



---

**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Forty-sixth session**  
29 April–10 May 2024

## **Summary of stakeholders' submissions on New Zealand\***

### **Report of the Office of the United Nations High Commissioner for Human Rights**

#### **I. Background**

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review and the outcome of the previous review.<sup>1</sup> It is a summary of 31 stakeholders' submissions<sup>2</sup> for the universal periodic review, presented in a summarized manner owing to word-limit constraints. A separate section is provided for the contribution by the national human rights institution that is accredited in full compliance with the Paris Principles.

#### **II. Information provided by the national human rights institution accredited in full compliance with the Paris Principles**

2. NZHRC stated that the Government had ratified OP-CRC-IC, but not other conventions.<sup>3</sup>

3. NZHRC noted that New Zealand did not have a written constitution. Through the New Zealand Bill of Rights Act 1990 (NZBORA) affirmed New Zealand's commitment to the ICCPR it did not incorporate all rights provided for in that treaty, nor did it provide for economic, social or cultural rights.<sup>4</sup> Additionally, NZBORA could be amended by a simple Parliamentary majority and the courts could not strike down rights-inconsistent legislation.<sup>5</sup> The 2022 NZBOR (Declarations of Inconsistency) Amendment Act required the Government to respond to declarations of inconsistency by the courts under the NZBORA or the Human Rights Act 1993 (HRA). However, there was no requirement to repeal inconsistent laws.<sup>6</sup>

4. The Government had taken some steps to strengthen constitutional protections of human rights, but not regarding the Te Tiriti o Waitangi (Te Tiriti).<sup>7</sup> Te Tiriti, signed in 1840 between the British and Māori, was New Zealand's founding constitutional document, affirming the status of Māori as tangata whenua (Indigenous Peoples), and recognising their pre-existing and ongoing tino rangatiratanga (sovereign authority) and self-determination.<sup>8</sup> However, Te Tiriti was not legally enforceable unless incorporated into legislation and there

---

\* The present document is being issued without formal editing.



was little to no recognition of Māori tino rangatiratanga (sovereign authority) in New Zealand's constitution or law.<sup>9</sup>

5. The Government had partially implemented recommendations on developing a National Plan of Action on the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and in 2019 a Ministerial advisory group produced a report on realising UNDRIP in New Zealand.<sup>10</sup> However, due to political opposition to Indigenous Peoples' rights, the Government had postponed the plan's development until 2024.<sup>11</sup>

6. NZHRC welcomed the Government's shift towards proactive climate change adaptation through the first National Adaptation Plan 2022–2028.<sup>12</sup> However, it was concerned that the Climate Change Response (Zero Carbon) Amendment Act 2019 net zero target for 2050 omitted biogenic methane, comprising 43.5 percent of total greenhouse gas emissions in New Zealand in 2020.<sup>13</sup>

7. The Government had agreed, in principle to amend the hate speech provisions under the HRA. However, the Government had referred the matter of legislating hate crimes and hate speech to the Law Commission for review. In December 2022, the Government withdrew a Bill expanding the incitement provisions of the HRA to include religious communities. New Zealand did not have specific hate crime laws.<sup>14</sup>

8. Though the Government had partially implemented recommendations on discrimination in the criminal justice system, particularly against Māori, the impacts were yet to be seen.<sup>15</sup> Despite numerous Government strategies, programmes, and initiatives, Māori were still over-represented across the criminal justice system.<sup>16</sup>

9. NZHRC remained concerned that: the use of force had increased within prisons, particularly against women, Māori, and Pacific peoples; prisoners were still subject to prolonged and indefinite solitary confinement; women were segregated significantly more than men; and people with intellectual or psychosocial disabilities were incarcerated at a high rate.<sup>17</sup>

10. New Zealand's ongoing, urgent housing crisis had been caused by decades of institutional neglect, including a failure to recognise or give effect to the human right to a decent home.<sup>18</sup> While the Government's Homelessness Action Plan 2020–2023 was commendable, as of June 2023, more than double the amount of people were on the Government's housing register than in 2018. The vast majority were Māori with severe, persistent, and urgent housing needs.<sup>19</sup>

11. NZHRC reported psychological distress had substantially increased over the last ten years, particularly among younger people and women. Trans and non-binary people experienced significant psychological distress and teen suicide rates were among the worst in the Organisation for Economic Co-operation and Development (OECD). Mental health services were chronically under-funded.<sup>20</sup> The Government had indicated that new mental health legislation would provide a broader range of options beyond medical intervention.<sup>21</sup> However, NZHRC was concerned that the new legislation would still permit involuntary treatment, contrary to CRPD.<sup>22</sup>

12. While noting initiatives on the gender pay gap, NZHRC indicated that more work needed to be done to measure, report and close pay gaps experienced by all workers, especially based on ethnicity and disability.<sup>23</sup>

13. NZHRC noted progress made in addressing family and sexual violence including the establishment of a Minister for the Prevention of Family Violence.<sup>24</sup> However, it remained concerned at the persistently high level of family and sexual violence, which disproportionately affected Māori, trans, ethnic and disabled women.<sup>25</sup>

14. Despite progress made on the rights of children, child poverty persisted – especially for Māori and Pacific children. Additionally, NZHRC noted that recently proposed legislation sought to increase criminalisation of children aged 12–13.<sup>26</sup>

