/CO/21–22)
Marine and Coastal Areas Act Amendments	CERD Urgent Procedures 2005–2007; Articles 2, 5 & 6; General Recommendation 23, 32 & 37; Concluding observations/decisions: CERD Decision 1(66) (2005) & Decision 1(67) (2007) — Foreshore and Seabed; 2017 (CERD/C/NZL/CO/21–22)
Resource Management Changes	CERD Articles 2, 5, 6; General Recommendations 23, 32, 37; 2013 Report of the Independent Expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, John H. Knox A/HRC/25/53; 2017 (CERD/C/NZL/CO/21–22)
Fast Track Approvals Act 2024	CERD Articles 2, 5 & 6; General Recommendations No. 23, 32; 35; 37, 2017 Concluding Observations (CERD/C/NZL/CO/21–22)

JUSTICE	
Gangs Legislation Act 2024 & Sentencing (Reform) Amendment Act 2024	CERD Articles 2, 5 & 6; General Recommendation No. 36; Concluding Observations (CERD/C/NZL/CO/21–22)
Legal Services Amendment Act 2024	CERD Articles 2, 5 & 6; General Recommendations 31 & 32; 2017 Concluding Observations (CERD/C/NZL/CO/21–22)
EDUCATION AND RESEARCH	
Te Reo Maōri, Mātauranga Māori and Te Tiriti o Waitangi in Education	CERD Articles 2, 5 & 7; General Recommendations 23, 32; 37, 2017 Concluding Observations (CERD/C/NZL/CO/21–22)
Changes to Science Funding	CERD Articles 7 & 5; General Recommendations 23, 32, & 37; 2017 Concluding Observations (CERD/C/NZL/CO/21–22)
Defunding of Te Ahu o Te Reo	CERD Articles 2,5, & 7, General Recommendations 23, 31, 32, 37; Concluding Observations (CERD/C/NZL/CO/21–22)
SUPPRESSION OF LANGUAGE AND CULTURE	
Stripping tikanga and reo from public services	CERD Articles 2,5, & 7, General Recommendations 23, 32, 37; Concluding Observations (CERD/C/NZL/CO/21–22)
Suspension of Maōri MPs for haka	CERD Articles 2,5, & 7, General Recommendations 23, 31, 32, 35, 37; Concluding Observations (CERD/C/NZL/CO/21–22)
Reduction of reo funding to Aotearoa Reorua	CERD Articles 2,5, & 7, General Recommendations 23, 31, 32, 37; Concluding Observations (CERD/C/NZL/CO/21–22)
HATE SPEECH AND HATE CRIMES	
Racialised Propaganda and Abuse by Elected Officials	CERD Articles 2, 4, 5 & 7, General Recommendations 15, 30, 35, 36, 37; Concluding Observations (CERD/C/NZL/CO/21–22)
Weaponisation of Human Rights Language	CERD Articles 2, 4, 5 & 7, General Recommendations 32, 35, 23, 37; Concluding Observations (CERD/C/NZL/CO/21–22
Cessation of Christchurch Royal Commission Recommendations	CERD Articles 2, 4, 5, 6 & 7; General recommendation No.s 30, 31, 35, 36, 37; 2017 Concluding Observations (CERD/C/NZL/CO/21–22); 2023 CERD Early Dialogue; CERD follow-up procedure 2022