

## Background and Progress

### Introduction

1. In the five years since New Zealand's examination in the second cycle of the Universal Periodic Review (UPR), the New Zealand Government has undertaken a variety of actions corresponding to the UPR recommendations it accepted. Despite some progress, there remain significant human rights challenges in New Zealand. In particular, entrenched socio-economic inequalities are proving difficult to address.
2. This report focuses on steps the Government has taken since its last UPR towards improving New Zealand's human rights framework and the rights of specific persons or groups. Information on additional areas is annexed as follows:
  - **Annex A:** International obligations - treaties, overseas aid, SDGs and Business and Human Rights
  - **Annex B:** Civil and Political Rights - deprivation of liberty, right to privacy, right to be free from torture
  - **Annex C:** Economic, Social and Cultural Rights – right to work, right to housing, right to social security, right to health, right to water, right to education, climate change
3. **The Commission's recommendations arising from this report and Annexes A-C are set out in Annex D.**
4. A summary of the public consultations that the Commission has undertaken leading up to this UPR is included in **Annex E.**
5. The Commission notes that this UPR cycle falls within the beginning stages of an extensive reform agenda introduced by the new Labour-led Government elected in October 2017. The new Government is undertaking comprehensive reviews and inquiries in several areas, including mental health, education, housing, welfare, tax, and historical abuse in State care.

### UPR Implementation and National Plan of Action

*[Recommendations 1 – 2, Annex D]*

6. The Commission has developed an online National Plan of Action for Human Rights (NPA).<sup>i</sup> The NPA tracks the Government's progress in implementing recommendations from the second cycle of the UPR.
7. At the same time, the Ministry of Justice has been co-ordinating the development of the International Human Rights Governance Group (IHRGG), an integrated government framework that will monitor and report on the Government's progress in meeting its obligations under the UN human rights treaties it has ratified. These developments are encouraging, although an increased and ongoing commitment by the Government is required to ensure that both the NPA and IHRGG processes are effective.

## New Zealand's Human Rights Framework

### Constitutional and legislative

*[Recommendations 3-7, Annex D]*

#### New Zealand Bill of Rights Act 1990

8. New Zealand does not have a written constitution that entrenches into law a set of inviolable rights. Our charter of human rights is set out in the New Zealand Bill of Rights Act 1990 (BORA), an ordinary statute that can be repealed by a simple parliamentary majority. The 2013 Constitutional Advisory Panel,<sup>ii</sup> the Commission<sup>iii</sup> and the last UPR<sup>iv</sup> have recommended amending the BORA so that it includes the right to privacy, property rights, and economic, social and cultural rights.
9. However, following a landmark court case,<sup>v</sup> Cabinet has agreed in principle to allow the Courts to make a declaration of inconsistency if they believe that legislation is inconsistent with the BORA, and has indicated that the BORA will be amended to provide for this remedy.<sup>vi</sup>
10. The BORA does not provide for individual remedies where rights have been violated<sup>vii</sup>. However, the Courts have developed a remedial jurisdiction that enables breaches of protected rights to be vindicated.<sup>viii</sup>

#### Human Rights Act/Human Rights Review Tribunal

11. The Human Rights Act 1993 (HRA) has an important role, alongside the BORA, in New Zealand's legislative framework. The HRA establishes both the role and functions of the Commission and New Zealand's anti-discrimination legal framework, including the functions and procedure of the Human Rights Review Tribunal (HRRT), the tribunal in which discrimination claims are determined.
12. There is considerable concern regarding the delay of proceedings in the HRRT due to its growing workload, increasing numbers of self-represented litigants and its currently limited resource.<sup>ix</sup> The Government has recently introduced legislation to increase the number of HRRT chairpersons that may preside over cases, in order to address the inability of the current sole chairperson model to deal with a sharp increase in new cases. To date, the Bill is yet to be enacted.

