**New Zealand’s UPR Opening Statement**

***Introduction***

*Mihi in te reo (optional)*

*Note: the Ministry of Foreign Affairs advises this is not necessary for the UN international audience as this will not be translated into any of the UN official languages. However, NZ stakeholders will be present/listening as well.*

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| *E ngā mana,*  *E ngā reo,*  *E ngā karangatanga maha,*  *Tēnā koutou.* | *All authorities,*  *All voices,*  *The many affiliations,*  *Greetings.* |

Good morning and greetings to you all. Mr President, distinguished representatives of Member and Observer States of the Human Rights Council and guests, I am honoured to be here for New Zealand’s fourth Universal Periodic Review.

I am Paul Goldsmith and I am the Minister of Justice and the Minister for Treaty of Waitangi Negotiations for the New Zealand Government. I am also the Minister responsible for Arts, Culture and Heritage and for State Owned Enterprises.

I am joined today by:

* Nathan Glassey, New Zealand’s Acting Permanent Representative to the United Nations in Geneva, and
* Andrew Kibblewhite, Secretary for Justice and Chief Executive of the Ministry of Justice.

We look forward to engaging in this dialogue about New Zealand’s human rights record.

**Current context in New Zealand**

* Let me start by giving some information on recent developments in New Zealand. In November 2023, following our General Election, a new Government formed, consisting of a coalition of three parties – the National Party, the New Zealand First Party and the ACT Party.
* This is a significant political change in New Zealand after six years of a Labour Party led Government.
* Naturally, this political change results in changes in priorities and approaches. The Government has spent a large part of its first few months implementing policies we consider important and which align with our commitments made to our voters. We are still working on reviews and adjustments of existing policies, some of which will be directly relevant for human rights. We are looking forward to the comments and the input we will receive today which we will consider as we shape this work.
* In March, New Zealand submitted its national UPR report which was drafted following a nationwide public consultation process to seek feedback on human rights issues that are important to New Zealanders. There were public consultations on the draft report in mid-2023, including public meetings across eight cities and towns in New Zealand and at secondary schools to hear from young people specifically. We welcomed input from many civil society individuals and organisations into New Zealand’s report.
* I would also like to acknowledge the significant involvement of stakeholders in the recent lead-up to this review which reflects the high interest people have in human rights issues. I thank everybody who has engaged and I look forward to continuing to work together as we implement future recommendations.
* Today, I will share some of New Zealand’s human rights achievements since the last UPR, acknowledge where we must still improve and outline the work the New Zealand Government has already done and will do.
* I will discuss for example:
* our criminal justice system,
* issues facing Māori, and how we are addressing differences in outcomes for our Māori population,
* how we are addressing our high levels of family violence,
* the health system, and
* the current cost of living pressures.
* These are also some of the key issues that were raised in our 2019 UPR examination.

I will first outline some important background information about New Zealand.

**New Zealand**

* New Zealand is a diverse and egalitarian Pacific nation. We are proudly multicultural, with over 160 ethnic groups and more than 150 languages spoken.
* New Zealand has specific constitutional relationships with the Cook Islands and Niue, as well as Tokelau, as part of the Realm of New Zealand.
* New Zealand has a long history of commitment to human rights and fair treatment for all our citizens. When adopting the Universal Declaration of Human Rights seventy-five years ago, New Zealand emphasized the importance of human rights for all people, a sentiment held strongly in New Zealand over many decades and by every iteration of government.
* We have actively participated in, and supported the work of, the United Nations to protect and promote human rights. We may be a small country, but we use appropriate opportunities to speak out about what is just and right.
* We were also the first country in the world in which women received the right to vote in 1893, marking the foundation for our commitment to be a leader in human rights. The Government maintains this commitment.

**Constitution and domestic and international human rights framework**

*Constitution including the Treaty of Waitangi*

* New Zealand is sometimes said to have an unwritten constitution because, although much of our constitutional arrangements is in writing, they are not found in a single document.
* The New Zealand constitutional system is unique because, alongside its inheritance from the British system that has evolved over centuries, from the Magna Carta, through to the development of parliamentary supremacy, and the rule of law, it has its foundations in the Treaty of Waitangi (or Te Tiriti o Waitangi) signed in 1840. It establishes a relationship between Māori, the indigenous people of New Zealand, and the Crown.
* The Treaty of Waitangi is recognised for its constitutional significance and its historical and continuing importance. The Treaty encompasses individual and collective rights and obligations on the State to protect and respect indigenous rights. I will have further opportunities today, to talk about some of these obligations and work to address inequities affecting Māori.

