



# NEW ZEALAND

## AMNESTY INTERNATIONAL SUBMISSION FOR THE UN UNIVERSAL PERIODIC REVIEW 32<sup>ND</sup> SESSION OF THE UPR WORKING GROUP, JANUARY-FEBRUARY 2019

### FOLLOW-UP TO THE PREVIOUS REVIEW

Amnesty International welcomes New Zealand's engagement with the Universal Periodic Review (UPR) and its acceptance of 121 of the 155 recommendations made to it by other states during its previous review in 2014.<sup>1</sup>

Amnesty International also welcomes that New Zealand accepted a recommendation to develop a new human rights action plan under the auspices of the Human Rights Commission.<sup>2</sup>

New Zealand has acted on this recommendation by working with the Human Rights Commission, non-government organizations and civil society to develop the National Plan of Action for the Promotion and Protection of Human Rights.<sup>3</sup> This Plan also records the actions the government is taking to protect and promote Human Rights as a result of the commitments it made in 2014 UPR process.<sup>4</sup> Amnesty International believes the free interactive online tool developed under the Plan has improved the level of transparency and accessibility for New Zealanders to measure levels of progress on UPR recommendations.

#### Violence against women and girls

In 2014, New Zealand accepted 22 recommendations from other states in relation to increasing its efforts to combat all forms of violence against women.<sup>5</sup> Amnesty International acknowledges the work programme of the Ministerial Group on Family Violence and Sexual Violence that began in 2015, the reform of domestic violence legislation in 2017, and the establishment of the roles of Chief Victims Advisor in 2015 and Under-Secretary to the Minister Justice for Domestic and Sexual Violence issue in 2017. In early 2018, the new government announced a funding increase for family violence services with nearly half allocated to women's refuge services.<sup>6</sup> It also announced funding for the establishment of a dedicated body to set a clear direction for the government's commitment to prevent and reduce family and sexual

<sup>1</sup> New Zealand Government Response to 2014 UPR Recommendations, available at <https://www.hrc.co.nz/files/5314/2406/1357/New-Zealand-Government-Response-to-2014-UPR-recommendations.pdf>

<sup>2</sup> A/HRC/26/3, recommendations 128.42 [Burkina Faso].

<sup>3</sup> Human Rights Commission (2015), *New Zealand National Plan of Action 2015-2019*, available at <http://npa.hrc.co.nz/#/action/>

<sup>4</sup> Human Rights Commission (2015), *New Zealand National Plan of Action 2015-2019*, as above.

<sup>5</sup> A/HRC/26/3, recommendations 128.95 [Ireland], 128.106 [Romania], 128.107 [France], 128.108 [Switzerland], 128.109 [United Kingdom of Great Britain and Northern Ireland], 128.110 [Chile], 128.111 [Congo], 128.112 [Germany], 128.114 [Italy], 128.115 [Namibia], 128.116 [Greece], 128.117 [Cyprus], 128.118 [Slovakia], 128.119 [Spain], 128.120 [Czech Republic], 128.121 [Australia], 128.122 [Botswana], 128.125 [Republic of Moldova], 128.126 [Iran], 128.127 [Hungary], 128.129 [Italy], 128.130 [Paraguay]

<sup>6</sup> Press release made by Hon Carmel Sepuloni, Minister of Social Development, Hon Tracey Martin, Minister of Children, and Jan Logie, Under-Secretary to the Minister of Justice on Domestic and Sexual Violence Issues, 9 May 2018, available at <https://beehive.govt.nz/release/significant-funding-boost-family-violence-services>

violence, with a collective strategy designed in partnership with the sector, Indigenous Māori and other stakeholders.<sup>7</sup>

Amnesty International considers that these actions have to some extent responded to UPR recommendations in the second cycle and demonstrate government prioritisation. For example, the establishment of a dedicated agent to lead a national strategy provides a positive response to a recommendation to develop a comprehensive national action plan to target gender-based violence in consultation with all relevant actors.<sup>8</sup>

However, Amnesty International shares the concerns of the Human Rights Commission that the various work programmes and strategies developed by New Zealand over different review periods have been, and will be, subject to change by successive governments, leading to what appears to be an overall lack of policy coherence which can impact outcomes.<sup>9</sup>

