## response

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| DATE | 13 July 2017 |
| TO | United Nations Office of the High Commissioner for Human Rights |
| SUBJECT | HUMAN RIGHTS COUNCIL RESOLUTION a/hrd/35/l.28 ON THE PROTECTION OF THE HUMAN RIGHTS OF MIGRANTS: THE GLOBAL COMPACT FOR SAFE, ORDERLY AND REGULAR MIGRATION |

In response to the United Nations High Commissioner for Human Rights (OHCHR) request RRDD/DESIB/PO on 29 June 2017 for information on existing principles, good practices, and policies on safe, orderly and regular migration, the New Zealand Government submits the following:

* 1. We believe that human rights are inalienable: human rights are guaranteed to all peoples in New Zealand under the Bill of Rights Act (1990)[[1]](#footnote-1), irrespective of their immigration status.
	2. Our Human Rights Act (1993)[[2]](#footnote-2) prohibits discrimination on the basis of race, colour, nationality, ethnicity, disability, political opinions, gender, employment status, sexual orientation, marital status, and the incitement of racial disharmony or harassment.
	3. Employers who exploit migrants can be imprisoned for up to 7 years and/or fined up to $100,000. The New Zealand Government has developed an approach to reassure migrants that they will not be disadvantaged by coming forward to relevant agencies with any genuine claims of workplace exploitation.
	4. To achieve the outcomes set Migrant Exploitation Prevention Strategy, government agencies continue to progress a wide ranging programme of work to address exploitation and trafficking in New Zealand. The result has been an integrated Government-wide view of the work priorities needed to prevent, detect, and combat trafficking and exploitation.
	5. Immigration New Zealand has developed resources specifically targeted at migrant groups and sectors in which migrants have been identified as vulnerable to workforce exploitation, including international students, Pacific migrants and those working in the dairy farming, construction, or aged care sector. [[3]](#footnote-3)
	6. International students are an important source of skilled migrants to New Zealand. The New Zealand Human Rights Commission[[4]](#footnote-4) has supported the development of a new International Student Wellbeing strategy[[5]](#footnote-5) for international students focusing on economic wellbeing, education and health and wellbeing and inclusion.
	7. The New Zealand Migrant Settlement and Integration Strategy[[6]](#footnote-6) is the New Zealand Government’s approach to effectively settle and integrate migrants in New Zealand, so that they make New Zealand their home, participate fully, and contribute to all aspects of New Zealand life. Five interconnected and measurable outcomes for migrant settlement underpin this overarching outcome: *Employment*, *Education and Training*, *English language*, *Inclusion* and *Health and Wellbeing*. The Government has a work programme which supports progress towards each outcome for priority migrant groups.
	8. The New Zealand Government provides trusted settlement information to migrants on a variety of topics, including New Zealand’s employment law, finding employment, cost of living, housing, healthcare, education and schooling and opportunities to participate in the community.
	9. Within our Recognised Seasonal Employers (RSE) circular migration scheme for developing countries (particularly in the Pacific), the RSE Limited Visa requires workers to be provided with accommodation at a reasonable cost, access to healthcare, and pastoral care.[[7]](#footnote-7) New Zealand currently takes 10,500 temporary workers annually (mostly from the Pacific) through the RSE Programme[[8]](#footnote-8). RSE is a labour mobility scheme which provides temporary workers for the horticulture and viticulture sector. Participants are trained in appropriate skills through specialised training, but also in other trades skills which can directly benefit those workers through enabling them to take up other work within the sending country once they return. In terms of formal training, Vakameasina,[[9]](#footnote-9) a programme funded through NZ Aid, provides English language, numeracy, financial and computer literacy, health and life skills training to over 1,000 RSE workers every year. This training is highly regarded by the RSE employees, who are particularly interested in improving their financial literacy skills. RSE workers take more than income with them; they take skills and future work opportunities home.
	10. Every 21 March, the International Day for the Elimination of Racial Discrimination is observed in New Zealand and led by the Human Rights Commission. Communities across the country host a multitude of events on and around the 21 March to mark Race Relations Day. These events bring together community, religious, ethnic and government leaders to promote positive and harmonious race relations.[[10]](#footnote-10)
