



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Committee on the Elimination of Racial Discrimination

**Combined twenty-third and twenty-fourth
periodic reports submitted by New Zealand under
article 9 of the Convention, due in 2021** ***

[Date received: 21 December 2021]

* The present document is being issued without formal editing.
** The annexes to the present report may be accessed from the web page of the Committee.



I. Introduction

1. This report is Aotearoa New Zealand's¹ twenty-third and twenty-fourth consolidated periodic report to the Committee on the Elimination of Racial Discrimination (the Committee). The reporting period, January 2016 to June 2021, saw significant progress, giving further effect to the Convention. Recommendations made by the Committee following the last report are addressed throughout this report.
2. The Committee requested the State party provide relevant information on the implementation of three of its recommendations, within one year. This was provided to the Committee on 23 August 2018. This report does not repeat that information but does respond to follow-up comments from the Committee.
3. In the Concluding Observations, the Committee recommended that the State party undertake broad consultation and dialogue with civil society in preparation of the next periodic report. Prior to finalisation of the report, four weeks of consultation with civil society took place. An online consultation page invited members of the public to provide written feedback via an online survey, or an email or postal submission. Targeted meetings were also held with key organisations via Zoom (to minimise risks around COVID-19). This feedback is summarised throughout, where relevant.
4. Themes of public consultation included that the report could:
 - (a) Provide more depth on issues of racial discrimination and better reflect the voices and experiences of the communities who are most impacted;
 - (b) Provide more detail on the impacts and outcomes of the initiatives outlined, including monitoring and evaluation; and
 - (c) Better reflect the systemic nature of racial discrimination in Aotearoa and the need to address issues at both the structural and individual level.
5. Annex 1 provides the required Tokelau update. Annex 2 provides a Glossary of Māori terms. Other relevant information and statistics are included in the body of this report and in Annex 3 and 4.

II. General information relating to the Convention

A. New Zealand population

1. Ethnic diversity

6. The diversity of the population of Aotearoa continues to increase, with over 200 ethnic groups represented.²
7. In the 2018 Census of Population and Dwellings (the Census), 70.2% of people resident in Aotearoa identified as Pākehā (New Zealand European); 16.5% as Māori; 15.1% as Asian; 8.1% as Pacific peoples, 1.5% as Middle Eastern, Latin American, and African (MELAA) and 1.2% as other.³
8. The Asian population is diverse, with the largest ethnicity groups identifying as Chinese (35%), Indian (34%), Filipino (10.3%), and Korean (5%).
9. The Pacific population in Aotearoa is also diverse, and includes those identifying as Samoan (48%), Tongan (22%) and Cook Island Māori (21%). The other main groups are from Niue, Fiji, Tokelau, Tuvalu, Kiribati and Rotuma. Approximately 66% of Pacific peoples' resident in Aotearoa are also Aotearoa-born. Approximately 40% of the Pacific

¹ The terms Aotearoa and New Zealand are both used in this document.

² <https://www.ethniccommunities.govt.nz/resources-2/a-year-in-review-20192020/>.

³ Proportions add up to more than 100% as some people may have reported more than one ethnicity.

population identify as belonging to more than one ethnic group. The Pacific population is young, with a median age of 23.4 years compared to 37.4 years for the general population.

2. Annual refugee quota

10. From July 2020, Aotearoa's annual refugee quota increased from 1,000 to 1,500 places. The programme was paused in March 2020 till February 2021, due to COVID-19. In total, 263 refugees were resettled in New Zealand in 2020/21.

11. Public submissions raised their concerns about the low rates of refugees being resettled in 2020/21 and suggested the backlog be addressed.

3. Approvals for residency⁴

12. Between 1 January 2017 and 30 December 2020, 147,699 people were approved for residency; 56% were through the Skilled/Business stream, 34% through the Family Sponsored stream and 10% through the International/Humanitarian stream. India was the largest source country over this period (15%) followed by China (14%) and the United Kingdom and South Africa (10% each).

4. Student visa approvals⁵

13. Between 1 January 2017 and 30 December 2019, there was an average of 106,231 student visas approved annually. These students came from 155 different countries. China (average of 34,438) and India (average of 17,019) account for 48% of the student visas granted over that time.

5. Work visa approvals⁶

14. Between 1 January 2017 and 30 December 2020, there was an average of 237,895 work visas approved annually, from 163 different countries. Four countries account for 44% of the work visas approved: India (average of 40,196), the United Kingdom (average of 23,161), China (average of 21,563) and the Philippines (average of 20,367).

B. Experiences of discrimination

15. In 2018, 21.2% of recent migrants⁷ reported experiences of discrimination.⁸ This was an increase from 2014 (17.7%) but a decrease from 2016 (25.8%). Those identifying as Asian (25.8%) were most likely to report having experienced discrimination. Māori (24.4%) and Pacific peoples (16%) had the next highest rates of discrimination. For all three ethnic groups this was a decrease from 2014.

16. Te Tiriti o Waitangi (te Tiriti) is the founding document of Aotearoa's constitutional arrangements and is at the heart of the relationship between Māori and the Crown. The Crown has a particular responsibility to Māori, as tangata whenua and partners to te Tiriti, to address discrimination against Māori.

17. Women and girls of diverse backgrounds and ethnicities can face multiple, intersecting forms of discrimination, affecting their ability to participate and thrive. We are committed to both recognising this diversity and implementing appropriate solutions that are gender-responsive and te Tiriti based to ensure that all women/wāhine, girls/kōtiro and other gender minorities/takatāpui can fulfil their potential and to ensure systemic change.

⁴ <https://www.mbie.govt.nz/immigration-and-tourism/immigration/migration-research-and-evaluation/>.

⁵ Ibid.

⁶ Ibid.

⁷ Those who had migrated within the last five years.

⁸ The biennial New Zealand General Social Survey (NZGSS), collects self-reported data on experiences of discrimination. The most recent data is from 2018.

C. Royal Commission of Inquiry into the terrorist attack on Christchurch masjidain

18. On 15 March 2019, a terrorist attack on Christchurch masjidain claimed the lives of 51 people and left 40 people injured. The terrorist had an extremist right-wing Islamophobic ideology, and the attack influenced a nation-wide conversation about racism in New Zealand in the months following.

19. The Government established a Royal Commission of Inquiry (RCOI) to investigate whether public sector agencies had done all they could to protect the people of New Zealand from terrorist attacks and whether more could be done.

20. The terrorist attack had a significant impact on how New Zealand understands and responds to racism and this is discussed further in Article 4, as are the related public submissions.

D. COVID-19 Pandemic Response

21. The first case of COVID-19 in New Zealand was reported on 28 February 2020. To attempt to eliminate the virus, the Government swiftly introduced broad restrictions including closing the borders to all but New Zealand citizens, limits on social gatherings, the Alert Level system (which has now developed into the Traffic Light system), mandatory face coverings and vaccination requirements.

22. The Government response has engaged several human rights and freedoms affirmed by the New Zealand Bill of Rights Act 1990 (NZBORA), including but not limited to freedom of movement, freedom of assembly, the right to refuse to undergo medical treatment, freedom from unreasonable search and seizure, and liberty of the person, and the right to be presumed innocent until proved guilty according to law.

23. Public submissions raised concerns and encouraged that legislation related to COVID-19 legislation uphold human rights, and allow an appropriate level of public scrutiny, participation, and procedural safeguards.

1. Supporting Māori communities

24. Māori are likely to be most adversely impacted by COVID-19, due to existing health inequities and socio-economic factors such as lower income, poorer housing, and higher rates of long-term health conditions and other co-morbidities.

25. Māori are also adversely impacted by the Government's COVID-19 restrictions, due to the cultural emphasis and tikanga (customs) on wellbeing at the group level of whānau, hapū and iwi and the significance of whanaungatanga (kinship).

26. The Government is committed to strengthening its relationship with Māori to address long-term health, economic and social inequities. Initiatives implemented to support Māori are described under Article 5.

27. The Government has made a significant funding investment in communities and social sector providers. \$120 million has been allocated to support the Māori vaccination programme. This includes \$56.5 million for a Māori specific response action plan including \$30 million for health services and \$15 million to Whānau Ora commissioning agencies to support vulnerable families. Whānau Ora is discussed further in paragraph 336.

28. Public submissions expressed concern about the Government response to the COVID-19 vaccine roll-out for Māori and suggested that these concerns illuminated broader issues about how government resources have been prioritised for population groups in the vaccination campaigns.

2. Supporting Pacific communities

29. Pacific peoples are also among the most adversely impacted by COVID-19 due to pre-existing health inequities and socio-economic factors, including: the lowest incomes of all

ethnic groups, high rates of poverty and deprivation, poor housing outcomes, low health literacy, high rates of long-term health conditions and relevant co-morbidities.

30. The COVID-19 response included a \$195 million Pacific recovery package in Budget 2020 to fund initiatives that support Pacific communities, including funding for community led initiatives. These are described under Article 5.

31. Budget 21 included a \$108 million Pacific package that including funding to support businesses affected by COVID-19 and the Pacific Content Initiative, for information targeted to Pacific communities about COVID-19.

32. An additional \$26 million in funding has been reprioritised to support the Pacific health and disability sector in leading the response to the current outbreak of the Delta variant of COVID-19 in 2021.

3. Impact on immigration and migrant workers

33. The Government closed the border to most travellers who are not New Zealand citizens or residents or their immediate family. Processing of temporary visa applications from outside New Zealand has been suspended, except for a limited number of people with a critical purpose to travel.

34. The Government made immediate short-term changes to visa settings to support temporary migrants stranded in New Zealand, including visa extensions and an emergency benefit for temporary visa holders. These are no longer in place.

35. The Recognised Seasonal Employer scheme (RSE) affects Pacific workers who have a pattern of working seasonally in New Zealand. It has resumed in limited numbers through border exceptions, and more recently in greater volumes as part of Pacific Quarantine Free Travel (QFT) from Samoa, Tonga, and Vanuatu.

36. The selection of new applications for the main work-related residence category, the Skilled Migrant Category, was suspended in April 2020 due to COVID-19-related processing limitations.

37. The 2021 Resident Visa, a new one-off residence pathway for onshore migrants, was announced in September 2021, and will provide a pathway to residence for an estimated 110,000 temporary migrant workers and their families.

38. The Pacific Access Category (PAC) and the Samoa Quota (SQ), which are key residency pathways for Pacific immigrants, have been paused for 2020/2021 and have no clear re-opening date. Immigration New Zealand (Immigration) has recently resumed processing on-hand PAC and SQ applications from 2019.

39. Public submissions commended the provision of free vaccinations and COVID tests to all people in New Zealand, including non-visa holders.

40. Public submissions expressed concern about the impacts of COVID-19 on international students, such as less access to support services and resources because of border restrictions. The impact of delays and financial impacts on international students were also raised. Public submissions stated that there was no visible outreach in community or public health services targeted to international students.

4. Responding to economic impacts

41. Government agencies worked with individuals and whānau to ensure they could access a range of income support measures. Immediate temporary changes for vulnerable individuals included changes to rules on food grants, stand-down periods and the need for medical certificates, which reduced the need for General Practitioner (GP) visits.

42. The COVID-19 Wage Subsidy programme, and the COVID-19 Income Relief Package, were critical tools in supporting whānau and Māori communities to deal with the immediate economic impacts.

43. From March to September 2020, \$13.8 billion of wage subsidies were paid either to sole traders (240,000) or employees (1.52 million jobs).⁹ High proportions of Māori (57%), Pacific peoples (58%), NZ Pākehā (61%), and Asian (70%) people were supported by wage subsidies.

44. Public submissions stated that food parcels provided by the Ministry of Social Development (MSD) had a positive impact.

5. Responding to housing needs

45. The Government worked with housing and community providers, iwi and Māori, and others to secure accommodation and provide support to Aotearoa's most vulnerable. At the peak of the response to housing need, an additional 1,250 places were contracted, housing approximately 1,500 people.

46. The focus is now on supporting this group to transition to longer-term housing with ongoing support for those who need it. The Government also implemented temporary protections against tenancy termination and a freeze to residential rent increases.

E. Article 14 declaration

47. Consideration of the communications procedures under Article 14 is currently not on the Government's work programme. This position is regularly reviewed and further consideration may be given to making a declaration under Article 14 in the future.

F. Ratification of other instruments

48. In December 2019, the Government announced that New Zealand had ratified the International Labour Organization's Protocol to the Forced Labour Convention, reinforcing New Zealand's strong commitment to ending forced labour and other forms of modern slavery.

49. In response to the 2019 Universal Periodic Review (UPR) recommendations, the Government agreed to consider acceding to the international instruments to which it is not yet party, including the Indigenous and Tribal Peoples Convention 1989 (No. 169), the 1954 Convention relating to the Status of Stateless Persons, and the International Convention for the Protection of All Persons from Enforced Disappearance.

50. New Zealand is also considering ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. New Zealand is not currently contemplating ratifying the Domestic Workers Convention.

III. Information relating to specific articles

Article 1

United Nation's Declaration on the Rights of Indigenous Peoples (UNDRIP)

51. The Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) visited New Zealand in 2019. EMRIP provided advice to support the drafting of a strategy to achieve the goals of UNDRIP and on an appropriate engagement strategy.

52. In 2019, the Minister for Māori Development appointed the Declaration Working Group (DWG) to provide independent advice on the form and content of an UNDRIP implementation plan and an engagement process with whānau, hapū and iwi. The DWG provided the Minister with their final report, *He Puapua*, in late 2019.

⁹ A unique job is a unique employer and employee pair.

53. Following a series of targeted engagements (which will take place until late January 2022), a draft plan will be presented to the public for consultation between June and October 2022. The Government intends to finalise the plan by February 2023.

54. Public submissions recommend that the *He Puapua* and *Matike Mai* (discussed at paragraph 70) reports be actioned by the Government in partnership with Māori.

Engagement with Special Rapporteurs

55. The Special Rapporteur on the right to adequate housing visited New Zealand in 2020. Amongst other matters, her report found that the implementation of the right to adequate housing must address historic injustices and displacement and the ongoing discrimination of Māori, Pacific people and persons with disabilities and be informed by te Tiriti, UNDRIP and the Convention on the Rights of Persons with Disabilities.

People of African Descent

56. New Zealand recognises and celebrates the important contributions of people of many different descents. While nothing specific is planned for the International Decade for people of African descent there are a range of opportunities and initiatives that benefit and acknowledge people of African descent in New Zealand. Examples include the *Government Social Cohesion Framework*, the upgrade of the Office of Ethnic Communities into a Ministry, the Ethnic Communities Development Fund and *Former Refugee, Recent Migrants and Ethnic Communities Employment Action Plan*.

