

New Zealand's 2nd Universal Periodic Review

Minister's Opening Remarks

27 January 2014

[25 minutes]

[2,902 words]

Mr President, distinguished representatives of Member and Observer States of the Human Rights Council, I am honoured to be here at New Zealand's second Universal Periodic Review. This process provides New Zealand with the opportunity to review and reflect on our human rights achievements and challenges.

It is my pleasure to introduce the New Zealand delegation. In addition to Amanda Ellis, New Zealand's Permanent Representative to the United Nations in Geneva, we have:

- Frank McLaughlin, Deputy Secretary Policy, Ministry of Justice
- Mere Pohatu, Regional Director Tairāwhiti at Te Puni Kokiri, New Zealand's Māori Development Agency
- Charlotte Darlow, Ministry of Foreign Affairs and Trade
- and Adam Dubas, Ministry of Justice.

I thank the delegations that have sent questions in advance. I will address some of these in my opening statement. Others will be elaborated on as part of our responses this morning. We welcome the questions that will be put to us today, and will do our best to answer them to the fullest extent.

Before beginning, I would like to note that in some cases in my presentation I will use terms and names in Te Reo Māori, the indigenous language of New Zealand. When I do so I will also use an English translation.

In this opening statement I will share with you some of our human rights achievements as well as on-going challenges. Our national report addressed the recommendations from our previous UPR in 2009. Throughout this statement and the interventions I will discuss our progress on these recommendations and comment on additional initiatives we have undertaken. In my closing statement I will discuss the Canterbury earthquakes.

First, allow me to provide a little context about New Zealand. New Zealand is an ethnically diverse, democratic country in the south Pacific with a population of four and a half million. Residents of New Zealand identify as being of Māori, Pacific, European, Asian, and many other ethnic groups.

New Zealand is a young country in relation to many of the other states here today. The indigenous people of New Zealand, the Māori, arrived around 800 years ago, Europeans started arriving in the 19th century and, more recently, we've welcomed some 213 other ethnicities to our shores. Our biggest city Auckland

now has the largest resident Pacific Island population in the world. One hundred and twenty different languages are spoken in New Zealand.

As Minister for Ethnic Affairs, as well as Minister of Justice, I am honoured to promote the benefits of ethnic diversity to develop prosperity of our country. New Zealand is one of the most ethnically diverse countries in the world. Nearly a quarter of us were born overseas.

We are an open, tolerant, and integrated society with people of different ethnic backgrounds living and working peacefully alongside each other – in our neighbourhoods, communities, and businesses, in our classrooms, courtrooms, hospitals, and serving in our police and armed forces.

New Zealand has a robust institutional framework that is vital to promoting and protecting human rights and that encourages strong civil society input. For the 8th year in a row, New Zealand has ranked first or first equal in Transparency International's perception index for having the most open, transparent Government, and public sector. Similarly, we are ranked first in the International Budget Partnership's biannual Open Budget Survey, in the top five of the Open Data Barometer, and top ten of the World Justice Project's Rule of Law Index. What this

means is that New Zealanders rightly expect and receive an unparalleled level of access to information from the executive government and the corruption-free civil service.

New Zealand is a nation that prides itself on the promotion of human rights and equal treatment for all our citizens. As New Zealanders we are proud of our open, honest and transparent country. We have a deeply ingrained sense of fairness, and desire for everyone to realise their potential. We approach our commitment to human rights with respect for every person, and with recognition that there are areas in which we can do better.

Mr President, human rights have always been an area that New Zealand has taken very seriously. As a result, we have consistently been rated very highly on human rights standards. Our Bill of Rights Act and Human Rights Act specifically protect the civil and political rights of citizens. In regard to the advance question from Germany on the protection of economic, social, and cultural rights, I can make the following comments. New Zealand recognises the fundamental importance of these rights. They are given protection in New Zealand through a variety of legislative mechanisms, including publicly funded education, health care and social assistance. New Zealand Courts have regard to economic, social and cultural rights wherever possible.

Our parliamentary process includes extensive engagement with civil society and human rights organisations, and these discussions are essential to maintaining our standard. In regard to the advance question from the United Kingdom on civil society engagement, our national report is a product of extensive consultation with civil society groups. Multiple public consultation meetings were attended by NGOs, stakeholders and individuals. They were encouraged to make individual or joint submissions. The draft report was released to the New Zealand Human Rights Commission for comment and made available for further public consultation.

The increase in NGO submissions in this second review demonstrates the increasing relevance and strength of the UPR mechanism. I would like to thank the New Zealand Human Rights Commission for the constructive role it has played in liaising between Government and NGOs throughout this process.

