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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Seventy-first session

SUMMARY RECORD OF THE 1822nd MEETING

Held at the Palais Wilson, Geneva,
on Thursday, 2 August 2007, at 10 a.m.

Chairperson: Mr. de GOUTTES

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The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 6) (continued)

Fifteenth to seventeenth periodic reports of New Zealand (CERD/C/NZL/17; HRI/CORE/NZL/2006) (continued)

1. At the invitation of the Chairperson, the members of the delegation of New Zealand resumed their places at the Committee table.

2. Mr. de BRES (New Zealand Human Rights Commission), speaking at the invitation of the Chairperson, said that it was the first time that the Commission had appeared in its own right before a United Nations treaty body. He was gratified that the Country Rapporteur had made use of the New Zealand Human Rights Commission's report Race Relations in 2006, which had identified various challenges. He believed that the Government appreciated the importance of those challenges, but would welcome their reaffirmation by the Committee.

3. The Commission had received additional funding for the next four years in the May 2007 budget, representing an annual increase of 20 per cent. In July 2007 the Government had responded to the New Zealand Action Plan for Human Rights, developed by the Commission. The Action Plan would be referred to chief executives of government departments, who would indicate their priorities for action. The Commission would monitor their progress, which would include undertaking a mid-term review. He recognized that many actions were already under way, despite the delay in a formal government response.

4. Throughout the 2004-2006 public debate on special measures, the Commission had drawn attention to the provision for special measures in the Convention, the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993. The Action Plan had identified public education about the nature of special measures as a priority. They should not be confused with the Government's obligations under the Treaty of Waitangi, indigenous rights or general social and economic measures tailored to particular ethnic groups. Earlier in 2007 the Commission had issued guidelines on measures to ensure equality.

5. The Commission shared the concerns expressed by the Committee about the criminal justice system, imprisonment rates and domestic violence. The current rates of imprisonment, particularly of young people, and the damage being done to families through domestic violence were unsustainable. The Government had expressed its commitment to addressing those issues and had introduced a wide range of measures, but he hoped that the Committee would highlight the urgent need to achieve significant progress.

6. With regard to the Committee's concerns on constitutional matters, the Commission had proposed, in its Action Plan, a "constitutional conversation" to develop public understanding of the complex issues involved, which required public support. The Commission remained reluctant to prescribe particular solutions because of the need for extensive and careful debate by Maori and other New Zealanders. He would welcome support for the Commission's view. Having just completed a three-year community dialogue project on human rights and the Treaty of Waitangi, the Commission considered that more time was needed before solutions could be identified.

7. The essence of the Committee's previous recommendations on the Foreshore and Seabed Act 2004 remained appropriate. The Act had produced deep divisions in society and the responsibility to heal them did not fall solely to the elected Government of the day. The Commission hoped that more common ground could be found in Crown-Maori relationships in that and other areas, given that both sides had expressed a desire to guarantee public access and Maori customary rights to the foreshore and seabed, but recognized that the process would take time.

8. He outlined the main directions of the Commission's work programme for race relations over the next two years, as set out in its Statement of Intent 2007-2008.

9. Various legislative and policy developments in the coming months represented significant opportunities for strengthening the human rights and race relations framework in New Zealand. The Commission had made submissions emphasizing the need for specific references to respect for human rights in a new Policing Act, references to international treaty obligations in the Immigration Act, and the inclusion of human rights, diversity and the Treaty of Waitangi as fundamental principles in the new school curriculum, together with appropriate recognition and prominence for the Maori language. The Government appeared to be taking the Commission's concerns into account, particularly with regard to the curriculum.

10. He hailed the extraordinary turnaround in the status of the Maori language 20 years after the entry into force of the Maori Language Act 1987, which had been the result of laudable concerted efforts between Government and communities. In its Action Plan, the Commission drew attention to the serious decline in the languages of Niue, the Cook Islands and Tokelau and the responsibility of the New Zealand Government to confront it, given that the majority of people from those territories lived in New Zealand, and advocated a national languages policy to address language diversity.

11. He expressed the hope that the Committee's concluding observations would be accepted by the country's Government and people and would strengthen confidence in the value of critical evaluation by an international committee of experts. The Commission would continue to play its part in promoting the importance of international accountability under the Convention.

