

Report to the United Nations Committee on the Elimination of Racial Discrimination

New Zealand Human Rights Commission

July 2012

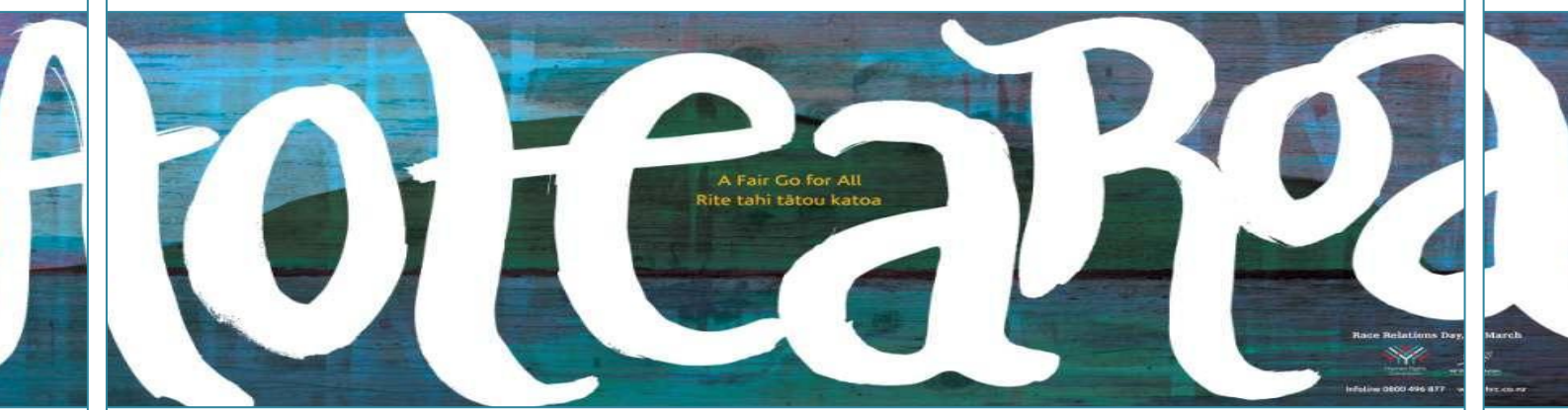


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Appendix I: Links to Further Information on Race Relations in New Zealand

Foreword

The New Zealand Human Rights Commission has published an annual review of race relations since 2005, in order to monitor developments, identify priorities and inform public debate in the lead up to the International Day for the Elimination of Racial Discrimination in March. This year's report included a five year review for the information of the United Nations Committee on the Elimination of Racial Discrimination in considering the New Zealand Government's periodic report on compliance with the International Convention on the Elimination of Racial Discrimination.

What follows is an extract from the review, published in March 2012. Links to The full report, and other publications relevant to the period under review, are provided in Appendix 1.

The Commission intends to attend the Committee's examination of New Zealand and avail itself of the opportunity afforded to National Human Rights Institutions to address the Committee directly. In the meantime we would appreciate your posting this report on the Committee's website so that it can be referenced by others.

If there is any other way the Commission can be of assistance, please do not hesitate to contact us. We will be encouraging active participation of civil society in the process, including a forum on being "heard by CERD" at our annual New Zealand Diversity Forum in August 2012.

Joris de Bres
Race Relations Commissioner
New Zealand Human Rights Commission

1. Introduction

The General Election in November 2011 resulted in the return of a National led Government, with support from the Māori, United Future and ACT Parties. The confidence and supply agreement reached with the Māori Party is focused on a number of key race relations issues, including, in particular, the economic and social disadvantage experienced by Māori. Also significant was the outcome of the referendum on the Mixed Member Proportional (MMP) representation system for parliamentary elections – a clear majority favouring its retention. MMP has been responsible for a much more diverse Parliament since its introduction in 1996. Just over a quarter of all MPs in the new Parliament identify as Māori, Pacific or Asian, similar to the proportions in the previous Parliament. The number of Māori MPs remained the same at 21, the number of Pacific MPs increased from five to six, and the number of Asian MPs reduced from six to five. The new Cabinet has four Māori Ministers, including two on the front bench. Cabinet was sworn in in December by the new Governor General, Lt General Jerry Mateparae, who is also Māori.

Each chapter of this year's report includes a brief look back over the past five years in order to inform the United Nations Committee on the Elimination of Racial Discrimination in conducting their five yearly review of race relations in New Zealand. Some of the features of that period have been:

- the growth of the New Zealand Diversity Action Programme, with around 250 organisations each year delivering a total of more than 3200 diversity projects
- the introduction of a new curriculum for schools emphasising the importance of the Treaty of Waitangi, cultural diversity and human rights
- the transition to a new “super-city” in Auckland with new structures and programmes to include its diverse communities
- the continuing experience by Asian New Zealanders of a higher level of discrimination and harassment than other groups
- significant progress in the hearing and settlement of claims by Māori of historical breaches of the Treaty of Waitangi by the Crown
- the persistence of disadvantage experienced by Māori and Pacific peoples in terms of social and economic rights
- an improved framework for immigration and settlement, and a more inclusive and strategic approach to refugee resettlement

- greater recognition of Māori language in the public and commercial spheres, the growth of Māori Television, and the development of a Pacific languages framework
- a wider appreciation of and respect for the increasing religious diversity of New Zealanders.

