

**Security Council**

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Letter dated 8 June 2006 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached fifth report from New Zealand submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(Signed) Ellen Margrethe Løj
Chairman

Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism



Annex

Letter dated 25 May 2006 from the Permanent Representative of New Zealand to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

In reply to your letter of 24 February 2006 requesting further information on New Zealand's implementation of resolution 1373 (2001), I have the honour to transmit to the Counter-Terrorism Committee New Zealand's fifth report, which contains responses to the questions and comments raised by the Committee regarding measures taken by New Zealand to implement resolution 1373 (see enclosure).

My Government remains ready to provide the Committee with any further information as may be requested by the Committee.

(Signed) Rosemary **Banks**
Permanent Representative

Enclosure**New Zealand national report to the United Nations Security Council
Counter-Terrorism Committee**

| Implementation Measures – Prevention and suppression of the financing of terrorist acts | |
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| <p>1.1 The Committee acknowledges the laws and regulations adopted by New Zealand with a view to the suppression of terrorist financing in accordance with resolution 1373 (2001) and would be glad to know how New Zealand monitors remittance agencies and whether New Zealand is considering making them subject to a licensing/registration regime.</p> | <p>In 2004, the New Zealand Government decided that entities providing wire transfer services would be subject to new laws relating to customer identification. The policy development relating to this decision has been subsumed within a larger Government project which is currently reviewing financial products and providers - as well as anti-money laundering and anti-terrorist financing laws. These reviews are currently looking at requiring remittance agents to be licensed/registered and subject to customer due diligence requirements.</p> |
| <p>1.2 The Committee would also like to know how New Zealand monitors alternative funds transfer agencies such as hawala. How many such informal agencies do you believe exist in New Zealand? What measures exist or are contemplated in order to ensure that they are not used for terrorist purposes?</p> | <p>Alternative remittance agents are defined as “financial institutions” within the Financial Transactions Reporting Act 1996 (section 3(1)(k)(v)) and are required by that Act to file suspicious transactions reports with the New Zealand Financial Intelligence Unit (FIU). It is estimated that between 100 to 200 such agents operate in New Zealand.</p> <p>Whether these agents should be made illegal, or be required to be registered or licensed, is part of the larger reviews mentioned above in the response to 1.1. New Zealand will be establishing an AML/CFT Supervisor in 2007 whose functions will include monitoring and supervising these agents if registered or licensed. The monitoring and supervision of these agents will be two-fold:</p> <ul style="list-style-type: none"> • transaction-based supervision by the FIU for suspicious financial transactions (as at present); and |

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| | <ul style="list-style-type: none"> • internal business compliance supervision by the AML/CFT Supervisor in accordance with FATF Recommendations. <p>The Terrorism Suppression Act 2002 is an existing measure to prohibit such agents from being used for terrorist purposes. The provisions of this Act apply to all entities operating in New Zealand. Under this Act, offences include intentionally or knowingly: transferring funds for terrorist purposes; dealing with funds derived from a designated terrorist; and/or offering financial or related services to a designated terrorist.</p> |
| <p>1.3 The Committee is aware of New Zealand's effort to establish a monitoring system for charitable organisations and would be glad to know whether the Charities Commission (fourth report, p.4) has been established as yet. If so, the Committee would welcome a report on the functions and work of the Commission.</p> | <p>The Charities Act 2005 established the Charities Commission on 1 July 2005 and requires the Charities Commission to provide the charitable sector with support and assistance in the area of good practice in governance and management. Its role is to:</p> <ul style="list-style-type: none"> • maintain and monitor a register of charities; • receive annual returns and monitor the activities of charities; • promote public trust in the charitable sector; • provide education and assistance to the charitable sector; • encourage best practice in governance and use of resources; and • provide advice on matters relating to charities. <p>The Charities Commission is required to produce an annual report at the end of each June Financial Year. The Government has indicated that, as the Charities Commission is in its establishment phase, the first Annual Report will not be due until the latter part of 2006. The Charities Commission is currently in the process of putting in place the mechanisms (such as procedures and forms to be used) necessary to</p> |