#### Human Rights Impact Assessments

13. The Government currently applies an inconsistent approach to ensuring that legislation, policy and budgetary decisions conform with international human rights standards. Both the Cabinet Manual and the Legislative Design and Advisory Guidelines require that new legislation must comply with New Zealand's international human rights treaty obligations.<sup>x</sup> However, this is a statement of policy, not law, and mechanisms for ensuring compliance are ad hoc.<sup>xi</sup>
14. The Commission has also raised concern that the Government is not required to consider human rights or Treaty of Waitangi impacts as part of its National Impact Assessment process when considering international treaties, including trade agreements,<sup>xii</sup> despite prior recommendations to do so by the Commission, the Waitangi Tribunal and the Law Commission.<sup>xiii</sup>

## Te Tiriti o Waitangi/Treaty of Waitangi

[Recommendations 8-12, Annex D]

### Constitutional Status

15. The Treaty of Waitangi (the Treaty), signed in 1840 between the British and Māori, forms the foundation of the Crown-Māori relationship and is considered New Zealand's founding document.
16. Despite its constitutional importance, the Government is yet to take concrete steps to consider the Treaty's place in New Zealand's unwritten constitution, despite recommendations to do so in the 2013 Constitutional Advisory Panel Report<sup>xiv</sup> and 2016 Iwi Chairs Forum *Matike Mai Aotearoa* Report.<sup>xv</sup> These recommendations also include further work to find effective ways of involving iwi in local authority decision-making.<sup>xvi</sup>
17. The principles of the Treaty are compatible with fundamental human rights principles, including those set out in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). While the Government has officially endorsed the UNDRIP, a plan of action for its implementation is yet to be developed, despite international commitments to do so.<sup>xvii</sup>

### Partnership and Free, Prior and Informed Consent

18. The Government is yet to issue a formal response to recommendations for wide-ranging reforms to laws and policies affecting Māori culture and identity in the Waitangi Tribunal's 2011 landmark report *Ko Aotearoa Tēnei / This is New Zealand* (WAI 262).<sup>xviii</sup>
19. The Commission further notes that the Government's process to settle historical Treaty claims, gives preference to negotiating with "large natural groupings" (LNGs) and can exclude smaller groups, such as hāpu (sub-tribes) and whānau (family) from independently participating when their interests differ. Concerns about the exclusionary nature of the LNG policy have been raised by the IMM<sup>xix</sup> and by Māori in urgent claims to the Waitangi Tribunal.<sup>xx</sup>

## Rights of Specific Persons or Groups

### Māori

[Recommendations 8-13, Annex D]

20. Successive governments have acknowledged that Crown breaches of the Treaty cause Māori to suffer social, cultural and economic losses.<sup>xxi</sup> Over time this has led to wide social and economic disparities between Māori and Pākehā.<sup>xxii</sup> These disparities will be discussed in more detail later in this report, and include lower life expectancy, high rates of health conditions, chronic diseases and mental health; increased rates of disability; and higher rates of incarceration and children in State care.

21. The Commission welcomes the establishment of the Crown/Māori Relations Ministerial portfolio within Cabinet, which aims to strengthen the Crown/Māori relationship, improve outcomes for Māori and ensure that Treaty obligations are met.<sup>xxiii</sup>

### Pasifika

*[Recommendations 14-15, Annex D]*

22. Pasifika people in New Zealand experience similar levels of socio-economic disparity and disadvantage as Māori. Pasifika have the lowest rates of median income,<sup>xxiv</sup> high rates of exclusion from employment, education or training, high levels of discrimination in the workplace,<sup>xxv</sup> and poor health outcomes in comparison to other New Zealanders.<sup>xxvi</sup>
23. There is also concern that Pasifika language use in New Zealand is vulnerable. The Ministry of Pacific Peoples currently promotes Pasifika language and cultures in partnership with Pasifika communities, including holding Pasifika language weeks throughout the year. However, it has been recommended that a National Language Policy should be established to support and protect Pasifika languages and culture, and in doing so improve civic engagement, access to public services and employment and educational outcomes and opportunities.<sup>xxvii</sup>

### Women

*[Recommendations 16-20, Annex D]*

#### *Violence and abuse*

24. At its last UPR, the Government accepted multiple recommendations to combat domestic violence,<sup>xxviii</sup> including the development of a national strategy.<sup>xxix</sup> Since then, the Government has embarked on considerable work to combat violence and abuse against women, which it has acknowledged is pervasive. This includes legislative reform and the establishment of a dedicated body to provide a whole of-government response to family and sexual violence. However, a national strategy is yet to be developed.