### Children's rights

A range of recommendations were accepted by New Zealand in relation to children's rights, particularly in the spheres of education, child poverty, child abuse and marginalised children.<sup>10</sup> Amnesty International welcomes New Zealand's renewed commitment to reducing child poverty, including the introduction of legislation in 2018 that proposes a framework for measuring and targeting both child poverty and overall wellbeing, and aligns it with rights in the UN Convention on the Rights of the Child.<sup>11</sup> However, Amnesty International believes that a stronger rights-based approach is required to ensure enduring child-rights focused policy and results across the board, given that well-being is multi-faceted in nature, particularly for marginalised children.<sup>12</sup>

## THE NATIONAL HUMAN RIGHTS FRAMEWORK

### Sustainable development goals

Since the 2014 review New Zealand has endorsed the 2030 Agenda for Sustainable Development, by which achievements in human development will be measured until 2030.

Amnesty International considers that implementation of the SDG Agenda in New Zealand's policy and legislative framework has considerable potential to drive enhanced human rights outcomes.

### Parliamentary processes

---

<sup>7</sup> Budget 2018 invests \$2m in the establishment of the body, which will provide a single point of leadership and accountability for the whole-of-government response to family and sexual violence. It is responsible for improving the way in which Government agencies work together to reduce family violence and sexual violence, and how they engage meaningfully with service providers and the wider sector. Further information available at <https://www.justice.govt.nz/justice-sector-policy/key-initiatives/reducing-family-and-sexual-violence/work-programme/updates/> (accessed 2 July 2018).

<sup>8</sup> A/HRC/26/3, recommendation 128.127 [Hungary].

<sup>9</sup> Human Rights Commission *Women's Rights in New Zealand: Submission of the New Zealand Human Rights Commission for the Seventh Periodic Review of New Zealand under the Convention on the Elimination of Discrimination Against Women*, 2018, available at [https://www.hrc.co.nz/files/5815/2877/2344/NZ\\_Human\\_Rights\\_Commission\\_Submission\\_on\\_Women's\\_Rights\\_in\\_New\\_Zealand\\_June\\_2018.pdf](https://www.hrc.co.nz/files/5815/2877/2344/NZ_Human_Rights_Commission_Submission_on_Women's_Rights_in_New_Zealand_June_2018.pdf) (accessed 12 July 2018)

<sup>10</sup> A/HRC/26/3, recommendation 128.55 [Ukraine].

<sup>11</sup> *Child Poverty Reduction Bill 14-1* (31 January 2018), available at <http://www.legislation.govt.nz/bill/government/2018/0014/latest/LMS8294.html> (accessed 27 May 2018)

<sup>12</sup> For example children with disabilities are more likely to live in low-income households. For more information, see <http://www.cpag.org.nz/assets/150317ChildDisability.pdf> (accessed 28 May 2018)

Amnesty International welcomes the improved layers of disclosure and scrutiny in the parliamentary process to facilitate better alignment of legislation with human rights obligations. This includes the binding requirement to publish disclosure statements to accompany the introduction of most government bills, the referral of bills that have been declared inconsistent with the New Zealand Bill of Rights Act (BORA) to a parliamentary select committee for consideration, and potential statutory power for senior courts to make declarations of inconsistency with the BORA, and to require Parliament to respond.<sup>13</sup>

However, since the 2014 review of New Zealand, approximately 18 bills have progressed despite declared inconsistencies with the BORA and potential breaches of international human rights obligations.<sup>14</sup> There are no procedures to ensure that the Member of Parliament introducing a bill responds to declarations of inconsistency, and no further update from the Member of Parliament is required before the final reading of the bill. Amnesty International considers that the New Zealand Parliament still lacks institutional preventative mechanisms for removing or redrafting bills in breach of human rights.

