

Universal Periodic Review Progress Chart

Recommendation	New Zealand Response (2009)	Work completed (2011)
International instruments		
1. Ratify (Islamic Republic of Iran, Mexico) / Consider the possibility of signing and ratifying (Argentina) the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW);	New Zealand does not accept these recommendations. At present, New Zealand is not considering ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. New Zealand has various laws to adequately protect all workers in New Zealand, including migrant workers, on an equal basis.	New Zealand did not accept recommendation 1.
2. Strengthen the Government's strategy on new migrants by considering the possibility of ratifying ICRMW (Algeria);	Same as for Recommendation 1.	New Zealand did not accept recommendation 2.
3. Consider the possibility of signing and ratifying (Argentina) / Accelerate the ratification of (Azerbaijan) the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;	New Zealand accepts the recommendation to consider ratifying the Optional Protocol to UNCROC relating to the sale of children, child prostitution and child pornography. New Zealand has made a number of legislative amendments to enable ratification, and work is underway to progress the remaining amendments.	NZ has considered ratifying Optional Protocol to UNCROC relating to the sale of children, child prostitution and child pornography and has taken positive steps towards ratification. The provisions contained in the Child and Family Protection Bill, currently before the House, are the last legislative amendments required for New Zealand to ratify the Optional Protocol.
4. Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Brazil);	New Zealand does not accept the recommendation to ratify the Optional Protocol to ICESCR. While New Zealand is not considering ratification at this stage, this treaty may be reviewed later.	New Zealand did not accept recommendation 4.
5. Ratify International Labour Organization (ILO) fundamental conventions (Brazil, Islamic Republic of Iran), and in particular the Indigenous and Tribal Peoples Convention No. 169 (Islamic Republic of Iran);	New Zealand is party to six of the eight fundamental ILO conventions. New Zealand does not accept the recommendations to consider ratifying the remaining two fundamental ILO conventions or ILO Convention No. 169. New Zealand will not ratify conventions or apply	New Zealand did not accept recommendations 5, 6 and 7 relating to various ILO conventions.

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	international standards that are inconsistent with New Zealand's unique legal, constitutional and Treaty of Waitangi arrangements including ILO Convention No. 169.	
6. Ratify (Mexico) / Consider ratifying and implementing the Indigenous and Tribal Peoples Convention No. 169 (Norway);	Same as for Recommendation 5.	Same as for recommendation 5.
7. Consider ratifying ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries and applying international standards with respect to the rights of indigenous peoples (Argentina);	Same as for Recommendation 5.	Same as for recommendation 5.
8. Support (Austria, Pakistan) and implement (Pakistan) the United Nations Declaration on the Rights of Indigenous Peoples;	<p>New Zealand has indicated that the Government would like to move to support the Declaration on the Rights of Indigenous Peoples, provided that New Zealand can protect the unique and advanced domestic framework that has been developed for the resolution of issues related to indigenous rights. That framework has been developed in the context of New Zealand's legal arrangements and democratic processes.</p> <p>New Zealand recently changed its position to one of support for the Declaration.</p>	<p>New Zealand indicated its support of the Declaration on 20 April 2010 and acknowledged that Maori hold a special status as tangata whenua, the indigenous people of New Zealand and have an interest in all policy and legislative matters; affirmed New Zealand's commitment to the common objectives of the declaration and the Treaty of Waitangi; and reaffirmed the legal and constitutional frameworks that underpin New Zealand's legal system noting that those existing frameworks define the bounds of New Zealand's engagement with the declaration.</p> <p>The Minister of Maori Affairs read a statement of support for the Declaration to the United Nations Permanent Forum on indigenous Issues in New York on 19 April 2010. The Minister of Justice read the statement to the New Zealand House of Representatives on 20 April 2010.</p>
9. Join the favourable momentum generated by the adoption of the United Nations Declaration on the Rights of Indigenous Peoples and give	Same as for Recommendation 8.	Same as for Recommendation 8.

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its support to this instrument (Mexico);		
10. Revisit its decision not to support the United Nations Declaration on the Rights of Indigenous Peoples, with a view to protecting the rights of indigenous peoples in the country, and engage with the Māori and the wider community to promote the realization of indigenous rights (Islamic Republic of Iran);	Same as for Recommendation 8.	Same as for Recommendation 8.
11. Sign and ratify (France) / Consider signing and ratifying (Argentina) the International Convention for the Protection of All Persons from Enforced Disappearance; and consider accepting the competence of the Committee on Enforced Disappearances (Argentina);	New Zealand accepts the recommendation on the International Convention for the Protection of All Persons from Enforced Disappearance. New Zealand is examining the implications of the Convention and what, if any, changes to domestic law and practice would be required to enable New Zealand to become a party to the treaty.	The Ministry of Justice is considering if New Zealand can sign and ratify CED. This analysis is an ongoing work item that will be completed as priorities allow.
12. Consider accepting the individual complaint procedure under article 14 of the International Convention on the Elimination of all Forms of Racial Discrimination (Republic of Korea);	New Zealand accepts this recommendation and will consider accepting the article 14 complaint procedure under CERD.	The Ministry of Justice is considering if New Zealand can accept the competence of the CERD Committee to hear individual communications.
13. Adopt (Mexico) / Endorse (Algeria, Russian Federation) the final outcome document approved during the Durban Review Conference, in view of its unanimous adoption (Algeria);	New Zealand did not attend the Durban Review Conference in April 2009 and is not in a position to adopt or endorse the final outcome document. As a strong supporter of CERD, New Zealand remains firmly committed to combating all forms of racism, racial discrimination, xenophobia, and related intolerance.	New Zealand's commitment to combating all forms of racism, racial discrimination, xenophobia and related intolerance comes through in the variety of legislation and policy to achieve those ends. It is unlawful to discriminate on the basis of race, colour, descent or national or ethnic origin. This prohibition extends to the provision of goods and services by both the State and private parties. It is a criminal offence to incite racial disharmony. In addition, it is an aggravating factor in sentencing for a criminal offence where the offence is motivated by hostility by race, colour, nationality or other enduring characteristics.
14. Accomplish progressively	New Zealand accepts the	In line with the HRC Resolution 9/12 Human rights voluntary goals, New Zealand has ratified seven

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the human rights goals set forth in Human Rights Council resolution 9/12 (Brazil);	recommendation to accomplish progressively the goals of HRC resolution 9/12 and is already implementing or making good progress in accomplishing all of these goals.	of the nine core human rights treaties and is considering ratification of the most recent treaty on enforced disappearance. The Government has a robust framework ensuring promotion and protection of human rights. Part of the framework is the Government's implementation of the priorities for action from the New Zealand Human Rights Commission's 2005 Action Plan as part of normal business where appropriate.
Constitutional and legislative framework		
15. Further incorporate, as appropriate, its international human rights obligations into domestic law (Jordan);	New Zealand accepts this recommendation. New Zealand gives effect to international human rights obligations by general and specific legislation and by government policies and practices. New Zealand will continue to review whether further legislation, policies or practices are required.	New Zealand is considering ratification of the OP to UNCROC (Sale of Children). New Zealand is considering amending domestic legislation to be consistent with CED to enable ratification of that convention. New Zealand is continuing to progress steps towards ratification of the UN Convention against Corruption
16. Ensure that the Bill of Rights Act appropriately reflects all of New Zealand's international human rights obligations and that all subsequent legal provisions, including immigration laws, are in accordance with it and cannot limit its scope (Czech Republic);	<p>New Zealand agrees that all international human rights obligations should be appropriately implemented in domestic legislation, policies and practices. However, New Zealand does not accept that all obligations should be incorporated into the Bill of Rights Act 1990, which is concerned only with primary civil and political rights.</p> <p>New Zealand also does not accept the recommendations that legislation must be in accordance with the Bill of Rights Act and cannot limit the Act's scope. Consistent with New Zealand's present constitutional structure, the Bill of Rights Act and other human rights instruments do not directly limit Parliament's legislative powers.</p> <p>The Bill of Rights Act requires that all legislation is reviewed for compliance with national and international human</p>	<p>The Ministry of Justice and the Crown Law Office review all draft legislation for compliance with national and international human rights standards.</p> <p>Consistent with New Zealand's constitutional structure, the Bill of Rights Act and other human rights instruments do not directly limit Parliament's legislative powers.</p>

