

United Nations Universal Periodic Review

Universal Periodic Review – Mid Term Report

Aotearoa New Zealand

20 December 2021

Introduction

1. Aotearoa New Zealand welcomes the opportunity to provide a mid-term Universal Periodic Review (UPR) update on progress we have made since 2019 in protecting and promoting human rights as well as reporting on challenges encountered. Aotearoa New Zealand's third UPR resulted in 194 recommendations, 160 of which the Government accepted.
2. Aotearoa New Zealand is one of the world's most ethnically diverse nations and has a proud tradition of promoting and protecting human rights at home and overseas. Aotearoa New Zealand's unique identity is marked by the 1840 signing of te Tiriti o Waitangi, the Treaty of Waitangi (te Tiriti), our foundational constitutional document which established a partnership between the Crown and Māori. Te Tiriti underpins Aotearoa New Zealand's bicultural national identity and provides the fundamental context for our human rights approach. Aotearoa New Zealand's diversity, with over 200 ethnicities represented in our population, shapes our views on upholding and developing an inclusive society.
3. 2019-2021 have been shaped by two major events, firstly the tragic terrorist attack at Christchurch masjidain on 15 March 2019, and secondly the COVID-19 pandemic. These events had significant impacts on human rights in Aotearoa New Zealand and on the Government's overall work programme which is evident throughout this report.
4. The Royal Commission of Inquiry into the terrorist attack on Christchurch masjidain has shaped much of the Government's work towards eliminating racism and discrimination in Aotearoa New Zealand.
5. The first case of COVID-19 in Aotearoa New Zealand was reported in February 2020. As an island state it has been possible to prevent a nationwide and uncontrolled outbreak through strong, early implementation of population-wide measures (for example, to temporarily restrict movement to limit the transmission of the virus and ensure our people are kept safe). To date, our response to COVID-19 has been successful in limiting the spread and impact of the virus and we have suffered very few deaths per capita: 41 in total (as of 23 November 2021).
6. Nevertheless, the COVID-19 pandemic response has presented significant and ongoing challenges for Aotearoa New Zealand. As in most countries, the aim to protect people's lives and health has required placing limits on other human rights and freedoms in an unprecedented way. For example, the guaranteed entry to New Zealand citizens under the New Zealand Bill of Rights Act 1990 has been moderated to control the flow of the virus and this tension will remain as borders are progressively removed. Relevant legislation includes safeguards to ensure limitations on human rights remain justified and proportionate.
7. The Government's response to COVID-19 naturally has effects on the economy and many other sectors, such as employment, education and health. However, the overall public support for measures taken has been strong and co-operation with these remains strong.
8. Our management of internal outbreaks and plans to reconnect with the world continue to evolve and adapt to the changing situation. Reallocation of Government resources to respond to the pandemic has affected the priority of some work relevant to the UPR recommendations.
9. Nevertheless, we have made substantial progress since 2019. This mid-term report describes that progress in five themes and indicates the relevant recommendations. The five themes are:

- Racism and Discrimination
- Indigenous Rights
- Rights of Women
- Right to Adequate Housing
- Rights of Children

Racism and Discrimination

10. Aotearoa New Zealand has developed a unique national identity as a diverse bicultural nation formed by Māori, the indigenous people of Aotearoa New Zealand, with Pākehā (European), and a rich diversity of ethnicities of Asian, African, and American communities. New Zealand law includes various protections, for example against discrimination based on a large number of grounds, and against racial hate speech. However, there are also challenges to our inclusive and tolerant society that we are yet to overcome. The Government is progressing further work to eliminate discrimination, intolerance and violence of any kind.

Royal Commission of Inquiry into the terrorist attack on Christchurch masjidain

11. Much of this work has come out of the inquiry into the 15 March 2019 terrorist attack. This attack in Christchurch claimed the lives of 51 Muslim New Zealanders and left a further 40 injured. The now convicted terrorist and murderer had an extremist right-wing Islamophobic ideology and the attack influenced a nation-wide conversation about racism in Aotearoa New Zealand. The Government established an independent Royal Commission of Inquiry (the Royal Commission) to investigate the event and make recommendations to the Government.
12. The inquiry report, *Ko tō tatou kāinga tēnei* was published in December 2020. While the Royal Commission did not find any failures within Government agencies that would have allowed the planning and preparation of the attack to be detected, it did identify many lessons to be learnt and some areas where significant changes are needed. It made 44 recommendations for changes all of which the Government accepted in principle, including:
- Improving Aotearoa New Zealand’s counter-terrorism effort;
 - improving Aotearoa New Zealand’s firearms licensing system;
 - supporting the ongoing recovery needs of affected families, survivors and witnesses;
 - improving Aotearoa New Zealand’s response to our increasingly diverse population.
13. A significant, multi-year programme of work is now underway to implement the recommendations and the broader intent of the report and fulfil the Government’s vision for a diverse, inclusive and safe Aotearoa New Zealand.
14. The Government is committed to working with communities and interest groups across Aotearoa New Zealand as it responds to the Royal Commission’s report. Te Tiriti and its principles also guide the response. Working with communities will help to strengthen New Zealand’s counter-terrorism efforts and foster a more inclusive society. Extensive engagement with communities has taken place since the Royal Commission report was published.

15. Much of the immediate and longer-term work to strengthen protections against discrimination and racism is directly linked to the events in Christchurch and the Government's response to it. Some key actions are outlined below.

Anti-terrorism, national security laws and online extremism protections

UPR Recommendation: 59

16. As recommended by the Royal Commission, the Government is progressing work to review all legislation related to counter-terrorism efforts, including the Terrorism Suppression Act 2002, the Intelligence and Security Act 2017 and acceding to the Budapest Convention on Cybercrime (the Budapest Convention).
17. In October 2021 the Counter-Terrorism Legislation Act, which amends the Terrorism Suppression Act 2002, came into force. The Bill included minor changes to the definition of a 'terrorist act' to improve its clarity and modernise the definition. The other amendments will ensure New Zealand's legislative framework supports the earlier management of risks to reduce the danger posed by terrorist attacks and activities that support or enable terrorism.
18. Following public consultation, Cabinet confirmed its intention to accede to the Budapest Convention and the parliamentary treaty examination process has been completed. Work to amend several pieces of legislation to comply with the Budapest Convention and to be completed prior to accession is now underway.
19. The Government is also progressing the Films, Videos, and Publication (Urgent Interim Classification of Publications and Prevention of Online Harm) Amendment Bill. This Bill provides additional regulatory tools to manage harms caused by content that is live streamed or hosted online. This is to be followed by a wider review of the regulatory systems for media such as films and video. This review will include consideration of the Royal Commission's recommendation to include racial hate, racial superiority and racial discrimination in the definition of 'objectionable material'. In early 2021, the Department of Internal Affairs established a Digital Violent Extremism Team of investigators and intelligence specialists, tasked with responding to violent extremist content online.
20. Further work to address the relevant Royal Commission recommendations is being planned.

