



NEW ZEALAND

BASELINE ASSESSMENT OF R2P  
IMPLEMENTATION



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The following Baseline Assessment Annex provides an overview of New Zealand's efforts in implementing R2P as of 2019. For a full description of the methodology used in this study, see Part II of 'Implementing the Responsibility to Protect in the Asia Pacific: An Assessment of Progress and Challenges', available [here](#).

# NEW ZEALAND

New Zealand, one of the principal global advocates of R2P, performs extremely well across almost all indicators.

New Zealand is especially strong on domestic implementation. New Zealand appointed a national R2P Focal Point in 2013 and is an active member of the Focal Point Network. It has ratified and implemented 11 of the 12 international treaties considered most relevant to atrocity prevention. Additionally, human rights are protected through numerous domestic laws - e.g. the Bill of Rights Act 1990, the Human Rights Act 1993 and the Domestic Violence Act 1995 - ensuring a robust civil society and open press, and the protection of vulnerable groups within society. New Zealand has an inclusive education system and its security sector is governed by numerous legislative safeguards that ensure the legitimate and effective civilian control of its police and military.

New Zealand's contribution to international efforts to implement R2P is broadly positive but not especially proactive. This is exemplified by its policy on refugees. Whilst New Zealand is a signatory to International Refugee Law and complies with its legal obligations, imposing none of the punitive measures espoused by its neighbour Australia, its annual intake is very small – per head of population less than half that of Australia, and more than five times less than countries like Sweden and Norway.

New Zealand actively participates in national, regional and international discussions on R2P and uses various platforms to advance arguments in favour of atrocity prevention (e.g. the United Nations Security Council, General Assembly). New Zealand commended the Secretary-General's report for its emphasis on prevention rather than intervention and supports investment in this direction. However, whilst an active and substantial aid donor to the Pacific and other regional organisations, it has not yet championed R2P or atrocity prevention in these contexts.

New Zealand provides only a modest number of civilians to UN missions with protection mandates but has not specifically focused on contributing military personnel to such operations. It has supported and contributed to various training exercises for peacekeeping, security, and law enforcement personnel in Africa and the Middle East.

# NEW ZEALAND

Assessment	Indicator
<b>Very Strong</b>	Protection of populations from atrocity crimes
	Reduction of atrocity crime risks
	Dealing with past atrocities
	Appoint national R2P Focal Point
	Sign, ratify and implement relevant instruments of international law
	Sign and ratify the Rome Statute of the International Criminal Court and cooperate fully with the Court
	Establish and maintain National Human Rights Institutions in accordance with the Paris Principles
	Ensure domestic promotion and protection of human rights, focusing on the elimination of discrimination
	Participate in international peer review processes, including the Universal Periodic Review (UPR) of the UN Human Rights Council
	Cooperate fully with UN Human Rights mandate holders and those of relevant regional organisations
	Ensure equal access to justice
	Take measures to counter and prevent violent extremism
	Enact and implement laws protecting vulnerable groups, particularly in relation to sexual and gender-based violence
	Cultivate and protect and active, diverse and robust civil society
	Ensure a legitimate, effective and civilian controlled security sector
	Ensure the education system reflects the ethnic, national and cultural diversity of society, and sets examples of inclusiveness
	Prevent nationals committing atrocity crimes overseas
	Support the Kigali Principles
	Support UN Security Council veto restraint on issues relating to atrocity prevention
	<b>Strong</b>
Participate in international, regional and national discussions on the further advancement of R2P	
Leverage existing mechanisms and institutions (including regional and sub-regional organisations) to encourage States to fulfil their responsibility to protect	
Support preventive actions on atrocity crimes	
Develop the capacities needed to support civilian protection, including through the training of military and civilian personnel for peacekeeping	
<b>Fair</b>	Incorporate atrocity crime risks and dynamics into conflict analysis and/or development partnerships
	Protect individuals and groups fleeing atrocity crimes and their risk, in accordance with International Refugee Law
	Encourage and assist States to fulfil their R2P in situations of emerging or ongoing crisis, such as good offices and preventive diplomacy
	Strengthen regional and international networks for atrocity crime prevention
	Strengthen the role and capacity of regional organisations

	Support the development and work of regional human rights and other preventive capacities
	Support atrocity prevention through development and assistance partnerships
	Support the early warning and capacity building efforts of the UN Office on Genocide Prevention and R2P
	Contribute to United Nations peacekeeping operations (especially those with a protection of civilians mandate)
<b>Weak</b>	Support the strengthening of the UN's capacity for atrocity prevention, including through the UN Human Rights system
<b>Very Weak</b>	Establish domestic mechanisms to hold the government accountable for upholding its responsibility to protect
	Conduct a national assessment of risk and resilience

## New Zealand Score: 76

New Zealand has consistently shown itself to be a strong advocate of all three pillars of R2P, standing out as one of the strongest proponents of the norm in the Asia Pacific region. New Zealand performs strongly on all the relevant domestic measures and most international measures, though it could do more to translate its rhetorical commitment to R2P into practical support.



