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The Year in Review

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Abstract

Between 2023 and 2024, Aotearoa New Zealand maintained active engagement with the international human rights system. At the treaty body level, New Zealand was reviewed by multiple committees. In 2023, the Committee on the Rights of the Child reviewed New Zealand's sixth periodic report, commending advances such as the *Child Poverty Reduction Act 2018* and wellbeing budgets, while expressing concern over systemic inequities. The Committee against Torture issued Concluding Observations on the seventh periodic report, acknowledging institutional reforms but highlighting deficiencies in detention conditions, Māori overrepresentation, gender-based violence, and asylum and extradition safeguards.

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In 2024, the Committee on the Elimination of Discrimination against Women reviewed New Zealand's ninth periodic report, welcoming reforms including the *Abortion Legislation Act 2020* and new gender-equality strategies, yet raising concerns around persisting challenges faced by New Zealand women. New Zealand also submitted follow-up information to the Committee against Torture on prison health care, culturally responsive justice initiatives, and challenges in juvenile justice and redress for survivors of state care abuse.

The Human Rights Committee issued Views in *Kim v New Zealand* (2023), finding a violation of art 9(1) of the ICCPR, and in *Taylor, Ngaronoa and Wilde v New Zealand* (2024), holding that prisoner disenfranchisement under the *2010 Electoral Act* breached art 25(b) of the Covenant.

New Zealand remained an observer at the Human Rights Council, contributing to thematic debates and co-sponsoring resolutions on a wide range of human rights matters. The culmination of 2024 saw the adoption of the outcome of New Zealand's fourth Universal Periodic Review. Domestically, the Human Rights Commission pursued inquiries on emergency housing and pay gaps, intervened in litigation on climate change, disability rights, and freedom of expression, advanced work on trans rights and conversion practices, and strengthened its Treaty-based institutional structures.

Keywords

rights of the child – discrimination – women's rights – indigenous rights – torture – arbitrary detention – Tiriti o Waitangi

I Overview

In 2023 and 2024, Aotearoa New Zealand remained actively engaged with the international human rights system, particularly through its work with human rights treaty bodies and sustained participation at the Human Rights Council. Across the two years, New Zealand received concluding observations from the Committee on the Rights of the Child, the Committee against Torture, and the Committee on the Elimination of Discrimination against Women, and submitted follow-up information to the Committee against Torture. The Human Rights Committee ('HRC') adopted Views in cases concerning alleged violations of various provisions of the *International Covenant on Civil and Political Rights* ('*ICCPR*'), including arts 2, 5, 7, 9, 10, 14, 25, and 26. There were no updates or activity regarding special procedures during this period.

New Zealand continued its active role at the Human Rights Council as an observer state, contributing to interactive dialogues and debates, and co-sponsoring or introducing a wide range of resolutions. These included initiatives on disability rights, freedom of expression, climate change, intersex rights, disinformation, torture prevention, and gender-based violence. The period concluded with the adoption of the outcome of New Zealand's fourth Universal Periodic Review.

Domestically, the New Zealand Human Rights Commission maintained a high level of activity. In 2023, it advanced initiatives and released rights-focused resources, while undertaking institutional reforms to strengthen its commitment to being a Te Tiriti-led organisation. In 2024, the Commission contributed to international mechanisms, chaired the accreditation committee of the Global Alliance of National Human Rights Institutions (GANHRI), and pursued domestic work on conversion practices, trans rights, constitutional reform, and litigation on climate change and hate speech.

This piece provides an overview of the human rights-related activities of New Zealand across 2023 and 2024, on both international and domestic fronts.

II Periodic Reports to Treaty Bodies

A *Concluding Observations from the Committee on the Rights of the Child*

The Committee on the Rights of the Child reviewed New Zealand's sixth periodic report in January 2023.[1] The Committee commented on the positive developments: this included ratification of the Optional Protocol on a communications procedure in 2022, the establishment of Oranga Tamariki in 2017, and legislative reforms such as the *Children's Amendment Act 2018* and the *Child Poverty Reduction Act 2018*.[2] The adoption of the child and youth wellbeing strategy in 2019 and increased investment in social support were recognised as significant steps toward advancing children's rights.[3]

Despite these achievements, the Committee expressed concern that the CRC is not fully incorporated into domestic law and urged withdrawal of

1 Committee on the Rights of the Child, *Concluding Observations on the Sixth Periodic Report of New Zealand*, UN Doc CRC/C/NZL/CO/6 (28 February 2023).

2 Ibid [3].

3 Ibid.

reservations to arts 32(2) and 37(c).[4] It recommended strengthening coordination mechanisms, ensuring adequate resources for child-focused policies, and embedding child impact assessments in legislative processes.[5] The Committee also highlighted the need for robust independent monitoring following the restructuring of the Children's Commissioner's role, emphasising the importance of accessible complaint mechanisms for children.[6]

The report underscored systemic discrimination against Māori and Pasifika children, children with disabilities, and those in out-of-home care, noting disparities in access to education, health, and housing as well as being overrepresented in child poverty.[7] High suicide rates among Māori and Pasifika youth, coupled with inadequate mental health services, were identified as urgent concerns.[8] The Committee called for comprehensive strategies to address violence against children, including domestic and sexual violence, and for culturally responsive, community-based interventions.[9] It also urged stronger protections for intersex children, including prohibiting non-essential medical interventions without informed consent (a 'harmful practice').[10]

While acknowledging initiatives such as wellbeing budgets and housing strategies, the Committee stressed the need for measurable targets, adequate resources, and a rights-based approach to poverty reduction.[11] It also recommended expanding access to inclusive education, addressing racism and bullying in schools, and ensuring equitable access to health care, including sexual and reproductive health services for adolescents.[12] The Committee further emphasised the importance of involving children in climate change decision-making processes.[13]

Concerns persist regarding the administration of child justice, including the low minimum age of criminal responsibility, the remand of children in police custody, and the overrepresentation of Māori youth in detention.[14] The Committee urged reforms to align the justice system with international standards, including raising the minimum age to 14 and eliminating automatic

4 Ibid [6].
5 Ibid [8]–[9].
6 Ibid [12], [49].
7 Ibid [10], [15], [27].
8 Ibid [18], [39].
9 Ibid [23]–[24].
10 Ibid [25].
11 Ibid [35]–[36].
12 Ibid [37].
13 Ibid [34].
14 Ibid [42].

transfers of 17-year-olds to adult courts.[15] It also called for stronger measures to protect asylum-seeking and migrant children, combat child labour, and address sexual exploitation.[16] The Committee encouraged New Zealand to ratify additional international human rights treaties, including the conventions on migrant workers' rights, protection from enforced disappearance, and economic, social, and cultural rights.[17]

B *Concluding Observations from the Committee against Torture*

The Committee against Torture reviewed New Zealand's seventh periodic report in July 2023.[18] The Committee commended progress in ratifying key international instruments, including the Optional Protocols to the *Conventions on the Rights of the Child and Persons with Disabilities* and the *United Nations* ('UN') *Convention against Corruption*.[19] Legislative reforms such as the *Abortion Legislation Act 2020*, the *Family Violence Act 2018*, and the *Crimes Amendment Act 2015* were noted as significant steps toward aligning domestic law with human rights obligations.[20] Institutional developments, including the establishment of Whaikaha | Ministry of Disabled People, the Mental Health and Wellbeing Commission, and the Royal Commission of Inquiry into Historical Abuse in State Care were also welcomed as evidence of systemic reform.[21]

Despite these advances, the Committee expressed concern that the *Convention* has not been fully incorporated into domestic law and remains inapplicable to Tokelau, with limited judicial reference to international human rights norms.[22] It highlighted ambiguities in the relationship between tikanga Māori and international obligations, urging New Zealand to ensure that the *Convention* prevails in cases of conflict.[23] The absence of mandatory minimum penalties for torture under the *Crimes of Torture Act 1989* was identified as problematic, as was the lack of robust safeguards for detainees, including timely access to legal counsel, medical examinations, and family notification.[24]

15 Ibid [43].
16 Ibid [38], [41], [44].
17 Ibid [46].
18 Committee against Torture, Concluding Observations on the Seventh Periodic Report of New Zealand, UN Doc CAT/C/NZL/CO/7 (24 August 2023).
19 Ibid [4].
20 Ibid [5].
21 Ibid [6].
22 Ibid [8]–[9].
23 Ibid [10]–[11].
24 Ibid [12]–[15].

