



Multicultural New Zealand Policy Proposals February 2014

***“If you want our vote,
heed our voice”***

Race Relations

Ethnic Affairs

Constitutional Issues

***Refugees and
Asylum Seekers***

Settlement Support



“Celebrating 25 years”



“Celebrating 25 years”



New Zealand Federation of Multicultural Councils Inc

PO Box 1409, Wellington 6011

Phone: +64 4 916 9177 Fax: +64 4 916 9178

Email: executive@nzfmc.org.nz Website: www.nzfmc.org.nz

Registered Charitable Trust No: CC36978

Introduction

Multicultural New Zealand, the Federation of Multicultural Councils, is an incorporated, non-government body which acts as an umbrella organisation for ethnic and migrant communities. It consists of twenty regional councils located in centres throughout New Zealand and three national councils for youth, women and seniors. We have effective relationships with ethnic communities and organisations at both the national and local levels, and with government and non-government organisations seeking to provide services to them. We have a vision that:

- All cultures and ethnicities that make up New Zealand are acknowledged.
- The indigenous rights of tangata whenua are honoured and recognised.
- The full and equitable participation of every individual from every culture and ethnic group is promoted.
- The existence of all ethnic communities, their histories, languages and heritages are celebrated.
- Inter-cultural understanding is promoted.

We seek support from political parties and candidates in the 2014 General Election for policies that will help to achieve this vision. Our key proposals are:

- Implement the recommendations of the Constitutional Advisory Panel
- Establish a Ministry of Ethnic Affairs and a National Ethnic Peoples Advisory Panel, and develop a New Zealand Multicultural Policy
- Require all government agencies to develop an ethnic communities strategy
- Develop a community languages framework and national languages policy, as recommended by the Royal Society of New Zealand
- Provide for greater cultural diversity in burial and cremation services, as recommended by the Law Commission
- Prioritise the safety of migrants and refugees, particularly in relation to domestic violence
- Retain the position of Race Relations Commissioner in the Human Rights Commission, as recommended by the United Nations Committee on the Elimination of Racial Discrimination
- Implement the recommendations of the Auditor General to improve the delivery of migrant settlement support services, including in the community as well as at work
- Review the decision to transfer the Settling In programme from MSD to OEA and restore the previous level of funding for the programme
- Review Immigration New Zealand's decision to terminate regional partnerships providing locally based settlement support services
- Take further measures to actively prevent the exploitation of temporary migrant workers
- Repeal provisions for mandatory detention and differential treatment of asylum seekers who arrive by boat
- Provide the resources to implement the Refugee Resettlement Strategy and extend it to refugees who arrive as asylum seekers or through family reunification provisions.



1. Constitutional issues

Our vision

New Zealand's constitutional arrangements reflect and affirm the foundational role of the Treaty of Waitangi, the increasing cultural diversity of New Zealanders, and the human rights of all.

Current issues

- 1.1** The current Government, through an agreement between the National Party and the Māori Party, established a Constitutional Advisory Panel to conduct a “constitutional conversation” and report public views on a range of constitutional issues. The Panel, which comprised a representative group of prominent Māori, Pākehā, Pacific and Ethnic New Zealanders, reported in December 2013. The Panel made a number of recommendations, including that the government:
- support a continuing constitutional conversation,
 - develop a national strategy for civics and citizenship education in schools and the community,
 - develop a Treaty education strategy,
 - set up a process to develop options for the future role of the Treaty,
 - retain the Māori Electoral Option while discussion continues,
 - explore means of improving Māori representation in central and local government, and
 - set up a process to explore strengthening the Bill of Rights Act, for example to include economic, social, cultural, property and environmental rights.

Our challenge

- 1.1.1** Implement the recommendations of the Constitutional Advisory Panel and provide a framework for ongoing public discussion of the issues raised.
- 1.1.2** Develop a national strategy for civics and citizenship education in schools and in the community, having regard to the needs of diverse ethnic communities.
- 1.1.3** Develop a Treaty education strategy, including education for new migrants on the Treaty and engagement with tangata whenua.
- 1.1.4** Strengthen the Bill of Rights Act, through the inclusion of economic, social and cultural rights in the Act.