*Domestic human rights framework*

* New Zealand upholds human rights through a mixture of legislation, administrative measures, and the common law. We take steps to ensure our domestic law protects human rights and provides effective remedies for anyone whose rights have been breached.
* There are two main pieces of legislation that promote and protect human rights in New Zealand; the *Human Rights Act 1993* and the *New Zealand Bill of Rights Act 1990*.
* The Human Rights Act is our main anti-discrimination law. It makes it unlawful to discriminate on a range of grounds which substantially reflects New Zealand’s international human rights commitments. It applies to state action as well as to a significant number of private sectors like housing or education.
* This Act also outlines the functions of New Zealand’s National Human Rights Institution, the Human Rights Commission. The Commission is an independent Crown entity funded by the government. In 2022, its ‘A’ status was reconfirmed by the *Global Alliance of National Human Rights Institutions*.
* In addition to the Commission, a number of other independent entities form part of our human rights infrastructure. This includes the New Zealand Ombudsman, the Children and Young People’s Commission and the Human Rights Review Tribunal.
* The Human Rights Act is over 30 years old and there are calls for certain changes, including a modernisation of its language and scope. Over the course of this parliamentary term, the Government may consider reviewing some of the Act.
* The independent Law Commission has been asked to examine whether the current wording of the Human Rights Act adequately protects people who are transgender, people who are non-binary and people with variations of sex characteristics.
* The Law Commission intends to report in mid-2025. It will then be up to the Government whether to progress any recommendations made for reform of the law.
* The Bill of Rights Act includes a wide range of civil and political rights and implements the *International Covenant on Civil and Political Rights* in our domestic law. All proposed laws are checked for consistency with the Bill of Rights Act before being introduced to Parliament. If an inconsistency is found the Attorney-General must report this to Parliament.
* However, human rights legislation in New Zealand is not supreme law. This means Acts of Parliament cannot be struck down by the courts by reason that they are inconsistent with the Bill of Rights Act.
* The protections of human rights were strengthened in recent years: The Supreme Court confirmed in 2019 that the courts can, as a form of redress, declare that laws are inconsistent with the Bill of Rights Act. In 2022, Parliament passed legislation requiring the Government and Parliament to respond to such declarations. This process strengthens accountability.

*International Human Rights framework*

* Let me now turn to our international human rights framework. As a small country, New Zealand places a high value on the international rule of law and the international human rights system.
* New Zealand has ratified seven of the nine core human rights treaties and we are working towards ratifying new international instruments and removing the small number of reservations we maintain to some of the core treaties.
* New Zealand has a long-standing practice of accepting new international obligations only after reviewing and amending the relevant legislation, policy and practice to ensure we substantially comply. This means there is significant domestic work required before accepting further international obligations.
* The Government currently has a full work programme. However, if resources allow, our priorities in the international human rights space would be considering signing up to the *Convention for the Protection of All Persons from Enforced Disappearance* and whether to withdraw New Zealand’s reservation to Article 14 of the Convention against Torture.
* *To respond to a question from* ***Liechtenstein*** - In 2022, we signed up to the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure. This is an important step to strengthen protections for children.
* In 2021, we submitted our UPR mid-term report which was a useful stocktake of domestic progress for a number of human rights areas.
* ***Portugal*** *asked about our National Mechanism*.
* New Zealand’s 2024 UPR report outlines the establishment of our *National Mechanism for Reporting and Follow-up.* It helps improve agency cooperation and consistency and effectiveness of international human rights reporting processes. The launch of the online tool to monitor the implementation of human rights recommendations as well as guidelines on reporting for public sector agencies are scheduled for later this year.
* The recommendations from last year’s examination under the Convention against Torture, the set of recommendations we’ll receive today, and the actions Government agrees to take towards all these recommendations will be included in the monitoring tool this year. This tool will be a useful transparency and accountability mechanism to track our progress.

**Anti-racism/inclusive society**

* I will now talk about some of our work responding to the inquiry established after the March 2019 Christchurch terror attacks against our Muslim communities as well as other work to prevent and address racism.

*I note that the* ***United Kingdom*** *and* ***Canada*** *submitted an advance question about the work responding to the Christchurch attacks.*

* Even though we are a peaceful and egalitarian society, New Zealand experiences racism and violence. The Government is deeply committed to addressing this and making New Zealand a more inclusive country where everybody feels and is safe.

