

Universal Periodic Review
(18th session, January – February 2014)
Contribution of UNESCO to Compilation of UN information
(to Part I. A. and to Part III F, J, K, and P)
New Zealand

I. BACKGROUND AND FRAMEWORK

A. Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

I.1. Table:

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education (1960)	Ratified 12/02/1963	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education. (1989)	Not state party to this Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	Ratified 22/11/1984			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	Not state party to this Convention			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	Accession 05/10/2007			Right to take part in cultural life

II. Input to Part III. Implementation of international human rights obligations, taking into account applicable international humanitarian law to items F, J, K, and P

Right to education

Normative Framework:

2. Constitutional framework: New Zealand has a constitution, but it is not all in one document, and it includes crucial pieces of legislation, several legal documents, common law derived from court decisions as well as established constitutional practices known as conventions. The Constitution Act 1986¹, which is a key formal statement of New Zealand's system of government, does not include human rights guarantees. Other important legislation includes, inter alia, the New Zealand Bill of Rights Act 1990² and the Human Rights Act 1993³, which contain provisions related to the right to education.

3. **Articles 57 to 60 of the Human Rights Act 1993** refer to “**Discrimination in access to educational establishments.**” According to **Article 57** “(1) It shall be unlawful for an educational establishment, or the authority responsible for the control of an educational establishment, or any person concerned in the management of an educational establishment or in teaching at an educational establishment — (a) To refuse or fail to admit a person as a pupil or student; or (b) To admit a person as a pupil or a student on less favourable terms and conditions than would otherwise be made available; or (c) To deny or restrict access to any benefits or services provided by the establishment; or (d) To exclude a person as a pupil or a student or subject him or her to any other detriment,— by reason of any of the prohibited grounds of discrimination. (2) In this section educational establishment includes an establishment offering any form of training or instruction and an educational establishment under the control of an organization or association referred to in section 40 of this Act.”

4. **Article 58** mentions exceptions in relation to establishments for particular groups such as for students of one sex, race or religious belief, or for students with a particular disability, or for students in a particular age group. **Article 59** provides exception in relation to courses and counseling and **Article 60** in relation to disability.

5. In addition, **Article 62** on sexual harassment and **Article 63** on racial harassment apply to education area.

6. According to **Article 15** of the **New Zealand Bill of Rights Act 1990**, “Every person has the right to manifest that person’s religion or belief in (...) teaching, either individually or in community with other, and either in public or in private.”

Legislative framework:

7. Compulsory education and school attendance: The legal framework for education in New Zealand is reflected in the **Education Act 1964**⁴ and in the **Education Act, 1989**⁵ and its

¹ <http://www.legislation.govt.nz/act/public/1986/0114/latest/whole.html#d1m94204>

² <http://www.legislation.govt.nz/act/public/1990/0109/latest/DLM224792.html>

³ <http://www.legislation.govt.nz/act/public/1993/0082/latest/DLM304212.html>

⁴ <http://www.legislation.govt.nz/act/public/1964/0135/latest/DLM356732.html>

⁵ <http://www.legislation.govt.nz/act/public/1989/0080/latest/DLM175959.html>

subsequent amendments. The **Education Amendment Act (No. 2), 1998**⁶, enacted on 18 December 1998, amended current legislation in areas such as enrolment schemes and suspensions. The New Zealand Qualifications Authority and the Teacher Registration Board (the latter replaced by the New Zealand Teachers Council in 2001) were established under the Education Act 1989. The New Zealand Teachers Council was established under the **Education Standards Act 2001**⁷, an amendment to the Education Act 1989.⁸ The Education Standards Act responds directly to the Human Rights Act 1993 by ensuring compliance with human rights standards particularly in areas of gender, marital status and disability. Education policy and administrative practice further supplement the realization of this right.⁹

8. In May 2006 a **new Education Amendment Act**¹⁰ was passed which aimed at implementing some significant policy changes (such as the new early childhood education regulatory regime and the extension of the National Student Number—NSN), make a number of minor changes to enhance administration of the education system and tidy up existing legislation that is out of date or no longer used.¹¹

9. In 2008, a **new Education (National Standards) Amendment Act**¹² came into force. It provides penalties for failure to enroll or for irregular attendance at school.

