

UPDATED ASSESSMENT OF R2P IMPLEMENTATION 2023







NEW ZEALAND

New Zealand, still one of the principal global advocates of R2P, continues to perform extremely well across almost all indicators.

Its domestic implementation is particularly strong. Citizens of New Zealand enjoy high degrees of civil liberties as a result of New Zealand's long-standing commitment to international human rights norms. The civil society is robust and diverse, supported by an inclusive and well-attended education system. The civilian oversight of the security forces have multiple safeguards.

Internationally, New Zealand contributes positively although not proactively to R2P-implementation. It donates substantially to support sustainable futures in many countries in the Pacific, but does not explicitly mention R2P in these talks. It does also not take in as many refugees as comparable countries despite the regional situation, and its peace-keeping contributions are minimal.

However, the R2P and Women, Peace and Security agenda is broadly supported by New Zealand.

New Zealand votes in favour of UN resolutions referencing R2P, and is part of the 'Group of Friends of the R2P'.

Its index score has increased by one point since 2022.

Thematic Area	Indicator	Assessment	Notes
Basic Compliance	Protection of populations from atrocity crimes. Reduction of atrocity crime risks.	Very Strong Unchanged Very Strong Unchanged	The people of New Zealand remain adequately protected from atrocity crimes. There are strong human rights protections and independent institutions in New Zealand, and so chances of atrocity crimes being committed in New Zealand is currently extremely low.
	Dealing with past atrocities.	Very Strong Unchanged	New Zealand has the Waitangi Tribunal in place to ensure grievances of European settlement and modern issues arising therefrom are heard in accordance with the justice system. ¹ New Zealand, along with Australia, has not
			officially recognized the Armenian Genocide, to ensure strong diplomatic ties with Turkey over ANZAC Day. This raises some controversies. ²
Policy Mechanisms	Appoint national R2P Focal Point. Incorporate atrocity crime risks and dynamics into conflict analysis and/or development partnerships.	Very Strong Unchanged Fair Unchanged	New Zealand maintains its R2P Focal Point. ³ No new information could be found on New Zealand's approach to atrocity crime risk in conflict and development partnership work. Their development aid addresses human rights, gender dynamics and climate change, ⁴ but not explicitly atrocity risks.
	Establish domestic mechanisms to hold the government accountable for upholding its responsibility to protect.	Very Weak <mark>Unchanged</mark>	No evidence could be found of New Zealand developing this kind of mechanism.
International Human Rights Obligations	Sign, ratify and implement relevant instruments of international law.	Very Strong <mark>Unchanged</mark>	New Zealand has signed and ratified all twelve relevant pieces of international human rights law applicable to R2P. ⁵
	Sign and ratify the Rome Statute of the International Criminal Court and cooperate fully with the Court.	Very Strong Unchanged	New Zealand, a founding member State of the <i>Rome Statute of the International Criminal Court</i> , remains a State party. ⁶ New Zealand has also has one of just 15 states ratified the amendments to Article 8 on war crimes in non-international armed conflicts. ⁷ New Zealand is working on incorporating the Kampala Amendments. ⁸
	Establish and maintain National Human Rights Institutions in accordance with the Paris Principles.	Very Strong Unchanged	New Zealand's Human Rights Commission has kept its 'A' rating from GANHRI, ⁹ meaning New Zealand is fully compliant with the Paris Principles.

¹ Waitangi Tribunal, n.d. *About the Waitangi Tribunal*, https://waitangitribunal.govt.nz/about-waitangi-tribunal/.

https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=124&Lang=EN (Choose New Zealand in the box)

² Gareth Hughes 2022 'A strain on New Zealand's moral record', *Newsroom* 24th April. Available at: https://newsroom.co.nz/2022/04/24/a-stain-on-our-moral-record/

³ Global Centre for the Responsibility to Protect (GCR2P), 2022. *Members of the Global Network of R2P Focal Points*, https://www.globalr2p.org/resources/members-of-the-global-network-of-r2p-focal-points/.

⁴ New Zealand Foreign Affairs and Trade, n.d. *Our approach to aid*, 'Human Rights', 'Gender Action Plan', 'Climate Action Plan' https://www.mfat.govt.nz/kr/aid-and-development/our-approach-to-aid/.

