

**NEW ZEALAND
HUMAN RIGHTS COMMISSION**



Human Rights
Commission

Te Kāhui Tika Tangata

OVERVIEW 2006-2007

**ASIA PACIFIC FORUM
of National Human Rights Institutions**

12th Annual Meeting

24-27 September 2007, Sydney, Australia

Vision

**As the foundation of a fair, safe and just society,
New Zealanders know their rights, acknowledge
their responsibilities and respect the rights of others.**

Introduction

This report reflects on selected programmes, projects and activities undertaken by Te Kahui Tika Tangata / the Human Rights Commission from August 2006 to August 2007, and on the Commission's priorities over that period.

Highlights include:

- Incorporation into New Zealand law of the Optional Protocol to the Convention against Torture - March 2007
- Adoption by UN General Assembly in December 2006 of the Convention on the Rights of Persons with Disabilities; and signing of the Convention by New Zealand in March 2007
- Amendment of s.59 of the Crimes Act, removing the statutory defence of "reasonable force" to correct a child, which means it is unlawful to use
- Government response to the *New Zealand Action Plan for Human Rights / Mana ki te Tangata*, July 2007
- A very welcome increase in baseline funding in the May 2007 Budget
- Inquiry into the experiences of Transgender people focusing on experiences of discrimination, access to health services and legal identity: with publication of the submissions summary (April 2009)
- Growth in membership of the Diversity Action Programme and nationwide participation in Race Relations Day, 21 March
- Participation of the Race Relations Commissioner in the UN Committee on the Elimination of Racial Discrimination examination of the New Zealand periodic report
- Publication of:
 - *Give Girls a Go! / Tautokohia te Mana Wahine* - about female modern apprenticeship in New Zealand (September 2006)
 - *10 Human Rights Cases that Made A Difference* (December 2006)
 - *Race Relations Report 2006 / Tui Tui Tuituia* (March 2007)

- Launch of:
 - Women in Leadership Programme - covering the eight New Zealand universities
 - Building Human Rights Communities in Education - initiative covering early childhood services, primary and secondary schools
- Court decisions: on equal pay for work of equal value; and on who may bring complaints of discrimination before the Courts
- International connectedness:
 - Contribution of AFP to the development of the Convention on the Rights of Persons with Disabilities; and to the recognition of national human rights institutions in the procedures of the UN Human Rights Council
 - Sharing experience and expertise through APF initiatives
 - Engaging with the governments and people of the Cook Islands and Niue on their human rights priorities
 - Publication, in partnership with the Pacific Islands Forum Secretariat, of a discussion paper: *National Human Rights Institutions: Pathways for Pacific States*
 - ICC "A" reaccreditation in October 2006.

Background

The Human Rights Commission is an independent Crown entity with four major functions: advocating and promoting respect for human rights, encouraging harmonious relations among diverse groups, promoting equal employment opportunities and resolving complaints of unlawful discrimination.

The Human Rights Act 1993 (amended in 2001) sets out how the Commission is to do this. In a detailed list of specific functions, it provides for advocacy through research, education, publicity and public statements. It specifies consultation and cooperation with others involved in the protection of human rights. It empowers the Commission to issue guidelines and voluntary codes of practice, to undertake inquiries, to engage in litigation, and to report to the Prime Minister on any matter affecting human rights. It requires the Commission to provide a service to facilitate the resolution of complaints about discrimination. And it sets up, as a separate part of the Commission, the Office of Human Rights Proceedings to provide legal representation for some cases to the Human Rights Review Tribunal.

The mandate, which came into effect on 1 January 2002, has required significant change over the last few years. The Commission has developed from a primarily anti-discrimination and complaint-handling body to a fully-fledged, national human rights institution. The mandate is broad. The Commission's independence is guaranteed by law (Crown Entities Act 2004). Pluralism is required and is reflected in Commissioners and staff.