Combatting hate speech and hate crime

UPR Recommendations: 40-45, 47

21. The Human Rights Act 1993 prohibits speech that incites contempt and hostility against groups based on race, colour, nationality and ethnicity. There are civil and criminal remedies.
22. In December 2020, the Government agreed to in-principle proposals to amend these hate speech laws, including broadening the groups protected and increasing the criminal penalty to reflect the extreme behaviour covered. These proposals were based on Royal Commission recommendations and a Ministry of Justice review of the relevant legislation.
23. The Government consulted with the public to inform decisions on whether and how to amend the legislation, attracting more than 19,000 submissions. The Ministry of Justice also engaged directly with a wide range of community groups by holding meetings across Auckland, Hamilton, Wellington, Christchurch and online. These face to face consultations also covered wider social cohesion work discussed below.

24. Final policy decisions about legislative changes to the incitement provisions of the Human Rights Act have not yet been made.
25. In its response to the Royal Commission’s recommendations, the Government also agreed in-principle to amend criminal legislation to create hate-motivated offences. Currently, the Sentencing Act 2002 includes the offender’s hate motivation to commit a crime as an aggravating factor in sentencing. This explicitly protects, but is not limited to, groups targeted because of their race, colour, nationality, religion, gender identity, sexual orientation, age, or disability. The Government is currently considering how to implement this recommendation.
26. New Zealand Police is also working on improving its approach to identifying, recording and managing hate crime. Te Raranga, established in December 2020, is a four-year programme that draws on the efforts of many to change the way we respond to hate crime in Aotearoa. Te Raranga aims to:
 - bring people, whānau¹, agencies, and communities together to reduce hate crime and hate incidents, and support those who have been affected by it;
 - recognise the lived experiences of our communities to improve our understanding of hate crime and hate incidents;
 - lift the awareness and ability of our people to respond to hate crime through improved systems and training design; and
 - provide access and support to a restorative process for those impacted by hate crime.

Strengthening the laws to protect against discrimination

UPR Recommendations: 31, 41, 50-52

27. As part of the work to amend the incitement provisions in the Human Rights Act 1993, the Government also consulted the public about proposals to strengthen the general anti-discrimination laws. The proposals would explicitly include gender, transgender and variations of sex characteristics in the anti-discrimination laws and prohibit the incitement of discrimination.
28. Final policy decisions about these proposed legislative changes have not yet been made.
29. Parliament is currently considering the Births, Deaths, Marriages and Relationships Registration Bill, which would strengthen rights of rainbow communities by improving the processes to amend the gender registered on birth certificates. Currently, an individual must obtain a declaration from the Family Court, but the Bill would replace this with an administrative process based on self-identification.

Strengthening social cohesion

30. Many of the recommendations from the Royal Commission are directly and indirectly related to building and improving social cohesion. A socially cohesive society is defined as one where all individuals and groups share a sense of belonging, inclusion, participation,

¹ Whānau is a wider concept than just an immediate family made up of parents and siblings - it links people of one family to a common tupuna or ancestor. However, it is commonly used in many contexts as the Māori term for family or extended family.

recognition and legitimacy. To give effect to the recommendations in the report, the Government will:

- engage with communities to create a social cohesion strategic framework;
- build on the Government's existing work programme through tangible actions; and
- identify how to support and enable communities, the business and cultural sectors and central and local government in improving social cohesion in their communities.

31. The Government carried out public engagement on social cohesion in 2021, combined with other work to implement Royal Commission recommendations. Several Government agencies will now work with key stakeholders to co-design the social cohesion strategic framework and identify tangible actions that Government and wider society can undertake to improve social cohesion. Steps that have already been taken include the establishment of an ethnic communities' graduate programme for the public service and new resources in schools.

Te Tari Mātāwaka | The Ministry of Ethnic Communities

UPR Recommendations: 163, 164

32. In response to a recommendation from the Royal Commission, the Government established a new Ministry for Ethnic Communities in July 2021. Its core functions include leading the system to improve outcomes for ethnic communities, through policy and advice, monitoring and data, and partnering and engagement.

33. The Government engaged directly with ethnic communities to inform the new Ministry's initial priorities, which include:

- promoting the value of diversity and improving the inclusion of ethnic communities in wider society;
- ensuring government services are provided equitably and in ways that are accessible for ethnic communities;
- improving economic outcomes for ethnic communities, including addressing barriers to employment; and
- connecting and empowering ethnic community groups.

National Plan of Action Against Racism

UPR Recommendations: 46, 48

34. The Government recognises the need to take a coordinated approach to tackling racism in Aotearoa New Zealand. In response to UPR recommendations 46 and 48, the Government agreed to establish a national plan of action against racism. The action plan will be a comprehensive plan and programme of action to target and eliminate racism in Aotearoa New Zealand. It will be for all people in Aotearoa New Zealand and will include specific actions for the Government to take to eliminate racism.

35. Funding for the development of the action plan was secured through the 2021 Budget and a new team was established at the Ministry of Justice with the sole purpose of developing the

plan. Work is underway on the approach and process for developing the plan, which is underpinned by te Tiriti commitments and human rights standards. There is a strong focus on ensuring participation from a wide range of communities, groups and sectors.

36. The Human Rights Commission, and particularly the Race Relations Commissioner, are contributing to the plan's development. The Commission's role includes engaging with Māori, civil society, and others who experience racism to capture their voices informing the plan.