### **Economic, social and cultural rights**

Amnesty International has consistently advocated for the inclusion of economic, social and cultural rights (ESCR) alongside civil and political rights in New Zealand's Bill of Rights Act. Amnesty International regrets that New Zealand rejected recommendations made by several states to incorporate ESCR into the BORA during the 2014 review.<sup>15</sup> It accepted two broader recommendations relating to continuing its work and reflections towards having a written constitution, and incorporating international human rights instruments in its domestic legal framework.<sup>16</sup>

However, as of June 2018, Amnesty International is concerned that New Zealand's recorded action in response to these particular recommendations has been to commit to "advancing the Constitutional Review", of which there is little evidence of substantive progress.<sup>17</sup> In November 2013, a government-appointed Constitutional Advisory Panel, which sought the input of New Zealanders on constitutional arrangements, delivered its report to the government. One recommendation by the Panel was to set up a process, with public consultation and participation, to explore in more detail the options for amending the Bill of Rights Act, to improve its effectiveness, such as adding economic, social and cultural rights, property rights and environmental rights.<sup>18</sup> While the report was presented to and acknowledged by the government in 2013, it is disappointing that as of 2018 there appears to have been no further formal response, other than a statement to the Committee on Economic, Social and Cultural Rights in 2017 that "the Government has no plans to review the BORA at this stage".<sup>19</sup>

---

<sup>13</sup> Press release made by Hon Andrew Little, Minister of Justice and Courts, and Hon David Parker, Attorney General, 26 February 2018, available at <https://www.beehive.govt.nz/release/government-provide-greater-protection-rights-under-nz-bill-rights-act-1990> (accessed 24 May 2018)

<sup>14</sup> For example, see the Attorney General's section 7 reports on the Child Protection (Child Sex Offender Register) Bill 2017, the Social Security Legislation Rewrite Bill 2016, and the Returning Offenders (Management and Information) Bill 2015. Further information available at <https://www.justice.govt.nz/justice-sector-policy/constitutional-issues-and-human-rights/bill-of-rights-compliance-reports/section-7-reports/> (accessed 5 June 2018)

<sup>15</sup> Report of the Working Group on the Universal Periodic Review of New Zealand, 7 April 2014 (A/HRC/26/3).

<sup>16</sup> A/HRC/26/3, recommendations 128.30 [Benin] and 128.31 [Nicaragua].

<sup>17</sup> The Government recorded action to address these recommendations under the online reporting framework noted that "the Government has considered the Constitutional Advisory Panel Report and is satisfied that the objective of facilitating public engagement, awareness and discussion on New Zealand constitutional arrangements has been achieved. The Government will take into account the report and its recommendations as work in the constitutional area is progressed in the future but it will not issue a formal response." Further information available at <http://npa.hrc.co.nz/#/action/14> (accessed 25 May 2018)

<sup>18</sup> Constitutional Advisory Panel *New Zealand's Constitution: A Report on a Conversation*, New Zealand Government, Wellington, 2013, p. 48, available at <https://www.justice.govt.nz/assets/Documents/Publications/Constitutional-Advisory-Panel-Full-Report-2013.pdf> (accessed 27 May 2018)

<sup>19</sup> Fourth periodic report submitted by New Zealand to the United Nations Committee on Economic, Social and Cultural Rights under articles 16 and 17 of the Covenant (2017) available at

# PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

## Asylum-seekers and refugees

Amnesty International remains concerned about breaches of the rights of persons seeking asylum in New Zealand, including the detention of some asylum-seekers alongside the wider remand detainee population, their security and well-being, and the length of time in detention.

In 2018, a community sponsorship refugee pilot was developed as an additional protection pathway for refugees alongside the government's resettlement programme.<sup>20</sup> A group of 21 UNHCR refugees arrived under the pilot in 2018 and are being supported in their resettlement by approved community organisations. Amnesty International welcomes the opportunity of community sponsorship to increase New Zealand's commitment to international responsibility-sharing, to increase protection spaces, and to build community support for refugee rights. However, Amnesty International and other organisations have also expressed concern at the requirement for sponsored refugees under the pilot to meet language, skills, health and age criteria that could be considered discriminatory.<sup>21</sup>

