

4th CYCLE UNIVERSAL PERIODIC REVIEW OF NEW ZEALAND

VIOLENCE AND ABUSE

Right to life, liberty and security; right to be free from torture and cruel, inhumane, or degrading treatment; right to effective remedy

Summary of key recommendations from previous UPR cycle

The Government supported numerous recommendations at the third cycle to:

- Develop a national strategy on combatting family and sexual violence.
 - Strengthen efforts to combat domestic violence and abuse against women, particularly Māori and Pasifika women and girls, and disabled women and girls.
 - Further strengthen efforts to combat child abuse in all settings.
 - Develop and implement a national plan of action against racial discrimination, xenophobia and hate crime.
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Key Issues

1. Family and sexual violence remains a significant problem

The Government has taken positive steps to address family and sexual violence. It has established a Minister for the Prevention of Family Violence, developed a National Strategy and Action Plan, and introduced legislation to improve the rights of people affected by family and sexual violence.

In 2023, the Government committed \$73.48 million to the family violence and sexual violence framework, with half going to disabled people, children and young people, and Māori. It also extended funding for safeguarding initiatives to protect at-risk and disabled people from violence and abuse, and improved accessibility to family violence and sexual violence services for disabled people.

However, high levels of sexual and gender-based violence persist, with New Zealand having one of the highest rates of family harm in the OECD.

- Women are more at risk of sexual violence and domestic violence than men.ⁱ
- Māori and Pacific women are disproportionately affected by family and sexual violence.ⁱⁱ
- 177,452 family harm investigations were recorded by NZ Police in the year to June 2023 - a 49 percent increase from 2017.ⁱⁱⁱ
- Over 90 percent of sexual violence is not reported to police.^{iv}
- Rates of violence against disabled people are much higher than those experienced by the rest of the population.^v



Recommendation to New Zealand Government

- Continue to implement and report on steps taken to progress the National Strategy and Action Plan to Eliminate Family Violence and Sexual Violence.
- 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.
- Mainstream gender-specific issues within the disability focus of the National Strategy and Action Plan to Eliminate Family Violence and include disabled people in the implementation and design of new measures within the family violence and sexual violence framework.

2. Abuse of children in state care and the care of faith-based institutions

In 2018 the Government established the Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions to find out what happened to children, young people and vulnerable adults in State and faith-based institutions between 1 January 1950 and 31 December 1999. The Royal Commission's reports so far reveal the grave extent of physical, psychological and sexual abuse that took place across various institutions, in some cases amounting to torture.^{vi} The investigation into Māori experiences highlighted the State's failure to care for children in its care and the intergenerational harm the abuse caused to whānau Māori (Māori families).^{vii} The Royal Commission's final report is expected in March 2024.

The Government has agreed to a high-level design of a new redress system. However, survivors still have no immediate prospect of full redress, including compensation and rehabilitation. It is also unclear whether survivors of abuse that took place in faith-based settings will receive redress.

New Zealand's reservation to article 14 of the Convention Against Torture remains in place, leaving the right to award compensation to victims of torture to the discretion of the Attorney-General of New Zealand.

Abuse of children in care persists. In January 2024, Oranga Tamariki, the Ministry of Children, reported that more children than ever are being harmed in care. In the year ended June 2023, 9 percent of children in care were harmed.^{viii}

Recommendations to New Zealand Government

- 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.
- Withdraw the reservation to article 14 of the Convention Against Torture and ensure the provision of fair and adequate compensation to all victims of torture.
- Set up a mechanism to ensure faith-based survivors who have reported historic abuse immediately receive full redress.



3. Terrorist attack on Christchurch masjidain

On 15 March 2019, a terrorist attack on two Christchurch masjidain killed 51 people and injured many others. In response the Government established a Royal Commission of Inquiry to investigate the actions of the terrorist, the actions of relevant public sector agencies and any changes that could prevent such terror attacks in the future.

The Government has addressed some of the recommendations from the Inquiry report, including examining relevant counter-terrorism legislation, and work towards the development of a national strategy to address racial discrimination and racism. It also apologised for ‘the disproportionate scrutiny’ of Muslim communities by the intelligence and security agencies.