One thing that didn't happen in 2011 was the five yearly Census of Population and Dwellings. It was due to take place in March, but was postponed for two years because of the effects of the Canterbury earthquakes. The data for school enrolments in 2011, however, gives an indication of the continuing demographic change in New Zealand. Notably, in the Northern region (Auckland and Northland) nearly 60 per cent of students are Māori, Pacific, Asian and other non-European; in the Central North region (South of Auckland and north of Turangi) nearly 40 per cent of the students are Māori, while in the Southern region (the South Island) over 75 per cent of the students are European. Overall, 55 per cent of students are European, 23 per cent are Māori, 10 per cent are Pacific, and 9 per cent are Asian. These figures indicate that in the future, no single ethnic group is likely to constitute a majority of the population.

Racial prejudice, inequalities and exclusion

While progress continues to be made in many areas of race relations, there remain three major challenges. These are a continuing degree of racial prejudice, significant racial inequalities, and the exclusion of minorities from full participation in all aspects of society.

Racial prejudice is judging before we know. In that sense it includes; negative attitudes to the Treaty of Waitangi, to indigenous rights, to Māori, Pacific peoples, Asians, migrants and refugees. These prejudices are still far too prevalent, and compromise efforts to address race relations issues. They lead to discrimination, marginalisation, and the perpetuation of injustices and inequalities, and prevent the social and economic benefits of diversity being fully realised. Racial prejudice in its many forms continues to frustrate the achievement of positive race relations in New Zealand.

Racial inequality is when members of some ethnic groups experience social, economic and political disadvantage compared to others. This is manifestly the case in New Zealand, and the inequalities are not only significant but also entrenched. Their continuation is unacceptable, and eliminating racial inequality needs to be a whole-of-government priority, addressing systemic discrimination, taking all necessary special measures to assist disadvantaged groups, supporting initiatives by them to assist and strengthen their own communities, setting targets and reviewing progress. To overcome racial inequality, we also

need to address racial prejudice, because special programmes often attract racially prejudiced opposition.

Exclusion is when members of minority ethnic groups are not able to participate in decision making, are under-represented in employment, are unable to engage with the wider community and are marginalised by the media. Adequate settlement support for migrants and refugees is vital, barriers to employment need to be broken down, minority communities need to be supported to share their cultures, and we need to increase the participation of Māori and ethnic minorities in all aspects of Government, business, and community. To overcome exclusion, both racial prejudice and racial inequalities, which underpin it, need to be addressed.

Forty years of race relations legislation

2011 saw the 40th anniversary of the passing of the Race Relations Act, which established the Office of the Race Relations Conciliator. The Act came into force 40 years ago this year, on 1 April 1972. The Office was merged with the Human Rights Commission 30 years later by the Human Rights Amendment Act 2001.

Human Rights Amendment Bill

The Government introduced a Human Rights Amendment Bill into Parliament in September 2011 which among other things proposes to replace the present position of Race Relations Commissioner with a generic Human Rights Commissioner who will have a lead responsibility for race relations in the Commission under the direction of the Chief Commissioner. The Bill will be considered by a Select Committee in 2012.

Top ten priorities for 2012

Each chapter of this report identifies priorities for the coming year. Of these, ten are identified as having particular importance in the context of 2012:

1. The safety and wellbeing of our children: focusing on the rights of children, including through the Māori Affairs Select Committee inquiry into the wellbeing of Māori children, and the Government responses to the Green Paper for Vulnerable Children and the Early Childhood Education report.
2. Reducing social and economic inequalities: addressing entrenched inequalities across different sectors, with a focus on structural discrimination.

3. Protecting beneficiaries and their families: ensuring that reforms aimed at reducing welfare dependency do not adversely affect the welfare of beneficiaries and their families.
4. Christchurch earthquake recovery: developing central and local government capability to communicate with culturally and linguistically diverse communities in the Christchurch earthquake recovery, and in the event of future civil emergencies elsewhere.
5. The constitutional review: public discussion of New Zealand's constitutional arrangements including the Treaty of Waitangi.
6. Inclusion: actively focusing on inclusion in all aspects of New Zealand life as a means to break down discrimination against Asian New Zealanders and other minority ethnic groups.
7. Refugee resettlement: approving and beginning to implement the refugee resettlement strategy.
8. Language: implementing the Pacific Languages Framework and determining the future strategy for te reo Māori.
9. Diversity in the media: improving representation of diverse communities in the media, recognising the changing demographics of the New Zealand audience.
10. United Nations review of New Zealand: engaging with the United Nations Committee on the Elimination of Racial Discrimination in their review of New Zealand's compliance with the Convention on the Elimination of Racial Discrimination.

2. New Zealand race relations and international treaties

The United Nations Committee on the Elimination of Racial Discrimination completed its most recent five-yearly review of New Zealand's compliance with the UN Convention on the Elimination of Racial Discrimination (CERD) in 2007. The full list of recommendations, and the Government's response in the years since, are included later in this section. In concluding the reporting process, the Committee welcomed the proposed inclusion of reference to the Treaty of Waitangi in the New Zealand Curriculum and urged the Government to enact the Immigration Bill quickly in order to allow access to education for undocumented children. The Bill was passed and provision made in the 2010 Budget to enable undocumented children to attend school. The Committee asked that the

Government's next report, due in February 2012, include information on references to the Treaty of Waitangi in legislation and recognition of Māori customary title in the foreshore and seabed.

