



**BROKEN
CHALK**

Submission to the Universal Periodic Review of the United
Nations Human Rights Council 4th Cycle – 46th Session

Right to Education

Country Review: New Zealand

Submitting Organization: BROKEN CHALK

October 2023

By Caren Thomas

Kingsfordweg 151, 1043 GR

Amsterdam, Netherlands

+31687406567

upr@brokenchalk.org

www.brokenchalk.org

Submission to the Universal Periodic Review of the United Nations Human Rights Council 4th Cycle –
46th Session

Right to Education

Country Review: New Zealand

Submitting Organization: BROKEN CHALK

October 2023

By Caren Thomas

Broken Chalk is an Amsterdam-based NGO established in 2020 that monitors and minimises worldwide human rights violations in education. We aim to promote universal and equal access to education for all.

We encourage and support achieving societal peace with our international sponsors and partners by advocating for intercultural tolerance, preventing radicalism and polarisation, and tackling educational inequalities.

Table of Contents

I. Introduction.....	3
II. Brief overview of the last UN UPR cycle.....	4
III. Intercultural education.....	4
IV. Indigenous communities and education.....	5
V. Child poverty.....	7
VI. Covid-19 and its impact on education.....	8
VII. Challenges in Disability Education Initiatives.....	8
VIII. Recommendations.....	9
IX. References.....	10

I. Introduction

1. This report drafted by Broken Chalk contributes to the fourth cycle of the Universal Periodic Review for New Zealand. This report focuses exclusively on human rights issues in New Zealand's education field.
2. The education system of New Zealand consists of three levels. Early childhood education is from birth to school entry age. Primary and secondary education ranges from 5-19 years of age. Schooling is compulsory from ages 6-16. Once this is completed, students move to higher and vocational education.
3. Early Childhood Education (ECE) is not compulsory; however, it is attended by 96.8% of children. It is important to note that there are different types of ECE services.ⁱ The kind of learning that the children receive at an ECE service or Kōhanga Reo follows the guidance of the Te Whāriki curriculum framework.
4. The Te Whāriki curriculum framework has two pathways. *Te Whāriki a te Kōhanga Reo* is an indigenous approach which is deeply rooted in te reo Māori for Te Kōhanga Reo. *Te Whāriki Early Childhood Curriculum* is a bicultural framework for early childhood services. Both frameworks are distinct and hold equal significance in their respective contexts.ⁱⁱ
5. Te Kōhanga Reo entails a Māori immersion environment for tamariki and their whanau. It caters to tamariki from birth to school age.ⁱⁱⁱ
6. Education is free in schools across all government-owned and funded grades. This free education is applicable if you are a New Zealand citizen or a permanent resident.
7. In the Māori medium of education, students are taught at least 51% of the education in Māori language. In English-medium schools, students learn te reo Māori as a language subject. The Māori language is also used in English-medium schools for teaching curriculum subjects up to 50% of the time. The English-medium schools follow the New Zealand Curriculum, whereas the Māori-medium schools follow a curriculum based on Māori philosophies.^{iv}

II. Brief overview of the last UN UPR cycle.

8. In the previous UPR cycle, New Zealand received 194 recommendations, supporting 160 recommendations. New Zealand supported the 13 recommendations that focused on the right to education. These recommendations are interconnected with Disability rights, Indigenous peoples and the Rights of the Child.
9. These recommendations briefly include continuing efforts to ensure quality education to children from all ethnic groups, improve education and participation rates among the indigenous communities, address the socio-economic inequalities affecting the indigenous people, inclusive education for children with disabilities, combat marginalisation and discrimination, increase financial aid and lastly review education, legislative and policy settings.^v
10. This report first explores the main issues in the educational field in New Zealand, reflecting on the recommendations New Zealand received in the 3rd cycle UN UPR review in 2019 and its progress. Finally, Broken Chalk offers some recommendations to New Zealand on further improving human rights in the educational field.

III. Intercultural education

11. For an intercultural education to be present, it requires the presence of a level playing field to be established. This would then allow for an open-minded interaction. This will enable people from different cultures, particularly those from a minority background.
12. New Zealand currently has a bicultural system in place. This system needs to evolve to accommodate a more all-encompassing multicultural society. Maintenance of a bicultural identity and policy is a socio-political challenge. This non-inclusion and lack of recognition of the multicultural society affects multiple societal domains, including the educational system.
13. New Zealand's national curriculum, educational policies and strategic education documents are based on the foundation of a bicultural paradigm. It can be observed that other non-European migrants have been predominantly overlooked.
14. Cultural awareness in New Zealand principally focuses on the Māori and Pasifika communities. As much as this is necessary, reports by Education Counts and other

platforms within the country are relatively silent about minority communities. Most policies, notices and publications published by the Ministry of Education solely focused on the issues of the Māori and Pasifika communities. It is relatively silent on the other ethnic communities present within New Zealand.^{vi}

15. Broken Chalk appreciates the intercultural principles New Zealand has in place, particularly the four guiding principles such as the acknowledgement of the Treaty of Waitangi, bicultural foundations of Aotearoa New Zealand, recognition of New Zealand's cultural diversity and the histories and traditions of all its people, social inclusion for all social groups and encouraging community engagement.^{vii} However, the country continues to exclude specific communities present within the country. This exclusion is evident in the educational aspect.