12. The CHAIRPERSON expressed the hope that the practice of allowing national human rights institutions to address its sessions would continue, particularly since it gave voice to civil society.

13. Mr. MACKAY (New Zealand) explained that "the Crown" was a legally complex but important term referring to the executive branch of government in New Zealand, which comprised the Executive Council, the public service and some statutory bodies. The Treaty of Waitangi had been entered into by the British Crown but was now enforced by the Crown in right of New Zealand.

14. He clarified that, even though Maori were a Pacific people in the broader sense, they were not included in the Pacific peoples grouping for statistical purposes, since Maori occupied a special position as the original inhabitants of New Zealand. In 2006, the census had for the first time given people the opportunity to identify themselves simply as "New Zealander", although no specific definition was given for the term. All ethnicity responses to the census were based on

self-identification and respondents could choose to identify themselves as belonging to more than one ethnic group. However, New Zealand shared the Committee's general preference for statistics on ethnicity being disaggregated.

15. Although he had no precise figures, he affirmed that New Zealand had a high level of intermarriage between different groups, as evidenced by, among other things, the fact that approximately half the Maori population also identified with other ethnicities. Interaction was one of the strengths of the country's society, in which all groups lived together without segregation.

16. With regard to making a declaration under article 14 of the Convention, he stated that the matter was still under consideration.

17. Mr. TAMAHORI (New Zealand) clarified the role of Te Puni Kōkiri (Ministry of Maori Development), emphasizing that it did not represent Maori, speak for them or define their choices. It would not, for example, offer an answer to the question "How do Maori feel about being governed?" which should instead be addressed to Maori and their leaders. It could, however, answer questions in relation to certain accepted positions, such as the fact that Maori were and always would be the indigenous people of New Zealand, and that the Treaty of Waitangi was the founding document of New Zealand and defined the relationship between Maori and Government. Maori had certain rights which were not shared with later settlers, including both pre-existing customary rights and those deriving from the Treaty of Waitangi or common law.

18. The varying effects of Maori history had had perplexing and long-lasting consequences for health, education, social cohesion, governance and tribal infrastructure which were mirrored in many colonized indigenous communities and which had been commented on by the Country Rapporteur and Committee, but the downward spiral of social disparity had slowed in the previous 20 years, beginning with the recovery of the Maori language. The catalyst for change had been Maori action to improve their own situation. Dialogue with the Government had led to greatly increased involvement in programmes and initiatives affecting Maori life and well-being, and support programmes were increasingly being delivered through Maori providers. It was possible to be educated in the Maori language from early childhood to the post-tertiary level in Maori owned and managed institutions, with similar examples in the area of health, family support and rehabilitation, all Government funded. A Maori reference group had provided advice to the ministry-led task force against family violence, to ensure that Maori perspectives were taken into account and that actions were culturally relevant and effective, and it would contribute to reviewing progress. Some actions had focused specifically on Maori, such as Project Mauriora, which had trained over 200 practitioners in appropriate standards based on fundamental Maori values.

19. Following the depredation of the Maori economy in the colonial period, it was beginning to recover and build momentum, with several outstanding examples of recovery stimulated by tribes exploiting their commercial assets. The value of Maori commercial entities had grown substantially.

20. Maori were those who identified themselves as such, most commonly defined in New Zealand legislation as a member of the indigenous race of New Zealand or any descendant of such a person. References to any fraction or percentage of "Maori blood" had been ceased in the late 1960s, as they had been considered deeply insulting by Maori. Similarly, they would not tolerate the use of any term such as mestizo or "half-caste". Their membership of the Maori race derived from their heritage.

21. Ms. SMITH (New Zealand) said that detailed information on progress in settling historical grievances had been provided in the section of the periodic report on article 2.1 of the Convention, based on the precedent set in the previous periodic report, submitted in 2001 (CERD/C/362/Add.10). Similarly, the range of measures discussed under article 2.2 of the Convention followed the procedure in the previous report, with the addition of information on foreshore and seabed legislation and aquaculture settlement. On reflection, and subject to further dialogue with the Committee, it might be preferable, in the next periodic report, to include such information under article 6 of the Convention on effective remedies for violations of rights contrary to the Convention. Treaty settlements were not considered temporary measures.