The Committee underscored persistent challenges in counter-terrorism legislation, which risks undermining due process and fair trial guarantees.[25] Gender-based violence remains pervasive, disproportionately affecting Māori and Pasifika women, with gaps in comprehensive legislation and specialised training for officials.[26] The Committee also raised alarm over human trafficking, noting low prosecution rates and systemic barriers to victim identification.[27] Concerns extended to asylum and non-refoulement practices, particularly deficiencies in the *Extradition Act 1999* and reliance on diplomatic assurances, which may compromise protection against torture.[28]

Conditions in places of detention were a major focus, with the Committee noting reports of overcrowding, inadequate health care, and excessive use of solitary confinement, pepper spray, and restraints. These practices disproportionately impact Māori, Pasifika, and persons with disabilities.[29] The Committee criticised the high rates of pretrial detention, especially among Māori, and the continued incarceration of children enabled by a low age of criminal responsibility.[30] The continued overrepresentation of Māori in New Zealand's prison system was highlighted as a pressing concern, and the Committee urged the State to implement comprehensive reforms, including culturally sensitive legal services and alternatives to incarceration, to address systemic discrimination and reduce recidivism.[31] It called for urgent reforms to juvenile justice, including raising the minimum age, ending solitary confinement for children, and ensuring access to legal assistance.[32] Mandatory immigration detention, including of children, and restrictive practices in psychiatric institutions were also flagged as incompatible with the *Convention*.[33]

The Committee expressed deep concern over historical abuse in state and faith-based care, noting the lack of accountability and comprehensive redress despite the Royal Commission's findings.[34] New Zealand is required to report back by July 2024 on progress in key areas, including detention

25 Ibid [17]–[18].
26 Ibid [19]–[20].
27 Ibid [21]–[22].
28 Ibid [23]–[24].
29 Ibid [27]–[28].
30 Ibid [29]–[30].
31 Ibid [31]–[32].
32 Ibid [37].
33 Ibid [39].
34 Ibid [47]–[48].

conditions, Māori overrepresentation in the justice system, juvenile justice, and historical abuse.[35]

C *Concluding Observations from the Committee on the Elimination of Discrimination against Women*

The Committee on the Elimination of Discrimination against Women ('CEDAW Committee') reviewed New Zealand's ninth periodic report in October 2024.[36] The Committee noted a number of positive developments since 2018 which included the *Abortion Legislation Act 2020*, which decriminalised abortion, and reforms to legal aid through the Legal Services Amendment Regulations 2022.[37] Institutional advances such as Te Aorerekura (National Strategy to Eliminate Family Violence and Sexual Violence), the Gender Budgeting Pilot programme, and Kia Toipoto (Public Service Action Plan) were recognised as significant steps toward gender equality.[38] Initiatives like the Te Mahere Whai Mahi Wāhine (Women's Employment Action Plan) and the Ikura programme, supplying free period products to schools, were also highlighted as measures promoting inclusion and access to education.[39]

Despite these achievements, the Committee expressed concern over the absence of explicit protections against discrimination based on gender identity, gender expression, and sex characteristics in the *Human Rights Act 1993*.[40] Cuts to core funding for key ministries, including the Manatū Wāhine (Ministry for Women) and Te Manatū mō ngā Iwi ō Te Moana-nui-ā-Kiwa (Ministry for Pacific Peoples), and reductions in resources for the Human Rights Commission were flagged as weakening the national machinery for gender equality.[41] The Committee recommended restoring funding, strengthening interministerial collaboration, and ensuring adequate resources for gender-responsive policies.[42]

The Committee underscored systemic challenges, including the overrepresentation of Māori women in prisons, persistent gender pay gaps (up to 20% for Māori women), and underrepresentation of women in leadership roles

35 Ibid [57].
36 Committee on the Elimination of Discrimination against Women, *Concluding Observations on the Ninth Periodic Report of New Zealand*, UN Doc CEDAW/C/NZL/CO/9 (30 October 2024).
37 Ibid [4].
38 Ibid.
39 Ibid.
40 Ibid [8].
41 Ibid [12], [14].
42 Ibid [13], [15].

across sectors.[43] Harmful gender stereotypes remain prevalent, as evidenced by the 2023 Gender Attitudes Survey, while gender-based violence continues to rise, disproportionately affecting Māori, Pasifika, minority, and disabled women.[44] The Committee called for comprehensive measures to address root causes, criminalise stalking, strengthen victim support services, and ensure culturally appropriate interventions.[45] It also urged stronger protections for migrant women in prostitution and legislative action against modern slavery.[46]

Concerns were raised about cuts to educational programmes, barriers for girls with disabilities, and the gender digital divide, particularly in rural and Māori-medium schools.[47] The Committee recommended targeted investment in inclusive education, STEM access, and language revitalisation.[48] Employment-related concerns included inadequate enforcement of equal pay, high rates of workplace sexual harassment, and insufficient protections for women in informal and precarious work.[49] Recommendations emphasised ratifying ILO Conventions on maternity protection and workplace harassment, introducing a legal definition of sexual harassment, and addressing intersecting discrimination in employment.[50] Health-related priorities include reducing diagnostic delays for endometriosis, reinstating culturally appropriate services, and ensuring informed consent for women with disabilities.[51]

The Committee highlighted the disproportionate impact of poverty, climate change, and post-pandemic economic recovery measures on Māori, Pasifika, migrant, and older women.[52] It urged the adoption of a gender-responsive climate strategy and reaffirmation of commitments under the *UN Declaration on the Rights of Indigenous Peoples* ('*UNDRIP*'), ensuring free, prior, and informed consent for projects affecting indigenous lands.[53] Additional recommendations addressed nationality law reforms, protections for migrant workers, and improved data collection aligned with Te Tiriti principles and data sovereignty.[54]

43 Ibid [10], [32], [36].
44 Ibid [18], [20].
45 Ibid [21].
46 Ibid [23], [25].
47 Ibid [30].
48 Ibid [31].
49 Ibid [32].
50 Ibid [33].
51 Ibid [34]–[35].
52 Ibid [36], [38].
53 Ibid [39], [43].
54 Ibid [47].

D *Committee against Torture: Information Received from New Zealand on Follow-Up to the Concluding Observations on Its Seventh Periodic Report*

In August 2024, New Zealand submitted its follow-up report to the Committee against Torture, addressing four priority recommendations from the 2023 concluding observations: conditions of detention, Māori overrepresentation in the criminal justice system, juvenile justice, and historical abuse in state care.[55] According to the report, this follow-up was prepared early in the term of a new National-led government, which had prioritised restoring law and order and enhancing public confidence in the justice system.[56] While much of the response reflects continuity with existing strategies, the government signalled its intention to review all recommendations later in 2024.[57]

The follow-up outlines purported significant steps to improve healthcare in prisons, guided by the Hōkai Rangi strategy and a new Pae Ora directorate established in April 2024 to integrate health and rehabilitation services.[58] Initiatives include a Disability Action Plan (2023–27), enhanced screening tools, and culturally responsive programmes for Māori and Pacific peoples.[59] Gender-specific measures, such as expanded cervical screening in women's prisons, and age-focused initiatives, including the Aging Well Action Plan, were highlighted.[60] New Zealand asserted that Oranga Tamariki continues to strengthen health provision in youth justice residences, piloting culturally led mental health services and implementing medication protocols.[61]

Despite ongoing efforts, Māori remain significantly overrepresented, constituting 52% of the prison population while representing 18% of the general population.[62] The government acknowledged this disparity but emphasised its commitment to public safety, including reintroducing the Three Strikes legislation and expanding gang-targeting measures, even while recognising these may increase incarceration rates.[63] Concurrently, culturally grounded initiatives such as Te Pae Oranga community panels, Te Ao Mārama court

55 Committee against Torture, *Information Received from New Zealand on Follow-Up to the Concluding Observations on its Seventh Periodic Report*, UN Doc CAT/C/NZL/FCO/7 (23 August 2024).
56 Ibid [3]–[4].
57 Ibid [5].
58 Ibid [6]–[9].
59 Ibid [10]–[12].
60 Ibid [13], [15].
61 Ibid [16]–[17].
62 Ibid [20].
63 Ibid [21]–[22].

reforms, and Whakaorangia te Mana Tangata were described as aiming to reduce reoffending and improve judicial responsiveness.[64] The Department of Corrections's Māori Pathways programme and the creation of a Deputy Chief Executive Māori role were asserted as part of a systemic shift toward culturally informed rehabilitation.[65]