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	rights standards. Any inconsistency with the Bill of Rights Act is reported to the New Zealand Parliament. Further, once enacted, legislation is required, so far as possible, to be interpreted consistently with affirmed rights.	
17. Consider integrating the provisions of the International Covenant on Economic, Social and Cultural Rights into domestic legislation to ensure the justiciability of these rights (South Africa);	New Zealand agrees with the premise that economic, social and cultural rights should be appropriately implemented in domestic law but only accepts in part that these rights are to be implemented by justiciable legislative incorporation. New Zealand implements economic, social and cultural rights through subject-specific legislation, providing, for example, publicly funded education, health care and social assistance, and also through government policies and practices.	New Zealand agrees with the premise of the recommendation and implements economic, social and cultural rights through subject-specific legislation and government policies and practices. In response to concerns about justiciability, there are remedies available in respect of Covenant rights; wherever possible, national legislation is interpreted and applied consistently with international obligations; and there is a broad range of non-judicial and quasi-judicial mechanisms for the implementation of Covenant rights.
18. Take appropriate measures to bring domestic law into full compliance with the International Covenant on Civil and Political Rights (Algeria);	<p>Understanding that the recommendation is made in the context of the specification in New Zealand legislation of enumerated, rather than open-ended, grounds of prohibited discrimination, New Zealand does not agree that its domestic laws are not fully compliant with ICCPR. The enumerated grounds address all principal discrimination concerns and are reviewed periodically to ensure that they protect vulnerable groups in New Zealand.</p> <p>Certain Covenant rights are not reflected in the New Zealand Bill of Rights Act, but these other rights are given effect through specific legislation. For example, the right to</p>	Certain Covenant rights are not reflected in the New Zealand Bill of Rights Act, but these other rights are given effect through specific legislation.

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	Privacy affirmed in article 17 of the Covenant is protected by the Privacy Act 1993 and tort law. Similarly, the Children, Young Persons and their Families Act 1989, the Care of Children Act 2004 and other related legislation give effect to the rights of families and children.	
19. Take further measures to ensure full and consistent protection of human rights in domestic law and policies, taking into account recommendations made by several United Nations human rights bodies in this regard (Netherlands);	New Zealand agrees to consider the recommendations to take further measures to ensure full and consistent protection of human rights in domestic law and policies; and to take action to provide constitutional protection to both national and international human rights acts and standards.	All recommendations and observations of treaty bodies are seriously considered by the Government.
20. In line with the concern expressed by a number of treaty bodies, take action to provide constitutional protection to both national and international human rights acts and standards (Pakistan);	Same as for Recommendation 19.	Same as for Recommendation 19.
21. Continue the public discussion over the status of the Treaty of Waitangi, with a view to its possible entrenchment as a constitutional norm (Norway);	New Zealand agrees with the underlying premise of this recommendation to continue the public discussion on the status of the Treaty of Waitangi. New Zealand will encourage that discussion though it does not assume that the current mechanisms in place are inadequate or that entrenchment of the Treaty is the only possible outcome of the public discussion.	Under the 2008 Relationship and Confidence and Supply Agreement between the Maori Party and the National Party, a group will be established to consider constitutional issues, including Maori representation. Proposed Terms of Reference for the Consideration of Constitutional Issues were released in December 2010. A Constitutional Advisory Panel will be appointed to provide a report to Ministers on the range of perspectives on the constitutional topics. The topics to be considered include a written constitution and the role of the Treaty of Waitangi within New Zealand's constitutional arrangements. Archives considers that development of the Treaty exhibition space and the room leading into the Constitutional Room where the Treaty documents are housed, stimulates and informs the public discussion and enhances the mana of the Treaty, housed as it is, in a constitutional context
Human rights policy measures		
22. Consider adopting its National Plan of Action for Human Rights (South Africa);	New Zealand accepts this recommendation in part. New Zealand supported the development of the New Zealand Action Plan for Human Rights, and recognises that	Government departments will continue to consider the appropriateness of implementing the Plan's priorities for action as part of normal business.

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	<p>the understanding and effective promotion of human rights is a constantly evolving process. Given the Plan's wide range of issues and the scale of factors that need to be considered, the New Zealand Government considers that the most suitable approach is for government departments to consider the appropriateness of implementing the Plan's priorities for action as part of normal business.</p>	
<p>23. Seriously consider implementing the observations and recommendations of different treaty bodies (Pakistan);</p>	<p>New Zealand accepts these recommendations, and has always acted consistently with the recommendations of the international treaty monitoring bodies and the special procedures on indigenous peoples.</p>	<p>New Zealand has always acted consistently with the recommendations of treaty bodies and special procedures on indigenous peoples. In the time since the UPR, New Zealand has seriously considered the concluding observations of the Human Rights Committee, Committee Against Torture and Committee for the Rights of the Child.</p> <p>Since New Zealand's appearance at the UPR, the Government considered the recommendations of the Human Rights Committee and the Committee Against Torture.</p> <p>We expect that the Committee on the Rights of the Child will issue concluding recommendations that the Government will consider in due course.</p>
<p>24. Consider implementing, as appropriate, the recommendations of human rights treaty bodies and special procedures on indigenous people (Jordan);</p>	<p>Same as for Recommendation 23.</p>	<p>Same as for Recommendation 23.</p>
<p>Equality and non-discrimination</p>		
<p>25. Pursue efforts to combat all forms of discrimination, in particular those based on ethnic origin (Switzerland);</p>	<p>New Zealand accepts the recommendations to address all forms of unlawful discrimination and socio-economic disparities suffered by vulnerable groups in New Zealand and to take action to understand the causes of inequality. Measures to promote equality for vulnerable groups include robust non-discrimination provisions in New Zealand's human rights legislation, and a variety of laws, policies and</p>	<p>Under the Cabinet manual, all departments must identify the human rights implications, including unlawful discrimination, of proposed policies and legislation. The Ministry of Justice and Crown Law Office consider all legislation introduced into the House of Representatives for consistency with the right to freedom from unlawful discrimination.</p>

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	practices in the education, employment, health and social welfare sectors. New Zealand is committed to identifying gaps in information to better understand the causes of inequality.	
26. Continue to take targeted action to eliminate the socio-economic disparities that persist among its population, including those affecting Māori, Pacific, Asian and other groups (Turkey);	Same as for Recommendation 25.	<p>New Zealand has a social security system that aims to ensure an adequate standard of living, and provide opportunities to participate fully in society.</p> <p>The Government believes that paid work is the best way for low-income families to improve their situation and move out of poverty over the long-term. To provide additional support for families, the Government has recently introduced a number of personal tax cuts, increasing the disposable income of New Zealand families.</p> <p>The Future Focus package was launched in October 2010 to encourage and support sole parents receiving social security income support into paid work. The package introduced a part-time work test for sole parents with children six years and over from September 2010. It also increased the abatement thresholds to social security benefits and introduced a new study loan for sole parents. Changes to the out-of-school care rules are expected to lead to more childcare options for parents.</p> <p>The Welfare Working Group, an independent advisory group, is looking at new ways to address long-term welfare dependency. One of the group's goals is improving social outcomes, such as reducing poverty. A final report was presented to the Government in February 2011 and Government is considering its response.</p> <p>In the recent recession, the Government introduced a package of measures to help people who lost their jobs or were at risk of losing their jobs. New initiatives targeted at young people more at risk of long-term unemployment were introduced in 2009 in response to the global recession.</p> <p>The Government is investing \$55.2 million from 2011 in a Youth Employment Package to provide 13,000 places for young people in employment and training over the next four years.</p> <p>The Government continues to provide support to low-income households with dependent children through the Working for Families package. Tax credits are paid to some families with dependent children aged 17 or younger (18 if the child is still a student). New Zealand has a three tier family tax credit system. Family income forms the threshold between each tier. Families with dependent children may be eligible for one or more of these tax credits at the same time. The amount of family or child tax credit each family receives depends on joint family income and the number of children the family is supporting. The rates of the tax credits and the income level at which they begin to abate have been further increased since the Working for Families package was first introduced to provide additional support for families.</p>

