



## **NEW ZEALAND**

### **71<sup>st</sup> Session of the Committee on the Elimination of all forms of Racial Discrimination**

#### **Opening statement to the presentation of the 15<sup>th</sup>-17<sup>th</sup> periodic reports of New Zealand, 31 July 2007**

#### **Ambassador Don MacKay, New Zealand Permanent Representative to the United Nations, Geneva**

Mr Chairman,

On behalf of the New Zealand Government, it is my pleasure to present New Zealand's 15<sup>th</sup>, 16<sup>th</sup> and 17<sup>th</sup> consolidated report under the Convention on the Elimination of All Forms of Racial Discrimination.

New Zealand takes very seriously the issues raised in our report and is committed to a constructive and substantive dialogue with the Committee. As a demonstration of this commitment, a very strong delegation has travelled to Geneva to engage with the Committee on a wide range of areas of responsibility and expertise. The delegation members are:

- Dr John Tamahori, Chief Advisor, Te Puni Kōkiri (Ministry of Māori Development)
- Mr Sai Lealea, Director, Monitoring & Governance, Ministry of Pacific Island Affairs
- Mr Mervin Singham, Chief Director, Office of Ethnic Affairs
- Ms Virginia Hardy, Treaty of Waitangi and International Law Team Leader, Crown Law Office
- Ms Benesia Smith, Policy Manager, Ministry of Justice
- Mr Ben Paki, Chief Analyst, Te Puni Kōkiri
- Ms Shilinka Smith, Senior Policy Analyst, Office of Ethnic Affairs
- In addition, we are supported by Amy Laurensen, Second Secretary in the New Zealand Permanent Mission to the UN in Geneva.

The breadth of expertise on the delegation responds to the Committee's observations in 2002 that we should broaden the dialogue with the Committee, in particular that our presentation should give more attention to the enjoyment of rights by persons who identify with the broader range of ethnic minorities in New Zealand. We trust the Committee will take advantage of the broad

representation on the delegation to have a wide ranging discussion on issues relevant to contemporary New Zealand in the context of the periodic report.

This is a large delegation for New Zealand and accordingly we hope to have the most substantial dialogue possible with the Committee, including on issues that may be sensitive and complex.

We are also pleased that the New Zealand Race Relations Commissioner, Mr Joris de Bres, is able to be present at this session and that he proposes to deliver a short intervention to the Committee as a representative of New Zealand's national human rights institution, the Human Rights Commission. We would like to also acknowledge and welcome the presence here today of representatives from our civil society, including spokespersons for iwi and hapu that have submitted independent material to the Committee, all of whom have travelled a long way to observe the proceedings of this Committee.

### Background

Throughout the period under review, the Government has continued to work to eliminate discrimination based on colour, religion, race or ethnic or national origin. New Zealand law specifically prohibits racial discrimination, and there continues to be a strong and active government commitment to the promotion of racial harmony.

Consistent with article 1, paragraph 4, of the Convention, successive Governments have held strongly that there must be equality of social and economic opportunity in New Zealand. Only thus can a fair society be sustained, free of any form of racial discrimination, and acknowledging diversity as a strength. The government-wide policy of reducing inequalities was a platform in the period under review for pursuing both social and economic initiatives in order to reduce disadvantage and promote equality of opportunity in New Zealand.

While the task of reducing inequalities continues, good progress has been made and is detailed in this report.

In New Zealand, like every other nation, there are isolated instances of racially motivated harassment. The perpetrators of such actions do not represent the vast majority of New Zealanders to whom racial discrimination is abhorrent. New Zealand has a strong history of confronting and resolving issues in race relations in a non-violent and constructive way. We seek constructive long-term engagement to provide lasting solutions. The New Zealand Government sees the open discussion of problems in race relations as a sign of a free and democratic society in which debate is encouraged and protest is a right.

In particular, the New Zealand Government welcomes debate on the place of the Treaty of Waitangi in the constitution. The recognition of equal rights for Māori, and special protection for Māori interests, on the one hand and the creation of a single legal system on the other are at the heart of the commitments exchanged under the Treaty of Waitangi of 1840. Accordingly, while Māori enjoy special recognition in many areas as a result of the Treaty of

Waitangi, that special recognition is provided within the structure of the government and legal system as a whole.

New Zealand continues to monitor closely its performance in respect of key social indicators. Ethnic disparities in many areas are the subject of on-going concern and action. These include health, education and housing, as well as rates of offending and imprisonment. Information on such matters is readily accessible via government websites, and other publications, and openly debated in central and local government as well as wider civil society. The solutions for entrenched social problems often involve a range of different interventions by government, as well as communities themselves, and may take years to achieve tangible results.