Youth offending has declined by over 60% since 2011, though post-pandemic trends show a resurgence in serious and persistent offending, with Māori disproportionately affected.[66] The government has set a target to reduce such offending by 15% by 2029 and is expanding non-judicial measures, including Alternative Action Plans, Family Group Conferences, and Te Pae Oranga youth panels.[67] Programmes such as Oranga Rangatahi and Youth Inclusion focus on education and family support, while the Fast Track initiative has achieved a 74% non-reoffending rate among participants.[68] While detention remains a last resort, new interventions include a pilot military-style academy, raising questions about balancing rehabilitative and punitive approaches.[69]

The Royal Commission of Inquiry's final report, *Whanaketia: Through Pain and Trauma, from Darkness to Light*, was presented to Parliament in July 2024, making 138 recommendations and reaffirming 95 earlier ones.[70] The government has acknowledged that torture occurred at the Lake Alice Child and Adolescent Unit and committed to a national apology and further redress for survivors, including those named in the Committee's decisions under art 22.[71] While criminal accountability has been largely foreclosed due to the death or incapacity of key individuals, the Crown Response Unit is said to be prioritising decisions on compensation and systemic reforms.[72] An online monitoring tool will track progress on implementing all recommendations, signalling a commitment to transparency and survivor engagement.[73]

64 Ibid [24]–[27].
65 Ibid [28]–[30].
66 Ibid [35].
67 Ibid [36], [37]–[40].
68 Ibid [46].
69 Ibid [45].
70 Ibid [49].
71 Ibid [52]–[54].
72 Ibid [55].
73 Ibid [58].

III Treaty Body Jurisprudence

A *Views Adopted by the Human Rights Committee Concerning Communication No 4170/2022*

In *Kim v New Zealand*, the author, a South Korean national and permanent resident of New Zealand, alleged violations of arts 7, 9, 10 and 14 of the *ICCPR* regarding the rights of arbitrary detention, risk of torture, and fair trial violations. The HRC adopted its *Views for Communication No 4170/2022* on 26 October 2023.[74]

The communication concerned the author, Kim, who was sought for extradition to China on a charge of intentional homicide following the 2009 killing of a young woman in Shanghai.[75] After an INTERPOL alert and a Chinese extradition request, the author was arrested in New Zealand in 2011 under the *Extradition Act 1999*, which requires judicial and ministerial decisions for surrender. Over the next decade, the case involved multiple court proceedings, ministerial reviews, and diplomatic negotiations, including repeated assurances from China that Kim would not face the death penalty, would receive a fair trial, and would be protected from torture, with provisions for consular monitoring. During this period, Kim spent over five years in custodial detention and several years under restrictive bail conditions while contesting extradition through successive appeals, culminating in a 2022 Supreme Court decision authorising surrender.

After considering New Zealand's submissions and the author's replies, the HRC found that most claims were inadmissible. The HRC found insufficient substantiation for allegations relating to condoning human rights violations,[76] risk of death penalty or extrajudicial killing,[77] health-related risks,[78] and claims under arts 10 and 14 concerning conditions of detention and fairness of extradition proceedings.[79] It also ruled inadmissible claims under art 9(3) (pretrial detention in extradition cases) and aspects of art 9(1) concerning sentencing credit.[80] Ultimately, only two claims were admitted: first, under art 7, regarding

74 Human Rights Committee, *Views Adopted by the Human Rights Committee Concerning Communication No 4170/2022*, UN Doc CCPR/C/139/D/4170/2022 (20 December 2023).
75 The facts are outlined in [2.1]–[2.8].
76 Ibid [7.4].
77 Ibid [7.5].
78 Ibid [7.7].
79 Ibid [7.12]–[7.14].
80 Ibid [7.9]–[7.10].

the alleged risk of torture if extradited to China, and, second, under art 9(1), concerning arbitrary detention in New Zealand.[81]

On the merits, the HRC made the following findings: the Committee reaffirmed that states must not extradite individuals where substantial grounds exist for believing they face a real risk of irreparable harm, such as torture.[82] It noted that while China's human rights record raises general concerns, the risk must be personal and substantiated.[83] The Committee considered the diplomatic assurances provided, which included detailed monitoring mechanisms, consular access, and medical safeguards, and concluded that these were sufficiently concrete.[84] It found no evidence of a heightened personal risk beyond general conditions.[85] Accordingly, the Committee held that there was no violation of art 7.

Regarding arbitrary detention, the Committee emphasised that 'arbitrariness' includes elements of injustice and lack of due process, not just unlawfulness.[86] It found that most of the author's detention was lawful and justified by the seriousness of the charges, risk of flight, and the complexity of proceedings.[87] However, it identified a specific period (12 September–1 December 2014) when detention lacked a valid legal basis due to an expired warrant.[88] This lapse rendered that period of detention arbitrary, constituting a violation of art 9(1).[89]

The Committee concluded that New Zealand must provide an effective remedy, including adequate compensation for the unlawful detention period, and adopt measures to prevent similar violations.[90] It requested a report within 180 days on steps taken to implement these Views.[91]

B *Views Adopted by the Human Rights Committee Concerning Communication No 3666/2019*

In *Taylor, Ngaronoa and Wilde v New Zealand*, the authors, all New Zealand nationals who were each at different times serving prison sentences, alleged

81 Ibid [7.15].
82 Ibid [8.3].
83 Ibid.
84 Ibid [8.4]–[8.12].
85 Ibid [8.13].
86 Ibid [8.17].
87 Ibid [8.18]–[8.20].
88 Ibid [8.18]–[8.21].
89 Ibid [8.21].
90 Ibid [10].
91 Ibid [11].

violations of arts 2, 5, 7, 10, 25 and 26 of the *ICCPR* regarding the right to vote and non-discrimination.[92] The Human Rights Committee adopted its *Views for Communication No 3666/2019* on 5 July 2023 (but these were not published until 22 February 2024).

The communication was submitted challenging the *Electoral* (*Disqualification of Sentenced Prisoners*) *Amendment Act 2010*, which imposed a blanket ban on voting for all prisoners.[93] The authors argued that this law violated their rights under the *ICCPR*. They also claimed that the law disproportionately impacted Māori, who are overrepresented in the prison population.[94] The authors pursued extensive domestic litigation, where they received mixed results. They achieved a significant legal milestone when the High Court declared the *2010 Electoral Act* inconsistent with the *New Zealand Bill of Rights Act 1990*.[95] This was upheld by the Court of Appeal and the Supreme Court, marking the first such declaration of inconsistency in a common law country without specific legislation authorising it.[96] However, the authors' broader claims, such as those concerning discrimination against Māori and cruel or degrading treatment, were ultimately unsuccessful.[97] The courts consistently ruled that the voting ban applied equally to all prisoners and did not meet the legal threshold for discrimination or inhumane treatment. While the 2020 legislative amendment partially addressed their concerns by restoring voting rights to prisoners serving less than three years, it did not fully remedy the situation for those serving longer sentences, including two of the authors.[98]

After considering New Zealand's submissions and the authors' replies, the HRC found that authors' claim regarding art 25(b) and, for Ngaronoa and Wilde (both Māori), art 26 were admissible under the OP-1.[99] However, the remaining claims were not so admissible.

On the merits, the HRC made the following findings: recalling General Comment 25, which states that the right to vote may only be restricted on grounds that are established by law and are objective and reasonable, the HRC emphasised that disenfranchisement should not be automatic and must be

92 Human Rights Committee, *Views Adopted by the Human Rights Committee Concerning Communication No 3666/2019*, UN Doc CCPR/C/138/D/3666/2019 (22 February 2024).
93 Ibid [2.1]–[2.6].
94 Ibid [3.1]–[3.6].
95 Ibid [2.11]–[2.14].
96 Ibid [2.14].
97 Ibid [2.15]–[2.23].
98 Ibid [5.3].
99 Ibid [6.1]–[6.11].

proportionate to a legitimate aim, such as protecting democratic integrity.[100] The HRC noted that the *2010 Act* imposed a blanket ban on voting for all prisoners, regardless of the nature or seriousness of their offences.[101] It found no evidence that such automatic disenfranchisement served a legitimate purpose like deterring crime or protecting democratic processes.[102] The Committee stressed that imprisonment already entails significant restrictions, and removing voting rights adds an additional punishment unrelated to the offence.[103] Because the *2010 Act* lacked such a connection and applied indiscriminately, it failed the test of reasonableness and objectivity under art 25(b) of the *ICCPR*.[104] It did not examine the claim under art 26 (racial discrimination) because the violation of art 25(b) was sufficient to resolve the case.[105] The Committee required New Zealand to provide an effective remedy, which in this case consisted of its Views rather than monetary compensation, as the authors had not requested financial redress.[106] It also directed New Zealand to review its legislation on prisoner voting to ensure compliance with art 25(b) and prevent similar violations in the future.[107]

IV Engagement with Charter Bodies

A *NZ Activities in the Human Rights Council 2023*

Following its record of active participation in the Human Rights Council, in 2023, New Zealand continued to contribute, as an observer state, to the work of the Council in a variety of contexts.

