



Committee on Economic, Social and Cultural Rights

**Implementation of the International Covenant on  
Economic, Social and Cultural Rights**

**Fifth periodic report submitted by States parties under  
articles 16 and 17 of the Covenant**

**New Zealand**

FOR PUBLIC  
CONSULTATION

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# Overview

## Introduction

1. The Government of New Zealand is pleased to present its fifth periodic report to the United Nations Committee on Economic, Social and Cultural Rights (“the Committee”), under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights (“the Covenant”). The Report covers the period from August 2017 to March 2025 (“the reporting period”).
2. This report outlines key developments in the realisation of Covenant rights during the reporting period and responds to the Committee's concluding observations on New Zealand's fourth periodic report.
3. This report does not separately cover articles 4, 5, 14 and 15, noting that the Committee’s concluding observations made no recommendations on these articles. Matters relevant to these articles are discussed elsewhere in this report.
4. This report supplements, and should be read in conjunction with, New Zealand’s most recent periodic reports under other international treaties.<sup>1</sup> The report should also be read with reference to the core document of New Zealand (HRI/CORE/NZL/2010).
5. During the reporting period, New Zealand has progressed several significant initiatives intended to enhance the enjoyment of economic, social and cultural rights in New Zealand. These include:
  - measures to address the exploitation of temporary migrant workers (see article 7)
  - measures aimed at eliminating family violence and sexual violence and providing greater legal protections for victims (see article 10)
  - the establishment of a new national health system (see article 12)
  - system changes in education, including to lift attendance and strengthen focus on literacy and numeracy (see article 13).

## Human rights infrastructure and institutions

6. New Zealand’s constitution is located in various sources, including the Treaty of Waitangi | te Tiriti o Waitangi (the Treaty), legislation, the common law, constitutional convention and parliamentary customs. Three main laws specifically promote and protect human rights: the Human Rights Act 1993 (HRA); the New Zealand Bill of Rights Act 1990 (NZBORA); and the Privacy Act 2020.

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<sup>1</sup> seventh periodic report under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT/C/NZL/7)  
ninth periodic report under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW/C/NZL/9)  
combined 23<sup>rd</sup> and 24<sup>th</sup> periodic reports to the Committee on the Elimination of Racial Discrimination (CERD/C/NZL/23-24)  
sixth periodic report under the Convention on the Rights of the Child (CRC/C/NZL/6)  
combined second and third periodic reports under the Convention on the Rights of Persons with Disabilities (CRPD/C/NZL/2-3).

7. The HRA is the main anti-discrimination law, extending fair and equal treatment to all. It defines unlawful discrimination and prohibits sexual and racial harassment and the incitement of racial disharmony. It outlines the role of the New Zealand Human Rights Commission and the Human Rights Review Tribunal.
8. The NZBORA affirms the Government's obligations under the International Covenant on Civil and Political Rights (ICCPR). These include rights relating to life and security of the person, democratic and civil rights, non-discrimination and minority rights, and rights relating to search, arrest and detention. It provides for these rights to be limited only to the extent that can be demonstrably justified in a free and democratic society.
9. The Privacy Act 2020 aims to promote and protect individual privacy. It gives effect to internationally recognised privacy obligations and standards, including the ICCPR.

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## **Justiciability of the Covenant rights**

10. New Zealand acknowledges the fundamental importance of economic, social and cultural rights, and assures the Committee that the indivisibility of human rights is a principle of paramount importance to New Zealand.
11. Regarding paragraphs 6 and 7 of the Committee's concluding observations and General Comment No. 9 (E/C.12/1998/24), New Zealand is a dualist jurisdiction in which international instruments do not have direct domestic effect but are instead implemented through legislation and other measures. Specifically:
  - New Zealand has specific legislation that protects the rights to health, housing, education, employment, and social security.
  - Wherever possible, national legislation is interpreted and applied consistently with the Covenant. There is a general presumption that, in the absence of clear contrary intention, legislation (i.e., statutory powers) should be interpreted consistently with New Zealand's international obligations.
  - When legislative changes are proposed, the Government receives advice on whether the changes would allow New Zealand to ratify further human rights instruments or withdraw reservations.

### **Disclosure statements**

12. It is a Cabinet requirement for disclosure statements to be provided for most Government Bills. Disclosure statements must indicate a bill's consistency with various standards, including relevant international obligations such as the Covenant, and the nature and extent of external consultation. In 2019, requirements for disclosure statements were incorporated into legislation. These changes are due to come into effect in 2026.

### **Developing and interpreting legislation**

13. As legislation is developed in New Zealand, Ministers must confirm that bills comply with certain legal principles or obligations. Ministers must particularly draw attention to any aspects of a bill that have implications for, or may be affected by:
  - the principles of the Treaty of Waitangi, a founding document of government in New Zealand
  - the rights and freedoms contained in the NZBORA and the HRA
  - the principles in the Privacy Act 2020
  - international obligations
  - guidance contained in the Legislation Design and Advisory Committee Guidelines.
14. The NZBORA requires the Attorney-General to report to Parliament if any draft legislation appears to be inconsistent with NZBORA rights and freedoms. Legislation may still be enacted if it appears to be inconsistent with NZBORA. However, the reporting requirement ensures that Parliament is informed of the apparent inconsistency.
15. A person can apply for judicial review if they want to challenge how a legal power is used, not used, or planned to be used by any individual or authority with statutory power. This includes

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

### **Declarations of inconsistency**

16. The courts may declare legislation to be inconsistent with the HRA or with NZBORA. A declaration does not invalidate the legislation, but it allows for transparency when inconsistencies are identified.
17. NZBORA was amended in 2022 to formally recognise declarations of inconsistency with NZBORA, following the determination of the Supreme Court in *Attorney-General v Taylor* [2018] NZSC 104. If a court makes a declaration of inconsistency with NZBORA or the HRA:
  - Parliament must be notified
  - the minister responsible for the inconsistent legislation must report to Parliament with the Government's response to the declaration.

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## Significant general developments

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

### Māori Crown Relations

19. A Māori Crown Relations Ministerial portfolio was established in October 2017. The Office of Māori Crown Relations: Te Arawhiti was established in 2019. Its role includes seeking to restore Māori Crown relationships through:
- supporting the Crown to settle claims of historical breaches of the principles of the Treaty
  - enabling the recognition of iwi, hapū and whānau groups' customary rights in the marine and coastal area under the Marine and Coastal Area (Takutai Moana) Act 2011 (**Takutai Moana Act**).
20. As of 30 June 2024, 100 deeds of settlement of historical Treaty claims had been signed.
21. When the Public Service Act was passed in 2020, it imposed obligations on the Public Service Commissioner and public service chief executives to develop and maintain the capability of the public service to engage with Māori and to understand Māori perspectives. Another important step for the Māori-Crown relationship was the creation and 2022 inaugural celebration of Te Rā Aro ki a Matariki, the Matariki public holiday, understood to be the first Indigenous national public holiday in the world.

### International Human Rights Framework

22. In December 2022, the Optional Protocol to the Convention on the Rights of the Child on a communications procedure came into effect for New Zealand. A communications plan is being developed to raise awareness of the Children's Convention and the right to take a complaint to the UN under the Optional Protocol.
23. In line with the Committee's recommendations, officials have started considering the implications of ratifying the International Convention for the Protection of all Persons from Enforced Disappearance. Officials have also begun considering the implications of removing New Zealand's reservation to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Further consideration of whether New Zealand should become party to the 1954 Convention relating to the Status of Stateless Persons is scheduled. New Zealand has no plans to consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.
24. New Zealand has currently not ratified the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (a recommendation from the Committee). However, New Zealand has committed in the response to its fourth Universal Periodic Review (UPR) to consider ratifying the Optional Protocol. Officials will provide advice to the Minister of Justice on the steps required to ratify the Optional Protocol and seek a decision on whether to progress further work.

## **National Reporting Mechanism (paragraph 54 of the concluding observations)**

25. In 2021, the Government endorsed New Zealand’s Inter-Ministerial National Mechanism on human rights. The National Mechanism aims to improve agency cooperation and the consistency and effectiveness of international human rights reporting processes. It includes:
- a Governance Group of Deputy Chief Executives of public sector agencies leading work under international human rights treaties and the UPR
  - the *Human Rights Monitor* (<https://humanrights.govt.nz>), a web-based monitoring tool recording UN recommendations and tracking implementation progress
  - guidelines for all public sector agencies on reporting, implementation and follow-up under international human rights mechanisms (under development).
26. It is intended that, subject to resources, outcome indicators will be developed for the *Human Rights Monitor* to track the status of human rights in New Zealand over time.

## **Waitangi Tribunal kaupapa inquiries**

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

## **Case law**

28. During the reporting period, New Zealand courts have heard a number of immigration cases referring to the Covenant, as well as cases involving the principles underpinning the Covenant. Examples of New Zealand cases referring to the Covenant between 2018 and 2024 include:
- *W v Police* [2021] NZCA 326
  - *Borrowdale v Director-General of Health* [2021] NZCA 520
  - *Norman v Attorney-General* [2021] NZCA 78
  - *Family First New Zealand v Attorney-General* [2020] NZCA 366
  - *NZ Health Inc v South Taranaki District Council* [2018] NZSC 59.

## **Declarations of inconsistency**

### ***Human Rights Act 1993***

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



## **NZBORA**

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

## **Christchurch mosque attacks**

31. On 15 March 2019, a terrorist attacked two mosques in Christchurch, killing 51 people and injuring 50 others. The convicted terrorist had an extremist right-wing Islamophobic ideology, and the attack influenced a nation-wide conversation about racism in New Zealand. The Government established an independent Royal Commission of Inquiry (RCOI)<sup>2</sup> to investigate the attack and make recommendations.
32. The Royal Commission's Report, released in December 2020, made 44 recommendations. In the subsequent five years, 36 of the Royal Commission's recommendations have either been implemented or are being integrated into ongoing work programmes, while the remaining eight will not be progressing.
33. Initiatives include:
- the creation of New Zealand's first National Security Strategy, *Secure Together Tō Tātou Korowai Manaaki*
  - the establishment of the Firearms Safety Authority
  - the establishment of the Ministry for Ethnic Communities.
  - the public release of Know the Signs – a guide for identifying signs of violent extremism.
  - the publication of the first New Zealand Security Threat Environment Report
  - the Preventing and Countering Violent Extremism Strategic Fund for community-based prevention initiatives
  - the establishment of the Ethnic Communities Graduate Programme
  - the development of Te Korowai Whetū Social Cohesion strategic framework and associated tools and resources
  - support for the affected community, including the establishment of the Kaiwhakaoranga Specialist Case Management Service.
34. The coordinated cross-government response to the RCOI has now concluded and any remaining work will be embedded into what government agencies do every day.

## **COVID-19 pandemic response**

35. COVID-19 was first reported in New Zealand in February 2020. New Zealand adopted a health-led response, initially focused on elimination, limiting access to New Zealand primarily to

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<sup>2</sup> A RCOI is an independent inquiry into the most serious issues of public importance: [What is a Royal Commission? | Covid-19 Lessons Learned](#)

citizens and permanent residents, and implementing public health protective measures including lockdowns. COVID-19 did not circulate in the population for most of 2020 and 2021 and New Zealand had the lowest number of cases, hospitalisations and deaths in the OECD.

36. New Zealand's vaccination programme began in early 2021 and, by December 2021, 90 percent of eligible New Zealanders had been fully vaccinated (at least two doses). In late 2021, vaccine passes were introduced. New Zealand began re-opening its border from early 2022. All vaccine mandates ended by September 2022. In August 2023, the last remaining mandatory COVID-19 requirements were removed.
37. Since 2020, concerns about the impact of COVID-19 on human rights have been raised in various public consultations, and more generally in public debate. These include:
  - the temporary vaccine mandates and how they affected access to medical treatment, employment, and social cohesion
  - the temporary border entry measures
  - the increased prevalence of misinformation and false information regarding the pandemic.
38. The Royal Commission of Inquiry in COVID-19 Lessons Learned was announced on 5 December 2022. The purpose of the Royal Commission was to investigate New Zealand's response to COVID-19 in order to prepare for future pandemics.
39. On 25 June 2024 the new Government announced that the Royal Commission would be conducted in two phases. Phase One is tasked with looking at how to strengthen New Zealand's preparedness for future pandemics and is due to conclude on 28 November 2024. Phase Two will review key decisions taken by the Government in 2021 and 2022 related to the use of vaccines and the use of lockdowns. The inquiry will assess whether key decisions struck a reasonable balance between public health goals and social and economic disruption – such as health and education outcomes. Findings and recommendations from the inquiry will be made public in early 2026.

## **Child and Youth Strategy**

40. The Children's Act 2014 requires the Government to adopt, publish and review a strategy for improving the wellbeing of children. The first *Child and Youth Wellbeing Strategy* was agreed in 2019 and provided a framework to understand and improve child and youth wellbeing outcomes up to age 24.
41. Following the 2023 election, the Strategy was refreshed to align with the new Government's priorities. The new *Child and Youth Strategy* (the Strategy) was published in November 2024. The Strategy retains the outcomes, vision and age coverage (ages 0-24) of the last strategy. It identifies three priority areas to drive cross-government work and investment: supporting children and their families and whānau in the first 2,000 days; reducing child material hardship; and preventing child harm. Evidence demonstrates that these three areas represent a significant opportunity to build protective factors and address early risk to support improved outcomes through childhood and adolescence, and into adulthood. The Strategy must be reviewed every three years. The next review will be in 2027.

