

**Universal Periodic Review
(46th working group session)**

Contribution of UNESCO to Compilation of UN information

New Zealand

I. BACKGROUND AND FRAMEWORK

<i>Title</i>	<i>Date of ratification, accession, acceptance, approval or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education 1960	Ratified in 1963	Reservation to this Convention shall not be permitted		Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	Ratification on 22 November 1984			The right to freely participate in the cultural life of the community
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	Not ratified			The right to freely participate in the cultural life of the community
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	Accession on 5 October 2007			The right to freely participate in the cultural life of the community

II. REVIEW OF LEGISLATIVE, REGULATORY AND POLICY FRAMEWORKS AND IMPLEMENTATION

A. RIGHT TO EDUCATION

Discrimination in Education (UNESCO consultations)

1. New Zealand has submitted a report to the 9th and 10th consultation on the Convention against Discrimination in Education¹. New Zealand participated in the 5th edition of the Global Report on Adult Learning and Education survey (which includes the monitoring of the Recommendation on Adult Learning and Education of 2015)².

Constitution and main education law(s)

2. New Zealand does not have a single written constitution. A number of legal documents are considered to have constitutional status, but they do not explicitly provide for the right to education. However, they include non-discrimination clauses (Section 19 of the Bill of Rights Act of 1990, as of 2022³, and Sections 21.1 and 51.1 of the Human Rights Act of 1993, as of 2022⁴).
3. The Education and Training Act of 2020 (as of 2023⁵) provides for the right to free enrolment and free primary and secondary education at state schools for every domestic student (article 33) but does not enshrine the right to education comprehensively as it is limited to some levels of education. Regarding discrimination, its article 34 provides that students with special educational needs have the same right to education at state schools as others. More globally, the Human Rights Act of 1993⁶ provides for all the grounds of discrimination prohibited according to this act, notably on race, on sex or on religious beliefs (article 21.1) and explicitly provides for the prohibition of discrimination in the field of education without prejudice to the implementation of accommodations responding to the special needs of people with disabilities (articles 57 to 60).
4. The Education and Training Act of 2020 guarantees 14 years of free education from 5 to 19 years old (section 33.1) and 10 years of compulsory primary and secondary education from 6 to 16 years old (sections 10 and 35) and.
5. No provision was identified guaranteeing free or compulsory pre-primary education in the national legislative framework. Article 26.1 of the Education and Training Act of 2020⁷ provides

¹ <https://unesdoc.unesco.org/ark:/48223/pf0000380609/PDF/380609eng.pdf.multi>

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https://unesdoc.unesco.org/in/documentViewer.xhtml?v=2.1.196&id=p::usmarcdef_0000381666&file=/in/rest/annotationSVC/DownloadWatermarkedAttachment/attach_import_ec2a3559-c3fe-46dc-b9ca-acbcbf97daa1%3F_%3D381666eng.pdf&updateUrl=updateUrl1568&ark=/ark:/48223/pf0000381666/PDF/381666eng.pdf.multi&fullScreen=true&locale=en#%5B%7B%22num%22%3A94%2C%22gen%22%3A0%7D%2C%7B%22name%22%3A%22XYZ%22%7D%2C-166%2C842%2C0%5D

³ <https://www.legislation.govt.nz/act/public/1990/0109/latest/DLM224792.html>

⁴ <https://www.legislation.govt.nz/act/public/1993/0082/latest/DLM304212.html>

⁵ <https://www.legislation.govt.nz/act/public/2020/0038/latest/LMS170676.html>

⁶ <https://www.legislation.govt.nz/act/public/1993/0082/latest/whole.html#DLM304212>

⁷ <https://www.legislation.govt.nz/act/public/2020/0038/latest/LMS170676.html>

that fees may be charged in respect of the attendance of any child at any kindergarten.

Review

Enrollment rates

6. The gross enrollment rates (GER)⁸ in 2020 were:
 - In pre-primary education: 92% in total, 91% for girls and 92% for boys.
 - In primary education: 102% in total, and 102 for both girls and boys.
 - In secondary education: 120% in total, 123% for girls and 118% for boys.
 - In tertiary education: 80% in total, 97% for girls and 63% for boys.

Investment in education

7. New Zealand expenditure on education represented 5.54% of its GDP and 14.29% of government on expenditure in 2021 (UIS).