The Royal Commission did not consider questions of compensation or other forms of reparation. However, the Government has chosen not to exercise its discretion to provide redress to victims and their families.

The Government has also failed to amend legislation to create hate-motivated offences and expand hate speech laws to religious groups, as recommended by the Royal Commission. The new Government has agreed that any work to review or improve hate speech laws will be stopped.

Recommendations to New Zealand Government

- Urgently develop a reparations package for the survivors, families and witnesses affected by the Christchurch terrorist attacks.
- Urgently progress implementation of all of the recommendations of the Royal Commission of Inquiry into the Christchurch Mosque Attacks that relate to hate crimes and hate speech.



Endnotes

- i New Zealand Crime and Victims survey, Key findings – Cycle 5 report Results drawn from Cycle 5 (202122) of the New Zealand Crime and Victims Survey (June 2023) at p. 4, <https://www.justice.govt.nz/assets/Documents/Publications/Cycle-5-key-findings-report-v3.0-FIN.pdf>
- ii 2019 New Zealand Family Violence Study, <https://researchspace.auckland.ac.nz/handle/2292/64262>
- iii New Zealand Police, Annual Report 2022/23 at p. 8, <https://www.police.govt.nz/sites/default/files/publications/annual-report-2022-2023.pdf>
- iv Ministry of Justice, Progression and attrition of reported sexual victimisations in the criminal justice system, Victimisations reported April 107 – March 2023 (25 August 2023) <https://www.justice.govt.nz/assets/Documents/Publications/Progression-and-attrition-of-sexual-violence-victimisations-through-the-criminal-justice-system-2017-to-2023.pdf>. The New Zealand Crime and Victims Survey estimates that 7% of sexual violence offences against adults were reported to police (Ministry of Justice, 2023) <https://www.justice.govt.nz/justice-sector-policy/research-data/nzcvs/>
- v 2019 New Zealand Family Violence Study, <https://researchspace.auckland.ac.nz/handle/2292/64262>
- vi Royal Commission of Inquiry into Abuse in Care, *Tāwharautia: Pūrongo o te Wā - Interim Report* (December 2020), <https://www.abuseincare.org.nz/our-progress/library/v/194/tawharautia-purongo-o-te-wa-interim-report>; *He Purapura Ora, he Māra Tipu I From Redress to Pūretumu Torowhānui* (December 2021), <https://www.abuseincare.org.nz/our-progress/reports/from-redress-to-puretumu/>; *Beautiful Children, Inquiry into the Lake Alice Child and Adolescent Unit* (December 2022), <https://www.abuseincare.org.nz/our-progress/reports/inquiry-into-the-lake-alice-child-and-adolescent-unit/>;
- vii Abuse in Care “Research report key themes - Hāhā-uri, hāhā-tea: Māori involvement in State Care 1950-1999” (15 December 2021), <https://www.abuseinquiryresponse.govt.nz/documents/key-themes-from-research-report-on-maori-involvement-in-state-care/>. See also Ihi Research “Hāhā uri, hāhā tea: Māori involvement in State care 1950-1999” (2021), <https://www.abuseincare.org.nz/our-progress/library/v/306/haha-uri-haha-tea-maori-involvement-in-state-care-1950-1999>; “Hāhā uri, hāhā tea – Desolate darkness, desolate light - Māori involvement in State care 1950-1999” (2021), <https://www.abuseinquiryresponse.govt.nz/assets/Uploads/Maori-research-report/2021-10-21-A3-overview-Haha-uri-haha-tea-Desolate-Darkness-desolate-light.pdf> ; “Racism in government organisations responsible for Māori in care, independent research reveals” (11 November 2021), <https://www.abuseincare.org.nz/our-progress/news/racism-in-government-organisations-responsible-for-maori-in-care-independent-research-reveals/>
- viii Oranga Tamariki, Safety of Children in Care, Annual Report (July 2022 to June 2023), https://www.orangatamariki.govt.nz/assets/Uploads/About-us/Performance-and-monitoring/safety-of-children-in-care/2022-23/J000093_SOCIC-Report-2023_v4.pdf