



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination Ninety-third session

Summary record of the 2569th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 16 August 2017, at 10 a.m.

Chair: Ms. Crickley

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The meeting was called to order at 10.05 a.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention *(continued)*

Combined twenty-first and twenty-second periodic reports of New Zealand (continued) (CERD/C/NZL/21-22; CERD/C/NZL/Q/21-22)

1. *At the invitation of the Chair, the delegation of New Zealand took places at the Committee table.*

2. **Mr. Dubas** (New Zealand), speaking in relation to the Treaty of Waitangi and the constitutional arrangements of New Zealand, said that the constitution was not written down in one place but was drawn from statutes, judicial decisions and customary conventions, which provided flexibility in adapting to social change while ensuring that fundamental rights and freedoms were preserved. The Treaty of Waitangi established and guided the relationship between the Crown and the Maori and committed the Crown to protecting Maori culture and identity while allowing it to govern the land and represent the interests of all New Zealanders. All new laws and policy proposals were expected to respect the principles of the Treaty, which included partnership, mutual respect, cooperation and good faith. Article 3 of the Treaty established the right to equality before the law, which was also protected under the New Zealand Bill of Rights Act and the Human Rights Act. Save for indication to the contrary, the courts would presume that Parliament intended to legislate in accordance with the principles of the Treaty. Moreover, in 2010 the Government had appointed the Constitutional Advisory Panel to facilitate public engagement, awareness and discussion in respect of constitutional arrangements; the Panel had recommended that the Government should continue to affirm the fundamental importance of the Treaty.

3. The second national human rights action plan had been developed by the New Zealand Human Rights Commission and published in the form of an online tool that tracked the Government's progress in implementing the 121 recommendations that it had accepted pursuant to the universal periodic review of 2014. The national plan contained 105 actions —55 of which concerned the Maori, Pasifika peoples, migrants, refugees and asylum seekers — and it was widely consulted by the Government and civil society.

4. **Ms. Ohia** (New Zealand) said that the Waitangi Tribunal's report on the Wai 262 claim addressed an array of issues across a broad range of government activity. One of its main themes was the nature of the Crown-Maori relationship, which had been strengthened by the mutual engagement of the Government and the Iwi Chairs Forum, a knowledge-sharing platform established in 2005. Although those efforts did not fully satisfy the Government's commitments and obligations to consult with Maori more widely, they had strengthened the consideration of Maori rights and interests in policymaking and legislation. Good progress had been achieved on treaty settlements, natural resources, intellectual property and Crown-Maori partnerships.

5. Concerning the issue of Special Housing Area 62, the land at the root of the dispute measured approximately 33 hectares, was privately owned, and was located adjacent to the Ōtuataua Stonefields Historic Reserve in Auckland. A community group, Save Our Unique Landscape, was seeking to preserve the land as a public open space; however, an Environment Court ruling of 2012 had determined that the land was not subject to landscape protection measures. In 2014, the local authority had carried out consultations prior to establishing the special housing area, during which the tribal authority and the Maori trust that held the right to manage the land had indicated support for the proposed development, stating that their concerns had been addressed.

6. **Mr. Poskitt** (New Zealand) said the Government recognized that there had been historic abuse of children in State care in welfare, health and education institutions: some children and young people had suffered from physical, sexual and emotional abuse from staff, caregivers and other children and young people. The Government did not consider that an inquiry would be useful in addressing the wrongs of the past, but was focused on ensuring that the victims could pursue the settlement of claims. The ministries of social development, health and education had developed a strategy for responding to claims, while

a confidential listening and assistance service allowed victims to share experiences and receive information and support. Claimants were placed at the centre of the resolution process and their culture and customs were accommodated wherever possible, including through the provision of Maori social workers and the holding of interviews at traditional Maori meeting places. The Government had received positive feedback from Maori claimants. Over 1,500 claims had been settled through an alternative dispute resolution process without the need for a court hearing. The Ministry of Education thoroughly investigated claims of abuse at residential special schools and worked with claimants and legal representatives to resolve grievances and to provide reparations, while the Ministry of Health also provided a resolution service that addressed claims of abuse at State-owned psychiatric facilities.