#### *Employment*

25. New Zealand accepted five recommendations at its last UPR review relating to eliminating the gender pay gap<sup>xxx</sup> and increasing women's participation in governance.<sup>xxxi</sup>
26. The Commission welcomes the reconvening of the Joint Working Group on Pay Equity Principles to inform legislation supporting pay equity claims. In February 2018, the Group recommended amending the Equal Pay Act 1972 to reflect recommended pay equity principles.<sup>xxxii</sup> On 2 July 2018 the Government released its Gender Pay Equity Principles in respect of the public sector.<sup>xxxiii</sup> The Commission remains concerned that women are still significantly under-represented in senior leadership positions in the public sector<sup>xxxiv</sup> and in private businesses,<sup>xxxv</sup> with most businesses having no women in senior roles at all.<sup>xxxvi</sup>

#### *Parental leave/child care*

27. The Commission welcomes the Government's increase of paid parental leave from 18 to 22 weeks from July 2018 and 26 weeks from July 2020. However, parental leave is currently paid at NZD 529 a week before tax, well below the 2017 median weekly income of NZD 959<sup>xxxvii</sup>.

#### *Reproductive rights*

28. Women in New Zealand do not have the right to an abortion on request.<sup>xxxviii</sup> Every abortion procedure must be authorised by two separate certifying medical consultants to confirm that the Crimes Act requirements have been met.<sup>xxxix</sup> The Government has proposed changing this approach to instead treat abortion as a health issue and has accordingly requested that the Law Commission review the current legislation.

### **Children**

*[Recommendations 21-23, Annex D]*

#### *Poverty*

29. In New Zealand's previous UPR review, several recommendations called for initiatives to reduce child poverty, all of which were accepted by the New Zealand Government.<sup>xl</sup> However, the number of children in New Zealand who experience poverty and material deprivation remains stubbornly high.<sup>xli</sup>
30. The Commission therefore welcomes the new Government's designation of child poverty as a policy priority, including its introduction of the Child Poverty Reduction Bill,<sup>xlii</sup> which includes requirements for the Government to set income poverty and material deprivation reduction targets, and report on progress to Parliament. It also requires, as part of the annual budgetary process, an indication of proposed appropriations directed at child poverty. To date, the Bill is yet to be enacted.

#### *Child protection reform*

31. In 2016 and 2017, legislative reforms to the child protection system were introduced. This has led to the establishment of a new ministry, Oranga Tamariki/The Ministry of Children with overall responsibility for the child protection system in New Zealand. The new legislation explicitly references the rights of children under the UNCRC and UNCRPD.<sup>xliii</sup>
32. Currently, the role and functions of the Children's Commissioner are under review. The Children's Commissioner is an independent Crown entity whose broad range of functions include monitoring Oranga Tamariki's facilities and services. The Children's Commissioner also has a statutory function to monitor and assess the implementation of the UNCRC.<sup>xliv</sup> In 2016 the CRC Committee recommended that the Government strengthen the Commissioner's independence and capacity.<sup>xlv</sup>

### **Disabled People**

*[Recommendations 24-29, Annex D]*

33. The Commission commends the Government's ratification of the Optional Protocol to the UNCRPD establishing a communication procedure. The Office of Disability Issues has also been developing an indicator framework for measuring outcomes against the objectives of the New Zealand

Disability Strategy and the Disability Action Plan that sits underneath it.<sup>xlvi</sup> To date, the indicator framework is yet to be implemented.

34. In addition, New Zealand's legislative framework does not consistently reflect UNCRPD obligations. For example, family violence legislation fails to adequately protect disabled people experiencing abuse in all home-care/live in support situations.<sup>xlvii</sup> Furthermore, there has been a lack of progress in adopting supported decision-making frameworks in legislation that directly impacts upon disabled people.

#### *Employment*

35. The Commission remains concerned at outcomes arising from the minimum wage exemption system that can be applied to workers who are significantly and demonstrably limited by a disability.<sup>xlviii</sup> In 2017, 767 exemptions were in place, with 72% of them allowing wages of \$5.00 an hour or below.<sup>xlix</sup> In 2016 the Government began work on reform, under the Disability Action Plan, to review the minimum wage exemption.<sup>l</sup> It appears that this work has stalled.