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27. Strengthen and further improve the existing measures and strategies and undertake, where necessary, actions to correct the inequalities that still exist between the various communities (Morocco);	Same as for Recommendation 25.	<p>The Government is seeking to co-ordinate a joined-up approach through Community Link for the delivery of services to individuals, families and communities – including the most vulnerable. Community Link is an integrated cross-agency approach to delivering social services. It enables government agencies and non-government organisations to join together to deliver social services in a more effective way. Community Links are more than just co-location of services; they provide the physical context, or hub, from which to respond to clients' needs in an integrated way to:</p> <ul style="list-style-type: none"> • address the underlying cause of the problems for clients and their families • access the support they consider a priority first • tailor support to clients' needs, with services 'docked' into appropriate places and support structures within communities. <p>The Government provides coordinated access to services for people in provincial and rural New Zealand. Heartland Services is an interagency initiative where service centres provide co-located government and community services, while an outreach service assists a number of agencies to synchronise their visits to remote communities to provide face- to-face services to rural clients.</p> <p>In May 2010 the Government announced the launch of the Community Response Model. The new model transforms the way Government funds social support services delivered to families and communities. Fourteen regional forums have been established throughout New Zealand to enable the voices of families and communities to be taken into account, as they assess the impact of family and community support services, in their region, against Government priorities.</p>
28. Further strengthen its actions to ensure that the economic and social rights of vulnerable persons are protected, especially Māori, people with Pacific background and people with disabilities, and ensure that special attention is given to these persons with a view to including them fully in society (Netherlands);	Same as for Recommendation 25.	<p>The Mainstream Employment Programme provides a package of subsidies, training, and other support to help people with significant disabilities get work in the State sector.</p> <p>The '<i>Take a moment</i>' campaign aims to make people with an intellectual disability feel included in society and change perceptions about people with intellectual disabilities.</p> <p>Over the next three years, New Zealand is aiming to bring promotion, protection and monitoring of the rights of people with disabilities into line with the United Nations Convention on the Rights of Persons with Disabilities.</p> <p>The Government announced the launch of the Lifetime Design standard in May 2010. The Lifetime Design standard promotes and licenses designs for new homes that incorporate features that make them easy to adapt, particularly to the needs of disabled and older family members.</p>
29. Continue to address all forms of political, economic and social discrimination against the Māori by meeting their various demands for constitutional and legal reforms and recognition	New Zealand agrees with the recommendation to address all forms of political, economic and social discrimination against Māori, and will continue to strive to achieve it. For example, as part of the Confidence and Supply Agreement between the	Same as for Recommendation 21.

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(Bangladesh);	National Party and the Maori Party, both parties agree to establish a group, by no later than early 2010, to consider constitutional issues.	
30. Continue addressing effectively the socio-economic inequalities affecting the Māori (Jordan);	Same as for Recommendation 25.	In June 2009 the Government announced that it was developing the Whānau Ora initiative. The Whānau Ora initiative provides practical, community-based support to whānau (family) so they can be self-managing and determine their own economic, cultural and social development. It does so by taking an inclusive approach to providing services and opportunities to families across New Zealand, requiring multiple government agencies to work together with families rather than separately with individual family members. The initiative has developed a model for integrating the contracts received by a service provider working with a family into one contract, to help better coordinate the services provided to that family.
31. Take further measures to correct the gaps in employment, salary, health care and education that exist between Māori and non-Māori peoples (Japan);	Same as for Recommendation 25.	<p>Ka Hikitia - Managing for Success, The Māori Education Strategy 2008-2012 sets the Government's policy targets and approaches to Māori educational achievement. The Ministry of Education's annual report on Māori Education Ngā Haeata Mātauranga 2008/09 highlights a broad range of activities underway to improve the performance of the system for and with Māori - in mainstream schools as well as Maori-medium settings - designed to raise achievement, increase participation, encourage te reo Māori in classrooms, and support culturally responsive practices by teachers and school leaders. In 2010 over 60% of Maori students in year 13 who were NCEA candidates gained NCEA Level 3, up from 49.9% in 2002. National Certificate of Educational Achievement data continues to show strong patterns of achievement among Māori learners attending secondary schools where Māori language and culture were the main approaches to teaching and learning.</p> <p>Initiatives designed to address the gaps in education include the Youth Guarantee, a programme to retain 16 and 17 year olds in education and training. National Standards for Māori-medium education programmes, Ngā Whanaketanga Rumaki Māori, were developed by Māori-medium Te Reo Matatini and Pāngarau leaders and were implemented in 2010. They establish clear expectations of progress and achievement for Māori students in relation to reading, writing and mathematics. The Ministry of Education has also proposed a change to centrally-funded professional learning and development (PLD) arrangements to build on the evidence base of what works to improve student outcomes, target priority areas, and take account of the needs of individual schools. Te Marautanga o Aotearoa, the new curriculum for Māori-medium teaching, learning, and assessment, was launched in 2008, and was implemented in Māori-medium schools and settings in 2011.</p> <p>The NZ Ministry of Health is responsible for health and disability issues for Māori through its Māori Health Strategy He Korowai Oranga. Te Puni Kōkiri contributes to this in its advice to other government agencies and by facilitating relationships between the health and social sectors and Māori communities.</p>
32. Consider further action to fully understand the causes of	Same as for Recommendation 25.	TPK has undertaken discrete projects on: Māori teacher recruitment; vocational skills, training and qualifications; and employment opportunities for Māori during the Global Financial Crisis.