2. Ethnic Affairs

Our vision

The specific needs of New Zealand's rapidly growing ethnic communities are recognised and addressed by Government, which is guided by a New Zealand Multicultural Policy and advised by a well-resourced Ministry of Ethnic Affairs and a National Ethnic Peoples Advisory Council. New Zealand's diverse cultures and languages are actively protected and promoted, and government agencies engage effectively with ethnic communities for the equitable access to public services.

Current issues

- 2.1** The Office of Ethnic Affairs was established within the Department of Internal Affairs in 2001, following advocacy by the Federation, and in response to the rapid growth of ethnic communities through migration in the 1990s. That growth has continued since then, through both natural increase and further migration, as demonstrated by the 2006 and 2013 Census. New Zealanders of Asian, Middle Eastern, Latin American, African and other descent now comprise nearly 15 per cent of the population, compared with Pacific (7.4 per cent) and Māori (also around 15 per cent). Recent surveys, research and reports have shown that these groups continue to experience significant discrimination in employment and in the public arena, and that they are under-represented in government agencies at both the national and local level. A higher profile for the Office of Ethnic Affairs through its elevation to a Ministry would assist in addressing these issues and promote better engagement with ethnic communities, and a New Zealand Multicultural Policy would help to ensure that the benefits of diversity to New Zealand are fully realised.
- 2.2** Representation of ethnic peoples in government remains limited, and there is a need for their voice to be heard on issues that affect them. While the Office of Ethnic Affairs or the proposed Ministry of Ethnic Affairs can assist in advising Government on issues of concern to ethnic communities, it is important that their voices are also heard directly.
- 2.3** The New Zealand Police have achieved excellent results in increasing ethnic peoples' representation in their ranks and in developing effective relationships with ethnic communities. They have done this through the development and implementation of an ethnic communities strategy and the employment of dedicated staff to manage relationships. The usefulness of this has been demonstrated in the Police's unparalleled capability in assisting ethnic communities after the Canterbury earthquakes, in dealing with crimes involving ethnic people as victims or perpetrators and in promoting road safety, crime reporting and crime prevention. Other government departments have failed to develop similar strategies to establish effective relationships in order to deliver equitable public services to ethnic communities.



2.4 The State Services Commission's annual survey of diversity in the public service workforce in 2013 noted that there had been little change in ethnic representation in the public service in the previous year. While the ethnic composition of the public service broadly matched the ethnic composition of the New Zealand population there were significant inequalities in the ethnic diversity of senior management and there was a significant ethnicity pay gap. The report concluded that "minority ethnicities are under represented in senior leadership when compared to their representation across the rest of the public service." The report found evidence of a steady ethnicity pay gap of 11 per cent for Māori, 19 per cent for Pasifika and 12 per cent for Asian peoples. The SSC found that the ethnic pay gap can exist because of the occupation profile of a particular ethnic group. Māori, Pacific and Asian public servants are more highly represented in the lower-paid occupational groups – such as social health and education workers, contact centre workers and clerical and administration workers – than in senior management.