7. The Ministry for Vulnerable Children had been set up recently to support children at risk of harm through a child-centred approach to State intervention that recognized and respected the Maori concept of *mana tamaiti*, namely the child's intrinsic worth, sense of identity, well-being and capacity for self-determination. The views of children would be embedded in all aspects of the decision-making and would play a vital role in transforming the lives of the young people under the Ministry's care. The Ministry was working to develop national care standards that clearly established entitlements and rights of children in the care of the State and had established an independent advocacy service for children and young people who were placed in care. Culturally appropriate early intervention services were funded to improve outcomes for vulnerable young people, including the placement of social workers in schools and a home-visiting service, Family Start, which helped families that were struggling to care for infants or young children. The Ministry ensured that caregivers received the support that they needed to provide safe, stable and loving homes for children in care, and was working with Maori service providers to improve support for *whānau* (extended families) so that they could become caregivers. The Children's and Young People's Well-being Act 1989 had recently been amended so that preference would be given to care placements with a member of the *whānau*, *hapū* (subtribe) or *iwi* (tribe) who was able to meet the child's needs.

8. **Mr. Chhana** (New Zealand), speaking in relation to hate speech and hate crime, said that sections 61 and 131 of the Human Rights Act set a relatively high threshold for determining that hate speech and hate crime had occurred. Those provisions recognized the need to strike a balance between the right to be free from discrimination and the right to freedom of expression; the Government did not take lightly the introduction of new criminal penalties, nor did it wish to stifle or criminalize legitimate debate.

9. With regard to the claim brought in 2013 in relation to the publication of cartoons by newspapers belonging to the Fairfax media group, the Human Rights Review Tribunal had ruled that the newspapers were not in breach of the Human Rights Act. In its judgment, published on 12 May 2017, the Tribunal stated that "while some may have been offended, insulted or even angered, the cartoons were not likely to excite hostility against or bring into contempt any group of persons in New Zealand on the ground of their colour, race, or ethnic or national origins". Nevertheless, some members of the community had voiced anger at the cartoons and had expressed their opposition to the ruling. The Ministry of Justice would continue to monitor and review cases heard in relation to sections 61 and 131 of the Human Rights Act, with a view to informing future changes in the law.

10. **Mr. Haumaha** (New Zealand), acknowledging that there was no central database for recording hate crimes, said that the police recognized the need to improve its approach to such acts and that policy papers were being drafted to improve its understanding of the issue. The police were engaged in efforts to ensure that it was responsive to all types of hate crime and was in the process of establishing a new procedure for reporting it. Under the current procedure, a police officer attending the scene of a crime committed on the basis of race, religion, ethnicity, disability, age, gender or sexual orientation would immediately enter a record of the events in a specific database. Instructions for the use of that database had been sent to all 12 police districts in New Zealand. Prosecution files would record all circumstances pertaining to hatred and include a reference to the Sentencing Act of 2002, thus directing the court to take account of any hostility directed at any person or persons. There were numerous examples in which the perpetrators of hate crimes had been

successfully prosecuted for offences such as abusive language, disorderly behaviour, criminal harassment, offensive behaviour, criminal damage and assault. The sentences handed down to those convicted included prison sentences and community work and in some cases the offender had been ordered to pay compensation to the victim. The police took hate crime seriously and were taking steps to close gaps in the system, such as by issuing internal policy guidelines to help officers identify an offence as a hate crime.

11. **Mr. Bridgman** (New Zealand) said that although significant progress had been made in reducing the number of Maori in the criminal justice system, the proportion of Maori had risen in comparison to other ethnic groups, so that their overrepresentation had increased. Although Maori made up 16 per cent of the general population, they accounted for 41 per cent of adults against whom police action had been taken and over 50 per cent of the prison population; they also presented higher reconviction rates. To address that situation, the Government had set a target of reducing reoffending among Maori by 25 per cent by 2025 and was preparing a strategy to improve the outcome in cases where Maori came into contact with the criminal justice system. The strategy would aim to deliver justice services in a more inclusive manner and to improve the cultural competence of officials, including police and corrections officers. It would also support constructive partnerships in the design and co-delivery of Maori-specific services, encourage Maori to work in the justice sector and promote greater acceptance of the Maori language and culture.

