The Committee will meet at 8.00 am in video conference room T3.29.

1. **Scottish Commissioner for Human Rights Bill**: The Committee will take evidence, via video-link, from Rosslyn Noonan, Chief Commissioner, New Zealand Human Rights Commission.

Callum Thomson
Clerk to the Committee
Papers for the meeting—

Agenda item 1
Note by the Clerk on New Zealand Human Rights Commission  J1/S2/06/1/1
Note by the Clerk (PRIVATE PAPER)  J1/S2/06/1/2

Forthcoming meetings—

Wednesday 18 January, Committee Room 4;
Wednesday 1 February, Committee Room 6;
Wednesday 8 February, Committee Room 1;
Wednesday 22 February, Committee Room 6.
Present:
Marlyn Glen                        Bruce McFee
Pauline McNeill (Convener)       Margaret Mitchell
Mrs Mary Mulligan                Mike Pringle
Stewart Stevenson

Also in attendance was Professor Jim Murdoch, Committee Adviser.

The meeting opened at 10.21 am.

1. **Scottish Commissioner for Human Rights Bill:** The Committee took evidence on the Bill at Stage 1 from—

   Professor Alice Brown, Scottish Public Services Ombudsman and Carolyn Hirst, Deputy Scottish Public Services Ombudsman;

   and then from—

   Lord McCluskey, retired Senator of the College of Justice;

   and then from—

   Dr Rachel Murray, University of Bristol.

2. **Scottish Commissioner for Human Rights Bill (in private):** The Committee considered the main themes arising from the evidence sessions to date, to inform the drafting of its Stage 1 report.

The meeting closed at 1.26 pm.

Callum Thomson
Clerk to the Committee
Background

1. The Human Rights Commission was established by the Human Rights Commission Act 1977. It is empowered under the Human Rights Act to protect human rights in general accordance with United Nations Covenants and Conventions and has a range of functions and powers in order to do this.

2. The Commission’s remit is broader than that which is proposed for Scotland and currently comprises a Chief Commissioner (who will participate in the video conference – see Annex), a Race Relations Commissioner, an Equal Employment Opportunities Commissioner and five part-time human rights commissioners.

3. The Race Relations Commissioner has worked extensively with issues relating to Maori, Pacific Islands peoples and migrants. The Commission’s Race and Ethnic Relations Team provides education and information on race and ethnic relations, to work with communities and to carry out legal and policy analysis in order to make submissions to Government and other bodies.

4. The Equal Employment Opportunities Commissioner was former head of the Departments of Human Resource Management and Communication and Journalism at Massey University, New Zealand. The Commissioner is currently working on pay equity, ageism in the workplace and extending equal employment opportunities in the public and private sectors.

5. The Commission is funded by the Ministry of Justice and, through the Minister of Justice, tables an annual report to Parliament on its activities. For 2005-06, the Commission’s budget is just under $7¼m (£2.8m).

6. The Commission, as a member of the Asia Pacific Forum of National Human Rights Institutions, is recognised by the United Nations as an accredited, independent, national human rights institution. The Commission has the mandate to promote and monitor international human rights and race relations standards in New Zealand.

Functions

7. The Human Rights Act 1993 stipulates that the Commission must act independently in the operation of its four major statutory functions, which are:
• to advocate and promote respect for, and an understanding and appreciation of, human rights in New Zealand society;

• to encourage the maintenance and development of harmonious relations between individuals and among the diverse groups in New Zealand society;

• to lead, evaluate, monitor and advise on equal employment opportunities; and

• to provide information to members of the public who have questions about discrimination and to facilitate resolution of disputes in the most efficient, informal, and cost-effective manner possible.

**Educating on human rights**

8. As with the proposals for the Scottish Commissioner the New Zealand Commission has a duty to inform and educate on human rights. The Commission provides information and training to Citizens’ Advice Bureaux nationwide; provides advice on the inclusion of human rights issues in the school curriculum; and operates a human rights library, which is the largest single collection of human rights information in New Zealand.

9. In addition, the Commission also publishes various posters, pamphlets and information booklets on human rights issues as well as organising conferences and discussion seminars.

**Inquiring into human rights issues**

10. The Commission has the power to initiate inquiries into any matter, practice, procedure or enactment, whether governmental or non-governmental, if it appears to the Commission that human rights are, or may be, infringed.

11. A notable example of the Commission’s inquiry work is its Inquiry into Accessible Public Land Transport for People with Disabilities, which ran from September 2003 to October 2005. The inquiry was prompted by the experiences of disabled people who came to the Commission seeking enforcement of their right not to be discriminated against in the provision of public transport.

12. The Commission also conducted a wholesale review of human rights in New Zealand, referred to as the Action Plan for Human Rights. Launched in December 2002, the Action Plan was published in March 2005. The Action Plan identifies where New Zealand is doing well in international human rights terms and also areas of concern that need to be addressed. Such areas of concern include the poverty experienced by children and young people; the pervasive barriers that prevent disabled people from participating in society; and the vulnerability to abuse of those in detention or institutional care.

**Resolving disputes relating to human rights discriminations**
13. The resolution of individual complaints is an important aspect of the Commission’s role and is a power that the proposed Scottish Commissioner will not be afforded.

14. The 1993 Act protects people in New Zealand from discrimination in a number of areas of life. Under the Act the Dispute Resolution Team of the Human Rights Commission has the function of dealing with disputes relating to unlawful discrimination, including racial disharmony, racial harassment, sexual harassment and victimization.

15. In its Annual Report 2005, for the year 2004-05 the Commission classified 1,862 complaints as falling within the scope of unlawful discrimination. Of these, 23% were disability related, 13% were race related, 9% were age related and 9% constituted sexual harassment.

16. The Commission’s Dispute Resolution Team attempts to conclude disputes through mediation and settlements can include an apology, an agreement not to discriminate again, or monetary compensation in light of any hurt incurred.

17. Where more serious unlawful discriminations occur and where mediation has failed, New Zealanders can seek to progress their case through the Office of Human Rights Proceedings, which was established by the 1993 Act and is independent from the Commission. The Office of Human Rights Proceedings offers legal representation to people so that they can take their case to the Human Rights Review Tribunal. There are limited resources available and each individual case is considered on merit.

**Other activities**

18. The Commission also plays an important role in assisting Select Committees in the scrutiny of legislation by making submissions in relation to all Bills with significant human rights implications. Similarly, the Commission also makes submissions to public agencies on their policies and plans.
Rosslyn Noonan took up a five-year appointment as New Zealand Chief Human Rights Commissioner on 17 May 2001. She has headed the Commission during a period of significant change.

Ms Noonan came to the Commission from the position of Trade Union and Human Rights Co-ordinator with Education International. Based in Brussels for four years, she worked with the United Nations Human Rights Commission, the International Labour Organisation and other intergovernmental agencies and with education unions in the Balkans, in Africa and in Asia. She also has extensive experience in the New Zealand trade union movement.