



Economic and Social Council

Distr.: General
18 March 2026

Original: English
English, French and Spanish only

Committee on Economic, Social and Cultural Rights

Fifth periodic report submitted by New Zealand under articles 16 and 17 of the Covenant, due in 2025*, **

[Date received: 11 April 2025]

* The present document is being issued without formal editing.

** The annexes to the present document may be accessed from the web page of the Committee.



Overview

Introduction

1. The Government of New Zealand is pleased to present its fifth periodic report to the United Nations Committee on Economic, Social and Cultural Rights (“the Committee”), under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights (“the Covenant”). The Report covers the period from August 2017 to March 2025 (“the reporting period”).
2. This report outlines key developments in the realisation of Covenant rights during the reporting period and responds to the Committee's concluding observations on New Zealand's fourth periodic report.
3. This report does not separately cover articles 4, 5, 14 and 15, noting that the Committee's concluding observations made no recommendations on these articles. Matters relevant to these articles are discussed elsewhere in this report.
4. This report should be read in conjunction with New Zealand's most recent periodic reports under other international treaties¹ and the core document of New Zealand.²
5. Public consultation took place on the draft report between December 2024 and early February 2025. Twelve submissions were received. The submissions were considered and comments have been reflected throughout the report.

Human rights infrastructure and institutions

6. New Zealand's constitution is located in various sources, including the Treaty of Waitangi | te Tiriti o Waitangi (the Treaty), legislation, the common law, constitutional convention and parliamentary customs. Three main laws specifically promote and protect human rights: the Human Rights Act 1993 (HRA); the New Zealand Bill of Rights Act 1990 (NZBORA); and the Privacy Act 2020.
7. The HRA is the main anti-discrimination law, extending fair and equal treatment to all. It defines unlawful discrimination and prohibits sexual and racial harassment and the incitement of racial disharmony. It outlines the role of the New Zealand Human Rights Commission and the Human Rights Review Tribunal.
8. The NZBORA affirms the Government's obligations under the International Covenant on Civil and Political Rights (ICCPR). These include rights relating to life and security of the person, democratic and civil rights, non-discrimination and minority rights, and rights relating to search, arrest and detention. It provides for these rights to be limited only to the extent that can be demonstrably justified in a free and democratic society.
9. The Privacy Act 2020 aims to promote and protect individual privacy. It gives effect to internationally recognised privacy obligations and standards, including the ICCPR.

¹ Seventh periodic report under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT/C/NZL/7).

Ninth periodic report under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW/C/NZL/9).

Combined 23rd and 24th periodic reports to the Committee on the Elimination of Racial Discrimination (CERD/C/NZL/23-24).

Sixth periodic report under the Convention on the Rights of the Child (CRC/C/NZL/6).

Combined second and third periodic reports under the Convention on the Rights of Persons with Disabilities (CRPD/C/NZL/2-3).

² Core document of New Zealand (HRI/CORE/NZL/2010).

Key initiatives during reporting period

10. During the reporting period, New Zealand has progressed several significant initiatives intended to enhance the enjoyment of economic, social and cultural rights. These include:

- Measures to address the exploitation of temporary migrant workers (see article 7);
- Measures aimed at eliminating family violence and sexual violence and providing greater legal protections for victims (see article 10);
- The establishment of a new national health system (see article 12);
- System changes in education, including to lift attendance and strengthen focus on literacy and numeracy (see article 13).

Justiciability of the Covenant rights

11. New Zealand acknowledges the fundamental importance of economic, social and cultural rights, and assures the Committee that the indivisibility of human rights is a principle of paramount importance to New Zealand.

12. Regarding paragraphs 6 and 7 of the Committee's concluding observations and General Comment No. 9 (E/C.12/1998/24), New Zealand is a dualist jurisdiction in which international instruments do not have direct domestic effect but are instead implemented through legislation and other measures. Specifically:

- New Zealand has specific legislation that protects the rights to health, housing, education, employment, and social security;
- Wherever possible, national legislation is interpreted and applied consistently with the Covenant. There is a general presumption that, in the absence of clear contrary intention, legislation (i.e., statutory powers) should be interpreted consistently with New Zealand's international obligations.

Developing and interpreting legislation

13. As legislation is developed in New Zealand, Ministers must confirm that proposed Bills comply with certain legal principles or obligations. Ministers must particularly draw attention to any aspects of a Bill that have implications for, or may be affected by:

- The principles of the Treaty of Waitangi, a founding document of government in New Zealand;
- The rights and freedoms contained in the NZBORA and the HRA;
- The principles in the Privacy Act 2020;
- International obligations;
- Guidance contained in the Legislation Design and Advisory Committee Guidelines.

14. Cabinet requires disclosure statements to accompany the introduction of most government Bills to facilitate better scrutiny of legislation. Disclosure statements must indicate a Bill's consistency with various standards, including the New Zealand Bill of Rights Act 1990, the Treaty and relevant international obligations such as the Covenant. The Legislation Act 2019 codified the requirements for disclosure statements in law. The relevant parts of the Act are due to come into effect in 2026.

15. The NZBORA requires the Attorney-General to report to Parliament if any draft legislation appears to be inconsistent with NZBORA rights and freedoms. Legislation may still be enacted if it appears to be inconsistent with NZBORA. However, the reporting requirement ensures that Parliament is informed of the apparent inconsistency.

16. A person can apply for judicial review if they want to challenge how a legal power is used, not used, or planned to be used by any individual or authority with statutory power.

This includes statutes that protect Covenant rights. Where applicable, the court will also have regard to the Covenant when interpreting statutes.

Declarations of inconsistency

17. The courts may declare legislation to be inconsistent with the HRA or with NZBORA. A declaration does not invalidate the legislation, but it allows for transparency when inconsistencies are identified.

18. NZBORA was amended in 2022 to formally recognise declarations of inconsistency with NZBORA, following the determination of the Supreme Court in *Attorney-General v Taylor* [2018] NZSC 104. If a court makes a declaration of inconsistency with NZBORA or the HRA:

- Parliament must be notified;
- The Minister responsible for the inconsistent legislation must report to Parliament with the Government's response to the declaration.

Significant general developments

19. This section outlines significant developments during the reporting period that affected the broad context within which economic, social and cultural rights are safeguarded in New Zealand.

Māori Crown Relations

20. A Māori Crown Relations Ministerial portfolio was established in October 2017. The Office of Māori Crown Relations: Te Arawhiti was established in December 2018. In February 2025, the Māori Crown Relations Ministerial portfolio was transferred to Te Puni Kōkiri (the Ministry of Māori Development (TPK)) and the remainder of Te Arawhiti was renamed as the Office of Treaty Settlements and Takutai Moana: Te Tari Whakatau.

21. The Office of Treaty Settlements and Takutai Moana: Te Tari Whakatau's role includes:

- Supporting the Crown to settle claims of historical breaches of the principles of the Treaty;
- Enabling the recognition of iwi/hapū (community) and whānau (family) groups' customary rights in the marine and coastal area under the Marine and Coastal Area (Takutai Moana) Act 2011 (Takutai Moana Act).

22. As of 30 June 2024, 100 deeds of settlement of historical Treaty claims had been signed.

23. When the Public Service Act was passed in 2020, it imposed obligations on the Public Service Commissioner and public service chief executives to develop and maintain the capability of the public service to engage with Māori and to understand Māori perspectives. TPK leads a work programme that is strengthening public sector capability using the Treaty-based public policy framework Te Tautuhi o Rongo. Another important step for the Māori-Crown relationship was the creation and 2022 inaugural celebration of Te Rā Aro ki a Matariki, the Matariki public holiday, understood to be the first Indigenous national public holiday in the world.

International Human Rights Framework (paragraphs 51-52 of concluding observations)

24. In December 2022, the Optional Protocol to the Convention on the Rights of the Child on a communications procedure came into effect for New Zealand. A communications plan is being developed to raise awareness of the Children's Convention and the right to take a complaint to the UN under the Optional Protocol.

25. In line with the Committee's recommendations, officials have started considering the implications of ratifying the International Convention for the Protection of all Persons from Enforced Disappearance. Officials have also begun considering the implications of removing New Zealand's reservation to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Further consideration of whether New Zealand should become party to the 1954 Convention relating to the Status of Stateless Persons is scheduled. New Zealand has no plans to consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

26. New Zealand has currently not ratified the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (a recommendation from the Committee). However, New Zealand has committed in the response to its fourth Universal Periodic Review (UPR) to consider ratifying the Optional Protocol. Officials will provide advice to the Minister of Justice on the steps required to ratify the Optional Protocol and seek a decision on whether to progress further work by the end of 2026.

National Reporting Mechanism (paragraph 54 of the concluding observations)

27. In 2021, the Government endorsed New Zealand's Inter-Ministerial National Mechanism on human rights. The National Mechanism aims to improve agency cooperation and the consistency and effectiveness of international human rights reporting processes. It includes:

- A Governance Group of deputy chief executives of public sector agencies leading work under international human rights treaties and the UPR;
- The Human Rights Monitor (<https://humanrights.govt.nz>), a web-based monitoring tool recording UN recommendations and tracking implementation progress;
- Guidelines for all public sector agencies on reporting, implementation and follow-up under international human rights mechanisms (under development).

28. As recommended by the Committee, it is intended that, subject to resources, outcome indicators will be developed for the *Human Rights Monitor* to track the status of human rights in New Zealand over time.

Waitangi Tribunal kaupapa inquiries

29. The Waitangi Tribunal is a permanent commission of inquiry that determines whether Crown actions or omissions breach the Treaty. The Waitangi Tribunal has a programme of inquiries that deal with nationally significant issues affecting Māori (Kaupapa Inquiries). This includes inquiries into health services and outcomes, housing policy and services, the justice system, the Constitution, education services and outcomes, and prejudice to Māori women. The Crown is actively participating in these inquiries. The Tribunal also handles urgent inquiries that sit outside their general programme of work.

Case law

30. During the reporting period, New Zealand courts have heard a number of immigration cases referring to the Covenant, as well as cases involving the principles underpinning the Covenant. Examples of New Zealand cases referring to the Covenant between 2018 and 2024 include:

- *W v Police* [2021] NZCA 326;
- *Borrowdale v Director-General of Health* [2021] NZCA 520;
- *Norman v Attorney-General* [2021] NZCA 78;
- *Family First New Zealand v Attorney-General* [2020] NZCA 366;
- *NZ Health Inc v South Taranaki District Council* [2018] NZSC 59.

Declarations of inconsistency

Human Rights Act 1993

31. In January 2019, the Human Rights Review Tribunal issued a declaration of inconsistency in *Hennessy v Attorney-General*. The Tribunal found that a provision of the Social Security Act 1964 and its 2018 successor legislation discriminated against persons on the ground of their employment status. Under the provision, where a person receives an income-tested benefit and also receives weekly compensation for loss of earnings under the Accident Compensation Act 2001, they will have their benefit abated by 100 percent of that weekly compensation. There is no current work to review this setting.

Nzbora

32. The courts have made one declaration of inconsistency with NZBORA during the reporting period. In *Make it 16 Incorporated v Attorney-General*, the Supreme Court declared that legislation providing for a minimum voting age of 18 is inconsistent with the right to be free from discrimination on the basis of age and the inconsistency had not been justified [2022] NZSC 134. The provisions declared inconsistent were those in the Electoral Act 1993 and the Local Electoral Act 2001. In its response to the declaration of inconsistency, the then Government stated that there was not currently Parliamentary support for lowering the parliamentary election voting age to 16. The Government does not intend to lower the voting age.

Christchurch mosque attacks

33. On 15 March 2019, a terrorist attacked two mosques in Christchurch, killing 51 people and injuring 50 others. The convicted terrorist had an extremist right-wing Islamophobic ideology, and the attack influenced a nation-wide conversation about racism in New Zealand. The Government established an independent Royal Commission of Inquiry (RCOI)³ to investigate the attack and make recommendations.

34. The Royal Commission's Report, released in December 2020, made 44 recommendations. In the subsequent five years, 36 of the Royal Commission's recommendations have either been implemented or are being integrated into ongoing work programmes, while the remaining eight will not be progressing.

35. Initiatives include:

- The creation of New Zealand's first National Security Strategy, *Secure Together Tō Tātou Korowai Manaaki*;
- The establishment of the Firearms Safety Authority;
- The establishment of the Ministry for Ethnic Communities;
- The public release of Know the Signs – a guide for identifying signs of violent extremism;
- The publication of the first New Zealand Security Threat Environment Report;
- The Preventing and Countering Violent Extremism Strategic Fund for community-based prevention initiatives;
- The establishment of the Ethnic Communities Graduate Programme;
- The development of Te Korowai Whetū Social Cohesion strategic framework and associated tools and resources;
- Support for the affected community, including the establishment of the Kaiwhakaoranga Specialist Case Management Service.

³ A RCOI is an independent inquiry into the most serious issues of public importance: [What is a Royal Commission? | Covid-19 Lessons Learned](#).

36. The coordinated cross-government response to the RCOI has now concluded and any remaining work will be embedded into what government agencies do every day.

COVID-19 pandemic response

37. COVID-19 was first reported in New Zealand in February 2020. New Zealand adopted a health-led response, initially focused on elimination, limiting access to New Zealand primarily to citizens and permanent residents, and implementing public health protective measures including lockdowns. COVID-19 did not circulate in the population for most of 2020 and 2021 and New Zealand had the lowest number of cases, hospitalisations and deaths in the OECD.

38. New Zealand's vaccination programme began in early 2021 and, by December 2021, 90 percent of eligible New Zealanders had been fully vaccinated (at least two doses). In late 2021, vaccine passes were introduced. New Zealand began re-opening its border from early 2022. All vaccine mandates ended by September 2022. In August 2023, the last remaining mandatory COVID-19 requirements were removed.