12. Two types of court had been specifically designed with the Maori in mind and were producing positive results. On the one hand, Maori and Pasifika youth courts promoted cultural links and community involvement. Analysis had shown that such courts helped young Maori to connect with their cultural identity, engage with their local community and find positive role models, which in turn encouraged positive behaviours and reduced reoffending. As a consequence of that success, the Ministry of Justice had established a further 4 Maori youth courts, bringing the total number to 14. The number of young Maori passing through those courts had increased from 257 in 2013 to 389 in 2016, and the number was expected to rise further. Meanwhile, the Matariki Court in Kaikohe had been established in response to the high number of sentences imposed by Kaikohe District Court, with the aim of providing culture-specific responses to adult offending among Maori. An evaluation of the Matariki Court had revealed a drop in the 12-month reoffending rate, leading the Ministry of Justice to explore how some of its practices could be adopted by district courts. Courts in New Zealand were increasingly sensitive to Maori culture, with district and higher courts conducting opening and closing sessions in both Maori and English and making provision for participants to have all or part of the proceedings conducted in the Maori language.

13. **Mr. Haumaha** (New Zealand) said that the three main objectives of the police's Maori Responsiveness Strategy were: to gain a better understanding of the Treaty of Waitangi and its importance to the Maori and the Crown; to involve Maori in key decision-making processes regarding matters of operational significance; and to address the overrepresentation of Maori in the criminal justice system, both as offenders and victims.

14. The police had developed a world-acclaimed prevention strategy entitled "Turning of the Tide", which had helped to reduce the number of prosecutions of young Maoris by 35 per cent, thanks in no small part to the strong relationships that the police had built with the Maori community. He personally was a Maori who occupied an executive-level position within the police force. There were also 12 senior Maori police officers with decision-making powers at the district level, 42 *iwi* liaison officers and several national strategic ethnic and Pasifika advisers.

15. The Government had allocated 5.4 million New Zealand dollars (NZ\$) to four pilot *iwi* justice panels, which had been in place since 2014 and addressed issues related to the Maori and other ethnic minorities. The panels had helped to reduce offending among Maoris in the 17-24 age group by 12 per cent and had generated NZ\$ 5.96 of savings for every NZ\$ 1 invested. Consequently, they had received funding for a further two years, and six additional panels were set to be established across the country.

16. The Government had set up an innovation hub for the Ngāi Tahu at a cost of NZ\$ 4.5 million and was drawing up programmes to support high-risk juvenile offenders,

the children of women prisoners, potential offenders and young Maoris who wished to obtain a driving licence. The programmes were expected to be fully up and running by mid-2018 and would complement the police's Prevention First strategy, which promoted the diversion of young offenders from the juvenile justice system to social services when appropriate. The police were also working on a reintegration programme for Maori prisoners and initiatives to provide mentoring to young Maori offenders and support to Maori women prisoners and their children.

17. **Ms. van Leuven** (New Zealand) said that the Maori Services Team within the Department of Corrections was responsible for developing and maintaining strong relationships with Maori, including through operational agreements and formal partnerships. Maori values informed the practices of corrections staff, and a Maori Advisory Board had been set up to serve as a representative body and provide strategic advice to the Department's executive leadership team.

18. The Department had recently signed an accord with the Maori King Movement to establish an enduring relationship built on engagement, and had plans to build a reintegration centre for women prisoners in Hamilton, with the emphasis being on helping them to regain access to their children. The Department already delivered a range of programmes that were designed to be responsive to Maori and that focused on motivating change, cognitive behavioural therapy and the acquisition of skills. The Department took into account Maori views when designing programmes and offered Maori culture-based programmes.

19. There was limited evidence to suggest that culture-based programmes alone reduced reoffending, with the exception of the Te Tirohanga Maori rehabilitation programme, thanks to which the Maori incarceration rate had fallen by 8 per cent. Mainstream programmes, however, tended to have a more significant impact. The "Out of Gate" reintegration programme, the Medium Intensity Rehabilitation Programme, the Family Violence Programme and the six-month drug treatment unit residential programme had helped to reduce Maori reoffending by 8.5, 5.5, 3.9 and 7 per cent, respectively.

