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International Covenant on Civil and Political Rights

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Human Rights Committee

Implementation of the International Covenant on Civil and Political Rights

Seventh periodic report submitted by New Zealand under article 40(1)(b) of the Covenant

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I. Introduction

1. This is the Seventh Report of the New Zealand Government (the Report), submitted under article 40 paragraph 1(b) of the International Covenant on Civil and Political Rights (the Covenant). It covers the period from March 2015 to March 2026.

2. The Report responds to the Human Rights Committee's (the Committee's) List of issues prior to submission of the seventh periodic report of New Zealand, dated 1 May 2025.[1]

3. The Report should be read with reference to New Zealand's most recent periodic reports under other treaties[2] and the core document of New Zealand.[3] Information about Parliament, the courts, and government activity is available at www.govt.nz. Legislation referred to in the Report can be found at www.legislation.govt.nz.

II. General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant

a. Significant developments in the legal and institutional framework

Human rights legislation

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

Human Rights Act 1993 (HRA)

5. The HRA is the main anti-discrimination law, extending fair and equal treatment to all. It defines unlawful discrimination and prohibits sexual and racial harassment and the incitement of racial disharmony. It outlines the role of the New Zealand Human Rights Commission (HRC) and the Human Rights Review Tribunal.

6. In 2022, Parliament outlawed conversion practices aimed at changing or suppressing a person's sexual orientation, gender identity, or gender expression. A person can make a complaint under the HRA if they consider the prohibition on conversion practices has been breached. It is a criminal offence to perform a conversion practice causing serious harm, or on a person under 18 or lacking decision-making capacity.

[1] C/NZL/QPR/7

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

[3] Core document of New Zealand (HRI/CORE/NZL/2010).

New Zealand Bill of Rights Act 1990 (NZBORA)

7. NZBORA affirms the government's obligations under the Covenant. It includes rights relating to life and security of the person, democratic and civil rights, non-discrimination and minority rights, and rights relating to search, arrest and detention. It provides for these rights to be limited only to the extent that can be demonstrably justified in a free and democratic society.

8. Draft legislation is assessed for consistency with NZBORA. NZBORA requires the Attorney-General to report to Parliament if any draft legislation appears to be inconsistent with NZBORA rights and freedoms to ensure Parliament is informed of the apparent inconsistency. However, this does not stop the draft legislation from being enacted.

9. The courts may declare legislation to be inconsistent with the HRA or NZBORA. A declaration does not invalidate the legislation, but it makes inconsistencies transparent. There is a strong presumption that legislation will be interpreted consistently with NZBORA where possible.

10. Parliament amended NZBORA in 2022 to formally recognise declarations of inconsistency, following the Supreme Court's determination in *Attorney-General v Taylor*.[4] If a court makes a declaration of inconsistency with NZBORA or the HRA:

    - Parliament must be notified within six sitting days
    - the Minister responsible for the inconsistent legislation must present the Government's response to the declaration to Parliament within six months.

11. When Parliament is notified of the inconsistent legislation, it triggers a process under Standing Orders for a select committee to consider and report back on the declaration of inconsistency and for the declaration and report to be debated by Parliament.

12. In *Make it 16 Incorporated v Attorney-General*,[5] the Supreme Court declared that legislation providing for a minimum voting age of 18 is inconsistent with the right to be free from age discrimination and the inconsistency had not been justified. The Government has stated it does not intend to lower the voting age.

13. In September 2025, the Supreme Court issued declarations of inconsistency relating to post-sentence detention regimes. This is discussed in the Administration of Justice part of this report.

Privacy Act 2020

14. The Privacy Act 2020 (the Act) gives effect to international privacy obligations and standards, including the Covenant. It replaced the Privacy Act 1993. The Act provides a framework for protecting individuals' rights to privacy of their personal information. It includes 13 Information Privacy Principles (IPPs) that govern how agencies handle personal information. Complaints about breaches of the IPPs may be investigated by the Privacy Commissioner and then taken to the Human Rights Review Tribunal.

15. Key changes in the new Act include:

[4] [2018] NZSC 104
[5] [2022] NZSC 134

- a requirement for agencies to notify the Privacy Commissioner and affected individuals of privacy breaches that could cause serious harm
- new powers for the Privacy Commissioner to issue compliance notices and access directions
- rules for disclosing personal information overseas, requiring comparable privacy protections or informed consent
- new criminal offences for misleading an agency to obtain personal information or destroying requested information.

16. The Cabinet Manual requires consultation with the Office of the Privacy Commissioner on legislative proposals with implications for personal information or individual privacy more broadly. Cabinet papers seeking approval to introduce new legislation must state whether it complies with the Privacy Act.

17. In 2025, Parliament amended the Act to introduce a new IPP requiring people to be notified where their personal information is being collected indirectly from May 2026.

National Mechanism

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

- a Governance Group of deputy chief executives of public sector agencies that lead work under international human rights treaties
- the Human Rights Monitor (https://humanrights.govt.nz), a web-based monitoring tool recording UN recommendations and tracking implementation progress
- guidelines for public sector agencies on reporting, implementation and follow-up under international human rights mechanisms.[6]

19. It is intended that, subject to resources, outcome indicators will be developed for the Human Rights Monitor to track the status of human rights in New Zealand over time.

Other key developments relevant to Covenant rights

Responses to criminal offending and offending behaviour

20. The Government is focused on restoring law and order. It has set targets to reduce violent crime and reduce child and youth offending.

21. In 2024, Parliament enacted legislation prohibiting the display of gang insignia in public places and enabling notices to be issued preventing gang members from gathering in public places. The Attorney-General found elements of these proposals inconsistent with the NZBORA rights to freedom of expression, association and peaceful assembly.[7] The Government considers these

[6] International Human Rights Guidelines | New Zealand Ministry of Justice
[7] Report of the Attorney-General under the New Zealand Bill of Rights Act 1990 on the Gangs Legislation Amendment Bill, 26 February 2024.

measures necessary to reduce the ability of gangs to operate and cause fear, intimidation and disruption to the public.

Crimes Amendment Bill

22. In late 2025, the Government introduced a Crimes Amendment Bill. The Bill aims to strengthen consequences for certain crimes, and improve investigations and prosecutions of some serious offences, including by improving the workability of the law relating to human trafficking and people smuggling (discussed in the Trafficking in Persons section of this report). The Bill introduces specific offences for 'coward punches'[8] and assaults on first responders and corrections officers. It also responds to recommendations from the Ministerial Advisory Group for Victims of Retail Crime, by expanding protection for citizens' arrests, and amending defence of property and theft provisions. The Bill is expected to become law in mid-2026.

Sentencing reform

23. Parliament has enacted a modified 'three strikes' sentencing regime and stronger sentencing laws. The Sentencing (Reinstating Three Strikes) Amendment Act was passed in December 2024 and is discussed in the Administration of Justice part of this report. The Sentencing (Reform) Amendment Act was passed in March 2025 with several reforms including limiting sentence reductions for personal mitigating factors. Both Acts incorporate safeguards to protect human rights, such as appropriate judicial discretion.

Demonstrations near residential premises

24. In 2025, the Government introduced legislation to outlaw targeted and disruptive demonstrations near residential premises. This aims to ensure the law appropriately balances a person's right to privacy, as affirmed in the Covenant, with NZBORA rights and freedoms, particularly those that protect the right to protest.

Pay equity

25. In May 2025, Parliament amended the legal framework for pay equity claims with the intent to make the pay equity claims process more robust, workable and sustainable. Pay equity claims relate to work exclusively or predominantly performed by female employees, where it is claimed that the pay rate is affected by sex-based undervaluation (that there is unequal pay for work of equal value).

26. The legislation introduced requirements for evidence and methodology for selecting comparators. Claims that were in progress under the previous rules were discontinued, but these can be raised under the amended Equal Pay Act 1972 if they meet the new, higher threshold for raising a claim. The changes progressed through Parliament under urgency to ensure certainty for claimants and employers.

Citizenship eligibility for certain individuals born in Western Samoa

27. In 2024, Parliament amended the Citizenship (Western Samoa) Act 1982 to enable certain individuals whose New Zealand citizenship was removed under the Act to apply for citizenship.

[8] 'Coward punch' offences refer to offences involving strikes delivered to the head or neck of a victim who had limited or no opportunity to defend themselves.

The change applies to those born in Western Samoa between 13 May 1924 and 1 January 1949 and, in some limited circumstances, to their wives and children.

Dawn Raids

28. On 1 August 2021, the Government issued a formal apology to Pacific communities for the Dawn Raids.[9] The Government approved the Dawn Raids Historical Account Package to enhance public awareness and understanding of the Dawn Raids through the development of community-led historical accounts and responses to them.

Key judgments on Covenant rights

29. The courts regularly consider the application of NZBORA and the Covenant. Recent relevant judgments, and the articles of the Covenant they discussed, include:

- *Fitzgerald v R*[10] – article 7
- *Attorney-General v Chisnall*[11] – article 14(7)
- *Tamiefuna v R*[12] – article 17
- *J, Compulsory Care Recipient, by his Welfare Guardian, T v Attorney-General*[13] – article 9(1)
- *Richards v Attorney-General*[14] – article 2(3), article 7, article 14
- *Moncrief-Spittle v Regional Facilities Auckland Limited*[15] – article 2, article 19(3)
- *Hinemanu Ngaronoa v Attorney-General*[16] – article 25
- *Attorney-General v Putua*[17] – article 9(5)
- *Minister of Justice v Kyung Yup Kim*[18] – article 14
- *Wallace v Attorney-General*[19] – article 6(1)
- *Smith v Attorney-General*[20] – article 6
- *Hoban v Attorney-General*[21] – article 20

[9] From 1974 to 1976, a series of rigorous immigration policies were carried out that resulted in targeted raids on the homes of Pacific families. The raids to find, convict, and deport overstayers often took place very early in the morning or late at night and were often severe with harsh verbal and physical treatment, giving rise to the term "Dawn Raids".
[10] [2021] NZSC 131
[11] [2024] NZSC 178
[12] [2025] NZSC 40
[13] [2025] NZSC 103
[14] [2025] NZHC 2833
[15] [2022] NZSC 138
[16] [2018] NZSC 123
[17] [2024] NZCA 67
[18] [2022] NZSC 44
[19] [2022] NZCA 375
[20] [2024] NZCA 692
[21] [2022] NZHC 3235

- *Grounded Kiwis Group Incorporated v Minister of Health*[22] – article 12(4).

b. Procedures for implementing the Committee's Views under the Optional Protocol

30. The Government identifies the agency best placed to lead the consideration of and response to the Committee's Views. The International Human Rights Governance Group maintains oversight of this work, with individual communications forming a standing item on its agenda.

31. The following is the status of work in response to the Committee's Views:

- Miller (2502/2014): In response to criticisms of preventive detention and post-sentence orders, including the Committee's findings, the Government asked the Law Commission to review these regimes (see the Administration of Justice section of this report).
- Thompson (3162/2018): See paragraph 36. The Minister of Justice will consider Ms Thompson's claim for compensation in due course.
- Taylor (3666/2019): Prisoner voting is discussed in the Right to participate in public life section of this report.
- Kim (4170/2022): The Minister of Justice will consider the UNHRC's recommendation that Mr Kim be paid adequate compensation in due course.

III. Specific information on the implementation of articles 1 to 27 of the Covenant, including with regard to the Committee's previous recommendations

a. Constitutional and legal framework (art. 2)

New Zealand Bill of Rights Act (NZBORA)

32. New Zealand's human rights legislation is not entrenched.[23] Entrenching human rights legislation would be a significant change and require a wider discussion of the constitutional system.

33. The requirement to report to Parliament where legislation appears, or has been declared, inconsistent with NZBORA (see paragraphs 8-11) aims to encourage consideration of and dialogue on NZBORA rights within the current constitutional framework.

34. There are no plans to amend NZBORA to ensure it incorporates all Covenant rights.

35. New Zealand's legal framework provides some recognition and protection of Covenant rights outside NZBORA. Where relevant, the courts will have regard to the Covenant and other international obligations when interpreting statutes. A person can apply for judicial review if they want to challenge the use of a legal power under a statute.

Access to effective remedies

36. A person can seek remedies, including damages, for breaches of NZBORA rights. This includes the right not to be arbitrarily arrested or detained (section 22). In *Thompson v Attorney-*

[22] [2022] NZHC 832
[23] New Zealand law has six entrenched provisions. These relate to voting rights and arrangements in the Electoral Act 1993 and the term of Parliament in the Constitution Act 1986.

General[24] the High Court dismissed a claim for a declaration of breach of section 22 and public law compensation. The Court of Appeal, upholding that judgment, applied the Supreme Court's decision in *Attorney-General v Chapman*[25] in deciding that no award of public law damages was available for breaches of NZBORA by the judiciary.[26] The Supreme Court declined leave to appeal further. The Committee subsequently found this to be a violation of Ms Thompson's rights under the Covenant. The Committee's decision was brought to the attention of the Supreme Court, which held that it did not provide a basis to recall its earlier leave decision.

37. The Supreme Court's decision in *Chapman* has recently been considered by the Supreme Court again in two cases, for which the decisions are reserved: *Fitzgerald v Attorney-General* and *Putua v Attorney-General*. Work to consider whether legislative amendments should be made to provide compensation for NZBORA breaches as a result of judicial acts or omissions is currently on hold, pending the outcome of those cases. The issue raises fundamental questions about the separation of powers and the independence of the judiciary.

Reservations

Arts. 10(2)(b) and 10(3) – separation of detained young people and adults

38. The Government has no plans to withdraw New Zealand's reservation to articles 10(2)(b) and 10(3).

39. In the vast majority of cases, facilities across all detention settings meet these requirements and efforts are made to ensure that young people are separated from adults. Where young people (14 years and over, and under 18) are remanded into Police custody, they must be detained separately from adults. However, the limitations of some existing facilities, such as small, remote courthouses, mean that separation may not always be feasible.

40. The law was changed in 2024 to clarify that, despite any international obligations and standards, regulations may be made relating to the mixing of young persons and adult prisoners if it is in the best interests of the young persons. For example, given New Zealand's very small female prison population, age-mixing may help avoid holding young women in isolation.

41. Specific safeguards are in place if a person under 18 is in an adult acute mental health unit, including additional observation and reporting. The Government is proposing a new duty that a person under 18 who is under compulsory care must, wherever practicable, be cared for by child and adolescent mental health services.

Art. 14(6) – compensation for miscarriage of justice

42. New Zealand continues to provide for a system of ex gratia payments for wrongful conviction and imprisonment, which are made at the discretion of the Crown and not pursuant to any legal obligation. Guidelines determine eligibility for, and the quantum of, ex gratia payments. The guidelines are detailed, use mandatory language, and instruct the relevant Minister to refer eligible cases to a King's Counsel for further assessment. This supports certainty and transparency.

[24] *Thompson v Attorney-General* [2014] NZHC 2333, (2014) 10 HRNZ 51
[25] *Attorney-General v Chapman* [2011] NZSC 110
[26] In *Chapman*, the Supreme Court held that Crown liability for breaches of NZBORA should be limited to the actions of the executive branch.

43. The Government has no current plans to withdraw this reservation as it does not consider it necessary given the system of ex gratia payments.

Art. 20 – prohibition of war propaganda and advocacy of hatred

44. New Zealand continues to consider it has legislated sufficiently in this area. The HRA prohibits the incitement of hostility against groups of persons on the grounds of colour, race or ethnic or national origins. The Government has no current plans to withdraw this reservation.