#### *Health sector*

36. The Government is currently reviewing its Funded Family Care (FFC) policy that enables family members to be paid to support disabled relatives. A 2018 Court of Appeal decision criticised the complexity of this law and urged the Government to streamline the regime so it was accessible for the people who most needed it.<sup>li</sup> The legislation establishing the policy also prevents people with disabilities and their families from bringing discrimination claims against the policy or decisions under it.<sup>lii</sup>
37. Concern also remains that current legislation does not expressly prohibit the sterilisation of people with disabilities without their free, prior and informed consent. Currently, the Court has jurisdiction to authorise a sterilisation if it considers it to be in the persons best interests.<sup>liii</sup> UN treaty bodies have recommended that the Government adopt legislation to prohibit non-consensual sterilisation.<sup>liv</sup>

### **Sexual Orientation, Gender Identity and Sex Characteristics (SOGISC)**

*[Recommendations 30-33, Annex D]*

#### *Gender identity*

38. Trans and gender diverse individuals can change their gender marker on passports and driver licences through a simple administrative procedure. However, a similar process is not available for birth certificates. Instead the Family Court is involved and is required to consider medical evidence. Following a petition to Parliament, a Select Committee issued a report recommending law change to allow for a self-identification process, in line with international human rights standards.<sup>lv</sup> The law is yet to be changed.
39. Additionally, the March 2018 national census did not include questions on self-identified sexual orientation, gender identity and expression, or sex characteristics. It is also notable that the Human Rights Act does not explicitly include "gender identity, gender expression, and sex characteristics" under its definition of "sex discrimination."

40. While Government policy appears to be to interpret the law to include gender identity within this definition, the issue is yet to be tested by the courts.

#### *Access and quality of health care*

41. A national intersex clinical network has been established by the Paediatric Society of New Zealand, funded by the Ministry of Health. This constitutes some progress towards meeting the CRC Committee's 2016 recommendations to the Government concerning medical care and interventions for intersex children.<sup>lvi</sup>
42. More generally the SOGISC community reports significant difficulties and delays accessing health services and an absence of targeted funding or initiatives to address outcome disparities in key areas such as mental health and addiction services. For example, media reports indicate that the waiting lists for gender reassignment surgeries are decades long.<sup>lvii</sup>

### **Migrants, Refugees and Asylum Seekers**

*[Recommendations 34-39, Annex D]*

#### *Migrants*

43. A 2016 report by the Human Trafficking Research Coalition *Worker Exploitation in New Zealand: A Troubling Landscape* revealed a concerning pattern of migrant worker exploitation in New Zealand.<sup>lviii</sup> International students are also vulnerable to exploitation in New Zealand.<sup>lix</sup> It is encouraging to see the Government taking action in this area. This includes considering proposals for changes to post-study work that lessen the risk of exploitation, including removal of the requirement for post-study visas to be sponsored by a particular employer.<sup>lx</sup>
44. The Commission is concerned that the Immigration Act prevents the Human Rights Commission from receiving complaints about immigration decisions.<sup>lxi</sup> In addition, persons unlawfully in New Zealand and subject to deportation are generally ineligible for legal aid support in respect of proceedings to challenge deportation orders.<sup>lxii</sup>

#### *Refugees and asylum seekers*

45. The Government has increased both its refugee quota commitments and funding of refugee services in recent years. In 2016 the Government announced that it will increase New Zealand's refugee quota from 750 to 1,000 people per year, to take effect from July 2018.<sup>lxiii</sup> The current Minister of Immigration is considering lifting the quota further to 1500. An additional 500 refugees from Syria were resettled in each of the 2016/17 and 2017/18 calendar years, above the quota.<sup>lxiv</sup>
46. The Commission is concerned with the difficulties asylum claimants (Convention refugees)<sup>lxv</sup> have in accessing social services, including interpreters, housing and opportunities to learn English, because information about these services is lacking. The Commission notes that the Government is establishing a pilot programme to provide settlement support for Convention refugees, including system navigation support and information about existing support services.
47. The Commission is also concerned about the detention of asylum seekers. As of 13 June 2018, six asylum seekers are being held in correctional facilities. Asylum seekers detained in these prisons are subject to general prison standards such as wearing prisoner uniforms and lockdowns.