15. NZHRC welcomed the Royal Commission of Inquiry into abuse in State care and in the care of faith-based institutions and noted that the reports issued revealed the grave extent of physical, psychological and sexual abuse that took place across various institutions, in some cases amounting to torture. The investigation into Māori experiences highlighted the

State's failure to care for children in its care and the inter-generational harm the abuse caused to whānau Māori (Māori families). The Royal Commission's final report was expected in March 2024.<sup>27</sup> The Government had agreed to a high-level design of a new redress system. However, survivors still had no immediate prospect of full redress.<sup>28</sup>

16. NZHRC indicated that the Government had not implemented recommendations to amend the HRA to include gender identity, expression, or sex characteristics, as prohibited grounds of discrimination.<sup>29</sup>

17. The Government had not implemented recommendations on the right to inclusive education for all children. NZHRC was concerned about the ongoing investment, increasing rolls and levels of physical restraint in residential specialist schools. While enrolment in these schools had declined over the past decade, the Government's adjustment to entry criteria had almost doubled enrolments between July 2022 and July 2023.<sup>30</sup>

18. NZHRC noted steps taken to eliminate trafficking and modern slavery,<sup>31</sup> but indicated that human trafficking and slavery prosecutions were low, and that the legislative definition of child trafficking did not align with international definitions.<sup>32</sup>

19. In 2022, NZHRC had raised serious concerns about the treatment of temporary migrants from Pacific Island countries under the Recognised Seasonal Employer (RSE) Scheme, including restrictions on movement and unreasonable wage deductions.<sup>33</sup> NZHRC was also concerned that the Accredited Employer Work Visa (AEWV) enabled exploitation of migrants by tying workers to their employers, creating barriers to enforce their rights.<sup>34</sup>

20. The Government had taken limited steps to implement recommendations to improve treatment of asylum seekers. In September 2020, the Government stopped detaining asylum seekers in prisons. However, the 2023 Immigration (Mass Arrivals) Amendment Bill proposed to increase the detention time for any person who arrives by boat as part of a "mass group" (30+ people) from 4 days for up to 7 days, and for up to 28 days in some circumstances.<sup>35</sup>

### **III. Information provided by other stakeholders**

#### **A. Scope of international obligations<sup>36</sup> and cooperation with human rights mechanisms**

21. PMA stated that New Zealand must become a State party to ICRMW, ICPED and OP-ICESCR.<sup>37</sup>

22. TWH recommended that New Zealand expedite implementation of a previous recommendation of the universal periodic review (UPR) to ratify international instruments such as the Indigenous and Tribal Peoples Convention, 1989 (169) of the International Labour Organisation.<sup>38</sup>

23. PMA noted that New Zealand had made a reservation to Article 14 of CAT, reserving the right to award compensation to torture victims only at the discretion of the Attorney-General, a Minister of Government who made a political rather than a judicial decision. PMA stated that New Zealand must withdraw its reservation to the CAT.<sup>39</sup>

24. JS3 stated that ratification of OP-CRC-AC had been accompanied by a declaration that "the minimum age at which New Zealand will permit voluntary recruitment into its national armed forces shall be 17 years". New Zealand continued to permit applications to its armed forces from age 16.5 years and to train recruits from age 17.<sup>40</sup> JS3 recommended that New Zealand be encouraged to raise the minimum age for military recruitment to 18 and amend its Declaration under OP-CRC-AC accordingly.<sup>41</sup>

25. CGNK encouraged Niue and the Cook Islands, with the support of New Zealand if requested, to seek participation in the Universal Periodic Review.<sup>42</sup>

## **B. National human rights framework**

### **1. Constitutional and legislative framework**

26. PMA stated that New Zealand must amend the NZBORA to include economic and social rights, and the right of self-determination.<sup>43</sup>

27. NZLS stated that Section 7 of the NZBORA required the Attorney-General to report to Parliament on any draft legislation that appeared inconsistent with a protected right. However, Parliament had continued to enact legislation despite a section 7 report from the Attorney-General, at times without public consultation.<sup>44</sup>

28. AIMM stated that New Zealand's constitutional arrangements provided limited protection of Te Tiriti o Waitangi and of human rights. Within these arrangements, and in the absence of a formal or written constitution, the New Zealand legislature/Parliament was supreme and could breach human rights without court oversight.<sup>45</sup>

### **2. Institutional infrastructure and policy measures**

29. TWH called on New Zealand to ensure the Office of the Ombudsman was sufficiently resourced to complete investigations of complaints in a comprehensive and timely manner.<sup>46</sup>

## **C. Promotion and protection of human rights**

### **1. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

#### *Equality and non-discrimination*

30. JS1 was concerned about discrimination against men, highlighting, inter alia, the inexistence of a health strategy for men complementary to the women's health strategy though men had shorter life-expectancy, high suicide rates and other significant health issues.<sup>47</sup> Additionally, boys and men were behind at all levels of education.<sup>48</sup>

#### *Right to life, liberty and security of person, and freedom from torture*

31. CCHR-NZ stated that a group of former patients of Lake Alice Psychiatric Hospital had filed police complaints in early 2023 about possible accessories to the torture at Lake Alice Psychiatric Hospital under the Crimes of Torture Act 1989.<sup>49</sup> CL noted that the Royal Commission of Inquiry into Abuse in Care had described survivors' experiences at the former Lake Alice Hospital as amounting to "torture" in line with the definitions of CAT and had also indicated that survivors' experiences at Marylands School and Hebron Trust could amount to torture.<sup>50</sup>