⁵ UN Human Rights Treaty Bodies 2024

⁶ International Criminal Court (ICC), n.d. *The States Parties to the Rome Statute*, https://asp.icc-cpi.int/en_menus/asp/states%20parties/pages/the%20states%20parties%20to%20the%20rome%20statute.aspx#N.

⁷ ICRC, IHL Databases: Amendment to Article 8 of the Rome Statute of the International Criminal Court, n.d. https://ihldatabases.icrc.org/en/ihl-treaties/icc-statute-amendment-art8-lasers-2017/state-parties?activeTab=undefined

⁸ New Zealand Treaties Online, n.d., Amendments on the crime of aggression to the Rome Statute of the International Criminal Cour, https://www.treaties.mfat.govt.nz/search/details/p/60

⁹ Global Alliance of National Human Rights Institutions (GANHRI), 2023. Members, https://ganhri.org/membership/

Ensure domestic promotion and protection of human rights, focusing on the elimination of discrimination.	Very Strong Unchanged	New Zealand maintains a strong record of respect for human rights through various laws and rights acts. ¹⁰ New Zealand has been critiqued for detaining refugees upon arrival by watchdogs, and has taken action to ensure all detentions are consistent with the UNHCR guidelines. ¹¹
Participate in international peer review processes, including the Universal Periodic Review (UPR) of the UN Human Rights Council.	Very Strong Unchanged	At its third UPR in 2019, New Zealand received 194 recommendations, of which it accepted 160 and noted the other 34. ¹² New Zealand has submitted a mid-term report in 2021 indicating change in particular on issues affecting women, Indigenous Peoples, children and on the issues of housing and racism respectively. ¹³ The country has one overdue report for
		international monitoring treaties. ¹⁴
Cooperate fully with UN Human Rights mandate holders and those of relevant regional organisations.	Very Strong <mark>Unchanged</mark>	New Zealand countifies to offer an open invitation for UN mandate holders to visit the country. However, several visits are still pending and have been so for a number of years. ¹⁵
Ensure equal access to justice.	Very Strong Unchanged	During its third round of the UPR, New Zealand made note of the need for change in its justice system because of a disproportionate number of prisoners of Māori prisoners. ¹⁶ The government addresses this as a key issue. ¹⁷
		New Zealand readily upholds standards of fair public trials, and independent judiciary and presumption of innocence. ¹⁸
Criminalise incitement to commit genocide, war crimes, ethnic cleansing and crimes against humanity.	Strong <mark>Unchanged</mark>	New Zealand has maintained adequate laws criminalising all four atrocity crimes, and no evidence could be found that these have been changed.
Take measures to counter and prevent violent extremism.	Very Strong Unchanged	New Zealand has in the past few years had to re- evaluate their terrorism legislation ¹⁹ and capacity to prevent terrorist attacks. ²⁰
		As it stands, New Zealand's efforts to prevent violent extremism are strong, yet commentary

https://spinternet.ohchr.org/ViewCountryVisits.aspx?visitType=all&country=NZL&Lang=en.

¹⁰ U.S Department of State, 2023. 2022 Country Reports on Human Rights Practices: New Zealand, https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/new-zealand/

¹¹ New Zealand Immigration, 2023: 'Improving our processes for asylum seekers', *New Zealand Immigration*, 24th April. Available at: https://www.immigration.govt.nz/about-us/what-we-do/our-strategies-and-projects/improving-our-processes-for-asylum-seekers

¹² UPR Info, 2019. *Responses to Recommendations: New Zealand*, https://www.upr-info.org/sites/default/files/document/new zealand/session 32 - january 2019/2rps new zealand.pdf.

¹³ United Nations Universal Periodic Review, Mid Term Report New Zealand, 20th December 2021. Document available via: https://www.ohchr.org/en/hr-bodies/upr/upr-implementation

¹⁴ United Nations Human Rights Treaty Bodies, n.d. *List of States parties without overdue reports*, https://tbinternet.ohchr.org/ layouts/15/TreatyBodyExternal/LateReporting.aspx.