39. Since 2020, concerns about the impact of COVID-19 on human rights have been raised in various public consultations, and more generally in public debate. These include the temporary vaccine mandates, the temporary border entry restrictions and the prevalence of misinformation regarding the pandemic.

40. The Royal Commission of Inquiry into COVID-19 Lessons Learned was announced on 5 December 2022. The purpose of the Royal Commission was to investigate New Zealand's response to COVID-19 in order to prepare for future pandemics.

41. On 25 June 2024 the new Government announced that the Royal Commission would be conducted in two phases. Phase One focused on ways to strengthen New Zealand's preparedness for future pandemics and was released in November 2024. Phase Two reviews key decisions taken by the Government in 2021 and 2022 related to the use of vaccines and the use of lockdowns. The inquiry will assess whether key decisions struck a reasonable balance between public health goals and social and economic disruption. Findings and recommendations from the inquiry will be made public in early 2026.

Child and Youth Strategy

42. The Children's Act 2014 requires the Government to adopt, publish and review a strategy for improving the wellbeing of children. The first *Child and Youth Wellbeing Strategy* (the Strategy) was agreed in 2019 and provided a framework to understand and improve child and youth wellbeing outcomes up to age 24.

43. Following the 2023 election, the Strategy was refreshed to align with the new Government's priorities. The new Strategy was published in November 2024 and retains the outcomes, vision and age coverage (ages 0-24) of the last strategy. It identifies three priority areas to drive cross-government work and investment: supporting children and their families and whānau in the first 2,000 days, reducing child material hardship, and preventing child harm. Evidence demonstrates that these three areas represent a significant opportunity to build protective factors and address early risk to support improved outcomes through childhood and adolescence. The Strategy must be reviewed every three years. The next review will be in 2027.

Implementation of the covenant

Article 1

Right to self-determination

The Treaty of Waitangi | te Tiriti o Waitangi (the Treaty)

44. The Treaty is regarded as a founding document of government in New Zealand. The Treaty has two texts: one in te reo Māori (Te Tiriti o Waitangi) and one in English (the Treaty of Waitangi). The Treaty was signed in 1840 by representatives of the British Crown and

approximately 500 Māori chiefs. The Treaty affirms the right of the Crown to govern (kāwanatanga). It also affirms the self-determination (or tino rangatiratanga) of Māori and the rights and responsibilities of equality and common citizenship for all New Zealanders (rite tahi).

45. The Treaty of Waitangi is not directly enforceable by the courts. However, legislation has increasingly included references to the Treaty of Waitangi and/or te Tiriti o Waitangi or the “principles of the Treaty.” The courts have held that, owing to the Treaty’s constitutional significance, there is a presumption of statutory interpretation that, in the absence of clear words to the contrary, Parliament intends to legislate in a manner that is consistent with the Treaty.

46. As an integral part of New Zealand’s constitutional framework, how the Treaty is given effect will continue to evolve along with other constitutional principles and norms. This is an ongoing debate that is to be expected in a robust and democratic society.

47. The Government has two pieces of work underway related to the principles of the Treaty. The Principles of the Treaty of Waitangi Bill, introduced into the House of Representatives in November 2024, would have defined the Treaty principles in statute. The purpose was to create certainty about the meaning of the principles and how they apply. The Waitangi Tribunal found the Bill’s underlying policy to be unfair, discriminatory, and inconsistent with the current Treaty principles, asserting it would significantly harm Māori interests and violate the Article 2 guarantee of tino rangatiratanga. Government coalition partners agreed to support the Bill for further examination by a Select Committee but did not commit to support it beyond that point. In April 2025, Parliament’s Justice Select Committee reported the Bill back to the House of Representatives, where it was rejected by 112 votes to 11 at its second reading and will therefore not proceed.

48. The Government is also conducting a comprehensive review of all legislation (except when it is related to Treaty settlements) that includes “The Principles of the Treaty of Waitangi,” to replace all such references with specific words relating to the relevance and application of the Treaty or repeal the references. The purpose of the review is to state more clearly how the Treaty applies in its specific legislative context, reduce uncertainty, and support better compliance, where it is appropriate to encapsulate the Treaty or the Treaty relationship in legislation. No decisions have been made about changes to specific pieces of legislation.

Right to freely dispose of natural wealth and resources

Paragraph 9 (a) and (b) of the concluding observations (E/C.12/NZL/CO/4)

49. Since the release of the Waitangi Tribunal’s 2011 report, *Ko Aotearoa Tēnei* (Wai 262 report), TPK has had work underway on matters relating to the appropriate use of mātauranga Māori (Māori knowledge). This includes a focus on enabling benefits for Māori, balanced with the need for foundational policies that are durable over time. Recognising the complexity of issues outlined in the Wai 262 report, TPK alongside other government agencies continues to address the tenets of the report through various system, domestic, and international levers.

50. A recent highlight of this work includes TPK’s contribution to the successful conclusion of the international treaty on Disclosure of Origin of Genetic Resources and Associated Traditional Knowledge in patent applications (GRATK Treaty) at the World Intellectual Property Organisation (WIPO) Diplomatic Conference in Geneva, Switzerland in May 2024. TPK is developing policy work to ratify the GRATK treaty, including the implementation of a new disclosure of origin mechanism for New Zealand.

Paragraph 9 (c) of the concluding observations

51. In 2019, the Government agreed to develop a national plan of action to implement the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). TPK, the New Zealand Human Rights Commission, and the National Iwi Chairs Forum (NICF), which represents

national Māori leadership) engaged with Māori on their aspirations for an action plan to implement UNDRIP.

52. A theme from the targeted engagement was for government to share its power and support Māori to exercise their right to participate in decision-making on issues that affect them. This applied to a range of topics, from justice, health, and education, to housing, the environment, and cultural expression and identity. The COVID-19 pandemic disrupted the original timelines, and in December 2022, the Government deferred the draft implementation plan until 2024.

53. The Government has now decided to instead focus on reaching targets to achieve improved results in health, education, law and order, work, housing and the environment, and to work with iwi/Māori to provide the necessary support to Māori families and all New Zealanders.

Paragraphs 9 (d) – 9 (f) of the concluding observations

Participation of Māori in decision-making processes

54. Various measures are in place to support the participation of Māori in decision-making processes affecting their rights, including in relation to extractive and development activities, but also management of natural resources and other kinds of decision-making.

55. Settlements of historical Treaty claims often include redress instruments that provide for, to varying degrees, participation of relevant settling iwi/hapū groups in natural resource decision-making processes. For example, the Maniapoto Claims Settlement Act 2022 required three local government entities to enter into a joint management agreement with the trustees of Te Nehenehenui (the Maniapoto post-settlement governance entity). That agreement provided for the Councils and the Trustees to work together to jointly develop and agree criteria to assist local authority decision-making in relation to resource consents affecting the area covered by the agreement.

56. Since 2017, Mana Whakahono a Rohe has provided a mechanism for iwi and local authorities to discuss, agree, and record ways in which iwi may participate in resource management and decision-making processes under the Resource Management Act. This has allowed local authorities and Māori to jointly perform functions relating to natural resources.

57. In 2024, changes were made to the legislative provisions for specific Māori representation in local government. The Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 reinstated the ability for electors to demand binding polls on whether a council will have specific councillor positions to represent electors on the Māori electoral roll. Councils that recently decided to establish Māori Wards or Māori Constituencies must either revoke that decision or hold a binding poll (at the local elections in October 2025) on whether it will continue.

Trade and climate change

58. Regarding New Zealand's trade strategy, the Ministry of Foreign Affairs and Trade deepened its engagement with Māori on trade policy in recent years, establishing dedicated, structured engagement mechanisms and formal agreements with key Māori trade representative groups on trade policy development and trade negotiations. This includes a Māori advisory group working alongside the Ministry's leadership on a broader set of strategic foreign policy issues. This group brings a Māori perspective and advocates for the priority needs of Māori on key issues.

59. This structured engagement has supported strong outcomes for Māori in recent trade negotiations including with the United Kingdom (UK), European Union (EU) and the United Arab Emirates (UAE) as well as the Agreement on Climate Change, Trade and Sustainability (ACCTS). These include exceptions which enable the New Zealand Government to meet its obligations to Māori, including under the Treaty of Waitangi, and market access for sectors of particular interest to Māori including seafood, honey and horticulture, while ACCTS includes wood and wool products in its list of 'environmental goods'. The agreements with the UK, EU and the UAE address Māori interests in the digital trade, environment and

sustainability chapters. They also include dedicated Māori Trade and Economic Cooperation Chapters Māori advocated for and provided views on.

60. In addition, officials worked closely with Māori to develop, agree and implement the Indigenous Peoples Economic and Trade Cooperation Arrangement (IPETCA) during New Zealand's Asia-Pacific Economic Cooperation 2021 host year. The IPETCA is a first-of-its-kind, open plurilateral arrangement that creates a framework for economies and Indigenous Peoples to work together to increase trade and economic cooperation. The IPETCA supports Indigenous-to-Indigenous cooperation, leadership and co-decision making. New Zealand is the IPETCA Chair for 2024-2025.

61. The Government also works with Māori on international climate change issues. For example, the Ministry engages with the National Iwi Chairs Forum (NICF) in advance of major climate meetings (e.g. Conferences of Parties (COPs)) and includes NICF representatives in New Zealand's COP delegations. Feedback from Māori, including the NICF, informs New Zealand's negotiating positions, and inclusion also enables access to, and transparency of, these negotiations.

62. The Climate Change Commission provides expert advice to the Government on climate change and partners with Māori to deliver advice that is informed by a Māori worldview. The Commission combines learning from iwi/Māori and stakeholders with other research and data to investigate what is critical for getting New Zealand to meet its climate change targets.

Indigenous and Tribal Peoples Convention of the International Labour Organisation

63. Indigenous rights are protected through New Zealand's existing legal and constitutional framework. There are no plans to consider ratifying the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organisation (ILO). The Government's focus is on making progress towards ratification of ILO Fundamental Conventions that New Zealand has not yet ratified.

Proposed changes to the law relating to natural wealth and resources

64. The Government is proposing legislative changes to reinstate offshore petroleum exploration and improve investor confidence. These changes aim to increase New Zealand's energy security and benefit local economies. The Government is not proposing any changes to the way the regulator and permit holders engage with iwi/hapū during the decision-making process for rights under the Crown Minerals Act 1991.

65. The Government is also pursuing reform of the resource management system to lift living standards and productivity and to grow New Zealand's economy while still protecting the environment. This includes a fast-track approvals regime intended to improve decision-making timeframes and give greater investment certainty for infrastructure and other projects that have significant regional or national benefits.

66. The Government's reform of the resource management system has been undertaken in phases with each stage of the reform providing some opportunities for Māori groups to feed back on reform proposals.

67. Reform completed to date (including the Fast-track Approvals regime) has consequently included some protections to help ensure that Treaty settlements are protected, and the protection of Treaty settlements is a commitment of the Government through its reform programme.

68. The Government introduced legislation to clarify the test for recognition of customary marine title under the Marine and Coastal Area (Takutai Moana) Act 2011 (the Takutai Moana Act) in response to a 2023 decision by the New Zealand Court of Appeal. The Government sought to restore the original balance of interests struck in the Takutai Moana Act through an amendment Bill.

69. The Waitangi Tribunal is undertaking an urgent inquiry into the proposed changes to the Takutai Moana Act. The Tribunal's Stage One Report, released in September 2024, found that the Crown breached the Treaty in a number of ways through the policy development

process, including by failing to consult with Māori or inform itself of Māori interests. However, the Government considered the changes were important to ensure that the statutory test for customary marine title is applied as originally intended.

70. In late 2024, the Supreme Court of New Zealand found that the Court of Appeal was incorrect in its interpretation of parts of the test for customary marine title. The Government is now considering whether the amendment Bill is necessary.

Article 2

Progressive enjoyment of economic, social and cultural rights

Obligation to take steps to the maximum of available resources (paragraph 15 of the concluding observations)

71. New Zealand has taken practical measures to realise Covenant rights through the Government's Budget process. Over the reporting period, resources allocated to appropriations relevant to the Covenant have increased by 62 percent, from \$51 billion in 2016/17 to \$82 billion in 2023/24. The Government is committed to improving outcomes through the social investment approach – using evidence to invest in what works, shifting resources to the grassroots, and driving innovation. At the operational level, improvements are made to the Budget process each year to ensure Cabinet has the analysis necessary to inform resource allocation.

Figure 1

Budget for sectors relevant to employment, social security, health and education (\$billions)

	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24
<i>Vote Social Development</i>								
Work and Income (Employment Support)	0.659	0.655	0.690	0.750	0.979	1.178	1.137	1.169
Superannuation	13.043	13.699	14.562	15.521	16.569	17.764	19.517	21.567
Main Benefits	4.434	4.410	4.578	5.220	6.563	7.142	7.763	8.741
Total of Selected Appropriations	18.136	18.763	19.830	21.491	24.111	26.085	28.416	31.477
<i>Vote Education</i>								
Total Appropriation	11.095	11.590	12.136	12.986	14.629	15.634	16.511	18.716
<i>Vote Tertiary Education</i>								
Total Appropriation	2.992	3.104	3.300	4.575	2.733	4.014	3.873	3.991
<i>Vote Health</i>								
Total Appropriation	18.395	16.525	17.669	19.486	21.943	26.440	26.628	27.898
Total Spend Relevant to ICESCR (\$billions)	50.618	49.983	52.934	58.538	63.416	72.172	75.429	82.082

Source: Table supplied by Treasury.