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<p>inequality faced by indigenous people and take steps to minimize the effects (United Kingdom);</p>		<p>TPK has also commissioned research on skills needed in the post-recession-recovery, and the dynamics of Māori jobseekers</p> <p>Drivers of Crime focuses on addressing the underlying drivers of crime, rather than just the criminal justice system's response to it.</p> <p>The Ministry of Social Development monitors social outcomes for different groups to support our understanding of differing needs.</p> <p>The Government has also invested \$23 million over five years to 2012 in a new longitudinal study of child development in New Zealand. The Ministry of Social Development has been working with the University of Auckland to establish the study, which collects information about children from before their birth and over their life course. This will provide a flow of information about the development and wellbeing of children, with good coverage of New Zealand's ethnic and social diversity. Known as <i>Growing Up in New Zealand</i>, the study was launched in 2008 and commenced before birth, sampling around 7,000 women in the last trimester of pregnancy. The first report from the study was released on 25 November 2010.</p>
<p>33. Commit itself to combating institutional bias that can result in the overrepresentation of specific groups in the criminal justice system (Canada);</p>	<p>New Zealand accepts in part the recommendations to continue efforts to prevent discrimination in the criminal justice system and to commit itself to combating overrepresentation of specific groups. The New Zealand Government does not agree that the disproportionate representation of certain ethnic groups in the criminal justice system, such as Māori, is due to institutional bias. Other factors are responsible for this outcome. The Government recently began work to examine and address the drivers of crime, which will include analysis of the social and economic factors that contribute to criminal behaviour and methods to address the overrepresentation of certain groups in the criminal justice system.</p>	<p>The Ministry of Justice has completed a literature review on effective practice for identifying and responding to bias in criminal justice system decision-making. Although this work informs the development of policy to address the over-representation of Maori in the criminal justice system, the New Zealand Government does not consider that this over-representation is due to institutional bias. Other socio-economic factors are responsible for this outcome. Nevertheless, the Government recognises that the rate of imprisonment of Maori poses a significant challenge for it and for Maori communities. A major work programme is underway to address the drivers of crime, including work to prioritise Maori. This includes tailoring and targeting services to address key factors that underlie conditions from which arise offending and victimisation. There are four major work areas: addressing behavioural problems in children and young people; improving maternity and ante-natal support; reducing harm from alcohol; and better managing low level offenders (to divert them away from imprisonment).</p> <p>New Zealand Police is currently implementing a strategic change programme that prioritises the prevention of crime and road trauma. A series of productivity improvement measures will free up the resources to invest into Neighbourhood Policing Teams. As a result of Neighbourhood Policing Teams and other mechanisms New Zealand Police works closely with a diverse range of communities to ensure that just outcomes are reached for all individuals who engage with Police, irrespective of their cultural background. Increasing multilingual capability (such as Police forms, interpreters) and actively recruiting Police employees from a wide range of cultural backgrounds also assists Police to be culturally responsive. New Zealand Police is currently exploring increasing the availability of cultural training for all Police employees.</p>

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		<p>Other recent work includes the Police working with Maori communities to assist them to address crime; the establishment of Rangatahi Courts where key functions of the Youth Court are carried out on Marae under Maori protocol.</p> <p>The establishment of a Maori-centred rehabilitation and reintegration unit (Te Whare Oranga Ake) at Mangaroa Prison.</p>
34. Continue efforts to ensure that people belonging to minority groups are not discriminated against in the criminal justice system (Sweden);	Same as for Recommendation 33.	Same as for recommendation 33.
35. Take further steps to eradicate all remaining expressions of racism, racial discrimination, xenophobia and related intolerance (Algeria);	New Zealand accepts this recommendation. New Zealand is committed to taking further steps to eradicate all remaining expressions of racism, racial discrimination, xenophobia and related intolerance but notes that these efforts be balanced against other fundamental rights such as freedom of expression.	New Zealand continues to review all Cabinet papers and proposed legislation for consistency with the Bill of Rights Act 1990 and Human Rights Act 1993. In addition, it is unlawful for anyone in New Zealand to publish or distribute or use words in public to excite hostility against, or bring into contempt, any group of persons in or who may be coming to New Zealand on the ground of the colour, race or ethnic or national origins of that group of persons.
36. Include the fight against xenophobia and racism in the education curricula (Brazil);	New Zealand accepts this recommendation. The New Zealand Curriculum makes explicit reference to cultural diversity and inclusion as two of the eight principles that should underpin all school decision-making and the fight against xenophobia and racism falls within these principles.	New Zealand Curriculum mandated. Support has been provided for schools as they develop their own curricula aligned to the New Zealand Curriculum (NZC). This support includes information provision in print and online, in-school professional development support, monitoring & evaluation. Ongoing monitoring will show more schools using the NZC more effectively. Monitoring will also help identify gaps that need to be addressed.
37. Protect the interest of migrants and minority groups, including the Asian and Pacific people, from all forms of racial stereotyping and derogatory treatment (Bangladesh);	New Zealand accepts the recommendation to protect the interest of migrants and minority groups, including the Asian and Pacific people, from all forms of racial stereotyping and derogatory treatment.	New Zealand's constitutional framework places great importance on respect for peoples' cultural, ethnic, racial and religious differences and their right to participate equally in society. In this context, the New Zealand Government's strategies for settlement of migrants and refugees are based on the principle that settlement outcomes are a two-way commitment for newcomers and the host community. The interests of migrants and minority groups comprise the achievement of their effective settlement.
38. Consider accepting the recommendation of the Committee on the Elimination of Racial Discrimination to study ways and means of	New Zealand accepts these recommendations but will not be able to make progress in this area in the medium term due to higher priority work.	<p>New Zealand has not been able to progress recommendations 38 and 39.</p> <p>In 2010, the 'Review of Crime and Criminal Justice Statistics Report 2009' was completed and included specific consideration of gathering information regarding 'crimes of prejudice' (which include racially motivated crime). The report concluded that, given the problems experienced in</p>

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<p>assessing the extent to which complaints for racially motivated crimes are addressed in an appropriate manner within the criminal justice system (Malaysia);</p>		<p>overseas jurisdictions where this information is collected, the worth of their collection in New Zealand would need to be assessed and validated before this could be considered. However, New Zealand Police will continue to make full use of the Crime and Safety Survey to monitor trends.</p> <p>Complaints about Police conduct in handling racially motivated crimes are overseen by the Independent Police Complaints Authority. Its reports are made public on its website and complaints data published through its annual report.</p> <p>Although New Zealand does not officially record racially motivated crime at a national level, New Zealand Police has supported the establishment of local initiatives in Christchurch and Nelson, which are designed to facilitate reporting of race based discrimination, harassment and other 'racist incidents.' In Christchurch, the Report It website (www.report-it.org.nz) was launched in 2008 by a group of agencies involved with the Safer Students campaign, namely Police, Christchurch City Council, Te Runanga o Ngai Tahu, Christchurch Polytechnic Institute of Technology, University of Canterbury, Lincoln University and the Human Rights Commission. A similar website has been established in Tasman District as part of the "Speak Out" system for reporting racist incidents. The Speak Out system, which was launched in November 2010, facilitates reporting of racist incidents via an on-line reporting form (available at www.speakout.org.nz), a call free telephone number, as well as direct reporting to a number of community agencies.</p>
<p>39. As recommended by the Committee on the Elimination of Racial Discrimination, pursue means of recording complaints, prosecutions and sentences related to racially motivated crimes and investigate how such issues are addressed through the criminal justice system (United Kingdom);</p>	<p>Same as for Recommendation 38.</p>	<p>Same as for Recommendation 38.</p>
<p>40. Consider amending or repealing its legislation to close the gaps in the protection of women against discrimination (South Africa);</p>	<p>New Zealand accepts the recommendation to consider amending or repealing its legislation to close the gaps in the protection of women against discrimination. The New Zealand Government is not aware of any legislation that has that effect.</p>	<p>The New Zealand Government is not aware of any legislation that discriminates against women. New Zealand withdrew its last reservation under the Convention on the Elimination of all forms of Discrimination Against Women in July 2007.</p> <p>All policy papers to Cabinet are required to include a statement about whether the proposal is in any way inconsistent with the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993. A gender implications statement is required for all papers submitted to the Cabinet Social Policy Committee.</p> <p>The Ministry of Women's Affairs (MWA) provides advice to other government agencies on gender implications in policy papers.</p>