Thematic Area	Indicator	Assessment	Notes
Basic Compliance	Protection of populations from atrocity crimes.	Very Strong	The government of New Zealand and its related institutions adequately protect the population of the country from atrocity crimes.
	Reduction of atrocity crime risks.	Very Strong	Comprehensive laws covering human rights and non-discrimination, coupled with strong democratic institutions and an accountable security sector means the risks of atrocity crimes occurring in New Zealand are very low.
	Dealing with past atrocities.	Very Strong	The New Zealand government has gone to great lengths to reconcile the historical enmity between white New Zealanders and those of Maori heritage following atrocities committed during and after colonisation of the country by the British. <sup>1</sup>
Policy Mechanisms	Appoint national R2P Focal Point.	Very Strong	New Zealand appointed a national R2P Focal Point in 2013 and has attended six of the annual meetings of the Focal Point Network. <sup>2</sup>
	Incorporate atrocity crime risks and dynamics into conflict analysis and/or development partnerships.	Fair	New Zealand aid is conflict sensitive, but it has not yet incorporated atrocity crime risk dynamics into conflict assessment or developed specific guidance.
	Establish domestic mechanisms to hold the government accountable for upholding its responsibility to protect.	Very Weak	There are no mechanisms in place holding the New Zealand government accountable for upholding the responsibility to protect.
International Human Rights Obligations	Sign, ratify and implement relevant instruments of international law.	Very Strong	New Zealand has ratified eleven of the twelve key international human rights law (IHRL) instruments considered most relevant to R2P and has signed but not yet ratified one. <sup>3</sup> The treaties ratified are: <ul style="list-style-type: none"> <li>• <i>Convention on the Prevention and Punishment of the Crime of Genocide</i> (Ratification/Accession: 1978)</li> <li>• <i>Geneva Conventions</i> (Ratification/Accession: 1959)</li> <li>• <i>Geneva Protocol I</i> (Ratification/Accession: 1988)</li> <li>• <i>International Covenant on Civil and Political Rights</i> [ICCPR] (Ratification/Accession: 1978)</li> <li>• <i>International Covenant on Economic, Social and Cultural Rights</i> [ICESCR] (Ratification/Accession: 1978)</li> <li>• <i>Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment</i></li> </ul>

<sup>1</sup> For example, see: The Japan Times, 2015. 'New Zealand confronts violent past, empowering, paying Maori victims'. *The Japan Times*, 16 March. Available at: <https://www.japantimes.co.jp/news/2015/03/16/asia-pacific/social-issues-asia-pacific/new-zealand-confronts-violent-past-empowering-paying-maori-victims/#.XHZDRogzaUk>; Haunui-Thompson, Shannon, 2017. 'Tears as Crown apologises for Parihaka atrocities'. *Radio NZ*, 9 June. Available at: <https://www.radionz.co.nz/news/te-manu-korihiki/332613/tears-as-crown-apologises-for-parihaka-atrocities>; Smale, Aaron, 2016. 'Tainui has never forgotten the atrocities against their women and children'. *Radio NZ*, 7 October. Available at: <https://www.radionz.co.nz/stories/201818953/tainui-has-never-forgotten-the-atrocities-against-their-women-and-children>.

<sup>2</sup> Global Centre for the Responsibility to Protect (GCR2P), 2016. *Members of the Global Network of R2P Focal Points*, [http://www.globalr2p.org/media/files/regional-breakdown\\_global-network-of-r2p-focal-points.pdf](http://www.globalr2p.org/media/files/regional-breakdown_global-network-of-r2p-focal-points.pdf).

<sup>3</sup> United Nations Human Rights Office of the High Commissioner (UNOHCHR), n.d. *View the ratification status by country or by treaty*, [http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/Treaty.aspx](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx); UNTC, 2019. 8. *Arms Trade Treaty*, [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtmsg\\_no=XXVI-8&chapter=26&clang=en](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtmsg_no=XXVI-8&chapter=26&clang=en); also, search for applicable IHRL here: New Zealand Ministry of Foreign Affairs and Trade (MFAT), n.d. *New Zealand Treaties Online*, <http://www.treaties.mfat.govt.nz/>.

