

Committee on the Elimination of Racial Discrimination

**Reports submitted by States parties under article
9 of the Convention**

**Twenty-third and twenty fourth periodic reports of States
parties due 22nd December 2021**

New Zealand

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I. Introduction

1. This report is Aotearoa New Zealand's (Aotearoa/New Zealand¹) twenty-third and twenty fourth consolidated periodic report to the Committee on the Elimination of Racial Discrimination (the Committee). The reporting period, January 2016 –June 2021 saw significant development giving further effect to the Convention and Recommendations made by the Committee following the last report are addressed throughout this report.
2. The Committee requested the State party provide relevant information, within one year, on the implementation of three of its recommendations. This was provided to the Committee on 23 August 2018. The report does not repeat this information but does respond to follow up comments from the Committee.
3. In the Concluding Observations, the Committee recommended that the State party undertake broad consultation and dialogue with civil society in the preparation of the next periodic report. There was a four-week consultation with civil society for this report occurred prior to its finalisation.
4. The Committee also encouraged the State party to update its common core document. Relevant information and statistics are included in the body of this report and the annexes. Discussion is planned on the best method for ensuring the common core document is updated and then maintained.

II. General information relating to the Convention

New Zealand population

Ethnic diversity

5. The diversity of the population of Aotearoa continues to increase, with over 200 ethnic groups represented.²
6. In the 2018 Census of Population and Dwellings (the Census), 70.2% of people resident in Aotearoa identified as European; 16.5% as Māori; 15.1% as Asian; 8.1% as Pacific peoples, 1.5% as Middle Eastern, Latin American and African (MELAA) and 1.2% as other.³
7. The Pacific population in Aotearoa is diverse, including those identifying as Samoan (48%), Tongan (22%) and Cook Island Māori (21%). The other main groups are from Niue, Fiji, Tokelau, Tuvalu, Kiribati and Rotuma. Around 60% of Pacific peoples' resident in Aotearoa are also Aotearoa-born, with approximately 40% of the Pacific population identifying as belonging to more than one ethnic group. The Pacific population is young, with a median age of 23.4 years compared to 37.4 years for the general population.

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

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

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

Annual refugee quota

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

Approvals for residency⁴

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

Student visa approvals⁵

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

Work visa approvals⁶

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

Experiences of discrimination

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

Royal Commission of Inquiry into the terrorist attack on Christchurch masjidain

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

⁴ Data sourced from the Ministry of Business, Innovation and Employment Migration trends data explorer <https://www.mbie.govt.nz/immigration-and-tourism/immigration/migration-research-and-evaluation/>.

⁵ Ibid.

⁶ Ibid.

⁷ Within the last five years.

⁸ The New Zealand General Social Survey (NZGSS), collects self-reported data on experiences of discrimination in the previous 12 months. The NZGSS is one of three integrated household surveys and is a biennial survey with data available from 2008. It produces statistics about social wellbeing to inform decision-making by government agencies and the wider community and the most recent data is from 2018.

14. The Government established a Royal Commission to investigate whether public sector agencies had done all they could to protect the people of New Zealand from terrorist attacks and whether more could be done. This is discussed further in Article 4.

COVID-19 Response

Supporting Māori communities

15. Māori are likely to be most adversely impacted by the COVID-19 pandemic, due to existing health inequities and socio-economic factors such as lower income, poorer housing, and higher rates of long-term conditions and other co-morbidities.
16. The Government, iwi and Māori organisations are aware that the social and economic impacts of COVID-19 will persist. The ongoing response indicates the commitment for the Government to strengthen its relationship with Māori to address long-term health, economic and social inequities. Initiatives implemented to support Māori are described under Article 5.
17. The Government has made a significant funding investment in communities and social sector providers. This includes \$56.5 million for a Māori specific response action plan including \$30 million for health services and \$15 million to Whānau Ora commissioning agencies to support vulnerable families.

Supporting Pacific communities

18. Like Māori, Pacific peoples are among the most adversely impacted by the COVID-19 pandemic, due to pre-existing health inequities and socio-economic factors such as the lowest incomes of all ethnic groups, high rates of poverty and deprivation, poor housing outcomes, low health literacy, high rates of long-term health conditions and relevant co-morbidities.
19. The COVID-19 response included a \$195 million Pacific recovery package in Budget 2020 to fund initiatives that support Pacific communities affected by COVID-19. These include targeted housing, education and employment initiatives described under Article 5. The Pacific Aotearoa Community COVID-19 Recovery Fund enables Pacific communities to lead their own recovery strategies, initiatives, and actions.
20. In Budget 2021, the Government announced a \$108 million Pacific package that included funding for the Ministry for Pacific Peoples to support: employment, training, and education initiatives; establishing the All-of-Government Pacific Wellbeing Strategy; and Pacific businesses affected by COVID-19.
21. An additional \$26 million in funding has been reprioritised to support the Pacific health and disability sector in leading the response to the current outbreak of the Delta variant in 2021.

Impact on immigration and migrant workers

22. The Government made immediate short-term changes to visa settings to support temporary migrants stranded in New Zealand.
23. Working Holiday visas and Supplementary Seasonal Employment (SSE) work visas due to expire between 21 June 2021 and 31 December 2021 were extended for another six months. SSE visa holders have been given open work rights, allowing them to work in any sector.
24. The Recognised Seasonal Employer scheme (RSE) was paused, which affected workers who have a pattern of working seasonally in New Zealand.

25. The Pacific Access Category and the Samoa Quota which are key residency pathways for Pacific immigrants have been paused and have no clear re-opening date.
26. The Government is also making changes to help new residents stuck offshore keep their residency status while travel restrictions remain in place.

Responding to economic impacts

27. Government agencies worked with individuals and whānau to ensure they could access a range of income support measures. Immediate temporary changes for vulnerable individuals included changes to the rules around food grants, stand-down periods and the need for medical certificates (reducing need for GP visits).
28. The COVID-19 Wage Subsidy programme, and the COVID Income Relief Package, were critical tools in supporting whānau and Māori communities to deal with the immediate economic impacts.
29. From March to September 2020, \$13.8 billion of wage subsidies was paid either to sole traders (240,000) or employees (1.52 million jobs⁹). High proportions of Māori (57%), Pacific peoples (58%), NZ European (61%), and Asian (70%) people were supported by wage subsidies. Asian employees make up a much higher proportion (38%) of jobs supported in the accommodation and food services industry. Responding to housing needs
30. The Government worked with housing and community providers, iwi and Māori, and others to secure accommodation and provide support to Aotearoa's most vulnerable. At the peak of the response to housing need, an additional 1,250 places were contracted, housing approximately 1,500 people.
31. The focus is now on supporting this group to transition to longer term housing with ongoing support for those who need it. The Government also implemented temporary protections against tenancy termination and a freeze to residential rent increases.

Article 14 declaration

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

Ratification of other instruments

33. In December 2019, the Government announced that New Zealand had ratified the International Labour Organization's (ILO) Protocol to the Forced Labour Convention, reinforcing New Zealand's strong commitment to ending forced labour and other forms of modern slavery.
34. In response to the 2019 Universal Periodic Review recommendations, the Government agreed to consider acceding to the international instruments to which it is not yet party, including the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization, the 1954 Convention relating to the Status of Stateless Persons, and the International Convention for the Protection of All Persons from Enforced Disappearance.

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

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

III. Information relating to specific articles

Article 1

36. The Government is committed to the protection and promotion of international human rights as embodied in the Universal Declaration on Human Rights and the other international human rights treaties to which New Zealand is a party. This commitment must be understood within New Zealand's existing legal and constitutional context, of which Te Tiriti is an important part.

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

37. In 2019, the Minister for Māori Development appointed the Declaration Working Group (DWG) to provide independent advice on the form and content of an UNDRIP plan and an engagement process with whānau, hapū and iwi. The DWG provided the Minister with their final report, *He Puapua*, in late 2019.
38. Throughout 2020, further progress on the development of an UNDRIP plan was slowed, because of resources being prioritised to respond to the COVID-19 pandemic. In June 2021, Cabinet approved a two-step process for the development of a plan to implement UNDRIP which will contribute to achieving these goals.

Expert Mechanism on the Rights of Indigenous Peoples

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

Engagement with Special Rapporteurs

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

Article 2

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

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

New Zealand Bill of Rights Act 1990

42. The New Zealand Bill of Rights Act 1990 (NZBORA) affirms human rights and fundamental freedoms in New Zealand. NZBORA also upholds New Zealand's commitment to the Convention through section 19, which prohibits discrimination on the grounds set out in section 22 of the Human Rights Act 1993 (the HRA).
43. Section 7 of NZBORA requires the Attorney General to inform the House of Representatives of any provision in a domestic bill that appears to be inconsistent with any of the rights and freedoms affirmed in the Act. They are publicly available and referred to select committee for consideration.¹¹ From January 2016 through to December 2020 there were 16 section 7 reports.

National Human Rights Institution and Human Rights Act 1993

44. The Human Rights Commission (the HRC) is an independent Crown entity established by the HRA to protect human rights in New Zealand. It is New Zealand's national human rights institution. There are four Human Rights Commissioners, one of which is the Race Relations Commissioner. A Pou Ārahi role with specialist ownership for Te Tiriti and indigenous rights, as well as Deputy Chief Executive responsibilities was established in 2019.

National plan of action against racism

45. The Government has committed to developing a national action plan against racism in its 2019 response to UPR recommendations.
46. In 2021, the Ministry of Justice (MoJ) has established a Diversity and Inclusion Team which is now developing the plan for Aotearoa. HRC and the Race Relations Commissioner are contributing to the plan's development. The Commission's role includes engaging with Māori, civil society, and others who experience racism to facilitate their views and voices informing the plan. MOJ is also looking at other ways to ensure the process invites participation from a wide range of communities, groups, and sectors.

Educational and media campaigns

47. In 2017, the HRC launched a campaign urging New Zealanders to give nothing to racism and refuse to spread intolerance. It was the second stage of an ongoing, nationwide anti-racism campaign. The HRC launched a website in 2016 that enabled everyday New Zealanders to share their personal stories of racism.
48. In 2020, the HRC built on both these campaigns with an interactive experience called Voice of Racism.

Te Tiriti o Waitangi

49. The Committee made three recommendations related to Te Tiriti, which are responded to below. There is also relevant material throughout the report that describe the way that Te Tiriti is being honoured.

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

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

50. Te Tiriti is the founding document of Aotearoa's constitutional arrangements and is at the heart of the relationship between Māori and the Crown. Moving to constitutional law and practice that is truly grounded in Te Tiriti is perhaps the most significant constitutional issue in Aotearoa.
51. Engaging and partnering with Māori are fundamental to making progress on significant initiatives and strengthening the Māori-Crown relationship. Successive Governments have introduced a series of measures, that demonstrate practical steps towards partnership and the need for the Crown and Māori to move forward together. The proposals in *Matike Mai* provide a strategy until 2040 to better incorporate Te Tiriti into New Zealand's constitutional arrangements.

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

52. The Government accepts there is a need to give space to Māori communities to decide the manifestations of self-determination that are most suitable for them. The Government can make room for the growing exercise of self-determination and is progressively doing so. This is an incremental exercise rather than a single step, involving aspects of recognition and capacity-building by all government agencies.

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

53. Effective policy and legislative development require consideration of Te Tiriti's contextual applicability and the relevance of the specific articles, including Article 2. In 2019, Te Tiriti guidance was developed by Te Arawhiti, and approved by Cabinet, to assist Crown agencies in considering Te Tiriti implications such as rangatiratanga in policy development and implementation.
54. Co-design and appropriate engagement strategies in legislative and policy reforms are ways in which the Crown has been ensuring Māori participation, such as on the National Freshwater and Geothermal Resources Claims.
55. The Public Service Act 2020 explicitly recognises the role of the public service in supporting the Crown's relationships with Māori under Te Tiriti. Under the Act, Senior leaders have a responsibility to develop and maintain the capability of the public service to engage with Māori and understand Māori perspectives. The Public Service Commissioner has a responsibility to recognise the aspirations and employment requirements of Māori, including in the public service. It also includes the establishment of a statutory Māori advisory committee to advise on the implementation of the new provisions in the Act.

Progressive Procurement

56. Progressive procurement policy in New Zealand is based on international indigenous procurement that shows the benefits to indigenous peoples from actively participating in government procurement. The Government has approved the progressive procurement policy, due for implementation on 1 July 2021.
57. This policy is focused on increasing the diversity of suppliers available for government procurement opportunities. An initial target of 5% of annual agency contracts being awarded to Māori businesses has been set for the 2021/22 year.