22. Turning to immigration issues, she said that the Government continued to consider that it was preferable for the appeal and review procedures in the Immigration Act to be the primary means of resolving disputes about individual immigration decisions, rather than creating a parallel resolution process. Without the procedural bar, there was a risk that applicants would use the Human Rights Act process to delay immigration decisions and impede the operation of the immigration system. All persons arriving at the border who applied for refugee status remained at the Mangere Accommodation Centre until their status claims had been processed and their identity satisfactorily established. The Centre was an open centre and, while persons resident therein were subjected to a regime of compulsory residence and monitoring, they were permitted to leave the premises on a daily basis. Refugee status applicants were only deprived of their liberty if they represented a threat to New Zealand's security or were considered at high risk of absconding. Statistics for 2006-2007 showed that, of the 50 people who claimed asylum at the border, 12 had been in possession of identity documents and had been granted permits, 34 had been held in the Mangere Accommodation Centre, and 4 had been detained in a penal institution.

23. Regarding the personal security of detainees at a penal institution, the Government had agreed that the Department of Labour would undertake a scoping exercise around the establishment of a dedicated detention facility, in the context of the review of the Immigration Act. The Government had resolved to lift its reservations to publicly funded education for undocumented children. Access to health care was generally available regardless of immigration or health funding eligibility status. Health providers had legal and professional obligations to provide services irrespective of immigration status or ability to pay.

24. The primary role and functions of the New Zealand Human Rights Commission were to advocate and promote respect for, and understanding and appreciation of human rights, and encourage the development and maintenance of harmonious relations between individuals and among the diverse groups in society. The Commission was classified as an Independent Crown Entity and had a statutory duty to act independently. It comprised a Chief Commissioner, a Race Relations Commissioner, an Equal Employment Opportunities Commissioner and two part-time

Commissioners. The Commissioners were appointed on the recommendation of the Minister of Justice to the Governor-General, and were removed from office by the Governor-General in the event of incapacity affecting performance of duty, neglect of duty or misconduct, to be proved to the satisfaction of the Governor-General.

25. While Parliament could enact legislation that was inconsistent with the Human Rights Act, any legislation that was inconsistent with the right to be free from discrimination could be subject to a declaration of inconsistency made by the Human Rights Review Tribunal or the High Court, pursuant to the Human Rights Act. The Court of Appeal had also indicated that it would be willing to make declarations of inconsistency with the Bill of Rights Act in cases where inconsistencies between legislation and the Bill of Rights could not be justified. Such a declaration did not invalidate the legislation, but if a declaration was granted under section 92J of the Human Rights Act, the Executive was required to respond to the declaration and to table that response in Parliament. While the Human Rights Act and the Bill of Rights Act did not have supreme status, the courts had indicated on a number of occasions that those Acts were to be given precedence.

26. The Employment Relations Authority was an investigative body that resolved employment relationship problems by establishing the facts and determining the matter on the merits, if an employment relationship problem could not be resolved by agreement or through mediation. A person could choose to undertake proceedings for racial discrimination under the Human Rights Act or the Employment Relations Act 2000, but not both. According to statistics for the period 2000 to 2006 inclusive, the Authority had determined one racial discrimination case per year in 2001, 2002, 2003 and 2005, and five cases in 2004, with no cases in 2000 or 2006, and one racial harassment case per year in 2002, 2003 and 2005, with four cases in 2006 and no cases in 2000, 2001 and 2004.

27. Mr. VALENCIA RODRIGUEZ requested further information on the functions of the Waitangi Tribunal, and asked what the relationship was between the Treaty of Waitangi and the functions of the Ministry of Maori Development. He would appreciate more information on the programmes instituted under the aegis of the Ministry of Pacific Island Affairs in the context of the implementation of the Durban Declaration and Programme of Action, in order to reduce inequalities in respect of Pacific peoples, improve ethnic relations and protect the rights of migrants. He wondered how higher courts dealing with Maori territorial claims were composed, and whether they included Maori judges. He asked for further information on the court decisions taken on Maori lands.