		<p><i>or Punishment</i> [CAT] (Ratification/Accession: 1989)</p> <ul style="list-style-type: none"> <li>• <i>Convention on the Elimination of All Forms of Discrimination against Women</i> [CEDAW] (Ratification/Accession: 1985)</li> <li>• <i>Convention on the Elimination of All Forms of Racial Discrimination</i> [CERD] (Ratification/Accession: 1972)</li> <li>• <i>1951 Refugee Convention</i> (Ratification/Accession: 1960) and the <i>1967 Protocol</i> (Ratification/Accession: 1973)</li> <li>• <i>Convention on the Rights of the Child</i> [CRC] (Ratification/Accession: 1993)</li> <li>• <i>Rome Statute of the International Criminal Court</i> (Ratification/Accession: 2000)</li> </ul> <p>It has signed, but has not yet ratified the <i>Arms Trade Treaty</i> [ATT] (Signature: 2014)</p> <p>The State has raised various but relatively minor reservations concerning some of these treaties.</p>
Sign and ratify the Rome Statute of the International Criminal Court and cooperate fully with the Court.	Very Strong	New Zealand signed the <i>Rome Statute</i> in 1998 and ratified it in 2000. <sup>4</sup>
Establish and maintain National Human Rights Institutions in accordance with the Paris Principles.	Very Strong	New Zealand has established a Human Rights Commission. This institution, as of February 2018, garners an ‘A’ rating from the Global Alliance of National Human Rights Institutes. This rating means the Commission is fully compliant with the Paris Principles. <sup>5</sup>
Ensure domestic promotion and protection of human rights, focusing on the elimination of discrimination.	Very Strong	<p>New Zealand’s constitution is not found in one document, but rather in a number of legal documents, common law derived from court decisions and established constitutional practices known as conventions.<sup>6</sup> Increasingly, New Zealand’s constitution reflects the Treaty of Waitangi as a founding document of government in New Zealand.</p> <p>The <i>Bill of Rights Act 1990</i> and the <i>Human Rights Act 1993</i> demonstrate the State’s commitment to translating international commitments into domestic legislation.</p> <p>The <i>Bill of Rights Act 1990</i> (BORA) protects and promotes human rights and fundamental freedoms in New Zealand.<sup>7</sup> Part 2, Sections 12 to 20 of the BORA ensures equal suffrage, freedom of thought, conscience, and religion, freedom of expression, freedom of peaceful assembly and association, freedom of movement, freedom from</p>

<sup>4</sup> International Criminal Court, 2003. *New Zealand*, [https://asp.icc-cpi.int/en\\_menus/asp/states%20parties/western%20european%20and%20other%20states/Pages/new%20zealand.aspx](https://asp.icc-cpi.int/en_menus/asp/states%20parties/western%20european%20and%20other%20states/Pages/new%20zealand.aspx).

<sup>5</sup> Global Alliance of National Human Rights Institutions (GANHRI), 2018. *Chart of the Status of National Institutions*, <https://nhri.ohchr.org/EN/AboutUs/GANHRIAccreditation/Documents/Status%20Accreditation%20Chart.pdf>.

<sup>6</sup> Important legislation includes the *Treaty of Waitangi Act 1975*, the *Ombudsmen Act 1975*, the *Official Information Act 1982*, the *Public Finance Act 1989*, the *New Zealand Bill of Rights Act 1990*, and the *Human Rights Act 1993*. Additionally, some British laws, such as parts of *Magna Carta 1297* and *The Bill of Rights 1688*, and the *Act of Settlement 1701* and the *Royal Marriages Act 1772*, have been incorporated into New Zealand law by the *Imperial Laws Application Act 1988*.

<sup>7</sup> New Zealand Ministry of Justice, n.d. *Constitutional Issues & Human Rights*, <https://www.justice.govt.nz/justice-sector-policy/constitutional-issues-and-human-rights/>.

discrimination and the rights of minorities.<sup>8</sup>

The *Human Rights Act 1993* – which was a consolidation and amendment of the *Race Relations Act 1971* and the *Human Rights Commission Act 1977* - principally deals with discrimination. It came into force on 1 February 1994 and governs the work of the New Zealand Human Rights Commission.

New Zealand has legislation that provides for equal pay for women, outlawing sex discrimination and sexual harassment at work and setting out rights for equal employment for career progression. Legislation for gender equity at work includes the *Equal Pay Act 1972*, the *State Sector Act 1986* and the *Human Rights Act 1993*, including its amendments in 2000.<sup>9</sup>

Participate in international peer review processes, including the Universal Periodic Review (UPR) of the UN Human Rights Council.	Very Strong	In its first UPR in 2011, New Zealand accepted 159 out of 228 recommendations. In its second UPR in 2014, it accepted 121 out of 155 recommendations. <sup>10</sup>  Its third UPR was held in early 2019. It received another 228 recommendations, seeming to support the majority of them, but has yet to make a formal response. <sup>11</sup>  New Zealand has no overdue reports regarding peer review processes. <sup>12</sup>
Cooperate fully with UN Human Rights mandate holders and those of relevant regional organisations.	Very Strong	New Zealand extended an open invitation to UN Special Procedure mandate holders in 2004. Of the eight visits listed for the country, two have yet to be reported on. The others have either had their findings published or are forthcoming. <sup>13</sup>
Ensure equal access to justice.	Very Strong	The law provides for the right to a fair public trial, protects the process of the court and national equality when considering the application of the law, and ensures an independent judiciary. This protection is deemed to generally be well protected and enforced. <sup>14</sup>
Criminalise incitement to commit genocide, war crimes, ethnic cleansing and crimes against humanity.	Strong	New Zealand has adequate laws that criminalise genocide, ethnic cleansing, war crimes and crimes against humanity. <sup>15</sup>

<sup>8</sup> Parliamentary Counsel Office. 'New Zealand Bill of Rights Act 1990'. (1 July 2013). *New Zealand Legislation*.