Art. 22 – freedom of association, including the right to form and join trade unions

45. New Zealand continues to reserve the right not to apply article 22 to the extent that it may not be fully compatible with existing legislative measures enacted to ensure effective trade union representation and encourage orderly industrial relations. Under New Zealand law, strikes are legal when they relate to collective bargaining or are on health and safety grounds. New Zealand will continue to monitor International Labour Organisation jurisprudence in this area.

Human Rights Commission (HRC)

46. The HRC received annual funding of $12.5 million in 2024/25 and 2025/26, a 10% reduction from funding of $13.8 million in 2023/24. This reduction reflects New Zealand's tight fiscal environment and occurred in the context of funding reductions across the public sector. As an independent Crown entity, the HRC is responsible for allocating budget and resource across its functions.

47. The Government is committed to ensuring New Zealand continues to have a well-functioning National Human Rights Institution (NHRI). While the Government does not consider that the reduction in funding will affect the HRC's ability to fulfil its mandate, the situation will continue to be monitored.

48. HRC intends to undertake work towards an updated National Plan of Action for Human Rights.

b. Non-discrimination (arts. 2, 19, 20, and 26)

Adoption

49. In 2025, Parliament enacted temporary changes to the Adoption Act 1955. These changes aim to support children and young people adopted overseas and brought to New Zealand to live free from abuse, neglect and exploitation.

50. The changes mean that children and young people adopted overseas by New Zealand citizens and permanent residents can no longer access New Zealand citizenship entitlements and immigration pathways, unless the adoption occurs in an exempt country or through the Hague Convention. The changes will apply on a temporary basis, while a permanent solution is developed.

51. Work on domestic adoption law reform is currently paused as the Government focuses on strengthening safeguards for international adoption.

Discrimination on the grounds of gender identity, gender expression and sex characteristics

52. Since 2008, the Government and the HRC have regarded discrimination based on a person's gender identity as being covered under the HRA's prohibited ground of sex. This position has not been confirmed by a court or tribunal.

53. In September 2025, the Law Commission released its report *Ia Tangata* on its review of the protections in the HRA for people who are transgender or non-binary and people with innate variations of sex characteristics. The report makes 27 recommendations to provide clearer protection from discrimination for these groups. The Government is considering these recommendations and will provide a formal response to the report in early 2026.

Immigration Act 2009

54. Under section 392 of the Immigration Act 2009, individuals cannot take complaints to the HRC relating to the content or application of immigration legislation, regulations or instructions, and the HRC cannot bring proceedings relating to these matters. This provision was intended to recognise that immigration matters inherently involve different treatment on the basis of personal characteristics. There are no plans to repeal section 392.

55. Immigration policy development takes New Zealand's international human rights commitments into account and seeks to ensure that any changes are necessary and proportionate. The immigration system provides mechanisms for individual complaints and appeals. Section 392 of the Immigration Act empowers the HRC to undertake all its other functions relating to immigration matters, including:

- inquiring generally into any matter, practice, or procedure, if it appears to the HRC that the matter involves, or may involve, the infringement of human rights
- making public statements in relation to any matter affecting human rights
- receiving and inviting representations from members of the public on any matter affecting human rights
- reporting to the Prime Minister on any matter affecting human rights, including the desirability of legislative, administrative, or other action to give better protection to human rights.

Racism, racial discrimination, xenophobia and other forms of intolerance

56. New Zealand agreed at its 2019 Universal Periodic Review (UPR) to develop a National Action Plan Against Racism to progressively eliminate racism in all forms experienced by Māori and other ethnic minorities. The draft action plan remains under consideration by the Government.

57. The Royal Commission of Inquiry into the terrorist attack on Christchurch masjidain on 15 March 2019 made recommendations to improve social cohesion. As part of the response, the Ministry of Social Development developed Te Korowai Whetū Social Cohesion strategic framework and a set of tools and resources, including a policy guide and information sheets for individuals, communities, businesses, local government and the cultural sector on strengthening social cohesion. A time-limited $2 million community fund was also established to fund community-based social cohesion initiatives. A recently released update to Te Korowai Whetū Social Cohesion monitoring report provides updated data on social cohesion indicators.

58. The Government acknowledges that Māori and Pacific peoples are disproportionately overrepresented at all stages in the criminal justice system. Māori make up approximately 17% of the general population yet account for approximately 52% of the prison population. Pacific peoples make up 12% of the prison population despite making up only 8% of the general population. The causes of these disparities are complex and include a variety of historical and contemporary factors.

59. Work continues to reduce the over-representation of Māori in the criminal justice system. Initiatives include:

- approaches that integrate a te ao Māori (Māori worldview) into Department of Corrections (Corrections) services, early intervention initiatives and expanded community-based support systems such as bail and reintegration pathways
- collaboration between Corrections and Māori providers – for example, Corrections has established 19 partnership agreements with Māori and collaborates at various sites to deliver culturally responsive programmes
- Te Pae Oranga, Māori-led community justice panels, delivered in partnership between New Zealand Police (Police) and Māori to reduce offending and harm, which are now operating at 30 sites for adult offenders and 10 sites for rangatahi (youth) offenders
- Te Ao Mārama, a judicially-led initiative introduced in 2020 to the District Court that works with Māori and local communities to ensure all those who come to court are seen, heard, understood and able to take part meaningfully, including victims and families as well as defendants
- Whakaorangia te Mana Tangata, an initiative designed and delivered by local iwi (tribes) or iwi mandated service providers to support primarily Māori offenders, victims and their families through the court process. It aims to identify the underlying causes of offending and put together a plan to address them. A recent evaluation found a positive shift in participants' sentencing outcomes.

Hate speech and hate crimes

60. The HRA prohibits hate speech on the grounds of colour, race, and ethnic or national origins, with both civil and criminal remedies available. The previous Government proposed extending these laws to include other grounds of discrimination, including sex and gender, but did not progress changes. Public consultation raised many challenging discussions and concerns about limitations to freedom of expression. The current Government has decided not to amend hate speech laws.

61. An offender's hate motivation is taken into account when they are sentenced. The Law Commission is considering whether the law should be changed to create standalone hate crime offences, as recommended by the Royal Commission of Inquiry into the terrorist attack on Christchurch masjidain on 15 March 2019. The Law Commission undertook public consultation on hate crime law in February 2025 and is due to report to the Government by mid-2026.

62. Police have established a programme called Te Raranga (The Weave) to strengthen the national response to hate-motivated crime, following recommendations from the Royal Commission of

Inquiry. Te Raranga was launched in July 2021 with $10.4 million in dedicated funding, designed to weave together people, whānau, agencies, and communities to reduce the harm caused by hate in New Zealand.

63. The programme focuses on developing resources to support victims and witnesses, align partner agencies, and train police staff to recognise, record, and respond to hate-motivated offences. Since November 2022, all new recruits at the Royal New Zealand Police College have received this training, and from mid-2024, elements of the programme became compulsory for existing Public Safety Team staff.

64. Police have also introduced a "perceived hate" flag within their National Intelligence Application to ensure offences motivated by hostility towards protected characteristics such as race, religion, gender identity, sexual orientation, disability, or age are properly recorded and considered under the Sentencing Act 2002. The initiative is supported by a multi-agency Advisory Group.

c. Counter-terrorism (arts. 2, 9, 12, 14, 17 and 22)

Counter-terrorism legislation

Terrorism Suppression Act 2002 (TSA)

65. The Terrorism Suppression Act 2002 (TSA) aims to provide for the suppression of terrorism in New Zealand law and for implementation of New Zealand's obligations under various United Nations Security Council (UNSC) Resolutions and Conventions. Offences in the TSA concern the carrying out, attempts and credible threat to carry out, and planning or preparations for a terrorist act and some activities closely associated with terrorism (including terrorist financing and participation in terrorist groups). These are very serious offences that have not been tested in court. The only prosecution under the TSA was for an offender who pled guilty.

66. Sentences for TSA offences reflect the seriousness of terrorism both in New Zealand and as part of New Zealand's international legal obligations. In the current framework, this ranges from 7 years for planning and preparation for a terrorist act to life imprisonment for carrying out a terrorist act.

67. Safeguards in the TSA include the requirement for the Attorney-General to consent to a prosecution and to be consulted on decisions to designate terrorist entities. The test for designating a group or individual as a designated terrorist entity is a high legal threshold requiring the Prime Minister to believe on reasonable grounds that the entity has knowingly carried out, or knowingly participated in the carrying out of one or more terrorist acts. Designation expires after three years unless it is renewed by the Prime Minister. Designation decisions can also be revoked (either under the Prime Minister's own initiative or on an application in writing) and judicially reviewed. If the Prime Minister decides to refuse an application for revocation, they must consult the Attorney-General.

68. New Zealand is progressing targeted reform of the TSA. This is Phase 2 of the response to Recommendation 18 from the Royal Commission of Inquiry into the terrorist attack on Christchurch masjidain on 15 March 2019, which recommended a review of counter-terrorism law.

69. Reviewing counter-terrorism settings involves careful consideration of impacts on human rights, including freedom of expression, privacy, and other civil liberties. Consideration is also given to the right to life and security, the duty to protect New Zealanders from harm, and New Zealand's international obligations in contributing to global security.

Other legislative developments

70. The Intelligence and Security Act 2017 (ISA) provides intelligence and security agencies with adequate and appropriate powers and duties and aims to ensure their functions are performed in accordance with New Zealand law and human rights obligations. The ISA includes powers of access to information for counter-terrorism purposes. More information on the ISA is in the Privacy section of this report.

71. New Zealand continues to progress work addressing specific areas of law that assist counter-terrorism efforts. Safeguards to ensure measures are proportionate and necessary, such as judicial oversight and periodic reviews, are provided for in law. Recent legislative changes include:

- the Budapest Convention and Related Matters Legislation Amendment Act 2025, which enables accession to the Budapest Convention on Cybercrime as recommended by the Royal Commission
- the Counter-Terrorism Acts (Designations and Control Orders) Amendment Act 2023, which strengthens the regimes that provide for the designation of individuals and entities as terrorists and place limits on their activities
- the Counter-Terrorism Legislation Act 2021, which criminalises planning and preparation of terrorist acts
- the Security Information in Proceedings Act 2022, which creates a consistent and coherent framework for using security information in court.

Control orders regime

72. The Terrorism Suppression (Control Orders) Act 2019 (TSCOA) is primarily intended to protect the public from terrorism and prevent engagement in terrorism-related activities. It also aims to support rehabilitation and reintegration of people who may be subject to control orders.

73. Initially, control orders could be imposed only on individuals returning from overseas who had engaged in terrorism-related offences in a foreign country. In 2021 the regime was extended to apply to people convicted of terrorism-related New Zealand offences (i.e. an offence under the TSA or specified objectionable publication offences under the Films, Videos, Classifications and Publications Act 1993).

74. Control orders can only be issued by a court. The court must be satisfied that the person poses a real risk of terrorism and that the requirements imposed by the order are only those necessary and appropriate to protect the public from terrorism and prevent engagement in terrorism-related activities. The court must consider how the requirements of the order may affect the person's personal circumstances, such as their financial position, health, and privacy, and consider whether the requirements are justified limits on NZBORA rights and freedoms.

75. The duration of a control order must be no longer than necessary to achieve the purposes of the Act and cannot exceed two years. Control orders may be renewed (up to a maximum of two renewals) if the person continues to pose a real risk of engaging in a terrorism-related activity. A person subject to a control order may appeal the decision to the Court of Appeal. Orders may also be varied or suspended where appropriate.

76. There has only been one control order under the TSCOA which has since lapsed. A statutory review of the TSCOA is required and expected to be progressed in 2026.

Measures to combat terrorist financing

77. New Zealand enjoys a low-risk environment for terrorism financing. The specific terrorism financing risk in the non-profit sector is assessed as moderate in relation to charities with international connections.

78. Where civil society organisations and other non-profit organisations are providers of financial services, they are eligible to seek a Ministerial exemption from certain requirements relating to anti-money laundering and countering financing of terrorism (AML/CFT) to ensure their operations are not unduly restricted. To date, no such application has been rejected.

79. Non-profit organisations are subject to the same level of AML/CFT controls as other organisations, as customers of financial institutions and designated non-financial businesses and professions. They are required to provide information on the individuals with effective control of the organisation and are subject to risk-based monitoring. These settings do not in themselves affect association, but their application can make access to financial services prohibitively difficult for some non-profit organisations. The Ministry of Justice's Industry Advisory Group includes non-profit representation so the implications of the AML/CFT regime for this sector can be understood.

80. The Government recently announced AML/CFT reforms, including to ensure obligations are implemented in a way that is proportionate to risk. This includes allowing simplified due diligence checking and more flexibility to determine the appropriate level of identity verification based on risk. This approach aims to reduce unintended consequences, such as making it difficult for some non-profit organisations to access banking services.

81. These reforms will be supported by structural reforms to help regulatory agencies improve guidance to the financial sector on how to manage risk, including:

- taking simplified measures in low-risk settings
- managing higher-risk settings without unduly hindering legitimate activity.

Provision of reparations to survivors, witnesses and families of victims of the 2019 Christchurch terror attack

82. The report of the Royal Commission of Inquiry into the terrorist attack on Christchurch masjidain on 15 March 2019, released in December 2020, made 44 recommendations. Thirty-six recommendations were either implemented or integrated into ongoing work programmes, while the remaining eight were not progressed. The coordinated cross-government response has now concluded, and any remaining work is being embedded into agencies' usual activities.

83. The Kaiwhakaoranga Specialist Case Management Service was established to enable members of the community affected by the attack to access a wide range of services. These included access to employment and training, financial assistance, housing, immigration, and other social supports. The service finished in 2024. Continued support for the affected community where needed will come from individual government and non-government agencies.

84. The Government is not progressing financial compensation for the community affected by the attack.

d. Right to life (art. 6)

Sustainable use of natural resources

85. The Government is committed to driving economic growth and enabling delivery of high-quality infrastructure while safeguarding the environment, achieving its domestic and international climate change goals, improving regulatory quality, and upholding Treaty settlements.

86. The Government is progressing significant reform of the resource management system. The reforms include a new fast-track approvals regime established under the Fast-track Approvals Act 2024. The regime provides improved decision-making processes and timeframes and gives greater investment certainty for infrastructure and development projects that have significant regional or national benefits.

87. The Government intends to reform freshwater management arrangements to better reflect the interests of all water users and protect freshwater bodies like rivers and streams. This work is ongoing.

88. The Government has developed a minerals strategy with the goal of doubling the value of New Zealand's minerals exports to $3 billion by 2035. The strategy is guided by the principles of honouring the Treaty and of responsible developments informed by environmental protection, the health and safety of workers, and impacts on regional communities.

89. In 2025, Parliament enacted legislation removing the ban on new oil and gas exploration beyond onshore Taranaki (a region of the North Island of New Zealand) and signalling the Government's intent to reinvigorate investment in petroleum exploration. The changes aim to improve New Zealand's energy security, including electricity affordability.

Protection from the negative impacts of climate change and natural disasters

Climate change mitigation

90. The Climate Change Response Act 2002 sets a target to achieve net zero emissions of long-lived greenhouse gases by 2050. It provides a framework for developing and implementing clear and stable climate change policies aligned with the Paris Agreement. The Government has set domestic emission budgets through to 2035 to help ensure New Zealand is on track to meet its 2050 target.