32. CCHR-NZ noted that the likelihood of timely redress for the Lake Alice Hospital survivors seemed remote indicating that the Government's redress scheme was still in the design phase with no predicted outcome.<sup>51</sup> CL noted that New Zealand had implemented a new Rapid Payment Framework but that, among, others the scheme did not substantively consider or engage the claimants' allegations, and that offers were not open to negotiation.<sup>52</sup>

33. CL noted that Māori and Pasifika youth had been historically overrepresented in care and that as a result, the Ministry of Social Development's inadequate redress schemes disproportionately affected these ethnic groups.<sup>53</sup>

34. NZLS stated that while efforts had been made, adherence to minimum standards for conditions and treatment in detention remained an issue of concern.<sup>54</sup> OONZ remained extremely concerned that people across New Zealand were deprived of their liberty in many facilities that were not fit for purpose.<sup>55</sup> Additionally, current acute staffing shortages in many New Zealand prisons and across health and disability places of detention were having a significant impact on the wellbeing of people deprived of their liberty.<sup>56</sup>

35. JS4 noted reports on practices related to solitary confinement and restraint in several of New Zealand's detention settings, including prisons and police cells, health and disability

facilities, and children and youth residences.<sup>57</sup> A follow up report had concluded that though there had been positive developments related to the reduction of solitary confinement, such practices continued to be used too often, not always with a clear justification, and that the use of seclusion, segregation and secure care remained disproportionately high with Māori and Pacific Peoples across the board.<sup>58</sup> OONZ expressed serious concerns regarding the conditions and treatment experienced by Māori in health and disability places of detention, including disproportionate rates of seclusion.<sup>59</sup>

*Administration of justice, including impunity, and the rule of law*

36. NZLS stated that here had been positive developments, including the Three Strikes Legislation Repeal Act 2022, which repealed the mandatory sentencing regime which had resulted in excessive and disproportionate sentence outcomes.<sup>60</sup>

37. JS4 indicated that there remained a disproportionately high number of people being held on prolonged pre-trial detention. As of March 2023, approximately 44 percent of the prison population was being held on remand contributing to over-crowding.<sup>61</sup>

38. JS4 stated that the Government had taken some steps to implement recommendations<sup>62</sup> relating to Māori in detention.<sup>63</sup> However, despite Government initiatives, Māori continued to be over-represented at all stages of New Zealand's criminal justice and State care systems. Māori represented some 45 percent of people convicted, and 53 percent of people in prison, despite representing only about 16.5 percent of the national population. In addition, 65 percent of women in correctional facilities were Māori.<sup>64</sup> CL indicated that Māori youth continued to be consistently overrepresented in the criminal justice system and that Māori and Pasifika youth remained significantly overrepresented in Youth Justice residences.<sup>65</sup>

39. JS5 stated that survivors of family violence continued to face enormous challenges in engaging with the justice system noting that reports highlighted serious issues with the Family Court's responsiveness to family violence.<sup>66</sup> Family Court judges often failed to recognise the significance of the violence and thus failed to prioritise safety.<sup>67</sup> Attention to the ineffective Protection Order regime, which were unduly difficult and slow to obtain, was urgently required.<sup>68</sup>

40. F4J raised concerns about the Family Court including issues resulting from the adversarial procedure.<sup>69</sup> Noting reports that some 70 percent of cases were settled through mediation, F4J recommended removing the adversarial approach to dealing with disputes in the Family Court and making mediation more accessible.<sup>70</sup>

41. JS5 stated that the passage of the Sexual Violence Legislation Act 2021 had made significant improvements to the experiences of survivors during the trial process. However, the adequacy of adversarial trial processes to provide access to justice for many survivors, and particularly for Māori, required attention at a more fundamental level.<sup>71</sup>

42. JS5 stated that recommendations<sup>72</sup> from the previous UPR regarding greater access to legal assistance and legal aid for women had not been implemented. Issues of concern included the legal costs associated with applying for a Protection Order for those who were not eligible for legal aid.<sup>73</sup> CL noted that a large amount of New Zealand's population was unable to access justice due to the income threshold to receive legal aid services.<sup>74</sup> JS5 recommended that legal aid be made available for all protection order applications.<sup>75</sup>

43. NZLS indicated that the sustainability of legal aid and duty lawyer schemes were at serious risk. Though the budget for 2022 had increased the hourly rate of remuneration for legal aid lawyers, this was insufficient to meet even the rate of inflation.<sup>76</sup> Duty lawyers had received no increase in remuneration in almost 25 years.<sup>77</sup> Remuneration and the stress of providing legal aid were the primary reasons lawyers are doing less legal aid work, or giving it up altogether.<sup>78</sup> JS5 indicated that a review was needed of how legal aid was operating across the board to deliver access to justice.<sup>79</sup>

44. NZLS stated that recommendations from the third cycle of the UPR regarding the minimum age of criminal responsibility had not progressed.<sup>80</sup> CL made similar observations.<sup>81</sup>

*Right to an adequate standard of living*

45. While noting efforts made to reduce child poverty, Broken-Chalk stated that the material hardship rates for Māori and Pacific children were higher than the national rates, and that the Government must continue to set reduction targets.<sup>82</sup>

46. JS2 indicated that statistics continued to show disabled people's participation in the education system and work force as significantly lower than those non-disabled. This directly affected life outcomes, as disabled people not in the workforce were more likely to be affected by poverty due to a lack of or diminished income.<sup>83</sup> JS5 noted statistics indicating that 41.5 percent of disabled people were in paid employment, compared with 80.4 percent of non-disabled people.<sup>84</sup>