# Implementation of the covenant

## Article 1 – Right to self-determination

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

42. The Treaty is regarded as a founding document of government in New Zealand. The Treaty has two texts: one in te reo Māori (Te Tiriti o Waitangi) and one in English (the Treaty of Waitangi). The Treaty was signed in 1840 by representatives of the British Crown and approximately 500 Māori chiefs. The Treaty affirms the right of the Crown to govern (kāwanatanga). It also affirms the self-determination (or tino rangatiratanga) of Māori and the rights and responsibilities of equality and common citizenship for all New Zealanders (rite tahi).
43. The Treaty of Waitangi is not directly enforceable by the courts. However, legislation has increasingly included references to the Treaty of Waitangi and/or te Tiriti o Waitangi or the “principles of the Treaty.” The Courts have held that, owing to the Treaty’s constitutional significance, there is a presumption of statutory interpretation that, in the absence of clear words to the contrary, Parliament intends to legislate in a manner that is consistent with the Treaty.
44. As an integral part of New Zealand’s constitutional framework, how the Treaty is given effect will continue to evolve along with other constitutional principles and norms. This is an ongoing debate that is to be expected in a robust and democratic society.
45. The Government has two pieces of work underway related to the principles of the Treaty. The Principles of the Treaty of Waitangi Bill, introduced into the House of Representatives in November 2024, defines the Treaty principles in statute. The purpose is to create certainty about the meaning of the principles and how they apply. The Waitangi Tribunal has found the Bill’s underlying policy is unfair, discriminatory, and inconsistent with the current Treaty principles, asserting it would significantly harm Māori interests and violate the Article 2 guarantee of tino rangatiratanga. Government coalition partners have agreed to support the Bill for further examination by a Select Committee but have not committed to support it beyond that point. The Select Committee will invite public submissions and can recommend changes to the Bill.
46. The Government is also conducting a comprehensive review of all legislation (except when it is related to Treaty settlements) that includes “The Principles of the Treaty of Waitangi,” to replace all such references with specific words relating to the relevance and application of the Treaty or repeal the references. The purpose of the review is to state more clearly how the Treaty applies in its specific legislative context, reduce uncertainty, and support better compliance, where it is appropriate to encapsulate the Treaty or the Treaty relationship in legal terms. The Government expects government agencies reviewing their legislation to consult appropriately, including with hapū and iwi.

## **Right to freely dispose of natural wealth and resources**

### **Paragraph 9 (a) and (b) of the concluding observations**

47. Since the release of the Waitangi Tribunal's 2011 report, Ko Aotearoa Tēnei (Wai 262 report), Te Puni Kōkiri (TPK) has had work underway on matters relating to the appropriate use of mātauranga Māori (Māori knowledge). This includes a focus on enabling benefits for Māori, balanced with the need for foundational policies that are durable over time. Recognising the complexity of issues outlined in the Wai 262 report, TPK alongside other government agencies continues to address the tenets of the report through various system, domestic, and international levers.
48. A recent highlight of this work includes TPK's contribution to the successful conclusion of the international treaty on Disclosure of Origin of Genetic Resources and Associated Traditional Knowledge in patent applications (GRATK Treaty) at the World Intellectual Property Organisation (WIPO) Diplomatic Conference in Geneva, Switzerland in May 2024. TPK is developing policy work to ratify the GRATK treaty, including the implementation of a new disclosure of origin mechanism for New Zealand.

### **Paragraph 9 (c) of the concluding observations**

49. In 2019, the Government agreed to develop a national plan of action to implement the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). TPK, the New Zealand Human Rights Commission, and the National Iwi Chairs Forum (NICF, which represents national Māori leadership) engaged with Māori on their aspirations for an action plan to implement UNDRIP.
50. A theme from the targeted engagement was for government to share its power and support Māori to exercise their right to participate in decision-making on issues that affect them. This applied to a range of topics, from justice, health, and education, to housing, the environment, and cultural expression and identity. The COVID-19 pandemic disrupted the original timelines, and in December 2022, the Government deferred the draft implementation plan until 2024.
51. The Government has now decided to instead focus on reaching targets to achieve improved results in health, education, law and order, work, housing and the environment, and to work with iwi/Māori to provide the necessary support to Māori families and all New Zealanders.

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

#### *Participation of Māori in decision-making processes*

52. Various measures are in place to support the participation of Māori in decision-making processes affecting their rights, including in relation to extractive and development activities, but also management of natural resources and other kinds of decision-making.
53. Settlements of historical Treaty claims often include redress instruments that provide for, to varying degrees, participation of relevant settling iwi/hapū groups in natural resource decision-making processes. For example, the Maniapoto Claims Settlement Act 2022 required three local government entities to enter into a joint management agreement with the trustees of Te Nehenehenui (the Maniapoto post-settlement governance entity). Among other things, that agreement provided for the Councils and the Trustees to work together to jointly develop and

agree criteria to assist local authority decision-making in relation to resource consents affecting the area covered by the agreement.

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

#### ***Trade and climate change***

55. Regarding New Zealand's trade strategy, the Ministry of Foreign Affairs and Trade has dedicated, structured engagement mechanisms and formal agreements in place with key Māori trade representative groups on trade policy development and trade negotiations. This includes a Māori partnership group working alongside the Ministry's leadership. This group brings a Māori perspective and advocates for the priority needs of Māori on key issues.
56. This structured engagement has supported strong outcomes for Māori in recent trade negotiations including with the United Kingdom (UK) and European Union (EU). These include market access for sectors of particular interest to Māori, including seafood, honey and horticulture, as well as digital; and securing Māori Trade and Economic Cooperation Chapters in the EU and UK free trade agreements, where Māori advocated for and provided views on text proposals.
57. In addition, officials worked closely with Māori to develop, agree and implement the Indigenous Peoples Economic and Trade Cooperation Arrangement (IPETCA) during New Zealand's Asia-Pacific Economic Cooperation 2021 host year. The IPETCA is a first-of-its-kind, open plurilateral arrangement that creates a framework for economies and Indigenous Peoples to work together to increase trade and economic cooperation.
58. The Government also works with Māori on international climate change issues. For example, the Ministry engages with the NICF in advance of major climate meetings (e.g. Conferences of Parties or COPs) and includes NICF representatives in New Zealand's COP delegations. Feedback from Māori, including the NICF, informs New Zealand's negotiating positions, and inclusion also enables access to, and transparency of, these negotiations.
59. The Climate Change Commission provides expert advice to the Government on climate change and partners with Māori to deliver advice that is informed by a Māori worldview. The Commission combines learning from iwi/Māori and stakeholders with other research and data to investigate what is critical for getting New Zealand to meet its climate change targets.

#### ***Indigenous and Tribal Peoples Convention of the International Labour Organisation***

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

#### **Proposed changes to the law relating to natural wealth and resources**

61. The Government is proposing legislative changes to reinstate offshore petroleum exploration and improve investor confidence. These changes aim to increase New Zealand's energy security and

benefit local economies. The Government is not proposing any changes to the way that the regulator and permit holders engage with iwi and hapū during the decision-making process for rights under the Crown Minerals Act 1991.

62. The Government is also pursuing reform of the resource management system to lift living standards and productivity and to grow New Zealand's economy while still protecting the environment. This includes a fast-track approvals regime that is intended to improve decision-making timeframes and give greater investment certainty for infrastructure and other projects that have significant regional or national benefits.
63. The Government's reform of the resource management system has been undertaken in phases – with each stage of the reform providing some opportunities for Māori groups to feedback on reform proposals.
64. Reform completed to date (including the Fast-track Approvals regime) has consequently included some protections to help ensure that Treaty settlements are protected, and the protection of Treaty settlements is a commitment of the government through its reform programme.
65. The Government is proposing legislation to clarify the test for recognition of customary marine title under the Marine and Coastal Area (Takutai Moana) Act 2011 (the Takutai Moana Act). The test was recently subject to a decision by the New Zealand Court of Appeal and the Government now seeks to restore the original balance of interests struck in the Takutai Moana Act through an amendment bill.
66. The Waitangi Tribunal is undertaking an urgent inquiry into the proposed changes to the Takutai Moana Act. The Tribunal's Stage 1 Report, released in September 2024, found that the Crown breached the Treaty in a number of ways through the policy development process, including by failing to consult with Māori or inform itself of Māori interests. However, the Government considers the changes are important to ensure that the statutory test for customary marine title is applied as originally intended. The amendment bill has been introduced to the House of Representatives and is currently being considered by the Justice Select Committee.

## **Article 2 – Progressive enjoyment of economic, social and cultural rights**

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

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

**Figure 1: Budget for sectors relevant to employment, social security, health and education (\$billions)**

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

*Table supplied by Treasury*

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

### **Paragraph 53 of the concluding observations**

69. New Zealand is working towards achieving the Sustainable Development Goals. Action plans, covering human rights, gender, and child and youth wellbeing, reflect New Zealand's commitment to the global advancement of human rights across its development cooperation programmes.
70. The Government employs a resilience framework to delve into the root causes of poverty, implementing an inclusive approach across its entire development programme, guided by the Leave No One Behind Principle (LNOB) to address the inequality challenges in the Pacific region.
71. From 2018 to 2022, New Zealand delivered NZ\$4.25 billion of official development assistance around the world, with around 65 percent of this directed to the Pacific. This assistance included support for a regional Pacific Justice Sector Programme with a particular focus on improving access to justice for marginalised groups. It also supported Pacific countries' efforts to strengthen other areas of governance, such as parliamentary processes, elections, national audit, the public

service, law and order, support for civil society, and support for country-led anti-corruption efforts.

72. In 2023-24 through the Tonga Justice Sector Support Programme, a Youth Diversion Scheme was developed, and Cabinet approved the associated Youth Justice Bill - to be tabled for consideration in the Tongan Parliament this year. Training on youth was also provided to Magistrates, covering aspects of the Youth Justice Bill, the Youth Diversion Scheme, and human rights.
73. In 2023-24, the International Development Cooperation Programme-funded Partnerships programme worked across 20 countries in the Pacific, Southeast Asia and other countries, through 29 NGOs and 57 programmes and initiatives. Over the course of the year our partners reported that around 190,000 community members were supported in areas including economic resilience, human rights and inclusive development, governance and democracy, climate change, and human development.

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

74. The Government engages with business on human rights issues in multiple fora and considers human rights impacts in its procurement procedures.
75. The Government has no current plans to develop a National Action Plan on Business and Human Rights. New Zealand already has in place robust human rights legislation and has taken steps to address issues such as discrimination, forced labour, and migrant exploitation.
76. Current initiatives are set out in the:
  - *Plan of Action against Forced Labour, People Trafficking and Slavery*, an all-of-government high-level framework of actions for government agencies to 2025, to combat forced labour, people trafficking and slavery
  - *Migrant Settlement and Integration Strategy*, an all-of-government approach to effectively settle and integrate recent migrants that was updated in 2023
  - Worker Protection (Migrant and Other Employees) Act 2024, that strengthens immigration and employment laws to assist in protecting employees from exploitation.
77. We also have in place non-judicial mechanisms such as the Ombudsman and mediation services facilitated by the Government to give effect to the OECD Guidelines for Multi-National Enterprise Guidelines on Responsible Business Conduct.

#### **Non-discrimination (paragraph 11 of the concluding observations)**

78. Māori continue to feel the impacts of racism in New Zealand. *Ki te whaiāo, ki te ao Mārama*, a report from the Human Rights Commission released in November 2022 captured voices who identified racism as the central issue impeding their ability to develop and exercise tino rangatiratanga.
79. New Zealand agreed at its 2019 Universal Periodic Review to develop a National Action Plan Against Racism to progressively eliminate racism in all forms experienced by Māori and other ethnic minorities. Progress on the plan is well advanced and a draft plan is due to be taken to Cabinet in the coming months.



## **Disability rights (paragraph 20 of the concluding observations)**

80. Despite continued progress across some areas, the Government acknowledges there are still enduring challenges for disabled people in New Zealand. Disabled people continue to experience poorer outcomes than non-disabled people in almost any setting. They have lower labour market participation and are less likely to have enough money to meet daily needs. Disabled learners are more likely to be stood down or suspended from school. A review of education for disabled learners undertaken by the Education Review Office (ERO) in 2022 found that many disabled learners are discouraged from enrolling at their local school or early learning service, attending full-time, or participating in all activities.
81. In 2022 the Ministry of Disabled People (Whaikaha) was established as the focal point for coordinating all government agencies' approach to implementing the Convention on the Rights of Persons with Disabilities.
82. It is a Committee recommendation that New Zealand amend the provisions of the HRA as they relate to the rights of persons with disabilities, including concerning reasonable accommodation and inclusive education. The principle of reasonable accommodation is already recognised by the HRA and has been accepted by the courts. Consideration of any changes to how reasonable accommodation is recognised in the HRA would require a wider HRA review.
83. The right to inclusive education is set out in the Education and Training Act 2020. New Zealand schools have obligations to provide a quality education for all learners. Section 34 of the Education and Training Act 2020 states that "students who have special educational needs (whether because of disability or otherwise) have the same rights to enrol, attend, and receive education at State schools as students who do not". The Education and Training Act 2020 also requires schools to be inclusive of and cater for students with differing needs.

### ***Disability support and policy development***

84. The Minister for Disability Issues commissioned an Independent Review of the Disability Support System in April 2024 to strengthen its long-term sustainability. The review included seven recommendations, which have been accepted by the Government. The recommendations are unlikely to immediately impact the support disabled people or their carers currently receive. People will be consulted as the work is progressed.
85. Cabinet also agreed to:
  - transfer Disability Support Services (DSS) from Whaikaha to a new branded business unit within the Ministry of Social Development (MSD)
  - create a standalone department for the rest of Whaikaha, to provide leadership and stewardship for disabled people across government by the end of 2024
  - establish a cross-agency taskforce of officials within MSD to deliver the review's recommendations for DSS including experts in policy, finance, contract management, service delivery, risk management, auditing, and evaluation.
86. Work to implement the decisions from the Independent Review is underway, with initial feedback due by the end of 2024.

87. The 2019-2023 Disability Action Plan (a package of twenty-nine work programmes that have a disability perspective) has now lapsed. The next Disability Action Plan is currently under consideration.

### **Article 3 – Equality between men and women**

88. New Zealand is committed to upholding gender equality and the right for men and women to enjoy economic, social and cultural rights equally, however, the Government acknowledges there is still work to be done.
89. Women undertake a disproportionate share of caring and family responsibilities, such as looking after children, older people, and those with disabilities, often while managing their paid work commitments. Although unpaid work makes an important contribution to the economy and plays a pivotal role in society and to individuals and communities, it is not visible, widely understood, or recognised, as “real” work.
90. Current government supports and subsidies to help parents balance work and caring responsibilities include:
- Childcare subsidy
  - Out of School Care and Recreation (OSCAR) Subsidy
  - Accommodation supplement
  - Working for Families Tax Credits
  - Flexible Childcare Assistance
  - Guaranteed Childcare Assistance Payment
  - Family Boost Tax Credit – available from Inland Revenue
  - Child Disability Allowance
  - Temporary Additional Support
  - Income Related Rent
  - Training Incentive Allowance
  - Course Participation Assistance.