Te Arawhiti | Office for Māori Crown Relations

58. In October 2017, the Government established Te Arawhiti, a new Māori Crown Relations Ministerial portfolio, to oversee the government's work with Māori in a post Treaty settlement era.
59. Te Arawhiti focuses on resolving longstanding and contemporary issues but recognises that the Crown must prioritise the promises contained in Te Tiriti, including its guarantee of rangatiratanga. Te Arawhiti also gives strategic policy leadership and advice to other Crown agencies in order to support them to navigate longstanding and contemporary Tiriti issues.

Te Puni Kōkiri | Ministry of Māori Development

60. Te Puni Kōkiri (TPK) has the core role of improving Māori wellbeing and providing assurance that public sector agencies are effective for Māori. This role includes monitoring the effectiveness of public sector agencies' strategies, policies and services in uplifting Māori wellbeing.
61. TPK continues to lead policy advice and strengthen its approach to implementation on issues of specific importance to Māori. Key activities include:
 - a. Brokering opportunities with Māori groups in areas of strategic priority for the Government.
 - b. Investing in innovative initiatives that build the capability and readiness of whānau and Māori communities to achieve their aspirations.
 - c. Incorporating te ao Māori and mātauranga Māori perspectives to the Living Standards Framework, which is used by Treasury in budget processes and wider thinking about policy impacts.

Ministry for Pacific Peoples

62. The Ministry for Pacific Peoples (MPP) is the Crown's principal advisor on policies and interventions aimed at improving outcomes for Pacific peoples.
63. The Pacific Aotearoa *Lalanga Fou* report underpins MPP's work programme and informs its strategic intentions. *Lalanga Fou* describes the vision and goals articulated by Pacific communities and is being embedded by the All-of-Government Pacific Wellbeing Strategy.
64. They also have *Kapasa*, the Pacific Policy Analysis Tool, and the *Yavu* tool to support agencies to develop policies, programmes and services that engage and integrate Pacific peoples' perspectives.

Te Tari Matawaka | The Ministry of Ethnic Communities

65. Cabinet agreed to establish the Ministry for Ethnic Communities from 1 July 2021. This was a recommendation of the Royal Commission of Inquiry into the terrorist attack on Christchurch masjidain.
66. The Ministry will effect change in areas critical to the wellbeing of ethnic communities. Its core functions include leading the system to improve outcomes for ethnic communities, policy and advice, monitoring and data, and partnering and engagement.
67. The Minister for Diversity, Inclusion and Ethnic Communities engaged directly with ethnic communities to help inform the Ministry's initial priorities which are:

- a. Promoting the value of diversity and improving the inclusion of ethnic communities in wider society.
- b. Ensuring government services are provided equitably and in ways that are accessible for ethnic communities.
- c. Improving economic outcomes for ethnic communities, including addressing barriers to employment.
- d. Connecting and empowering ethnic community groups.

Royal Commission of Inquiry into Abuse in Care

68. The Inquiry is undertaking a series of investigations into abuse and neglect that occurred in State and faith-based care settings.
69. The Commission is scheduled to present its final report in June 2023 which will include findings and recommendations. An interim report was published at the end of 2020, called *Tāwharautia: Pūrongo o te Wā* (Tāwharautia), along with three research reports.
70. Key findings from 2020 include:
 - a. The number of people abused could have been up to 250,000 out of approximately 655,000 who went through the care settings covered by the Inquiry.
 - b. Common factors in abuse cases include a lack of training and vetting, and poor complaints and response processes; and at the worst further abuse, harassment or punishment for reporting abuse.
 - c. Redress processes have not worked for many survivors; instead tending to focus on the financial implications to the State rather than providing wellbeing and compensation to survivors.
 - d. Discrimination and racism played a role from authorities and the public service played a role in the perpetration and failure to detect and prevent abuse.

Recommendations on redress for victims to be made in 2021

71. The Commission is not able to provide compensation for abuse or neglect. There are agencies and organisations available to provide further information about making a complaint or a claim for compensation or support.
72. Under its revised terms of reference (amended in July 2021) the Royal Commission is to provide recommendations on redress for abuse in care by 1 October 2021 and a full report on redress by 1 December 2021.

2021 Dawn Raids Apology

73. The Prime Minister delivered the Dawn Raids apology on 1 August 2021. The apology overall has been well received by Pacific communities who see this as an important step in enabling Talanoa about past experiences of racism in New Zealand.
74. During the period between 1974 and 1976, police and immigration officials carried out rigorous enforcement of immigration laws, which included conducting targeted raids on the homes of Pacific families, often early in the morning or late at night. Police also carried out random street checks on anyone who was suspected of being an ‘overstayer.’ Due to racial profiling, these checks disproportionately impacted Pacific peoples.

Māori and other non-European ethnic minorities, many of whom were legally in New Zealand, were also impacted.

75. The Government apology promotes a reconciliation process for those directly impacted and for Pacific communities today. Alongside the apology, the Government committed to the goodwill gestures of reconciliation such as the development of a comprehensive historical record of the Dawn Raids for reconciliation and education purposes and \$2.1m in academic and vocational scholarships for eligible Pacific peoples.

Article 3

76. The Government is committed to its obligations under Article 3. It condemns racial segregation and apartheid. These practices are prohibited by the HRA and the NZBORA. Policies or practices of racial segregation and apartheid would fall into the category of unlawful discrimination under both Acts.

Article 4

Royal Commission of Inquiry into the terrorist attack on Christchurch masjidain

77. On 15 March 2019, a terrorist attack in Christchurch claimed the lives of 51 people and left 40 people injured. The terrorist attack was driven by an extreme right-wing Islamophobic ideology. New Zealanders united around those affected and spoke out against racism, extremism and extremist violence. There was a period of national reflection about shared values.
78. The terrorist attack was carried out by an individual who has since been convicted of terrorism and is now serving a sentence of life imprisonment without parole.
79. The Royal Commission investigated whether public sector agencies had done all they could to protect the people of New Zealand from terrorist attacks and whether more could be done.
80. The Inquiry report, *Ko tō tātou kāinga tēnei*, was presented to the Governor-General in November 2020 and tabled in Parliament in December. Cabinet agreed, in principle, to all 44 recommendations. Some of the key responses to these recommendations are discussed below.

Strengthening social cohesion

81. Many of the recommendations from the Royal Commission are directly and indirectly related to building and improving social cohesion. Cabinet has agreed that the approach and objectives for strengthening social cohesion, specifically:
 - a. Engage with communities to create a social cohesion strategic framework;
 - b. Build on Government's existing work programme through tangible actions; and
 - c. Identify how to support and enable communities, the business sector, the cultural sector, and central and local government to undertake actions to improve social cohesion in their communities.
82. Public engagement on social cohesion was undertaken alongside the MoJ engagement on proposals related to the incitement of hatred and discrimination, as well as the Department of Internal Affairs' (DIA) work around amending the definition of "objectionable" in sections 3 of the Films, Videos, and Publications Classification Act 1993 (Classifications Act).

83. MSD, working with DIA and MoJ, will work with key stakeholders to co-design the social cohesion strategic framework and identify tangible actions that Government and wider society can undertake to improve social cohesion.

Countering violent extremism online

84. The Royal Commission recommended amending the current definition of “objectionable” within the Classifications Act to include racial hate, racial superiority and racial discrimination. The review was approved by the Government in June 2021 and will include a wider review of the regulatory systems of media such as films and videos.
85. The Government is progressing of the Films, Videos, and Publications (Urgent Interim Classification of Publications and Prevention of Online Harm) Amendment Bill (the CVE Bill). The CVE Bill provides additional regulatory tools to manage harms caused by content that is live streamed, and/or hosted online.
86. The Digital Violent Extremism (DVE) Team, comprising investigators and intelligence specialists, was established in early 2021 to respond to violent extremist content online.
87. DIA is represented in international multi-stakeholder forums including the Christchurch Call to Action and the Global Internet Forum to Counter Terrorism.

Racist hate speech and hate crimes

88. The Committee made three recommendations related to hate speech and hate crime.

Adequacy of legislation

89. The HRA prohibits speech that incites racial disharmony and prohibits discrimination against a person because of an aspect of their identity. This includes a civil provision and a criminal offence. In June 2021, following a review by MoJ and based on the recommendations of the Royal Commission of Inquiry into the terrorist attack at Christchurch masjidain, the Government proposed changes to strengthen and clarify these protections. This includes broadening the groups protected and raising the criminal penalty to a maximum of three years’ imprisonment
90. The Government consulted with the public to inform decisions on whether and how to amend the legislation which attracted more than 20,000 submissions. MoJ also engaged directly with a wide range of community groups by holding meetings across Auckland, Hamilton, Wellington, Christchurch and online.

Responding to racially motivated crimes

91. The New Zealand Police strategy *Working Together with Ethnic Communities* supports improved partnerships and more inclusive practices, such as:
- a. continued regular engagement with the Police Commissioner’s Ethnic Focus Forum;
 - b. the establishment of Ethnic Advisory Boards in major cities;
 - c. the appointment of Ethnic Liaison Officers to work closely with ethnic communities;
 - d. memoranda of Understanding with the Federation of Islamic Associations of New Zealand and the New Zealand Federation of Multicultural Councils;

Collection of statistics on hate crime

92. In New Zealand, hate crime or crimes of prejudice are not specific, standalone offences. The terms hate crime or crimes of prejudice can be considered umbrella terms for any offence that is motivated by hostility targeted at individuals or a group who share an enduring common characteristic such as race, colour, nationality, religion, gender identity, sexual orientation, age or disability. Such hate motivation is an aggravating factor in the Sentencing Act.
93. Where Police record an offence and identify that hate or prejudice formed part or whole of the motivation behind the offence, this file is flagged as a hate crime/crime of prejudice. The use of flags is not a robust methodology to provide an accurate picture of hate crime related offences and does not currently meet the National Recording Standard required to be released in raw data form. The *Te Raranga* programme has identified reporting and recording of hate crime as one of its priority pieces of work.
94. The Police's *Te Raranga - the Weave* - is a structured Police programme to drive improvements in frontline practice to better identify, record, and manage hate crime incidents, and deliver a service that is more responsive to victims. Part of this will include lifting Police responses, recording and reporting of hate crime through the weaving together of lived experience, systems and training design, and also responds to Recommendation 42 of the Royal Commission of Inquiry into the terrorist attack on Christchurch masjidain on 15 March 2019.

Article 5

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

Māori intellectual and cultural property rights

96. In their response to the Government's follow up report, the Committee asked for further information related to Wai 262. They reiterated their recommendation that the State party produce and publish a plan with targets and a timetable for implementing the remainder of recommendations contained in the Wai 262 decisions and to ensure that there are no further breaches to Te Tiriti and UNDRIP.
97. The Committee also asked for information on the measures taken under *Maihi Karauna* (the Crown's Strategy for Māori Language Revitalisation 2019 – 2023) and *Maihi Māori*, the co-governance arrangements for natural landmarks of particular cultural and spiritual significance, and the public consultation on the review of the Plant Variety Rights Act 1987. Responses to these requests can be found in the following paragraphs and this section also includes other key developments related to intellectual and cultural property rights.

The Wai 262 claim with the Waitangi Tribunal (1991).

98. The Waitangi Tribunal report *Ko Aotearoa Tēnei: A Report into Claims Concerning New Zealand Law and Policy Affecting Māori Culture and Identity*' (Wai 262 report) was published in 2011. In 2018, the Government published a comprehensive stocktake of progress in addressing issues raised through the Wai 262 claim and the report. In

2019, the Government agreed to develop a whole of government strategy to address Wai 262 issues: Te Pae Tawhiti – Wai 262.

Co – Governance of Natural Landmarks

99. Ngā Mana Whenua o Tāmaki Makaurau¹² negotiated a collective settlement of their historical Treaty claims with the Crown in 2012. As part of the settlement, 14 Tūpuna Maunga were vested to them, to be held for the common benefit of iwi, hapū, and other people of Auckland. The Tūpuna Maunga authority, a bespoke co-governance entity was established to administer the Tūpuna Maunga.
100. The Te Urewera and Te Awa Tupua and Treaty settlement legislations provided for the recognition of legal personality to certain natural features.

Plant Variety Rights Act 1987 Review

101. Consultation on the Plant Variety Rights Act commenced in September 2018, and used the recommendations in the Waitangi Tribunal’s Wai 262 report as the starting point. Following consultation about the Government’s proposed options., in November 2019, Cabinet made the key policy decisions shaping the new regime on the back of this engagement.
102. In August 2020 consultation was undertaken on an outstanding issues paper. Some of these issues involved further detail on how to implement Te Tiriti provisions. A new Plant Variety Rights Bill was introduced to Parliament in May 2021.

