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Transparency International New Zealand (TINZ) is the recognised New Zealand chapter of [Transparency International](#), the global civil society organisation against corruption. TINZ is a not-for-profit incorporated society with charitable status. TINZ is non-partisan and is mainly powered by volunteers. This submission has been compiled by the Executive Director, with assistance from Board member Anne French.

TINZ appreciates the opportunity to comment on the draft 7th Report, and to comment generally on New Zealand's commitments under the ICCPR.

Our submission focuses on specific articles that match our organisation's purposes, i.e. those related to anti-corruption. We appreciate there are many articles of the ICCPR that are pertinent and urgently need attention, such as minority rights and the safety of children. But we are hopeful that other NGOs will address those most pressing issues.

Consultation Questions

- 1. Does the report cover what you see as the most important issues and developments to do with civil and political rights in New Zealand since 2015? Is there anything important missing?*
- 2. What has the government done well to improve the enjoyment of civil and political rights in New Zealand since 2015?*

The report is comprehensive. We are focussed on some articles, and for some of them the draft ICCPR covers important issues and developments to do with civil and political rights in New Zealand since 2015. Many positive examples are provided. However we think the report could be more transparent about outstanding or emerging challenges.

- 3. Do you have feedback on specific areas of the report? If so, please give the relevant section heading and the feedback.*

Our feedback on all three of the above questions follows:

Article 8 – Slavery and Trafficking in Persons

- We monitor prosecutions of migrant exploitation and slavery. Recently the second case of slavery in New Zealand was prosecuted. There have also been multiple prosecutions for migrant exploitation, with significant increases since implementation of the Accredited Employer Work Visa (AEWV). Typologies of exploitative behaviour include debt bondage, wage theft, unsafe accommodation, withholding of passports, and exploitation of tied visas. Exploitation is particularly evident in construction, hospitality,

agriculture and horticulture, and beauty services. There has been a regulatory response. By Feb 2024, nearly 200 employers were stripped of their right to hire migrants.

- Nevertheless the AEWV has most definitely been exploited by many employers, and the government needs to urgently review the scheme.
- There have been few prosecutions for sex trafficking, the most recent one in 2022. It is reported that MBIE has 42 active investigations underway into suspected trafficking offences including sex trafficking.
- As noted in the draft ICCPR, the Government has facilitated a good deal of discussion resulting in planned changes to the Crimes Act, improving definitions, reducing proof of consent requirements for children, and strengthening penalties for exploitative employer. This is a good response.
- There is also the potential for a new anti-slavery law to improve the legal framework and align with international standards. It is a cross party effort, but is not assured of being passed yet. It establishes an Independent Anti-Slavery Commissioner to monitor progress and provide accountability.

Recommendation:

TINZ agrees with Caritas NZ¹ and Tearfund² that a Modern Slavery Act is essential; that victims also need a national referral mechanism, and that New Zealand should end employer-tied visas.

Articles 9, 10 and 14 Judicial fairness – access to justice

Access to justice in New Zealand is under severe stress and it is affecting civil and political rights. The issues have been noted by the Chief Justice, and in many reports. The draft ICCPR report sets out many actions that have been taken to respond to increased demand and wicked problems. We would have expected to see more acknowledgement of the challenges in the justice sector, and impacts of policy such as three strikes..

Legal aid

- The draft ICCPR notes that legal aid is available to anyone who meets eligibility criteria. However, income thresholds have not kept up with wage inflation, leaving many people, including minimum wage earners, unable to qualify. This is noted in the August 2025 [report by the Law Commission](#),³ An economic evaluation and impact of the legal aid

¹ <https://www.caritas.org.nz/advocacy/accredited-employer-work-visa-report#:~:text=Aotearoa%20New%20Zealand-,Set%20up%20to%20fail%20the%20most%20vulnerable:%20The%20Accredited%20Employer,visas%20in%20Aotearoa%20New%20Zealand.>

² <https://www.tearfund.org.nz/Blog-Article/ArtMID/1253/ArticleID/184/The-Exploitation-of-Migrant-Workers-in-New-Zealand-Why-We-Must-End-Employer-Tied-Visas>

³ <https://www.lawsociety.org.nz/assets/Law-Reform-Submissions/Final-Law-Society-Report-30-July.pdf>

scheme'. That report notes that "Cost is the single most significant barrier to accessing justice" and "Accessing legal services has become increasingly unaffordable to many individuals and households across New Zealand."

- We note the draft ICCPR comment that the Government is currently reviewing the legal aid scheme.

TINZ recommends that equity should also be a criteria for review alongside efficiency and sustainability, since Māori, Pacific peoples, and women experience more barriers in accessing legal assistance.

Remand

- The number of people on remand surged to over 40% of the total prison population in 2024–2025. The increase is driven by stricter bail laws and court delays. This has led to situations where charged individuals are held for months or years in high-stress, often dangerous environments.

- Court delays are so severe that remand prisoners sometimes spend longer behind bars than the sentence they eventually receive. One in five offenders is released on "time served," meaning their wait in prison replaces a formal sentence.