Article 2

57. New Zealand law protects freedom from discrimination on the grounds of colour, race, ethnic or national origins (which includes nationality or citizenship), religious belief or being the relative of a particular person.¹⁰ It is the ongoing policy of the Government to work to eliminate discrimination, intolerance, and violence on these grounds.

1. New Zealand Bill of Rights Act 1990

58. NZBORA affirms human rights and fundamental freedoms in New Zealand. NZBORA also upholds New Zealand's commitment to the Convention through section 19, which prohibits discrimination on the grounds set out in section 21 of the Human Rights Act 1993 (the HRA).

59. Section 7 of NZBORA requires the Attorney General to inform the House of Representatives of any provision in a domestic bill that appears to be inconsistent with any of the rights and freedoms affirmed in NZBORA. These reports are publicly available and referred to select committee for consideration.¹¹ From January 2016 through to December 2020 there were 16 section 7 reports. One of these was in relation to discrimination on the grounds of national origins.

2. Human Rights Act 1993 and the National Human Rights Institution

60. The HRA makes discrimination unlawful on the grounds of age, colour, disability, employment status, ethical belief, ethnic or national origin, family status, marital status, political opinion, race, religious belief, sex, or sexual orientation. The HRA also establishes the Human Rights Commission (HRC) and the Human Rights Review Tribunal.

61. The HRC New Zealand's national human rights institution and is an independent Crown entity. There are four Human Rights Commissioners, one of which is the Race Relations Commissioner. A role of Deputy Chief Executive with specialist ownership for te Tiriti and indigenous rights was established in 2019.

¹⁰ New Zealand Bill of Rights Act 1990, section 19(1); and Human Rights Act 1993, section 21(1).

¹¹ <https://www.justice.govt.nz/justice-sector-policy/constitutional-issues-and-human-rights/section-7-reports/>.

62. The HRC provides education, advocacy and promotion of human rights, monitors and reports on compliance with New Zealand law and international human rights instruments, and supports the implementation and monitoring of the *New Zealand Human Rights Action Plan 2019–2023*. More information about the HRC’s roles are outlined in Article 6.

3. National plan of action against racism

63. In its 2019 response to the UPR recommendations, the Government committed to developing a comprehensive national action plan to target and eliminate racism in Aotearoa.

64. Funding for the development of the action plan was secured through Budget 2021. In August 2021, the Ministry of Justice (MoJ) established a team to develop the action plan. The team is currently working on the approach and process, which will be underpinned by te Tiriti commitments and human rights standards. The team is also considering how to ensure the process includes participation from a wide range of communities, groups, and sectors.

65. The HRC are also contributing to the development of the action plan.

66. Public submissions expressed concern that systemic racism is still present in our institutions. They recommended that institutional racism be assessed and recorded, particularly in public sector agencies, to design solutions and bolster capacity to directly address racism.

Educational and media campaigns

67. In 2017, the HRC launched a campaign urging New Zealanders to give nothing to racism and refuse to spread intolerance. It was the second stage of an ongoing, nationwide anti-racism campaign. The HRC launched a website in 2016 that enabled everyday New Zealanders to share their personal stories of racism.

68. In 2020, the HRC built on both these campaigns with an interactive experience called *Voice of Racism*.

4. Te Tiriti o Waitangi

Timeline for debating, in partnership with Māori, the role of te Tiriti in constitutional arrangements, along with the proposals in the Matike Mai report

69. Moving to constitutional law and practice that is truly grounded in te Tiriti is perhaps the most significant constitutional issue in Aotearoa.

70. New Zealand is not currently progressing constitutional transformation as envisaged by the Matike Mai report. However, New Zealand domestic law and constitutional settings continue to evolve in relation to te Tiriti. This is an incremental exercise rather than a single step and the notion of ongoing constitutional dialogue remains a key part of New Zealand’s civic identity.

71. Essential to this dialogue is how effectively groups co-operate to achieve a true working partnership. The partnership relationships that result from centring the te Tiriti articles and principles permit such evolutionary processes.

72. Public submissions suggested that dialogue about embedding te Tiriti in New Zealand’s constitutional arrangements should be more inclusive of the public, rather than occurring primarily in the political sphere. Public submissions stated that without te Tiriti being constitutionally embedded, there are limitations to rangatiratanga (self-determination) for Māori.

Recognition of the fundamental rights of Māori to self-determination and the obligation to establish shared governance with hapū

73. Engaging and partnering with Māori are fundamental to making progress on significant initiatives and strengthening the Māori-Crown relationship. Successive Governments have introduced measures that take practical steps towards partnership, but more work is needed.

74. The Government accepts there is a need to give space to Māori communities to decide the manifestations of self-determination that are most suitable for them.

75. The Government is progressively making room for the exercise of rangatiratanga in several areas. Examples of shared governance include:

(a) The Government and the National Iwi Chairs Forum have established a process to progress mutual priorities in several areas;

(b) legal effect has been given to negotiated Treaty settlements, discussed in paragraph 155, which establish co-management of traditional tribal natural resources;

(c) The Māori Health Authority and broader health system reforms, discussed in paragraph 285;

(d) Whānau Ora, discussed in paragraph 336;

(e) Independent advisory groups have been established in a range of fields, including on rights to water, family, and criminal justice, discussed throughout;

(f) Legislation that enabled Māori seats in local government bodies discussed at paragraph 380;

(g) Te Ao Mārama, the District Court reforms, discussed in paragraph 218;

(h) Whakaorangia te mana tangata is an initiative being led collaboratively by MoJ and local iwi and Māori groups. It aims to reduce the imprisonment and reoffending rates for Māori by providing a kaitiaki-type service.

76. Other initiatives which establish shared governance with Māori, supporting self-determination, are discussed throughout this report in relation to the relevant articles.

77. Public submissions recommended that efforts to enhance Māori rangatiratanga should be better supported, with more meaningful consultation, and better integration of Māori tikanga and knowledge (mātauranga Māori).

Ensuring that public policy and legislative initiatives comply with the participation principle of Article 2 of te Tiriti.

78. In 2019, Te Arawhiti developed te Tiriti guidance, approved by Cabinet, to assist Crown agencies in considering te Tiriti implications such as rangatiratanga in policy and legislative development and implementation.

79. Co-design and appropriate engagement strategies in legislative and policy reforms are ways in which the Crown ensures Māori participation. There are examples at paragraph 75 and in the section responding to Article 5.

Progressive Procurement

80. Progressive procurement policy in New Zealand is based on international indigenous procurement that shows the benefits to indigenous peoples of actively participating in government procurement. The Government has approved the progressive procurement policy, due for implementation on 1 July 2021.

81. An initial target of 5% of annual agency contracts being awarded to Māori businesses has been set for the 2021/22 year.

5. Te Kawa Mataaho – Public Service Commission

82. One of the public service's most important roles is to support the Crown in its relationships with Māori under te Tiriti.

83. The new Public Service Act 2020 recognises the responsibility of public service leaders to develop and maintain the capability of the system to engage with Māori and understand Māori perspectives. This has involved refreshing the development plans of these leaders and the development of Whāinga Amorangi, the Transforming Leadership framework.

84. Over the past year, Te Kawa Mataaho Public Service Commission (PSC) has led implementation of the Act across the public sector with Te Arawhiti, and Te Puni Kōkiri, the Ministry of Māori Development (TPK).

85. Some of the specific initiatives that PSC have undertaken to support the Act include:

(a) Establishment of Te Hāpai Ō, Māori Advisory Committee to assist the Public Services Commissioner with the implementation of the Act; and

(b) With TPK, supporting Te Arawhiti to identify and lift Māori-Crown relationship capability across the public service.

86. In October 2021, a second Deputy Public Service Commissioner was appointed with a particular focus on Māori-Crown relations.

6. Te Arawhiti – Office for Māori Crown Relations

87. Te Arawhiti is the steward for Māori Crown relations across government. Te Arawhiti works to enable the restoration of the Crown's relationship with Māori through the settlement of historical breaches of the Treaty of Waitangi and by assisting in the recognition of customary rights to the Takutai Moana. Te Arawhiti sustains the Māori Crown relationship by upholding the Crown's settlement commitments and by putting the Treaty at the heart of Government policy, and builds the Māori Crown relationship by realising Māori aspirations through lifting public service capability to engage and partner with Māori.

7. Te Puni Kōkiri – Ministry of Māori Development

88. TPK has the core role of improving Māori wellbeing and providing assurance that public sector agencies are effective for Māori. The 2020–2024 Strategy *He Takunetanga Rautaki – Strategic Intentions* sets out TPK's role in working to significantly reduce economic, social, health and welfare disparities for Māori. This includes monitoring the effectiveness of public sector agencies' strategies, policies and services in uplifting Māori wellbeing.

89. TPK continues to lead policy advice and strengthen its approach to implementation on issues of specific importance to Māori.

8. Te Manatū mō ngā Iwi o te Moana-nui-ā-Kiwa – Ministry for Pacific Peoples

90. The Ministry for Pacific Peoples (MPP) is the Crown's principal advisor on policies and interventions aimed at improving outcomes for Pacific peoples.

91. The *Pacific Aotearoa Lalanga Fou* report underpins MPP's work programme and informs its strategic intentions. *Lalanga Fou* describes the vision and goals articulated by Pacific communities and is being embedded by the All-of-Government Pacific Wellbeing Strategy.

92. Kapasa, the Pacific Policy Analysis Tool, and the *Yavu* tool supports agencies to develop policies, programmes and services that engage and integrate Pacific peoples' perspectives in ways that are meaningful and culturally appropriate.

9. Te Tari Mātāwaka. – The Ministry for Ethnic Communities

93. Cabinet agreed to establish the Ministry for Ethnic Communities (MEC) from 1 July 2021. This was a recommendation of the RCOI into the terrorist attack on Christchurch masjidain.

94. MEC will effect change in areas critical to the wellbeing of ethnic communities. Its core functions include leading the system to improve outcomes for ethnic communities, policy and advice, monitoring and data collection, and partnering and engagement.

95. The Minister for Diversity, Inclusion and Ethnic Communities engaged directly with ethnic communities to help inform the Ministry's initial priorities.

96. Public submissions considered the establishment of MEC a positive step.

10. Royal Commission of Inquiry into Abuse in Care

97. The Royal Commission of Inquiry into Abuse in Care (Royal Commission) is undertaking a series of investigations into abuse and neglect that occurred in State and faith-based care settings. This includes an investigation into the experiences of Māori, who were disproportionately placed in state care. The Commission included Māori in the governance of the Inquiry.

98. The Royal Commission is scheduled to present its final report in June 2023 which will include findings and recommendations. An interim report, *Tāwharautia: Pūrongo o te Wā (Tāwharautia)*, was published at the end of 2020, along with three research reports. Key findings include:

- (a) The number of people abused could have been up to 250,000 out of approximately 655,000 who went through the care settings covered by the Inquiry;
- (b) Common factors in abuse cases include a lack of training and vetting, and poor complaints and response processes, and at the worst further abuse, harassment or punishment for reporting abuse;
- (c) Redress processes have not worked for many survivors; instead tending to focus on the financial implications to the State rather than providing wellbeing and compensation to survivors;
- (d) Discrimination and racism from authorities played a role in the abuse, whilst the public service played a role in failing to detect and prevent abuse;
- (e) Māori make up 81% of the children abused in care.

Recommendations on redress for victims to be made in 2021

99. The Royal Commission is not able to provide compensation for abuse or neglect, but some agencies have mechanisms for making a complaint or a claim for compensation or support.

100. The Royal Commission provided initial recommendations on redress by 1 October 2021 and will provide an interim report on redress by 1 December 2021. The redress report, will be considered by the multi-agency Crown Response to the Royal Commission and responses to the findings and recommendations developed.

11. 2021 Dawn Raids Apology

101. The Prime Minister delivered the Dawn Raids apology on 1 August 2021. The apology overall has been well received by Pacific communities who see this as an important step in enabling talanoa (open dialogue) about past experiences of racism in New Zealand.

102. During the period between 1974 and 1976, police and immigration officials carried out rigorous enforcement of immigration laws, which included conducting targeted raids on the homes of Pacific families, often early in the morning or late at night. Police also carried out random street checks on anyone who was suspected of being an ‘overstayer’. Due to racial profiling, these checks disproportionately impacted Pacific peoples. Māori and other non-Pākehā ethnic minorities, many of whom were legally in New Zealand, were also impacted.

103. The Government apology promotes a reconciliation process for those directly impacted and for Pacific communities today. The Government also committed to the development of a comprehensive historical record of the Dawn Raids for reconciliation and education purposes, \$2.1 million in Tuli Takes Flight academic and vocational scholarships for eligible Pacific peoples, and \$1 million in Manaaki New Zealand Short-Term Training Scholarships for young leaders from Samoa, Tonga, Tuvalu and Fiji.

104. Public submissions indicated that the Dawn Raids apology was a positive step made by the Government.

Article 3

105. The Government condemns racial segregation and apartheid. These practices are prohibited by the HRA and the NZBORA. Policies or practices of racial segregation and apartheid would fall into the category of unlawful discrimination under both Acts.

Article 4

1. Royal Commission of Inquiry into the terrorist attack on Christchurch masjidain

106. The terrorist attack was driven by an extreme right-wing Islamophobic ideology. It was a xenophobic and racist attack that deliberately targeted Muslim people, migrants and a place of prayer. New Zealanders united around those affected and spoke out against racism, extremism and extremist violence. There was a period of national reflection about shared values in the months following.

107. The terrorist attack was carried out by an individual who has since been convicted of terrorism and is now serving a sentence of life imprisonment without parole.

108. The RCOI's report, *Ko tō tātou kāinga tēnei*, was tabled in Parliament in December 2020. Cabinet agreed, in principle, to all 44 recommendations. Key responses to these recommendations are discussed below.

109. Public submissions also expressed concern that many other Muslims and migrants have suffered the broader trauma from these attacks. For some members of these communities, the attacks have perpetuated the sense that New Zealand is not safe for them.

110. Public submissions also stated that the attacks brought racism into public discourse, and the Government has been more open and has put more resource into addressing racism, and is better acknowledging the threat posed by white supremacy.

111. However, it was emphasised that this remains an ongoing concern. Submitters said that this is particularly salient as the Muslim community had raised concerns to authorities about white supremacist threats prior to the terrorist attack, which were ignored.

