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I. GENERAL FACTUAL AND STATISTICAL INFORMATION

A. Demographic, economic, social and cultural characteristics of the State

Land

1. New Zealand is situated in the South-West Pacific Ocean, halfway between the equator and the South Pole. It is made up of two main islands - the North and South Islands - and a number of smaller islands. Its total land area is 268,021 km², making it similar in size to Japan or the British Isles. New Zealand's largest neighbour is Australia, to the west. New Caledonia, Fiji and Tonga lie to the north. This area of the world is characterized by active volcanoes and frequent earthquakes. The boundary between the Indo-Australian plate and the Pacific plate runs through New Zealand and the interactions between these two plates has a profound effect on New Zealand's size, shape and geology. The Southern Alps of the South Island, which rise amid permanent snowfields and many glaciers, include 19 peaks exceeding 3,000 metres. The two main islands cover 1,600 km from the northern tip to the southern extremity, with no part more than 120 km from the surrounding ocean. The long coastline and the distance from the nearest neighbouring countries contribute to giving New Zealand a large maritime Exclusive Economic Zone. The Ross Dependency in Antarctica is also part of New Zealand.

History

2. The first Polynesian settlers are believed to have arrived in New Zealand more than 1,000 years ago. Māori settlements were scattered over most of the country by the twelfth century. In 1642, Dutch navigator Abel Tasman sighted New Zealand. However, it was another 127 years, in 1769, before British naval captain James Cook became the first European to set foot on New Zealand. Organized European settlement began in the mid-nineteenth century.

3. In 1840 the Treaty of Waitangi was signed between *iwi* Māori (the indigenous tribes of New Zealand) and the British Crown. This treaty is a founding document of modern New Zealand.

Main demographic trends

4. New Zealand has passed through a demographic transition similar to those experienced by other developed countries. The population has become highly urbanized, the average family size is slowly declining, and the number of elderly is increasing. Slow population growth is projected and steady ageing of the population will continue. A particular characteristic of the New Zealand experience is increasing ethnic diversity. People of non-European descent make up a growing proportion of New Zealand's resident population.

Population

5. New Zealand's resident population was 3.74 million at the time of the last census in 2001. The population density was 13.8 per km². Censuses are taken every five years. The most recent one took place on 8 March 2006. The statistics from this latest census are not yet available.

6. Between censuses it is possible only to estimate the resident population (using census counts and births, deaths and migration numbers). New Zealand's estimated resident population at 30 June 2005 was 4.098 million. Estimated population growth during the June 2005 year was 36,800 (0.9 per cent) compared to 52,200 (1.3 per cent) during the June 2004 year. The two components of population change, natural increase and net (permanent and long term) migration, contributed 28,200 and 8,600, respectively, to that population growth. The main reason for lower population growth in the June 2005 year was the fall in net migration. Rates of natural increase change slowly over time whereas net migration in the New Zealand context is very volatile (+30,000 in 1997, falling to -10,000 in 1999 and rising again to +40,000 in 2003).

Sex of the population

7. Women made up 51.2 per cent of the resident population in 2001. At 30 June 2005, the estimated resident populations for males and females were 2,016,800 and 2,081,400, respectively. Women have outnumbered men by a slowly growing margin since the late 1960s and there were around 103 women for every 100 men at 30 June 2005. Migrant-sourced ethnic groups show large variations in sex ratios.

Ethnic composition

8. New Zealanders of European ethnicity made up 80 per cent of the resident population in the 2001 census; 14.7 per cent of the population were Māori. The majority of the remainder were in the Pacific Peoples Ethnic Group (6.5 per cent) or Asian Ethnic Group (6.6 per cent).

9. There has been a significant increase in the number of new immigrants (people born overseas and not resident at the previous census) living in New Zealand. This group increased from 164,500 in 1996 to 202,700 in 2001, an increase of 23 per cent.

10. Asia continues to be the major source of new immigrants (people born outside New Zealand and who had been in New Zealand for less than 10 years) with fewer people from the Pacific, and other regions remaining at levels similar to those in 1996. Between 1986 and 1996, Asia had replaced the United Kingdom of Great Britain and Northern Ireland and Ireland as the main source of new immigrants over the previous 10 years. For the 10 years to 1996 the top three source areas were Asia (39.1 per cent), Europe (23.0 per cent) and the Pacific (including Australia) (26.0 per cent). For the 10 years to 2001, the top three source areas were Asia (40.6 per cent), Europe (21.5 per cent) and the Pacific, including Australia, (20.3 per cent), while those born in Africa increased from 4.8 per cent of all people born overseas and in New Zealand for less than 10 years to 9.7 per cent in 2001.

11. Important compositional changes in the source countries of Asian-born immigrants over the previous 10 years have continued. In 1986, Cambodia, China, India, Japan and Malaysia accounted for more than half of all Asian-born immigrants. By 1996, almost two thirds of Asian-born migrants came from the Republic of Korea, China, Taiwan Province of China, Hong Kong Special Administrative Region (China) and Malaysia. In 2001, nearly 80 per cent of the total number of immigrants from Asia were from the following countries: China, the Republic of Korea, India, Taiwan Province of China, Hong Kong Special Administrative Region (China), the Philippines and Japan.

Table 1**Ethnic group - Up to three responses^{a b}
(Total responses)^c and sex**

For the census usually resident population count 1991 and 2001				
Ethnic group - Up to three responses (Total responses) and sex	Census year		Total people (percentage)	
	Census year		Census year	
	1991	2001	1991	2001
Total people, European				
Male	1 368 789	1 394 163	83.0	79.8
Female	1 414 236	1 473 846	83.3	80.1
Total	2 783 025	2 868 009	83.2	80.0
Total people, Māori				
Male	214 431	257 481	13.0	14.7
Female	220 416	268 797	13.0	14.6
Total	434 847	526 281	13.0	14.7
Total people, Pacific peoples				
Male	82 404	114 153	5.0	6.5
Female	84 669	117 645	5.0	6.4
Total	167 070	231 801	5.0	6.5
Total people, Asian				
Male	49 395	112 644	3.0	6.4
Female	50 361	124 818	3.0	6.8
Total	99 756	237 459	3.0	6.6
Total people, other				
Male	3 615	13 122	0.2	0.8
Female	3 078	11 802	0.2	0.6
Total	6 693	24 924	0.2	0.7
Total people ^d				
Male	1 648 239	1 747 752	100.0	100.0
Female	1 697 574	1 838 982	100.0	100.0
Total	3 345 813	3 586 731	100.0	100.0

^a Changes to the form of the ethnicity question used in the 1996 census resulted in some data that is not consistent between 1991 and 1996 or between 1996 and 2001. This is why no 1996 data is included in this table. More information on changes can be found in the text.

^b The ethnic data in this table has been compiled using up to three responses per person. If a person gave more than three responses, the three ethnic groups output are those that take highest priority under the priority recording system. This was the same method used in 1991. Data for 2001 can also be output with up to six responses.

^c Includes all of the people who stated each ethnic group, whether as their only ethnic group or as one of several ethnic groups. Where a person reported more than one ethnic group, they have been counted in each applicable group.

^d Does not include those who did not specify an ethnic group. All cells in this random table have been rounded to base 3.

Age of the population

12. The age composition of New Zealand's population has changed over the last decade. Between the 1995 and 2005 June years, the number of children (0-14 years) grew by 32,000 (3.8 per cent). However, during the June 2005 year, the number of children decreased by 5,900 or 0.7 per cent (from 885,390 to 870,490). The 2001 year is the only other June year to record a decrease in the number of children. In the 2005 June year, children accounted for 21.5 per cent of the New Zealand population, compared to 23.1 per cent in the 1995 June year.

13. At 30 June 2005, the working age population (15-64 years) reached 2,721,200, an increase of 30,900 (1.2 per cent) compared to the June 2004 year. This age group, which accounted for the largest proportion of the New Zealand population in 2005, increased by 318,700 (13.3 per cent) between the 1995 and 2005 June years. People in the older working ages (45-64 years) recorded a larger percentage increase (32.6 per cent) than younger workers over the last decade. At 30 June 2005, the median age of the working population (15-64 years) was 38.7 years compared to 36.1 years a decade earlier.

14. During the June 2005 year, the population aged 65 years and over increased by 11,700 (2.4 per cent). Between June 1995 and 2005, their number increased by 74,100 (17.5 per cent) from 423,500 to 497,500. The over-65 age group's share of the New Zealand population increased only marginally, from 11.5 per cent in the 1995 June year to 12.1 per cent in the 2005 June year. The over-65 age group is itself ageing. Among age groups in this category, the estimated population growth for men was consistently higher than for women between the 1995 and 2005 June years. Men and women aged 90 years and over recorded the largest growth in this decade, up 81.3 and 61.6 per cent, respectively. Over the same time, the median age for the over-65 age group has increased from 73.3 years to 74.3 years.

Youth structure

15. At 31 March 2005 (provisional), the under 20 years of age group was estimated at 1,185,240 or 29 per cent of the total New Zealand population. Within this group, under-5-year olds decreased marginally (from 281,800 at 31 March 2004 to 281,470 at 31 March 2005), as did 5- to 9-year olds (from 291,290 at 31 March 2004 to 298,710 at 31 March 2005) and 10- to 14-year olds (from 312,110 at 31 March 2004 to 309,620 at 31 March 2005). Fifteen to 19-year olds increased 1.5 per cent (from 299,980 at 31 March 2004 to 304,440 at 31 March 2005).

