



# Multicultural New Zealand

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## Submission by Multicultural New Zealand on the New Zealand Government's draft report to the United Nations Committee on the Elimination of Discrimination (CERD) on compliance with the International Convention on the Elimination of All Forms of Racial Discrimination, September 2015.

### Introduction

Thank you for the opportunity to comment on the draft report to CERD. Multicultural New Zealand (the NZ Federation of Multicultural Councils) represents 18 multicultural councils throughout New Zealand and has national advisory councils for youth, women, seniors and business. We offer a collective voice for ethnic, migrant and refugee communities in particular and promote cultural diversity and harmonious race relations in general. We are therefore very interested in New Zealand's compliance with the International Convention on the Elimination of All Forms of Racial Discrimination and are likely to make a shadow report to the Committee as well as providing comment on this draft report. There are many organisations and individuals that speak for Maori and Pacific peoples in New Zealand, so the primary emphasis of our comments is on other minority ethnic, migrant and refugee communities. We do however emphasise the importance and urgency of addressing the issues faced by Maori and Pacific peoples, particularly in relation to entrenched social and economic inequalities. We also share with them a concern to address the structural discrimination that continues to afflict all ethnic minorities.

### General comments

We have a number of general comments on the draft report as follows:

1. Multicultural New Zealand has recently published a report, "Our Multicultural Future" which is the product of 34 workshops attended by nearly 600 people throughout New Zealand earlier this year on a vision for a multicultural society and the barriers to achieving it. We would encourage you to read and refer to it in your report. Key issues identified include:

- The need for ongoing discussion about how the Treaty of Waitangi applies in a society that has moved from being bicultural to being multicultural. This fits well with the recommendation of the Constitutional Advisory Panel for an ongoing public discussion about the Treaty.

- The persistence of racism and intolerance in its various manifestations. Better application of the cultural diversity principle set out in the school curriculum, and better preparation for life in a multicultural society from the earliest years of education was seen as an important part of the solution at an individual level.



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*Many people together for one Nation*



- A lack of community capacity for the maintenance of diverse cultures and engagement between cultures, and the need for greater government support for community organisations involved in these areas.

- Under-representation of minority ethnic communities in decision making bodies (e.g. school boards of trustees, local government, district health boards) and in the management and staffing of government agencies, as well as structural discrimination in government services. A need was seen for policies to promote and strengthen a multicultural society, including a national languages policy to provide for multilingualism. The school board of trustees and local body elections in 2016 were seen as an opportunity to improve ethnic representation, and action was seen as being required to make public services more responsive to ethnic communities.

- New migrants and refugees continue to face major difficulties in achieving work commensurate with their qualifications, and face discrimination in employment. Community organisations seeking to support migrant settlement and integration are under-resourced.

You can find a copy of the report here: <http://multiculturalnz.org.nz/Publications?src=nav>

2. We would like to see more of the above issues addressed in the report, in particular structural discrimination, which was the subject of a recommendation by CERD at the time of the last review. We note also that the report is silent on the CERD recommendation on support for ethnic community languages in addition to te reo Maori and Pacific languages.

3. We believe it is time for a paradigm shift in reports to UN Treaty bodies which recognises the multicultural nature of New Zealand society and comprehensively addresses issues relating to minority ethnic communities as well as Maori and Pacific peoples. This is not in any way to belittle the challenges facing the latter, but to recognise that there are other population groups that suffer discrimination of various kinds and who are becoming numerically highly significant (note for example the major Asian population now resident in New Zealand). We note that apart from limited references to issues facing new migrants and refugees, these populations are rarely referred to in this and other reports, even though many of them are not recent migrants or former refugees. One needs to look at the population as a whole, including Pakeha, in order to assess whether we are achieving our goals of being a successful multicultural society.

4. To this end, for example, the separate paragraphs in the report relating to the roles of Te Puni Kokiri, (paragraph 78), the Ministry of Pacific Island Affairs (paragraphs 103-105) and the Office of Ethnic Communities (paragraphs 117-121) should be brought together and placed in the section on Government Policy and General Legal Framework, perhaps between the current headings of Ethnic Characteristics of the New Zealand Population (paragraph 11) and Data Available on Racial Discrimination (paragraphs 12-13). This would mean inserting a new Section C on government administration.

