

## Proactive Release

The following Cabinet minute and Cabinet Paper has been proactively released by the Minister of Foreign Affairs.

<b>Title</b>	<b>Reference</b>
Establishment of a Human Rights 'National Mechanism'	ERS-21-MIN-0047

Some parts of this information release would not be appropriate to release and, if requested, would be withheld under the Official Information Act 1982 (the Act). Where this is the case, the relevant sections of the Act that would apply have been identified. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

Key to redaction code:

- 9(2)(j): to avoid prejudice to negotiations.



# Cabinet External Relations and Security Committee

## Minute of Decision

*This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.*

### Establishment of a Human Rights 'National Mechanism'

**Portfolios**                      **Foreign Affairs / Justice**

On 14 December 2021, the Cabinet External Relations and Security Committee:

- 1        **noted** that New Zealand is a party to a number of international human rights treaties and other instruments, and that a National Mechanism is proposed to better coordinate the domestic implementation of the obligations under these instruments;
- 2        **endorsed** the inter-Ministerial National Mechanism based around:
  - 2.1      a Deputy Chief Executive/Deputy Secretary Inter-agency Governance Group (the Governance Group);
  - 2.2      a web-based monitoring tool and process that would record all of New Zealand's United Nations recommendations, and update the progress the government is making towards implementing those recommendations;
  - 2.3      a set of guidelines for public sector agencies to describe the basic steps government agencies should follow to meet their reporting, implementation and follow-up obligations under the core international human rights treaties New Zealand has ratified;
- 3        **directed** all government agencies to cooperate fully with the National Mechanism, including engaging with the Governance Group, following the established guidelines, and contributing regularly to the monitoring tool;
- 4        **directed** the Governance Group to advise on an appropriate process to give Ministers responsible for Governance Group agencies oversight on the implementation and work of the National Mechanism;
- 5        **noted** that the capabilities of the National Mechanism will be built over time and in consultation with civil society, Māori, and the wider public;

- 6 **authorised** the Minister of Finance and relevant portfolio Ministers of the agencies represented on the Governance Group to jointly approve any necessary fiscally neutral adjustments between agencies at a future Baseline Update process to share the costs of designing, building and implementing the monitoring tool.

Janine Harvey  
Committee Secretary

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**Present:**

Rt Hon Jacinda Ardern (Chair)  
Hon Grant Robertson  
Hon Kelvin Davis  
Hon Andrew Little  
Hon Nanaia Mahuta  
Hon Poto Williams  
Hon Kris Faafoi  
Hon Peeni Henare  
Hon Kiri Allan  
Hon Dr David Clark

**Officials present from:**

Office of the Prime Minister  
Officials Committee for ERS

Office of the Minister of Foreign Affairs/Office of the Minister of Justice

Social Wellbeing Committee

## **Establishment of a Human Rights ‘National Mechanism’**

### **Proposal**

- 1 This paper seeks agreement to establish a ‘National Mechanism’ process to better coordinate Aotearoa New Zealand’s domestic implementation of its international human rights obligations and mandate all Government agencies to cooperate with the process.
- 2 Strengthening New Zealand’s processes around governance, reporting, policy development and delivery of our international human rights obligations will enhance our international reputation and enable improved delivery of human rights outcomes domestically.

### **Relation to government priorities**

- 3 This proposal will contribute to a wide range of the Government’s priority areas, in particular those focused on increased well-being and the creation of a fairer New Zealand through reducing inequality, strengthening social inclusion and improved democratic participation. This includes efforts to address child poverty and improve housing outcomes.
- 4 The proposal will also contribute to building New Zealand’s international reputation through demonstrating our commitment to international processes and human rights outcomes.

### **New Zealand has a strong record on human rights**

- 5 New Zealand has a strong history of protecting and promoting human rights both at home and globally. We have a reputation for standing up with others to speak out when we see human rights under threat.
- 6 Te Tiriti o Waitangi/The Treaty of Waitangi principles of partnership, protection and participation are critical to realisation of human rights domestically and inform New Zealand’s international human rights work.
- 7 New Zealand considers all human rights as indivisible, interrelated, and interdependent and that human rights have universal, equal, and non-discretionary application.
- 8 Nevertheless, there are areas where we can do better, including in the equal enjoyment of economic, social and cultural rights. One way we identify and prioritise areas for improvement is through engagement with the international human rights system.