At the Fifty-Second Session of the Human Rights Council, during the high-level segment, the Minister of Foreign Affairs, Hon Nanaia Mahuta, delivered a video statement on behalf of New Zealand.[108] During the Council's observance of International Women's Day, Mexico made a joint statement on behalf of New Zealand and a large cross-regional group of states.[109]

100 Ibid [7.5].
101 Ibid.
102 Ibid.
103 Ibid.
104 Ibid [7.6].
105 Ibid [7.7].
106 Ibid [9].
107 Ibid.
108 Human Rights Council, *Report of the Human Rights Council on its Fifty-Second Session*, UN Doc A/HRC/52/2 (19 February 2024) [8(i)].
109 Ibid [5].

The European Union represented New Zealand and others during a high-level panel discussion on human rights mainstreaming.[110] New Zealand also participated, as represented by Australia and Uruguay, in the general debate on the High Commissioner's annual update, including on the situation of human rights in Guatemala, Honduras, Colombia, and Cyprus.[111]

Canada represented New Zealand during the interactive dialogue on the oral update of the UN High Commissioner for Human Rights on the situation of human rights in Nicaragua.[112] New Zealand itself made a statement during the interactive dialogue that followed the delivery of the report of the High Commissioner for Human Rights on the human rights situation in the Occupied Palestinian Territory.[113] New Zealand was represented by Albania, and also made a statement itself, during the dialogue with the Independent International Commission of Inquiry on Ukraine.[114]

Argentina and the United Kingdom represented New Zealand during the Council's general debate on the follow-up to and implementation of the *Vienna Declaration* and Programme of Action.[115] The European Union did the same during the debate on racism, racial discrimination, xenophobia and related forms of intolerance, which also included a discussion of the implementation of the *Durban Declaration* and Programme of Action.[116] During the biennial high-level panel discussion on the question of the death penalty, New Zealand was represented by Costa Rica[117] and Australia.[118]

New Zealand also took part in the annual interactive debate on the rights of persons with disabilities by engaging with the panel that discussed ensuring the community inclusion of persons with disabilities, including as a means of building forward better after the coronavirus disease (COVID-19) pandemic.[119]

Finally, New Zealand participated in the interactive dialogues following the delivery of the reports of a number of special procedures and mandate holders. New Zealand participated in the interactive dialogues on the reports of several Special Rapporteurs, namely on the situation of human rights in

110 Ibid [12].
111 Ibid [37(a)].
112 Ibid [42(a)].
113 Ibid [50(b)].
114 Ibid [392(a)–(b)].
115 Ibid [1182(a)].
116 Ibid [1193(a)].
117 Ibid [110(a)].
118 Ibid [110(b)].
119 Ibid [138(b)].

Afghanistan,[120] Myanmar,[121] Iran,[122] and the Democratic People's Republic of Korea.[123] New Zealand was also represented by Denmark, Luxembourg, and Canada in the interactive dialogue following the delivery of the report of the Special Rapporteur on the situation of human rights defenders,[124] and by Argentina and Germany during the debate of the report of the Special Representative of the Secretary-General for Children and Armed Conflict.[125]

New Zealand once again co-sponsored a significant number of resolutions adopted at this session. Some of the resolutions that New Zealand sponsored included ones related to the mandates of Special Rapporteurs, including the Rapporteurs on the situation of human rights defenders,[126] on minority issues,[127] on torture and other cruel, inhuman or degrading treatment or punishment,[128] on the promotion and protection of the right to freedom of opinion and expression,[129] on the sale, sexual exploitation and sexual abuse of children,[130] and on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.[131]

Other thematic resolutions that New Zealand co-sponsored related to freedom of religion or belief,[132] the realisation in all countries of economic, social and cultural rights,[133] the promotion and protection of human rights and the implementation of the 2030 Agenda for Sustainable Development,[134] the human rights implications of drug policy,[135] the right to recognition as a person before the law,[136] cooperation with Georgia,[137] and on the situation of human rights in several countries, including the Islamic Republic of Iran,[138]

120 Ibid [58(a)–(b)].
121 Ibid [416(b)].
122 Ibid [420(b)].
123 Ibid 423(b)].
124 Ibid [191(a)–(b)].
125 Ibid [203(a)].
126 Ibid [220].
127 Ibid [225].
128 Ibid [232].
129 Ibid [257].
130 Ibid [383].
131 Ibid [1196].
132 Ibid [229].
133 Ibid [267].
134 Ibid [285].
135 Ibid [297].
136 Ibid [338].
137 Ibid [1247].
138 Ibid [429].

the Democratic People's Republic of Korea,[139] Belarus,[140] Myanmar,[141] and in Ukraine stemming from the Russian aggression.[142]

Similarly, New Zealand sponsored proposed resolutions on advancing human rights in South Sudan,[143] Nicaragua,[144] and Haiti.[145] Finally, New Zealand also co-sponsored a resolution on the commemoration of the seventy-fifth anniversary of the adoption of the *Universal Declaration of Human Rights* and the thirtieth anniversary of the *Vienna Declaration* and Programme of Action.[146]

At the Fifty-Third Session of the Council, Australia and the United States represented New Zealand, and New Zealand itself made a statement as an observer state during the interactive dialogue that followed the annual report of the High Commissioner for Human Rights.[147] New Zealand also participated in the enhanced interactive dialogue on the situation of human rights in Afghanistan, including the discrimination against women and girls, by way of making a statement and through representation by Belgium and the European Union as member states of the Council.[148]

New Zealand was represented by Belgium, Costa Rica, and Canada respectively during the annual full-day discussion on the human rights of women.[149] Argentina represented New Zealand during the interactive dialogue with the Independent Expert on Protection against Violence and Discrimination Based on Sexual Orientation and Gender Identity.[150] New Zealand also engaged with the Independent Expert separately at the same meeting,[151] as well as engaging with the Working Group on Discrimination against Women and Girls.[152]

Cyprus and Luxembourg both represented New Zealand when participating in the interactive dialogue that followed the delivery of the report of the Special Rapporteur on Violence against Women and Girls.[153] Similarly, the

139 Ibid [437].
140 Ibid [444].
141 Ibid [459].
142 Ibid [465].
143 Ibid [82].
144 Ibid [89].
145 Ibid [1241].
146 Ibid [361].
147 Human Rights Council, *Report of the Human Rights Council on its Fifty-Third Session*, UN Doc A/HRC/53/2 (23 September 2024) [57(a)–(b)].
148 Ibid [70(a)–(b)].
149 Ibid [118(a)–(b)].
150 Ibid [139(a)].
151 Ibid [139(b)].
152 Ibid [144(b)].
153 Ibid [154(a)].

United States represented New Zealand during the dialogue on the report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions.[154] New Zealand was represented by Panama during the dialogue on the report of the Working Group on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises.[155]

New Zealand engaged, directly or via representation, with several special mandate holders at the Fifty-Third Session of the Council. Namely, directly and as represented by Qatar with the Special Rapporteur on the Right to Education;[156] by Armenia with the Special Advisor on the Prevention of Genocide;[157] directly and as represented by Costa Rica with the independent international fact-finding mission on the Islamic Republic of Iran;[158] directly with the Special Rapporteur on the Situation of Human Rights in Myanmar.[159]

Luxembourg again represented New Zealand in the interactive dialogue following the presentation of the report of the High Commissioner for Human Rights on the impact of casualty recording on the promotion and protection of human rights.[160] The European Union similarly represented New Zealand during the dialogue on the report of the Secretary-General on the adverse impact of climate change on the full realisation of the right to food.[161] Georgia represented New Zealand during the enhanced interactive dialogue on the report of the UN High Commissioner for Human Rights on the enhancement of technical cooperation and capacity-building in the field of human rights.[162] Finally, during a dialogue on the situation of human rights in Ukraine and in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, New Zealand both participated directly and was represented by the Netherlands.[163]