20. **Ms. Powles** (New Zealand) said that, while the population of New Zealand had always been ethnically diverse, it had become significantly more so since the late 1980s, following the removal of a number of immigration barriers. In addition to the European, Maori and Pasifika communities, there were individuals of Asian, Middle Eastern, Latin American and African descent. In 2000, the Government had established what had since become the Office of Ethnic Communities to promote ethnic diversity and serve as a point of contact with recent migrants and long-standing residents alike. The Office worked to foster community engagement, build relationships with ethnic minority leaders and facilitate the integration of people from a refugee background, including through the organization of sports activities.

21. The immigration policy of New Zealand, as set out in the Immigration Act 2009, was to manage immigration in a way that balanced the national interest and the rights of individuals. The Government had put in place a robust legislative and administrative system to combat discrimination, and stimulate participation, in the labour market. Pursuant to the Human Rights Act 1993 and the Employment Relations Act 2000, employers were required to provide protection against discrimination. Moreover, the Ministry of Business, Innovation and Employment was implementing an exploitation prevention strategy to ensure the fair treatment of migrant workers.

22. The Government provided specific funding for the teaching of English as a second language to migrants of all ages. Quota refugees were granted residence on arrival in New Zealand, had the same access to employment, education, income support and health services as New Zealand citizens, and were eligible to apply for New Zealand citizenship after five years' residence.

23. **Ms. van Leuven** (New Zealand) said that New Zealand had ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. Human trafficking was punishable by a prison term of up to 20 years and/or a fine of up to NZ\$ 500,000. Given the severity of the penalties, cases involving allegations of human

trafficking were subject to a high evidential threshold, and charges had to be approved by the Solicitor-General. Over the previous two years, two human trafficking cases had been tried in domestic courts, and there had been eight successful prosecutions for similar offences since July 2016.

24. Since April 2017, as a result of new measures introduced by the Government, 50 employers who had been found to have breached immigration and employment law had been prevented, for varying periods of time, from recruiting migrant workers.

25. In 2015, the Government had amended the Immigration Act to criminalize the exploitation of temporary or unlawful workers. The offence carried a jail term of up to 5 years and/or a fine not exceeding NZ\$ 100,000. In addition, exploitative employers who held residence visas would be liable for deportation if they committed the offence within 10 years of gaining residency.

26. The definition of the family was broader for refugees than under standard immigration policy so that the Government could meet its aim of bringing in complete households when resettling families. Furthermore, there were quotas and policies to facilitate the family reunification of refugees who had already been resettled in New Zealand. In 2016/17, 434 claims for refugee or protection status had been lodged with Immigration New Zealand, of which 36 per cent had been approved. Rejected applicants were entitled to appeal to the independent Immigration and Protection Tribunal, which considered all claims afresh.

27. People who were refused entry into New Zealand could be detained by the police for up to 96 hours, for the purpose of arranging their departure. However, asylum seekers could not be deported until their claim had been assessed and denied, and they had exhausted their statutory remedies. Immigration officers had discretion over a range of responses, that included granting a temporary visa and ordering an applicant's detention in a corrections facility. Migrants could be imprisoned under the Immigration Act if a warrant had been issued by a court and they were considered to pose a threat to security. They were held with remand prisoners, who had not yet been sentenced, and enjoyed the same rights and entitlements as other prisoners. The overriding principle was that, if the freedom of movement of undocumented persons claiming refugee or protected person status at the border was to be restricted at all, it should be restricted as little as possible and for as short a time as possible. Particular care was exercised with regard to decisions involving women, children or members of other vulnerable groups.

28. A progress report on the implementation of the Migrant Settlement and Integration Strategy was produced each year. Particular attention was currently being paid to two areas that had been identified as requiring attention in the 2016 report, namely increasing the proportion of employed secondary applicants whose occupation in New Zealand matched their skills and increasing the uptake of prepaid English tuition. Under the Strategy, consultations had to be held with recent migrants every three years in order to hear their views on the effectiveness of settlement services and identify any unmet or emerging needs.