112. Public submissions also expressed concerns about counter terrorism security measures targeting Muslim and migrant communities, as well as of Māori communities.¹² Public submissions recommended that the monitoring of counter-terrorism legislation be ensured via an independent oversight body.

Strengthening social cohesion

113. Many of the recommendations from the RCOI are directly and indirectly related to building and improving social cohesion.

114. MSD, together with the Department of Internal Affairs (DIA) and MoJ, will work with key stakeholders to co-design a social cohesion strategic framework and identify tangible actions that Government and wider society can undertake to improve social cohesion.

115. Public engagement on social cohesion was undertaken alongside MoJ engagement on proposals related to the incitement of hatred and discrimination, as well as work by DIA to amend the definition of "objectionable" in section 3 of the Films, Videos, and Publications Classification Act 1993 (Classifications Act).

116. Public submissions stated that social cohesion priorities should not focus on ethnic or Māori communities, but more on Pākehā.

Countering violent extremism online

117. The RCOI recommended amending the definition of "objectionable" in the Classifications Act to include racial hate, racial superiority and racial discrimination. The

¹² Independent Police Conduct Authority (2013). Operation Eight: The Report.
<https://www.ipca.govt.nz/site/publications-and-media/2013-reports-on-investigations/>.

review was approved by the Government in June 2021 and will include a wider review of the regulatory systems of media such as films and videos.

118. The Government is also progressing the Films, Videos, and Publications (Urgent Interim Classification of Publications and Prevention of Online Harm) Amendment Bill (the CVE Bill). The CVE Bill provides additional regulatory tools to manage harms caused by content that is live streamed, and/or hosted online.

119. The Digital Violent Extremism (DVE) Team, comprising investigators and intelligence specialists, was established in early 2021 to respond to violent extremist content online.

120. Public submissions discussed the challenges with getting hate speech online removed. Online hate speech within universities was an issue of concern.

121. Public submissions stated that the Christchurch Call to Action has been an effective, international tool led by New Zealand.

2. Racist hate speech and hate crimes

122. The CERD and the RCOI made recommendations related to hate speech and hate crime.

Responding to racially motivated hate speech

123. The Human Rights Act 1993 (HRA) prohibits speech that incites ‘racial disharmony’ against a person because of an aspect of their identity such as race and ethnicity. The HRA includes a civil provision and a criminal offence. These provisions are often referred to as ‘hate speech’ laws.

124. Section 131, the criminal offence, provides for a penalty of 3 months’ penalty or a \$7,000 fine.

125. Section 131 offence data held by the New Zealand Police shows an increase of proceedings and prosecutions over the reporting period with a total of eight offenders being prosecuted over this period. See Table 26 in Annex 4.

126. Racial disharmony (section 61 HRA) is the civil law counterpart of section 131. It does not require the perpetrator to act with intent. For section 61 complaints, the HRC can offer mediation and other dispute resolution processes. A claim can also be taken to the Human Rights Review Tribunal which can award a wide range of remedies including damages.

127. Complaints under section 61 to the HRC have increased significantly in numbers, from 38 to 72 per financial year, over the last five years. Please see Table 27 in Annex 4. None of these complaints have been resolved through the HRC’s mediation services and there have been no Tribunal or court awards of remedies under section 61.¹³

128. The HRA also includes a civil law pathway for ‘racial harassment’ (section 63 HRA). It prohibits certain racial expressions in employment, education, provision of housing and services and other areas if they have a detrimental effect on that person in that area. The complaints process is the same as for section 61.

129. For racial harassment, complaints numbers have generally decreased over the last five years (from 71 to 39 per year). In these years, the HRC mediated a total of 27 racial harassment complaints and the same number of settlements was reached. In 2016, the Human Rights Review Tribunal awarded remedies, including damages of \$25,000, to a plaintiff based on a breach of section 63 by their employer.¹⁴

¹³ Only one case was considered by the Human Rights Review Tribunal and subsequently the High Court. The plaintiff was unsuccessful, *Wall v Fairfax New Zealand Limited* [2018 NZHC 104].

¹⁴ *Singh v. Scorpion Liquor* [2016 NZHRT 38].

Adequacy of legislation for racially motivated hate speech

130. In December 2020, following a review by MoJ and based on the recommendations of the RCOI, the Government agreed to in-principle proposals to strengthen and clarify these protections. This includes broadening the groups protected and raising the criminal penalty to a maximum of three years' imprisonment.

131. The Government consulted the public, including community groups around New Zealand, to inform decisions on whether and how to amend the legislation, attracting more than 19,000 submissions.

132. Final policy decisions on legislative changes have not yet been made.

133. Public submissions encouraged the prioritisation of this work and the progression of improved legislation and acknowledged the progression of this work but also highlighted that the broader contributors to racially motivated crimes beyond legislation.

Collection of statistics and responses to hate crime

134. In New Zealand, hate crime or crimes of prejudice are not specific, standalone offences. The terms hate crime or crimes of prejudice can be considered umbrella terms for any offence that is motivated by hostility targeted at individuals or a group who share an enduring common characteristic such as race, colour, nationality, religion, gender identity, sexual orientation, age or disability. Such hate motivation is an aggravating factor in the Sentencing Act.

135. Where Police record an offence and identify that hate or prejudice formed part or whole of the motivation behind the offence, this file is flagged as a hate crime/crime of prejudice. The use of flags is not a robust methodology to provide an accurate picture of hate crime related offences. While the quality of data has improved markedly over the past year it is not of a standard that allows it to be released in raw data form. The Te Raranga – The Weave programme has identified reporting and recording of hate crime as one of its priority pieces of work in conjunction with the newly established Data Quality and Integrity Team within Police.

136. Te Raranga is a four-year Police programme established in December 2020 that aims to:

- (a) Weave people, whānau, agencies, and communities together to reduce hate crime and hate incidents, and support those who have been affected by it;
- (b) Recognise the lived experiences of communities to improve understanding of hate crime and hate incidents;
- (c) Lift the awareness and ability of Police to respond to hate crime through improved systems and training design;
- (d) Provide access and support to a restoration process for those impacted by hate crime.

137. The New Zealand Police strategy *Working Together with Ethnic Communities* supports improved partnerships and more inclusive practices, such as:

- (a) Continued regular engagement with the Police Commissioner's Ethnic Focus Forum;
- (b) The establishment of Ethnic Advisory Boards in major cities;
- (c) The appointment of Ethnic Liaison Officers to work closely with ethnic communities;
- (d) Memoranda of Understanding with the Federation of Islamic Associations of New Zealand and the New Zealand Federation of Multicultural Councils.

Article 5

138. The Government recognises that policy and legislative matters should reflect Māori custom, worldviews and cultural heritage. It also recognises the ongoing inequalities facing Māori and Pacific peoples and the impact these have on social and economic wellbeing outcomes. The Government is working to address these through a range of initiatives.

1. Māori intellectual and cultural property rights

The Wai 262 claim with the Waitangi Tribunal

139. The Waitangi Tribunal report *Ko Aotearoa Tēnei: A Report into Claims Concerning New Zealand Law and Policy Affecting Māori Culture and Identity* (Wai 262 report) was published in 2011. In 2018, the Government published a comprehensive stocktake of progress in addressing issues raised through the Wai 262 claim and the report. In 2019, the Government agreed to develop a whole of government strategy to address Wai 262 issues: *Te Pae Tawhiti – Wai 262*.

Co-Governance of Natural Landmarks

140. Ngā Mana Whenua o Tāmaki Makaurau¹⁵ negotiated a collective settlement of their historical Treaty claims with the Crown in 2012. As part of the settlement, 14 Tūpuna Maunga (ancestral hills/mountains) were vested to them, to be held for the common benefit of iwi, hapū, and other people of Auckland.

141. The Te Urewera and Te Awa Tupua Treaty Settlement Acts provided for the recognition of legal personality to particular natural features.

Plant Variety Rights Act 1987 Review

142. Consultation on the Plant Variety Rights Act began in September 2018, using recommendations in the Wai 262 report as the starting point, and key policy decisions were made in response.

143. In August 2020 consultation was undertaken on a paper dealing with outstanding issues. Some of these issues involved further detail on how to implement te Tiriti provisions. A new Plant Variety Rights Bill was introduced to Parliament in May 2021. It provides a framework for protecting intellectual property rights in plant varieties and seeks to implement the Crown's obligations under te Tiriti.

2. Supporting and strengthening the Māori language

144. The total number of te reo speakers continues to grow. There were 185,955 in 2018 compared with 148,395 in 2013. However, the proportion of the total population speaking te reo Māori has remained relatively consistent (4% in 2018 compared with 3% in 2013).

145. Te Ture mō Te Reo Māori, the Māori Language Act 2016 created a partnership approach for the revitalisation of te reo Māori based on te ao Māori.

Māori broadcasting

146. The Government provides funding to Māori broadcasting and media in recognition of its obligations to protect and promote Māori language and culture under Article 2 of te Tiriti.

147. Te Māngai Pāho promotes Māori language and culture by funding Māori media content, as well as operational funding for iwi radio stations and archiving of content. In 2019/20, it received over \$66 million in government funding.

148. The Māori Television Service received over \$19 million in direct operational funding in 2019/2020. It produced locally made content including te reo content, broadcast content for two channels, and content for an online platform.

¹⁵ The collective name of the 13 iwi/hapū with historical claims in wider Tāmaki Makaurau (Auckland).

Māori language in education

149. Tau Mai Te Reo, the Māori Language in Education Strategy 2020 is the education sector's contribution to the Maihi Karauna. It provides a framework for coordinating programmes and services that support te reo Māori in Māori medium and English medium education.

150. Between 2010 and 2019, the number of Māori students learning the Māori language grew by 27%, from 67,193 learners in 2010 to 85,444 learners in 2019. The number of all learners participating in Māori language in education in 2019 grew by 35% from 149,056 learners in 2010 to 201,299 learners in 2019.

151. In 2020, 30,626 secondary school students studied te reo Māori as a National Certificate in Educational Achievement (NCEA)¹⁶ subject. This is a 35% increase in participation since 2014.¹⁷

Māori medium teaching and learning

152. *Te Marautanga o Aotearoa*, the curriculum for Māori medium schooling pathways, is being strengthened to reflect a more holistic and learner-centred focus based on *He Tamaiti Hei Raukura*, a framework founded on a Māori worldview.

153. Significant investments have been made into Māori medium teaching and learning, including:

- (a) \$32 million to support Kōhanga Reo in Budget 2019;
- (b) \$100 million to support Kōhanga Reo and revitalise te reo Māori in Budget 2020;
- (c) \$20 million to support Māori boarding schools, \$32.3 million to address inequitable funding of wānanga, \$77 million to support property funding for schools delivering Māori medium education and further funding to improve pay for Kōhanga Reo teachers in Budget 2021.

154. There has been an increase in the number of students enrolled in Māori medium education in schooling,¹⁸ with 10.8% of Māori and 2.7% of total school-aged students learning through te reo most of the time. Additionally, 19.9 % of Māori learners enrolled in early learning are in Māori medium services.

3. Māori land issues and the treaty settlement process

155. When settling Treaty claims, it is the Crown's policy that only Crown-owned land, rather than privately-owned land, can be provided as redress. This preserves existing private property rights and is based on the principle that Treaty settlements should not create further land related injustices. For some groups, the return of land is paramount. For others, the capital to create an economic base is paramount. For the majority, it is a mixture of both. See Annex 3 for Treaty Settlements signed between 2016 and 2021.

156. Whilst a significant amount of Crown land has been provided to Māori as redress, together with economic and historical redress (Crown acknowledgement and apology), because only Crown-owned land is provided as redress, only a small percentage of the total land dispossessed from Māori has been returned in settlements. The Crown does not collect statistics on the percentage of land historically lost or returned through the settlement process.

¹⁶ NCEA is the main national qualification for secondary school students in New Zealand.

¹⁷ <https://www.educationcounts.govt.nz/statistics/subject-enrolment>.

¹⁸ <https://www.educationcounts.govt.nz/statistics/6040>.

4. The use of Māori traditional land and resources

Housing Accords and Special Housing Areas

157. The Government has purchased the land at Ihumātao. In December 2020, a memorandum of understanding, He Pūmāutanga,¹⁹ was signed between the Kīngitanga, the Crown and Auckland Council.

158. As part of this, a steering committee (Rōpu Whakahaere) has been formed, and is working on a consensus basis to decide how the land will be developed in a way that recognises its special characteristics.

159. The Housing Accords and Special Housing Areas (SHAs) legislation has not been extended. No new SHAs can be established and all existing SHAs have been disestablished. Resource consents lodged prior to 16 September 2019 will still be processed through the permissive resource consent until 16 September 2021. Any applications lodged after 16 September 2019 will be processed through the Resource Management Act 1991 (RMA). RMA reforms are discussed further from paragraph 166.

Supporting Māori landowners

160. The primary law relating to Māori land is the Te Ture Whenua Māori Act 1993. A significant amount of Māori land is under-performing for its owners, in many cases because of structural issues stemming from the existing legislation.

161. The Te Ture Whenua Māori (Succession, Dispute Resolution, and Related matters) Amendment Act 2020 made it easier for Māori landowners to connect with and use their whenua.

162. In Budget 2019, the Government committed \$56.1 million to enable regional on-the-ground advisory services, the creation of a Whenua Knowledge Hub and website, new and enhanced services for the Māori Land Court, and the modernisation of the Māori Land Court information systems.

5. Review of the Marine and Coastal (Takutai Moana) Act 2011

163. Te Takutai Moana Act is currently the subject of a Waitangi Tribunal kaupapa inquiry with the first of two reports released in June 2020. This report considered whether the procedural and resourcing arrangements in place to support applicants under the Act are compliant with te Tiriti.

164. The Crown is working with Takutai Moana Act applicants to progress applications for recognition of customary rights in the common marine and coastal area. In June 2021, the Government announced a new approach to the Takutai Moana process, which means that the Crown will work together with iwi, hapū and whānau applicants across twenty coastlines (covering all of the common marine and coastal area) to progress their applications.²⁰

6. Environmental issues and the natural resource sectors: Māori rights and interests

Māori Rights and Interests in Freshwater

165. The Government has committed to working to achieve efficient and fair allocation of freshwater resources, having regard to all interests including Māori, and existing and potential new users.

¹⁹ <https://www.beehive.govt.nz/sites/default/files/2020-12/He%20Pumautanga.pdf>.