#### **Gender pay gap**

91. The gender pay gap in New Zealand has reduced steadily from 16.3 percent in 1998 but has fluctuated over the past decade. It is currently 8.2 percent (June 2024). The gender pay gap for Māori, Pacific and Asian women, and disabled women is significantly higher than the overall gap.
92. The cumulative impact of the gender pay gap can also be seen at retirement. There is a 36 percent gap between the amount men and women contribute to pensions each year which the Retirement Commission has found is primarily driven by gender and ethnic pay gaps. The Commission also found that there is a 25 percent gap in the average pension balance between women and men.

**Fig 3: Annual percentage change in median weekly earnings from wages and salaries, by sex, June quarters, 1999-2023**



### Information relating to paragraph 22 of the concluding observations

#### *Women in leadership roles in the public sector*

93. New Zealand continues to make progress in the number of women in leadership positions in the public sector. In 2020, the Public Service Act 2020 (the Act) came into effect. The Act, which requires chief executives to build diverse workforces, is underpinned by inclusive workplace and employment policies and practices.
94. In December 2022, women held 53.1 percent of state sector board and committee roles – the highest ever proportion achieved. It marked the third year in a row where the Government-set target of 50 percent of women on public sector boards and committees was met or exceeded. Women currently make up 48.8 percent of public service departmental Chief Executives. As of 30 June 2023, the percentage of women in the top three tiers of senior management was 55.9 percent (up from 41.5 percent in 2013).
95. Boards are also becoming more inclusive with the latest data showing more women from diverse backgrounds including greater numbers of Māori and Pacific women. In December 2022, representation of Māori and Pacific women on public sector boards had increased to 14.1 percent and 4 percent respectively.
96. There have been substantial decreases in the overall public service Māori gender pay gaps and reductions in the Pacific and Middle Eastern, Latin American and African pay gaps over the last 5 years. However, we acknowledge that more needs to be done and the Government will continue to focus on reducing pay gaps in the public sector.

#### *Gender equality in the private sector*

97. New Zealand has made some progress towards equal representation on private sector boards, but women are still underrepresented in leadership roles. In 2022, women held 28.5 percent of director positions and 26.4 percent of executive management roles across companies listed on the New Zealand stock exchange (up from 22.5 percent and 25.4 percent in 2020). There are some concerted efforts to change this, through groups like Champions for Change where more than 80 leading Chief Executives and Chairs of private organisations are helping drive diverse

leadership in workplaces. In 2023, this group achieved 40:40:20 gender balance at board level – 40 percent women, 40 percent men, and 20 percent any other gender.

- 98. The Ministry for Women has increased its engagement with wāhine Māori (Māori women), government agencies, not-for-profit organisations (NGOs), businesses, and community groups to help make impactful decisions, develop effective initiatives and informed policy advice.
- 99. The Ministry also works to represent the interests of New Zealand women and promote gender equality for all women in regional and international fora.

## Article 6 – Right to work

- 100. The Government has committed to supporting everyone’s right to work by working on legislative changes and policy initiatives to get people into work and to support people to have the skills they need to succeed in work.
- 101. The Government acknowledges it continues to be harder for disabled people, Pacific peoples and Māori to get into the workforce, and once there, it is harder for them to progress to better jobs that are well-paid. The same is true for women.
- 102. The Government also acknowledges the lack of connection between key actors and stakeholders for instance between schools, tertiary institutions, and employers; between community groups and employers; and central and local government; and that this is directly related to many of the challenges facing job seekers throughout the country.
- 103. Unemployment has been increasing since 2022, leaving the June 2024 unemployment rate the highest since March 2021. Recent rises in unemployment align with other economic indicators, including an increasing number of benefit recipients, a decreasing number of job vacancies, and declining GDP (gross domestic product) per capita.

**Figure 4: Unemployment rate, seasonally adjusted, June 2014-June 2024 quarters**



*Graphic provided by Stats NZ*

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

104. Women's unemployment, since the Covid-19 pandemic (2019), peaked at 5.6 percent in September 2020, then dropped to a record low of 3.3 percent in September 2021, and again in March 2022. As of June 2024, it has since risen to 4.7 percent. Underutilisation of women in the workforce remains an issue, and some women face intersectional disadvantages in the labour market.
105. Median hourly earnings for all women are currently \$32.08 compared to \$34.95 for all men (as at June 2024). European women had median hourly earnings of \$33.70, but by comparison, Asian women earned \$30.00, wāhine Māori earned \$29.71, and Pacific women earned \$29.00. Women and employment are discussed in greater detail in article 3.

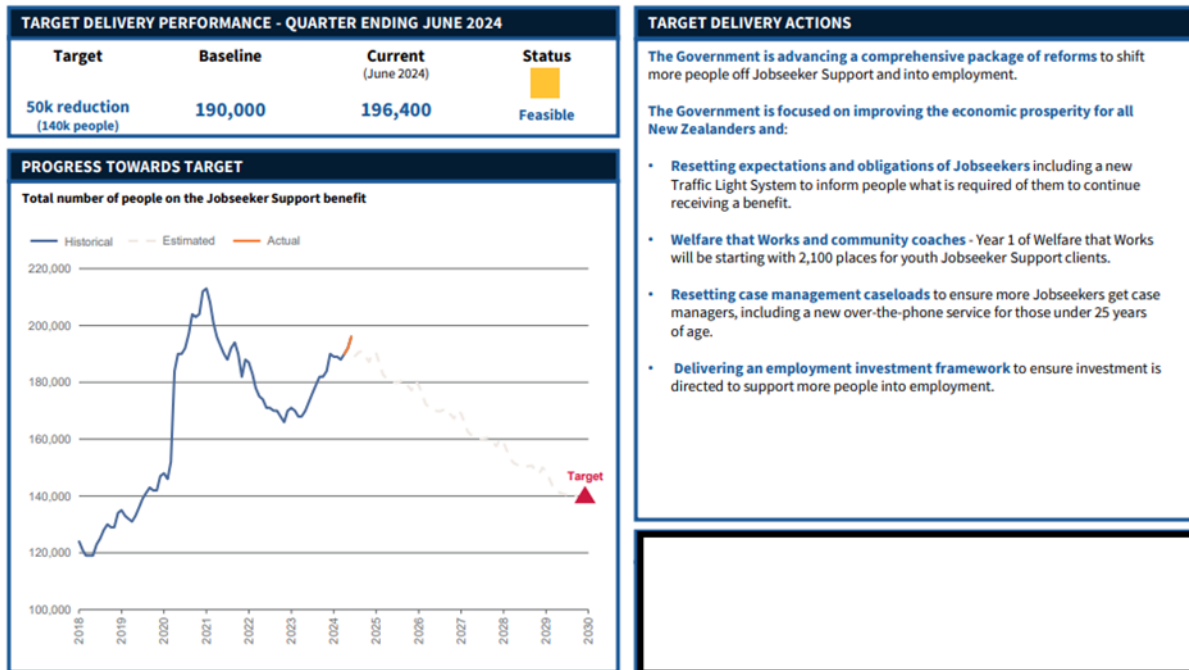
#### ***Improving pay equity***

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

### **Unemployment (paragraph 24 of the concluding observations)**

107. In April 2024, the Government set a target to reduce the number of people receiving Jobseeker Support by 50,000 to 140,000 by 2030. The Government considers that having more people in work benefits not only those people and their families, but also their communities, and leads to a sense of purpose, independence and connectedness for families. A range of programmes and services designed to support people into work are in place, including prevention and early intervention, work preparation, and work placement and sustainability. Alongside are approaches used to evaluate employment products and services that help guide decisions about the mix of employment supports provided.
108. There is regular monitoring and reporting of employment outcomes generally and for specific groups. Evidence-based investment in and targeting of employment services recognises that individual needs vary and that some groups of people are more likely to need support than others.

**Figure 5: Government target: fewer people on the Jobseeker Support benefit**



*Infographic from Ministry of Social Development*

109. The Government has recently announced that the employment investment framework, which guides how funding for employment support schemes is spent, will include a focus on supporting people who are receiving a Jobseeker benefit, rather than people who are not receiving a benefit.

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

**Youth**

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

111. The Ministry of Social Development’s Youth Service supports 16- and 17-year-olds to stay in school or enter training if they have left school.

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

**Fig 6: NEET rate for youth aged 15 to 24 years**

Year	The NEET rate	The annual % point change in the NEET rate
2024	12.4	1.2
2023	11.2	-0.5

2022	11.7	-0.8
2021	12.5	0.1
2020	12.4	0.3
2019	12.1	0.3
2018	11.7	-0.7
2017	12.4	0.9
2016	11.5	-0.2
2015	11.7	0
2014	11.7	-1.6
2013	13.3	0
2012	13.3	

*Table supplied by Ministry of Business, Innovation and Employment*

### ***Ageing population***

113. New Zealand has no retirement age. People become eligible for New Zealand Superannuation at age 65. By international standards, New Zealand's rate of labour force participation for people aged 65+ is high. However, evidence shows that some older workers face barriers when seeking or staying in employment. These barriers include a lack of flexibility, discrimination and a mismatch of skills/experience to the available roles.
114. Older workers who are eligible (aged between 50 and 64) are overrepresented as long-term recipients of employment support, though unemployment tends to be quite low for older people in general.
115. New Zealand has addressed the needs of older workers through the development of resources and programmes, including:
- the Older Workers Employment Toolkit, which provides information and advice for employers to help recruit, develop and retain older workers
  - a senior enterprise pilot, which ran in 2023, and supported older workers to start a business.

### ***Māori population***

116. Te Puni Kōkiri influences other government agencies to maintain labour market attachment and get more Māori into higher skilled jobs. This means ensuring Māori have improved access to and higher rates of participation in high-quality education, training and meaningful employment. The government enabled approach supports Māori into work and raises awareness of the full range of education, employment and training opportunities that are available.
117. These opportunities include:
- Cadetship programme – supporting employers to develop, mentor and train their permanent Māori staff at all career stages into higher-skilled roles
  - Whānau resilience programmes – supports development, leadership and culturally focused programmes which lift the skills of women and children

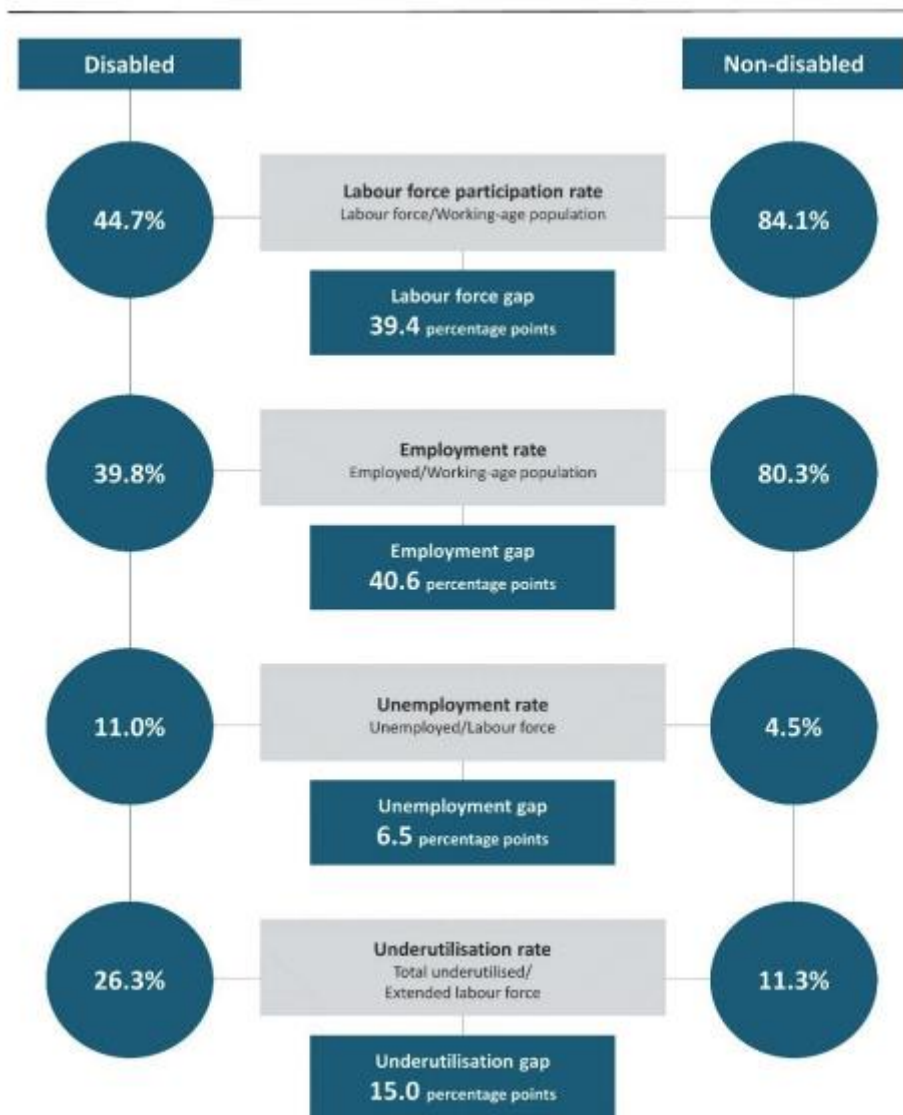
- Taiohi Ararau / Passport to Life – supports young Māori on their pathway to training and employment by helping them get essential documents like their driver’s license and tax number.