Supporting and strengthening the Māori language

103. In addition to requesting updates on Maihi Māori and Maihi Karauna, the Committee recommended that the inclusion of te reo Māori in the core educational curriculum be strengthened for all students and that efforts be increased to mainstream the use of te reo Māori. Significant progress has been made in both these areas.
104. The total number of te reo speakers continues to grow. There were 185,955 in 2018 compared with 148,395 in 2013. However, the proportion of the total population speaking te reo Māori has remained relatively consistent (4% in 2018 compared with 3%).
105. Te Ture mō Te Reo Māori, the Māori Language Act, was enacted in 2016. The Act created a partnership approach for the revitalisation of te reo Māori based on te ao Māori, which is also referred to as Te Whare o te reo Mauri Ora (the house of the living language).
106. The Act acknowledges the detrimental effects of the Crown’s past policies and practices that have, over the generations, failed to actively protect and promote the Māori language and encourage its use by iwi and Māori.
107. The Act established Te Mātāwai, an independent statutory entity to represent iwi and Māori interests. It focuses on language planning and policy at the iwi and community level.

¹² Ngā Mana Whenua o Tāmaki Makaurau is the collective name of the 13 iwi/hapū with historical claims in wider Tāmaki Makaurau (Auckland).

Māori broadcasting

108. The Government provides significant investment to Māori broadcasting and media in recognition of its obligations to protect and promote Māori language and culture under Article 2 of Te Tiriti
109. Te Māngai Pāho (a Crown entity) is responsible for promoting Māori language and culture by funding a range of Māori media content, as well as operational funding for iwi radio stations and archiving of content. In 2019/20, it received over \$66 million in government funding.
110. The Māori Television Service received over \$19 million in direct operational funding to undertake its functions. In 2019/2020, it produced locally made content including in fluent Māori language content, broadcast content for two channels, and content for an online platform.

Māori language in education

111. Tau Mai Te Reo, the Māori Language in Education Strategy, was approved by Cabinet in July 2020. It is the education sector's contribution to the Maihi Karauna. It provides a framework for coordinating programmes and services that support te reo Māori in Māori medium and English medium education.
112. More learners are participating in all levels of Māori language in education at school. Between 2010 and 2019, the number of Māori students learning the Māori language grew by 27%, from 67,193 learners in 2010 to 85,444 learners in 2019. The number of all learners participating in Māori language in education in 2019 grew by 35% from 149,056 learners in 2010 to 201,299 learners in 2019. The largest increase has been for Māori language in English medium education.
113. In 2020, 30,626 secondary school students studied te reo Māori as a National Certificate in Educational Achievement (NCEA)¹³ subject. This is a 35% increase in participation since 2014.¹⁴

Māori medium teaching and learning

114. Te Marautanga o Aotearoa, the curriculum for Māori medium schooling pathways, is being strengthened to reflect a more authentic and indigenous curriculum. It will shift towards a more holistic and learner-centred focus based on He Tamaiti Hei Raukura, a framework founded on a Māori worldview.
 - a. Significant investments have been made into Māori medium teaching and learning, including a \$32 million support package for Kōhanga Reo in Budget 2019
 - b. Budget 2020 provided \$100 million to support Kōhanga Reo and revitalise te reo Māori
 - c. Budget 2021 provided \$20 million to support Māori boarding schools, \$32.3 million to address inequitable funding of wānanga, \$77million into property funding for schools delivering Māori medium education and further funding to improve pay for Kōhanga Reo teachers.
115. There has been an increase in the number of students enrolled in Māori medium education in schooling,¹⁵ with 10.8% of Māori and 2.7% of total school-aged students

¹³ NCEA is the main national qualification for secondary school students in New Zealand.

¹⁴ <https://www.educationcounts.govt.nz/statistics/subject-enrolment>

¹⁵ <https://www.educationcounts.govt.nz/statistics/6040>

learning through te reo most of the time. Additionally, 19.9 % of Māori learners enrolled in early learning are in Māori medium services.

Māori land issues and the treaty settlement process

116. In their response to the Government's follow-up report the committee asked for information on the extent of land returned through the settlement process and the extent of land not subject to the settlement process.
117. All land in New Zealand may, in principle, be subject to Treaty settlement processes. However only a small percentage of the total land dispossessed from Māori has been returned in settlements. The Crown does not collect statistics on the percentage of land historically lost or returned through the settlement process.
118. When settling Treaty claims, it is the Crown's policy that only Crown-owned land can be provided as redress. For some groups, the return of land is paramount. For others, the capital to create an economic base is paramount. For the majority, it is a mixture of both.

The use of Māori traditional land and resources

119. The Committee recommended a review, in consultation with all affected Māori, of the designation of Special Housing, Area 62, Ihumātao. They also recommended that the State party obtain the free and informed consent of Māori before approving any project affecting the use and development of their traditional land and resources.

Housing Accords and Special Housing Areas

120. The Government has purchased the land at Ihumātao. In December 2020, a memorandum of understanding, He Pūmautanga, was signed between the Kīngitanga,¹⁶ the Crown and Auckland Council.
121. As part of this, a steering committee (Rōpu Whakahaere) has been formed, and is working on a consensus basis to decide how the land will be developed in a way that recognises the special characteristics of the land and will also be used to provide better recognition of the cultural and heritage values associated with Ihumātao.
122. The Housing Accords and Special Housing Areas (SHAs) legislation has not been extended. No new SHAs can be established and all existing SHAs have been disestablished. Resource consents lodged prior to 16 September 2019 will still be processed through the permissive resource consent provided by the Act until 16 September 2021. Any applications lodged after 16 September 2019 will be processed through the RMA process. There is more information about the RMA reforms from paragraph 47.

Supporting Māori landowners

123. The primary law relating to Māori Land is the Te Ture Whenua Māori Act 1993. A significant amount of Māori land is under-performing for its owners, in many cases because of structural issues stemming from the existing legislation.
124. In August 2020, the Government passed Te Ture Whenua Māori (Succession, Dispute Resolution, and Related matters) Amendment Act to make it easier for Māori landowners to connect with and use their whenua.

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

Review of The Marine and Coastal Act (Takutai Moana) Act 2011

126. The Committee recommended that the Te Takutai Moana Act be reviewed with a view to respecting and protecting the full enjoyment of the rights of Māori communities regarding the land and resources they traditionally own or use and their access to places of cultural and traditional significance
127. This Act is currently the subject of a Waitangi Tribunal kaupapa inquiry with the first of two reports released in June 2020. This report considered whether the procedural and resourcing arrangements in place to support applicants under the Act are compliant with Te Tiriti.
128. The Crown is working with Takutai Moana applicants to progress applications for recognition of customary rights in the common marine and coastal area. In June 2021, the responsible Minister for Takutai Moana announced a new approach to the Takutai Moana process, which means that the Crown will work together with iwi, hapū and whānau applicants across twenty coastlines (covering all of the common marine and coastal area) to progress their applications.¹⁷

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

129. The Committee urged that the State party ensured full respect for the rights of Māori communities to freshwater and geothermal resources as protected by Te Tiriti and in accordance with the provisions of the Convention.

Māori Rights and Interests in Freshwater

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

Resource Management Reform

131. In July 2019, the Government established an Independent Review Panel to review the RMA and make recommendations on a new resource management system. The Panel engaged with Māori and iwi during the development of their report, released in July 2020.
132. Their recommendations included:
- a. Replacement of the RMA with three new Acts: The Natural and Built Environments Act (NBA), a Strategic Planning Act (SPA), and a Managed Retreat and Climate Change Adaptation Act.
 - b. The requirement that all those carrying out functions under the NBA and the SPA give effect to the Principles of Te Tiriti.

¹⁷ Information about the specific applications can be accessed on Te Arawhiti's website: <https://www.tearawhiti.govt.nz/te-kahui-takutai-moana-marine-and-coastal-area/applications/> and on the High Court website <https://www.courtsofnz.govt.nz/the-courts/high-court/high-court-lists/marine-and-coastal-area-takutai-moana-act-2011-applications-for-recognition-orders/>

- c. Mana whenua membership on the joint committees deciding on Regional Spatial Strategies and Combined Plans under the new Act.
 - d. A new National Māori Advisory Board to monitor/audit system performance
133. In December 2020, Cabinet agreed to proceed based on the Panel’s recommendations. Further decisions will be made by a Ministerial Oversight Group and they will consult with Māori through hui and ongoing co-design work with members of the Māori collective.

Draft Natural and Built Environments Act (NBA)

134. A draft Bill was released in June 2021 for public consultation and the Environment Select Committee is anticipated to release its recommendations report in October 2021. Key features of the draft include:
- a. A purpose, which includes enabling Te Oranga o te Taiao to be upheld.
 - b. Outcomes, which must be promoted through the National Planning Framework and plans, including that the relationship of iwi and hapū, and their tikanga and traditions, with their ancestral lands, water, sites, wāhi tapu, and other taonga is restored and protected.
135. These Bills will continue to be developed in consultation with Māori through regional hui with iwi/Māori, and ongoing codesign work with members of the Māori Collective. The Government plans to introduce them into Parliament in 2022.

Supporting Pacific languages

136. In 2018, the Government made a commitment to promoting and preserving Pacific languages, supported by a \$20 million investment in 2019.
137. In the 2018 Census, 163,002 people reported speaking a Pacific language with 40.7% of Pacific people able to speak more than one language. The most common language was Samoan (101,937). The number of speakers within specific ethnic groups ranged from 50.4% of Samoans through to 8.9% of Cook Islands Māori. Comparisons from Census 2013 to Census 2018 show that the proportion of speakers of Pacific languages has declined.
138. MPP has a dedicated languages unit and continues to support and work with the Pasifika Education Centre to support the delivery of their language classes and other initiatives.

*Pacific language immersion in education*¹⁸

139. In July 2020, 23 schools were offering education in an immersion language for more than 51% of the time to 1,456 students. A total of 19 schools offered Pacific language education for up to 50% of the time to 2,034 students. A further 77 schools (8,754 students) offered Pacific languages as a separate subject. Gagana Sāmoa was the most common language offered (101 schools), followed by lea faka Tonga (27 schools). Other Pacific languages offered include te reo Māori kuku Āirani (Cook Islands Māori) (8 schools); vagahau Niue (6 schools) and gagana Tokelau (3 schools). There were also 118 Pacific language early learning services where the Pacific language was used for more than 51% of the time. This is 3% of early learning services.
140. In May 2021, the Government announced new funding for Pacific bilingual and immersion education from January 2022 for schools that teach in a Pacific language at

¹⁸ <https://www.educationcounts.govt.nz/statistics/6044>

least 51% of the time. This is the first time any additional funding had been provided for teaching the curriculum in a Pacific language.

Pacific peoples' participation in the economy

141. Budget 21 included a \$108 million Pacific package to support the wellbeing of Pacific communities. Of the Pacific package, \$46.5 million has been invested to deliver two economic initiatives through MPP:
 - a. Supporting Pacific businesses through the impacts of COVID-19 with \$16.2 million for business support services, and
 - b. A \$30.3 million boost to assist the Tupu Aotearoa programme which supports Pacific peoples into employment, training, and education across Aotearoa New Zealand.
142. MPP are currently managing initiatives which aim to provide more equitable outcomes and improved economic development for Pacific businesses which are the Pacific Aotearoa Regional Enterprise Fund, Pacific Business Trust and ongoing work to improve Pacific economic development and job creation.
143. Since July 2020, Tupu Aotearoa has supported at least a further 1,800 Pacific people on their employment, training, and education journey.
144. MPP is also progressing work to develop and implement a cross-agency Pacific Employment Action plan aimed at promoting greater equity for Pacific peoples within the Government's overall Employment Strategy.¹⁹
145. *Participation in the informal economy*
146. In 2018, the Treasury and the Pacific Business Trust funded a research project to identify and delineate the economic footprint of the Pacific community within New Zealand's economy. In 2021, the Ministry completed research to better understand and recognise the value of Pacific peoples' unpaid work and volunteering contributions to Aotearoa and the economy.²⁰

Pacific representation in corporate governance

147. MPP maintains a nominations database of skilled Pacific peoples who are available for appointment and encourages state sector boards to utilise the skills offered by Pacific representatives.
148. In 2019, the 2019 Stocktake of Gender, Māori, and Ethnic Diversity on State Sector Boards and Committees, the first ever undertaken, reported Pacific representation was 4.6%. In comparison, Māori representation was 21.1%, Asian was 3.6% and European 71.6%. Less than 1% of members were of Middle Eastern, Latin American or African (MELAA) descent.
149. In 2020, MPP partnered with the Ministry for Women and the then Office of Ethnic Communities to produce the 2020 Stocktake of Gender, Māori, Pacific, and Ethnic

¹⁹ An acronym to describe Pasifika identities; Mahu (Hawai'i and Tahiti), Vaka sa lewa lewa (Fiji), Palopa (Papua New Guinea) Fa'afafine (Samoa) Akava'ine (Rarotonga), Fakaleiti (Tonga), Fakafifine (Niue). The abbreviation is gaining increasing use to signify the existence of different Pacific cultures that have a strong presence in New Zealand.

