

18 December 2024

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Personal details
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proactive release

OIA 29800

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Thank you for your email of 4 November 2024 in which you request the following under the Official Information Act 1982 (OIA):

"This is a request for Official Information under the Act in regards to the 2024 five yearly review by the United Nations Human Rights Council in Geneva that assesses New Zealand's progress on a broad range of human rights issues.

I have read the summary of stakeholders submissions, but I cannot not find any mention, summary or appendix of the "many human rights issues raised by the public" that emerged from the public consultation in person and online in March, April and May 2023 in Wellington, Dunedin, Christchurch, Nelson, Rotorua, Auckland, and online. I understand you were planning to use these to inform Aotearoa New Zealand's national report.

Please provide me with the following:

- 1. The transcripts, minutes and summaries of these public consultations.*
- 2. The reports you compiled and relevant working documents you prepared, including emails memos and decisions made, in order to facilitate the adding of these concerns from public consultations into New Zealand's national report.*
- 3. The sections in your final report that refers to these public consultations, specifically. "*

On 13 November 2024, you were notified that your request, as currently framed, would capture a significant volume information. We invited you to refine your request to be for:

- 1. Advice provided to the Minister of Foreign Affairs that summarises the public consultation in July 2023 on the draft national report on the Universal Periodic Review for the United Nations Human Rights Council.*
- 2. The sections of the national report on the Universal Periodic Review for the United Nations Human Rights Council which refer specifically to public consultation.*

On the same day you agreed to this refinement.

On 11 December 2024, the timeframes for responding to your request were extended by an additional 17 working days due to the consultations necessary to make a decision on your request (section 15A(1)(b) of the OIA refers).

Public consultation was summarised and collated into a joint briefing prepared by the Ministry of Foreign Affairs and Trade (the Ministry) and the Ministry of Justice called 'Universal Periodic Review: Draft national report for approval' dated 14 December 2023. This document is attached. Some information is outside of the scope of your request and has been marked accordingly, other information has been withheld under 9(2)(a), to protect individuals' privacy. There is no public interest in releasing the information has been identified that would override the reasons for withholding it.

New Zealand's national report on *the Universal Periodic Review for the United Nations Human Rights Council* is publicly available in the United Nations Digital Library at <https://digitallibrary.un.org/record/4051224?v=pdf> .

The sections of the report that refer to public consultation are imbedded in this document. We direct you to paragraphs 5 to 7, 9, 31, 33, 39, 46, 47, 51, 57, 68, 87, 108, 109, 113, 125, 132, 138 and 144 in particular.

Please note that it is our policy to proactively release our responses to official information requests where possible. Therefore, our response to your request (with your personal information removed) may be published on the Ministry website: www.mfat.govt.nz/en/about-us/contact-us/official-information-act-responses/

If you have any questions about this decision, you can contact us by email at: DM-ESD@mfat.govt.nz. You have the right to seek an investigation and review by the Ombudsman of this decision by contacting www.ombudsman.parliament.nz or freephone 0800 802 602.

Nāku noa, nā

A handwritten signature in black ink, appearing to be 'SC', written in a cursive style.

Sarah Corbett
for Secretary of Foreign Affairs and Trade



14 December 2023

Minister of Foreign Affairs
Minister of Justice

For action by 20 December 2023
For action by 20 December 2023

Universal Periodic Review: Draft national report for approval

BRIEFING Decision Submission

PURPOSE To seek your approval of the draft New Zealand national report on our domestic human rights situation between January 2019 to November 2023, in order to submit this to the United Nations ahead of New Zealand's review in April 2024.

