



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination 116th session

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Item 4 of the provisional agenda

**Consideration of reports, comments and information submitted
by States Parties under article 9 of the Convention**

List of themes in relation to the combined twenty-third and twenty-fourth periodic reports of New Zealand

Note by the Country Rapporteur

1. The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session¹ that the Country Rapporteur would send to the State Party concerned a short list of themes, with a view to guiding and focusing the dialogue between the State Party's delegation and the Committee during the consideration of the State Party's report. The present document contains a list of such themes. It is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

Statistics

2. Updated statistics on the ethnic composition of its population, derived from the 2023 census. Information on reliable and updated statistics on the socioeconomic situation of ethnic groups that provide an empirical basis for assessing their enjoyment of the rights to work, social security, housing, food, water and sanitation, health and education, and their participation in public and political life, disaggregated by sex, gender, ethnic or national origin, and status as migrants, asylum-seekers, refugees or stateless persons, among other relevant factors.

The Convention in domestic law and the legal, institutional and policy framework for its implementation (arts. 1 and 2)

3. Information on the application of the Convention by domestic courts. Additional information on the human rights training provided to judges, prosecutors, lawyers and law enforcement officials, and its impact in raising awareness and knowledge of the provisions of the Convention.

4. The functioning of, the resources allocated to, and the extent to which ethnic communities are represented in the Ministry of Ethnic Communities, including progress made in advising on priorities, analysing data and evaluating the impact and effectiveness of policy on the well-being of ethnic communities.

5. Information on the mandate, powers and resources allocated to the Human Rights Commission and the Human Rights Review Tribunal. Information on measures taken to ensure the implementation of the Commission's recommendations.

¹ [A/65/18](#), para. 85.



6. Practical outcomes of the implementation of the New Zealand Human Rights Action Plan (2019–2023). The status of the formulation of a national action plan to combat racism, racial discrimination, xenophobia and related intolerance.

Racist hate speech and hate crimes (arts. 2, 4 and 6)

7. Information on measures taken to ensure compliance and harmonization of the State Party legislation with article 4 of the Convention. Measures taken to prevent and combat racist hate speech and incitement to hatred, including in public and political discourse, as well as on the Internet and social media. Practical outcomes of the implementation of the recommendations of the Royal Commission of Inquiry into the terrorist attack on Christchurch *masjidain* on 15 March 2019.

8. Updated statistics, disaggregated by grounds of discrimination, on the number of complaints, investigations, prosecutions and convictions under sections 61, 63 and 131 of the Human Rights Act 1993, relating to racist hate speech and hate crimes, including information on outcomes before the Human Rights Commission and the Human Rights Review Tribunal, and on remedies provided to victims.

Structural discrimination and intersectional discrimination (arts. 2 and 5)

9. Special measures taken to combat structural discrimination against Māori, Pacific peoples and other ethnic groups. Information on the status of development of a strategic framework on social cohesion. The concrete impact of the “2020–2024 *He Takunetanga Rautaki* – Strategic Intentions” strategy and the All-of-Government Pacific Well-being Strategy in improving the well-being of and exercise of economic, social and cultural rights by Māori, Pacific peoples and other ethnic groups, notably the rights to work, housing, health and education.

10. Steps taken to review the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993, with a view to bringing them into compliance with the Convention and addressing multiple and intersecting forms of discrimination – including on grounds prohibited under article 1, as well as on the basis of age, sexual orientation, gender identity and expression and sex characteristics – and the denial of reasonable accommodation. Information on measures taken to implement the “Better Later Life – *He Oranga Kaumātua* 2019–2034” strategy and other policies related to the rights, care and protection of older persons, including Māori older persons and those belonging to Pacific peoples and other ethnic groups.

Situation of Māori (arts. 2 and 5)

11. The status of the formulation of a national plan of action to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples in Aotearoa/New Zealand, and measures taken to ensure the effective consultation, participation and cooperation of Māori in its development. Information on the impact of climate change on the traditional ways of life and subsistence of Māori, including measures taken to mitigate and adapt to climate change.

12. Information on the current status and potential impact of the Principles of the Treaty of Waitangi Bill and the Regulatory Standards Bill, particularly with regard to the role of the Treaty of Waitangi in the constitutional framework, the protection of Indigenous Peoples’ rights, and the functions of the judiciary and the Waitangi Tribunal.

13. Concrete measures taken to protect and safeguard the rights of Māori, in particular concrete measures taken to ensure legal security of tenure in respect of land, territories and natural resources. Updated information on the case regarding the rights to land and resources in Wairarapa Moana, including the status of the application to the Court of Appeal seeking a declaration of inconsistency with the right of access to justice. Information on the legislative process and substantive provisions of the Marine and Coastal Area (*Takutai Moana*) (Customary Marine Title) Amendment Bill, including whether Māori were adequately consulted and whether the Bill would restrict customary rights with regard to the foreshore and seabed.