### The report

The report covers the period from 1 January 2000 to 22 December 2005. Amongst other things, it addresses the issues raised by Committee during our last comprehensive dialogue in 2002.

This report, like New Zealand's previous reports, sets the context in which issues of elimination, prevention and remedy in respect of all forms of racial discrimination are addressed. Inter alia, it describes efforts to improve the social, economic and cultural situation of Māori, including relevant developments in relation to the Treaty of Waitangi. It includes comment on the situation of Pacific peoples and other ethnic groups within New Zealand society. Quantitative information is also provided to help illustrate developments over the reporting period. Much of this information is based on statistics from the 2001 Census, although more recent statistics have been used when possible.

In addition, in response to the Committee's request at its 66<sup>th</sup> session in February 2005, the report contains an update on the implementation of the Foreshore and Seabed Act. The Committee already has before it the submission and supporting material that New Zealand submitted to the Committee in 2005 regarding this Act, under its Early-Warning and Urgent Action Procedure.

The current periodic report should be read alongside New Zealand's core document, the most updated version of which was circulated in October last year.

To assist the Committee further, we have also provided a comprehensive written response to the list of issues posed by the country rapporteur for New Zealand. We have also provided an update document on developments in New Zealand relevant to the Convention since December 2005.

We hope the additional material, which presents an up-to-date picture of the context in which today's discussion takes place, will be useful to the Committee. It is consistent with the value we place on this opportunity to again engage in a constructive dialogue with the Committee.

I will shortly give the floor to members of the New Zealand delegation to individually comment with regard to the questions posed in the List of Issues that fall within their respective areas of expertise. Before doing so, I should like to make a few brief general comments and to highlight a number of positive developments since the presentation of our last report.

### General context

New Zealand is a rapidly changing democratic society in the South Pacific. As the Committee knows, New Zealand is a unitary parliamentary democracy with a single national government and legal system. It is a multicultural nation where a significant number of people value their combined Māori and non-Māori ancestry.

The **2006 census results** show that ethnic diversity in New Zealand is actually increasing:

European:	2,609,592	(67.6%)
Māori:	565,329	(14%)
Asian:	354,552	(9.2%)
Pacific:	265,974	(6.6%)

A further 11.1% described themselves simply as “New Zealander”, the first time that category has been recorded.<sup>1</sup> The fastest growing group over the past five years was people who identified as Asian (which increased by almost 50%), followed by those who identified as Pacific (which grew by 14.7%) and those who identified as Māori (which grew by 7.4%).

The Core Document contains detailed information on the different age profiles of ethnic populations in New Zealand in respect of the statistics available at the time the report was submitted. It is important to be aware of these differences and, in particular, the relative youth of Māori and Pacific populations. These different age profiles are an important factor in explaining some of the differences in the many political and socio-economic statistics presented in this report.

### Positive Developments

There are many positive developments to note in the New Zealand report and updated material, some of which I would like to briefly highlight:

- **Opportunity for All New Zealanders**, a summary statement of the Government's vision for New Zealand and its people, and strategies to improve social outcomes, was released in December 2004. It was developed in response to indicators of social wellbeing, particularly those included in the annual Social Report. The Social Report covers trends in a range of indicators across ten domains, including health, paid work, cultural identity and social connectedness, the report uses data

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<sup>1</sup> The census percentages for ethnicity do not add up to 100% as people are able to identify with more than one ethnic group.

disaggregated by ethnicity as far as possible. 'Opportunities for All' remains an important document at both national and regional level, while the Government's three over-arching themes of Families Young and Old, Economic Transformation and National Identity are indicative of the Government's high level priorities (further information is in paragraphs 86-7 of the report)

- There are a number of new policies, programmes and services specifically designed to improve outcomes for **Māori and Pacific peoples**, who tend to be disproportionately represented on a range of **health, education** and well-being measures. These include strategies and plans designed to reduce disparities in health and educational outcomes, including "Whakatakaka Tuarua: the Māori Health Action Plan", the "Pacific Health and Disability Action Plan", the "Māori Education strategy" and the "Pasifika Education Plan", all of which are outlined in paragraphs 101-146 of the report.
- **Māori economic development** has also been significant, with a larger share of the Māori workforce in high skilled occupations and an increase in specific interest in agribusiness, fisheries and forestry. In 2005 Maori met to examine the achievements of economic and social targets set out at the national Hui Taumata in 1983. The consequence of that examination was to establish a taskforce of industry, unions and Maori leaders to address a series of projects approved to maintain earlier momentum.
- The **Pacific Prosperity Strategy** which focuses on realising the economic potential of Pacific peoples in New Zealand has resulted in the development of the Pacific Economic Action Plan and Pacific Women's Economic Development Plan as two key initiatives currently being implemented across government to provide a platform for Pacific prosperity and economic self-sufficiency (further information is in paragraphs 41-43 of the report).
- There have been many positive changes in **Māori and Pacific employment and average** earnings. And more women who identify as Māori, Pacific or with other ethnic groups are in paid employment.
- The **Connecting Diverse Communities** programmes coordinates new and existing initiatives aimed at strengthening intercultural relationships; addressing discrimination and promoting respect; improving connections with cultural identity; capacity building and building the knowledge base. Some concrete initiatives initiated by Office of Ethnic Affairs include: an intercultural communications training package, a Building Bridges programme to facilitate engagement between Muslim and host communities; a research project with Statistics New Zealand to improve the quality and quantity of research about ethnic communities and cultural connection events such as ethnic soccer tournaments and participation by ethnic minorities in New Zealand's largest Polynesian festival, *Polyfest* (refer paragraphs 47 and 49 of the report and to the written response to the country rapporteur's question 24).