Over the reporting period, and in line with UPR recommendations, New Zealand has increased its support for international human rights instruments and its engagement with UN bodies. For example, in 2010, New Zealand moved to support the United Nations Declaration on the Rights of Indigenous Peoples. We also ratified the Optional Protocol to the

Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography in 2011. We make it a priority to keep up-to-date with our treaty obligations. We were pleased to receive visits from the Special Rapporteur on Indigenous Issues and the Subcommittee on the Prevention of Torture. Both these visits gave us the opportunity to benefit from expert international advice.

In relation to the advance question from Liechtenstein, New Zealand is a long-standing supporter of the International Criminal Court. We have ratified the Rome Statute and have implemented it in domestic law. In 2010, New Zealand participated in the Review Conference of the Rome Statute of the ICC in Kampala, Uganda. New Zealand supported the adoption of the final agreement with respect to these amendments. The government will make a formal decision in the first quarter of 2014 on ratification of the Kampala amendments.

Mr President, I would like to speak now about Māori, the indigenous people of New Zealand. Māori are a unique group within our country with a rich culture integral to the New Zealand identity. Māori constitute around 15% of our population and Te Reo Māori is an official language of New Zealand. The

Treaty of Waitangi which was signed in February 1840 is a partnership agreement between Māori and representatives of the State. It is a founding document of the modern State of New Zealand.

Māori have a strong role in the governing of our country. The Māori Party and the governing National Party work together through a confidence and supply agreement. The agreement states that both parties will act in accordance with the Treaty and that the Government will implement a range of policies which will improve the status of Māori. In addition the co-leaders of the Māori Party were appointed to a number of Ministerial positions.

Our current Governor-General, the representative of our Head of State, the Queen of New Zealand, is of Māori descent. Of the 71 electorate seats in Parliament, seven are guaranteed Māori seats. However, in total, over 20% of our Parliamentarians are of Māori descent. Cabinet also has three ministers of Māori descent. Our indigenous people are at the heart of decision making.

However, there is not a consistently positive story of Māori achievement. Māori are over-represented in a number of poor social outcomes. For example, Māori are overrepresented in the

criminal justice system both as offenders and as victims. Though Māori make up only 15% of the general population, they constitute around half of the prison population. Men of all ethnicities are overrepresented in the prison population. Of our 8300 prisoners, 7800 are men and 500 are women. As a Government we are constantly working to address these overrepresentations. At the previous UPR, we highlighted the Drivers of Crime initiative. This is a whole of Government approach to reduce offending and victimisation with an emphasis on Māori outcomes. Since its adoption, I am pleased to report that in the last two years the number of young Māori appearing in court has reduced by 30%

Building on the Drivers of Crime initiative, the Government launched the Youth Crime Action Plan in October 2013. This plan, spearheaded by the Ministry of Justice, aims to reduce crime and recidivism rates for young people – with an emphasis on outcomes for Māori. To reduce the risk of reoffending we work to reconnect young at-risk Māori with their culture and families. This includes allowing courts to be held on Māori traditional meeting places known as Marae, and establishing Māori-centred rehabilitation prison units. Processes have also been established which allow the families, tribes, and sub-tribes of the offender to address the court at sentencing.

New Zealand has recognised the key role that identity, language and culture play in educational success and wellbeing. The New Zealand Education Curriculum has been revised to embrace both New Zealand's bicultural foundations and the multicultural nature of New Zealand society. It incorporates the Treaty of Waitangi, cultural diversity, and inclusion as three of the eight principles required to underpin all school decision making.

Mr President, I am especially proud of New Zealand women and the role they take in leadership. In New Zealand, there have been two female prime ministers, two female Governors-General, and currently, three of the four levels of our judiciary are headed by women. I am one of six women in the central decision making body of executive government, the New Zealand Cabinet. In terms of our next generation of women leaders, I am pleased to say that 60% of University graduates and 63% of our postgraduate students in 2012 were women. Since 1998 New Zealand's gender pay gap has been trending downwards and currently is measured at 10.1%. New Zealand ranks in the top ten of the World Economic Forum's global Gender Gap report.

While we have made impressive strides in gender equity in New Zealand, I recognise that like most other States, there are

areas where we must improve. Women and children experience an unacceptably high rate of family violence in New Zealand. I note that advance questions on this topic were received from Germany, Netherlands, and the United Kingdom. We remain steadfast in our determination to eradicate this problem that causes great personal and social harm. In line with recommendations from our first UPR, the Government reconvened the Family Violence Ministerial Group in 2012. This group provides oversight to a whole-of-government approach for dealing with family violence. It includes the Ministers of Justice, Women's, Māori and Pacific Island Affairs and for Disability Issues to ensure these most vulnerable groups are heard and included in the policy process. As a part of this approach, we have a Campaign for Action on Family Violence. This is a comprehensive plan for getting communities involved in family violence prevention strategies. Media plans, help lines, and community-led projects are just some of the mechanisms we are using to address this issue. Furthermore, given the overwhelming link between alcohol abuse and family violence, I led the wholesale rethink and change of our laws governing the sale and supply of alcohol. The legislation came into effect last month. Police have already indicated it is making a positive difference to the drinking culture.