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

<sup>9</sup> National Equal Opportunity Network, n.d. *Legislation for gender equity*.

<http://www.neon.org.nz/payequitymonitoringtool/legislationgenderequity/>

<sup>10</sup> New Zealand Government Human Rights Commission, n.d. *New Zealand's Second Universal Periodic Review*.

<https://www.hrc.co.nz/your-rights/human-rights/our-work/universal-periodic-review>; also: UNOHCHR, 2018. *Human Rights by country: New Zealand*, <http://www.ohchr.org/EN/Countries/AsiaRegion/Pages/NZIndex.aspx>; and: UPR, 2nd Cycle of the UN Human Rights Council, New Zealand National Report, 8 November 2013, A/HRC/WG.6/18/NZL/1.

<sup>11</sup> UPR Info, 2019. Database of Recommendations: New Zealand, [https://www.upr-](https://www.upr-info.org/database/index.php?limit=0&f_SUR=124&f_SMR=All&order=&orderDir=ASC&orderP=true&f_Issue=All&searchRec o=&resultMax=300&response=&action_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly)

[info.org/database/index.php?limit=0&f\\_SUR=124&f\\_SMR=All&order=&orderDir=ASC&orderP=true&f\\_Issue=All&searchRec o=&resultMax=300&response=&action\\_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly](https://www.upr-info.org/database/index.php?limit=0&f_SUR=124&f_SMR=All&order=&orderDir=ASC&orderP=true&f_Issue=All&searchRec o=&resultMax=300&response=&action_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly).

<sup>12</sup> UNOHCHR, n.d. *List of States parties without overdue reports*,

[http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/LateReporting.aspx](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/LateReporting.aspx).

<sup>13</sup> UNOHCHR, n.d. *View Country visits of Special Procedures of the Human Rights Council since 1998*,

[https://spinternet.ohchr.org/\\_Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en&country=NZL](https://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en&country=NZL).

<sup>14</sup> U.S. Department of State: Bureau of Democracy, Human Rights, and Labor, 2016. *Country Reports on Human Rights Practices for 2016: New Zealand*, <https://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dldid=265360#wrapper>.

<sup>15</sup> Library of Congress Global Legal Research Center, 2016. *Genocide, Crimes Against Humanity, and War Crimes Jurisdiction*, <https://www.loc.gov/law/help/genocide/chart.php#New%20Zealand>.



Hate speech is prohibited in New Zealand under the *Human Rights Act 1993* under Sections 61 and 131.<sup>16</sup>

Take measures to counter and prevent violent extremism.

Very Strong

Globally New Zealand supports the United Nations Global Counter-Terrorism Strategy.<sup>17</sup> Regionally, New Zealand works to counter extremism through several forums, including:

- Convening, along with the Pacific Island Secretariat, the Pacific Working Group on Counter Terrorism and Transnational Organised Crime.
- Countering money laundering through the Asia Pacific Group on Money Laundering.
- Working with the UN Office on Drugs and Crime, and
- Working with the ASEAN Regional Forum.<sup>18</sup>

There are also bilateral initiatives, such as the Australia-New Zealand Counter-Terrorism Committee, established to ensure close cooperation on counter-terror matters at a high level.<sup>19</sup>

Enact and implement laws protecting vulnerable groups, particularly in relation to sexual and gender-based violence.

Very Strong

New Zealand criminal law contains numerous provisions for protecting people from, and criminalizing, sexual and gender-based violence.

The *Domestic Violence Act 1995* was enacted to ensure the legal protection for victims of any physical, sexual, and psychological domestic violence.<sup>20</sup> Through the Family Court, the *Act* provides a civil procedure for obtaining a 'protection order' requiring perpetrators of domestic violence to attend 'stopping violence' programmes for the prevention of family violence. Furthermore, there is legal provision for the New Zealand Police to issue immediate Police Safety Orders that require perpetrators to leave the address of the victim for up to five days.<sup>21</sup> Criminal courts may also issue protection orders.

Protect individuals and groups fleeing atrocity crimes and their risk, in accordance with International Refugee Law.