28. He asked whether the government bodies responsible for health had ensured adequate representation of Maoris in the health system. Court personnel should be adequately trained to understand the culture of ethnic groups, and he wondered whether courts had judges or assessors from those groups. Consideration should be given to the possible over-representation of Maori in detention, particularly since there was no proof that ethnic origin had a direct correlation with delinquency rates.

29. Mr. LINDGREN ALVES said that he was pleased that the Government included the category “New Zealander” in its data collection, since it was neutral and meant that people of mixed race were not obliged to identify themselves with one specific category, such as European or Maori.

30. Mr. THORNBERRY said that the Committee had not issued a general recommendation on special measures, although it had held a number of discussions on the issue. Clarifications were still required on the relationship between special measures and equality, the justification for special measures and the limits of such measures, and on the relationship between special measures and minority rights and the relationship between special measures and indigenous rights. He welcomed the information provided on the relationship between language and culture recovery and the slowing down of social decline. Language and culture were intimately related to discrimination. He endorsed the use of the principle of self-identification, and there had long been recognition of the fact that interference in that process could lead to human rights problems, including violations of the right to privacy and expression of identity. He expressed concern about the discrepancy between the information provided by non-governmental organizations (NGOs) and that provided by the Government with regard to the situation since the enactment of the Foreshore and Seabed Act.

31. Ms. DAH said that, while she welcomed information on the language recovery programmes, she wondered whether their potential costs had been calculated, since such initiatives could be very expensive.

32. Mr. PILLAI asked what the impact had been of the study of the Ministerial Review Unit, on the number of programmes under the special measures category.

33. Mr. MACKAY (New Zealand) said that, although language recovery programmes were potentially costly, the Government felt that they were a particularly important aspect of preventing discrimination. Statistical information on the changes to programmes conducted under the special measures category as a result of the ministerial review was contained in the delegation's written replies, which had been circulated among the Committee members.

34. Ms. HARDY (New Zealand) recalled that the Treaty of Waitangi acknowledged the Crown's role to govern, the authority of Maori Chiefs and Maori rights as New Zealand citizens. Although a founding constitutional document, it was not directly enforceable in the courts, but it had legal force when incorporated into statute. Many statutes contained references to the Treaty's principles, including the Conservation Act 1987, the Resource Management Act 1991 and the Public Health and Disability Act 2000. Before entrenchment of the Treaty of Waitangi in constitutional law could be envisaged, the Government believed that further education and debate were needed. That opinion had been endorsed by the New Zealand Race Relations Commissioner and the Special Rapporteur on the situation of the human rights and fundamental freedoms of indigenous people.

35. The Waitangi Tribunal, a standing commission of inquiry established under the Treaty of Waitangi Act 1975, was authorized to investigate current government policy and legislation, together with claims by Maori that the Crown had acted in breach of the Treaty's principles. It could accept an exceptionally broad range of evidence and was not restricted by the rules applying to the court system. Operating with a quorum of three, including at least one lawyer and at least one Maori, the Tribunal mostly investigated historical claims concerning the dispossession of land and other resources as from 1840.

36. As a rule the powers of the Waitangi Tribunal were recommendatory. Its powers were theoretically binding, however, in the cases of certain categories of land. In view of the breadth

of subject matter and the time frame involved, Crown and Maori had so far chosen to negotiate the settlement of all historical claims. On the sole occasion when the Tribunal had begun to wield its binding powers, the parties had opted instead for a negotiated settlement. All such settlements had included a Crown apology and redress, and had helped to improve Crown-Maori relations. The Tribunal had adopted a flexible, modular approach to inquiries, enabling claimants to switch from judicial inquiry to negotiated settlement. Some claimants even preferred to bypass judicial hearings entirely and negotiate directly with the Crown. She added that the actions of Te Puni Kōkiri, the Ministry of Maori Development, were subject to the same scrutiny by the Waitangi Tribunal as any other government body.

37. The indigenous flora and fauna and cultural intellectual property (Wai 262) inquiry before the Waitangi Tribunal had been brought against the Crown in the early 1990s by members of six Maori communities. The hearing had just been completed and the Tribunal's verdict had not been announced. When summing up, the chairperson of the Tribunal had spoken of the Crown's unprecedented commitment to the Treaty.