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| | <p>register and support charitable organisations to meet the requirements of the Charities Act 2005.</p> <p>The register of charities to be administered by the Charities Commission is expected to be operational later in 2006.</p> |
| <p>1.4 In its fourth report (p.4), New Zealand mentions in the context of the registration and licensing of charitable organisations that a charities bill was submitted to Parliament on 23 March 2004. The Committee would welcome a status report on the adoption of that bill and would like to know whether its enactment and implementation would ensure that charitable organisations report their financial activities, including donations and disbursements. How does New Zealand intend to prevent funds collected by charities from being diverted to terrorist activities?</p> | <p>See response to 1.3 above for details of the legal status of the Charities Commission.</p> <p>In terms of preventing charities from diverting funds for terrorist purposes, section 13(5) of the Charities Act 2005 provides that an entity does not qualify for registration as a charitable entity if:</p> <ol style="list-style-type: none"> (a) the entity is designated under section 20 or section 22 of the Terrorism Suppression Act 2002 as a terrorist entity or an associated entity; or (b) the entity has been convicted of any offence under sections 7 to 13D of the Terrorism Suppression Act 2002 (which cover commission of terrorist acts, financing of terrorism, dealing with terrorist property, recruitment for and participation in terrorist groups). <p>Under the provisions of the Charities Act 2005, registered charities are obliged to file an annual return. The forms currently proposed require registered charities to confirm:</p> <ul style="list-style-type: none"> • an outline of the current and proposed charitable activities and purposes undertaken; • details of who in society benefits from the charity; • in what areas nationally and/or internationally the charity operates; and • financial data such as income, outgoings and net worth. |

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| | <p>The information collected in the application process along with the annual returns will allow the Charities Commission to monitor charities and their operations. This assists the Charities Commission in ensuring that each registered charity complies with the provisions of the Charities Act 2005 and maintains its eligibility for registered status. In addition to this monitoring and supervisory role, the Charities Commission can investigate any alleged breach of the Charities Act 2005 by a registered charity, or serious wrongdoing connected with a registered charity (and/or parties associated with the governance and management of a registered charity).</p> |
| <p>1.5 With regard to the freezing and seizure of funds, under what circumstances does New Zealand's criminal law permit the confiscation of terrorist funds without prior identification, prosecution or conviction of any individual terrorist? Can funds be frozen at the request of another State? What is the standard of proof needed to establish a link between the funds and the terrorist group or activity in question?</p> | <p>The Terrorism Suppression Act 2002 provides a mechanism to designate Resolution 1267 (1999) entities as well as other entities under Resolution 1373 (2001). Once designations have been made, the Terrorism Suppression Act 2002 provides that it is an offence to deal with any property of a designated terrorist entity. The asset seizure and confiscation mechanisms also apply.</p> <p>The standard of proof required to "seize" suspected terrorist property is a "belief on reasonable grounds" that such property is owned or controlled by a designated entity, or is derived or generated from such property. This belief must be held by the Prime Minister before she directs the Official Assignee to take possession of such property. For the High Court to order such assets be forfeited to the Crown, the Court must be satisfied that the property is owned or controlled by a designated entity or is derived or generated from such property.</p> <p>The Government recently decided (April 2006) to amend the Terrorism Suppression Act 2002 in order to enhance the freezing, seizure and confiscation mechanisms to more effectively deal with terrorist property in the absence of a</p> |