91. The Government released the second emissions reduction plan (ERP2) in December 2024. The ERP2 outlines New Zealand's strategy to meet its 2026–2030 emissions budget. It focuses on areas including expanding public transport and electric vehicle infrastructure, transitioning to renewable energy, reducing agricultural and industrial emissions, and supporting innovation

and sustainable finance. The plan aims to ensure a cleaner, more resilient economy while maintaining prosperity and quality of life for New Zealanders.

Climate adaptation and responding to natural disasters

92. In 2023, severe weather events in the North Island caused approximately $9-$14.5 billion in damage to physical assets across households, businesses and infrastructure.[27] The Government temporarily changed several laws to help communities recover in areas including temporary accommodation, waste management, farm repairs and flood protection works.

93. New Zealand's first National Adaptation Plan was published in 2022 and updated in February 2025. It outlines long-term adaptation goals to reduce vulnerability and actions to address climate change risks and support resilient communities, particularly Māori.

94. The Government has also developed a national adaptation framework to help New Zealanders better understand and manage increasing risks from natural hazards such as storms and floods. This framework complements broader efforts to strengthen national resilience, which include:

- the National Policy Statement for Natural Hazards (NPS-NH), published in December 2025, which requires councils to take a risk-based, proportionate approach to managing hazards like flooding, landslides, and coastal erosion
- a new Emergency Management Bill, designed to support a whole-of-society approach to emergency management and strengthen the role of communities and Māori in emergency management.

95. The Ministry of Health and Health New Zealand jointly developed the Health National Adaptation Plan in 2024. The plan outlines the health system's role in the response to climate change and supporting New Zealanders to live healthy lives in the face of climate change.

Climate impacts on vulnerable groups

96. The Government aims to support sector-specific climate change initiatives with Māori, such as the Ministry for Primary Industries' Māori-led Approaches to Reducing Biological Emissions. These programmes prioritise Māori participation and leadership in sectors with a disproportionate impact on Māori communities, particularly in rural and land-based economies.

97. The Ministry for the Environment and Pou Take Āhuarangi (the Climate Pou (pillar) of the National Iwi Chairs Forum) entered into a joint work programme for 2024/25, which delivered a marae climate risk and readiness stocktake considering vulnerabilities across 1,062 marae. Another joint work programme will be developed for 2025/26.

98. The Ministry for the Environment has established the Māori Climate Platform, which serves to invest funds in Māori-led climate resilience projects and supports Māori climate action.

99. New Zealand provides targeted benefits to help offset house and transition costs for lower-income groups. The Warmer Kiwi Homes programme offers up to 90% funding for insulation and heating upgrades in low-income households, improving energy efficiency and health outcomes. ERP2 includes measures such as income tax adjustments and the FamilyBoost rebate for early childhood education costs to ease financial pressure. Additional support through the

[27] The Treasury (2023), Impacts from the North Island weather events - Information release - 27 April 2023

Winter Energy Payment and indexed benefits helps cushion rising living costs and employment challenges.

100. Climate initiatives include targeted support for rural communities. The Government has committed $400 million to develop tools and technologies to help farmers reduce agricultural emissions and to provide training for rural farming professionals to build capability. The Government has also introduced policy changes to limit how much farmland is converted to exotic forest and registered in the Emissions Trading Scheme to manage undesirable impacts on rural communities.

Ensuring persons are not returned to countries where climate change impacts or environmental degradation would place them at risk of irreparable harm

101. New Zealand's asylum and deportation policies are governed by the Immigration Act 2009, which also codifies New Zealand's obligations under the 1951 Convention on the Status of Refugees (the Refugee Convention), the Convention Against Torture, and the Covenant.

102. Under the Refugee Convention, the impacts of climate change alone do not qualify as grounds for refugee status. However, if a government engages in discriminatory practices (such as withholding resources from certain groups after an environmental disaster), affected individuals may, in some circumstances, meet the threshold.

103. Under the Immigration Act 2009, an asylum claimant cannot be deported except under very limited circumstances, such as those permissible under Articles 32.1 or 33 of the Refugee Convention. This ensures that individuals are not returned to situations where they may face persecution, torture, or other forms of irreparable harm.

104. To uphold these obligations:

- New Zealand allows individuals to claim protected person status if they face a real risk of arbitrary deprivation of life or inhuman treatment.
- If an asylum claim is declined, the claimant has access to a full merits review by the Immigration and Protection Tribunal (IPT), an independent body that considers all relevant international obligations.
- If the IPT declines the appeal, the claimant may seek judicial review in the High Court.

Steps taken to reduce the suicide rate

105. New Zealand's suicide prevention strategy, *Every Life Matters – He Tapu te Oranga o ia Tangata: Suicide Prevention Strategy 2019–2029*, has an overarching vision of a future where there is no suicide in New Zealand. Achieving this vision will take time. The circumstances and factors that lead to suicide are complex and require a whole-of-society response.

106. The first Action Plan under the Suicide Prevention Strategy was released in 2019. A 2023 stocktake found that progress was mixed, indicating good progress with some areas requiring attention.[28]

[28] Proactive Release: Implementation Unit: Review of the Implementation Unit, Work Programme to 31 December 2023 and Progress Report on Assignments as at 20 June 2023 - November 2023 - Department of the Prime Minister and Cabinet

107. The second Action Plan, released in June 2025, outlines 34 new actions, including:

- establishing a suicide prevention community fund focused on populations with specific needs (e.g. maternal, youth and rural communities)
- investing in improved acute, respite or crisis recovery services for young people in two regions, working with local communities and young people to identify opportunities to enhance existing services
- establishing six crisis recovery cafés/hubs/services, which are regionally led and designed with communities, to respond to local and specific population group needs.

108. The Plan builds on and complements existing support and services, including:

- Māori and Pacific Suicide Prevention Community Funds, which support community-based and community-led prevention and postvention initiatives
- Māori Suicide Prevention Community Programme – a national service designed to build the capacity of whānau Māori, hapū and iwi to prevent suicide and respond when suicide occurs
- suicide prevention training and workshops.

109. Implementation is supported by existing suicide prevention investment of $20 million per year, plus an additional $16 million per year to improve access to mental health and suicide prevention supports through initiatives in the Action Plan.

110. These efforts sit alongside wider work to improve mental health and addiction services.

e. Gender-based violence (arts. 2, 3, 6, 7 and 26)

111. The Government is committed to addressing gender-based violence. Experience of family violence and sexual violence remains common in New Zealand. Some people are more at risk of experiencing some forms of family violence and sexual violence, including Māori, women, rainbow people, and disabled people.

112. A 2019 review found that annually, government directly invests over $1.3 billion in family violence and sexual violence services and initiatives. Government agencies are currently working to develop an updated understanding of total investment.

113. Government funding is provided to a range of support services for victim-survivors of family violence and sexual violence, including services that are designed to meet the needs of different cultural groups.

114. Police has a continuing focus on preventing violent crime, including gender-based violence. In 2024/2025, there were 25,212 Police Safety Orders issued following attendance at family harm incidents, with a compliance rate of 91%. In the same year, 13,405 new family safety plans were put in place after referrals of family harm episodes to multi-agency Integrated Safety Response teams.

Legislative change

115. The Family Violence Act 2018 (the Act) was enacted in 2019.[29] Its purpose is to prevent family violence by recognising that family violence is unacceptable, stopping and preventing perpetrators from inflicting family violence, and keeping victims safe. It empowers courts to make protection orders where an applicant has been a victim of family violence, including psychological abuse. It is an offence to breach a protection order under the Act.

116. Other relevant legislative changes include:

- The Family Violence (Amendments) Act 2018 made non-fatal strangulation and suffocation a criminal offence. Strangulation and suffocation are highly dangerous acts that mostly affect women and girls and can be an indicator of family and sexual violence. Coerced marriage or civil union was also made a criminal offence.
- The Family Court (Supporting Children in Court) Legislation Act 2021 requires judges to consider family violence in all decisions about children's care, recognising that children are particularly vulnerable to family violence.
- The Sexual Violence Legislation Act 2021 allows for sexual violence complainants to give evidence using alternative methods such as the pre-recording of evidence and requires judges to intervene to prevent inappropriate questioning of witnesses at trial to improve victims' experiences in court.
- The Victims of Sexual Violence (Strengthening Legal Protections) Legislation Act 2025 enables victims of sexual violence to decide whether name suppression will be granted and prevents people from being questioned about whether they consented to sexual activity when they were under 12.
- The Victims of Family Violence (Strengthening Legal Protections) Legislation Act 2025 aims to strengthen the courts' powers to protect victims of litigation abuse in family proceedings, where the court process has been used to abuse a party to a proceeding.
- The Crimes Legislation (Stalking and Harassment) Amendment Act introduces a new offence of stalking and harassment and amends the Family Violence Act 2018 to clarify stalking is a form of psychological abuse.

Centre for Family Violence and Sexual Violence Prevention and Te Aorerekura – National Strategy

117. The Centre for Family Violence and Sexual Violence Prevention was established in 2022, building on the work of the Joint Venture that had operated from 2018.[30] The Centre is led by the Interdepartmental Executive Board for the Elimination of Family Violence and Sexual Violence (the Executive Board), which brings together nine government agencies with a role in the family violence and sexual violence system.

[29] The Family and Whanau Violence Legislation Bill, discussed in New Zealand's follow-up reply CCPR/C/NZL/CO/6/Add.1, 30 August 2017, was not enacted.

[30] Prior to the establishment of the Centre for Family Violence and Sexual Violence, the Ministerial Group on Family Violence and Sexual Violence (established in 2014) was a government initiative to address family violence. The Ministerial Group commissioned the 2016 work to "respond to victims" to take a whole of system approach for family violence and sexual violence.

118. Te Aorerekura, the National Strategy to Eliminate Family Violence and Sexual Violence, was introduced in 2021 to eliminate violence, drive government action in a unified way, and harness public support and community action. It is delivered through Action Plans that guide the Government's work with Māori, specialists, and communities.

119. The first Action Plan (2021-2023) included 40 actions. Achieved actions include improved monitoring and data collection, workforce upskilling, strengthening partnership with Māori (including Māori designed services for sexual violence healing and restoration), and the development of prevention campaigns and community-led initiatives (discussed below).

120. The second Action Plan (2025-2030) was launched in December 2024. In 2025-26 the action plan focuses on three areas to break the cycle of violence:

- adopting a social investment approach to ensure funding is appropriately allocated
- keeping people safe by helping people affected by violence, particularly those at risk or with complex needs
- stopping violence by increasing protections and ensuring people who use violence are held to account and supported to change their behaviour.

121. In 2023, *Te Aorerekura Outcomes and Measurement Framework* (OMF) was published. The OMF defines national outcomes and indicators to measure progress implementing Te Aorerekura. Progress is reported annually. The first monitoring report, released in December 2024, provides a baseline for future comparisons. This will support government and public understanding about progress and help shape planning and investment to address gender-based violence in New Zealand.[31]

Measures to address under-reporting and prevent re-offending

122. Available data indicate that most family violence and sexual violence is not reported to Police or specialist services. For instance, most women who are victims of violence from an intimate partner (65%) seek help from family, friends, or another person that they know. Twenty-three percent seek help from counsellors and health workers, 14% from the justice system, and 7% from NGOs (e.g. Women's Refuge).[32]

123. A key focus of Te Aorerekura is to support victims/survivors to seek help and report violence. Actions relevant to under-reporting include:

- additional support for victims in the justice system, including access to specialist court victim advisors who are experienced in working with sexual violence
- building workforce capability (discussed below)
- resources and campaigns to increase awareness about family violence and sexual violence and promote help-seeking and reporting.

124. The second Te Aorerekura Action Plan outlines a range of actions to hold people to account for their actions and support behaviour change. One focus area is support for repeat offenders with

[31] The Committee recommended the incorporation of programmes to combat domestic and gender-based violence into the National Plan of Action for Human Rights (NPA) (CCPR/C/132/2/Add.3, 6 September 2021 at [30]). The HRC intends to undertake further work towards another NPA.
[32] NZ Violence Against Women Study (2003) and NZ Family Violence Study (2019), e044907.full.pdf

the aim of addressing recidivism, including a cross-government review of the effectiveness of interventions aimed at stopping violence. This review is due for completion by the end of 2025.

125. Corrections is expanding access to rehabilitation programmes to prisoners on remand. This includes extending eligibility for remand convicted prisoners to access offence-focused rehabilitation programmes to help address the causes of their offending.

Key initiatives

Integrated Safety Response

126. The Integrated Safety Response (ISR), which operates in two sites, is a multi-agency intervention designed to ensure the immediate safety of victims and children, and to work with perpetrators to prevent further violence. ISR partners with kaupapa Māori providers, who take a culturally grounded and strengths-based approach.

127. A 2019 evaluation of ISR found it delivered a better service response for families and whānau, including rapid responses and more effective outreach. Alongside this, Māori impacted by violence had an 18% reduction in family violence offence-related re-victimisation compared to non-ISR sites. Areas for improvement were also identified, including the need for increased whānau access to support and services. Notably, data has also shown a 53% reduction in homicides linked to family violence for the Canterbury region which is evidence of an informed and continuous improvement model.

Keeping people safe

128. 'Keeping people safe' is a focus area of the second Te Aorerekura Action Plan aimed at helping people affected by violence, particularly those at high risk or with complex needs. It includes work to strengthen multi-agency responses to family violence. These bring government agencies, iwi, and providers together to plan responses to family violence episodes in local communities. Work is underway to improve national consistency in key areas of practice, such as governance and leadership, high-risk approaches, case management, information sharing, and collaborative case coordination.

Free to Lead Toolkit

129. In May 2025, the Ministry for Women launched the Free to Lead Toolkit to support women, and their employers, to engage online with confidence. The toolkit includes modules with practical guidance to help women plan for, and respond to, incidents of online harm.

Prevention campaigns

130. E Tū Whānau and Pasefika Proud are community-led family violence prevention initiatives, focusing on whānau and family wellbeing, and on building the protective factors and capability needed to prevent violence. They adopt a strengths-based approach and support Māori and Pacific peoples to identify their own locally relevant solutions and build strong and resilient families and communities.

131. In 2022, E Tu Whānau and Pasefika Proud were allocated additional time-limited funding to strengthen and extend reach and uptake of existing prevention initiatives. This investment included funding for research and evaluation.

132. The Campaign for Action on Family Violence is a multilayered community-driven behaviour change campaign involving social marketing, tools and resources to help address barriers to help-seeking and motivate change in men.

133. Additionally, Love Better is a national, primary prevention campaign for young people (16-24 years old) which aims to foster safe, positive, and equal relationships, shifting harmful discourses and the transmission of violence.

Safer Communities package

134. In 2017, the New Zealand Government announced the Safer Communities package, a $503 million package for 1125 more police staff, including 880 more frontline officers. Following the 2017 election, this target was extended to 1800 Constables, which has been achieved and remains in place. The current Government committed to a further growth of 500 Constables, and work is currently underway to meet this new target.

Measures to address disproportionately high rates of domestic and intimate-partner violence faced by women with disabilities, Māori women, and women belonging to ethnic minorities

Māori

135. Te Aorerekura includes a commitment to upholding the Treaty, improving outcomes for Māori, and addressing inequalities. The Executive Board has invested in an iwi-led initiative to trial a specialist outreach model for high risk whānau in Auckland City.