### ***Employment support for disabled people***

118. To support disabled people into employment, the Ministry for Social Development (MSD) provides a suite of employment services, including disability-specific employment services that are tailored specifically to the needs of disabled people, including people with health conditions. Some services specifically support people with mental health and addiction issues.
119. A disabled person’s need for support varies from those who are closer to the labour market (e.g., higher work capacity, few other labour market barriers) through to those who need considerable support to enter and remain in employment (e.g., those with limited work capacity, other significant labour market barriers). MSD’s employment services support disabled people across this spectrum of work capacity.
120. Examples of MSD’s employment products and services designed for disabled people include:
  - *Oranga Mahi*, MSD’s programme of cross-agency trials and services delivered in partnership with Primary Health Organisations, District Health Boards, iwi, and Community Providers. These trials and services are specifically designed for individuals with health conditions or disabilities to improve participants’ health and wellbeing; increase skills, confidence and independence in the job market; become work ready and achieve sustainable employment outcomes; and support with wider wellbeing for lasting positive social outcomes
  - *Mainstream Employment Programme*, which provides a range of wage subsidies that are paid directly to employers to help disabled people gain paid work experience
  - *Specialist Employment Service*, which supports disabled people or people with a health condition to gain sustainable employment and move closer to financial independence.
121. MSD provides a range of employment services that are delivered directly to benefit recipients, to employers, or to community providers. While the specific purpose of each employment services for disabled people varies, all focus on supporting disabled people to prepare for, enter into, and remain, in sustainable employment.



**Figure 7: Labour market activity by disability status, people aged 16 to 64 years, June 2024 quarter**



11.

*Graphic supplied by Stats NZ*

## **Article 7 – Right to just and favourable conditions of work**

122. The Employment Relations Amendment Act 2018 introduced several changes to employment law affecting worker and union rights. For example, set meals and rest breaks were reinstated, and changes were made to the rules for collective bargaining.
123. The Employment Relations (Triangular Employment) Amendment Act 2019 came into effect in June 2020 and allows an employee to bring a personal grievance against both their employer and a controlling third party. A controlling third party is a person:
- who has a contract or other arrangement with an employer under which an employee of the employer performs work for the benefit of the person

- who exercises, or is entitled to exercise, control or direction over the employee that is similar, or substantially similar, to the control or direction that an employer exercises, or is entitled to exercise, in relation to the employee.
124. In 2023, 90-day trial periods were again extended to all employers, not just those with fewer than 20 employees. The Government considers this change benefits both workers and employers by reducing the risk associated with taking on new staff, especially workers who may have more difficulty finding employment.
125. In September 2024, the Government proposed to amend employment relations legislation to provide a gateway test that businesses can use when responding to a claim that a person is an employee and not a contractor. This approach provides businesses with certainty to proceed with innovative business models involving contractors where this is appropriate and enables businesses to offer better terms and conditions to their contractors with less concern that it might impact the contractor's status.
126. Under the gateway test, a worker would be considered a contractor if all the following criteria were met:
- a written agreement with the worker, specifying they are an independent contractor
  - the business does not restrict the worker from working for another business (including competitors)
  - the business does not require the worker to be available to work on specific times of day or days, or for a minimum number of hours OR the worker can sub-contract the work
  - the business does not terminate the contract if the worker does not accept an additional task or engagement.
127. If one or more of these factors are not met, then the existing test will apply. The change is intended to be made through an amendment Bill to be introduced to Parliament in 2025.

### **Minimum wage (paragraph 26 of the concluding observations)**

128. New Zealand's minimum wage is high by international standards, in absolute terms and as a proportion of the median wage (close to 70 percent). The Minimum Wage is set by government via secondary legislation, is reviewed annually, and employers who fail to comply are subject to sanctions (discussed below). From April 2024, the minimum wage increased by 2 percent to NZ\$23.15 an hour, benefitting between 80,000 and 145,000 workers, and protecting the incomes of New Zealand's lowest paid workers without hindering job growth or imposing unreasonable costs on businesses.
129. New Zealand's Labour Inspectorate has a range of tools for enforcing compliance with the minimum wage, including investigative powers to find breaches, facilitating resolution of complaints, and education and guidance to improve employers' capability and performance.
130. The Labour Inspectorate takes a graduated approach to enforcement. Tools include enforceable undertakings and improvement notices. Serious breaches can be taken to the Employment Relations Authority seeking pecuniary penalties, compensation orders, banning orders and costs. Individuals involved in breaches can also be penalised and made liable for arrears.

131. While noting the Committee’s recommendation to repeal the exemption permit system, the Government has decided to continue the existing Minimum Wage Exemption scheme and to cease development of a wage supplement. The Government considers that the exemption scheme supports disabled people to gain the rewards and social connections that come from work that they may not otherwise have the opportunity to obtain. The Government also notes the view of many enterprises dedicated to enhancing the employment prospects of severely disabled people, that the wage supplement would put pressure on their operating model, reducing their ability to provide disabled New Zealanders a job.

### **Migrant workers (paragraph 28 (a)-(c) of the concluding observations)**

132. Migrant workers have the same employment rights as other workers under New Zealand law, including the right to take action against exploitative employers.
133. Cabinet agreed in 2020 to a package of legislative, operational and policy changes to address the exploitation of temporary migrant workers, accompanied by the allocation of \$50 million to fund the associated actions. These changes included:
- establishing a dedicated migrant exploitation helpline
  - creating an online reporting mechanism for migrant exploitation
  - dedicated funding for information and education on migrant exploitation (\$3.15 million over four years)
  - enhancing the Employment New Zealand website (a government site) to provide further detail about migrant exploitation and how to combat it.
134. New Zealand has made policy changes since 2020 to afford further protection to the rights of migrant workers by:
- introducing the Migrant Exploitation Protection Work Visa (MEPV), as part of a wider government initiative to combat all forms of exploitation. The MEPV is a six-month work visa for victims of migrant exploitation, which enables migrant workers to leave an exploitative workplace situation quickly and incentivises them to report exploitation
  - removing accredited employers’ ability to use 90-day trial periods when hiring people on an employer-supported work visa
  - establishing new immigration infringement offences for employers who exploit foreign workers
  - banning anyone convicted of people smuggling or trafficking offences from managing or directing a company
  - banning employers convicted of serious offences with regard to foreign workers from applying to employ further migrant workers in the future.

### **Worker Protection Act**

135. The Worker Protection (Migrant and other Employees) Act 2023 came into force on 6 January 2024. It aims to assist in protecting employees from exploitation. The Act introduces an offence and penalty regime to deter employers of temporary migrant workers from non-compliance with their obligations. Failure to supply required records to a Labour Inspector within the timeframe is an infringement offence, attracting a fee of \$1,000 per offence up to a maximum of \$20,000 in

a three-month period. The Act also allows people convicted of migrant exploitation or people trafficking to be disqualified from managing or directing a company.

136. In the financial year to 30 June 2024, the Ministry of Business, Innovation and Employment received 3,925 complaints of migrant exploitation. In addition, 2,067 MEPV applications were approved, up from 214 the previous year.

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

137. New Zealand implements its Health and Safety at Work Act 2016 via its primary regulator WorkSafe New Zealand. The Government's expectation is that WorkSafe is efficient and effective, focusing on the right things including front line regulatory services, to achieve better health and safety outcomes for New Zealand's workers and businesses.
138. New Zealand's *Health and Safety at Work Strategy 2018 -2028* (the Strategy) was launched in 2018. The Strategy sets overarching goals and priorities for promoting and improving health and safety at work to 2028, identifies capability gaps and opportunities, and improves coordination across agencies and stakeholders.
139. A key Government priority is improving the health and safety at work regulatory system, to ensure that it is clear, sensible, proportionate and effective. The Government is currently undertaking public consultation, seeking broad feedback on experiences with the system, how it is working, and what should change. This will inform policy options and decisions will be made in due course.

### **Article 8 – Trade union rights**

140. Under New Zealand law, strikes are legal when they are in relation to collective bargaining and on health and safety grounds. If a strike is legal (and the right notice has been given), it cannot be stopped by a court order.
141. Employees cannot go on strike in certain circumstances, such as in the initial 40 days of collective bargaining, if there is a current collective agreement, or over a personal grievance or dispute. If a strike is not legal, employers can apply to the Employment Court for an injunction to stop it or to sue for loss caused by the strike.
142. Parliament recently repealed legislation, enacted in 2022, establishing a Fair Pay Agreements system. The system had aimed to bring together unions and employer associations to bargain for minimum employment terms and conditions for employees in an industry or occupation. The Government considers that the system would have reduced flexibility for employers and employees to agree suitable employment terms and conditions while making the business environment less competitive. No Fair Pay Agreements had been finalised before the legislation was repealed.
143. As discussed in relation to article 13 below, in 2024 New Zealand enacted legislation to reinstate charter schools (kura hourua), a type of state-funded school operated under a contract between the Crown and a sponsor. The legislation prevents unions from initiating bargaining for a multi-employer collective agreement with a charter school. This aims to maintain charter schools'

flexibility and independence and avoid reducing sponsors' level of influence over the terms and conditions offered to their employees. The change does not affect bargaining for any single-employer collective agreement involving a charter school.

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

## **Article 9 – Right to social security**

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

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

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

148. Child support payments are independent of the benefit and are paid by the liable parent to the receiving carer. Previously, for those receiving child support pass on payments, their child support was collected by the Government to offset the cost of their benefit payments. Those who are eligible now receive these payments, which are passed on in full by Inland Revenue (New Zealand tax system). These payments are then charged forward as income over four or five weeks. This could affect the rate of assistance the parent receives.

### **Persons in need of social assistance (paragraph 35 of the concluding observations)**

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

150. In 2022 and 2023, New Zealand prioritised measures to reduce the impact of rising global inflationary pressures on New Zealanders' cost of living. These included temporary cost of living payments to low-income households, reductions in fuel excise and half-price public transport. Other payments increased, including those to super annuitants, veterans and students.

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

152. The April 2024 increase delivered a 4.66 percent (the rate of inflation for the year ending December 2023) increase to all main benefit rates.

### **Benefit obligations and sanctions**

153. In its 2020 response to New Zealand's follow-up report, the Committee expressed concern about the sanctions regime in New Zealand's social security system.
154. In 2021, the subsequent child policy sanction was removed which allowed parents to have more flexibility to spend more time with their children in the first 1000 days of their life. This change affected approximately 11,400 people.
155. The Government has recently introduced a Traffic Light System to help people understand what is required of them to continue receiving a benefit and what happens if they do not meet expectations. The Traffic Light System applies to most types of benefit. However, it will not apply to most people receiving Supported Living Payment, who have or are caring for someone with a significant health condition, injury or disability.
156. Under the Traffic Light System, people who have not met their work-related or social obligations will move to orange. They will have five working days to get in touch with the Ministry of Social Development (MSD) to dispute the failure, provide a good and sufficient reason for not meeting the obligation or arrange an activity to re-comply. MSD must make reasonable efforts to determine whether a person has a good and sufficient reason for not meeting the obligation.
157. If the person does not contact MSD within five days, they will move to red, where their benefit is reduced or stopped. Individuals who are subject to benefit sanctions and who have dependent children will retain 50 percent of their main benefit payment and will not have their supplementary assistance affected.
158. Individuals can dispute a decision and, if they still disagree, may apply for a review of a decision to stop or cancel a payment.
159. The Government has also agreed to further initiatives that will increase obligations and consequences for job seekers. These include requiring Jobseeker Support recipients to reapply every six months; and making it mandatory for all beneficiaries with work obligations to have a jobseeker profile before their benefit is granted.
160. Noting the Committee's concerns about the effect of sanctions, the Government's approach to expectations and sanctions for people receiving a benefit, with appropriate safeguards, reflects the view that being in employment brings wider health and wellbeing benefits to people and their families. The Government is also increasing support for job seekers to obtain work, as described in relation to Article 7 above.

### **Social security and the best interests of the child**

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

162. MSD offers a range of support and assistance to help families with the cost of childcare, focused on helping parents work and study and supporting children's learning and development.
163. As part of the on-going work within the social security system, MSD conducted a review of Childcare Assistance. The review identified multiple issues that parents and caregivers were experiencing including issues with the administrative process when making an application and that subsidies had not kept pace with increasing childcare costs. The Government has since implemented measures to improve childcare support including the expansion of Flexible Childcare Assistance (FCA) and increasing the rate of Guaranteed Childcare Assistance Payment (GCAP) to improve support for young parents.

### **Social services providers**

164. The Committee had concerns about the disparity in work conditions between Māori social service providers and non- Māori social service providers and recommended that New Zealand address any indirect disparity of contract renewal of all social service providers.
165. All contracts with Oranga Tamariki – Ministry for Children (Oranga Tamariki) are reviewed annually as part of the contract management process. Contract renewals are dependent on the type of service being funded and what is needed at the time to support children and young people.
166. Oranga Tamariki is taking a more rigorous approach to contracting to ensure its investment of \$500m in social services goes where it is needed to have the greatest impact on the most vulnerable children and young people across New Zealand. Oranga Tamariki is shifting to prioritise core business including statutory services such as Youth Justice, Care & Protection, Transition Services and family violence sexual violence services. FY2025 is the start of an ongoing programme of work to realign investment to where it is needed it most.

## **Article 10 – Protection of family life**

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

167. Te Puna Aonui, the Interdepartmental Executive Board (IEB) for the Elimination of Family Violence and Sexual Violence, was established in 2022, building on the work of the Joint Venture that had operated from 2018. Te Puna Aonui brings together nine government agencies that have a role to play in the family violence and sexual violence (FVSV) system.
168. In 2021 Te Aorerekura, the *National Strategy for the Elimination of Family Violence and Sexual Violence* was introduced. It takes a long-term approach by setting out a framework to eliminate violence, to drive government action in a unified way and harness public support and community action.
169. In 2023, *Te Aorerekura Outcomes and Measurement Framework* was published. It uses existing data and identifies data improvements to better reflect the experiences and priorities of people who are disproportionately impacted by FVSV: women, children and young people, Māori,

Pacific peoples, disabled people, older people, LGBTQIA+ communities, and ethnic communities.

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

### **Progress in legislation**

171. Parliament has enacted the Sexual Violence Legislation Act 2021. The Act made changes to trial processes and the rules of evidence to improve victims' experience in court.
172. Currently Parliament is considering two Bills that will provide greater legal protections for victims of family violence and sexual violence.
173. The Victims of Sexual Violence (Strengthening Legal Protections) Legislation Bill aims to:
- reduce the risk of child victims of sexual violence being questioned about consent
  - clarify the law related to automatic name suppression for adult victims of sexual violence, ensuring they are aware of their options and providing a straightforward process to apply to lift suppression.
174. The Victims of Family Violence (Strengthening Legal Protections) Legislation Bill aims to strengthen the courts' statutory powers to protect victims of litigation abuse in family proceedings where the court process is being used to abuse a party to a proceeding.
175. The Minister of Justice is currently working on the development of a new stalking offence to be included in the Crimes Act 1961. The Bill is expected to be introduced to Parliament by the end of 2024.