²⁰ Report can be found here: [Pacific-Economy-Research-Report-on-Unpaid-Work-and-Volunteering-in-Aotearoa.pdf](#) (mpp.govt.nz)

Diversity on Public Sector Boards and Committees. This reported as of 31 December 2020, Pacific representation increased to 5.4%.

150. These agencies also supported governance training and networking to enable Pacific peoples interested in or new to governance to hear from experienced Pacific governors currently serving on state sector boards and committees

Pacific peoples' wellbeing strategy

151. Budget 21 included \$6.6 million to support the establishment of an All-of-Government Pacific Wellbeing Strategy. The Strategy will drive improved wellbeing outcomes by strengthening strategic leadership across government and ensuring investment is responsive to the needs and aspirations of Pacific communities.
152. Progression of the Pacific Wellbeing Strategy and the implementation of the Pacific Employment Action Plan will also support greater equity of pay and occupational progression for Pacific people in the Public Service by enhancing cultural capability across Government..²¹

Migrant Communities

153. The Committee made five recommendations related to migrant communities. These related to migrant employment, progress against the migrant settlement and immigration strategy, access for asylum seekers and refugees to adequate and appropriate services including social work, counselling services and adequate funding for the continuation of psychological services. They also recommended that migrants are not detained in inappropriate facilities and are never held with prisoners in correctional facilities.

Equal opportunity and equal treatment for migrants in employment

154. The Employment Standards Legislation Act 2016 aims to encourage fair and productive workplaces and ensure employment law responds to a dynamic business environment. In 2020, the Government announced legislative, policy and operational changes, and \$50 million over four years, to address temporary migrant worker exploitation in New Zealand, including of international students.
155. The package of changes to address migrant exploitation included:
- a. A new visa to enable migrant workers to quickly leave exploitative situations without negatively affecting their immigration status.
 - b. A dedicated migrant exploitation phone line and online reporting, and a specialised migrant worker exploitation-focused reporting and triaging function.
 - c. Increased education activity so migrants and employers know their rights and responsibilities.
 - d. New infringement offences for non-compliant employers and increased investigation and enforcement capacity for Immigration New Zealand and Employment New Zealand.

²¹ The biggest gender and ethnic pay gap in NZ is between European men and Pacific women at 27%, and Pacific men at 22%. It will take around 120 and 100 years respectively to reach pay equity. (NZ Human Rights Commission, 2020)

Migrant Settlement and Immigration Strategy

156. Immigration New Zealand reports annually across the five Strategy outcome areas: employment, education and training, English language, inclusion and health and wellbeing. The 2019 dashboard report showed positive progress in most of the indicators. Highlights include:
- a. The employment rate of recent migrants continued to show an increasing trend and is higher than for the New Zealand-born population.
 - b. The proportion of employed skilled migrant category applicants and their partners with occupations in New Zealand that match their skills and New Zealand-ready qualifications is increasing.
 - c. 89% of overseas born (non-refugee) migrant school leavers gained at least an NCEA Level 2 qualification, higher than the average for all school leavers of 79%.
 - d. 8 out of 10 migrants feel a sense belonging to New Zealand.
 - e. There has been an increase in uptake of recent migrants with pre-purchased English Language tuition entitlements.
 - f. 9 out of 10 recent migrants are enrolled in a primary health organisation.

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

157. Claims for refugee or protected person status are decided according to the Immigration Act 2009. One of the purposes of the Act is to ensure that New Zealand meets its obligations under the 1951 Convention Relating to the Status of Refugees, the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and under the 1966 International Covenant on Civil and Political Rights.
158. Most asylum seekers in New Zealand are eligible to access a relevant temporary visa while their claim is being processed and can seek and obtain employment, financial support, public health services, public schools, and some tertiary and English language courses, with Government assistance to access these services.
159. Refugees resettled under the Refugee Quota Programme are granted a Permanent Resident visa. On arrival, they are accommodated at Te Āhuru Mōwai o Aotearoa, the Mangere Refugee Resettlement Centre, where they participate in a reception programme, which supports living and working in New Zealand. This includes integrated health services; health assessment, education, primary mental health, needs assessment and service coordination /referrals. They are then settled in one of 13 established settlement locations across New Zealand in suitable accommodation, and are provided settlement support for up to 12 months to orient them to the community and link them to the services they need.
160. Refugees are one of the groups identified in *He Ara Oranga: Report of the Government Inquiry into Mental Health and Addiction* and are specifically mentioned in schedule 2 of the Mental Health and Wellbeing Commission Act 2020.
161. The 2019 dashboard for the New Zealand Refugee Resettlement Strategy showed that the 40% of the 2018/19 quota refugee cohort have accessed mental health services, with the majority accessing services within one month of arrival. There are specialised mental health services for refugees and asylum seekers.
162. Refugees are treated the same as a resident or citizen of New Zealand when seeking to access public housing. To accommodate the increase in the refugee quota, the government opened extra settlement sites and funded extra public housing and tenancy

support for refugees. Kāinga Ora was funded to deliver 150 new build public houses in refugee settlement locations.

Detention of migrants

163. The detention provisions in the Immigration Act 2009 are not specific to classes of people. People can be detained under the Act if there is doubt about the identity of the person, where there is a threat or risk to security, to facilitate legitimate removal action, or it is otherwise in the public interest. Asylum seekers may be detained in a Corrections facility in accordance with a warrant or order issued under the Immigration Act 2009.
164. New Zealand has no distinct policy for the management of people in prison who are seeking asylum. In accordance with regulation 184 of the Corrections Regulations 2005, people in prison who are detained under the Immigration Act 2009 are subject to the same regime and have the same entitlements as remand accused prisoners.
165. All prison facilities are operated in accordance with New Zealand legislation and agreements, such as the United Nations Standard Minimum Rules for the Treatment of Prisoners. The small number of asylum seekers detained in correctional facilities can only be held with accused prisoners and there must be no mixing with other prisoners unless there are exceptional circumstances.

Supporting ethnic communities

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

Māori overrepresentation as offenders in the criminal justice system

167. The Committee recommended that the State party address the root causes leading to disproportionate incarceration rates for Māori. They also recommended justice, social sector, and care and protection initiatives for Māori are connected, have transparent governance frameworks and are based on partnerships with and inclusion of Māori.
168. The Government acknowledges that the current system is not working well and continues to work with Māori to reduce Māori offending. Key statistics²² highlight the extent of the work to be done.
- a. Māori were 58% of the remand population, 61% of the sentenced population and 45% of the community sentence offender population in 2020.
 - b. In 2020, Pacific prisoners accounted for 10% of the remand population, 8% of the sentenced population and 10% of the community sentence offender population.
 - c. The total number of children and young people charged in court has decreased from 1,881 in 2017 to 1,584 in 2020. Ethnic representation has remained relatively consistent. In 2020, 61% of those charged were of Māori ethnicity compared with European (26%) and Pacific (8%). This compares with 65%, 24% and 10%, respectively, in 2017.
169. The New Zealand Police have developed the three strategies *Te Huringa o Te Tai; O Le Taeao Fou: Dawn of a New Day – Pasifika National Strategy (O Le Taeao Fou)*; and *Working Together with Ethnic Communities – The Future: Police Ethnic Strategy* to guide the New Zealand Police to be more responsive to Māori, Pacific, and ethnic

²² Data extracted from NZ Stat Tables May 2021.

communities. These strategies include formal partnerships with Māori such as via Te Pae Oranga.

170. This is also supported by the Reframe Strategy - Te Tārai Hou to improve frontline practices to ensure Police treat victims and offenders with humanity and fairness, and maintain effective and evidence based resolutions.

Hōkai Rangi: Ara Poutama Strategy for 2019-2024

171. Hōkai Rangi is a strategy focussed on the prioritisation of the wellbeing of both the people who come into Corrections' management, and their whānau. Its ultimate aim is to lower the proportion of Māori in Corrections' care to a level that matches the Māori share of the general population. Hōkai Rangi was developed through co-design wānanga with a reference group including Māori staff, service providers, academics, partners, and people with lived experience including men and women in prison, as well as whānau and kaiwhakamana in the community.

Initiatives to reduce Māori offending

172. Hikitia will deliver, through a mana whenua ahi kā model of care, an equitable, person-centered service approach, ensuring culturally and clinically effective mental health and addiction care for men in custody in the three prisons of the central region
173. Te Mauri Paihere ki Mangakootukutuku aims to support the holistic wellbeing of people. A key principle of this initiative is for the provision of transitional accommodation and reintegration support for wāhine, who have recently left a corrections facility, and their whānau.
174. Māori Pathways Programme supports the Corrections system to be more effective by using kaupapa Māori and whānau-centred approaches. The programme is being developed, trialled, tested and evaluated in Northland, Hawke's Bay, and in Christchurch (the latter is focused on women).

Working in partnership with Māori

175. The Correction's Māori Advisory Board is now formally known as Te Poari Hautū Rautaki Māori, or the Māori Leadership Board. This executive level board provides strategic leadership around the development of policy and initiatives to improve outcomes among, and reduce offending and re-offending by, Māori.
176. The, Rautaki Māori team, was established in August 2017 to strengthen Corrections' strategic capability for success with and for Māori and to support Corrections to grow and expand formal partnerships with iwi.
177. A Māori Partnership Framework has been developed that supports measuring the strength of Correction's relationships with iwi/Māori.

Hāpaitia te Oranga Tangata |Safe and effective Justice

178. Hāpaitia te Oranga Tangata is a cross sector initiative to help guide the transformation of the criminal justice system and create a safer Aotearoa. It aimed to do this by setting a vision for a better criminal system for Aotearoa New Zealand; and to establish the relationships we need to get to this vision,
179. The Programme ended on 30 June 2021 with these aims largely achieved with community members and those working in the criminal justice system talking, building relationships and led by those most affected by the criminal justice system.

The Mana Wāhine Inquiry

180. The Mana Wāhine Kaupapa Inquiry is a thematic inquiry by the Waitangi Tribunal into claims alleging the Crown has failed to value, acknowledge and protect the rights, status and role of Māori women. Manatū Wāhine | Ministry for Women (MfW) and Te Puni Kōkiri are the co-lead agencies for the Inquiry.
181. Approximately 180 claims have been lodged with the Tribunal from 1993 to September 2020, concerning inequities and disparities in outcomes for Māori women including a lack of access to justice issues including:
- a. increasing and disproportionately high rates of incarceration, and family and sexual violence experienced by Māori women.
 - b. issues around lack of funding and lack of adequate and culturally responsive support services within the justice sector for Māori women affected by rape, family or sexual violence.
 - c. high rates of criminal victimisation of Māori women, particularly young Māori women, issues of sexual violence and sexual assault in prison for transgender or gay Māori women, issues related to sex trafficking, prostitution reform and incest.
 - d. failure to identify and prevent risks linked to gang membership for Māori women.
182. The government is beginning to develop an all of government approach to existing policies and identifying early opportunities for change, driven by engagement with Māori women to ensure they have a voice in the design and delivery of current policies and programmes that affect them and their whānau.

Increased diversity of decision makers in the criminal justice system

183. The committee recommended that the State party take robust measures to increase representation of Māori, Pacific peoples and other minority groups as decision makers, including as prosecutors and judges, at all levels of the criminal justice system.
184. The ethnic diversity of New Zealand Police has steadily increased over the last five years. New Zealand Police has established a focused recruitment and retention strategy through a collaborative approach with government agencies (for example, in partnership with the New Zealand Qualifications Authority, New Zealand Police developed the Police Pathway Programme which won the Emerging Diversity & Inclusion Award at the New Zealand Diversity Awards in 2020), educational institutions (Te Whare Wananga of Aotearoa) and Māori, Pacific and other minority ethnic communities (promoting Police recruitment at community events including Te Matatini).
185. As a result of these partnerships and targeted advertising, New Zealand Police constabulary recruitment has seen an increase in the number of police officers who are of Māori, Pacific and/or ethnic minority descent.
186. Over 10,000 people work for Corrections. In 2020, 69.5% were European, 21.3% Māori, 12.5% Pacific peoples and 10% Asian.²³ A Deputy Chief Executive Māori was appointed in 2019, to maximise positive outcomes for Māori across Corrections. The current National Commissioner is of Pacific descent. Work is underway to explore how Pacific peoples can be better represented across Corrections.

²³ This totals more than 100% as many people identify as more than one ethnicity.