¹⁵ United Nations Human Rights Office of the High Commissioner (UNOHCHR), n.d. *View Country visits by Special Procedures of the Human Rights Council since 1998*,

¹⁶ United Nations, Human Rights Council, A/HRC/41/4, paras. 23, 24.

¹⁷ Ministry of Justice New Zealand 2023, 'Key Issues' *Ministry of Justice New Zealand*, 18th July. Available a: https://www.justice.govt.nz/justice-sector-policy/key-initiatives/key-initiatives-archive/hapaitia-te-oranga-tangata/

¹⁸ U.S Department of State, 2023. 2022 Country Reports on Human Rights Practices: New Zealand, 'Section 1. Respect for the Integrity of the Person, Including Freedom from: e. Denial of Fair Public Trial'.

¹⁹ Department of the Prime Minister and Cabinet, 2022. New Zealand's Countering Terrorism and Violent Extremism Strategy, https://dpmc.govt.nz/our-programmes/national-security/counter-terrorism/new-zealands-countering-terrorism-and-violent

²⁰ Royal Commission Of Inquiry Into The Terrorist Attack On Christchurch Mosques on 15 March 2019, 2022. 2. *Recommendations to improve New Zealand's counter-terrorism effort*, https://christchurchattack.royalcommission.nz/the-report/findings-and-recommendations/chapter-2-recommendations-to-improve-new-zealands-counter-terrorism-effort/.

			suggests potential weaknesses remain. ²¹ New Zealand has been able to protect and prevent violent extremism.
	Enact and implement laws protecting vulnerable groups, particularly in relation to sexual and gender-based violence.	Strong Decrease	The rate of domestic abused is extremely high, with New Zealand police visiting a 'family harm' episode every 3 minutes despite the majority of domestic and sexual abuses being unreported. ²² However, the government has recognised this as a serious and ongoing problem (and includes women, children and those in the LGBTIQA+ community) ²³ and has effective laws and measures in place to prevent SGBV. ²⁴
	Protect individuals and groups fleeing atrocity crimes and their risk, in accordance with International Refugee Law.	Strong <mark>Unchanged</mark>	New Zealand participates in the UNHCR regular refugee resettlement program and has 1500 annual spots for this. 200 of these are in 2022/2023 and 2023/2024 reserved for Afghan refugees due to the Taliban takeover. ²⁵ New Zealand is resettling a total of 450 refugees from Australia's offshore detention facilities in the period 2022-2025. ²⁶
			New Zealand's intake of refugees is still comparatively tiny when compared to other major refugee destination countries. ²⁷
Domestic Implementation	Conduct a national assessment of risk and resilience. Cultivate and protect an active, diverse and robust civil society.	Very Weak Unchanged Very Strong Unchanged	No evidence could be found that such an assessment has been carried out. New Zealand has a vibrant civil society where rights to free assembly and association are respected. There is as is academic freedom, freedom of religion and freedom of movement. ²⁸
			Freedom of the press is not granted by legislation but by social norms. However, New Zealand is ranked at 13/180 on the 2021 World Press Freedom Index, and Freedom House considers New Zealand to be 'Free', as New Zealand maintains its score of 40/40 for Political Rights and 59/60 for Civil Liberties from previous years. ²⁹

²¹ See: Jackson, Richard, 2021. Avoiding the Pitfalls of Counter-terrorism: New Zealand's Response to the New Lynn Attack, https://www.internationalaffairs.org.au/australianoutlook/avoiding-the-pitfalls-of-counter-terrorism-new-zealands-response-tothe-new-lynn-attack/; Gillespie, Alexander, 2021. 'New Zealand needs to go beyond fast-tracking counter-terrorism laws to reduce the risk of future attacks'. The Conversation, 4 September. Available at: https://theconversation.com/new-zealand-needsto-go-beyond-fast-tracking-counter-terrorism-laws-to-reduce-the-risk-of-future-attacks-167338.

²² Anna Rankin, 2023, 'There's a huge problem': New Zealand searches for new ways to tackle family violence' *The Guardian*, 26th August. Available at: https://www.theguardian.com/world/2023/aug/26/theres-a-huge-problem-new-zealand-searches-fornew-ways-to-tackle-family-violence; Good Shepard New Zealand, n.d., New Zealand Family Violence and Economic Harm Statistics, https://goodshepherd.org.nz/economic-harm/new-zealand-family-violence-and-economic-harm-<u>statistics/#:~:text=New%20Zealand%20is%20ranked%20as,family%20violence%20episodes%20remain%20unreported</u>

²³ United Nations, Human Rights Council, A/HRC/41/4, paras. 25 – 27.