Age differences in ethnic groups

16. At the time of the 2001 census, the median age for the total New Zealand population was 34.8 years. The median age of the European ethnic group was 36.8 years (including 41.1 years for British people and 43.8 years for Dutch people). The older age structure of these European groups in New Zealand is a reflection of the fact that many of their members migrated to New Zealand following World War II and that their children possibly no longer identify with the ethnic group of their parents. However, some less traditional European groups within New Zealand, such as French, Russians, Italians, Germans and Swedes, had a younger median age than that of the total New Zealand population.

17. Tokelauans had the youngest median age for Pacific peoples at 18.9 years, while the median age for Māori was 21.9 years. Fijians had the oldest median age among Pacific peoples at 23.7 years. More than one third of Pacific peoples in New Zealand were children while only 3.3 per cent were aged 65 years or over. Māori had a similar age distribution, with 37.3 per cent aged less than 15 years and only 3.4 per cent aged 65 years or over.

18. Taiwanese Chinese had the lowest median age among Asian groups (23.3 years) and Sri Lankans the oldest (32.1 years). Many Asians are recent migrants to New Zealand and tend to be concentrated in the young-adult age groups. More than half (55.2 per cent) of Asians were aged 15-44 years while just under one quarter (23.6 per cent) were under 15 years and only 4.1 per cent aged 65 years or over. In comparison, 43.2 per cent of all New Zealanders were aged 15-44 years while 22.7 per cent are children and 12.1 per cent were aged 65 years or over.

19. In 2001 the median age for New Zealand females was 35.6 years compared to 34 years for males. Māori and Pacific Island females were younger in comparison to all females, with median ages of 23.0 years and 21.9 years respectively, whereas the median age for Asian females in 1996 was 29.7 years.

20. The European female population had a much higher proportion of older women (15.3 per cent aged 65 or over compared to only 3.8 per cent in the Māori, Pacific Island and Asian groups combined). Conversely, Māori and Pacific Island females were more likely to be aged under 15 years (35.7 per cent and 37.4 per cent, respectively, compared to 20.4 per cent of European females). Asian females were concentrated in the working-age groups (73.8 per cent aged between 15 and 64 years).

Economy

21. New Zealand is a developed country with a market economy. During the 1980s and early 1990s New Zealand, like many other countries, experienced a sustained period of rather flat economic growth. Since 1993, New Zealand's economic growth has averaged 3.6 per cent per year. Recent growth has been even stronger, averaging 3.8 per cent over the past five years. Although living standards remain relatively high by international standards, New Zealand has slipped down the Organisation for Economic Cooperation and Development (OECD) per capita income rankings, primarily due to the rapid rise in income in other OECD economies.

22. In 1984, a major economic liberalization programme was initiated. Economic policy has been significantly reorientated towards establishing a market-oriented economy and redressing macroeconomic imbalances. Structural reform was rapid and broad-based and has been accompanied by a medium-term anti-inflationary financial strategy. The repercussions of structural reforms have been pronounced. As is often the case after major structural changes, one consequence of the adjustment process was a significant medium-term fall in employment as previously protected sectors found themselves unable to compete in international markets without government assistance.

23. New Zealand's small economy is relatively dependent on overseas trade. Traditionally, a large proportion of New Zealand's exports, mainly agricultural products, went to the

United Kingdom. In the past 20 years, however, New Zealand has adapted to a changing world in which the Asia-Pacific region is now more dominant. Our largest export markets are Australia, United States of America, Japan, China and the United Kingdom of Great Britain and Northern Ireland. New Zealand has developed its agriculture and manufacturing industries to suit the needs of niche markets. This has meant that New Zealand has reduced its dependence on dairy, meat and wool exports as forestry, horticulture, fishing and niche manufacturing have become more significant. Tourism has increased in importance. International tourism contributed NZ\$ 7.4 billion in export earnings to the economy in 2004, representing 18.5 per cent of total export earnings (compared to \$5.7 billion for dairy products, or 14.3 per cent of total export earnings).

Per capita income

24. The median annual gross income at the last census in 2001 was NZ\$ 19,825 for New Zealand Europeans and NZ\$ 14,827 for New Zealand Māori. There were also large differences in the annual incomes of both men and women. In 2001 men had a median annual income of NZ\$ 24,913 and women NZ\$ 14,529.

25. The 2005 income survey revealed average hourly earnings for men and women of NZ\$ 21.16 and NZ\$ 17.35, respectively. People aged 15-19 years earned the least on average per hour (NZ\$ 10.18). Average hourly earnings increased by age group to a maximum of NZ\$ 21.91 for 35- to 39-year olds and declined again to NZ\$ 19.77 for people aged 65 years and over. By ethnicity, average hourly earnings were highest for New Zealand Europeans (NZ\$ 20.14), and lowest for Pacific people (NZ\$ 15.20). Māori earned on average NZ\$ 16.58 per hour and other ethnic groups NZ\$ 17.20. People with no qualifications earned on average NZ\$ 14.13 per hour, compared to NZ\$ 17.78 for those with school Sixth Form qualification, NZ\$ 19.93 for those with a trade or vocational qualification and NZ\$ 26.24 for those with a university bachelor degree or higher qualification.

Gross domestic product

26. GDP in current prices for the year ending March 2005 was NZ\$ 147,450 million. While growth in the domestic economy was strong in this period, the external sector acted as a drag on growth, as imports grew faster than exports. Economic growth is expected to ease over the near-term as growth in the domestic economy slows and as the impact of the high New Zealand dollar constrains growth.

Rate of inflation

27. The Consumer Price Index rose 2.8 per cent from the March 2004 quarter to the March 2005 quarter. The economy is facing ongoing capacity constraints. A recent expansion in business investment will help alleviate some capacity constraints but, with resources stretched, inflation is expected to remain around the upper limit of New Zealand's target band (1-3 per cent on average over the medium term).

External debt

28. Total overseas debt at 31 December 2004 stood at NZ\$ 152,305 million. Of this, NZ\$ 19,685 million was government debt.

29. High world commodity prices helped many firms weather the effects of a strong New Zealand dollar in the year to March 2005. Exports grew by 6.8 per cent in the year to March 2005 but imports grew more (11.3 per cent) resulting in the account deficit increasing to 7 per cent of GDP. The growth in imports was driven by strong domestic demand (both household spending and business investment) and the strength of the exchange rate, which made imports cheaper.

Rate of unemployment

30. The seasonally adjusted number of unemployed¹ people at the end of the March quarter of 2005 stood at 83,000 or 3.9 per cent of the labour force. Of this total, 43,000 were males and 40,000 were females (unemployment rates of 3.8 per cent and 4.0 per cent respectively). The unemployment rate is at a historic low and is expected to remain low for the next two years.

31. Both New Zealand Māori and Pacific peoples have proportionally much higher levels of unemployment, especially in the 15-19 year age groups. The total number of Māori unemployed stood at 18,100 (an unemployment rate of 8.8 per cent) and the total number of Pacific Islanders unemployed was 6,300 (an unemployment rate of 6.7 per cent).

32. Māori employment growth outstripped that of New Zealand Europeans in the year to March 2005, reflecting faster growth in the Māori working-age population and the disproportionate share of Māori amongst the unemployed in the late 1990s. In addition, the distribution of Māori employment has changed over the last economic cycle, with a larger share of the Māori workforce now in high-skilled occupations. Although the shift away from low-skilled occupations remains relatively slow, the Māori workforce is now less vulnerable to a negative economic shock due to strong job growth in high-skilled occupations.

Literacy rate

33. New Zealand has no official measure of adult literacy, but is internationally recognized as having a high level of literacy for both men and women. The International Literacy Survey in 1996 identified literacy patterns in New Zealand similar to those of the United Kingdom of Great Britain and Northern Ireland, United States of America and Australia. Various literacy projects are in place at no cost to the learner.

¹ All persons in the working-age population who during their reference week were without a paid job, were available for work and: (a) had actively sought work in the past four weeks ending with the reference week, or (b) had a new job to start within four weeks. A person whose only job search method in the previous four weeks had been to look at job advertisements in the newspapers was not considered to be actively seeking work.

Religion

34. Of those stating a religious affiliation in the 2001 census, 95.4 per cent chose Christian, a decrease of 4.1 per cent since the 1996 census. There have been increases in the number of people affiliated to non-Christian religions. Numbers of Hindus, Buddhists and Muslims each increased by more than 10,000 between 1996 and 2001.

35. Nearly 30 per cent of the usually resident population stated that they had no religion in 2001 compared to 25 per cent in 1996. The number who objected to answering the religion question dropped slightly between 1996 (256,593) and 2001 (239,244).

Language

36. English is the principal language used by the majority of the population, and in public life. Māori is the language of the Māori people or *tangata whenua* (indigenous people) of New Zealand. It is recognized as a *taonga* (treasure) under the Treaty of Waitangi and became an official language of New Zealand by virtue of the Māori Language Act 1987. The Act also provides that people may speak Māori in any legal proceedings and that a competent interpreter must be made available. The curricula of many schools contain programmes for Māori language instruction. Students whose mother tongue is a Pacific Island language or another community language are given the opportunity to develop and use their own language as an integral part of their schooling.