Fair

New Zealand established a formal annual quota for refugees in 1987, and major refugee groups include those from Syria, the Democratic Republic of the Congo and those of Rohingya ethnicity.<sup>22</sup> The quota has led New Zealand to house only a very small number of refugees (0.31 per 1000 people in 2014)<sup>23</sup> and this has led to calls for the country to increase its intake and do its fair share as a developed country. The current Labour government

<sup>16</sup> Parliamentary Counsel Office. 'Human Rights Act 1993'. (26 November 2018). *New Zealand Legislation*. Section 61 and 131. <<http://www.legislation.govt.nz/act/public/1993/0082/60.0/DLM304212.html>>.

<sup>17</sup> MFAT, n.d. *Counter Terrorism*, <https://www.mfat.govt.nz/en/peace-rights-and-security/international-security/counter-terrorism/>.

<sup>18</sup> Ibid.

<sup>19</sup> Australian Government, n.d. *Australia-New Zealand Counter-Terrorism Committee*,

<https://www.nationalsecurity.gov.au/whataustraliaisdoing/pages/australia-new-zealand-counter-terrorism-committee.aspx>.

<sup>20</sup> Parliamentary Counsel Office. 'Domestic Violence Act 1995'. (14 July 2017). *New Zealand Legislation*.

<http://www.legislation.govt.nz/act/public/1995/0086/latest/DLM371926.html>; also: UPR, A/HRC/WG.6/18/NZL/1, p. 16.

<sup>21</sup> United Nations, Committee on the Elimination of Discrimination against Women, Seventh Periodic Report of State Parties: New Zealand, 7 January 2011, CEDAW/C/NZL/7, p. 43.

<sup>22</sup> New Zealand Immigration, 2019. *New Zealand Refugee Quota Programme*, <https://www.immigration.govt.nz/about-us/what-we-do/our-strategies-and-projects/supporting-refugees-and-asylum-seekers/refugee-and-protection-unit/new-zealand-refugee-quota-programme>.

<sup>23</sup> Fyers, Andy, 2015. 'How New Zealand's refugee quota stacks up internationally'. *Stuff*, 9 September. Available at: <https://www.stuff.co.nz/national/politics/71899378/null>.

			did increase the quota, yet the number is still relatively small. <sup>24</sup>
Domestic Implementation	Conduct a national assessment of risk and resilience.	Very Weak	New Zealand has not undertaken a national assessment using the analysis framework on the prevention of genocide.
	Cultivate and protect an active, diverse and robust civil society.	Very Strong	As already mentioned, the BORA provides for fundamental freedoms, including the freedom of expression of information and opinions. <sup>25</sup>  Freedom House considers New Zealand to possess one of the freest press landscapes in the world. <sup>26</sup>
	Ensure a legitimate, effective and civilian controlled security sector.	Very Strong	The civilian authorities in New Zealand maintain effective control over their security forces, and the government upholds effective systems to investigate and punish corruption and abuses within the security forces. <sup>27</sup>  New Zealand is considered a successful case of security sector reform, based on ministerial responsibility and merit-based appointments. Furthermore, the security forces are considered to be largely free from corruption. <sup>28</sup>
	Ensure the education system reflects the ethnic, national and cultural diversity of society, and sets examples of inclusiveness.	Very Strong	New Zealand is considered to have one of the highest quality education systems amongst the ASEAN+6. <sup>29</sup> In addition to strong equity outcomes for women in the education sector, <sup>30</sup> New Zealand has a number of education policies specifically designed to support the ethnic and cultural diversity of the country. These are: <ul style="list-style-type: none"> <li>• <i>Tau Mai Te Reo</i> – The Maori language in education strategy 2013-2017 and,</li> <li>• <i>The Pasifika Education Plan 2013-2017</i>.</li> </ul> The <i>Pasifika Education Plan</i> is aimed at raising Pasifika learners’ participation, engagement and achievement from early learning through to tertiary education. <sup>31</sup>
	Prevent nationals committing atrocity crimes overseas.	Very Strong	New Zealand is a signatory to the <i>Rome Statute of the International Criminal Court</i> . To meet its international obligations the state has enacted the <i>International Crimes and International Criminal Court Act 2000</i> , which is administered by both the Ministry of Foreign Affairs and Trade and the

<sup>24</sup> SBS, 2018. ‘Calls for New Zealand to increase ‘dismal’ refugee intake’. *SBS News*, 26 August. Available at: <https://www.sbs.com.au/news/calls-for-new-zealand-to-increase-dismal-refugee-intake>; Australian Associated Press, 2018. ‘New Zealand to raise refugee quota in 2020’. *The Guardian*, 19 September. Available at: <https://www.theguardian.com/world/2018/sep/19/new-zealand-to-raise-refugee-quota-in-2020>; UNHCR Regional Representation in Canberra, 2018. ‘“The Right Thing To Do” UNHCR Praises New Zealand’s Refugee Quota Increase’. *UNHCR*, 20 September. Available at: <https://www.unhcr.org/en-au/news/press/2018/9/5ba327327/the-right-thing-to-do-unhcr-praises-new-zealands-refugee-quota-increase.html>.