- An increase in the number of **Members of Parliament** who identify as being Māori, Pacific Island or Asian. The 2005 election resulted in 17.4% of Members identifying as Māori (21 of a total of 121). Seven were elected through the reserved Māori seats and the others through the 'general' seats or party lists. In addition, three MPs identified as Pacific and two as Asian following both the 2002 and 2005 elections (report para 190-191). The figures are slightly changed in 2007 with twenty Maori MPs (following the retirement of one Maori MP) and four of Pacific Island Descent. Six Māori MPs (2 inside Cabinet, 4 outside) hold Ministerial positions and one Pacific MP is a Minister outside Cabinet. As noted in the Race Relations Commissioner's 2006 report, the appointment of current Governor-General (the Queen's representative in New Zealand) Hon Anand Satyanand, who traces his origins to Fiji and India, symbolised the multicultural nature of contemporary New Zealand.
- Improved policies to address the disparities and improve outcomes for all **women**, recognising that women in New Zealand are not an homogenous group but have different experiences, needs and priorities; for example *Project Mauriora* aims to build the capacity of Māori practitioners to provide culturally appropriate interventions in situations of family violence (refer to paragraphs 73-78 of the report and to New Zealand's 6<sup>th</sup> report to CEDAW, to be presented in New York on 3 August).
- The **NZ Settlement Strategy** provides a government-wide framework within which policy and services may be developed to ensure that **migrants and refugees** successfully adapt to life in New Zealand, including: access to appropriate employment; responsive services; English and language support; participation in civic and social activities, supportive social networks and feel safe expressing their identity. Current Office of Ethnic Affairs' activities that contribute to these goals include: telephone interpreting services, supporting ethnic media that provide information about rights and services to ethnic communities in their own languages, and facilitating networks for social participation of women, youth and senior citizens, as well as training for communities to actively participate in civic society including exercising their rights (further information is in paragraphs 123, 46 and 49 of the report).
- The reform of **Social assistance** under the Ministry of Social Development's **Future Directions Project**, which includes a **Working for Families package** to help families have enough income to raise their children and have a decent standard of living. As **Māori and Pacific** peoples are over-represented in the population of working-age benefit recipients and have lower annual median incomes than other New Zealanders, the Future Directions Project reforms and sustainable employment initiatives should have a significant positive impact on these communities (further information is in paragraphs 82-83 of the report).
- The **Māori Language** Survey results released just last week show significant increases in the number of Māori adults who can speak, read,

write and understand Māori (*Māori Language Survey, July 2007, www.tpk.govt.nz*). **Māori television** is on-air and last week the Minister of Māori Affairs welcomed the launch of a second channel, which, from 2008, will be dedicated to Māori language during prime time to ensure a continuing Māori language presence in the digital environment.

- The Ministry for Pacific Island Affairs initiated the '*Mind your Language Project*' to help build the critical mass of **Pacific peoples** able to hold an every day conversation in their mother tongue (further information is in paragraphs 127-9 of the report).
- The **Ministry of Pacific Island Affairs** continues to add value to government policy development through the provision of analytical tools and facilitation of community networks for including Pacific perspectives into policy proposals and service delivery to improve outcomes and ensure agency effectiveness in reducing inequalities for Pacific peoples in New Zealand (further information is in paragraphs 41-43 of the report).
- The **Office of Ethnic Affairs**, established in 2001 as part of the Department of Internal Affairs, supports New Zealand's first ministerial portfolio for Ethnic Affairs (as contrasted with Te Puni Kōkiri and the Ministry of Pacific Island Affairs, which advise on issues relating to Maori and Pacific peoples respectively). The Government's first instruction to this Office was to develop a framework that assists government agencies to ensure ethnic people's needs are incorporated into policy and service delivery. The Office of Ethnic Affairs monitors implementation of the framework and now offers on-going training (further information is in paragraphs 44-50 of the report).
- A full-time independent **Race Relations Commissioner** within the national human rights institution, with staff in three centres in New Zealand. The Race Relations Commissioner, who is with us today, provides education and information resources, advice and leadership on race relations issues, deals with complaints and enquiries from individuals and groups, including through a dispute resolution service (further information is in paragraphs 215-220 of the report).