37. Ninety per cent of New Zealand Europeans speak only one language (in most cases English). In the 2001 census, some 4.5 per cent of all New Zealanders and 25.2 per cent of New Zealand Māori said that they could have a conversation in Māori.

Life expectancy

38. Life expectancies at birth for 2000-2002 were as follows:

Non-Māori females	81.9 years
Māori females	73.2 years
Non-Māori males	77.2 years
Māori males	69.0 years

39. Cancer and ischaemic heart disease have been the leading causes of death over the last 10 years, each accounting for approximately one in four deaths. In 2002, cancer accounted for 28 per cent of total deaths while ischaemic heart disease accounted for 22 per cent.

Infant mortality

40. The infant mortality rate was 4.9 per 1,000 live births for the calendar year 2003. Neonatal mortality accounted for 58 per cent of these infant deaths. The Māori infant mortality rate for the same year was 6.77 per 1,000 live births.

Direct maternal deaths

41. The rates for direct maternal deaths (resulting from complications of pregnancy, childbirth and the immediate post-partum period) fluctuate markedly from year to year due to the small number of deaths. The rate per 100,000 live births in 2001 was 0 (there were no direct maternal deaths in that year) and the rate for 2000 was 3.5 per cent (there were two direct maternal deaths).

Fertility rate

42. Live births registered in 2004 totalled 58,073. The latest fertility rates indicate that New Zealand women average about 1.95 births per woman. The latest figure is about 6 per cent below the level required by any population to replace itself without migration (2.10 births per woman). New Zealand's fertility rates have been below the "replacement level" every year since 1980, except for the three years 1988-1990. In general, the fertility rate is trending down.

43. In 2003, half (51 per cent) of all newborn babies had a mother aged 30 years or older, well up from 35 per cent in 1992. In contrast, the number of newborn babies with a mother under 25 years of age dropped from 31 per cent in 1992 to 24 per cent in 2003. There has been a long-term trend away from early childbearing. The average age of New Zealand women giving birth is now around 29.5 years, as compared to 27.9 years in 1992 and 25.6 years in the early 1970s.

44. The total fertility rate for Māori was approximately 31 per cent higher than their non-Māori counterparts in 2003. The median childbearing age for Māori women in 2003 was 26.1 years compared to 30.2 for the total population.

Percentage of the population in rural and urban areas

45. Although New Zealand is a predominantly rural country in terms of its land use, only 14.3 per cent of the usually resident population lived in rural areas at the time of the 2001 census. (Rural areas are defined as areas where the largest population centres contain less than 1,000 people.) Seventy-one per cent of the population lived in main urban areas (areas with 30,000 people or more) and approximately 14.7 per cent were urban but in secondary and minor urban areas (places with populations under 30,000).

46. Auckland's urban area is the single largest urban agglomeration, with an estimated population of 1,074,507. At the 2001 census, 66.9 per cent of the total population in the Auckland urban area were European, 11.5 per cent Māori, 14.9 per cent Pacific Peoples, and 14.6 per cent Asian (using total response information. For this reason percentages do not add to 100). The Auckland urban area's usually resident population increased by 82,671 between 1996 and 2001, making it one of the fastest growing areas in New Zealand.

Percentage of one-parent families with children

47. As in 1996, the most common family type at the 2001 census was “couple with children”. However, the proportion of “couple with children” families and “couple only” families are now quite similar (42.1 per cent and 39.0 per cent, respectively). This continues a trend, which has been evident since 1991, of an increase in the proportion of “couple only” families and a decrease in the number of “couple with children” families. One-parent families made up 18.9 per cent of families, up from 17.7 per cent in 1996 and 17.2 per cent in 1991. Most (81.9 per cent) sole parents were females although the proportion had declined by just over 1 per cent since 1996.

48. Family households are still dominant in New Zealand. At the 2001 census, 71.3 per cent of households contained families, down from 73.9 per cent in 1996. There was an increase in the number of one-person households (23.4 per cent of all households compared to 20.7 per cent in 1996). The remaining households contained multiple non-family members (for example, people in a house-sharing situation).

B. Constitutional, political and legal structure²

Constitution

49. New Zealand has no single or supreme constitutional document. Rather, its constitution is to be found in the Constitution Act 1986, as well as:

- The **prerogative powers of the Queen** under which, for instance, the Queen issued the Letters Patent Constituting the Office of the Governor-General of New Zealand in 1983 and conferred her powers in respect of New Zealand on the Governor-General;
- Other, relevant **New Zealand statutes**, such as the Electoral Act 1993, the State Sector Act 1988, and the Judicature Act 1908 (relating to the three branches of Government), the Ombudsmen Act 1975, the Official Information Act 1982, the Public Finance Act 1989 and the New Zealand Bill of Rights Act 1990;
- Relevant **English and United Kingdom of Great Britain and Northern Ireland statutes**, such as Magna Carta 1297, the Bill of Rights 1688, the Act of Settlement 1700 (regulating succession to the throne among other matters) and the Habeas Corpus Acts, all confirmed as part of the law of New Zealand by the Imperial Laws Application Act 1988;

² This section draws on the Rt. Hon. Sir Kenneth Keith’s “On the Constitution of New Zealand: An Introduction to the Foundations of the Current Form of Government” (1990, updated 2001) in *The Cabinet Manual*.

- Relevant **decisions of the courts** (the common law), for example, upholding rights of the individual against the powers of the State, and determining the extent of those powers;
- Long-standing and recognized practices, some of which are described as conventions. **Constitutional conventions** in practice regulate, control and in some cases transform the use of the legal powers arising from the prerogative or conferred by statute.

50. The New Zealand constitution reflects and establishes that New Zealand is a monarchy with a parliamentary system of Government. The underlying principle is that of democracy.

51. New Zealand's constitution is based on the Westminster tradition, a fundamental tenet of which is the separation of powers: the legislature, executive and judiciary must be kept separate from each other to provide checks and balances within the system and to ensure accountability and impartiality.

52. The New Zealand constitution is also based on the rule of law. The powers exercised by parliamentarians and officials are based on legal authority and there are minimum standards of justice to which the law must conform (the law should have safeguards against the abuse of wide discretionary powers, unfair discrimination should not be allowed by law and a person should not be deprived of his or her liberty, status or other substantial interest without the opportunity of fair hearing before an impartial court or tribunal).

53. The New Zealand constitution has evolved over many years, and has continued to change since independence from the United Kingdom of Great Britain and Northern Ireland. Increasingly, the constitution reflects regard for the Treaty of Waitangi as a founding document of Government in New Zealand. Also, New Zealand governmental institutions must increasingly have regard to international obligations and standards.

Head of State and the Governor-General

54. The Queen - the Sovereign in right of New Zealand - is the Head of State. She appoints the Governor-General to represent her in New Zealand. In general, each has all the powers of the other. By law, they may appoint Ministers of the Crown as well as Judges, Defence Chiefs and the Ombudsmen, and dismiss them (following certain procedures); they may summon and dissolve Parliament; and they may assent to bills and agree to regulations. By convention, they do so only on the advice of the Prime Minister or Ministers, who have the support of the House of Representatives.

House of Representatives

55. Parliament - the legislature - consists of the Sovereign and a single-chamber, 120-member House of Representatives, elected every three years unless earlier dissolved. Parliament has full power to make law but delegates some lesser law-making powers to government (for example, to make regulations).

56. Usually, a simple majority in the House suffices to make changes to an act of Parliament, although some limits to change arise from ratification of international legal instruments. The Electoral Act 1993 is the only statute with entrenched provisions. The protected provisions relate to the three-year term of Parliament, membership of the Representation Commission, the division of New Zealand into general electorates, the voting age and the method of voting. If changes to these provisions are to be made, they must be passed either by 75 per cent of the House or by a majority vote in a referendum.

57. Other functions of Parliament include providing a Government, supervising that Government (through the annual grant of financial authority and scrutiny of delegated powers and functions) and representing the views of the people.

58. Parliament has a number of Select Committees that examine proposed legislation in detail and hear submissions from interested members of the public. These Committees also hold inquiries within their subject area. They can call for public submissions and request evidence from organizations that may be the subject of the inquiry. After considering the evidence, the Select Committees may report to the House with findings and recommendations. The Government must respond to recommendations within 90 days.

Executive

59. The executive governs. It comprises Ministers of the Crown (collectively, the Executive Council), the public service and some statutory bodies. Only members of Parliament may be Ministers of the Crown. By convention, the Prime Minister and other Ministers may hold office as Government only while they are able to win a vote in the House on matters of confidence (issues vital to the Government's programme) and supply (finance). This means that Ministers are accountable to Parliament for the performance of Government.

60. Most Ministers are in the Cabinet. This body makes policy decisions and supervises the administration of law and policy by the public service.

61. The Prime Minister is the head of Government, chairs the Cabinet, and has a coordinating role across all areas of Government. By convention, the Prime Minister alone can advise the Governor-General to dissolve Parliament and call an election, or accept the resignation of Ministers.

62. Each department of the public service has an appointed Minister as its political head and a public servant as its administrative head. The role of the public service is set out in various pieces of legislation, including the State Sector Act 1988, the Public Finance Act 1989 and the Official Information Act 1982. Constitutional principles and these statutes dictate that members of the public service act in accordance with the law and in the spirit of service to the community, provide free and frank advice to Ministers and give effect to ministerial decisions.