29. **Ms. Schöllmann** (New Zealand) said that the Maori Language Act 2016 provided for the establishment of an independent statutory entity to act on behalf of Maori tribes and the development of a strategy to revitalize the Maori language. The aim of the Achieving through Pasifika Languages programme had been to support schools and community groups in promoting the achievement of Pasifika bilingual learners in their mother tongue. It had recently been merged into the Pasifika PowerUP Plus education programme, which covered both primary and secondary education and sought to raise awareness among families of the importance of early childhood education, proficiency in reading, writing and mathematics, and the National Certificate of Educational Achievement.

30. Some non-citizens were allowed to enrol in school as domestic students because of their parents' status in New Zealand, their own status or reciprocal international agreements, or on humanitarian grounds. Children who were in New Zealand unlawfully could access education provided that they had resided in the country for at least six months and met certain other criteria.

31. On 3 May 2017, the Prime Minister had announced a new set of 10 public service targets that aimed to build on the success achieved with regard to the previous targets established in 2012. The targets were the same for both Maori- and English-medium schools.

32. While it was too early to assess the employment outcomes of Maori and Pasifika students who had benefited from government programmes, it had been found that gaining a tertiary degree or higher qualification almost eliminated income and employment disparities as compared to New Zealanders of European descent. Maoris with lower levels of education remained less likely to be in employment than their non-Maori peers.

33. The Maori language was embedded in national curricula for early learning, and its centrality was reflected in the Education Act, which required all schools to provide students with an opportunity to acquire knowledge of Maori customs and the Maori language. School leavers who had attended a Maori-medium school typically gained university entrance in proportions that were equal to or higher than those of the general school population.

34. In 2016, 180,000 Maori and non-Maori schoolchildren had been learning Maori in either Maori- or English-medium schools. Each year, the Government spent an average of NZ\$ 856 million on supporting the Maori language in education. Moreover, while it had never been government policy to punish children for using the Maori language, the Maori Language Strategy and the Maori Language Act officially acknowledged that previous government actions had been detrimental to the Maori language.

35. New Zealand had a highly devolved education system, with more than 5,000 early learning centres that were licensed by the Government and some 2,500 schools that were governed by boards of trustees elected by the local community. Early learning centres were held accountable through the licensing system. They were evaluated by the Education Review Office and monitored by the Ministry of Education. Schools were also evaluated by the Office, and recent legislative amendments had modified the arrangements for boards of trustees, requiring the boards to have particular regard to the national education priorities identified by the Government. Boards were expected to consult with staff, students and the local community before approving strategic plans. If a school underperformed, a number of statutory interventions could be applied, ranging from requiring the school to engage specialist help to dissolving the board of trustees and appointing a commissioner until the situation improved.

36. **Mr. Bridgman** (New Zealand) said that the treaty settlement process did not involve legal proceedings; rather, it was a negotiation between a claimant group and the Crown. The process consisted of a number of steps. First, the group submitted its historical claim and appointed a representative to negotiate on its behalf. Then, the group and the Crown signed terms of negotiation. Claimants were provided with funding to facilitate their participation, and the claimant group identified the sites or assets in which it was interested. Formal negotiations were conducted and, once sufficient progress had been made, a non-binding agreement in principle was signed. The agreement provided the basis for a redress package, which included an acknowledgement of how the Crown had breached the Treaty of Waitangi, a formal Crown apology and financial compensation. A deed of settlement was drawn up and had to be ratified by a sufficient majority of the claimant group before it could be signed by the mandated representatives of the Crown. Legislation was then passed to give effect to the settlement and assets were transferred to the claimant group.

37. To ensure that the settlements reached were durable, negotiations were guided by six principles: good faith; restoration; proportionality between the breach suffered and the redress awarded; consistency in the treatment of claimant groups; transparency; and government involvement, which meant that a wide range of redress could be granted.

38. **Mr. Haumaha** (New Zealand) said that, as a representative of the Te Arawa tribe in the Central North Island, he had been one of the original claimants of self-determination for the Maori people and had worked with the Crown in seeking cultural and financial redress. The treaty settlement negotiation process had begun in 2003. The Executive Council of tribal representatives had negotiated with the Crown on behalf of about 24,000 people belonging to 11 *hapū*, whose claim covered more than 500,000 hectares of land. The

Executive Council and the Crown had signed an agreement in principle on 5 September 2005 and a deed of settlement based on the agreement had been ratified by members of the *hapū*. Following further negotiations, the deed had been amended to reflect the agreement reached between the Crown and the Central North Island *iwi* collectives regarding licensed Crown forest lands. The amended deed had been ratified again in 2008 by the Te Arawa and the Government.