Establishment of a Ministry for Disabled People and improving accessibility

UPR Recommendations: 94, 156-159, 162, 100

37. Disabled people face significant barriers that prevent them from being able to fully participate in society. In 2021, the Government announced the creation of a new Ministry for Disabled People which will drive overall improved outcomes for all disabled people. It will lead and coordinate cross-government strategic disability policy, and progress ongoing work to transform the disability system. It is expected the new Ministry will be established from July 2022.
38. The proposal for the new Ministry was developed in partnership between Government and the disability community. Disabled people and their whānau will also continue to be involved in the Ministry's establishment and ongoing operation. Through raising the profile and visibility across Government, the new Ministry will enable a holistic and whole-of-life approach to addressing inequities and realising the aspirations and opportunities of disabled people and their whānau. The Ministry will also take on responsibility for delivering and transforming Disability Support Services which currently sits with the Ministry of Health.
39. The Government also announced that standalone enabling legislation will be introduced as a first step to accelerating accessibility and supporting Aotearoa New Zealand to progressively becoming a more accessible society.
40. This enabling legislative framework will be introduced in 2022 and will set out the leadership, structure and process for change. There will be a clear purpose statement, key principles, functions, roles and accountability processes. This framework has been chosen as it sets the direction for accessibility and can adapt to address different types of accessibility barriers.

Banning conversion practices

UPR Recommendations: 41, 50, 64

41. The Conversion Practices Prohibition Legislation Bill, introduced into Parliament in July 2021, would prohibit the performance of practices that are intended to change or suppress a person's sexual orientation, gender identity, or gender expression. Research shows that conversion practices do not work, are harmful to people's wellbeing and can contribute to issues such as low self-esteem, depression, anxiety, suicidal thoughts and attempts. Public submissions on the Bill are currently being heard by the Parliament's Justice Committee.
42. The Government's objectives in prohibiting conversion practices are to:
 - affirm the dignity of all people and that no sexual orientation or gender identity is broken and in need of fixing;

- prevent the harm conversion practices cause and provide an avenue for redress; and
 - uphold the human rights of all people to live free from discrimination and harm.
43. The Bill makes it a criminal offence to perform conversion practices:
- on a person under 18 years of age, or lacking decision-making capacity (punishable by up to 3 years in prison); or
 - where the practice causes serious harm (punishable by up to 5 years in prison).
44. The Bill also utilises the Human Rights Commission’s existing functions and complaints system to provide a civil redress scheme for conversion practices. This provides another pathway of redress for survivors of conversion practices, with a focus on remedying harm and preventing it from happening again. The Human Rights Commission will also play an important role in providing education about conversion practices, the prohibition, and how to access support.

Indigenous Rights

45. Addressing issues and inequities faced by Māori and strengthening indigenous rights continues to be a priority for Aotearoa New Zealand. Te Tiriti is the founding document of Aotearoa New Zealand’s constitutional arrangements and is at the heart of the relationship between Māori and the Crown.

Implementing the United Nations Declaration on the Rights of Indigenous Peoples

UPR Recommendations: 167-175

46. In 2019, the Minister for Māori Development appointed the Declaration Working Group (DWG) to provide independent advice on the form and content of a United Nations Declaration on the Rights of Indigenous People plan (Declaration plan) and an engagement process with whānau, hapū² and iwi.³ The DWG provided the Minister with their final report, *He Puapua*, in late 2019. The DWG’s report is not Government policy, but it provides a basis for further conversation about how to implement the Declaration.
47. Throughout 2020, further progress on the development of the Declaration plan was slowed, because of resources being prioritised to respond to the COVID-19 pandemic. In June 2021, Cabinet approved a two-step process for the development of a Declaration plan.
48. Following a series of targeted engagements (which will take place until late January 2022) a draft plan will be developed and presented to the public for consultation between June and October 2022. The Government intends to finalise the Declaration plan by February 2023.

² A hapū is a division of a Māori iwi often translated as ‘subtribe’. Membership is determined by genealogical descent; a hapū is made up of a number of whānau (extended family) groups.

³ The traditional Māori tribal hierarchy and social order made up of hapū and whānau with a founding ancestor and territorial (tribal) boundaries. Iwi are the largest everyday social units in Māori populations.

Work of the Office of Māori Crown Relations – Te Arawhiti

49. In 2019, the Government established the Office for Māori Crown Relations – Te Arawhiti, a new stand-alone agency, to support the Crown’s commitment to achieving true te Tiriti partnership with Māori.
50. A key focus of Te Arawhiti is restoring te Tiriti partnership through the settlement of remaining historical te Tiriti claims. Te Arawhiti also administers the Marine and Coastal Area (Takutai Moana) Act 2011 and engages with groups that have applied for recognition of their customary rights under the Act.
51. Te Arawhiti also looks to sustain and build the Treaty partnership through a number of functions. One such function is concerned with building public sector capability to engage with Māori. Whāinga Amorangi is a capability framework developed in 2020 to assist all Public Service Chief Executives to lift their personal capability as well as their agency’s capability to work with Māori. It is now a part of the public service fabric and demonstrates the importance of learning some of the most basic competencies in order to service the public and Māori.
52. Other functions undertaken by Te Arawhiti include:
 - monitoring the health of the Māori Crown relationship across government;
 - providing strategic leadership and advice on contemporary Treaty issues;
 - brokering solutions to challenging relationship issues with Māori; and
 - developing collaborative partnership principles to support agencies to deliver optimal social, environmental, cultural and economic development solutions.

The Public Service Act 2020

53. The Public Service Act 2020 repealed and replaced the State Sector Act 1998, strengthening the consideration of indigenous rights by recognising the role of the public service in supporting the Crown’s relationships with Māori under te Tiriti. Under the Act, public service leaders are responsible for developing and maintaining the capability of the public service to engage with Māori and understand Māori perspectives.
54. The Public Service Commissioner and other public service leaders also have a responsibility to operate employment policies that recognise the aspirations and employment requirements of Māori, and the need for greater involvement of Māori in the public service. The Commissioner has appointed a statutory Māori advisory committee to assist on the implementation of the Act, in particular, the provisions regarding the Crown’s obligations to and relationships with Māori.
55. There are now six Māori chief executives in the public service (more than doubled over the last four years), and 28 Māori in tier-two leadership positions, up from nine in 2016.

Important Waitangi Tribunal decisions since January 2019

56. The Waitangi Tribunal is a standing commission of inquiry with the statutory jurisdiction to consider claims that the Crown has breached the principles of te Tiriti and, if the Tribunal so

finds, to make recommendations to the Crown to remedy the breach. These are generally non-binding but of highly recognised authority.