Inclusive education

8. During the last UPR cycle, it was recommended to New Zealand to ensure that all students have access to inclusive education (recommendation N°122.104), in particular students from ethics groups (122.103), students with disabilities (122.158, 122.159, 122.160 and 122.161) and students from indigenous communities (122.166, 122.178, 122.179, 122.180, 122.181, 122.182 and 122.183).
9. As reported in its report for the 10th consultation on the CADE,⁹ the New Zealand Government published in 2019 the Child and Youth Wellbeing Strategy aimed in particular at ensuring that all children can live free from racism and discrimination. The strategy includes measures to support students facing language barriers (such as children from minority and indigenous communities), students requiring specialized support to attend school, students with physical disabilities, students with serious health problems, and students from Maori and Pacific communities.
10. Finally, according to the Education (Pastoral Care of Domestic Tertiary Students) Interim Code of Practice adopted in 2019, tertiary education providers are required to have practices for recognizing and responding to discrimination¹⁰.

Students with disabilities

⁸ UNESCO UIS data

⁹ Report submitted by New Zealand for the 10th consultation on the CADE

¹⁰ ibid

11. During the last UPR cycle, some recommendations (122.158, 122.159, 122.160 and 122.161) were made about the need to strengthen its efforts in fighting discrimination in education against persons with disabilities.
12. As reported in its national report for the 10th consultation on the Convention against Discrimination in Education, the Children and Youth Wellbeing Strategy¹¹ (2019) provides for:
 - The Ongoing Resourcing Scheme, providing support for students with the highest ongoing levels of need for specialist support;
 - The Physical Disability Service that provides physiotherapists and occupational therapists to work with students;
 - The School High Health Needs Fund that provides teacher's aide if a student has a serious medical condition;
 - A new resource allocated to fund 600 additional learning support coordinators to help schools better identify disability support needs.

Students from indigenous communities

13. During the last UPR cycle, some recommendations (122.166, 122.178, 122.179, 122.180, 122.181, 122.182 and 122.183) were made about the need to improve access to education for members of indigenous communities and ensure that their right to education is respected.
14. As reported in its national report for the 10th consultation on the Convention against Discrimination in Education, the Children and Youth Wellbeing Strategy¹² (2019) provides for communication services to support a student who encounter linguistic difficulties in attending school but also scholarships for Maori and Pacific secondary school and tertiary students.
15. New Zealand also reported on the elaboration, in 2019, of a program called "Te Hurihanganui¹³", dedicated to address bias, strengthening equity and accelerating educational achievement and wellbeing of Maori students. Originally funded through 2019 budget, funding has been committed over three years to implement, support and evaluate this project in six communities across New Zealand.
16. New Zealand also reported on the program "Te Ahu o te Reo Maori"¹⁴, which is part of the "Maihi Karauna – the Crown's Strategy for Māori Language Revitalisation 2019 – 2023"¹⁵, which aims at supporting teachers to develop Maori language skills and classroom practice.

¹¹ibid

¹² ibid

¹³ ibid

¹⁴ ibid

¹⁵ ibid

B. RIGHT TO FREEDOM OF OPINION AND EXPRESSION AND RIGHT TO INFORMATION

Constitutional and Legislative Framework:

17. Freedom of expression is guaranteed in New Zealand under Section 14 of the Bill of Rights Act of 1990.¹⁶
18. The Official Information Act adopted in 1982¹⁷ provides for guarantees for the right to access official information held by government agencies. It ensures accountability and public scrutiny of government activities. The Act establishes timeframes for responses, while also allowing for limited exceptions to protect sensitive information.
19. The Defamation Act 1992 of New Zealand governs defamation law, allowing individuals to seek remedies for unjust harm to their reputation caused by false statements. It outlines defamation elements, defences like truth and honest opinion, and establishes procedures for claims, including damages and injunctions. Compensation is determined by the court based on the case's circumstances, encompassing general, special, and aggravated damages.

Implementation of the law:

20. The Broadcasting Standards Authority (BSA) was set up under the Broadcasting Act 1989 to oversee the broadcasting standards regime in New Zealand. The main purpose of the BSA is to issue licenses and deal with complaints through research and interpreting legislation and standards.
21. The Authority board consists of four members who are appointed by the Governor-General, on the recommendation of the Minister of Broadcasting.¹⁸
22. Established in 1972, the New Zealand Media Council is an independent self-regulatory body that promotes ethical journalism and provides a platform for handling complaints against media organizations. It aims to maintain high standards of journalistic integrity, freedom, and responsibility, and advocates freedom of expression and freedom of the media issues¹⁹.