## International human rights obligations

- 9 Internationally, human rights are guaranteed through treaties and customary international law.
- 10 New Zealand is party to seven of the core international human rights treaties of the United Nations (UN)<sup>1</sup> and a number of Optional Protocols to these treaties. By ratifying these instruments, New Zealand has assumed responsibility under international law to immediately implement or progressively realise the human rights obligations set out in each.
- 11 Each treaty requires New Zealand to report periodically to its Treaty Body (an international committee of independent experts) on measures taken to give effect to the treaty, and then participate in a public examination by the Treaty Body. The Treaty Body makes recommendations, which New Zealand must consider implementing and provide progress updates on, between formal reports. A summary of the process, and tentative timeframes for upcoming actions, can be found in Annex I.
- 12 In addition to treaty obligations New Zealand also participates in the Universal Periodic Review (UPR) process conducted by the UN Human Rights Council (UNHRC). This is a member state driven process where every country's human rights record is reviewed every four to five years. Any country can participate in the review of another country and make recommendations. Recommendations received during the UPR are formally accepted or rejected by the state being reviewed.
- 13 Separate recommendations are also derived from visits by UN Special Procedures of the UNHRC (usually Special Rapporteurs or Independent Experts). Special Procedures are independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective. Special Rapporteurs and independent experts have an open invitation to visit New Zealand to investigate and furnish reports to the UNHRC.
- 14 As a result of these reviews New Zealand has hundreds of recommendations relating to its international human rights obligations that need to be considered. The most recent UPR of New Zealand in 2019 resulted in 194 recommendations being received and, according to the UN Universal Human Rights Index, New Zealand received 342 recommendations in total from the most recent reviews by the Treaty Bodies. New Zealand has also received recommendations from Special Procedures including most recently in 2020 from country visits by the Special Rapporteur on adequate housing and the Independent Expert on the enjoyment of all human rights by older persons. Many of the recommendations received are duplicative.
- 15 In addition to being a party to the core international human rights treaties and related Optional Protocols, New Zealand expressed its support to the United Nations Declaration on the Rights of Indigenous Peoples in 2010. While the Declaration is not covered by the proposed National Mechanism, Te Puni Kōkiri is leading the

<sup>1</sup> International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), Convention on the Elimination of all forms of Racial Discrimination (CERD), Convention on the Rights of the Child (CRC), Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), Convention of the Rights of Persons with Disabilities (CERD), Convention on the Elimination of all forms of Discrimination Against Women (CEDAW).

development of a plan to give effect to the Declaration. As part of this work programme, reporting and monitoring requirements for the Declaration plan will be considered and it will be important that these two processes align.

### **Current approach to implementing obligations**

- 16 In New Zealand, domestic agencies are responsible for implementing international human rights obligations and recommendations agreed to through the UPR process and Special Procedures, and for progressively realising rights in New Zealand.
- 17 A lead agency has been identified for each treaty based on the treaty's subject matter. A table setting out the lead agencies can be found at Annex II. The lead agencies are responsible for coordination of each stage of the reporting process including: preparing draft reports for approval by Cabinet; consulting the public and civil society; coordinating delegations for the examination by the Treaty Body; drafting follow-up reports on recommendations; and monitoring progress.
- 18 In addition to the lead agency, other agencies participate in the reporting process by providing statistical or qualitative information for reports and by attending examinations. Monitoring and reporting can involve almost every government agency at some stage in the process. More importantly, the implementation of recommendations received need to be progressed proactively by subject matter agencies (not just the lead agency).
- 19 There is room for improvement in New Zealand's policy process for assessing and implementing human rights recommendations. Currently, there is no agreed cross-agency process to form a position on each recommendation from the various reviews or for how to feed accepted recommendations back into the domestic policy process. Accordingly, there is no way to ensure all accepted recommendations are implemented in a timely manner, or at all. This lack of process also means a lack of ability to be transparent with civil society, Māori as Treaty partners and the wider public on which international human rights recommendations New Zealand has received and accepted and on progress made against these.