### **Oranga Tamariki**

176. Oranga Tamariki launched *Our Strategy* in 2024. The Strategy defines the purpose of Oranga Tamariki as to serve those children, young people and families who come to the state's attention. The focus is on keeping them safe and preventing them from coming into care or custody by ensuring the children's system provides support to families.
177. Oranga Tamariki's new purpose makes it clear that the focus is not on all children but on those children who come to the notice of the Government's care and youth justice systems. It is important that the focus is on those who need help because there are limited resources, and many children are safe and well in the context of their families and community.
178. The Oranga Tamariki National Care Standards (introduced in 2019) require that each child's needs are assessed and an individualised 'All About Me Plan' is developed and regularly reviewed. The plan must include support for the child's culture, belonging and identity, connections to family and other significant people, play and recreation, health and education. Oranga Tamariki has a system in place for self-monitoring its compliance with these standards.



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

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

## **The Royal Commission of Inquiry into Historical Abuse in State Care**

180. The Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions (Royal Commission) report *Whanaketia – Through pain and trauma, from darkness to light*, was tabled in Parliament on 24 July 2024. Deaf, disabled people, tāngata whaikaha Māori and people with learning disabilities have been a significant focus in the inquiry. In particular, the report recommends significant change to care safety processes, organisational arrangements, and structures for the regulation, monitoring and commissioning of services including disability support services.
181. The Government is continuing to consider and respond to the Royal Commission's recommendations. The recommendations are complex, and it is important they are considered carefully and respectfully. Since July 2024, the Government has broadly accepted the findings of the Royal Commission and a Crown Response Office has been established to drive the Government's ongoing response.
182. The Prime Minister apologised to all those who were abused and neglected in care in Parliament on 12 November 2024 and announced that decisions on a new redress system for survivors of abuse in care will be taken across 2025. While that work is undertaken, the Government has invested additional funding for existing redress processes to ensure they are more responsive to survivor needs and have more capacity to resolve their claims.
183. Legislation has also been introduced which includes a range of measures to improve safety in care and the Government confirmed that a National Remembrance Day will be held on 12 November 2025. Regarding abuse at the Lake Alice Child and Adolescent Unit, the Government has formally acknowledged that some children and young people at the Lake Alice Unit were tortured, resolved a historic inequity in previous Lake Alice settlements and set up urgent financial assistance to Lake Alice survivors who are terminally ill. Decisions on an improved redress pathway for survivors of abuse in care will be taken across 2025.

## **Article 11 – Right to housing and adequate standard of living**

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

## National housing strategies

185. The Committee recommended in response to New Zealand's 2020 follow-up report the adoption of a human-rights based national housing strategy. To address this, in 2021, New Zealand introduced two long-term housing and urban development strategies – the *Government Policy Statement on Housing and Urban Development* (GPS-HUD) and *MAIHI Ka Ora – the National Māori Housing Strategy* (MAIHI Ka Ora).
186. The GPS-HUD sets a direction for the future of housing and urban development in New Zealand over the next 30 years. Its vision is that everyone in New Zealand lives in a home and within a community that meets their needs and aspirations. It focuses on increasing the supply of housing, improving access to housing, improving the quality of housing, and reducing inequity in housing across communities and places.
187. The GPS-HUD is broadly aligned with the United Nations 'decent housing' principles. The GPS-HUD explicitly notes this alignment, and states that Government will continue to understand what would be required to strengthen alignment with the right to a decent home in our New Zealand context.
188. The GPS-HUD is intended to be a system strategy that informs and influences other government sector strategies including *MAIHI Ka Ora*, the *Disability Strategy*, and *Better later life – He Oranga Kaumatua 2019 to 2034* for New Zealand's aging population.
189. Housing and Development Indicators track progress towards the long-term goals in the GPS-HUD (and *MAIHI Ka Ora*). The indicators are designed to show progress over a five-to-ten-year span and include information on homelessness, housing support, transport, and urban areas, as well as on whānau (family), housing providers, funding, and the relationship between Māori and the Crown. Where data is available, figures are reported for Māori, Pacific peoples, and disabled people, as well as for the general population.
190. The Government acknowledges that multiple approaches are required to achieve change. This ranges from ensuring the right legislation and policy settings are in place and that the right funding and investment is available, through to ensuring that appropriate support is available for people who need it now. The GPS-HUD is not intended to provide a detailed blueprint of all future activity. New initiatives, regulatory responses, and investments will be needed to meet changing needs, and to stay on track to achieve better outcomes.
191. The GPS-HUD must be reviewed every three years and is currently under review.
192. *MAIHI Ka Ora* sets out a vision for Māori housing for the next 30 years – that all families, including Māori, have safe, healthy, affordable homes with secure tenure – with an implementation plan focused on what needs to happen over the next three to four years.
193. The strategy is an expression of the articles of the Treaty. It sees the Government using its levers (Article One of the Treaty) to enable Māori-led local housing solutions (Article Two), so Māori housing aspirations are achieved. If the Crown and Māori work together, the strategy will provide oritetanga (Article Three), equity.

## **Right to housing (paragraph 40 of the concluding observations)**

### *Homelessness and emergency housing*

194. The Government acknowledges that there is a housing crisis, which can impact people's ability to access stable and secure housing. The Government is committed to taking steps to prevent and reduce these issues.
195. Those steps include:
- introducing a housing target that will see 75 percent fewer households in emergency housing by 2030. Delivering this target will return emergency housing to its original intent – as a last resort used for short periods and to quickly support people in genuine urgent need into stable housing
  - establishing a Priority One category for families with children in emergency housing, helping them to move into social housing faster
  - strengthening the verification processes for those entering emergency housing, reviewing eligibility settings, and introducing new obligations
  - improving data to better understand drivers of entries into, and exits out of, emergency housing. By better identifying the needs of people as they enter emergency housing they can be supported to exit quickly into more stable accommodation
  - funding delivery of more social housing places
  - addressing housing market drivers such as supply responsiveness, rental market tightness, and barriers to building on Māori land. A properly functioning housing system will support the use of emergency housing as a rarely required intervention.

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

196. It is unlawful for a landlord to terminate any tenancy without lawful grounds under the Residential Tenancies Act 1986. The Tenancy Tribunal helps tenants to enforce their rights and, if needed, contest the termination of a tenancy in an accessible manner.
197. The Government has put in place several initiatives which seek to address homelessness risk factors before an eviction, including:
- Sustaining Tenancies: social services to help support tenants in rental properties (private or social) who are at risk of losing their tenancies, to prevent a loss of tenancy, or if tenancy is lost, to help achieve a new tenancy. Support services are tailored for each individual or family and help to address issues such as struggling to pay rent, mental or physical health concerns, or risk factors such as addiction or family violence
  - Housing Support Products: provide financial assistance to vulnerable households to help them obtain (through assistance with bonds and rent in advance) or maintain (through assistance with rent arrears) a tenancy.

### *Increasing the supply of housing*

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

199. Current global economic conditions present additional challenges to increasing housing supply and recent extreme weather events – related to climate change – experienced in New Zealand are compounding the issues. New Zealand needs to build with future events in mind, to increase adaptability to the impacts of climate change and ensure sufficient land with low risk from natural hazards is available for development.
200. The impact of New Zealand’s housing shortage is particularly hard for households with additional needs that are not being met through the private housing market. These needs include smaller homes for single adults and retirees, larger homes for multi-generational households, and accessible homes for people with disabilities.
201. The Government is introducing a programme of work, with a focus on five key priorities, to help fix the housing crisis. These priorities are:
- increasing the supply of developable land for housing – the Going for Housing Growth Initiative aims to target the underlying causes of the housing shortage, such as constraints on growth, to increase the supply of housing and lower the price of land for development
  - delivering better social housing – taking a deliberate, evidence-based approach to make social housing investments that will make the biggest difference for people in need. This includes getting families out of emergency motels and into secure, healthy long-term housing
  - reforming the resource management system – removing red tape and green-lighting infrastructure and housing development
  - improving efficiency and competition in building and construction – making it cheaper and easier to build
  - improving rental markets.
202. Between 2018 and June 2023 the public housing build programme delivered over 12,000 total public housing places. An additional 3,000 public housing places are to be delivered in 2024-2025, bringing the total social housing places to more than 85,000.
203. The Government has announced decisions to require councils to free up land for housing. These changes will be implemented through a revised National Policy Statement on Urban Development that requires councils to plan well for growth and ensure a well-functioning urban environment for people and communities. Requirements are expected to be in place by mid-2025.

#### ***Improving rental markets***

204. The Residential Tenancies (Healthy Home Standards) Regulations 2019 include minimum standards for heating, insulation, ventilation, moisture ingress (dampness) and drainage, and draught stopping. Landlords who do not meet their obligations under the healthy homes standards are in breach of the Residential Tenancies Act 1986. They may be liable for exemplary damages of up to \$7,200. The Ministry of Business, Innovation and Employment investigate breaches of and enforce compliance with the Residential Tenancies Act.
205. Currently, landlords can only terminate tenancies for specific reasons with notice periods of between 63 – 90 days. Fixed term tenancies roll over into periodic tenancies at the end of the fixed term, unless the parties agree otherwise, or the landlord gives notice under one of the specific termination grounds. If a tenant does not leave a property by the end date of a termination notice, the landlord can only have the tenant evicted if they get an eviction warrant through

application to the Ministry of Justice, once they have a possession order from the Tenancy Tribunal or Mediator.

206. The Government has introduced a Residential Tenancies Amendment Bill that allows landlords to terminate tenancies on a ‘no cause’ basis with a 90-day notice period, reduces landlord termination notice periods to 42 days where specific grounds apply, reduces tenant notice periods for periodic tenancies, and allows landlords to unilaterally end fixed term tenancies without a specific reason. The Government’s view is that at the margins, the changes will increase rental supply and support affordability by encouraging landlords into the market.
207. The Bill also introduces pet bonds and pet consent rules, which aim to help renters with pets to find rental accommodation.
208. The current family violence provisions (the ability to leave a tenancy with two days’ notice) in the Residential Tenancies Act can be used by a tenant who is experiencing family violence. The Bill extends the existing provisions to the situation where dependents of the tenant (for example, children or dependent adults) are subject to family violence.
209. The Government considers the introduction of pet bonds and pet consent rules will further enable tenants to leave family violence situations by making it easier for people to find pet friendly rentals. Research from the Women’s Refuge NZ shows that 53 percent of women in violent relationships delay leaving because they are scared for the safety of the pets in their household. 73 percent of these women said they would leave sooner if there was another place for their pets to go.

#### ***Funding and programmes for iwi and Māori***

210. Whai Kāinga, Whai Oranga invests in by Māori for Māori solutions. It provides significant funding to speed up the delivery of Māori-led supply across the housing continuum. It funds both small-scale Māori housing projects and larger developments, from repairing existing homes to building new ones. As of June 2024, \$356 million has been approved or contracted to investment in supply, repairs and capability through Whai Kāinga Whai Oranga. This funding has contracted 1046 new homes, 2014 sites enabled with infrastructure and 633 repairs of homes.
211. Iwi and Māori organisations are eligible to access other general funds and programmes for housing. For example, Land for Housing complements other government initiatives to increase outcomes by acquiring vacant or under-utilised Crown and private land that is suitable for residential development. While not an exclusive programme, most of Land for Housing development opportunities involve commercial partnerships with iwi.
212. The programme:
  - works with iwi where Crown land suitable for housing development is subject to Treaty settlement obligations, for examples, rights of refusal
  - investigates opportunities identified by iwi to partner in development
  - facilitates Treaty settlement opportunities over land to be acquired for housing.
213. As of June 2024, through 17 partnerships 1,584 homes have been completed by iwi or Māori development partners under signed development agreements.

### *Affordable housing for persons with disabilities and accessible housing*

214. In New Zealand there is a shortage of accessible homes that meet the needs of disabled people. Kāinga Ora – Homes and Communities (Kāinga Ora) is the government agency that supplies and manages around 80 percent of New Zealand’s government funded social housing. In 2019 Kāinga Ora established its Accessibility Policy which committed to building at least 15 percent of all new build public homes to be universally designed. Since then, Kāinga Ora has built over 900 homes (out of approximately 4700 eligible new homes) that met the agency’s Full Universal Design standard. Kāinga Ora works with its tenants and funding agencies to ensure modifications are undertaken on homes to meet tenants’ needs.
215. Across the broader housing work programme, the Government promotes accessible housing where possible, particularly where there is likely to be a higher need for this. Examples of this include:
- in 2023 the Code of Practice for Transitional Housing was introduced. Among other things it requires providers to ensure that properties contain sufficient space and are physically accessible for the household members occupying them. Providers must also note this responsibility in the Housing Agreement between themselves and the tenant
  - Whai Kāinga Whai Oranga (mentioned above), provides funding and support for Māori to determine their own housing solutions. Universal design features have been incorporated as part of many of these developments, responding to disability needs within the community
  - the Affordable Rental Pathway – this fund supports the building of new homes for people who struggle to meet the cost of a market rental but can’t access social housing. Amongst the successful proposals were projects offering homes with a range of design features to cater to people with accessibility needs.
216. Further work is required to establish the conditions which would see higher numbers of more accessible housing available, particularly in the private rental market. Some scoping work on options to incentivise the provision of accessible rental properties was undertaken in 2023. The Government is continuing to build its understanding of how to improve accessibility within the housing system.

### **Housing for older persons**

217. Social housing plays a role in providing affordable housing for eligible older people as it allows tenants to pay rents which are generally set at 25 percent of their income. Some Community Housing Providers specialise in the provision of social housing to older people.
218. The Government also supports the modification of existing rental properties to support the needs of older people and those with disabilities. For example, tenants can request modifications to their properties and then a landlord must accept the request unless they have good reason not to if the changes are minor. Funding for more substantial modifications is available for older people with disabilities.