Recommended referrals

Prime Minister	For information by	20 December 2023
Minister for the Public Services	For information by	20 December 2023
Minister of Housing	For information by	20 December 2023
Minister of Health	For information by	20 December 2023
Minister for Pacific Peoples	For information by	20 December 2023
Minister of Education	For information by	20 December 2023
Minister of Immigration	For information by	20 December 2023
Minister for Treaty of Waitangi Negotiations	For information by	20 December 2023
Minister for Social Development and Employment	For information by	20 December 2023
Minister for Child Poverty Reduction	For information by	20 December 2023
Attorney-General	For information by	20 December 2023

Minister's Office to complete

<input type="checkbox"/> Approved	<input type="checkbox"/> Noted	<input type="checkbox"/> Referred
<input type="checkbox"/> Needs amendment	<input type="checkbox"/> Declined	<input type="checkbox"/> Withdrawn
<input type="checkbox"/> Overtaken by events	<input type="checkbox"/> See Minister's notes	

Comments

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Lead Coordination Minister for the Government's Response to the Royal Commission's Report into the Terrorist Attack on the Christchurch Mosques	For information by	20 December 2023
Minister of Corrections	For information by	20 December 2023
Minister of Police	For information by	20 December 2023
Associate Minister of Foreign Affairs	For information by	20 December 2023
Minister for Māori Crown Relations: Te Arawhiti	For information by	20 December 2023
Minister for Māori Development	For information by	20 December 2023
Minister for Whānau Ora	For information by	20 December 2023
Minister for Mental Health	For information by	20 December 2023
Minister for Youth	For information by	20 December 2023
Minister for Ethnic Communities	For information by	20 December 2023
Minister of Internal Affairs	For information by	20 December 2023
Minister for Workplace Relations and Safety	For information by	20 December 2023
Minister for Courts	For information by	20 December 2023
Minister of Climate Change	For information by	20 December 2023
Minister for Disability Issues	For information by	20 December 2023
Minister for Tertiary Education and Skills	For information by	20 December 2023
Minister for Women	For information by	20 December 2023
Minister for Children	For information by	20 December 2023
Minister for the Prevention of Family and Sexual Violence	For information by	20 December 2023

Contact details

NAME	ROLE	DIVISION	WORK PHONE
Ange Hassan-Sharp	Divisional Manager	United Nations, Human Rights and Commonwealth, Ministry of Foreign Affairs and Trade	s9(2)(a)
Kathy Brightwell	General Manager	Civil and Constitutional, Ministry of Justice	

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Key points

- Out of scope

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- Out of scope

The 2024 draft has been prepared by the Ministry of Foreign Affairs and Trade (MFAT) in cooperation with the Ministry of Justice, with input from relevant government departments, and from public engagement meetings held between March & May 2023.

- Out of scope

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- The draft national report has been subsequently amended by agencies to address, where appropriate, public consultation feedback; to update the draft to reflect developments since July; and edited to meet the UN report word limit.

- Out of scope

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Victoria Hallum
for Secretary of Foreign Affairs and Trade

Rajesh Chhana
for Secretary for Justice

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Recommendations

It is recommended that you:

1 Out of scope

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7 **Note** that the draft UPR national report attached (Annex 1) includes **Yes / No** amendments to address, where appropriate, issues raised in public submissions and updates reflecting developments since July 2023.

8 Out of scope

Released under the Official Information Act

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9 Out of scope

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Rt Hon Winston Peters
Minister of Foreign Affairs

Date: / /

Hon Paul Goldsmith
Minister of Justice

Date: / /

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Report

1. Out of scope

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The Draft 2024 National Report: Key elements

8. MFAT has prepared a **draft national report (Annex 1)** for New Zealand's 4th UPR in 2024 with input from a wide range of government agencies and reflecting feedback from public consultation and submissions. Out of scope

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Out of scope

It also identifies areas where human rights issues remain, including issues raised by the public during consultations.

9. Out of scope

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11. 23 public submissions were received during public consultations on the draft national report in July. These are summarised in **Annex 2**. This followed earlier nationwide public engagement meetings and school visits, held between March-May 2023, to seek public input to the report's initial drafting.