## Violence against women and girls

As of 2018 it is difficult to paint an accurate and up-to-date picture of gender-based violence in New Zealand, including prevalence of violence and reporting. This is due to a variety of factors, including lack of data, significant under-reporting, and changes to how police collect data.<sup>22</sup> There is, however, general consensus among both government agencies and the non-governmental sector that gender-based violence remains both prevalent and under-reported.<sup>23</sup> Between 2009 and 2015, there were 92 intimate partner violence deaths. In 98% of these deaths where there was a recorded history of abuse, women were the primary victim, abused by their male partner.<sup>24</sup>

Amnesty International is also deeply concerned that gender-based violence, including sexual harassment, is violating the human rights of women in multiple spheres of their life and influence, including in online spaces. In 2017, research commissioned by Amnesty International found that around 1/3 of the women surveyed said they had experienced online abuse and harassment. Of those women, 49% feared for their physical safety, 32% feared for the physical safety of their

---

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fNZL%2f4&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fNZL%2f4&Lang=en) (accessed 24 May 2018)

<sup>20</sup> Community-based sponsorship programs allow individuals to directly engage in refugee resettlement efforts. Sponsors commit to providing financial, emotional and resettlement support to help newly-arrived refugees integrate into life in a new country. Further information available at <http://www.refugeesponsorship.org/community-sponsorship> (accessed 28 June 2018)

<sup>21</sup> Office of the Minister of Immigration *Cabinet Paper: Community Organisation Refugee Sponsorship Category* (2017), available at <http://www.mbie.govt.nz/info-services/immigration/oia-responses/folder-community-organisation-refugee-sponsorship-category/cabinet-paper-community-organisation-refugee-sponsorship-category.pdf> (accessed 25 May 2018)

<sup>22</sup> The Law Commission, Government research agency Superu and the Family Violence Clearing House have all identified difficulties in measuring domestic and sexual violence using statistics. Further information available at <http://www.lawcom.govt.nz/sites/default/files/projectAvailableFormats/NZLC-R136-The-Justice-Response-to-Victims-of-Sexual-Violence.pdf>, <https://www.nzfvc.org.nz/family-violence-statistics> (accessed 25 May 2018)

<sup>23</sup> The government continues to recognize that New Zealand has amongst the highest reported rates of family violence and sexual violence in the developed world. The Ministry of Justice also reports that The New Zealand Crime and Safety Survey; carried out in 2005 and 2008 estimate that between 7% and 9% of sexual offences are reported to Police. Statistics for 2013 are not available. Further information available at <https://www.justice.govt.nz/justice-sector-policy/research-data/nzcass/survey-results/results-by-subject/sexual-violence/> (accessed 25 May 2018). Rape Crisis, a national agency that provides support and advocacy to survivors of sexual violence also identify that sexual violence is both hidden and prevalent in New Zealand. Further information available at <http://rpe.co.nz/information/statistics/> (accessed 28 June 2018)

<sup>24</sup> Family Violence Death Review Committee *Fifth Report Data: January 2009 to December 2015*, Health Quality & Safety Commission, Wellington, 2017, p. 9, available at <https://www.hqsc.govt.nz/assets/FVDRC/Publications/FVDRC-FifthReportData-2017.pdf> (accessed 12 July 2018).

families as a result, and 49% said they used social media less, or had stopped altogether.<sup>25</sup>

### **Equality and non-discrimination in the criminal justice system**

Amnesty International has consistently raised the disproportionate rates of Māori representation in the criminal justice system in New Zealand in its annual reports on the state of the world's human rights.<sup>26</sup> In the last review, New Zealand accepted four recommendations relating specifically to preventing and addressing structural discrimination and to the over-representation of Māori in the criminal justice system, including high incarceration rates of Māori.<sup>27</sup> A further eleven recommendations related more broadly to equality and non-discrimination for Māori and Pacific Peoples.<sup>28</sup>

These recommendations contribute to the range of recommendations that have been made repeatedly to New Zealand by UN treaty bodies, special procedures and other states expressing concern about the systematic bias against and over-representation of Māori, particularly women and youth, in the criminal justice system.<sup>29</sup>

Amnesty International acknowledges implementation of initiatives such as the *Turning of the Tide Strategy* in 2012, which was co-designed by the police and Indigenous Māori tribes and sought to take a preventative approach to address the over-representation of Māori, including through a holistic approach to preventing crime in communities and supporting families at risk. It set targets such as a 10% decrease in the proportion of Māori first-time youth and adult offenders by 2018. In 2016, the Police, Corrections and Justice Departments also set a target to reduce Māori re-offending by 25% by 2025.