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Recommendation	New Zealand Response (2009)	Work completed (2011)
41. Establish targets for improving the representation of women in senior management in the public service and set measurable targets for realizing gender pay equality (Canada);	New Zealand agrees with the goal of reinforcing the rights of women in society, in particular in the labour market and in government and other leadership roles. New Zealand does not consider that legislative gender quotas or targets are the best mechanism to achieve these goals. There are a number of Government programmes focussed on achieving greater participation and gender parity.	<p>MWA has worked on several projects designed to contribute to a reduction of the gender pay gap and to promote women in leadership. These include:</p> <ul style="list-style-type: none"> • a case study of flexible work practices in the accounting sector • an analysis of graduate incomes: highlighting post-graduation income differentials between men and women graduates, and studying what is driving these differentials • an analysis of women's labour market participation, with a focus on mothers' participation. • addressing occupational segregation by assisting with the development of networks for women working in trades; research into what works to encourage more women into trades, and conducting research on patterns of occupational segregation in emerging industries • research on the career choices of secondary school students • a review of women in science, technology, engineering and mathematics <p>In line with the priorities set out in response to recommendation 42, MWA will continue to examine structural, systemic and societal causes of women's lack of participation in leadership positions, promote flexible work across sectors, and work with employers to promote the business case for women on boards.</p>
42. Continue to adopt policies in order to achieve full gender parity (Angola);	Same as for Recommendation 41.	MWA's work is generally focused on three priority areas: women and the economy, violence against women, and women in leadership. Under these priority areas, a variety of projects have been completed, some of which are set out in response to recommendation 41.
43. Start discussions on introducing gender quotas on the boards of public limited companies (Norway);	Same as for Recommendation 41.	<p>In 2009, MWA published the report <i>Women on Boards: Why women on company boards are good for business</i> in partnership with Business NZ (the leading business association in New Zealand) and the Institute of Directors in New Zealand (the IOD). The report was launched by the Prime Minister at a business event.</p> <p>In 2010-11, MWA is monitoring and disseminating information on international trends, successful interventions and business case evidence to decision makers in the state and private sector. MWA works to ensure that interested parties and stakeholder groups have effective strategies that increase women's participation in governance roles, and also advises women on advancing their own governance participation and experience.</p>
44. Reinforce the rights of women within the labour market, regardless of age or ethnicity (Brazil);	Same as for Recommendation 41.	<p><i>Pay and employment equity</i> reviews in the public sector concluded in 2009. These reviews were facilitated by the Pay and Employment Equity Unit (P&EE Unit) at the Department of Labour and ceased with the completion of the Government's Five Year Action Plan on Pay and Employment Equity in early 2009. The pay and employment equity review processes were driven by the individual public service agencies with practical assistance in conducting the reviews provided by the P&EE Unit at the Department of Labour.</p> <p>The <i>Parental Leave and Employment Protection (Paid Parental Leave) Amendment Act 2002</i> provides paid leave for eligible mothers and their partners. These measures have been put in place to give both parents increased flexibility and choice balancing their work and family lives following the birth of a child.</p> <p>The <i>Employment Relations (Flexible Working Arrangements Amendment) Act (Part 6AA)2007</i> came into effect on July 1 2008. The Act provides employees <i>who meet certain eligibility criteria</i> with the</p>

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		<p>statutory right to request a variation to their working hours. Employers must consider these requests.</p> <p><i>The Employment Relations Breaks, Infant Feeding and Other Matters Amendment Act (Section 6C)2008</i> came into effect in New Zealand from April 1 2009. As per the Act employers are required to provide appropriate facilities and breaks for employees who wish to breastfeed (including expressing breast milk), where reasonable and practicable. A Code of Employment Practice, providing guidance to employers, on the above has since been prepared.</p> <p>As an outcome of the pay and employment equity reviews the Government has pledged continued support for the implementation of the Public Service Departments reporting on pay and employment equity response plans, excluding pay investigations. It is currently focused on providing support for Public Service chief executives, boards of trustees, and chief executives in the public education and health sectors to ensure that they continue to address and respond to any identified gender inequalities as part of good management practice and being a good employer.</p> <p><i>Review of the Parental Leave and Employment Protection Amendment Act (2002)</i> The Government-initiated review of the Act will have a particular focus on the eligibility requirements for paid parental leave and on the flexibility of the provision for parents.</p> <p><i>Review of the Flexible Working Arrangements Amendment Act (Part 6AA) 2007</i> The Government-initiated review of the Act will focus on how effective the Act has been in fulfilling its original purpose (to provide employees with the right to request variation to their working hours) and will consider the case for changing the right to request flexible working arrangements to <i>all</i> employees.</p>
<p>45. Implement active policies to speed up and increase the representation of women, in particular in local governments, the judiciary and the health sector (Argentina);</p>	<p>Same as for Recommendation 41.</p>	<p>The Ministry of Justice routinely advises the Ministry of Women's Affairs of upcoming vacancies to statutory positions which it administers so that the Ministry can encourage women on its database to put themselves forward to be considered for appointment. The Ministry of Justice will continue to advise the Ministry of Women's Affairs of upcoming vacancies.</p>
<p>46. Commit more resources to the provision of services for children with disabilities (Nigeria);</p>	<p>New Zealand accepts the recommendation to commit more resources to the provision of services for children with disabilities. A number of programmes are currently in place in New Zealand to support and improve the lives of children with disabilities, particularly in the education and health sectors.</p>	<p>Budget 2010 allocated an additional \$15 million for the provision of additional equipment and modification services (for all age groups) in 2010/11. This helps support disabled children to access the services they need in a more timely way and reduce the need for them to wait for equipment and modifications.</p> <p>Budget 2010 allocated an additional \$0.4 million per annum for four years for the provision of additional cochlear implant services. This helps support an increased number of disabled children to access the services they need with minimal waiting times.</p> <p>District Health Boards, which provide approximately 85 percent of all Disability Support Services (DSS)-funded Child Development Services, have received a 1.5% increase in funding.</p> <p>Non-Government Organisations which hold DSS-funded Child Development Services contracts have recently received a 2 percent increase to maintain and support the child development work they undertake in a community setting with disabled children.</p> <p>The B4 School Check (B4SC) is a national programme offering a free, comprehensive health and development check for all four year olds. It aims to identify and address any health, behavioural, social, or developmental concerns, such as hearing, vision or communication difficulties, which</p>

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		<p>could affect a child's ability to get the most benefit from school.</p> <p>The Well Child Programme is being enhanced to improve, amongst other things, responsiveness to individual child and family needs, including those who have a disabled child or parent, and to increase the focus on child development.</p> <p>The Ministry of Health has funding for an Autism Spectrum Disorder (ASD) work programme. In the three years covering 1 July 2008 to 30 June 2011 \$15 million has been provided to improve ASD services. Work completed includes:</p> <p>1) National ASD-specific Parent Education programmes for families with children and young people with autism.</p> <p>2) A web based information service for families and professionals in Primary and Secondary Health Services to recognise ASD, and provide referral pathways for people who are diagnosed. This is focused toward early intervention for children and young people.</p> <p>3) Specialist training to increase workforce knowledge in the diagnosis of ASD.</p> <p>Allocate additional funding to support the provision of equipment and modification services to children and adults who are assessed as needing these services.</p> <p>Allocate additional funding to support the provision of cochlear implant services to children and adults who are assessed as needing this service.</p> <p>Increase uptake of the B4SC nationwide, particularly by high need populations.</p> <p>Improve monitoring of referrals from the B4SC programme.</p> <p>Pilot a new needs assessment and care planning process and tool in 2010/11, with national roll out of the tool, including training, from July 2011.</p> <p>Introducing, from July 2010, the Parent Evaluation of Developmental Status (PEDS) questionnaire to improve assessment of child developmental status.</p> <p>Establish ASD coordination services, linked to existing child health services, which improve the diagnosis and post-diagnosis processes for children and young people.</p> <p>Further specialist workforce training programmes delivered for national audiences.</p>
Right to life, liberty and security of the person		
<p>47. On the issue of privatization of prison management, keep in mind the need to ensure the humane treatment of prisoners (Japan);</p>	<p>New Zealand accepts this recommendation. The Corrections Act 2004 requires that all prisoners' sentences are administered in a safe, secure, humane and effective manner. Proposed amendments to the Act allowing for the privatisation of prisons will uphold these requirements.</p>	<p>The Corrections Act 2004 was amended in November 2009 to allow for the private management of prisons. Under the Act, contract prison managers must comply with all domestic laws and international standards and obligations relating to prisoner welfare and management. Contractors must provide regular reports to the Chief Executive of the Department including details of prisoner complaints, incidents of violence or self-harm involving prisoners, disciplinary proceedings taken against prisoners and/ or staff, escapes and attempted escapes, and prisoner deaths. Contractors are subject to oversight by monitors appointed for the purpose by the Chief Executive, and can also be subject to specific investigations by experts within the Department if issues of concern arise around the contractors' management of the prison or prisoners within their custody. Under the Act, the Chief Executive remains accountable at all times for the welfare and wellbeing of all prisoners, whether they are held in a privately managed prison or a prison managed by the Department.</p>
<p>48. Raise the age of criminal responsibility so that it complies with relevant</p>	<p>New Zealand agrees that, consistently with international standards, children and young</p>	<p>New Zealand did not accept recommendation 48.</p>