Under Article 14 of CERD the Committee on the Elimination of Racial Discrimination may consider complaints from individuals if the individual is within the jurisdiction of a state that has recognised the competence of the Committee to receive such complaints. New Zealand has not yet opted into this process. At the end of 2011, it was reviewing this position. The Human Rights Commission has written to the Government urging it to recognise the individual complaints procedure. Recognition would reflect the Government's commitment to realising freedom from racial discrimination and upholding international human rights standards by providing this avenue to individuals.

Within the past five years, New Zealand has added two new international instruments to its existing international human rights commitments. First, New Zealand ratified the UN Convention on the Rights of Persons with Disabilities in 2008, submitting its first report to the UN Committee monitoring the Convention in March 2011. The report highlighted developments for Māori and Pacific people with disabilities but noted that they continue to experience disproportionate disadvantage compared to other disabled people. Second, New Zealand pledged its support for the UN Declaration on the Rights of Indigenous Peoples in 2010.

The UN Human Rights Council reviewed New Zealand's overall human rights performance in 2009 through its Universal Periodic Review (UPR) process. It made 64 recommendations, of which the Government accepted 38 and conditionally agreed to 18. The Government noted many of the recommendations focused on challenging areas. These included social disparities between Māori and non- Māori, the status of the Treaty of Waitangi in legislation, family violence, equal opportunity, over-representation of Māori in the criminal justice system and ratification of further human rights treaties.

Committee on the Elimination of Racial discrimination

The Government is due to submit its 18th, 19th and 20th consolidated periodic report to the Committee on the Elimination of Racial Discrimination by February 2012. After the report is submitted the Government is required to send a delegation to present the report and answer questions that the Committee may have. Once the Government has presented its report, other organisations will have an opportunity to submit their own reports about racial discrimination in New Zealand.

The Committee last examined and made recommendations on New Zealand's compliance with the Convention on the Elimination of Racial Discrimination in 2007. Since then, the Human Rights Commission has monitored progress against the Committee's recommendations annually. The following table records progress on the recommendations to the end of 2011.

The Government's responses to recommendations by the Committee on the Elimination of Racial Discrimination

Recommendation	Status	Government response
Follow-up on HRC's Action Plan for Human Rights in New Zealand	The HRC completed a second review of human rights in 2010, with priority actions.	Under action
Entrench the New Zealand Bill of Rights Act (BORA)	Present BORA arrangements considered satisfactory, however, the constitutional status of BORA may be considered during the constitutional review.	Under action
Discuss constitutional status of the Treaty of Waitangi	The role of the Treaty of Waitangi in New Zealand's constitutional arrangements will be considered during the Constitutional review.	Under action
Incorporate Treaty into domestic legislation where relevant	Principles of the Treaty of Waitangi Deletion Bill 2006 was rejected by Parliament.	Actioned
Clarify the distinction between special measures and indigenous rights in reports to CERD	The Government agreed to this recommendation and will amend subsequent reports to CERD.	Actioned
Provide guidance on special measures to achieve equality	The State Services Commission issued guidelines on special measures.	Actioned
Give a cut-off date for lodging historical Treaty claims	The cut-off date was widely publicised and resulted in a dramatic increase in the lodging of claims.	Actioned

Grant the Waitangi Tribunal binding powers	As the Tribunal operates as a truth-and-reconciliation process, the Government has no plans to give it binding powers to adjudicate Treaty matters.	Rejected
Renew Crown–Māori dialogue on the Foreshore and Seabed Act 2004 (FSA)	The FSA was reviewed by both an Independent Ministerial Review Panel and the Government in 2009/2010. Following further consultation and negotiation the Coastal and Marine Area (Takutai Moana) Act was passed into law in March 2011.	Actioned
Make references to the Treaty in the New Zealand curriculum	References to the Treaty were included in the final version of the new curriculum released in 2007.	Actioned
Deal with over-representation of Māori and Pacific peoples and racial discrimination in the criminal justice system	A major work programme is underway to address the drivers of crime, including work to prioritise Māori. Other initiatives include Rangatahi Courts, Māori-centred rehabilitation and reintegration units and the NZ Police working with Māori communities.	Under action
Assess effect of section 27 of the Sentencing Act 2002 (this section allows the Court to hear submissions relating to the offender's community and cultural background)	Until recently data on the use of this section could not be recorded in the Courts' Case Management System. However, from mid-July 2011 the function is available and the use of section 27 will be recorded.	Actioned
Give unrestricted access to education for undocumented children	The Immigration Act 2009 removed barriers for foreign national children to access education.	Actioned
End the detention of asylum-seekers in correctional facilities	The Immigration Act 2009 significantly restricts the situations in which refugees or protected persons can be detained and requires them to be in accordance with Article 10 ICCPR.	Actioned in part
Collect data on racially-motivated crime	The Government agreed with this recommendation but the NZ Police will not progress it in the medium term due to higher priority work.	Accepted, but not under action