10. Non-discrimination and gender equality: According to the new **Immigration Act 2009**, Article 21: “A person who is unlawfully in New Zealand may not (b) study in New Zealand, except in compulsory education (but subject to the Education Act 1989).” Providers of compulsory education cannot be prosecuted for enrolling a child who is unlawfully in New Zealand. Immigration New Zealand cannot use the powers of entry and inspection to search for or locate any member of the child’s family.

11. Tertiary education: The **Education (Tertiary Reform) Amendment Act 2002**¹³ came into force on 1 January 2003. The purpose of this Act is to amend the Education Act 1989 in order to reshape the tertiary education sector, so as to achieve coherence between different parts of the sector and strategic use of resources, by: establishing a Tertiary Education Commission and incorporating Skill New Zealand within it; extending the requirements for charters, and introducing profiles, to steer the tertiary education sector; introducing a new approach to funding for the sector to create consistency and strategic use of resources across the sector as a whole; allowing the New Zealand Qualifications Authority to set conditions on the registration of private training establishments, and on course approvals and accreditations, and providing for the enforcement of those conditions.¹⁴

⁶ <http://www.legislation.govt.nz/act/public/1998/0118/latest/DLM18095.html>

⁷ <http://www.legislation.govt.nz/act/public/2001/0088/latest/DLM117863.html>

⁸ International Bureau of Education (IBE), New Zealand, Profile of the Education system, <http://www.ibe.unesco.org/fr/dans-le-monde/regions-de-lunesco/asia-et-pacifique/nouvelle-zelande/profile-of-education.html>

⁹ New Zealand Human Rights Commission, http://www.hrc.co.nz/hrc_new/hrc/cms/files/documents/21-Jul-2010_12-38-39_Right_to_education_chapter.html

¹⁰ <http://www.legislation.govt.nz/act/public/2006/0019/latest/DLM372797.html>

¹¹ IBE, op. Cit.

¹² <http://www.minedu.govt.nz/~media/MinEdu/Files/EducationSectors/PrimarySecondary/PolicyAndStrategy/EducationNationalStandardsAmendmentAct20081.pdf>

¹³ <http://www.legislation.govt.nz/act/public/2002/0050/latest/DLM165293.html>

¹⁴ IBE, op. Cit.

12. Quality and curriculum: The **New Zealand Council for Educational Research (NZCER) Act, 1972** defines the main functions of the Council¹⁵.

13. The **National Education Guidelines**¹⁶ (NEGs), defined under the Education Act 1989, spell out the obligations that schools are required to meet. The NEGs include: the National Education Goals, which are statements of desirable achievements by schools; the National Administration Guidelines, which are statements of desirable codes or principles of conduct; National curriculum statements, which describe achievement objectives for students in the areas of knowledge, understanding and skills identified in the New Zealand curriculum; and Foundation curriculum policy statements, which are statements of policy concerning teaching, learning, and assessment.¹⁷

14. School boards of trustees are required to develop a **charter** that forms an undertaking by the board to take all reasonable steps to meet the objectives therein. A charter is deemed to include the NEGs and encompass the requirements of the Education Act, 1989, and may include local objectives developed in consultation with the school's community.¹⁸

15. Policy measures: Since the end of the 1980s there have been major reforms in the organization and management of education. These reforms were designed to make better use of the available education funding and provide schooling which will more effectively meet the rapidly changing needs of New Zealand in the 1990s and beyond. One of the most significant effects of these changes on primary and secondary education has been the opportunity for parents and communities to be involved in the management of schools in partnership with principals and teachers. Following the reforms in school management, focus turned to developments in the curriculum and qualifications system which will meet the needs of students and the economy.¹⁹

16. The reform of education administration began in 1987, when a government-appointed task force reviewed the management of education in New Zealand. The recommendations of the task force were developed into a blueprint for change called *Tomorrow's schools*. This policy document formed the basis of the new structure. It has given schools the power to take responsibility for their own management in a partnership with the community through boards of trustees.²⁰

17. The document *Education priorities for New Zealand* was released by the Government in May 2003. The envisaged reforms have two main goals: to build an education system that equips New Zealanders with twenty-first century skills, and reduce systematic underachievement in education.²¹

18. Free and Compulsory Education: Schooling is compulsory for New Zealand children between their sixth and sixteenth birthdays, though most begin at the age of 5. The **Education**

¹⁵ <http://www.nzcer.org.nz/default.php?cPath=21>

¹⁶ <http://www.minedu.govt.nz/NZEducation/EducationPolicies/Schools/PolicyAndStrategy/PlanningReportingRelevantLegislation/NEGSAndNAGS/TheNationalEducationGuidelinesNEGs.aspx>

¹⁷ IBE, op. Cit.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Ibid.