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international standards (Czech Republic);	people subject to criminal charges should be treated in accordance with their age and capacity. New Zealand legislation and court procedure makes extensive special provision for such children and young people. However, New Zealand does not accept that it is also necessary to increase the age of criminal responsibility, in addition to these measures.	
49. Ensure separate juvenile detention facilities for all juvenile offenders (Czech Republic);	New Zealand is working towards acceptance of this recommendation. Substantial improvements have been made to prisons to ensure that juvenile offenders are held separately from other prisoners. For instance, New Zealand has separate units for the small number of young male offenders (1.25% of all prisoners) under the age of 18 who are sentenced to imprisonment for serious crimes. There is no separate unit for female prisoners under the age of 18 because there have been fewer than five at any time, and special management procedures are followed for such prisoners. New Zealand recognises that further work is required regarding other custodial facilities.	<p>Justice provides Court cells, and while it does not have custodial responsibility for people detained in them, is committed to their safety through a number of operational measures, such as separating young persons and using adjacent police stations to hold people until their appearance. Corrections, Police and the Ministry of Social Development are responsible for the security of prisoners in Court cells.</p> <p>Scheduling of hearings is undertaken to ensure best use of Court time and to reduce the risk of mixing by age. Where possible Youth Court is held on different days and times from other criminal Courts. The Ministry is working with other agencies to reduce mixing people in custody by considering gender, age, gang affiliation, sentenced and non-sentenced and offence type when updating operating procedures and upgrading Court cell facilities where possible. However, in order to ensure the full rights of defendants are addressed, there are occasions when age mixing may be unavoidable. These include having people at Court in time to speak to their lawyer, ensuring those held in police custody are there for periods of time not exceeding 24hours, and managing the challenges posed by long distance transportation from prisons. Approximately 45% of Courts have cells that enable the separation of young persons on a regular basis, and this occurs in most instances. New Zealand has 64 Court buildings with a varying number of cells. Over half of the courthouses do not have facilities that allow separation by age.</p> <p>Courthouse design standards now provide for the requirement of separation by age, however this will only apply to new builds and major refurbishments where cells are included and where footprint and structure permit.</p> <p>The Ministry of Justice has an extensive 12 year capital works programme underway which involves the progressive reviewing and upgrading of its national courthouse portfolio. Projects and priorities are reviewed annually. The Ministry will be reviewing UNCROC compliance as it initiates major capital projects undertaken under this property programme.</p> <p>There are no separate Police custody sites for youth, but New Zealand Police segregates prisoners on the basis of vulnerability and wherever possible where this would be in the interests of the</p>

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		<p>prisoner. In practice that means that having been admitted into Police custody youth are not held in the same cell as adult prisoners. When holding a youth in custody 16 years and under legislation requires Police to report the situation and rationale to Child Youth and Families. This ensures Police only hold youth where legally required.</p> <p>Corrections is keeping young prisoners separate from older prisoners except where, in the case of young women, to do so would not be in the young prisoners best interests.</p>
<p>50. Take further measures to ensure more effective protection of children against abuse or neglect (Czech Republic);</p>	<p>New Zealand accepts these recommendations. One important objective of the New Zealand Government is to make the community safer for children. This includes protecting children against abuse and neglect. The Government has proactively sought to address violence against children, introducing multiple initiatives targeted to child violence prevention and increasing dedicated funding annually to implement the initiatives.</p>	<p>The Government has focused on addressing the needs of vulnerable and at-risk children (especially very young children) and their families by investing \$333 million over the four years from 2010 in a combination of national and community-based initiatives. Many of these initiatives are targeted at improving outcomes for families in order to improve outcomes for children.</p> <p>In 2009, the Minister for Social Development and Employment established an Independent Experts Forum to provide advice to Ministers on priority areas for the prevention of child abuse. Recommendations from this group were included in the Vulnerable Infants package introduced in September 2009, aimed at reducing child abuse by focusing on the protection of babies and young children. This package has a particular focus on physical abuse of under two year olds and includes:</p> <ul style="list-style-type: none"> • a multi-media, public-awareness campaign aimed at ensuring that all New Zealanders understand that you should ‘Never, Ever Shake a Baby’ • an awareness campaign targeted at all new parents, jointly piloted by Child, Youth and Family and the District Health Board in New Zealand’s largest city, with an evaluation process built into it • First Response, a community-based, abuse-prevention trial to follow up with families with children under two years old where there has been a domestic violence incident • setting up improved data and monitoring systems to benchmark and measure progress in preventing and responding to the abuse of children. <p>In May 2010, the Government allocated \$14.9 million over the next four years to support vulnerable teen parents and their children. This includes funding for:</p> <ul style="list-style-type: none"> • supported housing for vulnerable teen parents and their children in high-needs communities • volunteer neighbourhood support initiatives for those vulnerable teen parents who are not facing major challenges, but who may be isolated and would benefit from support to better connect them to their neighbourhoods • the development of guidelines on encouraging responsible and nurturing parenting by teen fathers, and training for service delivery providers based on these guidelines. <p>New Zealand has introduced initiatives to provide safety and protection to children from online exploitation, pornography and abuse. In 2009, the New Zealand Police established the Online Child Exploitation Across New Zealand team and the New Zealand Police joined the Virtual Global Taskforce in 2010. The Department of Internal Affairs has trialled a filtering system allowing internet</p>

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		<p>providers to block websites that host child sexual abuse images and prevent access to websites known to contain child sexual abuse material. This system was initially trialled between 2006 and 2008 and has been in operation since the first quarter of 2010.</p> <p>In addition to working to protect vulnerable children in the community, New Zealand has introduced measures to ensure children in alternative care are appropriately cared for and have their well-being promoted and protected. Supporting children's caregivers is a major focus. The new <i>Ways to Care</i> care-training curriculum, introduced in October 2010, provides foster carers and non-whānau carers with advice, resources and support. In 2010, Child, Youth and Family put in place additional dedicated care-service managers and social workers to strengthen responsiveness to caregivers.</p> <p>In August 2010 the Government launched the Home for Life programme. Home for Life strengthens the Government's commitment to people who want to give a child in care a home for life, so that the child is no longer in the care of Child Youth and Family.</p>
<p>51. Effectively coordinate its efforts to prevent child abuse and provide the needed assistance in that area (Nigeria);</p>	<p>Same as for Recommendation 50.</p>	<p>Introduced in the Vulnerable Infants package, all children and young people admitted to hospital as a result of abuse will have a cross-departmental care and safety plan before they leave hospital. Police, Child, Youth and Family and health professionals agree on a plan that will include:</p> <ul style="list-style-type: none"> • identifying who will care for the child • identifying and responding to their health needs • identifying what other support is necessary and how it will be provided • clearly defining the roles and responsibilities of professionals • identifying how monitoring will occur. <p>In 2010, the Government invested a further \$6.6 million over four years to increase the number of Child, Youth and Family social workers in hospitals to ensure a social work presence in at least one main hospital in each of the District health Boards. The role enhances the links between professional services and improves the information flow about potential abuse cases, resulting in better outcomes for children, young people and their families.</p> <p>Other initiatives include work to develop the national Child Protection Alert System to enable health providers to check to see if there is an alert or warning indicating a child at risk of abuse. Child, Youth and Family has also reviewed its protocols with relevant departments and non-government organisations regarding how they respond to issues of concern for children. The New Zealand Police is implementing changes to strengthen its practices following two recent inquiries into how it handles reported child abuse cases.</p> <p>To support the victims of child abuse, Child, Youth and Family is working with the Ministries of Health and Education to develop an integrated health and education assessment for all children entering care as a result of child abuse. Identifying and addressing a child's health and education needs is critical to ensuring their positive long-term outcomes.</p>