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| | <p>criminal conviction.</p> <p>In addition, the Criminal Proceeds and Instruments Bill (2005), currently before Parliament, will repeal the Proceeds of Crime Act 1991 and replace the existing asset confiscation mechanisms with a civil (non-conviction based) and criminal asset forfeiture system. The standard of proof under this new legislation will be the civil standard (balance of probabilities).</p> <p>Funds and/or property can be frozen or confiscated at the request of a foreign State pursuant to the Mutual Assistance in Criminal Matters Act 1992 subject to the requirements and procedures of that Act.</p> |
| <p>1.6 The Committee would like to know what time frame for the freezing and confiscating of assets related to terrorism, pursuant to paragraph 1 (c) of resolution 1373 (2001), is established in domestic law and what measures are in place to ensure that this is done expeditiously.</p> | <p>Once an entity is designated as a terrorist entity or an associated entity (either on an interim or final basis) under the Terrorism Suppression Act 2002, it is immediately a criminal offence to deal with any property of that entity that is owned or controlled (or derived or generated) directly or indirectly by that entity (section 9, Terrorism Suppression Act 2002).</p> <p>The Government has recently agreed to amend this provision to further enhance the freezing mechanism under the Terrorism Suppression Act 2002. Policy development is currently underway.</p> |

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| <p>1.7 New Zealand has stated that its reporting obligation “applies not only to financial institutions but also to any person who suspects, on reasonable grounds, that particular property in their possession or control is or may be property to which the section applies (i.e. belonging or linked to individuals or groups that have been designated as ‘terrorist entities’)” (second report, p.5). The Committee would like to know whether the duty to report assets and transactions suspected of links with terrorism to the financial intelligence unit (FIU) applies also in cases where the terrorist individual or organisation is not designated. What are the legal reporting duties and deprivation mechanisms available in such cases?</p> | <p>The Terrorism Suppression Act 2002 does not extend the obligation to report terrorist property to non-designated entities. However, most banks voluntarily report suspicious financial transactions based on terrorist designation lists from key bilateral partners and markets. There are no mechanisms to freeze, seize or confiscate property of a non-designated entity unless such an entity commits an offence in New Zealand. In that case, the Proceeds of Crime Act 1991 applies for post-conviction seizure and pecuniary penalty orders. The Criminal Proceeds and Instruments Bill (2005) will (when enacted) permit restraining and confiscation orders without conviction where non-designated entities benefit from property criminally obtained.</p> |
| <p>Investigation methods</p> | |
| <p>1.8 The Committee notes New Zealand’s statement that the counter-terrorism bill (now the Terrorism Suppression Amendment Act 2003) would give the authorities new investigative powers (third report, p.5). Without compromising sensitive information or ongoing investigations, the Committee would welcome information on New Zealand’s use of the following:</p> <ul style="list-style-type: none"> • Investigation techniques; • Tracking the funds of criminal groups; and • Intercepting communications. | <p>The Counter-Terrorism Bill updated the law relating to:</p> <ul style="list-style-type: none"> • Search of computers - by establishing a statutory obligation to assist Police to access computer systems; • Electronic tracking devices - by creating a statutory regime for the use of this investigative technique; • Interception of communications - by expanding the ability to use intercepted evidence in a wider range of criminal prosecutions. <p>Financial investigations may be facilitated by a range of techniques applicable to criminal investigations generally.</p> |

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| <p>1.9 The Committee notes that New Zealand has introduced an interception capability bill and would welcome a progress report on this initiative.</p> | <p>The Telecommunications (Interception Capability) Act was passed in 2004.</p> <p>The Telecommunications (Interception Capability) Act 2004 places a legislative obligation on telecommunication network operators to be technically able to intercept communications going over their network when authorised by warrant or other lawful authority. This Act also places a legislative duty on telecommunication network operators and service providers to provide reasonable assistance to surveillance agencies in exercising their powers.</p> |
| <p>Criminalisation and criminal procedure</p> | |
| <p>1.10 Is there a witness protection programme in place in New Zealand? If so, do any features of the programme apply specifically to cases involving terrorism?</p> | <p>Police have a National Witness Protection Programme that provides specialist support to criminal investigations. It does not contain features applicable specifically to cases involving terrorism.</p> |
| <p>Immigration controls</p> | |
| <p>1.11 Are the locations of asylum seekers in New Zealand monitored? If so, is this done by local police or a national body?</p> | <p>Asylum seekers who represent a potential high risk to the security of New Zealand are detained by the New Zealand Corrections Department in secure accommodation.</p> <p>Asylum seekers who are considered low risk in terms of national security and of absconding are not necessarily detained. Their whereabouts are monitored by Immigration personnel.</p> |