2.5 One aspect of New Zealand's increasing cultural diversity is the growth of multilingualism in a previously mainly monolingual society. The value of linguistic diversity has been noted in relation to identity, educational achievement, communication and international connectedness. The Government has properly invested in the maintenance and development of te reo Māori, and more recently adopted a Pacific Languages Framework. It has also recognised New Zealand Sign Language as an official language and invested significantly in English language tuition. There is no official policy on ethnic community languages, no framework for their maintenance and development, and no government agency responsible for the development of a policy and framework. The United Nations Committee on the Elimination of Racial Discrimination in 2013 expressed concern at the "inadequate funding to support the preservation of community languages" and called on the Government to "take specific measures aimed at preserving community languages and ensuring that adequate funding is allocated for such programmes." The Royal Society of New Zealand, in an information paper, *Languages in Aotearoa New Zealand*, published in 2013, called for the development of a national languages policy, saying "New Zealand is home to a very diverse society and linguistic environment, and this diversity is only expected to increase in the future. The role of languages is already significant in New Zealand and will become more so. Understanding the profound impacts from transitioning to a multilingual country will be important if we are to succeed culturally, socially and economically. Substantial cultural and social issues will relate to the development and maintenance of te reo Māori and the recognition of the pervasive use of languages additional to English in New Zealand. Developing high levels of multi-literacies for all New Zealanders will be crucial if we are to utilise the latent skill base of our society in order to prosper and flourish."



- 2.6** The Canterbury earthquakes and a biodiversity alert in Auckland in 2012 highlighted the need for public agencies to be prepared to liaise with culturally and linguistically diverse (CALD) communities, in their own languages, in times of civil emergency and where important public messages need to be relayed to the whole community. A Christchurch interagency group, the Community Languages Information Network Group (CLING), has drawn up best practice guidelines for civil emergency preparedness, and the Christchurch Migrant Centre has likewise produced a report on lessons learnt from the earthquakes. Both reports emphasise the need for public agencies to be better prepared to assist migrant and refugee communities in civil emergencies through developing relationships with them beforehand and having basic information available in their languages.
- 2.7** The Law Commission recently conducted a review of the legal framework for burial and cremation. It recommended a number of changes to provide for greater recognition of cultural and religious diversity in the delivery of burial and cremation services, including a requirement on local authorities to consult with ethnic and religious communities in planning their services and making reasonable provision for them.
- 2.8** Violence against women and children is an issue for all communities, and ethnic communities are no exception. The circumstances of migration and refugee settlement can create additional pressures, and there have been a number of recent instances of migrant women being killed as a result of violent abuse. Many new migrants have limited family, friend or community support and may be isolated by virtue of language. There is a need for a particular focus and particular services to combat violence against women and children in ethnic communities.

Our challenge

- 2.1.1** Upgrade the status of the Office of Ethnic Affairs to a Ministry of Ethnic Affairs with parallel responsibilities to the Ministries of Māori Development and Pacific Island Affairs and with increased resources to carry out its extended functions.
- 2.1.2** Establish a National Ethnic Peoples Advisory Council to provide independent advice to government on ethnic affairs, give voice to ethnic communities and promote their participation in government and public services.
- 2.1.3** Develop a New Zealand Multicultural Policy to ensure the social, economic and cultural benefits of cultural diversity to New Zealand are fully realised.
- 2.1.4** Require all government departments to develop an ethnic communities strategy to improve relationships with ethnic communities, meet their specific needs and ensure that public services are equally accessible to them.
- 2.1.5** Take active steps to ensure that ethnic peoples are proportionately represented in public service senior management, on public sector governance boards (including District Health Boards) and in the public sector workforce at all levels.



- 2.1.6** Under the leadership of the Office/Ministry of Ethnic Affairs, develop and implement a community languages framework, recognising the social, economic and cultural benefits of supporting the learning and retention of ethnic community languages in New Zealand. In the longer term, develop and implement a national languages policy which brings together language support policies and programmes across all communities and sectors.
- 2.1.7** Ensure that public agencies involved in dealing with civil emergencies are properly prepared to communicate with and assist culturally and linguistically diverse communities, through developing and maintaining relationships and having basic information available in a range of community languages.
- 2.1.8** Implement the Law Commission's recommendations to amend legislation to require greater provision for cultural diversity in the delivery of burial and cremation services.
- 2.1.9** Prioritise safety for migrants and refugees, particularly in relation to domestic violence, and provide adequate support for organisations and services that are seeking to address it.



3. Race Relations Commissioner

Our vision

The Office of the Race Relations Commissioner is a designated office within the Human Rights Commission and is supported by adequate resources to perform the functions of the office effectively.