### **International best practice: 'National Mechanism for Reporting and Follow-up'**

- 20 The UN strongly recommends that each Member State should have a 'National Mechanism for Reporting and Follow-up' (National Mechanism), in the form of a standing permanent Government structure with a mandate to:
  - 20.1 Coordinate and prepare reports to and engage with the international human rights mechanisms (including Treaty Bodies, the UPR and Special Procedures);
  - 20.2 Coordinate and track national follow-up and implementation of the treaty obligations and recommendations/decisions resulting from these mechanisms.
- 21 New Zealand does not currently have a National Mechanism.
- 22 There are many different models for a National Mechanism. We recommend New Zealand establish an inter-ministerial National Mechanism, based around cooperation between several responsible agencies (as opposed to a National

Mechanism based in one Ministry or as a separate institution). Accordingly, agencies would be collectively responsible for the National Mechanism.

23 The capability of the National mechanism would be built over time, but as a first step we propose New Zealand's National Mechanism:

23.1 be led by a Deputy Chief Executive/Deputy Secretary Inter-agency Governance Group;

23.2 include a web-based monitoring tool and process; and

23.3 develop a set of guidelines for public sector agencies.

### *Governance Group*

24 The Governance Group would be at the core of the National Mechanism and ensure visibility of recommendations and coherence between agencies. Such a Governance Group has already been established and is guided by the Terms of Reference found at Annex III.

25 The purpose of the Governance Group as part of a National Mechanism would be to take a collective approach to system stewardship, including ensuring synergy and alignment and identifying lateral connections across domestic policy work. It would address systemic issues and common problems and identify opportunities for improvement. Lead agencies would continue to be responsible for the implementation of their respective treaties.

26 The Governance Group members<sup>2</sup> would work together to develop and maintain a culture of understanding and respect for our international human rights obligations throughout the public service. It would also encourage government agencies to engage with communities and civil society about our international human rights work.

27 While Te Puni Kōkiri does not have any direct international treaty reporting responsibility, as a member of the Governance Group it will provide leadership for the development of the National Mechanism and ensure that it performs well for Māori as citizens and whānau.

28 Ministers may wish to consider whether there would be value in holding periodic meetings of ministers responsible for Governance Group agencies to provide political level oversight of the work of the Governance Group.

### *Monitoring tool*

29 Establishment of a web-based monitoring tool would make the reporting and implementation system more efficient, promote transparency and accountability, and demonstrate how New Zealand can lead international best practice.

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<sup>2</sup> Governance group members would include representatives from Ministry of Foreign Affairs and Trade, the Ministry of Justice, Ministry of Social Development, Ministry for Women, Te Puni Kōkiri, and Statistics New Zealand.

- 30 The tool would support more efficient ways of implementing recommendations and reporting to UN human rights bodies, including identifying overlapping recommendations. It would record all UN recommendations and update progress the Government is making towards implementing each recommendation. It would also provide government agencies with a complete set of actions from which they can develop coordinated implementation plans and track progress. The Ministry of Justice and the Ministry of Foreign Affairs and Trade would lead the establishment of this tool.
- 31 The monitoring tool would also help promote transparency on human rights in New Zealand and enhance accountability of Government agencies by making information more accessible to civil society and the general public. Anyone would be able to find out what international human rights experts consider to be the most important human rights issues in New Zealand and what steps the Government is taking to respond to those recommendations.
- 32 Open source software is available that is specifically designed for Governments' National Mechanism for Reporting and Follow-up so establishing a monitoring tool would be relatively straightforward and could be in place within the next 12 months.

*Guidelines for public sector agencies*

- 33 The Ministry of Justice is currently developing a set of guidelines to describe the basic steps government agencies should follow to meet their reporting, implementation and follow-up obligations under the core international human rights treaties New Zealand has ratified.
- 34 Human rights monitoring and reporting ensures New Zealand meets our international obligations but it also delivers concrete benefits for New Zealand. It is important to take a consistent and coordinated approach to human rights monitoring and reporting. Closely following established guidelines for the lead public sector agencies will ensure:
- 34.1 reporting and monitoring processes are efficient and do not require more resource than is necessary to create a quality product;
  - 34.2 reporting processes are inclusive, with human rights organisations and the public able to engage meaningfully;
  - 34.3 our human rights reports are high quality and contribute to a data-driven public service and inform public dialogue about human rights issues;
  - 34.4 Government agencies are accountable and transparent;
  - 34.5 human rights are embedded in our public service culture and monitoring and reporting is not seen as a compliance exercise but as an important tool for service delivery and policy development.