### **Canterbury Earthquakes Insurance Tribunal**

219. The Canterbury Earthquakes Insurance Tribunal was established in 2019 and provides Canterbury homeowners with a fair, flexible and cost-effective way to resolve their long-standing

claims with insurers and the Natural Hazards Commission (formally Earthquake Commission). Tribunal decisions are binding and enforceable but may be appealed to the High Court.

### **Tackling child poverty (paragraph 38 of the concluding observations)**

220. Reducing child poverty significantly improves the lives of children, young people and their families. The Child Poverty Reduction Act 2018 (CPRA) established ongoing political accountability for child poverty reduction. Governments are required to set and report against 3-year and 10-year targets for reducing child poverty, and report annually on progress across multiple measures and indicators.
221. Child poverty data from 2023 shows that five of the nine measures are lower than they were in the baseline year (2017/18). This reflects the impacts of initiatives including increases to Working For Families tax credits, 'Best Start' payments to parents of new-borns, free doctors' visits for children under 14, and targeted programmes such as Healthy School Lunches.
222. However, three out of nine measures under the CPRA showed statistically significant increases in 2023 compared to the previous year. One of the three primary measures, material hardship showed no significant change since 2019.
223. The increase in some poverty rates in 2022/23 suggests that cost-of-living pressures are making it harder for families to meet their basic needs. Ongoing economic and fiscal conditions will challenge progress towards child poverty targets.
224. Reducing child material hardship is one of the three priorities identified in the refreshed *Child and Youth Strategy* (the Strategy). This reflects the lifelong impact that experiencing material hardship in childhood, and in particular in the early years, can have. The Strategy priority areas are expected to drive cross-government work and investment. The material hardship priority will focus on addressing additional household costs, such as costs associated with disability, and addressing the drivers of long-term disadvantage and hardship, including in relation to health, housing, education and employment.

### **Right to water (paragraph 43 of the concluding observations)**

225. Progress has been made on implementing the findings of the Havelock North Inquiry (HNI), including increasing the expectations on drinking water suppliers through the Water Services Act 2021 and establishing Taumata Arowai, the NZ Drinking Water Regulator, to enforce these regulations and improve drinking water supplier performance.
226. The key recommendation from the HNI is to improve source water protection through amendments to the National Environmental Standards for Sources of Human Drinking Water (NES-DW). Ministers are considering whether to include amendments to the NES-DW as part of further work on resource management reform.
227. In April 2024, the Government introduced the Local Water Done Well Bill. The Bill requires territorial authorities to prepare and submit Water Services Delivery Plans within 12 months of enactment of the Bill. The Plans must include:
  - detailed information on the current state of the territorial authority's water services arrangements for water supply (including drinking water), wastewater and storm water

- a demonstration of the territorial authority’s commitment to deliver water services in ways that are financially sustainable, meet standards for water network infrastructure and water quality and support the territorial authority’s housing growth and urban development.

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

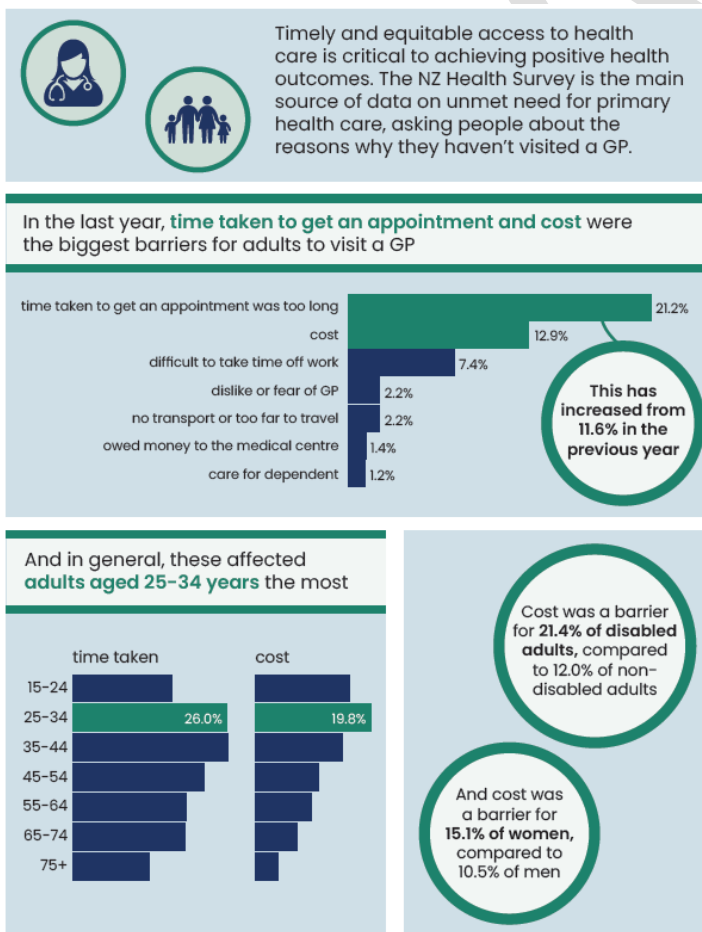
229. The Government has committed to review and replace the NPS-FM using a full and robust process that involves consultation with all stakeholders. The stated intention is to ensure the NPS-FM takes a pragmatic and balanced approach to freshwater management, which provides for and recognises the interests of all water users.

## Article 12 – Right to physical and mental health

### Access to care

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

**Fig 8: Barriers to visiting a GP for adults in 2022/23**





231. Work is underway in a range of areas relating to access to care, including work to design:
- urgent care and after-hours services that are accessible and reduce demand on emergency departments
  - a rural urgent and unplanned care system that responds to rural communities' needs and improves equity of access and outcomes.
232. The Government has set four health targets:
- 95 percent of children fully immunised at 24 months of age. For Q4 2023/24 (April-June 2024), the 24-month immunisation rate was 76.6 percent
  - 90 percent of patients receiving cancer management within 31 days of a decision to treat. As at March 2024, the result was 81.9 percent
  - 95 percent of patients to be admitted, discharged, or transferred from an emergency department within six hours. The last five years has seen a steady decline in performance, with the March 2024 quarter result at 70.0 percent
  - 95 percent of patients waiting less than four months for a first specialist assessment. As at March 2024, 59.8 percent of those on the first specialist assessment waitlist were waiting less than four months.

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

### **For Māori**

233. Māori continue to experience worse health outcomes across multiple measures. For example, data taken from 2023 showed that Māori children aged 0 to 4 years were 1.5 times as likely to experience an ambulatory sensitive hospitalisation (avoidable hospitalisation) compared to non-Māori non-Pacific children. Overall immunisation coverage for Māori children is 18 per cent lower than the immunisation rate for non-Māori children at the same age. In March 2024, 65 percent of Māori children were immunised at the 24-month milestone, compared to 83 percent of non-Māori children at the same milestone.
234. The need to address health inequities for Māori is recognised in the Pae Ora (Healthy Futures) Act 2022. A purpose of the Pae Ora Act is to achieve equity in health outcomes among New Zealand's population groups, including by striving to eliminate health disparities, in particular for Māori.
235. The Pae Ora Act requires the Minister of Health, the Ministry of Health, and all health entities to be guided by the health sector principles. These principles include ensuring Māori and other population groups have access to services in proportion to their health needs, receive equitable levels of service, and achieve equitable health outcomes. They also require the health sector to:
- engage with Māori and other population groups to develop and deliver services and programmes that reflect their needs and aspirations
  - provide opportunities for Māori to exercise decision-making authority on matters of importance to Māori.

236. The Māori Health Authority (Te Aka Whai Ora) was disestablished on 30 June 2024 and is being replaced with a new vision and plan for Māori health that is focused on identifying need and responding to it. The Government is focusing on improving outcomes for Māori with the highest needs and shifting decision-making closer to communities. The new Māori health strategy (currently under development) forms a key part of the Government’s alternative plans for Māori health following the disestablishment of the Māori Health Authority.
237. The Hauora Māori Advisory Committee continues to provide the Minister of Health with independent and actionable advice around Māori health priorities and assists with monitoring Māori health outcomes and system performance. Iwi-Māori Partnership Boards (IMPBs) work with health entities to ensure health services better respond to Māori needs. They represent local Māori perspectives on Māori needs and aspirations, how the health system is performing in relation to those needs and aspirations, and the design and delivery of services at a local level. To date, 15 Boards have been recognised under the Pae Ora Act and two more are in the process of being recognised.
238. He Korowai Oranga: Māori Health Strategy continues to set the direction for Māori health. This has been updated over time, including through *Whakamaua: Māori Health Action Plan 2020-2025* and *Pae Tū: Interim Hauora Māori Strategy 2023*. Whakamaua is a five-year action plan that guides the health sector to implement the original aims of He Korowai Oranga and the outcomes in Pae Tū. It was developed alongside an Expert Advisory Group, which included Māori academics and researchers, health professionals, and iwi, disability and young Māori leaders. The objectives in Whakamaua are to:
- accelerate and spread the delivery of kaupapa Māori and whānau-centred services
  - shift cultural and social norms
  - reduce health inequities and health loss for Māori
  - strengthen system accountability settings.
239. The Ministry of Health monitors and evaluates this action plan. The Whakamaua dashboard has been published annually since 2021. Thirteen insights gathered indicate that Māori continue to experience worse health outcomes across multiple measures. However, measures that focus on system use and access for Māori have improved. For example:
- health funding for rongoā (traditional Māori system of healing) providers increased between 2019/20 and 2022/23, which enabled an 85 percent increase in client contacts
  - total funding to Māori health providers increased from \$403.1 million in 2018/19 to \$812.8 million in 2022/23 (an increase of 101.6 percent).

### **For Pacific peoples**

240. *Te Mana Ola*, the first ever Pacific Health Strategy for Aotearoa New Zealand, was published in 2023. *Te Mana Ola* sets the direction and long-term priorities to achieve equity in Pacific health and wellbeing outcomes over the next 10 years.
241. The Ministry of Health is implementing Te Mana Ola by strengthening its Pacific health intelligence function to ensure effective monitoring and improvement of Pacific health data quality and information standards. Currently, Pacific peoples are systematically under-represented in health data collection, analyses, and reporting. The Ministry expects to publish updated Pacific health data and information (*Tupu Ola Moui: The Health of Pacific Peoples in*

*Aotearoa New Zealand*) later in 2024. This will help re-baseline and monitor health system performance against the priority areas in Te Mana Ola and help achieve Pacific health and data equity.

### **For disabled people**

242. Disabled people have poorer health and mental health outcomes, higher rates of mortality and lower life expectancy compared with non-disabled people. Intellectually disabled people can die up to 18 years earlier than non-disabled people. Disabled people are diverse and can experience compounding health-related disadvantage, including tāngata whaikaha Māori (Māori disabled people and their whānau), tagata sa'ilimalo (Pacific disabled people, their families and carers) and people with intellectual/learning disabilities.
243. The Pae Ora (Healthy Futures) Act 2022 requires a *Health of Disabled People Strategy* to provide a framework to guide health entities in improving health outcomes for disabled people and their families and whānau. A provisional Strategy was published in July 2023, identifying five focus areas for the health system to achieve pae ora (healthy futures) for disabled people and their whānau. These areas, developed through analysis of research and evidence as well as engagement with disabled people, are:
- embed self-determination of disabled people and their whānau as the foundation of a person and whānau-centred health system
  - ensure the health system is designed by and accessible for disabled people and their whānau and provides models of care that suit their needs
  - ensure the health system is part of a coherent cross-government system that addresses broader drivers of poor health and wellbeing
  - build health workforce capacity and capability to meet the needs of disabled people and their whānau
  - increase the visibility of disabled people in health data, research and evidence as part of an active learning system.
244. The Minister of Health has agreed a three-year work programme that focuses on those with highest health need, including tāngata whaikaha Māori, Pacific and intellectually disabled groups. It aims to improve disabled people's access to primary and community care, better prepare the health workforce to care for and support the choices that disabled people make about their health and strengthen the Ministry of Health's data and monitoring capabilities to track progress on improving the health outcomes of disabled people.

### **Mental health (paragraph 47 of the concluding observations)**

245. In 2018, New Zealand launched an independent inquiry into mental health and addiction. *He Ara Oranga: Report of the Government Inquiry into Mental Health and Addiction* was released the following year. The report called for urgent action to transform New Zealand's approach to mental health and addiction and ensure more options for people to access support.
246. In 2019, \$1.9 billion NZD was invested in a mental wellbeing package, including \$455 million NZD for people with mild to moderate mental health and addiction needs.
247. Steps taken to implement the Government's response to He Ara Oranga include:

- establishment of the Suicide Prevention Office within the Ministry of Health (the functions of which have recently been distributed across the Clinical, Community and Mental Health directorate within the Ministry) and release of the *National Suicide Prevention Strategy and Action Plan*
  - establishment of the Mental Health and Wellbeing Commission to monitor and advocate for mental health and addiction services
  - release of *Kia Manawanui Aotearoa: Long-term Pathway* to mental well-being, a whole-of-government strategy and action plan to improve mental wellbeing
  - publication of the *Oranga Hinengaro System and Service Framework* setting out the direction for the mental health and addiction system and services over 10 years
  - introduction of a new Mental Health Bill to repeal and replace New Zealand's Mental Health (Compulsory Assessment and Treatment) Act 1992. The Mental Health Bill aims to create a modern legislative framework that shifts compulsory mental health care towards an approach based on people's rights and recovery.
248. Challenges remain relating to availability of and access to mental health services, including wait times and workforce shortages, and addiction services. Addressing these issues, as well as addressing inequities across all population groups for mental health outcomes, are priorities of the current Government.
249. In 2024 New Zealand appointed its first Minister for Mental Health. The *New Zealand Government Policy Statement on Health 2024-2027*, released in June 2024, included four priorities for mental health and addiction along with specific targets. The priorities are:
- increasing access to mental health and addiction support
  - growing the mental health and addiction workforce
  - strengthening the focus on prevention and early intervention
  - improving the effectiveness of mental health and addiction support.
250. The Department of Corrections provides mental health services for prisoners with mild to moderate needs within prisons. Forensic mental health services are provided for prisoners with high and acute mental health needs, available nationally through five regional services.