Judiciary

63. The judiciary provides a check on the power of the executive by ensuring that it acts in accordance with the laws made by Parliament and the common law (or "judge-made law")

accruing from fundamental legal principles and interpretation of statutes). However, Parliament is supreme: judges cannot strike down any provision of an act of Parliament (although they can strike down secondary legislation that is inconsistent with a provision of an act of Parliament).

64. The independence of the judiciary is an important principle of the New Zealand constitution, so freedom from political interference is an essential feature of the judiciary's position. This is reflected in the standing orders of the House of Representatives (their rules), which prohibit a member from criticizing a judge. Further, the Constitution Act 1986 protects judges of the Supreme, Court of Appeal and High Courts from salary reductions and from politically motivated removal from office.

65. The New Zealand courts operate on an adversarial system. The highest court is the Supreme Court of New Zealand, based in Wellington. The Supreme Court was established on 1 January 2004. Before then, the Judicial Committee of the Privy Council in London was New Zealand's final appellate court. Some appeals against Court of Appeal decisions made before 31 December 2003 are still being made to the Judicial Committee. The second highest court in New Zealand is the Court of Appeal. It is New Zealand's principal intermediate appellate court and hears the vast majority of appeals. Below the Court of Appeal is the High Court, which is New Zealand's only court of general jurisdiction. It hears the most serious jury trials and civil cases as well as administrative law cases.

66. Below the High Court are the District Courts. They deal with a large number of criminal and civil cases and conduct some jury trials. The Family Court, a division of the District Court, deals with matters of family law. The Youth Court deals with many matters concerning young people. Disputes Tribunals (established as divisions of District Courts) deal with lower level civil disputes (other than debt recovery) by way of a simplified procedure. In addition, there are a number of specialist courts (including the Employment Court, the Environment Court and the Māori Land Court) and approximately 100 tribunals (for example, the Accident Compensation Appeal Authority, Copyright Tribunal, Coroners, Deportation Review Tribunal and the Tenancy Tribunal).

Electoral system

67. The Electoral Referendum Act 1991 provided for an indicative referendum on electoral reform. The referendum was divided into two parts: the first asked voters to choose between the status quo - a simple plurality system referred to as "first past the post" - and electoral reform; the second asked voters to indicate which of four types of electoral system they preferred. The majority of voters preferred electoral reform and Mixed Member Proportional Representation (MMP). MMP was introduced after the second and final binding referendum held in conjunction with the 1993 general election.

68. The Electoral Act 1993 governs elections, including the implementation of MMP. Under this electoral system, voters have a party vote and an electorate vote. The party vote enables voters to choose which party they would like represented in Parliament. As of July 2005, there were 22 registered political parties. The electorate vote enables voters to choose a Member of Parliament (MP) to represent their electorate.

69. Under the MMP system, there will usually be 120 MPs. In the Parliament elected in September 2005, there were 52 party list members, 62 general electorate members and 7 Māori electorate members. The 62 general and 7 Māori electorates are geographical areas of similar populations, with the Māori seats overlaying the general ones. The estimated eligible voting population at 30 June 2005 was 2,990,300.

Māori representation

70. The New Zealand Parliament established four Māori seats in 1867 to give Māori a direct say in Parliament. Today, the Electoral Act 1993 gives New Zealand Māori the option of registering as an elector of a Māori electorate or as an elector of a general electorate. The Māori Electoral Option is held every five years, just after the population census. The results are used to calculate the Māori electoral population and affect the number and boundaries of Māori electorates (and general electorates) for the next two general elections. If all Māori electors enrolled on the Māori roll, there would be as many as 13 Māori seats. A person cannot change electoral rolls in between Māori Electoral Options. The next Māori Electoral Option will take place later in 2006.

71. Under MMP, the number of Māori registering on the Māori roll has steadily increased. As a result, the number of Māori seats in Parliament has increased, too, from four under the previous system to seven.

Representation Commission

72. The Representation Commission is an independent, statutory body. It determines the boundaries of the general and Māori electorates after each five-yearly census and Māori Electoral Option. The Electoral boundaries are determined using criteria set in law. The boundaries were last updated in April 2002 and will be reviewed in 2006.

73. The Commission comprises four ex officio members (the Government Statistician, the Surveyor-General, the Chief Electoral Officer and the Chairperson of the Local Government Commission). The Governor-General appoints another two members: one to represent the political parties in Government; the other to represent the political parties in opposition. The seventh member and Chair is normally a District Court Judge, nominated by the other members and appointed by the Governor-General. Another three members join the Commission to draw the Māori electorates. They are: the Chief Executive of Te Puni Kōkiri (the Ministry of Māori Development); one Māori appointed by the Governor-General to represent the parties in Government; and another Māori to represent the parties in opposition.

The Treaty of Waitangi

74. The Treaty of Waitangi, signed in 1840 between representatives of the British Crown and Māori *hapū* (sub-tribes) and *iwi* (tribes), established the legal basis for the settlement of New Zealand and aimed to protect the rights and properties of the indigenous Māori inhabitants.

75. The last few decades have seen a greater prominence given to the Treaty of Waitangi as a basis for settling Māori claims against the Crown. The Treaty of Waitangi Act 1975 established the Waitangi Tribunal to make recommendations to the Crown on claims relating to the Treaty. A 1985 amendment allowed for retrospective claims back to the signing of the Treaty in 1840. The place of the Treaty of Waitangi in contemporary New Zealand is the subject of ongoing public discussion as well as litigation and Waitangi Tribunal inquiries, which both inform and react to public debate.

76. An Office of Treaty Settlements was established in the Ministry of Justice in January 1995 under the Minister in Charge of Treaty of Waitangi Negotiations. The Office advises the Government on Treaty issues, including overall strategies for settling historical Treaty claims, and negotiates with Māori on behalf of the Crown to resolve historical Treaty of Waitangi claims.

77. In a landmark Court of Appeal case in 1987, the special relationship between the Māori people and the Crown was interpreted by the Court as requiring the Treaty partners to act reasonably and with the utmost good faith towards each other. A number of acts of Parliament now require the Crown to have regard to the principles of the Treaty of Waitangi or to Māori interests or a Māori perspective.

78. The New Zealand Government continues to make steady progress in negotiating the settlement of claims arising from historical breaches of the Treaty of Waitangi. Eight comprehensive settlements have been agreed since 2000 and six of those have been completed through legislation. By June 2005, NZ\$ 709 million had been committed as redress for full and final Treaty settlements. In addition to those settlements, Agreements in Principle had been made with a number of *iwi*, with negotiations under way towards Deeds of Settlement.

79. More funding has been allocated to the negotiation process to facilitate claimants' entry into negotiations, to protect and maintain surplus Crown property for potential use in settlements, and to increase the capacity of the Office of Treaty Settlements to carry out its functions.

80. In July 2000, the Minister in Charge of Treaty of Waitangi Negotiations released a set of principles to guide the Crown in the negotiation and settlement of historical Treaty of Waitangi claims. The principles are that: negotiations be conducted in good faith; settlements restore the relationship between the Crown and claimants; redress be just (not limited by a fiscal envelope); like claims be treated as like; there be greater transparency of the Treaty settlement process; and settlements be negotiated between the Government and claimants.

81. The Crown's policies for settling Treaty claims have bedded down and the framework developed in the early settlements applied more broadly. All settlements include an apology as well as financial and cultural redress. The Crown negotiates comprehensive settlements with large natural groups, rather than focusing on individual claims. In recent years, the Waitangi Tribunal has endorsed elements of the Crown's approach to settling Treaty claims, including its policy of negotiating with large natural groups, its recognition of claimant negotiators' mandates, and its treatment of overlapping claims.

82. The Crown is committed to fulfilling its obligations as a Treaty partner. The settlement of historical grievances is a necessary part of establishing ongoing healthy Crown/Māori relationships. The Crown recognizes, however, that whilst the settlement process is important, it should not be seen as the primary focus or mechanism for encouraging that relationship in the future. It will continue the significant progress already made in negotiating and implementing fair, durable and affordable settlements of historical grievances and improving the social and economic status of Māori. In order to achieve this goal, the Government aims to extend economic and social opportunities by significantly improving the health, employment, education and housing status of Māori. This emphasis on the management and development of healthy relationships reflects the underlying purpose of the Treaty of Waitangi.

83. The current Ministry of Māori Development - Te Puni Kōkiri - was established in 1992, replacing earlier government bodies dealing with Māori affairs. Te Puni Kōkiri's role is to provide advice on the Crown's relationship with Māori and to promote higher levels of achievement for Māori by improving education, health and economic opportunities.

84. The Ministry of Women's Affairs, through its policy unit, Te Ohu Whakatupu, gives advice to Government on the status of Māori women and the impact of government policy on them.

II. GENERAL FRAMEWORK FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

A. New Zealand's acceptance of international human rights norms

85. Table 2 shows New Zealand's acceptance of the main international human rights conventions and protocols.

86. New Zealand is considering ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The requisite Bill - the Crimes of Torture Amendment Bill - has been drafted. The treaty and a National Interest Analysis have been referred to Parliamentary Select Committee for consideration and have been reported back to the House. The Government has agreed to introduce to the House for first reading the Crimes of Torture Amendment Bill.