1.12 Does New Zealand permit legal names changes without prior residency? If so, is some form of verification performed, such as fingerprinting or photographing individuals in their old identity? What steps are taken to verify the identity of applicants for new identification documents?

The Births, Deaths and Marriages Registration Act 1995 provides that any person over the age of 18, or the guardians of a child under 18, may deposit with the Registrar-General a statutory declaration, declaring either:

- a) a present intention to abandon the names most recently included in the registration of their birth, and adopt some other names; or,
- b) That they have previously abandoned the names most recently included in the registration of their birth and adopted some other names.

In order to deposit the statutory declaration with the Registrar-General of Births, Deaths and Marriages, the person must pay a fee and also deposit a birth certificate or some other certificate or documentary evidence of the date and place of a person's birth.

The statutory declarations are recorded numerically and are kept in a file. A database is kept which can be searched using either the old or new name, or the file number. Any person can request a copy of a particular statutory declaration on payment of a fee.

There is currently no statutory requirement that a person seeking to change their name by statutory declaration was born in New Zealand, is a New Zealand Citizen, or is a permanent resident.

This legislation is currently being reviewed.

New Zealand does not have a formal identity document, and a New Zealand birth certificate is not an identification document.

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| | <p>The most trusted form of identification is usually the New Zealand passport.</p> <p>Applicants for New Zealand travel documents are required to provide specific information depending on whether they were born in or outside New Zealand. Applicants are asked to establish their entitlement to a travel document by giving evidence of New Zealand citizenship.</p> <p>The applicant is required to provide specific name details so the Department of Internal Affairs can verify their identity by matching the applicant's name details against the Births, Deaths and Marriages Register, or against the Citizenship Register. Where a name cannot be verified electronically through these Registers, applicants are required to provide original documentation (translated into English if necessary) to enable the Department to confirm their identity.</p> <p>Applicants are also asked to nominate a witness who can attest to their identity and who has known them for at least one year. Witnesses must be the holder of a valid adult New Zealand passport, or if this is not possible, must be from one of a specified group of occupations. Witnesses are required to sign a statutory declaration and provide their contact details should the Department wish to contact them for further information.</p> |
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1.13 The Committee is aware of New Zealand's efforts to prevent document forgery and would be glad to know whether the new Identity Fraud Unit in the national police force (fourth report, p.7) has been established as yet. If so, the Committee would be glad to receive a report on the functions and work of this Unit.

The Identity Intelligence Unit (hitherto referred to as the Identity Fraud Unit) was established in May 2004 and works in the NZ Police National Bureau of Criminal Intelligence. Its mission is "to develop intelligence and investigative solutions to combat identity crime". Its purposes (generally) are to (i) increase organisational knowledge in the area of identity crime, (ii) study, develop and implement intelligence, policy, procedure and investigative techniques to deal with identity crime and (iii) build relationships between law enforcement agencies and beyond.

The Identity Intelligence Unit has established an identity crime intelligence-sharing network amongst and on behalf of 13 national law enforcement agencies, and liaises regularly with other government agencies and multiple private sector entities, including main trading banks, financial institutions, insurance companies and telecommunication providers.

While progress has been made there remains a significant volume of work and development before the unit may be considered to have reached optimum performance. Key challenges are the identification and implementation of systems to detect, measure, prevent and investigate identity crimes. Barriers include capability, and the ever-growing scope and nature of identity crime related issues.