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- <sup>i</sup> The National Plan of Action can be accessed at <https://npa.hrc.co.nz/#/>. The Commission's 2018 Annual Report on the NPA is available at [https://www.hrc.co.nz/files/1415/3082/8692/NPA\\_Report\\_FINAL\\_FINAL.pdf](https://www.hrc.co.nz/files/1415/3082/8692/NPA_Report_FINAL_FINAL.pdf)
- <sup>ii</sup> Constitutional Advisory Panel, *New Zealand's Constitution: A Report on a Conversation / He Kōtuinga Kōrero mō Te Kaupapa Ture o Aotearoa* November 2013 <https://www.justice.govt.nz/assets/Documents/Publications/Constitutional-Advisory-Panel-Full-Report-2013.pdf>
- <sup>iii</sup> Submission of the Human Rights Commission, *Review of New Zealand's Constitutional Arrangements to the Constitutional Advisory Panel*, 31 July 2013 <https://www.hrc.co.nz/your-rights/indigenous-rights/our-work/review-new-zealands-constitutional-arrangements/>
- <sup>iv</sup> UPR Recommendations 33 (Ukraine), 34 (Uruguay), 35 (Spain)
- <sup>v</sup> *Attorney-General v Taylor* [2017] 3 NZLR 24
- <sup>vi</sup> <https://www.labour.org.nz/government-to-provide-greater-protection-of-rights-under-the-nz-bill-of-rights-act-1990>
- <sup>vii</sup> While section 7 of the BORA requires the Attorney-General to report to the House any proposed legislation that is inconsistent with the BORA, it does not provide for any remedial action in respect of inconsistent legislation.
- <sup>viii</sup> *Simpson v Attorney-General (Baigent's case)* [1994] 3 NZLR 667; *Attorney-General v Taylor* [2017] 3 NZLR 24
- <sup>ix</sup> Roger Haines QC, *Submission on the Tribunals Powers and Procedures Legislation Bill*, 12 February 2018, at paras [15]-[18] [https://www.parliament.nz/resource/en-NZ/52SCJU\\_EVI\\_74733\\_6945/05ea089936406ccd1421faa08f2903f1f8e16631](https://www.parliament.nz/resource/en-NZ/52SCJU_EVI_74733_6945/05ea089936406ccd1421faa08f2903f1f8e16631)
- <sup>x</sup> Legislative Design and Advisory Committee, *LAC Guidelines: 2014 Edition*, Chapter 9, <http://www.ldac.org.nz/guidelines/>
- <sup>xi</sup> We note however that the Ministry of Social Development is currently developing a Child Rights Impact Assessment mechanism which is intended to assess policies against New Zealand's obligations under the UN Convention on the Rights of the Child, Ministry of Social Development, Child Impact Assessment Tool <https://www.msd.govt.nz/about-msd-and-our-work/publications-resources/resources/child-impact-assessment.html>
- <sup>xii</sup> Submission of the Human Rights Commission, *Review of New Zealand's Constitutional Arrangements to the Constitutional Advisory Panel*, 31 July 2013 <https://www.hrc.co.nz/your-rights/indigenous-rights/our-work/review-new-zealands-constitutional-arrangements/>
- <sup>xiii</sup> *Ibid.*
- <sup>xiv</sup> Constitutional Advisory Panel, *New Zealand's Constitution: A Report on a Conversation / He Kōtuinga Kōrero mō Te Kaupapa Ture o Aotearoa*, p. 28 <https://www.justice.govt.nz/assets/Documents/Publications/Constitutional-Advisory-Panel-Full-Report-2013.pdf>
- <sup>xv</sup> *He Whakaaro Here Whakaumu mō Aotearoa, The Report of Matike Mai Aotearoa* – The Independent Working Group on Constitutional Transformation, p. 113 <http://www.converge.org.nz/pma/MatikeMaiAotearoaReport.pdf>
- <sup>xvi</sup> *Ibid.*
- <sup>xvii</sup> Outcome Document of the World Conference on Indigenous Peoples A/RES/69/2 2014
- <sup>xviii</sup> Waitangi Tribunal, *A report into Claims Concerning New Zealand Law and Policy Affecting Māori Culture and Identity, Ko Aotearoa Tēnei*, Wai 262 (2011) [https://forms.justice.govt.nz/search/Documents/WT/wt\\_DOC\\_68356054/KoAotearoaTeneiTT1W.pdf](https://forms.justice.govt.nz/search/Documents/WT/wt_DOC_68356054/KoAotearoaTeneiTT1W.pdf)
- <sup>xix</sup> Monitoring Mechanism of the Iwi Chairs Forum (MM), *2016 submission to the Expert Mechanism on the Rights of Indigenous People (EMRIP)*
- <sup>xxi</sup> See Constitutional Advisory Panel Te Ranga Kaupapa Ture, *New Zealand's Constitution: A Report on a Conversation / He Kōtuinga Kōrero mō Te Kaupapa Ture o Aotearoa*, p. 30 <https://www.justice.govt.nz/assets/Documents/Publications/Constitutional-Advisory-Panel-Full-Report-2013.pdf>
- <sup>xxii</sup> OECD, *Economic Surveys: New Zealand 2015* (June 2015) accessed [http://www.keepeek.com/Digital-Asset-Management/oecd/economics/oecd-economic-surveys-new-zealand-2015\\_eco\\_surveys-nz1-2015-en#.WXVRxliGOUk#page1](http://www.keepeek.com/Digital-Asset-Management/oecd/economics/oecd-economic-surveys-new-zealand-2015_eco_surveys-nz1-2015-en#.WXVRxliGOUk#page1)
- <sup>xxiii</sup> <https://www.justice.govt.nz/maori-land-treaty/crown-maori-relations/>
- <sup>xxiv</sup> Pasefika Proud (2016) *Pacific Peoples in New Zealand: Understanding Family Violence*. Wellington: <http://www.pasefikaproud.co.nz/assets/Resources-for-download/PasefikaProudResource-Understanding-family-violence-infographic.pdf>
- <sup>xxv</sup> Chen, M. (2015). *Superdiversity Stocktake: Implications for Business, Government and New Zealand*. Auckland Superdiversity Centre. [http://www.chenpalmer.com/wp-content/uploads/Superdiversity\\_Stocktake.pdf](http://www.chenpalmer.com/wp-content/uploads/Superdiversity_Stocktake.pdf)
- <sup>xxvi</sup> Pasefika Proud (2016).
- <sup>xxvii</sup> Chen (2015) p 179