The Human Rights Act 1993 provides for the positions of Chief Commissioner, Race Relations Commissioner, Equal Employment Opportunities Commissioner and up to five part-time Commissioners. The staff of 57, headed by the Executive Director, is based in offices in Auckland, Wellington and Christchurch.

The Commission's work programme for the last two years, and for the year ahead, was framed around that priorities identified in *Mana ki te Tangata / The New Zealand Action Plan for Human Rights*.

The work programme has had six areas of focus: strengthening the human rights environment, the rights of disabled people and those of children and young people, race relations, the right to work, the human rights dimensions of the Treaty of Waitangi.

Throughout the year, in all aspects of its work, the Commission has applied the human rights approach - the conceptual framework developed internationally and adapted for New Zealand.

The human rights approach:

1. *linking of decision-making at every level to human rights standards* set out in the relevant human rights Covenants and Conventions;
2. *identification of all relevant human rights involved* and a balancing of rights, where necessary, prioritising those of the most vulnerable, to maximise respect for all rights and rights-holders;
3. an emphasis on the *participation* of individuals and groups in decision-making that affects them;
4. *non-discrimination* among individuals and groups through equal enjoyment of rights and obligations by all;
5. *empowerment* of individuals and groups by allowing them to use rights as leverage for action and to legitimise their voice in decision-making; and
6. *accountability* for actions and decisions which allows individuals and groups to complain about decisions that affect them adversely.

**The Human Rights Environment
Te Taiao Tika Tangata**

Human rights standards and protections are incorporated into New Zealand's law and constitutional arrangements, and are reflected in New Zealand's regional and international relationships.

New Zealand has a history of contributing to the development of the international human rights framework and a strong record of subsequent ratification. This year was no exception. New Zealand has signed one treaty, the Convention on the Rights of Persons with Disabilities; ratified another, the Optional Protocol to the Convention against Torture; and withdrawn its last reservation to a third, the Convention on the Elimination of Discrimination against Women. Disappointingly, it has opposed the current draft of the Declaration on the Rights of Indigenous Peoples.

Legislation and policy

In the absence of a single document, such as a written Constitution which explicitly establishes the rights and responsibilities of New Zealanders, the incorporation of international human rights standards in the relevant domestic law is vital. This year there has been very significant progress in some key areas, while in others there has been an erosion of human rights. Measures to counter terrorism and in relation to criminal justice presented some of the most

significant challenges. While the Commission's advice was in the most part welcomed by policy makers, law makers approach to incorporating human rights has continued to be ad hoc rather than comprehensive and systematic.

Optional Protocol to the Convention against Torture

The Optional Protocol to the Convention against Torture established international preventive mechanisms to help prevent torture and cruel, inhuman or degrading treatment or punishment of those in detention.

The amended Crimes of Torture Act 2006 set out how New Zealand would apply the requirements of the Optional Protocol. It provided for inspection visits by the United Nations Subcommittee for the Prevention of Torture and by national preventive mechanisms. At the national level the Human Rights Commission has been designated the Central National Preventive Mechanism and the Office of the Ombudsmen, the Police Complaints Authority, the Office of the Children's Commissioner and the Inspector of Defence Force Service Penal Establishments have been appointed as national preventative mechanisms

The National Preventive Mechanisms are able to visit any place where people are detained, access all relevant information, access all parts of any facility and interview in private any detainee or staff member. The intention of the Optional Protocol is to provide for a cooperative, "non-judicial" approach, based on ongoing dialogue between visiting mechanisms and the authorities, to identify and address risk situations that lead, or might lead, to torture or ill-treatment.

The Commission has begun working with the four designed organisations to develop the required preventative monitoring programmes, process and measures. This has included consideration of timetabling, frequency and duration of visits, and the methodology, standards and measure that are to be applied. Reports on the first full year's operations will be published in 2008.