#### Concluding observations on 12<sup>th</sup>-14<sup>th</sup> reports, 2002

In its concluding observations of the presentation of New Zealand's 12<sup>th</sup>-14<sup>th</sup> reports in 2002, the Committee recommended that our current report be an updating report and that it address the points raised in the 2002 concluding observations. For ease of reference, pages 5-7 of the current report indicate the relevant paragraphs that respond to the Committee's earlier recommendations. I would like to highlight several of those:

- The Committee invited New Zealand to give priority attention to the continuing disadvantages that Māori, Pacific and other ethnic communities face. Addressing such disparities is a priority for New Zealand and information on approaches to do so is a recurring theme in

the report under sections that address health, education, housing, criminal justice and social services. In addition, representatives from Te Puni Kōkiri, Pacific Island Affairs and the Office of Ethnic Affairs are with us to provide perspectives on these issues.

- The Committee recommended that New Zealand provide more information on measures taken to comply with Article 4 of the Convention, including information on the proscription of racist organisations and modalities for dealing with complaints. Such information can be found in paragraphs 179-187 and 224-229 of the report. Additional information is also provided in our written response to the country rapporteur's questions concerning Article 4.
- In response to the Committee's concern at the low representation of Māori women in a number of key sectors and their particular vulnerability to domestic violence, I refer the Committee to paragraphs 75-76 and 78 of the report, including further information on how the government is improving the outcomes for women through appropriate strategies such as the above-referred *Project Mauriora*. I would also refer the Committee to New Zealand's 6<sup>th</sup> report to CEDAW, which New Zealand will present to that Committee in New York this Friday.
- In response to the Committee's concern about the limited information in New Zealand's previous report on the enjoyment of rights by ethnic minorities other than Māori, we hope that the further information provided throughout the current report and the representation at this session of the Ministry of Pacific Island Affairs and the Office of Ethnic Affairs, and the participation of the Race Relations Commissioner, will address that concern.
- The Committee was concerned that, despite measures taken to reduce the incidence and causes of crime within the Māori and Pacific communities, there remained a high representation of Māori and Pacific peoples in correctional facilities. The report's paragraphs 153-172 respond to this concern. In addition, we have provided further information in our written response to the country rapporteur's question 15. Representatives from Te Puni Kōkiri and the Ministry of Pacific Island Affairs may also share information with the Committee on developments and challenges in their respective communities.
- Information on action plans and measures that take into account the Durban Declaration and Programme of Action can be found in paragraphs 13-15 of the report and also in the report 'Race Relations in 2006', published by the Human Rights Commission, which the Race Relations Commissioner has submitted to the Committee.
- The Committee recommended that New Zealand's reports be made readily available to the public from the time of their submission and public release, and that the Committee's concluding observations should be similarly publicised. The Ministry published this information booklet in 2003, which contains, inter alia, the summary record of our previous

session and the Committee's concluding observations. The booklet is also available online. New Zealand's latest periodic report is available, and has been since its submission, on the website of the Ministry of Foreign Affairs and the written response to the country rapporteur's list of issues will be posted on the Ministry's website.

### Response to List of Issues

We will respond as best we can in the time available in this opening segment to the questions posed in the List of Issues. Given the time constraints, we will rely on the comprehensive written response and update document that you now have before you. Broadly, the delegation will respond to the questions in five segments over the next 45 minutes as follows:

- Questions relating to Article 4 will be addressed by the representative of the Ministry of Justice.
- The representative from Te Puni Kōkiri will address several of the country rapporteur's questions that concern Maori development and culture.
- The representative from the Ministry of Pacific Island Affairs will provide an additional perspective to those of the country rapporteur's questions that are relevant to the experiences of Pacific Peoples.
- The representative from the Office of Ethnic Affairs will address those questions that relate to the experiences of other ethnic groups, including migrants; and
- And questions relating to the constitutional status of the Treaty of Waitangi and the Foreshore and Seabed Act will be addressed by the representative from the Crown Law Office.

### Conclusion

Mr Chairman, we hope to have a broad ranging discussion touching upon all race relations issues relevant to contemporary New Zealand and, accordingly, we hope that Committee members will take this opportunity to pose questions taking into account the range of domestic agencies and areas of expertise represented here today on the New Zealand delegation.