87. New Zealand is also considering ratifying the Second Optional Protocol to the Convention on the Rights of the Child.

88. There are no regional human rights instruments for New Zealand to become party to.

Table 2

International human rights norms

International Covenant on Economic, Social and Cultural Rights (ICESCR)	
Status	Signed = 1968 Ratified = 1978
Reservation	The Government of New Zealand reserves the right not <u>to</u> apply article 8 to the extent that existing legislative measures, enacted to ensure effective trade union representation and encourage orderly industrial relations, may not be compatible with that article.
Reason	<u>New Zealand entered this reservation</u> due to incompatibility with provisions of the Industrial Relations Act 1973. New Zealand's employment relations law and policy is now very different.
Action	<p>To date, progress on both reservations has been <u>linked to ratifying</u> Freedom of Association and Protection of the Rights to Organise Convention, 1948 (No. 87), article 3, which promotes workers' ability to participate lawfully in sympathy and protest strikes. According to the ILO, section 86 of New Zealand's Employment Relations Act 2000 (which provides for a penalty against workers participating in such strikes) means that New Zealand cannot ratify the Convention. The Government does not want at this time to make sympathy and protest strikes lawful by removing such penalties.</p> <p>While it is not, in and of itself, necessary to ratify ILO Convention No. 87 in order to lift this reservation, New Zealand believes that ILO jurisprudence will be persuasive in determining the extent of the right to strike under ICESCR.</p>
International Covenant on Civil and Political Rights (ICCPR)	
Status	Signed = 1968 Ratified = 1978
Declaration	The Government of New Zealand declares under article 41 of the ICCPR that it recognizes the competence of the Human Rights Committee to receive and consider communications from another State party, which has similarly declared under article 41 its recognition of the Committee's competence in respect to itself except where the Declaration by such a State party was made less than 12 hours prior to the submission by it of a complaint relating to New Zealand.

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Reservation	The Government of New Zealand reserves the right not to apply article 10 (2) (b) or article 10 (3) in circumstances where the shortages of suitable facilities makes the mixing of juveniles and adults unavoidable; and further reserves the right not to apply article 10 (3) where the interests of other juveniles in an establishment require the removal of a particular juvenile offender or where mixing is considered to be of benefit to the persons concerned.
Reason	<u>New Zealand entered this reservation</u> , and a similar one to article 7 on the Convention on the Rights of the Child, <u>because it had a shortage of juvenile-only detention facilities</u> , which <u>precluded compliance</u> . New Zealand <u>also had other concerns, including that it might not always be in the best interests of juveniles to be segregated from adult prisoners, especially where that would mean they had to be separated from family</u> .
Action	<u>In September 2003, the Committee on the Rights of the Child advised New Zealand that including vulnerable 18- and 19-year olds in young offender units would not breach obligations under article 37 (c), were the reservation to be lifted</u> . New youth offender units were completed in 2005. Further, in July 2005, new Corrections legislation and regulations come into force, lowering the age of a young offender to 18 years and stipulating that there be no age mixing unless the Chief Executive determines that it is in the best interests of the person concerned. The Department of Corrections is currently formulating a test of best interests to guide the Chief Executive's decisions in relation to young male and female offenders. Subject to development and successful piloting of that test, the New Zealand Government has agreed in principle to remove the reservation to the Convention on the Rights of the Child and to amend the reservation to the ICCPR.
Reservation	The Government of New Zealand reserves the right not to apply article 14 (6) to the extent that it is not satisfied by the existing system for ex gratia payments to persons who suffer as a result of a miscarriage of justice.
Reason	This reservation was entered because New Zealand's system of ex gratia payments for wrongful conviction does not fulfil the article 14 (6) requirement of "compensation according to law". No statutory scheme is in place. The Crown may make an ex gratia payment to a person who has been pardoned by the Queen or the Governor-General, or whose conviction has been quashed following referral under section 406 of the Crimes Act 1961, but these payments are entirely at the discretion of the Crown and not pursuant to any legal obligation.

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Action	In 2001, Cabinet revised the guidelines for the executive to follow when considering a claim for compensation. The revised guidelines contain eligibility criteria and list factors to be taken into account in determining the size of payments. They are very detailed, use mandatory language and instruct the Minister of Justice to refer eligible cases to a Queen's Counsel for further assessment. The revised guidelines thus bring more certainty and transparency to the process. However, they are not law and cannot be used as the basis for a claim of compensation. New Zealand will therefore maintain its reservation for the time being.
Reservation	The Government of New Zealand, having legislated in the areas of advocacy of national and racial hatred and the exciting of hostility or ill will against any group or persons and having regard to the right to freedom of speech, reserves the right not to introduce further legislation with regard to article 20.
Reason	New Zealand law does not specifically prohibit propaganda for war or advocacy of religious hatred. The Crimes Act 1963 prohibits the excitement of hostility or ill will between different classes of persons that may endanger public safety. The Human Rights Act 1993 forbids the excitement of hostility against any group of persons on the grounds of colour, race, ethnic or national origins.
Action	The Human Rights Committee expressed concern that the Human Rights Act 1993 did not prohibit advocating religious hatred when it considered New Zealand's third report under ICCPR. In response to the Committee's concerns, the New Zealand Human Rights Commission looked into the issue, but found no evidence of a problem. The Commission had not received any significant complaints of discrimination on the ground of religion. Issues of religion that had been investigated by the Commission tend to be related to the issue of accommodation of religious differences, rather than to overt discrimination on this ground. The Commission is not currently advocating any amendment to the Act - rather, it is maintaining a watching brief for the possible emergence of problems in this context.
Reservation	The Government of New Zealand reserves the right not to apply article 22 as it relates to trade unions to the extent that existing legislative measures, enacted to ensure effective trade union representation and encourage orderly industrial relations, may not be fully compatible with that article.
Reason	See information above on New Zealand's reservation to article 8 of ICESCR.
Action	See information above on New Zealand's reservation to article 8 of ICESCR.

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Table 2 (continued)

Optional Protocol to ICCPR (Individual Petition)	
Status	Acceded = 1989
Second Optional Protocol to ICCPR (Abolition of Death Penalty)	
Status	Signed = 1990 Ratified = 1990
International Convention on the Elimination of All Forms of Racial Discrimination (CERD)	
Status	Signed = 1966 Ratified = 1972 New Zealand deposited its acceptance of the 1992 Amendments with the Secretary-General on 8 October 1993.
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)	
Status	Signed = 1980 Ratified = 1985
Reservation	<p>The Government of New Zealand, the Government of the Cook Islands and the Government of Niue reserve the right not to apply the provisions of the Convention insofar as they are inconsistent with policies relating to recruitment into or service in:</p> <ul style="list-style-type: none"> (a) The armed forces, which reflect either directly or indirectly the fact that members of such forces are required to serve on armed forces aircraft or vessels and in situations involving armed combat; or (b) The law enforcement forces, which reflect either directly or indirectly that members of such forces are required to serve in situations involving violence or threat of violence.
Reason	New Zealand entered this reservation because of practical difficulties in accommodating women on board military vessels and aircraft, and contemporary beliefs about women's ability to serve in combat and policing roles.
Action	<p>The New Zealand Defence Force's (NZDF) practice complies fully with CEDAW. In 1999, the NZDF established the position of Director of Personnel Equity to ensure Equal Employment Opportunities for women and minorities. In January 2000, all combat roles were opened to women and guidelines established for their full integration into those roles. The Air Force has been fully integrated since 1989 and the Navy opened its last restricted occupation (diving) in 2000.</p> <p>Section 33 of the Human Rights Act 1993 states: "Nothing in this Act shall prevent preferential treatment based on sex being given within the Armed Forces to any member of those forces who has the duty of serving in</p>

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	active combat role in those forces.” In New Zealand’s view, the existence of this section precludes compliance with CEDAW in the absence of a reservation. However, amending the Human Rights Act 1993 is not a priority.
Optional Protocol to CEDAW	
Status	Signed = 2000 Ratified = 2000
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	
Status	Signed = 1986 Ratified = 1989 New Zealand deposited its acceptance of the 1992 amendments with the Secretary-General on 8 October 1993.
Declaration	In accordance with article 21, paragraph 1, of the Convention, the Government of New Zealand declares that it recognizes the competence of the Committee against Torture to receive and consider communications to the effect that a State party claims that another State party is not fulfilling its obligations under the Convention; and in accordance with article 22, paragraph 1, of the Convention, the Government of New Zealand recognizes the competence of the Committee against Torture to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State party of the provisions of the Convention.
Reservation	The Government of New Zealand reserves the right to award compensation to torture victims referred to in article 14 only at the discretion of the Attorney-General of New Zealand.
Reason	New Zealand entered this reservation because compensation to victims of torture is solely at the discretion of the Crown rather than an enforceable right under law.
Action	Other remedies are now available to victims of torture, including compensation under sections 69 (b) and (c) of the Injury Prevention, Rehabilitation and Compensation Act 2001 or monetary damages from the Crown under section 9 of the New Zealand Bill of Rights Act 1990. The Government is considering whether these changes are sufficient to enable removal of the reservation.
Optional Protocol to the CAT	
Status	Signed = 2003 Ratification = Under active consideration.

