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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

**REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9
OF THE CONVENTION**

Twentieth periodic reports of States Parties due in 2012

NEW ZEALAND*

[2012]

* This document contains the eighteenth, nineteenth and twentieth periodic reports of New Zealand, due February 2012, submitted in one document.

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Introduction

1. This report is New Zealand's 18th, 19th and 20th consolidated periodic report to the Committee on the Elimination of Racial Discrimination (the Committee). The report reflects the Compilation of Guidelines on the form and content of reports to be submitted by States Parties to the International Human Rights Treaties.¹ The report covers the period of 1 January 2006 to 22 December 2011.

2. The report covers the legislative, judicial, administrative and other measures adopted in the review period that give effect to the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination (the Convention). The report should be read alongside New Zealand's recent reports under the Convention,² fifth periodic report under the International Covenant on Civil and Political Rights,³ third periodic report under the International Covenant on Economic, Social and Cultural Rights,⁴ Core Document⁵ and Universal Periodic Review.⁶ The report will respond to the concluding recommendations⁷ from the last report under the relevant sections. The Committee's attention is drawn to New Zealand's reply for further information on the recommendations contained in paragraphs 14, 19, 20 and 23 of the concluding observations.⁸

I. GENERAL INFORMATION RELATING TO THE CONVENTION

Government policy and general legal framework

3. It is the continuing policy of the Government to work to eliminate discrimination, intolerance and violence based on colour, religion, race or ethnic or national origin. The Government holds that everyone in New Zealand should have equality in opportunity, colloquially referred to as "a fair go".

4. New Zealand law specifically protects freedom from discrimination on the grounds of colour, race, ethnic or national origins (which includes nationality or citizenship) or being the relative of a particular person.⁹

5. The Treaty of Waitangi (the Treaty) is a founding document of New Zealand and is at the heart of the relationship between Māori and the Crown. More information on the Treaty may be found in the Core Document.

6. The New Zealand Government consulted widely on this report. Consultation included: posting the draft report online; ad hoc meetings with interested parties; emailing the

¹ HRI/GEN/2/Rev.6.

² Eleventh periodic reports of States parties due in 1993 (CERD/C/239/Add.3); Fourteenth periodic report of States parties due in 1999 (CERD/C/362/Add.10); Seventeenth periodic reports of States parties due in 2005 (CERD/C/NZL/17) ["2006 CERD Report"].

³ CCPR/C/NZL/5.

⁴ E/C.12/NZL/3.

⁵ HRI/CORE/NZL/2010.

⁶ National report (A/HRC/WG.6/5/NZL/1); Compilation of UN information (A/HRC/WG.6/5/NZL/2); Summary of stakeholders' information (A/HRC/WG.6/5/NZL/3); and Report of the Working Group (A/HRC/12/8).

⁷ CERD/C/NZL/CO/17 ["Concluding Recommendations"].

⁸ CERD/C/NZL/CO/17/Add.1 ["CERD Further information on Concluding Recommendations"].

⁹ Section 19(1) New Zealand Bill of Rights 1990; and s 21(1) Human Rights Act 1993.

draft report to individuals and NGOs; and presenting a draft report to the Diversity Forum organised by the New Zealand's National Human Rights Institution, the Human Rights Commission.

Ethnic characteristics of the New Zealand population

7. The ethnic characteristics of the New Zealand population appear in greater detail in the Core Document.¹⁰ Māori in New Zealand census surveys are self-identified. In the 2006 Census, 77.6% of people resident in New Zealand identified as European ethnic group; 14.6% as Māori; 9.2% as Asian; 6.9% as Pacific people (Pasifika¹¹) and 0.9% as other.

Declaration on the Rights of Indigenous Peoples

8. In early May 2009, the Prime Minister indicated the Government was considering moving to support the Declaration on the Rights of Indigenous Peoples. That support would be conditional on New Zealand being able to protect the unique and advanced domestic framework that has been developed for the resolution of issues related to indigenous rights. The Government then considered how the Declaration could fit alongside our existing laws and constitutional arrangements and concluded that it could support the Declaration, provided the terms of that support were clear.

9. On 19 April 2010, the Minister of Māori Affairs read a statement of support for the Declaration at the United Nations Permanent Forum on Indigenous Issues in New York. On 20 April 2010, the Minister of Justice read the statement in the New Zealand Parliament.¹² In summary, the statement of support:

- expresses support for the Declaration
- acknowledges that Māori hold a special status as the indigenous people of New Zealand and have an interest in all policy and legislative matters
- affirms New Zealand's commitment to the common objectives of the Declaration and the Treaty of Waitangi, and
- reaffirms the legal and constitutional frameworks that underpin New Zealand's legal system, noting that those existing frameworks define the bounds of New Zealand's engagement with the Declaration.

10. New Zealand's existing frameworks (including Treaty settlements), while they will continue to evolve in accordance with our domestic circumstances, define the bounds of New Zealand's engagement with the aspirational elements of the Declaration.

Wai 262 (Flora and fauna)

11. This recent Waitangi Tribunal report addresses the claims in Wai 262 (which refers to a file reference number at the Tribunal). Those claims alleged the Crown had failed to adequately protect Māori interests in relation to a wide range of cultural knowledge and cultural practices, as well as in their relationships with indigenous flora and fauna. The Government is considering the report in its entirety and in the context of existing policy.

¹⁰ Core Document at paras 8–11.

¹¹ Pasifika is a collective term used to refer to people of Pacific heritage or ancestry who have migrated or been born in Aotearoa New Zealand.

¹² Hon Simon Power *Ministerial Statements — UN Declaration on the Rights of Indigenous Peoples—Government Support* Parliamentary Debates (Hansard) for Tuesday, 20 April 2010 [Volume: 662; Page: 10229].

II. INFORMATION RELATING TO SPECIFIC ARTICLES

Article 2

12. The New Zealand Government is committed to its obligations under article 2 of the Convention to, among other obligations, engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation. This section of the report sets out information on the legislative, judicial, administrative and other measures which give effect to the provisions of article 2 of the Convention.

13. As will be discussed below, New Zealand's primary legislative vehicle for addressing racial discrimination is the New Zealand Bill of Rights Act 1990 and Human Rights Act 1993. In addition, the Treaty of Waitangi underlies the relationship between the Crown and Māori and is integral to institutions such as the Māori Land Court and Waitangi Tribunal. The Treaty also informs more recent initiatives such as the increasing pace of the Treaty of Waitangi settlements process and the new Marine and Coastal Area (Takutai Moana) Act 2011.

Human Rights Act 1993 and the Human Rights Commission

14. The Human Rights Commission (the Commission) is an independent Crown entity established to protect human rights in New Zealand. In 2009/10, its annual funding was \$10.311 million. The Director of Human Rights Proceedings heads up an independent office within the Commission, the Office of Human Rights Proceedings, Te Tari Whakatau Take Tika Tangata. The Director decides whether to provide legal representation for people who have complained of breaches of the Human Rights Act. Proceedings are heard in the Human Rights Review Tribunal.

15. The protections and sanctions in the Human Rights Act, and the functions of the Commission as noted in the previous reports, remain largely unchanged. During the reporting period, there were three amendments to the Act, none of which related to discrimination on the grounds of colour, race, ethnic or national origins.

16. The Commission releases an annual Review of Race Relations in New Zealand — Tūi Tūi Tuituiā. In addition, the Commission, with the assistance of the Ministry of Justice, annually reviews progress in implementation of the recommendations of the CERD Committee and produces a monitoring table for the Government.

17. The Human Rights Commission published Human Rights in New Zealand Today, Ngā Tika Tangata O Te Motu, in September 2004 and followed up with the New Zealand Action Plan for Human Rights (the Action Plan) in March 2005. The Action Plan had 178 "priorities for action": most having some implications for central government, either directly or in conjunction with local government or other agencies. The Committee recommended that New Zealand Government provide more detailed information on measures adopted to follow up on the Action Plan.¹³

18. With the wide range of recommendations and the scale of factors that needed to be

¹³ Concluding Recommendations para 11.

considered, the Government directed departments to consider the appropriateness of implementing the Action Plan's priorities for action as part of normal business. The Government also encouraged departments both to respond to requests from the Commission for relevant information in a timely manner and to identify work meeting the Action Plan's priorities in their Statements of Intent and/or annual reports, or other organisational documents.

19. The Government took a pragmatic approach to the Action Plan and aimed to encourage continuing dialogue between the Commission and departments. This approach allowed departments to give the priorities for action the careful analysis they deserved and allowed for flexibility.

20. In 2008, the Commission conducted a "mid-term" review of progress in achieving the priorities identified in the Action Plan.¹⁴ The mid-term review indicates that there have been substantial initiatives in almost all areas. Of the 178 action points, the Commission noted that 21 have been achieved and 132 have seen some progress, ranging from limited to significant. In 24 cases, however, the Commission noted that no progress had occurred. This is because these issues were not part of the Government's work programme.

21. In 2011, the Commission launched its major report card on the state of human rights in New Zealand called Human Rights in New Zealand 2010 — Nga Tika Tangata O Aotearoa 2010. This report updated Human Rights in New Zealand Today and assessed progress against the 178 priorities set out in the Action Plan. The Commission identified 30 priority areas for action to advance human rights.

New Zealand Bill of Rights Act 1990

22. The Committee considered that the Bill of Rights Act's legal status is insufficient to guarantee full respect for human rights, in particular the right not to suffer from discrimination based on race, colour, descent or national or ethnic origin.¹⁵

23. The Bill of Rights Act, other human rights instruments and the courts do not directly limit Parliament's legislative powers. Parliament is supreme. There is no supreme written law in New Zealand. Courts must, however, interpret enacted legislation, so far as possible, consistently with affirmed rights. The Bill of Rights Act requires that all legislation is reviewed for compliance with national and international human rights standards. The Attorney-General reports any apparent inconsistency with the Bill of Rights Act to Parliament. The Reporting period had only one piece of legislation introduced that the Attorney-General found unjustifiably discriminated against Māori.¹⁶ The Human Rights (One Law for All) Amendment Bill 2006 was a Member's Bill and was defeated at first reading.

24. In addition, under the Human Rights Act, the Human Rights Review Tribunal has the power to make a declaration of inconsistency in relation to discriminatory provisions in

¹⁴ The Mid-term Review of Progress is available on the Human Rights Commission's website at: http://www.hrc.co.nz/hrc_new/hrc/cms/files/documents/08-Dec-2008_11-08-45_Mid-Term-Review_Action_Plan_Human_Rights.html.

¹⁵ Concluding Recommendations para 12.

¹⁶ Report of the Attorney-General under the New Zealand Bill of Rights Act 1990 on the Human Rights (One Law for All) Amendment Bill 2006.

legislation. This was used for the first time in May 2008 in relation to an instance of age discrimination in accident compensation legislation. The Government amended the legislation in advance of the declaration of inconsistency being issued and tabled a report in Parliament responding to the declaration.

Treaty of Waitangi

25. The Committee encouraged New Zealand to continue the public discussion on the status of the Treaty of Waitangi, with a view to its possible entrenchment as a constitutional norm.¹⁷ Public discussion on the constitutional status of the Treaty of Waitangi is a continual aspect of New Zealand's political, legal and social environment.

26. In 2010, the Government announced a consideration of constitutional issues, which will cover, among other matters, Māori representation in Parliament and in local government, the role of the Treaty of Waitangi and whether New Zealand needs a written constitution. Public engagement on these issues is scheduled to begin in 2012.

27. The Treaty of Waitangi Information Programme was aimed at increasing public awareness, discussion and understanding of the Treaty. From 2004 to 2006, it produced a dedicated website,¹⁸ resources to support Treaty-specific curriculum activities in schools and a travelling exhibition on the Treaty, which toured the country until June 2008. The exhibition is currently on show at the national museum Te Papa Tongarewa Our Place.

The Waitangi Tribunal

28. The Committee recommended¹⁹ that the New Zealand Government consider granting the Waitangi Tribunal legally binding powers to adjudicate Treaty matters and increased financial resources. The Government noted the Committee's recommendation but does not intend to give the Tribunal binding powers to adjudicate Treaty matters, as it operates essentially as a truth and reconciliation process.

29. For the financial year 2005/6 the appropriation for the Waitangi Tribunal was \$7.5 million. The appropriation for the 2010/11 was \$9.9 million.²⁰ Over the intervening years the appropriations included in 2006/7 \$500,000 to help ensure the timely registration of historic Treaty claims and to increase the research and report writing capacity of the Waitangi Tribunal and in 2007/8 \$1.785 million to ensure the Waitangi Tribunal can deliver the then Government's stated policy of settling historical claims by 2020.

Treaty of Waitangi negotiations²¹

30. The Government continues to make progress towards the comprehensive settlement of historical Treaty of Waitangi claims. The guidelines for achieving fair and durable settlements set out in the last report to the Committee remain in place with the exception of the indicative settlement timetable. Key developments since the last report relate to the way

¹⁷ Concluding Recommendations para 13.

¹⁸ See <http://www.nzhistory.net.nz/category/tid/133>.

¹⁹ *Ibid* para 18.

²⁰ *Ibid*.

²¹ New Zealand recognises that further to the Committee's Concluding Observations on the previous report that indigenous rights are separate from special measures: CERD Concluding Recommendations para 15.

in which settlements are negotiated, the pace of the Treaty claim settlements process and a maturing relationship between the Crown and Māori groups negotiating settlements of their historical claims.

31. At the time of the last report, the Crown generally made progress with groups ready to negotiate. In some instances, neighbouring groups who were not in negotiations themselves felt they were disadvantaged by this approach — especially where the historical claims of multiple groups overlapped. Two Waitangi Tribunal reports issued in 2007 (the Tāmaki Makaurau and Te Arawa Settlement Process Reports) raised concerns about this approach, prompting the Crown to consider what more could be done to facilitate the resolution of overlapping claims.

32. The Government response to the reports places greater emphasis on the regional coordination of settlement negotiations, attempting where possible to ensure that the historical settlements of neighbouring groups progress simultaneously. At the request of Māori groups, this period also saw greater use of Chief Crown Negotiators (often former politicians or senior public servants) and independent facilitators. Stemming from these innovations, as well as the exercise of greater flexibility by Ministers in applying settlement policies, there was a marked increase in the rate of progress in negotiations during 2008.

33. In November 2008, the Government adopted as an aspirational goal the comprehensive settlement of all historical Treaty claims by 2014. The 2009 and 2010 Budgets together provided an additional \$28.7 million operational funding, over four years, to allow the Office of Treaty Settlements²² to employ more negotiations staff. Additional funding has also been made available to Māori groups to support them financially throughout the settlement process. The Crown is determined that acceleration need not come at the expense of quality; the first priority remains the achievement of just and durable settlements.

34. Since 2009, the Government has held three national hui, with representatives of settled and non-settled claimant groups, entitled Te Kōkiri Ngātahi (“Moving Forward Together”). These annual hui provide a forum for the Crown and Māori to discuss process and policy innovations in relation to Treaty claim settlements, and help ensure the Crown is responsive to Māori views about how the settlement process should be conducted.

35. As at 8 June 2011, 33 comprehensive Deeds of Settlement and 58 Agreements in Principle have been signed between the Crown and iwi.²³ The Crown is in settlement negotiations or pre-negotiation discussions with another 33 claimant groups.²⁴

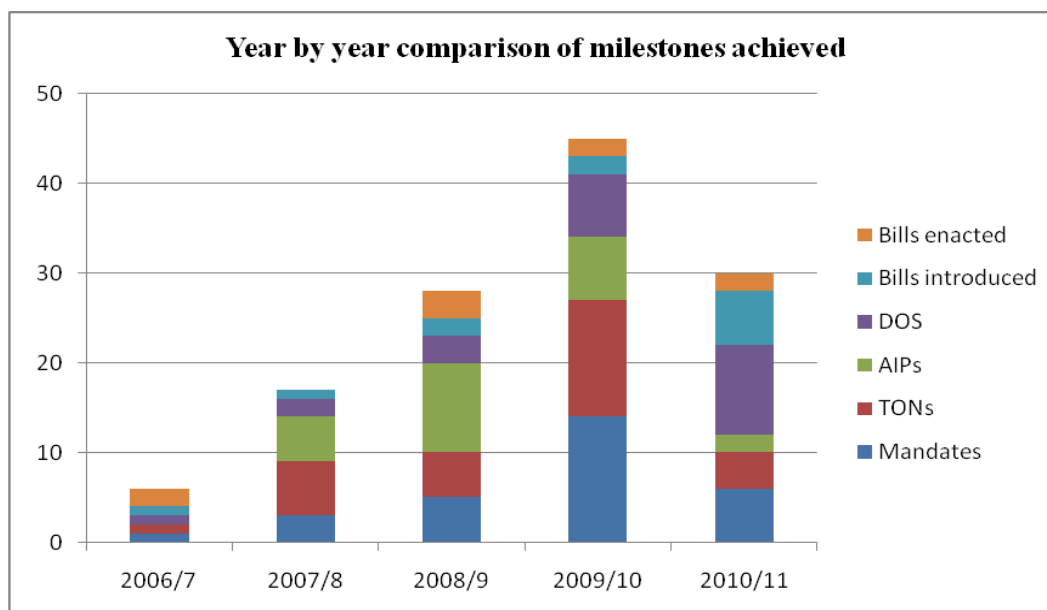
36. There has been increased progress in historical Treaty claim settlements over time. Settlements are generally accomplished by achieving the following milestones one after another: Crown recognises the mandate of an entity to negotiate the settlement of a Māori group’s historical claims; Crown and representative entity sign Terms of Negotiations (TON); Agreements in Principle reached (AIP); Deeds of Settlement signed (DOS); introduction of Settlement Bill to House of Representatives; enactment of settlement

²² The Office of Treaty Settlements is responsible to the Minister for Treaty of Waitangi Negotiations and provides policy advice on specific negotiations and generic settlement policies.