Police Safety Orders were introduced in 2010. Police are able to order a violent person out of the family home, effective immediately, for a period of up to five days. The purpose is to protect people at risk from violence, harassment or intimidation. A review of the first 12 months of Police Safety Orders showed that they are helping to keep families safe.

Last year, as Minister of Justice I also led law changes increasing the penalties for breaches of domestic violence restraining orders and expanded the definition of domestic violence to include economic and financial abuse. Domestic violence legislation also provides victims with appropriate safety and education programmes and requires offenders to attend anti-family violence programmes.

The Action Plan for New Zealand Women was completed in 2009. The key areas of the Action Plan for New Zealand Women are increased safety from violence for women, more women in leadership, and greater economic independence. Each priority area has a clear set of targets that address violence against women and gender equality.

New Zealand is also continuing policy work on implementing the recommendations of the Taskforce for Action on Sexual Violence. A recent initiative in the justice area has been the

appointment of specialist sexual violence victims' advisors in courts throughout New Zealand. Upcoming reforms to the Evidence Act will extend the protections offered to complainants in sexual assault cases.

In relation to the United Kingdom's question on data collection and efficacy for domestic violence I can make the following remarks. Currently, much of the data on family violence is collected from administrative sources, which provide a measure of agencies' response to and societal impact of family violence. The Families Commission has led work to assess the suitability of these data sources. Provisional indicators have been developed for consideration, and recommendations have been made for improving data quality. Additionally, the Domestic Violence Amendment Act changes the way the government contracts with providers for domestic violence services, including anti-violence programmes. Programme efficacy requirements will be strengthened under the Act which implements a framework to report on results and outcomes.

I thank the Czech Republic for their advance question about the implementation of recommendations under CEDAW. The New Zealand Government is committed to fulfilling its obligations under CEDAW. Since our last presentation to the CEDAW

Committee in 2012, the Ministry of Women's Affairs has established a process whereby Government agencies meet regularly to review progress on all CEDAW recommendations. The Government's focus has been addressing the recommendations concerning the collection of data. We will be reporting back to the CEDAW Committee on steps taken in October this year.

Protecting children against abuse and neglect is another key priority for the Government, and I note that Spain has asked an advance question on this topic. In 2012, my colleague Paula Bennett, the Minister of Social Development, launched the White Paper for Vulnerable Children and the Children's Action Plan. This Paper focused on children who have been, or are at risk of being abused or neglected. As a result we are working on extensive reforms across health, education, and social sectors. These include public awareness campaigns, the establishment of a Vulnerable Children's Board, a strategy for improving long-term outcomes for children in State Care, and a mechanism for flagging and tracking high-risk adults. The Vulnerable Children Bill was introduced in September 2013 to give effect to the proposals in the White Paper

In May 2013 our Parliament eliminated an area of discrimination with the Marriage (Definition of Marriage) Amendment Act. This Act allows for marriage between any two people regardless of gender identity, sex, or sexual orientation. This milestone achievement allowed for the first same-sex couple to be married in New Zealand on the 19th August 2013. This change also allows for same-sex couples to adopt children, and for couples to remain married regardless of a change in their legal gender. For us this is an important further step in ensuring that all New Zealanders are treated equally.

Mr President, before moving into the dialogue, I wish to touch briefly on the Annex to our national report concerning Tokelau. Tokelau consists of three small atolls in the South Pacific, with a combined population of 1,400.

New Zealand has special responsibilities to Tokelau and a number of human rights instruments apply in Tokelau through New Zealand treaty action, such as the Covenants, CEDAW and the Convention Against Torture. Given these responsibilities, New Zealand reports on the human rights situation in Tokelau as part of our national Universal Periodic Review report. In 2007 Tokelauans voted by referendum to remain a territory of New Zealand, rejecting self-determination.

I would like to conclude my opening remarks by noting that human rights are not an area where we can allow ourselves to become complacent. The pursuit of equal rights for all New Zealanders is a task which the Government is proud to engage with on a daily basis. Treaty bodies and international experts have repeatedly commented on New Zealand's very high standard of human rights. Last year, I presented New Zealand's periodic report to the Committee on the Elimination of Racial Discrimination. That Committee noted that we provided examples of global best practice. Through legislation, policy, and engagement with the UN and domestic civil society, the New Zealand Government will continue to raise the standard we have set.

Thank you Mr President.