- Remand prisoners do not have the same rights as convicted prisoners to access rehabilitation or other services. This is a human rights issue. We note that Corrections is expanding access to rehabilitation programmes to prisoners on remand.

TINZ recommends that prisoners on remand should also have access to education and employment programmes.

- Remand centres are described as chaotic and dangerous,⁴ with a rising number of assaults on staff and other prisoners. The assaults are linked to overcrowding, gang conflict, and drug use.

TINZ recommends that more comprehensive action is needed to address the harm being caused to prisoners held in remand facilities.

Civil right to vote, excluding prisoners

- In 2025, the Government passed the Electoral Amendment Act. This removed from all convicted prisoners the right to vote. The general issue of prisoners' rights to vote has already been tested by the courts, which found in favour of section 12 of the NZBORA which provides a fundamental right to vote for all citizens. The removal of that right

⁴ <https://www.waikato.ac.nz/news-events/news/chaotic-sometimes-dangerous-places-why-successful-rehab-for-prisoners-on-remand-will-be-hard-to-achieve/>

embeds irrational disenfranchisement and double punishment (as noted by the Attorney-General in her advice to Parliament).

TINZ recommends that this amendment should be repealed.

- A blanket ban will also exacerbate, in this election year, the disproportionate effect on Māori, particularly Māori women. Overall, Māori comprise just under 53% of the total number in prison. Half (49%) of adults receiving a prison sentence of more than three years are Māori, and two-thirds (65%) of female adults receiving a prison sentence of more than three years are Māori.

Justice delayed is justice denied

- We note the efforts detailed in the draft ICCPR to address the wait times for civil and (more pronounced) criminal cases, with some innovative programmes and flexibilities. Nevertheless there are more people in prison and more coming due to political decisions. The courts and the prisons are not ready for that volume. We can expect lengthy delays to access justice. Delay can also increase cost, which again reduces access to justice.
- There are significant delays in both criminal and civil courts, averaging over 566 days for civil cases and creating massive backlogs, particularly in Auckland. There is a huge backlog of District Court criminal cases with trials often taking 12 to 18 months or longer. The high court civil litigants face very long wait times (average 627 days in Auckland), which, coupled with high legal costs, hinders access to justice.
- Chief Justice Dame Helen Winkelmann has warned the court system is under significant stress, with judges and lawyers struggling under high workloads that are contributing to delays delivering justice.⁵

Conditions

- Staff shortages and the sheer number of prisoners have resulted in prisoners being locked in their cells for up to 23 hours a day, violating minimum daily entitlements to exercise. This has been described as a "22-hour lock-up" culture. This is having an appalling impact on the mental health of prisoners.⁶ In a UK study, over one-third (35%) of prisoners have thought about suicide, a rate four times higher than the general population, with significant suicide risk reported during long lockdowns.⁷

⁵ <https://www.courtsofnz.govt.nz/assets/7-Publications/2-Reports/Chief-Justices-Annual-Report-2024.pdf>

⁶ https://inspectorate.corrections.govt.nz/__data/assets/pdf_file/0016/51190/Office_of_The_Inspectorate_-_Suicide_and_Self-Harm_Report_FINAL_for_publication.pdf

⁷ https://media.samaritans.org/documents/Policy_position_people_in_prison_and_leaving_prison_England_and_Wales_FINAL_Se_yUdCQIF.pdf

TINZ recommends more comprehensive action to reduce delays, and improve access to justice.

Article 17 – the right to live without interference, or unlawful attacks on honour and reputation. Article 24, protection of children

- The report does not address the issue of citizens being harmed online. The New Zealand legislation is insufficient to protect the honour and reputation of New Zealanders.
- Attacks on individuals disproportionately target women (particularly women in leadership positions), Māori, members of some ethnic groups, members of LGBTQ+ communities, disabled people, and children.
- Gendered abuse: Whilst all politicians face increasing threats and online abuse, women MPs have faced much more serious threats, including active threats to their lives.⁸ Former Prime Minister Jacinda Ardern faced an exceptional level of online abuse, with studies indicating she was targeted at a rate 50 to 90 times higher than other high-profile figures during 2019-2022. Misogynistic attacks were also evident in local body politics and elections, and against journalists and other women in public roles.⁹
- In our view, and within this context, Article 7 is not being satisfactorily addressed by Parliament. This is resulting in unlawful attacks on the honour and reputation of leaders and members of more vulnerable communities. Those attacks are enabled and emboldened by the platforms on which they occur. However, despite the unlawful nature of such attacks, the means for people to uphold their mana are limited and expensive.
- In relation to the protection of children and young people, there has been good recent work done at Parliament. The New Zealand Parliament's [Education and Workforce Committee inquiry into online harm and young people](#) recently completed its final report, highlighting urgent, widespread risks including cyberbullying, harmful content, and addictive algorithms. Recommendations include regulating online platforms, increasing platforms' civil and regulatory liability for harm resulting from the content they host, and their platform design setting age restrictions, introducing a national independent regulator, requiring enhanced safety by design on digital apps and supporting more digital literacy for parents, caregivers and children.