187. In 2020, 79% of District Court judges were New Zealand European, 16% Māori and 4% Pacific peoples. Only two judges were Indian, and one identified as Māori/Chinese. No ethnicity records are kept for the senior courts. The first Māori was appointed to the Supreme Court in 2019. One Justice on the Court of Appeal affiliates to a hapū. There has never been a Pacific judge in the senior courts and only one of Asian descent. Of the 14,000 lawyers practicing in New Zealand in 2020, just over 6% were Māori and less than 3% were Pacific peoples.

Participation and Achievement in Education

188. The New Zealand Curriculum refresh involves the input of the Bicultural and Inclusive Framework Working Group. This refresh is guided by the desire to make the curriculum better reflect Aotearoa bicultural foundation, and to contain a stronger focus on the identities, languages, cultures and wellbeing of children.

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

Participation in Early Learning Education

190. The number of children participating in early learning, before starting school, has steadily increased from 95% in 2011 to 97% in 2019. The greatest increases were for Pacific children (87% to 93%) and Māori (91% to 96%). These increases mean that differences between ethnic groups has decreased from 11 percentage points to 5 since 2011.

Attainment of NCEA (National Certification of Educational Achievement) Level 2²⁴

191. In 2019, 78.8% of all school leavers attained at least NCEA Level 2, or equivalent. Asian students had the highest proportion (89.7%) followed by European/Pākēha (82.0%). The lowest proportions were for Pacific peoples (73.7%) and Māori (64.7%).²⁵ From 2009 to 2019, all ethnic groups have seen an improvement in achievement rates. The largest has been for Māori (19.0%) followed by Pacific peoples (17.3%); this compares with 9.2% for European/Pākēha and 6.8% for Asian school leavers.

Tertiary education participation and achievement

192. Māori and Pacific peoples' participation rates in tertiary education are higher than for the total population. In 2019, 13% of Māori and 11% of Pacific people aged 16 and over were enrolled in tertiary education, compared with 8% of the total population.

193. Of those Māori who started fulltime study in 2015 at bachelor-level and above, 60% had completed a qualification within five years. The rate for Pacific peoples was 56%. This compares with 72% for all students.

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

195. Pacific people have been underrepresented in Science, Technology, Engineering, Arts and Mathematics (STEAM) for many years. In 2015, MPP established the Toloa fund

²⁴ Data taken from education counts

²⁵ This includes both Māori Medium and English Medium students.

programme which aims to create opportunities to raise awareness and increase Pacific uptake of STEM subjects. Funding is available for tertiary scholarships, local, regional and national targeted programmes across all levels of education and community-based activities with key Pacific influencer groups.

Supporting vocational training

196. The Targeted Training and Apprenticeships Fund (TTAF) was established to make it easier for New Zealanders to train in industries where demand was expected to grow as the country recovers from COVID-19. More than 100,000 learners have signed up, with 19% identifying as Māori and 9% as Pacific.
197. The Māori Trades and Training Fund has been established to support Māori to learn new skills. The first initiative will support up to 50 Māori apprentices to participate in ‘earn as you learn’ training, while contributing to the construction of 50 houses.
198. Māori Pasifika Trades Training (MPTT) provides free tertiary places for Māori and Pasifika learners aged between 16 and 40 to undertake pre-trades training and progress to sustainable trades or trades-related employment. MPTT uses a partnership model, comprising iwi, hapū, Māori and Pacific community groups, employers and tertiary education organisations.
199. The Takitimu Tuanui apprenticeship programme will focus on people who have been impacted by COVID-19, those who have completed pre-trades training, and candidates interested in a trades career.
200. Reforms to vocational education and implementation of the Pacific Employment Action Plan will contribute to address disparities in entry and progression through vocational training for Pacific peoples by supporting community partnership and addressing cultural barriers within existing training provisions.

Improving educational outcomes for Māori and Pacific learners

201. The Committee encouraged the State party to provide information on measures taken to improve educational outcomes for Māori and Pacific learners. Key Ministry of Education | Te Tāhuhu o te Mātauranga (MoE) measures are described below.

Early childhood learning

202. The 2017 refresh of Te Whāriki: he whāriki mātauranga mō ngā mokopuna o Aotearoa²⁶ provided a framework for defining two distinct curriculum pathways, one bicultural and one indigenous, each with its own pedagogy, and both including Pacific concepts.

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

203. Ka Hikitia was refreshed in 2019 after consulting with over 2,000 people on Māori education. The vision of Ka Hikitia is Māori enjoying and achieving education success as Māori, developing skills to participate in te ao Māori, Aotearoa and the wider world. It sets out how the Government will work with education services to achieve system shifts in education and support Māori learners and their whānau, hapū and iwi to achieve excellent and equitable outcomes.

²⁶ The early childhood curriculum.

204. The Pae Aronui strategy is aimed at improving education, training and employment outcomes for Māori 15-24-year-olds that are not in education, employment or training (NEET) or are at risk of becoming NEET.
205. Te Hurihanganui was codesigned and is a programme that supports communities to work together to address racism and inequity so that they can accelerate the achievement and wellbeing of Māori learners and their whānau.
206. The Learning Support Action Plan 2019-2025 (LSAP) sets out priority actions for creating an education system where all children and young people can learn and achieve. The LSAP reflects a Māori worldview of wellbeing and responses to the barriers to wellbeing experienced by Māori in the education system. For example, Māori are more likely than non-Māori to experience barriers to learning (e.g. hearing loss) and may also face obstacles to accessing support for their learning, including cultural bias and discrimination.
207. Initiatives to strengthen the cultural competence of the education workforce and provide greater support for Māori learners include:
- a. Tātaiako, a guide for educators to understand what it takes to successfully teach Māori learners.
 - b. A range of scholarships to attract more Māori into the teaching profession.
 - c. A voluntary bonding scheme to support Māori medium, low decile and remote schools to recruit teachers.
 - d. Services to support and guide Māori medium beginning teachers through mentoring and coaching from provisional certification through to full teacher certification, and beyond.
 - e. Introduced in 2019, the Standards for the Teaching Profession | Ngā Paerewa set a standard for all teachers to increase their competency in te reo me ngā tikanga Māori over time. All teachers are required to show progress and have this attested to before their practising certificate can be renewed each year.
 - f. Te Ahu o te Reo Māori supports the early learning and schooling workforce to develop their competency to integrate te reo Māori into learning. It aims to reach up to 40,000 teachers, leaders, and support staff over the next four years
208. In February 2020, the Government confirmed a package of seven changes to NCEA, including for the qualification to reflect mana ōrite mō te mātauranga Māori (parity for Māori knowledge). This work includes ensuring that mātauranga Māori is equitably accessible, valued, resourced and credentialled, and that teachers are supported to build their capability to incorporate mātauranga Māori, te ao Māori (and te reo Māori into their teaching).
209. Te reo Matatini me te Pāngarau (Literacy and Numeracy) and Te Ao Haka (Māori performing arts) are two new assessment standards. They are intended to credential foundational and cultural skills for Māori.

Supporting Pacific Learners

210. The Government's vision for Pacific learners and their families is that they feel safe, valued and equipped to achieve their educational aspirations. The Action Plan for Pacific Education identifies five key areas for change:
- a. Work reciprocally with diverse Pacific communities.
 - b. Confront systemic racism and discrimination in education.

- c. Enable every educational professional to become culturally competent with diverse Pacific learners.
 - d. Partner with families to design education opportunities together with educational professionals
 - e. Grow, retain and value highly competent educational professionals with diverse Pacific whakapapa.
211. The Pacific Education Support Fund will ensure that Pacific learners have improved access to culturally competent support services for attendance and active engagement.
212. The Tapasā framework brings Pacific perspectives to effective and quality teaching practice at different stages of a teachers' journey.

Recognising the principles of Te Tiriti and working in partnership with Māori

213. In April 2021, the Associate Minister of Education, MoE, Tūwharetoa, Raukawa and Waikato-Tainui (Ngā Iwi) signed a Kawenata to establish a perpetual Te Tiriti partnership based on equity and rangatiratanga.
214. The covenant establishes a framework for MoE will work in partnership with the iwi to develop initiatives, priorities and solutions and puts into action an enduring Treaty-based partnership that will enable active Māori participation in the shaping of education policies and programmes.
215. MoE has strengthened and supported relationships with iwi, the Mātauranga Iwi Chairs Group and Māori education peak bodies. Te Taumata Aronui is a group appointed by the Minister of Education, in consultation with the Minister for Māori Crown Relations: Te Arawhiti, to provide guidance about issues and opportunities for Māori learners and their whānau in tertiary education
216. Under the Reform of Vocational Educational (RoVE), Aotearoa's vocational education will be primarily delivered or supported by Te Pūkenga | The New Zealand Institute of Skills and Technology. Te Pūkenga has worked with iwi and Māori partners to develop Te Pae Tawhiti, a Te Tiriti excellence framework.
217. The Education and Training Act 2020 includes several sections which provide explicit direction about giving effect to Te Tiriti.

Māori and Pacific parent representation on school boards.²⁷

218. Active participation by Māori and Pacific parents in planning, development and delivery of education services will help to ensure those services are effective for Māori and Pacific students. Representation on boards is one key mechanism for participation. In 2019, there was proportional representation of Māori parents in 40% of schools and Pacific parents in 39%.
219. In 2020, 64% of all Board Chairs were European/Pākehā compared with 18% Māori and 4% Pacific peoples. Proportions were similar for Board Members at 62% European/Pākehā, 20% Māori and 5% Pacific peoples.

Ethnic diversity in the education workforce

220. In 2020, 55,390 full time equivalent teachers were working in Aotearoa's state and integrated primary and secondary schools. Of these 13% were Māori, 4% Pacific peoples and 5% Asian. The proportions by ethnicity have been constant over the past

²⁷ <https://www.educationcounts.govt.nz/statistics/school-boards>

four years, although they have increased slightly since 2014.²⁸ MoE is developing a long-term Education Workforce Strategy to strengthen teaching and leadership and ensure the education workforce reflects the future learner population.

221. The TeachNZ scholarship programme addresses equity challenges by supporting people from communities historically underserved by the education system to train as teachers.

Supporting students from migrant and refugee backgrounds

Education for children unlawfully in New Zealand

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

English as a Second Language support (ESOL)

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

Bilingual Support Worker project

224. Approximately 45 Bilingual Support Workers (BSWs) are employed each year to support new migrant learners and their communities..

Research into support for English language learners

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

Learning Hubs for migrant families

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

Other resourcing available for schools

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

Pastoral Care for International students

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

²⁸ <https://www.educationcounts.govt.nz/statistics/teacher-numbers#3>

Māori and Pacific People's Health

229. The Committee recommended that the provision and accessibility of primary health care services to Māori and Pacific communities be increased, and that they are equally represented and empowered in decision making processes concerning health and disability policy planning, service delivery and evaluation. They also urged a significant reduction in overall hospitalisations for medical conditions with a social gradient and in disparities in both hospitalisations and mortality rates, particularly for Māori and Pacific children.

Access to primary health care services

230. Access to primary health services and health outcomes for Māori and Pacific peoples has remained relatively consistent from 2015 to 2020, but persistent inequities remain in both areas when compared to the total population.
- a. In 2015/16, 75% of Māori adults and 76.5% of Pacific adults accessed a General Practitioner, compared to 79.3% of the total population. In 2019/20, this improved for Māori adults to 79.1%, and reduced for Pacific adults to 75.6%, while remaining consistent for the total population.
 - b. Over the same period, the unmet need for primary health care increased from 39.2% to 42.5% for Māori, 34.2% to 35.1% for Pacific, and 28.8% to 30.8% for the total population.
 - c. Māori and Pacific people in 2019/20 were also significantly more likely to visit an emergency department in the last 12 months.
 - d. Largely due to General Practitioner visits being free for under 14s, Māori and Pacific children had levels of primary care access comparable with the total population over the same period, though had slightly higher levels of unmet need.

Health outcomes

231. Representation in key determinants of health such as income equality and access to adequate housing continue to see Māori and Pacific people overrepresented in health conditions with a social gradient.
232. Life expectancy for Māori and Pacific people from 2015 to 2017 was 75.6 years and 76.5 years respectively, significantly less than the life expectancy of 82.8 years for non-Māori and non-Pacific people. Māori and Pacific are also overrepresented in a range of negative health statistics, including mortality rate, suicide rate, cancer rate, cardiovascular disease, and ambulatory sensitive hospitalisations.