New Zealand co-sponsored numerous resolutions related to the mandates of Special Rapporteurs, including the Rapporteur on Extrajudicial, Summary or Arbitrary Executions[164] and the Rapporteur on the Independence of Judges

154 Ibid [179(a)].
155 Ibid [187(a)].
156 Ibid [193(a)].
157 Ibid [228(a)].
158 Ibid [407(a)–(b)].
159 Ibid [426(b)].
160 Ibid [233(a)].
161 Ibid [238(a)].
162 Ibid [1081(a)].
163 Ibid [1089(a)–(b)].
164 Ibid [245].

and Lawyers.[165] Additionally, New Zealand itself introduced the resolution that, upon adoption, extended the mandate of the Special Rapporteur on the Rights of Persons with Disabilities.[166]

Other thematic resolutions that New Zealand sponsored or co-sponsored included ones on the right to education,[167] trafficking in persons especially women and children,[168] extreme poverty,[169] civil society space,[170] the right to nationality,[171] the negative impact of corruption on the enjoyment of human rights,[172] ending and preventing forced marriage,[173] violence against women and girls in criminal justice detention,[174] new and emerging digital technologies and human rights,[175] cooperation with and assistance to Ukraine in the field of human rights,[176] and on the situation of human rights in the Syrian Arab Republic,[177] Eritrea,[178] and Belarus.[179] Additionally, New Zealand was a co-sponsor of a resolution on the enhancement of technical cooperation and capacity-building in the field of human rights in Colombia to implement the recommendations of the Commission for the Clarification of Truth, Coexistence and Non-Repetition.[180]

At the third and final session of the Council in 2023, New Zealand participated at the interactive dialogues on the updates of the Office of the UN High Commissioner for Human Rights on the situation of human rights in Sri Lanka,[181] Afghanistan,[182] Sudan,[183] and Haiti.[184]

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165 Ibid [289].
166 Ibid [302].
167 Ibid [262].
168 Ibid [278].
169 Ibid [283].
170 Ibid [294].
171 Ibid [315].
172 Ibid [320].
173 Ibid [325].
174 Ibid [360].
175 Ibid [390].
176 Ibid [1104].
177 Ibid [428].
178 Ibid [93].
179 Ibid [435].
180 Ibid [1092].
181 Human Rights Council, *Report of the Human Rights Council on its Fifty-Fourth Session*, UN Doc A/HRC/54/2 (5 April 2024) [41(b)] ('*Fifty-Fourth Session Report*').
182 Ibid [45(b)].
183 Ibid [53(b)].
184 Ibid [1146(b)].

Canada represented New Zealand during the annual discussion on the integration of a gender perspective throughout the work of the Human Rights Council and that of its mechanisms.[185]

As is its practice, the Council held a number of general debates on various human rights issues. Panama, Spain, and Colombia represented New Zealand during the debate on various thematic reports presented in relation to the right to development.[186] Australia and Latvia each represented New Zealand during the debate on human rights bodies and mechanisms.[187] Finland, South Africa, Spain, and Uruguay all represented New Zealand during the general debate on the implementation of the *Vienna Declaration* and Programme of Action.[188] Finally, the European Union represented New Zealand during the debate on racism, racial discrimination, xenophobia and related forms of intolerance,[189] as well as the debate on technical assistance and capacity-building.[190]

New Zealand was represented by the United Kingdom during the dialogue on the report of the Independent International Commission of Inquiry on the Syrian Arab Republic,[191] and the oral update of the Independent International Commission of Inquiry on Ukraine.[192] New Zealand also directly participated in the latter.[193] Similarly, Australia represented New Zealand when engaging with the High Commissioner on a report on the overall situation of human rights in Myanmar,[194] and with the Assistant Secretary-General for Human Rights on a report concerning alleged reprisals against those who seek to cooperate or have cooperated with the UN, its representatives, and mechanisms.[195]

New Zealand directly participated in the interactive dialogues on the reports of the Special Rapporteurs on the Rights of Indigenous Peoples[196] and the Situation of Human Rights in the Russian Federation.[197] At this session, New Zealand also made comments during the adoption of the outcome of the Universal Periodic Review of Tonga. New Zealand commended Tonga for its

185 Ibid [95(b)].
186 Ibid [187(a)–(b)].
187 Ibid [431(a)].
188 Ibid [1089(a)].
189 Ibid [1110(a)].
190 Ibid [1162(a)].
191 Ibid [368(a)].
192 Ibid [376(a)].
193 Ibid [376(b)].
194 Ibid [383(b)].
195 Ibid [422(a)].
196 Ibid [174(b)].
197 Ibid [387(b)].

new and ongoing consideration of ratifying several key international human rights instruments, as well as its commitment to examining some of the recommendations it had received, particularly around establishing a national human rights institution.[198]

As before, in this session too, New Zealand sponsored, separately or with others, several resolutions, including on the situation of human rights in Afghanistan,[199] Burundi,[200] and the Russian Federation,[201] on the human rights and humanitarian crisis in Sudan,[202] on the centrality of care and support from a human rights perspective,[203] on human rights and Indigenous Peoples,[204] on preventable maternal mortality and morbidity and human rights,[205] on the realisation of the equal enjoyment of the right to education by every girl,[206] on the question of the death penalty,[207] on cooperation with the UN, its representatives and mechanisms in the field of human rights,[208] on the enhancement of technical cooperation and capacity-building to protect human rights in Honduras,[209] and on assistance to Somalia in the field of human rights.[210] New Zealand also co-sponsored a resolution on the mandate of the Special Rapporteur on the promotion of truth, justice, reparation, and guarantees of non-recurrence.[211]

B *NZ Activities in the Human Rights Council 2024*

Following its record of active participation in the Human Rights Council, in 2024 New Zealand continued to contribute, as an observer state, to the work of the Council in a variety of contexts.

At the Fifty-Fifth Session of the Human Rights Council, as part of the Council observing International Women's Day, the Minister for Foreign Affairs of Finland delivered a joint statement by video message on behalf of several

198 Ibid [520].
199 Ibid [69].
200 Ibid [397].
201 Ibid [404].
202 Ibid [77].
203 Ibid [206].
204 Ibid [240].
205 Ibid [262].
206 Ibid [305].
207 Ibid [324].
208 Ibid [434].
209 Ibid [1174].
210 Ibid [1190].
211 Ibid [216].

countries, including New Zealand.[212] During the high-level segment of the Fifty-Fifth Session, Winston Peters, the Deputy Prime Minister and Minister for Foreign Affairs of New Zealand at the time, made a video statement.[213]

During the high-level panel discussion on human rights mainstreaming, Mexico represented New Zealand in engaging with the panellists.[214] The European Union and Türkiye represented New Zealand during the general debate following the presentation of the reports and updates of the High Commissioner on the situation of human rights in Guatemala, Colombia, Honduras, Cyprus, Nicaragua, and Sri Lanka.[215]

New Zealand participated in the interactive dialogues on the reports of the High Commissioner on the situation of human rights in the Sudan[216] and the Occupied Palestinian Territory, including East Jerusalem.[217] New Zealand also chose to directly participate in the interactive dialogue on the reports of the Special Rapporteurs on the Situation of Human Rights in Afghanistan[218] and on the Rights of Persons with Disabilities.[219]

Costa Rica represented New Zealand in engaging with the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association after the delivery of his report.[220] Similarly, Canada spoke for New Zealand during the dialogue on the report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.[221] Australia did the same in relation to the report of the Special Rapporteurs on the Situation of Human Rights Defenders[222] and on the Situation of Human Rights in Myanmar.[223] New Zealand engaged directly with the Special Rapporteur on the Situation of Human Rights in the Democratic People's Republic of Korea.[224]

Malawi represented multiple countries, including New Zealand, during the interactive dialogue that followed the presentation of the report of the Special

212 Human Rights Council, *Report of the Human Rights Council on its Fifty-Fifth Session*, UN Doc A/HRC/55/2 (16 May 2024) [6].
213 Ibid [10(d)].
214 Ibid [14(a)].
215 Ibid [48(a)].
216 Ibid [52(b)].
217 Ibid [56(b)].
218 Ibid [64(b)].
219 Ibid [182(b)].
220 Ibid [1616(a)].
221 Ibid [172(b)].
222 Ibid [197(b)].
223 Ibid [371(b)].
224 Ibid [378(b)].