²³ The figure for signed Deeds of Settlement does not include those for on-account or non-comprehensive settlements.

²⁴ The number of groups remaining is subject to change as claimant groups have the prerogative to change configuration during the negotiation process.

legislation.) The following graph provides an indication of progress in historical Treaty settlements over time:



The cut-off date for the lodging of historical Treaty claims

37. The Committee recommended that New Zealand ensure that the cut-off date for the lodging of historical Treaty claims will not unfairly bar legitimate claims and it should pursue its efforts to assist claimants groups in direct negotiations with the Crown.²⁵ The closing date for the submission of historical Treaty claims was widely publicised by Te Puni Kōkiri and the Waitangi Tribunal from its enactment in 2006 until 1 September 2008, with increased publicity in the last few months. The effectiveness of this publicity was demonstrated by the dramatic increase in the number of claims submitted from 1 July to 1 September 2008. Around 2145 claims were submitted during this period, compared to approximately 5 to 6 claims received by the Waitangi Tribunal each month before the deadline was announced. Claims submitted by the closing date will be able to be amended and added to after the closing date.

Te Puni Kōkiri (Ministry of Māori Development)

38. Te Puni Kōkiri is guided by the Māori Potential Approach in the development and implementation of Māori public policy. There are three principles. The first principle is *Māori Potential*. It recognises that Māori are diverse, aspirational people with a distinctive culture and value system. This principle highlights that Māori are a diverse people with significant potential as an indigenous people. It recognises that all Māori have positive potential, regardless of age, gender, location or socioeconomic status. This principle guides Te Puni Kōkiri in supporting Māori to identify their strengths and to develop and facilitate opportunities to maximise this potential.

39. The second principle is that Māori are *Culturally Distinct*. It recognises the Māori community and their indigenous culture as an overall contributor to the identity, wellbeing and enrichment of New Zealand society. This principle recognises that Māori communities are both a part of, and significant contributors to, New Zealand society. It distinguishes Māori as the first people of New Zealand, while acknowledging the positive contributions they bring

²⁵ Concluding Recommendations para 17.

to their communities as an indigenous people, as cultural beings, and as citizens of New Zealand and the world. This principle guides Te Puni Kōkiri in supporting the creation of opportunities for Māori to sustain and leverage off their indigenous identity and culture.

40. The third principle is *Māori Capability*. It affirms the capability, initiative and aspiration of Māori to make choices for themselves. This principle guides investment in Māori to bring about change in their life circumstances and their environments. This principle advocates strengthening organisational and infrastructural capacity, while at the same time also building the capability of people and their sense of choices and power to act. This principle guides Te Puni Kōkiri to support opportunities for investment in Māori that build upon their own capability and initiative to be catalysts for change in their own lives.

Māori Commercial Fisheries and Commercial Aquaculture

41. There are 57 iwi recognised in the Māori Fisheries Act 2004. When a recognised iwi organisation has met governance criteria set out in the Māori Fisheries Act, it is entitled to receive fisheries assets as the mandated organisation for that iwi. At the end of 2010, fifty three recognised iwi organisations had been mandated, leaving four iwi yet to be mandated. Te Ohu Kaimoana is working with the remaining four to assist them to achieve the necessary mandate. More than 80% of Fisheries Settlement assets, equalling more than \$510 million, has been allocated to iwi.

42. Shares in fishing companies are held by a central company, Aotearoa Fisheries Limited. The profits of this company are to be shared, 80% going to mandated iwi organisations in proportion to their populations and 20% to Te Ohu Kaimoana to fund its work on behalf of iwi. In December 2010, Te Ohu Kaimoana made its first distribution to iwi out of an after tax profit of \$18.9 million.

43. Since the last report, the Ministry of Fisheries has refined the way it supports Māori participation in fisheries management. The new approach provides support to iwi to develop their own iwi fisheries plans, as a basis for participating in Ministry of Fisheries led national fisheries plans. The new approach was developed after extensive consultation with Māori. An extension services team of Pou Takawaenga provides support to develop iwi fisheries plans. In addition, specialised Māori relationship managers (Pou Hononga) continue to be employed by the Ministry.

44. The Ministry of Fisheries provides support to Māori to use customary food gathering regulations to manage their own customary (non-commercial) fishing activity. The Ministry is working with some iwi, who have negotiated specific agreements with the Crown, to produce customary food gathering regulations and develop co-management agreements.

45. The Māori Commercial Aquaculture Claims Settlement Act 2004 provides iwi with rights associated with 20% of all new aquaculture space created from 1 January 2005. The settlement also provides iwi with the equivalent of 20% of existing aquaculture space (called pre-commencement space) created between 21 September 1992 and 31 December 2004. The Ministry of Fisheries has discharged the majority of its pre-commencement space obligation through a series of settlements that involve transfer of over \$100 million. The Crown continues to work with iwi in order to discharge its remaining pre-commencement space obligations.

46. The Government has recently introduced the Aquaculture Legislation Amendment Bill (No 3) to improve the way aquaculture is managed in New Zealand. The existing

mechanisms to give effect to the new space obligations are difficult to implement under the proposed aquaculture legislation. The Crown, in collaboration with iwi, is developing mechanisms to provide for the new space obligation under the new aquaculture laws.

Foreshore and Seabed Act 2004²⁶

47. The Committee noted the information provided by the State Party on the follow up given to its Decision 1(66)²⁷ in relation to the Foreshore and Seabed Act 2004 (2004 Act). The Committee was concerned by the discrepancy between the assessment made by the State Party and that made by nongovernmental organisations on the issue (articles 5 and 6).

48. The Committee reiterated the recommendations that a renewed dialogue between the State Party and the Māori community take place with regard to the 2004 Act, in order to seek ways of mitigating its discriminatory effects, including through legislative amendment where necessary; that the State Party continue monitoring closely the implementation of the 2004 Act; and that it take steps to minimise any negative effects, especially by way of a flexible application of the legislation and by broadening the scope of redress available to Māori.

49. The Government commenced a review of the 2004 Act at the beginning of 2009 with the aim of remedying the substantive and procedural issues of the 2004 Act, in particular concerns about its discriminatory effect on Māori. The Government undertook transparent and inclusive consultation, which provided for public and stakeholder input at critical points. This dialogue with the public and stakeholders, including formal and informal consultation, continued until the end of 2010.

50. Throughout this period, the Government consulted with an Iwi Leaders' group (an association of tribal leaders from around New Zealand), appointed an Independent Ministerial Review Panel to consult with the public and provide recommendations to the Government on the 2004 Act and conducted its own separate public consultation process on the Government's proposals to repeal the 2004 Act. The Government has consulted and cooperated in good faith throughout the Review with Māori, both directly and through their representative groups.

51. Following this extensive dialogue with Māori and the general public of New Zealand, the Government introduced the Marine and Coastal Area (Takutai Moana) Bill. The Bill was considered for racial discrimination issues and found to be consistent with the Bill of Rights Act. When the Bill was enacted as the Marine and Coastal Area (Takutai Moana) Act 2011 (the Act), it repealed the 2004 Act.

52. The Government considers the Act achieves an equitable balance of the interests of all New Zealanders in the common marine and coastal area (an area physically similar to the foreshore and seabed). For example, it explicitly:

- a. repeals the 2004 Act (which was nationally and internationally criticised as discriminatory against Māori);

²⁶ Concluding Recommendations para 16 and CERD Further information on Concluding Recommendations paras 5–22.

²⁷ CERD/C/DEC/NZL/1.

- b. restores any customary interests in the common marine and coastal area that were extinguished by the 2004 Act and gives legal expression to these interests in accordance with the Act;
- c. removes Crown ownership (the effect of which extinguished Māori customary interests) and replaces this with a non-ownership model whereby no one (including the Crown) owns, or is capable of owning, the common marine and coastal area, but where customary marine title may be found to exist and which will amount to an interest in land.
- d. provides a new right for Māori to access the High Court to have customary (marine) title applications heard and determined;
- e. provides a new right for Māori to access the High Court to have applications for protected customary rights (non-territorial based rights) heard and determined; and
- f. provides the ability for Māori to seek recognition of their customary interests through agreement with the Crown.

53. The Act makes key changes to the test for customary marine title compared to the test in the 2004 Act to more accurately reflect developments in the common law. These changes are:

- a. use of tikanga (Māori customary values and practices) as an additional component of the test (i.e. the test from Te Ture Whenua Māori Act 1993);
- b. continuous ownership of contiguous land is no longer a requirement but a matter that may be taken into account (which means raupatu/historical land confiscation is not necessarily a decisive factor in ruling out customary marine title claims);
- c. clarification that fishing by third parties does not necessarily preclude a finding of customary marine title;
- d. provision for shared exclusivity (i.e. multiple iwi, hapū or whānau can seek customary marine title over an area); and
- e. recognition of the legitimacy of historical customary transfers.

54. The Act also adjusts the standard burden of proof so that it is presumed, in the absence of proof to the contrary, that a customary interest once shown has not been extinguished.

55. The Act provides for broad recognition of Māori customary interests by providing for three types of recognition: customary marine title, protected customary rights and participation in conservation procedures. The Act clearly sets out the legal requirements and rights that give expression to customary interests, therefore giving certainty to both the applicant groups and other interest groups in the common marine and coastal area.

56. The Act provides a package of rights associated with customary marine title. These

rights reflect elements of private title and in certain respects go further than the rights of private title. Customary marine title gives rights to permit activities requiring a resource consent, some conservation activities, provides for protection of wāhi tapū (sacred places), prima facie ownership of newly found taonga tūturu (objects that relate to Māori culture, history or society and which are more than 50 years old) and ownership of non-nationalised minerals. It also gives the customary title holders the right to create a planning document that provides a high level influence over how the relevant area is regulated by local government. Customary marine title will be subject to the right of free public access, with the exception of specified wāhi tapu that require protection, and is inalienable.

57. Iwi, hapū or whānau will also be able to gain recognition and protection for longstanding customary activities, uses or practices that continue to be exercised. The Act recognises the universality of Māori interests generally through providing for a right to participate in conservation procedures, which formalises existing best practice in coastal management.

58. The Act also provides iwi and hapū in the relevant area with a right of first refusal over all reclamations created from the common marine and coastal area.

59. The Act came into force on 1 April 2011. Implementation planning is underway, including the development of procedures for reaching agreements with the Crown to recognise customary interests and the preparation of information resources about the Act. The Government will be monitoring the implementation of the Act closely as groups seek to enter, and do enter, agreements with the Crown.

Māori and Pacific initiatives to address family violence

60. A Taskforce for Action on Violence within Families was established in June 2005 to advise the Family Violence Ministerial Team on how to make improvements to the way family violence is addressed and to eliminate family violence in New Zealand. A Director was appointed in 2010 and is leading a policy and research team. One of the Taskforce's key strengths and achievements includes promoting leadership by supporting the Māori Reference Group and Pacific Advisory Group. The Māori Reference Group and Pacific Development Group develop and implement specific programmes of action that consolidate appropriate responses to family violence for Māori and Pacific whānau and families.

61. The Māori Reference Group programme of action has established a framework to shape priorities for the next five years. Over this time, the programme of action will primarily be guided by the following five priority goals:

- Leadership: Effective and visionary leadership across all levels of Māoridom founded on a shared commitment to whānau ora for all whānau.
- Changing attitudes and behaviour: All Māori have opportunities to receive relevant and appropriate support, information and education about violence in safe and meaningful contexts (acknowledging the variable time requirements for achieving significant change in attitudes and behaviour for different individuals and whānau).
- Ensuring safety and accountability: Māori have access to a wide range of effective processes and services to ensure that victims are safe, to stop perpetrators from reoffending and to promote whānau maintenance and restoration.
- Effective support services: All Māori have access to effective, sustainable support services, wherever they live, which are evaluated against a range of agreed success factors, including whānau ora indicators.

- Understanding and developing good practice: Service delivery to Māori will be measured against an agreed understanding of what constitutes “good practice” based on available evidence and agreed indicators for whānau ora, with ongoing opportunities for the development, trialling and uptake of innovative and promising ideas.

62. The Pacific Advisory Group’s programme of action also has five similar priority goals. The outcomes of these goals will be, for Pacific peoples and communities, zero tolerance for aiga/family violence; increased education and awareness about aiga/family violence; increased availability and accessibility of quality Pacific prevention; and early intervention aiga/family violence services within Pacific communities.

63. Family Violence funding was reprioritised from 1 April 2011 to provide for five family violence initiatives. Of the five, two will build on the successes of the Campaign for Action on Family Violence (the “It’s not OK” campaign launched in July 2007) in respect of Māori and Pacific peoples. E Tu Whānau! addresses family violence by developing and delivering clear, consistent antiviolence messages that are designed, delivered and led by Māori. The new Pasifika campaign will also be designed, delivered and led by Pacific people, providing clear and consistent messages about building strong families and preventing and addressing violence.

64. Since 2009, the Ministry of Women’s Affairs (MWA) has worked with other government agencies on addressing the issue of intimate partner violence in ethnic communities. To address concerns raised during consultation with ethnic communities, MWA and the Office of Ethnic Affairs developed the brochure “Speak up, seek help, safe home” containing information on New Zealand law, the definition of domestic violence and where to go for help. MWA has also worked with the Ministry of Social Development on developing case studies of initiatives addressing family violence in refugee and migrant communities. The purpose of the case studies is to learn from communities about “what works” in addressing intimate partner violence in ethnic communities and disseminate the information as widely as possible. As agreed by the Taskforce for Action on Violence within Families in April 2011, the Office for Ethnic Affairs is developing a 12-month plan of action that seeks to address issues of family violence in ethnic communities.

65. In 2009, MWA commissioned a report with a specific focus on sexual coercion, resilience and young Māori. The report was to include a complete literature review on previous work done in this area, create a clear methodology to be used in any future research in this area and to establish relationships with Māori for future research in this area. In August 2010, the report “Sexual Coercion, Resilience and Young Māori: a scoping review” was released. Since then, MWA hosted several hui informing officials and NGOs about the research findings and generating discussion about the issues, which have not been previously canvassed in any other New Zealand research. MWA is currently investigating the implications of this research for further work.

Immigration

66. In 2009/10, 45,719 people were approved for residence. Sixty-two percent of approvals were through the Skilled/Business Stream, 32% through the two family sponsored streams and 6% through the International/Humanitarian Stream. The United Kingdom was the largest source country of permanent residence approvals (17%) followed by China (13%) and South Africa (12%). New Zealand accepts up to 750 refugees annually as per its refugee quota. In 2009/10, Bhutan and Myanmar were the leading source countries of quota

refugees.

67. The Immigration Act 2009 (2009 Act) came into force on 29 November 2010. The 2009 Act modernises New Zealand’s immigration laws and introduces a universal visa system. This means that everyone requires a visa to enter New Zealand. Key changes of the 2009 Act include the introduction of the Immigration and Protection Tribunal, which will streamline the appeals process, and recognition of New Zealand’s obligations under the Convention Against Torture and International Covenant on Civil and Political Rights.

Detention of asylum seekers

68. The Committee recommended that New Zealand put an end to the practice of detaining asylum seekers in correctional facilities, and ensure that health and character grounds upon which asylum may be refused remain in compliance with international standards, especially the 1951 Convention Relating to the Status of Refugees.²⁸

69. All applicants for visas to New Zealand must have an acceptable standard of health and be of good character. Applicants who have been recognised as refugees may be granted medical waivers and character waivers. Waivers are granted on a case-by-case basis.

70. Health and character grounds are not a basis upon which to exclude or expel asylum seekers under New Zealand immigration law. Immigration New Zealand has never declined a claim to refugee status on health ground and this is not permitted in law. The only lawful grounds for declining a refugee status claim are provided for by article 1F of the 1951 Convention Relating to the Status of Refugees.