## Cross-Government support

- 35 The success of the National Mechanism will require all Government agencies to cooperate fully with the Governance Group, follow the established guidelines, and contribute regularly to the monitoring tool.

## Financial Implications

- 36 Establishing the monitoring tool using the open source software for Governments' National Mechanism for Reporting and Follow-up would cost between <sup>s9(2)(f)</sup> for the tool itself, but could cost more depending on the detailed requirements of how the tool will be used, the level of customisation required and to undertake security testing and assurance activities. The estimates costs will be refined during the investigative phase of the project. The information in the tool also needs to be updated at regular intervals by agencies, which requires a modest level of ongoing resource.
- 37 These costs should be considered against the significant efficiency gains the tool will bring to agencies when compiling human rights reporting through ensuring all information on New Zealand's human rights obligations is held in one place.
- 38 It is proposed that funding to establish the platform and update the tool would come from within baselines of the agencies represented on the Governance Group and that Joint Ministerial approval for any fiscally neutral transfers of funding between agencies will be sought in a future Budget Baseline Update.

## Te Tiriti o Waitangi / Treaty of Waitangi

- 39 The monitoring tool will assist the Crown to meet its obligations under Te Tiriti o Waitangi / the Treaty of Waitangi by supporting better implementation and monitoring of UN recommendations that are relevant to those obligations. The realisation of human rights domestically has significant implications for Māori as the indigenous people of Aotearoa New Zealand and as citizens. The monitoring tool would support transparency and dialogue between the Crown and Māori and contribute to delivering better outcomes for Māori. Government agencies formulating proposed responses to recommendations are expected to engage with Māori in line with their existing Treaty obligations.
- 40 Further work is required to improve engagement in international human rights reporting, implementation and follow-up, particularly with Māori. For example, decisions about which indicators will be used to track progress against specific recommendations is an area where ongoing engagement with Māori is critical. Te Puni Kōkiri is represented on the Governance Group so that it can provide leadership in the further development of the National Mechanism.

## Population Implications

- 41 A National Mechanism would have an expected positive impact on various population groups in New Zealand through collecting better data and improving the delivery of domestic human rights outcomes. The impact would be particularly positive for those groups who are the focus of human rights obligations including: Māori (as

individuals, iwi, hapū, and whānau), children, seniors, disabled people, women, LGBTQIA+ people, Pacific peoples, and ethnic communities.

## Human Rights

- 42 This proposal is consistent with the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993.
- 43 This proposal will support meaningful implementation of New Zealand's international human rights obligations. This includes the civil and political rights affirmed in the New Zealand Bill of Rights Act 1990 but also economic, social and cultural rights that are fundamental to wellbeing (such as housing, health, education and employment rights).

## Consultation

- 44 The following agencies have been consulted in the development of this paper: Department of the Prime Minister and Cabinet; Oranga Tamariki – Ministry for Children; Ministry for Women; Ministry of Social Development; Ministry of Youth Development, Ministry of Māori Development-Te Puni Kōkiri; Te Arawhiti; Statistics NZ; Ministry for Pacific Peoples; Ministry of Business Innovation and Employment; Ministry of Education; the Ministry of Health; Department of Internal Affairs; Ministry of Housing and Urban Development; Ministry of Ethnic Communities; Treasury; Corrections; New Zealand Police; the New Zealand Defence Force; and the Public Service Commission.
- 45 The Human Rights Commission was also consulted in the development of this proposal.

## Communications

- 46 Proposal for the Minister of Foreign Affairs and the Minister of Justice to make a statement upon launch of the monitoring tool.

## Proactive Release

- 47 The Ministers intend to release the Cabinet paper proactively in whole.