47. JS6 indicated that New Zealand's housing crisis continued, largely unabated by any action the Government took during the review period.<sup>85</sup> JS5 stated that housing unaffordability was one of the greatest drivers of poverty and social issues in the country and that New Zealand had one of the highest price-to-rent ratios in the world.<sup>86</sup> JS5 recommended that New Zealand significantly improve the number of, and access to, state houses to house the most vulnerable.<sup>87</sup>

*Right to health*

48. MHF indicated that despite some increased investment, New Zealanders were often unable to access mental health or wellbeing support and that Māori, Pasifika and young people experienced significant inequities of access.<sup>88</sup> MHF supported the recommendations of the latest report of the Te Hiringa Mahara Mental Health and Wellbeing Commission, including the need to address workforce shortages, increase funding of kaupapa Māori services (services for Māori, by Māori), and increase acute community services across all districts to address acute mental health needs.<sup>89</sup>

49. CCHR-NZ stated that a human rights-based approach to the proposed new Mental Health law was needed.<sup>90</sup> CCHR-NZ indicated that under the current Mental Health Act (1992) in the 2020/21 financial year 11,149 people were subject to some form of compulsory mental health assessment or treatment. Māori were assessed and treated under the Act at about 3 times the rate of non-Māori.<sup>91</sup> However, the proposals still allowed for the enforced use of electroshock, medication, seclusion and restraint.<sup>92</sup> JS2 stated that current policy proposals on the repeal of the Mental Health Act signalled that treatment without consent would continue to be permitted although potentially in more limited circumstances and with strengthened protections.<sup>93</sup> MHF recommended prohibiting the use of seclusion practices in mental health units in the new mental health law;<sup>94</sup> and continued to encourage all political parties, and the next government, to commit to repealing and replacing the Mental Health Act.<sup>95</sup>

50. CCHR-NZ stated that current oversight by District Inspectors and the National Reporting Mechanism in the context of mental health services had not addressed human rights abuses<sup>96</sup> and that a truly independent complaint and monitoring system was needed that could direct serious complaints to police and oversee recommendations that uphold human rights in the mental health system.<sup>97</sup>

51. ECLJ stated that in November 2021, the End-of-Life Choice Act 2019 went into effect and officially legalized assisted dying.<sup>98</sup> ECLJ reported concerns that the Act would result in persons with disabilities, those who were chronically ill, and older persons to feel pressured to request assisted suicide.<sup>99</sup>

52. ALzNZ stated that current health services for people with dementia and older persons were inadequate. In New Zealand, 70,000 people were living with dementia in 2020 and due to the growing ageing population, this number was expected to reach 170,000 by 2050.<sup>100</sup> ALzNZ recommended that New Zealand: implement the World Health Organization's Global Action Plan on Public Health recommendations to develop a pathway of efficient, coordinated care for people with dementia that was embedded in the health and social care system.<sup>101</sup>

53. P.P.A. was concerned about unpaid clinical placements in tertiary training programs for health and social care professions noting reports that the majority of staff in these sectors were women.<sup>102</sup>

#### *Right to education*

54. Broken-Chalk expressed appreciation at the fact that New Zealand was the first country to implement two national curricula.<sup>103</sup> In the Māori medium of education, students were taught at least 51 percent of the education in Māori language. In English-medium schools, students learned te reo Māori as a language subject.<sup>104</sup> Broken-Chalk indicated however, that New Zealand's bicultural system needed to evolve to accommodate a more all-encompassing multicultural society.<sup>105</sup>

55. Broken-Chalk stated that despite positive action, disparities, including regarding literacy and numeracy for the Māori community, persisted.<sup>106</sup> Broken-Chalk recommended that New Zealand prioritise addressing learning gaps in reading, writing and numeracy,<sup>107</sup> and systemically monitor the effectiveness of the measures taken to reduce the learning gap and make the necessary adjustments.<sup>108</sup>

56. Broken-Chalk indicated that the COVID-19 pandemic had led to long-term impacts on education, particularly in the case of attendance.<sup>109</sup> Additionally, there had been a severe decline in the accessibility of education during COVID-19 for disabled persons.<sup>110</sup>

57. JS2 indicated that the education system was not yet fully inclusive, and disabled children continued to face barriers to accessing appropriate support and school environments.<sup>111</sup> IEAG indicated that since the previous UPR cycle new education legislation had been enacted but disappointingly, the Education and Training Act 2020 remained silent on important human rights principles such as reasonable accommodation and inclusive education.<sup>112</sup>

58. IEAG was concerned about the investment of public funds in sustaining a dual education system of segregated and mainstream settings. Enrolment in these residential institutions had declined over the past decade, however, changes to enrolment criteria had led to an increase in enrolments, with over twice as many students being enrolled in 2023 as in 2021.<sup>113</sup>

59. IEAG recommended that New Zealand amend the Education and Training Act 2020 to include an enforceable right to inclusive education and reasonable accommodation; develop a comprehensive deinstitutionalisation strategy to close all residential institutions; and develop an inclusive education strategy that includes measures for the devolution of segregated education settings into a mainstream inclusive education system.<sup>114</sup>

## **2. Rights of specific persons or groups**

### *Women*

60. SUFW acknowledged the progress made including the work done on the first Women's Health Strategy; and the decriminalization of abortion. However, SUFW was concerned about the high rates of family violence and sexual violence.<sup>115</sup>