### **Specific comments**

We have a number of specific comments relating to statements and information in the report as follows:

1. Introduction, paragraph 2. We note the statement that "the Government of New Zealand continues to serve as a catalyst for discussion about racism". We are unclear as to what this refers to, as we are not aware of any government initiatives to act as a catalyst for discussion about racism. We suggest you delete the statement or otherwise explain how the Government does this.

**2.** Ethnic characteristics of the NZ population, paragraph 11. We consider this to be the place where the report should reflect briefly on the fundamental change that is taking place in the demographic composition of New Zealand. This would include some trend information, and perhaps information on the much higher level of diversity in Auckland, where Maori, ethnic and Pacific peoples make up an even more substantial proportion of the population. This would be further enhanced by including figures on the ethnic composition of children in compulsory education in Auckland, where Pakeha children now make up little more than 40 per cent of the total.

**3.** Data available on racial discrimination, Section C, paragraphs 12-13. We suggest that this section would be further strengthened by a reference to our recently published report "Our Multicultural Future". For example: "14. A recent report by Multicultural New Zealand supported by the New Zealand National Commission for UNESCO following an extensive programme of workshops around New Zealand noted that participants highlighted racism and other forms of racial intolerance as a key issue to be addressed in achieving a successful multicultural society." (Add reference in footnote).

**4.** Constitutional Advisory Panel, paragraphs 22-30. We welcome the inclusion of a section on the Constitutional Advisory Panel, but note that despite the Panel's report having been published nearly two years ago, no concrete action has been taken by the Government with regard to its recommendations. Paragraph 30 should be strengthened to include specific steps that will be taken by the Government.

**5.** Race Relations Commissioner, paragraph 39. We note the description of the role of Race Relations Commissioner as "encouraging New Zealanders to take personal responsibility for race relations and to defend victims of racial abuse." We consider this to be a serious understatement of the role of the Commissioner, who works with all sectors including government, communities, business, education, media, etc to promote respect for cultural diversity and equal treatment of people of all ethnicities, and to identify and challenge instances of structural as well as personal discrimination. The position is not merely focused on individual responsibility. We recommend a revision of this section accordingly.

**6.** Human Rights Amendment Bill, paragraph 44. Since this legislation was the subject of a specific recommendation by CERD it would be appropriate to make reference to that recommendation. We understand that the Government has resolved to retain the title of Race Relations Commissioner in the proposed structure and CERD should be advised of this decision.

**7.** Preventing Violence Against Maori Women, paragraphs 98-102. We are unclear as to why the heading of this section refers only to Maori women, when there are references to Samoan women in paragraph 101 and Pacific women in paragraph 102. We note that there are issues relating to violence against women from both Pacific and ethnic communities and suggest that the heading be changed to reflect this and that additional information be added about initiatives in relation to these latter groups. We are aware, for example, of initiatives by the NZ Police, the Ministry of Social Development's E Tu Whanau and ourselves in relation to violence against women in ethnic communities. The section could also be strengthened by providing statistics on the incidence of violence against Maori, Pacific and ethnic women and the programmes being undertaken to address it.

**8.** We are puzzled by the inclusion of a section on Immigration Distinctions Based on Nationality (paragraphs 127-128) under Article 4 of the Convention, which relates to incitement to racial hatred. We presume this belongs in another section of the report. The same applies to the section on The NZ Police Respecting Ethnic Diversity (paragraphs 133-147).

**9.** We would like the section on Education (paragraph 183 et seq.) to include a reference to the principles of the New Zealand Curriculum 2008, and in particular the principles on the Treaty of Waitangi and Cultural Diversity. We note with concern the review of the implementation of the curriculum principles by the Education Review Office, which found that most schools had not implemented the principle of cultural diversity. This should be identified as an area for improvement (this is also referred to in our report on Our Multicultural Future).

**10.** We would like the section on employment (paragraph 238 et seq) to include reference to the issues faced by migrant workers and the steps taken to address these, and to the difficulties faced by new migrants in finding employment appropriate to their level of skill and qualification due to discrimination in employment. It should be noted in paragraph 240 that Asian peoples will also form a significant part of the workforce in coming years.

**11.** We consider the section on Article 7 (combating prejudice and promoting tolerance) to be weak and short on evidence of particular programmes. We would also like to see more reference to programmes relating to Pacific and ethnic communities.

We trust you will find these comments constructive and useful, and we look forward to seeing the final version of the report.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tayo Agunlejika', with a horizontal line extending from the end of the signature.

Tayo Agunlejika  
Executive Director