Guidelines on insurance and the Human Rights Act 1993

This year the Commission has undertaken a review of the Human Rights Act Insurance Guidelines. They were first published in 1997 to assist insurers to better comply with the anti-discrimination provisions of the Human Rights Act 1993 (HRA) and to improve New Zealander's access to insurance.

Since then a number of issues have emerged with consequences for the insurance industry and the application of the HRA. These include rapid advances in genetics and genetic testing, an unprecedented increase in mental illness, an aging population and landmark legal cases in Australia and Canada involving the insurance industry.

As a result of the review, the Commission will also be working with the industry on some matters that fall outside the Guidelines. The Commission has welcomed a proposal from the industry to meet with consumer representatives and the Commission on an occasional basis to consider issues as they arise.

Transgender Inquiry

Launched in August 2006, the Inquiry has focused on three areas: experience of discrimination, access to health services and barriers faced by transgender people trying to gain full legal recognition of their gender status.

Between October and December 2006 the Transgender Inquiry called for submissions and held eight days of hearings in Wellington, Central and South Auckland, Christchurch and Dunedin. The Inquiry received 128 written or oral submissions with close to 200 people participating in the process. The submissions showed that transgender people live in communities throughout New Zealand and come from all walks of life.

Publication of a summary of submissions was followed by further consultations with transgender people, government agencies and health professionals.

Transgender people told the Inquiry that they strived to live a life of dignity. Many succeeded. Often transgender people have struggled to come to terms with their identity. Many told stories of triumph over significant and, at times, heartbreaking adversity. Experience of discrimination and denial of human rights were common themes.

The Inquiry report is scheduled for publication in December 2007.

Human rights in the Pacific

The Commission has contributed to strengthening understanding and respect for human rights in the Pacific in two ways. Firstly through its work as a member of the Asia Pacific Forum of national human rights institutions and secondly through NZAID funded projects with Pacific partners. The Commission convenes Pacific Roundtables twice a year in Wellington for agencies and individuals working in the Pacific to share information and discuss areas of mutual interest.

Three NZAID funded projects were completed during the year. The first, a programme of cooperation with the Fiji Human Rights Commission, was terminated prematurely following the military coup in December 2006. A comprehensive programme of work for 2007 had also been agreed and would have provided capability development benefits for both Commissions had it been able to proceed.

The second involved human rights support for the Cook Islands, Niue and Tokelau. Engagement with Tokelau was unable to proceed because of capacity issues for officials prior to the second referendum on Tokelau's status which will take place in late 2007.

Partnerships were developed with the governments of the Cook Islands and Niue. In the Cook Islands it was agreed to work with the Ministry of Justice on three areas: assistance with a backlog of unexplained death cases by providing coronial training; awareness-raising on alternative dispute resolution, and exploring the development of a curriculum for justices of the peace.

The Government of Niue endorsed recommendations for the development of a programme of technical assistance, including a study visit to New Zealand. Members of the Niue Human Rights Working Committee had a week long study programme which focussed on improving understanding about human rights related to language, culture and tradition; considering what human rights resources might be relevant to Niue and planning human rights activities for the next year.

While the introductory project with the Cook Islands, Niue and Tokelau ended this year, the Commission recognises a continuing responsibility to support the promotion and protection of

human rights in these Island states that retain a special relationship with New Zealand and whose citizens are also New Zealand citizens. For this reason, work with the Cook Islands and Niue will continue in 2008 and form part of its work, with assistance from APF, with the Pacific Islands Forum Secretariat.

The third project was a partnership with the Pacific Islands Forum Secretariat on dialogue about forms of national institutions for small Pacific states. The project included in-country consultations and culminated in the publication in June of a study paper *National Human Rights Institutions Pathways for Pacific States*. In his foreword to the paper Greg Urwin, Secretary-General of the Forum recalled the Forum leaders' vision for "a region of peace, harmony, security, and economic prosperity...respected for the quality of its governance, the sustainable management of its resources, the full observance of democratic values, and for its defence and promotion of human rights." He noted that the paper is the first in a series related to human rights and that considerable interest has been expressed by member states in dialogue about the issues raised. He thanked the Commission for initiating and leading development of the paper.

