

Ref: 218780

5 September 2022

By email to [REDACTED]

Tēnā koe [REDACTED],

### **Response to your request for Official Information**

On 10 July 2022, you requested the following information from the Human Rights Commission ("the Commission") under the Official Information Act 1982 ("OIA"):

1. *All correspondence, including letters, memoranda, emails, texts and records or minutes of any electronic conferences, files notes, agendas, meetings and briefings between any representative/employee of the Human Rights Commission and any representative of the National Iwi Chairs Forum or any Iwi Leaders Group.*
2. *All records of meetings held between any representative/employee of the Human Rights Commission and any representative of the National Iwi Chairs Forum or any Iwi Leaders Group including the date, time and location.*

By email dated 20 July 2022, the Commission advised you that your request would be very difficult to meet without substantial collation or research that would unduly interfere with the Commission's operations. We offered to provide a summary of information as an alternative. By email dated 22 July 2022, you agreed to refine your request by agreeing, in the first instance, for it to be provided as a summary of the information the Commission holds about its engagements with the National Iwi Chairs Forum, confined to the last two years only.

Accordingly, we **attach** a summary of the Commission's engagements with the National Iwi Chairs Forum from July 2020 to July 2022.

### **Alternative avenues**

If you are not satisfied with this response, under the Official Information Act you are entitled to complain to the Ombudsman's Office. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or on freephone 0800 802

602.

Nāku noa, nā

A handwritten signature in black ink, appearing to read 'P. Moran', with a long horizontal flourish extending to the right.

**Philippa Moran**

Legal Advisor | Kaitohu Ture

New Zealand Human Rights Commission | Te Kāhui Tika Tangata

Encl Summary document – Human Rights Commission and National Iwi Chairs  
Forum engagements July 2020 – July 2022

## **OIA request regarding Human Rights Commission engagement with National Iwi Chairs Forum**

Below is a summary of the information held by the Human Rights Commission (HRC or 'the Commission') in relation to engagements (including correspondence and meetings) with representatives of the National Iwi Chairs Forum (NICF) during the last two years (July 2020 – July 2022).

### **Tiriti-based organisation**

The Commission has made a commitment to becoming a Tiriti-based organisation. As part of ongoing work towards this, in August 2020 Commission representatives presented to the August NICF hui proposing to develop a Tiriti-based relationship between the HRC and NICF. Informal telephone discussions were held between Commission and NICF representatives prior to and following that meeting.

Discussions to progress this proposal continued intermittently through 2021, with a meeting held in October 2021 to discuss the developing relationship. This included in mid-2021 engaging with NICF representatives to discuss and invite comment on the Commission's draft strategic plan, statement of intent and statement of service performance.

Meetings also took place in early 2022 with NICF Pou Tikanga representatives in relation to the Commission's progress on its commitment to become a Tiriti-based organisation, and to discuss formalising the relationship between the HRC and NICF.

In early 2022, discussions took place with NICF Pou Tikanga representatives regarding a proposal to formalise the Commission's ongoing relationship with the NICF. Further meetings were held in May and June 2022 with several NICF representatives to discuss that proposal.

Work towards formalising the relationship is continuing.

### **National action plan to implement the UN Declaration on the Rights of Indigenous Peoples**

Since mid-2021, representatives from the Commission, NICF and Te Puni Kōkiri have been working in partnership on the development of a national action plan to implement the UN Declaration on the Rights of Indigenous Peoples. The parameters of the work are set out in a [June 2021 Cabinet paper](#), and further information on the project is available on the TPK website at: <https://www.tpk.govt.nz/en/a-matou-whakaarotau/te-ao-maori/un-declaration-on-the-rights-of-indigenous-peoples>.

Commission representatives participate alongside NICF representatives and TPK officials in a project Working Group, which serves as the project secretariat, and in a Steering Committee that commissions and reviews work from the Working Group.

As part of the Working Group and Steering Committee, there have been regular correspondence and meetings with NICF representatives throughout the project.

The Steering Committee has met regularly during the period from September 2021 to July 2022, to consider and approve key documents, including: a Targeted Engagement Strategy, Cabinet update and summary of targeted engagement ([April 2022](#)); to discuss progress of the project, including targeted engagement (which took place from September 2021 to February 2022); and the subsequent preparation of a draft Declaration plan (underway from April 2022).

The Working Group has also met frequently for most of the duration of the project – generally at least weekly over the period from August 2021 to early July 2022. Meetings have been to: prepare documents for the Steering Committee, plan and implement targeted engagement, prepare a summary report of the targeted engagement, and to prepare a draft action plan for public consultation (this drafting work is currently underway).

Working Group members, along with additional facilitators drawn from each organisation, facilitated 69 engagement workshops during the targeted engagement period. Correspondence and meetings related to: developing, piloting and refining the engagement methodology; training facilitators; scheduling workshops and allocating facilitators; and meeting periodically with facilitators to discuss how engagements were progressing and address any issues arising. Around 8 facilitator meetings were held.

Working Group members also worked together in relation to three meetings held with representatives of national Māori organisations (in October 2021, February and May 2022).

In May 2022, a Commission representative participated in a Kotahitanga wānanga hosted by Pou Tikanga of the NICF, and provided a presentation on the outcomes of the targeted engagement process. Correspondence took place to arrange this participation.

### **Independent Monitoring Mechanism**

The Commission provides secretariat support to the Aotearoa Independent Monitoring Mechanism for the UN Declaration on the Rights of Indigenous Peoples (IMM). Members of the IMM have been selected by their Iwi and endorsed by the NICF to act as independent experts. The objective of the IMM is to promote and monitor the implementation of the UN Declaration on the Rights of Indigenous Peoples (the Declaration) in Aotearoa/New Zealand. The IMM is supported in its work by technical advisers, and the Commission contributes to that technical team by providing secretariat support.