136. Ngā Tini Whetū, launched in 2020, is a whanau-centred early intervention support programme delivered in partnership between Māori organisations and government agencies. Ngā Tini Whetū was designed to strengthen families and improve safety and wellbeing of children. In 2023, an evaluation of the prototype highlighted positive outcomes, including:

- a 255% increase in the number of whānau who described themselves as flourishing after engagement with the programme
- an increase from 25% to 67% in the proportion of whānau identifying as independent and not in need of Oranga Tamariki (Ministry for Children) support.[33]

Pacific peoples

137. The Executive Board is supporting a coalition of Pacific NGOs (Fa'avae 'Ofanaki) which works alongside government agencies in Auckland to enhance Pacific peoples' wellbeing. It aims to strengthen the operating model of general and specialist family violence and sexual violence providers by engaging with local government on system improvements and sharing best practice.

Disabled people

138. Disability Abuse Prevention and Response (DAPAR) is a service to prevent and respond to situations of abuse and neglect of disabled adults funded by the Ministry of Social

[33] Nga-tini-whetu-synthesis-report.pdf

Development. DAPAR provides multi-agency responses, intensive responses and safeguarding capability building.

139. In addition, Waitematā Safeguarding Adults from Abuse (SAFA) is a health-funded service that uses an integrated, multi-agency approach to safeguarding disabled adults to reduce family harm and other forms of abuse, neglect and harm experienced by vulnerable adults. An evaluation of the Waitematā SAFA pilot found that all 40 individuals in the pilot were provided targeted support to improve their safety and that SAFA improved the confidence of Police in responding to vulnerable adults.

Ethnic communities

140. The Ministry of Social Development's Ethnic Communities Violence Prevention work programme aims to address violence within ethnically diverse communities. It focuses on delivering gender sensitive, culturally sensitive, and responsive approaches to preventing family violence and sexual violence. Work has included community-led projects, a research and evaluation programme, and targeted prevention programmes and resources.

141. A trial of prevention activities for South Asian communities in Auckland is underway and is aimed at developing safe and effective prevention activities to reduce levels of family violence and sexual violence within ethnically diverse communities.[34]

142. The Ministry for Ethnic Communities has also established an Ethnic Communities Network to implement Te Aorerekura with a focus on issues and barriers affecting ethnic communities.

Measures to strengthen workforce capability

Workforce frameworks

143. Following its sixth periodic report, New Zealand provided the Committee with further information on measures to address domestic and gender-based violence, including the Risk Assessment and Management Framework and the Workforce Capability Framework.[35] Building on these, three key workforce frameworks have subsequently been developed:

- The Specialist Family Violence Organisational Standards Framework (SOS) (2022) outlines the standards organisations need to deliver specialist family violence services.
- The Family Violence Entry to Expert Capability Framework (E2E) (2022) focuses on the skills and knowledge needed to respond and work effectively with people impacted by family violence.
- The Family Violence Risk and Safety Practice Framework (RSPF) (2025) is an extension of SOS and E2E. The RSPF supports the implementation of the Family Violence Act 2018 and benchmarks organisational and workforce capabilities to provide an integrated approach to responding to risk.

144. These frameworks and tools help close capability gaps and provide common approaches for assessing and managing family violence, particularly for Māori and diverse communities.

[34] ECVP community-led projects – South Asian Trials & ECIF - Ministry of Social Development.
[35] CCPR/C/NZL/CO/6/Add.1, 30 August 2017, at [4].

145. The Family Violence Training Directory was published in 2025. It provides a national overview of training aligned to the E2E, helping agencies identify training solutions to build workforce capability that align with the expectations for safe and effective family violence practice.

146. The second Te Aorerekura Action Plan includes actions to, by 2027:

- work to ensure family violence and sexual violence capability frameworks and training plans are adopted in Police, Corrections, and Oranga Tamariki
- train 10,000 frontline workers in those agencies in family violence and sexual violence capability.

Other workforce capability measures

147. In 2021 and 2022, three forums on family violence dynamics for the legal profession were held. These forums focused on understanding the dynamics and different contexts of family violence.

148. Family Violence and Sexual Violence Response training for the court-related workforce began in 2023. The training aims to ensure that court participants who disclose family violence and/or sexual violence receive a safe, consistent, and culturally appropriate response at every interaction point with the court-related workforce. Anyone in the court workforce who interacts with participants can attend the training. Early feedback from staff showed that 91% of those who completed foundational training and 95% of those who completed advanced training agreed or strongly agreed that they were now confident to respond safely and appropriately to disclosure of family violence and/or sexual violence.

149. Oranga Tamariki provides training for selected Youth Justice Family Group Conference Co-ordinator roles to triage cases relating to sexual violence.

150. Oranga Tamariki also established a court support service in early 2025 for children and young people under 18 who are victims-survivors of sexual violence and involved in criminal court proceedings.

151. In 2024, Police redesigned its recruitment training course for aspiring police officers to include two weeks of family violence training.

152. ACC provides targeted workforce capability initiatives to build and strengthen the sexual violence prevention workforce, including role-specific training, targeted professional development, and access to external professional supervision.

153. Primary prevention practitioners have been established in three regional organisations across the country. These practitioners are experts in violence prevention who help provide evidence-based approaches to equip people with the knowledge and tools to recognise and prevent violence across various sectors.

154. As part of the second Te Aorerekura Action Plan, a strategy is being developed to address future capacity and capability requirements and the long-term retention of the family violence and sexual violence workforce.

f. Prohibition of torture and other cruel, inhuman or degrading treatment or punishment, liberty and security of person, and treatment of persons deprived of their liberty (arts. 6, 7, 9, 10, 16 and 24)

Use of tasers

155. Police have been using tasers since 2010 and since 2015, most frontline Police officers have been equipped with and routinely carry tasers. They do not routinely carry firearms.

156. Police has comprehensive Use of Force policies (the Police Manual) that set guidance and standards for officers when lawful use of force is required. The Police Manual includes the Tactical Operations Framework that guides a Constable's lawful use of force by balancing necessity and proportionality with circumstances, the threat, and a person's intent and ability to cause harm.

157. All new Police constables undergo 20 weeks of initial training, including the appropriate use of approved defensive tactics and tactical options. Once in service, frontline officers receive ongoing annual training on use of force and tactical options.

158. Police policy requires all constables to report force used, shown (firearm and taser) and unintentionally discharged by completing a Tactical Options Report (TOR). Every TOR is reviewed first by the officer's immediate supervisor, then another staff member at Inspector level or above. At each stage, the reviewer determines whether the officer's actions were necessary, proportionate and reasonable in the circumstances, or whether they require further information. If there are concerns about excessive use of force or other perceived inappropriate action, the incident must be referred for further investigation.

159. Police maintains oversight via a Taser Assurance Forum, which monitors taser use nationally. Since 2010, Police has published annual reports on use of tactical options and less-than-lethal weapons. The 2024 annual report found that for every four times a taser is shown during an event, it is only used once. On average, there was one injury to the subject of a taser deployment per 75 uses, one of the lower injury rates of all Police tactical options.[36]

160. The Report also found that over half of all taser deployments were directed at Māori subjects, of whom 73% were males aged 18-45. The rate of taser deployment in respect of both Māori and Pacific peoples was disproportionately high relative to both the level of offending and the total population of each group. This reflected overall high numbers of TOR events for these groups, rather than disproportionate use of tasers relative to other tactical options. Police has identified a need to continue working with Māori communities to improve criminal justice outcomes for Māori.

Measures to improve conditions in all places of deprivation of liberty

Corrections system

161. All prisoners have access to secondary school qualifications or intensive literacy and numeracy programmes. Corrections continues to collaborate with vocational and tertiary education providers to expand the range of higher education programmes available to prisoners.

[36] Excluding superficial taser probe injuries.

162. Recreational activities are offered in prisons, with access determined primarily by the security classification of each unit, regardless of whether a person is sentenced or on remand.[37]

163. Corrections is extending some rehabilitation and reintegration services and expanding existing services to remand prisoners from 2025/26. Services include:

- offence-focused rehabilitation for remand convicted prisoners
- behavioural-based programmes to prepare for participation in rehabilitation
- services addressing other readiness needs, including alcohol and other drug harm minimisation, mental health support, and social worker support
- services supporting reintegration.

164. Corrections is progressing a range of programmes to improve conditions of detention, including specific support for aging prisoners, women, disabled people, and Māori and Pacific people. These changes are set out in detail in New Zealand's 2024 follow-up to the Committee against Torture's concluding observations on our seventh periodic report.

165. Corrections is working to implement improvements so people with a significant suspected and diagnosed intellectual disability are supported through appropriate criminal justice pathways and can access the supports and services they require. Training in the legislation and criminal justice process for people with intellectual disability has been delivered to over 600 people across government agencies and partner non-governmental agencies. A new identification and escalation process for people with intellectual disability entering the Corrections system is being trialled, with the intention it will be implemented at all prison sites. In addition, Corrections offers all staff Understanding Neurodiversity training, which has been completed by over 1000 staff to date.

166. By early 2026, Corrections intends to develop a Long-term Conditions Framework that addresses equity for Māori and other vulnerable groups and considers the cultural needs of all older adults, including relating to mental health and addiction.

Mental health facilities

167. Every care recipient under the Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003 is entitled to medical treatment and other healthcare appropriate to their condition. The Act provides for care recipients' rights to company and to communicate with others. Regular reviews are undertaken by the Family Court and clinical teams, and people under the Act are subject to increased oversight by the Director of Mental Health.

168. There is planned investment in infrastructure of existing mental health units to ensure greater dignity and safer environments. The Mental Health Infrastructure Programme aims to ensure new and refurbished facilities will be culturally and physically safe, fit-for-purpose and meet the needs of their communities.

[37] Options may include reading, arts and crafts, card games, and indoor activities, with some low-security or youth units offering pool or table tennis. Outdoor sports like touch rugby and basketball may also be available depending on the facility.

Children and young people detained in the care of Oranga Tamariki

169. Oranga Tamariki is developing a more structured, national approach to programming in residences and homes, including a National Programmes Lead role. Programming is intended to have a therapeutic approach, supporting young people in their rehabilitation and preparing them to return to their family and community. It can include vocational, cultural, physical, educational, creative and recreational elements.

170. There is ongoing engagement with external providers, employers and iwi services to design and deliver programmes. Emotional regulation group sessions were introduced to youth justice secure residences in April 2025. These cover topics such as anger management, understanding triggers and coping strategies. Some residences have agricultural or māra kai (Māori food gardens) programmes, giving young people access to nature and experience in farming and growing their own food.

171. All residences have education providers onsite, which are funded and managed by the Ministry of Education (MoE). Schools within the residences follow New Zealand's school curriculum and qualifications framework. Oranga Tamariki and MoE are currently refreshing their Memorandum of Understanding to ensure that young people in residences have access to the range of supports currently available in schools.

172. All residences have on-site health providers, including registered nurses and regular general practitioner clinics. With consent provided, medical assessments are undertaken and treatment provided. When required, the medical team will refer young people to specialist medical services such as hearing clinics, physiotherapy, or dentists. All residents receive in-reach specialist mental health services which undertake assessments and treatments.

173. If a child or young person requires a medical assessment or intervention relating to intellectual disabilities, health providers can refer to the appropriate services or, if these are unavailable through the public health system, Oranga Tamariki will fund private practitioners.

Safeguards relating to solitary confinement

Corrections system

174. Segregation of prisoners can be used for various purposes, including prison security, good order or safety; protective custody; medical oversight; or for prisoners at risk of self-harm. In most cases, segregation involves either restricted or denied association with other prisoners. Prisoners can voluntarily ask for segregation, or it can be directed by a prison manager. Where prisoners are segregated, statutory minimum entitlements are to be maintained, unless denied in accordance with statute.

175. All segregation is regulated by statute and must not be for longer than necessary. Directed segregation for the purposes of prison security, good order or safety, or protective custody expires after 14 days, unless statutory criteria are met. Ongoing segregation for these purposes is subject to regular review by the chief executive, or by a visiting justice in the case of segregation for the purposes of prison security, good order or safety.

176. Separation from other prisoners can be required if someone is at risk of self-harm or suicide. The at-risk regime mandates a planned, multi-disciplinary approach to management, and recognises that it is sometimes necessary to restrict or deny association with others for safety

and wellbeing reasons. The Prison Manager, after obtaining advice from the Health Centre Manager, is responsible for removing an individual from the at-risk regime as soon as they are satisfied that they are no longer at risk of self-harm.

177. Unless monitored closely by Corrections staff, segregation carries some risk of solitary confinement. This risk may also arise with cell confinement, which can be imposed on prisoners after having been found guilty of a misconduct (breach of prison rules) and can result in confinement for up to 14 days in cells that are separate from the mainstream prison population.

178. Corrections has work underway to understand the system settings that could give rise to solitary confinement (as defined in the Nelson Mandela Rules). Corrections is focused on managing resourcing appropriately to support prisoners to access time out of their cells for as long as possible while balancing the need to keep prisoners and staff safe from harm, including by avoiding mixing groups of prisoners in certain circumstances. Infrastructure, for example insufficient exercise yards, has been identified as a constraint. Some units where these constraints have been identified are earmarked for replacement in the coming years.

179. A small number of prisoners pose such a significant risk to others or the security of the prison that they may be segregated for long periods of time. Being segregated does not necessarily mean a prisoner is subject to solitary confinement as defined in the Nelson Mandela Rules. Corrections has commenced work to enhance the humane management of these prisoners.

Mental health facilities

180. New Zealand acknowledges seclusion is not therapeutic and can be harmful to both patients and staff. Legislation and guidance state that seclusion or restraint should only be used to ensure the safety of patients or others and as an emergency intervention when all less restrictive strategies have been tried without positive effect.

181. The use of seclusion in mental health inpatient services is declining. The latest report for 2022/23 shows that since 2009 (when a seclusion reduction policy was introduced) the number of hours spent in seclusion has decreased by 65%.

182. Since 2009, the total number of people who experienced seclusion in an adult mental health inpatient service has decreased by 35%. However, the number of Māori who have been secluded has increased by 43% across the same period.

183. The Government remains committed to working to reduce and eliminate seclusion. Work includes:

- A new standard for health and disability services (Ngā Paerewa) requires providers to work towards being seclusion free and establishes criteria for seclusion focused on culturally appropriate approaches and inclusion of Māori and lived experience voices.
- New guidelines help mental health inpatient services meet the requirements of Ngā Paerewa in relation to seclusion.
- The Mental Health Bill, currently before Parliament, will support a more limited use of seclusion and other restrictive practices, with the ability to prohibit use through regulations. The Bill would prohibit the use of seclusion for people under 18.

- A national Zero Seclusion project works with mental health services to eliminate seclusion, improve equity, and showcase practices that demonstrate effective seclusion reduction. The project has recently moved from a quality improvement focus to a quality assurance process.
- All seclusion events in acute adult, child and adolescent, and older persons' mental health inpatient units are reported to the Health Quality & Safety Commission.
- From July 2025, forensic mental health services began reporting seclusion events to the Health Quality & Safety Commission, starting with individuals who experience more than 24 hours of seclusion in a 28-day period. Inclusion of additional forensic seclusion data will follow a phased process.

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

Children and young people detained in the care of Oranga Tamariki

185. Secure residences have a designated secure care unit that can be used as an intensive response if a young person is displaying behaviour that could, or has, resulted in harm towards themselves, staff or other young people. Secure care is not solitary confinement.