## Recommendations

The Minister of Foreign Affairs and the Minister of Justice recommends that the Committee:

1 **Endorse** the inter-Ministerial National Mechanism based around:

- 1.1 A Deputy Chief Executive/Deputy Secretary Inter-agency Governance Group;
- 1.2 A web-based monitoring tool and process that would record all of New Zealand's UN recommendations and update progress the Government is making towards implementing them; and
- 1.3 The set of guidelines for public sector agencies to describe the basic steps government agencies should follow to meet their reporting, implementation

**IN CONFIDENCE**

and follow-up obligations under the core international human rights treaties New Zealand has ratified.

- 2 **Direct** all Government departments to cooperate fully with the National Mechanism including engaging with the Governance Group, following the established guidelines, and contributing regularly to the monitoring tool.
- 3 **Direct** the Governance Group to report at least annually to Ministers responsible for Governance Group agencies on the implementation and work of the National Mechanism.
- 4 **Note** that the capabilities of the National Mechanism would be built over time and in consultation with civil society, Māori, and the wider public.
- 5 **Authorise** the Minister of Finance and relevant portfolio Ministers of the agencies represented on the Governance Group to jointly approve any necessary fiscally neutral adjustments between agencies at a future Baseline Update process to share the costs of designing, building and implementing the monitoring tool.

Authorised for lodgement

Hon Nanaia Mahuta

Minita Take Aorere / Minister of Foreign  
Affairs

Hon Kris Faafoi

Minister of Justice

## Annex I

### The Human Rights Treaty Bodies

1. The nine primary treaties each have a committee (or 'Treaty Body') that is responsible for monitoring implementation of that treaty. The Treaty Body members are independent human rights experts (they are elected by States Parties but do not represent their country of origin) and serve on a volunteer basis in addition to their regular employment. There are 10 treaty bodies in total if including the Subcommittee on Prevention of Torture (see below under 'other mechanisms').
2. Each treaty requires States Parties to submit reports periodically to the relevant Treaty Body. The reports provide statistical information and describe measures taken to give effect to the treaty. The length of reporting period varies but is generally four years except for the two Covenants<sup>3</sup> (8 years).
3. Except for CERD, Treaty Bodies now use a 'simplified reporting procedure' which requires the Treaty Body to send the 'List of Issues Prior to Reporting' (LOIPR) to the State Party before it submits its report which responds to the LOIPR. The typical reporting process is outlined below. The longer process (for CERD) is very similar apart from there being two reports (report and response to a list of issues).

### Human Rights Council - the Universal Periodic Review and Special Procedures

4. The Human Rights Council was established in 2006 and is the principal UN human rights body (equivalent in status to the Security Council or the Economic and Social Council). The Council consists of 47 UN member States elected by the General Assembly. It is responsible for promoting and protecting human rights throughout the world. This includes examining the human rights record of all UN Member States under the Universal Periodic Review (UPR).
5. Every country is reviewed under the UPR approximately every four to five years. Any country can participate in the review of another country and make recommendations so New Zealand plays a significant role despite not currently being a member of the Council. Recommendations received during the UPR are formally accepted or rejected (noted) by the state being reviewed.
6. In addition to the UPR the Special Procedures of the Human Rights Council are independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective. They are non-paid and elected for 3-year mandates that can be extended for another three years. As of September 2020, there are 44 thematic and 11 country mandates.

<sup>3</sup> The International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

7. With the support of the Office of the United Nations High Commissioner for Human Rights (OHCHR), Special Procedures:
  - undertake country visits;
  - act on individual cases of reported violations and concerns of a broader nature by sending communications to States and others;
  - conduct annual thematic studies, seek information from calls for input and convene expert consultations;
  - contribute to the development of international human rights standards; and
  - engage in advocacy, raise public awareness, and provide advice for technical cooperation.