The thesis of this paper is that practical ways and innovative approaches must be found for small Pacific states to develop human rights institutions, drawing on the strengths of Pacific peoples, acknowledging that culture, language and tradition have particular importance and that these are also key human rights issues. Interest in the paper has also been expressed by the United Nations High Commissioner for Human Rights and the Commonwealth Secretary-General, who acknowledge its relevance for small States beyond the Pacific.

Two new projects (human rights capability development within the Pacific Island Forum Secretariat and building human rights capability of Pacific journalists and media organisations – started this year and will continue until 2009.

Human Rights for Disabled People

Te Hunga Haua

Disabled people are respected for who they are and able to participate fully in New Zealand society.

New Zealand and 80 other countries signed the Convention on the Rights of Persons with Disabilities at the United Nations in New York, on 30 March 2007. The Convention, the first human rights instrument of the 21st century, represents a singular achievement in the campaign to secure recognition of the human rights of disabled people everywhere. The role played by APF and its members contributed significantly to the successful outcome.

While the Convention was the year's highlight, there was also progress in strengthening human rights legal protections for disabled New Zealanders and in having those protections reflected in policy and applied in practice.

Significant developments in priority areas identified by *Mana ki te Tangata / the New Zealand Action Plan for Human Rights* included:

- implementation of the New Zealand Sign Language Act, 2006 and the introduction of New Zealand Sign Language into the national school curriculum
- repeal of the Disabled Persons Employment Promotions Act on 12 March 2007, ensuring disabled people have the same employment rights as others

- inclusion of accessibility standards in the mandatory government web standards
- extension of the mandate of the Mental Health Commission.

However, the nature and number of disability discrimination complaints to the Commission and other agencies, such as the Health and Disability Commission, and evidence to the Parliamentary Social Services Committee Inquiry into the quality and care of services provision for disabled people - were indicative of the extensive barriers that remained to disabled people's full participation in New Zealand society.

The Commission focussed on:

- successful completion to negotiations of the Convention on the Rights of Persons with Disabilities
- advocating for and monitoring progress on implementation of the recommendations of the Inquiry into Accessible Public Land Transport
- Korowai Whaimana - a human rights training programme by and for people with experience of mental illness
- improving accessibility and effectiveness of the complaints and disputes resolution process for disabled people.

Race Relations

Whakawhanaungatanga a iwi

New Zealanders have a shared sense of national identity reflecting their cultural diversity, and relationships between diverse groups are based on equality, mutual understanding and respect.

When the 2006 census results were released in November, they confirmed the increase in New Zealand's ethnic diversity. Just over two-thirds identified as European, and just under a third identified as Māori, Asian and Pacific. A further 11.1% described themselves simply as "New Zealander"¹:

When asked to identify the most important problem facing New Zealand, race relations rated sixth behind the economy, health care, crime and violence, education and welfare. This was the lowest level recorded since tracking began in 2001 and in 2004 anxiety about race relations was considered the most important problem of all.

The Commission has supported the growing and active networks of people and organisations working on interfaith dialogue and cooperation, language preservation and maintenance, and diversity in the media. Both central and local government agencies are increasingly focused on community cohesion and wellbeing, including harmonious relations and cultural diversity. Public libraries, museums and galleries are amongst those taking a lead. A focus for the future will be to bring together those in business who recognise the benefits of diversity as an economic driver and who are successfully addressing the challenges and opportunities of a more diverse workforce and more diverse customers.

¹ Note that because people can identify themselves as belonging to more than one ethnicity, the numbers add up to over 100%. The "New Zealander" category was used for the first time in the 2006 census.