186. Under the Oranga Tamariki Act 1989, secure care can only be used when absolutely necessary and specifically to prevent absconding or harm. Before secure care is considered, the National Care Standards and Oranga Tamariki practice framework require that a wide range of alternative interventions be explored, including therapeutic support, family-based placements, and community-based services.

187. While in secure care, young people still have access to activities, including group activities. However, there is generally an increased focus on intensive reflection and restorative work. The use of secure care is guided by internal policies and procedures, which mean staff support the young person to enable their return to an open unit.

188. Children and young people in secure care can be confined to their rooms during the day (8am to 8pm) only in specified circumstances. The residence reviews secure care cases daily, and a child or young person cannot remain in secure care longer than three consecutive days, or 72 hours, without approval by the court.

g. Trafficking in persons (arts. 6, 7, and 8)

Investigation and prosecution of trafficking

189. New Zealand remains committed to holding offenders to account for trafficking-related activity, and there are active cases before the courts with charges under the Crimes Act 1961 and Immigration Act 2009.

190. The Plan of Action against Forced Labour, People Trafficking and Slavery 2020-2025 (Plan of Action) was an all-of-government plan that coordinated prevention and response initiatives to increase capacity to prevent, detect, disrupt, and deter trafficking in persons. The Government will consider next steps for the cross-agency Plan in due course.

191. Agencies continue to:

- strengthen cooperation between enforcement agencies to support efficient and effective responses to enquiries relating to forced labour, people trafficking and slavery
- support victims to participate in the criminal justice process, including by providing interpreters and advisors.

192. The Government is amending the trafficking offence in the Crimes Act to strengthen the investigation and prosecution of trafficking in persons, particularly for cases involving victims who are children or young people. The changes currently before Parliament include:

- amending the maximum term of imprisonment for slavery (currently 15 years) so it is equivalent to the maximum term for trafficking in persons (20 years)
- removing the requirement for deception or coercion for trafficking victims under 18
- updating the offence to allow it to be better understood and used
- stipulating that consent of the victim is irrelevant if coercion or deception is involved or the victim is under 18
- expanding the definitions of exploitation and coercion to ensure the threshold is not unduly high.

Measures to strengthen identification of victims and ensure victims are provided with protection and support

193. The Plan of Action sets out a framework of actions to address forced labour and people trafficking. Delivered actions include:

- awareness-raising and capacity-building initiatives for government agencies, civil society organisations and communities, as well as capacity-building initiatives throughout Southeast Asia and the Pacific
- an online training module by Police aiming to raise awareness of people trafficking, which is mandatory for all new trainee investigators – over 1500 Police staff have completed the training to date
- working with partners to enhance international prevention, including operational cooperation
- research across a range of areas to better enable targeting of actions and measures.

194. A weekly multi-agency meeting has been established to identify and assess potential cases of trafficking and migrant exploitation, ensuring agencies are working together to provide a consistent response to victims. Police now undertakes weekly scanning of potential trafficking cases to inform this group, reducing the risk of cases being missed.

195. As part of the Detective Qualifying Course training, a joint people trafficking class is delivered collaboratively by Police, Ministry of Business, Innovation and Employment (MBIE) and Oranga Tamariki. This trains investigators to recognise and respond to trafficking cases.

196. In addition to domestic efforts, New Zealand is party to the United Nations Convention against Transnational Organised Crime and to the Trafficking Protocol.

Protection and support for victims

197. Support is available through government channels for certified victims of trafficking in New Zealand. Services available can include assistance with accommodation, income support, counselling and medical support, legal assistance, compensation or reparation, visas, repatriation, education opportunities (for minors), or employment assistance.

198. The Plan of Action includes actions to:

- continue developing information sources for migrants on their work rights and entitlements, and where to seek support to protect themselves in exploitative situations
- work with social sector agencies and non-governmental organisations to help inform exploitation victims of their rights, and opportunities to seek help and assistance.

199. Trafficking-specific visas are available. A 12-month work (victim of trafficking) visa permits any certified victim of trafficking to remain in New Zealand. They may access public services (including healthcare, welfare, and education), work legally, and co-operate with the investigation of the case, should they choose. Certified victims of trafficking are also eligible to apply for a resident (victim of trafficking) visa, under certain conditions.

200. A six-month work visa and referral services are available for migrant victims of exploitation following a report of exploitation.

201. New Zealand has clarified Migrant Exploitation Protection Visa provisions and updated the Accredited Employer Work Visa scheme. In January 2024, the Worker Protection (Migrant and Other Employees) Act made the following legislative changes:

- disqualification of company directors who have been convicted of exploitation or trafficking in persons, preventing them from taking on or continuing director positions
- expansion of the employer stand-down list for the unlawful treatment of migrant workers
- new immigration and employment infringement offences targeting non-compliant employer behaviour, to respond more effectively to lower-level offences.

202. In 2025, the Government introduced immigration amendment legislation that, among other things, strengthens penalties for exploitative employers.

h. Treatment of aliens, including refugees and asylum seekers (arts. 2, 7, 9, 10 and 17)

Detention of migrants and asylum seekers

203. Under the Immigration Act, people who are refused entry on arrival (almost always by air) are liable to be returned to the port they arrived from on the first available aircraft.

204. This is usually not possible within four hours of the refusal of entry (the maximum period a liable person may potentially be detained by an immigration officer without arrest), noting that, where people claim refugee status, the “first available aircraft” is after any determination and appeal process.

205. The person (if they have not claimed refugee status) may elect to remain in a day room (Auckland or Christchurch airports) for up to a day to wait for a flight out. They may be released into the community on a Residence and Reporting Requirements Agreement (RRRA) and asked to return to the airport for their flight.

206. If the Border Officer considers that they may abscond, or they pose a risk to themselves or someone else's safety, they may be arrested and detained by a Police Officer for no more than 96 hours after they were first refused entry.

207. A longer period of detention (up to 28 days) may be ordered pursuant to a judge approving a warrant of commitment made under the Immigration Act. This is also the maximum period of detention for persons otherwise detained under the Immigration Act (generally people who have overstayed their visas, for whom travel out of New Zealand is being arranged, and who are considered likely to abscond).

208. Immigration New Zealand (INZ) accepted all recommendations from an independent 2022 review, which examined its practices around restricting the liberty of asylum claimants, the detention regime under legislation, and the appropriateness of facilities used to detain asylum seekers.

209. Following the review, INZ has established a Decision-making Panel that determines whether an asylum claimant's freedom of movement should be restricted. Since June 2022, the Panel has made decisions on 69 cases in line with United Nations High Commissioner for Refugees (UNHCR) guidelines.

210. Where an individual claims asylum while already in immigration detention, INZ aims to release them promptly, ideally on the same day a claim is made. However, delays can occur due to court availability, especially around weekends or public holidays.

211. The Immigration Act contains provisions for a mass arrival event, which have never been invoked. The law was amended in 2024 to extend the time available to a judge to consider mass arrival warrant applications, allowing detention until a decision is made. Applications must now be filed within 96 hours of the first member of the group being refused entry to New Zealand, and decided within seven days, or up to 28 days if necessary. The changes aim to ensure all the migrants in the group have sufficient time to access legal representation and natural justice, which was not feasible under the previous 96-hour timeframe.

212. Members of a mass arrival group cannot be held in prisons or police stations before a warrant of commitment is issued. When applying for such a warrant, immigration officers must justify the necessity of detention, ensuring it is the least restrictive option and for the shortest time needed. The application must demonstrate that the detention location complies with NZBORA, the 1951 Refugee Convention, and other international obligations, including the UNHCR 2012 Detention Guidelines.

Recent changes

213. The Immigration (Fiscal Sustainability and System Integrity) Amendment Act 2025 establishes a bespoke regime for obtaining a warrant of commitment for asylum claimants. A Judge is now required to explicitly consider proportionality and necessity to mitigate specific risks such as threats to security, public health, or public order. Irregular entry may be considered in the risk assessment but cannot alone justify detention.

214. Warrants continue to be limited to up to 28 days, after which a new application must be made if continued detention is needed.

215. The new regime aligns with international standards, including the UNHCR 2012 Detention Guidelines and the 1951 Refugee Convention.

Provision of information to, and separate facilities for, detained migrants and asylum seekers

216. In New Zealand, everyone has the right to language assistance to ensure they can understand and participate in legal and administrative processes. Language support is provided under the umbrella of the Language Assistance Services programme. People who are detained under the Immigration Act receive information on their rights to confidential legal advice, and the basis on which they have been detained and the terms of that detention. Asylum claimants who are in detention are (as above) released and are provided with information about the claim process.

217. New Zealand does not operate bespoke immigration detention facilities due to the relatively low number of people who may be subject to immigration detention at any time (often zero individuals). People who are detained under the Immigration Act are therefore held in Police cells or in remand facilities.

i. Administration of justice (arts. 2, 14 and 15)

Conformity of preventive detention and post-sentence supervision with NZBORA and the Covenant

218. New Zealand has two post-sentence orders that are used to manage high risk sexual or violent offenders: Extended Supervision Orders (ESOs) and Public Protection Orders (PPOs). ESOs place an offender on conditions similar to parole conditions. PPOs require an offender to be detained in a secure facility on prison grounds.

219. The Supreme Court considered these orders in *Attorney-General v Chisnall.*[38] It found the detention-authorising aspects of the ESO regime, and the entire PPO regime were inconsistent with section 26(2) of NZBORA because they constitute a second punishment. Declarations of inconsistency were issued in September 2025.

220. In April 2025, the Law Commission published its final report following a review of laws governing PPOs, ESOs, and preventive detention (an indeterminate sentence imposed at sentencing). The report noted the Committee's view that preventive detention breaches rights under the Covenant and the issues the Supreme Court identified. It recommended significant legislative reform.

221. The Government formally responded in September 2025, indicating it is still reviewing the report's recommendations and carefully considering next steps on potential legislative reform.

[38] [2024] NZSC 178.

Enabling persons claiming a miscarriage of justice to challenge their conviction based on newly discovered evidence

222. A convicted person has a right of appeal in the courts. This includes in cases where there is new and compelling evidence (such as new forensic and/or DNA evidence) that was not available at the original trial. A person may be eligible for legal aid in these cases.

223. The Criminal Cases Review Commission (CCRC) was established on 1 July 2020 to review potential miscarriage of justice cases and refer appropriate cases back to an appeal court. The CCRC is independent from government ministers, the courts, and relevant Crown organisations. If a person convicted of a criminal offence considers that they have been wrongly convicted or sentenced, they can apply to have their conviction or sentence, or both, reviewed. The person may be eligible for legal aid in relation to the review.

224. The CCRC has received close to 600 applications as of September 2025 and has reviewed over 300 applications. It has made five referrals back to the courts.

225. Use of DNA in criminal investigations is regulated by the Criminal Investigations (Bodily Samples) Act 1995 but this Act does not cover crime scene sampling or the crime scene sample databank. Police relies on general search powers, including under the Search and Surveillance Act 2012 and common law, to search for and collect crime scene forensic samples. Crime scene samples are managed according to statutory rules about seized evidential material (which includes requirements to dispose of certain seized things under the Search and Surveillance Act 2012, following a District Court order) and Police's Retention and Disposal schedule. For example, there is a minimum retention period for Police video evidence from witness or complainant video records.

226. The New Zealand Police Policy directory offers guidance and directions on a range of potentially relevant matters including custody and disposal of exhibits and procedures applying to seized items.

Legal aid

227. New Zealand is committed to providing legal services to people who may not be able to afford a lawyer. Current services are:

- free duty lawyers at criminal courts covering the first court appearance
- government-funded Community Law Centres offering free advice
- the legal aid scheme, which helps ensure people of insufficient means can access legal services for problems that go to court.

228. In 2022/23, the Government allocated an additional $148.7 million over four years to update legal aid settings that improve access to justice for low-income New Zealanders. This funding allowed for:

- a 15% increase to legal aid income eligibility thresholds from 1 January 2023, and three additional 1.9% increases to be made over the following three years
- an increase to legal aid debt repayment thresholds and the removal of interest on legal aid debt

- the removal of the $50 user charge that applied to some civil and family legal aid grants.

229. Approximately 93,000 more people were eligible for family and civil legal aid in the first year of these increases.

230. While legal aid is available to anyone who meets eligibility criteria, Māori, Pacific peoples, and women experience more barriers accessing legal assistance and are likely to benefit more from these changes.

231. The Government is currently reviewing the legal aid scheme to ensure it is efficient and sustainable while promoting access to justice. The review focuses on issues raised by stakeholders and the financial sustainability of the scheme. It is considering:

- the profile of legal aid and how it is changing over time
- the sustainability of the legal aid scheme
- eligibility and repayment settings
- provider procurement and coverage
- provider incentives and remuneration
- legal aid quality assurance.

232. Decisions in response to the review are expected in mid-2026.

Funding for Māori wishing to bring claims before the Waitangi Tribunal

233. Funding to assist claimants in the Waitangi Tribunal is provided via:

- the legal aid scheme that covers the costs of legal representation for eligible claimants
- claimant funding that supports claimants to attend and participate in Tribunal processes.

234. Legal representation in the Waitangi Tribunal is mainly funded through the legal aid scheme. Legal aid arrangements for the Tribunal differ from those for other civil matters:

- The financial threshold for accessing legal aid does not apply. Instead, the threshold is whether the group of Māori the claim is submitted on behalf of would suffer substantial hardship if aid were not granted. In practice, it is unusual for legal aid not to be granted.
- The total of the repayment required to be paid must not exceed an amount that is fair and reasonable. In practice, legal aid for Waitangi Tribunal claims does not have to be repaid.
- Legal aid can be granted when the application is made by a Māori person and the claim related to the application is for the benefit of a group of Māori of which the applicant is a member.

235. Legal aid expenditure in the Waitangi Tribunal has increased from $15.2 million in 2019/20 to an estimated $23.3 million in 2024/25.

236. In 2023, the Waitangi Tribunal found the Crown had breached its duty under the Treaty to ensure Māori claimants have the necessary resources to participate fully in all Tribunal

processes.[39] In response, the Government introduced an interim claimant funding policy for all Kaupapa inquiries (thematic inquiries which relate to issues that affect Māori). It also made operational improvements to the administration of legal aid and Te Reo Māori translation services.

Age of criminal responsibility

237. Former governments have considered revising the minimum age of criminal responsibility. Work has not progressed in this area. Instead, there has been a focus on improving responses to child offending and, where possible, using alternatives to prosecution.

238. New Zealand law requires children and young people to be treated according to their age and capacity. Most children and young people who offend are dealt with outside of the courts and are not charged with an offence. There has been a significant reduction over the past decade in child and youth offending behaviour.

239. In 2017, the Oranga Tamariki Act was amended to increase the youth justice age to include 17-year-olds, who are now considered in the youth justice system and transferred to the adult system for specified offences.

240. The Government has committed to addressing child and youth offending behaviour, with a target of reducing serious, repeat offending by 15% by 2030. The delivery plan includes the following measures:

- new legislative tools for serious and persistent youth offending, such as the ability to make a Young Serious Offender declaration for young people aged 14-17 and a military-style academy order for young people aged 15-17, plus intensive and targeted rehabilitative support
- the Fast Track operational protocol, which aims to reduce reoffending by fast-tracking interagency support to address the underlying drivers of serious or persistent offending behaviour in children and young people
- preventing offending locally by delivering community-based, cross-agency responses with intensive case management for the child or young person and their family
- improving the Gateway support service for children in care and on the edge of care by redesigning cross-agency coordination and assessment processes to better meet health, education, and disability needs for at-risk children.