However despite these strategies and targets, Amnesty International is concerned that very little progress has been made since the last review. In 2018 Māori remain alarmingly over-represented at all stages of the criminal justice system, including apprehension, remand, conviction, imprisonment and re-imprisonment.<sup>30</sup>

The over-representation of Māori is particularly stark in the youth justice system: in 2017, Māori comprised around 64% of all youth charged, with more youth in court than all other ethnicities.<sup>31</sup> While the number of youth charged in all the other ethnic groups has continued to decrease, the number of Māori youth charged in 2017 remains similar to the number in 2014.<sup>32</sup>

---

<sup>25</sup> Amnesty International and Ipsos *MORI Poll online abuse or harassment against women (2017)*, further information available at <https://www.amnesty.org.nz/amnesty-reveals-alarming-impact-online-abuse-against-women> (accessed 25 May 2018)

<sup>26</sup> Amnesty International "New Zealand" *Annual report: State of the world's human rights*, 2015/16, 2016/17, 2017/18 available at <https://www.amnesty.org/en/latest/research/2016/02/annual-report-201516/>, <https://www.amnesty.org/en/latest/research/2017/02/amnesty-international-annual-report>, <https://www.amnesty.org/en/latest/research/2018/02/annual-report-201718/> (accessed 28 June 2018).

<sup>27</sup> A/HRC/26/3, recommendations 128.81 [Ireland], 128.82 [Cabo Verde], 128.84 [Thailand], 128.133 [Iran].

<sup>28</sup> A/HRC/26/3, recommendations 128.64 [China], 128.68 [Gabon], 128.71 [Jamacia], 128.82 [Canada] and 128.73 [State of Palestine], 128.74 [United States of America], 128.75 [Switzerland], 128.76 [United Kingdom of Great Britain and Northern Ireland], 128.77 [Czech Republic], 128.78 [Djibouti], 128.79 [Greece].

<sup>29</sup> For example see concluding observations of the Committee on Economic, Social and Cultural Rights (2018) E/C.12/NZL/CO/4 paras 10-11, the Committee on the Elimination of Racial Discrimination (2017) CERD/C/NZL/CO/21-22 paras 24-25, the Committee on the Rights of the Child (2016) CRC/C/NZL/CO/5 para 45 and A/HRC/30/36/Add.2, the Report of the Working Group on Arbitrary Detention: Mission to New Zealand (6 July 2015) paras 54-61]. Also see A/HRC/26/3, UPR recommendations 128.81 [Ireland], 128.82 [Cabo Verde], 128.84 [Thailand], 128.133 [Iran].

<sup>30</sup> In 2017, the Ministry of Justice identified that the number of Māori adults convicted in the past year had increased, while the number of European and Pacific adults convicted has continued to drop. Māori represent 45% of all arrests and 38% of all convictions. In April 2017 the Waitangi Tribunal released its report *Tū Mai te Rangī! Report on the Crown and Disproportionate Reoffending Rates*. It found that Corrections had breached the Treaty of Waitangi (between Indigenous Māori and the Crown) principles of active protection and equity by not sufficiently prioritising the reduction of Māori re-offending rates.

<sup>31</sup> Ministry of Justice *Youth Prosecution Statistics: Data highlights for 2017*, available at <https://www.justice.govt.nz/assets/Documents/Publications/youth-prosecution-statistics-data-highlights-2017.pdf>

<sup>32</sup> Ministry of Justice *Youth Prosecution Statistics: Data highlights for 2017*, as above.