He Korowai Oranga and Whakamaua

233. Wai 2575, the Waitangi Tribunal Health Services and Outcomes Kaupapa Inquiry, articulates how the health system is to meet these obligations through the principles of Te Tiriti. He Korowai Oranga | the Māori Health Strategy 2014 provides the overarching framework for achieving this.
234. The recently published Whakamaua | Māori Health Action Plan 2020-2025 gives effect to He Korowai Oranga and establishes the initial system settings necessary to meet Te Tiriti obligations.
235. Whakamaua focuses on four high level outcomes:

- a. Iwi (tribe), hapū (sub-tribe), whānau (family) and Māori communities can exercise their authority to improve their wellbeing
 - b. The health and disability system is fair and sustainable and delivers more equitable outcomes for Māori
 - c. The health and disability system addresses racism and discrimination in all its forms
 - d. The inclusion and protection of mātauranga Māori (Māori knowledge systems)
236. Whakamaua provides a blueprint to guide implementation of the health sector reforms, by identifying 46 immediate and tangible actions and ensuring accountability for their implementation and outcomes. Of the 46 actions, 41 are underway. Whakamaua takes an all-of-system approach to address racism and discrimination in all its forms. It specifically leverages several of the key priorities in the plan, including boosting Māori leadership, building the capacity and capability of the Māori workforce, and embedding quality and safety standards that deliver equitable health outcomes for Māori.

Ola Manuia

237. Ola Manuia | The Pacific Health and Wellbeing Action Plan 2020 – 2025 is a national plan to support the planning and delivery of health services and guide the health and disability system and other government agencies and non-governmental organisations to better support Pacific peoples to thrive.

Health Sector Reforms

238. In 2019, the initial findings from Wai 2575 and the Health and Disability System Review identified Crown failures and breaches of Te Tiriti in the current health system, including legislative arrangements, potentially inequitable funding for Māori-led primary care, and a lack of accountability for the provision and outcomes of health services to Māori. In 2018, the Government announced a wide-ranging independent review of the health and disability system, resulting in a final report in 2020. In 2021, the Government announced major reforms to the health system to build a fairer and more equitable health system.
239. An independent Māori Health Authority will be established, which will have commissioning powers and make joint decisions alongside the Ministry of Health (MoH) and the newly established Health NZ, which will replace District Health Boards (DHBs). This is to ensure Māori can exercise tino rangatiratanga, enabling investment in the design and delivery of kaupapa Māori health services, and improving system performance and accountability for Māori health outcomes.

Ao Mai Te Rā: The Anti-Racism Kaupapa

240. Ao Mai Te Rā is a two-phase program, implemented over two years, with the purpose of designing and developing anti-racism solutions for the health and disability system that are fit for the Aotearoa context.
241. This will be achieved through building collective understanding of and ownership for addressing racism at all levels of the health and disability system and develop an anti-racism maturity model.

Addressing inequitable health outcomes

242. Action and investments have been made to address the inequitable health outcomes experienced by communities across Aotearoa. These include:

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

The Healthy Homes Initiatives (HHI)

243. The HHIs identify eligible families and work with them to carry out a comprehensive housing assessment and complete an individualised action plan to create a healthier home. These may include accessing insulation, curtains, beds, ventilation, entitlement assessments through Work and Income, and finding alternative accommodation as needed.
244. As at December 2018, the HHI programme had received 15,330 eligible referrals and delivered over 40,000 interventions to low-income households. These are estimated to have resulted in 1,533 fewer hospitalisations, 9,443 fewer GP visits and 8,874 fewer filled prescriptions in the first year after the programme's intervention for the referred child.²⁹

Representation of Māori and Pacific Peoples in the Health Sector

245. Across most levels of the health system, Māori and Pacific are likely to be strongly under-represented in key decision-making roles. There are 20 DHBs in Aotearoa, who are responsible for providing or funding the provider of health services in their region. In 2018, the Government appointed four Māori board chairs, compared to none in 2016.
246. Māori also remain underrepresented in the nursing workforce, representing 7.1% of all nurses between 2005 to 2018. Only 3.8% and 1.8% of doctors in the medical workforce in 2019 identified as Māori and Pacific, respectively. Of all students starting medical school between 2015 and 2019, 15.3% identified as Māori and 7.2% identified as Pacific people which is largely representative of the population of Aotearoa.

Mental Health and Addiction

247. In 2018, *He Ara Oranga: Report of the Government inquiry into mental health and addiction* reflected widespread concern about mental health and addiction services, and described a vision for transformation. It included Whakawātea te Ara, clearing the pathways, to support improved Māori health and wellbeing. It also outlined Vai Niu, a vision of Pacific mental health and wellbeing.
248. As recognised by the Inquiry, levels of mental distress and mental ill-health are higher for Māori than for the overall population. This is also the case for a number of other population groups, including Pacific peoples, disabled peoples and Rainbow communities. Māori are also subject to significantly greater compulsory treatment and seclusion under the Mental Health (Compulsory Assessment and Treatment) Act 1992 than non-Māori.
249. Since Budget 2019, the Government has been rolling out a wide range of initiatives through a major multi-year investment package. This includes:
 - a. establishing a Mental Health and Wellbeing Commission and a Suicide Prevention Office

²⁹ Healthy Homes Initiative Outcomes Evaluation Service: Initial Analysis of Health Outcomes (Interim Report).

- b. expanding access to and choice of primary mental health and addiction services, including services specifically designed to support populations that experience inequitable mental health and addiction outcomes
 - c. expanding telehealth and digital supports for mental wellbeing
 - d. promoting mental wellbeing for school and tertiary students
 - e. enhancing alcohol and other drug services.
250. A suite of initiatives to support in workforce development includes specific attention to growing Māori and Pacific workforces, such as through bursaries and scholarships. Many new places have been established for mental health professionals to undertake cultural competence training.
251. Repeal and replacement of the Mental Health (Compulsory Assessment and Treatment) Act 1992 is underway, with public consultation imminent. Changes under consideration include embedding Te Tiriti o Waitangi, addressing Māori cultural needs and needs of other population groups; adopting a human rights approach; and reviewing restrictive practices.
252. The Government's COVID-19 Response and Recovery investment package has included promotional campaigns and online resources to support broad public access to mental wellbeing support, and tailored messaging and resources for particular populations, including Māori.
253. The Government's long-term pathway to mental wellbeing will be released shortly. This outlines the strategic direction and system-level actions needed to achieve a vision of Pae Ora - Healthy Futures, where mental wellbeing is promoted and protected for all New Zealanders. It seeks to improve mental wellbeing outcomes for the whole population, while also addressing inequities for specific population groups, including an emphasis on strengthening Māori determination of services by and for Māori.

Participation in employment

254. The Committee urged the State party to take effective measure to eliminate racial discrimination in public and private sector employment with respect to hiring, retention and promotions and that these be described in the next report along with goal, targets and results achieved.
255. They also requested additional information on programmes undertaken to ensure effective implementation of the principle of equal opportunity and treatment in employment without distinction as to race, colour, descent or national or ethnic origin.

Labour force participation

256. In 2020, the overall unemployment rate was 4.8%. For European it was 3.7% compared with 8.3% for Māori, 8% for Pacific peoples, and 5.1% for Asians. This was a decrease for Māori from 10.1% in 2017. The rate for Pacific peoples decreased by 1.5 percentage points over the same time period.³⁰ Māori and Pacific peoples are most likely to be employed in manufacturing, retail, and the agriculture, forestry and fishing industries.
257. The Provincial Growth Fund is funding existing Māori regional businesses with capital investment to increase productivity, increase job numbers and allow businesses to invest in regional economic development initiatives.

³⁰ Household labour force survey data on Infoshare

Diversity and Inclusion in the Public Service

258. The Committee urged the State party to set targets to increase representation of Māori, Pacific peoples and other minorities in governance and senior management in the public sector and to provide data on Māori, Pacific peoples and other minorities currently employed in the public sector regarding distribution at job and managerial levels.

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

259. The Public Service is the largest employer with more than 58,000 across 39 departments and agencies across Aotearoa. The wider public service is made up of around 429,500 employees this includes the Public Service employees, as well as employees across local government, state owned enterprises, crown entities and the health and education sectors.

260. The Public Service Act 2020 explicitly requires chief executives across the Public Service to promote diversity and inclusiveness in their agencies and foster a workforce that reflects the makeup of society.

261. As part of this work, in 2020 the Public Service Commissioner developed a five-point plan to improve diversity and inclusion across the Public. In 2021 this plan was delivered.

262. Two senior chief executives were appointed as Functional Co-leads to lead the diversity and inclusion work programme across the whole of the Public Service dedicated Deputy Commissioner, Diversity and Inclusion was appointed within Te Kawa Mataaho to lead diversity and inclusion activities across the system and to support Papa Pounamu.

263. The performance expectations of chief executives were strengthened by setting specific diversity and inclusion expectations of each of them.

264. The Commissioner requested a unified Public Service-wide diversity and inclusion work programme to have the most positive impact across all diversity dimensions - this resulted in the Papa Pounamu mandatory requirements.

265. Public Service agencies are required to publish diversity and inclusion plans and to publicly report progress against the Papa Pounamu work programme in their 2021 Annual Reports. This includes the demographic make-up of their staff.

Papa Pounamu: A collective and leader-led approach to strengthening D&I capability

266. Papa Pounamu is the chief executive led programme that enables and supports a diverse and inclusive Public Service at a system level. Papa Pounamu supports the 39 chief executives that make up the Public Service Leadership Team to meet their diversity and inclusion aspirations and commitments.

267. In 2020/21, Papa Pounamu confirmed a work programme with five priority areas to have the most positive impact for all diversity dimensions. All 39 chief executives agreed to make these five areas mandatory in their agencies:

- a. Building Cultural Competency
- b. Addressing Bias
- c. Enhancing Inclusive Leadership
- d. Building Relationships
- e. Supporting Employee-led Networks

268. The Papa Pounamu work programme is related to but does not supersede the programme led by Te Arawhiti to support system-wide capability uplift for the Māori Crown relationship.

Diversity of the public service workforce

269. The Public Service Commission has been collecting and publishing workforce data annually on Public Service employees since 2000.

270. For the first time, in 2021, the Commission conducted a census survey of all staff in the 36 core Public Service agencies (departments and departmental agencies). About 60,000 public servants were asked questions focusing on diversity, inclusion and wellbeing at work, a unified Public Service, and strengthening Māori-Crown relationships.

271. Our Public Service Workforce is more ethnically diverse. Our new recruits provide more ethnic diversity than the existing workforce, and representation for Māori, Pacific peoples and Middle Eastern / Latin American / African ethnic groups are higher than in the overall New Zealand labour force. For example, Pacific peoples make up 9.7% of the public service work force, which is higher than both the New Zealand population level (8.3%) and the New Zealand labour force (6.3%).

Representation in leadership roles

272. The Public Service workforce is more ethnically diverse, but this is not yet reflected at all leadership levels. We know there is more work to do to address disparities including, but not limited to, an under-representation of Māori, Pacific peoples and ethnic minorities in Public Service leadership roles, as well as continued gaps in ethnic pay.

273. To address this, in the last 4-5 years we have focused effort to increase the representation of Māori in leadership roles through a range of dedicated initiatives. More recently we have expanded this to include representation for Pacific peoples and other ethnic communities.

274. The number of Māori chief executives in the core Public Service has more than doubled over the last four years to six. There are now 28 Māori in tier 2 leadership positions, up from 9 in 2016 and representing a more than 200% increase in five years. In the last five years, we have almost doubled the number of Pacific leaders in the top three tiers of leadership, from 22 to 41.

Representation in governance roles

275. Every year the Government makes appointments to over 430 state sector boards and committees. In 2019, the diversity stocktake³¹ included ethnicity as well as gender. The stocktake showed that 21.2% of board members identify as Māori, 4.7% as from Pacific communities, 3.4% as Asian. The most common ethnicity was European (71.9%).

Addressing pay inequity across the public sector

276. In 2018, the Commission and MfW jointly established the Gender Pay Taskforce to lead work to substantially reduce the gender pay gap and address gender undervaluation in the public sector. Implementation of the action plan and the settlement of three pay equity claims have contributed to a reduction in the gender pay gap to 9.6%, at June 30, 2020, from 12.2% in 2018 when the Taskforce was established.

³¹ 2019 stocktake of Gender, Māori, and Ethnic Diversity on State Sector Boards ([women.govt.nz](https://www.women.govt.nz))

277. Māori and Pacific women, as well as those from other ethnic minorities, still face higher pay gaps than European women. Māori, Pacific and Asian women are also under-represented in leadership and are even more over-represented in lower-paid occupations in the Public Service than are women overall.
278. In order to make more rapid progress on employment equity for Māori and Pacific women and men in the Public Service, and those from other ethnic minorities, in 2020 the Commission released guidance on measuring and analysing ethnic pay gaps, and ethnic pay gaps by gender. As well, in August 2021 the Commission established the new position of Assistant Deputy Commissioner, Gender, Māori and Ethnic Pay.