241. Quarterly reports on the Government's target show a steady reduction in the number of children and young people with serious and persistent offending behaviour.

Conformity of legislation, including the Sentencing (Reinstating Three Strikes) Amendment Act 2024, with article 15 of the Covenant

242. In 2024 Parliament reinstated the 'three strikes' law, which provides for a three-stage regime of progressively stronger consequences for repeat serious offending.

[39] Waitangi Tribunal, Tribunal releases report on claimant funding | Waitangi Tribunal, 17 February 2023.

243. The Attorney-General found that these changes appeared consistent with NZBORA.[40] The reinstated regime includes new features designed to facilitate NZBORA consistency:

- an exception will apply to all mandatory sentencing elements of the regime, to avoid manifestly unjust outcomes
- it will not apply to sentences below a specified threshold.

244. The reinstated three strikes regime does not vary penalties or create retrospective offences or penalties. The penalties under the new regime apply only to offences committed after the legislation came into force. The law reinstates certain warnings that offenders received under the previous regime, which was in place from 2010 to 2022. Only warnings for sentences that meet the new "qualifying sentence" threshold are reinstated.

245. The legislation also amended the Parole Act 2002 to restore provisions repealed in error. The changes were retrospective to ensure the law is as if the mistake never occurred. The changes confirm that offenders currently serving a sentence of life imprisonment for murder are not eligible for parole (which is also clear from the sentence itself). They do not change or remove parole eligibility.

j. Right to privacy (art. 17)

Communications surveillance and metadata

246. Communications and metadata surveillance is authorised under the Search and Surveillance Act 2012, the Mutual Assistance and Criminal Matters Act 1992, and the Intelligence and Security Act 2017 (ISA). These Acts contain stringent safeguards to ensure that privacy is not arbitrarily interfered with.

247. The ISA sets out the legal framework for the interception of communications and metadata by intelligence agencies. This includes a warrant-based authorising framework and independent oversight. Intelligence warrants require authorisation by a minister and, in certain circumstances, an independent Commissioner of Intelligence Warrants. The criteria for granting an intelligence warrant under the ISA include that the purpose of the warrant cannot reasonably be achieved by less intrusive means and that the proposed activity is proportionate to its purpose. Lawful collection, processing and sharing of metadata that does not require an intelligence warrant is subject to the Privacy Act and the policies of the relevant agency.

248. Actions taken under the ISA may be reviewed by the courts. Additionally, independent oversight is provided by the Inspector-General of Intelligence and Security, who has unfettered access to all records of the intelligence agencies, reviews all warrants and authorisations, investigates complaints, and may conduct other reviews and inquiries at their initiative.

249. The ISA was independently reviewed in 2023. The Government's response to the review is underway.

250. The Government Communications Security Bureau and the New Zealand Security Intelligence Service are subject to the Privacy Act 2020, with certain exemptions. They are exempt from

[40] Article 15(1) of the Covenant is broadly reflected in section 26(1) and 25(g) of NZBORA. However, section 25(g) of NZBORA provides for the lesser penalty only where the penalty is varied between commission of the offence and sentencing, whereas article 15(1) of the Covenant says that the offender shall benefit if the penalty is reduced "subsequent to the commission of the offence".

requirements to collect personal information directly from the individual concerned, to inform the person of the collection, and to collect information in a way that is fair and does not intrude unreasonably on the individual's personal affairs. These exemptions are intended to ensure these agencies can operate effectively and are narrower than those in place before the ISA.

251. No review of the Telecommunications (Interception Capability and Security) Act 2013 is planned.

Expansion of search powers in recent legislation and effect on privacy rights

252. NZBORA affirms the right to be free from unreasonable search and seizure, though it does not provide a general protection of personal privacy. Proposals to include new search powers in legislation are scrutinised for consistency with NZBORA. Agencies are required to consider privacy implications when developing policy proposals.

253. The New Zealand Intelligence and Security Bill, the Terrorism Suppression (Control Orders) Bill, the Countering Terrorist Fighters Legislation Bill, the Budapest Convention and Related Matters Legislation Amendment Bill, and the Security Information in Proceedings Legislation Bill were found to be consistent with NZBORA before being introduced to Parliament.

254. The Budapest Convention and Related Matters Legislation Amendment Act 2025 included amendments to search powers. These were largely limited to what was required to accede to the Budapest Convention. The Act also made changes to allow Police to intercept private communications in response to a mutual assistance request from a foreign country. These changes will better align mutual assistance powers with domestic search powers and allow New Zealand's authorities to fully take advantage of acceding to the Convention. Safeguards include:

- people affected by a search must be notified before seized material is sent out of New Zealand, so they can apply for judicial review if they think the search was unreasonable
- only a High Court Judge can issue search warrants, production orders, and surveillance device warrants under the Mutual Assistance and Criminal Matters Act 1992.

255. The Immigration Amendment Bill (No 2) was found to be consistent with NZBORA before being introduced to Parliament. The Bill included a requirement to allow collection of biometric information and warrantless search powers, which were found to be reasonable.

Protecting the privacy of biometric information

256. Biometric information is regulated by the Privacy Act 2020. In 2025, the Privacy Commissioner issued a new Biometrics Code (the Code) under the Act. The Code sets out privacy rules for organisations and businesses who collect and use people's biometric information in biometric processing.

257. The Code sets limits on using biometric data to categorise people, infer health information, read emotions, and monitor attention. It states that organisations must not collect biometric information unless:

- it is for a lawful purpose connected with their functions or activities
- it is necessary for that purpose

- the organisation has adopted and implemented privacy safeguards
- the risks and impacts on people, including Māori, are proportionate to the benefit to the organisation, the individuals, or the public.

258. The Office of the Privacy Commissioner will monitor compliance with the Code. This can include investigating complaints from people if they have experienced harm from the use of their biometric information and taking compliance action if required.

Photography and other information-gathering by Police

259. In 2021, the Privacy Commissioner issued Police with a Compliance Notice that required Police to stop unlawfully collecting photographs and biometric prints from members of the public, particularly young people, and to delete unlawfully collected material stored on their systems, including mobile phones. Police have now completed all but one of the original requirements set out in the Notice (the deletion of unlawfully collected material). Police's collection practices were also the subject of a Joint Inquiry by the Privacy Commissioner and the Independent Police Conduct Authority (IPCA) into Police photographing members of the public.

260. The Government has decided to progress a law change to the Policing Act 2008 to support Police to gather intelligence in public areas.

k. Freedom of expression (art. 19)

Access to information

261. The public can request official information from the government under the Official Information Act 1982 (OIA) and the Local Government Official Information and Meetings Act 1987 (LGOIMA). Requests must be responded to within 20 working days, though deadlines can be extended. Recent statistics show that agencies have responded to 97.8% of requests within these timeframes.[41] In recent years, the proactive release of government information (including Cabinet materials) has increased, which means that more information is already publicly available.

262. In March 2025, the outgoing Chief Ombudsman raised some concerns with agency practice and record keeping in relation to the OIA and suggested practice improvements to strengthen and safeguard the system.[42] It is expected that a continued focus in future will be on making the system more efficient and effective in practice.

Scope of obligations to provide information

263. Some legislation provides for a 'carve-out' from OIA obligations. These proposals are carefully scrutinised. In addition, all proposed legislation is assessed for consistency with NZBORA, including the right to freedom of expression and whether any apparent limit on the right is reasonable and justifiable.

264. The Law Commission has made several recommendations on whether all publicly controlled or majority public-funded organisations should be brought under the OIA and the LGOIMA, most recently in 2012. While most agencies are covered by the legislation, it is appropriate that

[41] Latest OIA statistics released - Te Kawa Mataaho Public Service Commission
[42] *The Chief Ombudsman's Reflections on the Official Information Act: Report of the Chief Ombudsman Peter Boshier.* March 2025. The Chief Ombudsman's reflections on the OIA - March 2025.pdf

some have additional protections. For example, Parliamentary agencies are not subject to the OIA to protect parliamentary privilege. The Government is not currently considering extending the application of official information legislation.

Withholding of information

265. Information may be withheld under the OIA and LGOIMA for various reasons. These include where it is not in the public interest to disclose the information, and where the conclusive withholding of information is justified (for example, due to risks to national security). There are no time limits for how long information can be withheld, although any new request for the information would trigger a further assessment of whether it is appropriate to continue withholding it. No changes to these settings are being considered.

l. Rights of the child (arts. 7 and 24)

Combating child abuse

266. New Zealand continues to experience high levels of child abuse, although the number of children and young people with a substantiated abuse or neglect finding has decreased substantially over time (from 18,595 in 2013 to 10,426 in 2022).

267. Some groups of children and young people are disproportionately affected by abuse and other forms of harm, including Māori, Pacific peoples, rainbow communities, and disabled people. Addressing child abuse in New Zealand requires change across the children's system.

Operational response to reports of concern

268. In 2024/25, Oranga Tamariki received approximately 108,000 Reports of Concern (ROCs) about 63,000 children and young people from the public, professionals, family members or other organisations. Following an initial assessment, approximately 34,000 children progressed to a full assessment, while 20,000 received no further action from Oranga Tamariki.

269. Any person can contact Oranga Tamariki and speak to a social worker. In practice, Oranga Tamariki receives very few ROCs directly from children and young people. If a child or young person comes into care, they receive child-friendly information about their rights while in care, including the right to make a complaint and give feedback.

270. Children in care meet regularly with their social worker and this is a mechanism for children to share their worries or experiences of harm/abuse.[43] If children in care report harm or abuse, Oranga Tamariki must make this a ROC and follow required practice policy and guidance.[44] All children who have had contact with Oranga Tamariki services can offer feedback and complaints on their experiences with those services, and at times this is a mechanism for them sharing their experiences of harm and abuse.

271. Social workers must complete a safety assessment within 24 hours, 48 hours, or ten days from the date the ROC was received, depending on urgency. This includes an in-person visit to the child, engagement with family, and recording their assessment of the child's immediate safety and how this is being maintained.

[43] Visiting and engaging with tamariki and rangatahi in care | Practice Centre | Oranga Tamariki
[44] Allegations of harm (ill-treatment, abuse, neglect or deprivation) of tamariki and rangatahi in care or custody | Practice Centre | Oranga Tamariki

272. Where child abuse is substantiated, a range of actions can be taken including placing children or young people in another environment or enforcement action by Police (i.e. criminal charges). If Oranga Tamariki does not need to be involved, referrals are still made to support services where appropriate.

273. In the case of child abuse investigations, following a full investigation, resolution options may include prosecution, police warnings, diversion, restorative justice, Te Pae Oranga (Iwi Community Panel), filing due to insufficient evidence, or no further action. All decisions must be approved by a qualified supervisor.

274. Prosecution is preferred where sufficient evidence exists, unless the offending is minor, or prosecution is not in the child's best interests. Decisions must be documented and approved. In sexual abuse cases, complainants must be informed of their right to request a review of non-prosecution decisions.

Systemic change

275. The Government is responding to the report *Ensuring strong and effective safety nets to prevent abuse of children* by Dame Karen Poutasi. The report responds to the events that led to the tragic 2021 death of a child as a result of physical abuse from his caregiver. Proposed actions aim to address critical gaps in the children's system, such as enhancing information sharing and increasing visibility of vulnerable children and young people within the system.

276. The Government has accepted all the review's recommendations, and multiple agencies are working together to undertake detailed policy analysis and service design.

277. The focus of the further work is on:

- better support for children of sole parents who are incarcerated
- information sharing where there are safety and wellbeing concerns
- a mandatory training and reporting regime.

278. The Privacy Commissioner has made a public statement and issued guidance[45] supporting information sharing where there is a safety or wellbeing concern for a child and noting that the Privacy Act does not stand in the way of protecting children from harm.

279. Oranga Tamariki has established a Child Protection Investigation Unit to investigate incidents of harm to children known to the agency and make recommendations about practice, process and systemic change.

280. In March 2025, the judiciary launched a new 'Making Children Visible in the Court' process. It includes updating court forms and forms used by Defence Counsel to record information about any dependent children, and to prompt enquiries about care arrangements when a primary caregiver is remanded or sentenced to custody.

281. In 2017, Oranga Tamariki replaced the Child, Youth and Family Agency and the Children's Action Plan evolved into the Oranga Tamariki System Action Plan. The Plan is a commitment

[45] Office of the Privacy Commissioner | Sharing information to protect the wellbeing and safety of children and young people

from the six children's agencies to collaborate and deliver better outcomes for children and young people with the greatest needs.

System monitoring

282. The Independent Children's Monitor checks that organisations supporting and working with children and their families are delivering services effectively and improving outcomes. In 2025, the Independent Children's Monitor became an independent Crown entity to increase its separation from government and enhance its monitoring role.

283. The Independent Children's Monitor publishes an annual report on compliance with the minimum standards of care for children and young people in state care.

284. Oranga Tamariki is responding to a Rapid Review of Residences. The review, conducted by an independent external body, identified areas for improvement in the safety and wellbeing of young people and staff within secure residences and community homes. Oranga Tamariki has already implemented measures like increased staffing, improved screening, and standard operating procedures.

285. Legislative amendments are underway to further address the review's recommendations and enhance the overall care and protection and youth justice systems. Changes include repealing the ability to strip search, developing tailored search plans for residences, and introducing universal searches for youth justice residences.

Inter-agency protocols and sexual violence prevention for children and young people

286. Oranga Tamariki and Police work together on any allegation of abuse of three or more children or young people. The mass allegation investigation joint operating procedures between Oranga Tamariki and Police, described in the follow-up reply to New Zealand's sixth periodic report, were formally introduced in March 2017.

287. Police currently has several policies related to child protection in place. The policies are under the umbrella of the overarching Child Protection Policy (CPP), which outlines the various policies that together comprise the Police CPP and provides an overview of Police obligations under the Children's Act 2014.

288. ACC has undertaken a range of sexual violence prevention initiatives that focus on children and young people since 2016, following the 'Roast Busters' case. A key initiative was the Mates & Dates programme funded between 2016 and 2022. This initiative aimed at improving students' perceived attitudes towards aspects of consent and healthy relationships. It was attended by over 150,000 students across 433 schools.

Measures to increase efficiency and quality of child and youth protection and rehabilitation

289. In 2024/25, Oranga Tamariki focused on improving services for children and young people by supporting more social worker visits, better practice, and more community-led solutions. Initiatives include:

- a new practice model that increased engagement with children during safety needs assessments by 13%
- the partner-led Innovative Enabling Communities programme provides the opportunity for selected partners to redesign care approaches and brings resources and decision-making in

closer proximity to whānau. This programme aims to inform future operating model refinements and how Oranga Tamariki can safely decentralise further parts of the care and protection system.

290. In 2024, Oranga Tamariki started implementing a new structure and operating model. Key improvements include:

- changes to the oversight of incidents involving harm, with greater visibility of relevant information (including new ways to circulate lessons learned, increased use of debriefs, national Residence Manager hui (meetings), and daily operational standups)
- rollout of frontline leadership training across youth justice secure residences to ensure teams have the support and specialist knowledge needed
- refreshed delivery of the staff induction programme in youth justice secure residences
- trialling of improvements in residences, such as new ways of recruiting, that support the safety and wellbeing of staff and young people, which have seen promising early results
- commencement of a programme to professionalise the residential care workforce, which aims to further enhance safety.

