



General Assembly

Distr.: General
27 August 2024

Original: English

Human Rights Council
Fifty-seventh session
9 September–9 October 2024
Agenda item 6
Universal periodic review

Report of the Working Group on the Universal Periodic Review*

New Zealand

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document is being issued without formal editing.



Formal response

1. New Zealand welcomes the 259 recommendations it received during its fourth Universal Periodic Review (UPR) on 29 April 2024. Following the review, New Zealand conducted targeted stakeholder engagement to inform the consideration of the recommendations.
2. New Zealand supports 168 recommendations, partially supports 12 recommendations and notes 79 recommendations. New Zealand does not reject the intention of any recommendation but cannot support certain recommendations because they depend on future decision-making according to our constitutional processes.
3. New Zealand will be launching a new online monitoring tool, *The Human Rights Monitor*, in September 2024, as part of our *National Mechanism for Reporting and Follow-up*. The UPR recommendations and the actions the Government agrees to take in response will be recorded in this tool.
4. **Annex 1** details our responses to each recommendation. The actions New Zealand has committed to take in response to these recommendations are set out at **Annex 2**. We intend to submit a mid-term report in 2026.

International instruments

5. New Zealand values the role of international human rights treaties in our constitutional arrangements. New Zealand agrees to consider acceding to the Convention for the Protection of all Persons from Enforced Disappearance and the Optional Protocol to the International Covenant for Economic, Social and Cultural Rights. New Zealand will also consider whether to remove existing reservations.
6. **Supported:** 132.5, 132.12–13, 132.15, 132.17.
7. The Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment already applies to Tokelau. New Zealand will discuss possible accession with the Cook Islands and Niue respectively.¹
8. **Supported in part:** 132.37.
9. New Zealand cannot bypass its domestic process of considering the implications of international conventions. We are therefore unable to accept recommendations to “ratify/accede” to instruments or to “withdraw” reservations.
10. There are no plans to reconsider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families or the Convention relating to the Status of Stateless Persons.
11. **Noted:** 132.1–4, 132.6–11, 132.14, 132.16, 132.18–25.

National human rights framework

12. New Zealand’s founding document, the Treaty of Waitangi, is at the heart of the Māori-Crown relationship. The New Zealand Bill of Rights Act 1990 (BORA) codifies civil and political rights, including, freedom from discrimination.
13. New Zealand is open to continuing the dialogue about constitutional arrangements. For example, we will continue to take steps to promote and protect economic, social and cultural rights in law, policy and practice.
14. **Supported:** 132.117.
15. We have no plans at this stage to adopt a written constitution holding supreme legal status, to include further rights in BORA or implement additional constitutional processes to give effect to the Treaty of Waitangi.
16. **Noted:** 132.26–33.

17. New Zealand will continue to strengthen its national human rights mechanism through the launch of the *Human Rights Monitor* and the ongoing work of the International Human Rights Governance Group.

18. **Supported:** 132.40–42.

International cooperation

19. New Zealand is committed to cooperating with other UN member states on a broad range of issues.

20. New Zealand's UPR report includes an annex on Tokelau. New Zealand will need to consider, in consultation with both countries, how the UPR process could apply to the Cook Islands and Niue.²

21. **Supported in part:** 132.36.

22. New Zealand will continue to actively engage with the Human Rights Council and promote respect for human rights in our bilateral engagements and relevant international fora. We do not currently have any plans to actively participate in the negotiations of an instrument on business and human rights.

23. **Noted:** 132.38–39, 132.162–163.

Equality and non-discrimination

24. New Zealand has committed to developing a national action plan against racism. The final plan will be released later in 2024.

25. **Supported:** 132.43–48, 132.50–57, 132.61, 132.85–86.

26. **Supported in part:** 132.49.

27. The Law Commission is examining whether the prohibited grounds of discrimination in the Human Rights Act 1993 adequately protect people who are transgender, non-binary and people with variations of sex characteristics. The Law Commission intends to report in mid-2025.

28. The Law Commission is also reviewing the law relating to hate crime. This review will not consider the law relating to hate speech and there are no plans to progress work relating to hate speech. The Government will consider and respond to the recommendations from both reviews.

29. **Noted:** 132.34–35, 132.58–60, 132.72.

Criminal justice

30. New Zealand is committed to improving outcomes across the justice sector. The Department of Corrections' Long Term Network Configuration Plan outlines steps to transition to a better quality, safer and more fit for purpose prison network.

31. The Government is due to undertake its next review of the legal aid settings in the reporting period.

32. **Supported:** 132.66–70, 132.75, 132.83, 132.87.

33. The Government does not accept that overcrowding is a feature of our custodial facilities.

34. **Supported in part:** 132.64–65.

35. The Government will be reporting to the Committee against Torture in 2024 on the recommendations from New Zealand's last review. The report will include actions that we are taking to implement some of the recommendations.