Statement on Religious Diversity

The Commission undertook public consultation from October to December on the draft statement on religious diversity prepared by Professor Paul Morris of Victoria University. The purpose of the statement is to promote religious tolerance, improve communication between government and faith communities, affirm the right to freedom of religion, and to provide a framework for harmonious relationships within communities.

The statement received widespread publicity after the Prime Minister referred to it in the New Zealand Herald in December 2006, and again in February 2007 when the revised statement was considered by the National Interfaith Forum in Hamilton. The Statement was published as a booklet in May 2007. Endorsements of the Statement were received from the Buddhist organisation Sokkai Gakai International, the Anglican and Catholic Bishops of New Zealand, the Federation of Islamic Associations of New Zealand, National Spiritual Assembly of the Baha'is of New Zealand, Missionary Sisters of the Society of Mary and the Council of Christians and Muslims NZ. The Statement will be reviewed in 2009.

New Zealand Diversity Action Programme – Te Ngira

The year saw a continued increase in activity to promote harmonious race relations through the Diversity Action Programme which facilitates networks of community groups, businesses and Government agencies. Participating organisations must register an annual project that supports cultural diversity and positive relations in their organisation or communities they work in. This year targets have been exceeded, with 204 participants and 440 projects throughout the country. A new refugee focus network was established in June. To keep the networks informed, the Commission published monthly newsletters: *Nga Reo Tangata* on diversity in the media; *Te Waka Reo* on national language policy; *Te Korowai Whakapono* on interfaith issues and *Te Punanga* on refugee issues.

The Commission has hosted two **New Zealand Diversity Forums**, the keynote event of the Diversity Action Programme, since July 2006. The most recent in Auckland attracted over 2000 participants.

Children and Young People

Nga tika o nga tamariki, rangatahi

Children and young people are safe, healthy, well educated and grow up confident in their identity and knowing their rights and responsibilities.

The Commission's focus has been on the right to education and how well it has been realised in New Zealand. In partnership with the Office of the Children's Commissioner, Amnesty International (NZ), the New Zealand Peace Foundation and the Development Resource Centre, the Commission has this year been developing and promoting the concept of schools and early childhood centres as human rights communities.

Building human rights communities in education

The aim is for schools and early childhood centres to actively apply human rights standards to the way they treat each child and young person, their families and staff members. Integrating human rights into a school's curriculum, policies and practices promotes responsibility and respect. Research indicates it provides a clear conceptual framework within which to address the complex barriers to achievement for some individuals and groups of children and young people. The Human Rights Commission and its partners in the project, consider that on the

basis of international evidence, a human rights framework in the classroom would be an effective means of tackling the inequalities in achievement that appear entrenched in the New Zealand education system.

A survey was conducted of what schools and early childhood centres do already to incorporate human rights standards in what they teach and how they operate. The findings and information about the concepts involved were published as *Building Human Rights Communities in Education* to provide an evidential foundation for proposed human rights-based guidelines and activities.

In addition, the Commission has provided advice to Parliament, to government and government agencies, and to schools and early childhood centres on the right to education. Specific pieces of work have involved:

- the draft school curriculum
- stand-downs, suspensions, exclusions, expulsions and refusals to enrol
- graduating teacher standards
- improving behaviour guidelines.

Human Rights and Work

Tika ki te Whai Mahi

All people in New Zealand have equal employment opportunities and access to decent and productive work.

New Zealand continues to make progress in equal employment opportunities helped by a buoyant job market and record low unemployment rates. In the year ended June 2007 the unemployment rate was 3.6%, the labour force participation rate was 68.8% and the female participation rate was at its highest level. Labour shortages and skills deficits are moderating to some degree the effect of gender, age and ethnicity as barriers to employment, while people with disabilities still find it difficult to access decent work.

Significant equal employment opportunities developments during the period include:

- the extension of paid parental leave for self-employed people
- a landmark gender discrimination case about occupational segregation
- removal of the New Zealand's last reservation to the Convention on the Elimination of Discrimination Against Women (CEDAW)
- the first Pay and Employment Equity Tripartite Forum around remedial pay settlements
- increases in the minimum wage and the introduction of legislation to abolish youth minimum wages
- heightened business, union and public debate around how to deal with flexible work.