72. Cabinet is the central decision-making body of executive government. The rules governing Cabinet's operation are set out in the *Cabinet Manual* and *CabGuide*. These rules require advice to Cabinet to address the consistency of all policy proposals with domestic and international human rights obligations. This rule reflects that the impact of proposals on human rights is relevant to all policy decisions, including resource allocation choices made through the Budget. The Public Finance Act 1989 does not replicate this, as the appropriate place for such requirements in our constitutional arrangements is the *Cabinet Manual* and *CabGuide*.

Paragraph 53 of the concluding observations

73. New Zealand is working towards achieving the Sustainable Development Goals. Action plans, covering human rights, gender, and child and youth wellbeing, reflect New Zealand's commitment to the global advancement of human rights across its development cooperation programmes.

74. The Government employs a resilience framework to delve into the root causes of poverty, implementing an inclusive approach across its entire development programme, guided by the Leave No One Behind Principle (LNOB) to address the inequality challenges in the Pacific region.

75. From 2018 to 2022, New Zealand delivered NZ\$4.25 billion of official development assistance around the world, with around 65 percent of this directed to the Pacific. This assistance included support for a regional Pacific Justice Sector Programme with a focus on improving access to justice for marginalised groups. It also supported Pacific countries' efforts to strengthen other areas of governance, such as parliamentary processes, elections, national audit, the public service, law and order, support for civil society, and support for country-led anti-corruption efforts.

76. In 2023-24 through the Tonga Justice Sector Support Programme, a Youth Diversion Scheme was developed, and Cabinet approved the associated Youth Justice Bill - to be tabled for consideration in the Tongan Parliament this year. Training on youth was also provided to Magistrates, covering aspects of the Youth Justice Bill, the Youth Diversion Scheme, and human rights.

77. In 2023-24, the International Developed Cooperation Programme-funded Partnerships programme worked across 20 countries in the Pacific, Southeast Asia and other countries, through 29 NGOs and 57 programmes and initiatives. Over this timeframe the State's partners reported that around 190,000 community members were supported in areas including economic resilience, human rights and inclusive development, governance and democracy, climate change, and human development.

**Business and human rights
(Paragraph 17 of the concluding observations)**

78. The Government engages with business on human rights issues in multiple fora and considers human rights impacts in its procurement procedures.

79. The Government has no current plans to develop a National Action Plan on Business and Human Rights. New Zealand already has in place robust human rights legislation and has taken steps to address issues such as discrimination, forced labour, and migrant exploitation.

80. Current initiatives are set out in the:

- *Plan of Action against Forced Labour, People Trafficking and Slavery*, an all-of-government high-level framework of actions for government agencies over five years up to 2025, to combat forced labour, people trafficking and slavery;
- *Migrant Settlement and Integration Strategy*, an all-of-government approach to effectively settle and integrate recent migrants that was updated in 2023;
- Worker Protection (Migrant and Other Employees) Act 2024, that strengthens immigration and employment laws to assist in protecting employees from exploitation.

81. New Zealand also has in place non-judicial mechanisms such as the Ombudsman and mediation services facilitated by the Government to give effect to the OECD Guidelines for Multi-National Enterprise Guidelines on Responsible Business Conduct.

**Non-discrimination
(Paragraph 11 of the concluding observations)**

82. Māori continue to feel the impacts of racism in New Zealand. *Ki te whaiiao, ki te ao Mārama*, a report from the Human Rights Commission released in November 2022,

identified racism as the central issue impeding their ability to develop and exercise tino rangatiratanga.

83. New Zealand agreed at its 2019 Universal Periodic Review to develop a *National Action Plan Against Racism* to progressively eliminate racism in all forms experienced by Māori and other ethnic minorities. Progress on the plan is well advanced and a draft plan is due to be taken to Cabinet in the coming months.

**Disability rights
(Paragraph 20 of the concluding observations)**

84. Despite continued progress across some areas, the Government acknowledges there are still enduring challenges for disabled people in New Zealand. Disabled people continue to experience poorer outcomes than non-disabled people in almost any setting. They have lower labour market participation and are less likely to have enough money to meet daily needs.

85. In 2022 the Ministry of Disabled People (Whaikaha) was established as the focal point for coordinating all government agencies' approaches to implementing the Convention on the Rights of Persons with Disabilities (CRPD).

86. The Committee recommended the HRA be amended to better recognise reasonable accommodation and inclusive education. The principle of reasonable accommodation is already recognised by the HRA and has been accepted by the courts. Consideration of any changes to how reasonable accommodation is recognised in the HRA would require a wider HRA review.

87. Some submitters during consultation for the report, were concerned that students with special educational needs do not have equal access in practice and are frequently denied the right to attend school fulltime, often due to resourcing. The right to inclusive education is set out in the Education and Training Act 2020. New Zealand schools have obligations to provide a quality education for all learners. The Act states that "students who have special educational needs (whether because of disability or otherwise) have the same rights to enrol, attend, and receive education at State schools as students who do not".

Disability support and independent review

88. Disability Support Services (DSS) provide critical supports to around 50,000 New Zealanders to address the barriers they face in accessing the same opportunities for a good life as other New Zealanders. It also supports 100,000 New Zealanders for equipment and modifications they need to engage with daily life. These supports are in addition to the supports provided to all disabled people, and other New Zealanders, through health, education, and broader social services.

89. The Minister for Disability Issues commissioned an Independent Review of the DSS in April 2024 to strengthen its long-term sustainability. The review included seven recommendations, which have been accepted by the Government. The recommendations aim to improve fairness, consistency and transparency in the supports and funding provided.

90. Cabinet also agreed to:

- Transfer DSS from Whaikaha to a new branded business unit within the Ministry of Social Development (MSD);
- Create a standalone department for the rest of Whaikaha, to provide leadership and stewardship for disabled people across government by the end of 2024;
- Establish a cross-agency taskforce of officials within MSD to deliver the review's recommendations for DSS including experts in policy, finance, contract management, service delivery, risk management, auditing, and evaluation.

91. Work to implement the decisions from the Independent Review is underway.

Disability policy

92. The *New Zealand Disability Strategy* will be refreshed by the end of 2025. Five outcome areas have been agreed for the refreshed strategy: education, health, justice, employment and housing. These reflect important outcome areas of the CRPD.

93. In January 2024 the Government agreed to develop a refreshed *NZ Sign Language Strategy* which is due for release later in 2025. The proposed approach to the refresh of the Strategy seeks to recognise that all New Zealanders benefit from NZ Sign Language's continued revitalisation and integration into society.

Article 3

Equality between men and women

94. New Zealand is committed to upholding gender equality and the right for men and women to enjoy economic, social and cultural rights equally, however, the Government acknowledges there is still work to be done.

Gender pay gap

95. The gender pay gap in New Zealand has reduced steadily from 16.3 percent in 1998 but has slowed over the past decade. It is currently 8.2 percent (June 2024). The gender pay gap for Māori, Pacific, Asian, and disabled women is significantly higher than the overall gap. In 2023 there was a 20 percent retirement savings gap between men and women in New Zealand. This gap is more pronounced for older women.

96. Over the last five years, New Zealand has taken deliberate action to drive down the public service gender pay gap. It is now at its lowest level, falling from 12.2 percent in 2018 to 6.1 percent in 2024.

97. In November 2024, New Zealand launched an online *Gender Pay Gap Toolkit* to support businesses to understand, measure, and take meaningful action to address their gender pay gap. Around 200 businesses across New Zealand already voluntarily report their gender pay gap, or planning to do so, via the Pay Gap Insights Hub. Many are taking actions to reduce them.

Figure 2

Annual percentage change in median weekly earnings from wages and salaries, by sex, June quarters, 1999-2023



Information relating to paragraph 22 of the concluding observations

Women in leadership roles in the public sector

98. Women's leadership has been on an upward trajectory in recent years. New Zealand continues to make positive advances in the number of women in leadership positions in both the public and private sectors. All public service organisations are implementing diversity, equity, and inclusion strategies. This work is supported by the Public Service Act 2020, which requires chief executives to build diverse workforces, underpinned by inclusive workplace and employment policies and practices.

99. In 2018, Cabinet introduced a target of gender-equal Minister-appointed public sector boards and committees. As of December 2023, women held 53.9 percent of state sector board and committee roles, the highest ever proportion achieved. It marked the fourth year in a row where the Government-set target of 50 percent of women on public sector boards and committees was met or exceeded. Women also currently make up 43.2 percent of public service departmental Chief Executives, and in 2024 the percentage of top three tier leadership roles held by women increased to 56.7 percent.

100. Boards are becoming more inclusive with the latest data showing more women from diverse backgrounds including greater numbers of Māori and Pacific women. In December 2022, representation of Māori and Pacific women on public sector boards had increased to 15.7 percent and 4.3 percent respectively.

Gender equality in the private sector

101. New Zealand has made progress towards equal representation on private sector boards, but women are still underrepresented in leadership roles. In December 2023, women held 31 percent of director positions on companies listed on the New Zealand stock exchange (up from 28.5 percent in 2022). In July 2022, women held 26.4 percent of executive management roles in companies listed on the New Zealand stock exchange up from 25.4 percent in September 2020. There are some concerted efforts to change this, through groups like Champions for Change where more than 80 leading Chief Executives and Chairs of private organisations are helping drive diverse leadership in workplaces. In 2023, this group achieved 40:40:20 gender balance at board level – 40 percent women, 40 percent men, and 20 percent any other gender.

Article 6

Right to work

102. The Government has committed to supporting everyone's right to work by working on legislative changes and policy initiatives to get people into work and to support people to have the skills they need to succeed in work.

103. The Government acknowledges it continues to be harder for disabled people, Pacific peoples and Māori to get into the workforce, and once there, it is harder for them to progress to better jobs that are well-paid. The same is true for women.

104. The Government also acknowledges the lack of connection between key actors and stakeholders for instance between schools, tertiary institutions, and employers; between community groups and employers; and central and local government; and that this directly relates to many of the challenges facing job seekers throughout the country.

105. Unemployment has been increasing since 2022, leaving the June 2024 unemployment rate the highest since March 2021. Recent rises in unemployment align with other economic indicators, including an increasing number of benefit recipients, a decreasing number of job vacancies, and declining GDP (gross domestic product) per capita.

Figure 3
Unemployment rate, seasonally adjusted, June 2014-June 2024 quarters



Source: Graphic provided by Stats NZ.

**Women's employment
(Paragraph 31 of the concluding observations)**

106. Women have different labour market characteristics than men, tending to be concentrated in the health and education sector and take breaks from the paid workforce to engage in caregiving.

107. Women's unemployment, since the Covid-19 pandemic (2019), peaked at 5.6 percent in September 2020, then dropped to a record low of 3.3 percent in September 2021, and again in March 2022. As of December 2024, women's unemployment rate has risen to 5.2 percent.

108. While data on the number of women employed by multiple employers is not currently collected, women make up the majority (68.6 percent) of part-time workers in New Zealand, and of all working women 28.7 percent work part-time (less than 30 hours per week). Women are more likely to be underutilised in the labour market and are concentrated in lower-paid work. Occupational segregation contributes to this, although a range of efforts and initiatives to encourage women to consider careers in less traditional sectors have been implemented in recent years.

109. Current government supports and subsidies reduce the cost of childcare, encouraging women to enter or re-enter the labour market. These include:

- Childcare Subsidy;
- Out of School Care and Recreation (OSCAR) Subsidy;
- Accommodation Supplement;
- Working for Families Tax Credits;
- Flexible Childcare Assistance;
- Guaranteed Childcare Assistance Payment;
- Family Boost Tax Credit;
- Child Disability Allowance;
- Temporary Additional Support;
- Income Related Rent.

110. From July 2024, there was a 3 percent increase in retirement savings contributions to paid parental leave recipients to better reflect the unpaid nature of childcare. This change alongside the annual increases to paid parental leave payments provide more financial support to new parents.

Improving pay equity

111. In 2020, New Zealand amended the Equal Pay Act 1972 to enable employees and unions to raise a pay equity claim directly with their employer, rather than having to make a claim in the court in the first instance. This amendment replaced the court-based approach to pay equity claims with a process aligned with the existing bargaining framework in the Employment Relations Act 2000. It provides a clear process to test whether there is a pay equity issue in women-dominated occupations. As of March 2024, nearly 176,000 people had their pay corrected as a result in 15 pay equity settlements and one extension.

**Unemployment
(Paragraph 24 of the concluding observations)**

112. In April 2024, the Government set a target to reduce the number of people receiving Jobseeker Support by 50,000 to 140,000 by 2030. The Government considers that having more people in work benefits not only those people and their families, but also their communities, giving a sense of purpose, independence and connectedness for families. A range of programmes and services designed to support people into work are in place, including prevention and early intervention, work preparation, and work placement and sustainability. Approaches are used to evaluate employment products and services that help guide decisions about the mix of employment supports provided.

113. There is regular monitoring and reporting of employment outcomes generally and for specific groups. Evidence-based investment in and targeting of employment services recognises that individual needs vary and that some groups of people are more likely to need support than others.

114. The employment investment framework, which guides how funding for employment support schemes is spent, will soon include a focus on supporting people who are receiving a Jobseeker benefit, rather than people who are not receiving a benefit.⁴

**Population groups
(Paragraph 24 of the concluding observations)**

Youth

115. Youth remain an on-going focus for employment support. In addition to general programmes and existing targeted support, the Government is expanding the number of young jobseekers who receive community-led programmes that provide job coaches and other support.

116. MSD's Youth Service supports 16 and 17-year-olds to stay in school or enter training if they have left school.

117. The following statistics are based on the NEET rate which is the total number of youth (aged 15 to 24 years) who are not in education, employment, or training, as a percentage of the total youth working-age population. Rises in youth unemployment rates over the past year should be seen as a return to pre-COVID-19 employment patterns.