36. **Supported in part:** 123.63.
37. Legal aid is an important feature of our justice system. However, we cannot commit to the specifics of recommendation 132.74. We **support in part** recommendation 132.74.
38. The Government has no plans to repeal current remand practices. However, we will continue to explore options for children and young people. We **note** recommendation 132.82.
39. There are no plans to consider increasing the current minimum age of criminal responsibility.
40. **Noted:** 132.76–81.
41. The Government cannot commit to the specifics of recommendation 132.84. However, we will continue to consider redress for victims of abuse in state care. We **note** recommendation 132.84.
42. Our legislative framework relating to pretrial detention is consistent with international standards.
43. **Noted:** 132.62.

Counterterrorism

44. New Zealand recently marked the fifth annual commemoration of the 2019 terrorist attack in Christchurch, where 51 people were killed and 50 were injured. The Government acknowledges the significant harm this has caused to victims and their communities.
45. New Zealand has addressed some of the recommendations made by the Royal Commission of Inquiry into the terrorist attack. The Government will respond to the remaining recommendations by the end of 2024.
46. **Supported in part:** 132.73.

Children

47. The wellbeing of children is a priority for New Zealand. The Government is currently reviewing and refreshing the priorities and measurement framework that support the Child and Youth Wellbeing Strategy.
48. New Zealand is committed to reducing material hardship and making progress towards its child poverty targets under the Child Poverty Reduction Act 2018. The Government is focused on changing the circumstances that trap people in poverty, including by supporting parents into work. Recent increases to tax thresholds and the In-Work Tax Credit, as well as a new payment to help low and middle-income households with the costs of early childhood education will help reduce child poverty rates.
49. New Zealand is currently developing its second Action Plan under the National Strategy for the elimination of family and sexual violence. It will focus on supporting victims and preventing family and sexual violence.
50. The Royal Commission of Inquiry into Abuse in Care delivered its final report on 26 June 2024. The Government will consider the report and respond to its recommendations.
51. **Supported:** 132.90–91, 132.197–210.
52. There are no plans to remove any exceptions to the minimum age of marriage.
53. **Noted:** 132.88–89.

Human trafficking, forced labour, modern slavery and business and human rights

54. New Zealand is committed to combatting trafficking in persons. New Zealand's Plan of Action against Forced Labour, People Trafficking and Slavery sets out a framework of actions that government agencies will undertake.

55. **Supported:** 132.92–98, 132.100–105.

56. A decision has not been made on modern slavery legislation. New Zealand will continue to implement and improve guidance and tools supporting ethical supply chains.

57. The Government has no current plans to develop a National Action Plan on Business and Human Rights.

58. **Noted:** 132.99, 132.106, 132.116, 132.164–167.

Employment

59. New Zealand is committed to reducing the gender, Māori, Pacific and ethnic pay gaps. The Public sector is required to take action to promote and monitor equal employment opportunities under the Public Service Act 2020. We are also currently working to develop a business-led voluntary pay gap reporting system.

60. New Zealand acknowledges that persons with disabilities continue to face barriers to employment. We will continue to support persons with disabilities into work by improving transition services and developing an action plan to improve education, training and employment outcomes.

61. **Supported:** 132.112–115.

62. As introducing pay transparency legislation is not one of Government's current legislative priorities, we **note** recommendations 132.107–111.

Adequate standard of living

63. New Zealand acknowledges that the rise in cost of living, including housing, is affecting all New Zealanders' right to an adequate standard of living.

64. While New Zealand's social welfare system will continue to support those who need it, the Government is prioritising supporting people into work. We will provide support for in work costs such as childcare, as well as providing jobseekers with specific and targeted supports.

65. New Zealand is committed to improving access to housing, quality of housing, and reducing inequity in housing. We are implementing a comprehensive reform programme to target the underlying causes of the housing shortage and to remove barriers to development.

66. **Supported:** 132.118, 132.120–131.

67. **Supported in part:** 132.119.

Health

68. New Zealand is committed to improving health care for all communities. Te Mana Ola: The Pacific Health Strategy and Pae Tu: Hauora Māori Strategy provide a framework to achieve equity in Pacific and Māori health outcomes. The Government is also reviewing funding of resettlement services to improve equity of access for migrants and refugees, developing a rights-based approach to healthcare for intersex children and young people and is undertaking a review of the abortion system.

69. Sexual and reproductive health is a priority for New Zealand. The sexual and reproductive health programmes set out actions including improved access and timely and affordable services to young and low-income women.

70. The Government is committed to improving mental health outcomes and reducing suicide. It is currently developing the next Suicide Prevention Strategy 2025-2029.

71. **Supported:** 132.132–137, 132.250.

72. New Zealand cannot commit to progressing legislative change to ban surgeries on intersex children without further consideration of the framework.