71. The detention provisions in the 2009 Act are not specific to classes of people. People can be detained under the 2009 Act if there is doubt about the identity of the person, where there is a threat or risk to security, to facilitate legitimate removal action or it is otherwise in the public interest. The detention system is flexible because the court can refuse to issue a warrant for a person or issue the detention of a person for up to 28 days in a prison or in an approved premises or release them into the community on conditions. Section 324(3) of the 2009 Act enables people detained under a warrant of commitment to apply to a District Court Judge for a variation of the warrant or a release on conditions.

72. The majority of asylum seekers in New Zealand are not detained at any stage. The Department of Labour has been in close consultation with the Department of Corrections regarding the care of the small number of asylum seekers detained in correctional facilities. Asylum seekers are segregated in detention when possible and are not held with convicted criminals.

Settlement policies

73. The New Zealand Government’s Settlement Strategy (the Strategy) provides the framework and overarching goals for the settlement of migrants, refugees and their families. Initially developed in 2003 the Strategy was revised with a new vision in 2007 — “New Zealand’s prosperity is underpinned by an inclusive society, in which the local and national integration of newcomers is supported by responsive services, a welcoming environment and a shared respect for diversity.” Under the Strategy, Government agencies provide and/or fund a number of services and activities that support the seven Strategy goals for migrants and refugees in their initial settlement period (up to five years).

²⁸ *Ibid* para 24.

74. The Department of Labour provides leadership for agencies on the Strategy, with the most recent leadership focus being on the development of a Refugee Resettlement Strategy. The Department also jointly leads the implementation of two regional settlement strategies (Auckland and Wellington) in partnership with local government. The Department's contribution over recent years to supporting the Strategy has been on welcoming migrants and refugees into the community and providing resources and funding activities that meet the information needs of newcomers.

75. The Department of Labour funds the Settlement Support New Zealand initiative throughout New Zealand, which provides a clear point of contact for new migrants and for employers seeking settlement information and referral services for their new migrant staff. The Department collaborates with local government and nongovernmental organisations in 18 areas to provide locally responsive services that meet the needs of newcomers in the regions. In 2009/10, the 18 settlement support initiatives provided services to 11,745 migrants resulting in 18,278 referrals to local mainstream and settlement service providers.

Office of Ethnic Affairs

76. The Office of Ethnic Affairs (the Office) is based in the Department of Internal Affairs and advises the Government on contemporary ethnic diversity issues in New Zealand. The Office connects ethnic communities to Government, other communities, economic sectors and with each other. Ethnic communities are those whose ethnic heritage distinguishes them from the majority, primarily those who identify as African, Asian, Continental European, Latin American or Middle Eastern. The Office has ethnic advisors who provide connections for ethnic communities in Auckland, Hamilton, Wellington and Christchurch, where there is the greatest ethnic diversity; intercultural advisors who provide diversity management training and resources to Government and business; and policy analysts who provide the strategic direction.

77. The Office also manages the Language Line telephone interpreting service, which is available for no charge to those with limited English language ability. Language Line provides confidential interpreting services in 42 languages and is used by a range of Government agencies including the Ministry of Health, the Ministry of Social Development, the Inland Revenue Department, the Department of Internal Affairs and the Department of Labour.

78. The Office's strategic priorities are:

- maximise ethnic peoples' transactional networks and cultural skills for domestic economic growth;
- empower ethnic communities through increased Government responsiveness; and
- maintain New Zealand's reputation as a successful model of social harmony.

79. Some of the major activities that have contributed to the priorities outlined above include a number of business forums in 2010, such as the ASEAN Business Leaders' Forum, the New Zealand Trade and the Muslim World Forum, the Shanghai Expo Forum and the Business Leaders' India Forum; continuing the Building Bridges programme that aims to build understanding between Muslim and non-Muslim communities in New Zealand; and building the capability of employers to manage diverse workforces through the Office's Intercultural Communication Training.

Special measures for the advancement of groups in relation to employment

80. New Zealand is committed to article 2 paragraph 2 of the Convention that requires New Zealand, when the circumstances so warrant, to consider in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms. New Zealand recognises that these measures shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been achieved.

81. The Committee recommended New Zealand should ensure, when assessing and reviewing special measures adopted for the advancement of groups, that concerned communities participate in such a process, and that the public at large is informed about the nature and relevance of special measures, including the State Party's obligations under article 2(2) of the Convention.²⁹

82. The State Services Commission (SSC) published a new Equality and Diversity Policy for the Public Service in 2008, which emphasises chief executives' "good employer" responsibilities and is monitoring progress as part of the chief executive performance review process. The State Sector Act 1988 "good employer" provisions include recognising the aims, aspirations and employment requirements of Māori, along with the need for greater involvement of Māori in the Public Service. The provisions also include recognising the aims, aspirations, employment requirements and cultural differences of ethnic or minority groups. Crown Entities have similar "good employer" provisions under the Crown Entities Act 2004.

83. In addition, the Ministry of Women's Affairs nominations service is working with other Government departments to improve monitoring data on the participation of Māori, Pacific, ethnic and women with disabilities on state sector boards and committees.

Article 3

84. The New Zealand Government is committed to its obligations under article 3 of the Convention and condemns racial segregation and apartheid and undertakes to prevent, prohibit and eradicate all practices of this nature in territories under its jurisdiction.

85. The Government is firmly opposed to racial segregation and apartheid. In New Zealand, these practices are prohibited by the Human Rights Act and the New Zealand Bill of Rights Act. Part 1A of the Human Rights Act makes Government, Government agencies and anyone who performs a public function accountable for unlawful discrimination under the Act. Section 19(1) of the Bill of Rights Act affirms the right to freedom from discrimination. Policies or practices of racial segregation and apartheid would fall into the category of unlawful discrimination under both Acts.

Article 4

86. The New Zealand Government is committed to its obligations under article 4 of the Convention that requires States Parties to condemn all propaganda and all organisations which are based on ideas or theories of superiority of one race or group of persons of one

²⁹ Concluding Recommendations para 16.

colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertakes to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of the Convention.

87. The comments in the 2006 CERD Report on the legislative mechanisms in place to eradicate all incitements to or acts of racism remain applicable.³⁰ As is discussed below, New Zealand continues to make it unlawful to excite hostility against or bring into contempt any group of persons on the grounds of colour, race, or ethnic or national origins. It also continues to be a criminal offence to incite racial disharmony through published or distributed written matter or spoken words in public. No amendments in this regard have been made to the Human Rights Act since the 2006 CERD Report was compiled.

Unlawfulness of racial disharmony and offence of inciting racial disharmony

88. The number of complaints received under section 61 of the Human Rights Act (unlawfulness of racial disharmony) has fluctuated over the reporting period. In most years, the fluctuations were caused by a relatively large number of complaints about a single issue that occurred in that year. When these figures are adjusted to account for the number of complaints on single issues, the number of complaints has been relatively similar from year to year: 31 in 2007, 23 in 2008, 30 in 2009 and 21 in 2010.

89. Most complaints are not progressed as formal complaints. The Commission has offered mediation and taken other action in a number of these cases. Its decisions have been based on the high threshold in section 61, particularly when the impact of the Bill of Rights Act freedom of expression provision is considered in relation to the words used. Offensiveness of a race related comment is not sufficient on its own. The comment must also be a probable cause of ethnic hostility or contempt. The vast majority of comments that are complained about are considered unlikely to contribute to serious ethnic unrest.

90. While New Zealand does not have a specific offence of “hate speech”, as outlined in the last report, section 131 of the Human Rights Act creates the offence of inciting racial disharmony. There was one prosecution, without a conviction, under section 131 in 2008.

Responding to racially motivated crimes

91. Where applicable, section 9(1)(h) of the Sentencing Act 2002 provides that in sentencing or otherwise dealing with an offender, the court must take into account and record in the offender’s sentencing notes that the offender committed the offence partly or wholly because of hostility towards a group of persons who have an enduring common characteristic such as race, colour, nationality, religion, gender identity, sexual orientation, age or disability; and

- (i) the hostility is because of the common characteristic; and
- (ii) the offender believed that the victim has that characteristic.

92. The Committee recommended that New Zealand study ways and means of assessing on a regular basis the extent to which complaints for racially motivated crimes are addressed in an appropriate manner within its criminal justice system and in particular, collecting statistical data on complaints, prosecutions and sentences for such crimes.

³⁰ 2006 CERD Report paras 174-187.

93. In 2010, the *Review of Crime and Criminal Justice Statistics Report 2009* was completed and included specific consideration of gathering information regarding “crimes of prejudice” (which include racially motivated crime). The report concluded that, given the problems experienced in overseas jurisdictions where this information is collected, the worth of their collection in New Zealand would need to be assessed and validated before this could be considered. However, New Zealand Police will continue to make full use of the Crime and Safety Survey to monitor trends.

94. Since New Zealand’s last report, the media have continued to report sporadic incidents of racially motivated violence, which range from verbal abuse to physical abuse. Although New Zealand does not officially record racially motivated crime at a national level, New Zealand Police has actively supported the establishment of local initiatives, which are designed to facilitate reporting of race based discrimination, harassment and other racist incidents.³¹ For instance, in Christchurch, the Report It website (www.report-it.org.nz) was launched in 2008 by a group of agencies involved with the Safer Students campaign, namely Police, Christchurch City Council, Te Rūnanga o Ngāti Tahu (the governing body of South Island iwi), Christchurch Polytechnic Institute of Technology, University of Canterbury, Lincoln University and the Human Rights Commission.³² International students in Christchurch requested an anonymous online reporting website. In response, the Report It website allows students to report when people in Christchurch do or say hurtful things to them because they are different.

95. A similar website has been established in Tasman District creating a “Speak Out” system for reporting racist incidents. The Speak Out system, which was launched in November 2010, facilitates reporting of racist incidents via an online reporting form (available at www.speakout.org.nz), a call free telephone number, as well as direct reporting to a number of community agencies.³³

New Zealand Police work with ethnic communities

96. New Zealand Police has responded to the increasingly diverse population by working closely with a number of other key agencies to provide support to new migrants, refugees, foreign workers, tourists and international students. New Zealand Police’s Ethnic Strategy Towards 2010 — Working Together With Ethnic Communities, was one of the first ethnic strategies developed by a New Zealand Government agency. The strategy had two primary outcomes: to develop Police’s capability and capacity to engage with ethnic communities, and implement culturally appropriate initiatives with ethnic communities in order to increase community safety, prevent and reduce crime, road trauma and victimisation. The strategy was implemented over a five year term, with the projects culminating in 2010.

97. Successful outcomes from the Ethnic Strategy include the doubling of ethnic staff employed by Police, increased satisfaction in Police services, active community engagement

³¹ A racist incident is defined as “any incident that is perceived by the victim or any other person to be racist”. Speak Out website, www.speakout.org.nz (accessed 1 June 2011).

³² Police provides ‘in-kind’ support to the Report It website, e.g. staff time, including follow up of incidents reported through the website; and contributes towards the printing of posters and other information materials.

³³ New Zealand Police gives in-kind support to the Speak Out initiative in Nelson. This includes Police participation in the Steering Committee and undertaking follow up action if an incident reported via the Speak Out website or phone line has a criminal nature or could escalate to criminal offending. Police also provide ongoing advice and support for other agencies and NGOs.

through the establishment of ethnic liaison officers, advisory boards and signing of significant Memoranda of Understanding with key community partners. Finally, the development of practical resources and tools for operational staff has facilitated enhanced service delivery and engagement with ethnic communities.

98. New Zealand Police is developing a Diversity Induction Programme that has a specific focus on discrimination and gives police employees knowledge and information to enable them to work with diverse communities and fellow staff members effectively. The programme will provide a Human Rights induction tool for all new staff. The programme will consist of eight modules, covering broader diversity issues as well as specific guidance for working with Māori, Pacific peoples and other ethnic communities.

99. The new ethnic strategy from 2011 towards 2015 will further build on progress made by New Zealand Police in engaging with and responding to crime and safety issues affecting ethnic communities, including race related harassment and other racially motivated crimes. Much of this work will be led by New Zealand Police's ethnic liaison officers who can identify with the diverse range of ethnic communities in New Zealand and work alongside them to address the broad spectrum of crime and safety issues faced by individual members of specific ethnic communities.³⁴

Immigration distinctions based on nationality

100. Section 153 of the Human Rights Act allows the Government to distinguish between New Zealand citizens and other persons, or between Commonwealth and non-Commonwealth citizens. This exemption permits only distinctions to be made between these groups — it does not permit discrimination. The Department of Labour seeks to ensure that human rights legislation is complied with wherever possible in immigration decisions and, where apparent departures do occur, ensures that there is sufficient justification for maintaining a distinction.

101. Section 392 of the Immigration Act 2009 provides a procedural exemption to the Human Rights Act where the publicly funded complaints process is not available in actions that allege discrimination in relation to the Immigration Act and regulations and any policy made validly under the Immigration Act. The Human Rights Commission is also prevented from receiving complaints, bringing proceedings or intervening in civil proceedings, in relation to immigration decisions.

102. Although the Immigration Act provides for a partial exemption from human rights scrutiny, immigration legislation, policies and practices are still subject to the non-discrimination standard provided for under the Bill of Rights Act. This means that policy and legislative proposals must be assessed for consistency with the right to be free from discrimination under section 19(1) of the Bill of Rights Act.

Article 5

103. The New Zealand Government is committed to its obligations under article 5 of the Convention to undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of civil, political, economic, social and cultural rights.

³⁴ Concluding Recommendations para 25.

104. New Zealand affirms the right of everyone, without distinction as to race, colour, or ethnic or national origin, to equality before the law and enjoyment of civil, political, economic, social and cultural rights. The Government recognises the persistence of the inequalities that face Māori and Pacific people in employment, education, health, social services and housing and that it is essential for the future of New Zealand that these inequalities are addressed. In addition, the over-representation of Māori in the justice and prison system is of particular concern and reducing Māori offending and recidivism is a priority for the Government. The steps New Zealand has taken to realise the obligations under article 5 are set out below.

Criminal justice system

105. Everyone charged with an offence has a right under section 24 (g) of the Bill of Rights Act to language interpretation if needed. This right is also recognised in the Māori Language Act 1987.

106. The court system has regard to the different cultures and traditions of ethnic groups who use the system. A number of initiatives currently operating in courts are aimed to address offending through the provision of “wrap around” services and/or use of therapeutic jurisprudence. Over the reporting period, the judiciary have initiated:

- Family Violence Courts for managing domestic violence cases that operates at eight District Courts.
- Rangatahi Courts (currently seven), locating part of the Youth Court Process on a Marae.
- A Pasifika Court that follows the same process to monitor Family Group Conferences at a Polynesian Centre. Both initiatives aim to reconnect young offenders with their culture and reduce reoffending.
- A Special Circumstances List Court for offending by persistent low level offenders who are homeless.
- The Christchurch Youth Drug Court and Intensive Monitoring Group (Auckland) that focus on alcohol and drug misuse and dependency for young people.

107. Work and Income delivers and assists court users to access social support services through Community Link in Courts, which is a voluntary service for people attending a Family Violence Court (in three sites).

108. There is a process in place at 34 District Courts to remand cases to allow for a Restorative Justice conference to take place before sentencing. In-court alcohol and other drug clinicians are funded by the Ministry of Health and are available in Northland and Wellington District Courts, assisting judges to identify offenders with mental health and alcohol and other drug needs. The judiciary, Ministries of Education and Justice, and Child Youth and Family are piloting a programme where Education Officers attend Youth Court hearings (three locations at this time) to provide advice on a young person’s education.

109. The Ministry of Justice is working with the judiciary on the design and implementation of a court process in the Kaikohe District Court that will:

- increase the involvement of whānau, hapū and iwi in the court process;
- encourage the inclusion of tikanga Māori by actively promoting the use of legislation

that supports this in the District Court, such as section 27 of the Sentencing Act 2002³⁵ and section 4 of the Māori Language Act 1987 (right to speak te reo Māori in legal proceedings); and

- facilitate defendant access to wrap around services and opportunities to address the underlying causes of their offending via section 25 of the Sentencing Act 2002.³⁶

110. Two areas of possible discrimination against ethnic groups within New Zealand merit attention. Juries are selected without bias. However, because of the ethnic or national origins of potential jurors, many do not have the “good understanding” of English specified on the jury summons form. In October 2010, jury districts (the area from which a person can be summoned for jury service) were increased from a boundary of 30 kilometres to 45 kilometres from a jury trial court. This allows for a much wider selection pool of jurors, including the improvement of Māori representation in rural areas (based on the number of Māori living in rural areas).

111. All court proceedings are in English; however the Māori Language Act 1987 makes provisions for anyone to speak Māori in any legal proceedings, whether or not they are able to understand or communicate in English or any other language. When Māori is spoken in court, an interpreter will translate what has been said into English. Any of the following persons may speak Māori in a court or tribunal:

- the parties (the person who is bringing the case or the person who is defending the case);
- any witness;
- any member of the court or tribunal;
- the lawyers or other person representing a party in the proceedings; and
- anyone else if the Judge or person in charge agrees.