### **Use of seclusion and restraint in mental health services**

251. New Zealand acknowledges that seclusion is not therapeutic and can be harmful to both patients and staff. In addition, Māori and Pacific people experience higher rates of seclusion.
252. Legislation and guidance set out that seclusion or restraint should only be used to ensure the safety of patients or others and as an emergency intervention when all less restrictive strategies and approaches have been tried without positive effect.
253. Work towards reducing and eliminating use of seclusion in mental health services is underway. This includes:
- a new standard for providers of health and disability services (Ngā Paerewa) that came into effect in 2022. This requires providers to work towards being seclusion free and sets out criteria for seclusion and restraint. These criteria have a strong focus on culturally appropriate approaches and inclusion of Māori and lived experience voices

- new guidelines, published in 2023, for the use of seclusion and restraint under the Mental Health Act. These focus on preventing and safely reducing and eliminating seclusion and restraint. They will help mental health inpatient services meet the requirements of Ngā Paerewa in relation to seclusion and restraint
- the Mental Health Bill, currently before Parliament, supports a more limited use of seclusion and other restrictive practices
- the national Zero Seclusion project, which works with mental health services to eliminate seclusion, improve equity, and showcase practices that demonstrate effective seclusion reduction.

254. Reporting shows that the use of seclusion has been trending down over time. The latest report, for 2021/22, shows that since 2009 (when a seclusion reduction policy was introduced) the total number of people who experienced seclusion while receiving mental health treatment in an adult inpatient service decreased by 26.9 percent, and the total number of hours spent in seclusion has decreased by 57.5 percent.

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

## **Other key developments in the right to physical and mental health**

### **Smoking/vaping regulation**

256. New Zealand has seen a significant decline in daily smoking rates. The 2022/23 New Zealand Health Survey results show that 6.8% of New Zealanders are smoking daily, down from 16.4% in 2011/12. This is close to the 2025 smokefree goal of 5% daily smoking.

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

258. Youth smoking rates are very low – in 2023, the ASH Year 10 survey showed that 87.8% of 14-15-year-olds have never smoked, and only 1.2% smoke daily. However, the number of young people vaping is a concern – 10% vape daily. Rates are even higher for those students in low socioeconomic areas, and for Pacific and Māori students – e.g. 26.6% of Māori girls vape daily.

259. In September 2024 the Government introduced legislation to tackle youth vaping, the Smokefree Environments and Regulated Products Amendment Bill. The Bill includes four main changes to prevent youth vaping:

- a complete ban on disposable vapes
- significant increases in fines for sales to under-18s
- visibility restrictions on retailers – outside specialist vape retailers and from inside stores such as dairies and petrol stations
- proximity restrictions relating to early childhood education centres.

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

### **Reproductive health**

261. In 2020, New Zealand decriminalised abortion and modernised the legal framework for abortion services. In 2022, provision for safe areas was added to the legislation. Safe areas can be established at abortion providers' premises to protect the safety, wellbeing, privacy and dignity of people accessing or providing abortion services. Certain behaviours, such as obstructing entry to the premises, recording in a way likely to cause emotional distress, or protesting about abortion services, are prohibited in these areas. Fourteen safe areas have now been created.
262. The changes to the Contraception, Sterilisation and Abortion Act will be periodically reviewed. The first review, due in March 2025, will consider whether there is timely and equitable access to contraception, sterilisation, and abortion services, information services about whether to continue or terminate a pregnancy; and counselling services. It will also consider the relative costs for people accessing these services and whether there is any evidence of 'sex selective' abortion. Consumer research reports that focus on Māori and Pacific, Disabled People, and Rainbow People's experiences of abortion services will help inform the review.
263. The United Nations Committee on the Convention of the Rights of Persons with Disabilities (CRPD) and New Zealand's Independent Monitoring Mechanism (established under Article 33 of the CRPD) have raised concerns about non-consensual sterilisation of disabled people. The extent of non-consensual sterilisations of disabled people in New Zealand is currently unknown. The Ministry of Health is working to improve data collection and monitoring of disabled people accessing sterilisation services.

### **Preventing HIV/AIDS and other sexually transmitted infections**

264. The *Aotearoa New Zealand Sexually Transmitted and Blood Borne Infection (STBBI) Strategy 2023-2030* was published in 2023. Its vision is of 'An Aotearoa New Zealand where STBBI are prevented and where all people living with STBBI live long and healthy lives free from stigma and discrimination'.
265. The *National HIV Action Plan for Aotearoa New Zealand 2023-2030* was also published in March 2023. Work is underway to achieve the five goals in the Plan:
1. reducing the number of new locally acquired HIV infections
  2. improving Māori health and wellbeing in relation to HIV
  3. decreasing negative consequences of HIV on health and wellbeing
  4. decreasing HIV related stigma and discrimination
  5. increasing equity in relation to all HIV goals and objectives.

### **Rainbow rights to health**

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

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

### **Assisted dying**

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

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

270. The legislation requires annual reporting to the Ministry of Health and regular reviews of its operation. The first review will be completed by November 2024.

### **Article 13 – Right to education**

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

272. The Government has two education targets for 2030:

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

273. Recent actions to shift attitudes and behaviours to lift regular school attendance include a public awareness campaign on the importance of regular attendance and regular reporting of daily attendance figures.

274. In April 2024, the Government announced six education priorities that include:

- Clearer curriculum: Establishing a knowledge-rich curriculum grounded in the science of learning
- Better approach to literacy and numeracy: Implementing evidence-based instruction in early literacy and mathematics

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

### **Inclusive education (paragraph 49 of the concluding observations)**

#### *Māori learners*

275. The Committee recommended that New Zealand develop culturally appropriate education programmes in partnership with Māori and identify associated education targets, with the aims of improving the educational outcomes among Māori students.
276. Governments have explicitly recognised through regular reporting that many Māori learners are still in settings that do not effectively respond to their identity, language and culture, and where they are experiencing bullying, teacher bias and racism. The Government recognises the need to have a stronger focus on learner wellbeing, and that collaboration with Māori communities and the school/kura sector is necessary to ensure that Māori learners are present, safe and succeeding in education.
277. In September 2024, a Māori Education Ministerial Advisory Group was established to address these challenges and improve outcomes for Māori learners. The advisory group will provide independent advice on all matters related to Māori education in both English medium and Māori medium settings, focusing on the most impactful ways achievement can be lifted for Māori learners and the persistent equity gap in the education system closed. The Minister of Education has also committed to engaging with Te Matakahuki, a collective of leaders and representative groups of Kaupapa Māori education, to identify shared priorities.
278. The Ministry of Education is developing a *Māori Education Action Plan for 2024/25* and outyears based on the Government's six priorities and other longstanding themes in Māori education. This includes a priority to develop the workforce needed for the future.
279. The *Māori Education Strategy, Ka Hikitia-Ka Hāpaitia* seeks to respond to Māori learners within the context of their whānau, hapū, and iwi to ensure that Māori learners are free from racism, discrimination and stigma; to recognise that Māori are diverse and need to be understood in the context of their diverse aspirations and lived experiences; and to understand that identity, language and culture matter for Māori learners, and that Māori should be able to exercise their authority and agency in education.
280. Iwi and community organisations play an important role in building stronger relationships at the local level. The Ministry of Education has a range of relationships with iwi, from formal through to regular one-on-one meetings. The Ministry of Education also works with the Mātauranga Iwi Leaders Group which provides a collective voice for iwi on education matters. It has particular focus on building whānau learner capability, targeted support for mental health and learners with additional learning needs.



### ***Māori – teacher supply***

281. The Māori population in New Zealand is increasing, up from 18.5 percent in 2018 to 19.6 percent in 2023. Over the same period there has been a 25.9 percent increase in the number of students enrolled in Māori Medium Immersion and a 38.9 percent increase in the number of students enrolled in Māori language programmes in English Medium Immersion.
282. The significant increase in enrolments in kaupapa Māori/ Māori medium education has not been matched with an increase of qualified teachers. To meet this growing enrolment, more teachers who identify as Māori for English medium settings, teachers with capability to teach in kaupapa Māori and Māori medium settings, and specialist te reo Māori language teachers for secondary schools are required. Additionally, the te reo Māori language capability of some teachers in the existing workforce requires strengthening.
283. A high-quality learning support workforce and social service provision is needed alongside the teaching workforce to meet the needs of Māori learners and their whānau across all levels of te reo Māori provision.
284. There are a range of initiatives in place to support the growth of teachers in Kaupapa Māori and Māori Medium education settings including scholarships, study awards and allowances, mentoring support, and a pilot programme to address undersupply and retention of teachers in Māori medium settings.

### ***Pacific Learners***

285. The *Action Plan for Pacific Education 2020–2030* maps the Government's commitment to improving outcomes for Pacific learners and families. It signals how early learning services, schools and tertiary providers can achieve change for Pacific learners and their families. The Action Plan was refreshed in 2023 and includes a renewed focus on Pacific bilingual and immersion education and Pacific languages in education.
286. Most Pacific learners are learning in English medium settings. Approximately 40 schools have Pacific bilingual and immersion units where the medium of instruction is a Pacific language. Anecdotal data from these schools suggests that students who are learning in their heritage language have higher attendance, are more engaged, and achieve well in both heritage and English language assessments. Additional funding is provided for schools offering Pacific medium education. The languages that the Ministry funds are Gagana Sāmoa, Lea FakaTonga, Vagahau Niue, Te Gagana Tokelau and Te Reo Māori Kūki 'Āirani (Cook Islands).

### ***Children with disabilities and inclusive education***

287. New Zealand takes a range of measures to facilitate access to inclusive education including through legislation, curricula, property requirements and allocation of additional resources and support for children and young people with learning support needs.
288. Learning support provision in education is based on understanding the needs and strengths of learners within the contexts in which they learn. Access to Ministry of Education learning support is not dependent on a formal diagnosis. Learning support provision is flexible and supports learners within their individual learning environment.

289. All school property projects must comply with design standards and requirements and should follow best practice. The *Designing Schools in Aotearoa New Zealand (DSNZ) School Property Design Standards* were updated in June 2022 and provide standards and guidelines for new buildings and facilities to be inclusive and accessible to all learners. There is funding available to support modifications to existing school buildings to respond to the accessibility needs of students and staff.
290. The Government has been developing a work programme for targeting effective learning support interventions for students with additional needs. Key features include:
- creating a data-driven funding model focused on delivering high-quality interventions, programmes and supports
  - operational changes to make the system easier to navigate and to improve data collection
  - optimising the learning support workforce
  - building teacher capability to meet diverse learning needs
  - developing a network plan for specialist and alternative provision.

### **Bullying and Harassment**

291. The Education and Training Act 2020 requires Boards of Trustees to take all reasonable steps to eliminate racism, stigma, bullying, and any other forms of discrimination within the school. School boards must also ensure that their school is a physically and emotionally safe environment for all students and staff, and that it is inclusive of and caters for students with differing needs.
292. Schools are self-governing entities, able to make their own decisions about how to prevent and respond to bullying. However, the Office of the Children’s Commissioner has made recommendations about how schools should respond to reports of bullying. Parents and/or carers and students should expect:
- to be heard and responded to sensitively and not to be dismissed
  - to be told that the report will be investigated and that there will be a response
  - to receive feedback on the situation and to have the incident responded to in an appropriate way
  - to be protected from negative consequences of their reporting
  - that the school or kura will intervene and support initiators, targets and bystanders that are involved in bullying behaviour.
293. The Ministry of Education has developed a range of online resources and tools for educators, families and learners. This includes resources for preventing and addressing bullying, a survey toolkit to assist schools in consistently monitoring their environment and gaining feedback from students, and a whole-of-school programme that helps to build and maintain respectful, positive relationships across school communities.

### **Indirect schooling costs and funding of public schools**

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

on achievement and how they interact. Examples of these factors include the proportion of their life a child has spent in a benefit dependent household, school transience, parental educational outcomes, migrant status, and number of home changes.

295. Every year, each school is given an *Equity Index* number (between 344 and 569) that considers the circumstances of the individual students attending each school. Refreshing the number each year ensures it stays up to date and continues to reflect changes in each school's community over time.
296. The *Equity Index* is used to identify and target resourcing to respond to socioeconomic barriers in schools and to reduce the impact of socioeconomic status on achievement. It is also used as a factor in deciding which schools are eligible for Ka Ora, Ka Ako | healthy school lunches programme (discussed below), the school donations scheme, and other supports for schools.
297. An evaluation is underway to assess the influence of the *Equity Index* on school practices, student outcomes and community perceptions of schools. The evaluation is planned to run until 2026. The *Equity Index* itself will also be improved over time, as more administrative data that can be used in the *Equity Index* becomes available.
298. The School Donation Scheme allows some state and state-integrated schools to receive a \$159.51 (2024) per student, per year payment if they agree not to ask parents and caregivers for donations (except for overnight camps). Schools who have an EQI number at or above the 70th percentile (432 or higher) are eligible for the scheme. This scheme is designed to alleviate pressure and expectations on families and communities most likely to face financial pressures to pay donations.

### **Ka Ora Ka Ako | Healthy School Lunches Programme**

299. In 2020, the government-sponsored Ka Ora Ka Ako | Healthy School Lunches Programme was introduced following a short pilot scheme in 2019. The programme aims to reduce food insecurity by providing access to a nutritious lunch every school day to all learners in eligible schools. Ka Ora Ka Ako is targeted at 25 percent of learners, focussing on schools and kura with the highest concentration of learners facing the greatest socio-economic barriers according to the Equity Index. As of May 2024, 236,000 learners in over 1,000 schools have access to the programme. Almost half of the eligible learners are Māori, and just over 20 percent are Pacific learners.
300. In 2024, the Government announced some changes to Ka Ora Ka Ako to take effect from 2025 for two years. These included:
  - introducing a new targeted early learning food programme. This will provide food for up to 10,000 2-5-year-olds attending Early Childhood Education services with the highest needs
  - an alternative provision model for years 7 and older, including learners in composite (years 0-15) and full primary schools (years 0-8) which will make the programme more cost efficient while continuing to provide learners with nutritious meals. Contributing schools (years 0-6) will transition to the alternative provision model from Term 1, 2026.