39. His tribe had received \$NZ 52 million, and a significant amount of land had been returned. Each of the 11 *hapū* had received \$NZ 1.1 million. A post-settlement governance entity had been established to promote the commercial development of the Te Arawa tribe.

40. **Ms. Ohia** (New Zealand) said that she had been involved in negotiating a treaty settlement that had entered into force a week earlier, on 10 August 2017. During the period from 2009 to 2016 she had served as the leading negotiator on behalf of her tribe, the Ngati Pukenga. She had been supported by a four-member team that included historians, legal counsel and a strategic manager. The negotiations had been an arduous process in which the negotiators had engaged continuously with the prospective beneficiaries of the settlement in order to decide whether they should proceed with the negotiations despite having certain misgivings. As Chair of the post-settlement governance entity when the deed of settlement was signed, she had stated that her tribe had taken the courageous decision to proceed even though it felt that it required greater redress.

41. **Mr. Chhana** (New Zealand) said that the Marine and Coastal Area (Takutai Moana) Act 2011 had replaced the Foreshore and Seabed Act 2004, which had been severely criticized. The 2011 Act gave legal expression to customary interests and protected lawful rights in marine and coastal areas, including rights of access, navigation and fishing. Applicants could seek recognition of customary rights either through an order of the High Court or through a negotiated settlement with the Government. By 3 April 2017, the closing date for applications, about 380 groups had applied for negotiations and 190 had submitted applications for a High Court order. The Government was currently finalizing its approach to the negotiations and the High Court was managing the cases before it.

The meeting was suspended at 11.35 a.m. and resumed at 11.50 a.m.

42. **Ms. McDougall** (Country Rapporteur) requested clarification, in practical terms, of the practice of engaging with the Maori as treaty partners. She asked whether the Maori were appointed to high-level positions in the civil service, enjoyed equal pay and were empowered to make decisions.

43. She wished to know whether the recommendations contained in the 2016 report of the Independent Working Group on Constitutional Transformation were being considered and implemented on a par with the recommendations of the Constitutional Advisory Panel. She also enquired about action to implement the recommendations contained in the Waitangi Tribunal's report on the Wai 262 claim.

44. She enquired about the Government's definition of institutional racism, its prevalence in various institutions and the action being taken to eradicate it. She requested information, in particular, about institutional racism in the context of the health system and mental health-care services, given the importance of addressing intergenerational trauma based on racism. The Committee had been informed that there was a 25 per cent pay gap between nurses and midwives in Maori health-care facilities and those employed elsewhere.

45. She stressed that Government structures and approaches should be speedily altered to address rapidly progressing demographic changes in terms of governance structures and the delivery of services.

46. She requested information on the degree of residential segregation between ethnic and indigenous groups, since residential patterns played a critical role in determining how societies dealt with diversity.

47. **Mr. Cali Tzay** asked whether all members of the community had been involved in the consultation process on the building of homes in the areas covered by the Treaty of Waitangi and, if so, whether the participants had voted, whether they had achieved a consensus and whether there had been dissenting opinions.

48. **Mr. Bridgman** (New Zealand) said that the Treaty of Waitangi was part of the constitutional framework and was invoked not only by the Waitangi Tribunal but also in numerous pieces of legislation. The Tribunal's views were taken into account in the development of public policy.

49. The treaty settlement process was a procedure whereby New Zealand sought to address the wrongs committed in the past. Of course, it was impossible to ensure full compensation for wrongs dating from the nineteenth century. However, compensation could be provided in accordance with principles that endowed complainant groups with an economic base proportional to the grievances suffered and enabled them to move forward. The settlements granted in the past 20 years had provided the Maoris with a huge economic base, so that they now played a leading economic role in many parts of the country.

50. **Mr. Poskitt** (New Zealand) said that the creation of the Ministry for Vulnerable Children entailed new legislative requirements for its chief executive, who was required, for instance, to report to the public at least once a year on measures taken to improve outcomes for vulnerable Maori children and young people. A quarter of the deputy chief executives were identified as Maori and a chief Maori adviser position had been established.