12. The draft national report has been subsequently amended by agencies to include any new issues raised in public feedback where these were relevant to the report's objective of providing a high-level update on domestic human rights developments and addressing the 2019 UPR Recommendations. Out of scope

13. Out of scope

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15. Out of scope

Released under the Official Information Act

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ANNEX 2: Overarching Themes from Public Submissions on Draft UPR 2024 National Report

- 1 The Ministry of Foreign Affairs and Trade (MFAT) ran public consultations on the draft UPR National Report from 3-31 July 2023. The draft National Report, approved for public consultation release by Cabinet, was posted on MFAT's website and advertised on MFAT's social media accounts. Links to the report were emailed to participants of the March-May 2023 public engagement meetings, in addition to other agencies for distribution.
- 2 Consultations were open ended. The public was invited to email submissions to a dedicated MFAT address. The public were also reminded that submissions could be made to the UN for New Zealand's 4th UPR as well.
- 3 MFAT received 23 submissions, of which 10 were from organisations and 13 were from individuals. Groups submissions were received from Te Kahui Tia Tangata Human Rights Commission; Stop Institutional Racism; Te Hononga Akoranga COMET; Citizens Commission on Human Rights NZ; Red Cross, New Zealand Family Planning; Deaf Aotearoa; Auckland Disability Centre; Intersex Aotearoa; Cooper Legal.
- 4 Of the 13 individual submissions, three contained material not directly relevant to the national report and were discounted.
- 5 Overall, strong themes emerging from these submission were:
 - Concerns about unequal outcomes for Māori and inequities affecting Māori communities, particularly in education, health, work opportunities and the criminal justice system;
 - Concerns about racism, including institutional racism in the public service, racism towards ethnic communities, delays in developing the National Action Plan on Racism, hate speech amendments, and progress implementing Employment Action Plans, including for Pacific Peoples. Concerns were also raised about 'reverse racism', including that new legislation gives more rights to Māori citizens and that no race should have more benefits and privileges than another,
 - New Zealand's Human Rights Infrastructure, including that the Bill of Rights Act 1990 be entrenched, requests for more information on the status of decisions to ratify or remove reservations to international human rights legal instruments, concerns that UNDRIP implementation has been delayed, and progress to develop a National Reporting Mechanism web-based monitoring tool;
 - Concerns about discrimination, including concerns about stagnant wage and salaries for disabled earners and inequity in employment and access for disabled people;
 - Migrants, refugees and asylum seekers, including that New Zealand should do more to welcome migrants, make it easier for skilled migrants to work, make migrants feel like equal members of society, improve implementation of the Refugee Family Support Category Tier 2 and asylum seeker service access;
 - Climate Change, including the right to a healthy environment;
 - Housing availability suitable for disabled people including public housing;

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- Criminal Justice System concerns, including the overrepresentation of Māori, meeting disabled people's needs in the justice system, that children (particularly over-represented Māori and Pacific youth) in state care frequently enter the criminal justice system, and that improvements to Legal Aid were insufficient;
- Rights of Women, including concerns about the gender pay gap particularly in the health sector, greater inclusion of sexual and reproductive health and rights issues and progress to address sexual and family violence including passing of the Sexual Violence Legislation Act 2020, in the report;
- Rights of Children, particularly concerns about overrepresentation of Māori and Pacific youth in state care including abuse in state care, outcomes of the Royal Commission of Inquiry into Abuse in Care including redress mechanisms for survivors, concerns about Oranga Tamariki advocacy and monitoring legislation, and the right of children to receive New Zealand Sign Language education;
- Rainbow Rights, including access to community health care, that Changes to Births, Deaths, Marriages and Relationship Registration Act 2021 are not available to people born outside New Zealand/non-citizens, and appropriate terminology for intersex references in the report;
- Disability Rights, including concerns about access to disability support services, the work of family caregivers, and the Accessibility for New Zealanders Bill;
- Health, particularly addressing lower Māori health outcomes, the competency of New Zealand Sign Language providers in medical settings, and the perceived overreach of the state in dealing with the COVID-19 pandemic;
- Education, including continued disparities in academic achievement between Māori and non-Māori and calls for a continued education system response, the availability of Kura Kaupapa Māori throughout New Zealand, instruction on international humanitarian law in the school curriculum, concerns about quality of instruction on relationships and sexuality education, recovering lost learning from the COVID-19 pandemic, addressing bullying, and acknowledgement of support for Pacific bilingual education to help the achievement of Pasifika students.