## **Charter schools**

301. Charter schools are one way that the Government is aiming to improve student achievement. Charter schools | kura hourua are a type of state-funded school providing educators and parents with more school choice. The charter school model aims to lift educational achievement by enabling greater innovation in learning.
302. Charter schools have a high level of independence around how they teach and what they can spend their funding on to educate. They also have a high-level of flexibility in teaching, curriculum, governance, hours and days of operation, and funding. In exchange for greater flexibility, charter schools are subject to increased oversight and accountability, including targets for achievement and attendance, as agreed in their contracts, and will face interventions if they do not meet these targets.
303. The Charter School Agency was established on 1 July 2024 to implement and operate the new charter school model, including negotiating and managing contracts and delivering funding. It is a departmental agency hosted within the Ministry of Education.

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# ANNEX 1 - Tokelau

## Tokelau

### I. Introduction

1. As already stated above, New Zealand ratified the International Covenant on Economic, Social and Cultural Rights on 28 December 1978 and it entered into force for New Zealand on 28 March 1979. New Zealand's ratification also applied to Tokelau. The present information covers implementation of the Covenant with regard to Tokelau from 2018 to March 2025. It should be read in conjunction with New Zealand's Fifth and Sixth Periodic Reports under the International Covenant on Civil and Political Rights.

### II. General

2. Some updated figures for this reporting period include:
  - a. The population of Tokelau was counted as 1,485 in the 2022 census
  - b. Tokelau's economy is dominated by economic assistance from New Zealand and fisheries revenue. New Zealand's total development assistance to Tokelau averaged NZ\$20.2 million in the three years to 30 June 2024, while fishing revenues averaged NZ\$16.9 million over the past three fishing years (2021-2023). New Zealand works closely with Tokelau to maximize the revenue Tokelau can generate from fisheries
  - c. An International Trust Fund was established in 2004 to provide Tokelau with an independent source of revenue and the value of the Fund stands at NZ\$119,487,000 million (30 June 2024).

#### A. Constitutional programme

3. As mentioned in previous reports, for the purposes of the principle of self-determination of peoples enshrined in the United Nations Charter, Tokelau is classified as a non-self-governing territory. Thus New Zealand is responsible, as a member of the United Nations, for assisting Tokelau to exercise its options of self-determination and, should it so choose, to move towards self-government. As administering power for Tokelau, New Zealand is also responsible for assisting its Government to meet the needs of the people of Tokelau.
4. In 1992, Tokelau and New Zealand agreed to follow a constitutional programme which has the effect of providing Tokelau with formal powers to enable it to establish and operate its own national government. Constitutional development in Tokelau has recognised the villages as the source of administrative authority. This stands in contrast to other systems of government in the Pacific, which typically follow the Westminster model. Village affairs in Tokelau have traditionally been administered by the village councils, the Taupulega. This remains the case today. In May 2004, the powers of the Administrator in respect of Tokelau as a whole were delegated to the villages.<sup>3</sup> The Taupulega in turn delegated their authority in national matters to Tokelau's national legislative/executive body, the General Fono (and, when the General Fono is not in session, to its executive committee, the Council for the Ongoing Government of Tokelau). Work

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<sup>3</sup> The Administrator of Tokelau retains legislative responsibility for Tokelau's Offshore Fisheries Management Plan and management of Tokelau's Exclusive Economic Zone. A programme to strengthen fisheries management and governance is underway.

is currently progressing to enhance the decision-making of the national and village governance bodies, and to strengthen the delivery of public services.

5. The General Fono has had statutory authority to make Rules for the peace, order, and good government of Tokelau since 1996. Rules of the General Fono have legal effect in Tokelau. Although Rules may be disallowed by the Administrator within 30 days, the disallowance power has never been exercised. New Zealand statute law does not apply to Tokelau unless it is expressly extended to Tokelau. In practice, no New Zealand legislation is extended to Tokelau without Tokelauan consent.
6. Tokelau's ability to participate in certain regional organisations in its own right is a very important aspect of its progress toward greater autonomy. Accordingly (and with New Zealand's support), Tokelau participates fully and in its own right in regional organisations such as the Forum Fisheries Agency, the Secretariat of the Pacific Community, the South Pacific Regional Environmental Programme and the Council of the University of the South Pacific. Tokelau is also an associate member of the World Health Organisation and the United Nations Educational, Scientific, and Cultural Organisation and the Pacific Islands Forum.
7. On 21 November 2003, representatives of the Governments of New Zealand and Tokelau signed the Joint Statement on the Principles of Partnership between New Zealand and Tokelau. The Joint Statement sets out the medium to long-term context in which work can be carried forward on Tokelau's constitutional and other development. The document is of a political rather than legal nature. It addresses the management of the partnership, self-determination for Tokelau, Tokelau's language and culture, New Zealand citizenship, shared values, economic and administrative assistance, coordination of services to Tokelau, defence and security, foreign affairs, and the Tokelauan community in New Zealand.
8. At the same time, the General Fono also endorsed self-government in free association with New Zealand as the self-determination choice to be actively explored with the New Zealand Government. That endorsement was confirmed in October 2004 in the presence of the Chair of the United Nations Special Committee on Decolonisation, and two referenda on this issue have subsequently been held.
9. In February 2006, Tokelau, under United Nations supervision, voted on whether to become self-governing in free association with New Zealand. This status was to be based on two documents – a Constitution for Tokelau and a Treaty of Free Association between Tokelau and New Zealand. Sixty percent of registered voters supported self-government. However, as this was less than the two-thirds majority level set by the General Fono, the referendum resulted in no change to Tokelau's status. A second referendum on this issue, was held in October 2007, but still failed to reach the required two-thirds majority (by 16 votes).
10. Following the second referendum, Tokelau, with the full support of New Zealand, has been engaging in a period of reflection on how it can ensure its people's needs are met on each atoll through the strengthening of infrastructure and services. New Zealand's focus remains on ensuring that all Tokelauans as New Zealand citizens are receiving appropriate essential services. This requires ongoing dialogue, a substantial level of general budget support to Tokelau, and effective responses to Tokelau's requests for assistance to improve the quality of life for people living in Tokelau.
11. Tokelau's General Fono decided in May 2022 to recommence inter-atoll consultations on the question of self-determination in the lead-up to the 100-year anniversary of New Zealand administration of Tokelau in February 2026. In his statement to the UN Special Committee on Decolonisation on 10 June 2024, the Ulu o Tokelau noted his desire to establish a clear pathway *towards* an act of self-determination by the time of centenary anniversary. At the same Committee meeting, the Administrator of Tokelau welcomed this development and noted New Zealand's

intention to support Tokelau address this question, as and when requested by Tokelau, and in consultation with the Committee.

## **B. Tokelau and the Covenant on Economic, Social and Cultural Rights**

12. Tokelau understands that it is bound by a number of international human rights treaties, including the Covenant. A booklet produced in Tokelauan and English in 1990 included the main human rights documents of relevance to Tokelau. The Handbook for the Law Commissioners of Tokelau produced in 2008 also includes them. The Handbook is a manual that assists and guides the Law Commissioners in their work mainly when writing and delivering judgments on cases that come before them. In 2024, it was updated to reflect current practice and common offences. It is hoped that the Handbook will continue to contribute to the development of quality justice for the people of Tokelau.
13. In 2003 the General Fono made Human Rights Rules for Tokelau, which were incorporated as Article 16 of Tokelau's Constitution endorsed by the General Fono following the second referendum in 2007. Article 16 of Tokelau's Constitution states:
  1. Individual human rights for all people in Tokelau are stated in the Universal Declaration of Human Rights and are implemented in the International Covenant on Civil and Political Rights
  2. The rights of individuals in Tokelau shall be exercised having proper regard to the duties of other individuals, and to the community to which the individual belongs
  3. If a person thinks that one of their human rights provided by these Rules has been denied or may be denied, that person may apply to the Council for the Ongoing Government for protection of that right, and if the Council for the Ongoing Government agrees with that complaint, it may make any order it thinks appropriate for the protection of that right.
14. As mentioned in New Zealand's previous reports to the Committee, Tokelau does nonetheless face a core question of law and custom. Because, traditionally, government in Tokelau is on a village-by-village basis, there has been little in the Tokelau system that takes a formal shape recognisable externally. Custom is at the heart of the system. Much of it is unwritten but hallowed by tradition and by regular reinforcement in practice.
15. At a time, as now, when custom and law interact to an increasing degree, Tokelau seeks understanding of its situation. For it faces a large challenge in moving from socially known rules in an oral tradition, to written law of the Western conception. As Tokelau considers what its commitment should be to basic human rights, Tokelau is mindful that human rights promote the imported notion of individuality, while the idea of community, with which Tokelauans are familiar, promotes a sense of unity and sharing.
16. So this is a considerable evolution away from tradition. For Tokelauans this means a move away from following a particular set of rules and practices within their cultural setting, to following a set of rules and practices recognisable as consistent with life in the international community, and the rules and practices of other states.
17. At this stage of Tokelau's constitutional evolution, questions concerning the application of the Covenant on Economic, Social and Cultural Rights remain formally the responsibility of the New Zealand Government. They are addressed in the context of New Zealand's relations with Tokelau. The Administrator has a close consultative relationship with the General Fono and the Council for the Ongoing Government.

### **III.Information relating to specific articles**

18. Information on Tokelau relating to specific Articles of the Covenant follows. Please also refer to New Zealand's previous reports to the Committee.

#### **Article 1**

19. As noted above, Tokelau's General Fono has decided to recommence inter-atoll consultations on the question of self-determination in the lead-up to the 100-year anniversary of New Zealand administration of Tokelau in February 2026, and is in the process of establishing an internal committee to examine Tokelau's full range of options. New Zealand stands ready to assist Tokelau with its deliberations, as and when requested by Tokelau.

#### **Article 2**

20. New Zealand, with Tokelau, has taken consistent steps, through economic and technical assistance and cooperation, to ensure that the rights recognised in the Covenant are realised in Tokelau.
21. Tokelau has a notably cohesive social structure based on family and the principle of sharing. The cultural order gives high priority to the welfare of the weaker members and the equitable distribution of economic resources. Tokelau's Human Rights Rules 2003 provide for the protection of individual human rights for all people in Tokelau.

#### **Article 3**

22. As we have previously reported, in Tokelau culture there has traditionally been a clear demarcation between male and female roles. However, there is nothing in the laws of Tokelau sanctioning any kind of discrimination against women.
23. The Government of Tokelau has always been supportive towards the women of Tokelau. Women's organisations receive funds from the Government to support their work in their respective villages. Further, regional organisations have also funded projects to support the work of the women in the villages. The Office of the Council for the Ongoing Government of Tokelau and the Department responsible for economic development also support women in their efforts to enhance their lives in Tokelau.

#### **Article 4**

24. Neither the New Zealand Government nor Tokelau have taken any practical measures to limit the enjoyment of the rights recognised by the Covenant.
25. Tokelau's Human Rights Rules 2003 state that the rights of individuals in Tokelau shall be exercised having proper regard to the duties of other individuals, and to the community to which the individual belongs. This is consistent with the requirements of Article 4 and with Tokelau's traditional focus on community unity and sharing.

#### **Article 5**

26. There has been no attempt to destroy or unduly limit the rights and freedoms contained in the Convention in Tokelau; nor has there been any restriction or derogation from any existing fundamental human rights recognised in Tokelau.



## **Article 6 (and article 13)**

27. Questions concerning the right to work must be seen in light of Tokelau's physical, economic and cultural context, and must take into account the virtual absence of employment opportunity outside of that which is community or publicly funded. To survive Tokelau has placed more emphasis on the obligations of its members to provide and share, than on individual effort. Over the past 30 years, the Tokelau Public Service has become the major employer; this includes both the National Public Service and the Public Services in each of the three villages.
28. Education is free. Literacy levels are high. There is one hundred percent access to primary through to Level 11 education (i.e. up to 16 years), and senior secondary / foundation tertiary education is provided on each atoll. No fees are charged. The Governments of Tokelau and New Zealand, and the village councils make substantial financial commitments to scholarships for study overseas.

## **Article 7**

29. In 2004, Tokelau agreed that all public services for Tokelau should be handled consistently, and that common manuals and instructions should be developed. The Public Service Rules 2004 (the Rules) and the Tokelau Public Services Human Resources Manual (the Manual) were approved and endorsed by the General Fono. The Manual was reviewed in 2015 and 2016. A Remuneration Framework was developed with the Hay Group, reviewed and approved by the General Fono in March 2016. The rules of the Tokelau Public Service Commission were approved in 2016 and a Commissioner was appointed by the General Fono in November 2016.
30. Since 2020 support has been provided to the Tokelau Public Service Commissioner to further develop common manuals and instructions. This has included sharing examples of regional policies to aid the development of contextualised Tokelau Public Service policies, peer review of draft policies and a comparative analysis between the Tokelau Public Service Rules and employment commission rules from other Pacific regional countries.

## **Article 8**

31. The comments under Articles 6 and 7 apply here. While there are no trade unions in Tokelau in the outside world's sense, there is an informal association of public service employees.

## **Article 9**

32. A sharing and caring ethos is fundamental to Tokelau society. Persons older than 60 receive a pension of NZ\$350 a fortnight, unless they receive NZ superannuation. Patients requiring medical treatment that is unavailable in Tokelau are officially sponsored to travel to Samoa or New Zealand, as required.

## **Article 10**

33. Law, custom and practice recognise the family as the natural and fundamental group unit of Tokelau society. The Manual referred to in Article 7 provides for paid maternity leave.

## **Article 12**

34. Tokelau is in the process of strengthening its health services and focusing more on public health to reduce the high incidence of non-communicable diseases.

## **Articles 11 to 15 and generally**

35. The rights and freedoms established under the Covenant are broadly upheld in Tokelau practice and continue to be progressively realised by the people of Tokelau. This report shows how the implementation of those rights and freedoms may be viewed in a decolonisation context which is distinctive and challenging. The Joint Statement on the Principles of Partnership between New Zealand and Tokelau provides a blueprint for how Tokelau and New Zealand will continue to move forward together on matters covered by the Covenant, including:

- a. Self-determination for Tokelau
- b. The retention and development of the language and culture of Tokelau, and
- c. The economic and social development of Tokelau.

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