²¹ Ibid.

Act 1989 provides for free education in state primary and secondary schools between the ages of 5 and 19 years (or to the age of 21 for special education students).²²

19. Early Childhood Education: Investments have been made in education since 2007; all 3- and 4-year-olds in the country have been entitled to twenty hours per week of free early childhood education²³. According to the Third and Fourth Periodic Reports of New Zealand submitted to the Committee on the Rights of the Child in 2008, this had been extended to all five-year olds and children attending play centres or early childhood education and care centres. Particular emphasis had been placed on improving educational outcomes for Maori and Pacific children and young people, particularly to reduce disparities.²⁴

20. **Early childhood education for Maori children**: Early childhood services have a key role in building strong learning foundations to enable young children to develop as competent and confident learners. The majority of Maori children (76 percent) participating in early childhood education do so in mainstream early childhood services. An evaluation of the Education Review Office (ERO)²⁵ pointed out several findings among which that many services stated that they “treated all children the same” and lacked strategies that focused upon Maori children as learners; lacked adequate self-review processes to evaluate the effectiveness of their provision for Maori children. One of the biggest challenges for early childhood managers and educators is therefore to understand, review and develop processes that enable them to listen, respect and respond to what parents and whānau (‘family’) of Maori children expect of the service and implement a bicultural curriculum. To make such a commitment, early childhood services have to find out about parents’ aspirations and expectations, and acknowledge and respond to these in authentic ways.

21. Higher Education: Since 1990 there have been major reforms in the organization, management, and funding of tertiary education and training. The aims have been to expand the provision of tertiary education and training, to ensure more efficient delivery, and to enhance its quality, relevance, and diversity. The *Tertiary Education Strategy (2010-2015)* sets out the Government’s expectations and priorities for New Zealand’s tertiary education system²⁶.

22. Lifelong learning: A new qualifications framework, in which all qualifications are to have a purpose and a relationship to each other (that students and the public can understand) has been progressively implemented since 1990, along with a new industry training policy aimed at encouraging industry to take greater responsibility for industry training and improving the quality of apprenticeship-based training. The policy allows industries to become progressively responsible for developing, implementing, and administering their own training arrangements, including apprenticeships and primary industry cadet schemes, through the establishment of Industry Training Organizations (ITOs). The Training Opportunities Programme (TOP) was introduced to assist trainees with low skills to obtain employment and credit toward nationally recognized qualifications. The National Qualifications Framework is pivotal to the success of the

²² Ibid.

²³ GMR 2010, p.53, <http://unesdoc.unesco.org/images/0018/001866/186606E.pdf>

²⁴ <http://tvnz.co.nz/national-news/full-un-report-children-s-rights-in-nz-4004135>

²⁵ <http://www.ero.govt.nz/National-Reports/Success-for-Maori-Children-in-Early-Childhood-Services-May-2010>

²⁶ New Zealand Ministry of Education, <http://www.minedu.govt.nz/theMinistry/PolicyAndStrategy.aspx>

industry training policy, by allowing trainees to accumulate credits towards national qualifications from a broad range of training opportunities, including work-place assessment.²⁷

23. Inclusive Education

- i) Māori students: *The Māori Education Strategy (2008 – 2012)* is the Ministry of Education's approach to improve the performance of the education system for and with Māori. It is a key aspect of having a quality education system where students are succeeding and achieving²⁸. In the Report of the Working Group on the Universal Periodic Review (2009) (Recommendation 31), New Zealand is recommended to “take further measures to correct the gaps in employment, salary, health care and education that exist between Maori and non-Maori peoples.”²⁹
- ii) Students living unlawfully in New Zealand: According to the Third and Fourth Periodic Reports of New Zealand submitted to the Committee on the Rights of the Child in 2008, changes have further been made to immigration law, removing legislation that prevented foreign national children to legally attend compulsory education while unlawfully in New Zealand.³⁰ The Ministry of Education provides for the Enrolment of students living unlawfully in New Zealand.³¹

24. Language of instruction: The Maori language can be used from kindergarten through to postgraduate university level³². Curricula and teaching materials have been modified through partnerships with Maori groups. Scholarships and incentives have been expanded to attract Maori-language speakers into early childhood teaching. In the five years to 2007, the number of Maori-speaking educators tripled and the share of Maori primary school entrants having been to pre-school rose from 86% to 91% (New Zealand Ministry of Education, 2009)³³.