In its secretariat role, HRC arranges at least two meetings per year of the IMM and coordinates the preparation of the IMM's annual monitoring report. In the past two years, six meetings of the IMM have been held. An HRC staff member corresponds with IMM members and technicians to arrange those meetings; to gather input and feedback for the preparation of the monitoring report; and to finalise and submit the reports to the UN Expert Mechanism on the Rights of Indigenous Peoples (EMRIP). Reports were forwarded to the EMRIP from the IMM in July 2021 and July 2022.

## EMRIP

In 2019 the Commission and the IMM on behalf of the NICF jointly requested a visit to New Zealand by the EMRIP, which took place in April 2019. As part of the follow up to that visit, in July 2021 the EMRIP invited both organisations to provide an update on developments to the EMRIP's annual session. A joint statement was prepared which: reiterated the benefits of the EMRIP's 2019 visit and [advice](#); noted the development of the *He Puapua* report in 2019, and its delayed release in 2021; and noted a lack of further progress on a national action plan for the Declaration, up until the Government's announcement of next steps earlier that month (July 2021).

Both the IMM and the HRC prepared respective statements for the EMRIP's annual session in July 2022.

## Housing Guidelines / Inquiry

The *Framework Guidelines on the Right to a Decent Home in Aotearoa*, launched by the Commission in August 2021, were developed in partnership with the NICF with support from Community Housing Aotearoa and Te Matapihi.

The partnership was reflected through development of a formal terms of reference. Commission staff also corresponded with a NICF representative throughout the project, providing updates on the project and drafts for comment.

Prior to the launch of the *Guidelines*, a 'mini advisory group' was convened to advise on the launch. The NICF representative was invited to participate in this informal launch advisory group.

Following the launch of the *Guidelines*, the Commission announced its intention to undertake an Inquiry into the Right to a Decent Home in Aotearoa (the Housing Inquiry). The Inquiry team convened an Expert Advisory Group to advise on the direction of the Inquiry. An NICF representative was formally invited to membership in that EAG, which would include both formal meetings and providing comment or feedback as requested or relevant (usually by email). That group met in September 2021, December 2021 (prior to the launch of the first Inquiry report), and February 2022. The next EAG meeting is planned for late August 2022.

The NICF representative participated in a workshop considering Te Tiriti aspects of the first report (alongside other members of the EAG). They also provided feedback on a discussion paper brief and recommendations for researchers who could be approached for their interest in undertaking the discussion paper.

Following the release of the *Guidelines* and the Inquiry's first report, the Commission is conducting focussed inquiries with specific communities. Correspondence with the NICF representative continued in 2022 in relation to identifying potential communities and issues of focus. Through the NICF, contact has been made with two Iwi groups/collectives that have expressed interest in participating in the Inquiry process. Further discussions are taking place with those groups.

## **Justice reform**

Commission representatives were invited to participate in a workshop attended by NICF representatives and the Ministry of Justice in June 2021. The workshop discussion looked at the values underpinning the justice system. Correspondence included the invitation to this hui and logistics.

## **Climate change and human rights**

Commission representatives have met with representatives of the NICF Pou Take Āhuarangi to discuss climate change and human rights issues in August 2021 and in May 2022. Correspondence in June 2022 from HRC staff to NICF representatives invited comment on early drafts of submissions being prepared in relation to climate change issues.

## **Constitutional convention**

Commission staff assisted with and participated in the February 2021 Constitutional Convention, an online event that aimed to bring together whānau, hapū, iwi and Māori organisations to discuss strengthening Rangatiratanga. Information about the event can be found at: <https://tehiku.nz/tehiku-radio/matike-mai-maori-constitutional-convention/>

Commission staff engaged with NICF representatives as part of a working group set up to organise and support the event. Correspondence and meetings (held from late 2020 to February 2021) discussed logistical arrangements such as: collating a programme booklet and facilitating workshop breakout groups.

## **Contributions toward the National Action Plan Against Racism**

The Government has asked the Ministry of Justice to create a National Action Plan Against Racism (“NAPAR”). To support this work, the Commission was asked to undertake preliminary engagement with tangata whenua and civil society on their experience of racism in Aotearoa. The purpose of this engagement was to capture people’s experiences of racism and their thoughts about what should be in the Plan.

As part of that engagement, a meeting was held in September 2021 with members of the NICF Eliminating Racism Iwi Leaders Group (ILG).

Further discussions took place with representatives of the ILG to discuss our respective roles in the project, and to provide support to the project. As part of this, a Commission representative has participated in a meeting (in March 2022) with the NICF caucus involved in that work.

As part of the Commission’s contribution to the NAPAR project, a research report was commissioned into the impacts of racism upon tangata whenua. NICF representatives were provided a draft of that report and invited to comment. That report is currently being finalised.

### **NICF meetings**

In the past two years, Commission staff have attended portions of several of the quarterly meetings of the NICF as observers, and have corresponded with NICF representatives to seek permission to do so and to organise logistics (registration etc).

### **Parliament protest conciliation process**

During the period of the protest outside Parliament between February and March 2022, representatives of the Commission met with some protest leaders and offered to provide a confidential conciliation process.

As well as engaging with mana whenua representatives, the Chief Commissioner exchanged a series of text messages with two members of the National Iwi Chairs Forum as a courtesy to keep them informed of tikanga in place during meetings that took place. No members of the National Iwi Chairs Forum attended these meetings but, as part of the developing relationship with NICF, the Chief Commissioner felt it important to inform them that the meetings were taking place.