UPR Recommendations: 167- 169

He Pāharakeke, he Rito Whakakīkinga Whāruarua

57. In 2019, the Waitangi Tribunal commenced an urgent inquiry into the policies and practices of Oranga Tamariki (the Ministry for Children) regarding children in state care. This included consideration of the significant and consistent disparity between the number of tamariki Māori (Māori children) and non-Māori children being taken into state care. The report, *He Pāharakeke, he Rito Whakakīkinga Whāruarua*, released in 2021, found the Crown had breached its obligations under te Tiriti to honour the right of Māori to exercise tino rangatiratanga over their kāinga and taonga.⁴
58. In 2021 Cabinet agreed to the Future Direction Plan of Oranga Tamariki for the next two years. It sets out how Oranga Tamariki will work towards an operation that provides better support for, and input from whānau and communities, including through resourcing and partnering. This plan will help Oranga Tamariki move to a model that is locally led, prevention focused, and restores authority back to Māori communities.

He Aha I Pērā Ai

59. In 2019 the Waitangi Tribunal found that the 2010 law disqualifying all prisoners from being able to vote was inconsistent with the principles of te Tiriti. The Tribunal report, *He Aha i Pērā Ai?*, found that the Crown had failed to properly consult Māori and provided insufficient advice around the effect of the legislation on Māori. The Tribunal found that the law had a disproportionate and prejudicial effect on Māori, putting the Crown in breach of its duties as a te Tiriti partner. The Tribunal recommended that the legislation be amended to remove the disqualification of all prisoners from voting, irrespective of their sentence.
60. The Electoral (Registration of Sentenced Prisoners) Amendment Act 2020 amended the Electoral Act 1993, removing the law which disqualified all prisoners from being able to vote. The Act allows for those imprisoned for a term of less than three years to vote in elections and referendums, reinstating the law prior to the 2010 amendment. Additionally, it requires the Department of Corrections to advise prisoners about their right to enrol to vote, either when first entering prison or, for those sentenced to three years or more, when they are released.

Mana wāhine kaupapa inquiry

61. The Tribunal is currently investigating claims that the Crown has failed to protect the rangatiratanga⁵ of wāhine Māori (Māori women) and their right to non-discrimination on grounds of gender, with serious prejudicial consequences for their social, economic, cultural and spiritual well-being and access to leadership roles. While the Inquiry is progressing, an all of government policy framework is being developed to coordinate Government's current

⁴ In the Māori text of te Tiriti, signatories are assured that their tino rangatiratanga will remain undisturbed over their lands, kainga and other taonga (absolute chieftainship of your lands, your homes, and all your treasures/taonga).

⁵ Rangatiratanga in this context refers to the right of Māori to rule themselves, right to self-determination, or self-management.

work programme to focus on outcomes for wāhine Māori. This draft policy framework was already underway and does not constitute a response to the Inquiry.

Māori and the criminal justice system

UPR Recommendations: 60, 63-68

62. The Government acknowledges that the current criminal justice system is not working for Māori and there is a need to address the root causes of disproportionate incarceration rates for Māori. Māori form 58% of the remand population and 52% of the total prison population as of November 2021.
63. The following are some measures that aim to address the overrepresentation of Māori across all steps of the criminal justice system.

Te Ao Mārama

64. Te Ao Mārama is the District Courts response to long standing calls for transformative change to the justice system. The vision was announced by the Chief District Court Judge, Heemi Taumaunu, in November 2020 and will be realised by incorporating best practice knowledge, skills and approaches learned from Aotearoa New Zealand's specialist courts and by working in partnership with communities and with iwi in a rohe (region) specific context. The vision seeks to address continued overrepresentation of Māori in the justice system, address the underlying causes of offending with a vision to improve access to justice, and enhance procedural and substantive fairness for all people who come into contact with the District Court. The District Court will become a place where all people can come to seek justice and be seen, heard and understood and meaningfully participate.

Innovative courts

65. In 2021, new funding was announced for three new specialist courts. They are to be designed and delivered in partnership with local iwi, aiming to reduce the imprisonment and reoffending rates for Māori. They will support the needs of Māori offenders, victims and their whānau by identifying and providing access to suitable social, health and wellbeing services.
66. A new Alcohol and Other Drug Treatment (AODT) Courts opened in Hamilton this year. The AODT Court aims to break the cycle of offending by treating the causes of offending. It provides an alternative to imprisonment for people whose offending is being driven by alcohol and/or substance use disorders. For example, the programme includes the integration of Māori cultural practices into Court processes, cultural advice and peer support. A Māori cultural advisor at the court provides advice on how to engage with Māori participants, while also ensuring that kaupapa⁶ Māori principles are included in the Court process and treatment plan.
67. New funding was announced this year for Police to expand the number of restorative community panels (Te Pae Oranga) that can deal with lower level offending from 16 to 30 over the coming four years. Following arrest, individuals who meet defined criteria are provided with an option to go through a restorative community panel process rather than the

⁶ Topic, policy, matter for discussion, plan, purpose, programme, theme, issue, or initiative.

Courts to deal with the harm caused by their offence. Te Pae Oranga use tikanga⁷, kaupapa Māori and restorative justice practices focused on accountability, education and preventing reoffending. The panels are made up of three local community leaders, and their role is to decide on how to address the offending and support the person to develop and complete a plan.

New Zealand Police's new operating model

68. In 2019, New Zealand Police launched its new operating framework (Prevention First Operating Model, Te Huringa o Te Tai) which was developed by listening to the voices of the community, staff and iwi Māori. It focusses around three pou or pillars representing the increased recognition and understanding of Police's commitment to te Tiriti and Māori:
- Pou Mataara – our people and our mindset,
 - Pou Mataaho – effective initiatives and improved practice, and
 - Pou Hourua – effective partnerships.
69. Te Huringa o Te Tai helps Police transform into an organisation that is much better positioned to respond to the needs of the communities that they serve. It is used to deliver nationally led programs and initiatives developed and implemented in partnership with Māori based on the specific needs, and values of local communities. Te Huringa o Te Tai is the driving force behind Police's work to improve outcomes for Māori and reduce offending and victimisation to ensure that people have trust and confidence in Police.
70. This community-focused approach is also supported by the Reframe Strategy, Te Tārai Hou, to improve frontline practices by creating an environment that enables improved quality and consistency of decision making, enhanced evidence collection practices, and interventions that reduce harm and reoffending in our communities.
71. This will be further supported by the research programme New Zealand Police established in 2021, 'Understanding Policing Delivery'. The research programme looks to identify whether, where, and to what extent bias exists in Police's operating environment. The research will focus not just on frontline staff interactions, but also on systemic bias throughout the Police organisation. The programme will initially look at three key areas:
- who Police stop and speak to, and how Police engages with them;
 - decision making around use of force; and
 - decision making around laying charges.