Improve accessibility and effectiveness of HRC discrimination complaints procedures	The HRC undertook a multi-year project to improve accessibility of its enquiries and complaints service.	Actioned
Consider ratifying ILO 169 concerning Indigenous and Tribal peoples, the Convention relating to the Status of Stateless Peoples and the Convention on the Protection of the Rights of All Migrant Workers	The Government has no plans to ratify any of these Conventions.	Rejected
Consider accepting the CERD Article 14 complaint procedure	The Government agreed to consider accepting the Article 14 procedure. Public consultation took place in 2011. There is no decision as yet.	Under action

Priorities for 2012

- **Engage with the United Nations Committee on the Elimination of Racial Discrimination in their review of New Zealand's compliance with the Convention on the Elimination of Racial Discrimination.**
- **Make provision for individual complaints of racial discrimination to the Committee on the Elimination of Racial Discrimination under Article 14 of the Convention on the Elimination of Racial Discrimination.**

3. Action on Diversity

The United Nations Committee on the Elimination of Racial Discrimination, in its review of New Zealand's race relations performance in 2007, commended the Human Rights Commission's New Zealand Diversity Action Programme. The programme brings together organisations taking practical action to promote cultural diversity, racial equality, harmonious relations and effective observance of the Treaty of Waitangi.

The programme is indicative of the wide range of activities that take place in the community throughout New Zealand to maintain and develop cultural diversity and harmonious race relations. In the past five years, around 250 organisations have participated in the

programme each year, delivering around 3200 diversity programmes and projects in total. The programme has promoted participation in diversity events such as Waitangi Day, Chinese New Year, Race Relations Day, Matariki, Diwali, and language weeks, as well as museum exhibitions, educational activities, research projects, migrant support programmes, workshops, publications, websites, festivals, and sporting and cultural events. Well attended annual New Zealand Diversity Forums and Diversity Youth Forums were held in Auckland, Wellington, Christchurch and Hamilton. Over 500 individuals and organisations have been acknowledged by the Race Relations Commissioner for positive contributions to race relations, and 59 organisations received New Zealand Diversity Awards for outstanding contributions to cultural diversity and race relations.

The new New Zealand Curriculum for schools, launched in 2007, affirmed the Treaty of Waitangi, cultural diversity and inclusion (including non-racism and non-discrimination) as core principles, and diversity, equity, community, participation for the common good, and respect for human rights as values.

A national Statement on Race Relations, developed by the Human Rights Commission, was launched by the Prime Minister in 2008. It sets out ten basic human rights principles for positive race relations along with a commentary on each. It has been used as a tool for discussion and education.

Under the Local Government Act 2002, local authorities were required to have Long Term Community Plans by 2006. The plans generally include measures to value cultural diversity, welcome newcomers and maintain relationships with Māori. Libraries, museums and community development staff have been key players in delivering programmes that promote cultural diversity.

The amalgamation of eight local authorities into an Auckland “super city” made Auckland by far the most populous and diverse city in New Zealand, with large Māori, Pacific and Asian communities. The empowering legislation created a Māori Statutory Board and Pacific and Ethnic Advisory Boards as part of the Council’s structure.

Priorities for 2012

- **Finalise and implement the Auckland Plan, including a focus on supporting cultural diversity, reducing inequality and enabling Māori aspirations.**
- **Consider the Human Rights Amendment Bill and address community concerns about the loss of the special character and visibility of the role of Race Relations Commissioner.**

4. Discrimination and Harassment

The number of approaches to the Human Rights Commission about racial discrimination, incitement and harassment has been relatively consistent in the past five years, with an average of 472 per year making up about a third of all approaches to the commission. Approaches about race-related matters in employment were the most common.

Annual UMR Research surveys on perceived discrimination, undertaken since 2001, have consistently shown Asian people to be perceived as the most discriminated against. An average of around 75 per cent of survey respondents identified Asian people as suffering “a great deal” or “some” discrimination.

Incidents of racially motivated crime have been relatively rare, although the cases that were reported included serious assaults. The highest number of media reports of such incidents was 19 in 2008, dropping to five in 2011. The Government is yet to implement a system for collecting data on racially motivated crime, as recommended by the UN Committee on the Elimination of Racial Discrimination and the UN Human Rights Council. Until it does so, it is difficult to be precise about the extent of such crime.

Regional web-based mechanisms to report and resolve cases of racial harassment were established through local initiatives in Christchurch and Nelson/Tasman. The Christchurch system, primarily aimed at international students, was discontinued in 2011, but there are hopes of a similar system being established for international students on a national basis in the future.

The number of approaches received under section 61 of the Human Rights Act (inciting racial disharmony) fluctuated greatly from year to year. This was due to a relatively large number of approaches on a single issue in most years. For example 752 approaches related to comments made by MP Hone Harawira in 2009 and 83 approaches related to comments

made about the Governor-General and an Indian Cabinet Minister by broadcaster Paul Henry in 2010.

In 2010, the South African Rugby Union (SARU) and the New Zealand Rugby Union (NZRU) apologised for discriminating against Māori by excluding them from rugby tours to South Africa in 1928, 1949 and 1960 in deference to South Africa's racial policies at the time. The apology occurred in the centennial year of Māori rugby.