Over representation of Māori and Pacific people in the criminal justice system.

112. The Committee reiterated its concern regarding the over representation of Māori and Pacific people in the prison population and more generally at every stage of the criminal justice system and recommended that the State Party enhance its efforts to address this problem.³⁷ The Government recognises that the rate of imprisonment of Māori and Pacific people pose a significant challenge for it and for Māori and Pacific communities.³⁸

113. The Department of Corrections provides a number of programmes and services

³⁵ Section 27 allows the offender to request that the court hear from any person or persons they call to speak, on:

- (a) the personal, family, whānau, community, and cultural background of the offender;
- (b) the way in which that background may have related to the commission of the offence;
- (c) any processes that have been tried to resolve, or that are available to resolve, issues relating to the offence, involving the offender and his or her family, whānau, or community and the victim or victims of the offence;
- (d) how support from the family, whānau, or community may be available to help prevent further offending by the offender;
- (e) how the offender's background, or family, whānau, or community support may be relevant in respect of possible sentences.

³⁶ Section 25(1)(d) allows the court to adjourn proceedings in respect of any offence after the offender has been found guilty or has pleaded guilty and before the offender has been sentenced to enable a rehabilitation programme or course of action to be undertaken.

³⁷ Concluding Recommendations para 21.

³⁸ For disaggregated statistics on prisons please see Annex B, Table 13.

specifically aimed at reducing reoffending among Māori through the use of tikanga Māori (customary Māori) concepts and values, including:

- *Tikanga Māori Programmes*: These programmes are tailored for all offenders who identify as Māori and have been sentenced to imprisonment, supervision, intensive supervision, home detention, and release on conditions, parole, and community work. They use customary concepts and values to equip participants with a willingness and motivation to address their rehabilitation, specifically focusing on their offending behaviour.
- *Māori Therapeutic Programmes*: The Māori Therapeutic Programmes are tailored specifically for Māori male high risk offenders. They are based on cognitive behavioural therapy integrated with tikanga Māori and are delivered in the Department's five Māori Focus Units and the Northland Region Corrections Facility.
- *Māori Focus Units*: Five 60 bed Māori Focus Units for male prisoners use tikanga Māori to motivate and rehabilitate prisoners within a therapeutic community in a custodial environment. Corrections staff work closely with hapū and iwi programme providers to support prisoners in working towards a responsible and pro-social life in the community.
- *Whānau Liaison Workers*: There is a Whānau Liaison Worker attached to each Māori Focus Unit. They play a critical role in establishing links between prisoners, their whānau, hapū, iwi and the local Māori community prior to release. Whānau Liaison Workers work directly with an offender's whānau by putting in place strategies to resolve or manage identified reintegrative issues.
- *Kaitiaki*: Kaitiaki (Guardians) are Māori groups from the areas in which four new regional corrections facilities have been established. Kaitiaki are actively involved in supporting the reception, rehabilitation and reintegration of Māori prisoners, including the involvement of prisoners' families. Kaitiaki also take part in the recruitment and training of staff.
- *Kowhiritanga*: The Kowhiritanga (making choices) programme is designed to help women offenders examine the causes of their offending and develop specific skills to prevent them reoffending. The programme is based on Western therapies and is designed to be responsive to Māori women.
- *Kaiwhakahaere*: Twelve Kaiwhakahaere positions have been established within the Community Probation & Psychological Services. These positions assist with convening and facilitating whanāu hui, assist probation staff to become familiar with relevant tikanga based concepts when dealing with Māori offenders and their whanāu, and ensure links are maintained with key staff, relevant iwi, Māori based provider/groups and community organisations. This is currently operating as a pilot programme.

114. Rehabilitation and reintegration are important in reducing reoffending by helping prisoners gain the skills and support they need to effectively reintegrate into the community. Whare Oranga Ake is a new initiative which aims to significantly reduce reoffending, particularly by Māori. It aims to support prisoners in the last stages of imprisonment to gain employment, find suitable accommodation and build healthy family and wider social relationships.

115. Whare Oranga Ake is designed to focus on prisoners' reintegrative needs. Whare Oranga Ake units will focus on reintegration through a kaupapa Māori (set of values, principles and plans agreed upon as a foundation for actions) setting outside the main prison grounds on a 16 bed whare (dwelling place) and communal facility. This means that Māori

practices, language and values will be woven through the day-to-day activities and interactions of the units. A skilled Māori community service provider will lead the approach and services delivered in Whare Oranga Ake and will be in charge of the day-to-day running of the unit.

116. Prisoners in Whare Oranga Ake units will be provided opportunities to develop life skills for living on the outside. This will enhance the prospects of their successful reintegration back into local communities and reduce the risk of further offending. Prisoners will be encouraged to participate in employment, education and post programme rehabilitation, to find supported accommodation and improve whānau relationships, as well as to establish positive relationships with Māori in the community.

117. Two Whare Oranga Ake units will open in July 2011. While targeted at Māori offenders they will be open to all prisoners who meet the eligibility criteria. There will be a review in 2012, after which the units may expand in 2013 to a 32 bed unit. As a typical stay will be nine months, a 32 bed unit will provide for an average of 42 residents a year.

118. The Department of Corrections also has a Pacific Focus Unit where the Saili Matagi programme is delivered. The 18 week programme is delivered by programme facilitators (with knowledge and experience of Pacific People). It is designed for Pacific male prisoners currently serving a sentence for violent offences.

119. The programme is based on the Pacific nation's cultural principles and delivered through a "proverbial language" approach. Cultural principles/sacred knowledge systems are used as a "therapeutic approach" in itself. Embedded within the Pacific nation's cultural paradigms are tools of "understanding" used appropriately to target treatment. The Saili Matagi therapeutic approach incorporates Pasifika Matua within the delivery of group work sessions to transfer the cultural values, beliefs and concepts that are familiar to men of Pacific cultures. The Programme aims to assist prisoners to identify and change their beliefs, attitudes and behaviours that have resulted in their violent offending and ultimately reduce intergenerational violence and the likelihood of reoffending. It includes constructing an offence map, challenging attitudes and thinking that support offending, managing emotions, managing relationships and managing conflicts, as well as developing safety plans.

Responses to Māori offending

120. The state of Māori over representation in the criminal justice system remains a concern for the Government. In November 2009, the Government made addressing the underlying causes of offending a whole-of-government concern with a priority on Māori offending. The Government is now progressing a new approach to reducing offending, known as "Addressing the Drivers of Crime", to intervene effectively along the pathways of offending. This pathway includes early prevention, treatment for specific needs related to offending, and co-joint and collaborative justice and social sector initiatives to reduce offending and reoffending. Cross-government action is underway in four priority areas:

- Improving the quantity, quality and effectiveness of maternity and early parenting support services in the community, particularly for those most at risk.
- Developing and implementing programmes that treat and manage behavioural problems in at risk children and young people.
- Reducing the harm from alcohol and improving the availability and accessibility of alcohol and drug treatment services.
- Identifying alternative approaches to manage low level offenders and offer pathways

out of offending.

121. In each of these areas explicit consideration is being given to ensure that services are effective for and accessible to Māori. This includes the identification of opportunities for Māori to design, develop and deliver innovative and cost effective, offence reducing initiatives and solutions that are responsive to the needs of Māori.

122. Work on “Addressing the Drivers of Crime” is being overseen by the Chief Executives of the Ministries of Justice, Education, Health, Social Development and the Department of Prime Minister and Cabinet. Representatives from Te Puni Kōkiri, the New Zealand Police and the Department of Corrections are also directly involved in leading and contributing to the “Addressing Drivers of Crime” work programme.

123. The Ministry of Justice also funds activities to improve criminal justice outcomes for Māori, including:

- commissioning research on additional responses or interventions to support the first Rangatahi Court (Gisborne) to reach its full potential in reducing youth offending;
- the delivery of Restorative Justice services through Māori providers; and
- support of Māori community focused prevention and safety programmes in response to youth offending, substance abuse and violence reduction.

Sentencing submissions on community and cultural background

124. The Committee recommended that the State Party undertake an assessment of the implementation of section 27 of the Sentencing Act. Section 27 allows the courts to hear submissions relating to the offender’s community and cultural background.³⁹

125. Until recently data on the use of section 27 could not be recorded in the Case Management System (Courts). As from mid July 2011 however, the function will be available and courts will be asked to record these hearings in the system so the numbers of these events can be monitored.

126. Section 8 of the Sentencing Act, which sets out the principles of sentencing, provides that the court must take into account the offender’s personal, family, whānau, community, and cultural background in imposing a sentence or other means of dealing with the offender with a partly or wholly rehabilitative purpose. Section 27 allows the offender to request the court to hear any person or persons called by the offender to speak on these matters. In addition, section 26 of the Act provides that information regarding the personal, family, whānau, community and cultural background of the offender may be included in a pre-sentence report provided to the court.

127. The judiciary are currently considering an initiative based in the Kaikohe District Court which would involve the proactive use by the court of section 27 of the Sentencing Act. The aims of the Kaikohe District Court initiative are to address the causes of offending prior to sentencing, hearing from whānau, hapū and iwi about the support available for the defendant and increasing the availability and effectiveness of appropriate alternative sentences. The Ministry of Justice is leading the design of the court process.

³⁹ *Ibid* para 22.

Youth justice

128. In 2008, the rate of young Māori prosecuted was more than 5 times that of New Zealand European young people and 2.4 times that of Pacific young people.⁴⁰ The Government is committed to reducing the over representation of Māori in the youth justice system. The Government has introduced new legislation⁴¹ that will empower the Youth Court to require young offenders to, among other things, attend mentoring programmes, drug or alcohol rehabilitation programmes and parenting programmes. The health and education needs of all young offenders are considered during the youth justice process.

129. The Ministry of Social Development funds both the Social Workers in Schools Programme and the Multi-Agency Support Services in Secondary Schools programme (MASSiSS). Both programmes help young people to be engaged in their schools, and to be safe, socialised and healthy.

130. MASSiSS is a component of the Ministry of Social Development Youth Gangs initiative and aims to reduce the engagement of young people in youth gangs. MASSiSS provides school based social work support services in 17 low decile schools in Auckland, Hawke's Bay and Porirua.

131. In order to ensure that the response to youth gangs is appropriate, New Zealand followed up on the planned research detailed in the third and fourth periodic report. The completed research includes the 2010 Review of the Counties Manukau Plan of Action. This is a successful multi-agency response to the complex social problem of youth gangs. The research gathered feedback from a range of stakeholders to determine which features of the plan contributed to its success. The review also used analysis of youth work monitoring data and Police and Ministry of Education data to show positive changes for youth in Counties Manukau since the implementation of the plan. There is a widespread perception that the Plan of Action has reduced youth crime and gang involvement. This is supported by Police crime statistics.⁴²

132. The work on youth gangs in Counties Manukau which was being developed in 2006 has now become a multi-agency approach addressing child and youth offending in the Auckland region. Youth gang action plans have now been implemented in Northland (primarily Whangarei) and Counties Manukau. Action plans are also under development for the wider Auckland area, Bay of Plenty (Kawarau, Rotorua, and then to other parts of the region), Waikato (Hamilton City only) and the East Coast.

Political Rights

133. The Electoral Act 1993 introduced the mixed member proportional (MMP) voting system and continued the existing provision for separate Māori representation in the legislature. Māori retain the option of enrolling to vote on the Māori electoral roll or the

⁴⁰ Youth Justice Statistics in New Zealand: 1992 to 2008.

⁴¹ The Children, Young Persons, and Their Families (Youth Courts Jurisdiction and Orders) Amendment Act 2010.

⁴² Between 2007 and 2008, overall youth apprehensions fell in Counties Manukau by 9% compared with a 3% increase nationwide. During this time youth apprehensions in Counties Manukau for violent offending fell by 6% compared with a 5% increase nationwide. Apprehensions also fell for robbery, drugs and anti-social offending, dishonesty offences (particularly burglary and car conversion), property damage and administrative offences (for example, failure to answer bail). Homicides in Counties Manukau reduced from an unprecedented peak of 34 in 2005 to seven in 2008.

General Electoral roll. This choice is exercised both at the time of the elector's initial enrolment and then at the time of the next Māori Electoral Option period, which is conducted following each five yearly national census. The option asks all enrolled Māori voters to identify their choice of roll type. Under the Electoral Act, the number of Māori seats is not fixed, but is determined at the end of the option period by a formula based on the number of Māori on the electoral roll. The formula ensures that Māori electorates have the same population size as general electorates.

121. The Māori Electoral Option was last held in 2006. The number of Māori seats remained at seven. Fifty-six per cent of declared Māori voters are currently on the Māori roll. The next Māori Electoral Option was scheduled to be held in 2012, after the 2011 Census and general election. The 2011 Census was cancelled, however, following a major earthquake in Christchurch. The next census will now be held in 2013, followed by a Māori Electoral Option in the same year.

134. Māori may also be elected to Parliament by standing for a general seat or a list seat. Following the 2002 general election, 19 Members of Parliament self identified as being of Māori descent, 21 following the 2005 election, and 20 following the 2008 election. In addition, three Pacific MPs and two Asian MPs were elected in 2002, the same number of each group in 2005, and five and six respectively in 2008. As at June 2011, there were 23 Māori MPs, three Pacific MPs and one Asian MP.

135. The Māori Party, formed in 2004, won four Māori electorate seats in 2005 bringing three new Māori Party members into Parliament. In 2008, the Māori Party won five Māori electorate seats and entered into an agreement with the National Party in which it pledged its support for the Government's supply and confidence measures. The Prime Minister appointed the party's two co-leaders as "Support Party Ministers" outside Cabinet with full portfolios, including Māori Affairs.

136. New Zealand's turnout of enrolled voters was 80.9% in 2005 and 79.5% in 2008. Election surveys indicate that non-voters are more likely to be members of Māori or Pacific peoples ethnic groups. The Electoral Commission is trying to increase participation amongst Māori and Pacific peoples through education and research based projects.

Employment

137. In pursuing employment opportunities, all New Zealand residents enjoy access to all of the rights in article 5 of the Convention. Employment rights (such as the right to a written contract, grievance procedures and freedom from discrimination or harassment) are protected by the Employment Relations Act 2000 and the Human Rights Act, which extend to all people in New Zealand.

138. If a person encounters racial discrimination in employment, he or she may choose to take an action for racial discrimination under the Human Rights Act or the Employment Relations Act, but not both. Since 2005, the Employment Relations Authority has determined seven personal grievance cases featuring claims of racial discrimination or harassment. None of the claims were upheld. One case was appealed to the Employment Court, who dismissed the claim.

139. The pace of economic recovery following the recession has been slow, and the unemployment rate for all persons has increased to 6.8% of the labour force in the December 2010 quarter. The Household Labour Force Survey showed the unemployment rate was

largely static for most ethnicities over the year ending December 2010:

- Māori employment and unemployment remained static compared with the previous year, with employment of 136,400 and an unemployment rate of 15.5% in the December 2010 quarter.
- Pacific employment increased by 8.4% in the year to December 2010 to 81,500, while the Pacific unemployment rate dropped slightly to 13.5%.
- Asian employment and unemployment rate remained static compared with the previous year, with employment of 208,000 and an unemployment rate of 9.3% in the December 2010 quarter.
- The Māori, Pacific and ethnic unemployment rates are considerably higher than the 4.6% unemployment rate for Europeans recorded in December 2010. The unemployment rate for all ethnic groups is much higher than it was in 2005, when these figures were last updated, largely due to the impact of the global recession. However, a different classification of ethnicity is now in use, so direct comparison is problematic.
- The manufacturing, wholesale and retail trades are the major employing industries for both Māori and Pacific peoples. Many of the jobs in these industries are characterised as low skilled. Māori and Pacific people are most underrepresented in the finance, insurance and business service industries, which tend to employ higher skilled workers.

140. Māori employment growth outstripped that of New Zealand Europeans over the three years to December 2010, reflecting faster growth in the Māori working age population and the disproportionate share of Māori amongst the unemployed in the late 1990s. In addition, the distribution of Māori employment has changed over the last economic cycle, with a larger share of the Māori workforce now in high skilled occupations. Although the shift away from low skilled occupations remains relatively slow, the Māori workforce is now less vulnerable to a negative economic shock.

141. Employment growth for Pacific peoples has also followed a similar trend to that of Māori (that is, stronger growth because of higher rates of working age population growth and unemployment). The main difference is that the distributions of employment over recent years has moved slightly away from low skilled occupations into semi skilled occupations instead of high skilled and skilled occupations, as occurred for Māori and New Zealand European during this period.