Department of Corrections' strategies

72. The Department of Corrections (Corrections) also plays a vital role in the efforts to reduce reoffending. In response to the Waitangi Tribunal's 2017 report *Tū Mai te Rangi!*, which found that the Crown has a responsibility under te Tiriti to apply 'a renewed strategic focus that gives appropriate priority to reducing the disproportionate rate of Māori reoffending', Corrections developed Hōkai Rangi, Corrections' Strategy for 2019-24.

⁷ Tikanga refers to Māori customary practices or behaviours, so to act in accordance with tikanga is to behave in a way that is culturally proper or appropriate.

73. Hōkai Rangi is focussed on the prioritisation of the wellbeing of the people who come into Corrections' management, and their whānau. Its ultimate aim is to lower the proportion of Māori in prison to a level that matches the Māori share of the general population. Hokai Rangi was developed through co-design wānanga (workshops) with a reference group including Māori staff, service providers, academics, partners and people with lived experience including men and women in prison, as well as whānau and kaiwhakamana⁸ in the community.
74. There are six key strategic focus areas in Hōkai Rangi: partnership and leadership; humanising and healing; whānau; incorporating a Te Ao Māori (Māori worldview); whakapapa; and foundations for participation. Through this strategy and working with iwi partners, Corrections aims to better incorporate a Te Ao Māori worldview, support and enhance cultural identity, and deliver humanising and healing services to people in the corrections system. This includes:
- *Hikitia* which ensures culturally and clinically effective mental health and addiction care for men in custody in the three prisons of the central region, through a mana whenua ahi kā⁹ model of care and an equitable person-centred service approach;
 - *Te Mauri Paihere ki Mangakootukutuku* which provides transitional accommodation and reintegration support for wāhine who have recently left a corrections facility, and their whānau; and
 - *Māori Pathways Programme* which supports the Corrections system to be more effective by using kaupapa Māori and whānau-centred approaches.
75. In October 2021, Corrections launched *Wāhine - E rere ana ki te pae hou* (Women - rising above a new horizon), a new women's strategy for 2021-2025. This refreshed strategy aligns to Hōkai Rangi and sets a clear vision for how we manage women in prisons and the community. It supports restoration and reclamation for women and their whānau through oranga (wellbeing).

Health Sector reforms, Māori Health Authority

UPR Recommendations: 177-182

76. Although some health gains have been made in the past 20 years, addressing inequitable health outcomes for Māori has remained an ongoing challenge. The Crown recognises the large scale of change required. It requires a long-term commitment and a deliberate focus on how the new system will meet the Crown's obligations under te Tiriti.
77. In 2019, the Waitangi Tribunal *Hauora* report, and the Health and Disability System Review, identified Crown failures and breaches of te Tiriti in the current health system. These include

⁸ Kaiwhakamana (kaumatua/elders/person of status within the whānau) who have access to prisons to enable the wellness and well-being of their people are specified visitors, and include kaumatua, kuia, tohunga, spiritual leaders and others, as approved through the National System.

⁹ Mana whenua - ahi kā are the group that hold the responsibility for caring for the land, and therefore the people who come on to the land, on which the buildings from which the service will be provided. Ahi kā is a metaphor for the people of the land who keep the home fires burning (Ahi means to burn and kā is a shortened form of kainga or home).

potentially inequitable funding for Māori led primary care, and a lack of accountability for the provision and outcomes of health services to Māori.

78. In 2021, the Government outlined its plans and priorities to build a fairer, more equitable health and disability system, including the establishment of an independent Māori Health Authority to drive improvement for Māori across the health system. The Māori Health Authority will have commissioning powers and will make joint decisions alongside the Ministry of Health and Health New Zealand (replacing District Health Boards). This is to ensure Māori can exercise tino rangatiratanga, enabling investment in the design and delivery of kaupapa Māori health services, and improving system performance and accountability for Māori health outcomes.
79. On 27 October 2021, the Government introduced the Pae Ora (Healthy Futures) Bill into Parliament. The Bill outlines the roles and functions of the MHA and other entities that are part of the current health reforms. The Bill also includes a section that sets out how the Crown will uphold its obligations under te Tiriti. The Bill is currently with the Pae Ora Legislation Committee, which is hearing public submissions on the Bill.

Rights of Women

80. The Government continues to address inequities and issues women are facing. Women and girls from diverse backgrounds can face multiple, intersecting forms of discrimination, affecting their ability to participate and thrive. Such inequities are frequently more significant for women belonging to generally disadvantaged population groups, for example, health outcomes for Māori and Pacific women are worse than for Pākeha women.

Combatting family violence

UPR Recommendations: 109-145, 176

81. Family violence and sexual violence remain a serious problem in Aotearoa New Zealand. Action to prevent it, respond to it, and heal from it are required at all levels (individual, family, community, organisational and societal).
82. Through Budgets 2018 to 2021, the government has significantly increased funding for actions to address family violence and sexual violence by more than \$200 million per year. This investment has increased prevention and early intervention support, improved responses and long-term recovery support to victims of violence, expansion of community-led services and whānau-centred facilitation, and more early support to help people stop using violence. This investment lays the foundations to deliver strong, nationally enabled, community-led and whānau-centred responses to family violence and sexual violence in Aotearoa New Zealand.
83. A comprehensive national strategy (Te Aorerekura: National Strategy for the elimination of Family Violence and Sexual Violence), and action plan have been developed by a Joint Venture of government agencies working extensively with tangata whenua,¹⁰ communities and the family violence and sexual violence sectors (specialist NGOs and professional providers). Community-led engagement between May and July 2021 included 120 hui (meetings), involving over 2000 people. The Joint Venture received almost 1000 online, email, written and survey-based submissions.

¹⁰ Tangata whenua refers to local people, hosts, indigenous people - people born of the whenua, i.e. of the the land where the people's ancestors have lived.

84. The Te Aorerekura Action Plan includes an annual community-led progress and learning hui. The hui will enable tangata whenua, community and the family violence and sexual violence sectors to be actively engaged in the development and review of the Action Plan.