38. A 2006 amendment to the Treaty of Waitangi Act had set 1 September 2008 as the cut-off date for lodging historical claims dating to between 1840 and 1992, the object being to settle all such claims by 2020 and allow Maori sufficient time to file claims, which could later be amended. The Waitangi Tribunal's jurisdiction had existed since 1985 and was well known among Maori. There was no evidence that the cut-off date would prejudice Maori claimants, nor did it reflect a reduced commitment by the Crown to reach settlements. Furthermore, contemporary claims were not affected by the cut-off date. In order to meet the aim of completing settlements by 2020, the Waitangi Tribunal's funding had been substantially increased, with the annual budget rising to $NZ 3.196 million, a 62 per cent increase compared with 2001-2002.

39. Turning to the Treaty of Waitangi Information Programme, she said that the intention had been to publicize material in the context of the Crown's desire to settle historical grievances. The Programme ought to make a valuable contribution to public engagement on that issue. No evidence had been produced to back claims from some quarters that the material was unbalanced. The reference in the periodic report to the contestability of history should not be interpreted as a refusal to account for historical wrongs. The Crown had offered a recorded account of history and had issued an apology in every historical claims settlement.

40. Under the Crown Minerals Act 1991, the Crown owned and managed nationalized minerals, including petroleum, in the national interest. That was considered to benefit Maori and non-Maori alike.

41. With regard to the implementation of the Foreshore and Seabed Act 2004, the delegation was mindful of the Committee's 2005 recommendations under its urgent action procedure (CERD/C/66/NZL/Dec.1). A detailed update had been provided in the State party's written replies. The negotiations held since 2005 with the Maori community over territorial customary rights had been intended to explore redress options that were acceptable to both parties and that were practicable within the local resource management and conservation regimes. Claimants could also apply for customary use rights orders before the Maori Land Court, whose judges were members of the Maori community appointed on the basis of their knowledge of Maori custom. The Government was taking a practical approach to the Committee's desire for the

legislation to be applied flexibly and its implementation to be monitored, but amendments to the legislation could not be considered until those processes had been fully tested. The discrepancy between the Government's account of the implementation of the Foreshore and Seabed Act and that submitted by civil society reflected the fierce debate that had been triggered by the legislation. The Crown was aware of the concerns expressed by the Maori community and was actively engaged in talks in accordance with the Committee's recommendations, and with the dialogue and mediation provisions of the Foreshore and Seabed Act, determining the nature and extent of the territory concerned and any associated redress before referring cases to the High Court, which could draw on expert advice if it saw fit.

42. Ms. SMITH (New Zealand) said that a set of measures, known as effective interventions, had been formulated in 2006 with a view to reducing the overall rate of imprisonment, which was on the rise. Several were part of the recently adopted Criminal Justice Reform Bill. The effective interventions included a more transparent and consistent approach to sentencing, through the establishment of a Sentencing Council and parole reform; the introduction of home detention for lower-risk offences; the introduction of community services; the creation of drug and alcohol treatment units in prisons together with special units to implement intensive rehabilitation programmes; and significantly increased provision of education and vocational training for prisoners.

43. Although the criminal justice system applied to all New Zealanders, Maori and Pacific peoples were over-represented at every stage in the criminal justice process. Five times as many Maori as non-Maori were arrested, prosecuted, convicted and imprisoned, apparently mainly for social and economic reasons. There was a lack of conclusive literature or research on the causes for the high Maori imprisonment rate, but it was hoped that the effective interventions would help to remedy the situation. Culture-specific responses might also be necessary, along with services offered by Pacific communities themselves, with which the Government worked closely. Partnerships had also been set up to develop crime prevention and community safety programmes. In May 2007, the Government had approved the Programme of Action for Maori, which included crime reduction plans, youth gang mediation, the reintegration of released prisoners, programme evaluation and research into the causes of offending. As part of the Plan, the Ministry of Justice would investigate the exercise of discretionary powers in the criminal justice system to identify the points of potential bias in the system and the potential impact of that bias on Maori and Pacific peoples.