²⁰ Information about applications can be accessed here: <https://www.tearawhiti.govt.nz/te-kahui-takutai-moana-marine-and-coastal-area/applications/> and on the High Court website <https://www.courtsofnz.govt.nz/the-courts/high-court/high-court-lists/marine-and-coastal-area-takutai-moana-act-2011-applications-for-recognition-orders/>.

Resource Management Reform

166. In July 2019, the Government established an Independent Review Panel (the Panel) to review the RMA and make recommendations on a new resource management system. The Panel engaged with Māori and iwi during the development of their report, released in July 2020.

167. Their recommendations included:

(a) Replace the RMA with three new Acts: The Natural and Built Environments Act (NBA), a Strategic Planning Act (SPA), and a Managed Retreat and Climate Change Adaptation Act;

(b) Require that all those carrying out functions under the NBA and the SPA give effect to the principles of te Tiriti;

(c) Include mana whenua membership on the joint committees deciding on Regional Spatial Strategies and Combined Plans under the new Act;

(d) Establish a new National Māori Advisory Board to monitor and audit system performance.

168. In December 2020, Cabinet agreed to proceed based on the Panel's recommendations and they will consult with Māori through hui and ongoing co-design work with members of the national iwi and Māori groups.

169. A draft of the NBA was released in June 2021 for public consultation and resulting recommendations were completed on 1 November 2021. The Government plans to introduce the NBA and the SPA into Parliament in 2022.

7. Supporting Pacific languages

170. In 2018, the Government made a commitment to promote and preserve Pacific languages, supported by a \$20 million investment in 2019.

171. In the 2018 Census, 163,002 people reported speaking a Pacific language with 40.7% of Pacific people able to speak more than one language. The most common language was Samoan (101,937). The number of speakers within specific ethnic groups ranged from 50.4% of Samoans through to 8.9% of Cook Islands Māori. Comparisons from Census 2013 to Census 2018 show that the proportion of speakers of Pacific languages has declined.

172. MPP has a dedicated languages unit, focused on Pacific language revitalisation in Aotearoa, and invests in community-led language activities. MPP has prioritised the development of a Pacific Languages Strategy for Pacific languages preservation in New Zealand for the next 10 years.

Pacific language immersion in education²¹

173. In July 2020, 23 schools were offering education in an immersion language for more than 51% of the time to 1,456 students. A total of 19 schools offered Pacific language education for up to 50% of the time to 2,034 students. A further 77 schools (8,754 students) offered Pacific languages as a separate subject. There were also 118 Pacific language early learning services (3%) where a Pacific language was used for more than 51% of the time.

174. In May 2021, the Government announced new funding for Pacific bilingual and immersion education from January 2022 for schools that teach in a Pacific language at least 51% of the time.

8. Pacific peoples' participation in the economy

175. Budget 21 included a \$108 million Pacific package to support the wellbeing of Pacific communities. Of this, \$46.5 million has been invested to deliver two economic initiatives through MPP:

²¹ <https://www.educationcounts.govt.nz/statistics/6044>.

(a) Supporting Pacific businesses through the impacts of COVID-19 with \$16.2 million for business support services, and

(b) \$30.3 million to boost support for the Tupu Aotearoa programme which supports Pacific peoples into employment, training, and education.

176. MPP are currently managing initiatives which aim to provide more equitable outcomes and improved economic development for Pacific businesses. MPP is also progressing work to develop and implement a cross-agency *Pacific Employment Action Plan* the Government's overall *Employment Strategy*. See paragraph 187.

Participation in the informal economy

177. In 2018, the Treasury and the Pacific Business Trust funded a research project to identify and delineate the economic footprint of the Pacific community within New Zealand's economy. In 2021, MPP completed research to better understand and recognise the value of Pacific peoples' unpaid work and volunteering contributions to Aotearoa and the economy.²²

178. Public submissions suggested that unpaid labour and volunteering contributions within ethnic communities was undervalued.

9. Pacific representation in corporate governance

179. MPP maintains a nominations database of skilled Pacific peoples who are available for appointment and encourages state sector boards to utilise the skills offered by Pacific representatives.

180. The 2019 Stocktake of Gender, Māori, and Ethnic Diversity on State Sector Boards and Committees (the Stocktake), the first ever undertaken, reported Pacific representation was 4.6%. In comparison, Māori representation was 21.1%, Asian was 3.6% and Pākehā 71.6%. Less than 1% of members were of MELAA descent. The 2020 Stocktake reported Pacific representation increased to 5.4%.

181. MPP partnered with the Ministry for Women (MfW) and the then Office of Ethnic Communities to support governance training and networking for Pacific peoples.

10. Pacific peoples' wellbeing strategy

182. Budget 21 included \$6.6 million to support the establishment of an *All-of-Government Pacific Wellbeing Strategy*. The Strategy will drive improved wellbeing outcomes by strengthening strategic leadership across government and ensuring investment is responsive to the needs and aspirations of Pacific communities.

183. Embedding the Strategy and the implementation of the *Pacific Employment Action Plan* will also support greater pay equity and occupational progression for Pacific people in the Public Service by enhancing cultural capability across government and addressing systemic barriers.²³

11. Migrant and resettled communities

Equal opportunity and equal treatment for migrants in employment

184. The MEC, MSD and the Ministry for Business, Innovation and Employment (MBIE) have developed the *Former Refugees, Recent Migrants and Ethnic Communities Employment Action Plan* under the all-of-Government *Employment Strategy* (see paragraph 187) in consultation with these communities.

185. Public submissions stated that research and experiences indicate that Muslim women are the lowest preferred employees, and that young ethnic people struggle to get interviews

²² Report can be found here: [Pacific-Economy-Research-Report-on-Unpaid-Work-and-Volunteering-in-Aotearoa.pdf \(mpp.govt.nz\)](#).

²³ The biggest gender and ethnic pay gap in New Zealand is between Pākehā men and Pacific women at 27%, and Pacific men at 22%. It will take around 120 and 100 years respectively to reach pay equity (HRC, 2020).

for roles. These submitters suggested that this may be because of stereotyping related to names.

186. Public submissions also stated that the ethnic capture for data in the Census and other data forms perpetuates being ‘othered.’ For example, submitters highlighted that there is an option for New Zealand-European, but no options for New Zealand-Indian. Public submissions recommended more robust ethnic data is captured, and suggested that it would help to address ethnic pay gaps, particularly in the private sector.

Employment Strategy

187. The Employment Strategy presents the Government’s vision for the labour market and the changes it is implementing to improve employment outcomes for all New Zealanders.

188. The Employment Strategy is supported by seven population-specific employment action plans. There are plans for Māori, Pacific, older workers, youth, disabled people, women and former refugees, recent migrants and ethnic communities. This is to ensure that those who consistently experience poor labour market outcomes have the support they need.

189. In 2016, changes to key pieces of employment legislation via the Employment Standards Legislation Bill aimed to encourage fair and productive workplaces and to ensure employment law responds to a business environment. In 2020, the Government announced legislative, policy and operational changes, and \$50 million over four years, to address temporary migrant worker exploitation in New Zealand, including of international students.

Migrant Settlement and Immigration Strategy

190. Immigration reports annually across the five Migrant Settlement and Immigration Strategy outcome areas: employment, education and training, English language, inclusion and health and wellbeing. The 2019 dashboard report showed positive progress in most of the indicators. Highlights include:

- (a) The employment rate of recent migrants continued to show an increasing trend and is higher than for the New Zealand-born population;
- (b) The proportion of employed skilled migrant category applicants and their partners with occupations in New Zealand that match their skills and New Zealand-ready qualifications is increasing;
- (c) Of overseas born (non-refugee) migrant school leavers, 89% gained at least an NCEA Level 2 qualification, higher than the average for all school leavers of 79%;
- (d) Nine out of 10 recent migrants are enrolled in a primary health organisation.

Access to adequate and appropriate services for all asylum seekers and refugees

191. Claims for refugee or protected person status are decided according to the Immigration Act 2009. One of the purposes of the Act is to ensure that New Zealand meets its obligations under the Convention Relating to the Status of Refugees, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Covenant on Civil and Political Rights.

192. Most asylum seekers in New Zealand are eligible to access a relevant temporary visa while their claim is being processed and can seek and obtain employment, financial support, public health services, public schools, and some tertiary and English language courses, with Government assistance to access these services.

193. Refugees resettled under the Refugee Quota Programme are granted a Permanent Resident visa. On arrival, they are accommodated at a Refugee Resettlement Centre, where they participate in a reception programme, which supports living and working in New Zealand. This includes integrated health services; health assessment, education, primary mental health, needs assessment, and service coordination and referrals. They are then settled in one of 13 established settlement locations across New Zealand in accommodation and are provided settlement support for up to 12 months.

194. Refugees are one of the groups identified in He Ara Oranga: Report of the Government Inquiry into Mental Health and Addiction and are specifically mentioned in schedule 2 of the Mental Health and Wellbeing Commission Act 2020.

195. The 2019 dashboard for the New Zealand Refugee Resettlement Strategy showed that 40% of the 2018/19 quota refugee cohort have accessed mental health services, with the majority accessing services within one month of arrival. There are specialised mental health services for refugees and asylum seekers.

196. Refugees are treated the same as a resident or citizen of New Zealand when seeking to access public housing. To accommodate the increase in the refugee quota, Kāinga Ora and Community Housing Providers are being funded to deliver between 520 and 580 housing places in 14 resettlement locations over three years (2020/21 to 2022/23), with Kāinga Ora providing 70% of those.

197. Public submissions recommended monitoring of support services and the provision of better information for ethnic communities from Kāinga Ora.

Supporting ethnic communities

198. The Ethnic Communities Development Fund is a \$4.2 million annual fund for projects that support ethnic communities to grow their skills, celebrate their culture, take part in society and to deal with the challenges of COVID-19.

Detention of migrants

199. The detention provisions in the Immigration Act are not specific to classes of people. People can be detained under the Act if there is doubt about the identity of the person, where there is a threat or risk to security, to facilitate legitimate removal action, or it is otherwise in the public interest. Asylum seekers may be detained in a Department of Corrections (Corrections) facility in accordance with a warrant or order issued under the Act.

200. In accordance with regulation 184 of the Corrections Regulations 2005, people in prison who are detained under the Act are subject to the same regime and have the same entitlements as remand accused prisoners.

201. All prison facilities are operated in accordance with New Zealand legislation and agreements, such as the United Nations Standard Minimum Rules for the Treatment of Prisoners. There are currently three individuals detained in correctional facilities in accordance with an immigration warrant. These individuals can only be held with accused prisoners and there must be no mixing with convicted prisoners unless the Chief Executive approves (on being satisfied that there are exceptional circumstances).²⁴

202. Public submissions raised concerns about asylum seekers being held in criminal justice facilities, suggesting that this practice is contrary to the standards set by the United Nations Working Group on Arbitrary Detention in 2018. Public submissions referenced the Amnesty International New Zealand report that found that between 2015 and 2020, 86 people seeking asylum were held in correctional facilities while they awaited the outcome of their claim.²⁵

Addressing the disparities of Māori within the justice system

203. The Government acknowledges that the current system is not working well and continues to work with Māori to reduce Māori offending. See Table 1–4 in Annex 4. Key statistics highlight the extent of the work to be done:

(a) Māori were 58% of the remand population, 61% of the sentenced population in November 2021 and 45% of the community sentence offender population in 2020;

²⁴ Pursuant to Regulation 186(3) of the Corrections Regulations 2005.

²⁵ Aotearoa New Zealand: Please take me to a safe place: The imprisonment of asylum seekers in Aotearoa New Zealand (2021). <https://www.amnesty.org/en/documents/asa32/4113/2021/en/>, Page 4.

(b) In 2020, Pacific prisoners accounted for 10% of the remand population, 8% of the sentenced population and 10% of the community sentence offender population;

(c) The total number of children and young people charged in court has decreased from 1,881 in 2017 to 1,584 in 2020. Ethnic representation has remained relatively consistent. In 2020, 61% of those charged were of Māori ethnicity compared with Pākehā (26%) and Pacific (8%). This compares with 65%, 24% and 10%, respectively, in 2017. See Table 22 in Annex 4;

(d) Māori are also disproportionately represented as victims of crime, in New Zealand. In 2018, 37% of Māori were victims of crime, compared to 29% for the rest of NZ.²⁶

204. Public submissions outlined the concerns of practices within correctional facilities such as the overuse of seclusion, and of force and restraint, referencing the 2020 report commissioned by the HRC²⁷ and the Office of the Inspectorate's 2021 report²⁸ about the experiences of women in prisons, which included issues related to bullying, healthcare access, and strip searches.

205. The New Zealand Police has developed three strategies Te Huringa o Te Tai; O Le Taeao Fou: Dawn of a New Day – Pasifika National Strategy (O Le Taeao Fou); and Working Together with Ethnic Communities – The Future: Police Ethnic Strategy to support their responsiveness to Māori, Pacific, and ethnic communities. These strategies include formal partnerships with Māori such as via Te Pae Oranga which is an iwi/Māori-led alternative pathway for lower-level offending based on tikanga Māori.

206. In 2021, Police established 'Understanding Policing Delivery', a research programme looking to identify whether, where, and to what extent bias exists in Police's operating environment. The research will focus on frontline staff interactions, policy, training and deployment to understand Police decision-making.

Hōkai Rangi: Ara Poutama Strategy for 2019–2024

207. *Hōkai Rangi* is a strategy focussed on the prioritisation of the wellbeing of both the people who come into Corrections' management, and their whānau. Its ultimate aim is to lower the proportion of Māori in Corrections' care to a level that matches the Māori share of the general population. *Hōkai Rangi* was developed through co-design wānanga.

Prisoner voting

208. In 2019 the Waitangi Tribunal found that the 2010 law disqualifying all prisoners from being able to vote was inconsistent with the principles of te Tiriti and had had a disproportionate and prejudicial effect on Māori. The Tribunal report, *He Aha i Pērā Ai?*, recommended that the legislation be amended to remove the disqualification of all prisoners from voting, irrespective of their sentence.

209. The Electoral (Registration of Sentenced Prisoners) Amendment Act 2020 amended the Electoral Act 1993, removing the law which disqualified all prisoners from being able to vote. The Act allows for those imprisoned for a term of less than three years to vote in elections and referendums. Additionally, it requires the Department of Corrections to advise prisoners about their voting rights when they enter prison and when they are released.

Initiatives to reduce Māori offending

210. Hikitia will deliver, through a mana whenua ahi kā model of care, an equitable, person-centred service approach, ensuring culturally and clinically effective mental health and addiction care for men in custody in the three prisons of the central region.