*Christchurch*

* New Zealand recently marked the fifth annual commemoration of the 2019 terrorist attack in Christchurch, where 51 people were killed and 50 were injured. The Government acknowledges the significant harm this has caused to victims and their communities. The attack also influenced a nation-wide conversation about racism in New Zealand.
* A Royal Commission of Inquiry into the terrorist attack completed its work in 2020. Since then, New Zealand has undertaken a significant work programme to address the Royal Commission’s recommendations and to promote social cohesion, counter terrorism and violent extremism, and improve outcomes for our ethnic communities.
* New Zealand also amended the Arms Act 1983 to remove most semi-automatic firearms and large capacity magazines from circulation and use by the general population in New Zealand. As part of a coalition agreement made when forming New Zealand’s Government in 2023, we announced changes to the Arms Act to provide for greater protection of public safety and to simplify regulatory requirements to improve compliance.
* A further recommendation by the Royal Commission related to amending New Zealand’s hate speech and hate crime laws. The Government acknowledges the harms hate speech and hate crime can cause. New Zealand has hate speech laws in the Human Rights Act providing for civil and criminal remedies. A proposed broadening of hate speech laws led to many challenging discussions over the last few years with concerns about limitations to freedom of expression. The Government shares those concerns and has decided not to progress changes to hate speech laws.
* However, the independent Law Commission has been asked to provide advice on whether a standalone hate crime offence should be created, as recommended by the Royal Commission. Currently hate motivation for a crime is an aggravating factor at sentencing. Police are also leading significant efforts to prevent and reduce hate crime, for example through rigorous reporting of incidents of hate crime and training of Police staff.
* The Government will complete the work necessary to respond to the Royal Commission’s recommendations, including to provide a resolution for the victims and their families.

*National Action Plan against Racism*

* New Zealand is also undertaking other steps to counter racism and discrimination more broadly. Since accepting the UPR recommendation in 2019, New Zealand has committed to developing a national action plan against racism and work on the plan is now well advanced.
* The public sector has undertaken extensive engagement with communities who experience racism in order to shape the plan’s scope, direction and objectives. Public sector officials carried out comprehensive research and analysis to gather a strong evidence base and engaged in multiple rounds of all-of-government consultation.
* The development of the plan reaffirms New Zealand’s commitment to human rights and underscores our proactive stance in addressing racism and inequalities.

**Other priority policies for New Zealand**

* Let me now touch on some of the other priority issues that New Zealand will address over the next years.

*Feeling safe and freedom from violence*

* We know that many New Zealanders sometimes feel unsafe and some also experience violence.
* One of the Government’s priorities is to ensure people feel safer and are protected from instances of violence and that offenders are held accountable. Our refreshed focus on criminal justice reform emphasises public confidence in the justice system and a stronger focus on law and order.
* The Government has set a target of reducing the number of victims of violent crime by 20,000 by 2029 (from 185.000 in 2023 to 165.000).
* Work to achieve this includes stronger laws prohibiting certain gang activities. We will also make changes to sentencing laws, for example reinstating what is known as the three strikes sentencing regime which ensures progressively tougher sentences are applied for serious re-offending.
* Tightening some criminal laws may lead to an increase in the prison population which we accept in order to protect New Zealanders. We will take measures to mitigate this. For example, we will provide more rehabilitative programmes for remand prisoners which will improve their re-integration into society.
* I also acknowledge that the criminal law changes will affect some New Zealanders’ rights such as the right to associate. The Government has considered these implications and thinks on balance, ensuring New Zealanders feel safe and keeping them safe should take priority.
* Domestic and gender-based violence, which we call family and sexual violence, is a persistent and challenging problem facing New Zealanders. New Zealand will continue the work to reduce and address family and sexual violence through a broad National Strategy.
* Finally, we are also focussing on keeping children in state care safe. To this end, we are reviewing aspects of the state care system. I will speak about this and our family and sexual violence work in more detail later this morning.

*Access to Justice*

* Access to justice is fundamental to the rule of law and protected by New Zealand’s Bill of Rights Act. The delays New Zealanders experience at our main court, the District Court, are often significant. Delays add to lengthy pre-trial detention and impact on criminal justice rights of defendants as well as affecting victims and witnesses. People’s lives are put on hold for years awaiting resolution. Māori experience these impacts in a disproportionate way as they are overrepresented as victims, witnesses and defendants.
* It is one of the Government’s priorities to speed up court processes so that victims of crime can achieve timely justice and so all people can move on with their lives. An efficient court system that delivers timely justice is an important part of the Government’s plan to reform law and order.
* To achieve this, a range of initiatives is underway. For example, we will make Police prosecution processes more efficient. We are also exploring ways to enable more virtual participation in court proceedings.