Addressing the gender pay gap

UPR Recommendations: 80, 82-88, 105-108

85. The Government's 'Eliminating the Gender Pay Gap in the Public Service 2018-20 Action Plan' (the GPG Action Plan) helped move towards eliminating the gender pay gap in the public service. The public service gender pay gap is now the lowest it has been since measurement began in 2000. The three-year drop since the launch of the GPG Action Plan in 2018 is the biggest three-year drop since 2000. The public service gender pay gap for 2021 was 8.6 percent, down from 9.6 percent in 2020.
86. The Gender Pay Taskforce has identified the compounding impacts of gender and ethnicity as a future challenge in this area. Pacific women experience the highest earning disparities in the public service, with a pay gap of 20 percent. Māori, Pacific and Asian women are also under-represented in leadership and are even more over-represented in lower-paid occupations in the public service than are women overall.
87. The GPG Action Plan has shown that taking comprehensive and coordinated action across our 34 public service agencies works. This approach has focused on: measuring Government action and reporting, setting milestones to address the key drivers, and supporting public service agencies to meet these milestones, with detailed, evidence-informed guidance.
88. On 15 November 2021, the new Pay Gaps Action Plan 2021-24, *Kia Toipoto*, was launched. Building on the success of the GPG Action Plan, it seeks to close gender, Māori, Pacific and ethnic pay gaps across both public service agencies and Crown entities. Agencies that have implemented the GPG Action Plan over the last three years, will be asked to embed the gains they have already made and work on a range of milestones to accelerate progress towards closing ethnic pay gaps. Crown entities that are new to this work will be asked to take similar action as agencies have been taking, but with both a gender and ethnic lens.

New gender analysis tool

89. The 'Bringing Gender In' online gender analysis tool was launched by the Ministry for Women in 2019. The tool provides policy analysts with key questions, examples and links to useful data and other relevant material. There is ongoing work to increase gender analysis awareness across government and encourage agencies to voluntarily use the tool in their policy development. The Ministry for Women has provided training to agencies on the use of the tool.

Decriminalisation of abortion

UPR Recommendations: 93, 95-98

90. In March 2020, abortion was removed from the Crimes Act 1961, signalling that abortion is now to be treated as a health issue, not a criminal law issue.
91. The changes make abortions safer, including by supporting timely access to advice and services. The changes also sought to remove the stigma of criminalisation for pregnant people

and health practitioners. They help to reduce barriers and address equity issues surrounding access to reproductive health services.

92. For pregnancies up to 20 weeks' gestation, the new health legislation allows for the decision to have an abortion to be made by the woman in consultation with a qualified health practitioner but without any further statutory requirements. This prioritises a woman's autonomy to make an informed decision about what is appropriate for the circumstances.
93. For pregnancies beyond 20 week's gestation, the law provides for a statutory test. This test includes the involvement of at least two qualified health practitioners and an assessment of whether an abortion is clinically appropriate in the circumstances. This assessment considers relevant legal, professional and ethical standards, the woman's physical health, mental health and overall wellbeing and the gestational age of the foetus. This reflects the greater complexity for abortions being considered at a later gestational stage, in both the medical care required and the underlying health reasons for the procedure.
94. The legislation further strengthens women's rights by ensuring they know that counselling is available both before and after an abortion, but that it is not mandatory to access care. Removing statutory restrictions on who can perform abortions means that a wider range of registered health practitioners can provide abortions.

Addressing further sexual and reproductive health outcomes

UPR Recommendation: 93, 176-182

95. The strategy for sexual health and blood borne infections, due to be published in 2022, is aligned with the World Health Organisation's updated communicable disease approach. The strategy will address barriers to women and girls' equitable sexual health outcomes.
96. The Government is also addressing unmet need for contraception including provision of low-cost consultations and improving access for women to long-acting reversible contraceptives (LARC) through the Government funded Contraceptive Access Initiative. This Initiative also improves the quality and consistency of contraceptive services, including through new contraception guidelines and enhanced training for health professionals through National LARC Training Standards which are endorsed by the medical and nursing colleges.
97. The Government continues to support and fund sexual and reproductive services, including: promotion of sexual and reproductive health, being available in a range of settings and delivered by range of healthcare service providers including Māori and Pacific providers, general practices, HIV-specific organisations, and youth health services.

Right to adequate Housing

UPR Recommendations: 90-92

98. The housing crisis is a problem that has been decades in the making and it will take time to turn it around. To improve housing outcomes, the Government is pursuing meaningful partnerships with iwi and Māori as te Tiriti o Waitangi partners. The Government also needs to cement resilient relationships with community housing providers and other non-government organisations, local government, the private sector, and communities.

99. In 2020, Aotearoa New Zealand hosted a visit by the then Special Rapporteur on the right to adequate housing, Leilani Farha. The Government shares her view that the housing crisis must be addressed urgently and in an enduring way and has made this a central priority.
100. The visit by the Special Rapporteur was hosted in the context of an expanding Government work programme on housing, and active engagement between Government and stakeholders, which resulted in the 2021 Government Policy Statement on Housing and Urban Development (GPS-HUD). It sets a long-term direction not only for Government policy and investment but also the efforts of everyone who contributes to the future of housing and urban development in Aotearoa New Zealand.
101. The GPS-HUD contains a vision where everyone lives in a home, and within a community, that meets their needs and aspirations. This is in line with the concept of the right to a decent home, and also speaks to the broader issue of housing adequacy – that it is not just about the physical building but also other essential elements, including the features of the communities within which people live.
102. The GPS-HUD has six focus areas, which also address the UPR and Special Rapporteur’s recommendations, and are addressed below.

Ensure more affordable homes are built

103. More homes are being built in Aotearoa New Zealand now than at any time since the 1970s but there is more that can be done to increase the supply of affordable homes. The Government is focussed on reforming the system settings that constrain housing supply, particularly affordable supply, and that exclude people from having access to adequate housing. The Government also continues to increase the role it plays in facilitating and coordinating housing and urban development projects; investing in infrastructure, and partnering with others to help drive scale, stability and productivity in the residential construction sector over the long term. For this purpose, the borrowing capacity of the public housing provider and lead urban developer, Kāinga Ora, has been increased by \$2 billion, and \$3.8 billion has been set aside for the Housing Acceleration Fund in Budget 2021.