Initiatives to improve employment opportunities

142. Cultural linkages are important in achieving improved labour market outcomes. Māori will form an increasingly large part of New Zealand's workforce in future years. Māori are increasingly playing a major role in New Zealand's business community. The Department of Labour website has a section devoted specifically to Māori Labour Market Information (www.dol.govt.nz/services/LMI/Māori/index.asp). This section contains information and links that are designed to assist anyone with an interest in Māori social and economic issues to gain a better understanding about labour market trends among Māori. It contains key information about their people, their skills and past and current employment trends and opportunities. There are both statistical and report based information, as well as links to the Department of Labour's interactive labour market tools.

143. The Pacific Workforce Development Strategy (led by the Ministry of Pacific Island Affairs) ended in 2007. The Department of Labour is committed to developing a Pacific Strategy which was launched on 11 March 2010 by the Department of Labour's Chief

Executive. The Pacific Strategy 2010–2015 provides a strategic framework to guide prioritisation and provides a means to better co-ordinate the work of the Department through placing its activities for Pacific related matters into the context of the Department’s overall strategic framework and within the wider Pacific regional context. In particular, the strategy highlights the need for a sharper focus on Pacific workforce development including health and safety, employment relations, career advice, skill development and training which will provide Pacific workers, in particular youth with more opportunity to realise their full potential.

144. Youth Guarantee, run through the Ministry of Education, is a programme designed to engage 16 and 17 year olds in education and training. The aim is to increase educational achievement by 16 and 17 year olds who have in the past not achieved well in the education system. It is also designed to assist students get vocational qualifications at levels 1 to 3 on the National Qualifications Framework appropriate to their career of choice and educational opportunities that work for them and meet their needs. This programme includes trade and service academies.

State sector employment

145. The State Services Commission (SSC) has produced several publications that help promote and monitor Equal Employment Opportunities (EEO), including biennial reports targeting specific EEO groups in the Public Service. The last report, produced in 2010, focussed on gender and ethnic diversity in the senior management of the Public Service. This report is available on SSC’s website (www.ssc.govt.nz). The State sector encourages employment of a diverse range of people. Under the State Sector Act 1988 and the Crown Entities Act 2004, public service departments and Crown entities have the same Equal Employment Opportunities (EEO) requirements as the private sector. Each public service department and each Crown entity is required to: operate a personnel policy that complies with the principle of being a good employer (including an EEO programme); make that policy, including the EEO programme, available to its employees; and ensure compliance with that policy, including its EEO programme and report annually on the extent of its compliance.

146. The legislation defines an EEO Programme as “a programme that is aimed at the identification and elimination of all aspects of policies, procedures and other institutional barriers that perpetuate, or tend to cause or perpetuate, inequality in respect to the employment of any persons or group of persons”.⁴³ Public service departments and Crown entities should also have provisions in their personnel policies that require recognition of the aims, aspirations, employment requirements and cultural differences of ethnic and minority groups.

Education⁴⁴

147. The current general education outcomes for European, Māori and Pasifika children are:

- Participates in early childhood education: European 98.1%, Māori 89.4% and Pasifika 85.3%.

⁴³ See section 58 of the State Sector Act 1988 and section 118 of the Crown Entities Act 2004, respectively.

⁴⁴ Regarding the Committee’s concluding observation at para 20, please see CERD Further information on Concluding Recommendations paras 23 – 25. For statistical information, please see Annex b, Tables 1 - 4.

- Leaves school with National Certificate in Educational Achievement (NCEA) at level 2 or above: European 74.6%, Māori 47.9% and Pasifika 59.7%.
- Attains a University bachelor level degree by age 25: European 25%, Māori 10%, Pasifika 12%.

Māori education

148. Māori students make up about 22% of the total student population. New Zealand acknowledges that despite the efforts that have been made in recent years, more work is needed to encourage Māori youth to continue with their education.

149. National Standards for Māori medium education programmes, Ngā Whanaketanga Rumaki Māori, were developed by Māori medium Te Reo Matatini and Pāngarau leaders and were implemented in 2010. They establish clear expectations of progress and achievement for Māori students in relation to reading, writing and mathematics.

150. Family and whānau of students also influence educational achievement. Whānau, however, are more likely to feel alienated from the mainstream school system and less likely to go to the school and/or engage with educators, partly due to their own negative experiences of schooling. Engaging whānau and parents in ways that support their children's learning is a priority for the Government. The National Standards introduced in 2010 give teachers, children, parents and whānau a clear idea of children's progress in relation to reading, writing and mathematics. Schools are required to report clearly at least twice a year to parents about their children's progress and achievement in relation to the standards.

151. The Government has continued to support Māori language learning and the demand for an education that embraces the language, philosophies and culture of Māori. The numbers of students attending kōhanga reo (centres for preschool aged children and their families where the curriculum is delivered in the te reo Māori), kura kaupapa Māori and wharekura (State primary and secondary schools where te reo Māori is the principal medium of instruction) has been steady over the past five years. The participation rate for Māori students in kaupapa Māori based tertiary organisations has increased dramatically.

152. Building a high quality infrastructure to support kaupapa Māori education is a growing priority. Significant investments are continuing to be made in the early childhood and schooling sectors to provide quality teaching and learning resources as well as materials and assessment tools in the Māori language that support the curriculum.

Results to date for Māori education

153. There has been an increase in Māori participation in early childhood education. In 2010, 8,196 Māori children were enrolled in kōhanga reo, 17,579 in education and care services, 7,388 in kindergartens, 2,001 in playcentres, and 2,584 in home based care services. This compares to 2005 enrolment figures of 10,062 Māori children enrolled in kōhanga reo, 11,924 in education and care services, 7,933 in kindergartens, 1,922 in playcentres and 1,352 in home based care services.

154. The proportion of Māori school leavers who had not obtained some level of formal qualification at school almost halved between 2002 and 2009 (from 56.1% to 28.4%). However numbers still remain high in comparison with the New Zealand European population: 28.4% as compared to 10.3%.

155. Māori participate in tertiary education at a higher rate than non Māori: 16.9% of

Māori aged 15 and over participated in tertiary education in 2008, compared to 11.3% of non Māori. Māori participation at Bachelor degree level and above is below that of the European population, but the difference has been closing over the last decade.

156. However, there are still concerning trends that need to be addressed, including above average rates of truancy and absenteeism, and early departure from the school system, often without a qualification.

157. Overall, progress to date indicates that raising Māori achievement and participation, and eliminating differences for Māori, are achievable goals. There are a number of initiatives aimed at addressing these differences, including:

- initiatives to increase early childhood education participation for both Māori and Pasifika children;
- the Literacy Professional Development Project for both Māori and Pasifika Children
- Ka Hikitia — Managing for Success – a strategy for Māori education for 2008–2012;
- the Tertiary Education Strategy 2010–2015 has a sharper focus on Māori achievement above New Zealand Qualifications Framework Level 4;
- Kaiako Pono provides guidance on mentoring for Māori in tertiary education;
- Te Tere Aurataki — a professional development strategy focused on improving outcomes for Māori students in English medium schools;
- Pangarau Te Poutame Tau — a Māori medium mathematics resource;
- Ngā Haeata Matauranga — a comprehensive annual report on Māori education that informs and assists the development of future initiatives;
- Youth Guarantee, Trades and Service Academies to retain 16 and 17 year olds in education and training; and
- the National Certificate of Educational Achievement providing a qualification system which enables students to leave school with a meaningful and relevant qualification.

158. In 2008, the launch of Ka Hikitia — Managing for Success: The Māori Education Strategy 2008–2012 was a significant milestone in the development of initiatives to improve the performance of the education system for Māori children. An early evaluation of this initiative indicates positive progress and the beginning of system changes beneficial to Māori children and youth. While there is progress towards many of the goals of Ka Hikitia — Managing for Success, there are still significant challenges to:

- accelerate early childhood education enrolment increases for Māori;
- improve effective teaching and learning for Māori students, especially in relation to cultural responsiveness;
- increase the resources and support available for teachers in Māori medium/settings;
- increase the supply of teachers proficient in te reo Māori, so that Māori medium options are more available;
- focus on resources, specifically on improving the teaching of literacy in the first years of school; and
- ensure secondary schools enable Māori students to gain worthwhile qualifications and make subject choices that open up future opportunities.

Pasifika Participation in education

159. There have been considerable gains in educational participation for Pasifika over the

past decade. The proportion of children who attended early childhood education before starting primary school increased at a faster rate for Pasifika children than for other school entrants. From the available data, there has been an increase in Pasifika enrolments in licensed early childhood services and in qualified/registered Pasifika early childhood education teachers. There has, however, been a decrease in Pasifika children accessing early intervention services. Pasifika children continue to have the lowest participation rate at this level of education.

160. In 2009, the overall participation in the education rate of Pasifika students was similar to that of New Zealand Europeans, although higher proportions of Pasifika students were enrolled in Levels 1 to 3 certificate courses. The proportion of Pasifika adults with tertiary qualifications increased more than threefold between the mid 1990s and 2009. Despite this substantial improvement, Pasifika adults were less likely than the general population to have tertiary qualifications in 2009.

161. The Pasifika Education Plan 2009–2012 (the Plan) sets out the Government’s targets for Pasifika education. It focuses on raising the number of Pasifika children in early childhood education, improving literacy and numeracy for every Pasifika child, ensuring Pasifika students are achieving and leaving school with worthwhile qualifications, improving participation, retention and completion at tertiary level with a focus on level four and above.

162. Pasifika students now constitute 9.3% of the New Zealand school population, an increase from 7.6% in 1997. The Plan is designed to help ensure that Pasifika children and students receive high quality education from early childhood to tertiary education. Focusing on the long term, it offers a coordinated approach and recognises that Pasifika peoples must be supported to take charge of solving many of the problems themselves, in partnership with Government and education providers.

163. Reports on the Plan’s implementation show mainly positive results. There has been strong growth in participation rates in early childhood education (ECE) since 2000. Prior participation rates (those who start school having also participated in ECE) have grown strongly for Pasifika children, rising from 74.9% in 2000 to 85.3% in 2010. At primary and secondary school levels, the average performance of Pasifika students is still significantly lower than that of other students. However, there are upward shifts in achievement at these levels. National Certificate of Educational Achievement (NCEA) results show that 82.6% of Pasifika school leavers gained National Certificate of Educational Achievement level 1 or above in 2009, compared with 59.1% in 2002; 65.5% of Pasifika school leavers left with National Certificate of Educational Achievement level 2 or above compared with 42.3% in 2003; and 27.8% of Pasifika students left school with a University Entrance Standard in 2009 compared with 14% in 2004. Pasifika students are also demonstrating a commitment to tertiary education. In 2009, 12.1% of Pasifika aged 15 years and over participated in formal tertiary education, compared to 12.4% for the total New Zealand population. This is a significant improvement from 2001, when only 8.9% of Pasifika aged 15 years and over participated in tertiary education, compared to 11.2% for the total population.⁴⁵

164. As with Māori education, the role that the community plays in engaging in and supporting Pasifika education has also been recognised. The Ministry of Education has focused on strengthening links with Pasifika families and communities, as well as keeping communities informed about the Government’s efforts in Pasifika education. This latter goal

⁴⁵ Information about Pasifika students in education can be found on www.educationcounts.govt.nz.

has been pursued through a variety of means. These include, for instance, the Ministry's Pasifika Advisory Group, which is made up of community and ethnic group representatives; face-to-face meetings through fono; circulation of newsletters such as Talanoa Ako — Pacific Education Talk; and use of the Internet and radio programmes.

English as a second language and refugee services

165. Schools apply, on behalf of eligible students, for English as a Second Language (ESOL) funding to provide English language support programme (with additional teachers, teacher aides or language assistants) and resource. In 2010, 33,161 students from 1,221 schools were provided with ESOL funded tuition. These students represent 159 ethnic groups from 166 different countries of birth, speaking 113 different languages. The total ESOL funding for the 2011/12 year is \$26.515 million.

166. As well as ESOL funding, additional funding sources are available to meet the special needs of refugees.

167. For instance, the Refugee Flexible Funding Pool enables schools to implement a further range of support initiatives. These include the employment of refugee education coordinators in schools, and the employment of bilingual liaison workers to assist schools make contact with families and communities and support homework centres. This funding pool is \$592,000 annually.

168. The Refugee Pathway and Career Planning support initiative for refugees is implemented in targeted schools. This initiative assists schools to provide specialised individual support in planning appropriate learning pathways towards tertiary study or employment. It recognises the extra support that students from refugee backgrounds may require as their parents and communities may not have the knowledge and resources to support them to make appropriate decisions. This programme has an annual funding of \$267,000.

169. The Ministry of Education has contracted a number of providers nationally to provide the Computer in Homes Programme for refugees with approximately 80 to 100 families each year receiving training, a recycled computer and a one year internet connection.

Education for children unlawfully in New Zealand

170. The Immigration Act removed the blanket limitation on any foreign national children enrolling in compulsory education while unlawfully in New Zealand.⁴⁶ The change in the legislation does not mean that foreign national children unlawfully in New Zealand are automatically eligible to enrol in New Zealand schools for free. Generally, in order to study in New Zealand, foreign nationals must have an entitlement to study under immigration law. For example, they may be a resident, or a temporary entrant who has entered New Zealand for the purpose of study. Foreign national students can be treated as domestic students, giving them entitlement to publicly funded education, or as international students, meaning they pay fees and contribute to New Zealand's export education market. The Minister of Education determines whether foreign nationals are classified as domestic students or as international students, following the process set down in the Education Act 1989.

171. Under the Immigration Act, education providers in the compulsory education sector

⁴⁶ Concluding Recommendations para 23. See also CERD Further information on Concluding Recommendations para 26.

cannot be prosecuted under immigration law if they enrol foreign national children who are unlawfully in New Zealand. It remains an offence for education providers, other than those who provide compulsory education, to enrol foreign nationals who are unlawfully in New Zealand.

172. Although enrolment of a child unlawfully in New Zealand in compulsory education does not place any immigration obligations on that child or that child's parents, the Immigration Act requires all foreign nationals unlawfully in New Zealand to leave. This is because they do not have any lawful entitlement to remain in New Zealand. Immigration New Zealand encourages all foreign nationals unlawfully in New Zealand to come forward and discuss their situation.

Early childhood education

173. Māori and Pasifika children have lower than average participation rates in early childhood education. To improve participation by Māori and Pasifika children a package of initiatives costing an extra \$91.8 million over four years was announced in Budget 2010. A number of initiatives are underway to increase these participation rates. These initiatives include intensive community participation projects, supported playgroups, flexible and responsive home based initiatives, language, culture and community engagement support projects, a parent engagement programme and improved property assistance.

Te reo Māori and Pacific Languages

174. Figures from the 2006 Census show that there are 131,600 Māori who are able to converse about everyday things in te reo Māori. This is an increase of 1,100 people from the 2001 Census. However, the percentage of Māori language speakers in the Māori population has decreased from 25.2% in 2001 to 23.7% in 2006. These figures do not account for changes in language proficiency.

175. In 2010, the Minister of Māori Affairs, in collaboration with other Ministers, appointed an independent panel to undertake a review of the Māori Language Strategy and Sector. The purpose of the review is to identify and support opportunities for enhanced Māori language outcomes, better coordination and structuring of whole of government focus, so that Government can provide the best services and programmes as effectively and efficiently as possible. Once findings and recommendations have been considered a draft Māori Language Strategy will be developed in consultation with Māori.

176. A priority for the Government is the acceleration of Pasifika student achievement. At the time of the 2006 Census the proportion of Pasifika who could speak more than one language was 49%. This was higher than for the overall New Zealand population (18%). A person's ability to speak the language associated with their ethnicity was related to birthplace. People from Tuvalu were the most likely to speak their own language (71%), followed by people from Sāmoa (63%) and Tongan people (61%).

177. The 2006 Census showed an increasing decline in the use of Cook Islands Māori, vagahau Niue and gagana Tokelau in New Zealand communities. There has also been some decline in the use of gagana Sāmoa and Tongan. Without intervention, this pattern is likely to increase over time. The Government supports a strong emphasis on the need for schools to promote and respect all Pasifika languages, cultures and identities.

178. Pasifika languages are used as the medium of instruction in a small number of schools across the country. The Ministry of Education provides a range of materials to support the

teaching and learning of Pasifika languages that include:

- Teaching guidelines for Cook Islands Māori, Vagahau Niue, Tongan, gagana Tokelau, and revised language guidelines for gagana Sāmoa.
- Multimedia resources in the Learning Language Series (LLS) to support the Pasifika language guidelines and for mainstream teachers to teach Pasifika languages at Years 7 to 10. Multimedia LLS packages for Cook Islands Māori, gagana Sāmoa, vagahau Niue and Tongan LLS. The gagana Tokelau LLS resource is expected to be completed by mid 2011.
- Storybooks to support the five Pasifika LLS.
- Pasifika songbooks and CDs that support the five Pasifika LLS.