16. Schools remain where inclusivity in voices, values and cultures of all learners from diverse backgrounds remains absent. This absence of a top-down diversity approach indicates a diminished effort for inclusivity of the relatively minority populations and targets only a limited number of ethnocultural groups in all aspects, including education. It is important to reiterate that this is highly problematic as it leads to one single narrative throughout their lives, thus leading to the extinction of cultures and the all-round development of that individual. There are no further efforts made to offer better intercultural and inclusive education.

IV. Indigenous communities and education

17. Under the country's bicultural paradigm, New Zealand has an education policy upholds a dual system. Māori community has a primary school education system focused on the Māori language and culture.

18. It is to be appreciated that New Zealand is the first country to implement two national curricula. This is a massive recognition and acknowledgement of the indigenous communities in New Zealand. It is also noteworthy that the curricula are not a mere translation of each other but consider the stakeholders' needs and aspirations.

19. On thorough observation of New Zealand's education system, multiple strategy documents are abundant to support teachers in augmenting their intercultural competencies to engage with Māori and Pasifika youth, their parents and other

community members. This helps stimulate discussions about these dominant communities' current practices, learning and cultural needs.

- 20.** Despite these positives, disparities continue to be present. People from the Māori community are noted to have behavioural issues, poor literacy and numeracy issues. The Māori community more frequently attended special education programmes.^{viii} National Māori Development spokesperson Tama Potaka stated that 38% of children attended school regularly in Term 4 of 2022. 19% Māori achieved University Entrance in 2021, a third left school before the age of 17 and a quarter of Māori children are to have left school with less than NCEA Level 1.^{ix}
- 21.** It has been noted that a good majority of Māori students are enrolled in the mainstream state schooling system, and there is no clarity or accountability for Māori students. In addition, high school students have failed to reach the minimum level the OECD states is necessary for success in learning, work and life.^x
- 22.** The New Zealand Education Review Office reported that despite guidelines in place for these two communities, there were a minimal number of schools to establish a positive relationship between the Māori and Pasifika communities. Rigorous analysis of achievement data strategic targets to increase and improve achievements of the Māori community was not conducted within many schools.^{xi}
- 23.** Even within universities, there is a struggle seen with the Māori and Pacific students. However, the Tertiary Education Commission (TEC) has set deadlines for pass rates for these communities, which are a new requirement. Still, universities are reluctant to set deadlines as there is a chance these Māori and Pacific students may not be successful. In 2022, the overall course pass rate in universities for Pākehā students was 88%, Māori students was 80% and 69% for Pasifika students.^{xii}
- 24.** University persons such as teaching professionals have also mentioned that the TEC needs to enforce the targets they have drafted and provide the universities with the required funding. Disparities continue to be present because of the absence of funding, poor implementation and lack of inclusion of these communities, leading to the downfall of progress. Professionals within the universities continue to be unsure of the regularity of receiving funds, which leads to the possibility of being unable to ensure parity among these disadvantaged groups.^{xiii} The absence of a written

constitution may undermine New Zealand's duty to fulfil its human rights promises. It is seen that when addressing the needs of the Indigenous peoples, such as in the case of education, there is incoherence and indeterminacy in the interpretation and application of the UNDRIP. The UNDRIP declaration systematically incorporates the views of the Indigenous peoples and the state representatives.

- 25.** Similarly, when New Zealand applies the UNDRIP, it should be able to balance the interpretations given by the State and the interpretations given by the Indigenous peoples.^{xiv}
- 26.** Furthermore, the UNDRIP is, first and foremost, a declaration, not a treaty that states must sign and ratify. This means the UNDRIP is formally not binding on the States that vote for it. This may prove to be a significant loophole for New Zealand. This could put the indigenous peoples of the country in a precarious situation.
- 27.** There is a significant obligation on the part of New Zealand to honour and support these communities, primarily due to the systematic racism and oppression faced by these communities. New Zealand's efforts feel tokenistic, with very few successful tangible outcomes.