²⁴ U.S Department of State, 2023. 2022 Country Reports on Human Rights Practices: New Zealand, 'Section 6. Discrimination, Societal Abuses, and Trafficking in Persons: Women'; Freedom House, 2021. Freedom in World 2021: New Zealand, 'F. Rule of Law', https://freedomhouse.org/country/new-zealand/freedom-world/2021.

²⁵ New Zealand Immigration, 2024. New Zealand Refugee Quota Programme, https://www.immigration.govt.nz/about-us/whatwe-do/our-strategies-and-projects/supporting-refugees-and-asylum-seekers/refugee-and-protection-unit/new-zealand-refugeequota-programme

²⁶ UNHCR, n.d., New Zealand: https://www.unhcr.org/countries/new-zealand

²⁷ Marlowe, Jay, 2021. 'New Zealand has one of the lowest numbers of refugees per capita in the world – there is room for many more'. The Conversation, 18 June. Available at: https://theconversation.com/new-zealand-has-one-of-the-lowest-numbers-ofrefugees-per-capita-in-the-world-there-is-room-for-many-more-162663.

²⁸ U.S Department of State, 2023. 2022 Country Reports on Human Rights Practices: New Zealand, 'Section 2: Respect for Civil Liberties' https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/new-zealand/

²⁹ Freedom House, 2023: Freedom in the World 2023: New Zealand, https://freedomhouse.org/country/new-zealand/freedomworld/2023; Reporters Without Borders, 2023. New Zealand, https://rsf.org/en/country/new-zealand

	Ensure a legitimate, effective and civilian controlled security sector.	Very Strong Unchanged	Civilian authorities have firm control over security forces, with no reports of arbitrary arrests, disappearances, or killings. ³⁰
	Ensure the education system reflects the ethnic, national and cultural diversity of society, and sets examples of inclusiveness.	Very Strong <mark>Unchanged</mark>	New Zealand continues to possess a strong education sector, ranked as one of the best in the world. ³¹ Schooling is free and compulsory from ages 6 to 16, and is offered in English as well as Māori. ³²
	Prevent nationals committing atrocity crimes overseas.	Very Strong Unchanged	No new updates could be found. New Zealand continues to be committed to preventing citizens from committing atrocity crimes.
Bilateral and Multilateral Relations	Participate in international, regional, and national discussions on the further advancement of R2P.	Strong Increase	New Zealand, as part of the Group of Friends of R2P, supported the draft resolution on R2P at the UN General Assembly Debate on R2P in 2021. ³³ New Zealand is part of the 'Friends of R2P' Group and is part of regular statements supporting the R2P principles in UN Debates. ³⁴
	Leverage existing mechanisms and institutions (including regional and sub-regional organisations) to encourage States to fulfil their responsibility to protect.	Unchanged	 In its voting patterns at the UN General Assembly, New Zealand continues to support R2P. UN General Assembly Resolutions:³⁵ 2018: Extrajudicial, summary or arbitrary executions A/RES/73/172: yes. 2018: Situation of human rights in the Democratic People's Republic of Korea A/RES/73/180: adopted without vote. 2018: Situation of human rights in the Syrian Arab Republic A/RES/73/182: yes. 2019: Situation of human rights in the Democratic People's Republic of Korea A/RES/74/166: adopted without vote. 2019: Situation of human rights in the
			 Syrian Arab Republic A/RES/74/169: yes 2020: Situation of human rights in the Democratic People's Republic of Korea A/RES/75/190: adopted without vote. 2020: Extrajudicial, summary or arbitrary executions A/RES/75/189: yes. 2020: Situation of human rights in the Syrian Arab Republic A/RES/75/193: yes 2021: Promoting a culture of peace and tolerance to safeguard religious sites A/RES/75/258: adopted without vote. 2021: The responsibility to protect and th prevention of genocide, war crimes, ethnic cleansing and crimes against humanity A/RES/75/277: yes.