International students

179. New Zealand is an attractive destination for foreign students, reflected in a sizeable and growing international education sector. During the 2010 calendar year, a total of 98,474 international students enrolled with New Zealand public and private education providers, a 3% increase from the 2009 level. The top five source countries of the 98,474 international students during 2010 were China (22%), South Korea (16%), India (12%), Japan (10%), and the Kingdom of Saudi Arabia (6%).

180. The New Zealand Government actively promotes our education system to international students, and has systems in place to address their pastoral care needs. The Code of Practice for the Pastoral Care of International Students has been administered by the Ministry of Education since 2002, and all education providers which enrol international students are required to comply with this Code. The Ministry also funds the International Education Appeal Authority, an independent body responsible for adjudicating on complaints received from international students, or which have been referred by the Code Administrator. In the year ended 30 June 2010, a total of 175 complaints were processed by the International Education Appeal Authority, and 137 were resolved. The most common complaint type related to fees not being refunded.

181. The Ministry of Education also undertakes regular large-scale surveys of international students to assess their satisfaction with living and studying in New Zealand, and the nature of any issues which they may face. These reports are published on the website of the Ministry (www.minedu.govt.nz/international). The most recent study undertaken in 2007 asked whether international students experience discrimination (unfair treatment) in New Zealand. Of the students surveyed, 21% mildly agreed with this statement, 22% mildly agreed that New Zealander would prefer fewer international students in the country, and 20% mildly agreed that New Zealanders generally have a positive attitude towards international students⁴⁷

Health

182. The overarching objectives of the health and disability sector are to improve the health of all New Zealanders — that is, to improve not just their life expectancy but people's length of life free from pain or disability — and to reduce health inequalities. As in other areas of Government social services, an underlying concern has been to maintain protection for the most vulnerable groups.

⁴⁷ Ministry of Education *Experiences of International Students in New Zealand* (May 2008) page 83.

183. District Health Boards (DHB) continue to be governed by up to 11 members; seven elected by the public every three years and up to four appointed by the Minister of Health. Appointments are typically made to broaden the skills and representation delivered by the electorate. When making appointments the Minister must endeavour to ensure at least two Māori sit on each board. In December 2010, board membership comprised 76.3% New Zealand European, 20.1% Māori, 2.8% Pacific peoples and 9.1% other ethnic groups. These proportions have remained broadly similar over successive board cycles (New Zealand European: 75.9% (2007), 75.6% (2004), 73.1% (2001); Māori: 20.4% (2007), 22.0% (2004), 22.4% (2001); Pacific peoples: 2.8% (2007), 2.9% (2004), 2.2% (2001); other ethnic groups: 8.8% (2007), 8.7% (2004), 9.8% (2001)).⁴⁸

Health status of Māori and Pacific peoples

184. While the health status of Māori continues to improve, it is still unsatisfactory compared to most of the rest of the population. Life expectancy at birth for the whole population for the years 2005–2007 was 78.0 years for males and 82.2 years for females. Although the gap between Māori and non-Māori life expectancy is narrowing (after some years of widening) life expectancy is still about 7 years lower for Māori (70.4 years for Māori males and 75.1 years for Māori females) by prioritised ethnicity. Life expectancy is slightly better for Pacific peoples (73.2 for Pacific males and 77.5 for Pacific females) but still lower than the average for the whole population. The main health issues affecting Māori and Pacific peoples are: cancer; diabetes/cardiovascular disease; low immunisation coverage; comparatively high rates of preventable hospitalisation and high prevalence of smoking and obesity.

185. New Zealand's infant mortality (by prioritised ethnicity) has fallen markedly over the last 50 years, decreasing from 22.8 deaths per 1,000 live births in 1961 to 5.0 per 1,000 live births in 2010. Māori continue to have a higher infant mortality rate compared to the total population, although the gap is closing. In 1996, the infant mortality rate for Māori was 11.5 deaths per 1,000 live births compared to 7.1 for the total population. In 2010, the infant mortality rate had declined to 7.4 for Māori and 5.0 for the total population. The infant mortality rate for Pacific peoples is also higher than for the total population. In 2006, Pacific peoples had an infant mortality rate of 6.4 per 1,000 live births compared to 5.1 per 1,000 live births for the total population.

186. Sudden Unexpected Death in Infancy (SUDI)⁴⁹ remains a major cause of infant mortality and a particular problem for Māori. In 2007, the rate of SUDI for the whole population was 0.94 per 1,000 live births. The SUDI rate is higher for both Māori and Pacific peoples than for the total population. In 2007, the SUDI rate for Māori was 1.71 per 1000 live births and for Pacific peoples 1.14 per 1000 live births. The causes for the increased risk of SUDI in the Māori population are explained to some extent by the higher prevalence of risk factors among this population. These risk factors are largely socially determined and include higher prevalence of poorer living conditions, lower breast feeding rates, higher bed sharing rates (bed sharing is a risk factor when combined with smoking) and higher smoking rates in pregnancy and post-natally. Reducing SUDI rates continues to be a priority for the Government.

⁴⁸ Proportions add up to more than 100% as some people may have reported more than one ethnicity.

⁴⁹ SUDI is a term recently adopted in the New Zealand health sector. It encompasses both Sudden Infant Death Syndrome (SIDS), where the cause of death is unexplained, and instances of infant death in situations where a cause is ultimately determined, but the death was sudden and unexpected.

187. The greatest increase in ethnic inequalities in health is for post-streptococcal diseases, notably rheumatic fever. The Age-Standardised hospitalisation rate ratios (SRR) of 7.4 recorded for Māori versus European/Other in the 1989 to 1993 period increased to 22.8 in the 2004 to 2008 period. The SRR for Pacific versus European/Other increased from 10.8 to 30.5 over the same period.

Health issues for other ethnic groups

188. Migrants who enter New Zealand as permanent residents, people on work permits allowing a stay of two years or more, refugees and asylum seekers are eligible for publicly funded health and disability services on the same basis as residents.⁵⁰

189. On arrival, the most common health issues for refugees are communicable diseases such as tuberculosis, hepatitis B and sexually transmitted infections. However, in addition to pre-migration experiences such as torture, loss and grief, the challenges of settlement and acculturation also may be associated with depression and post traumatic stress disorder. Mental health services are available to most refugees on arrival and work is under way to improve primary health care, including mental health services. Most refugees are enrolled, wherever possible, with a primary health care service that specialises in refugee health care. The Government has acknowledged the high health needs of the refugee population by directing additional funding to primary health care centres providing “wrap around” care to refugees.

190. Asian people in New Zealand have a lower prevalence of most chronic diseases (other than diabetes) compared to persons of other ethnicities, and are less likely to access health services.

Māori health initiatives

191. Since the last report, there have been a number of activities to improve Māori health, for example through more appropriate health and disability services. These attempts have been aimed at both mainstream and Māori health providers because, as noted in the last report, the majority of Māori access mainstream services.

192. *The New Zealand Health Strategy* (2000), required under the New Zealand Public Health and Disability Act 2000, sets out the Government’s current platform for action on health. The principles of the Strategy are:

- acknowledging the special relationship between Māori and the Crown under the Treaty of Waitangi;
- good health and well being for all New Zealanders throughout their lives;
- an improvement in health status of those currently disadvantaged;
- collaborative health promotion and disease and injury prevention by all sectors;
- timely and equitable access for all New Zealanders to a comprehensive range of health and disability services, regardless of ability to pay;
- a high performing system in which people have confidence; and
- active involvement of consumers and communities at all levels.

193. *He Korowai Oranga* (2002) sets a ten year direction for Māori health development and provides guidance at a strategic level on ways to achieve Māori health improvements and

⁵⁰ Visitors to New Zealand who are not eligible for publicly funded health services can still access health care. However, they will be asked to pay for the cost of any services they receive.

tackle health inequalities. The overall aim of *He Korowai Oranga* is whānau ora: Māori families supported to achieve their maximum health and well being. *He Korowai Oranga* has at its foundation four pathways for action which specify how whānau ora will be achieved. This includes effective service delivery. Mainstream services are required to take greater responsibility for Māori health and to find ways to extend Māori models of health and healing into health and disability services.

194. The Ministry of Health monitors the effectiveness of mainstream services through the use of Health Targets, which provide a clear and specific focus for action to ensure mainstream services are of the highest quality and provided within the best possible time. The Government's Better, Sooner, More Convenient primary health care initiative also informs the effectiveness of mainstream services by aiming to deliver more personalised primary health care for all New Zealanders, and proactively supporting high needs populations, including Māori.

195. Nine Better, Sooner, More Convenient collectives were selected for this initiative in 2009. One of these collectives in particular, the National Hauora Coalition, is made up of a substantial number of Māori owned and Māori governed primary care services. To deliver on the aims of Better, Sooner, More Convenient, the Coalition has already undertaken over 3,200 family health assessments and case management for over 1,200 high needs individuals, despite it being a relatively new organisation.

196. New Zealand has managed to greatly reduce the equity gap in the uptake of immunisation programmes between ethnic population groups. Immunisation rates for Māori children aged two years of age have increased from 68% in June 2008 to 88% in June 2011. Immunisation rates for Pacific children aged two years of age have increased from 75% in June 2008 to 94% in June 2011.

197. The human papillomavirus immunisation programme for year 11 school age girls has achieved higher coverage for Māori and Pacific girls. These groups have traditionally suffered from higher rates of cervical cancer. The cohort of 2010 (born in 1997) achieved 65% dose one coverage for Māori girls and 77% dose one coverage for Pacific girls. These results were higher than the 52% dose one coverage for all eligible girls.

198. Rheumatic fever, a serious illness largely affecting school-aged children and young adults living in the North Island of New Zealand, occurs most often in people of either Māori or Pacific ethnicity. Māori are 20 times more likely and Pacific people 40 times more likely to be hospitalised with acute rheumatic fever, compared to people of European or other ethnicity. The Government has allocated an additional \$12 million over the next four years to increase prevention initiatives (antibiotic treatment of a streptococcal sore throat clears up the infection before it can develop into rheumatic fever) and treatment services, through strengthening frontline primary health care services; additional community-based sore throat services to very high-risk populations (eg: school-based services); and raising community awareness and improving health care worker training.

199. Māori health providers are a key feature of New Zealand's health and disability sector. They provide access to affordable and acceptable health services while also contributing to the economic well being of Māori communities and the Māori workforce. Over the past ten years these providers have continued to develop their capacity and capability to respond to the needs of their patients and communities.

200. Whānau Ora is a new, inclusive and culturally anchored approach to provide services

and opportunities to whānau and families across New Zealand. The Taskforce on Whānau-Centred Initiatives identified six goals that suggest that whānau outcomes will be met when whānau are: self managing; living healthy lifestyles; participating fully in society; confidently participating in Te Ao Māori; economically secure and successfully involved in wealth creation; and cohesive, resilient and nurturing. It empowers whānau and families as a whole, rather than separately focusing on individual family members and their problems. It also requires multiple Government agencies to work together with whānau and families rather than separately with individual family members.

201. Whānau Ora will work in a range of ways, influenced by the priorities that whānau and families identify and choose. Whānau Ora is not a one size fits all approach. It is deliberately designed to be flexible to meet family needs and will evolve over time and be improved as required. The Government initially allocated \$134.3 million over four years for the implementation of Whānau Ora. In the Government's 2011/12 budget, a further \$30 million was invested over the next four years.

Pacific peoples' health initiatives

202. New Zealand's rapidly growing Pacific population also faces particular health issues. To address these, a number of Pacific health initiatives have been established. In 2010, the Ministries of Health and Pacific Island Affairs launched *'Ala Mo'ui: Pathways to Pacific Health and Wellbeing 2010–2014*. It sets out the Government's priority outcomes and actions that will contribute towards achieving better health outcomes for Pacific people, family and communities. These are:

- Pacific workforce supply meets service demand;
- systems and services meet the needs of Pacific people;
- every dollar is spent in the best way to improve health outcomes;
- more services delivered locally in the community and in primary care;
- Pacific people are better supported to be healthy; and
- Pacific people experience improved broader determinants of health.

203. *'Ala Mo'ui* replaced the previous *Pacific Health and Disability Action Plan* (2002) and *Pacific Health and Disability Workforce Development Plan* (2004). Pacific clinical experts and community leaders were involved in the development of *'Ala Mo'ui*.

204. The Ministry of Health's Pacific Provider Development Fund (PPDF) was set up in 1998 to improve Pacific people's access to health services by supporting the development of Pacific providers and workforce. In 2009, there were 39 Pacific health providers receiving the PPDF funding. The focus of the Fund changed in 2010 to strengthening the Pacific workforce and accelerating the development of Pacific health providers. To reflect this change, the fund was renamed the Pacific Provider and Workforce Development Fund (PPWDF).

205. Through the PPWDF funded Pacific Health Workforce Awards, the Ministry provided financial support to 207 Pacific health students for the 2011 academic year. Many of these students are studying in priority areas such as medicine, nursing, oral health and midwifery. Also through PPWDF, in 2010 approximately 10,000 Pacific secondary students were engaged in a campaign encouraging them to take science in the non-compulsory years (Years 11–13). Science is a prerequisite to entering many health related qualifications at tertiary education institutions.

206. There have been a number of positive developments in health service provision for

Pacific people. Pacific young women are leading the way nationally in getting immunised with the cervical cancer prevention vaccine, Gardasil. Seventy-three percent of all Pacific girls born between 1992 and 1996 have started receiving the free human papillomavirus (HPV) vaccine, compared to 51% of all girls in that age group. From 2008 to July 2010, there has been an increase in the proportion of Pacific women who have a breast cancer screen every two years from 52% to 60%. From 2008 to 2009, there has been an increase in the proportion of “never smokers” among Pacific Year 10 boys from 56% to 58% and Pacific Year 10 girls from 48% to 53%.

People with disabilities

207. Disabled Māori are more likely than non-disabled Māori to be out of the labour force or, if available for work, to be unemployed and to have lower annual personal incomes. In 2006, the age-standardised disability rate for Māori was 19% and the age-standardised rate for non Māori was 13%.

208. Government agencies are required to implement the New Zealand Disability Strategy which contains specific objectives promoting the participation of disabled Māori and disabled Pacific peoples. The Government established a Ministerial Committee on Disability Issues in February 2009 to provide visible leadership and accountability for implementing the New Zealand Disability Strategy.

209. In 2010, the Government provided \$750,000 over three years to a collective of disabled people’s organisations to run a monitoring programme on how disabled people experience their rights. One of the organisations involved works exclusively with blind Māori. The Ministry of Health is currently developing disability action plans for Māori and Pacific Island peoples.

Social services⁵¹

210. Each region of New Zealand has the flexibility to tailor specific contracted services and employment programmes to meet the needs of their client base. Some of these may include programmes and services specifically for Māori, Pacific people, refugees and migrants where there is demand.

211. The Ministry of Social Development is working to reduce the number of Māori clients on a benefit by developing a number of formal and informal partnerships. Ongoing activities include industry partnerships, training and development arrangements and promoting Māori participation in programmes like the Skills for Growth, Job Opportunities with Training, Community Max and Limited Service Volunteer courses. Limited Service Volunteers is a six week residential motivational training scheme run by the New Zealand Defence Force for 18 to 25 year olds. Māori and Pacific young people may also be referred to Youth Transition Services. These services assist school leavers aged 15 to 19 to move to further education, training or work, or other activities that contribute to their long term economic independence and wellbeing. As at 1 July 2011, Māori made up 28% of those participating in the Job Opportunities with Training programme and 63% of the young people in the Community Max scheme.

⁵¹ For disaggregated statistical information on social benefit payments, please see Annex B, Tables 5 – 10.

Children, Young Persons and Their Families

212. Since October 2010, Child, Youth and Family has piloted a new assessment, approval and support process for whānau caregivers that recognise the uniqueness of providing care for whānau members. This includes using a whānau hui/family meeting process to engage directly with the family. The whānau hui/family meeting discusses the caregiver assessment process and the supports that are required to sustain a child or young person's placement with whānau caregivers. Other agencies, community groups and iwi providers also provide support to help deal with child abuse and children in care and to continue to work with them to improve the overall responsiveness of the state and the community.

213. New policy and practice guidelines are being introduced as part of the implementation of Child, Youth and Family's Home For Life, Ways to Care and family/whānau caregivers initiatives. This includes information regarding working with whānau, timely decision making, assessment of need and the provision of support.

Housing

214. Māori account for approximately 15% of the New Zealand population, but they make up approximately 33% of tenants in state housing. Most Māori state house tenants benefit from the Income-Related Rent subsidy. Māori also account for approximately 28% of all recipients of the Accommodation Supplement. Households which include a Māori adult are more likely than households which include a European adult to be in housing stress — defined as having a housing cost outgoings-to-income ratio of greater than 30%. But they are less likely than households which include a Pacific adult or households which include any other non-European ethnic group adult to be in this position. The proportion of households including a Māori adult that were in housing stress rose from 21% in 2004 to 25% in 2009. Māori are also more likely than the population as a whole to be living in overcrowded housing, but the proportion of Māori households that are overcrowded has been declining steadily over time.