Figure 4
NEET rate for youth aged 15 to 24 years

<i>Year</i>	<i>The NEET rate</i>	<i>The annual % point change in the NEET rate</i>
2024	12.4	1.2
2023	11.2	-0.5
2022	11.7	-0.8
2021	12.5	0.1
2020	12.4	0.3
2019	12.1	0.3
2018	11.7	-0.7
2017	12.4	0.9
2016	11.5	-0.2
2015	11.7	0
2014	11.7	-1.6
2013	13.3	0
2012	13.3	

Source: Data supplied by Ministry of Business, Innovation and Employment.

Ageing population

118. New Zealand has no retirement age. People become eligible for New Zealand Superannuation at age 65. By international standards, New Zealand's rate of labour force participation for people aged 65+ is high. However, evidence shows that some older workers face barriers when seeking or staying in employment. These barriers include a lack of flexibility, discrimination and a mismatch of skills/experience to the available roles.

⁴ See Annex 2 for graphic on the status of the Government target to have fewer people on the Jobseeker benefit.

119. Older workers aged between 50-64 are overrepresented as long-term recipients of employment support, though unemployment tends to be quite low for older people in general.

120. New Zealand has addressed the needs of older workers through the development of resources and programmes, including:

- The *Older Workers Employment Toolkit*, which provides information and advice for employers to help recruit, develop and retain older workers;
- A senior enterprise pilot, which ran in 2023, and supported older workers to start a business.

Māori population

121. Te Puni Kōkiri uplifts employment, education, and training outcomes for Māori through investment in Māori economic development and community resilience. Investment aims to improve the productivity of Māori assets, accelerate increases in Māori income, grow Māori export revenues, increase Māori participation in tech sectors and support locally led, government-enabled, whānau-centred initiatives that respond to community needs. Key initiatives include a Cadetship programme which supports employers to mentor Māori staff into higher-skilled roles, a range of focused programmes to lift the leadership skills of women and children, and Taiohi Ararau/Passport for Life which supports young Māori to get essential documents such as a driver's license.

Employment support for disabled people

122. The Government provides a suite of employment services to support disabled people into employment, including disability-specific employment services tailored to the needs of disabled people and their work capacity, including people with health conditions. Some services specifically support people with mental health and addiction issues. While the specific purpose of each employment service for disabled people varies, all focus on supporting disabled people to prepare for, enter, and remain in sustainable employment.⁵

123. Examples of employment services include:

- Oranga Mahi, a programme of cross-agency trials and services delivered in partnership with Primary Health Organisations, District Health Boards, iwi, and Community Providers. The programme is designed to improve participants' health and wellbeing; increase skills, confidence and independence in the job market; become work ready and achieve sustainable employment outcomes; and support wider wellbeing for lasting positive social outcomes;
- Mainstream Employment Programme, which provides a range of wage subsidies that are paid directly to employers to help disabled people gain paid work experience;
- Specialist Employment Service, which supports disabled people or people with a health condition to gain sustainable employment and move closer to financial independence.

124. Employment will be a key outcome area in the refreshed *New Zealand Disability Strategy*.

Article 7

Right to just and favourable conditions of work

125. The Employment Relations Amendment Act 2018 introduced several changes to employment law affecting worker and union rights. For example, set meals and rest breaks were reinstated, and changes were made to the rules for collective bargaining.

⁵ See Annex 3 for Labour market activity by disability status, people aged 16 to 64 years, as of June 2024.

126. The Employment Relations (Triangular Employment) Amendment Act 2019 came into effect in June 2020 and allows an employee to bring a personal grievance against both their employer and a controlling third party. A controlling third party is a person:

- Who has a contract or other arrangement with an employer under which an employee of the employer performs work for the benefit of the person;
- Who exercises, or is entitled to exercise, control or direction over the employee that is similar, or substantially similar, to the control or direction that an employer exercises, or is entitled to exercise, in relation to the employee.

127. In 2023, 90-day trial periods were again extended to all employers, not just those with fewer than 20 employees. Some submitters considered that the change increases job insecurity, particularly for Māori, Pacific people, women, persons with disabilities, and youth. The Government considers this change benefits both workers and employers by reducing the risk associated with taking on new staff, especially workers who may have more difficulty finding employment.

128. In September 2024, the Government proposed to amend employment relations legislation to provide a gateway test that businesses can use when responding to a claim that a person is an employee and not a contractor. This approach provides businesses with increased certainty to proceed with innovative business models involving contractors where this is appropriate and enables businesses to offer better terms and conditions to their contractors with less concern that it might impact the contractor's status.

129. The change is intended to be made through an Amendment Bill to be introduced to Parliament in 2025.

130. In late 2024, the Government also announced two changes to the Employment Relations Act 2000 on personal grievances, or complaints employees can raise against their employer:

- Employees earning over the threshold of \$180,000 per annum of base pay can no longer raise an unjustified dismissal personal grievance claim;
- Strengthening consideration and accountability for the employee's behaviour when awarding remedies as a result of a personal grievance.

131. The Government considers this will benefit both workers and employers, as high-income workers can have a significant impact on organisational performance and culture, so a poor fit can have significant negative flow-on implications in the workplace. The changes do not affect discrimination claims under the HRA.

**Minimum wage
(Paragraph 26 of the concluding observations)**

132. New Zealand's minimum wage is high by international standards, in absolute terms and as a proportion of the median wage (close to 70 percent). The Minimum Wage, set by government via secondary legislation, is reviewed annually, and employers who fail to comply are subject to sanctions (discussed below). From April 2025, the adult minimum wage will increase by 1.5 percent to NZ\$23.50 an hour, benefitting up to 141,900 workers.

133. New Zealand's Labour Inspectorate has a range of tools for enforcing compliance with the minimum wage, including investigative powers to find breaches, facilitating resolution of complaints, and education and guidance to improve employers' capability and performance.

134. The Labour Inspectorate takes a graduated approach to enforcement. Tools include enforceable undertakings and improvement notices. Serious breaches can be taken to the Employment Relations Authority seeking pecuniary penalties, compensation orders, banning orders and costs. Individuals involved in breaches can also be penalised and made liable for arrears.

135. The Committee recommended repealing the minimum wage exemption permit system, which allows people with a disability that significantly limits them in their job to be paid a lower minimum wage. Submitters voiced concerns that the exemption scheme disadvantages

disabled workers and discriminates against them. While noting the Committee's views, the Government has decided to continue the existing Minimum Wage Exemption scheme and to cease development of a wage supplement. The Government considers that the exemption scheme supports disabled people to gain the rewards and social connections that come from work that they may not otherwise have the opportunity to obtain.

136. The Government also notes the view of many enterprises dedicated to enhancing the employment prospects of severely disabled people, that the wage supplement would put pressure on their operating model, reducing their ability to provide disabled New Zealanders a job.

Migrant workers

(Paragraph 28 (a)-(c) of the concluding observations)

137. In the financial year to 30 June 2024, the Ministry of Business, Innovation and Employment received 3,925 complaints of migrant exploitation. In addition, 2,067 Migrant Exploitation Protection Work Visa (MEPV, discussed below) applications were approved, up from 214 the previous year.

138. Migrant workers have the same employment rights as other workers under New Zealand law, including the right to take action against exploitative employers.

139. Cabinet agreed in 2020 to a package of legislative, operational and policy changes to address the exploitation of temporary migrant workers, accompanied by the allocation of \$50 million to fund the associated changes. These changes included:

- Establishing a dedicated migrant exploitation helpline;
- Creating an online reporting mechanism for migrant exploitation;
- Dedicated funding for information and education on migrant exploitation (\$3.15 million over four years);
- Enhancing the Employment New Zealand website (a government site) to provide further detail about migrant exploitation and how to combat it.

140. New Zealand has made policy changes since 2020 to afford further protection to the rights of migrant workers by:

- Introducing the MEPV, a six-month work visa for victims of migrant exploitation, which enables migrant workers to leave an exploitative workplace situation quickly and incentivises them to report exploitation;
- Removing accredited employers' ability to use 90-day trial periods when hiring people on an employer-supported work visa;
- Establishing new immigration infringement offences for employers who exploit foreign workers;
- Banning anyone convicted of people smuggling or trafficking offences from managing or directing a company;
- Banning employers convicted of serious offences relating to foreign workers from applying to employ further migrant workers in the future.

Worker Protection Act

141. The Worker Protection (Migrant and other Employees) Act 2023 came into force in January 2024 aiming to assist in protecting employees from exploitation. The Act introduces an offence and penalty regime to deter employers of temporary migrant workers from non-compliance with their obligations. Failure to supply required records to a Labour Inspector within the timeframe is an infringement offence, attracting a fee of \$1,000 per offence up to a maximum of \$20,000 in a three-month period. The Act also allows people convicted of migrant exploitation or people trafficking to be disqualified from managing or directing a company.

Health and Safety (Paragraph 28 (d) of the concluding observations)

142. New Zealand implements its Health and Safety at Work Act 2015 via its primary regulator WorkSafe New Zealand. The Government's expectation is that WorkSafe is efficient and effective, focusing on the right things including front line regulatory services, to achieve better health and safety outcomes for New Zealand's workers and businesses.

143. New Zealand's *Health and Safety at Work Strategy 2018-2028* was launched in 2018. The Strategy sets overarching goals and priorities for promoting and improving health and safety at work to 2028, identifies capability gaps and opportunities, and improves coordination across agencies and stakeholders.

144. A key government priority is improving the health and safety at work regulatory system, to ensure that it is clear, sensible, proportionate and effective. The Government has undertaken public consultation, seeking broad feedback on experiences with the system, how it is working, and what should change. This will inform policy options and decisions will be made in due course.

Article 8 Trade union rights

145. Under New Zealand law, strikes are legal when they are in relation to collective bargaining and on health and safety grounds. If a strike is legal (and the right notice has been given), it cannot be stopped by a court order.

146. Employees cannot go on strike in certain circumstances, such as in the initial 40 days of collective bargaining, if there is a current collective agreement, or over a personal grievance or dispute. If a strike is not legal, employers can apply to the Employment Court for an injunction to stop it or to sue for loss caused by the strike.

147. The Government is progressing a Bill that would enable employers to make pay deductions in response to partial strike action. The Employment Relations (Pay Deduction for Partial Strikes) Amendment Bill is intended to provide a more effective and efficient bargaining environment, where rights and consequences are more balanced, and which minimises undue impacts on consumers and the public.

148. Parliament recently repealed legislation, enacted in 2022, establishing a Fair Pay Agreements system. The system had aimed to bring together unions and employer associations to bargain for minimum employment terms and conditions for employees in an industry or occupation. The Government considers that the system would have reduced flexibility for employers and employees to agree suitable employment terms and conditions. No Fair Pay Agreements had been finalised before the legislation was repealed.

149. As discussed in relation to article 13 below, in 2024 New Zealand enacted legislation to reinstate charter schools (kura hourua), a type of state-funded school operated under a contract between the Crown and a sponsor. The legislation prevents unions from initiating bargaining for a multi-employer collective agreement with a charter school. This aims to maintain charter schools' flexibility and independence and avoid reducing sponsors' level of influence over the terms and conditions offered to their employees. The change does not affect bargaining for any single-employer collective agreement involving a charter school.

150. New Zealand currently has no plans to withdraw its reservation to article 8 of the Covenant.

Article 9 Right to social security

151. New Zealand continues to provide comprehensive, non-contributory benefits to people in a range of circumstances, including unemployment, illness, disability, and people with certain caring responsibilities.

152. New Zealand Superannuation (NZS) is a universal entitlement that provides a basic but adequate standard of living to all New Zealanders aged 65 and over who meet residency requirements. NZS is not means-tested, which allows people to remain in paid employment past the age of 65 whilst still maintaining their eligibility. No work is currently underway in relation to NZS, and the Government has committed to retaining the age of eligibility at 65.

153. From 1 July 2023, Child Support Pass On has enabled sole parents on a benefit to receive child support payments for their children. The Child Support (Pass On) Acts Amendment Act 2023 enables child support collected by Inland Revenue (New Zealand tax system) to be passed on directly to people on a sole parent rate of main benefit.

154. Child support payments are independent of the benefit and are paid by the liable parent to the receiving carer. Previously, for those on the sole parent benefit and receiving child support pass on payments, their child support was collected by the Government and retained to offset the cost of their benefit payments. Those who are eligible now receive these payments, which are passed on in full by Inland Revenue. These monthly payments are then charged forward as income over four or five weeks which may affect the receiving carer's rate of assistance.

Persons in need of social assistance (Paragraph 35 of the concluding observations)

155. Government investment in the welfare system since 2019 has included financial support for low-income workers and families.

156. In 2022 and 2023, New Zealand prioritised measures to reduce the impact of rising global inflationary pressure on New Zealanders' cost of living. These included temporary cost of living payments to low-income households, reductions in fuel excise and half-price public transport.

157. The Government agreed to index main benefits to inflation from 1 April 2024 rather than the previous measure of net average wage growth. Main benefits increasing in line with inflation will maintain the value of the main benefits relative to the cost of living. These changes will impact people receiving a main benefit and will have flow on effects to New Zealanders receiving Accommodation Supplement (AS), Minimum Family Tax Credit (MFTC), or social housing tenants paying income related rent.

158. The April 2024 increase delivered a 4.66 percent (the rate of inflation for the year ending December 2023) increase to rates of main benefit, NZ Superannuation, Veteran's Pension and Student Allowance.

Benefit obligations and sanctions

159. In its 2020 response to New Zealand's follow-up report, the Committee expressed concern about the sanctions regime in New Zealand's social security system.

160. In 2021, the subsequent child policy sanction was removed which allowed parents to have more flexibility to spend more time with their children in the first 1000 days of their life.

161. In August 2024, the Government introduced a Traffic Light System to help people understand their benefit obligations and the consequences of failing to meet those obligations.