Ensure houses meet everybody’s needs

104. The Government has implemented measures to improve the quality of rental accommodation, including improving the standards to make rental homes warmer and drier. The GPS-HUD commits the Government to provide stronger leadership around housing quality, and to work with disabled people, disability advocates, iwi, Māori and industry to increase the supply of universally designed and accessible housing.

Enable people into stable, affordable homes

105. The Government has introduced measures to improve the security of rental accommodation, including limiting when landlords can increase rents. The funding available for affordable housing has also increased. The Government is partnering with community housing providers, iwi and others to take a place-based approach to increasing supply of affordable, accessible housing, through purpose-built rental housing and alternative pathways to home ownership.
106. The Aotearoa New Zealand Homeless Action Plan was published in February 2020 to deliver on the Government’s vision that homelessness is prevented where possible, or is rare, brief and non-recurring. By working in partnership with the community, the Government is

increasing the supply of housing, supporting people with services to help them sustain suitable housing, and build better lives. By 2024, the Government will have delivered more than 18,000 new public and transitional housing places and is committed to increasing further supply.

Plan and invest in our places

107. The Government aims to deliver more affordable housing in a way that focuses on the needs of different communities, and gives people good access to services, jobs and social connections. It recognises that there has not been enough planning and investment for communities to grow and to meet Aotearoa New Zealand's ongoing needs sustainably and equitably. The Government plans to propose new legislation that will require local authorities to plan adequately for more housing density in our main urban centres, so that people have more housing choices in the places where growth is occurring, and which offer good access to services, amenities and employment to support their wellbeing.

Support whānau to have safe, healthy, affordable homes with secure tenure

108. The Government has also co-designed with Māori a new National Māori Housing Strategy, the Māori and Iwi Housing Innovation Framework (MAIHI Ka Ora). MAIHI Ka Ora responds to the Māori housing crisis by enabling the Māori-led housing solutions that are needed to address the causes and effects of poor and inadequate housing for Māori.
109. Supporting the right of Māori to self-determine and realise better housing outcomes, and building a more effective te Tiriti partnership, is a central element of GPS-HUD and MAIHI Ka Ora. The Government recognises one barrier for Māori is the lack of access to financing for housing development and infrastructure on whenua Māori (Māori land) in particular. Dedicated funding is needed to address this as well as support for collective models of Māori home ownership and communal living alternatives.
110. In 2021 *Whai Kāinga Whai Oranga* was launched with a combined investment from Budget 2021 (\$380 million) and the Māori Infrastructure Fund (\$350 million). This is the largest investment ever in Māori housing. Through this investment, the Crown and Māori can build towards a future where Māori increasingly lead and deliver their whānau, hapū and iwi housing aspirations in their own communities and regions.

Re-establish housing's primary role as a home rather than a financial asset

111. Housing speculation has fuelled housing unaffordability and social inequality in Aotearoa New Zealand. Addressing this is a focus for GPS-HUD and the subject of recent Government actions, including tax measures related to property investment and a direction to the Reserve Bank requiring it to have regard to government policy on housing in relation to its financial policy functions. This means the Reserve Bank now must take into account the Government's objective to support more sustainable house prices, including by dampening investor demand for existing housing stock to help improve affordability.

Rights of Children

112. While the majority of Aotearoa New Zealand's children and young people are doing well, the distressing reality is that many are not experiencing anything close to a good life. Too many children and young people and their families face social challenges like poverty, inequality, violence, addiction and poor mental wellbeing that impact them and their prospects.

Optional Protocol to the Children's Convention (individual communications)

UPR Recommendations: 1, 2, 18-22, 40

113. In November 2021, the Government agreed that New Zealand should accede to the Optional Protocol to the Convention on the Rights of the Child on a communications procedure. Following our usual process, Parliament will now consider accession and its implications. Once the parliamentary treaty examination is complete, New Zealand may be in a position to deposit the instrument of accession by mid-2022, for entry into force by late 2022.
114. Relevant agencies will also develop a communications plan to ensure people are aware of their right to take a complaint to the United Nations under the Optional Protocol, in addition to raising awareness about the Children's Convention in general.

New Zealand Child and Youth Wellbeing Strategy

UPR Recommendation: 147

115. New Zealand's first Child and Youth Wellbeing Strategy was launched in August 2019. It sets out a shared understanding of what is important for child and youth wellbeing, what the Government is doing, and how others can help.
116. The strategy features nine principles that reflect the values that are important to New Zealanders and that promote wellbeing and equity for all children and young people. One of the principles is a commitment to respecting and upholding children's rights in New Zealand, including the rights derived from the Children's Convention and the Convention on the Rights of Persons with Disabilities.
117. Actions under the strategy to respect and uphold children's rights include: improving advocacy, building public service competency and capability; enhancing and promoting the use of tools to support children's rights across government; and increasing youth voice and representation across government, including in policy development and decision making.
118. Legislation requires a review to the strategy at least once every three years, and it's due to be completed by August 2022.
119. The legislation also outlines the minimum consultation requirements for any proposed changes to the strategy, including consultation with children and young people and with representatives of iwi and Māori. This will ensure the strategy continues to address the issues and challenges facing Aotearoa New Zealand's children and young people and their whānau.

Reducing child poverty

UPR Recommendations: 142, 148, 149-153

120. The Child Poverty Reduction Act 2018 established ongoing political accountability for child poverty reduction. The Act requires successive governments to set and report against three year and ten-year targets for reducing child poverty. It establishes a suite of measures used to track progress against the child poverty reduction targets, and a set of child poverty related indicators that measure key causes and consequences of poverty.
121. The Government's goal is to at least halve child poverty within 10 years, taking the rate of poverty and hardship among our children to world-leading low levels. The child poverty rates

for the 2019/20 financial year show that all nine child poverty measures have been trending downwards over the two years since the 2017/18 baseline year. This translates to tens of thousands of children lifted out of poverty.

