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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Report of the Independent Expert on the enjoyment of all human rights by older persons on her visit to New Zealand

Comments by the State*

* The present document is being issued without formal editing.



1. The Government of New Zealand thanks the former Independent Expert Ms. Rosa Kornfeld-Matte and supporting staff from the Office of the United Nations High Commissioner for Human Rights, for their visit to New Zealand in March 2020. We would also like to acknowledge the appointment of Ms. Claudia Mahler as the current mandate holder and thank her for the opportunity to provide further comment on the human rights of older persons in New Zealand.

2. In a statement made to the United Nations Human Rights Council in September 2020, the Government agreed to closely consider the Independent Expert's recommendations as we progressed work to implement the Better Later Life – He Oranga Kaumātua strategy 2019 to 2034.¹

3. We would like to acknowledge the time elapsed since the Independent Expert's visit in March 2020, and the significant challenges the COVID-19 pandemic has presented for Member States. In light of this, the Government of New Zealand wishes to provide an update on the progress made to strengthen its commitment to protecting the human rights of older people, an issue that has become increasingly pertinent as we navigate the COVID-19 pandemic.

Overall strategy and findings

4. The Minister for Seniors launched The Better Later Life Action Plan - He Mahere Hohenga 2021-2024² (the Better Later Life Action Plan) in September 2021. It sets out the Government's priorities and commitments to deliver the Better Later Life – He Oranga Kaumātua 2019 to 2034 strategy (the Better Later Life Strategy) over the period 2021 to 2024. The Action Plan focuses on 25 actions that government agencies will deliver in employment, digital inclusion, and housing. It also continues 10 initial actions published in the Strategy when it was launched. The pandemic has shaped the Action Plan; notably the need to focus on actions that will help to build back better, contributing to New Zealand's recovery. The Action Plan is a collaborative effort, bringing together agencies across central government to deliver better outcomes for older people and contribute to the COVID-19 recovery.

5. In the 2021 national budget, the Government allocated \$1.965 million over four years to increase capacity within the Office for Seniors to implement the Better Later Life Strategy. In the 2022 national Budget, the Government invested a further \$3.103 million over four years to continue implementing the Strategy and Action Plan through three priority actions; to promote digital inclusion, senior entrepreneurship, and shared housing.

The Aged Care Commissioner

6. The Government notes the Independent Expert's suggestion to appoint an independent commissioner on the enjoyment of all human rights by older persons. The Government considers that domestic mechanisms noted by the Independent Expert in her report sufficiently protect the human rights of older persons in New Zealand. These include:

6.1.1 The Human Rights Act 1993

6.1.2 The Office of the Health and Disability Commissioner

6.1.3 The Health and Disability Commissioner Act 1994; and

6.1.4 The Minister for Seniors

6.1.5 The Ombudsman

7. The Government has recently appointed Aotearoa New Zealand's first Aged Care Commissioner, who commenced her role in March 2022. The Aged Care Commissioner will monitor the responsiveness of the health and disability system to the needs of older people, including those most vulnerable to poor health outcomes. As a Deputy Health and Disability

¹ The Office for Seniors (2019) Better Later Life – He Oranga Kaumātua 2019 to 2034 <https://officeforseniors.govt.nz/better-later-life-strategy>.

² The Office for Seniors (2021) Better Later Life - He Oranga Kaumātua Action Plan 2021-2024 <https://officeforseniors.govt.nz/better-later-life-strategy/action-plan>.

Commissioner, the Aged Care Commissioner will be a statutory decision-maker on complaints and formal investigations about older people's health and disability services, and whether rights have been breached under The Code of Health and Disability Services Consumers' Rights.

Human Rights Protection Mechanisms

8. The Government seeks to contribute to the realisation of human rights for all and considers that the human rights of older people are well protected through existing domestic human rights instruments. However, we remain open to the possibility of a convention and/or appointment of a Special Rapporteur to advance older persons rights, once proposals are discussed in greater detail.

9. The Government recognises the role of international treaties and protocols in protecting civil, political, economic, social, and cultural rights, which is evident in our strong history of protecting and promoting such rights. Any decisions to join further treaties will be considered on a case-by-case basis, in accordance with New Zealand's international human rights priorities. New Zealand has not taken a position on any proposals to establish a dedicated instrument to support the human rights of older persons at an international level. However, we draw attention to the 2019 United Nations Periodic Review of New Zealand that the Government has committed to consider acceding to additional international treaties, including the Optional Protocol on the International Covenant for Economic, Social and Cultural Rights.

10. Amendments to the Public Service Legislation Bill, which has now completed its passage through the legislative process, as suggested by the Independent Expert in her report, have been noted. Proposals to require the public service to uphold national and international commitments to human rights more broadly were considered during the Select Committee process for the Bill. It was determined that this role of the public service is already captured by the purpose statement of the public service at section 11 of the Public Service Act. This states that the public service must act in accordance with the law. This includes all laws of New Zealand, including domestic human rights law and international commitments that have been ratified by New Zealand.

Data and Statistics

11. The Government recognises the importance of detailed data collection for the older population in understanding factors that could impede on the full enjoyment of their human rights. The Ministry of Social Development (MSD) has initiated a new body of work to identify the social and physical determinants of health for people in later life. MSD, with the support of Manatū Hauora - Ministry of Health, will partner with the Social Wellbeing Agency (SWA) to evaluate the multiple risk factors older people may experience, and how this can contribute to poor outcomes in later life. SWA will support access to the Statistics New Zealand Integrated Data Infrastructure to provide quantitative insights on older people who experience and are at risk of experiencing worse outcomes. This will support the identification of potential policy solutions to improve available supports and services for this group. Phase one of the project will look at older people aged 65 and over, and phase two of the project will broaden to include those aged 50 to 64 years. MSD and SWA are working with data scientists to disaggregate data based on age within the 65 and over age group as well as gender, disability, ethnicity and region.