162. Under the Traffic Light System, people who have not met their work-related or social obligations will move to orange. They will have five working days to get in touch with MSD to dispute the failure, provide a good and sufficient reason for not meeting the obligation or arrange an activity to re-comply. MSD must make reasonable efforts to determine whether a person has a good and sufficient reason for not meeting the obligation. Individuals can dispute a decision and, if they still disagree, may apply for a review of a decision to stop or cancel a payment.

163. MSD works closely with beneficiaries and many obligation failures are subsequently overturned in favour of the person if they have a good and sufficient reason for not meeting their obligations. There are processes in place to protect people with dependent children. Sole parents receive 50 percent of their benefit payment until they meet their obligations,

regardless of what grade of sanction they are on. They also continue to receive the full amount of any supplementary assistance they had been receiving prior to the sanction.

164. If the person does not contact MSD within five days, they will move to red, where their benefit is reduced or stopped. Individuals who are subject to benefit sanctions and who have dependent children will retain 50 percent of their main benefit payment and will not have their supplementary assistance affected.

165. In December 2024, the Government introduced the Social Security Amendment Bill to Parliament. The Bill proposes four key changes to support people off the benefit and into work where appropriate, including:

- Introducing non-financial sanctions at the ‘red’ setting of the Traffic Light system when individuals fail an obligation for the first time.⁶ Those sanctioned will continue receiving their full benefit payment (as opposed to a 50 percent reduction in main benefit under a financial sanction);
- A requirement for applicants of certain benefits to complete a jobseeker profile questionnaire before their benefit is granted;
- Extending the period over which obligation failures are counted against a client, from the current 12 to 24 months, to increase accountability.

166. A requirement for Jobseeker Support recipients to reapply every 26 weeks for the benefit (52 weeks at present), to enable more frequent support for jobseekers.

167. If passed, the Bill is expected to come into force from May 2025.

168. Noting the Committee’s concerns about the effect of sanctions, the Government’s approach to expectations and sanctions for people receiving a benefit reflects the view that being in employment generally leads to improved incomes and is associated with wider health and wellbeing benefits to people and their families. The Government will continue supporting those who are genuinely unable to work.

Social security and the best interests of the child

169. From April 2023, subsidised childcare assistance was extended to a further 10,000 children, and 345,000 families, including 646,000 children, were estimated to be better off through increases to Working for Families Tax Credits. Around 356,000 beneficiaries are estimated to receive NZ\$118 more per week on average (NZ\$142 during winter) compared to late 2017 policy settings. This figure increases for sole parents and couples with children.

170. MSD offers a range of support and assistance to help families with the cost of childcare, focused on helping parents work and study and supporting children’s learning and development.

171. As part of the on-going work within the social security system, MSD conducted a review of Childcare Assistance. The review identified multiple issues that parents and caregivers were experiencing including issues with the administrative process when making an application and that subsidies had not kept pace with increasing childcare costs. The Government has since implemented measures to improve childcare support including the expansion of Flexible Childcare Assistance (FCA) and increasing the rate of Guaranteed Childcare Assistance Payment (GCAP) to improve support for young parents.

Social services providers

172. The Committee had concerns about the disparity in work conditions between Māori social service providers and non-Māori social service providers and recommended that New Zealand address any indirect disparity of contract renewal of all social service providers.

173. All contracts with Oranga Tamariki – Ministry for Children (Oranga Tamariki) are reviewed annually as part of the contract management process. Contract renewals are

⁶ This applies to individuals in active case management and people with dependent children.

dependent on the type of service being funded and what is needed at the time to support children and young people.

174. Oranga Tamariki is taking a more rigorous approach to contracting to ensure its investment of \$500m in social services goes where it is needed to have the greatest impact on the most vulnerable children and young people across New Zealand. Oranga Tamariki is shifting to prioritise core business including statutory services such as Youth Justice, Care & Protection, Transition Services and family violence sexual violence services. FY2025 is the start of an ongoing programme of work to realign investment to where it is needed most.

Article 10

Protection of family life

A general update as requested by the Committee in the 2020 concluding observations

175. Te Puna Aonui, the Interdepartmental Executive Board (IEB) for the Elimination of Family Violence and Sexual Violence, was established in 2022, building on the work of the Joint Venture that had operated from 2018. Te Puna Aonui brings together nine government agencies that have a role to play in the family violence and sexual violence (FVSV) system.

176. In 2021 *Te Aorerekura, the National Strategy for the Elimination of Family Violence and Sexual Violence* was introduced to eliminate violence, drive government action in a unified way, and harness public support and community action.

177. Te Aorerekura is delivered through Action Plans that guide the Government's work with Māori, specialists, and communities. The second *Action Plan (2025-2030)* was launched in December 2024 and over the next two years will focus on three areas to break the cycle of violence:

- Investing and commissioning: by adopting a social investment approach to ensure funding is going to the right places based on evidence;
- Keeping people safe: aimed at helping people affected by violence, particularly those at high risk or with complex needs;
- Stopping violence: enabling victims/survivors to live free from violence by increasing protections and ensuring people who use violence are held to account and supported to change their behaviour.

178. In 2023, *Te Aorerekura Outcomes and Measurement Framework* (OMF) was published. The OMF defines national outcomes and indicators that are used to measure progress to implement Te Aorerekura. This will support government and public understanding about progress and help shape planning and investment.

179. Engagement with Māori for Te Aorerekura revealed that FVSV profoundly and disproportionately impact almost every aspect of Māori lives, including events that result in the loss of life. The limited data available shows that Māori experience violence differently to other groups, particularly because of the impacts of colonisation, with barriers such as access to services, and fear of children being taken by the State. Māori are also represented in other disproportionately affected groups such as disabled people, older people, and Rainbow communities.

Progress in legislation

180. Parliament enacted the Sexual Violence Legislation Act 2021. The Act made changes to trial processes and the rules of evidence to improve victims' experience in court.

181. The Victims of Sexual Violence (Strengthening Legal Protections) Legislation Bill aims to reduce the risk of child victims of sexual violence being questioned about consent. It also seeks to clarify the law related to automatic name suppression for adult victims of sexual violence, ensuring they are aware of their options and providing a straightforward process to apply to lift suppression.

182. The Victims of Family Violence (Strengthening Legal Protections) Legislation Bill aims to strengthen the courts' statutory powers to protect victims of litigation abuse in family proceedings where the court process is being used to abuse a party to a proceeding.

183. In December 2024 the Stalking and Harassment Bill was introduced to Parliament. The Bill will introduce a new offence of stalking and harassment in the Crimes Act 1961 aimed at addressing the particular harms associated with stalking and harassment behaviours and making stalking illegal with a maximum penalty of up to five years in prison.

Oranga Tamariki

184. Oranga Tamariki launched *Our Strategy* in 2024 and has developed an *'Implementation Plan 2024/2025'*. The Strategy defines the purpose of Oranga Tamariki as to serve those children, young people and families who come to the state's attention through the care and protection or youth justice systems.

185. The focus areas of Oranga Tamariki are to deliver on its core purpose, culture change and getting the basics right. Delivery on the core purpose of Oranga Tamariki involves:

- Timely responses to reports of concerns and missing children;
- Supporting caregivers;
- Reducing youth offending by 15 percent by 2030;
- Improving complaint management practices.

186. The Oranga Tamariki National Care Standards (introduced in 2019) require that each child's needs are assessed and an individualised *'All About Me Plan'* is developed and regularly reviewed. The plan must include support for the child's culture, belonging and identity, connections to family and other significant people, play and recreation, health and education. Oranga Tamariki has a system in place for self-monitoring its compliance with these standards.

Partnership and collaboration to improve the system: Māori-Crown relationships

187. New Zealand formed a Māori Ministerial advisory group, Te Pūkotahitanga, for family and sexual violence in 2022. It is a sustainable mechanism for Māori to give independent advice to the Minister for the Prevention of Family and Sexual Violence and contribute to high-level decisions. Te Pūkotahitanga also contributes to develop Māori research frameworks and build mechanisms for Māori participation.

The Royal Commission of Inquiry into Historical Abuse in State Care

188. The Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions (Royal Commission) report *Whanaketia – Through pain and trauma, from darkness to light*, was tabled in Parliament on 24 July 2024. Deaf, disabled people, tāngata whaikaha Māori (Māori disabled people and their whānau) and people with learning disabilities have been a significant focus in the inquiry. In particular, the report recommends significant change to care safety processes, organisational arrangements, and structures for the regulation, monitoring and commissioning of services including disability support services.

189. The Government is continuing to consider and respond to the Royal Commission's recommendations. The recommendations are complex, and it is important they are considered carefully and respectfully. Since July 2024, the Government has broadly accepted the findings of the Royal Commission and a Crown Response Office has been established to drive the Government's ongoing response.

190. The Prime Minister apologised to all those who were abused and neglected in care in Parliament on 12 November 2024 and announced that decisions on a new redress system for survivors of abuse in care will be taken across 2025. While that work is undertaken, the Government has invested additional funding for existing redress processes to ensure they are more responsive to survivor needs and have more capacity to resolve their claims. The Government has also established a fund to enable local authorities to honour those who died

in care and are buried in unmarked graves, and to strengthen survivor-led initiatives that support those in need.

191. Legislation has also been introduced which includes a range of measures to improve safety in care and the Government confirmed that a National Remembrance Day will be held on 12 November 2025. The Government has agreed a redress process for survivors of torture at the Lake Alice Child and Adolescent Unit, resolving a historic inequity in previous Lake

Alice settlements and setting up urgent financial assistance to Lake Alice survivors who are terminally ill. Decisions on an improved redress pathway for survivors of abuse in care will be taken across 2025.

Article 11

Right to housing and adequate standard of living

192. Housing plays a crucial role in determining the quality of life for people, impacting various aspects such as physical and mental health, social connections, and financial stability over successive generations.

National housing strategies

193. The Committee recommended in response to New Zealand's 2020 follow-up report the adoption of a human-rights based national housing strategy. In 2021 to address this, New Zealand introduced two long-term housing and urban development strategies – the *Government Policy Statement on Housing and Urban Development (GPS-HUD)* and *MAIHI Ka Ora – the National Māori Housing Strategy (MAIHI Ka Ora)*.

194. The *GPS-HUD* must be reviewed every three years. It sets a direction for the future of housing and urban development in New Zealand over the next 30 years with a vision that everyone in New Zealand lives in a home and within a community that meets their needs and aspirations. It focuses on increasing the supply of housing, improving access to housing, improving the quality of housing, and reducing inequity in housing across communities and places.

195. The first *GPS-HUD* was published in 2021 and is currently under review.

196. The 2021 *GPS-HUD* is broadly aligned with the United Nations' 'decent housing' principles. The *GPS-HUD* explicitly notes this alignment, and states that Government will continue to understand what would be required to strengthen alignment with the right to a decent home in our New Zealand context.

197. The *GPS-HUD* is intended to be a system strategy that informs and influences other government sector strategies including *MAIHI Ka Ora*, the *Disability Strategy*, and *Better Later Life – He Oranga Kaumatua 2019 to 2034* for New Zealand's aging population.

198. Housing and Urban Development Indicators track progress towards the long-term goals in the *GPS-HUD* (and *MAIHI Ka Ora*). The indicators are designed to show progress over a five-to-ten-year span and include information on homelessness, housing support, transport, and urban areas, as well as on whānau (family), housing providers, funding, and the relationship between Māori and the Crown. Where data is available, figures are reported for Māori, Pacific peoples, and disabled people, as well as for the general population.

199. *MAIHI Ka Ora* was developed alongside the *GPS-HUD* to ensure they are both cohesive and consistent in their approaches, actions, and aspirations for a better housing system. *MAIHI Ka Ora* supports the Crown to uphold historical Treaty of Waitangi settlements, strengthen the Crown Māori relationship and empower iwi and hapu to create their own housing solutions with government support.

Right to housing (paragraph 40 of the concluding observations)

Emergency housing

200. The Government acknowledges that there is a housing crisis, which can impact people's ability to access stable and secure housing.

201. The number of households accessing grants for emergency housing has varied greatly across the reporting period. In August 2017, 543 households received an Emergency Housing Special Needs Grant (a measure of those in emergency housing), with the number reaching a peak in November 2021 (4,983). Since this peak, numbers have trended downwards, with 474 households receiving the grant as of January 2025.⁷

202. The Government is committed to taking steps to prevent and reduce the need for emergency housing, including:

- Achieving its target of 75 percent fewer households in emergency housing in December 2024. This target was focused on returning emergency housing to its original intent – as a last resort used for short periods and to quickly support people in genuine urgent need into stable housing.
- Establishing a Priority One category to fast-track families with children residing in emergency housing for 12 consecutive weeks or longer into social housing.⁸
- Making policy and legislative changes to shift towards a more rules-based eligibility system to ensure emergency housing grants are provided to those most in need and who have met their responsibilities.
- Funding emergency housing support services to support those in emergency housing to access sustainable accommodation, reduce their re-occurring need for emergency housing, and reduce the overall duration people stay in emergency housing.
- Expanding the Housing Support Product programme in July 2024 which provides MSD with more tools to help people leave emergency housing and enter rental accommodation or other secure accommodation arrangement.
- Improving data to better understand drivers of entries into, and exits out of, emergency housing. By better identifying the needs of people as they enter emergency housing they can be supported to exit quickly into more stable accommodation.
- Funding delivery of more social housing places.

Addressing housing market drivers such as supply responsiveness, rental market tightness, and barriers to building on Māori land. A properly functioning housing system will support the use of emergency housing as a rarely required intervention.

Homelessness

203. The most robust estimates of homelessness are available from the Census. March 2023 estimates show homelessness has been broadly unchanged in terms of prevalence per 10,000 people. In 2023, 111,993 (2.3 percent of the usually resident population) people were estimated as being homeless.