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## Annex II: Agency Responsibilities

In New Zealand, the domestic lead for drafting reports for each treaty sits with different agencies based on the subject matter of the particular treaty:

Treaty	Lead Agency
Universal Periodic Review (UPR) – note that UPR is not a ‘treaty’ but a process in front of the UN Human Rights Council covering all human rights.	MFAT (report) MOJ (review)
International Covenant on Civil and Political Rights (ICCPR)	MOJ
International Covenant on Economic Social and Cultural Rights (ICESCR)	MOJ
Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	MOJ
Convention for the Elimination of All Forms of Racial Discrimination (CERD)	MOJ
Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW)	MfW
Convention on the Rights of the Child (Children’s Convention)	MSD
Convention on the Rights of Persons with Disabilities (CRPD)	ODI
Convention for the Protection of All Persons from Enforced Disappearance (CPED)	Not ratified (MOJ is the lead agency)
Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CWM)	Not ratified (MBIE is the lead agency)

## **Annex II: International Human Rights Governance Group Terms of Reference**

Adopted on 29 October 2020

### **Purpose and Scope**

These Terms of Reference describe the purpose and functions of the International Human Rights Governance Group (the Governance Group) as well as the responsibilities and working methods of its members.

The Governance Group is a high-level forum for the government agencies that are directly responsible for leading work related to:

- core international human rights treaties New Zealand has ratified (including optional protocols);
- the UN Declaration on the Rights of Indigenous Peoples; and
- the Universal Periodic Review mechanism of the UN Human Rights Council.

The Governance Group is mindful of other instruments and mechanisms with a human rights dimension but does not lead work in those areas. These include the Sustainable Development Goals, International Labour Organisation Conventions, and instruments of the UN Educational, Scientific and Cultural Organisation.

### **Functions**

#### **Meeting our International Human Rights Obligations**

The agencies that form the Governance Group lead work related to the international human rights instruments for which they are individually responsible.

However, the Governance Group takes a collective approach to system stewardship, including ensuring alignment and identifying lateral connections across domestic policy work, and addressing systemic issues, common problems and opportunities.

The Governance Group also takes a collective approach to policy advice about the implementation of New Zealand's international human rights obligations, including:

- the incorporation of the core human rights treaties into domestic law and policy, including any gaps, inconsistencies or systemic issues;
- responses to individual communications to UN treaty bodies, including addressing any policy or systemic issues arising from those communications or decisions of the treaty bodies; and
- withdrawal or narrowing of reservations to the core human rights treaties and possible ratification of new international human rights instruments.

The Governance Group members work together to develop and maintain a culture of understanding and respect for our international human rights obligations throughout the public service.

This includes raising the capability of the public service to:

- identify areas for improvement or progressive realisation of fundamental human rights affirmed in relevant international human rights instruments; and
- provide advice about human rights implications of specific policy or legislative proposals.

## Effective Human Rights Reporting, Implementation and Follow-Up

The Governance Group is the central point of New Zealand's National Mechanism for Reporting, Implementation and Follow-up, which is responsible for meeting New Zealand's international human rights obligations and reporting requirements for United Nations (UN) and other human rights bodies.<sup>4</sup>

The Governance Group performs all relevant leadership functions related to New Zealand's obligation to report periodically to UN human rights mechanisms and responds appropriately to recommendations from those mechanisms. This includes supporting government agencies to:

- take a collaborative approach to reporting, implementation and follow-up;
- produce timely and high-quality reports about the human rights situation in New Zealand;
- use accurate and up-to-date statistics and other information about human rights in New Zealand;
- provide civil society organisations and the public with opportunities to engage meaningfully in the reporting and follow-up process; and
- respond to recommendations from UN human rights mechanisms and be accountable for taking agreed actions to implement those recommendations.

The Governance Group may adopt guidelines that describe best practice and set clear expectations for government agencies. The guidelines will take account of any relevant guidance from the UN Office of the High Commissioner for Human Rights.

## Stakeholder Relationships

The Governance Group maintains a strong working relationship with the New Zealand Human Rights Commission as the National Human Rights Institution.

The Governance Group may also engage with United Nations special procedure mandate holders and the UN Subcommittee on Prevention of Torture when they visit New Zealand.

However, in general, the agencies that form part of the Governance Group are individually responsible for direct engagement with other stakeholders, including:

- civil society organisations, practitioners and the academic community;

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<sup>4</sup> For further information about National Mechanisms for Reporting, Implementation and Follow-up see guidance from the UN Office of the High Commissioner for Human Rights (last accessed 29/09/2020): [https://www.ohchr.org/Documents/Publications/HR\\_PUB\\_16\\_1\\_NMRF\\_PracticalGuide.pdf](https://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf); and [https://www.ohchr.org/Documents/Publications/HR\\_PUB\\_16\\_1\\_NMRF\\_Study.pdf](https://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_Study.pdf)



- Iwi Māori and other organisations representing Māori;
- Independent Monitoring Mechanisms for specific international human rights instruments; and
- the National Preventive Mechanisms designated under the Crimes of Torture Act 1989 and the Optional Protocol to the Convention Against Torture.