	11. In 2016 the Human Rights Commission launched the “#ThatsUs”[[11]](#footnote-11) campaign, an initiative in support of the New Zealand Migrant Settlement and Integration Strategy. That’s Us is New Zealand’s first anti-racism campaign that asks New Zealanders to start sharing personal stories about racism, intolerance and hatred as well as their hopes for the future. We believe that talking about the impact of casual racism will deter xenophobia.
	12. New Zealand Government has a Race Relations Commissioner, who promotes positive race relations and cultural diversity.[[12]](#footnote-12)
	13. In 2016 the Human Rights Commission supported the State Services Commission to focus on increased diversity and representation of minority communities in the public service. This is an identified need that is being actively addressed.
	14. In 2017, the Human Rights Commission supported an enhanced whole of government approach to social cohesion for minority communities. This has resulted in civil society being included in the consultation and decision making process and clarity around leadership and responsibilities of agencies.
	15. There are various legal and complaint mechanisms available to people who believe they have been discriminated against or who have been subjected to hate speech. Depending on the nature of the concerns individuals are able to complain to the law enforcements agencies or to organizations such as the Human Rights Commission.
	16. In 2016, Immigration New Zealand supported the development of Ethnic Safety Patrols,[[13]](#footnote-13) a voluntary initiative to have different ethnicities around the community so that migrants feel safe and feel that they can liaise with law enforcement. This has led to a further outcome of having cultural diversity in the police force, after volunteers decided to further their careers and join.
	17. The Human Rights Commission have a New Zealand Diversity Action Programme: Te Ngira which brings together diverse communities and leaders.[[14]](#footnote-14)
	18. New Zealand, as a member of the Pacific Islands Forum, agreed to the 2008 Niue Declaration on Climate Change[[15]](#footnote-15) which states the expressed desire of Pacific peoples to continue to live in their own countries.
	19. Human trafficking is an offense in the Crimes Act, liable for up to 20 years (equivalent to murder) if found guilty.[[16]](#footnote-16)
	20. New Zealand is a member of the Bali Process[[17]](#footnote-17), a regional forum that addresses people smuggling and human trafficking by strengthening regional cooperation.
	21. Combating human trafficking requires the combined efforts of numerous government agencies. New Zealand maintains an Inter-Agency Working Group on human trafficking between government agencies, established in 2006, to carry out training and awareness raising exercises; develop policies to deliver support to victims; empower victims to take part in the criminal justice process against their traffickers.
	22. New Zealand has a Plan of Action to Prevent Human Trafficking[[18]](#footnote-18), which was published in 2009.
1. http://www.legislation.govt.nz/act/public/1990/0109/latest/DLM224792.html [↑](#footnote-ref-1)
2. http://www.legislation.govt.nz/act/public/1993/0082/latest/DLM304212.html [↑](#footnote-ref-2)
3. https://www.immigration.govt.nz/about-us/policy-and-law/integrity-of-the-immigration-system/migrant-exploitation [↑](#footnote-ref-3)
4. https://www.hrc.co.nz/ [↑](#footnote-ref-4)
5. https://education.govt.nz/assets/Documents/Ministry/Strategies-and-policies/internationlStudentWellbeingStrategyJune2017.pdf [↑](#footnote-ref-5)
6. https://www.immigration.govt.nz/about-us/what-we-do/our-strategies-and-projects/settlement-strategy [↑](#footnote-ref-6)
7. https://www.immigration.govt.nz/employ-migrants/hire-a-candidate/options-for-repeat-high-volume-hiring-new/recognised-seasonal-employer/apply-for-agreement-to-recruit [↑](#footnote-ref-7)
8. https://www.immigration.govt.nz/employ-migrants/hire-a-candidate/options-for-repeat-high-volume-hiring-new/recognised-seasonal-employer [↑](#footnote-ref-8)
9. http://www.vakameasina.co.nz/ [↑](#footnote-ref-9)
10. https://www.hrc.co.nz/your-rights/race-relations-and-diversity/race-relations/our-work/race-relations-day/ [↑](#footnote-ref-10)
11. http://www.thatsus.co.nz/ [↑](#footnote-ref-11)
12. https://www.hrc.co.nz/about/commissioners-and-senior-leadership/dame-susan-devoy/ [↑](#footnote-ref-12)
13. http://ethniccommunities.govt.nz/story/creating-safer-ethnic-communities [↑](#footnote-ref-13)
14. https://www.hrc.co.nz/your-rights/race-relations-and-diversity/race-relations/our-work/nz-diversity-action-programme-te-ngira/ [↑](#footnote-ref-14)
15. http://www.pacificdisaster.net/pdnadmin/data/original/NIU\_2009\_CC\_declaration.pdf [↑](#footnote-ref-15)
16. http://www.legislation.govt.nz/act/public/1961/0043/latest/DLM328722.html?search=sw\_096be8ed814f3533\_human+trafficking\_25\_se&p=1 [↑](#footnote-ref-16)
17. https://www.mfat.govt.nz/en/peace-rights-and-security/international-security/people-smuggling-and-human-trafficking/ [↑](#footnote-ref-17)
18. https://www.immigration.govt.nz/documents/about-us/plan-of-action-to-prevent-people-trafficking.pdf [↑](#footnote-ref-18)