211. Te Mauri Paihere ki Mangakootukutuku aims to support holistic wellbeing for wāhine (women), who have recently left a Corrections facility, and their whānau. A key principle of

²⁶ <https://www.justice.govt.nz/assets/Documents/Publications/turuki-turuki.pdf>.

²⁷ https://www.hrc.co.nz/files/9216/0749/3332/Time_for_a_Paradigm_Shift_Print.pdf.

²⁸ https://inspectorate.corrections.govt.nz/_data/assets/pdf_file/0003/44571/Inspectorate_Womens_Thematic_Report_-_FINAL.pdf.

this initiative is for the provision of transitional accommodation and reintegration support, with support to access training.

212. Māori Pathways Programme supports the Corrections system to be more effective by using kaupapa Māori (Māori approach) and whānau-centred approaches. The programme is being developed, trialled, tested and evaluated in Northland, Hawke's Bay, and Christchurch (the latter is focused on women).

Hāpaitia te Oranga Tangata – Safe and effective Justice

213. Hāpaitia te Oranga Tangata (Hāpaitia) is a cross sector initiative to help guide the transformation of the criminal justice system. It aimed to do this by setting a vision and establishing the necessary relationships to move toward that vision.

214. Hāpaitia faced criticism due to a lack of Māori representation at the Criminal Justice Summit in 2018. This resulted in the Hui Māori Ināia Tonu Nei – we lead, you follow hui, being held in April 2019 and a report. This had specific recommendations by Māori, including the Mana Ōrite relationship agreement.

215. The Mana Ōrite relationship agreement was signed in April 2021 between the Ināia Tonu Nei leaders and justice sector chief executives across Justice sector agencies. The agreement seeks to create a future where Māori are no longer affected by the impacts of institutional racism and communities are empowered, with the focus on healing and restoration.

216. The Government has also committed to respond to the other recommendations from the Hāpaitia programme.

217. Public submissions supported the *Mana Ōrite* relationship agreement, and of prioritising the recommendations in the *Hui Māori Ināia Tonu Nei* report.

218. On 11 November 2020, a new model for the District Court, Te Ao Mārama, was announced. The model will incorporate best practices developed in the District Court's solution-focused specialist courts (for example, from Rangatahi and Family Violence Courts) into its mainstream criminal jurisdiction. Te Ao Mārama aims to improve access to justice and to enhance procedural and substantive fairness, for all people who are affected by the court.

Working in partnership with Māori

219. The Correction's Māori Advisory Board is now formally known as Te Poari Hautū Rautaki Māori. This executive level board provides strategic leadership to improve outcomes and reduce offending and re-offending by Māori.

220. The Rautaki Māori team was established in August 2017 to strengthen Corrections' strategic capability and partnerships with iwi/Māori, and this is also supported by the Māori Partnership Framework.

The Mana Wāhine Kaupapa Inquiry

221. The Mana Wāhine Kaupapa Inquiry is a thematic inquiry by the Waitangi Tribunal into claims alleging the Crown has failed to value, acknowledge and protect the rights, status and role of Māori women. MfW and TPK are the co-lead agencies for the Inquiry.

222. Approximately 180 claims have been lodged with the Waitangi Tribunal from 1993 to September 2020, concerning inequities and disparities in outcomes for Māori women including a lack of access to justice issues.

223. The government is beginning to develop an all of government approach to existing policies and identify early opportunities for change, driven by engagement with Māori women to ensure they have a voice in the design and delivery of current policies and programmes that affect them and their whānau.

12. Increased diversity of decision makers in the criminal justice system

224. The justice sector has taken steps to ensure there is Māori representation at senior leadership levels. Deputy Chief Executives Māori have been appointed in 3 out of 6 justice sector agencies.

225. The ethnic diversity of Police has steadily increased over the last five years. Police has established a focused recruitment and retention strategy through a collaborative approach with government agencies, educational institutions and Māori, Pacific and other minority ethnic communities.

226. As a result of these partnerships and targeted advertising, Police constabulary recruitment has seen an increase in the number of officers who are of Māori, Pacific and/or ethnic minority descent. See Table 5–8 in Annex 4.

227. Mana Wāhine is an employee-led group made up of Māori, Pacific and ethnic women and their supporters to tautoko a diverse and inclusive space for Mana Wāhine to flourish within Police. Two main initiatives are the Mana Wāhine Conference and the annual Mana Wāhine Awards for Excellence in Policing

228. Over 10,000 people work for Corrections. In 2020, 69.5% were Pākehā, 21.3% Māori, 12.5% Pacific peoples and 10% Asian.²⁹ A Deputy Chief Executive Māori was appointed in 2019, to maximise positive outcomes for Māori across Corrections. The current National Commissioner is of Pacific descent. Work is underway to explore how Pacific peoples can be better represented across Corrections.

229. In 2020, 79% of District Court judges were Pākehā, 16% Māori and 4% Pacific peoples. Only two judges were Indian, and one identified as Māori/Chinese. No ethnicity records are kept for the senior courts. The first Māori Justice was appointed to the Supreme Court in 2019. One Justice on the Court of Appeal affiliates to a hapū. There has not been a Pacific judge in the senior courts and only one of Asian descent. Of the 14,000 lawyers practicing in New Zealand in 2020, just over 6% were Māori and less than 3% were Pacific peoples.

13. Participation and Achievement in Education

230. The New Zealand Curriculum refresh involves the input of the Bicultural and Inclusive Framework Working Group. The refresh seeks to ensure the curriculum better reflects Aotearoa's bicultural foundation, and adopts a stronger focus on the identities, languages, cultures and wellbeing of children.

231. The Statement of National Education and Learning Priorities (NELP) and the Tertiary Education Strategy (TES) published in 2020 set out the Government's priorities for education that will ensure the success and wellbeing of all learners, respond to their needs, and sustain their identities, languages and cultures.

232. Public submissions stated that NELP has had some positive impact but that there is more to be done in this area.

Participation in Early Learning Education

233. The number of children participating in early learning before starting school, has steadily increased from 95% in 2011 to 97% in 2019. The greatest increases were for Pacific children (87% to 93%) and Māori (91% to 96%).

Attainment of National Certification of Educational Achievement (NCEA)

234. In 2019, 78.8% of all school leavers attained at least NCEA Level 2 (indicating 12 years of schooling out of a possible 13), or equivalent: Asian students had the highest proportion (89.7%), Pākehā (82.0%), Pacific peoples (73.7%), and Māori (64.7%).³⁰ From

²⁹ This totals more than 100% as many people identify as more than one ethnicity.

³⁰ This includes both Māori Medium and English Medium students.

2009 to 2019, the increase in achievement rates was 19.0% for Māori, 17.3% for Pacific peoples, 9.2% for Pākehā, and 6.8% for Asian school leavers.

Tertiary education participation and achievement

235. In 2019, 13% of Māori and 11% of Pacific people aged 16 and over were enrolled in tertiary education, compared with 8% of the total population.

236. Sixty percent of Māori who started fulltime study in 2015 at bachelor-level and above had completed a qualification within five years. The rate for Pacific peoples was 56%. This compares with 72% for all students.

237. In 2017, the Government announced that tertiary education would be free for the first year for most new tertiary students. Student allowances and living costs were increased by \$50 per week. In 2019, there were 48,560 fees-free students. The majority were Pākehā (68%) with 18% Māori and 12% Pacific peoples.

238. Public submissions recommended that more attention is focused on increasing completion rates of tertiary qualifications for Māori and Pacific students.

Supporting vocational training

239. The Targeted Training and Apprenticeships Fund was established to make it easier for New Zealanders to train in industries where demand was expected to grow as the country recovers from COVID-19. More than 100,000 learners have signed up, with 19% identifying as Māori and 9% as Pacific.

240. The Māori Trades and Training Fund has been established to support Māori to learn new skills. The first initiative will support up to 50 Māori apprentices to participate in ‘earn as you learn’ training, while contributing to the construction of 50 houses.

241. Māori Pasifika Trades Training (MPTT) provides free tertiary places for Māori and Pasifika learners to undertake pre-trades training and progress to sustainable trades or trades-related employment. MPTT uses a partnership model, comprising iwi, hapū, Māori and Pacific community groups, employers and tertiary education organisations.

242. The Takitimu Tuanui apprenticeship programme will focus on people who have been impacted by COVID-19, and candidates interested in a trades career.

14. Improving educational outcomes for Māori and Pacific learners

Early childhood learning

243. The 2017 refresh of the early childhood curriculum, *Te Whāriki: he whāriki mātauranga mō ngā mokopuna o Aotearoa* provided a framework for defining two distinct curriculum pathways, one bicultural and one indigenous, each with its own pedagogy, and both including Pacific concepts.

Ka Hikitia – Ka Hāpaitia | The Māori Education Strategy (Ka Hikitia)

244. Ka Hikitia was refreshed in 2019 after consulting with over 2,000 people on Māori education. It sets out how the Government will work with education services to achieve system shifts in education and support Māori learners and their whānau, hapū and iwi to achieve excellent and equitable outcomes.

245. The Pae Aronui strategy is aimed at improving education, training and employment outcomes for Māori 15–24-year-olds that are not in education, employment or training (NEET) or are at risk of becoming NEET.

246. Te Hurihanganui is a codesigned programme that supports communities to work together to address racism and inequity so that they can accelerate the achievement and wellbeing of Māori learners and their whānau.

247. The Learning Support Action Plan 2019–2025 (LSAP) sets out priority actions for creating an education system where all children and young people can learn and achieve. The

LSAP reflects a Māori worldview of wellbeing and responds to the barriers to wellbeing experienced by Māori in the education system.

248. There are also a number of initiatives underway to strengthen the cultural competence of the education workforce and provide greater support for Māori learners.

249. In February 2020, the Government confirmed a package of seven changes to NCEA, including for the qualification to reflect mana ōrite mō te mātauranga Māori (parity for Māori knowledge). This work includes ensuring that mātauranga Māori is equitably accessible, valued, resourced and credentialled, and that teachers are supported to build their capability to incorporate mātauranga Māori, and te reo Māori into their teaching.

15. Supporting Pacific Learners

250. The Action Plan for Pacific Education 2020–2030 has a vision and actions for diverse Pacific learners and their families to feel safe, valued and equipped to achieve their education aspirations.

251. The Pacific Education Support Fund will ensure that Pacific learners have improved access to culturally competent support services for attendance and active engagement.

252. The Tapasā framework brings Pacific perspectives to effective and quality teaching practice at different stages of a teacher’s journey.

253. The Toloa programme creates opportunities to raise awareness and increase Pacific uptake in Science, Technology, Engineering, Arts and Mathematics.

16. Recognising the principles of te Tiriti and working in partnership with Māori

254. In April 2021, the Associate Minister of Education, MoE, Tūwharetoa, Raukawa and Waikato-Tainui (Ngā Iwi) signed a Kawenata to establish a perpetual te Tiriti partnership based on equity and rangatiratanga.

255. The covenant establishes a framework that will enable active Māori participation in the shaping of education policies and programmes.

256. MoE has strengthened and supported relationships with iwi, the Mātauranga Iwi Chairs Group and Māori education peak bodies. Te Taumata Aronui is a group appointed by the Minister of Education, in consultation with the Minister for Māori Crown Relations: Te Arawhiti, to provide guidance about issues and opportunities for Māori learners and their whānau in tertiary education.

257. Under the Reform of Vocational Education, Aotearoa’s vocational education will be primarily delivered or supported by Te Pūkenga | The New Zealand Institute of Skills and Technology. Te Pūkenga has worked with iwi and Māori partners to develop Te Pae Tawhiti, a te Tiriti excellence framework.

258. The Education and Training Act 2020 includes several sections which provide explicit direction about giving effect to te Tiriti.

17. Māori and Pacific parent representation on school boards³¹

259. Active participation by Māori and Pacific parents in development and delivery of education services will help to ensure those services are effective for Māori and Pacific students. Representation on boards is one key mechanism for participation. In 2019, there was proportional representation of Māori parents in 40% of schools and Pacific parents in 39%.

260. In 2020, 64% of all Board Chairs were Pākehā compared with 18% Māori and 4% Pacific peoples. Proportions were similar for Board Members at 62% Pākehā, 20% Māori and 5% Pacific peoples.

³¹ <https://www.educationcounts.govt.nz/statistics/school-boards>.

18. Ethnic diversity in the education workforce

261. In 2020, 55,390 full time equivalent teachers were working in Aotearoa's state and integrated primary and secondary schools. Of these 13% were Māori, 4% Pacific peoples and 5% Asian. The proportions by ethnicity have been constant over the past four years, although they have increased slightly since 2014.³² MoE is developing a long-term Education Workforce Strategy to strengthen teaching and leadership and ensure the education workforce reflects the future learner population.

262. The TeachNZ scholarship programme supports people from communities historically underserved by the education system to train as teachers.

263. Public submissions stated that while there was increasing diversity in teaching staff, this diversity often reduced at senior levels. Public submissions recommended that more emphasis is focused on ensuring that the tertiary education workforce reflects the learner populations including Māori and Pacific students.

19. Supporting students from migrant and refugee backgrounds

Education for children unlawfully in New Zealand

264. In 2010, Parliament passed legislation to enable the provision of free education for most children unlawfully in New Zealand.

English as a Second Language support (ESOL)

265. MoE funds ESOL support for migrant and refugee background students in schools. Migrant students who receive ESOL support achieve NCEA Level 2 to the same extent as students who are native speakers of English. Around 49,000 students from 162 different ethnic groups are supported in primary and secondary schools.

Bilingual Support Worker project

266. Approximately 45 Bilingual Support Workers are employed each year to support new migrant learners and their communities.

Research into support for English language learners

267. MoE has commissioned an independent evaluation of the nature and efficacy of support for English language learners (ELLs) in early learning services, and primary and secondary schools to inform future priorities.

Learning Hubs for migrant families

268. Learning Hubs equip ethnic communities to support their children's education and engage more meaningfully in Aotearoa's education system. MoE has recently provided \$1 million to continue the Learning Hub in Christchurch and expand the model to Auckland and Wellington.

269. Public submissions stated that the Christchurch Hub was effective, but highlighted that secondary school is an especially challenging period for Muslim students. More broadly, public submissions indicated that racism in schools often comes from students as well as teachers.

Other resourcing available for schools

270. A Refugee Flexible Funding Pool offers schools additional resources to address broader issues that may prevent refugee background students from participating and achieving in mainstream schooling.

