

Annex 1: Proposed Recommendations for States

Scope of International Obligations

1. Adopt a timeline for becoming party to the:
 - a) International Convention for the Protection of All Persons from Enforced Disappearance
 - b) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
 - c) Optional Protocol to the International Covenant on Economic, Social and Cultural Rights
 - d) 1954 Convention relating to the Status of Stateless Persons
 - e) ILO, Indigenous and Tribal Peoples Convention, 1989 (No. 169)
 - f) ILO, Domestic Workers Convention, 2011 (No. 189)
 - g) ILO, Violence and Harassment Convention, 2019 (No. 190)
2. Adopt a timeline to remove the reservation to article 14 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Constitutional framework

3. Ensure that New Zealand's obligations under the International Covenant on Civil and Political Rights and the International Covenant for Economic, Social and Cultural rights are comprehensively incorporated into law.
4. Set a timeline for progressing discussions and action, in partnership with Māori, to determine and implement the appropriate constitutional processes and institutions to recognise, respect, and give effect to Te Tiriti o Waitangi in New Zealand.
5. Intensify efforts to implement the United Nations Declaration on the Rights of Indigenous Peoples in New Zealand, grounded in Te Tiriti o Waitangi, including through a National Plan of Action.
6. Restore Wairarapa Moana Incorporation's right to have their claim heard and determined in the New Zealand Courts by reversing the settlement of their Wai 85 claim and enabling the Waitangi Tribunal to pursue the path outlined for it in *Wairarapa Moana ki Pouākani v Mercury NZ Ltd [2022] NZSC 142*.

Climate change

7. Integrate te ao Māori (Māori world view) and mātauranga Māori (Māori knowledge) and Pacific Peoples voices into climate mitigation and adaptation through, seeking to incorporate key learnings, knowledge and frameworks that iwi, hapū and Māori are already using to address the impacts of climate change.

Business and human rights

8. Immediately develop and adopt a comprehensive national plan of action for business and human rights based on the United Nations Guiding Principles on Business and Human Rights.

Civil and political rights

Racial discrimination

9. Urgently develop a reparations package for the survivors, families and witnesses affected by the Christchurch terrorist attacks.
10. Urgently progress implementation of the recommendations of the Royal Commission of Inquiry into the Christchurch Mosque Attacks that relate to hate crimes and hate speech.
11. Prioritise completion and implementation of the National Action Plan Against Racism, by 2025.

Criminal Justice System

12. Promote and financially support Māori rangatiratanga (sovereign authority) and self-determination to design and implement their own initiatives to address Māori and criminal justice in accordance with Te Tiriti o Waitangi.
13. Amend the Corrections Act 2005 and Corrections Amendment Regulations 2023 to prohibit the use of pepper spray in response to passive resistance in confined spaces and against individuals who have been identified as high risk; and prohibit the use of restraints following the deployment of pepper spray.
14. Adopt legislative and policy measures to ensure that solitary confinement is used only in exceptional cases as a last resort, for as short a time as possible, in accordance with the Nelson Mandela Rules.
15. Dedicate funding to strengthening mental health services to all persons deprived of their liberty.

Human Rights Review Tribunal

16. Take immediate steps to significantly increase resourcing to reduce delays and clear the backlog in the Human Rights Review Tribunal.

Economic, social and cultural rights

Right to housing

17. Adopt a human rights-based national housing strategy, legislation, and policy processes, recognising the right to a decent home and giving effect to Te Tiriti o Waitangi.
18. Implement effective accountability measures to monitor, review, and evaluate the housing system.

Right to healthcare and public health

19. Urgently consider the Public Health Advisory Committee's recommendations, roll-out a national nutrition survey, design a national food strategy, and explicitly recognise the right to nutritious food for everyone in New Zealand.
20. Implement all recommendations in the Mental Health Inquiry through a well-resourced plan that addresses systemic issues, improves data collection, and focuses on the needs of marginalised groups.