291. In 2024, Government agencies completed a review of the Gateway Assessment process, which aim to identify the needs of children and young people in care or on the edge of care and ensure coordinated, cross-sector support is in place to meet those needs. The service is being redesigned to:

- Strengthen the role of primary health, partners and community providers wherever possible
- Ensure educational profiles are completed
- Ensure consistent follow-up and accountability
- Promote child and family/whānau-centred decision making.

Repeal of s 7AA Oranga Tamariki Act 1989

292. Section 7AA of the Oranga Tamariki Act 1989 created duties on the chief executive of Oranga Tamariki that were intended to recognise and provide a practical commitment to the principles of the Treaty. Section 7AA was repealed in 2025.

293. In a 2024 urgent inquiry, the Waitangi Tribunal found that Government decisions in relation to the repeal of section 7AA constituted clear breaches of article 2 of the Treaty and of the Treaty principles of partnership and active protection. [46]

294. The Government repealed section 7AA with the aim of removing any potential confusion about how to consider the safety, wellbeing and best interests of children and young people alongside other factors. The Government considers that its repeal clarifies for frontline staff that the safety and wellbeing of a child must come first.

[46] Waitangi Tribunal, *The Oranga Tamariki (Section 7AA) Urgent Inquiry 10 May 2024 Report: Pre-Publication Version,* p. 35.

295. The culture and identity of a child, as well as the principles of mana tamaiti, whakapapa and whanaungatanga,[47] remain a key part of Oranga Tamariki's legislative obligations when working with children and families. The Oranga Tamariki Act 1989 was amended during the Parliamentary process at the recommendation of the Social Services and Community Committee to ensure the department continues to develop strategic partnerships with iwi and Māori organisations.

Measures taken to implement the recommendations of the Royal Commission of Inquiry into Abuse in Care

296. The Government has broadly accepted the findings of the Abuse in Care Royal Commission of Inquiry (Royal Commission). A dedicated government agency, the Crown Response Office, is coordinating this work, which includes:

- acknowledgement that torture occurred at Lake Alice Psychiatric Hospital Child and Adolescent Unit and introduction of two pathways for redress which are now underway
- public apologies made by the Prime Minister and government agency Chief Executives in 2024
- a $32 million investment to increase capacity in current redress and claims systems from approximately 1350 to 1550 claims per year
- passing the Responding to Abuse in Care Legislation Amendment Bill, which supports the Crown response to a range of recommendations
- Budget 2025 investment of $533 million over four years for redress improvements (including increasing average payments and the number of claims paid each year) and $188 million over four years to improve the safety of children, young people and vulnerable people
- improvements to survivors' experience of the redress system.

297. The Royal Commission recommended the establishment of a new integrated redress scheme. However, the Government chose to build on the existing state redress system. The Government considered that significant structural changes would slow the system down and consequently reduce the current pace of claims resolution. A new system would also require upfront investment that would not deliver immediate benefits to survivors.

298. Where a survivor of abuse in care is also a serious sexual and/or violent offender who has been sentenced to five or more years in prison, the Government is proposing that the person will only be eligible for a redress payment where an independent decision-maker provides assurances that this would not bring the redress scheme into disrepute. The Government's rationale is that awarding substantial redress payments to individuals convicted of serious violent or sexual offences may be perceived unfavourably by the public and risks undermining the credibility and integrity of the scheme.

[47] Mana tamaiti (tamariki) means the intrinsic value and inherent dignity derived from a child's or young person's whakapapa (genealogy) and their belonging to a whānau, hapū, iwi, or family group, in accordance with tikanga Māori or its equivalent in the culture of the child or young person. Whanaungatanga refers to carrying out of responsibilities based on obligations to whakapapa, and to kinship and kinship ties.

299. The investment to improve the safety of children, young people, and vulnerable people includes funding for:

- building a capable and safe care workforce for children and vulnerable adults
- initiatives with evidence of an ability to prevent the entry of children and vulnerable adults into care
- improvements to safeguarding to reduce abuse and harm to children and young people in remand homes and in the care of individual caregivers
- bolstering oversight of compulsory mental health and addiction care by increasing the capacity, expertise, and availability of independent statutory roles including District Inspectors and Review Tribunals
- Disability Support Services to strengthen processes that recognise and respond to instances of abuse in care.

300. The Public Service Commission (the Commission) carried out a comprehensive review of the Royal Commission's final report to assess personal accountability among public and state servants in relation to historical abuse in care during the inquiry period. Where individuals remain employed in the public sector, the Commission sought assurances from their current employers that the allegations have been appropriately addressed. For individuals who are deceased or no longer in public service, no further action is proposed. This approach reflects the limitations associated with historical cases, the institutional nature of many findings, and the challenges in identifying unnamed individuals. The Commission continues to work with relevant agencies to ensure any remaining concerns involving current staff are properly managed.

301. The Government has committed to publishing an annual response setting out the work completed on each recommendation and the next phases of work. The first version of the plan was published in June 2025[48] and the first update was published in November 2025.[49]

Proposed use of force in military-style academies

302. As part of the Government's proposals to introduce a Young Serious Offender declaration and military-style academy order (described earlier in this report), it is proposed that reasonable force could be used in military-style academies in limited situations. Concerns were raised about the use of physical force on young people and whether these powers would be administered safely.[50]

303. To address these concerns, the legislation includes several safeguards. The use of force would be restricted to situations where it is reasonably necessary to:

- prevent harm to the young person or others
- prevent absconding

[48] https://www.abuseinquiryresponse.govt.nz/news/newsletter/crown-response-to-the-royal-commission-of-inquiry
[49] Crown Response for the Abuse in Care Inquiry: Annual Report 2024/25, Annual-Report_PRINT.pdf
[50] Oranga Tamariki (Responding to Serious Youth Offending) Amendment Bill 99-2 – Reported from the Social Services and Community Committee on 20 May 2025, Oranga Tamariki (Responding to Serious Youth Offending) Amendment Bill 99-1 (2024), Government Bill – New Zealand Legislation, at p. 5.

- escort the young person to an approved location.

304. Additional safeguards include a requirement to use de-escalation techniques first, a prohibition on mechanical restraints, a requirement for a young person to be examined by a healthcare professional following any incident, and mandatory recording of all incidents involving force.

m. Right to participate in public life (art. 25)

Measures to ensure public participation in the development of legislative initiatives

305. Government policy development can involve engagement with citizens and/or interest groups to gather views on issues and options. The Department of Prime Minister and Cabinet publishes tools to support community engagement in policy design and development.[51] In some instances, consultation may be more appropriate after Cabinet has considered the policy. The extent of prior consultation is subject to ministerial decisions.

306. Government departments are expected to follow the Guidelines of the Legislation Design and Advisory Committee when preparing draft legislation. The Guidelines state that public consultation should take place to help ensure the government has all the information it needs to make good law. Information should be made available to the public in a manner that enables people affected by the proposed legislation to make their views known.[52]

307. All legislation, unless it is passed under urgency, is referred to a select committee for scrutiny. Select committees receive written and oral submissions, enabling members of the public to respond to draft legislative proposals. Submitters may comment on any aspect of the bill, including the policy proposals and specific drafting of the bill.

308. Urgency is sometimes used to pass bills more quickly. This can involve omitting consideration of a bill by a select committee, which is where members of the public can be heard. Civil society organisations have expressed concern that they have had limited opportunity to put forward their views on some recent draft legislation, due to the use of urgency and/or limited scope for or consideration of public submissions.

309. Some commentators and civil society groups have suggested that New Zealand should increase its use of forms of deliberative democracy, including citizens' assemblies. This is not currently being considered.

Consultation and involvement of key stakeholders, in particular Māori, in the development of the Treaty Principles Bill and Regulatory Standards Bill

Principles of the Treaty of Waitangi Bill

310. The Principles of the Treaty of Waitangi Bill (Treaty Principles Bill), introduced to Parliament in November 2024, would have defined the Treaty principles in statute. The purpose was to create certainty about the meaning of the principles and how they apply. Government coalition partners agreed to support the Bill for further examination by a select committee but did not commit to support it beyond that point.

311. The Government coalition agreement required the Treaty Principles Bill to be introduced "as soon as practicable". Public consultation on the policy was not undertaken. Instead, public

[51] Community engagement | Department of the Prime Minister and Cabinet (DPMC)
[52] The Legislation Design and Advisory Committee – Legislation Guidelines at 2.6.

engagement occurred as part of the parliamentary select committee process. More than 300,000 written submissions were received.[53]

312. The Waitangi Tribunal found that the Crown's process to develop the bill breached the principle of partnership, the Crown's good faith obligations, and the Crown's duty to actively protect Māori rights and interests.[54]

313. In April 2025, Parliament rejected the Treaty Principles Bill at its second reading. The Bill will therefore not proceed.

Regulatory Standards Act 2025

314. The Regulatory Standards Bill was introduced to Parliament in May 2025. It aims to establish a benchmark for good regulation through a set of regulatory principles based on good law-making and economic efficiency. It establishes a Regulatory Standards Board and supports the Ministry for Regulation in its work to improve the quality of regulation.

315. Public consultation on a discussion document titled *'Have your say on the proposed Regulatory Standards Bill'* took place from 19 November 2024 to 13 January 2025. The consultation received over 20,000 responses and included engagement with Māori (with at least 114 iwi/hapū submissions and at least 107 submissions from other Māori groups) and substantial feedback on Treaty-related aspects of the Bill. These responses were considered during the subsequent policy development process and Cabinet decisions.[55] A Treaty Impact Analysis was also completed.

316. The Waitangi Tribunal found that the Crown breached the Treaty principles of partnership and active protection by failing to meaningfully consult with Māori before Cabinet took significant decisions as to the content of the proposed Bill in May 2025.[56] The Tribunal noted that the Crown undertook no targeted consultation with Māori before Cabinet decisions were made and that claimants had told them the material provided to inform the public consultation process was difficult to follow and understand.[57]

317. The Bill subsequently went through select committee scrutiny. This process included further written submissions over a four-week period resulting in 159,493 submissions being accepted and oral evidence heard from 204 submitters. The Bill became law in November 2025.

Measures to enhance Māori and Pacific peoples' representation in government positions

New Zealand Parliament

318. Māori parliamentary seats were established in 1867 and became permanent in 1876. The Electoral Act 1993 gives Māori the option of registering on the general electoral roll or the Māori electoral roll. The proportion of Māori registered on the Māori roll determines the number of Māori seats in Parliament. As at 1 August 2025, there were 297,382 Māori electors on the Māori roll.

[53] Ministry of Justice, *Departmental Report: Principles of the Treaty of Waitangi Bill*, 12 March 2025.
[54] Waitangi Tribunal, *Nga Matapono – The Principles: Part II of the Interim Report of the Tomokia Ngā Tatau o Matangireia – the Constitutional Kaupapa Inquiry Panel on the Crown's Treaty Principles Bill and Treaty Clause Review Policies*, pre-publication version, at xiv.
[55] A summary of public submissions is available
[56] Waitangi Tribunal *Interim Regulatory Standards Bill Urgent Report (Pre-Publication Version)* (Wai 3470, 2025) at 82.
[57] Ibid at 44-45.

319. There are currently seven Māori seats in Parliament out of 123. If all Māori enrolled on the Māori roll, it is estimated that there would be approximately 13-14 Māori seats. In August 2025, the Representation Commission, the independent entity responsible for reviewing and fixing New Zealand's electoral districts, calculated that the number of Māori seats would remain at seven for the next General Election (in 2026).

320. In 2023, Parliament enacted changes to broaden the ability of Māori to change electoral rolls. Māori can now change between rolls at any time and as often as requested, except during the three months before a national or local election or parliamentary by-elections. Previously, enrolled Māori could only change rolls during a four-month period after each census. This change has supported Māori voters to exercise their democratic rights by removing restrictions to Māori electoral participation and engagement.

321. The number of Members of Parliament (MPs) of Māori descent has continued to increase over recent decades. At the start of the current Parliament, there were 33 MPs of Māori descent, which is higher than in previous parliaments.[58]

322. Eight MPs who identify as Pacific peoples were elected to the 52nd Parliament, 11 to the 53rd, and six to the 54th. There is currently no one who identifies as a Pacific person in Cabinet.

Local government

323. In 2019, an estimated 13.5% of elected representatives on councils were of Māori descent, compared to a Māori population estimate of 16.7%. In 2022, 21.6% of elected members identified as Māori. Pacific communities have historically been underrepresented on local authorities and data shows there has been little change in representation in recent years.[59]

324. Local and regional authorities can establish Māori wards and constituencies (Māori wards), which represent voters on the Māori electoral roll at the local or regional level. As enacted in 2002, Māori wards could be set up by council resolution or by a binding poll of electors. Between 2001 and 2020, 16 polls were held, one of which resulted in Māori wards being established. Two other councils also had Māori wards before 2021.

325. In 2021, the provision for a binding poll was removed. From 2020 to 2024, 45 councils established or resolved to establish Māori wards without holding a poll.

326. In 2024, Parliament reinstated the ability for electors to demand a binding poll on whether a Māori ward is established. Authorities that had decided to establish Māori wards since 2021 were required to either revoke that decision or to hold a binding poll as part of the 2025 local elections on whether the Māori ward would continue. The Government's rationale for these changes was to reinstate the rights of voters in local communities to determine whether to introduce Māori wards on their councils.

327. Forty-two councils decided to hold polls on their Māori wards at the 2025 local elections, while two councils chose to revoke their decisions. Electors in 18 councils voted to keep their Māori ward; electors in 24 councils voted to remove it. The results of the polls will take effect at the

[58] https://www.parliament.nz/en/visit-and-learn/parliament-in-election-year/data-snapshot-54th-parliament-at-the-election/
[59] The New Zealand government does not collect data on the ethnicity of local government candidates or elected members. Available information is based on survey data, which has limitations.

2028 local elections. Tauranga City Council did not have an election this year and will decide on its Māori ward in 2026, which may include holding a poll.

Prisoners' voting rights

328. In 2025, Parliament reinstated a total ban on the right to vote for any person convicted and sentenced to a term of imprisonment.

329. The Attorney-General concluded that this change was inconsistent with the right to vote.[60] The Waitangi Tribunal has found that a prisoner voting ban has a disproportionate impact on Māori and is inconsistent with the articles and principles of the Treaty.

330. The ban on prisoner voting is intended to underline the importance the New Zealand Government places on the rule of law and the civic responsibility associated with the right to participate in a democracy.

n. Rights of minorities and Indigenous Peoples (arts. 2 and 27)

Principles of the Treaty of Waitangi

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

Implications of the Regulatory Standards Act

332. In its May 2025 report, the Waitangi Tribunal stated that without a full draft of the proposed Bill or further information on how the principles were to be applied, it "cannot say concretely what prejudice is likely to arise from the Bill's enactment in terms of changes to Government law-making practice". It recommended halting the Bill's advancement to allow for meaningful engagement with Māori, particularly on: [61]

- what further exemptions in the Bill may be required to protect Māori rights and interests and ensure the Crown can fulfil its Treaty obligations to Māori
- the potential impacts of the 'rule of law' legislative design principle on Government measures to pursue equitable outcomes for Māori.

333. The Regulatory Standards Act does not constrain Parliament's ability or any other existing power to make legislation. Inconsistency with the principles will not prevent new legislation from being enacted or require existing legislation to be amended. Nothing in the Act will prevent any additional principles from being considered in the process of lawmaking, or in the review of existing law. The Act clarifies that the principles do not limit or affect any other principles, standards and guidelines relating to the development of high-quality legislation.