- xxviii UPR Recommendation 106 (Romania), 108 (Switzerland), 109 (United Kingdom), 110 (Chile), 111 (Republic of Congo), 112 (Germany), 114 (Italy) 115 (Namibia), 116 (Greece), 117 (Cyprus), 118 (Slovakia), 119 (Spain), 120 (Czech Republic), 121 (Australia), 122 (Botswana), 123 (Palestine), 127 (Hungary), 130 (Paraguay)
- xxix UPR Recommendation 107 (France)
- xxx The gender pay gap in New Zealand currently sits at 9.4 percent - Ministry of Women, *Gender Pay Gap* <http://women.govt.nz/work-skills/income/gender-pay-gap>
- xxxi UPR Recommendations 92 (Australia), 96 (France), 97 (Malaysia), 98 (Iraq)
- xxxii Recommendations of the Reconvened Joint Working Group on Pay Equity Principles, 27 February 2018 <https://www.beehive.govt.nz/release/government-consider-recommendations-pay-equity-principles>
- xxxiii Ministry for Women, Gender pay principles <http://women.govt.nz/work-skills/income/gender-pay-gap/gender-pay-principles> The Principles currently apply to 31 Public Service departments with a view to eventually being extended across the state sector
- xxxiv State Services Commission, *Public Service Chief Executives* (2018) <http://www.ssc.govt.nz/ce-photo-file>
- xxxv NZX, Gender Diversity Statistics (January 2018) [https://s3-ap-southeast-2.amazonaws.com/nzx-prod-c84t3un4/comfy/cms/files/files/000/003/158/original/Gender\\_diversity\\_statistics\\_as\\_at\\_31\\_December\\_2017.pdf](https://s3-ap-southeast-2.amazonaws.com/nzx-prod-c84t3un4/comfy/cms/files/files/000/003/158/original/Gender_diversity_statistics_as_at_31_December_2017.pdf)
- xxxvi Grant Thornton, *Proportion of women in NZ senior leadership roles hits rock bottom* <http://www.grantthornton.co.nz/press/press-releases-2018/proportion-of-women-in-nz-senior-leadership-roles-has-hit-rock-bottom/>
- xxxvii <https://www.stats.govt.nz/topics/income>
- xxxviii Abortions before and after 20 weeks are governed by the provisions of the Crimes Act 1961 – see Crimes Act 1961, Sections 183 and 186
- xxxix Contraception, Sterilisation and Abortion Act 1977, Section 33
- xl UPR Recommendations 55 (Ukraine), 56 (Indonesia), 57 (Australia), 58 (Cape Verde), 59 (Canada), 60 (Chile), 61 (Malaysia)
- xli Just under 30% of New Zealand's child population live in households whose income falls below the income poverty line Child Poverty Monitor 2017, <http://www.childpoverty.co.nz/>
- xlii [https://www.parliament.nz/en/pb/bills-and-laws/bills-proposed-laws/document/BILL\\_76267/child-poverty-reduction-bill](https://www.parliament.nz/en/pb/bills-and-laws/bills-proposed-laws/document/BILL_76267/child-poverty-reduction-bill)
- xliiii Children, Young Persons and their Families (Oranga Tamariki) Legislation Act, clause 11
- xliv Children's Commissioner Act 2003, s 12(1)(f)
- xlv CRC Committee, CRC/C/NZL/CO/5, October 2016, paras 11(a) and 11(b)
- xlvi <https://www.odi.govt.nz/nz-disability-strategy/measuring-progress/>
- xlvii Joint submission of IHC, CCS, DPA on Family and Whanau Violence Legislation Bill <https://ihc.org.nz/sites/default/files/Joint%20CCS%2C%20DPA%2C%20IHC%20submission%20Family%20and%20Wh%20%20%20Violence%20Legislation%20Bill.pdf>