Representative of the Secretary-General for Children and Armed Conflict.[225] New Zealand was represented by Luxembourg during the dialogue on the report of the High Commissioner for Human Rights on climate change on the full realisation of the right to food.[226]

The Fifty-Fifth Session of the Council included multiple general debates with strong participation from various countries. During the general debate on thematic reports related to the promotion and protection of all human rights, including the right to development, Afghanistan represented New Zealand.[227] The United Kingdom did the same during the debate on human rights accountability in the Democratic People's Republic of Korea.[228] New Zealand was represented by Canada and Ukraine during the debate on the *Vienna Declaration* and Programme of Action.[229] Finally, the European Union and Viet Nam engaged in the debate on technical assistance and capacity-building on behalf of New Zealand.

In line with its conduct at the previous sessions of the Council, New Zealand participated directly and was also represented by the Netherlands during the interactive dialogue with the Independent International Commission of Inquiry on Ukraine.[230] Similarly, Costa Rica represented New Zealand, and New Zealand participated directly, in the interactive dialogue with the Independent International Fact-Finding Mission on the situation of human rights in the Islamic Republic of Iran.[231] New Zealand also engaged directly, as an observer state, with the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela.[232]

New Zealand sponsored, jointly and separately, multiple resolutions including on remote participation modalities for hybrid meetings of the Human Rights Council;[233] on advancing human rights in South Sudan;[234] on the role of states in countering the negative impact of disinformation on the enjoyment and realisation of human rights;[235] on prevention of genocide;[236] on combat-

225 Ibid [211(a)].
226 Ibid [221(a)].
227 Ibid [226(a)].
228 Ibid [383(a)].
229 Ibid [111(a)].
230 Ibid [347(a)–(b)].
231 Ibid [355(a)–(b)].
232 Ibid [368(b)].
233 Ibid [39].
234 Ibid [90].
235 Ibid [272].
236 Ibid [288].

ing discrimination, violence and harmful practices against intersex persons;[237] on the rights of persons belonging to national or ethnic, religious and linguistic minorities;[238] on freedom of religion and belief;[239] on the rights of the child;[240] on technical assistance and capacity building to improve the human rights situation in Haiti;[241] on the situation of human rights in the Islamic Republic of Iran,[242] the Democratic People's Republic of Korea,[243] Belarus,[244] Syrian Arab Republic,[245] Myanmar,[246] and in Ukraine stemming from the Russian aggression;[247] and finally, on the mandates of Special Rapporteurs on the Right to Privacy[248] and Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.[249] New Zealand also introduced a resolution on support systems to ensure community inclusion of persons with disabilities.[250]

Finally, as part of the adoption of the outcome of the Universal Periodic Reviews at the Fifty-Fifth Session of the Council, New Zealand welcomed Tuvalu's support for New Zealand's specific recommendations, including updating its human rights action plan and promoting women's political participation. It encouraged reflection on remaining noted recommendations, expressed appreciation for Tuvalu's engagement in the Universal Periodic Review, and expressed enthusiasm for continued partnership on advancing human rights issues.[251]

At the Fifty-Sixth Session of the Council, Australia represented New Zealand during the interactive dialogue on the report of the High Commissioner on the situation of human rights of Rohingya Muslims and other minorities in Myanmar.[252] New Zealand was represented by Chile and also participated directly during the interactive dialogue with the Independent International

237 Ibid [293].
238 Ibid [301].
239 Ibid [305].
240 Ibid [320].
241 Ibid [1154].
242 Ibid [386].
243 Ibid [394].
244 Ibid [402].
245 Ibid [411].
246 Ibid [419].
247 Ibid [426].
248 Ibid [235].
249 Ibid [284].
250 Ibid [263].
251 Ibid [671].
252 Human Rights Council, *Report of the Human Rights Council on its Fifty-Sixth Session*, UN Doc A/HRC/56/2 (10 September 2024) [37(b)].

Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel.[253] Canada represented New Zealand during the enhanced interactive dialogue on the report of the Special Rapporteur on the Situation of Human Rights in Afghanistan.[254]

During the Council's annual full-day discussion on the human rights of women, Kazakhstan and Kyrgyzstan both represented New Zealand.[255] Chile engaged on behalf of New Zealand with the Independent Expert on Protection against Violence and Discrimination based on Sexual Orientation and Gender Identity.[256]

New Zealand engaged directly with the Independent International Fact-Finding Mission for the Sudan.[257] New Zealand also engaged directly, and via representation by the United States, in the interactive dialogue on the report of the Special Rapporteur on Violence against Women and Girls, its Causes and Consequences.[258] New Zealand also chose to engage directly in the interactive dialogues on the updates delivered to the Council on the situation of human rights in Ukraine and the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol,[259] as well as on technical assistance and capacity-building for Colombia.[260]

The United States, along with Estonia, again represented New Zealand during the interactive dialogue following the report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression.[261] The European Union represented New Zealand when engaging with the work of the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance.[262]

When engaging with the work of the Working Group on Discrimination against Women and Girls, New Zealand was represented by Canada, Mexico and Australia.[263] Similarly, Canada, as well as Belgium, represented New

253 Ibid [51(a)–(b)].
254 Ibid [42(b)].
255 Ibid [88(a)].
256 Ibid [110(a)].
257 Ibid [46(b)].
258 Ibid [122(a)–(b)].
259 Ibid [1093(b)].
260 Ibid [1097(b)].
261 Ibid [156(a)].
262 Ibid [1067(a)].
263 Ibid [169(a)–(b)].

Zealand during the interactive dialogue on the report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association.[264]

The United Kingdom was the state member of the Council representing New Zealand during the interactive dialogue with the Independent International Commission of Inquiry on the Syrian Arab Republic.[265]

New Zealand was the sponsor of several resolutions at the Fifty-Sixth Session of the Council including on the situation of human rights in Eritrea;[266] on the independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers;[267] on freedom of opinion and expression;[268] on the promotion and protection of human rights in the context of peaceful protests;[269] on the promoting and protecting the enjoyment of human rights by seafarers;[270] on technology-facilitated gender-based violence;[271] on human rights in the context of HIV and AIDS;[272] on the elimination of all forms of discrimination against women and girls;[273] and finally, on enhancing technical cooperation and capacity-building in the field of human rights in Colombia.[274]

At the third and last session of the Council in 2024, Argentina, Chile, and Qatar represented New Zealand during the general debate on the annual report of the UN High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General.[275]

Canada represented New Zealand during the enhanced interactive dialogue on the report of the Office of the UN High Commissioner for Human Rights on the situation of human rights in Afghanistan.[276] Canada also represented New Zealand during the panel discussion on the implementation of States' obligations on the role of the family in supporting the human rights of its members.[277]

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264 Ibid [174(a)–(b)].
265 Ibid [376(a)].
266 Ibid [76].
267 Ibid [199].
268 Ibid [230].
269 Ibid [256].
270 Ibid [291].
271 Ibid [292].
272 Ibid [308].
273 Ibid [345].
274 Ibid [1100].
275 Human Rights Council, *Report of the Human Rights Council on its Fifty-Seventh Session*, UN Doc A/HRC/57/2 (31 December 2024) [35(a)] ('*Fifty-Seventh Session Report*').
276 Ibid [44(b)].
277 Ibid [114(b)].

New Zealand was represented by Australia during the annual discussion on the integration of a gender perspective throughout the work of the Human Rights Council and that of its mechanisms.[278] Costa Rica engaged with the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence on behalf of New Zealand,[279] and Australia represented New Zealand during the dialogue on the report of the Special Rapporteur on the Situation of Human Rights in Cambodia.[280] New Zealand engaged directly with the Special Rapporteur on the Rights of Indigenous Peoples.[281]

The fifty-seventh session of the Council included multiple general debates. During the debate on the promotion and protection of all human rights, including the right to development, Croatia, Finland, Qatar, and Marshall Islands all represented New Zealand.[282] Costa Rica represented New Zealand during the debate on the *Vienna Declaration* and Programme of Action.[283] Austria and the United Kingdom both represented New Zealand as part of the debate on racism, racial discrimination, xenophobia, and related forms of intolerance.[284] Finally, New Zealand was represented by the European Union during the general debate on technical assistance and capacity-building.[285]

Similar to its past practice, New Zealand engaged directly in the interactive dialogues with the Independent International Commission of Inquiry on Ukraine[286] and the Special Rapporteur on the Situation of Human Rights in the Russian Federation.[287] New Zealand chose to directly participate in the enhanced interactive dialogue on the legacy of nuclear testing in the Marshall Islands.[288] Similarly, New Zealand participated directly in the interactive dialogue on the reports of the High Commissioner for Human Rights on the situation of human rights in Sri Lanka[289] and in Sudan.[290]