Table 2 (continued)

Convention on the Rights of the Child	
Status	Signed = 1990 Ratified = 1993
Reservation	Nothing in this Convention shall affect the right of the Government of New Zealand to continue to distinguish as it considers appropriate in its laws and practice between persons according to the nature of their authority to be in New Zealand, including but not limited to their entitlement to benefits and other protections described in the Convention, and the Government of New Zealand reserves the right to interpret the Convention accordingly.
Reason	<u>New Zealand entered this reservation on the basis of the internationally accepted principle that a sovereign State must be able to manage and control its borders, and that it can prioritize people habitually resident in its territory in the allocation of scarce social resources.</u>
Action	This reservation is under review. The Government of New Zealand agreed in principle to withdraw this reservation in November 2003, a decision that will be subject to confirmation or denial later in 2006.
Reservation	The Government of New Zealand considers that the rights of the child provided for in article 32 (1) are adequately protected by its existing law. It therefore reserves the right not <u>to</u> legislate further or to take additional measures as may be envisaged in article 32 (2).
Reason	This <u>reservation</u> was entered because it was felt that existing law adequately protected children and young people from exploitation, hazardous or harmful situations, or interference with their studies. Further, this article was considered to <u>restrict young people from gaining work experience.</u>
Action	<u>In 2003, the Government decided to defer consideration of this reservation until it had assessed the steps required to ratify the ILO Minimum Age Convention, 1973 (No. 138). As a response to the Committee's concerns about the adequacy of measures to protect children in employment, the Government of New Zealand approved a work programme to be led by the Department of Labour to raise awareness of children's employment rights and to identify options for monitoring children's participation in the workplace. Work started in late 2003 and will be ongoing to 2006. The Department of Labour reported initial progress on its work programme to the Government of New Zealand in August 2004. The Government of New Zealand will consider lifting the reservation in 2006.</u>

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Reservation	The Government of New Zealand reserves the right not to apply article 37 (c) in circumstances where the shortage of suitable facilities makes the mixing of juveniles and adults unavoidable; and further reserves the right not to apply article 37 (c) where the interests of other juveniles in an establishment require the removal of a particular juvenile offender or where mixing is considered to be of benefit to the persons concerned.
Reason	See information above on New Zealand's reservation to articles 10 (2) (b) and 10 (3) of the ICCPR.
Action	See information above on New Zealand's reservation to articles 10 (2) (b) and 10 (3) of the ICCPR.
Optional Protocol to CRC on the Involvement of Children in Armed Conflict	
Status	Signed = 2000 Ratified = 2001
Declaration	<p>The Government of New Zealand declares that the minimum age at which New Zealand will permit voluntary recruitment into its national armed forces shall be 17 years. The Government of New Zealand further declares that the safeguards which it has adopted to ensure that recruitment is not forced or coerced include the following:</p> <ul style="list-style-type: none"> (a) Defence Force recruitment procedures requiring that persons responsible for recruitment ensure that such recruitment is genuinely voluntary; (b) Legislative requirements that the consent of parent or guardian is obtained for enlistment where such consent is necessary under New Zealand law. The parent or guardian must also acknowledge that the person enlisting will be liable for active service after reaching the age of 18 years; (c) A detailed and informative enlistment process, which ensures that all persons are fully informed of the duties involved in military service prior to taking an oath of allegiance; and (d) A recruiting procedure that requires enlistees to produce their birth certificates as reliable proof of age.
Second Optional Protocol to CRC on the Sale of Children, Child Prostitution and Child Pornography	
Status	Signed = 2000 Ratified = Under active consideration.
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	
Status	Accession = Considered and decided against in 2003.

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Table 2 (continued)

Other United Nations and related conventions

Other United Nations human rights and related conventions	Signature	Ratification	Accession
Convention on the Prevention and Punishment of the Crime of Genocide	25/11/1949	28/12/1978 28/3/1979 (EIF)	
Slavery Convention 1926 as amended 1955	25/9/1926	18/6/1927 18/6/1927 (EIF)	
Convention for the Suppression of The Traffic in Persons and of the Exploitation of the Prostitution of Others	Not party		
Convention relating to the Status of Refugees, 1951			30/6/1960 28/9/1960 (EIF)
Protocol relating to the Status of Refugees			6/8/1973 6/8/1973 (EIF)
Convention relating to the Status of Stateless Persons, 1954	Not party		
Convention on the Reduction of Statelessness, 1961	Not party		
Rome Statute of the International Criminal Court, 1998	7/10/1998	7/9/2000 1/7/2002 (EIF)	
United Nations Convention Against Transnational Organized Crime, 2000	14/12/2000	19/7/2002 29/9/2003 (EIF)	
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime	14/12/2000	19/7/2002 25/12/2003 (EIF)	
Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime	Not party		

Table 2 (continued)

Relevant Conventions of the International Labour Organization

Conventions of the International Labour Organization	Signature	Ratification	Accession
Weekly Rest (Industry) Convention, 1921 (No. 14)		29/3/1938 29/3/1938 (EIF)	
Forced or Compulsory Labour Convention, 1930 (No. 29)		29/3/1938 29/3/1939 (EIF)	
Labour Inspection Convention, 1947 (No. 81)		30/11/1959 30/11/1960 (EIF)	
Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)	Not party		
Migration for Employment (Revised) Convention, 1949 (No. 97)		10/11/1950 22/1/1952 (EIF)	
Right to Organise and Collective Bargaining Convention, 1949 (No. 98)		9/6/2003 9/6/2004 (EIF)	
Equal Remuneration Convention, 1951 (No. 100)		3/6/1983 3/6/1984 (EIF)	
Abolition of Forced Labour Convention, 1957 (No. 105)		14/6/1968 14/6/1969 (EIF)	
Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106)	Not party		
Discrimination (Employment and Occupation) Convention, 1958 (No. 111)		3/6/1983 3/6/1984 (EIF)	

Table 2 (continued)

Employment Policy Convention, 1964 (No. 122)		15/7/1965 15/7/1966 (EIF)	
Labour Inspection (Agriculture) Convention, 1969 (No. 129)	Not party		
Minimum Wage-Fixing Convention, 1970 (No. 131)	Not party		
Holidays with Pay Convention (Revised), 1970 (No. 132)	Not party		
Minimum Age Convention, 1973 (No. 138)	Not party		
Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)	Not party		
Labour Relations (Public Service) Convention, 1978 (No. 151)	Not party		
Occupational Safety and Health Convention, 1981 (No. 155)	Not party		
Workers with Family Responsibilities Convention, 1981 (No. 156)	Not party		
Indigenous and Tribal Peoples in Independent Countries Convention, 1989 (No. 169)	Not party		
Worst Forms of Child Labour Convention, 1999 (No. 182)		14/6/2001 14/6/2001 (EIF)	

Relevant Conventions of the United Nations Educational, Scientific and Cultural Organization

Relevant Conventions of the United Nations Educational, Scientific and Cultural Organization	Signature	Ratification	Accession
Convention against Discrimination in Education		12/2/1963 12/5/1963 (EIF)	

Table 2 (continued)*Conventions of the Hague Conference on Private International Law*

Conventions of the Hague Conference on Private International Law	Signature	Ratification	Accession
Convention relating to the settlement of the conflicts between the law of nationality and the law of domicile, 1955	Not party		
Convention on the recovery abroad of maintenance, 1956			26/2/1986 28/3/1986 (EIF)
Convention concerning the recognition and enforcement of decisions relating to maintenance obligations towards children, 1958	Not party		
Convention concerning the powers of authorities and the law applicable in respect of the protection of minors, 1961	Not party		
Convention on Jurisdiction, Applicable Law and Recognition of Decrees relating to Adoptions, 1965	Not party		
Convention on the Law Applicable to Maintenance Obligations, 1973	Not party		
Convention on the Recognition of Divorces and Legal Separations, 1970	Not party		
Convention on the Recognition and Enforcement of Decisions relating to Maintenance Obligations, 1973	Not party		
Convention on the Civil Aspects of International Child Abduction, 1980			31/5/1991 1/8/1991 (EIF)
Convention on Celebration and Recognition of the Validity of Marriages, 1978	Not party		
Convention on the Law Applicable to Matrimonial Property Regimes, 1978	Not party		
Convention on International Access to Justice, 1980	Not party		
Convention on the Law Applicable to Succession to the Estates of Deceased Persons, 1989	Not party		

Table 2 (continued)

Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, 1993			18/9/1998 1/1/1999 (EIF)
Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children, 1996	Not party		
Convention on the International Protection of Adults, 2000	Not party		

Geneva conventions and treaties on international humanitarian law

Geneva conventions and other treaties on international humanitarian law	Signature	Ratification	Accession
Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of 12 August 1949	11/2/1950	2/5/1959 2/11/1959 (EIF)	
Geneva Convention (II) for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of the Armed Forces at Sea, 1949	11/2/1950	2/5/1959 2/11/1959 (EIF)	
Geneva Convention (III) relative to the Treatment of Prisoners of War, 1949	11/2/1950	2/5/1959 2/11/1959 (EIF)	
Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War, 1949	11/2/1950	2/5/1959 2/11/1959 (EIF)	
Protocol Additional to the Geneva Conventions of 12 August 1949 and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), 1977	27/11/1978	8/2/1988 8/8/1988 (EIF)	
Protocol Additional to the Geneva Conventions of 12 August 1949 and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 1977	27/11/1978	8/2/1988 8/8/1988 (EIF)	
Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, 1987	3/12/1997	27/1/1999 1/7/1999 (EIF)	

**B. General legal framework for protecting human rights
at the national level**

How human rights instruments are made part of the national legal system

89. International agreements do not automatically become part of the law of New Zealand simply by process of ratification, accession or acceptance. For an international agreement to have domestic effect, either its provisions must be reflected already in New Zealand's existing law, or new legislation must be enacted. Before becoming a party to an international human rights instrument, therefore, the Government reviews New Zealand's domestic law to see what additional legislation, or amendments to existing legislation, would be necessary to ensure the full and effective implementation of the agreement in New Zealand law, or whether reservations would be necessary.