³² <https://www.educationcounts.govt.nz/statistics/teacher-numbers#3>.

Pastoral Care for International students

271. The Education Amendment Act 2015 resulted in the *Code of Practice for the Pastoral Care of International Students* being updated and changes to the regulatory framework. There were further amendments to the Code of Practice in 2019. The purpose of the Code is to support the Government's objectives for international students to be protected and to have a positive experience that supports their educational achievement.

272. Public submissions expressed concern that work on the Code of Practice has been halted due to COVID-19 and that it does not enable postgraduate international students to effectively resolve issues with their education provider.

20. Māori and Pacific People's Health

273. Public submissions about the health system broadly outlined issues and experiences of prejudice and discrimination from health staff, and stated that the systemic nature of institutional racism needed to be acknowledged and addressed. Public submissions also emphasised the importance of the language used to describe these issues.

274. Public submissions specifically outlined the significant health inequity of women, girls and non-binary people, particularly Māori and Pacific people. Evidence of this compounded discrimination is referenced in the higher rates of syphilis, cervical cancer and unmet contraceptive needs that Māori and Pacific women experience when compared to Pākehā women.³³

Access to primary health care services

275. Access to primary health services and health outcomes for Māori and Pacific peoples has remained relatively consistent from 2015 to 2020, but persistent inequities remain when compared to the total population.

276. In 2015/16, 75% of Māori adults and 76.5% of Pacific adults accessed a GP, compared to 79.3% of the total population. In 2019/20, this increased for Māori adults to 79.1%, and reduced for Pacific adults to 75.6%, while remaining consistent for the total population.

277. Over the same period, the unmet need for primary health care increased from 39.2% to 42.5% for Māori, 34.2% to 35.1% for Pacific, and 28.8% to 30.8% for the total population.

278. Māori and Pacific people in 2019/20 were also significantly more likely to have visited an emergency department in the last 12 months.

279. Largely due to GP visits being free for under 14s, Māori and Pacific children had levels of primary care access comparable with the total population over the same period, though had slightly higher levels of unmet need.

Health outcomes

280. Representation in key determinants of health such as income equality and access to adequate housing continue to see Māori and Pacific people overrepresented in health conditions with a social gradient.

281. Life expectancy for Māori males was 73.4 years in 2017–2019 (up 3.0 years from 2005–2007), and 77.1 years for Māori females (up 2.0 years). For non-Māori males, life expectancy was 80.9 years (up 1.9 years), and 84.4 years for non-Māori females (up 1.4

³³ 1 ESR STI surveillance team presentation at the New Zealand Sexual Health Society Conference 2021; Tipene J and Green A (2017) He Pūkenga Kōrero: Rangatahi and sexually transmitted infections in the Waikato. Accessed <http://tewhariki.org.nz/assets/He-Pukenga-Korero-Final-Report-31-Aug-2017.pdf>; Brewer, N. et al (2021) Acceptability of human papillomavirus (HPV) self-sampling among never- and under-screened Indigenous and other minority women: a randomised three-arm community trial in Aotearoa New Zealand. The Lancet Regional Health. Accessed 18 November 2021. <https://www.thelancet.com/action/showPdf?pii=S2666-6065%2821%2900174-7>; Ministry of Health [Internet]. Contraception: Findings from the 2014/15 New Zealand Health Survey. <https://www.health.govt.nz/publication/contraception-findings-2014-15-new-zealand-health-survey>. Accessed 18 November 2021.

years). Māori and Pacific people are also overrepresented in a range of negative health statistics, including mortality rate, suicide rate, cancer rate, cardiovascular disease, and ambulatory sensitive hospitalisations.

He Korowai Oranga and Whakamaua

282. Wai 2575, the *Waitangi Tribunal Health Services and Outcomes Kaupapa Inquiry*, articulates how the health system is to meet these obligations through the principles of te Tiriti. *He Korowai Oranga | the Māori Health Strategy 2014* provides the overarching framework for achieving this.

283. The recently published *Whakamaua | Māori Health Action Plan 2020–2025* gives effect to *He Korowai Oranga* and establishes the initial system settings necessary to meet te Tiriti obligations, with 46 immediate and tangible actions and ensuring accountability for their implementation and outcomes. Of the 46 actions, 41 are underway.

Ola Manuia

284. *Ola Manuia | The Pacific Health and Wellbeing Action Plan 2020–2025* is a national plan to support the planning and delivery of health services across the health and disability system to better support Pacific people to thrive.

21. Health Sector Reforms

285. In 2019, the initial findings from Wai 2575 and the Health and Disability System Review identified Crown failures and breaches of te Tiriti in the current health system, including: legislative arrangements, potentially inequitable funding for Māori-led primary care, and a lack of accountability for the provision and outcomes of health services to Māori.

286. In 2018, the Government announced a wide-ranging independent review of the health and disability system, resulting in a final report in 2020. In 2021, the Government announced major reforms to the health system to build a more equitable health system.

287. In October 2021, the Pae Ora (Healthy Futures) Bill was introduced. It is intended to give effect to the principles of te Tiriti by setting out principles that will guide decision-makers, incorporating the concepts of the principles for the health system discussed in Wai 2575.

288. The Bill establishes an independent Māori Health Authority, which will have commissioning powers, monitor the performance of the system for Māori, and make joint decisions alongside the Ministry of Health (MoH). This is to ensure Māori can exercise tino rangatiratanga, enabling investment in the design and delivery of kaupapa Māori health services, and improving system performance and accountability for Māori health outcomes.

289. The Minister of Health is required to establish a Hauora Māori advisory committee to advise on the exercise of Ministerial powers in relation to the Māori Health Authority.

290. The interim Māori Health Authority is leading a process of engagement to advise on the specific functions and powers the partnership boards should have. It is due to come into effect from 1 July 2022.

291. Public submissions stated that the health and disability sector reviews highlighted existing silos that undermine systemic efforts to address racism.

22. Ao Mai Te Rā: The Anti-Racism Kaupapa

292. Ao Mai Te Rā is a two-phase program, implemented over two years, with the purpose of designing and developing collective anti-racism solutions for the Aotearoa health and disability system, at all levels.

23. Addressing inequitable health outcomes

293. Action and investments have been focused on addressing the inequitable health outcomes experienced by communities across Aotearoa. These include:

- (a) The national response and recovery plan for the Christchurch Mosque attacks, including a psychosocial and mental health response for those affected;
- (b) \$455 million invested in primary mental health, including for kaupapa Māori providers;
- (c) 13 actions led by MoH as part of the Child and Youth Wellbeing Strategy (see paragraph 342).

294. Public submissions stated that there are a range of correlating determinants of health (e.g., housing, income and employment) that have yet to be properly addressed and which limit the ability to address racism in the health sector.

The Healthy Homes Initiatives (HHI)

295. The HHI identify eligible families and work with them to carry out a comprehensive housing assessment and Faction plan to create a healthier home. These may include accessing insulation, curtains, beds, ventilation, entitlement assessments through Work and Income, and finding alternative accommodation as needed.

296. As at December 2018, the HHI programme had received 15,330 eligible referrals and delivered over 40,000 interventions to low-income households. These are estimated to have resulted in 1,533 fewer hospitalisations, 9,443 fewer GP visits and 8,874 fewer filled prescriptions in the first year after the programme's intervention for the referred child.³⁴

24. Representation of Māori and Pacific Peoples in the Health Sector

297. Across most levels of the health system, Māori and Pacific are likely to be strongly under-represented in key decision-making roles. There are 20 District Health Boards in Aotearoa, who are currently responsible for providing or funding the provider of health services in their region. In 2018, the Government appointed four Māori board chairs, compared to none in 2016.

298. Māori also remain underrepresented in the nursing workforce, representing 7.1% of all nurses between 2005 to 2018. Only 3.8% and 1.8% of doctors in the medical workforce in 2019 identified as Māori and Pacific, respectively. From 2015 to 2019, 15.3% of all students starting medical school identified as Māori and 7.2% identified as Pacific people which is largely representative of the population of Aotearoa.

25. Mental Health and Addiction

299. In 2018, He Ara Oranga: Report of the Government inquiry into mental health and addiction reflected widespread concern about mental health and addiction services and described a vision for transformation, with a focus on Māori and Pacific mental health and wellbeing.

300. Levels of mental distress and mental ill-health are higher for Māori than for the overall population. This is also the case for a number of other population groups, including Pacific peoples, disabled peoples and Rainbow communities. Māori are also subject to significantly greater compulsory treatment and seclusion under the Mental Health (Compulsory Assessment and Treatment) Act 1992, which will be repealed and replaced.

301. Since Budget 2019, the Government has been rolling out a wide range of initiatives through a major multi-year investment package. This includes:

- (a) Establishing a Mental Health and Wellbeing Commission and a Suicide Prevention Office;
- (b) Expanding access to and choice of primary mental health and addiction services;
- (c) Expanding telehealth and digital supports for mental wellbeing;

³⁴ Healthy Homes Initiative Outcomes Evaluation Service: Initial Analysis of Health Outcomes (Interim Report).

- (d) Promoting mental wellbeing for school and tertiary students;
- (e) Enhancing alcohol and other drug services.

302. Initiatives to support workforce development includes specific attention to growing Māori and Pacific workforces, such as through bursaries and scholarships. There are more opportunities for mental health professionals to undertake cultural competence training.

303. The Government's COVID-19 Response and Recovery investment package has included campaigns and resources to support broad public access to mental wellbeing support, tailored for particular populations, including Māori.

304. The Government's long-term pathway to mental wellbeing will be released shortly. This outlines the strategic direction and system-level actions needed to achieve a vision of Pae Ora – Healthy Futures, where mental wellbeing is promoted and protected for all New Zealanders and towards equitable outcomes across population groups.

305. Public submissions emphasised the need for a more diverse workforce of mental health practitioners to better support vulnerable communities.

26. Participation in employment

Labour force participation

306. In 2020, the overall unemployment rate was 4.8%. For Pākehā it was 3.7% compared with 8.3% for Māori, 8% for Pacific peoples, and 5.1% for Asians. This was a decrease for Māori from 10.1% in 2017 and for Pacific peoples by 1.5%. Māori and Pacific peoples are most likely to be employed in manufacturing, retail, and the agriculture, forestry and fishing industries.

307. The Provincial Growth Fund is funding existing Māori regional businesses with capital investment to increase productivity, increase job numbers and allow businesses to invest in regional economic development initiatives.

27. Diversity and Inclusion in the Public Service

Setting expectations for a Public Service that reflects and understands the society it serves

308. The public service is the largest employer with more than 58,000 people across 39 departments and agencies across Aotearoa. The wider public service is made up of around 429,500 employees.

309. Led by PSC, the public service has been undertaking focused diversity and inclusion work for the last five years. The Public Service Act explicitly requires chief executives across the Public Service to promote diversity and inclusiveness in their agencies and foster a workforce that reflects the makeup of society.

310. In July 2020, the Public Service Commissioner implemented the *Diversity and Inclusion Five-Point Plan* which comprised of:

- (a) Appointing diversity and inclusion Functional Co-leads;
- (b) Appointing a dedicated Deputy Commissioner;
- (c) Strengthening chief executives' expectations;
- (d) Setting diversity and inclusion mandatory requirements (which will have the most impact across all diversity dimensions);
- (e) Enhancing reporting.

Diversity of the Public Service workforce

311. PSC has been collecting and publishing workforce data annually on Public Service employees since 2000.

312. For the first time, in 2021, PSC conducted a census survey of all staff in the 36 core public service agencies. About 60,000 public servants were asked questions focusing on

diversity, inclusion and wellbeing at work, a unified public service, and strengthening Māori-Crown relationships.

313. The public service workforce is becoming more ethnically diverse. For example, as at 30 June 2021, Pacific peoples made up 10.2% of the public service work force, which is higher than both the New Zealand labour force (6.6%) and the New Zealand population level (8.1%).

Representation in leadership roles

314. There is more work to do to address an under-representation of Māori, Pacific peoples and ethnic minorities in public service leadership roles, as well as continued pay gaps in ethnic pay.

315. The PSC has focused efforts to increase the representation of Māori, Pacific peoples and ethnic minorities in leadership roles through a range of dedicated initiatives.

316. The number of Māori chief executives in the core public service has more than doubled to six in the last four years. There are now 33 Māori in tier 2 leadership positions, up from nine in 2016. In the last five years, the number of Pacific leaders in the top three tiers of leadership has risen from 22 to 53.

Representation in governance roles

317. The Government makes annual appointments to over 430 state sector boards and committees. In 2020, the diversity stock-take showed that 71.4% of board members identified as European, 22.3% as Māori, 5.4% as from Pacific communities, 4.0% as Asian and 0.8% MELAA.

Addressing pay inequity across the public sector

318. In 2018, PSC and MfW jointly established the Gender Pay Taskforce to lead work to substantially reduce the gender pay gap and address gender undervaluation in the public sector. Implementation of the action plan and the settlement of two pay equity claims have contributed to a reduction in the public service gender pay gap to 8.6%, at 30 June, 2021, from 12.2% in 2018.

319. Māori and Pacific women, as well as those from other ethnic minorities, still face higher pay gaps than Pākehā women. Māori, Pacific and Asian women are also under-represented in leadership and are over-represented in lower-paid occupations in the public service than are women overall.

320. In 2020, PSC released guidance on measuring and analysing ethnic pay gaps, and gender pay gaps by ethnicity. In August 2021, PSC established the new position of Assistant Deputy Commissioner, Equal Pay.

321. An action plan (*Kia Toipoto*) has been developed in collaboration with unions to substantially reduce gender and ethnic pay gaps for men and women in the public sector within the next three years. A new pay equity work assessment tool (*Te Orowaru*) has also been developed to assist agencies to appropriately value cultural skills, especially te ao Māori skills.

322. Public submissions acknowledged the benefit of work to address the ethnic pay gap, but emphasised that this is an ongoing concern in the public sector and the private sector.

323. Public submissions stated that unions should be better supported to work with refugees, migrants and workers of diverse cultures.

324. Public submissions also highlighted the Pacific Pay Gap Inquiry that is being undertaken by the HRC to better understand why Pacific pay gaps are substantial and persistent, especially in the private sector.

28. Social wellbeing outcomes for Māori and Pacific peoples

325. A key component of the *All-of-Government Pacific Wellbeing Strategy* is the establishment of an *All-of-Government Pacific Wellbeing Outcomes Framework*. This will

identify Pacific-specific wellbeing outcomes to progress aspirations as set out and reported in *Lalanga Fou* from Pacific communities.

