



Human rights in Aoteaora New Zealand

Presented by:

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This presentation covers statements from three different monitoring mechanisms:

National Preventive Mechanism under the Optional Protocol to the Convention Against Torture

Made up of:

- *Human Rights Commission*
- *Office of the Ombudsman*
- *Independent Police Conduct Authority*
- *Children and Young People's Commission*
- *Inspector of Service Penal Establishments*

Independent Monitoring Mechanism for the United Nations Declaration on the Rights of Indigenous Peoples

Working group created by Māori nations in 2015 to monitor New Zealand's implementation of the Declaration on the Rights of Indigenous Peoples.

Independent Monitoring Mechanism for the Convention on the Rights of Disabled People

Established by the New Zealand Government in 2011 to fulfil obligations under the Convention on the Rights of Persons with Disabilities.

Made up of:

- *Human Rights Commission*
- *Office of the Ombudsman*
- *Disabled People's Organisations Coalition*



National Preventive Mechanism under the Optional Protocol to the Convention Against Torture

Issues

1. Māori grossly overrepresented in detention settings
 - 37 percent of people proceeded against by Police,
 - 45 percent of people convicted, and
 - 53 percent of people in prison,while only representing 17 percent of the national population.
2. Lack of specialist support to address mental health needs in detention.
3. Inadequate human rights training for law enforcement and custodial personnel.

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Recommendations

1. Adopt a timeline for implementing effective and measurable steps to: reduce the rate of detention for Māori in all places of detention; and reduce the rate of Māori experiencing restrictive practices (e.g. seclusion and restraint).
2. Adopt legislative and policy measures to ensure all detaining agencies are equipped to provide adequate mental health support to persons deprived of their liberty.
3. Ensure all law enforcement and custodial personnel receive adequate training in human rights obligations.



Independent Monitoring Mechanism for the Declaration on the Rights of Indigenous Peoples

Issues

1. New Zealand's constitution provides limited protection of the Treaty of Waitangi and human rights.
2. Government has stopped work on national action plan to implement the Declaration on the Rights of Indigenous Peoples.
3. Action urgently required on right to self-determination, participation in decision-making, and eliminating racism.

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Recommendations

1. Progress actions, in partnership with Māori, to determine and implement constitutional arrangements to recognise, protect and give effect to the Treaty of Waitangi and human rights.
2. Continues work to complete and implement the National Plan of Action to realise the Declaration on the Rights of Indigenous Peoples.
3. Commit to supporting Māori to exercise their rights to self-determination, including by enabling Māori participation in decision-making.
4. Strengthen efforts to combat racism, including by continuing work on a National Action Plan Against Racism, in partnership with Māori.



Independent Monitoring Mechanism for the Convention on the Rights of Persons with Disabilities

Issues

1. New Zealand's education framework excludes many disabled students at all levels of the system.
2. Disabled people bear a disproportionate burden of the high rates of violence and abuse experienced in New Zealand.
3. Mental Health Act needs to be repealed due to its adherence to an outdated substituted decision-making model.
4. No legislation in place to prohibit sterilisation (or any other non-therapeutic medical procedure) on disabled children and adults.

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Recommendations

1. Progress work on the introduction of new mental health legislation that aligns with human rights standards and elevates the voices of disabled Māori.
2. Ensure that disabled people, including disabled Māori lead in (or a fully involved in) the development, delivery and evaluation of strategies to prevent violence and abuse.
3. Take an intentional and cohesive approach to creating an inclusive education system, with enforceable rights and reasonable accommodations for disabled students within mainstream settings, instead of expanding segregated settings.
4. Place a moratorium on sterilisation on sterilisation of disabled children or adults.