204. The Waitangi Tribunal released its *WAI 2750 Stage One report* into Māori homelessness in 2023. The Tribunal found the Crown failed to adequately collect data on homelessness and did not act with sufficient urgency to address rising levels of Māori homelessness. Māori experience higher rates of homelessness than the general population and are over-represented in government housing supports including emergency housing.

205. The Government is taking steps to prevent and reduce homelessness and will continue to consider what is required to strengthen alignment with the Tribunal's Stage One findings.

⁷ These figures do not include contracted emergency housing in Rotorua as contracted emergency housing does not go back to 2017.

⁸ Following the introduction of the Priority One fast-track process, 843 families and 1,737 children have moved from emergency housing (generally motels) into social housing as of November 2024.

Sustaining tenancies (addressing Committee's response to 2020 follow-up report)

206. It is unlawful for a landlord to terminate any tenancy without lawful grounds under the Residential Tenancies Act 1986. The Tenancy Tribunal helps tenants to enforce their rights and, if needed, contest the termination of a tenancy in an accessible manner.

207. The Government is implementing a range of funds and initiatives which seek to address homelessness risk factors before an eviction:

- Sustaining Tenancies Programme: social services to help support tenants in rental properties (private or social) who are at risk of losing their tenancies, to prevent a loss of tenancy, or if tenancy is lost, to help achieve a new tenancy. Support services are tailored for each individual or family and help to address issues such as struggling to pay rent, mental or physical health concerns, or risk factors such as addiction or family violence.
- Housing Support Products: provide financial assistance to vulnerable households to help them obtain (through assistance with bonds and rent in advance) or maintain (through assistance with rent arrears) a tenancy.

Increasing the supply of housing

208. The Government acknowledges that over the last three decades, not enough houses have been built in the places they are needed, and urban development has not been responsive enough to meet the need and demand. This has fuelled high housing costs, contributing to high financial stress and rates of homelessness.

209. Current global economic conditions present additional challenges to increasing housing supply and recent extreme weather events experienced in New Zealand are compounding the issues. New Zealand needs to build with future events in mind, to increase adaptability to the impacts of climate change and ensure sufficient land with low risk from natural hazards is available for development.

210. The impact of New Zealand's housing shortage is particularly hard for households with additional needs not being met through the private housing market. These include smaller homes for single adults and retirees, larger homes for multi-generational households, and accessible homes for people with disabilities.

211. The Government is introducing a programme of work, with a focus on five key priorities, to help fix the housing crisis:

- Increasing the supply of developable land for housing: the Going for Housing Growth Initiative aims to target the underlying causes of the housing shortage, such as constraints on growth, to increase the supply of housing and lower the price of land for development.
- Delivering better social housing: taking a deliberate, evidence-based approach to make social housing investments with the biggest difference for people in need.
- Reforming the resource management system: removing red tape and green-lighting infrastructure and housing development.
- Improving efficiency and competition in building and construction: making it cheaper and easier to build.
- Improving rental markets.

212. Between 2018 and June 2023 the public housing build programme delivered over 12,000 total public housing places. An additional 3,000 public housing places are to be delivered in 2024-2025, bringing the total social housing places to more than 85,000.

213. The Government has announced decisions to require councils to free up land for housing. These changes will be implemented through a revised *National Policy Statement on Urban Development* requiring councils to plan well for growth and ensure a well-functioning urban environment for people and communities. Requirements are expected to be in place by mid-2025.

Improving rental markets

214. The Residential Tenancies (Healthy Home Standards) Regulations 2019 include minimum standards for heating, insulation, ventilation, moisture ingress (dampness) and drainage, and draught stopping. Landlords not meeting their obligations under the healthy homes standards are in breach of the Residential Tenancies Act 1986 (RTA). They may be

liable for exemplary damages of up to \$7,200. The Ministry of Business, Innovation and Employment investigates breaches of and enforce compliance with the Residential Tenancies Act.

215. The Government has made a number of changes through the Residential Tenancies Amendment Act 2024. Changes include allowing landlords to terminate periodic tenancies on a 'no cause' basis with a 90-day notice period, reducing landlord termination notice periods to 42 days where specific grounds apply for periodic tenancies, reducing tenant notice periods for periodic tenancies, and allowing landlords to unilaterally end fixed term tenancies on their expiry date without a specific reason. The Government's view is at the margins, the changes will increase rental supply and support affordability by encouraging landlords into the market.

216. The Amendment Act also introduced pet bonds and pet consent rules, which aim to help renters with pets to find rental accommodation.

217. The family violence provisions (the ability to leave a tenancy with two days' notice) in the Residential Tenancies Act can be used by a tenant who is experiencing family violence. The Amendment Act extended the existing provisions to the situation where dependents of the tenant (for example, children or dependent adults) are subject to family violence.

218. The Government considers the introduction of pet bonds and pet consent rules will further enable tenants to leave family violence situations by making it easier for people to find pet friendly rentals. Research from the Women's Refuge NZ shows 53 percent of women in violent relationships delay leaving because they are scared for the safety of the pets in their household. 73 percent of these women said they would leave sooner if there was another place for their pets to go.

Funding and programmes for iwi and Māori

219. Whai Kāinga, Whai Oranga invests in by Māori for Māori solutions. It provides significant funding to speed up the delivery of Māori-led supply across the housing continuum. It funds both small-scale Māori housing projects and larger developments, from repairing existing homes to building new ones. As of June 2024, \$356 million has been approved or contracted to investment in supply, repairs and capability through Whai Kāinga Whai Oranga. This funding has contracted 1046 new homes, 2014 sites enabled with infrastructure and 633 repairs of homes.

220. Iwi and Māori organisations are eligible to access other general funds and programmes for housing. For example, Land for Housing complements other government initiatives to increase outcomes by acquiring vacant or under-utilised Crown and private land suitable for residential development. While not an exclusive programme, most Land for Housing development opportunities involve commercial partnerships with iwi.

221. The programme:

- Works with iwi where Crown land suitable for housing development is subject to Treaty settlement obligations, for examples, rights of refusal;
- Investigates opportunities identified by iwi to partner in development;
- Facilitates Treaty settlement opportunities over land to be acquired for housing.

222. As of June 2024, through 17 partnerships 1,584 homes have been completed by iwi or Māori development partners under signed development agreements.

Affordable housing for persons with disabilities and accessible housing

223. In New Zealand there is a shortage of accessible homes that meet the needs of disabled people. Government agency Kāinga Ora – Homes and Communities (Kāinga Ora) supplies and manages around 80 percent of New Zealand’s government funded social housing. In 2019 Kāinga Ora established its Accessibility Policy which committed to at least 15 percent of all new build public homes to be universally designed. Since then, Kāinga Ora has built over 900 homes (out of approximately 4700 eligible new homes) that met the Full Universal Design standard. Kāinga Ora works with its tenants and funding agencies to ensure modifications are undertaken on homes to meet tenants’ needs.

224. Across the broader housing work programme, the Government promotes accessible housing where possible, particularly where there is likely to be a higher need for this. Examples of this include:

- In 2023 the Code of Practice for Transitional Housing was introduced, requiring providers to ensure properties contain sufficient space and are physically accessible for the household members occupying them. Providers must also note this responsibility in the Housing Agreement between themselves and the tenant.
- Whai Kāinga Whai Oranga (mentioned above): provides funding and support for Māori to determine their own housing solutions. Many of these developments have incorporated universal design features to respond to disability needs within the community.
- The Affordable Rental Pathway: supports the building of new homes for people who struggle to meet the cost of a market rental but can’t access social housing. Amongst the successful proposals were projects offering homes with a range of design features to cater to people with accessibility needs.

225. Further work is required to establish conditions which would see higher numbers of more accessible housing available, particularly in the private rental market. Initial work on options to incentivise the provision of accessible rental properties was undertaken in 2023. The Government is continuing to build its understanding of how to improve accessibility within the housing system.

Housing for older persons

226. Older persons in New Zealand are more likely than the total population to own their own home, with the 2023 Census showing 76 percent of older persons (those aged 65 years and over) owned their own home, compared to 51 percent of the total adult population. However, the number of older persons who will enter later life renting is projected to increase to 40 percent or 600,000 people by 2048.

227. Around 4 percent of older people rely on government subsidised social housing, and unmet demand for this form of support is steadily increasing. Social housing plays a role in providing affordable housing for eligible older people as it allows tenants to pay rents which are generally set at 25 percent of their income. Some Community Housing Providers specialise in the provision of social housing to older people.

228. The Government also supports the modification of existing rental properties to support the needs of older people and those with disabilities. For example, tenants can request modifications to their properties and then a landlord must accept the request unless they have good reason not to if the changes are minor.

229. A small but increasing number of older people experience homelessness. 2023 research found 18 percent of older people experience housing vulnerability, and up to 40 percent of older renters. The Government continues to progress work to address these issues.

Canterbury Earthquakes Insurance Tribunal

230. The Canterbury Earthquakes Insurance Tribunal was established in 2019 and provides Canterbury homeowners with a fair, flexible and cost-effective way to resolve their long-standing claims with insurers and the Natural Hazards Commission (formally

Earthquake Commission). Tribunal decisions are binding and enforceable but may be appealed to the High Court.

Tackling child poverty (paragraph 38 of the concluding observations)

231. Reducing child poverty significantly improves the lives of children, young people and their families. The Child Poverty Reduction Act 2018 (CPRA) established ongoing political accountability for child poverty reduction. Governments are required to set and report against 3-year and 10-year targets for reducing child poverty, and report annually on progress across multiple measures and indicators.

232. Between 2021 and 2024 none of the three child poverty reduction targets were met. In the past two years all three primary measures of child poverty have been trending upwards. This reflects the increase in cost-of-living pressures, rising housing costs, challenging economic and labour market conditions, and incomes that have remained relatively flat in real terms.

233. Actions the Government is taking to address the cost of living and long-term poverty have included lifting the incomes of working households experiencing hardship by providing tax relief, reducing inflation, and making childcare more affordable by introducing the FamilyBoost childcare tax rebate. Also, a focus on addressing the long-term drivers of child poverty including reducing long-term benefit dependency and lifting education and skills. The Government also provides the Healthy School Lunches programme, discussed in paragraphs 308-309.

234. Reducing child material hardship is one of the three priorities identified in the refreshed *Child and Youth Strategy*, reflecting the lifelong impact that material hardship in childhood can have. The Strategy priority areas are expected to underpin cross-government work and investment. The material hardship priority will focus on addressing additional household costs, such as costs associated with disability, and addressing the drivers of long-term disadvantage and hardship, including in relation to health, housing, education and employment.

Right to water (paragraph 43 of the concluding observations)

235. Progress has been made on implementing the findings of the Havelock North Inquiry (HNI), including increasing the expectations on drinking water suppliers through the Water Services Act 2021 and establishing Taumata Arowai, the NZ Drinking Water Regulator, to enforce these regulations and improve drinking water supplier performance.

236. The key recommendation from the HNI is to improve source water protection through amendments to the National Environmental Standards for Sources of Human Drinking Water (NES-DW). Ministers are considering whether to include amendments to the NES-DW as part of further work on resource management reform.

237. In April 2024, the Government introduced the Local Water Done Well Bill, requiring territorial authorities to prepare and submit *Water Services Delivery Plans* within 12 months of enactment of the Bill. The Plans must include:

- Detailed information on the current state of the territorial authority's water services arrangements for water supply (including drinking water), wastewater and storm water;
- A demonstration of the territorial authority's commitment to deliver water services in ways that are financially sustainable, meet standards for water network infrastructure and water quality, and support the territorial authority's housing growth and urban development.

238. Additionally, the Government has commissioned a revision of the New Zealand Standards for drilling in soil and rock, which is now underway.

239. The Government has committed to review and replace the *National Policy Statement for Freshwater Management 2020* (the NPS-FM) using a full and robust process involving consultation with all stakeholders. The stated intention is to ensure the replacement NPS-FM

takes a pragmatic and balanced approach to freshwater management, which provides for and recognises the interests of all water users.

240. The Crown has acknowledged that Māori have rights and interests in freshwater and geothermal resources and are committed to upholding this acknowledgement.

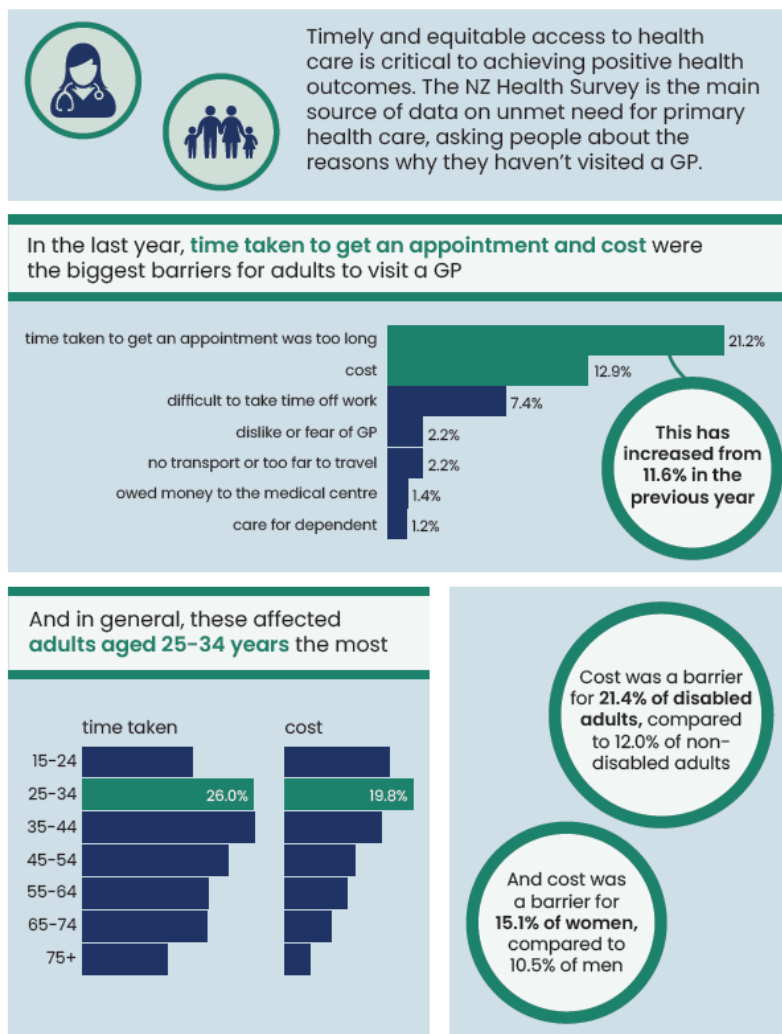
Article 12 Right to physical and mental health

241. The health system continues to experience high rates of patient enrolment overall. As of March 2024, the proportion of people enrolled with a general practice (GP), or Kaupapa Māori provider delivering general practice care, was 94.4 percent of the estimated resident population (see Fig 8).