Priorities for 2012

- **Actively focus on inclusion in all aspects of New Zealand life as a means to break down discrimination against Asian New Zealanders and other minority ethnic groups.**
- **Consider a national reporting system on racial harassment for international students.**

5. The Treaty relationship between Māori and the Crown

The dispute over the foreshore and seabed continued to affect the Treaty relationship and political formations, with the newly established Māori Party reaching a confidence and supply agreement with the National Party led government after the 2008 general election. The Foreshore and Seabed Act 2004 was replaced by the Marine and Coastal Area (Takutai Moana) Act 2011, prompting a further change in the political landscape with the establishment of the Mana Party by former Māori Party MP Hone Harawira.

The United Nations Declaration on the Rights of Indigenous Peoples was adopted by the United Nations in 2007, with New Zealand initially voting against it but then pledging its support in 2010.

The pace of historical Treaty of Waitangi settlements increased dramatically, from ten milestones achieved in 2007 to over 60 in 2011. The aspirational goal of settling all historical claims was brought forward from 2020 to 2014 by the new National Party led Government in 2008. Revised negotiation and settlement policies were introduced and funding was increased to enable settlements to be achieved. Major settlements included the Ngāti Porou deed of settlement in 2010, the Waikato-Tainui River settlement in 2010, the "Treelords" Central North Island settlement in 2008, and settlement with the Wellington iwi collective Taranaki Whānui ki Te Ūpoko o Te Ika in 2008. Claimants have increasingly sought, through Treaty settlements, a greater role in natural resource management. Government decisions

in 2010 provided more certainty about what redress will be available to provide for greater iwi involvement in decision making on natural resources. The Waitangi Tribunal has released a number of reports on district, kaupapa and urgent inquiries and dealt with an influx of mainly historical claims submitted just before the 1 September 2008 deadline for lodging new historical claims.

The relationship between Māori and local government has sometimes been controversial. In 2009, the new Auckland "super-city" Council was formed, without following a recommendation by the Royal Commission on Auckland Governance that three Māori seats be established. An independent Māori Statutory Board was established that saw Māori appointed as members of a substantial number of Council Committees. However, Māori are yet to achieve guaranteed proportional representation at the Council table itself. The discussion about whether to establish Māori seats was picked up by many other councils in 2011.

The Iwi Chairs Forum was established in 2005 as a platform for sharing knowledge and information between tangata whenua. It meets regularly to discuss Māori aspirations in cultural, social, economic, environmental and political development. The forum has established a rangatira ki te rangatira (leader to leader) relationship with the Prime Minister and senior cabinet ministers. Iwi leaders recognise they are not mandated to speak on behalf of Māori but that their knowledge can contribute to policy discussions.

The past few years have seen the foundation laid for a review of New Zealand's current constitutional arrangements. A Constitutional Advisory Panel was established which will seek views on, among other things, how the Treaty should be reflected in New Zealand's constitutional arrangements. The conversation is to be with New Zealanders and was agreed as part of the National- Māori Party Confidence and Supply Agreement in 2008. Terms of Reference for the Consideration of Constitutional Issues were agreed in 2010 and a process for appointing an independent panel and engaging with New Zealanders was announced in 2011.

Māori centred initiatives have progressed, including projects within the Drivers of Crime programme led by the Ministry of Justice; projects commissioned by the Māori Economic Taskforce; and Whānau Ora in the health sector. In spite of this, significant inequalities remain. These are outlined in the Inequalities chapter of this report.

Priorities for 2012

- **Informed public discussion of New Zealand's constitutional arrangements including the Treaty of Waitangi.**

- **The Government's response to the Wai 262 report Ko Aotearoa Tēnei: This is New Zealand.**

6. Inequalities

Continuing programmes and new approaches have sought to reduce the social and economic disadvantage experienced by some ethnic groups, particularly Māori and Pacific peoples. However, significant inequalities persist and in many cases have worsened during the economic recession. Māori and Pacific youth have been most affected by the labour market downturn. Figures from the Ministry of Social Development show unemployment for Māori and Pacific youth doubled in the two years to June 2010 to around 30 per cent for each group.

The Government has sought to address inequalities through whole-of-government initiatives such as Whānau Ora and Addressing the Drivers of Crime. They provide no "quick-fixes" but have potential to support positive change in the medium to long-term.

Ethnic inequalities in health persist, with little apparent decrease over the past five years. In justice, Māori continue to be disproportionately represented in all areas of the criminal justice process. Apprehension rates have dropped since 2005-2006 for Europeans but have risen for Māori, Pacific, Asian and other ethnic groups.

There were improvements in Māori and Pacific student achievement, particularly at NCEA level 1. This may be attributable to education initiatives over the last five years. For example, the Kotahitanga programme was reviewed in 2011 and found to have achieved positive change in how teachers relate to Māori students. The programme was designed to develop culturally responsive teaching and leadership. In 2008, the Ministry of Education published a Māori strategy "Ka Hikitia" that sets out objectives and measures for Māori students to achieve as Māori across the education system. A Pasifika Education Plan was adopted in 2009. A review in 2011 recommended changes in the next plan, for example more focus on language and cultural identity as a tool for educational success.

The introduction of the Mixed Member Proportional (MMP) electoral system in the 1990s led to a significant increase in the diversity of Members of Parliament. This continued in the 2008 and 2011 General Elections, and agreements after both elections between the National Party and the Māori Party saw the Māori Party become a part of the National led governments. A referendum on electoral systems at the 2011 General Election resulted in a clear majority for the retention of MMP.