61. JS5 stated that little progress had been made to implement recommendations to address family violence in migrant communities. JS5 highlighted significant problems with the "Victims of Family Violence" visa categories and indicated that the gaps in the policy prevented many migrant women from being able to leave situations of violence.<sup>116</sup> JS5 stated that New Zealand must progress in the Review of the Victims of Family Violence Visa regime as a priority.<sup>117</sup>

62. Two submissions expressed concerns with the Abortion Legislation Act 2020, which permitted abortion on demand through the first twenty weeks of pregnancy.<sup>118</sup> ADF-International was concerned that though the Act stated that the parliament "opposed the performance of abortions being sought solely because of a preference for the foetus to be of a particular sex" this provision lacked legal enforceability.<sup>119</sup>

*Children*

63. JS3 stated that military youth organisations such as cadet forces put children from age 13 through elements of military training, including drill and the use of military firearms.<sup>120</sup> JS3 recommended that New Zealand ensure that activities carried out within the context of the New Zealand Cadet Force be strictly age-appropriate, in particular involving no elements of weapons or combat training.<sup>121</sup>

64. F4J raised concerns regarding child services.<sup>122</sup> According to F4J, there were many cases where families had been caught up in an unrelenting child welfare system that could ruin lives for children, parents and caregivers when there had been no actual abuse of a child.<sup>123</sup> F4J recommended that the family be kept intact as much as possible to minimise the trauma for children;<sup>124</sup> and making it possible for children in care to safely report any abuse.<sup>125</sup>

65. F4J indicated that the child welfare system had a 70-year history of removing Māori children from families in disproportionate numbers causing immense harm, which the Royal Commission of Inquiry into Abuse in Care was currently investigating.<sup>126</sup> OONZ reported on its investigation into policies, practices and procedures for the removal of newborn pēpi (baby or babies) by the Ministry for Children (Oranga Tamariki).<sup>127</sup> OONZ noted that the use of ‘without notice’ applications for interim custody of newborn pēpi was meant to be reserved for urgent cases where pēpi were at immediate risk of serious harm. However, Oranga Tamariki was routinely applying for interim custody of newborn pēpi on a without notice basis.<sup>128</sup>

*Older persons*

66. NZCCSS stated that older New Zealanders were consistently left out of decision-making processes and aging was seldom incorporated into national strategies.<sup>129</sup> NZCCSS was particularly concerned regarding the development of “Te Pae Ora” – the new National Health Strategy. NZCCSS indicated that five specific focus groups (Māori, Pacific Peoples, Disabled People, Women, and Rural Health) were identified with their own separate strategies to sit alongside Te Pae Ora. Older persons, however, were only noted discretely as the cause of future stresses on the system.<sup>130</sup>

67. NZCCSS stated that support systems for older persons were underfunded and under constant strain, with significant long-term implications for the Aged Residential Care sector.<sup>131</sup> Each aspect of the system designed to support older persons was in crisis and nowhere was this more apparent than in age-related residential care.<sup>132</sup>

68. NZCCSS called on the Government to commit to the creation and maintenance of an Older Persons poverty monitor, incorporate ageing into the national health strategy, and take specific action to grow and support the not-for-profit Age-Related Residential Care sector.<sup>133</sup>

*Persons with disabilities*

69. JS2 stated that substitute decision making practices continued to be used on behalf of disabled New Zealanders and indicated that such practices should only be used as a last resort.<sup>134</sup>

70. OONZ noted that disabled New Zealanders continued to receive medical treatment and procedures without their consent. This included the use of sterilisation and other non-therapeutic medical procedures on disabled children and disabled adults without their prior, fully informed, and freely given consent.<sup>135</sup>

71. JS2 stated that violence continued to be perpetuated towards disabled persons and children living in institutional care facilities, educational settings, workplaces and home environments. Although improved collection of data by the Ministry of Justice was encouraging, the violence levelled against disabled people revealed by the data, especially against women and children, was of grave concern.<sup>136</sup>

72. JS5 stated that the Disability Allowance Scheme was complex and difficult to utilise meaning that many disabled people were unable to access support they were entitled to and recommended that New Zealand improve access and accessibility to the scheme.<sup>137</sup>



73. JS6 was concerned that the Social Security Act 2018 expressly excluded rights of appeal to Courts or tribunals providing instead, for a Medical Appeal Board for decisions made by social welfare regime on cases.<sup>138</sup>

74. JS2 indicated that the current definitions of disability in place for the purposes of funding excluded many people living with chronic long-term conditions, for example, but not limited to, foetal alcohol spectrum disorders (FASD) and chronic fatigue/ME.<sup>139</sup>

75. JS2 was disappointed at the slow progress to implement the Building Act 2004, which continued to be a barrier to disabled people being able to fully access public spaces.<sup>140</sup> JS5 noted that disabled people were living in housing where landlords had delayed providing reasonable and necessary accommodations to accommodate the needs of those with disabilities.<sup>141</sup>

76. JS5 stated that there was currently no free national independent advocacy service for disabled New Zealanders and that a national disability law service was vital if New Zealand was to meet its obligations under CRPD.<sup>142</sup>