51. A new independent advocacy service, known as VOYCE — Whakarongo Mai, had been established in partnership with care-experienced children and young people, philanthropic organizations, the Government and NGOs. Care-experienced young people were also members of the Board.

52. With regard to the recent legislative changes applicable to priority placements, he reiterated that if children or young persons were removed from their families, they should be returned home wherever possible and in accordance with their best interests. If they could not be returned home, preference should be given to placement with a member of their wider family who was in a position to meet their needs.

53. **Mr. Chhana** (New Zealand) said that action to promote diversity in the public workforce was led by the State Services Commission. All public service chief executives were committed to diversity in order to meet community needs. The Commission's website contained data on workforce diversity and on gender and ethnic pay gaps as well as a brief outline of action taken to address such issues. Significant action had recently been taken to bridge gender pay gaps, particularly for providers of health-care services.

54. With regard to ethnic diversity, people of European descent still accounted for about 70 per cent of public service posts but the proportion had been decreasing in the past 15 years. At the end of 2016, the Maoris had accounted for 16 per cent of such posts, Asians for about 9 per cent and Pacific peoples for about 8 per cent.

55. **Ms. Ohia** (New Zealand), referring to the special housing area in Ihumātao, said that, as far as she was aware, consultations were being held with some groups, including the Makurau Marae Maori Trust, but not necessarily with all groups.

56. An important innovation in the public health sector had been the development of an approach aimed at supporting the health and well-being of Maori families and a process for commissioning resources to influence the outcomes. About 11,500 families had benefited from the process.

57. **Mr. Avtonomov** said that he wished to know what programme of activities had been planned by New Zealand within the framework of the International Decade for People of African Descent. He would welcome clarification on whether the State party was responsible for the implementation of the Convention in the Cook Islands, Tokelau and Niue, which were members of the Realm of New Zealand. Lastly, he had been given to understand that the government minister responsible for housing could exercise discretion to resolve land disputes. With that in mind, he wondered whether consideration had been given to preventing the sale of Special Housing Area No. 62 to a multinational construction company in view of the fact that the area was considered by the Maori to be sacred.

58. **Mr. Bridgman** (New Zealand) said that according to data from 2014, 12 per cent of senior managers in the public sector were Maori, which was significant since the Maori population accounted for 16 per cent of the total New Zealand population.

59. **Mr. Chhana** (New Zealand) said that Special Housing Area No. 62 was privately owned land — adjacent to a historic reserve — that had been transferred to a construction company for a residential housing development. Its classification as a special housing area, which enabled housing developments — including affordable housing — to be fast-tracked, was in response to a housing crisis in Auckland. A number of reviews and appeals had been held in relation to the use of that land. For example, the Environment Court had ruled that the residential development could not be prevented owing to the fact that the land was privately owned, while a review by a ministerial select committee had concluded that the land's status as a special housing area could not be revoked nor could its development be prevented.

60. **Mr. Calí Tzay** said he was concerned that cases of verbal abuse and assaults directed at ethnic minorities had been tried as minor offences by the courts rather than as hate crimes. He asked what reasons were underlying the high rate of reoffending among the Maori population; what action was being taken to address the injustices experienced by young people that often led them to join violent gangs; and why a programme aimed at preventing the spread of HIV/AIDS among the Maori had been discontinued. Lastly, he pointed out that the concept of consultation necessitated that all parties should reach some sort of agreement. However, in the case of Special Housing Area No. 62, it seemed that the Maori had not consented to the construction of residential housing on what they considered to be sacred land.

61. **Mr. Murillo Martínez** said that he welcomed the measures being taken by the State party to address the high Maori incarceration rates and reduce reoffending. He was concerned at the impact of intergenerational trauma on younger generations in New Zealand and he wondered why there seemed to be some resistance to ensuring that Maori customary law was routinely taken into account when addressing historical grievances, especially when the State party had demonstrated its evident willingness to incorporate the ethnic dimension into its policies.