Current issues:

- 3.1** The Human Rights Amendment Bill currently before Parliament will abolish the designations of Race Relations Commissioner and make the role subject to the direction of the Chief Human Rights Commissioner. The Office of the Race Relations Conciliator was established in 1972 in order for New Zealand to comply with the Convention on the Elimination of Racial Discrimination, and was merged with the Human Rights Commission in 2002. Assurances were given by the government at the time to ethnic communities that this merger would not affect the role or independence of the position of Race Relations Commissioner, which replaced that of Race Relations Conciliator. The present amending legislation is a breach of that assurance and will reduce the visibility, accessibility and independence of the position.
- 3.2** The United Nations Committee on the Elimination of Racial Discrimination said in February 2013 that “while noting that the proposed Human Rights Amendment Bill is designed in part to improve the effectiveness and efficiency of the Human Rights Commission and to broaden its mandate to cover matters such as disability, the Committee is concerned that this amendment may negatively affect the visibility, accessibility and independence of the Race Relations Commissioner. The Committee recommends that the State party considers retaining the designation of the Office of the Race Relations Commissioner in order to maintain its visibility and accessibility in the State party. The Committee also recommends that the State party ensure that any change effected by this amendment guarantee the independence of the Office of the Race Relations Commissioner to undertake its mandate effectively.

Our challenge:

- 3.1.1** Retain or restore the designation of Race Relations Commissioner in the Human Rights Act and ensure the role is adequately resourced and supported to perform its functions effectively.
- 3.1.2** Retain or restore the collegial relationship between the Race Relations Commissioner and the Chief Human Rights Commissioner as opposed to making the Race Relations Commissioner subject to the direction of the Chief Commissioner.



4. Settlement Support

Our vision

Settlement support is provided to both permanent and temporary migrant workers and their families to enable them to participate effectively and without discrimination in New Zealand society, both through employment and in their communities.

Current issues

- 4.1** Settlement support is funded or provided by a range of government agencies. Two of the main ones are Settlement Support New Zealand (a division of Immigration New Zealand) and the Ministry of Social Development (Family and Community Services – the Settling In programme). Both these programmes have undergone significant change recently.
- 4.2** Funding for Settling In was reduced by \$1 million annually from July 2013, resulting in a reduction of staff assisting in local community development programmes relating to migrant communities and a reduction in assistance to multicultural councils and other local community organisations providing migrant support services. More recently the Government has decided to move responsibility and remaining funding for the Settling In programme from the integrated community development agency Family and Community Services, to the ethnic communities oriented Office of Ethnic Affairs, with effect from 1 April 2014. It is not clear what the impact of this change will be, but there appears to be no clear rationale for it other than moving resources to Ethnic Affairs. The link with other community development programmes in MSD will be a significant loss.
- 4.3** Settlement Support New Zealand has reviewed its business model and is withdrawing its settlement support coordinators from the 18 locations in which they currently work. The net effect is a reduction in the capacity to deliver community based settlement support programmes. Concern over the ending of partnerships with local organisations has been expressed, as for example by the Mayors of the Southland Regional Council, the Invercargill City Council and the Gore District Council, who in a joint letter to the Chief Executive of the Ministry of Business, Innovation and Employment in December said that “we believe that the proposed model, with significantly lower levels of face to face interaction and more centralised higher level services, will struggle to develop and connect with local networks and will result in a loss of natural collaboration and significant levels of duplication and inefficient delivery. This will ultimately have a negative impact on the success of settlement of newcomers and as a consequence will have a significant negative impact on the regions and New Zealand’s export performance.” The Mayors also point to the impact on the ability of voluntary organisations to support migrant settlement, as they are not resourced to take over services withdrawn by central government.