<sup>25</sup> Parliamentary Counsel Office. ‘New Zealand Bill of Rights Act 1990’. (1 July 2013). *New Zealand Legislation*. Section 14. <<http://www.legislation.govt.nz/act/public/1990/0109/latest/DLM224792.html>.>

<sup>26</sup> Freedom House, 2017. *New Zealand: Freedom of the Press, 2017*, <https://freedomhouse.org/report/freedom-press/2017/new-zealand>.

<sup>27</sup> U.S. Department of State: Bureau of Democracy, Human Rights, and Labor. *Country Reports on Human Rights Practices for 2016: New Zealand*.

<sup>28</sup> Goldfinch, Shaun, 1998. ‘Evaluating Public Sector Reform in New Zealand: Have the Benefits been Oversold?’ *Asian Journal of Public Administration*, vol. 20, no. 2. (December 1998).

<sup>29</sup> United Nations Educational, Scientific and Cultural Organisation (UNESCO). 2014. *Education Systems in ASEAN+6 Countries: A Comparative Analysis of Selected Educational Issues*, <http://unesdoc.unesco.org/images/0022/002267/226757E.pdf>.

<sup>30</sup> New Zealand Ministry for Women, 2016. *Annual Report 2016*, [http://women.govt.nz/sites/public\\_files/MFW\\_Annual\\_Report\\_2016\\_web\\_0.pdf](http://women.govt.nz/sites/public_files/MFW_Annual_Report_2016_web_0.pdf).

<sup>31</sup> New Zealand Ministry of Education, 2013. *Pasifika Education Plan 2013-2017*, <https://www.education.govt.nz/assets/Documents/Ministry/Strategies-and-policies/PEPfoldup12Feb2013.pdf>.

			Ministry of Justice. <sup>32</sup> It has not yet adopted specific legislation to deal with foreign fighters.
Bilateral and Multilateral Relations	Participate in international, regional, and national discussions on the further advancement of R2P.	Strong	New Zealand has actively participated in discussions furthering the advancement of R2P.  At the UN General Assembly's Informal Interactive Dialogues on R2P, New Zealand has delivered statements at all but the 2010 and 2017 meetings. <sup>33</sup>
	Leverage existing mechanisms and institutions (including regional and sub-regional organisations) to encourage States to fulfil their responsibility to protect.	Strong	<b>UN Security Council Resolutions</b> New Zealand served as an elected member of the UN Security Council in 2015-2016, a period in which the Council oversaw a raft of pressing threats to international peace and security. These included the situations in Syria, South Sudan and North Korea and the rise of the Islamic State. It voted yes to all resolutions relevant to R2P. <sup>34</sup>  <b>UN General Assembly Resolutions</b> In the General Assembly, New Zealand has voted in support of all the key resolutions that have referenced R2P. <sup>35</sup>  New Zealand is a member of the Pacific Islands Forum's Regional Security Committee and a member of the ASEAN Defence Ministers Meeting Plus, which serves to strengthen security and defence cooperation amongst its members for peace, stability and development in the region. <sup>36</sup> Whilst promoting human rights as an integral part of their international development and engagement policy, there is no evidence that New Zealand has used these regional forums to advance atrocity prevention.
	Encourage and assist States to fulfil their R2P in situations of emerging and ongoing crisis, such as good offices and preventive diplomacy.	Fair	New Zealand supports the Secretary-General's approach to prevention but as yet, its own aid programs have not specifically directed investment to atrocity prevention.  New Zealand was one of the first countries to endorse the <i>Safe School Declaration</i> , to protect schools and universities from attack during armed conflict in 2015. <sup>37</sup>  New Zealand contributed US\$2,170,767 (making their donor ranking 16 out of 71) to the UNOHCHR in 2015. <sup>38</sup>

<sup>32</sup> Parliamentary Counsel Office. 'International Crimes and International Criminal Court Act 2000'. (1 March 2017). *New Zealand Legislation*. <<http://www.legislation.govt.nz/act/public/2000/0026/latest/DLM63091.html>>.

<sup>33</sup> For a summary of these statements, follow the links on this page: GCR2P, 2016. *Summary of UN General Assembly Debates and Interactive Dialogues on R2P*, <http://www.globalr2p.org/resources/897>.

<sup>34</sup> GCR2P, 2018. *UN Security Council Resolutions and Presidential Statements Referencing R2P*, <http://www.globalr2p.org/resources/335>.

<sup>35</sup> GCR2P, 2018. *UN General Assembly Resolutions Referencing R2P*, <http://www.globalr2p.org/resources/1133>. (Voting records for UN Security Council and General Assembly Resolutions can be found at: <http://www.un.org/en/ga/documents/voting.asp>).