The Government is required by law to ensure adequate Māori representation through appointments to District Health Boards, but not Pacific or Asian representation which remains low. Māori, Pacific and ethnic peoples continue to be under-represented in local government, on school Boards of Trustees, and in senior management of the public and private sector.

Priorities for 2012

- **Focus on the rights of children, including through the Māori Affairs Select Committee inquiry into the wellbeing of Māori children, and Government responses to the Green Paper for Vulnerable Children and the Early Childhood Education report.**
- **Address entrenched inequalities across different sectors, with a focus on structural discrimination.**
- **Respond to the Welfare Working Group's recommendations.**

7. Migration and settlement

Two key pieces of immigration legislation were enacted – the Immigration Advisers Licensing Act 2007 and the Immigration Act 2009.

The Immigration Advisers Licensing Act 2007 requires the mandatory licensing of immigration advisers. The act is intended to provide a safeguard for potential migrants against exploitation and to ensure that the information they receive is legitimate and relevant to their situation. The act establishes the immigration advisers authority. The authority maintains a publicly available register of licensed immigration advisers administers complaints against licensed advisers and takes enforcement action against non-licensed advisers

The Immigration Act 2009 governs immigration in New Zealand. It aims to manage immigration through balancing the rights of the individual with the national interest. Overall, those involved in implementing the act and people concerned with migrant and refugee interests consider it has created positive change.

Immigration policy has focused on attracting skilled workers and addressing long-term seasonal labour shortages. The adoption of the Recognised Seasonal Employer (RSE) policy in 2007 and the introduction of the supplementary seasonal employment permit in 2009

provides other workers access to the New Zealand labour market and aims to better protect the rights of these workers. A review of the RSE policy in 2010 concluded that overall it had been a success, providing employers with access to a reliable and stable seasonal workforce. The review did, however, raise concerns about a lack of awareness and understanding of workers' rights. The Department of Labour has provided additional resources and continues to monitor the situation.

The "Silver Fern" policies, implemented in 2010, allow eligible, skilled young people to enter New Zealand and work towards gaining residence.

Although the number of migrants approved for residence has remained relatively static since 2007, the global economic downturn has had a significant impact on migration, particularly temporary migrants. The downturn and a rise in unemployment have put pressure on the Government to ensure New Zealanders get jobs ahead of temporary migrant workers. Some temporary workers have been unable to renew their visas, despite already being employed, because labour market tests indicated that suitable New Zealand workers were available.

The Government has continued to accept refugees for resettlement under its annual refugee quota programme of around 750 refugees each year. since 2007, New Zealand has accepted more than 3000 refugees. although the geographic mix of source countries has shifted over the past five years with an increased focus on South East Asia, the refugee quota programme continues to include some refugees from other source regions such as Africa and the Middle East.

Government initiatives have focused on the importance of successful settlement and providing more support to migrants and refugees. This has included: the development of a national settlement strategy and action plan; regional settlement strategies and action plans for Auckland and Wellington; the establishment of 18 local settlement support New Zealand services; the establishment of a settlement support network; the opening of migrant resource centres; the launch of local newcomers' networks; and the development of a national refugee resettlement strategy.

Priorities for 2012

- **Approve and begin to implement the New Zealand Refugee Resettlement Strategy.**
- **Ensure international human rights treaty obligations are met in decision making by immigration staff.**

8. Language

The right to learn and use one's own language is an internationally recognised human right and is set out in the New Zealand Bill of Rights Act. In 2007, the Human Rights Commission published a statement on language policy that called for, among other things, a national languages policy and specific strategies for Māori, New Zealand sign language, Pacific and community languages. The call was renewed in the commission's 2010 report Human Rights in New Zealand 2010 – Ngā Tika Tangata o Aotearoa. To support discussion on language strategies, the Commission facilitates a language policy network, publishes a monthly newsletter and hosts an annual language policy forum.

Māori Television began broadcasting in 2004. It grew in popularity and added a second, Māori language only channel in 2008. The first monolingual learner dictionary Tirohia Kimihia was produced by Huia Publishers in 2007. This was followed in 2008 by the Māori Language Commission's landmark monolingual dictionary, He Pātaka Kupu – te kai a te rangatira.

The use of Māori in the public domain increased significantly, particularly as a result of the annual Māori language Week promoting wider use of Māori in public and community life. Increased use was evident in business, internet applications, place names, and in the media.

The state of Te Reo Māori came under scrutiny in two major reports: the Waitangi Tribunal's chapter on te reo Māori from its report on the Wai 262 claim in 2010, and the Ministerial task forces review Te Reo Mauriora in 2011. A new Māori language strategy has yet to be developed in response to these and other findings. A significant proportion of Māori live in Australia; estimated at as many as one in six. This has been raised as an issue for language maintenance in research from Paul Hamer of the Institute of Policy Studies.

The initial Mind Your Language Programme launched by the Ministry of Pacific Island Affairs to support the Tokelau, Niue and Cook Island communities in maintaining their languages was followed by the development of a draft Pacific languages strategy, which is yet to be approved by the Government. Samoan, Cook Island and Tongan Language Weeks were added to the annual calendar of language events, alongside Māori language Week and New Zealand sign language Week.