Amnesty International notes that while the government has traditionally responded to recommendations by highlighting cultural responsiveness programmes and strategies, it remains reluctant to publicly acknowledge any structural discrimination against Māori.<sup>33</sup>

### Places of detention

Despite 2016 marking the tenth anniversary of New Zealand's ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Amnesty International is concerned that a number of serious issues have been reported in detention facilities since the last review of New Zealand.<sup>34</sup> A 2016 independent report found a high use of seclusion and restraint in various forms, including solitary confinement, across correction and health facilities. The data gathered by the report showed that ethnic minority groups, in particular Māori, were over-represented in seclusion and segregation units.<sup>35</sup>

In 2017, the Ombudsman found that the use of tie-down bed and/or waist restraints on five prisoners amounted to cruel, inhuman or degrading treatment or punishment, as set out in Article 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.<sup>36</sup>

Amnesty International also considers that the dramatic increase in New Zealand's prison population, particularly the remand population, since the last review, poses risks relating to conditions and treatment in places of detention, including the use of double bunking.<sup>37</sup>

### Juvenile justice

Amnesty International welcomes that since the last review, New Zealand has raised the age that a juvenile is tried within the adult criminal justice system to 18 in order to include 17 year olds in its alternative youth justice system.

However, Amnesty International is deeply concerned at the significant increase since the last review in the number of juveniles held in police cells for more than 24 hours. Official figures released to Amnesty International show that the number of placements of juveniles in police cells for more than 24 hours increased from 62 to 284 placements between 2014 and 2017.<sup>38</sup> The average period of stay in police custody has also increased in this period, from 1.8 days to 2.3.

Amnesty International considers that the continued and increased detention of juveniles in adult detention facilities, such

---

<sup>33</sup> Kim Workman "From a Search for Rangatiratanga to a Struggle for Survival – Criminal Justice, the State and Māori, 1985 to 2015", *Journal of New Zealand Studies* NS22 (2016), 89-104 p. 98.

<sup>34</sup> A/HRC/26/3, recommendations 128.27 [Indonesia], 128.32 [Togo], 128.33 [Ukraine], 128.34 [Uruguay], 128.-35 [Spain].

<sup>35</sup> Sharon Shalev *Thinking outside the box: A review of seclusion and restraint practices in New Zealand*, New Zealand Human Rights Commission, Auckland, 2017, p. 24, available at <http://www.seclusionandrestraint.co.nz/>

<sup>36</sup> Chief Ombudsman *A question of restraint: Care and management for prisoners considered to be at risk of suicide and self-harm: observations and findings from OPCAT inspectors*, March 2017, available at <http://www.ombudsman.parliament.nz/resources-and-publications/documents/a-question-of-restraint>

<sup>37</sup> A briefing by the Department of Corrections in 2017 stated that the prison population has experienced one of the most rapid growth periods ever recorded since early 2015. The Prison population grew from 8520 in March 2014 to 10650 in March 2018. The remand population increased from 1802 in March 2014 to 3316 in March 2018. Further information available at [http://www.corrections.govt.nz/\\_data/assets/pdf\\_file/0006/901518/Briefing\\_to\\_the\\_Incoming\\_Minister\\_-\\_2017.pdf](http://www.corrections.govt.nz/_data/assets/pdf_file/0006/901518/Briefing_to_the_Incoming_Minister_-_2017.pdf) (accessed 28 June 2018). The Ombudsman has since expressed concern at the use of double bunking in prison facilities and prison cell sizes. For more information see [http://www.ombudsman.parliament.nz/ckeditor\\_assets/attachments/595/Arohata\\_Upper\\_Prison\\_media\\_statement\\_220318.pdf](http://www.ombudsman.parliament.nz/ckeditor_assets/attachments/595/Arohata_Upper_Prison_media_statement_220318.pdf) (accessed 25 May 2019)

<sup>38</sup> Oranga Tamariki – Ministry for Children *For the period 31 March 2014 to 31 March 2018, the number of children and young people detained in Police cells for more than 24 hours, by average duration in police custody, broken down by region.* (1 July 2018).

as police cells, has the potential to breach international human rights standards.<sup>39</sup> New Zealand also retains its reservation to the Convention on the Rights of the Child regarding mixing of juveniles with adults in places of detention.<sup>40</sup>

## RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW

**Amnesty International calls on the government of New Zealand to:**

### *UPR follow-up*

- In partnership with civil society and the Human Rights Commission, develop a new National Plan of Action for the Protection and Promotion of Human Rights and ensure that it is both adequately resourced and transparently reported on, including via an accessible online tool;
- Continue to develop a monitoring framework for the realisation of the Sustainable Development Goals in the domestic context.