44. The New Zealand Government took the issue of violence against women in all communities very seriously, as demonstrated in its material submitted to the Committee on the Elimination of Discrimination against Women. Various prevention strategies were being implemented and monitored at the highest government level. Following a successful pilot programme, it had been decided that all women admitted to hospital would systematically be asked whether they had been subjected to violence or undue pressure at home.

45. Reducing youth offending and the over-representation of young Maori in the youth justice system was a Government priority. In 2003, the Government had launched the Youth Offending Strategy, which included various proposals to improve services to Maori youth and families. New Zealand's written replies provided further details of action taken.

46. In response to the recommendations made in the Report on Combating and Preventing Maori Crime, produced by the former New Zealand Police Commissioner, the police had taken a number of initiatives. They included mandatory human rights training for staff; the review of the strategy on police responsiveness to Maori; the development and implementation of a crime reduction strategy in conjunction with Maori organizations (iwi); further training for iwi liaison officers; and the development of a national Maori warden project. The legislative basis for policing - the Police Act 1958 and Police Regulations 1992 - was being brought up to date. The police, public and all interested groups would be involved in the process. The first draft legislation would be disseminated in December 2007. There had been a marked improvement in ethnic diversity in the police force. Since 2001, the numbers of Maori had risen from 9.1 per cent to 11.3 per cent in 2007, Pacific peoples from 2.3 per cent to 4.4 per cent, and persons of Asian origin from 0.4 per cent to 1.6 per cent.

47. Mr. AMIR asked for further clarification of the decision-making process regarding the Treaty of Waitangi. He wished to know how it was ensured that the relevant decisions were accepted by the Maori community.

48. He noted that there was a high rate of reimprisonment of members of the Maori community and wondered what the New Zealand authorities were doing or planned to do to reduce it.

49. Ms. HARDY (New Zealand) said that the historical Treaty settlements were negotiated by representatives of claimant groups, who were mandated by their communities and reported back regularly to them. The draft settlement took the form of a bill which was debated in Parliament, since the settlement often involved changes in existing legal regimes. Both parts of the process were intended to ensure maximum transparency and elicit the support of indigenous communities.

50. Ms. SMITH (New Zealand) said that the effective interventions strategy, designed to reduce reoffending and hence reimprisonment, also took the causes of the phenomenon into account. More research was planned on the socioeconomic factors which contributed to reoffending in all population groups.

51. Mr. LEALEA (New Zealand) said that the increase in migrant groups, such as Pacific peoples and Asians, had not adversely affected the position of the Maori community. The Pacific peoples had ethnic and cultural ties with the Maori, and had benefited from the latter group's experiences of dealing with the Government in such areas as social services delivery and business development.

52. The Pacific Prosperity Strategy, comprising the Pacific Economic Action Plan (PEAP) and the Pacific Women's Economic Development Plan (PWEDP), covered education, workforce development, business development, creative and emerging industries, enterprise culture and

leadership. The strategy reflected the recent move from pure social development policies to programmes designed to promote social development by increasing economic prosperity. Improvements in living and welfare standards would, it was hoped, lead to better outcomes in the areas of crime and health. The Government would report on the strategy in three to five years' time.

53. The review of targeted policies and programmes referred to in paragraphs 54 and 55 of the report had not only considered whether the programmes in question were still needed. In some cases, such as the business development programmes run by the Pacific Business Trust, programmes had actually received more funding as a result of the review.

54. Members had asked about mother-tongue education in Pacific languages (paragraphs 127-128 of the report). Guidelines for formal language support programmes in the Niue and Tongan languages were now available, and the guidelines for Tokelau were due to be published in early 2008. In 2006 and 2007, the Government had funded language programmes intended to promote basic conversational proficiency, so that learners could go on to more formal education if they wished - the commitment had to come from the learners themselves. Resources for the Niue and Cook Island languages would be made available shortly.

55. Members had asked about the position of Pacific peoples in the criminal justice system. The effective interventions strategy provided for the appointment of "Pacific wardens", modelled on the "Maori warden" scheme, to work with Pacific communities to provide services appropriate to Pacific cultural practices, especially in the prevention of family violence.