25. Contents of Education: The new curriculum for schools was launched in November 2007 and sets the direction for teaching and learning in the 21st-century. The focus in 2008/09 was on implementing the curriculum in schools in preparation for it becoming mandatory in February 2010. This included the provision of professional development programmes and resource packs, the development of the Senior Teaching and Learning Guidelines and the creation of a new website to aid teachers in innovative curriculum design³⁴.

26. *National Standards* aim to lift achievement in literacy and numeracy (reading, writing, and mathematics) by being clear about what students should achieve and by when. This will help students; their teachers and parents, families better understand what they are aiming for and what

²⁷ IBE, op. cit.

²⁸ New Zealand Ministry of Education, <http://www.minedu.govt.nz/theMinistry/PolicyAndStrategy/KaHikitia.aspx>

²⁹ Report of the Working Group on the Universal Periodic Review, 4 June 2009, Recommendation 31, http://www.upr-epu.com/files/135/A_HRC_1_0New_0Zealand_e_WG.pdf

³⁰ <http://tvnz.co.nz/national-news/full-un-report-children-s-rights-in-nz-4004135>

³¹ <http://www.minedu.govt.nz/Parents/AllAges/EducationInNZ/EnrolmentOfStudentsLivingUnlawfully.aspx#Immigration>

³² Education International, http://www.ei-ie.org/barometer/en/profiles_detail.php?country=newzealand

³³ EFAGMR 2010, p. 53, <http://unesdoc.unesco.org/images/0018/001866/186606E.pdf>

³⁴ Ministry of Education Annual Report 2009, p.8,

http://www.minedu.govt.nz/theMinistry/PublicationsAndResources/AnnualReport/AnnualReport09/PartTwo/~/_media/MinEdu/Files/TheMinistry/AnnualReport/2009/EducationAnnualReport2009Full.pdf

they need to do next³⁵. National Standards come into effect in English-medium schools with pupils in years 1 to 8 in 2010. *The NZCER 2010 Primary & Intermediate Schools National Survey* came out in December 2010³⁶. It gives a snapshot of overall patterns and findings related to National Standards to provide a national picture of what is happening in schools, and the impact of any policy or social changes. The new National Standards policy has been a major change for primary education, and the survey therefore included questions about what it meant for schools and teachers in their everyday work. The survey deals with purposes and issues even though these are early days in the implementation of the National Standards, so that trends over time could be tracked, and to provide information for the implementation as it continues. The survey points out that primary and intermediate schools are coming to their work on National Standards with more use of assessment information to improve student learning, and more school practices where teachers are collaborating to use data and share knowledge and ideas to do so, than they were three years ago

27. *Science in education: A paper commissioned by the Royal Society and the Prime Minister's Chief Science Advisor*³⁷ came out in August 2010. It encourages debate on how better to engage students with science, with a particular focus on the role of schools. It examines the assumption that there is a problem with engagement in science and reviews research on the dimensions, context and causes of a perceived or actual problem. The paper looks at what we are trying to achieve currently through school science education and whether there is an increasing mismatch between science education of today and the demands of the 21st century. It explores possible ways forward by presenting a scenario of how school science could be developed and draws on some examples of international current practice that illustrate aspects of the scenario. It suggests that an important first step in engaging more young people in science could be to convene a forum of scientists, educationalists and policy makers to debate the future of science education in New Zealand. The paper is designed for scientists, educators and policy makers and for anyone who is thinking about how we best educate our students to participate fully and successfully in a world where an understanding of science and technology has become increasingly necessary.