The Governance Group members may agree to detailed arrangements for engaging with stakeholders and reporting to the Governance Group.

## **Relationship to other government human rights groups**

The Governance Group works closely with other government human rights groups that are the designated coordinating mechanism for specific human rights conventions, including:

- the Children's Convention DCE group, which helps ensure that the work programmes in each agency contribute to the implementation of the Children's Convention; and
- the CE Group for the CRPD, which supports a Ministers' Leadership Group on Disability Issues to implement the CRPD through the Disability Strategy and Disability Action Plan.

These groups have the authority to coordinate all activities related to the implementation of the Convention across Government.

The lead agencies for these groups are represented on the Governance Group and keep the other members informed about their activities.

## **Group Membership**

The Governance Group consists of representatives from the Ministry of Foreign Affairs and Trade, the Ministry of Justice, Ministry of Social Development, Ministry for Women, Te Puni Kōkiri, and Statistics New Zealand (see the Appendix to these Terms of Reference for the relevant international instruments and the lead agency for each one).

## **Conduct of Meetings**

### **Attendance at Meetings and Level of Representation**

Governance Group members are expected to attend all meetings. Any other government agency may attend a meeting of the Governance Group when agenda items are relevant to their functions.

All agencies are represented by a Deputy Chief Executive or equivalent. If a Governance Group member is unable to attend an individual meeting they may send a senior delegate to act on their behalf, but this should not be done on a routine basis.

### **Frequency of Meetings and responsibility for chairing**

The Governance Group meets at least three times a year, but additional or special meetings can be scheduled if necessary.

Responsibility for hosting and chairing meetings rotates between the agencies that are members of the Governance Group. The agency in the chair is responsible for seeking

agenda items and for distributing the minutes. The agenda and relevant papers are distributed at least 10 working days before a meeting.

### **Review of Terms of Reference**

The Governance Group will review these Terms of Reference after one year and then at least once every two years (or sooner by agreement).

Proactively released by the Minister of Foreign Affairs

## Appendix: International Human Rights Instruments & Lead Agency

Abbreviation	Name of Instrument or Mechanism	Lead	Ratification
UPR	Universal Periodic Review	MFAT MOJ	N/A
UNDRIP	Declaration on the Rights of Indigenous Peoples	TPK	N/A
ICCPR	International Covenant on Civil and Political Rights	MOJ	28/12/1978
ICCPR-OP 1	Optional Protocol to the International Covenant on Civil and Political Rights	MOJ	26/05/1989
ICCPR-OP 2	Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty	MOJ	22/02/1990
ICESCR	International Covenant on Economic, Social and Cultural Rights	MOJ	28/12/1978
ICESCR-OP	Optional Protocol to the Covenant on Economic, Social and Cultural Rights	N/A	Not ratified
ICERD	International Convention on the Elimination of all forms of Racial Discrimination	MOJ	22/11/1972
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women	MFW	10/01/1985
OP-CEDAW	Optional Protocol to the Convention on the Elimination of all forms of Discrimination Against Women	MFW	7/09/2000
CAT	Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	MOJ	10/12/1989
OP-CAT	Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	MOJ	14/03/2007
CRC*	Convention on the Rights of the Child	MSD	6/04/1993
OP-CRC-AC	Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	MSD	12/11/2001
OP-CRC-SC	Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	MSD	20/09/2011
OP-CRC-IC	Optional Protocol to the UN Convention on the Rights of the Child on a Communications Procedure	N/A	Not ratified
CRPD	Convention on the Rights of Persons with Disabilities	ODI	25/09/2008
OP-CRPD	Optional Protocol to the Convention on the Rights of Persons with Disabilities	ODI	4/10/2016
CPED	International Convention on the Protection of All Persons from Enforced Disappearance	N/A	Not ratified
ICMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families	N/A	Not ratified