Social wellbeing outcomes for Māori and Pacific peoples

279. The Committee commented on the scarcity of information or socioeconomic indicators to demonstrate that improved access to all levels of the education system and improved qualifications from educational institutions have translated into upward social mobility for Māori and Pacific peoples.
280. For Pacific peoples, a key component of the All-of-Government Pacific Wellbeing Strategy is the establishment of an All-of-Government Pacific Wellbeing Outcomes Framework. The framework identifies Pacific-specific wellbeing outcomes to progress aspirations as set out and reported in *Lalanga Fou* from Pacific communities.
281. There is a concerted effort to improve data, particularly on incomes and child poverty. The Child Poverty Reduction Act was passed in 2018 to help achieve a significant and sustained reduction in child poverty in New Zealand. The Act requires the government to set three-year and ten-year targets on four primary measures, and that the Government Statistician will report annually on 10 measures of child poverty.
282. In Budgets 2018 and 2019, \$25.7 million funding was allocated to improve the measurement of child poverty, and \$22.1 million was allocated to develop and implement a child poverty persistence measure. In 2019/20, data was also collected for the first time on the poverty rates of disabled children and children living in disabled households. Work to improve data collection and reporting is ongoing.
283. In Budget 2021, the Government invested in a range of initiatives to reduce child poverty by supporting families to provide essentials. This included funding to increase weekly main benefit rates by between \$32 to \$55 per adult. These increases are expected to lift between 19,000 and 33,000 children out of poverty on the after-housing costs measure, and between 12,000 and 28,000 children out of poverty on the before-housing cost measure, with a greater impact for Māori children than for the population as a whole.
284. Alongside these changes, the Government has also improved access to health and education services. It has:
- a. supported parents with health costs, by expanding free and low-cost doctors' visits to children under 14, and expanding school-based health services into decile 5 schools;
 - b. implemented the Ka Ora, Ka Ako programme, which will deliver 215,000 free and healthy daily school lunches to schools with a high level of disadvantage by the end of 2021; and
 - c. helped parents with education costs by increasing funding for deciles 1 to 7 schools that do not seek donations from parents, and by removing NCEA fees.

Provision of social support services

285. MSD's Māori and Pacific strategy and action plans, Te Pae Tata and Pacific Prosperity, alongside an increased focus on employment and social/wellbeing supports for Māori, Pacific and ethnic communities, will contribute to the elimination of racial discrimination.

The Families Package

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

Whānau Ora: A holistic approach to development

287. Whānau Ora is a kaupapa-Māori approach to improving the wellbeing of whānau and families. Government agencies, providers and communities deliver integrated support to help whānau and families address multiple, often interconnected, wide-ranging needs.

288. In quarter three of the 2020/2021 financial year, Commissioning Agencies supported approximately 10,500 whānau through their respective Navigational services. The number of whānau engaged, services required, and complexity of need fluctuates.

Youth Suicide

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

Eliminating family violence and sexual violence

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

- a. The introduction of new laws and policies including the Family Violence Act 2018, the Domestic Violence-Victims' Protection Act 2018, the Sexual Violence Legislation Bill, and New Zealand Police policy.
- b. The development of a national strategy for the prevention of family violence and sexual violence, increased funding for services, and improved collection and understanding of incidence data.
- c. A commitment to a long-term programme of reform to build a stronger health and disability system, with a specific focus on addressing issues for disabled people seeking to live free from violence.

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

The Child and Youth Wellbeing Strategy

292. The Government launched the Child and Youth Wellbeing Strategy in August 2019. It sets out six high-level and interconnected wellbeing outcomes, with progress measured through 36 indicators. The implementation of the Strategy is intended to give practical

effect to Te Tiriti. There is also a legislated requirement to report on outcomes for tamariki Māori.

293. The Government released its first Annual Report on the Strategy in June 2021, which establishes baseline data for some indicators, and included some disaggregated reporting for Māori and Pacific children and young people.³²
294. In 2018/2019, Māori (23.3%) and Pacific peoples (28.6%) had higher rates of children living in households that experience material hardship than European (9.8%) or the national average (13.4%). The strategy will only be successfully implemented when outcomes for Māori and Pacific peoples improve significantly across the multiple areas of wellbeing. Currently, these children and young people fare worse than others across almost every outcome identified by the Strategy.

Māori and Pacific children in state care

295. The Committee recommended that New Zealand take effective steps to reduce the number of Māori and Pacific children in state care. They subsequently asked for detailed information on the measures taken and their impacts.
296. The focus of Oranga Tamariki - Ministry for Children is on children and young people who are at significant risk of harm now and in the future because of their family environment, and/or because of their own complex needs. Oranga Tamariki also works with young people who have offended or may offend in the future.
297. Since its establishment in 2017, Oranga Tamariki has made amendments to the Oranga Tamariki Act 1989. The new section 7AA of the Act sets out obligations for a practical commitment to the principles of the Treaty of Waitangi and a responsibility for Oranga Tamariki to reduce disparity for tamariki Māori.
298. There has been a reduction in the number of Māori children and young people entering care from 801 in 2020 to 660 in 2021. The total number of Māori children in care has also reduced from 53% in 2020 to 47% in 2021 (including those of Māori and Pacific descent). The number of Pacific children make up 6% of the total number of children in care. Pacific children are over-represented relative to the total Pacific population.[1] The disparities shown in the data provide a baseline upon which Oranga Tamariki aims to build and improve in the coming years. 33

Working in partnership with Māori

299. Oranga Tamariki has established eight strategic partnership agreements with Māori organisations and iwi. The core focus of these partnerships is to support tamariki and rangatahi Māori to thrive in the care and protection of their whānau, hapū and iwi.
300. Whānau Care partnerships aim to achieve better connectedness between Māori children in care and their whānau. These partnerships strengthen the participation of whānau, hapū and iwi in decision-making and planning for Māori children. Eight Whānau Care partners have already been established. The intention is to establish 20 more.

Reducing disparities for tamariki Māori

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

³² DPMC Table Four

³³

[1] These figures can be found in the latest quarterly Oranga Tamariki report.

- a. Establishing 42 specialist Māori roles to enhance whānau and iwi participation.
- b. Partnering with the Māori organisation Waitomo Papakāinga, which is supporting tamariki and rangatahi Māori in Te Hiku to remain connected to their whānau. Since October 2019, they have placed more than 50 tamariki Māori with their wider whānau.
- c. Partnering with Te Tihi iwi alliance to design “Mana Taiohi”, a programme that aims to empower rangatahi and their whānau to explore and understand their culture and identity.
- d. Co-developing the Mātua Kautia te Tamaiti (“One child, many parents”) initiative. This pilot programme addressed the need for specialised training to support caregivers in dealing with tamariki who have experienced trauma. It is based on a mātauranga Māori bicultural approach
- e. Supporting the establishment of kaupapa Māori transition homes. These are care homes supporting Māori children in Oranga Tamariki care within a kaupapa Māori setting.
- f. Investing in a whānau-centred early intervention prototype (Ngā Tini Whetū)
- g. Partnering with Ngāpuhi to design and deliver the Mahuru service, which aims to support Māori children and young people on remand by providing one-to-one care, and fostering cultural values and iwi connections.

Improving outcomes for Pacific children in care

302. To achieve better outcomes for Pacific children in care, Oranga Tamariki introduced the Pacific Strategy 2018 – 2021. This strategy focuses on five impact areas to improve better wellbeing outcomes for Pacific children and young people. This includes:
- a. Implementing the Intensive Response for Whānau pilot project to support whānau who are at risk of having their tamariki taken into care.
 - b. Developing culturally appropriate training modules to support Pacific Caregivers to understand the national care standards.
 - c. Designing Talanoa Mai, an app to increase employee cultural confidence, knowledge and capability for staff who work with Pacific children, young people, fanau and wider communities.
 - d. Developing the Va’aifetu Cultural framework for frontline practitioners to use when engaging with Pacific families.

Access to Adequate Housing

303. In 2020, the University of Otago produced an estimate of those who were severely housing deprived using 2018 Census data. A total of 41,644 people were estimated to meet the criteria. Of these, 3,522 were identified as sleeping rough, 1,695 in temporary accommodation, and 30,555 were sharing accommodation. For Māori and Pacific peoples, the rate of severe deprivation was close to four and six times the European rate respectively.

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

304. In 2018, Te Tūāpapa Kura Kāinga | The Ministry for Housing and Urban Development (HUD) was established to take an end-to-end view across housing and urban development. Te Kahui Kāinga Ora (TKKO) was established, within HUD to lead the

focus on outcomes for Māori, working closely with TPK and Kāinga Ora – Homes and Communities (KO).

305. HUD is guided in its work by five principles including being Te Tiriti nchored. HUD is working across government to provide a one door approach for whānau, hapū, and iwi to advance housing and urban development outcomes of, for, and with Māori.

Putting Māori at the heart of the Housing programme

306. Te Maihi o te Whare Māori | Māori and Iwi Housing Innovation (MAIHI) Framework for Action, was developed with iwi and Māori housing experts in 2019. Through MAIHI, HUD brings Crown agencies together, in partnership with Māori, to deliver housing solutions for Māori.
307. Over 2019 and 2020 the Government allocated \$64 million over four years to HUD and \$40 million over four years to TPK, to respond to immediate housing need for Māori. Funding streams were developed to support the delivery of iwi and Māori led housing solutions.
308. In Budget 2021, the Government announced a further investment of \$380 million into Māori-led housing and \$350 million into Māori infrastructure. The infrastructure fund will enable at least 2,700 houses with at least a 1000 of these delivered through Whai Kāinga Whai Oranga. This is in addition to the Housing Acceleration Fund that was announced in March 2021 to increase the supply of affordable houses.
309. These new initiatives build on the innovation and success of current Māori housing providers, as well as on the work of the Māori Housing Network set up within TPK in 2015.

Housing for Pacific peoples

310. In 2018, Pacific peoples made up 8.1% of New Zealand’s population, but as at June 2019, were over 14% of those on the Public Housing Register. More than 64% of the Pacific population live in private rental housing, compared with about 32% for the rest of New Zealand.
311. The Pacific Housing Initiative is part of a government response to the growing housing needs of Pacific people. Budget 2020 provided up to \$41.315 million to support a package of activities focused on four main activities including financial literacy, Pacific housing services and partnerships and housing outside of urban centres.

Aotearoa Homelessness Action Plan 2020-2023

312. The Aotearoa Homelessness Action Plan was published in February 2020 to deliver on the Government’s vision that homelessness is prevented where possible, or is rare, brief and non-recurring
313. The guiding principles for addressing homelessness include Te Tiriti, being whānau centred and strengths based, and delivering actions in ways that demonstrate kaupapa Māori principles.
314. The action plan is supported by over \$300 million in funding for 18 immediate actions. Work is underway on a further set of initiatives including for rangatahi and Pacific peoples.
315. HUD administers two funds to give effect to the Aotearoa Homelessness Action Plan:
- a. He Taupua Fund to strengthen Maori housing providers’ capability and capacity.

- b. Local Innovation and Partnership Fund for partnerships of two or more local providers or organisation to address homelessness in their region.
316. Budget 2021 also provides \$199 million to extend key programmes which support people experiencing homelessness and those at higher risk of becoming homeless including services Housing First and Sustaining Tenancies.

Increasing housing supply

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

Increasing access to public housing

318. The number of individuals and families waiting for public housing continues to grow. There were 24,474 applicants on the public housing register as at 30 June 2021 compared with 4,773 in December 2016. Of those on the register in 2020, 50% were Māori and 13% Pacific peoples.
319. In October 2019, Kāinga Ora – Homes and Communities was established to provide tenancy services to about 187,000 public housing tenants and maintaining and developing around 65,000 public houses and to partner with the development community, Māori, local and central government, and others on urban development projects.
320. Over the past three years Kāinga Ora has accelerated the pace and scale of new builds and large-scale development projects. Between November 2017 to 31 July 2021, an additional 8,543 public homes have been added. Over this period the Government housing programme has delivered 6,595 new builds. The programme is on track to deliver over 18,000 public and transitional housing places by 2024. Kāinga Ora has developed partnerships with three iwi to deliver warm, dry and healthy homes, and to contribute to stronger communities.
321. In the 2019/20 financial year, Kāinga Ora owned or managed 66,253 homes, an increase of 997 on the previous year. There were 189,000 people living in their properties; 36% identified as Māori, 33% European and 26% Pacific peoples. Public housing is also provided through registered community housing providers. At June 2020 there were 55 Community Housing Providers providing 13,030 public housing tenancies.
322. MAIHI was applied to the development of the 2021-2024 Public Housing Plan, which sets out how and where new public housing investment would be made. This supported the greater focus of the Public Housing Plan into regional centres with high Māori communities (i.e. in Te Tai Tokerau, Tairāwhiti and Bay of Plenty) that haven't been well-provided for with public housing.