28. Learning Environment: The National Digital Strategy³⁸, released on Thursday 28 August 2008, has been developed by several departments and has been coordinated by the Ministry of Economic Development. It is a strategy about how a digital future for all New Zealanders will be created, using the power of information and communications technology to enhance all aspects of our lives. The educational goal is to improve learner achievement in an innovative education sector, fully connected and supported by the smart use of ICT. The education sector is committed to raising learner achievement through a networked, flexible education system offering accessible, relevant, high- quality learning opportunities to all New Zealanders to support the ongoing development of a highly-skilled national workforce. A national standards-driven ICT infrastructure for education is being developed. Every learner, teacher, lecturer, or administrator will have access to the digital resources and services they need,

³⁵ <http://www.minedu.govt.nz/theMinistry/EducationInitiatives/NationalStandards.aspx>

³⁶ <http://www.nzcer.org.nz/pdfs/2010-primary-intermediate-national-survey.pdf>

³⁷ <http://www.nzcer.org.nz/pdfs/inspired-by-science.pdf>

³⁸ New Zealand Ministry of Education, <http://www.minedu.govt.nz/theMinistry/EducationInitiatives/NationalDigitalStrategy.aspx> (Accessed 22/03/11)

wherever they are located within the education system. Repositories of relevant, high-quality digital content resources will support rich teaching, learning, and research outcomes.

29. With the *Ultra-fast Broadband in Schools*, the Government has committed to providing ninety seven per cent of NZ schools with access to ultra-fast broadband within the next six years, on the back of its \$1.5 billion national fibre rollout being overseen by the Ministry of Economic Development. The Ministry of Education is helping schools get ready to make full use of ultrafast broadband when it becomes available³⁹.

30. The **Positive Behaviour for Learning Action Plan (2010-2014)** is a major shift in the management of disruptive behaviour in the education system and provides proactive support for parents, teachers and schools that benefits everyone⁴⁰.

31. Quality of Education: According to the Full UN report on children's rights in NZ, in the education sector, New Zealand had focused on quality education and clear performance information for parents, with a particular emphasis on improving educational outcomes for Maori and Pacific youth.⁴¹

32. Human Rights education: In the Report of the Working Group on the Universal Periodic Review, Brazil recommended New Zealand to “include the fight against xenophobia and racism in the education curricula.”⁴²

33. Education in conflict areas: New Zealand covered by the Human Rights Watch survey⁴³ is classified as a Country with Explicit Prohibitions or Explicit Restrictions on the Use of Schools.

34. At the time of writing, New Zealand was preparing to release the second edition of their Manual of Armed Force Law, expected to be issued by the Chief of Defence Force as a Defence Force Order during 2011. According to the director general of Defence Legal Services in the New Zealand Defence Forces (NZDF), Brig. Kevin Riordan, the draft manual provides that members of the NZDF are only to use the buildings of educational institutions for military purposes “if it is absolutely necessary to so.”⁴⁴ In such cases, the draft manual states that all feasible steps are to be taken to ensure that:

- a. Civilians and, in particular, children are protected from the effects of attack upon the institutions by opposing forces – including where necessary the removal of such persons from the vicinity;
- b. Such use is for the minimum time possible;
- c. The adverse effects upon children, in particular in respect to their right to education, are minimised to the maximum extent possible.⁴⁵

³⁹ <http://www.minedu.govt.nz/theMinistry/EducationInitiatives/UFBInSchools.aspx>

⁴⁰ <http://www.minedu.govt.nz/theMinistry/EducationInitiatives/PositiveBehaviourForLearning.aspx>

⁴¹ <http://tvnz.co.nz/national-news/full-un-report-children-s-rights-in-nz-4004135>

⁴² Report of the Working Group on the Universal Periodic Review, 4 June 2009, Recommendation 36

⁴³ Schools and Armed Conflict, Human Rights Watch, July 2011, p.52-56 :

<http://www.hrw.org/sites/default/files/reports/crd0711webwcover.pdf>

⁴⁴ Letter to Human Rights Watch from Brig. Kevin Riordan, director general of Defence Legal Services, New Zealand Defence Forces, April 21, 2011, referencing Draft Manual of Armed Force Law (2nd Ed), volume 4, draft para. 14.35.8.

⁴⁵ Ibid, draft para. 14.35.8.