326. There is a concerted effort to improve data, particularly on incomes and child poverty. The Child Poverty Reduction Act was passed in 2018 to help achieve a significant and sustained reduction in child poverty in New Zealand. The Act requires the government to set three-year and ten-year targets on four primary measures, and that the Government Statistician will report annually on 10 measures of child poverty. See Table 9–10 in Annex 4.

327. Stats NZ received funding through Budget 2018 and 2020 to improve and convert surveys to report on all ten measures of child poverty, as well as income, poverty, and housing cost statistics for the general population.

328. In Budget 2021, the Government invested in a range of initiatives to reduce child poverty by supporting families to provide essentials. This included funding to increase weekly main benefit rates by between \$32 to \$55 per adult. These increases are expected to lift between 19,000 and 33,000 children out of poverty on the after-housing costs measure, and between 12,000 and 28,000 children out of poverty on the before-housing cost measure, with a greater impact for Māori children than for the population as a whole. See Table 15–19 in Annex 4.

329. Public submissions stated that while the increase in benefits is helpful, many people are still living day-to-day.

330. Alongside these changes, the Government has also improved access to health and education services. It has:

- (a) Supported parents with health costs, by expanding free and low-cost doctors' visits to children under 14, and expanding school-based health services into decile 5 schools;
- (b) Implemented the Ka Ora, Ka Ako programme, which will deliver 215,000 free and healthy daily school lunches to schools with a high level of disadvantage by the end of 2021;
- (c) Helped parents with education costs by increasing funding for deciles 1 to 7 schools that do not seek donations from parents, and by removing NCEA fees.

29. Provision of social support services

331. Public submissions noted that there is a lack of te Tiriti grounded cultural competency across social support services, such as Family Best Start. Public submissions suggested that frontline workers need to better understand cultural contexts of different communities, and ideally would be reflective of the communities that they are serving.

Pacific Prosperity Strategy and Action Plan

332. *Pacific Prosperity* is a strategy and action plan that seeks to rejuvenate delivery and engagement of services for Pacific peoples, families and communities so they are safe, thrive and flourish in Aotearoa. In the first year, progress towards achieving this purpose has been made through initiatives such as:

- (a) Tamaita'i Toa Pacific Women which aims to remove pay disparities for Pacific women and support growth into higher paid employment; and
- (b) The Supporting Pacific Peoples programme which focuses on strengthening and enhancing access to services and supports through a family and community focused service.

Te Pae Tata

333. A te ao Māori capability framework and a Māori language plan have also been developed by MSD and operations are already better integrating bicultural practices such as via te reo, tikanga and te ao Māori advice.

The Families Package

334. The Families Package was introduced from 2018 to help improve incomes for low- and middle-income families with children. The assistance is part of the Government's focus on reducing child poverty and ensuring children get the best start in life.

335. Public submissions said that the removal of sanctions that were disproportionately affecting Māori and Pacific children (e.g., through the Family Tax credits) was positive.

Whānau Ora: A holistic approach to development

336. Whānau Ora is a kaupapa Māori to improving the wellbeing of whānau and families. Commissioning Agencies contract Whānau Ora service providers (often community-based) to support whānau in need within their local communities to address multiple, often interconnected, wide-ranging needs.

337. In quarter three of the 2020/2021 financial year, Commissioning Agencies supported approximately 10,500 whānau through their respective navigational services.

Youth Suicide

338. Since 2015, TPK has been investing in programmes to target the reduction of suicide and self-harm amongst rangatahi Māori (Māori youth), through the Rangatahi Suicide Prevention Fund. Over the last three financial years, more than 100 initiatives have been supported to promote rangatahi wellness and resilience.

30. Eliminating family violence and sexual violence

339. The government is taking steps to broaden perspectives on, and address family violence and sexual violence through kaupapa Māori, strengths-based and whānau centred approaches. These include:

(a) The introduction of new laws and policies including the Family Violence Act 2018, the Domestic Violence-Victims' Protection Act 2018, and the Sexual Violence Legislation Bill;

(b) The development of a national strategy for the prevention of family violence and sexual violence, increased funding for services, and improved collection and understanding of incidence data;

(c) A commitment to a long-term programme of reform to build a stronger health and disability system, with a specific focus on addressing issues for disabled people seeking to live free from violence.

340. The Joint Venture to Eliminate Family Violence and Sexual Violence was established, in 2018, to lead the Governments' collective response. TPK is also leading work across government agencies to ensure a whānau-centred approach to policies and programmes affecting Māori.

The Pasefika Proud Pathways for Change

341. Pasefika Proud is a Pacific response to family violence issues for families and in partnership with communities in New Zealand. It is a social change movement 'by Pacific for Pacific,' based in cultural values to boost wellbeing for Pacific families and transform attitudes, behaviours and norms that enable violence.

31. The Child and Youth Wellbeing Strategy

342. The Government launched the *Child and Youth Wellbeing Strategy* in August 2019. It sets out six high-level and interconnected wellbeing outcomes, with progress measured through 36 indicators. The implementation of the Strategy is intended to give practical effect to te Tiriti requires reporting on outcomes for tamariki Māori (Māori children).

343. The Government released its first Annual Report on the Strategy in June 2021, which establishes baseline data for some indicators, and included some disaggregated reporting for Māori and Pacific children and young people.

344. In 2018/2019, Māori (23.3%) and Pacific peoples (28.6%) had higher rates of children living in households that experience material hardship than Pākehā (9.8%) or the national average (13.4%). The Strategy will only be successfully implemented when outcomes for Māori and Pacific peoples improve significantly across the multiple areas of wellbeing. Currently, these children and young people fare worse than others across almost every outcome identified by the Strategy.

32. Māori and Pacific children in state care

345. The focus of Oranga Tamariki – Ministry for Children is on children and young people who are at significant risk of harm now and in the future because of their family environment, and/or because of their own complex needs. Oranga Tamariki also works with young people who have offended or may offend in the future.

346. Amendments to the Oranga Tamariki Act 1989 now put obligations on Oranga Tamariki for a practical commitment to the principles of te Tiriti and a responsibility to reduce disparity for tamariki Māori.

347. There has been a reduction in the number of Māori children and young people entering care from 776 in 2020 to 655 in 2021. The percentage of children in care who are Māori has also reduced from 53% in 2020 to 47% in 2021 (including those who identify as both Māori and Pacific). The number of Pacific children make up 6% of the total number of children in care. See Table 20–21 and 23–24 in Annex 4.

Working in partnership with Māori

348. Oranga Tamariki has established eight strategic partnership agreements with Māori organisations and iwi. The core focus of these partnerships is to support tamariki and rangatahi Māori to thrive in the care and protection of their whānau, hapū and iwi.

349. The intention is to establish 20 more whānau care partnerships.

Reducing disparities for tamariki Māori

350. From July 2019–March 2020, Oranga Tamariki implemented a range of initiatives to improve outcomes for tamariki Māori:

- (a) Establishing 42 specialist Māori roles to enhance whānau and iwi participation;
- (b) Partnering with the Māori organisation Waitomo Papakāinga, which is supporting tamariki and rangatahi Māori in Te Hiku to remain connected to their whānau;
- (c) Partnering with Te Tihi iwi alliance to design “Mana Taiohi,” a programme that aims to empower rangatahi and their whānau to explore and understand their culture and identity;
- (d) Co-developing the Mātua Kautia te Tamaiti (“One child, many parents”) initiative, a pilot programme that provides specialised training to support caregivers in dealing with tamariki who have experienced trauma;
- (e) Supporting the establishment of kaupapa Māori transition homes;
- (f) Investing in a whānau-centred early intervention prototype (Ngā Tini Whetū);
- (g) Partnering with Ngāpuhi to design and deliver the Mahuru service, which aims to support Māori children and young people on remand by providing one-to-one care, and fostering cultural values and iwi connections.

Improving outcomes for Pacific children in care

351. To achieve better outcomes for Pacific children in care, Oranga Tamariki introduced the *Pacific Strategy 2018–2021*. This strategy focuses on five impact areas to improve wellbeing outcomes for Pacific children and young people. This includes:

- (a) Implementing the Intensive Response for Whānau pilot project;

- (b) Developing culturally appropriate training modules to support Pacific caregivers;
- (c) Designing Talanoa Mai, an app to increase employee cultural confidence, knowledge and capability;
- (d) Developing the Va'aifetu Cultural Framework for frontline practitioners.

33. Access to Adequate Housing

352. In 2020, the University of Otago used 2018 Census data to estimate a total of 41,644 people were severely housing deprived. Of these, 3,522 were sleeping rough, 1,695 were in temporary accommodation, and 30,555 were sharing accommodation. For Māori and Pacific peoples, the rate of severe deprivation was close to four and six times the Pākehā rate respectively.

353. Public submissions expressed concern about the racial aspect of housing and suggested a human rights-based housing strategy.

Te Tūāpapa Kura Kāinga – The Ministry for Housing and Urban Development

354. In 2018, Te Tūāpapa Kura Kāinga | The Ministry for Housing and Urban Development (HUD) was established to take an end-to-end view across housing and urban development. Te Kahui Kāinga Ora (TKKO) was established, within HUD to lead the focus on outcomes for Māori, working closely with TPK.

355. HUD is working across government to provide a one door approach for whānau, hapū, and iwi to advance housing and urban development outcomes of, for, and with Māori.

356. HUD's work programme will be guided by a recently issued *Government Policy Statement on Housing and Urban Development* (GPS-HUD) which outlines a long-term vision for housing in New Zealand, including addressing the inequitable housing outcomes experienced by Māori and Pacific Peoples in particular.

Putting Māori at the heart of the Housing programme

357. *Te Maihi o te Whare Māori* | Māori and Iwi Housing Innovation (MAIHI) Framework for Action, was developed with iwi and Māori housing experts in 2019. Through MAIHI, HUD brings Crown agencies together, in partnership with Māori, to deliver housing solutions for Māori.

358. In 2021 the Government co-designed with Māori a new *National Māori Housing Strategy*, MAIHI Ka Ora. MAIHI Ka Ora was applied to the development of the 2021–2024 Public Housing Plan.

359. In 2019 and 2020 the Government allocated \$64 million over four years to HUD and \$40 million over four years to TPK, to respond to immediate housing need for Māori. Funding streams were developed to support the delivery of iwi and Māori-led housing solutions.

360. In 2021 Whai Kāinga Whai Oranga was launched, a combination of investment from Budget 2021 (\$380 million) and the Māori Infrastructure Fund (\$350 million) – the largest investment ever in Māori housing. Whai Kāinga Whai Oranga will see delivery of approximately 1000 new homes, repairs to 700 homes, and 2700 additional infrastructure enabled sites.

Housing for Pacific peoples

361. In 2018, Pacific peoples made up 8.1% of New Zealand's population, but as at June 2020, were 13% of those on the Public Housing Register. More than 64% of the Pacific population live in private rental housing, compared with about 32% for the rest of New Zealand. See Table 13 in Annex 4.

362. Through Budget 2020, the Government allocated up to \$41.315 million to MPP to improve housing outcomes for Pacific families and communities. The *Pacific Housing*

Initiative is part of a government response to the growing housing needs of Pacific people. MPP is delivering a package of activities focused on four main activities:

- (a) Pacific financial literacy services to over 2,400 Pacific families;
- (b) supporting the capability of six Pacific organisations to deliver housing services to Pacific peoples in rental accommodation;
- (c) supporting investigation and development of affordable housing for Pacific families;
- (d) creating wellbeing opportunities for Pacific families in regional New Zealand.

Aotearoa Homelessness Action Plan 2020–2023

363. The *Aotearoa Homelessness Action Plan* was published in February 2020 to deliver on the Government’s vision that homelessness is prevented where possible, or is rare, brief and non-recurring.

364. The guiding principles for addressing homelessness include te Tiriti, being whānau centred and strengths based, and delivering actions in ways that demonstrate kaupapa Māori principles.

365. The Action Plan is supported by over \$300 million in funding for 18 immediate actions. Work is underway on a further set of initiatives including for rangatahi and Pacific peoples.

366. Budget 2021 also provides \$199 million to extend key programmes which support people experiencing homelessness and those at higher risk of becoming homeless.

Increasing housing supply and access to public housing

367. Through establishing Kāinga Ora as the Crown’s lead urban developer, and initiatives such as Land for Housing, Kiwibuild, and investment in papakāinga housing, there is a continued focus on speeding up the pace and scale of house building and urban development across the country.

368. The number of individuals and families waiting for public housing continues to grow. There were 24,474 applicants on the public housing register as at 30 June 2021 compared with 4,773 in December 2016. Of those on the register in 2020, 50% were Māori and 13% Pacific peoples. See Table 11 in Annex 4.

369. In October 2019, Kāinga Ora – Homes and Communities was established to provide tenancy services to about 187,000 public housing tenants and maintain and develop around 65,000 public houses and to partner with the development community, Māori, local and central government, and others on urban development projects.

370. In the 2019/20 financial year, Kāinga Ora owned or managed 66,253 homes, an increase of 997 on the previous year. There were 189,000 people living in its properties; 36% identified as Māori, 33% Pākehā and 26% Pacific peoples. Public housing is also provided through registered community housing providers. At June 2020 there were 55 Community Housing Providers providing 13,030 public housing tenancies.

Home ownership

371. Escalating house prices have made it much harder for many people to purchase a home. Home ownership has a significant impact on wealth accumulation. In 2018, 35% of Pacific peoples lived in homes owned by their household, while 47% of Māori did. This compares with 64% of the total population.³⁵ See Table 12 in Annex 4.

372. The Progressive Home Ownership (PHO) Fund is a \$400 million investment to help between 1,500 and 4,000 individuals, families and whānau buy their own homes. There are three priority groups: Māori, Pacific peoples and families with children. In May 2021, the Government launched Te Au Taketake, providing dedicated funding for iwi and Māori

³⁵ 2018 Census.

organisations to develop or expand their progressive home ownership programmes, supporting better housing outcomes for whānau Māori.

373. Public submissions expressed concern that the unaffordability and access to housing means that some migrants need to leave New Zealand.

Residential Tenancies Act reforms

374. The Residential Tenancies Act reforms of 2020 are designed to give tenants greater protection and security. The reforms removed the “no cause” 90-day termination notices, and replaced them with a comprehensive list of specified reasons that a landlord can use to end a tenancy. Rent can only be increased every 12 months.