V. Child poverty

- 28.** Poverty and education are inextricably linked. Due to poverty, education is often relegated to a lower position in terms of priorities.
- 29.** As per the Child Poverty Action Group, using an inclusive measure of poverty, approximately 328,000 children were living in income poverty. Regarding Māori and Pacific communities, one-third of Māori children, about 100,000 children, and around one-third of Pacific children, approximately 57,000, live in poverty. It was also noted that disabled children are more likely than non-disabled children to live in poverty.^{xv}
- 30.** Broken Chalk would like to appreciate the efforts taken by New Zealand to reduce the material hardship of children by introducing and encouraging policies such as free school lunches. This has significantly helped reduce the material difficulties faced by the Pacific, Māori, Pākehā, Asian and other ethnicities.^{xvi}

- 31.** Broken Chalk appreciates the efforts by New Zealand to introduce a new tertiary fund to help remove the barriers for disadvantaged tertiary students.^{xvii} This is particularly beneficial in targeting those from lower socio-economic backgrounds. It is a positive step taken for the upliftment of those from the Māori, Pacific, disabled and other persons from disadvantageous backgrounds.
- 32.** However, the material hardship rates for Māori and Pacific children are higher than the national rates. This continues to be a concern in New Zealand, and the government must continue to set reduction targets.^{xviii}

VI. Covid-19 and its impact on education

- 33.** The onset of the coronavirus left a deep-seated impact on children's education. For those with a disadvantageous background, the pandemic proved to be an extremely challenging period.
- 34.** Broken Chalk appreciates the steady efforts taken by New Zealand to revive its society after the COVID-19 disruptions. This includes, but is not limited to, extension of visas for international students and setting up the hardship fund.
- 35.** However, it is noted that COVID-19 has led to long-term impacts on education, particularly in the case of attendance. Data shows attendance has only improved to 51% by the end of 2022; in Term 2 of 2022, it was as low as 40%.^{xix}
- 36.** It is within the realm of expectations that those from poorer communities were more impacted. These more impoverished communities are behind better-off communities by at least two curriculum levels, putting them at a further disadvantage. The progress made by Māori learners has been severely impacted. Data shows that 13% points between Māori and non-Māori learners in 2022. Pacific learners, too, have been affected.^{xx}

VII. Challenges in Disability Education Initiatives

- 37.** During COVID-19, it was observed that disabled people were not given appropriate treatment. Disabled people felt that they were not included in the decision-making process. Those chosen to join these communities felt including them was an

afterthought and merely consultative. It has also been noted that disability data collection during COVID-19 was not a routine practice. This is a crucial step as it helps the country to prepare for future humanitarian emergencies.^{xxi}

- 38.** There was a severe decline in the accessibility of education during COVID-19 for disabled people. This was evident from the limited access to digital information and communications. Information formats, consistency of information and communications, and the facilitation of this information and communications were delayed for disabled people.^{xxii}
- 39.** Furthermore, New Zealand is a signatory to the Disability Convention, which affirms under Article 24 equitable, quality and inclusive education to disabled people. However, during Alert Levels 3 and 4, it was noted that fair access and quality education were not provided to disabled people.^{xxiii} This, in turn, exacerbates other difficulties in a later stage, especially concerning employment opportunities where disabled people already face the issue of underrepresentation in the workforce.
- 40.** Article 3 of the Disability Convention affirms disabled people's right to be treated as equal citizens and with equal dignity. A lack of recognition of disabled people's rights by New Zealand will continue to stagnate the growth of disabled people.

VIII. Recommendations

- 41.** Broken Chalk recommends a systematic format to be followed for a uniform interpretation and application of UNDRIP by the New Zealand courts to ensure that the rights and legitimacy of the Indigenous people are not overlooked.
- 42.** Delineate concrete steps and enforcement mechanisms to incorporate New Zealand's compliance with UNDRIP fully.
- 43.** Implement better efforts for training programmes for educators to understand the perspective of colonisation, white supremacy, racism and the impact it has on the Indigenous peoples.
- 44.** Establishing a Tiriti-based anti-racism curriculum within schools to enrich and spread awareness within the education system.
- 45.** Prioritise addressing learning gaps in reading, writing and numeracy.

46. Systemically monitor the effectiveness of the measures taken to reduce the learning gap and make necessary adjustments to ensure success.
47. Provide communities impacted by educational disadvantages with effective remedies and concrete measures to safeguard their educational rights.
48. The Ministry of Education should work on strategies to improve the access and quality of home-based learning for disadvantaged communities.
49. Reduce disparities in tertiary education and have concessions for ethnic/indigenous communities to ensure a level playing field.
50. Establish systematic monetary assistance for universities and schools to carry out initiatives to guarantee equality.
51. Ensure a more inclusive society by aligning laws and policies with the Disability Convention.
52. Prioritise disabled people in decision-making, particularly concerning their community, as affirmed in Articles 4(3) and 33(3) of the Disability Convention.