215. The Government has recently launched two initiatives that focus specifically on promoting the development of housing for Māori. The Kainga Whenua scheme, which was launched in 2010, provides loans to enable housing to be developed on multiple owned Māori land. The Māori Demonstration Partnerships scheme is a component of the Housing Innovation Fund, and it was launched in 2009 to support partnerships between Housing New Zealand and Māori organisations on a variety of housing projects.

216. Pacific peoples represent approximately 26% of all state house tenants (despite accounting for 7% of the New Zealand population) because of their relatively low incomes and other disadvantages. Housing stress in households where there was at least one Pacific adult increased from 23% in 2004 to 33% in 2009. Overcrowding amongst Pacific households is significantly more common than in the population as a whole, although it has declined over time. In 1986, 50% of Pacific households were overcrowded, falling to 43% by 2006.

217. To counter overcrowding, Housing New Zealand is building a larger proportion of houses with four or more bedrooms, especially in localities where Pacific families account for a large share of the population. In addition, Pacific families are over represented, relative to their population share in the Healthy Housing programme, which is a joint initiative between Housing New Zealand and a number of District Health Boards to ease overcrowding and to improve heating and ventilation in houses.

Article 6

218. The New Zealand Government is committed to its obligations under article 6 of the Convention that States Parties shall assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to the Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.

219. New Zealand affirms the right of everyone within the country to effective protection and remedies against racial discrimination. Information provided in the previous report about measures taken to assure everyone the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination is still applicable.⁵² Additional steps New Zealand has taken over the reporting period in relation to its obligations under article 6 are set out below.

220. The Committee recommended that the State Party adopt proactive measures aimed at addressing: lack of public knowledge of the most appropriate avenues for particular complaints, inadequate accessibility by vulnerable groups and a lack of confidence by such groups in their effectiveness.⁵³

221. The New Zealand Human Rights Commission is engaged in a multi-year project to improve accessibility of its enquiries and complaints service. Strategies include:

- enhancing the visibility of the Commission (and its Complaints and Enquiries Service) and finding new ways for the Commission to reach its audience through a clear and comprehensive communications strategy;
- focused attention on languages (which includes translations) and accessible formats;
- links to referral agencies so they know when to refer matters to the Commission;
- working with other complaints bodies to share information on enhancing accessibility and to implement some collective initiatives;
- ensuring the Commission's systems are accessible; and
- extending our direct reach to community groups where research has provided evidence that there are barriers to access.

222. Further, the Commission is increasing its emphasis on the collection of demographic data from complainants which is providing a profile of the people who use the Commission's services and where the gaps are. Recent initiatives include:

- Re-design of the Commission's website which has given increased prominence to the complaint option on the home page. New features have increased accessibility to the website.
- The facility to complain online has been introduced and the complaint form is now available in plain English and six community languages.
- Two publications of case studies provide information about the complaints process. In 2008, the Commission worked with a range of Christchurch educational and community organisations to set up a "report-it" website (which enables proper triage) for local cases of racial harassment. In 2009, the Commission worked with a range of Nelson organisations to develop a similar local reporting system. These models are

⁵² 2006 CERD Report paras 221 and 222.

⁵³ Concluding Recommendations para 26.

being promoted nationally to improve accessibility to the Commission and other complaints mechanisms.

- The Commission participated in the development and implementation of www.complaintline.org.nz which is a central website that links to all participating complaint organisations.
- Workshops and meetings were held (and presentations given) throughout the year with community law agencies and other community groups.

Article 7

223. The New Zealand Government is committed to its obligations under article 7 of the Convention to undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnical groups.

224. The Government recognises the value of combating prejudices that lead to racial discrimination, particularly in the fields of teaching, education, culture and information. The programmes discussed below seek to promote understanding, tolerance and friendship among nations and racial or ethnic groups.

Treaty of Waitangi

225. The archival repository, Archives New Zealand, is the official guardian of the New Zealand Government's heritage documents, which include the Treaty of Waitangi. Public archives are evidence of Government's activities over time and as such are an important accountability tool. They inform our understanding of New Zealand's history, and document the relationship between Māori and the Crown. The public archives are often used to research Treaty of Waitangi claims and to trace whakapapa (ancestry). To increase visitors' understanding of the significance of the Treaty, a Treaty of Waitangi exhibition is under development at Archives New Zealand's Wellington Repository.

226. The Museum of New Zealand Te Papa Tongarewa recently put on the exhibition of E Tū Ake: Standing strong. The exhibition is now touring internationally. Tino rangatiratanga (the ability to choose one's own destiny) lies at the heart of E Tū Ake — an exhibition in which ancestral Māori treasures from Aotearoa New Zealand stand alongside contemporary works. E Tū Ake reflects the artistic depth and political aspirations of the vibrant indigenous culture of Aotearoa.

Māori television

227. Māori Television is New Zealand's national indigenous broadcaster and is an important initiative to promote and revitalise the Māori language. The aim of the channel is to play a major role in revitalising language and culture that is the birthright of every Māori and the heritage of every New Zealander. The Māori Television Service Act 2003 sets out that the channel should be a high quality, cost effective television provider which informs, educates and entertains; broadcast mainly in te reo Māori; and have regard to the needs of children participating in immersion education and all people learning Māori.

228. A key initiative undertaken in early 2008 was the launch of a second channel — named Te Reo — which broadcasts in 100% te reo Māori during prime time. The aim is to better meet the needs of fluent te reo Māori speakers, te reo Māori learners and to enable New Zealanders to have full immersion te reo Māori households.

229. Māori Television will be the only broadcaster with all 48 Rugby World Cup 2011 games for free. Commentary will be in English with 5–10% te reo Māori spoken throughout. For te reo Māori coverage, all sixteen live matches will also be simulcast on Te Reo. This commentary will be 100% te reo Māori and will also be available to iwi radio stations throughout New Zealand.

Māori and Ethnic radio

230. Te Māngai Pāho is a Crown entity that, in part, funds a national network of Māori radio stations and Māori language television programmes, radio programmes, music CDs and news services. Iwi radio frequency licences are issued to the 21 iwi stations. These licences stipulate that frequencies must be used for the purpose of promoting Māori language and culture and broadcasting to a primarily Māori audience.

231. NZ On Air targets \$4.5 million annually of funding to niche audiences rarely served by national television and radio. These include the following communities: Philippines, India, France, Niue, Croatia, Nepal, Pacific nations, Ireland, Sri Lanka, Cambodia, Korea, South Africa, Bangladesh, Russia, Indonesia, Latin America, Somalia, Assyria, Zimbabwe and China. There are also shows for faith communities, recent migrants and recently arrived refugees from Afghanistan, Iraq and Ethiopia.

The Ministry for Culture and Heritage

232. The Ministry for Culture and Heritage funds a number of agencies which work to promote understanding and tolerance of the many cultures which make up the New Zealand identity. These agencies fund, develop and support Māori and other ethnic arts and heritage and hold events and exhibitions to celebrate and educate about cultural diversity and tolerance. Examples include the recent Te Papa exhibitions Anne Frank and The Mixing Room — Stories from young refugees in New Zealand; Creative New Zealand's support of Lemi Ponifasu's Mau Dance company, the Indian Ink Theatre group and Mau Muaiava visual arts; and Te Matatini's support of kapa haka.

Education curriculum

233. In 2008, the Ministry of Education introduced a revised New Zealand curriculum that includes the following core principles:

- *The Treaty* — acknowledging the principles of the Treaty of Waitangi and the bicultural foundations of New Zealand. All students must have the opportunity to acquire knowledge of te reo Māori.
- *Cultural diversity* — reflecting New Zealand's cultural diversity and valuing the histories and traditions of all its people.
- *Inclusion* — being non-sexist, non-racist, and nondiscriminatory; ensuring that students' identities, languages, abilities and talents are recognised and affirmed and that their learning needs are addressed.

234. Throughout the curriculum, students are also to be encouraged to value diversity, as found in different cultures, languages and heritages; equity, through fairness and social justice; community and participation for the common good; and respect for themselves, others and human rights.

Human Rights online

235. In 2011, the Ministry of Justice launched its Human Rights website.⁵⁴ The website has sections on international and domestic human rights protection, human rights calendar, current human rights projects, consultation, human rights press releases and speeches, tools for the Public Service and human rights glossary. The consultation version of this report will be posted on the website for six weeks and seeks comments from the public. In addition, and in response to the Committee's recommendation, public consultation on article 14 of the Convention is taking place through the Human Rights website.⁵⁵

Interfaith

236. The Religious Diversity Network is facilitated by the Human Rights Commission as part of the New Zealand Diversity Action Programme. Its purpose is to support and publicise groups that undertake interfaith activities, projects and programmes that contribute to religious tolerance, public understanding of religions, beliefs and interfaith cooperation for peace, security and harmonious relations.

237. In addition, the Commission first published the Statement on Religious Diversity in 2007 and it has since been endorsed by a wide range of faith communities. It provides a basis for ongoing discussion of religious diversity in New Zealand. It sets out a number of principles which are grounded in international human rights treaties and in the Bill of Rights Act, including freedom of religion, conscience, belief and expression; the right to safety and security; and the right to reasonable accommodation of diverse religious practices in various settings.

238. The statement also emphasises that the State seeks to treat all faith communities and those who profess no religion equally before the law, and that New Zealand has no official or established religion. It encourages education about our diverse religious and spiritual traditions, respectful dialogue, and positive relationships between Government and faith communities. It offers a framework within which religious issues can be discussed both by faith communities themselves and within the wider New Zealand community.

⁵⁴ <http://www.justice.govt.nz/policy/constitutional-law-and-human-rights/human-rights>.

⁵⁵ Concluding Recommendations para 29.

Tokelau

249. [To be provided by the Ministry of Foreign Affairs and Trade before submission to United Nations]

ANNEXES

Annex A: Glossary of Māori terms

Aotearoa	New Zealand
Hangarau	Technology
Hapū	sub-tribe
Hauora	health and physical well-being
Hui	meeting
Iwi	Tribe
Kaihautū	leader, representative
Kaitiaki	guardians
Kaitiakitanga	the exercise of guardianship
Kapa haka	Māori performing arts
Kaumātua	Elders
Kōhanga reo	Māori-language-immersion preschools
Kōiwi tāngata	ancestral remains
Kura kaupapa Māori	Māori-language-immersion school (primary, secondary)
Mahinga kai	traditional food-gathering place
Mātaihai	reserves
Marae	meeting house
Ngā Toi	the arts
Nohoanga	camping licences/habitation
Pākehā	New Zealand European
Pakeke/mātua	adults/parents
Pāngarau	mathematics
Pounamu	greenstone
Pūtaiao	science
Rangatahi	teenager
Raupatu	confiscation (of land)
Rangatiratanga	chiefly authority
Rohe	district

Rūnanga	board
Taiāpure	local fisheries
Tamariki	children
Tangata whenua	indigenous people, people of the land
Taonga	treasures (tangible and intangible)
Taonga tuku iho	heritage (treasures handed down)
Te Kōhanga Reo	Māori-immersion-language nest (preschool)
Te Māngai Pāho	Māori Broadcasting Agency
Te Matatini Aotearoa	Traditional Māori Performing Arts Society
Te Ohu Kai Moana	Treaty of Waitangi Fisheries Commission
Te Papa Tongarewa	Museum of New Zealand
Te Puni Kōkiri	Ministry of Māori Development
Te Reo Māori	the Māori language
Te Taura Whiri i te Reo Māori	Māori Language Commission
Tikanga-ā-iwi	social studies
Tikanga Māori	Māori protocols
Toi Iho	Māori-made
Toi Māori Aotearoa	Māori Arts New Zealand
Tōpuni	particularly sacred
Wāhi tapu	sacred sites
Wahine pakari	strong, self-assured woman
Wānanga	learning, seminar (<i>whare wānanga</i> : tertiary institution)
Whānau	family
Whakapapa	ancestry
Whānau ora	Family health and well being

Annex B: Statistical information tables

- Table 1** Early leaving exemption rates per 1,000 15 year old students by ethnic group (2000 to 2009)
- Table 2** Early leaving exemption rates per 1,000 15 year old students, by gender and ethnic group (2009 and 2010)
- Table 3** Percentage of domestic students staying on at school age 17, by ethnic group (2006 to 2009)
- Table 4** Ratio of Students to Teaching Staff at State Schools, 2003-2010
- Table 5** Working age main benefits, by ethnicity, as at the end of June 2005 to 2010
- Table 6** New Zealand Superannuation and Veteran's Pension, as at the end of June 2005 to 2010
- Table 7** Number of caregivers on Orphan's or Unsupported Child Benefit, by ethnicity, as at the end of June 2005 to 2010
- Table 8** Accommodation Supplement and Disability Allowances paid, by ethnicity, as at the end of June 2005 to 2010
- Table 9** Childcare Assistance paid, by ethnicity, as at the end of June 2005 to 2010
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- Table 11** Comparison of Māori and New Zealand European tenure and housing assistance rates
- Table 12** Comparison of Pacific peoples and New Zealand European tenure and housing assistance rate
- Table 13** Prison snapshot by financial year, by ethnicity and gender

Table 1: Early leaving exemption rates per 1,000 15 year old students by ethnic group (2000 to 2009)

Ethnic Group	Years										
	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Māori	134.2	139.6	151.5	153.4	138.7	156.9	150.5	73.3	25.1	21.2	13.5
Pasifika	54.9	48.3	52.4	58.4	54.0	62.7	54.3	32.6	6.7	5.7	4.8
Asian	5.1	4.7	6.0	3.9	5.1	3.9	5.1	1.5	x	x	0.4
European/Pākehā	48.6	53.9	55.3	53.8	55.7	54.9	48.8	23.2	8.3	7.6	5.9
Total	63.4	66.4	69.8	68.9	67.3	71.1	65.3	32.4	11.0	9.6	6.8

Notes:

1. International fee paying students are excluded.
2. x = for this category there were less than 5 early leaving exemptions.
3. For this indicator ethnicity is prioritised in the order of Māori, Pasifika, Asian, other groups except European/Pākehā, and European/Pākehā.
4. Due to poor coding of the Other ethnic group in 2000 and 2001, the ethnic group Other is not shown separately but is included under Total.
5. For this indicator European/Pākehā refers to people who affiliate as New Zealand European, Other European or European (not further defined). For example, this includes and is not limited to people who consider themselves as Australian (excluding Australian Aborigines), British and Irish, American, Spanish, and Ukrainian.

Table 2: Early leaving exemption rates per 1,000 15 year old students, by gender and ethnic group (2009 and 2010)

Ethnic Group	2009		2010	
	Female	Male	Female	Male
Māori	15.2	26.8	8.0	19.0
Pasifika	3.5	7.9	1.1	8.5
Asian	x	x	x	0.8
European/ Pākehā	4.0	11.1	3.8	7.8
Total	5.9	13.1	4.0	9.6

Notes:

1. International fee paying students are excluded
2. x = for this category there were less than 5 early leaving exemptions.
3. For this indicator ethnicity is prioritised in the order of Māori, Pasifika, Asian, other groups except European/Pākehā, and European/Pākehā.
4. The ethnic group Other is not shown separately but is included under Total.
5. For this indicator European/Pākehā refers to people who affiliate as New Zealand European, Other European or European (not further defined). For example, this includes and is not limited to people who consider themselves as Australian (excluding Australian Aborigines), British and Irish, American, Spanish, and Ukrainian.

Table 3: Percentage of domestic students staying on at school age 17, by ethnic group (2006 to 2009)

Ethnic Group	2006	2007	2008	2009
Māori	63.0	61.3	62.9	65.8
Pasifika	81.7	82.0	81.9	85.3
Asian	94.8	94.6	95.3	95.4
European/Pākehā	79.5	78.1	80.7	82.8
New Zealand Total	78.7	77.0	79.1	81.1

Notes

1. NZAID students (foreign students sponsored by the New Zealand Agency for International Development - a branch of MFAT), and foreign fee paying students are excluded.

2. These measures were calculated using the proportions of school leavers aged 17 or above from a file of disaggregated school leaver records.

Table 4: Ratio of Students to Teaching Staff at State Schools, 2003-2010

	2003	2004	2005	2006	2007	2008	2009	2010
Overall ratio								
Primary/intermediate	19.1	18.8	18.8	18.4	18.1	17.9	17.2	17.1
Composite	13.5	13.4	12.7	12.3	12.2	12.1	11.9	11.8
Secondary	15.4	15.2	14.8	14.5	14.4	14.3	14.4	14.4
General classroom ratio								
Primary/intermediate	22.7	23.1	23.9	23.9	23.2	22.8	23.8	23.9
Composite	17.6	16.7	16.4	15.4	15.5	14.4	14.7	14.9
Secondary	18.6	18.4	18.0	17.7	17.6	17.3	17.3	17.3

Notes:

1. The primary and intermediate ratios are based on July rolls — the secondary and composite ratios are based on March rolls.