122. The Government has taken action to support low-income families and children, for example: lifting the minimum wage by a third; extending paid parental leave from 18 to 26 weeks; a Families Package (including accommodation supplement changes, a winter energy payment, and extending support for low-income parents for the first three years of their baby's life). Also, benefits are now indexed to wage growth, and there are additional rate increases over three successive years (2020-2022).
123. These measures will have a particular impact on women. Sole parents and their children are more likely to experience chronic low income and its associated effects, such as lower wellbeing. Eighty-two percent of sole parents are women, and 91 percent of recipients of Sole Parent Support benefits are women.
124. Other support includes expanded school-based health services and making doctors' visits free for children under 14, free lunches in schools programmes, reducing education costs and measures to stop predatory lending.
125. There has also been considerable activity and investment to mitigate the economic and social impacts of COVID-19. This includes measures to protect jobs and incomes through policies such as the wage subsidy, and increased income support and funding for social services; trades and apprenticeships training, re-training and employment support, with specific programmes targeting young people; and more public, transitional and emergency housing.
126. While these actions are beginning to make a real difference to children's lives, sustained investment will be needed to achieve the Government's 10-year child poverty reduction targets. It is also too soon to assess the longer-term social and economic impacts of COVID-19, which has given rise to major challenges in the lives of many young people and their families. Those who were already disadvantaged before the pandemic have been disproportionately impacted, with Māori, Pasifika, rainbow and disabled children and young people more likely to face additional challenges.
127. The Child and Youth Wellbeing Strategy will continue to drive government policy to address inequity of outcomes and to lift the wellbeing of all children and young people. Regular monitoring, evaluation and community engagement, including direct engagement with children and young people, will help to ensure that government services and supports are effective and that any emerging gaps or opportunities can be identified and responded to.

Addressing Māori and Pacific children's inequities

UPR Recommendation: 154, 155, 177, 180-183

128. The Child and Youth Wellbeing Strategy reflects the strong need to reduce the current inequity of outcomes, and it includes a strong focus on improving outcomes for Māori and Pacific children and young people. The first Child and Youth Wellbeing Strategy Annual Report (for the year ended June 2020, published in May 2021) establishes baseline data for most of the indicators. It indicates that Māori children and young people are experiencing inequitable outcomes across outcome areas. In some areas, the disparity is substantial.
129. Actions under the Strategy that aim to improve outcomes for Māori and Pacific children, young people and their families include: a targeted programme to provide additional early

support to life, child and family wellbeing and resilience; a new model of intensive intervention for those at risk of entering state care being developed in collaboration with iwi, Māori and Pacific organisations; more support for Māori learners and their families to engage and succeed in education; programmes to address racism and discrimination (including cultural bias and racism in the education system); and initiatives to increase a sense of belonging.

130. There is also work underway to improve data collection, including developing more strength-based indicators and measures grounded in Māori perspectives of wellbeing. These can help guide future efforts to design effective approaches and monitor progress.

Child abuse, neglect and family violence

UPR Recommendations: 112, 115, 118, 121, 125, 127, 130-133, 143-146, 150

131. One of the key priorities of the Child and Youth Wellbeing Strategy is better support for those children and young people at risk of coming within the state care and protection system and to address family violence and sexual violence.
132. Actions under the Strategy to prevent harm and abuse include: the development of a National Strategy and Action Plan for eliminating family violence and sexual violence; establishment of early years violence prevention sites; investment in family violence prevention activities; and a work programme to prevent online child sexual exploitation and abuse.
133. Further actions to improve the quality of state care include: a new cross-agency Action Plan to better support children and young people at risk of harm; introduction of National Care Standards; initiatives to improve outcomes for Māori within the system; and strengthening independent oversight of the Oranga Tamariki system and children's issues.

Royal Commission of Inquiry into historical abuse in state care and in the care of faith-based institutions

UPR Recommendations: 143-146, 150

134. The Royal Commission of Inquiry into historical abuse in state care and in the care of faith-based institutions is investigating abuse of children in care between 1950 and 2019. It is examining why people were taken into care, the abuse that happened, the reasons for and the effects of abuse. The Commission is scheduled to deliver its final report in June 2023, which will include findings and recommendations. An interim report, *Tāwharautia: Pūrongo o te Wā*, published at the end of 2020, along with three research reports, found:
- the number of people abused could have been up to 250,000 out of approximately 655,000 who went through the care settings covered by the Inquiry (from 1950-2019);
 - common factors in abuse cases include a lack of vetting, training and oversight of those in positions of authority; and poor complaints and response processes; and at the worst further abuse, harassment or punishment for reporting abuse;
 - redress processes have not worked for many survivors; they focus on financial implications to the state rather than wellbeing and compensation to survivors; and

- discrimination and racism from authorities and the public service played a role in perpetration and failure to detect and prevent abuse.

135. The Government will receive and consider the Royal Commission's recommendations and findings as they are issued. An interim report specifically related to redress will be presented in December 2021.

Adoption law reform

136. Aotearoa New Zealand's main adoption law, the Adoption Act 1955, is now over 65 years old. The law no longer accurately reflects New Zealand society, modern adoption practices, and does not place children's rights at its centre. The Government is reviewing the adoption laws, to create a new system that provides strong safeguards for protecting the rights, best interests and welfare of children, and upholds our international human rights obligations.

137. The Government has recently undertaken an initial round of public engagement on adoption issues. A second round of consultation will be undertaken in mid-2022 to report back on feedback heard and seek public's views on the Government's proposals for reform.

Minimum age of criminal responsibility

UPR Recommendations: 69-70

138. Work is underway to review the minimum age of criminal responsibility. Progress on this work will be provided at the next Universal Periodic Review. The work will consider how the state care and protection system should respond to offending by children, including serious and repeat offending, if the response is removed from the formal youth justice system.

Children with disabilities

UPR Recommendations: 157- 159

139. In addition to the general measures described earlier, specific actions are underway for children with disabilities. The Child and Youth Wellbeing Strategy includes a particular focus on children with disabilities and those living in disabled households. Actions to improve outcomes for children and young people impacted by disability include: introducing a Learning Support Coordinator role to strengthen support for children with disabilities; flexible use of funding to meet increased demand for learning support services, supporting learning opportunities for children and young people who are deaf and increasing the availability of Assistive Technology; and resources to support neuro-diverse children and young people.

140. Oranga Tamariki is developing a disability work programme which includes plans to develop a proposal for an advisory group of people with disabilities in 2022. Engagement with disabled people's representative organisations has begun, to determine how to implement a social and rights-based model of disability in Oranga Tamariki's work, ensuring it includes a Te Ao Māori approach to disability.

141. Oranga Tamariki has also begun implementing changes to bring Aotearoa New Zealand's legislation into compliance with UN Convention on the Rights of Persons with Disabilities. For example, the Oranga Tamariki Act 1989 now provides for disabled children to be subject to the same care mechanisms, protections and safeguards as other children in the statutory care system.