14. Updated information on the measures taken to implement the recommendations of the Waitangi Tribunal in its Wai 262 report, of 2011.² Concrete measures taken to protect Māori intellectual and cultural property rights.

Situation of Māori women, Pacific women and women belonging to other ethnic groups (arts. 2 and 5)

15. Information on outcomes of the measures taken to combat multiple and intersectional discrimination, including gender-based violence, against Māori women, Pacific women and women belonging to other ethnic groups. Updated statistics on the number of cases of violence and femicide in the past five years and the status of investigations and prosecutions and of remedies for victims.

16. Measures taken to increase the participation of Māori women, Pacific women and women belonging to other ethnic groups in political and public life and to improve their access to employment, education and health services, including sexual and reproductive health services. Additional information on measures taken to address the higher maternal morbidity and mortality rates among Indigenous women and women belonging to ethnic groups compared to other women.

Situation of migrants, asylum-seekers and refugees (arts. 2, 5 and 6)

17. Measures taken to ensure full respect for the principle of non-discrimination against migrants and to prevent refoulement and collective expulsion without adequate assessment of protection needs. An indication as to whether the State Party intends to repeal section 392 of the Immigration Act 2009, which bars complaints of discrimination related to the application of the Act. Concrete measures taken to find alternatives to the detention of migrants, asylum-seekers and other persons in need of international protection and to ensure their access to procedures for determining refugee status. Information on the procedure for determining statelessness.

18. Information on the implementation of the Plan of Action against Forced Labour, People Trafficking and Slavery (2020–2025). Information on the number of cases and investigations of trafficking in persons, the sanctions imposed on the perpetrators and the remedies provided to victims.

19. Updated information on measures taken to prevent and address the exploitation and abuse of migrant workers by employers, including efforts to support and facilitate the lodging of complaints by victims, including statistics on complaints registered and on the number of related investigations, prosecutions and convictions.

Political participation (arts. 2 and 5)

20. The political participation of Māori, Pacific peoples and members of other ethnic groups, particularly women, in representative institutions, public affairs and decision-making positions in both the public and the private sectors. Additional information on recent developments, including the suspension of several Māori Members of Parliament following a protest haka in Parliament.

Access to justice (art. 6)

21. Measures taken to improve access to justice and the legal aid system for Māori, Pacific peoples and other ethnic groups. Information on measures taken to address the persistently high rates of incarceration among Māori, Pacific peoples and other ethnic groups, including women and youth. Steps taken to combat racist attitudes and racial discrimination within the judicial system, including efforts to incorporate a gender and intercultural perspective.

22. Information on measures taken to address the disproportionate number of Māori children and children belonging to Pacific peoples and other ethnic groups placed in

² New Zealand. Waitangi Tribunal, *Ko Aotearoa Tēnei: A Report into Claims Concerning New Zealand Law and Policy Affecting Māori Culture and Identity – Wai 262 (Waitangi Tribunal Report)* (Wellington, 2011).

alternative care. Practical outcomes of the Royal Commission of Inquiry into abuse in State care and in the care of faith-based institutions, including information on redress measures for victims.

23. Measures taken to ensure that police and other law enforcement officers do not engage in racial discrimination, including racially motivated violence and practices that amount to racial profiling, including in counter-terrorism initiatives. Measures taken to ensure fundamental legal safeguards for suspects of terrorism, particularly when suspects are of foreign descent or are foreign nationals. Information on measures taken to acknowledge and address past policing practices involving racial profiling during the dawn raids conducted in the period 1974–1976, including efforts to promote reconciliation, ensure non-repetition and provide redress for the affected ethnic communities.

24. Information on investigations, convictions, prosecutions, sentences handed down and reparations granted to victims in cases involving the excessive use of force, cruel, inhuman or degrading treatment or arbitrary detention directed at individuals belonging to ethnic groups, particularly Māori and Pacific peoples.

Combating racial stereotypes (art. 7)

25. Information on the impact of awareness-raising efforts to combat racial prejudice and stereotypes. Measures taken to promote social cohesion, intercultural dialogue and respect for cultural diversity among the public, civil servants and law enforcement officials.

26. Policies adopted to ensure the inclusion in school curricula of the history of colonialism and its consequences and to ensure that school textbooks do not perpetuate racist prejudices and racial discrimination. Measures taken to promote knowledge and awareness of the cultural heritage, linguistic identities and history of ethnic groups, including Māori and Pacific peoples, in the State Party and their contribution to society.
