

New Zealand's 2nd Universal Periodic Review

Frank McLaughlin's Intervention Remarks

27 January 2014

[10 minutes]

[1,435 words]

[Treaty settlements, disabilities and BPS]

Mr President, thank you for the opportunity to respond to some of the matters raised so far.

I would like to make some comments regarding the Treaty of Waitangi Settlement Process, [which was addressed by/ relevant to the comments made by] the distinguished delegates from [X]. I will also take this opportunity to address the advance questions from the Netherlands and Slovenia about indigenous rights and the Treaty of Waitangi.

As Hon Judith Collins described in her opening statement, the Treaty of Waitangi is considered a founding document of New Zealand. It is designed to protect the cultural rights of Māori, including the right to their own lands and properties, and to regulate the relationship between Māori and the State. However, there have been instances where the standards set in the Treaty have not been upheld by the State.

New Zealand has a well-developed system for settling historical Treaty grievances with Māori, known as the Treaty settlement process. Through this process, the Government is pursuing efforts to comprehensively settle Treaty grievances that Māori claimant groups

assert the State has committed. The Government seeks to negotiate settlements that are timely, fair and durable.

These settlements may include land, money, and a Government apology. The New Zealand Parliament passes legislation supporting each Treaty settlement. In most cases, the legislation is approved by all parties in Parliament. This process in Parliament reaffirms both the importance New Zealand places on reconciliation of historical harms but also means that all of New Zealand has a stake in durable settlements.

Mr President, the Government notes that the State and claimant groups have signed 67 deeds of settlement relating to Treaty of Waitangi claims. It is expected that approximately another 60 will be signed. [Once these are signed over [x percent of treaty settlements will have been settled]. The Government is aiming to reach agreements with all willing and able claimant groups in the next few years.

The majority of treaty settlements are forward-looking, which provides for ongoing engagement between the State, Local Government, and iwi (tribes).

In response to the advance question from Mexico in relation to engaging with Māori on the Marine and Coastal area, I can make the following remarks. The Government has invited and received 34 applications since the Marine and Coastal Area (Takutai Moana) Act was passed on 1 April 2011. Applicants have been spread across all of New Zealand. Applications under the Act close on 3 April 2017. The Government does not currently have a programme for promoting the direct engagement mechanism amongst Māori. The Government will monitor the number and spread of applications over the next few years and may consider promoting applications from Māori as we get closer to the 2017 applications deadline.

Looking forward, the Ministry of Justice has established a Post Settlement Commitments Unit in recognition of the ongoing relationship matters that arise out of the treaty settlements. The unit looks at measures that can be adopted to ensure the durability of settlements, to look after the commitments made in settlements, and also to build on the opportunities settlements create.

Our Treaty settlement process has been acclaimed internationally. The Special Rapporteur on the Rights of Indigenous Peoples has described it as one of the most important examples in the world of addressing historical and on-going grievances. New Zealand is proud

of what it represents, as a strengthening of the ongoing partnership between the State and Māori.

[A number of distinguished representatives from member states have commented] / [I would like to comment] on the rights of persons with disabilities in New Zealand.

The New Zealand Government established a Ministerial Committee on Disability Issues in February 2009 to provide increased leadership, accountability and coordination across government agencies on disability issues. The Committee is involved with advancing the implementation of the New Zealand Disability Strategy and the UN Convention on the Rights of Persons with Disabilities. These priorities are set out in the Disability Action Plan. This Action Plan aims to provide a more individualised and flexible service for persons with disabilities compared to the current disability support system. It also focuses on the inclusion of persons with disabilities in the Christchurch rebuild, and increasing the number of disabled people in employment.

The Ministerial Committee agreed to develop a mechanism to implement an obligation in Article 4(3) of the Convention. This ensures disabled people's representative organisations are involved in the development of legislation and policy that impacts on disabled

people. In addition, the Government has encouraged a new way of working which focuses on importance of have leadership about disability issues coming from disabled people themselves.

In relation to the advance question from Mexico, the New Zealand Government has identified accession to the Optional Protocol to CRPD as a key focus.

The Government provides funding to the Convention Coalition, which is a group of disabled persons organisations, for the purposes of increasing the number of houses built to universal design standards. Universal design standards refer to houses that accommodate the needs of people of all ages and life stages, and that reduce accidents in the home. In addition, the Funded Family Care scheme that was introduced in October last year, invests \$23 million towards supporting family carers of persons with disabilities. This funding allows for the families of persons with severe disabilities to be recognised for their dedicated work, which can be a lifetime commitment.

One in five Māori report having a disability. This incidence of disability is expected to increase as the Maori population ages.

It is widely acknowledged that culture and health are closely linked. Services that fail to take account of the significance of culture in

assessment and support have the potential to create poor outcomes and reduced health gains.

The Māori Disability Action Plan was launched in August 2012 to address this matter. The Action Plan provides strategic direction over the next five years to address the support needs and priorities of Māori with disabilities and their *whānau*, their families, through Ministry-funded Disability Support Services. The Government is pleased to announce that the first stage of implementing this plan has begun.

Mr President, I would like to turn to New Zealand's Better Public Services Programme that was launched in 2012. This programme sets goals for the New Zealand public sector to track and achieve in order to provide faster, smarter and more effective public services to New Zealanders. It represents a clear shift for the public service, moving away from generalised goals and focusing instead on meeting measurable targets.

The bottom line is that public sector services must make a positive difference to the lives of New Zealanders and that difference should be measurable. Many of the goals and targets coincide with the recommendations made to New Zealand in the 2009 UPR improving outcomes for New Zealanders.

Our five goals of the Better Public Services Programme are reducing long-term welfare dependence, supporting vulnerable children, boosting skills and employment, reducing crime, and improving interaction with Government. Each goal is associated with a number of targets to be achieved by 2017. For example one of the targets that falls under my responsibility is for youth crime offending to be reduced by 25 percent by 2015.

Mr President, the Government is seeing positive trends on each target of the Programme. The number of New Zealanders on welfare support is reducing along with the rate of youth crime, young adults are receiving higher levels of education and the incidence of rheumatic fever is reducing. In relation to the advance question from Germany, many of the programmes contain a focus on reducing the inequality between Māori and Pacific peoples and the rest of New Zealand. [For example, new health services in our urban centres step up the focus on Pacific children by providing rapid access nurse-led community services to these children to reduce their rates of rheumatic fever.]

Thank you for this opportunity to address these matters Mr President.