⁸ <https://pubmed.ncbi.nlm.nih.gov/38690205/> Stalking, harassment, gendered abuse, and violence towards politicians in the COVID-19 pandemic and recovery era

⁹ <https://www.classificationoffice.govt.nz/resources/research/online-misogyny-and-violent-extremism-index/online-abuse-and-harassment-of-women-and-girls/abuse-and-harassment-of-women-in-public-roles/>

TINZ recommends legislation and regulation to counter online harm, just as we have legal redress opportunities via print, radio, and tv mechanisms.

Article 19 – specifically access to information.

Carve outs

The draft report states that carve outs (means of excluding information from public access) are carefully scrutinised. However scrutiny does not always result in restrictions of carve outs. The Ombudsman noted in his submission on the Commerce (Promoting Competition and Other Matters) Amendment Bill that:

“this is but one of several recent pieces of draft legislation which propose carve-outs from the OIA (or from its local government counterpart, the Local Government Official Information and Meetings Act 1987 (LGOIMA)), and I am concerned that, cumulatively, the House of Representatives is being asked to consider exemptions from, or exceptions, to New Zealand’s information access regime as a means to protect interests to which the information access regime already affords protection.”¹⁰

OIA Implementation

The previous Ombudsman, in his May 2025 report noted that:

“some agencies have put a lot of effort into building robust and principles-based systems, and that many are committed to progressively increasing the amount of information being proactively released.”

He also commented that:

“improved practice against a broad range of indicators, but every agency that I have investigated still has noteworthy and sometimes concerning gaps in its OIA systems and processes.

Some common themes that have emerged include the lack of clarity on the extent to which Ministers should be notified of, and involved in, agency decision-making on requests; inconsistencies in how media requests are handled alongside other OIA work; and examples of extensions to response times being applied for reasons other than what the OIA allows.”¹¹

TINZ recommends that the Official Information Act should be extended to include parliamentary services and Officers of Parliament; and that proactive release should become a standard expectation across the public sector.

¹⁰ <https://www.ombudsman.parliament.nz/resources/commerce-promoting-competition-and-other-matters-amendment-bill>

¹¹ <https://www.ombudsman.parliament.nz/resources/chief-ombudsmans-reflections-official-information-act>

Article 25 – the right to take part, vote and have access to public services

Right to vote

- TINZ has expressed its concern about the government’s decision in 2025 to shift the voter registration deadline further out from voting day. This move comes at a time when voter cynicism is on the rise and trust in political processes is in decline.¹² The early deadline will make it harder for many people to vote. The law will result in disenfranchisement and lower democratic participation this year and in future elections. The number of voters affected is substantial – potentially over 100,000.
- Disenfranchisement will be more likely experienced by harder to reach populations such as Pasifika, Asian, Māori, and disabled individuals; those more likely to vote closer to election day, such as young voters and first time voters; people returning from overseas after being away for an extended time; people who may become New Zealand residents but not within the 13 days; people who have been released from prison within the 13-day period; those who have not updated their address records, who will have their electorate vote disallowed; and overseas voters whose registrations don’t meet the deadline.

TINZ recommends that this legislation is repealed

- As noted earlier in our submission, TINZ is disappointed to see the government’s move to disqualify voting for convicted prisoners.

Public participation, urgency and fast-track legislation

- Under points 305- 309 the draft report looks at measures to ensure public participation in the development of legislative. TINZ considers that the issue of use of urgency is understated in the report.
- Successive governments since the 1970s have used urgency and fast-track mechanisms to push through legislation with inadequate public consultation and, sometimes, no consultation at all. This tendency has markedly increased during the last two and half years. Constitutional expert Sir Geoffrey Palmer has described the use of urgency as ‘a conscious and deliberate reduction of scrutiny by select committees and the taking of public submissions’.¹³ The use of urgency seems tactical and cynical. Moreover, the Attorney-General has warned against it.¹⁴ This is not good for democracy. It disables the ability of citizens to hold power to account through transparency, accountability, and

¹² <https://acumennz.com/acumen-edelman-trust-barometer/acumen-edelman-trust-barometer-2025/>

¹³ <https://newsroom.co.nz/2024/08/23/geoffrey-palmer-lurching-towards-constitutional-impropriety/>

¹⁴ <https://newsroom.co.nz/2024/07/19/collins-warns-govt-about-rushed-lawmaking-after-record-urgency/>

public participation. It also results in poorly designed legislation.

- When accompanied by the discarding of public submissions (due to the volume of submissions) or the minimisation of the importance of public submissions by political leaders, or by implementing legislation that undermines the ability to seek judicial reviews, it is not surprising that public confidence in politics is now further eroded.

TINZ recommends the strengthening of Standing Orders and guidance on the use of urgency, and urges political leaders and parties to support public participation in law and policymaking by limiting the use of fast-track legislation and urgency.

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