The achievement of equal employment opportunities is an evolving phenomenon globally. While New Zealand has a proud record, more needs to be done to combat discrimination at work, given that work is a strategic entry point to a society free of discrimination.

Diversity in trades training

Occupational segregation of women in lower paid occupations has contributed to New Zealand's pay equity gap with women earning on average 87 cents for every dollar earned by men. Trades such as building and construction have been at the forefront of recent labour

shortages and increasing the diversity of trades training provides a potential solution to skills deficits.

The Human Rights Commission has advocated for greater participation in traditional trades training by young women and produced a series of case studies in a report entitled *Give Girls a Go! Female Modern Apprenticeships in New Zealand*. The case studies were aimed at persuading young women to consider trades training as a vocational option and at employers to encourage them to employ females as apprentices.

Industry training organisations, schools and women's groups are now using the case studies both with female school leavers seeking vocational advice and with potential employers. Web-based material is being promoted by Career Services and the Tertiary Education Commission to encourage greater diversity of participation in the modern apprenticeship scheme.

Employment of older workers

The pervasive barriers faced by mature job seekers and the need for greater retention of older workers are significant workplace challenges as the population ages and there is increasing global pressures on labour supply. The Human Rights Commission, in partnership with the Retirement Commissioner, held a summit of workplace leaders to focus on the untapped potential of older workers and to identify strategies for action.

It was attended by Business New Zealand, the New Zealand Council of Trade Unions, the Auckland Chamber of Commerce, the Canterbury Employers' Chamber of Commerce, the EEO Trust, the Department of Labour and the Ministry of Social Development. The summit developed a list of strategies at government, organisational and individual levels to improve the participation of those aged 50 plus in the New Zealand labour market. A business pilot project was identified as the most effective way of promoting attitudinal change through best practice.

Women in leadership

The Human Rights Commission's bi-annual report, the *New Zealand Census of Women's Participation 2006*, identifies the progress women have made in terms of status and representation in governance and across a range of occupations. It included an Agenda for Change which outlined strategies such as improving the percentage of senior academic women in universities. The Human Rights Commission helped develop the first nationwide leadership programme for senior women in the tertiary sector, who form less than 20% of professors and associate professors. The New Zealand Vice-Chancellors Committee, representing the eight universities endorsed the programme which will run twice a year.

Increasing women's representation in the 2007 local government elections to move New Zealand towards the Commonwealth target of 30% female participation was another Agenda for Change strategy. Six workshops were held by the EEO Commissioner in Auckland, Wellington, Christchurch, Kaitia, Invercargill and Kapiti Coast. Over 80 women attended and a number of participants intend contesting elections for community boards, city and regional councils and district health boards.

Migrant and ethnic employment

The continuing barriers to migrant, refugee and ethnic community employment led to a partnership with the Office of Ethnic Affairs to identify proactive strategies for improving labour market participation of skilled migrants. The Commission and the Office, in conjunction with the Auckland Chamber of Commerce, held two employment symposia in Auckland to seek

feedback from business and from migrant, refugee and ethnic communities. Participants devised an action plan of proposed structures, policies and practices for increasing skilled migrant employment in Auckland. Material from the two symposia is being compiled and will be evaluated for the 2007/08 work programme.

Good employer guidance

Completion of a status report of 'good employer' references in Crown entities' Statements of Intent and other high level documents, showed that 90% of Crown entities refer to 'good employer' plans, or to one of the 7 employment elements outlined in the guidance, in their high level planning documents. This followed Commission guidance to Crown entities as part of the "whole of government" commitment to equal employment opportunities in the state sector.

Te Mana I Waitangi: Human Rights and the Treaty of Waitangi

The significance and place of the Treaty of Waitangi as the founding document of New Zealand and its human rights dimensions are fully recognised.