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		As part of the teen parents package, from 2010 the government provided funding over the next four years for case workers who work intensively with the most vulnerable teen parents to provide comprehensive and integrated support to their families.
52. Promote the very foundation of family and its associated values with a view to preventing domestic violence (Islamic Republic of Iran);	New Zealand accepts these recommendations and is continuing to take an active approach to address domestic violence and violence against women. The New Zealand Government has recently launched a Campaign for Action on Family Violence, which aims to stimulate change in the way people think and act about domestic violence. Domestic violence laws have also been reviewed to strengthen police powers and responses to family violence incidents. As part of this review, Parliament is currently considering legislation proposing a number of substantive and procedural changes to the protection order regime. In particular, senior Police employees would be able to make 'on-the-spot protection orders' to address the immediate safety of victims.	Established in June 2005, the Taskforce for Action on Violence within Families advises the Family Violence Ministerial Group on how to make improvements to the way family violence is addressed, and to eliminate family violence in New Zealand. The Taskforce consists of decision-makers from the government and non-government sectors and the judiciary. The Taskforce's ' <i>It's not OK</i> ' campaign consists of television advertisements and community projects, leading with the message that 'family violence is not ok – but it is ok to ask for help'. A third phase of television commercials and supporting projects for the ' <i>It's not OK</i> ' campaign was released at the end of August 2010.
53. Look to identify a more accurate measure of the extent of domestic violence, thereby providing a tool to better measure the success of domestic violence prevention and conviction agencies and programmes (United Kingdom);	Same as for Recommendation 52.	Processes and procedures for Police Safety Orders (PSO) have been completed. Monitoring of the number of Police Safety Orders (PSO) being issued and prosecution of breaches of PSOs will be available in the first year. Evaluation of effectiveness of Police Safety Orders will available within four years of implementation. Police is working with other New Zealand agencies to measure on an annual basis the level of Family Violence in New Zealand through the Taskforce for Action on Violence within Families Family Violence Dashboard of Indicators. Police will contribute data to answer three key questions: <ul style="list-style-type: none"> • Are the major outcomes of family violence changing; getting more or less? • Are incidents of family violence increasing or decreasing year-by-year? • Is there specific evidence of reduced tolerance of violence and behaviour change in families?

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		Draft indicators for these questions have been completed
54. Take effective legal, institutional and awareness-building measures to combat domestic violence, racially-instigated crimes and trafficking of women for sexual exploitation (Bangladesh);	Same as for Recommendation 52.	The Domestic Violence Act 1995 aims to reduce and prevent domestic violence by: recognising that all forms of domestic violence, including physical, sexual and psychological violence, are unacceptable; and ensuring that there is effective legal protection for victims of domestic abuse. The Domestic Violence Act provides a civil court process for the issuing of protection orders to people experiencing domestic abuse, and their children. Perpetrators named in protection orders are required to desist from further violence and to attend approved "stopping violence" programmes.
55. Increase efforts to combat all forms of violence against women (Sweden);	Same as for Recommendations 52 and 54.	Recent legislative changes have increased the protection for people who are victims of domestic abuse. As of 1 July 2010, Police are able to issue Police Safety Orders to ensure the immediate safety of victims of domestic abuse. Under the terms of a Police Safety Order, an alleged perpetrator is removed from the family home for up to 5 days; the criminal Courts are able to issue protection orders when sentencing domestic abuse offenders. This extends the protection of the Domestic Violence Act 1995 (see Recommendation 54) to people who may not have felt able to apply for a Protection Order through the civil Court process.
56. Record and document cases of trafficking in women and children as well as exploitation of migrant women and girls in prostitution, and share the information with other countries in the region to facilitate greater cooperation in combating this problem (Malaysia);	New Zealand accepts the recommendation to record and document cases of trafficking in women and children as well as exploitation of migrant women and girls in prostitution, and share the information with other countries in the region where appropriate.	New Zealand adopted its whole-of-government Plan of Action to Prevent People Trafficking in 2009. The Plan of Action includes action points on improving intelligence collection, sharing intelligence with international partners and engaging with international fora. New Zealand also plays a leading role in the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime to foster cooperation in the region. New Zealand will continue to collect information on trafficking and exploitation as they arise and share information.
57. Adopt a more comprehensive definition of human trafficking (United States);	New Zealand does not accept the recommendation to adopt a more comprehensive definition of human trafficking. New Zealand's definition of trafficking as set out in section 98D of the Crimes Act 1961, is consistent with the definition of trafficking in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organised Crime.	New Zealand did not accept recommendation 57.
Indigenous peoples		
58. Consistent with the observations of the Committee	New Zealand accepts the recommendation to continue the new	The Government commenced a review of the Foreshore and Seabed Act 2004 (2004 Act) at the beginning of 2009 with the aim of remedying the substantive and procedural issues of the 2004 Act,

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<p>on the Elimination of Racial Discrimination and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples, continue the new dialogue between the State and the Māori regarding the Foreshore and Seabed Act of 2004, in order to find a way of mitigating its discriminatory effects through a mechanism involving prior informed consent of those affected (Mexico);</p>	<p>dialogue between the State and Māori regarding the Foreshore and Seabed Act 2004, but notes that the nature of any new mechanism, including whether it involves prior informed consent, has not yet been decided.</p> <p>In March 2009, the New Zealand Government established an expert and independent Ministerial Review Panel to review whether the Foreshore and Seabed Act 2004 effectively recognised and provided for customary and public interests in the coastal marine area. The Foreshore and Seabed Unit of the Ministry of Justice provided secretariat support to the Panel and advice to the Attorney-General. After an extensive consultation process the panel reported to the Attorney-General in June 2009, recommending that the 2004 Act be repealed and “the process of balancing Maori property rights in the foreshore and seabed with public rights and expectations should be started again.”</p> <p>Since the Ministerial Review Panel’s report, the Ministry of Justice has supported the Government’s ongoing discussions with a group of iwi leaders about options for moving forward. The Ministry of Justice has led policy development, in consultation with relevant government departments. In March 2010 the Ministry of Justice supported the Attorney-General in</p>	<p>in particular concerns about its discriminatory effect on Māori. The Government undertook transparent and inclusive consultation which provided for public and stakeholder input at critical points. This dialogue with the public and stakeholders, including formal and informal consultation, continued until the end of 2010.</p> <p>Throughout this period, the Government consulted with an Iwi Leaders’ group (an association of tribal leaders from around New Zealand), appointed an Independent Ministerial Review Panel to consult with the public and provide recommendations to the Government on the 2004 Act and conducted its own separate public consultation process on the Government’s proposals to repeal the 2004 Act. The Government has consulted and cooperated in good faith throughout the Review with Māori, both directly and through their representative groups.</p> <p>Following this extensive dialogue with Māori and the general public of New Zealand, the Government has repealed the 2004 Act and enacted the Marine and Coastal Area (Takutai Moana) Act 2011 (the Act).</p> <p>The Government considers the Act achieves an equitable balance of the interests of all New Zealanders in the common marine and coastal area (an area physically similar to the foreshore and seabed). For example, it explicitly:</p> <ol style="list-style-type: none"> a. repeals the 2004 Act (which was nationally and internationally criticised as discriminatory against Māori); b. restores any customary interests in the common marine and coastal area that were extinguished by the 2004 Act and gives legal expression to these interests in accordance with the Act; c. removes Crown ownership (the effect of which extinguished Māori customary interests) and replaces this with a non-ownership model whereby no one (including the Crown) owns, or is capable of owning, the common marine and coastal area, but where customary marine title may be found to exist and which will amount to an interest in land. d. provides a new right for Māori to access the High Court to have customary (marine) title applications heard and determined; e. provides a new right for Māori to access the High Court to have applications for protected customary rights (non-territorial based rights) heard and determined; and f. provides the ability for Māori to seek recognition of their customary interests through agreement with the Crown.