<sup>36</sup> MFAT., n.d. *Regional security*, <https://www.mfat.govt.nz/en/peace-rights-and-security/international-security/regional-and-international-security/>.

<sup>37</sup> Global Coalition to Protect Education from Attack (GCPEA). 2015. *Safe Schools Coalition: list of endorsing states*, [http://protectingeducation.org/sites/default/files/documents/list\\_of\\_states\\_that\\_have\\_joined\\_the\\_safe\\_schools\\_declaration\\_0.pdf](http://protectingeducation.org/sites/default/files/documents/list_of_states_that_have_joined_the_safe_schools_declaration_0.pdf); also: GCPEA. n.d. *Safe Schools Declaration*, [http://www.protectingeducation.org/sites/default/files/documents/safe\\_schools\\_declaration-final.pdf](http://www.protectingeducation.org/sites/default/files/documents/safe_schools_declaration-final.pdf).

<sup>38</sup> UNOHCHR, 2015. *Donor Profiles: New Zealand*, [http://www2.ohchr.org/english/OHCHRReport2015/allegati/8\\_Donor\\_profiles\\_2015.pdf](http://www2.ohchr.org/english/OHCHRReport2015/allegati/8_Donor_profiles_2015.pdf).

	Strengthen regional and international networks for atrocity crime prevention.	Fair	New Zealand is an active and substantial aid donor to the Pacific and other regional organisations, but it has not yet championed R2P or atrocity prevention in these contexts.
	Strengthen the role and capacity of regional organisations.	Fair	New Zealand has at least supported in principle the strengthening of regional organisations. They actively participated in the Asia Pacific Economic Cooperation Forum <sup>39</sup> and worked with ASEAN <sup>40</sup> to deepen their partnerships and multilateral relations in the region as a whole.
	Support the development and work of regional human rights and other preventive capacities.	Fair	Most of New Zealand's work in promoting the development of human rights in the Asia Pacific is done through the New Zealand Aid Programme liaising with UNOHCHR. <sup>41</sup>
	Support atrocity prevention through development and assistance partnerships.	Fair	The New Zealand government's development aid considers the gender, environmental and human rights aspects of its work. <sup>42</sup> While this work is incredibly beneficial to developing communities, especially in the Pacific, atrocity prevention is not explicitly referenced or catered for.
United Nations, prevention, Peacekeeping, and assistance	Support the early warning and capacity building efforts of the UN Office on Genocide Prevention and R2P.	Fair	NZ supports the work of the office but as yet furnishes no direct support to it. As a member of CANZ - an informal grouping of Canada, Australia, and New Zealand, that in the UN (and in some other multilateral fora) works closely on issues ranging from security and human rights to cooperation on the environment – it was supportive during the fifth committee deliberations on the establishment of three regular posts within the Office. <sup>43</sup>
	Support the strengthening of the UN's capacity for atrocity prevention, including through the UN Human Rights system.	Weak	New Zealand offers some broad support for the work of the UNOHCHR and human rights conventions. It supports efforts by the UN to hold to account countries that breach their human rights obligations, citing that such breaches "...are often root causes of conflicts and can act as early warnings of impending disasters." <sup>44</sup>
	Support preventive actions on atrocity crimes.	Strong	New Zealand has made numerous statements relevant to monitoring and evaluation and supporting preventive action. In addition to numerous Interactive Dialogue statements concerning preventive efforts, <sup>45</sup> New Zealand has shown formal support for MONUSCO and the Force Intervention Brigade in the Democratic Republic of Congo. <sup>46</sup> The State has also called for greater cooperation through joint assessment missions, information exchanges, training and

<sup>39</sup> Scoop, 2018. *Strengthening regional trade and security*, <http://www.scoop.co.nz/stories/PA1811/S00106/strengthening-regional-trade-and-security.htm>.

<sup>40</sup> ASEAN, 2018. *ASEAN, New Zealand reaffirm commitment to strengthen strategic partnership*, <https://asean.org/asean-new-zealand-reaffirm-commitment-to-strengthen-strategic-partnership/>.

<sup>41</sup> MFAT, n.d. *Human rights*, <https://www.mfat.govt.nz/en/peace-rights-and-security/human-rights/>.

<sup>42</sup> MFAT, 2011. *International Development Policy Statement: Supporting sustainable development*, p. 3, <https://www.mfat.govt.nz/assets/Aid-Prog-docs/Policy/International-Development-Policy-Statement-2011.pdf>.

<sup>43</sup> GCR2P, 2011. *ACABQ and Fifth Committee Negotiations on the Joint Office*, <http://www.globalr2p.org/media/files/report-acabq-and-fifth-committee-negotiations.pdf>.