21. Progress work on introducing new mental health legislation, ensuring that any new law is consistent with the right to non-discrimination and equal recognition before the law, consistent with the Convention on the Rights of Persons with Disabilities.
22. Ensure adequate provision of a wide range of mental health support services, with a focus on services designed by Māori for Māori.
23. Repeal legislation that enables forced detention or medical intervention on persons with disabilities.
24. Prioritise the rights of vulnerable communities in protecting them from the ongoing impacts of COVID-19.
25. Embed human rights protections in legislation and policy measures that may respond to any future pandemic.

Right to work

26. Introduce legislation and policies requiring businesses to measure, report and close pay gaps experienced by all workers, especially Māori, Pacific, Asian, ethnic minorities, and disabled workers.

Rights of specific persons or groups

Women

27. Continue to implement and report on steps taken to progress the National Strategy and Action Plan to Eliminate Family Violence and Sexual Violence.
28. Promote and financially support Māori rangatiratanga (sovereign authority) and self-determination to design and implement their own initiatives to address family and sexual violence within Māori communities, in accordance with Te Tiriti o Waitangi.
29. Mainstream gender-specific issues within the disability focus of the National Strategy and Action Plan to Eliminate Family Violence and include disabled people and tangata whaikaha Māori (disabled Māori) in the implementation and design of new measures within the family violence and sexual violence framework.

Children

30. Immediately provide full redress, including compensation and the means for as full a rehabilitation as possible, to survivors of abuse in state and faith-based care.
31. Immediately raise the minimum age of criminal responsibility to 14 years old, in line with international standards.
32. Commit to addressing child offending using non-punitive measures that promote the welfare of the child, their family, and address issues underlying offending.

SOGIESC rights

33. Ensure those who are refugees, asylum seekers, and migrants on temporary visas can amend the sex marker on their identification documents.

34. Prioritise amending the Human Rights Act 1993 to include gender identity, gender expression, and sex characteristics as prohibited grounds of discrimination.
35. Ensure the Commission's baseline permanent funding is increased to ensure it can continue to adequately resource its response to the new conversion practices law.
36. Develop human rights-based health strategies and healthcare services for intersex people.
37. Improve access to gender-affirming healthcare for transgender and non-binary people, including by providing clear local pathways, based on informed consent and self-determination.

Disabled People

38. Commit to investing in a truly inclusive education system and provide comprehensive support options for disabled children to remain with family, in their local communities, with reasonable accommodation to learn in their local schools.
39. Urgently seek to raise the living standards of disabled people, by:
 - a) significantly raising thresholds to support disability-related costs;
 - b) increase the disability and child disability allowances and amend eligible costs to reflect a human rights-consistent social model of disability rather than the current medical model; and
 - c) Substantially increasing the target for universally designed new build public housing to support affordable and accessible housing options.
40. Extend eligibility for publicly funded disability support services that responds to the barriers to participation people face rather than prescribed diagnostic categories. Prioritise people experiencing significant barriers such as people affected by fetal alcohol spectrum disorder (FASD) and Myalgic Encephalomyelitis /Chronic Fatigue Syndrome.

Asylum seekers and migrants

41. Introduce modern slavery legislation that applies to entities of all sizes with international supply chains in the public and private sector within one year.
42. Urgently implement changes to the Recognised Seasonal Employer Scheme and Accredited Employer Work Visa to protect the rights of migrant workers, following active culturally appropriate and accessible engagement with affected migrant workers.
43. Provide targeted and accessible services to asylum seekers, including funding for short-term accommodation services, adequate resourcing of cross-cultural workers and community navigators to assist asylum seekers with access to entitled services; and specialist case workers at agencies, who are trained in asylum seekers and refugee policies.
44. Urgently withdraw the Immigration (Mass Arrivals) Amendment Bill which increases the detention time of asylum seekers who arrive in New Zealand as part of a mass group.