Home ownership

323. Escalating house prices have made it much harder for many people to purchase a home. Homeownership has a significant impact on wealth accumulation. In 2018, 35% of Pacific peoples lived in homes owned by their household, while 47% of Māori did. This compares with 64% of the total population.³⁴

³⁴ Based on data from the 2018 Census.

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

Residential Tenancies Act reforms

325. The Residential Tenancies Act reforms of 2020 are designed to give tenants greater protection and security under the law. The reforms focus on helping tenants who meet their obligations to be able to stay in their homes by removing “no cause” 90-day termination notices, and replacing them with a comprehensive list of specified reasons that a landlord can use to end a tenancy. Under the new law, landlords can no longer end a periodic tenancy without reason and can only increase rent every 12 months.

Housing quality

326. The Government has several workstreams underway to lift the quality of New Zealand’s housing stock to improve the wellbeing of New Zealanders and their families. Interventions generally have been targeted to support tenants and low-income homeowners. Rental properties are almost seven times more likely to be described as ‘always damp’ than owner occupied housing.³⁵

327. Improving housing is not only a health, but an equity issue. Māori and Pacific people are over-represented in statistics related to poor quality housing. As at 6 March 2018, 40.3% of Māori and 45.9% of Pacific people were living in damp houses, compared with 24.2% of all New Zealanders.³⁶

328. The Government has announced an investment of \$380 million into Māori housing across Aotearoa. This includes improving the quality of homes for families in the most need with repairs for 700 Māori-owned homes. This builds on the investment already made in papakāinga housing and the Government’s repair and maintenance initiative which has already delivered repairs to over 1700 Māori owned homes across the country.

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

Participation in Government

Ethnic representation in parliament

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

³⁵ 2018 Census.

³⁶ 2018 Census.

Māori in both parliament and Cabinet is higher than the proportion in the general population.

Māori participation in the 2020 General Elections

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

Participation in local government

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

333. The Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 aligns the treatment of Māori wards and constituencies with that of general wards and constituencies in time for the 2022 local government elections. Māori wards and constituencies establish areas where only those on the Māori electoral roll vote for representatives.

334. There will be 35 councils with Māori wards at the 2022 local elections. The number of Māori ward councillor positions available to a council depends on the balance of population between the Māori Electoral Population and the General Electoral Population.

Digital Inclusion

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

336. A Digital Strategy for Aotearoa is being developed. This will ensure a cohesive plan to address key challenges of inclusion (Mahi Tahī) and trust (Mahi Tika), while supporting the growth and expansion (Mahi Ake) of technology.

337. DIA's Digital Inclusion Blueprint, Te Mahere mō te Whakaurunga Matihiko, published in 2019, describes the Government's vision for digital inclusion.

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

Article 6

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

The Waitangi Tribunal

340. The Waitangi Tribunal (the Tribunal), a standing commission of inquiry, makes recommendations on claims brought by Māori relating to legislation, policies, actions or omissions of the Crown that are alleged to breach the Te Tiriti. The Committee recommended that adequate resourcing be provided for the Tribunal.

District inquiries

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

Kaupapa inquiries

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

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

Acts of racial discrimination and harassment

344. The Committee recommended that New Zealand ensures acts of racial discrimination are investigated, prosecuted and sanctioned. They requested detailed information be provided in specific areas including labour inspections and other procedures related to racial discrimination, cases on labour conditions, harassment or human trafficking, inspection visits, violations detected, sanctions or penalties imposed, and compensation provided to victims.

345. Acts of racial discrimination and harassment can be considered either under the Employment Relations Act or the HRA. There are processes under each Act that provide for investigation, prosecution and sanctions. Most cases are solved before they reach the prosecution stage.

346. Complaints referred to the HRC that are unresolved go to the Human Rights Review Tribunal which is independent from the HRC.

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

Labour Inspectorate

348. The labour inspectorate works to ensure minimum employment standards are complied with by identifying and investigating breaches and taking enforcement action.

349. The labour inspectorate works to ensure minimum employment standards are complied with by identifying and investigating breaches and taking enforcement action. The inspectorate provides early resolution assistance for some complaints. Inspectors can take various forms of enforcement action when breaches of employment standards are detected including taking a case to the ERA and taking action to the Employment Court

for serious breaches. They can also enter into an Enforceable undertaking with an employer, issue improvement notices, and issue infringement notices.

Equal opportunity and equal treatment for migrants in employment

350. The Employment Standards Legislation Act 2016, aims to encourage fair and productive workplaces and ensure employment law responds to a dynamic business environment. Amongst the changes, were measures to strengthen the enforcement of employment standards, including tougher sanctions for employers and increased tools for labour inspectors.
351. In September 2018, the Government agreed to a policy and operational review of temporary migrant worker exploitation in New Zealand. The goal of the review was to reduce the exploitation of temporary migrant workers, including international students. Changes will be supported by a substantial increase in funding for compliance and enforcement through Employment New Zealand and Immigration New Zealand. They included:
- a. Requiring higher standards from franchises, labour hire companies and similar businesses where exploitation occurs
 - b. Establishing a free-phone line and dedicated reporting and triaging function to make it easier to report migrant worker exploitation
 - c. A new visa for exploited migrant workers to ensure they can safely leave exploitative situations without jeopardising their immigration status.
352. In July 2020, the Government announced legislative, policy and operational changes, and \$50 million over four years, to address temporary migrant worker exploitation in New Zealand. The package of changes to address migrant exploitation included:
- a. A new visa to enable migrant workers to quickly leave exploitative situations.
 - b. A dedicated migrant exploitation 0800 phone line and online reporting, and a specialised migrant worker exploitation-focused reporting and triaging function.
 - c. Increased education activity so migrants and employers know their rights and responsibilities.
 - d. New infringement offences for non-compliant employers and increased investigation and enforcement capacity for Immigration New Zealand and Employment New Zealand.
 - e. A new duty on third parties to prevent employment standards breaches, higher standards for franchises in order to recruit migrant workers, and disqualifying persons convicted of exploitation or trafficking in persons from being directors of a company.
 - f. Implementation of these changes is underway. The 0800 reporting line and new visa was implemented on 1 July 2021, and new legislation will be introduced in 2021/22.

Plan of action against forced labour, people trafficking and slavery

353. In March 2021, an all-of-government plan of action against forced labour, people trafficking, and slavery was released. It includes 28 actions organised across three pillars: Prevention, Protection and Enforcement.

354. In 2019 a couple were found guilty of exploiting temporary migrant workers and in 2020 there was the first conviction for people trafficking and slavery.

Article 7

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

Education and Training

356. The National Education and Learning Priorities and the Tertiary Education Strategy directly address the need for learning environments to be safe, inclusive, and free from discrimination. Various teaching resources have been supplied to teachers, learners, families and the wider society to help foster wellbeing and inclusion for Aotearoa's increasingly diverse population such as:
- a. The Challenging Racism and Bias kit
 - b. Collaboration with the Islamic Women's Council of New Zealand to co-develop resources reflecting the role of Muslim women in education and the wider society, including posters and books.
357. The inter-agency Bullying Prevention Advisory Group (BPAG) provides schools with a wide range of bullying prevention and response resources and information through the Bullying-Free NZ website, launched in 2016.
358. In 2020, copies of the resource Mental Health and Hauora: Teaching interpersonal skills, resilience and wellbeing were distributed to all schools with students Year 7 and up. This text includes a number of lesson plans that support teaching and learning related to the issues of bullying, racism and other forms of discrimination.
359. The Wellbeing@School survey toolkit (W@S) was distributed to all schools in 2017. The toolkit provides resources to support schools to undertake an in-depth process of self-review about the actions they are taking to build and maintain a school environment that is safe and caring for all learners. There are just over 1,300 schools actively registered to use W@S. In 2020, new survey items regarding racism and resilience were developed.
360. Positive Behaviour for Learning (PB4L) initiatives support changes at school and in the home to improve learner wellbeing, support positive behaviour and improve learning and achievement. The PB4L approach includes several programmes, including two kaupapa Māori (Māori principle) interventions:
- a. Huakina Mai supports teachers in English medium schools to take a relational and strengths-based approach when working with Māori learners.
 - b. Te Mana Tikitiki is for Māori learners aged 8 to 12 whose behaviour has been identified as challenging. The initiative uses mentor-based learning that builds knowledge of te reo and tikanga Māori.
361. At the end of 2019, 39% of all schools and 56% of secondary schools were implementing PB4L School-Wide. More than 358,000 learners attended a PB4L School-Wide school in 2019, of whom an estimated 29% (104,000) were Māori and 12% (43,000) were Pacific peoples.

Culture*Te Rua Mahara o te Kawanatanga | Archives New Zealand*

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

Manatu Taonga | Ministry for Culture and Heritage

363. Manatū Taonga leads government work in the arts, heritage, broadcasting and sport sectors providing advice on legislation, policy, and sector development. They fund both Crown entities and NGOs to deliver a range of activities

364. The Ministry leads the Arts and Culture (ACH) COVID-19 Recovery Programme in partnership with its funded agencies and sector stakeholders. A key desired outcome is better participation specifically of Māori, Pacific peoples and underserved communities in cultural activities. Initiatives include the Mātauranga Māori Te Awe Kōtuku programme and the Pacific Festivals Initiative

365. The Ministry has relationship agreements with iwi in the form of Taonga Tūturu Protocols and Whakaaetanga Tiaki Taonga. The Whakaaetanga is a collective agreement between culture and heritage agencies and iwi to support cultural and heritage aspirations.

366. Te Taiwhakaea Treaty Settlement Stories is a digital story telling programme exploring Treaty settlements and their enduring impact.

Irirangi Te Motu | NZ on Air

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

Te Papa Tongarewa

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

- a. The Iwi Exhibition Programme gives iwi the chance to present their taonga and stories in a national forum. Each iwi works collaboratively with Te Papa to create an exhibition
- b. The Karanga Aotearoa Repatriation Programme aims to repatriate kōiwi tangata Māori (Māori skeletal remains) and kōimi tangata (Moriator skeletal remains) from overseas institutions to iwi.
- c. The Ngākahu National Repatriation Project aims to repatriate kōiwi/kōimi tangata from New Zealand institutions to their descendent communities.

Heritage New Zealand | Pouhere Taonga

369. Pouhere Taonga is responsible for the establishment and maintenance of the New Zealand Heritage List, Rārangi Kōrero. This list identifies and provides information on significant and valued historical and cultural heritage places.

370. The National Historic Landmarks/Nga Manawhenua o Aotearoa me ono Korero Tūturu is a list of places of outstanding national heritage value. Te Pitowhenua/Waitangi

Treaty Grounds was approved as New Zealand's first National Historic Landmark in 2019.

Ngā Taonga Sound and Vision (NTSV)

371. NTSV is New Zealand's national audio-visual archive for more than 850,000 items which consist of film and video, television, sound, computer and video games, documentation and artefacts. NTSV shares and promotes this material in order to create stronger connections between New Zealanders and their heritage.
372. Tiakina, the Kaitiaki Relationship Framework acknowledges and recognises the mana and connection of whānau, hapū and iwi to the taonga Māori collections. They engage with kaitiaki to ensure culturally appropriate use and to protect taonga from any derogatory or offensive public use.

Creative New Zealand

373. Creative New Zealand (CNZ) is responsible for funding organisations throughout the arts sector. Priorities for the 2021/22 year include the delivery of Kaupapa-based strategies, Te Hā o ngā Toi: Māori Arts Strategy 2019/24, the Pacific Arts Strategy 2018/23, and the Investment Strategy Te Ara Whakamua 2018/23.
374. Another major priority is the advancement of the Te Kaupapa o Toi Aotearoa programme. This aims to ensure CNZ has the organisational culture, competencies and practices to meet aspirations under Te Tiriti and deliver public value for all New Zealanders.

New Zealand Music Commission (NZMC)

375. NZMC supports the economic and cultural growth of New Zealand music both domestically and internationally. They deliver funding to a diverse range of artists and support numerous culturally significant events in New Zealand including the Pacific Music Awards and the Waiata Māori Music Awards.

Te Matatini Society Incorporated (Te Matatini)

376. Te Matatini is tasked with fostering, developing and protecting kapa haka, a traditional Māori performing art. They actively encourage the appreciation of, and participation in, kapa haka, including through the biennial national kapa haka festival.
377. Their key results areas include youth development, kapa haka excellence and kapa haka development.

Information

Radio New Zealand (RNZ)

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

Broadcasting Standards Authority | Te Mana Whanonga Kaipōho (BSA)

379. The BSA is an independent Crown Entity that oversees the broadcasting standards regime on behalf of New Zealanders. They determine complaints, oversee and develop broadcasting standards. They receive complaints, amongst other things on, discrimination and denigration.