<sup>44</sup> Little, Andrew, 2018. *New Zealand statement to the 37<sup>th</sup> session of the United Nations Human Rights Council, Geneva, March 2018*, <https://www.beehive.govt.nz/speech/new-zealand-statement-37th-session-united-nations-human-rights-council-geneva-march-2018>.

<sup>45</sup> E.g.: New Zealand Permanent Mission to the United Nations. 2013. *Statement by Jim McLay, Permanent Representative 11 September 2013: Informal interactive dialogue on R2P*, [https://docs.google.com/viewer?url=http%3A%2F%2Fresponsibilitytoprotect.org%2FNew%2520Zealand%2520\\_013.pdf](https://docs.google.com/viewer?url=http%3A%2F%2Fresponsibilitytoprotect.org%2FNew%2520Zealand%2520_013.pdf).

<sup>46</sup> MFAT, 2016. *Statement delivered by Phillip Taula, Deputy Permanent Representative of New Zealand to the United Nations. 5 December, 2016*, <https://mfat.govt.nz/en/media-and-resources/ministry-statements-and-speeches/monusco-mandate-renewal-explanation-of-vote/>.

Contribute to United Nations peacekeeping operations (especially those with a protection of civilians mandate).	Fair	<p>secondments in the context of AU-UN peace operations in Africa.<sup>47</sup></p> <p>New Zealand has been a contributor to United Nations peacekeeping operations since the 1950s. Its most notable recent contributions include the regional Assistance Mission in the Solomon Island's (RAMSI) and Timor-Leste (UNMIT). New Zealand has not specifically focused on contributing to peacekeeping operations with a protection of civilians' mandate but has contributed two experts and one troop to UNMISS.</p>
Develop the capacities needed to support civilian protection, including through the training of military and civilian personnel for peacekeeping.	Strong	<p>In 2015, New Zealand ranked low (101<sup>st</sup>) in terms of contributing to peacekeeping operations.<sup>48</sup></p> <p>In the past few years New Zealand has provided trainers to the Kofi Annan International Peacekeeping Training Centre.<sup>49</sup> Moreover, in May 2015 the defence force sent 143 military trainers to Camp Taji to partake in a two-year Building Partner Capacity mission to aid in the fight against Islamic State at the behest of the Iraqi Foreign Minister. In 2016, the government decided to extend this deployment to November 2018.<sup>50</sup></p>
Support the Kigali Principles.	Very Strong	<p>The degree of atrocity crime risk factors and dynamics associated with such training could not be ascertained.</p> <p>New Zealand is a supporter of the Kigali Principles on the Protection of Civilians.<sup>51</sup></p>
Support UN Security Council veto restraint on issues relating to atrocity prevention.	Very Strong	<p>New Zealand is a signatory to the Code of Conduct regarding Security Council action against genocide, crimes against humanity or war crimes.<sup>52</sup> It is also a supporter of the 'French/Mexican initiative on Veto restraint in case of mass atrocities'.<sup>53</sup></p>

<sup>47</sup> MFAT, 2017. *New Zealand Statement: United Nations Security Council Open Debate on 'Enhancing African Capabilities' and Peace and Security*. 21 July, 2017, <https://mfat.govt.nz/en/media-and-resources/ministry-statements-and-speeches/new-zealand-statement-united-nations-security-council-open-debate-on-enhancing-african-capabilities-and-peace-and-security/>.

<sup>48</sup> Greener, B.K., 2015. *Peacekeeping Contributor Profile: New Zealand*, <http://www.providingforpeacekeeping.org/2014/04/03/contributor-profile-new-zealand/>; also: United Nations Peacekeeping, 2018. *Troop and police contributors*, <https://peacekeeping.un.org/en/troop-and-police-contributors>.

<sup>49</sup> CONTACT Magazine, 2015. *Kiwis fly to West Africa on Peace mission*, <http://www.contactairlandandsea.com/2015/10/28/kiwis-to-west-africa/>.

<sup>50</sup> Brownie, G., 2016. *Government extends Iraq deployment*. <https://www.beehive.govt.nz/release/government-extends-iraq-deployment>.

<sup>51</sup> Asia Pacific Centre for the Responsibility to Protect (APR2P), 2018. *The Kigali Principles on the Protection of Civilians*, [https://r2pasiapacific.org/files/2942/2018\\_kigali\\_principles.pdf](https://r2pasiapacific.org/files/2942/2018_kigali_principles.pdf).

<sup>52</sup> GCR2P, 2017. *List of Signatories to the ACT Code of Conduct*, <http://www.globalr2p.org/media/files/2017-01-25-coc-list-of-supporters.pdf>.

<sup>53</sup> GCR2P, 2016. *Support to the French Mexican initiative on veto restraint in case of mass atrocities*, <http://www.globalr2p.org/media/files/veto-list.pdf>.