### *Indigenous Peoples*

77. OONZ indicated that Te Tiriti and the rights of Māori, as set out by the UNDRIP, were yet to be fully realised, particularly the right of self-determination.<sup>143</sup> AIMM indicated that work on a national action plan to implement the UNDRIP had stalled and that the Government had unilaterally decided to pause the process rather than agree a draft for public consultation, for reasons including the need for greater public awareness and acceptance of the UNDRIP, and because of the significant legislative and policy reforms required.<sup>144</sup> AIMM recommended that New Zealand continue work to complete and implement the National Plan of Action to realise UNDRIP.<sup>145</sup>

78. AIMM stated that the advancement of measures to uphold Māori rights has led to huge backlash, including racist and misogynist backlash against Māori ministers and Members of Parliament. This backlash in turn had meant that progress in other areas had been blocked such as the plan on UNDRIP.<sup>146</sup> Racism in the lead up to the General Election had prompted Māori leaders to release an open letter, calling on all politicians to end to race-baiting, dog-whistling and racist comments in the election campaign.<sup>147</sup>

79. AIMM reported on efforts to develop whānau rangatiratanga (self-determination) plans that aligned with UNDRIP.<sup>148</sup> TWH indicated that there was a strong correlation between protection and realisation of Indigenous Peoples' human rights to self-determination, their lands, territories and resources, and other rights, and environmental wellbeing.<sup>149</sup> AIMM also noted that Māori-led action during the COVID-19 pandemic and recent severe weather events had been instrumental in protecting the health and wellbeing of communities throughout the country.<sup>150</sup> Nonetheless, Government-led responses had often failed to enable meaningful Māori participation in decisions.<sup>151</sup>

80. JS2 noted that positive life outcomes for Māori were comparatively lower than other population groups. Māori had higher rates of disability, poverty, suicide and unemployment, and a lower life expectancy.<sup>152</sup> AIMM indicated that in areas where Māori experienced inequities – including homelessness, children in State care, health, imprisonment – the Waitangi Tribunal had continued to report breaches of Tiriti obligations.<sup>153</sup>

81. Wakatū was concerned about the lack of engagement by New Zealand with respect to the implementation of the 2017 Supreme Court decision, *Proprietors of Wakatū v Attorney-General*<sup>154</sup> which determined that the Crown owed legal enforceable duties to the customary owners to: reserve land in Nelson known as the Nelson Tenth's Reserves; and to protect those culturally significant lands of the customary owners.<sup>155</sup> WMI reported that in 2022 the Supreme Court had upheld its right to have land taken under the Public Works Act in the 1940's returned but that before the Waitangi Tribunal could reach a final determination, the claim was overridden by the Parliament through the passage of legislation, blocking the Waitangi Tribunal from returning the land.<sup>156</sup>

*Lesbian, gay, bisexual, transgender and intersex persons*

82. LAVA was concerned that lesbians who asserted their sex-based rights were being excluded from and vilified by the “Rainbow” Communities they helped build.<sup>157</sup>

83. Several submissions expressed concerns regarding issues in relation to gender identity, including regarding education,<sup>158</sup> impacts on parents’ rights,<sup>159</sup> and impacts on female-only spaces, including sport.<sup>160</sup>

84. ITANZ noted initiatives taken in New Zealand related to intersex people, including on health care and education.<sup>161</sup> INTANZ asked that the Government respond to repeated requests to the Minister of Justice for redress for victims of non-urgent and non-essential treatment of intersex persons.<sup>162</sup> INTANZ called for: advisory bodies to develop appropriate human rights-based, lifetime intersex standards of care with full and meaningful participation by intersex community representatives, Māori representation and human rights organisations;<sup>163</sup> and improved and ongoing education of health, welfare and allied professionals in issues relating to intersex, including human rights issues.<sup>164</sup>

*Migrants, refugees and asylum-seekers*

85. JS5 noted efforts to prevent some forms of migrant exploitation but indicated that not enough was being done. JS5 stated that removing visa conditions that tie temporary migrants to a specific employer was necessary to address the clear power imbalance between migrant workers and employers.<sup>165</sup>

86. JS5 noted that no asylum seekers had been detained since 2020.<sup>166</sup> However, concerns regarding the Immigration (Mass Arrivals) Amendment Act 2013 remained as it allowed for detention of asylum seekers arriving en masse (30 or more persons) without a warrant for 96 hours and with a current amendment bill underway to allow warrantless detention for up to 28 days.<sup>167</sup> NZLS and OONZ expressed similar concerns.<sup>168</sup>

*Notes*

<sup>1</sup> A/HRC/41/4 and A/HRC/41/4/Add.1, and A/HRC/41/2.

<sup>2</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org) (one asterisk denotes a national human rights institution with A status).

*Civil society**Individual submissions:*

ADF-International	ADF International, 1202 Geneva (Switzerland);
AIMM	Aotearoa Independent Monitoring Mechanism, Auckland (New Zealand);
AlzNZ	Alzheimers New Zealand, Wellington (New Zealand);
Broken-Chalk	The Stichting Broken Chalk, Amsterdam (Netherlands);
CCHR-NZ	Citizens Commission on Human Rights NZ, Auckland (New Zealand);
CGNK	Center for Global Nonkilling, 1218 Grand-Saconnex (Switzerland);
CL	Cooper Legal, Wellington (New Zealand);
ECLJ	European Centre for Law and Justice, The, Strasbourg (France);
F4J	Families for Justice, Auckland (New Zealand);
IEAG	Inclusive Education Action Group Incorporated, Auckland (New Zealand);
ITANZ	Intersex Aotearoa, Wellington 6141 (New Zealand);
LAVA	Lesbian Action for Visibility in Aotearoa, Wellington 6023 (New Zealand);
MHF	Mental Health Foundation of New Zealand, Auckland, 1021 (New Zealand);
NZCCSS	New Zealand Council of Christian Social Services, Wellington (New Zealand);
NZLS	New Zealand Law Society, Wellington (New Zealand);