2. Includes management, special education teachers and other additional teachers.

Table 5: Working age main benefits, by ethnicity, as at the end of June 2005 to 2010**Notes:**

This table includes working age people only (aged 18 to 64 years).

It cannot be assumed that the ethnicity classification used to construct this table necessarily aligns neatly with the current Statistics New Zealand classification of ethnicity. Ethnicity details recorded in the Ministry of Social Development's systems have been gathered under a variety of classification schemes as clients came into contact with the Ministry.

Legend:

- DPB is Domestic Purposes Benefit.
- 'DPB related' includes Domestic Purposes Benefit – Caring for the Sick or Infirm, Domestic Purposes Benefit – Sole Parent, Domestic Purposes Benefit – Women Alone and the Emergency Maintenance Allowance.
- EB is Emergency Benefit.
- IB is Invalid's Benefit.
- IYB is Independent Youth Benefit.
- 'SB related' is Sickness Benefit and Sickness Benefit Hardship.
- 'UB related' is Unemployment Benefit and Unemployment Benefit Hardship.
- 'UBT related' is Unemployment Benefit Training and Unemployment Benefit Training Hardship.

Year	Ethnic Group	DPB related	EB	IB	IYB	SB related	UB related	UBT related	UHS	WB	Total
2005	Māori	41,689	954	14,995	42	11,007	17,659	1,788	21	1,667	89,822
	NZ European	43,412	491	42,286	30	22,894	21,078	1,311	65	3,657	135,224
	Other	9,169	1,446	11,920	12	7,302	7,260	727	67	1,228	39,131
	Pacific Island	9,756	555	2,917	10	3,120	4,022	464	9	673	21,526
	Unspecified	1,621	32	1,068	3	853	695	74	5	412	4,763
	Sub total	105,647	3,478	73,186	97	45,176	50,714	4,364	167	7,637	290,466
2006	Māori	40,860	1,029	15,742	31	11,813	13,482	2,495	15	1,536	87,003
	NZ European	40,739	573	43,401	26	23,647	16,932	1,623	50	3,268	130,259
	Other	8,879	1,505	11,794	1	7,586	5,553	784	40	1,134	37,276
	Pacific Island	9,586	599	3,097	5	3,155	3,175	570	9	657	20,853
	Unspecified	1,577	32	1,315	2	871	610	94	1	406	4,908
	Sub total	101,641	3,738	75,349	65	47,072	39,752	5,566	115	7,001	280,299
2007	Māori	39,461	854	16,309	42	12,631	7,873	2,567	25	1,427	81,189

Year	Ethnic Group	DPB related	EB	IB	IYB	SB related	UB related	UBT related	UHS	WB	Total
	NZ European	37,624	529	44,375	33	23,405	9,776	1,739	47	2,862	120,390
	Other	8,437	1,433	11,739	6	7,924	3,395	949	60	997	34,940
	Pacific Island	9,328	542	3,261	9	3,230	1,753	726	4	623	19,476
	Unspecified	1,617	45	1,617	1	873	362	118	3	378	5,014
	Sub total	96,467	3,403	77,301	91	48,063	23,159	6,099	139	6,287	261,009
2008	Māori	40,119	598	17,640	20	12,349	6,586	2,631	15	1,310	81,268
	NZ European	36,662	410	46,615	13	22,399	6,979	1,796	27	2,584	117,485
	Other	8,424	1,117	12,896	10	7,509	2,410	1,081	39	945	34,431
	Pacific Island	9,506	474	3,831	4	3,099	1,401	766	6	632	19,719
	Unspecified	1,729	40	1,897	5	915	334	158	4	332	5,414
	Sub total	96,440	2,639	82,879	52	46,271	17,710	6,432	91	5,803	258,317
2009	Māori	43,258	718	18,188	18	14,534	16,682	3,065	34	1,317	97,814
	NZ European	39,427	525	46,912	18	26,890	20,625	2,141	72	2,534	139,144
	Other	9,256	966	13,301	11	8,232	6,422	1,071	81	992	40,332
	Pacific Island	10,468	452	4,060	4	3,420	5,392	835	5	623	25,259
	Unspecified	1,991	58	2,083	1	1,276	1,734	244	6	354	7,747
	Sub total	104,400	2,719	84,544	52	54,352	50,855	7,356	198	5,820	310,296
2010	Māori	46,691	721	18,586	27	15,573	21,116	2,698	48	1,304	106,764
	NZ European	41,633	552	46,946	27	28,825	24,678	1,862	95	2,459	147,077
	Other	9,942	822	13,247	9	8,937	7,759	897	136	1,098	42,847
	Pacific Island	11,262	415	4,214	5	3,695	6,708	786	24	648	27,757
	Unspecified	2,161	47	2,389	3	1,435	1,824	212	16	392	8,479
	Sub total	111,689	2,557	85,382	71	58,465	62,085	6,455	319	5,901	332,924

Source: IAP Data Warehouse, Information Analysis and Monitoring Unit, Ministry of Social Development

Table 6: New Zealand Superannuation and Veteran's Pension, as at the end of June 2005 to 2010**Notes:**

From the mid-1990s to 2000 the proportion of clients with a recorded ethnic group has improved gradually. This improvement accelerated with the introduction of an improved coding system in 2001. The capture of 'ethnic group' has improved markedly since then and the 'unspecified' group has declined for most benefits.

Reduction in the numbers with ethnicity 'unspecified' for New Zealand Superannuitants has lagged behind those for other benefits. This is because many people currently receiving New Zealand Superannuation were receiving New Zealand Superannuation prior to the introduction of the new coding system in 2001. Because no renewal action is required for New Zealand Superannuation and all payments are made through banks, it will take longer for the improved coding process to flow through for this group. For this reason, a meaningful ethnicity breakdown cannot be provided for New Zealand Superannuation and Veteran's Pension clients.

Year	New Zealand Superannuation	Veteran's Pension	Total
2005	475,215	8,871	484,086
2006	488,825	9,472	498,297
2007	502,717	10,065	512,782
2008	514,276	10,736	525,012
2009	530,758	11,016	541,774
2010	550,520	10,533	561,053

Source: IAP Data Warehouse, Information Analysis and Monitoring Unit, Ministry of Social Development

Table 7: Number of caregivers on Orphan's or Unsupported Child Benefit, by ethnicity, as at the end of June 2005 to 2010**Notes:**

This table shows a count of caregivers. One caregiver may have more than one Orphan's Benefit or Unsupported Child Benefit child in their care.

It cannot be assumed that the ethnicity classification used to construct this table necessarily aligns neatly with the current Statistics New Zealand classification of ethnicity. Ethnicity details recorded in the Ministry of Social Development's systems have been gathered under a variety of classification schemes as clients came into contact with the Ministry.

Legend:

- OB is Orphan's Benefit
- UCB is Unsupported Child Benefit

Year	Ethnic Group	Orphan's Benefit	Unsupported Child Benefit	Total
2005	Māori	161	3,216	3,377
	NZ European	92	2,281	2,373
	Other	57	506	563
	Pacific Island	39	531	570
	Unspecified	22	374	396
	Sub total	371	6,908	7,279
2006	Māori	156	3,332	3,488
	NZ European	97	2,356	2,453
	Other	59	477	536
	Pacific Island	44	566	610
	Unspecified	21	394	415
	Sub total	377	7,125	7,502
2007	Māori	148	3,343	3,491
	NZ European	106	2,456	2,562
	Other	61	459	520
	Pacific Island	48	550	598
	Unspecified	19	397	416
	Sub total	382	7,205	7,587

Year	Ethnic Group	Orphan's Benefit	Unsupported Child Benefit	Total
2008	Māori	114	3,406	3,520
	NZ European	108	2,604	2,712
	Other	51	443	494
	Pacific Island	42	577	619
	Unspecified	19	409	428
	Sub total	334	7,439	7,773
2009	Māori	104	3,501	3,605
	NZ European	99	2,769	2,868
	Other	46	445	491
	Pacific Island	45	556	601
	Unspecified	24	445	469
	Sub total	318	7,716	8,034
2010	Māori	117	3,786	3,903
	NZ European	105	2,988	3,093
	Other	45	427	472
	Pacific Island	35	590	625
	Unspecified	24	469	493
	Sub total	326	8,260	8,586

Source: IAP Data Warehouse, Information Analysis and Monitoring Unit, Ministry of Social Development

Table 8: Accommodation Supplement and Disability Allowances paid, by ethnicity, as at the end of June 2005 to 2010**Notes:**

This table shows a count of Disability Allowance, not clients. A client can receive Disability Allowance for themselves, their partner or a child.

A large proportion of Disability Allowance is paid to older clients. Reduction in the numbers with ethnicity 'unspecified' for New Zealand Superannuitants has lagged behind those for other benefits. This is because many people currently receiving New Zealand Superannuation were receiving New Zealand Superannuation prior to the introduction of the new coding system in 2001. Because no renewal action is required for New Zealand Superannuation and all payments are made through banks, it will take longer for the improved coding process to flow through for this group.

It cannot be assumed that the ethnicity classification used to construct this table necessarily aligns neatly with the current Statistics New Zealand classification of ethnicity. Ethnicity details recorded in the Ministry of Social Development's systems have been gathered under a variety of classification schemes as clients came into contact with the Ministry.

Year	Ethnic Group	Accommodation Supplement	Disability Allowance
2005	Māori	66,924	28,392
	NZ European	113,046	101,636
	Other	38,388	25,651
	Pacific Island	15,608	8,228
	Unspecified	8,646	62,927
	Sub total	242,612	226,834
2006	Māori	67,501	28,689
	NZ European	117,191	104,506
	Other	39,830	26,325
	Pacific Island	16,082	8,364
	Unspecified	8,774	59,836
	Sub total	249,378	227,720
2007	Māori	64,611	29,254
	NZ European	114,268	108,104
	Other	40,291	28,193

Year	Ethnic Group	Accommodation Supplement	Disability Allowance
	Pacific Island	15,713	8,590
	Unspecified	8,550	57,073
	Sub total	243,433	231,214
2008	Māori	65,571	30,474
	NZ European	114,114	110,778
	Other	41,183	29,548
	Pacific Island	16,012	9,130
	Unspecified	8,630	53,665
	Sub total	245,510	233,595
2009	Māori	80,127	33,671
	NZ European	134,180	118,783
	Other	48,346	31,622
	Pacific Island	20,491	10,132
	Unspecified	10,244	51,224
	Sub total	293,388	245,432
2010	Māori	88,797	36,342
	NZ European	143,339	125,437
	Other	51,850	33,490
	Pacific Island	22,702	10,800
	Unspecified	10,371	48,194
	Sub total	317,059	254,263

Source: IAP Data Warehouse, Information Analysis and Monitoring Unit, Ministry of Social Development

Table 9: Childcare Assistance paid, by ethnicity, as at the end of June 2005 to 2010**Notes:**

This table shows a count of children for whom Childcare Assistance is being paid. A client can receive Childcare Assistance for more than one child.

It cannot be assumed that the ethnicity classification used to construct this table necessarily aligns neatly with the current Statistics New Zealand classification of ethnicity. Ethnicity details recorded in the Ministry of Social Development's systems have been gathered under a variety of classification schemes as clients came into contact with the Ministry.

Legend:

OSCAR is Out of School Care and Recreation

Year	Ethnic Group	Childcare Subsidy	OSCAR	Total
2005	Māori	1,107	104	1,211
	NZ European	10,663	1,012	11,675
	Other	16,338	2,544	18,882
	Pacific Island	3,379	499	3,878
	Unspecified	1,843	126	1,969
	Sub total	33,330	4,285	37,615
2006	Māori	1,217	163	1,380
	NZ European	11,362	1,398	12,760
	Other	18,212	3,178	21,390
	Pacific Island	3,963	719	4,682
	Unspecified	2,161	188	2,349
	Sub total	36,915	5,646	42,561
2007	Māori	1,466	197	1,663
	NZ European	12,773	1,876	14,649
	Other	20,933	4,157	25,090
	Pacific Island	4,872	898	5,770
	Unspecified	2,508	247	2,755
	Sub total	42,552	7,375	49,927

Year	Ethnic Group	Childcare Subsidy	OSCAR	Total
2008	Māori	1,227	260	1,487
	NZ European	10,704	2,389	13,093
	Other	16,951	5,268	22,219
	Pacific Island	4,090	1,147	5,237
	Unspecified	1,908	402	2,310
	Sub total	34,880	9,466	44,346
2009	Māori	1,240	304	1,544
	NZ European	11,549	2,803	14,352
	Other	18,327	6,038	24,365
	Pacific Island	4,663	1,405	6,068
	Unspecified	2,141	442	2,583
	Sub total	37,920	10,992	48,912
2010	Māori	1,226	312	1,538
	NZ European	12,266	3,007	15,273
	Other	19,651	6,390	26,041
	Pacific Island	5,270	1,654	6,924
	Unspecified	2,273	527	2,800
	Sub total	40,686	11,890	52,576

Source: IAP Data Warehouse, Information Analysis and Monitoring Unit, Ministry of Social Development

Table 10: Child Disability Allowance paid, by ethnicity, as at the end of June 2005 to 2010

This table shows a count of children for whom Child Disability Allowance is paid. A client can receive Child Disability Allowance for more than one child.

It cannot be assumed that the ethnicity classification used to construct this table necessarily aligns neatly with the current Statistics New Zealand classification of ethnicity. Ethnicity details recorded in the Ministry of Social Development's systems have been gathered under a variety of classification schemes as clients came into contact with the Ministry.

Year	Ethnic Group	Child Disability Allowance
2005	Māori	6,263
	NZ European	19,355
	Other	4,501
	Pacific Island	1,403
	Unspecified	1,528
	Sub total	33,050
2006	Māori	7,172
	NZ European	20,973
	Other	4,754
	Pacific Island	1,602
	Unspecified	1,706
	Sub total	36,207
2007	Māori	8,110
	NZ European	22,392
	Other	5,041
	Pacific Island	1,822
	Unspecified	1,780
	Sub total	39,145
2008	Māori	9,227
	NZ European	24,410
	Other	5,476
	Pacific Island	2,115
	Unspecified	1,957
	Sub total	43,185

Year	Ethnic Group	Child Disability Allowance
2009	Māori	10,129
	NZ European	25,603
	Other	5,676
	Pacific Island	2,370
	Unspecified	1,989
	Sub total	45,767
2010	Māori	9,898
	NZ European	24,186
	Other	5,494
	Pacific Island	2,445
	Unspecified	1,860
	Sub total	43,883

Source: IAP Data Warehouse, Information Analysis and Monitoring Unit, Ministry of Social Development

Table 11: Comparison of Māori and New Zealand European tenure and housing assistance rates

	Percentage of population	Percentage of homeowners	Percentage of renters	Percentage of IRR/State house tenants	Percentage of AS recipients
Māori	15*	47	53	30**	28
New Zealand European	80*	73	27	33**	46

* An individual can identify with more than one ethnicity (8% of the New Zealand population identified themselves in this way in 2001).

** Ethnicity is of the primary signatory of the tenancy.

Table 12: Comparison of Pacific peoples and New Zealand European tenure and housing assistance rate

	Percentage of population	Percentage of homeowners	Percentage of renters	Percentage of IRR/State house tenants	Percentage of AS recipients
Pacific peoples	7*	38	62	24**	6
New Zealand European	80*	73	27	33**	46

* An individual can identify with more than one ethnicity (8% of the New Zealand population identified themselves in this way in 2001).

** Ethnicity is of the primary signatory of the tenancy.

Table 13: Prison snapshot by financial year, by ethnicity and gender

	30-JUN-2006	30-JUN-2007	30-JUN-2008	30-JUN-2009	30-JUN-2010
Female					
Asian	11	8	15	14	20
European	138	147	138	162	175
Māori	234	313	247	274	324
Other	3	1	2	3	6
Pacific Peoples	28	29	32	32	22
Unknown	0	4	0	2	4
Total	414	502	434	487	551
Male					
Asian	222	195	185	180	220
European	2570	2688	2615	2723	2759
Māori	3554	3765	3665	3897	4120
Other	80	84	83	73	73
Pacific Peoples	763	843	890	929	981
Unknown	10	8	12	29	33
Total	7199	7583	7450	7831	8186
Total*					
Asian	234	203	200	194	240
European	2709	2836	2753	2885	2935
Māori	3791	4080	3915	4176	4448
Other	83	85	85	76	79
Pacific Peoples	792	872	922	963	1003
Unknown	15	16	12	32	41
Total	7624	8092	7887	8326	8746

* Includes unknown and indeterminate sex

Extracted out of the Corrections Analysis and Reporting System 3 June 2011