The Identity Intelligence Unit is neither a document forensic examination unit nor an e-crime unit, although it maintains close relationships with and active interest in the activities of both the NZ Police units currently filling those roles.

The unit is primarily an intelligence unit and is not resourced to conduct investigation work, although it attempts to provide investigative support where possible.

Border controls

1.14 Pursuant to paragraph 2 (c) and (g) of resolution 1373 (2001), States should ensure the enforcement of effective immigration, customs and border controls in order to prevent the movement of terrorists, the establishment of safe havens and the commission of terrorist acts. The Committee would be grateful to receive details regarding:

- The extent of cooperation and coordination between the various national agencies with border control responsibilities, including the modalities and tools used and examples of the results of any joint activity;
- The monitoring strategies and methods used to protect shipments entering and exiting New Zealand's territory, using all modes of transport, from acts of terrorism, and steps taken or to be taken to implement the World Customs Organisation (WCO) Framework of Standards to Secure and Facilitate Global Trade; and
- The mechanisms and safeguards in place to detect and prevent the monitoring of terrorists across State borders at crossing where there is no official monitoring.

The New Zealand Customs Service screens 100% of passengers arriving and departing New Zealand against its intelligence driven risk management profiling and targeting system. This system services the targeting needs of all Government agencies.

All craft entering New Zealand are required to give advance notice of their arrival and must report directly to a customs controlled area. People and goods entering or departing New Zealand must receive a customs clearance.

In June 2005, the New Zealand Customs Service signalled its intention to implement the World Customs Organisation's Framework of Standards to Secure and Facilitate Global Trade. The key components of the Framework, such as export controls and risk management, have already been implemented by New Zealand Customs as a result of the development of its export security regime.

New Zealand Customs will continue to work on other aspects of implementation of the Framework as necessary, and will also provide assistance to the WCO as it works to refine the finer aspects of the Framework.

Another prominent forum in which New Zealand Customs actively contributes to counter-terrorism efforts is the Asia-Pacific Economic Cooperation (APEC) forum, in particular the Secure Trade in the APEC Region (STAR) process established in October 2002. The aim of STAR is to strengthen APEC transportation security, customs and immigration cooperation, while facilitating the movement of

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| | <p>goods and people. STAR also provides an avenue for capacity building for trade security within the APEC region.</p> <p>NZ Customs has accepted the World Customs Organisation's "Recommendation on the Need to Develop and Strengthen the Role of Customs Administrations in Tackling Money Laundering and in Recovering the Proceeds of Crime".</p> <p>New Zealand Customs takes the issue of money laundering and the recovery of criminal proceeds very seriously and understands the close relationship between money laundering and issues such as drugs, crime and terrorism, and therefore appreciates the risks that money laundering poses to the international community.</p> <p>New Zealand Customs has a clear role in the New Zealand Government's wider anti-money laundering and terrorist financing arrangements, and the role of money laundering is recognised as part of wider enforcement strategies within New Zealand Customs. New Zealand's Customs and Excise Act 1996 and the Terrorism Suppression Act 2002 contain provisions to seize and detain proceeds of crime and suspected terrorist property respectively, and New Zealand has a "border cash reporting system" under the Financial Transactions Reporting Act 1996, which is enforced at the border by Customs.</p> <p>There are no entry or exit points outside customs control.</p> |
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Port Security

1.15 In its fourth report (p.8) New Zealand mentions that a border security bill is currently before Parliament. The Committee would appreciate a progress report on the bill and would like to know how it will strengthen New Zealand's border controls and which "security measures against terrorism and other suspicious activities relating to cross-border crime" (fourth report, p.8) the bill, if enacted, will allow.

The Border Security Bill was passed into law in November 2004 as the Customs & Excise Amendment Act 2004. The strengthened legislation allows for:

- Customs to access advance information on border crossing goods, craft and people;
- Sharing of security-related information with other administrations;
- Regulatory control over secured shipping containers of approved exporters from point of packing.