OONZ	Office of the Ombudsman New Zealand – Tari o te Kaitiaki Mana Tangata, Auckland (New Zealand);
PMA	Peace Movement Aotearoa, Wellington (New Zealand);
P.P.A.	Paid Placements Aotearoa, Auckland (New Zealand);
RGENZ	Resist Gender Education NZ, Auckland (New Zealand);
SUFW	Speak Up for Women, Wadestown (New Zealand);
TOREHINA	Ngati Torehina ki Mata-ure O Hau, Auckland (New Zealand);
TWH	Te Waka Hourua, Whangarei (New Zealand);
Wakatū	Wakatū Incorporation, Nelson (New Zealand);
WMI	Wairarapa Moana ki Pouakani Incorporation, Masterton (New Zealand).

*Joint submissions:*

JS1	<b>Joint submission 1 submitted by:</b> Support for Men in New Zealand Aotearoa, Christchurch (New Zealand); National Council of Men, Men & Boys Well-being Conference;
JS2	<b>Joint submission 2 submitted by:</b> New Zealand’s Independent Monitoring Mechanism for the UNCRPD; the Human Rights Commission – Te Kāhui Tika Tangata, the Office of the Ombudsman – Tari o te Kaitiaki Mana Tangata and the Disabled People’s Organisations Coalition (DPO Coalition), Auckland (New Zealand);
JS3	<b>Joint submission 3 submitted by:</b> Conscience and Peace Tax International, Grand Lancy (Switzerland); Child Rights Information network;
JS4	<b>Joint submission 4 submitted by:</b> New Zealand’s National Preventative Mechanisms under OPCAT; Human Rights Commission – Te Kāhui Tika Tangata; Independent Police Conduct Authority; Inspector of Service Penal Establishments; Mana Mokopuna   Children and Young People’s Commission; Office of the Ombudsman New Zealand – Tari o te Kaitiaki Mana Tangata;
JS5	<b>Joint submission 5 submitted by:</b> Community Law Centres of Aotearoa, (New Zealand); Aotearoa Peace Movement, Aotearoa;
JS6	<b>Joint submission 6 submitted by:</b> Southland Beneficiaries and Community Rights Centre Inc, Invercargill (New Zealand); National Beneficiaries Advocates Group.

*National human rights institution:*

NZHRC	New Zealand Human Rights Commission*, Wellington (New Zealand).
-------	-----------------------------------------------------------------

<sup>3</sup> NZHRC, para. 3.

<sup>4</sup> NZHRC, para. 5.

<sup>5</sup> NZHRC, para. 6.

<sup>6</sup> NZHRC, para. 7. See also NZLS, para. 8.

<sup>7</sup> NZHRC, para. 4.

<sup>8</sup> NZHRC, para. 8.

<sup>9</sup> NZHRC, para. 9.

<sup>10</sup> NZHRC, para. 12.

<sup>11</sup> NZHRC, para. 13.

<sup>12</sup> NZHRC, para. 15.

<sup>13</sup> NZHRC, para. 17.

<sup>14</sup> NZHRC, para. 21.

<sup>15</sup> NZHRC, para. 22.

<sup>16</sup> NZHRC, para. 23.

<sup>17</sup> NZHRC, para. 26.

<sup>18</sup> NZHRC, para. 29.

<sup>19</sup> NZHRC, para. 32.

<sup>20</sup> NZHRC, para. 34.

<sup>21</sup> NZHRC, para. 35.

<sup>22</sup> NZHRC, para. 36.

<sup>23</sup> NZHRC, para. 40.

<sup>24</sup> NZHRC, para. 42.

<sup>25</sup> NZHRC, para. 43.

<sup>26</sup> NZHRC, paras. 45–46.

<sup>27</sup> NZHRC, paras. 47–48.

<sup>28</sup> NZHRC, para. 49.

<sup>29</sup> NZHRC, para. 53.

<sup>30</sup> NZHRC, para. 56.

<sup>31</sup> NZHRC, para. 58.

<sup>32</sup> NZHRC, para. 59.

<sup>33</sup> NZHRC, para. 61.

<sup>34</sup> NZHRC, para. 62.

<sup>35</sup> NZHRC, paras. 63–64.

<sup>36</sup> *The following abbreviations are used in UPR documents:*

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance

<sup>37</sup> PMA, paras. 8(c), 12 and 14(a). See also TWH, para. 13.1.

<sup>38</sup> TWH, para. 13.1.

<sup>39</sup> PMA, para. 10. See also CL, paras. 3 and 7.

<sup>40</sup> JS3, para. 10.

<sup>41</sup> JS3, para. 4(a).

<sup>42</sup> CGNK, p. 3.

<sup>43</sup> PMA, para. 8(a).

<sup>44</sup> NZLS, paras. 4–5.

<sup>45</sup> AIMM, para. 4.

<sup>46</sup> TWH, para. 12.1.

<sup>47</sup> JS1, para. 37.

<sup>48</sup> JS1, para. 70.

<sup>49</sup> CCHR-NZ, para. 24.