[60] *Report of the Attorney-General under the New Zealand Bill of Rights Act 1990 on the Electoral Matters Legislation Amendment Bill*, 26 June 2025.
[61] Waitangi Tribunal *Interim Regulatory Standards Bill Urgent Report (Pre-Publication Version)* (Wai 3470, 2025) at 86-87.

334. The Act does not include reference to the Treaty or alter existing norms or constitutional settings relating to the Treaty. The absence of reference to the Treaty in the Act reflects a decision to focus on a discrete set of goals, including promoting the accountability of the Executive to Parliament in relation to the quality of regulation, rather than on the relationship between the Executive and Māori.

335. The Act excludes legislation that provides for full and final Treaty settlements. This exclusion is intended to preserve legal certainty, uphold the integrity of Treaty commitments, and avoid reopening matters that were negotiated in good faith between the Crown and Māori.

Marine and Coastal Area (Takutai Moana) (Customary Marine Title) Amendment Act

336. In October 2025, Parliament amended the test for customary marine title (CMT) under the Marine and Coastal Area (Takutai Moana) Act 2011. The Government considers previous Court decisions made the test for CMT materially easier to meet, departing from Parliament's original intention.

337. After the legislation was introduced, the Supreme Court confirmed the lower Courts erred in their interpretation of the test. However, the Government considers that the Supreme Court did not restore Parliament's intent for how the test should operate.

338. The amended Act more strictly defines exclusive use and occupation and clarifies what can count as substantial interruption of that use. It strengthens the requirement for evidence of physical use. Applicants to the court must prove they have exclusively used and occupied the area from 1840 without substantial interruption. The changes do not diminish the rights associated with an award of CMT.

339. The restored test will apply to any court decisions made since the Government announced its policy on 25 July 2024 and to all undetermined applications. To ensure the test is applied consistently, seven cases will need to be re-heard. Additional funding will be made available to support applicants through the re-hearings.

340. Consultation with the applicant community was undertaken before the Bill was introduced to Parliament. This included meetings between the lead Government Minister and applicant groups. However, many applicants considered this was insufficient consultation and a Waitangi Tribunal inquiry made a similar finding. Many applicants took the opportunity to make submissions to the select committee considering the Bill.

Wairarapa Moana case

341. In 1989, the Wairarapa Moana ki Pouākani Incorporation, a Māori incorporation (the Incorporation), filed a claim with the Waitangi Tribunal (the Wai 85 claim) relating to land at Pouākani. The Pouākani land is in the North Island of New Zealand.

342. The Wai 85 claim alleged that the Crown breached the Treaty in relation to land at Pouākani. The claim relates to Crown land dealings affecting certain members of the tribal grouping Ngāti Kahungunu ki Wairarapa Tāmaki-nui-a-Rua. The claimants asked the Tribunal to make a binding recommendation for the return of the Pouākani land. Raukawa, a tribal grouping with traditional customary interests at Pouākani, objected to the Wai 85 claim on the basis the claimants lacked traditional interests in the land.

343. The Crown has a long-held policy of settling historical Treaty claims with tribal groupings ('large natural groups') rather than individual claimants.

344. The Wai 85 claim was one of many included in the Ngāti Kahungunu ki Wairarapa Tāmaki-nui-a-Rua Treaty settlement. The settlement did not include redress at Pouakani, which is not the traditional tribal area of Ngāti Kahungunu ki Wairarapa Tāmaki-nui-a-Rua. The settlement was ratified through a vote of the claimant community.

345. The Ngāti Kahungunu ki Wairarapa Tāmaki-nui-a-Rua Claims Settlement Act 2022 (the Settlement Act) fully and finally settled the Wai 85 claim, along with other claims, in return for the redress provided by the Crown to Ngāti Kahungunu ki Wairarapa Tāmaki-nui-a-Rua.

346. The Incorporation was unhappy the Wai 85 claim was included in the settlement (with the effect of ending the claim) and argued in the High Court that the Settlement Act breached NZBORA, in particular the Incorporation's right to justice. The High Court declined the application. The Incorporation appealed to the Court of Appeal. This appeal was heard on 22 October 2024. A decision is pending.

Annex I: Tokelau

1. References should be made to previous reports on the situation in Tokelau, particularly New Zealand's Fourth Periodic Report on the Covenant (CCPR/C/NZL/2001/4). For further background information, reference should be made to annual reports to Parliament by the Ministry of Foreign Affairs and Trade and the Office of the Auditor-General and to the working papers issued each year by the UN Special Committee on Decolonisation.

2. The people of Tokelau live in villages on three widely separated atolls. In each village/atoll, the focus is on caring for individual members of the community in a communal manner.

3. Tokelau's constitution recognises that individual human rights for all people in Tokelau are those stated in the Universal Declaration of Human Rights and reflected in the Covenant. The Constitution also recognises that the rights of individuals in Tokelau shall be exercised having proper regard to the duties of other individuals, and to the community to which the individual belongs. The Constitution affirms Tokelau's commitment to the Universal Declaration on Human Rights and the Covenant.

4. Tokelau has a specific criminal code set out in the Crimes, Procedure and Evidence Rules 2003 (the Rules). The Rules were developed in close consultation with the elders of each atoll in order to ensure that it reflects actual Tokelau needs, is consistent with Tokelau custom, and is determined by what is appropriate for Tokelau. The Rules are consistent with Tokelau's obligations under international law regarding human rights issues, including the Covenant. They contain, for example:

   - a rule against double jeopardy
   - provision for a speedy trial
   - procedures in relation to arrest and detention
   - maximum penalties for criminal offences.

5. Tokelau at the same time seeks understanding of its situation, and particularly of the challenge inherent in moving from socially known rules in an oral tradition to written law of the Western conception. As Tokelau considers its commitment to basic human rights, it is mindful that human rights promote the imported notion of individuality, while the idea of community, with which Tokelauans are familiar, promotes a sense of unity and sharing.

6. What is involved is a considerable evolution away from tradition. For Tokelauans this means a move away from following a particular set of rules and practices within their cultural setting, to following a set of rules and practices recognisable as consistent with life in the international community, and the rules and practices of other States.

7. Tokelau is assured of the continuing interest and support of the New Zealand Government in its development.

Information on Tokelau relating to specific articles of the Covenant

8. This section does not report on all the individual articles of the Covenant. The Constitution and, where applicable, the Rules apply more generally in relation to these articles.

Article 1

9. Under a programme of constitutional devolution developed in discussions with Tokelau leaders in 1992, Tokelau, with New Zealand's support, has developed institutions and patterns of self-government. As a first step, that part of Government which deals with the interests of all of Tokelau was returned to Tokelau in 1994. In 2003, most of the Administrator's powers were formally delegated to the three Village Councils, the General Fono (the national legislative and executive body) and the Council for Ongoing Government (which conducts the executive business of the General Fono when it is not in session). In 2012 a decision was made not to delegate the Administrator's powers under the Tokelau (Exclusive Economic Zone) Fishing Regulations 2012.

10. In 2006 and 2007, self-determination referenda were held under UN supervision. On both occasions, the requisite two-thirds majority for a change in status was not reached. Tokelau therefore remains a non-self-governing territory under the administration of New Zealand.

Article 2

11. Tokelau's Constitution accords generally with article 2 of the Covenant by recognising the human rights contained in the Universal Declaration of Human Rights and reflected in the Covenant for all people in Tokelau. The Rules also provide for a person to apply to Tokelau's Council for Ongoing Government for protection of that right.

Article 3

12. Developments in the equal rights of men and women to the enjoyment of all civil and political rights during the report period in Tokelau are covered by Appendix Two of New Zealand's Ninth Periodic Report to the Committee on the Elimination of Discrimination against Women (CEDAW/C/NZ/9).

13. Tokelau has a National Policy for Women and National Plan of Action that will assist the Government's response to women's development issues. Tokelau's women's groups (Fatupaepae) are currently involved in implementing the Government's project to Stop Violence against Women and Young Girls. This involves raising awareness among women of their rights under the law as well as suggestions for amendments to Tokelau laws as they affect women.

Article 14

14. Tokelau's judicial system formally consists of the Commissioner's Court and Appeal Committee of each village, the High Court and the Court of Appeal.

15. Currently the judges of Tokelau are the Law Commissioners of each island. These are lay officers who perform their duties with the village councils in the context of the village structures and local tradition. In the fulfilment of their roles, Commissioners typically are informed more by custom than legislation. Although, as discussed, the Rules have, where possible, incorporated these customs. The Commissioners are concerned primarily with criminal offences of a minor nature and, in cooperation with the local police officers, deal with offenders by way of reprimand, sentences of community service or fines. There are no prisons in Tokelau. In case of need, major criminal or civil matters would be dealt with by the High Court of New Zealand acting as a Court for Tokelau. An appeal committee may hear appeals from the Tokelau Law Commissioners.

16. The Tokelau Law Commissioners' Handbook was first published in 2008 and was intended to be a source of useful guidance to the Law Commissioners, written with the needs of those Law Commissioners and the circumstances of the villages of Tokelau in mind. In 2024 the Tokelau Law Commissioners' Handbook was updated, printed, and delivered to the Law Commissioners in-country in March 2025 and published digitally in April 2025.

17. The requirement of the availability of defence counsel, at public cost if necessary, presents practical problems for a community of Tokelau's type, given its small population (1460 people in the 2022 census) and physical isolation. However, there is provision in Rule 94 of the Rules for the grant of legal aid, taking into account the means of the applicant and the nature of the case. Under Rule 95 of the Rules the prior written approval of the Council for Ongoing Government is required to be able to practise law in Tokelau or before a court of Tokelau.

Article 25

18. Under long-standing practice, two village leadership positions — Faipule and Pulenuku (one with an external focus and the other with an internal one) — are filled based on three yearly elections, by universal adult suffrage. In 1998, Tokelau moved from a system of appointment by each village of its delegates to the General Fono, to a system of election of delegates. The first such elections were held in January 1999, when each village elected delegates proportionate to its overall population for three-year terms. The most recent election took place in January 2023 in accordance with the Tokelau National Elections Rules 2022.

Annex II: Gender-based violence: Information previously requested by the Committee

1. This Annex includes further information on gender-based violence requested by the Committee in its *Report on follow-up to the concluding observations of the Human Rights Committee*, 6 September 2021.[1]

Data on family violence and gender-based violence

2. The Outcomes and Measurement Framework, published in 2023, provided some early insights on gender-based violence. It found that 24 percent of all New Zealand adults reported experiencing sexual assault in their lifetime. The rates were significantly higher for certain groups such as 35 percent for women, 30 percent for Māori, 49 percent for rainbow adults, 44 percent for disabled adults and 15 percent for Pacific Peoples. Fifteen percent of adults also reported experiencing an offence by an intimate partner in their lifetime.

3. The rates were notably higher for Māori at 26 percent, for women at 22 percent, and for disabled adults at 33 percent.

4. 2.3% of adults experienced a family violence offence in 2024. This was higher for Māori at 5.5%.[2]

5. 2.1% of adults reported being sexually assaulted in 2024 (3% of women and 1.1% of men), increasing to 24% in their lifetime. Lifetime sexual assault was significantly higher for women (36%), Māori (30%), LGBTQIA+ adults (54%), and disabled adults (31%) compared with the general population.[3]

6. A 2021 survey of young people found that around 10% had been physically hurt by an adult at their home in the past year and around 20% (28% of girls and 8% of boys) had experienced unwanted sexual contact in their lives. In both cases, rates were significantly higher for disabled young people, rainbow young people, and young Māori people.[4]

Information on the Family Dispute Resolution mechanism

7. The Family Dispute Resolution (FDR) mechanism has been strengthened to improve protection and support for children and their families: [5]

    - FDR providers have strengthened practices to better identify and support individuals who may be at risk. An initial assessment, including screening for any history or risk of family violence, is carried out to determine suitability for mediation. Clearer guidelines help determine when FDR may not be appropriate.

[1] CCPR/C/132/2/Add.3
[2] NZCVS Cycle 7 2024
[3] NZCVS Cycle 7 2024
[4] Results are from the National Youth Health and Wellbeing Survey (2021)., which surveyed about 7,209 young people in years 9-13 (aged 12-18+) in school settings.
[5] The Committee requested information on the number of cases of domestic violence considered under the FDR mechanism over the past three years (CCPR/C/132/2/Add.3, 6 September 2021 at [30]). Family violence data is not collected under the FDR mechanism due to the exemption for family violence cases.

- A dedicated Child Specialist role has been introduced to better support children's participation in FDR. Training for mediators and Child Specialists has been expanded, ensuring children's perspectives are meaningfully considered throughout the process.

ACC Sensitive Claims Service and Helpline

8. In 2024, the Accident Compensation Corporation (ACC) launched a new Sensitive Claims Service (SCS) for survivors of sexual assault and abuse. The new service provides a more holistic approach that allows clients to work with their provider to create a recovery plan to best meet their individual needs. The SCS provides clients with access to primary and secondary support services including talk therapy, specialist supports (eg occupational therapists, physiotherapists, dieticians), cultural supports, and family support. The SCS is fully funded by ACC and accessible to all New Zealand residents and visitors.

9. Between 2022 and 2024, a total of 36,607 new claims were lodged through this service.

10. Safe to Talk is the nationwide helpline that provides free and confidential support to anyone affected by sexual harm. As of September 2025, ACC has launched a new service as part of Safe to Talk to support survivors to find information and be connected to the SCS or other appropriate specialist services.

Access to the ACC scheme

11. Since 2016, ACC has undertaken measures to increase access to the ACC scheme for priority populations and to provide culturally appropriate support, including:

- the Accident Compensation (Access Reporting and Other Matters) Amendment Act 2023, which requires ACC to report on access to the scheme from priority populations, including Māori and Pacific peoples[6]
- developing Te Whānau Māori me ō mahi Guidance on Māori Cultural Competencies for providers, and the Kawa Whakaruruhau (Cultural Safety) Policy that applies to all entities providing ACC services.

[6] Access Report

Annex III: Glossary of Māori terms

te Tiriti o Waitangi: Treaty of Waitangi.

te ao Māori: The Māori world.

rangatahi: younger generation or youth.

hui: meeting.

kaupapa: topic, policy, matter for discussion, plan, purpose, scheme, proposal, agenda, subject, programme, theme, issue, initiative.

tamariki: children.

Iwi: The traditional Māori tribal hierarchy and social order made up of hapū and whānau.

Whānau: Whānau is a wider concept than just an immediate family made up of parents and siblings – it links people of one family to a common tupuna or ancestor. However, it is commonly used in many contexts as the Māori term for family or extended family.

Marae: Is the central area of a Māori community, a place where the local people (tangata whenua) can meet to conduct many of their familiar and sacred events.

Hapū: A hapū is a division of a Māori iwi often translated as 'subtribe'. Membership is determined by genealogical descent; a hapū is made up of a number of whānau (extended family) groups.

kaupapa Māori: a philosophical doctrine, incorporating the knowledge, skills, attitudes and values of Māori society.

tikanga Māori: correct procedure, custom, habit, lore, method, manner, rule, way, code, meaning, plan, practice, convention, protocol – the customary system of values and practices that have developed over time and are deeply embedded in the social context.

whakapapa: genealogy, lineage or descent.