These legislative enhancements to border management, when combined with the current law relating to cargo movement and reporting, provide Customs with a comprehensive system of controls that ensures export goods and their related data are risk managed in a timely manner. These strengthened security measures will mitigate the risk of terrorist or other suspicious action against the global supply chain.

Aviation Security

1.16 Does New Zealand intend to make contributions to the International Civil Aviation Organisation (ICAO) Aviation Security Plan of Action, including through security audits, urgent assistance to States, provision of training courses, and of a range of guidance material, and various other projects?

Yes. Since 2002, New Zealand has made voluntary contributions to the ICAO Aviation Security Mechanism in the order of \$US20-25,000p.a. From 2006, New Zealand will split its contribution between the Plan of Action and the Mechanism.

New Zealand is actively represented on the Aviation Security panel of ICAO by the Civil Aviation Authority (CAA) and was involved in the development of Amendment 11 to Annex 17-Security. CAA Manager Security is currently involved, along with other Panel State representatives, in the review and construction of updated guidance material for States contained in the ICAO Security Manual for Safeguarding Civil Aviation Against Acts of Unlawful Interference.

Staff members of both CAA and the Aviation Security Service (AvSec) have been made available for secondment to ICAO in its conduct of the Universal Security Audit Programme and have assisted ICAO in the conduct of a number of audit missions in the wider Asia/Pacific region. This commitment is ongoing.

CAA provides technical assistance on aviation security regulatory matters to a number of smaller Pacific Islands States under bilateral agreements with the governments of those States.

In addition New Zealand, via CAA, is actively involved in the establishment of the Pacific Aviation Safety Office (PASO), a regional body set up to provide safety and security regulatory oversight and technical advice services to various Pacific Island Forum countries, a move that is endorsed and supported by ICAO. New Zealand's contributions to PASO's establishment include a NZ\$200,000 donation, made through the Asian Development Bank's Cooperation Fund for Regional Trade and Financial Security Initiatives.

AvSec operates an ICAO recognised and accepted formal sub-regional Aviation Security Training Centre in Auckland. In liaison with ICAO it provides the full range of ICAO Aviation Security Training Packages as well as Instructor Certification

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| | <p>Courses and regional aviation security workshops from this facility with a specific emphasis on attracting students from the South Pacific region. Both CAA and AvSec staff have completed relevant ICAO courses including Instructor Certification programmes to allow ongoing support to be provided to the achievement of ICAO's training goals in the wider Asian/Pacific region.</p> <p>In addition both CAA and AvSec have jointly hosted and participated in Aviation Security Management Certification Programme courses run by ICAO and Concordia University of Montreal.</p> <p>AvSec, supported by New Zealand government funding, has also been involved in the provision of urgent assistance to a number of smaller Pacific Island States including most notably the provision of Hold Baggage Screening equipment and associated ongoing training and support to enable these States to comply with ICAO requirements for Hold Baggage Screening on all international flights post 01 January 2006. New Zealand, via the Ministry of Transport and CAA, is also actively involved in the APEC Experts Group on Aviation Security, a technical experts body that, inter alia, seeks to promote the consistent application of ICAO Annex 17 security Standards and Recommended Practices throughout the APEC region.</p> |
| <p>1.17 The Committee notes that New Zealand is a contracting State of ICAO. Has New Zealand been audited on the basis of the Universal Security Audit Programme (USAP) of the Aviation Security Plan of Action? If so, what difficulties and deficiencies have been identified, particularly with respect to the Standards and Practices detailed in Annex 17 to the Convention on International Civil Aviation?</p> | <p>New Zealand is not due for USAP audit until September 2006.</p> |

Implementation of the 13 international counter-terrorism instruments

1.18 The Committee would appreciate information on the steps that New Zealand has taken or plans to take with a view to becoming a party to the International Convention for the Suppression of Acts of Nuclear Terrorism.