IX. References

-
- ⁱ Ministry of Education. "Education in New Zealand." Accessed September 25, 2023. <https://www.education.govt.nz/our-work/our-role-and-our-people/education-in-nz/#Early>
- ⁱⁱ Te Whāriki Online. "Te Whāriki Online". Accessed September 25, 2023. <https://tewhariki.tki.org.nz>
- ⁱⁱⁱ Ministry of Education. "For parents and whānau." Accessed September 25, 2023. <https://parents.education.govt.nz/early-learning/early-childhood-education/different-kinds-of-early-childhood-education/>
- ^{iv} Ministry of Education. "Education in New Zealand." Accessed September 25, 2023. <https://www.education.govt.nz/our-work/our-role-and-our-people/education-in-nz/#Early>
- ^v UN UPR Matrix of recommendations – New Zealand, Third cycle.
- ^{vi} Salahshour, Neda. "A Critique of New Zealand's Exclusive Approach to Intercultural Education." *New Zealand Journal of Educational Studies* vol. 56,1 (2021): 111–128. <https://doi.org/10.1007/s40841-020-00179-9>
- ^{vii} [Ibid.](#)
- ^{viii} [Ibid.](#)
- ^{ix} Trafford, Will. "Labour failing Māori students – Potaka" *Te Ao Māori News*. June 21, 2023. <https://www.teaonews.co.nz/2023/06/21/labour-failing-maori-students-potaka/>
- ^x [Ibid.](#)
- ^{xi} Salahshour, Neda. "A Critique of New Zealand's Exclusive Approach to Intercultural Education." *New Zealand Journal of Educational Studies* vol. 56,1 (2021): 111–128. <https://doi.org/10.1007/s40841-020-00179-9>

- ^{xii} Gerritsen, John. “Universities reluctant to set deadlines to ensure parity for Māori and Pasifika students.” *New Zealand Herald*. August 31, 2023. <https://www.nzherald.co.nz/kahu/universities-reluctant-to-set-deadlines-to-ensure-parity-for-maori-and-pacific-students/FNZX3ANE6ZAUZOQDKQTKGGXHF4/>
- ^{xiii} [Ibid.](#)
- ^{xiv} Charters, Claire, and Centre for International Governance Innovation. “The UN Declaration on the Rights of Indigenous Peoples in New Zealand Courts: A Case for Cautious Optimism.” *UNDRIP Implementation: Comparative Approaches, Indigenous Voices from CANZUS*. Centre for International Governance Innovation, 2020. <http://www.jstor.org/stable/resrep24304.7>.
- ^{xv} Child Poverty Action Group. “Latest official child poverty measures: 2021/22.” March, 2023. <https://www.cpag.org.nz/statistics/latest-child-poverty-figures>
- ^{xvi} Tinetti, Hon Jan. “Promising signs of improvement on the wider impacts of child poverty.” *Beehive.govt.nz*. June 16, 2023. <https://www.beehive.govt.nz/release/promising-signs-improvement-wider-impacts-child-poverty>
- ^{xvii} Tinetti, Hon Jan. “New tertiary fund to help remove barriers to student success.” *Beehive.govt.nz*. August 23, 2023. <https://www.beehive.govt.nz/release/new-tertiary-fund-help-remove-barriers-student-success>
- ^{xviii} Child Poverty Action Group. “Latest official child poverty measures: 2021/22.” March, 2023. <https://www.cpag.org.nz/statistics/latest-child-poverty-figures>
- ^{xix} Education Review Office. “Long Covid: Ongoing Impacts of Covid-19 On Schools and Learning - Summary.” *Ero.govt.nz*. June 22, 2023. <https://ero.govt.nz/our-research/long-covid-ongoing-impacts-of-covid-19-on-schools-and-learning-summary>
- ^{xx} [Ibid.](#)
- ^{xxi} Ombudsman New Zealand. “Making Disability Rights Real in a Pandemic.” *Ombudsman.parliament.nz*. January, 2021. <https://www.ombudsman.parliament.nz/sites/default/files/2021-11/Making%20Disability%20Rights%20Real%20in%20a%20Pandemic%202020.pdf>
- ^{xxii} [Ibid.](#)
- ^{xxiii} [Ibid.](#)



Kingsfordweg 151, 1043 GR
Amsterdam, Netherlands

+31685639758 | info@brokenchalk.org | www.brokenchalk.org

<https://twitter.com/brokenchalk>

<https://www.youtube.com/brokenchalk>

<https://www.linkedin.com/company/brokenchalk>

<https://www.facebook.com/BrokenChalk/>

https://www.instagram.com/brokenchalk_/