Language Line, a telephone interpreting service operated by the Office of Ethnic Affairs, considerably extended both the range of languages available and the organisations using the service.

Community language education received a setback with severe cuts to adult and community education in the 2009 budget.

Priorities for 2012

- **Approve and implement the Pacific Languages Framework and determine the future strategy for te reo Māori.**
- **Develop central and local government capability to communicate with culturally and linguistically diverse communities in the Christchurch earthquake recovery, and in the event of future civil emergencies elsewhere.**

9. Media

A survey by the Journalism Training Organisation (JTO) in 2007 highlighted the continuing under-representation of Māori, Pacific and other minority ethnic groups in newsrooms and journalism training schools. Since then, there has been incremental improvement, although no further surveys have been undertaken by the industry. Fairfax Media instituted an intern scheme in part to address the issue for its newsrooms, but the challenge remains.

Māori Television established itself firmly as a public sector broadcaster and won free-to-air broadcasting rights for the Rugby World Cup, together with TVNZ and TV3. It set up a new Māori language channel in 2008. TVNZ 7 was established on Freeview as part of TVNZ's commitment to diversity under the TVNZ charter, but following the abolition of the charter by the Government it will cease to broadcast in 2012.

There was growth in ethnic media, including World TV, broadcasting in Chinese, Japanese and Korean; the internet based skykiwi with 130,000 registered users including many Chinese international students; Radio Tarana, Apna990 and Humm FM broadcasting to the Indian community; and a wide range of Asian language newspapers. Regionally based Triangle TV, with many ethnic community programmes, went national as Stratos on Sky and Freeview. The venture was not financially viable and ceased to broadcast in December 2011.

The Pacific Media Centre and Pacific scoop news site were established at Auckland University of Technology. Whitireia Polytechnic expanded its journalism training programmes and developed connections with Pacific media. Publicly funded Pacific Radio NiuFM and 531pi were amalgamated into a single national Pacific Radio Trust.

Funding for TVNZ's Asia Downunder, the only programme dedicated to the Asian community (which comprises ten per cent of the population) was discontinued by TVNZ in 2011. The programme had run for 18 years.

A small number of high- profile cases of racial misrepresentation or denigration resulted in the Press council and the Broadcasting standards authority upholding complaints. The complaints included North and South magazine's feature on "Asian angst" by Deborah Coddington in 2007, and comments by Radio Live's Michael Laws and Television New Zealand's Paul Henry about the then Governor- General, the Right Honourable Sir Anand Satyanand, and an Indian Cabinet Minister, Sheila Dikshit, in 2009.

Priorities for 2012

- **Improve representation of diverse communities in the media, in particular Asian communities.**
- **Respond to the Law Commission's report on new media.**

10. Religious Diversity

The 2006 census saw an increase in the number of Hindus, Muslims, Buddhists, Sikhs and those with no religion. Christians made up 53 per cent of the population, 32 per cent had no religious belief and 15 per cent were from other religions. It is likely that religious diversity in New Zealand has continued to grow. There is no data about the extent of growth in religious diversity, however, as the 2011 census was postponed because of the Canterbury earthquakes.

National interfaith forums, bringing different faith communities together, have continued annually, expanding to include specific forums for women, men and youth. They bring together representatives of interfaith groups, religious leaders, politicians and interested individuals. Most main centres now have active interfaith groups. Each year a religious diversity forum focused on policy has been held as part of the New Zealand Diversity Forum.

Government initiatives included co-sponsoring the Asia Pacific Regional Interfaith Dialogue and participating in the United Nations Alliance of Civilisations programme. Both influenced policy and programmes within New Zealand. Government programmes included "Building Bridges" and an Alliance of Civilisations Implementation Plan. Responsibility for these was delegated to the Office of Ethnic Affairs. The NZ Police published a guide to religious diversity and actively engaged with faith communities.

The Holidays act was amended in 2010 to enable workers and employers to agree to transfer public holidays such as Christmas and Easter to days of greater personal religious or cultural significance. Immigration policy was reviewed to better provide for the immigration

of religious workers. A decision by the Minister of Agriculture and Fisheries to remove an exemption to the animal slaughter code for kosher slaughter was reversed after protest from the Jewish community.

The Human Rights Commission facilitated the development of a National Statement on Religious Diversity which was endorsed at the 2007 National Interfaith Forum and launched by the Prime Minister at the Asia Pacific Regional Interfaith Dialogue held at Waitangi that year. The statement was subsequently endorsed by a wide range of faith communities, including the major Christian denominations and Muslim, Jewish, Baha'i, Buddhist, Hindu, and Sikh organisations. The Commission publishes a monthly newsletter on religious diversity and, together with the Victoria University's Religious Studies Programme, organised the annual religious diversity forum and published guidelines on religion in public life.

A UNESCO chair in interreligious understanding was established at Victoria University, and Islamic Studies programmes were expanded at Victoria and Otago Universities, and introduced at the University of Auckland.