³⁰ U.S Department of State, 2023. U.S Department of State, 2023. 2022 Country Reports on Human Rights Practices: New Zealand, 'Section 1. Respect for the Integrity of the Person, Including Freedom from:'. https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/new-zealand/

³¹ Wise Move, 2023, 'Understanding the New Zealand Education System' *Wise Move*, 4th October. Available atL https://www.wisemove.co.nz/post/understanding-the-new-zealand-education-system#h_6780457529641704886667576

³² Ministry of Education, 2023. *Education in New Zealand* https://www.education.govt.nz/our-work/our-role-and-our-people/education-in-nz/

³³ GCR2P, 2023. *Group of Friends of R2P*, https://www.globalr2p.org/group-of-friends-of-the-responsibility-to-protect/

³⁴ Global Centre for the Responsibility to Protect, 17th May 2021: Statement delivered on behalf of members of the Group of Friends of R2P and the 2021 UN General Assembly Debate on R2P, https://www.globalr2p.org/resources/statement-delivered-on-behalf-of-members-of-the-group-of-friends-of-r2p-at-the-2021-un-general-assembly-debate-on-r2p/

³⁵ GCR2P, 2021. *UN General Assembly Resolutions Referencing R2P*, https://www.globalr2p.org/resources/un-general-assembly-resolutions-referencing-r2p-2/. (Voting records for each resolution were accessed using the UN's Digital Library: General Assembly of the United Nations, n.d. *Voting Records*, https://www.un.org/en/ga/documents/voting.asp.)

			 A/RES/76/169: adopted without vote. 2021: Situation of human rights in the Democratic People's Republic of Korea A/RES/76/177: adopted without vote. 2021: Situation of human rights in the Syrian Arab Republic A/RES/76/228: Abstained. 2022: Extrajudicial, summary or arbitrary executions, A/RES/77/218: yes 2022: Democratic Peoples Republic of Korea, A/RES/77/226: adopted without a vote 2022: Myanmar/Burma, A/RES/77/227: adopted without a vote 2022: Syria A/RES/77/230: yes
	Encourage and assist States to fulfil their R2P in situations of emerging and ongoing crisis, such as good offices and preventive diplomacy.	Weak <mark>Unchanged</mark>	Following the Tatmadaw's coup in February 2021, New Zealand cut high-level contact with Myanmar and issued a travel ban on its military leaders. However, New Zealand still trades with Myanmar and is reviewing how it could continue supplying aid to the country. New Zealand has received internal critique of not doing enough to support Myanmar's civil population. The Country of New Zealand actively encouraging States to fulfil R2P.
	Strengthen regional and international networks for atrocity crime prevention.	Fair <mark>Unchanged</mark>	No new evidence could be found of New Zealand strengthening networks specifically for atrocity prevention, although the country remains part of 'Group of Friends of R2P'.
	Strengthen the role and capacity of regional organisations.	Fair <mark>Unchanged</mark>	New Zealand has continued to cooperate with ASEAN. However, there is no mention of atrocity prevention in activities the two entities will cooperate on. Instead, attention is drawn to counterterrorism, environmental issues and economic cooperation. ³⁸
	Support the development and work of regional human rights and other preventive capacities.	Fair <mark>Unchanged</mark>	New Zealand continues to be guided by its 2019-2023 plan for human rights, where it uses international institutions to promote human rights. This aligns with structural atrocity prevention priorities in areas such as disability rights, rights of LGBTIQA+ persons, and gender equality. ³⁹
	Support atrocity prevention through development and assistance partnerships.	Fair <mark>Unchanged</mark>	New Zealand continues to focus on health, education, and good governance in its aid to the Pacific. This all supports R2P, although atrocity crime prevention is not explicitly mentioned. ⁴⁰
United Nations, prevention, Peacekeeping, and assistance	Support the early warning and capacity building efforts of the UN Office on Genocide Prevention and R2P. Support the strengthening of the	Fair <mark>Unchanged</mark> Fair	New Zealand, as the other Indicators show, has a strong, general commitment to human rights. No evidence could be found about support directly for the UN Office on Genocide Prevention and R2P. New Zealand spoke and voted in favour of the UN
	UN's capacity for atrocity	Increase Increase	working towards a Convention on Crimes against