<sup>50</sup> CL, para. 4.

<sup>51</sup> CCHR-NZ, para. 18.

<sup>52</sup> CL, paras. 8 and 11.

<sup>53</sup> CL, para. 21.

<sup>54</sup> NZLS paras. 12–16. See also JS4, paras. 21, 23, 27 and 28.

<sup>55</sup> OONZ, para. 10.a.

<sup>56</sup> OONZ, para. 10.c.

<sup>57</sup> JS4, para. 34.

<sup>58</sup> JS4, para. 36. See also OONZ, para. 10.b.

<sup>59</sup> OONZ, para. 5.c. See also JS4, para. 18.

- 60 NZLS, para. 10.  
61 JS4, paras. 32–33.  
62 For relevant recommendations see A/HRC/41/4, paras. 122.63 (Indonesia), 122.64 (Italy), 122.65 (Bolivarian Republic of Venezuela) and 122.66 (Ireland).  
63 JS4, para. 4.  
64 JS4, para. 14.  
65 CL, para. 57.  
66 JS5, para. 2.7.  
67 JS5, para. 2.8.  
68 JS5, para. 2.9.  
69 F4J, paras. 11–23.  
70 F4J, para. 25.  
71 JS5, para. 2.15.  
72 For relevant recommendations see A/HRC/41/4, paras. 122.61 (Peru)–122.62 (Togo).  
73 JS5, para. 2.11.  
74 CL, para. 42.  
75 JS5, para. 2.14(a).  
76 NZLS, paras. 18–19.  
77 NZLS, para. 21.  
78 NZLS, para. 20.  
79 JS5, para. 7.1.  
80 NZLS, para. 22.  
81 CL, paras. 50–55.  
82 Broken-Chalk, paras. 30–32.  
83 JS2, p. 10.  
84 JS5, para. 8.5.  
85 JS6, para. 21.  
86 JS5, para. 4.1.  
87 JS5, para. 4.4(a).  
88 MHF, para. 10.  
89 MHF, para. 16(b).  
90 CCHR-NZ, para. 28.  
91 CCHR-NZ, para. 30.  
92 CCHR-NZ, para. 34. See also OONZ, para. 4.a.  
93 JS2, p. 5.  
94 MHF, para. 7(a).  
95 MHF, para. 17.  
96 CCHR-NZ, para. 52.  
97 CCHR-NZ, para. 55.  
98 ECLJ, para. 15.  
99 ECLJ, paras. 17–20.  
100 ALzNZ, paras. 10–11.  
101 ALzNZ, para. 20.  
102 PPA, p. 1.  
103 Broken-Chalk, para. 18.  
104 Broken-Chalk, para. 7.  
105 Broken-Chalk, para. 12.  
106 Broken-Chalk, para. 20.  
107 Broken-Chalk, para. 45.  
108 Broken-Chalk, para. 46.  
109 Broken-Chalk, para. 35.  
110 Broken-Chalk, para. 38.  
111 JS2, p. 9.  
112 IEAG, para. 5.  
113 IEAG, para. 4.  
114 IEAG, p. 3.  
115 SUFW, para. 5.  
116 JS5, para. 2.1.  
117 JS5, para. 2.6(a).  
118 ADF-International, paras. 3 and 6 and ECLJ, paras. 10–14.  
119 ADF-International, para. 5.  
120 JS3, para. 2(b).

- 121 JS3, para. 4(b).  
122 F4J, paras. 29–51.  
123 F4J, para. 45.  
124 F4J, para. 54.  
125 F4J, para. 56.  
126 F4J, para. 42.  
127 OONZ, para. 14.  
128 OONZ, para. 15.  
129 NZCCSS, p. 1.  
130 NZCCSS, p. 2.  
131 NZCCSS, p. 1.  
132 NZCCSS, p. 3.  
133 NZCCSS, p. 1.  
134 JS2, p. 5.  
135 OONZ, para. 13.  
136 JS2, p. 6.  
137 JS5, para. 6.1(a).  
138 JS6, para. 16.  
139 JS2, p. 10.  
140 JS2, p. 4.  
141 JS5, para. 8.2. See also JS2, p. 8.  
142 JS5, para. 8.11.  
143 OONZ, para. 5.  
144 AIMM, paras. 7, 10–11.  
145 AIMM, para. 3.2.  
146 AIMM, para. 22.  
147 AIMM, para. 24.  
148 AIMM, para. 13.  
149 THW, para. 9.2.  
150 AIMM, para. 15.  
151 AIMM, para. 18.  
152 JS2, p. 3.  
153 AIMM, para. 19.  
154 *Proprietors of Wakatu v Attorney-General* [2017] NZSC 17 [28 February 2017] at [153].  
155 Wakatū, paras. 1–10. See also TOREHINA, pp. 1–8.  
156 WMI, para. 2.  
157 LAVA, p. 7.  
158 RGENZ, paras. 1–22.  
159 ADF-International, paras. 16–20 and 28–29, and RGENZ, paras. 23–26.  
160 ADF-International, paras. 21–27, LAVA, p. 5 and 7, SUFW, para. 12.  
161 ITANZ, paras. 9–11.  
162 ITANZ, para. 22.  
163 ITANZ, para. 23.  
164 ITANZ, para. 25.  
165 JS5, para. 3.5.  
166 JS5, para. 5.1.  
167 JS5, para. 5.2.  
168 NZLS, para. 32 and OONZ, para. 4.d and 4.e.
-