Legislation and authorities with jurisdiction affecting human rights

90. The key pieces of legislation in this regard are described in the following paragraphs.

New Zealand Bill of Rights Act 1990

91. This Act was designed to affirm, protect and promote human rights and fundamental freedoms in New Zealand and to affirm New Zealand's commitment to the International Covenant on Civil and Political Rights. The Act applies to acts done by the legislative, executive or judicial branches of the Government of New Zealand or by any person or body in the performance of any public function, power or duty conferred or imposed on that person or body by or pursuant to the law.

92. The Attorney-General is required to bring to Parliament's attention any provision of a Bill that appears to be inconsistent with any of the rights or freedoms contained in the New Zealand Bill of Rights Act 1990, on introduction in the case of a government Bill or as soon as practicable after introduction of any other Bill. The Regulations Review Committee is empowered to bring to Parliament's attention any regulation that infringes on the same rights and freedoms. The Court of Appeal has held that an action against the Crown for damages is available in respect of breaches of rights and freedoms in the New Zealand Bill of Rights Act 1990.³

93. The New Zealand Cabinet requires that all policy advice contain a statement on human rights implications, addressing consistency with the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993 (see below). Cabinet also requires a gender implications statement and disability perspective, where each of these is relevant.

³ *Simpson v. Attorney-General* [1994] 3 NZLR 667 (Baigent's Case).

94. The Ministry of Justice has the lead role in providing policy advice to government on human rights issues. The Ministry is also responsible for vetting all new Bills for consistency with the New Zealand Bill of Rights Act 1990 and providing legal advice on its findings to the Attorney-General. The Ministry recently released The Guidelines on the New Zealand Bill of Rights Act 1990 to help all public servants integrate human rights considerations into policy advice and operational practice.

Human Rights Act 1993

95. The Human Rights Act 1993 came into force on 1 February 1994, amalgamating the provisions of the Human Rights Commission Act 1977 and the Race Relations Act 1971. This piece of legislation is primarily an anti-discrimination statute and sets out 13 prohibited grounds of discrimination: sex, marital status, religious belief, ethical belief, colour, race, ethnic or national origin, disability (including the presence in the body of organisms capable of causing illness), age, political opinion, employment status, family status and sexual orientation. The Act provides a publicly funded dispute resolution service for complaints about discrimination, on those grounds, in both the public and private sectors. In regard to the private sector, Part 2 of the Act sets out seven broad areas in which it is unlawful to discriminate. They are: employment (including pre-employment); partnerships; industrial and professional associations; qualifying bodies and vocational training bodies; access to places, vehicles and facilities; provision of goods and services; provision of land, housing and other accommodation; and access to educational institutions. The Act also contains provisions relating to racial disharmony, sexual harassment and racial harassment.

96. In relation to the public sector, most activities are governed by Part 1A of the Act, which incorporates the non-discrimination standard developed under the New Zealand Bill of Rights Act 1990. This allows complaints about public sector discrimination to be made through the publicly funded dispute resolution process and, where this process is unsuccessful in resolving complaints, through a publicly funded litigation process. However, government employment policies and practices as well as the related areas of racial and sexual harassment and victimization are regulated by the same standard as private sector activities, which are set out in Part 2 of the Human Rights Act 1993.

97. The Human Rights Act 1993 also governs the Human Rights Commission and requires it to be strategically focused on the full range of human rights (not just non-discrimination), education and advocacy. The inclusion of the Race Relations Commissioner (formerly the Race Relations Conciliator) in the Commission, following the adoption of the Human Rights Amendment Act 2001, meets the need for a holistic approach to human rights by providing a single entry point for complaints on all prohibited grounds of discrimination, whether relating to private or public sector activity, while recognizing that race relations have a very significant place in human rights activity in New Zealand.

98. Similarly, the establishment of a full-time Equal Employment Opportunities Commissioner ensures the continued development of guidelines and voluntary codes of practice to facilitate and promote best practice in equal employment opportunities (including pay equity). The EEO Commissioner is currently monitoring and benchmarking the status and progress of

EEO target groups (Māori, Pacific Peoples, women and disabled people) in the public and private sectors. The Crown Entities Act 2005 provides for good employer provisions, including EEO policies, to be reported on by Crown Entities in 2006-2007. The EEO Commissioner will be developing guidelines in consultation with the State Services Commission as well as monitoring the reporting of EEO in Crown Entities' annual reports.

99. The Human Rights Commission reports annually to the Minister of Justice on the exercise of functions under the Act. The Minister tables this report in Parliament.

100. The Human Rights Amendment Act 2001 also required the Human Rights Commission to develop a National Plan of Action, in consultation with interested parties, for the promotion and protection of human rights in New Zealand. The Commission began developing the plan in December 2002, researching and consulting widely to establish the current status of human rights in New Zealand. It identified areas where New Zealand is doing well and areas where New Zealand could improve. This information was presented in Human Rights in New Zealand Today (August 2004). That report informed the development of the National Plan of Action. The completed plan, New Zealand Action Plan for Human Rights, was released in March 2005. It contains 180 recommendations for improving the status of human rights in New Zealand. In response, the Government agreed to continue to consider the development of a Government Action Plan for the Promotion and Protection of Human Rights in New Zealand.

Ombudsmen Act 1975

101. This Act provides for the appointment of Ombudsmen by the Governor-General on the recommendation of the House of Representatives. The Ombudsmen may investigate any decision or recommendation made, or any act done or omitted, relating to a matter of administration and affecting any person or body of persons in her, his, or its personal capacity by any Minister of the Crown, government department, or certain other organizations that are listed in the Schedules of the Act. These investigations occur on a complaint from any person or an Ombudsman's own motion. An Ombudsman may make such recommendations as she or he thinks fit and report these to the appropriate Department or organization. If the requested action is not taken within a reasonable time, then the report may be sent to the Prime Minister and reported to the House of Representatives. The Ombudsmen also report annually to the House of Representatives.

102. When new bodies are created by statute, consideration is given to the desirability of including them in the Schedules to the Ombudsmen Act 1975 and the Official Information Act 1982.

Official Information Act 1982

103. This Act is designed to make official information more freely available, to protect that official information to the extent consistent with the public interest and preservation of personal privacy, and to establish procedures for those purposes. What is official information is widely defined by Section 2 of the Act and the bodies to which the Act is applicable are listed in Schedules to the Act and the Ombudsmen Act 1982. Generally Ministers, government departments and all agencies of Government are subject to the Act.

104. Individuals and some bodies corporate may request the various bodies listed in the Schedules to make official information available. Official information is to be made available unless there is a good reason (as defined by the Act) to withhold it. The Ombudsmen can investigate and review any refusal by a Department, Minister or organization to make official information available once requested. They then report to the relevant body with any recommendations. Departments, Ministers and organizations have a public duty to observe any recommendation unless the Governor-General, by Order in Council, directs otherwise. It is possible for the person who made the original request to review the making of such an Order in Council in the High Court, and to appeal to the Court of Appeal.

105. The Local Government Official Information and Meetings Act 1987 establishes a similar regime in relation to official information held by local government agencies.

Privacy Act 1993

106. This Act promotes individual privacy in general accordance with OECD guidelines for protection of privacy and international flows of data. The Act carries forward the provisions of the Privacy Commissioner Act 1991 and establishes 12 information privacy principles regulating the collection, retention, use and disclosure of information relating to individuals by public and private sector agencies. The principles also regulate access to personal information held by these agencies. The Privacy Commissioner may grant exemptions to some principles under codes of practice.

107. The Act also establishes four “public register privacy principles” regulating access to personal information on statutory lists (such as the births, deaths and marriages registers). There is also a regime for information matching that establishes controls on statutory information matching provisions implemented by the public sector.

108. The Privacy Commissioner has a wide brief under the Act to monitor and report on policy and legislation that have privacy implications. The Act establishes a complaints mechanism that enables individuals to complain to the Privacy Commissioner if they believe that their privacy has been infringed. The focus is on resolving complaints by way of settlement, wherever possible. However, civil proceedings before the Human Rights Review Tribunal are available where a complaint is not resolved.

109. The Privacy Commissioner also has a general monitoring and reporting function in relation to policy and legislative proposals that impact on individual privacy. Like the Human Rights Commission, the Privacy Commissioner reports annually to the Minister of Justice on the exercise of his or her functions under the Acts. The Minister tables this report in Parliament.

Children's Commissioner Act 2003

110. A Children's Commissioner, established initially under the Children, Young Persons and Their Families Act 1989 and now in the Children's Commissioner Act 2003, has responsibility in the area of welfare of children and young persons. The Commissioner has broad ranging functions aimed at promoting and ensuring the welfare of children and young people. The Convention on the Rights of the Child is used as a basis for this work.

Health and Disability Commissioner Act 1994

111. This Act establishes the Health and Disability Commissioner. The Commissioner is responsible for promoting and protecting the rights of health and disability service consumers through public education activities and the resolution of complaints. The rights themselves are outlined in the Code of Health and Disability Services Consumers' Rights, a regulation under the Act that came into effect in July 1996.