35. The commentary to these provisions in the draft manual states that educational institutions are entitled to “particular protection from the effects of war as the destruction or endangerment of such facilities is unequivocally an attack upon the learning and development of future generations who bear no responsibility for the armed conflict from which the damage arises.”⁴⁶

36. The draft manual notes that because the educational, religious, or cultural nature of all buildings encountered during operations will not always be apparent to troops, commanders and others responsible for the planning and execution of operations “therefore bear particular responsibility for the identification of such objects and for ensuring that this information is passed to those members of the NZDF involved in operations.”⁴⁷

37. Noting that New Zealand recognizes that children have a right to education, the commentary of the draft manual states:

38. Use and occupation of schools and other educational institutions obviously inhibits the exercise of this right [to education]. Where for military reasons it is necessary for a force to use such an institution all feasible steps must be taken, in consultation with local authorities, to ensure that the disruption to the education of children is reduced to as low as reasonably practicable. This may include the need to identify and facilitate the use of other suitable facilities for such purposes.⁴⁸

39. New Zealand’s Brigadier Kevin Riordan added: “Members of the NZDF are also required to ensure that they do not use the facilities of a school in a way that is perfidious i.e by purporting to rely upon the protected civilian character of the buildings with intent to betray that confidence. To use a school as cover for a sniper, for example, would breach this provision.”⁴⁹

40. **Cooperation:** New Zealand is party to the 1960 UNESCO Convention against Discrimination in Education. New Zealand reported within the framework of the Sixth and Eighth Consultations of Member States on the measures taken for the implementation of the 1960 UNESCO Convention against Discrimination in Education (covering the periods 1994-1999 and 2006-2011). However, it did not report within the framework of the Seventh Consultation of Member States (covering the period 2000-2005).

41. New Zealand did not report within the framework of the Fourth Consultation of Member States on the measures taken for the implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms (covering the period 2005-2008). It has not yet reported within the framework of the Fifth Consultation of Member States the measures taken for the implementation of the 1974 UNESCO Recommendation (2013).

42. New Zealand reported within the framework of both consultations (1993 and 2011) on the measures taken for the implementation of the 1976 Recommendation on the Development of Adult Education.

⁴⁶ Ibid, commentary to draft para. 14.35.8.

⁴⁷ Ibid.

⁴⁸ Commentary to draft para. 14.35.8, in *ibid*.

⁴⁹ Letter to Human Rights Watch from Brigadier Kevin Riordan, Director General of Defence Legal Services, New Zealand Defence Force, April 21, 2011.

43. New Zealand is not party to the 1989 UNESCO Convention on Technical and Vocational Education.

Freedom of opinion and expression

44. Constitutional and Legislative Framework: Freedom of expression is guaranteed in New Zealand under Section 14 of the Bill of Rights Act of 1990, and the freedom of information law known as “Official Information Act” 1982. Libel, slander and defamation are civil offences regulated by the Defamation Act 1954.

45. Media Self-Regulation: Media self-regulatory mechanisms is developed in New Zealand, in particular through the independent New Zealand Press Council, the Newspaper Publishers’ Association (“NPA”), various Media Ombudsmen and the New Zealand Amalgamated Printing Engineering and Manufacturing Union (“EPMU”).

46. Safety of Journalists: UNESCO recorded no killings of journalists and media workers in New Zealand between 2008 and 2012. Journalists work in a safe environment. Furthermore, journalists are able to protect their sources under Section 68 of the Evidence Act (2006) as well as legal guidelines by the Court of Appeal.

Right to development and environmental issues⁵⁰

47. Much of New Zealand’s flora and fauna evolved in isolation and were therefore very susceptible to the introduction of plants and animals from other countries. As a consequence many of the country’s native species are now threatened with extinction. Maintenance of biodiversity is one of the major issues facing New Zealand and it has been a world leader in using off-shore islands as wildlife sanctuaries. The traditional knowledge of the Maori people provides a holistic framework that highlights the interrelatedness of natural phenomena both tangible and intangible. New Zealand is committed to find comprehensive replies to a need to ensure that Maori people play a full part in our scientific and technological enterprise. This need is coupled with efforts, within the framework of the Treaty of Waitangi, to settle historic grievances and reduce socio-economic disparities between Maori and non-Maori. There is an equal need to recognize and encourage the participation of women of all races by removing the inhospitable environment which has often faced aspiring female scientists⁵¹.

48. The Hydrology for the Environment, Life and Policy (HELP) programme’s implementation in New Zealand reflects the successful collaboration between UNESCO and New Zealand. The programme’s activities were directed in the Mouteka Basin located near Nelson, on the northern most tip of the South Island. The basin deals with intra-basin water conflicts referring to upstream-downstream issues, including the impact of forestry practices and water pollution affecting the shellfish industry in Tasman Bay. UNESCO maintains active co-operation with New Zealand in the area of elaboration of science policies for sustainable development, water resources sustainable use, as well as in the areas of Earth Sciences⁵².