New Zealand signed the International Convention for the Suppression of Acts of Nuclear Terrorism when it opened for signature in September 2005. This treaty is currently undergoing the necessary domestic processes required for its ratification by New Zealand. New Zealand practice is for all multilateral treaties to be submitted to Parliament for consideration by a Select Committee before the executive takes binding treaty action - in this case ratification. Following successful completion of the parliamentary treaty examination process and the introduction of implementing legislation, it is anticipated that New Zealand will ratify the Convention.

2. Implementation of resolution 1624 (2005)

Paragraph 1

2.1 What measures does New Zealand have in place to prohibit by law and to prevent incitement to commit a terrorist act or acts? What further steps, if any, are under consideration?

The Crimes Act 1961 makes incitement to commit an offence a crime, whether or not that crime has actually taken place. Incitement to commit terrorist acts would be caught regardless of whether the terrorist act was to occur inside or outside of New Zealand.

2.2 What measures does New Zealand take to deny safe haven to any persons with respect to whom there is credible and relevant information giving serious reasons for considering that they have been guilty of incitement to commit a terrorist act or acts?

If New Zealand receives credible and reliable information that a person has been guilty of incitement to commit a terrorist act or acts, a warning is placed on the NZ Immigration Visa and Permit application system. This system manages the applications from foreign nationals to enter New Zealand and thereby provides a means to deny entry off-shore if required.

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| | <p>The warning / profiling system gives the New Zealand Immigration Service the ability to deny persons of interest the right to board an aircraft bound for New Zealand. The ability to do this is done by using our “Advance Passenger Processing” system that has been developed in the last 2 years.</p> |
| <p>Paragraph 2</p> | |
| <p>2.3 How does New Zealand cooperate with other States in strengthening the security of its international borders with a view to preventing those guilty of incitement to commit a terrorist act or acts from entering their territory, including by combating fraudulent travel documents and, to the extent attainable, by enhancing terrorist screening and passenger security procedures?</p> | <p>New Zealand works widely with a number of countries to ensure that those guilty of terrorist acts and those that use fraudulent documents are prevented from entering our territory. We provide information on lost and stolen passports to Interpol’s travel document database, and recently (March 2006) joined an APEC initiative (the Regional Movements Alerts List), which enables the automatic screening of passenger lists against records of lost and stolen passports.</p> <p>Immigration New Zealand’s Intelligence Unit has extensive contacts with domestic and external intelligence agencies and actively engages in the sharing of intelligence for mutual benefit.</p> <p>In addition, New Zealand uses a number of electronic profiling and verification systems to confirm the bona fides of a traveller and thereby deny boarding of persons that may potentially pose a security risk to New Zealand.</p> |

Paragraph 3

2.4 What international efforts is New Zealand participating in or considering participating in/initiating in order to enhance dialogue and broaden understanding among civilisations in an effort to prevent the indiscriminate targeting of different religions and cultures?

New Zealand co-sponsored, along with Australia, Indonesia and the Philippines, the Cebu Dialogue on Regional Interfaith Cooperation for Peace, Development and Human Dignity, which was held in the Philippines on 14-16 March 2006. This Dialogue brought together 187 faith and community leaders from 15 countries (Australia, Brunei, Cambodia, Fiji, Indonesia, Lao PDR, Malaysia, Myanmar, New Zealand, Papua New Guinea, the Philippines, Singapore, Thailand, Timor Leste and Vietnam). The objective of the Dialogue was to promote a culture of peace, mutual tolerance and understanding and non-violence amongst the different religions of the region and to strengthen the position of religious moderates.

At Cebu, New Zealand offered to host the next Interfaith Dialogue meeting. Planning for this event has begun and we expect that it will take place in 2007.

The New Zealand government also supported a Pacific regional inter-religious colloquium on *Indigenous Cultural and Religious Concepts of Peace and Good Governance* in Samoa in December 2005, which included a commentary from Dr Manuka Henare (leader of the NZ Cebu Interfaith delegation) on Samoan indigenous religion and peace. A further regional conference on *Future Proofing the Pacific in the 21st Century: Religion, Local Traditions and Global Forces* is scheduled to be held in Auckland in August 2006.