62. **Mr. Haumaha** (New Zealand) said that, in recognition of the way in which the demographics of New Zealand had changed over the past decade, the New Zealand police worked closely with community leaders and made every effort to understand the cultural dynamics of different ethnic groups. Recruitment drives had increased the number of Maori and Pasifika officers by 20 per cent and 15 per cent, respectively, and the number of ethnic liaison officers had also increased markedly. More than 100 different ethnic groups were now represented in the police force and steps were taken to ensure that police officers reflected the ethnic make-up and spoke the languages of the communities they served. In recognition of its efforts to improve ethnic and cultural diversity and build community trust, the New Zealand police had been awarded the 2017 Building Trust and Confidence in Government award by the Institute of Public Administration New Zealand.

63. Regarding the assaults mentioned by Mr. Calí Tzay, it was important to note that the perpetrators had received prison sentences of between 3 months and 1 year or had been ordered to perform community service. Gangs were a long-standing problem in New Zealand. However, the police had developed relationships with gang leaders with a view to de-escalating tensions and providing support for gang members wishing to turn their lives around.

64. **Mr. Dubas** (New Zealand) said that nothing specifically precluded the application of Maori customary law and, in fact, a number of acts of parliament recognized the right to do so. The treaty settlement process, for example, made provision for the consideration of Maori cultural issues, while the Marine and Coastal Area (Takutai Moana) Act 2011 provided for cultural redress and historical recognition of certain areas. Lastly, a bill was currently before parliament aimed at enabling the Maori to regain control over, develop and protect their ancestral lands for the benefit of future generations.

65. **Mr. Marugán** said that he would welcome specific data on the number of prosecutions, convictions and sentences in cases of labour exploitation over the past four years, as well as of any compensation awarded to victims. Similar disaggregated data would likewise be welcome in relation to the complaints of racial discrimination in the workplace.

66. Regarding refugees and asylum seekers, he asked whether there were any plans to increase the family reunification programme's annual quota, which currently provided just 300 places a year for reuniting families; whether any measures were taken within the framework of that programme to identify and support persons with psychosocial and physical disabilities; whether migrants, refugees and asylum seekers were able to access mental-health services; whether the State party intended to increase its annual refugee resettlement quota; and whether it envisaged streamlining its asylum procedures in order to speed up consideration of applications.

67. **Mr. Kemal** said that he wished to know to what extent the programme to rehabilitate persons deprived of liberty took into account the specificities of Maori culture.

68. **Ms. Shepherd** said that she was concerned at the lack of data available to assess the social mobility of ethnic minorities and at reports that ethnic minorities continued to be underrepresented in the upper tiers of public-sector management. In that connection, she would urge the Government to review the adequacy of its current structures and processes so as to take into account the country's changing demographics and to improve its methods of data collection. She noted that there was a high incidence of bullying in schools and wondered whether any data were available to demonstrate whether there was a racial dimension to that bullying. Lastly, she wished to commend the State party on being ranked second in the 2017 Global Peace Index, for which one of the criteria was a low rate of domestic conflict. She expressed the hope that the country would continue on the path towards righting the wrongs of the past through peaceful negotiation.

69. **Ms. van Leuven** (New Zealand), replying to the question raised by Mr. Kemal, said that as a matter of course the Department of Corrections liaised with a wide range of stakeholders, including the Maori Advisory Board, in order to ensure that its programmes were culturally sensitive. Moreover, the Maori perspective was taken into account from the initial stages of designing correctional programmes and throughout their development. A number of Maori-specific programmes had also been created.

70. **Ms. Dempster** (New Zealand) said that the Government was responsible for implementing the Convention in Tokelau, a non-self-governing territory that was administered by New Zealand. Information in that regard was available in an annex to her country's periodic report. The Cook Islands and Niue were self-governing territories in free association with New Zealand; thus, they were themselves responsible for ratifying international human rights conventions.

71. **Ms. McDougall** said that she wished to thank the delegation for its participation in a very interesting exchange. The State party had made considerable progress and she hoped that it would accomplish much more.

72. **Mr. Bridgman** (New Zealand) said that a number of questions remained outstanding and the delegation would provide written responses and data within 48 hours. He wished to thank Committee members and the representatives of the New Zealand Human Rights Commission and NGOs for all their contributions to a constructive dialogue. Racial discrimination was a complex and challenging issue and the Government welcomed the Committee's insightful comments and questions, which it would use to shape and refine its approaches to tackling both inequality and discrimination.

The meeting rose at 1 p.m.