⁵⁰ http://portal.unesco.org/science/en/ev.php-URL_ID=5744&URL_DO=DO_TOPIC&URL_SECTION=201.html.

⁵¹ World Conference on Science: http://www.unesco.org/science/wcs/forum_3/new_zealand.htm.

⁵² http://portal.unesco.org/science/en/ev.php-URL_ID=5744&URL_DO=DO_TOPIC&URL_SECTION=201.html.

Cultural rights

49. Normative Framework: constitutional and legislative frameworks: The Constitution of New Zealand includes the Constitution Act (1986), the Bill of Rights Act (1990), the Treaty of Waitangi (1840). The Bill of Rights Act (1990) protects the fundamental human rights, enumerates the rights of citizens, and enacts into law some of New Zealand's obligations under the International Covenant on Civil and Political Rights. The Treaty of Waitangi Act (1975) recognized the 1840 Treaty of Waitangi, founding the country as a nation, and established the Waitangi Tribunal. The Tribunal is a permanent commission charged with making recommendations on claims brought by Maoris relating to actions or omissions of the British Crown, which breach the promises made in the Treaty of Waitangi. The Maori Language Act (1987) set up the Maori Language Commission which promotes the use of Maori as a living language and made Maori language an official language of New Zealand.

50. Institutional framework: The New Zealand government has developed an institutional framework to meet the needs and demands of the multi-cultural society in the country⁵³. The Ministry for Culture and Heritage is responsible for the provision of policy advice on arts, culture, heritage and broadcasting issues. It administers government funding to statutory bodies which includes Arts Council of New Zealand known as Creative New Zealand, New Zealand Film Commission, New Zealand Historic Places Trust, New Zealand Symphony Orchestra, Te Papa Museum as well as cultural agencies such as Aotearoa Traditional Maori Performing Arts Society and New Zealand Music Industry Commission. In addition, the Ministry of Maori Development advises on policy affecting the wellbeing of Maori people. Further, the Ministry of Pacific Island Affairs advises on policy to achieve successful Pacific peoples and effect positive change for Pacific peoples.

51. Policy measures: A number of policy measures have been put in place for enhanced cultural life in multi-cultural settings. This includes arts support programmes by Creative New Zealand, on-going Maori Social Survey by the New Zealand Statistics Office, and annual Pacific Festival for Pacific community with the support of the Ministry of Islands Affairs.

52. Work with civil society: Numerous civil society organisations are active in the field of heritage, arts and culture, contributing to the enhanced participation in cultural life in New Zealand.

III. RECOMMENDATIONS

Right to education

53. New Zealand should be encouraged to submit state reports for the periodic consultations of UNESCO's education related standard-setting instruments, especially for the Convention against Discrimination in Education.e help of the Ministry of Education.

54. New Zealand could be encouraged to continue efforts in making education more inclusive.

⁵³ Cultural Policy of New Zealand (<http://www.mch.govt.nz/what-we-do/cultural-sector-overviews/cultural-policy-new-zealand/cultural-policy-new-zealand>)

55. New Zealand could be encouraged to intensify its efforts to improve access to education for all children, especially children from minority groups.
56. New Zealand could be encouraged to take measure to ensure gender equality and the elimination of discrimination against girls and women in education.
57. New Zealand could be encouraged to take additional measures to increase access to free education and to ensure that children from low-income families and families living in rural areas are not discriminated against in the provision of education.
58. New Zealand could be encouraged to raise awareness of the importance of education as a fundamental human right and as a basis for the empowerment of women.

Right to development and environmental issues

59. With regard to contribution of science and technology to development, New Zealand is encouraged to report to UNESCO within the framework of the on-going consultations with Member States on the monitoring of the implementation and a possible revision of the 1974 Recommendation on the Status of Scientific Researchers, in particular on the measures undertaken in the country to implement such principles of the Recommendation as the obligation of state authorities to ensure that scientific researchers have the responsibility and the right to work in a spirit of intellectual freedom; to participate in the determination of the aims, content and methods of research, which should be compatible with respect for universal human rights and fundamental freedoms, as well as ecological and social responsibility; to creativity, occupational mobility, international cooperation for furtherance of international peace, cooperation and understanding, etc.

Cultural rights

60. New Zealand is invited to ratify the UNESCO 2003 Convention for the Safeguarding of the Intangible Cultural Heritage.