56. The criminal justice system was increasingly responsive to the concerns of the Pacific peoples. Approximately 4 per cent of police officers identified themselves as belonging to one of the Pacific peoples, and there were two Samoan district court judges. In the prison system, the percentage of staff belonging to one of the Pacific peoples (10 per cent) was roughly equivalent to the figure for inmates (11 per cent).

57. Mr. SINGHAM (New Zealand) said that the review of targeted policies and programmes (paragraphs 54 and 55 of the report) had been intended to verify the effectiveness of the programmes, rather than question their value. The review had produced guidelines that included targeting of specific ethnic groupings in cases where ethnicity was a clear indicator of need, which should lead to more focused interventions in future. More information, including the number of programmes which had remained unchanged after the review, was contained in his delegation's responses to the Country Rapporteur's questions. However, he could not give an overall figure for the resources devoted to special measures, because of the large number of sectors involved. The "Opportunity for All New Zealanders" strategy of 2004 had continued the provision of special measures for disadvantaged ethnic groups.

58. Members had asked about the outcomes of programmes designed to bring different communities together. The programmes were intended to create links both among ethnic minority communities, which built a sense of solidarity and facilitated their participation in civic affairs, and between ethnic minorities and the host community, which helped to prevent

the two communities developing in parallel, but separately. The Office of Ethnic Affairs promoted women's and senior citizens' networks and youth forums which brought together various ethnic groups. The intention was not to create one homogeneous group, but to build up strong and sustainable relationships and celebrate their diversity. A programme called "Authentic Dialogues" would be launched later in the year.

59. The New Zealand police force had launched an ethnic responsiveness strategy in 2004. It included recruitment of an ethnically diverse workforce, training for cultural and faith-related awareness and building up good relationships with ethnic-minority communities. The police responded very rapidly to racially motivated incidents, such as the attacks on mosques in Auckland in 2005. The police also worked closely with the Sikh community.

60. The increasing diversity of New Zealand society clearly posed a challenge to the indigenous Maori population. It was important for newcomers to appreciate the unique status of the Maori community. Many ethnic-minority communities were keenly interested in Maori culture and language, and a number of forums had been organized to explore the relationship of newcomers with the Maori and their position vis-à-vis the Treaty of Waitangi. The Office of Ethnic Affairs had developed a strategy to promote stronger links between Maori and ethnic-minority communities over the next three years.

61. Members had asked about problems of employment for ethnic-minority women. The Government focused on action which both assisted members of ethnic minorities, especially women, to participate more actively in the workforce and challenged the stereotypes held by employers. The strategies used included mentoring, networking between ethnic communities and employers and information sessions run by successful employers of ethnic-minority workers.

62. Regarding the balance between English-language and mother-tongue teaching (paragraphs 116-121 of the report), the Government considered proficiency in English to be vital for integration into New Zealand society. Since 2004, it had funded a programme of English as a second language (ESOL) teaching. The teaching of less common languages was also encouraged, and foreign-language learning was one of eight core subjects in a new curriculum for schools which was currently being developed.

63. Comments had been made about an alleged reluctance on New Zealand's part to accept refugees from Iraq. New Zealand accepted more than its share of the international burden of refugees, taking in some 750 people per year, of whom 9 per cent originated from Iraq or Afghanistan. The Government followed the priorities set by the Office of the United Nations High Commissioner for Refugees (UNHCR), and also accorded priority to certain categories such as family members, women and disabled people.

64. Mr. ABOUL-NASR asked whether there were any quotas restricting the number of people of a particular nationality from gaining New Zealand citizenship. What definition was used for the various ethnic groups listed on census forms? He himself, for instance, being an Egyptian, could not be categorized as either Black or White. He also wondered why New Zealand was classified with European countries at the United Nations, since it was geographically in Asia.

65. Mr. MACKAY (New Zealand) said that no national quotas existed for citizenship applications, as far as he was aware. The declaration of a respondent's ethnic group on the census form was made entirely at his/her own discretion. The form included a "catch-all" category which included Middle Eastern, Latin American and African. New Zealand was a member of the Group of Western European and Other States at the United Nations, although it was in the Asian group in other international organizations.

66. Mr. SICILIANOS (Country Rapporteur) thanked the New Zealand delegation for its comprehensive replies, which formed a good basis for the Committee's concluding observations.

The meeting rose at 1 p.m.