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	<p>the release of the Government's public consultation document outlining proposals for reform. The proposals are based on the Government's belief that the discriminatory effect of the 2004 Act on Maori can only be remedied by repealing the Act and replacing it with a regime that balances the interests of all New Zealanders in the foreshore and seabed.</p>	
<p>59. Pursue efforts to settle comprehensively land claims of the indigenous population (Switzerland);</p>	<p>New Zealand accepts the recommendation to pursue efforts to settle comprehensively land claims of the indigenous population. The New Zealand Government's policy is to reach comprehensive settlements of all historical claims under the Treaty of Waitangi by 2014. The Government is committing significant resources to the settlement process and good progress continues to be made in settling claims.</p>	<p>The Crown is actively pursuing efforts to comprehensively settle land claims with Maori claimant groups that have asserted breaches by the Crown of the Treaty of Waitangi. The Crown seeks to negotiate settlements that are timely, fair, durable and final. The Government's target is to make best endeavours to achieve just and durable settlements of historical Treaty of Waitangi claims by 2014. Since 1990 there have been 16 comprehensive settlements with approximately 35 groups of claimants remaining across the country.</p> <p>The Government has significantly increased resources dedicated to the settlement process including providing extra funding to the Office of Treaty Settlements and to claimants to participate in the settlement process. The Office of Treaty Settlements has made changes to several policies and introduced programmes to assist for example greater use of Chief Crown Negotiators. Cumulatively, the changes introduced in the last 18 months represent the largest set of changes in Treaty practise and policy in the history of the settlement process.</p>
<p>60. Find appropriate ways to provide adequate compensation to Māori, in particular for their loss of land (Angola);</p>	<p>New Zealand agrees with the underlying principle of this recommendation and aims to provide fair and durable redress to Māori for the settlement of their historical claims under the Treaty of Waitangi.</p> <p>The New Zealand Government is committed to settling all historical claims under the Treaty of Waitangi by 2014. While the settlements framework does not apply a strict compensation or damages and losses approach, redress is provided in relation to historical breaches of the Treaty of Waitangi, including</p>	<p>Redress is provided as a part of a comprehensive settlement.</p> <p>The nature and amount of redress provided in each settlement package depends on the severity of the breaches of the Treaty of Waitangi including the amount of land alienated and how this was achieved (for instance through confiscation or by purchase). Treaty settlements with claimants reflect a combination of a variety of redress options including a Crown apology, cultural redress (intended to meet the cultural rather than economic interests of the claimant group) and financial and commercial redress (primarily economic or commercial in nature and is given a monetary value). Redress is agreed over the course of negotiations between the Crown and the claimant group.</p>

Green = Accepted recommendation

Blue = Recommendation agreed to with conditions

Red = Recommendation not accepted

Recommendation	New Zealand Response (2009)	Work completed (2011)
	those that resulted in the loss of land. Redress takes the form of both cash and the transfer of land.	
61. Pursue efforts to improve Māori participation in all areas of social life (Russian Federation);	New Zealand accepts the recommendation to pursue efforts to improve Māori participation in all areas of social life.	<p>In 2010, TPK, the Ministry of Social Development and the Ministry of Health implemented the Whānau Ora Programme. This involves a new approach to the delivery of (primarily) social services and health funding to non-government organisations.</p> <p>Whānau Ora is a new, inclusive and culturally-anchored approach to provide services and opportunities to whānau and families across New Zealand. The Taskforce on Whānau -Centred Initiatives identified six goals that suggest that whānau outcomes will be met when whānau are: self-managing; living healthy lifestyles; participating fully in society; confidently participating in Te Ao Māori; economically secure and successfully involved in wealth creation; and cohesive, resilient and nurturing. It empowers whānau and families as a whole, rather than separately focusing on individual family members and their problems. It also requires multiple Government agencies to work together with whānau and families rather than separately with individual family members.</p> <p>Whānau Ora will work in a range of ways, influenced by the priorities that whānau and families identify and choose. Whānau Ora is not a one size fits all approach. It is deliberately designed to be flexible to meet family needs and will evolve over time and be improved as required. The Government has initially allocated \$134.3 million over four years for the implementation of Whānau Ora. In the Government's 2011/12 budget, a further \$30 million was invested over the next four years.</p>
62. Drop the planned amendments to the Terrorism Suppression Act, which would broaden the definition of a terrorist act by reducing judicial oversight, allow courts to consider classified information without giving it to defendants and give the Prime Minister the sole responsibility for designating groups and individuals as terrorists (Germany);	New Zealand enacted several amendments to the Terrorism Suppression Act (TSA) in 2007. At present, there are no further amendments planned.	<p>Section 22 of the Terrorism Suppression Act 2002 (TSA), as enacted, provides that the Prime Minister may designate an entity as a terrorist entity under this section if the Prime Minister believes on reasonable grounds that the entity has knowingly carried out or has knowingly participated in the carrying out of 1 or more terrorist acts. Before designating an entity pursuant to section 22, the Prime Minister must consult with the Attorney-General about the proposed designation.</p> <p>The process for managing classified security information, as defined in section 32 of the TSA, is set out in sections 38 and 39 of the TSA, as enacted.</p> <p>The provisions of the TSA relating to designation of terrorist entities, and to the definition and use of 'classified security information' have remained unchanged since enactment and there are currently no proposals to amend these.</p> <p>The response to the recommendations 62 and 63 agreed with the necessity of judicial oversight and procedural guarantees but did not commit New Zealand to any further work.</p>
63. Reinforce the procedural guarantees in the anti-terrorist legislation and ensure that measures provided for by the law are applied in strict	New Zealand agrees with the underlying premise of this recommendation that procedural guarantees in anti-terrorist legislation are vital and must be applied in	The Terrorism Suppression Act 2002 (TSA) contains a range of procedural guarantees enacted to ensure the protection of human rights and observance of international obligations. There are presently no proposals to amend or reduce the protections in the TSA.

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Recommendation	New Zealand Response (2009)	Work completed (2011)
accordance with international human rights obligations (Switzerland);	accordance with international human rights obligations. New Zealand notes that current legislative provisions meet these requirements.	
UPR follow-up		
64. Ensure regular consultation with civil society in the follow-up to the UPR recommendations (Netherlands).	New Zealand accepts the recommendation to have regular consultation with civil society in the follow-up to the UPR recommendations.	New Zealand engaged in regular consultation with civil society since the UPR. The Ministry of Justice and Human Rights Commission jointly met with civil society soon after New Zealand submitted its responses to the recommendations. All relevant documents have been posted online along with the schedule for future consultation.

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