73. Nor can it commit to prioritising the wellbeing of unborn children.

74. **Supported in part:** 132.71, 132.249.

Education

75. Education must be accessible and inclusive. The Government's priorities for the education system include stronger learning support and a clearer curriculum.

76. Relationship and sexuality education (RSE) is part of the New Zealand Curriculum. It is compulsory for schools to teach Health and Physical Education, which includes RSE up until the end of year 10.

77. **Supported:** 132.141–148, 132.150–151.

78. The Education and Training Act 2020 sets out education rights and obligations. There are no plans to enshrine the right to education in constitutional documents.

79. New Zealand places a strong emphasis on early childhood education. Nearly all New Zealand children attend early childhood education services before starting school. There are no plans to make early childhood education compulsory for Māori, Pacific, and low-income families.

80. **Noted:** 132.138–140, 132.149.

Environment

81. New Zealand acknowledges the importance of a healthy and sustainable environment for the enjoyment of human rights. The Climate Change Response Act 2002 sets targets for emissions reduction. Our second emissions reduction plan is being developed and will be released by the end of the year.

82. **Supported:** 132.154, 132.156–159, 132.161.

83. New Zealand has no current plans to legislate the right to a clean, healthy and sustainable environment. We will, however, continue to implement other policies and programmes to enable a pathway to a clean, healthy and sustainable environment.

84. New Zealand's climate framework includes a specific biogenic methane target for 2050. We will continue to review this target to ensure it aligns with New Zealand's unique emissions profile but cannot commit to a net zero target.

85. We will continue to deliver our current climate finance commitment (\$1.3b 2022-2025) of which \$800m was new and additional finance. A decision on New Zealand's next commitment will be made before the end of 2025.

86. **Noted:** 132.152–153, 132.155, 132.160.

Women

87. New Zealand continues to make progress in the number of women in leadership positions in both the public and private sectors. The Government will continue to support women into leadership and monitor progress throughout the reporting period.

88. **Supported:** 132.168–169.

89. We are committed to eradicating family and sexual violence and all forms of gender-based violence in New Zealand. As noted above New Zealand is currently developing its second Action Plan to eliminate family violence and sexual violence.

90. New Zealand is also currently progressing two Bills to make improvements to victims' experience of court processes, helping to bring more perpetrators to justice.

91. **Supported:** 132.171–196.

92. New Zealand will continue to take steps to ensure the safety of women and eliminate discrimination. However, we cannot commit to the broad recommendation of ensuring access to single-sex spaces without further consideration of any implications this may have on the rights of other groups or individuals.

93. **Supported in part:** 132.170.

Persons with disabilities

94. New Zealand is committed to reducing barriers for persons with disabilities and to improving outcomes across all key indicators. The Disability Strategy 2016–2026 guides the Government's work and the implementation of the Convention on the Rights of Persons with Disabilities (CRPD).

95. We are improving data collection and monitoring to better understand the extent of non-consensual sterilisation of persons with disabilities in New Zealand.

96. **Supported:** 132.213–218, 132.220.

97. New legislation for compulsory mental health treatment and care is being developed and is intended to follow a human-rights based approach, supporting greater alignment with the CRPD. However, we cannot guarantee the final form of the legislation as that is a Parliamentary decision.

98. **Noted:** 132.219.

Older persons

99. New Zealand will be building a national population-level dataset on the prevalence of abuse of older people to inform the direction of future investments and actions. Early findings are expected in late 2024.

100. **Supported:** 132.211–212.

Indigenous rights and ethnic minorities

101. New Zealand continues to focus on reducing disparities for Māori and other ethnicities through targeted programmes of work. Initiatives aimed at reducing material hardship, increasing the availability of adequate housing, and supporting people into work will also benefit population groups including Māori, Pacific and ethnic communities.

102. We are committed to promoting and revitalising Te Reo Māori and continuing to strengthen the Māori Language Act 2016.

103. **Supported:** 132.221, 132.229–233, 132.235–248.

104. There are no plans to implement the United Nations Declaration on the Rights of Indigenous Peoples.

105. **Noted:** 132.222–228, 132.234.

Migrants, refugees, asylum seekers

106. New Zealand is a country of immigrants. The New Zealand Refugee Resettlement Strategy and New Zealand Migrant and Settlement and Integration Strategy were refreshed in 2023. From 2025 there will be a full review of settlement services as well as settlement pathways for some refugees and their families.

107. New Zealand continues to ensure that any detention of refugees is in line with international standards.

108. **Supported:** 132.251–258.

109. New Zealand does not have a specific quota or allocation for the resettlement of Rohingya refugees and there are no plans to establish one.

110. **Noted:** 132.259.

Notes

¹ Noting that both have independent treaty-making capacity and law-making ability.

² Noting that both have independent international treaty-making capacity and law-making ability.