2.5 What steps is New Zealand taking to counter incitement of terrorist acts motivated by extremism and intolerance and to prevent subversion of educational, cultural and religious institutions by terrorists and their supporters?

At the domestic level, the New Zealand Human Rights Commission has been very active in promoting tolerance, understanding and respect for diversity (including religious diversity). These initiatives also serve to address and prevent the creation of conditions that could be exploited by extremists.

Amongst the range of initiatives supported by the Commission was the establishment in April 2005 of a national interfaith network to facilitate cooperation and exchange between faith communities and government in New Zealand and in the Asia Pacific region in the furtherance of peace, security and harmonious relations. The network comprises networks of national and local religious communities and organisations, national and local interfaith groups, academics and others involved in religious studies, government agencies, local government and interested individuals. Its purpose is to provide opportunities for engagement within and between these networks at a variety of levels, and to support and publicise groups that undertake interfaith activities, projects and programmes that contribute to religious tolerance, public understanding of religions and interfaith cooperation for peace, security and harmonious relations.

The network operates as a strand of the New Zealand Diversity Action Programme, which arose from a forum of community leaders at Parliament in August 2004, convened in response to several instances of racial and religious harassment. The forum adopted a ten point programme to strengthen cultural diversity. Organisations were invited to become participants in the Programme by registering one or more diversity projects. Over 80 organisations have now joined the programme.

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| | <p>Participants include central and local government agencies, community service organisations, cultural and religious groups, schools, universities, libraries, museums, and private companies. Projects range from one-off events such as festivals, workshops and cultural performances, to year long educational programmes, the publication of resources, and exhibitions. Further details are available at www.hrc.co.nz/diversity.</p> |
| <p>Paragraph 4</p> | |
| <p>2.6 What is New Zealand doing to ensure that any measures taken to implement paragraphs 1, 2 and 3 of resolution 1624 (2005) comply with all of its obligations under international law, in particular international human rights law, refugee law and humanitarian law?</p> | <p>The New Zealand government has a strong and unfaltering commitment to the promotion and protection of human rights both domestically and internationally.</p> <p>The government recognises that a number of the offences that give effect to obligations in paragraphs 1-3 of Resolution 1624 may prima facie limit certain human rights, such as freedom of expression. However, the government considers that these limitations are demonstrably justified in a free and democratic society such as New Zealand's. The policy behind the provisions reflects significant and important objectives and the limitations are considered to be rational and proportionate to those objectives.</p> <p>All legislation introduced post 1990 has been vetted by the Attorney General for compliance with the New Zealand Bill of Rights Act 1990; which affirms New Zealand's commitment to the ICCPR. Where individuals are charged with any of the relevant offences, the law provides for due process and the observation of natural justice as required by the NZBORA.</p> <p>All major policy decisions that go to Cabinet must also comply with human rights requirements. When developing the recent policy proposals for giving effect to obligations</p> |

under Resolution 1624, consideration was given to their consistency with the NZBORA and the Human Rights Act 1993 and comment included to Cabinet on these matters.

All activities, practises and policies designed to strengthen the security of New Zealand's international borders are implemented in a way that: maintains due process around all refugee and removal or expulsion decisions, ensures decisions are made on an individual basis and not by class, incorporates initiatives that ensure respect for privacy, and prevents detention of persons without judicial review of detention.

In terms of paragraph 3, the New Zealand Human Rights Commission has been charged by the government with, inter alia, encouraging the maintenance and development of harmonious relations between individuals and among the diverse groups in New Zealand society. The Human Rights Commission is a functionally independent Crown Entity. The Race Relations Commissioner, working within the Human Rights Commission, has an active role in maintaining and developing harmonious relations (for examples, see the answer to question 2.5).