- 4.4** The Auditor General conducted a review of Immigration New Zealand in 2013 and found serious shortcomings in the governance of the government's settlement strategy, a lack of cooperation between government agencies, inadequate use of existing resources, insufficient monitoring, and poor evaluation and monitoring frameworks. The review said that Immigration New Zealand has "narrowly interpreted its role in coordinating the governance of settlement support throughout government" and saw this as a "missed opportunity". The report recommends an improved settlement governance structure and approach, better coordination of government agencies involved in settlement support, monitoring and review of the governance structure, and better evaluation and monitoring frameworks and outcome reporting. It calls for continued improvement in the information provided to potential migrants, better targeting of resources to overcome known barriers to employment, and the extension of services such as job search and English language training to secondary skilled migrants (i.e. families of principal migrants) and temporary work visa holders.
- 4.5** There continue to be reports of migrant workers, particularly temporary migrant workers or international students on work to residence to permits, being employed on sub-standard conditions exploiting their temporary status. There has been some recent increase in focus on this by the Government's labour inspectors, but further prioritisation is warranted. There is a need to ensure that workers feel safe to complain without jeopardising their immigration status, and are aware of their rights and avenues of complaint. The United Nations Committee on the Elimination of Racial Discrimination in February 2013 expressed concern "at reports of persistent discrimination against migrants, particularly of Asian origin, in the labour market." They called on the Government "to ensure the full and effective enforcement of measures taken to protect Asian migrants."

Our challenge

- 4.1.1** Review the rationale for the transfer of the Settling In programme from the Ministry of Social Development to the Office of Ethnic Affairs, and boost funding for the programme to previous levels to continue the programme of highly successful Settling In reports and support for community based migrant support services such as Newcomers' Networks, Migrant Centres, and Migrant Community Coordinators.
- 4.1.2** Review Immigration New Zealand's decision to withdraw from regional partnerships to deliver settlement support services and instruct Immigration New Zealand to re-engage with regional partners in order to establish and fund the most appropriate community based services, particularly outside the three main urban centres.
- 4.1.3** Implement the recommendations of the Auditor General's review of Immigration New Zealand's Settlement Support Service, including leadership and coordination of government support services for migrant workers and extending services to families of migrants and temporary workers. Emphasise that successful settlement requires support in both the economic and social spheres.



- 4.1.4** Renew and resource the New Zealand settlement strategy and the Auckland and Wellington regional settlement strategies, and develop regional settlement strategies for other regions of New Zealand.
- 4.1.5** Maintain and increase support for community, business and training organisations providing migrant support services.
- 4.1.6** Take measures to ensure temporary migrant workers are not employed on substandard conditions, are aware of their rights and avenues for complaint, and do not jeopardise their immigration status if they lodge a complaint about exploitation.



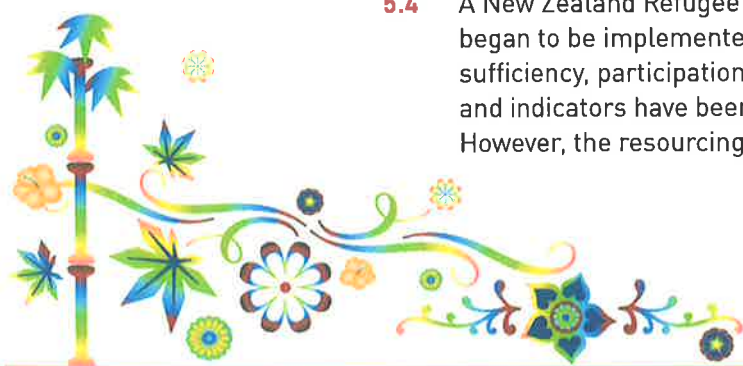
5. Refugees and Asylum Seekers

Our vision

New Zealand, as a responsible global citizen, honours its commitments under the Refugee Convention, treats those who seek asylum here with dignity and justice, and plays its part, through the Office of the High Commissioner for Refugees, in offering settlement to refugees who have fled their homelands for fear of persecution.