242. Work is underway in a range of areas relating to access to care, including work to design:

- Accessible urgent care and after-hours services to reduce demand on emergency departments;
- A rural urgent and unplanned care system that responds to rural communities’ needs and improves equity of access and outcomes.

Figure 5
Barriers to visiting a GP for adults in 2022/23



Source: Graphic supplied by Health NZ.

243. In March 2024, the Government set five targets for the health system:

- 95 percent of children fully immunised at 24 months of age;
- 90 percent of patients to receive cancer management within 31 days of the decision to treat, delivering better coordinated, faster quality care for patients with cancer;
- 95 percent of patients to be admitted, discharged, or transferred from an emergency department within six hours. Emergency department wait times provide a barometer for the health of hospitals and the level of pressure in the system;
- 95 percent of patients waiting less than four months for a first specialist assessment. Ensuring that people get timely access when they are referred to a specialist is important so they have greater certainty about their conditions and whether they need further elective surgery.
- 95 percent of patients to wait less than four months for elective treatment.

**Addressing health inequities
(paragraph 45 of the concluding observations)**

For Māori

244. Māori continue to experience worse health outcomes across multiple measures. For example, data taken from 2023 showed Māori children aged 0-4 years were 1.5 times as likely to experience an ambulatory sensitive hospitalisation (avoidable hospitalisation) compared with non-Māori, non-Pacific children. Overall immunisation coverage for Māori children is 18 percent lower than the immunisation rate for non-Māori children at the same age. In March 2024, 65 percent of Māori children were immunised at the 24-month milestone, compared with 83 percent of non-Māori children at the same milestone.

245. Māori experience long-term health conditions commonly associated with older age earlier than non-Māori and are more likely to be diagnosed with multiple conditions. Additionally, Māori are more than two-and-a-half times as likely to experience multiple long-term conditions compared with European/Other people.

246. The need to address health inequities for Māori is recognised in the Pae Ora (Healthy Futures) Act 2022. A purpose of the Pae Ora Act is to achieve equity in health outcomes among New Zealand's population groups, including by striving to eliminate health disparities, in particular for Māori.

247. The Pae Ora Act requires the Minister of Health, the Ministry of Health, and all health entities to be guided by the health sector principles that include ensuring Māori and other population groups have access to services in proportion to their health needs, receive equitable levels of service, and achieve equitable health outcomes. They also require the health sector to:

- Engage with Māori and other population groups to develop and deliver services and programmes, reflecting their needs and aspirations;
- Provide opportunities for Māori to exercise decision-making authority on matters of importance to Māori.

248. The Māori Health Authority (Te Aka Whai Ora) was disestablished on 30 June 2024 and is being replaced with a new vision and plan for Māori health, focused on identifying need and responding to it. The Government is focusing on improving outcomes for Māori with the highest needs and shifting decision-making closer to communities. A new Māori health strategy (currently under development) forms a key part of the Government's alternative plans for Māori health following the disestablishment of the Māori Health Authority.

249. The Hauora Māori Advisory Committee continues to provide the Minister of Health with independent and actionable advice around Māori health priorities and assists with monitoring Māori health outcomes and system performance. Iwi-Māori Partnership Boards work with health entities to ensure health services better respond to Māori needs. They represent local Māori perspectives on Māori needs and aspirations, how the health system is

performing in relation to those factors, and the design and delivery of services at a local level. To date, 15 Boards have been recognised under the Pae Ora Act and two more are in the process of being recognised.

250. *He Korowai Oranga: Māori Health Strategy* has been updated over time, including through *Whakamaua: Māori Health Action Plan 2020-2025*. Whakamaua is a five-year action plan, developed alongside an Expert Advisory Group, which included Māori academics and researchers, health professionals, and iwi, disability and young Māori leaders. The objectives in Whakamaua are to:

- Accelerate and spread the delivery of kaupapa Māori and whānau-centred services;
- Shift cultural and social norms;
- Reduce health inequities and health loss for Māori;
- Strengthen system accountability settings.

251. The Ministry of Health monitors and evaluates this action plan. The Whakamaua dashboard has been published annually since 2021. Thirteen insights gathered indicate Māori continue to experience worse health outcomes across multiple measures. However, measures that focus on system use and access for Māori have improved. For example:

- Health funding for rongoā (traditional Māori system of healing) providers increased between 2019/20 and 2022/23, which enabled an 85 percent increase in client contacts.
- Total funding to Māori health providers increased from \$403.1 million in 2018/19 to \$812.8 million in 2022/23 (an increase of 101.6 percent).

For Pacific peoples

252. *Te Mana Ola*, the first ever *Pacific Health Strategy for Aotearoa New Zealand*, was published in 2023. *Te Mana Ola* sets the direction and long-term priorities to achieve equity in Pacific health and wellbeing outcomes over the next 10 years.

253. The Ministry of Health is implementing *Te Mana Ola* by strengthening its Pacific health intelligence function to ensure effective monitoring and improvement of Pacific health data quality and information standards. Currently, Pacific peoples are systematically under-represented in health data collection, analyses, and reporting. The Ministry expects to publish updated Pacific health data and information (*Tupu Ola Moui: The Health of Pacific Peoples in Aotearoa New Zealand*) later in 2025. This will help monitor health system performance against the priority areas in *Te Mana Ola* and help achieve Pacific health and data equity.

For disabled people

254. Disabled people have poorer health and mental health outcomes, higher rates of mortality and lower life expectancy compared with non-disabled people. Intellectually disabled people can die up to 18 years earlier than non-disabled people. Disabled people are diverse and can experience compounding health-related disadvantage, including tāngata whaikaha Māori, tagata sa'ilimalo (Pacific disabled people, their families and carers) and people with intellectual/learning disabilities.

255. The Pae Ora (Healthy Futures) Act 2022 requires a *Health of Disabled People Strategy* to provide a framework guiding health entities to improving health outcomes for disabled people and their whānau. A provisional Strategy was published in July 2023, identifying five focus areas for the health system to achieve pae ora (healthy futures) for disabled people and their whānau. These areas, developed through analysis of research and evidence and engagement with disabled people, are:

- Embed self-determination of disabled people and their whānau as the foundation of a person and whānau-centred health system;
- Ensure the health system is designed by and accessible for disabled people and their whānau and provides models of care that suit their needs;

- Ensure the health system is part of a coherent cross-government system that addresses broader drivers of poor health and wellbeing;
- Build health workforce capacity and capability to meet the needs of disabled people and their whānau;
- Increase the visibility of disabled people in health data, research and evidence as part of an active learning system.

256. The Minister of Health has agreed a three-year work programme that focuses on those with highest health need, including tāngata whaikaha Māori, Pacific and intellectually disabled groups. It aims to improve disabled people's access to primary and community care, better prepare the health workforce to care for and support the choices disabled people make about their health and strengthen the Ministry of Health's data and monitoring capabilities to track progress on improving the health outcomes of disabled people.

Mental health
(Paragraph 47 of the concluding observations)

257. In 2018, New Zealand launched an independent inquiry into mental health and addiction. *He Ara Oranga: Report of the Government Inquiry into Mental Health and Addiction* was released the following year. The report called for urgent action to transform New Zealand's approach to mental health and addiction and ensure more options for people to access support.

258. In 2019, \$1.9 billion NZD was invested in a mental wellbeing package, including \$455 million NZD for people with mild to moderate mental health and addiction needs.

259. Steps taken to implement the Government's response to He Ara Oranga include:

- Establishment of the Mental Health and Wellbeing Commission to monitor and advocate for mental health and addiction services;
- Release of *Kia Manawanui Aotearoa: Long-term Pathway to mental wellbeing*, a whole-of-government strategy and action plan to improve mental wellbeing;
- Publication of the *Oranga Hinengaro System and Service Framework* setting out the direction for the mental health and addiction system and services over 10 years;
- The release of *Every Life Matters – He Tapu te Oranga o ia Tangata: Suicide Prevention Strategy 2019–2029* and following that, the first *Suicide Prevention Action Plan 2019–2024* (which is now being followed by the development of the *Suicide Prevention Action Plan 2025–2029*);
- The introduction of a new Mental Health Bill to repeal and replace New Zealand's Mental Health (Compulsory Assessment and Treatment) Act 1992. The Mental Health Bill aims to create a modern legislative framework that shifts compulsory mental health care towards an approach based on people's rights and recovery.

260. Challenges remain with availability of and access to mental health services, including wait times and workforce shortages, and addiction services. Addressing these issues, as well as addressing inequities across all population groups for mental health outcomes, are priorities of the current Government.

261. In 2024, New Zealand appointed its first Minister for Mental Health. As a result, the *New Zealand Government Policy Statement on Health 2024-2027*, released in June 2024, included four priorities for mental health and addiction along with specific targets. The priorities are:

- Increasing access to mental health and addiction support;
- Growing the mental health and addiction workforce;
- Strengthening the focus on prevention and early intervention;
- Improving the effectiveness of mental health and addiction support.

262. In July 2024, the Minister for Mental Health also announced five targets to set expectations for health system performance, improve outcomes for people with mental health and addiction needs, and support people to stay well. The targets are:

- Faster access to specialist mental health and addiction services;
- Faster access to primary mental health and addiction services;
- Shorter mental health and addiction-related stays in emergency departments;
- Increased mental health and addiction workforce development;
- Strengthened focus on prevention and early intervention.

263. The Department of Corrections provides mental health services for prisoners with mild to moderate needs within prisons. Forensic mental health services are provided for prisoners with high and acute mental health needs, available nationally through five specialised regional services.

Use of seclusion and restraint in mental health services

264. New Zealand acknowledges seclusion is not therapeutic and can be harmful to both patients and staff. In addition, Māori and Pacific people experience higher rates of seclusion.

265. Legislation and guidance state that seclusion or restraint should only be used to ensure the safety of patients or others and as an emergency intervention when all less restrictive strategies and approaches have been tried without positive effect.

266. Work towards reducing and eliminating use of seclusion in mental health services is underway. This includes:

- A new standard for providers of health and disability services (Ngā Paerewa) introduced in 2022, requires providers to work towards being seclusion free and sets out criteria for seclusion and restraint. These criteria focus on culturally appropriate approaches and inclusion of Māori and lived experience voices.
- New guidelines, published in 2023, for the use of seclusion and restraint under the Mental Health Act. These focus on preventing and safely reducing and eliminating seclusion and restraint. They will help mental health inpatient services meet the requirements of Ngā Paerewa in relation to seclusion and restraint.

267. The Mental Health Bill, currently before Parliament, supports a more limited use of seclusion and other restrictive practices.

268. The national Zero Seclusion project, which works with mental health services to eliminate seclusion, improve equity, and showcase practices that demonstrate effective seclusion reduction.

269. Reporting shows the use of seclusion has been trending down over time. The latest report, for 2022/23, shows that since 2009 (when a seclusion reduction policy was introduced) the total number of hours spent in seclusion has decreased by 65 percent. The 2022/23 report shows a 16.7 percent drop in seclusion hours from the preceding year, providing an early indication of progress since the new guidelines were introduced.

270. Long-term results show that, since 2009, the total number of people who experienced seclusion while receiving mental health treatment in an adult inpatient service has decreased by 35 percent, however the number of Māori who have been secluded has increased by 43 percent across the same period. The Office of the Director of Mental Health and Addiction remains committed to working with Health New Zealand and Te Tāhū Hauora | Health Quality & Safety Commission to reduce and eliminate seclusion, in line with their Zero Seclusion project.

271. Seclusion can also occur in intellectual disability services, either under mental health legislation or in hospital-level services for people with intellectual disabilities who have been charged with or convicted of an imprisonable offence. Work to review and update guidance in this area, including guidance on seclusion, is proposed over the next two to three years.

Other key developments in the right to physical and mental health

Smoking/vaping regulation

272. New Zealand has seen a significant decline in daily smoking rates. The 2023/24 New Zealand Health Survey results show that 6.9 percent of New Zealanders are smoking daily, down from 16.4 percent in 2011/12. This is close to the 2025 smokefree goal of 5 percent daily smoking.

273. However, despite smoking rates having reduced for all groups of New Zealanders, daily smoking rates for Māori, Pacific, low-income earners, adults with disabilities, and people experiencing mental health and addiction issues remain higher than others.

274. Youth smoking rates are very low – in 2024, the Action for Smokefree (ASH) Year 10 survey showed that 8.3 percent of 14-15-year-olds have never smoked, and only 1.2 percent smoke daily. The number of young people vaping has reduced for the first time – 8.7 percent now vape daily. However, rates are still higher for those students in low socioeconomic areas, and for Pacific and Māori students – e.g. 25.3 percent of Māori girls vape daily.