Australia represented New Zealand during the interactive dialogue on the report of the High Commissioner for Human Rights on the situation of human

278 Ibid [120(b)].
279 Ibid [125(a)].
280 Ibid [1134(b)].
281 Ibid [186(b)].
282 Ibid [199(a)–(b)].
283 Ibid [1068(a)].
284 Ibid [1091(a)].
285 Ibid [1147(a)].
286 Ibid [344(a)–(b)].
287 Ibid [355(b)].
288 Ibid [1108(b)].
289 Ibid [39(b)].
290 Ibid [53(b)].

rights in Myanmar.[291] Canada, on behalf of New Zealand, engaged in the dialogue following the report of the Secretary-General on alleged reprisals against those who seek to cooperate or have cooperated with the UN, its representatives, and mechanisms.[292]

New Zealand was a sponsor or co-sponsor of numerous resolutions at the fifty-seventh session of the Council. These included resolutions on promoting reconciliation, accountability and human rights in Sri Lanka;[293] responding to the human rights and humanitarian crisis caused by the ongoing armed conflict in the Sudan;[294] on the situation of human rights in Afghanistan,[295] the Russian Federation,[296] the Bolivarian Republic of Venezuela,[297] the Syrian Arab Republic,[298] and Burundi;[299] on marking the thirtieth anniversary of the *Beijing Declaration* and Platform for Action;[300] on the role of good governance in the promotion and protection of human rights;[301] on countering cyberbullying;[302] on the promotion, protection and enjoyment of human rights on the Internet;[303] on equal participation in political and public affairs;[304] on elimination of domestic violence;[305] on national human rights institutions;[306] on technical assistance and capacity-building to address the human rights implications of the nuclear legacy in the Marshall Islands;[307] on assistance to Somalia in the field of human rights;[308] and on cooperation with Georgia.[309]

The last session of the Council for the year was of special significance for New Zealand as it marked the adoption of the outcome of the fourth Universal

291 Ibid [347(b)].
292 Ibid [423(b)].
293 Ibid [70].
294 Ibid [78].
295 Ibid [85].
296 Ibid [360].
297 Ibid [366].
298 Ibid [396].
299 Ibid [403].
300 Ibid [202].
301 Ibid [213].
302 Ibid [224].
303 Ibid [277].
304 Ibid [316].
305 Ibid [322].
306 Ibid [1070].
307 Ibid [1150].
308 Ibid [1158].
309 Ibid [1167].

Periodic Review of the country.[310] New Zealand welcomed the positive feedback received during the review. It noted public submissions on recommendations had been valuable for implementation, and announced the Human Rights Monitor, a new online tool to track Universal Periodic Review recommendations and government actions.[311]

Notably, New Zealand supported all review recommendations in relation to sexual and gender-based violence;[312] to child and youth wellbeing, child poverty, and abuse in state care;[313] to improving living standards, social security, and housing;[314] and to access to education, inclusive education, and comprehensive sexuality education.[315] Seventeen states and five stakeholders made comments as part of the adoption of the outcome of the review, each expressing varying degrees of commendation and criticism regarding New Zealand's treatment of the recommendations it has received.[316]

V Activities of the New Zealand Human Rights Commission

As a longstanding National Human Rights Institution ('NHRI'), the New Zealand Human Rights Commission ('NZHRC' or 'the Commission') works to protect and promote human rights and harmonious relations in New Zealand. The UN Office of the High Commissioner for Human Rights and the Global Alliance of NHRIs has accredited the Commission with 'A' status, being the highest recognition of independence that an NHRI can achieve.

In March 2022, and after the periodic accreditation process through the GANHRI Sub-Committee on Accreditation, the Commission was reaccredited with 'A' status. As such, the Commission has the right to speak at relevant UN Human Rights Council and committee sessions.

In the 2022/23 reporting year, the NZHRC continued to work on a multitude of human rights issues. As per its previous practice, the NZHRC released its annual report for the year that ended 30 June 2023, highlighting its main activities.[317]

310 Ibid [752].
311 Ibid [754].
312 Ibid [758].
313 Ibid [760].
314 Ibid [764].
315 Ibid [766].
316 Ibid [772]–[795].
317 New Zealand Human Rights Commission, *Annual Report 2022/2023* (Report, 2024) ('*NZHRC Annual Report 2022/2023*').

On an international level, the Commission participated in the interactive dialogue that followed the presentation of the report of the Independent Expert on the Enjoyment of All Human Rights by Older Persons at the Fifty-Fourth Session of the Human Rights Council.[318]

In late 2022, the Commission supported the examination of New Zealand's progress towards realising the *UN Convention on the Rights of Persons with Disabilities* ('CRPD') by the CRPD Committee. Many of the Commission's remarks are reflected in the CRPD Committee's Concluding Observations on New Zealand.[319] The Commission also participated in the sixth periodic reviews of New Zealand under the *Convention of the Rights of the Child* and the *Convention against Torture*.[320]

In relation to rights of Indigenous peoples specifically, the Commission participated at the annual sessions of the UN Expert Mechanism on the Rights of Indigenous Peoples ('EMRIP'), the UN Permanent Forum on Indigenous Issues, an EMRIP expert seminar hosted by the University of British Columbia, and a discussion on Indigenous Peoples' participation at the UN hosted by the UN Secretary General. The Commission also continued its secretariat support of the Aotearoa Independent Monitoring Mechanism for *UNDRIP* by contributing to the preparation of the Mechanism's ninth annual monitoring report.[321]

On a national level, the Commission produced multiple reports including the *Ki te whaiao, ki te ao Mārama* community engagement report which outlines current experiences of racism and visions for change.[322] For this report, the Commission engaged with more than 400 people, in 23 online hui, and received 470 online submissions.[323] Similarly, the Commission launched the *Maranga Mai!* report which documented the lasting impacts of colonisation, racism, and white supremacy on tangata whenua.[324]

The Commission also released a discussion paper regarding the rights and interests of Māori in relation to the right to housing.[325] On housing generally, the Commission continued its work on the national inquiry it had launched in 2021 by issuing its December 2022 report on the state of emergency housing

318 *Fifty-Fourth Session Report* (n 182) [129(f)].
319 *NZHRC Annual Report 2022/2023* (n 318) 26, 28.
320 Ibid 28.
321 Ibid 14.
322 New Zealand Human Rights Commission, *Ki te Whaiao, ki te Ao Mārama* (Report, 3 February 2023).
323 *NZHRC Annual Report 2022/2023* (n 318) 13.
324 New Zealand Human Rights Commission, *Maranga Mai!* (Report, November 2022).
325 New Zealand Human Rights Commission, *Understanding Accountability for Māori* (Discussion Paper, 26 January 2023).

in New Zealand.[326] The final report of the inquiry was then published in mid-2023.[327]

Other documents released in the 2022/23 reporting period were the guide to the rights to healthcare and health protection for health professionals,[328] a checklist to ensure human rights are prioritised during relief and recovery efforts for government agencies and local and national officials,[329] and the final report of the national inquiry into the Pacific pay gap.[330] On the wider issue of pay inequity, in 2023 the Commission conducted further campaigning for legislation for reporting pay transparency and ethnic and gender pay gaps.[331]

In 2023, the Commission continued to intervene in cases before courts involving human rights issues. For instance, the Commission was granted leave to act as an intervener in the case of *Gordon v Attorney-General* regarding the compulsory assessment and treatment regime under the *Mental Health Act*, *Attorney-General v Fleming* involving the human rights implications of the government funding policy regarding family care of adult disabled people, *Smith v Fonterra* involving climate change responsibilities of corporations, *Moncrief-Spittle v Regional Facilities Auckland Ltd* involving freedom of expression, *Smith v Attorney-General* involving the state's climate change-related human rights duties, and *Soapi v Pick Hawkes Bay Ltd* which related to the regional migrant worker scheme.[332]

In the 2022/23 reporting year, the Commission made over 21 formal submissions to parliamentary select committees and government agencies on bills and proposed policy reforms, including in relation to the Accessibility for New

326 New Zealand Human Rights Commission, *Homelessness and Human Rights: A Review of the Emergency Housing System in Aotearoa New Zealand* (Report, 14 December 2022).

327 New Zealand Human Rights Commission, *Housing Inquiry Final Report: Implementing the Right to a Decent Home in Aotearoa: Fairness and Dignity for All* (Report, 6 July 2023).

328 New Zealand Human Rights Commission, *Guide to the Rights to Healthcare and Health Protection in Aotearoa New Zealand* (8 February 2023).