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³⁶ New Zealand Foreign Affairs and Trade, n.d., Myanmar: https://www.mfat.govt.nz/en/countries-and-regions/asia/myanmar/

³⁷ Stan Jagger, RNZ 19th November 2022 'Myanmar dictatorship: The New Zealand Response', https://www.rnz.co.nz/news/on-the-inside/479080/myanmar-dictatorship-the-new-zealand-response

³⁸ ASEAN Secretariat Information Paper, June 2023, Overview of ASEAN-New Zealand Dialouge Relations

³⁹ New Zealand Ministry of Foreign Affairs and Trade, n.d. *New Zealand International Human Rights Action Plan 2019 – 2023: Advocacy Principles*, p. 3, https://www.mfat.govt.nz/assets/Peace-Rights-and-Security/Human-rights/NZ-Human-Rights-Action-Plan.pdf.

⁴⁰ New Zealand Ministry of Foreign Affairs and Trade, 2022. *Regional initiatives*, https://www.mfat.govt.nz/en/aid-and-development/our-aid-partnerships-in-the-pacific/regional-initiatives/.

prevention, including through the UN Human Rights system.		Humanity at the 76 th session of the United Nations General Assembly's 6 th committee.
		New Zealand said in their statement: "It is a critical step for the international community to take action to prevent these serious atrocities and ensure accountability for the perpetrators of them". 41
Support preventive actions on atrocity crimes.	Fair <mark>Increase</mark>	New Zealand show through its development assistance strong yet unspecific support for preventive actions on atrocity crimes. More specific evidence of supporting preventive measures could not be found.
Contribute to United Nations peacekeeping operations (especially those with a protection of civilians mandate).	Weak Decrease	New Zealand currently contributes with 8 personnel to UN peacekeeping efforts. ⁴²
Develop the capacities needed to support civilian protection, including through the training of military and civilian personnel for peacekeeping.	Fair <mark>Unchanged</mark>	The New Zealand military continues to regularly participates in the Five Power Defence Arrangements with personnel from the UK, Australia, Malaysia, and Singapore. ⁴³
peneticiping.		It is one of the countries with the highest proportion of women in the defence forces, 15%. New Zealand is actively working on increasing this as the proportion has been the same for the past ten years. ⁴⁴
		No evidence could be found that of atrocity prevention measures are undertaken as part of New Zealand's training.
Support the Kigali Principles.	Very Strong Unchanged	New Zealand remains a supporter of the Kigali Principles.
Support UN Security Council veto restraint on issues relating to atrocity prevention.	Very Strong Unchanged	New Zealand retains its support for the ACT Code of Conduct on UN Security Council action on atrocity crimes. ⁴⁵ It also retains its support for the French/Mexican initiative for the suspension of veto in the case of mass atrocities. ⁴⁶

⁴¹ Human Rights Watch, November 18 2022: UN Decision to Advance Crimes Against Humanity Treaty, https://www.hrw.org/news/2022/11/18/un-decision-advance-crimes-against-humanity-treaty; 6th Committee, 76th Session: Crimes Against Humanity, Statement of New Zealand, https://www.un.org/en/ga/sixth/76/pdfs/statements/cah/09mtg_newzealand.pdf ⁴² UN Peacekeeping, 2023. Troop and Police Contributors, https://peacekeeping.un.org/en/troop-and-police-contributors. (New Zealand can be selected from the drop down menu).

⁴³ New Zealand Defence Force, n.d. What we do, https://www.defence.govt.nz/what-we-do/

⁴⁴ New Zealand Defence Force, n.d. Military Women, https://www.defence.govt.nz/what-we-do/assessing-the-defencesystem/military-women/

⁴⁵ GCR2P, 2022. List of Signatories to the ACT Code of Conduct, https://www.globalr2p.org/resources/list-of-signatories-to-the- act-code-of-conduct/.

⁴⁶ GCR2P, 2022. List of Supporters of the Political Declaration on Suspension of Veto, https://www.globalr2p.org/resources/listof-supporters-of-the-political-declaration-on-suspension-of-veto/.