### *Parliamentary processes*

- Put explicit requirements in place to ensure transparent consistency of all policy and legislation with human rights obligations;
- Establish a parliamentary human rights committee to analyse primary and secondary legislation to ensure consistency with human rights obligations, and to publicly report its findings;
- Ensure that Members of Parliament submitting a bill respond publicly to reports that its provisions are inconsistent with the Bill of Rights Act 1990;
- Table all concluding observations and recommendations from UN Treaty Bodies and Special Procedures in Parliament for debate.

### *Economic, social and cultural rights*

- Incorporate economic, social and cultural rights into the Bill of Rights Act 1990;
- Present a full report on the government's response to the Constitutional Advisory Panel and establish next steps to implementing its recommendations.

### *Asylum-seekers and refugees*

- Ensure that asylum-seekers who are detained are separated from the general prison population and only detained in strict accordance with New Zealand's international human rights obligations;
- Ensure that asylum-seekers have the right to regular review of their detention and have adequate access to lawyers, their families, health providers and support groups;
- Approve the Community Sponsorship category as an ongoing programme that meets all requirements of the UN Convention Relating to the Status of Refugees, including the Article 3 principle of non-discrimination;
- Expand the number of refugees accepted under the Community Sponsorship category to be consistent with the principles of international responsibility-sharing.

### *Violence against women and girls*

---

<sup>39</sup> Including under the UN Convention on the Rights of the Child, the International Covenant on Civil and Political Rights, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

<sup>40</sup> The Government of New Zealand reserves the right not to apply article 37 (c) in circumstances where the shortage of suitable facilities makes the mixing of juveniles and adults unavoidable; and further reserves the right not to apply article 37 (c) where the interests of other juveniles in an establishment require the removal of a particular juvenile offender or where mixing is considered to be of benefit to the persons concerned.

- Develop a cross-party strategy on family and sexual violence to be adhered to by all political parties and implemented by successive governments;
- Ensure that the new body charged with transforming the family and sexual violence system sets targets and timelines to monitor and report on progress in reducing all forms of violence against women and girls, in line with SDG Target 16.1 and associated indicators;
- Develop a comprehensive system of recording and analysing data on violence, disaggregated by relationship of the perpetrator to the victim, race, gender, disability, sexual orientation, and age;
- Amend the legislative framework to ensure that it adequately protects and provides adequate remedies for victims of gender-based violence in all spheres of life, including in the workplace and in online platforms, in line with SDG Targets 5.1, 10.3 and 16.1.

#### *Equality and non-discrimination in the criminal justice system*

- Identify and eliminate all forms of structural discrimination against Māori, in line with SDG Target 10.3 and report in line with its indicators;
- Set further targets and strategy to reduce Māori over-representation at all levels of the criminal justice system and ensure that the strategies are co-designed by Māori communities and adequately resourced.

#### *Places of detention*

- Ensure that seclusion, isolation and use of restraints is consistent with international human rights law and does not breach the absolute prohibition on torture and other forms of cruel, inhuman and degrading treatment;
- Prohibit in law and practice the solitary confinement and seclusion of juveniles, persons with intellectual or psychosocial disabilities, pregnant women, women with infants and breastfeeding mothers, in prison and in other institutions, both public and private;
- Assess the impact of the growth of the prison population, particularly the remand population, on the human rights of people in detention, in line with SDG Indicator 16.3.2.

#### *Children's rights*

- Implement the recommendations of the Children's Convention Monitoring Group in full, in particular to develop systems and processes to ensure that legislation incorporates, and is consistent with, the principles and provisions of the Convention on the Rights of the Child;
- Develop a national strategy that implements the Convention on the Rights of the Child for all children;
- Remove reservations to the Convention on the Rights of the Child;
- Abolish the option in legislation to detain juveniles in police cells with other adults and ensure that the practice is eradicated;
- Ensure that there are adequate youth facilities and community-based alternatives to prison or police custody for juvenile offenders on remand.