Housing quality

375. The Government has several workstreams underway to lift the quality of New Zealand’s housing stock to improve the wellbeing of New Zealanders and their families. Interventions generally have been targeted to support tenants and low-income homeowners. Rental properties are almost seven times more likely to be described as ‘always damp’ than owner occupied housing.³⁶

376. Improving housing is not only a health, but an equity issue. Māori and Pacific people are over-represented in statistics related to poor quality housing. As at 6 March 2018, 40.3% of Māori and 45.9% of Pacific people were living in damp houses, compared with 24.2% of all New Zealanders.³⁷ See Table 14 in Annex 4.

377. The Winter Energy Payment helps low-income households with power bills from May to October each year. Together with Warmer Kiwi Homes and the new standards for rental properties, it forms part of the Government plan to tackle avoidable child illness and ensure all New Zealand homes are warm and dry.

34. Participation in Government

Ethnic representation in parliament

378. In the 53rd New Zealand Parliament, there are five parliamentary parties represented by 120 MPs. These MPs represent 65 general electorate seats and seven Māori electorates. The other 48 MPs are selected from the party lists. This Parliament is the most diverse to date with 21% of the members identifying as Māori; 8% Pacific peoples; 7% Asian and 1.7% MELAA. The ethnic representation at Cabinet level is 25% Māori, 15% Pacific peoples and 5% Asian. The proportion of Māori in both Parliament and Cabinet is higher than the proportion in the general population.

Māori participation in the 2020 General Elections

379. Māori may enrol to vote on the Māori or the general electoral roll. The size of the Māori electoral roll, calculated through the five-yearly Māori Electoral option, determines the number of Māori electorates. Māori may also be elected to Parliament by standing for a general seat or a list seat. The last Māori electoral option was held in 2018 when 52% of declared Māori voters opted for the Māori roll. In 2020, 73% of those enrolled of Māori descent voted compared with 83% of non-Māori descent.

Participation in local government

380. Definitive information about the participation of ethnic groups in local government including, decision making roles and participation in elections is not collected by the government. New Zealand currently has 78 local authorities (councils), each able to determine their own representation arrangements.

³⁶ 2018 Census.

³⁷ Ibid.

381. The Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 aligned the treatment of Māori wards and constituencies with that of general wards and constituencies in time for the 2022 local government elections. Local Authorities can establish Māori wards and constituencies where representatives are elected by voters who choose to be on the Māori electoral roll. There will be 35 councils with Māori wards at the 2022 local elections.

Digital Inclusion

382. The Government is committed to tackling the digital divide to ensure that all New Zealanders can benefit from the digital world. Māori, Pacific peoples, migrants and refugees have all been identified as groups needing additional support to become digitally included.

383. A Digital Strategy for Aotearoa is being developed. DIA's Digital Inclusion Blueprint, *Te Mahere mō te Whakaurunga Matihiko*, published in 2019, describes the Government's vision for digital inclusion.

384. As part of the COVID-19 Response and Recovery Fund, Cabinet approved funding of \$15 million to address urgent gaps in digital skills for individuals, whānau and small businesses. These packages were predominantly targeted towards Māori, Pacific peoples, and disabled people.

Article 6

385. The Government is committed to its obligations under Article 6 of the Convention.

1. The Waitangi Tribunal

386. The Waitangi Tribunal is a standing commission of inquiry, that makes recommendations on claims brought by Māori relating to legislation, policies, actions or omissions of the Crown that are alleged to breach te Tiriti.

387. The *Section 8I Report 2020* outlines the progress made on implementation of Waitangi Tribunal recommendations to the Crown for the period 1 July 2019–30 June 2020.³⁸

District inquiries

388. Much of the focus of the Waitangi Tribunal over the past two decades has been on completing the district inquiry programme. There are 37 inquiries in total. As at July 2019, 20 were completed; 10 were in progress and 7 had chosen to negotiate a Treaty settlement directly with the Crown.

Kaupapa inquiries

389. Kaupapa, or thematic, inquiries deal with nationally significant issues affecting Māori. There are 13 inquiries scheduled with some kaupapa claims already heard.

390. Seven kaupapa inquiries have commenced: The *Military Veterans Kaupapa Inquiry* (Wai 2500), the *Health Services and Outcomes Kaupapa Inquiry* (Wai 2575); the *Marine and Coastal Area (Takutai Moana) Act Inquiry* (Wai 2660); the *National Freshwater and Geothermal Resources Inquiry* (Wai 2358); the *Housing Policy and Services Kaupapa Inquiry* (Wai 2575); *Trans-Pacific Partnership Agreement – Stage 2* (Wai 2522); and, the *Mana Wāhine Kaupapa Inquiry* (Wai 2700).

2. Acts of racial discrimination and harassment

Human Rights Commission (HRC)

391. The HRC receives complaints of unlawful discrimination under the HRA. It can act as a mediator and attempt to reach a practical solution that is satisfactory to everyone involved.

³⁸ <https://www.tpk.govt.nz/en/a-matou-mohiotanga/crownmaori-relations/the-section-8i-report-2020>.

Complainants can also proceed to the Human Rights Review Tribunal, for example if a mediation is unsuccessful. The Tribunal can award a wide range of remedies.

392. The most consistently cited grounds of discrimination between 2016 and 2021 are disability, race-related (any of the three prohibited grounds of race, colour, or ethnic or national origin), sex or age. Between 2016 and 2021, the race-related complaints ranged from 354 to 426 per year. See Table 28 in Annex 4.

393. In the 2020–21 year, the HRC closed 4955 enquiries and complaints. Of these, 1426 were complaints alleging unlawful discrimination, with 389 specifically race-related.

394. Racial harassment (section 63 HRA) complaints to the HRC are discussed above (see paragraph 128 and Table 27 in Annex 4).

Office of Human Rights Proceedings

395. The Office of Human Rights Proceedings (the Office) is an independent part of the HRC. Its Director's statutory role under the HRA includes receiving, assessing, and making decisions on applications for free legal representation from people who wish to take proceedings in the Human Rights Review Tribunal if their complaint to the HRC has not been resolved through its dispute resolution processes.

396. If a decision is made to provide free legal representation, the Office will act as the applicant's lawyers.

397. The data provided (see Table 25 in Annex 4) shows the decisions made by the Director from 2016 to 2021, where applicants have relied on the primary grounds of race, ethnic/national origin, or racial harassment.

Employment Relations Authority

398. The statutory mandate of the Employment Relations Authority (ERA), an independent body, specifically includes hearing cases involving discrimination, including racial discrimination.

399. Written decisions of the ERA are binding but can be challenged in the Employment Court. Between 2017 and 2020 the ERA heard 6 cases related to racial discrimination and harassment. Two were successful, and one case proceeded to the Employment Court but was unsuccessful.

400. Broader Labour Inspectorate enforcement activity, including ERA applications, can be seen at Table 29 in Annex 4. The Labour Inspectorate do not collect data on age, sex, national origin and ethnic origin of the victim.

Equal opportunity and equal treatment for migrants in employment

401. The *Former Refugees, Recent Migrants and Ethnic Communities Employment Action Plan* sets out government actions to improve employment outcomes.

402. The Employment Standards Legislation Act 2016 made changes to several key pieces of employment legislation. It aimed to strengthen the enforcement of employment standards through tougher sanctions for employers and increased tools for labour inspectors.

403. Following a review of temporary migrant worker exploitation, the announced, in July 2020, a set of legislative, policy and operational changes, and \$50 million over four years, to address temporary migrant worker exploitation in New Zealand. The changes are supported by a significant increase in investigation and enforcement capacity for Immigration and Employment New Zealand to ensure migrants are receiving their minimum employment rights.

Forced labour, people trafficking and slavery

404. In March 2021, an all-of-government plan of action against forced labour, people trafficking, and slavery was released. It includes 28 actions and an annual implementation reports covering key achievements.

405. Since 2015, there have been four prosecutions for people trafficking in New Zealand, with two convictions. In 2016 a man was convicted of 15 trafficking in persons charges for enticing Fijians to New Zealand where they were exploited. In 2020 another man was convicted of 10 counts of trafficking in persons and 13 counts of slavery. Victims in this case were recruited from Samoa and trafficked to New Zealand where they were severely exploited and subject to significant abuse.

Article 7

406. The Government is committed to its obligations under Article 7 of the Convention to undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnic groups.

1. Education and Training

407. NELP and TES are relevant to Article 7, at paragraph 231. Teaching resources have been supplied to teachers, learners, families and wider society to help foster wellbeing and inclusion for Aotearoa's increasingly diverse population.

408. The inter-agency Bullying Prevention Advisory Group provides schools with a wide range of bullying prevention and response resources and information through the Bullying-Free NZ website, launched in 2016.

409. In 2020, copies of the resource Mental Health and Hauora: Teaching interpersonal skills, resilience and wellbeing were distributed to all schools with students Year 7 and up. This text includes a number of lesson plans that support teaching and learning related to the issues of bullying, racism and other forms of discrimination.

410. The Wellbeing@School survey toolkit was distributed to all schools in 2017. The toolkit provides resources to support schools to undertake a self-review about the actions they are taking to build and maintain a school environment that is safe and caring for all learners. In 2020, new survey items regarding racism and resilience were developed.

411. Positive Behaviour for Learning (PB4L) initiatives support changes at school and in the home to improve learner wellbeing, support positive behaviour and improve learning and achievement. The PB4L approach includes several programmes, including two kaupapa Māori interventions: Huakina Mai and Te Mana Tikitiki.

412. More than 358,000 learners attended a PB4L School-Wide school in 2019, of whom an estimated 29% (104,000) were Māori and 12% (43,000) were Pacific peoples.

413. Public submissions suggested that some of the anti-racism initiative trials were positive, and that wellbeing approaches in schools are improving the resilience of young people.

2. Culture

Te Rua Mahara o te Kawanatanga | Archives New Zealand

414. Archives New Zealand has a chief strategic goal of removing barriers to access and improving awareness of the role and function of a national archive in a developed democracy.

Manatū Taonga | Ministry for Culture and Heritage

415. Manatū Taonga Ministry for Culture and Heritage (Manatū Taonga) leads government work in the arts, heritage, broadcasting and sport sectors providing advice on legislation, policy, and sector development. It funds both Crown entities and non-government organisations to deliver a range of activities.

416. Manatū Taonga leads the Arts and Culture COVID-19 Recovery Programme. A key desired outcome is better participation specifically of Māori, Pacific peoples and under-

served communities in cultural activities. Initiatives include the Mātauranga Māori Te Awe Kōtuku programme and the Pacific Festivals Initiative.

417. Manatū Taonga has relationship agreements with iwi in the form of *Taonga Tūturu Protocols* and *Whakaaetanga Tiaki Taonga*.

Irirangi Te Motu | NZ on Air

418. NZ On Air monitors ethnic diversity in content that they fund. The 2020 report shows increasing diversity amongst producers, writers and directors of content with increases in the percentage of Māori and Pacific peoples.

Te Papa Tongarewa (Te Papa)

419. Te Papa, New Zealand's national museum, is a bicultural institution that works with iwi in various ways including:

(a) The Iwi Exhibition Programme gives iwi the chance to present their taonga (treasured artefacts) and stories in a national forum;

(b) The Karanga Aotearoa Repatriation Programme aims to repatriate kōiwi tangata Māori (Māori skeletal remains) and kōimi tangata (Mori skeletal remains) from overseas institutions to iwi;

(c) The Ngākahu National Repatriation Project aims to repatriate kōiwi/kōimi tangata from New Zealand institutions to their descendent communities.

Pouhere Taonga | Heritage New Zealand

420. Pouhere Taonga is responsible for the establishment and maintenance of the New Zealand Heritage List/Rārangi Kōrero and the National Historic Landmarks/Nga Manawhenua o Aotearoa me ono Korero Tuturu. These lists identify and provide information on historical and cultural heritage places.

421. Te Pitowhenua/Waitangi Treaty Grounds was approved as New Zealand's first National Historic Landmark in 2019.

Ngā Taonga Sound and Vision (NTSV)

422. NTSV is New Zealand's national audio-visual archive for more than 850,000 items which consist of film and video, television, sound, computer and video games, documentation and artefacts. NTSV shares and promotes this material in order to create stronger connections between New Zealanders and their heritage.

423. *Tiakina*, the *Kaitiaki Relationship Framework* supports work with kaitiaki (guardians) over taonga Māori collections to ensure culturally appropriate use and to protect taonga from any derogatory or offensive public use.

Creative New Zealand

424. Creative New Zealand (CNZ) is responsible for funding organisations throughout the arts sector. Priorities for the 2021/22 year include the delivery of Kaupapa Māori-based strategies, Te Hā o ngā Toi: Māori Arts Strategy 2019/24, the Pacific Arts Strategy 2018/23, and the Investment Strategy Te Ara Whakamua 2018/23.

425. Another major priority is the Te Kaupapa o Toi Aotearoa programme which ensures that CNZ meets its obligations under te Tiriti.

426. Public submissions suggested that ethnic representation and engagement with media is an issue that requires more support, such as via a community platform funded by Government. The lack of a media platform and prioritised funding for ethnic communities, such as diverse Asian communities, limits the development of content from these communities.

427. Public submissions commended the increasing funding for Māori and Pacific communities.

New Zealand Music Commission (NZMC)

428. NZMC delivers funding to a diverse range of artists and support numerous culturally significant events in New Zealand including the Pacific Music Awards and the Waiata Māori Music Awards.

Te Matatini Society Incorporated (Te Matatini)

429. Te Matatini is tasked with fostering, developing and protecting kapa haka, a traditional Māori performing art. They run the biennial national kapa haka festival.

430. Their key results areas include youth development, kapa haka excellence and kapa haka development.

3. Information*Radio New Zealand (RNZ)*

431. RNZ is New Zealand's independent public service multimedia organisation. The RNZ Charter places obligations on it, amongst other things, to foster a sense of national identity by contributing to tolerance and understanding, and reflecting and promoting ethnic, cultural and artistic diversity and expression.

Broadcasting Standards Authority | Te Mana Whanonga Kaipōho (BSA)

432. The BSA oversees the broadcasting standards regime on behalf of New Zealanders. It determines complaints, and oversees and develops broadcasting standards. It receives complaints, amongst other things on, discrimination and denigration.

433. Māori broadcasting, Māori language in education and Māori medium teaching and learning are discussed from paragraph 144 in relation to Article 5.

434. Public submissions noted that the internet and an increasingly globalised world, means that the discourse around racism in Aotearoa is being impacted by other international campaigns such as Black Lives Matter. Public submissions noted that this is shaping anti-racism work, especially for young people.