Police Complaints Authority Act 1988

112. This Act provides for the investigation and resolution of complaints against the police by establishing a Police Complaints Authority. The Authority can receive complaints alleging any misconduct or neglect of duty by any member of the police, or concerning police procedures. The majority of complaints are investigated by serving police officers on behalf of the Authority, which makes its own assessment of that investigation and can agree with the Commissioner's decision or make recommendations, including disciplinary action or criminal proceedings. In serious cases the Authority employs its own investigators who are not serving police officers. If the Authority has investigated the complaint itself, it conveys its opinions and recommendations to the Police Commissioner. If no adequate and appropriate action is taken within a reasonable time, the opinion and recommendations may be sent to the Attorney-General and the Minister of Police and, where appropriate, tabled in the House of Representatives.

113. The Police Complaints Authority also reports annually to the Minister of Justice on the exercise of its functions under the Act.

114. There is legislation before the House that would change the Authority's name to the Independent Police Complaints Authority and increase its membership to three persons.

Constitution/Bill of Rights

115. New Zealand does not have a single constitutional document. As described above, the constitutional framework comprises the Constitution Act 1986, a number of statutory provisions and common law rules. How these legal powers are exercised is determined by constitutional conventions. Constitutional actors accept these conventions as binding. This framework is erected on and maintained by ordinary law and not through the operation of a supreme or basic law such as that found in other jurisdictions.

116. For this reason, although New Zealand does have a Bill of Rights, which was enacted in the New Zealand Bill of Rights Act 1990, it is not supreme over other Acts of Parliament. The rights and freedoms contained within that Act are subject to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society. Wherever an enactment can be given meaning that is consistent with the rights and freedoms contained in the New Zealand Bill of Rights Act 1990, that meaning shall be preferred by the Courts to any other meaning. However, the Courts have no power to strike down primary legislation on the basis that it is inconsistent with the New Zealand Bill of Rights Act 1990 (although they can strike down secondary legislation that is inconsistent).

Enforcement of human rights instruments by courts and other authorities

117. Generally, for an individual to found a direct cause of action on rights protected by international human rights instruments, the right needs to be incorporated into domestic statute law. Where the wording of a statute permits, the Courts will interpret the statute in a way that is consistent with, and gives effect to, international law. Failure to consider relevant international instruments renders a decision maker liable to judicial review.

Remedies, compensation and rehabilitation

118. Individuals who consider that any of their rights under the New Zealand Bill of Rights Act 1990 have been infringed can bring an action against the Crown. There are a number of possible remedies available, including orders excluding evidence obtained in breach of a right guaranteed by the New Zealand Bill of Rights Act 1990. Such orders are made subject to a balancing exercise that gives appropriate weight to the right as well as other factors mitigating for or against exclusion. A court can also order a stay in proceedings where there has been a delay of such length that it constitutes a breach of section 25 (b) of the New Zealand Bill of Rights Act 1990 (the right to be tried without undue delay).⁴ The Court of Appeal has held that where a statutory provision cannot be given a meaning that is consistent with the New Zealand Bill of Rights Act 1990, a Court may issue a declaration of inconsistency despite the fact that the provision must be enforced.⁵

119. With respect to the Human Rights Act 1993, complaints of unlawful discrimination can be determined through the complaints mechanism of the Human Rights Commission. The Commission attempts to assist the parties to resolve the complaint by using a flexible and speedy approach to dispute resolution, which includes mediation and other low-level dispute resolution mechanisms. If low-level dispute resolution fails or is inappropriate, complainants may take their case to the Human Rights Review Tribunal (formerly the Complaints Review Tribunal) for adjudication. The Director of Human Rights Proceedings (an autonomous office situated within the Human Rights Commission), who represents complainants free of charge in the litigation if they meet certain criteria, may represent a complainant. Alternatively, complainants may take their case to the Tribunal themselves or engage their own legal counsel.

120. Where a complaint is upheld by the Human Rights Review Tribunal, including complaints about government policies and practices, a wide range of remedies are available, including: awards of damages; restraining orders; orders to perform acts to redress the loss; and, orders for training to assist those who have breached the Act to comply with their future obligations. When a complaint concerns legislation or validly made regulations, and the complaint is upheld, the sole remedy available is a declaration of inconsistency. This does not

⁴ *Martin v. Tauranga District Court* [1995] 2 NZLR 419.

⁵ *Moonen v. Film and Literature Board of Review* [2000] 2 NZLR 9.

mean that the legislation is invalidated, but the responsible Minister is required to bring the declaration to the attention of the House of Representatives, along with the executive's response to that declaration.

121. Decisions of the Human Rights Review Tribunal may be appealed to the High Court on questions of fact and law, or to the Court of Appeal and Supreme Court on points of law.

122. The Employment Relations Authority and Employment Court also have some jurisdiction in relation to personal grievance claims and claims concerning a breach of an employment contract. Matters covered by personal grievance procedures include claims of unjustified dismissal, discrimination in particular areas, unjustifiable action by an employer, sexual harassment and duress in relation to membership or non-membership of an employees' organization. Decisions of the Employment Relations Authority can be appealed to the Employment Court.

123. Finally, under sections 131 and 134 of the Human Rights Act 1993, the District Court has jurisdiction over the offences of inciting racial disharmony and of refusing access on discriminatory grounds to a public place, vehicle or facility. Such prosecutions may be instituted only with the consent of the Attorney-General.

124. New Zealand citizens may also avail themselves of the complaint provisions under the individual communication procedures contained in both the first Optional Protocol to the International Covenant on Civil and Political Rights and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. New Zealand has also made the declaration under article 22 of the Convention against Torture recognizing the competence of the Committee against Torture to receive communications from individuals subject to its jurisdiction.

C. General framework for promoting human rights at the national level

Publication of human rights instruments

125. In commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights, the Government produced the New Zealand Handbook on International Human Rights. The handbook was published to provide an introduction for New Zealanders wanting to know more about the international human rights framework and has since been revised, most recently in 2003.

National human rights institutions

126. The primary functions of the Human Rights Commission, set out in the Human Rights Act 1993, are:

- To advocate and promote respect for, and an understanding and appreciation of human rights in New Zealand society;
- To encourage the maintenance and development of harmonious relations between individuals and among the diverse groups in New Zealand society.

127. The Privacy Commissioner has a similar function in relation to the promotion, by education and publicity, of an understanding and acceptance of the protection of individual privacy.

128. In the fulfilment of its primary functions, the Human Rights Commission is empowered by the Human Rights Act 1993 to, inter alia:

- Encourage and coordinate programmes and activities in the field of human rights;
- Promote by research, education and discussion a better understanding of the human rights dimensions of the Treaty of Waitangi and their relationship with domestic and international human rights law;
- Prepare and publish, as the Commission considers appropriate, guidelines and voluntary codes of practice for the avoidance of acts or practices that may be inconsistent with, or contrary to, the Human Rights Act 1993;
- Make public statements in relation to any group of persons in, or who may be coming to, New Zealand who are or may be subject to hostility, or who have been or may be brought into contempt, on the basis that the group consists of persons against whom discrimination is unlawful under the Act;
- Appear in or bring proceedings, or apply to the court to act as intervener in proceedings.

129. Human rights information and education is delivered in a number of ways. The first point of contact for most people seeking information and advice from the Human Rights Commission is Infoline, a toll free telephone service. The Commission also has a comprehensive website, which provides users with online access to complaints information, media releases, submissions, discussion papers and case notes. Human rights education and information is further provided via a wide range of printed material, including leaflets about the Commission's services, guidelines, discussion papers, pamphlets and posters. Moreover, the Commission regularly holds public seminars on a wide range of human rights topics.

130. The Human Rights Commission has a dedicated education team that delivers human rights education to a wide range of civil society, public and private organizations. This education includes "Making Human Rights Work", training for the public sector about non-discrimination, and train-the-trainers programmes such as "Tu Tikanga" focused on disability, "Korowai Whaimana" focused on people who have experience of mental illness, and "Taku Manawa" which is a tool to enable communities to facilitate their own human rights education needs. Symposia and community dialogue sessions have also been held throughout the country as part of the "Te Mana I Waitangi Project" about the human rights dimensions of the Treaty of Waitangi.

Promotion of human rights awareness for public officers

131. The Human Rights Commission delivers an education programme on non-discrimination for the public sector. Other government initiatives include the Ministry of Justice's Handbook on the New Zealand Bill of Rights (November 2004). This handbook is a practical resource to help officials integrate human rights considerations as they develop and implement policies.

D. Role of reporting in promoting human rights at the national level

132. The Ministry of Foreign Affairs and Trade is responsible for coordinating the preparation of New Zealand's periodic reports to the United Nations human rights treaty bodies. The Ministry of Women's Affairs and the Ministry of Youth Affairs prepare the reports under the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child respectively. From 2006, the Ministry of Justice will prepare New Zealand's reports under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

133. The reports are prepared on the basis of information received from a wide range of government departments and agencies. The reports are also made available for civil society comment and can be obtained from the relevant Ministry's website. The International Covenant on Civil and Political Rights (and its first Optional Protocol), Convention on the Elimination of All Forms of Discrimination against Women (and its Optional Protocol), and the Convention on the Rights of the Child have been translated into Māori.

134. A summary of the relevant United Nations human rights treaty bodies' consideration of New Zealand's periodic reports, including the specific questions of the Committees, are available free of charge to the public on the Ministry of Foreign Affairs and Trade's website.