329 New Zealand Human Rights Commission, *Making Human Rights Real in a Disaster: Checklist for Integrating Human Rights During Relief and Recovery Efforts* (March 2023).

330 New Zealand Human Rights Commission, *Voices of Pacific People: Eliminating Pay Gaps* (Report, October 2022).

331 *NZHRC Annual Report 2022/2023* (n 318) 21; *Gordon v Attorney-General* [2023] NZHC 2332, [2023] 3 NZLR 625; *Attorney-General v Fleming* [2024] NZCA 92, [2024] 2 NZLR 245; *Smith v Fonterra Co-operative Group Ltd* [2024] NZSC 5, 1 NZLR 134; *Moncrief-Spittle v Regional Facilities Auckland Ltd* [2022] NZSC 138, [2022] 1 NZLR 459; *Smith v Attorney-General* [2024] NZCA 692, [2025] 2 NZLR 1; *Soapi v Pick Hawkes Bay Ltd* [2025] NZEmpC 208.

332 *NZHRC Annual Report 2022/2023* (n 318) 27.

Zealanders Bill, the Second Independent Review on the *Intelligence and Security Act*, the review of the *Corrections Act 2004* and Corrections Regulations 2005, the Law Commission Review of Adult Decision Making Capacity Law, the Immigration (Mass Arrivals) Amendment Bill, the Electoral (Māori Electoral Option) Bill, the Housing and Urban Development draft Code of Practice for Transitional Housing, the Natural and Built Environment Bill, the declaration of inconsistency by the Supreme Court in the *Make it 16 v Attorney General* case regarding the voting age, and the review of the Code of Health and Disability Services Consumer Rights.[333]

The Commission continued its work of providing information and remedies for human rights breached. The Commission closed 5,619 enquiries and complaints as well as 1,022 complaints of alleged discrimination. As part of this, the Commission held 152 mediations to resolve complaints alleging unlawful discrimination. The Director of Human Rights Proceedings granted legal representation to 10 applicants.[334]

On an institutional level, the commission made a number of changes to its leadership and decision-making structures. To further align its decision-making structures with te Tiriti o Waitangi, the Commission created the role of Rongomau Taketake (Indigenous Rights Governance Partner).[335] Additionally, the Commission introduced the new role of Tatau-Urutahi Tino Rangatiratanga Leader to work alongside the existing Tatau-Uruora (shared leader/Chief Executive).[336] The Commission also reported that it had further reduced its internal gender pay gap from 2.08 percent in 2021/22 to 2 percent in 2022/23.[337]

In the 2023/24 reporting year, the NZHRC continued to work on a multitude of human rights issues. As per its previous practice, the NZHRC released its annual report for the year that ended 30 June 2024, highlighting its main activities.[338]

On an international level, the Commission notably participated in the adoption of the outcome of the Universal Periodic Review of New Zealand at the Fifty-Seventh Session of the Council in 2024. The Commission made a video statement commending the government on its commitment to developing the National Action Plan against Racism. The Commission highlighted the

333 Ibid 12, 27.
334 Ibid 15, 29.
335 Ibid 16.
336 Ibid 17.
337 Ibid 47.
338 New Zealand Human Rights Commission, *Annual Report 2023/2024* (Report, 2025) ('*NZHRC Annual Report 2023/2024*').

vulnerability of the rights of Māori in the absence of constitutional protection for te Tiriti o Waitangi.[339] The Commission also participated in New Zealand's sixth review under the *Convention against Torture* in July 2023, focusing on the government's response to the Abuse in Care Royal Commission, compensation for survivors, youth justice, detention conditions, and the over-incarceration of Māori.[340]

In the second half of 2023 and in 2024, the Commission continued to actively engage with the work of the EMRIP and the Aotearoa Independent Monitoring Mechanism.[341] At the invitation of the Commission, the UN Special Rapporteur on the Rights of Indigenous Peoples completed an informal country visit to New Zealand in early 2024.

In 2024, at the invitation of the Disabled Peoples International Korea, the Commission and other members of the International Monitoring Mechanism ('IMM') for the *Convention on the Rights of Disabled People* shared their experience of the IMM model as operating in New Zealand.[342] The Commission also represented the Asia Pacific region on the GANHRI Sub-Committee on Accreditation ('SCA') and chaired the SCA.[343]

On the national level, the Commission continued its work on the prevention of conversion practices and provision of support for survivors of such practices. The Commission published a guide on trans rights[344] to outline existing legislative protections in New Zealand.[345]

In August 2023, the Commission established its first shared work programme under its Tūhonotanga agreement with Pou Tikanga within the National Iwi Chairs Forum. As part of this work, the Commission co-hosted a conference on developing a constitution for New Zealand.[346]

In 2023/24, the Commission continued its practice of publishing various reports, including notably the reports on conversion practices in Aotearoa New Zealand[347] and on the economic cost of bullying and harassment to New

339 *Fifty-Seventh Session Report* (n 276) [771].
340 *NZHRC Annual Report 2023/2024* (n 339) 15.
341 Ibid 16, 19.
342 Ibid 28.
343 Ibid 5.
344 New Zealand Human Rights Commission, *Trans Rights Are Human Rights Guide* (25 June 2024).
345 *Annual Report 2023/2024* (n 339) 26.
346 Ibid 18.
347 New Zealand Human Rights Commission, *Conversion Practices in Aotearoa New Zealand: Insights and Recommendations from a Human Rights Perspective* (Report, June 2024).

Zealand employers.[348] The Commission also published a guide on social cohesion for schools[349] in response to identified gaps in resources for schools dealing with bullying, harassment, and discrimination.[350]

In 2024, the Commission continued to intervene in key human rights cases, including in *Smith v Attorney-General* (Court of Appeal hearing) on the human rights duties of the state regarding climate change mitigation and in *Hoban v Attorney-General* (Court of Appeal hearing) involving the inadequacy of the protections in the *Human Rights Act 1993* against hate speech on the ground of sexual orientation.[351]

In the 2022/23 reporting year, the Commission delivered over 15 formal submissions to the New Zealand Law Commission, parliamentary select committees, and government agencies on various bills and public policy proposals. Notable submissions included contributions to the Law Commission's reviews on preventive detention and post-sentence orders, and on adult decision-making capacity law; to the Office of the Privacy Commissioner's biometrics proposal; to the Department of Internal Affairs' review related to safer online services and media platforms; and to the Environment Committee's inquiry into climate adaptation.[352]

The Commission also made legislative submissions on bills relating to restoring New Zealand citizenship rights removed by the *Citizenship* (*Western Samoa*) *Act 1982*, amendments to corrections legislation, the Ram Raid Offending and Related Measures Amendment Bill, the Gangs Legislation Amendment Bill, the Fast-Track Approvals Bill, and the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill.[353]

The Commission continued its work of providing information and remedies for human rights breached. The Commission provided information and resources to more than 3,900 enquiries and delivered almost 900 dispute resolution services, including 93 dispute resolution meetings (mediations).[354] The Director of Human Rights Proceedings made 61 decisions on applications

348 New Zealand Human Rights Commission, *Counting the Cost: Estimating the Economic Cost of Workplace Bullying and Harassment on New Zealand Employers*, (Report, May 2024).

349 New Zealand Human Rights Commission, *Social Cohesion for Schools* (Guide, February 2024).

350 NZHRC *Annual Report 2023/2024* (n 339) 14, 29.

351 Ibid 30; *Smith v Attorney-General* [2024] NZCA 692, [2025] 2 NZLR 1; the Court of Appeal has not yet handed down its judgment in *Hoban v Attorney-General*.

352 NZHRC *Annual Report 2023/2024* (n 339) 30–31.

353 Ibid 12.

354 Ibid 32–3.

for representation in the Tribunal. Of those, the Director decided to grant representation to 11 applicants.

On an institutional level, the Commission ran the Te Hā o Te Tiriti project from late 2023 to mid-2024 to gather insights from tangata whenua on indigenous rights and aspirations to inform the Commission's strategic direction.[355] To further strengthen its position as a Treaty-based organisation, the Commission adopted a new Tiriti policy in June 2024 and also launched Te Tūāpapa, an internal online learning and development programme for Commission staff to enhance their foundational knowledge in te Tiriti and indigenous rights.

Also notably, the Commission reported that it had successfully eliminated any internal gender, ethnic and disability-based pay gaps in the 2023/24 reporting year.[356]

355 Ibid 13.
356 Ibid 50.