Priorities for 2012

- **Raise awareness in businesses and workplaces of the need to respect and accommodate religious diversity.**
- **Promote dialogue between faith communities and the media on the representation of diverse religions in the media.**

11. Diversity Research

Contributed by Professor James Liu of the Victoria University Centre for Applied Cross-cultural Research

Racism and discrimination

Whereas the annual review of race relations and popular media in general focus much attention on racism and discrimination, the contents of the diversity research reports have been more diffuse, and more about the benefits and contributions of diversity (including economic and social elements) than its costs and imperfections. Given the Government's strategic reliance on skilled migrants to fill labour needs and its concurrent desire for social cohesion as the demographic profile of the country shifts, this is not surprising. It is in line with research funding priorities.

Nothing, however, gets the “ordinary kiwi” more outraged than being called racist or discriminatory, so this is the issue that dominates the popular agenda. As a general summary, the facts emerging from research are that Māori, Pacific and ethnic people do suffer from racism and discrimination in New Zealand, but not typically to the extent that they cannot manage to achieve a fairly high level of life satisfaction. Frequency of discrimination perceived by minority group members is generally low, but this negatively influences subjective well-being. Several national surveys suggest that racism and discrimination are most commonly perceived to be directed against Asians, and experienced by Asians above other target groups. The most likely cause of this is that Asians as a whole tend to be new migrants, and less a part of the social fabric and social identity of being a New Zealander than Māori (or Pacific). Māori (and Pacific) are more likely to be targets of structural discrimination: that is, they are socially included but economically marginalised. Life satisfaction among all these groups remains high, similar to that of the majority.

The Treaty of Waitangi and the integration of migrants

At the same time as Māori are becoming mainstream, both economically and socially, they also continue to be over-represented in negative statistics. There are sections of society that vocally resent this. Pākehā/NZ Europeans have evolved common ways of talking about racism and discrimination that either deny that it exists, argue that reverse racism (in favour of Māori) is more common than racism among Pākehā, or say that what is labelled as racism is actually something else (e.g. a natural hierarchy or meritocracy).

Creating new discourses to open up new spaces for visioning a more inclusive society have proven difficult. In some domains, top-down institutional changes (like Māori TV, Treaty of Waitangi settlements, or colour-blind liberal immigration policies) have proceeded in advance of public opinion. Whereas Pākehā/NZ Europeans support biculturalism in principle, and value Māori symbolic contributions to the national identity, they often object to resource-based biculturalism which involves reparations for historical injustices or practices of affirmative action.

Similarly, they are in favour of immigration in general, but this support declines when the migrants are not from traditional European/Western source countries. It has been difficult for Asian migrants to maintain the employment status and economic standing they had in their source countries after migrating to New Zealand. These difficulties have contributed to the rise of Asian “ethno-burbs”, especially in Auckland, which bear watching in the future. Once employed, Asian migrants like other overseas-born workers have been very satisfied with life in New Zealand. For both migrants and hosts, the desired mode of adaptation to New Zealand is integration, which means keeping heritage culture intact and becoming a

New Zealander. There is considerable evidence of inter-generational and family-based processes being involved in this type of integration. There has been some low-level tension between biculturalism, based on the Treaty of Waitangi between Māori and the Crown, and “multiculturalism” which is merely an ethnically inclusive variant of liberal democracy. This will need to be theorised and discussed in the future given demographic trends for New Zealand.

Cross-sector integration of research practices and thematic research dissemination

Because they are a relatively small community, social scientists across academia and across government agencies dealing with diversity tend to interact regularly. They often organise and attend conferences together; there is cross-sector collaboration; and there is considerable agreement that best research practices in the area of diversity involve significant community input, and outputs with practical value.

Less positively, the sector as a whole functions without adequate sources of research funding. Both qualitative and quantitative research methods are widely used, and sometimes in the same project or project team. Health, employment, and well-being are consistent themes addressed across a wide variety of research projects. There has been integration of academic findings and government policies for some research groups.

As a whole, however, there has yet to be a national inventory documenting the pathways between research and practice or research and policy. This could be an important direction for future research summaries/inventories. The creation of a single point of dissemination and integration of diversity research findings and policy development and outcomes might greatly facilitate a more comprehensive uptake of research-based practices and policies in the future among both Government and non-governmental groups. Properly funding such an integrative effort would be essential for success. A solid foundation has already been achieved, so lifting the level of communication and exchange between researchers, Government, and non- governmental groups to a higher and more integrated level would be a realistic goal for the future.

Appendix I: Links to Further Information on Race Relations in New Zealand

1 . Human Rights Commission annual reviews of race relations

[Race Relations in 2011](#)

[Race Relations in 2010](#)

[Race Relations in 2009](#)

[Race Relations in 2008](#)

[Race Relations in 2007](#)

2. Human Rights Commission Reports

[Maori Representation in Local Government: The Continuing Challenge](#)

[A Fair Go for All: Structural Discrimination in Public Services](#)

3. Diversity Action Programme Publications

[The New Zealand Diversity Action Programme](#)

[National Statement on Religious Diversity](#)

[National Statement on Race Relations](#)

[National Statement on Language Policy](#)

4. Human Rights Commission Monthly Newsletters

[On the Bright Side: Positive Contributions to Race Relations](#)

[Te Ngira, Diversity Action Programme](#)

[Te Waka Reo, Language Policy](#)

[Te Korowai Whakapono, Religious Diversity](#)

[Te Punanga, Refugee Issues](#)

[Nga Reo Tangata, Media Diversity](#)

[Whitiwhiti Korero, Treaty of Waitangi](#)