*Cost of living and housing pressures*

* I will now speak about a challenge many New Zealanders continue to face: the ongoing rises in cost of living, including housing. The economic impacts of COVID-19, some natural disasters we have recently experienced and high inflation have all contributed to this increase. Our continuing and significant housing shortage also means that housing remains unaffordable for many New Zealanders.
* The Government will take more measures to address the cost of living crisis which impacts on people’s right to an adequate standard of living. More disciplined Government spending will reduce the fiscal contribution to inflation. We have provided increased funding for families to help with the costs of raising children and increased support through tax credits for families *(Working for Families)*. We are committed to providing income tax relief, and are introducing a new tax credit for childcare costs.
* In the longer term, however, we believe the best route out of hardship is through employment. While retaining a comprehensive safety net of support for those in need, the Government also wants to ensure that all New Zealanders who are able to work have access to support to help them find, and stay in, employment.
* Housing plays a crucial role in determining the quality of life for people. The Government is committed to solving the housing crisis. We are introducing a programme of work to increase the supply of land for housing, improve the rental market, reform the planning and building system, and grow social housing.
* The Government’s intent is to have a system with fewer constraints on growth to increase the supply of housing and lower the price of land for development.
* We will also support vulnerable New Zealanders into social housing. We have already taken measures to reduce the extensive use of emergency housing for families in need.

*Health*

The final theme I will discuss in my opening remarks is the right to health.

* New Zealand’s health system works well for most New Zealanders and delivers outcomes that compare well with other developed countries. However, some groups and communities experience poorer health outcomes than others – such as Māori and Pacific communities, those living rurally or living with a disability.
* Recent legislative changes are intended to simplify the health system and make it more efficient, including to improve Māori health outcomes. The Government also intends to shift decision-making closer to communities, where Māori and other community providers will continue to be involved in the design and delivery of services.
* The Government’s focus for 2024-2027 is to ensure all New Zealanders have timely access to quality health care.
* The Minister of Health has 5 key priorities:

1. The first one is about access: to ensure every person, regardless of where they live in New Zealand, has access to the health care and services they need.
2. The second is timeliness: that New Zealanders can access the health care and services they need in a timely and efficient way.
3. The third priority is quality: to ensure that the health care and services delivered are safe, transparent, easy to navigate and continuously improving.
4. Priority four is about the workforce: to ensure that we have a skilled and capable workforce which is accessible, responsive, and can deliver safe and effective care.
5. Finally - infrastructure: It is a priority to ensure the health system has the digital and physical infrastructure it needs to meet people’s needs now and into the future.

* Underpinning all of this, there will be a stronger focus on prevention and addressing non-communicable and communicable diseases.
* The Government has also introduced five health targets to stabilise services and provide the focus needed to make improvements. The targets are to increase childhood immunisations; shorten wait times in emergency departments; and shorten wait times for specialist appointments, elective treatment, and cancer treatment.
* New Zealand acknowledges that health workforce issues are significant. Frontline health workers must have the resources and support they need to provide effective health services. A new initiative to address the shortage of doctors is to assess the feasibility of a new graduate-entry medical school. It would prioritise students who are committed to careers in primary care and who come from underrepresented, underserved Māori, Pacific, remote and rural communities.
* Legislation from 2022 (the *Pae Ora (Healthy Futures) Act*) has led to the development of six health strategies in 2023. They are an overall health strategy and five strategies for specific population groups – *Māori, Pacific people, women, rural communities and disabled people.* This is the first ever health strategy for disabled people.
* These strategies are being implemented and, although there are a number of challenges, the Government is committed to achieving a fairer, more equitable health and disability system, and better health outcomes for all New Zealanders.

**Conclusion**

* Mr President, I am looking forward to speaking more about these and other human rights themes in my further presentations today when addressing some of the issues and questions member states will raise.
* I would like to restate the New Zealand Government’s continuing commitment to human rights. While no country has a perfect record, we are proud of our contributions, nationally and internationally, to human rights. We look forward to engaging with you all to continue to better protect and promote human rights in New Zealand.

Thank you.