Safety of journalists:

23. As at 15 June 2023, UNESCO has recorded no killings of journalists and media workers in New Zealand since systematic reporting began in 2006.

III. RECOMMENDATIONS

A. RIGHT TO EDUCATION

¹⁶ <https://www.legislation.govt.nz/act/public/1990/0109/latest/DLM224792.html>

¹⁷ <https://www.legislation.govt.nz/act/public/1982/0156/latest/whole.html>

¹⁸ <https://bsa.govt.nz/>

¹⁹ <https://www.mediacouncil.org.nz/>

24. New Zealand should be encouraged to:

- i. Consider enshrining the right to education comprehensively within the legislation, including in the legal documents that have constitutional status.
- ii. Introduce a provision in the legislation to make pre-primary education free and compulsory for at least a year.
- iii. Continue efforts to increase the percentage of enrollment, especially at preprimary, and improve gender equality at tertiary education.
- iv. Continue efforts to ensure the right to inclusive education, in particular for students with disabilities and students from indigenous communities.
- v. Continue to regularly submit comprehensive national reports for the periodic consultations on UNESCO's education-related standard-setting instruments, and notably on the Convention against Discrimination in Education and the Recommendation on Adult Learning and Education (2015).
- vi. Share with UNESCO any relevant information to update its country profile on UNESCO's Observatory on the Right to Education²⁰ and UNESCO's Monitoring tool on the right to education for girls and women: *HerAtlas*²¹.

B. RIGHT TO FREEDOM OF OPINION AND EXPRESSION AND RIGHT TO INFORMATION

25. It is recommended that the Government continue strengthening the protection and promotion of freedom of expression and opinion.

C. CULTURAL RIGHTS

26. New Zealand is encouraged to ratify the Convention for the Safeguarding of the Intangible Cultural Heritage (2003). The UNESCO Culture Conventions promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, New Zealand is encouraged to facilitate the participation of communities, practitioners, cultural actors and civil society organizations as well as groups in vulnerable situations (minorities, indigenous peoples, migrants, refugees, young people and persons with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

D. THE RIGHT TO SHARE IN SCIENTIFIC ADVANCEMENT AND ITS BENEFITS

²⁰ <http://www.unesco.org/education/edurights/index.php?action=countries&lng=en>

²¹ <https://en.unesco.org/education/girls-women-rights>

27. New Zealand did not submit its National Report on the implementation of the Recommendation on Science and Scientific Researchers (2017) for the consultation period from 2017 to 2020. In May 2023, UNESCO's Executive Board also adopted 216 EX/Decision 45, which calls on all Member States to redouble their efforts to ensure the full and comprehensive implementation and monitoring of the 2017 Recommendation on Science and Scientific Researchers along the lines established in this decision. Therefore, New Zealand is encouraged to report to UNESCO on its implementation actions, especially noting legislative or other measures adopted by it with the aim to ensure application of these norms and standards in national law, policy and practice. Particular attention should be paid to the legal provisions and regulatory frameworks which ensure the implementation of human rights of scientific researchers themselves (rights of association, freedom of research, expression and publication, equal opportunities and treatment, including for girls and women pursuing a scientific career, etc.) and human rights obligations related to the practice of science generally: the human rights related to access to and uses of scientific knowledge through education; the sharing of benefits of scientific progress and its applications with emphasis on non-discrimination and inclusion; protection for the rights of human subjects of research; and promotion of the science society interface. UNESCO stands ready to support New Zealand develop and nurture its science ecosystem, and the protection of their science and scientific researchers, in line with the abovementioned Recommendation. New Zealand is invited to reach out to the UNESCO Secretariat for that purpose.
28. Furthermore, New Zealand is encouraged to expand input on issues covered by the Recommendation in its national report to the UPR to allow further discussions thereon at the Human Rights Council and the formulation of specific recommendations. Within this framework, New Zealand is urged to consider expanding the scope of application of freedom of expression to include scientists and scientific researchers and also to address the relevant dimensions of the right to science in its reporting on the impact of the COVID-19 pandemic and the assessment of responses thereto.