The Human Rights Commission has a statutory responsibility to promote by research, education and discussion, a better understanding of the human rights dimensions of the Treaty of Waitangi and their relationship with domestic and international law.

Over the past four years the Commission's Te Mana I Waitangi project has delivered a series of symposiums, facilitated community dialogue sessions and presentations. This year there have been 32 dialogue sessions, six symposia and 47 presentations involving 2300 New Zealanders in the programme. In September 2006, the Commission completed a review of Te Mana I Waitangi. Six thematic issues were identified for further work from the community dialogues. They were:

- the right of government to govern
- the right of citizenship
- the right of Maori to live as Maori
- the right to equal opportunities and outcomes
- who were and are the parties of the Treaty
- the relationship between indigenous, Treaty and human rights.

Participants confirmed these issues and reported back on a further three questions related to the Treaty project. These were:

- The value of education about rights and the Treaty in schools
- The power of the media to educate people on these topics
- The question of how other non-English and non-Maori immigrant groups fit into the debate on human rights and the Treaty.

In light of the evaluation report the Commission has reviewed its strategy to focus on two main areas:

- Developing an information network of people and organisations with an interest in ensuring that the Crown-Tangata Whenua relationship reflects the human rights dimensions of the Treaty of Waitangi and providing them with opportunities to discuss these

- Encouraging New Zealand participation in the United Nations Decade for Indigenous Peoples and supporting the adoption of the United Nations Declaration on the Rights of Indigenous Peoples.

Complaints and Enquiries **Nga Tono Me Nga Patai**

In the 12 months ending 30 June 2007, the Commission received a total of 5796 human rights complaints and enquiries. Of these, 1665 were complaints with an element of unlawful discrimination.

Consistent with the trend of the last five years, race-related and disability discrimination complaints made up over 60% of all unlawful discrimination complaints received this year. With over 90% of unlawful discrimination complaints closed within three months of receipt, the Commission's dispute resolution process is consistently meeting the statutory requirements for effective, informal and efficient management of complaints.

As experience and confidence in the system has grown questions about extending it to other human rights complaints warrants consideration and thorough debate. Any change would require amendment to Part 3 of the Human Rights Act.

One result of the Commission's extended mandate has been the increasing numbers of complaints that raise human rights issues other than unlawful discrimination. They cannot currently be progressed through the Commission's statutory dispute resolution process. The Commission uses other powers to assist their resolution through the provision of information, by referral, by intervening to aid communication between the parties and by encouraging more inclusive policy and practice that better reflects human rights standards.

Only a very small number of complainants fail to settle and seek legal representation at the Human Rights Review Tribunal from the Office of Human Rights Proceedings. The Commission and the Director of Human Rights Proceedings have concerns about how long it is taking to progress cases and the consequential lack of developing human rights jurisprudence. An exception this year was the landmark sex discrimination case about occupational segregation at Talley's processing plant in Motueka. The complainants, Caitlin Lewis and Brett Edwards, demonstrated immense courage and commitment in pursuing the case to its conclusion on appeal to the High Court.

Organisational Health and Capability **Te Kaha Ora o te Komihana**

The Commission's organisational and capability priority for 2006-07 was to secure its long-term financial future through additional baseline funding from 2007-08. This was successfully achieved with the May 2007 Budget announcement of an increase of \$7.5m over four years. The increased funding will enable the Commission to maintain the staff establishment required to deliver its statutory functions, and to address long-standing requirements to update its infrastructure.

Conclusion

The year ended with the welcome news that the Government was about to respond to the New Zealand Action Plan for Human Rights. This reinforced the Commission's view that although the challenges remain significant and complex, there was evidence throughout the year of an increased willingness to engage with human rights and responsibilities, to take seriously the anti-discrimination provisions of the Human Rights Act and the good employer provisions of the Crown Entities Act; and to value diversity and difference.