



# International Convention on the Elimination of All Forms of Racial Discrimination

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## Committee on the Elimination of Racial Discrimination

### Eighty-second session

11 February–1 March 2013

Item 4 of the provisional agenda

### Consideration of reports, comments and information

submitted by States parties under article 9 of the Convention

## List of themes to be taken up in connection with the consideration of the eighteenth to twentieth periodic reports of New Zealand (CERD/C/NZL/18-20)

The following is a list of themes identified by the Country Rapporteur in connection with the consideration of the eighteenth to twentieth periodic reports of New Zealand. The list is meant to guide the dialogue between the State party delegation and the Committee and *does not require written replies*. This is not an exhaustive list as other issues will be raised in the course of the dialogue.

### 1. The Convention in domestic law, institutional and policy framework for its implementation (arts. 2, 4, 6 and 7)

(a) Update on the development of the National Human Rights Action Plan following proposals by the Human Rights Commission (CERD/C/NZL/18-20, paras. 15–18);

(b) Status of the constitutional review and the status of the New Zealand Bill of Rights Act 1990 under the domestic legal order (CERD/C/NZL/18-20, paras. 19–21);

(c) Progress made to raise public awareness on the Treaty of Waitangi and to incorporate it into domestic law or otherwise ensure its application or consideration (CERD/C/NZL/18-20, para. 22);

(d) Information on the monitoring and implementation of the Marine and Coastal Area (*Takutai Moana*) Act of 2011 and its impact in addressing the discriminatory effects of the Foreshore and Seabed Act of 2004 (CERD/C/NZL/18-20, para. 49);

(e) Progress on the development of procedures for reaching agreements between the Māori and the Crown to recognise customary interests under the Marine and Coastal Area (*Takutai Moana*) Act 2011 (CERD/C/NZL/18-20, para. 49);

(f) Update on the incidence of racially motivated violence and measures to combat it (CERD/C/NZL/18-20, para. 81), as well as the problem of racism in social media;

(g) Information on the pending Human Rights Amendment Bill and the possible elimination of the position of Race Relations Commissioner.

**2. Situation of ethnic and minority communities (arts. 2–7)**

(a) The impact of the economic downturn on race relations and equality, particularly in the employment sector (CERD/C/NZL/18-20, para. 124);

(b) Poor outcomes of the Māori and Pasifika people in the field of health, particularly with regard to life expectancy and infant mortality (CERD/C/NZL/20, paras. 10, 162–163);

(c) Measures to reduce overcrowding in state housing by the Māori and Pasifika (CERD/C/NZL/18-20, paras. 190–192);

(d) Information on how the new social security legislation affects the quantum of social benefits for Māori women (see CEDAW/C/NZL/CO/7; para 35; CERD/C/NZL/18-20, para. 182);

(e) Measures to deal with absenteeism and early departure in the school system among the Māori (CERD/C/NZL/18-20, para. 141) and lower outcomes for Pasifika students at primary and secondary school levels (CERD/C/NZL/18-20, para. 145);

(f) Update on the development of a new Māori language strategy after the release of the *Te Reo Mauriora* (Review Report) in April 2011 (CERD/C/NZL/18-20, para. 155), as well as plans to support community languages;

(g) Update on progress made to improve the participation of Māori and Pasifika people in the conduct of public affairs (CERD/C/NZL/18-20, paras. 120–121);

(h) Information on measures to address persistent discrimination against Asian New Zealanders (the 2012 Report of the New Zealand Human Rights Commission to the Committee on the Elimination of Racial Discrimination, p. 4);

(i) Progress made to combat persisting inequalities and reduce the overrepresentation of Māori and Pasifika in the prison population and at every level of the criminal justice system (CERD/C/NZL/18-20, paras. 90 and 97);

(j) Progress made to improve the jury system in order to address potential discrimination of ethnic groups in the justice system (CERD/C/NZL/18-20, paras. 95);

(k) Update on measures being taken to implement recommendations made by the Waitangi Tribunal (CERD/C/NZL/18-20, para. 26), and progress on settlement of claims (CERD/C/NZL/CO/18-20, paras. 26 and 28);

(l) The pending Mixed Ownership Model Bill and Māori claims of water rights under the Treaty of Waitangi;

(m) Possible structural discrimination, as reflected in persisting inequalities in health, education, justice and economic prosperity.

**3. Access to justice, discrimination against non-citizens including migrants, refugees and asylum seekers (arts. 5, 6 and 7)**

(a) Update on measures taken to address inadequate accessibility and lack of public knowledge to procedures to address racial discrimination, particularly access to legal services by migrants and the Māori (CERD/C/NZL/18-20, para. 197; see CEDAW/C/NZL/CO/7, paras. 14-15);

(b) Rationale for preventing the Human Rights Commission from receiving complaints and instituting proceedings in relation to immigration under the Immigration Act of 2009 (CERD/C/NZL/18-20, para. 88);

(c) Update on the work of the Independent Police Complaints Authority regarding Operation Eight (CERD/C/NZL/18-20, para. 113);

(d) Information on detention of asylum seekers in correctional facilities and their segregation from convicted criminals (CERD/C/NZL/18-20, para. 62);

(e) Information on the pending Immigration Amendment Bill on the Parliamentary Order Paper and the detention of asylum seekers arriving in groups of more than 10 persons.

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