Current issues

- 5.1** The Immigration Amendment Bill passed by Parliament in 2013 provides for the indefinite detention of groups of over 30 asylum seekers who arrive by boat and in a number of other ways treats them differently from other asylum seekers and refugees. Individuals forming part of a “mass arrival” are precluded from gaining permanent residence until after a reassessment of their claim for refugee or protected person status. This reassessment will take place three years after the initial grant. In addition, the availability of family reunification for individuals forming part of a mass arrival is limited to immediate family. Although argued to be a deterrent for people traffickers, the legislation penalises the victims rather than the offenders. The UN Committee on the Elimination of Racial Discrimination expressed concern in 2013 that the provision for mandatory detention “may have the effect of depriving persons who are in need of international protection of their liberty solely based on the manner of their arrival in the State party” and called on the Government to ensure New Zealand’s immigration legislation “accords to international standards in the treatment of persons in need of international protection so that it does not unfairly and arbitrarily discriminate against asylum seekers.” A number of recommendations in the 2014 Universal Periodic Review of New Zealand by the UN Human Rights Council raise similar concerns.
- 5.2** New Zealand accepts a quota of 750 refugees a year through the Office of the High Commissioner for Refugees. This quota has remained the same since it was first introduced in 1980, while New Zealand’s population has increased from 3 million to 4.4 million in that period. In the meantime, the number of refugees worldwide has grown immensely. New Zealand has the capacity to accept a larger number as part of its responsibility as an international citizen.
- 5.3** Recently the New Zealand Government offered to take 150 asylum seekers a year from those interned on Nauru and Manus Island under the restrictive policies of the Australian Government. The number was to be deducted from the annual quota of 750 refugees, therefore reducing the spaces available for placement from the Office of the High Commissioner for Refugees. Although the newly elected Australian Government declined this offer, the proposal to use the quota in this way potentially reduces our commitment to the UNHCR under the quota system.
- 5.4** A New Zealand Refugee Resettlement Strategy was approved in 2012 and began to be implemented from July 2013. The strategy has five goals: self-sufficiency, participation, health and well-being, education, and housing, and indicators have been developed to measure progress in achieving them. However, the resourcing of the strategy and its timeframe are unclear.



- 5.5** Apart from the quota system, refugees come to New Zealand through successful bids for asylum under the Refugee Convention, and through family reunification applications from existing refugees. While “quota” refugees receive considerable settlement support (including orientation, housing and employment assistance, other welfare benefits, and language tuition) these services are not available to asylum seekers and reunified family members. This results in considerable hardship for these categories of refugees. The New Zealand Refugee Resettlement Strategy states that it “will first apply to Refugee Quota intakes, and in future will apply to all refugees” but there is no timetable for that.
- 5.6** Refugees face major difficulties in settlement which are much more severe than those of people voluntarily migrating to New Zealand, due to health issues, trauma and living in refugee camps for long periods. Often they continue for a long period of time on welfare benefits or in low paid employment. Education for their children is of vital importance in securing their futures. Māori, Pacific and disabled students are treated as “equity groups” in tertiary institutions, providing them with some extra assistance, but students from refugee backgrounds are not.

Our challenge:

- 5.1.1** Repeal the provisions introduced by the Immigration Amendment Bill 2013 relating to mandatory detention and discriminatory procedures so that asylum seekers who arrive by boat are treated the same as other asylum seekers in accordance with the Refugee Convention.
- 5.1.2** Progressively increase the annual refugee quota from 750 to 1,500 and base selection on humanitarian and protection needs and not geopolitical considerations.
- 5.1.3** Provide sufficient resources for the full implementation of the New Zealand Refugee Resettlement Strategy within the term of the next government.
- 5.1.4** Provide asylum seekers and reunified family members with the same degree of settlement support as quota refugees, as foreshadowed in the New Zealand Refugee Resettlement Strategy.
- 5.1.5** Recognise refugee background students at tertiary institutions as an equity group alongside Māori, Pacific Islanders and students with disabilities.





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