- xlviii Minimum Wage Act 1983, section 8
- xlx Human Rights Commission, *Tracking Equality at Work* <http://tracking-equality.hrc.co.nz/#/indicator/minimum-wage-exemptions-by-hourly-wage>
- l Office for Disability Issues, *NZ Disability Strategy* <https://www.odi.govt.nz/nz-disability-strategy/employment-and-economic-security/action-increase-employer-confidence/#progress>
- li *Chamberlain v Minister of Health* [2018] NZCA 8, para 90
- lii New Zealand Public Health and Disability Act 2000 s 70E
- liii See *Re H* [1993] NZFLR 225, *KR v MR* [2004] 2 NZLR 847
- liiv CRC Committee, CRC/C/NZL/CO/5, para 30(f)
- liv Petition 2014/86 of Allyson Hamblett, Report of the Government Administration Committee, [https://www.parliament.nz/resource/en-NZ/SCR\\_74921/7d0edb73001c7f84cce5487118fdf27ae11bf613](https://www.parliament.nz/resource/en-NZ/SCR_74921/7d0edb73001c7f84cce5487118fdf27ae11bf613)
- lvi [https://www.hrc.co.nz/files/9615/2270/4142/HRC\\_Intersex\\_Roundtable\\_2017.pdf](https://www.hrc.co.nz/files/9615/2270/4142/HRC_Intersex_Roundtable_2017.pdf)
- lvii *Gender reassignment decades-long wait list 'horrendous'* <https://www.stuff.co.nz/national/health/88374973/Gender-reassignment-decades-long-wait-list-horrendous>
- lviii C Stringer, *Worker Exploitation in New Zealand: A Troubling Landscape*, Human Trafficking Research Coalition (December 2016) [http://img.scoop.co.nz/media/pdfs/1612/Worker\\_Exploitation\\_in\\_New\\_Zealand\\_Stringer.pdf](http://img.scoop.co.nz/media/pdfs/1612/Worker_Exploitation_in_New_Zealand_Stringer.pdf)
- lix C Stringer, *Worker Exploitation in New Zealand: A Troubling Landscape*, Human Trafficking Research Coalition (December 2016) p. 31 [http://img.scoop.co.nz/media/pdfs/1612/Worker\\_Exploitation\\_in\\_New\\_Zealand\\_Stringer.pdf](http://img.scoop.co.nz/media/pdfs/1612/Worker_Exploitation_in_New_Zealand_Stringer.pdf)
- lx <http://www.mbie.govt.nz/info-services/immigration/consultations/immigration-settings-for-international-students>
- lxi Immigration Act 2009, s 392
- lxii Legal Services Act 2011, s 12
- lxiii Hon Michael Woodhouse, Minister for Immigration, *Govt announces increase to refugee quota*, press release, 13 June 2016 <https://www.beehive.govt.nz/release/govt-announces-increase-refugee-quota>
- lxiv Immigration New Zealand, *New Zealand Refugee Quota Programme*, <https://www.immigration.govt.nz/about-us/what-we-do/our-strategies-and-projects/supporting-refugees-and-asylum-seekers/refugee-and-protection-unit/new-zealand-refugee-quota-programme>

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<sup>lxv</sup> Human Rights Commission discussion paper, *Treating asylum claimants with dignity and respect, The economic, social and cultural rights of those seeking protection in New Zealand*  
[https://www.hrc.co.nz/files/7515/0223/2928/ESC\\_Rights\\_Discussion\\_2017\\_ONLINE.pdf](https://www.hrc.co.nz/files/7515/0223/2928/ESC_Rights_Discussion_2017_ONLINE.pdf)