275. In December 2024 changes were made to the Smokefree Environments and Regulated Products Act 1990 to prevent youth vaping including:

- A complete ban on disposable vapes (takes effect June 2025);
- Significant increases in fines for sales to under-18s (immediate effect);
- Visibility restrictions on retailers (takes effect June 2025);
- Proximity restrictions relating to early childhood education centres (immediate effect).

276. The maximum fine for selling vapes or other regulated products to under-18s has increased from \$10,000 to \$100,000. The penalty for infringement offences has risen from \$500 to \$1,000 for individuals and to \$2,000 for businesses.

Reproductive health

277. In 2020, New Zealand decriminalised abortion and modernised the legal framework for abortion services. In 2022, provision for safe areas was added to the legislation. Safe areas can be established at abortion providers' premises to protect the safety, wellbeing, privacy and dignity of people accessing or providing abortion services. Certain behaviours, such as obstructing entry to the premises, recording in a way likely to cause emotional distress, or protesting about abortion services, are prohibited in these areas. Fourteen safe areas have now been created.

278. The Director General of Health is required to undertake a periodic review of certain matters within the Contraception, Sterilisation and Abortion Act 1977 and report to the Minister of Health on the outcome of the review and any recommendations. This review happens every five years, with the first review due in March 2025. The review considers whether there is timely and equitable access to contraception, sterilisation, and abortion services, information services about whether to continue or terminate a pregnancy, and counselling services. It also considers the relative costs for people accessing services and whether there is any evidence of 'sex selective' abortion. Consumer research reports that focus on Māori and Pacific, Disabled People, and Rainbow People's experiences of abortion services will help inform the review.

279. The Committee on the Convention of the Rights of Persons with Disabilities and New Zealand's Independent Monitoring Mechanism (established under Article 33 of the CRPD) have raised concerns about non-consensual sterilisation of disabled people. The full extent of non-consensual sterilisations of disabled people in New Zealand is currently unknown. The Ministry of Health is working to improve data collection and monitoring of disabled people accessing sterilisation services.

Rainbow rights to health

280. New Zealand is developing a rights-based approach to healthcare for intersex children, young people and their families, to reduce unnecessary medical intervention and prevent associated harms. This will include appropriate information and peer support for intersex children, young people and their families to make informed decisions about their healthcare.

281. The Births, Deaths, Marriages, and Relationship Registration Act 2021 strengthened the rights of rainbow communities by introducing an administrative process for people to change the sex recorded on their birth certificate, including options for those who do not identify as male or female, based on self-identification. The 2023 Census was the first to ask New Zealanders about their gender, sexual identity, and variations of sex characteristics.

Assisted dying

282. The End of Life Choice Act 2019 came into force in 2021 giving eligible persons the right to end their life using medications administered by approved health practitioners. There are extensive safeguards to ensure only people who are eligible and competent can have an assisted death. For example, a person cannot be eligible for assisted dying solely on the basis of disability or impairment.

283. There has been a gradual increase in demand since the service commenced in November 2021 and is expected to continue through the coming years. For the 2023/2024 Registrar's reporting period, 834 new applications were made. Of these, 82.49 percent were NZ European/Pakeha; 3.84 percent Māori; 48.80 percent female; 78.41 percent were 65 years or older; 75.78 percent were receiving palliative care at the time they made the application, and 68.82 percent had a diagnosis of cancer.

284. Under the End of Life Choice Act, the Ministry of Health must review the operation of the Act within three years of it coming into force, and every five years after that. The first review was completed in November 2024. The Government agreed that any changes to the Act be proposed through a private members bill.

Article 13

Right to education

285. Education in New Zealand provides each student with continuous learning, progression, and choice. The Government maintains that all children and young people should have access to high-quality education and has set objectives with a strong focus on progress and achievement, underpinned by assessment for learning.

286. The Government has two education targets for 2030:

- 80 percent of students to be present for more than 90 percent of the term;
- 80 percent of Year 8 students at or above the expected curriculum level for their age in reading, writing and maths by December 2030.

287. Recent actions to improve school attendance rates include a public awareness campaign promoting the importance of regular attendance, and the final design of the Stepped Attendance Response (STAR) being completed. Schools are required to have a stepped response to attendance implemented by Term 1 2026, as part of the *Attendance Management Plan*.

288. In April 2024, the Government announced six education priorities:

- Clearer curriculum: Establishing a knowledge-rich curriculum grounded in the science of learning;
- Better approach to literacy and numeracy: Implementing evidence-based instruction in early literacy and mathematics;
- Smarter assessment and reporting: Implementing consistent modes of monitoring student progress and achievement;

- Improved teacher training: Developing the workforce of the future, including leadership development pathways;
- Stronger learning support: Targeting effective learning support interventions for students with additional needs;
- Greater use of data: Using data and evidence to drive consistent improvement in achievement.

**Inclusive education
(Paragraph 49 of the concluding observations)**

Māori learners

289. The Committee recommended that New Zealand develop culturally appropriate education programmes in partnership with Māori and identify associated education targets, with the aims of improving the educational outcomes among Māori students.

290. Governments have explicitly recognised through regular reporting that many Māori learners are still in settings that do not effectively respond to their identity, language and culture, and where they are experiencing bullying, teacher bias and racism. The Government recognises the need for a stronger focus on learner wellbeing, and that collaboration with Māori communities, schools and kura is necessary to ensure Māori learners are present, safe and succeeding in education.

291. In September 2024, a Māori Education Ministerial Advisory Group was established to address these challenges and improve outcomes for Māori learners. The advisory group provides independent advice on all matters related to Māori education in both English medium and Māori medium settings, focusing on the most impactful ways achievement can be lifted for Māori learners and the persistent equity gap in the education system closed. The Minister of Education has also committed to engaging with Te Matakahuki, a collective of leaders and representative groups of Kaupapa Māori education, to identify shared priorities.

292. In November 2024, the Government released its *Māori Education Action Plan* with an approach to deliver better outcomes in the classroom for Māori students. The plan outlines early actions to support the achievement of Māori students in English medium settings, decisions to strengthen Māori medium education and early language acquisition, and a commitment to working with leaders and representative groups of Kaupapa Māori education.

293. The *Māori Education Strategy, Ka Hikitia-Ka Hāpaitia* seeks to respond to Māori learners within the context of their whānau, hapū, and iwi to ensure that Māori learners are free from racism, discrimination and stigma; to recognise that Māori are diverse and need to be understood in the context of their diverse aspirations and lived experiences; and to understand that identity, language and culture matter for Māori learners.

294. Iwi and community organisations play an important role in building stronger relationships at the local level. The Ministry of Education has a range of relationships with iwi, from formal through to regular one-on-one meetings. The Ministry of Education also works with the Mātauranga Iwi Leaders Group which provides a collective voice for iwi on education matters. It has particular focus on building whānau learner capability, targeted support for mental health and learners with additional learning needs.

Māori – teacher supply

295. The Māori population in New Zealand is increasing, up from 18.5 percent in 2018 to 19.6 percent in 2023. Over the same period there has been a 25.9 percent increase in the number of students enrolled in Māori Medium Immersion and a 38.9 percent increase in the number of students enrolled in Māori language programmes in English Medium Immersion.

296. The significant increase in enrolments in kaupapa Māori/Māori medium education is not matched with an increase of qualified teachers. To meet this growing enrolment, more teachers who identify as Māori for English medium settings, teachers with capability to teach in kaupapa Māori and Māori medium settings, and specialist te reo Māori language teachers

for secondary schools are required. Additionally, the te reo Māori language capability of some teachers in the existing workforce requires strengthening.

297. A high-quality learning support workforce and social service provision is needed alongside the teaching workforce to meet the needs of Māori learners and their whānau across all levels of te reo Māori provision.

298. There are initiatives in place to support the growth of teachers in Kaupapa Māori and Māori Medium education settings including scholarships, study awards and allowances, mentoring support, and a pilot programme to address undersupply and retention of teachers in Māori medium settings.

Pacific learners

299. The *Action Plan for Pacific Education 2020–2030* maps the Government's commitment to improving outcomes for Pacific learners and families. It signals how early learning services, schools and tertiary providers can achieve change for Pacific learners and their families. The Action Plan was refreshed in 2023 and includes a renewed focus on Pacific bilingual and immersion education and Pacific languages in education.

300. Most Pacific learners are learning in English medium settings. Approximately 40 schools have Pacific bilingual and immersion units where the medium of instruction is a Pacific language. Anecdotal data from these schools suggests that students who are learning in their heritage language have higher attendance, are more engaged, and achieve well in both heritage and English language assessments. Additional funding is provided for schools offering Pacific medium education. The languages that the Ministry funds are Gagana Sāmoa, Lea FakaTonga, Vagahau Niue, Te Gagana Tokelau and Te Reo Māori Kūki 'Āirani (Cook Islands).

Children with disabilities and inclusive education

301. New Zealand takes a range of measures to facilitate access to inclusive education including through legislation, curricula, property requirements and allocation of additional resources and support for children and young people with learning support needs. Despite these measures, as mentioned in paragraphs 85-88, New Zealand continues to face challenges facilitating access to inclusive education for all disabled learners.

302. Learning support provision in education is based on understanding the needs and strengths of learners within the contexts in which they learn. Access to Ministry of Education learning support is not dependent on a formal diagnosis. Learning support provision is flexible and supports learners within their individual learning environment.

303. All school property projects must comply with design standards and requirements and should follow best practice. The *Designing Schools in Aotearoa New Zealand School Property Design Standards* were updated in June 2022 and provide standards and guidelines for new buildings and facilities to be inclusive and accessible to all learners. There is funding available to support modifications to existing school buildings to respond to the accessibility needs of students and staff.

304. In response to recent reviews and recommendations related to inclusive education for disabled learners, the Government is developing a work programme for targeting effective learning support interventions for students with additional needs. Key features include:

- Creating a data-driven funding model focused on delivering high-quality interventions, programmes and supports;
- Operational changes to make the system easier to navigate and to improve data collection;
- Optimising the learning support workforce;
- Building teacher capability to meet diverse learning needs;
- Developing a network plan for specialist and alternative provision.

Bullying and harassment

305. The Education and Training Act 2020 requires Boards of Trustees to take all reasonable steps to eliminate racism, stigma, bullying, and any other forms of discrimination within the school. School boards must also ensure that their school is a physically and emotionally safe environment for all students and staff, and that it is inclusive of and caters for students with differing needs.

306. Schools are self-governing entities, able to make their own decisions about how to prevent and respond to bullying. However, the Office of the Children’s Commissioner has made recommendations about how schools should respond to reports of bullying. Parents and/or carers and students should expect:

- To be heard and responded to sensitively and not dismissed;
- To be told that the report will be investigated along with a response;
- To receive feedback on the situation with the incident responded to in an appropriate way;
- To be protected from negative consequences of their reporting;
- That the school or kura will intervene and support initiators, targets and bystanders involved in bullying behaviour.

Indirect schooling costs and funding of public schools

307. In 2023, the *Equity Index* (a statistical model based on 37 socioeconomic factors) was introduced to replace the decile system. The factors that make up the *Equity Index* were selected by looking at the circumstances and results of students who have already been through the New Zealand education system, and analysing which socioeconomic factors had the greatest impact on their education outcomes.

308. The *Equity Index* is used to identify and target resourcing to respond to socioeconomic barriers in schools and to reduce the impact of socioeconomic status on achievement. It is also used as a factor in deciding which schools are eligible for the healthy school lunches programme (discussed below), the school donations scheme, and other supports for schools.

309. An evaluation is underway to assess the influence of the *Equity Index* on school practices, student outcomes and community perceptions of schools. The evaluation is planned to run until 2026.

Ka Ora Ka Ako | Healthy School Lunches Programme

310. In 2020, the government-sponsored Ka Ora Ka Ako | Healthy School Lunches Programme was introduced following a short pilot scheme in 2019. The programme aims to reduce food insecurity by providing access to a nutritious lunch every school day to all learners in eligible schools. Ka Ora Ka Ako is targeted at 25 percent of learners, focussing on schools and kura with the highest concentration of learners facing the greatest socioeconomic barriers according to the Equity Index. As of May 2024, 236,000 learners in over 1,000 schools have access to the programme. Almost half of the eligible learners are Māori, and just over 20 percent are Pacific learners.

311. In 2024, the Government announced some changes to Ka Ora Ka Ako to take effect from 2025 for two years. These included:

- Introducing a new targeted early learning food programme. This will provide food for up to 10,000 2-5 year-olds attending Early Childhood Education services with the highest needs;
- An alternative provision model for years 7 and older, including learners in composite (years 0-15) and full primary schools (years 0-8) which will make the programme more cost efficient while continuing to provide learners with nutritious meals. Contributing schools (years 0-6) will transition to the alternative provision model from Term 1, 2026.

Charter schools

312. Charter schools are one way that the Government is aiming to improve student achievement. Charter schools | kura hourua are a type of state-funded school providing educators and parents with more school choice. The charter school model aims to lift educational achievement by enabling greater innovation in learning.

313. Charter schools have a high level of independence around how they teach and what they can spend their funding on to educate. They also have a high-level of flexibility in teaching, curriculum, governance, hours and days of operation, and funding. In exchange for greater flexibility, charter schools are subject to increased oversight and accountability, including targets for achievement and attendance, as agreed in their contracts, and will face interventions if they do not meet these targets.

314. The Charter School Agency was established in July 2024 to implement and operate the new charter school model, including negotiating and managing contracts and delivering funding. It is a departmental agency hosted within the Ministry of Education.

315. In 2024, the Charter School Agency and independent Authorisation Board oversaw an application process with 78 applications received in the first round. As of 10 February 2025, contracts have been signed with seven new charter schools which have begun teaching for Term 1. More schools are expected to be approved in 2025 and 2026.