12. Both the Ministry of Education (MOE) and the Ministry of Social Development (MSD) have committed to improving data collection for older people in employment through actions in the Older Workers Employment Action Plan³ (the OWEAP), launched by the Minister for Seniors in May 2022. Action 2 of the OWEAP has committed MOE to report annually on the number of older workers that have enrolled or completed courses with Government funded vocational education providers. Where possible, this will be reported by age (in 5-year age brackets from the age of 45), gender and ethnicity. Action 6 calls for MSD

³ The Office for Seniors (2021), The Older Workers Employment Action Plan <https://officeforseniors.govt.nz/assets/Uploads/Older-Workers-Action-Plan-FINAL-WEB.pdf>.

to report on how many older workers engaged with government-funded employment services and programmes. Where possible, this will be reported by age (in 5-year age brackets from the age of 45), gender and ethnicity.

13. Disaggregation of data, such as for older persons, is often not currently possible for disability. The Disability Data and Evidence Work Group (DDEWG) continues work leading cross agency lifts in data collection to use to inform policy decisions.

Age Discrimination

14. The Government committed to raise awareness about ageism and age discrimination through the Better Later Life Action Plan. The Government has also committed to address ageism more broadly under the United Nations Decade of Healthy Ageing (the Decade), which reinforces the need to address a range of factors to improve the human rights of older people. We are pleased to report that initial planning and analysis for actions to address ageism has commenced. The Office for Seniors plans to develop a best practice media guide for Government agencies portraying older people in public messaging. The Office for Seniors continues to raise awareness on ageism as part of its core work to provide advice to government agencies, along with other professionals and the media. This occurs through Office commentary on various agency initiatives, promotions through newsletters distributed to older people, stakeholders, and social media accounts. The Office for Seniors also continues to provide guidance and advocacy for Government agencies and civil society, including in light of challenges faced by older people across sectors during the COVID-19 pandemic.

15. To further the understanding of ageism in New Zealand, the Government has published *Attitudes to Ageing 2021*,⁴ a research report that explores public perceptions of ageing and ageism in New Zealand. The 2021 report revealed that the majority of New Zealanders (81 percent) have great respect for older people. This level of respect hasn't changed materially since 2016 (83 percent). Many recognised the contributions older people make to society. 50 percent of respondents considered older people to be an asset to society, with only 10 percent seeing older people more as a burden. This research provides a base to better understand and transform attitudes to ageing and older people.

Participation in decision making

16. The Government appreciates the Independent Expert's suggestions to ensure the voices of older people are heard and represented by decision makers. The Office for Seniors takes a lead role in engaging with older people and those working in the sector to inform policy advice. The Office also supports agencies cross Government to connect with older people and older persons organisations as they develop plans, strategies, and policies on a wide range of issues.

17. Thorough public consultation was undertaken as part of the development of the Better Later Life Strategy. Hosted by the Office for Seniors, 1,000 people participated in workshops, hui and whānau conversations to discuss their vision for the new strategy. By the end of the consultation period, 469 submissions were received. Government has also supported older people to engage on the Older Workers Employment Action Plan. Overall, the Office received 40 detailed written responses from older persons organisations and had 63 people attend online workshops. This included individuals, academics, advocacy groups, recruitment specialists, unions, people focused on human rights, disabled people's rights, and representatives of ethnic, Pacific, and Māori communities.

18. The Government notes that implementation of the Better Later Life Strategy is monitored by the Better Later Life Expert Advisory Group. The group is comprised of members who together bring a range of perspectives including Māori and Pacific worldviews, academia, health, and sector interests, supporting older people to contribute and oversee the direction and implementation of policy at a Governance level. New Zealand is committed to

⁴ The Office for Seniors (2021) *Attitudes Towards Ageing 2021*
<https://officeforseniors.govt.nz/assets/Uploads/Attitudes-Towards-Ageing-2021.pdf>.

creating opportunities for older people to advocate on issues relating to ageing. We will continue to support such governance mechanisms and will investigate further opportunities for older people to engage in this way.

19. The Government also wishes to highlight work undertaken through the Age friendly Aotearoa New Zealand programme (the Age friendly Programme) to support older people to participate in all domains of life. Led by the Office for Seniors, the Age friendly Programme enables older people to lead and engage in community-led development to create age friendly cities and communities. This programme is based on the World Health Organisation (WHO) Age-friendly Cities and Communities Framework. New Zealand is an affiliate of the WHO Global Network of Age-friendly Cities and Communities. Auckland, Hamilton, New Plymouth, Nelson, and Gore have also become members of the Network and many other cities and communities are looking at ways to create an age friendly environment. Through the Age friendly Programme, the Office for Seniors provides advice, resources and support, including a small grants programme, to help create age friendly communities and support the inclusion and active participation of older people in New Zealand society.

Violence, neglect and abuse

20. The Government is firmly committed to promoting a society where older people are highly valued and recognised as an integral part of families and communities. We acknowledge the severe impacts domestic harm has on New Zealand society, including for our older population. Cases of elder abuse (particularly those relating to elder financial or psychological abuse) are typically underreported due to fear around what might happen to an older person or members of their family once information has been disclosed.

21. The Ministry of Social Development is focused on ensuring all contracted family violence services, including Elder Abuse Response Services (EARS), are culturally responsive and meet the needs of diverse communities including Māori, Pacific, Ethnic and migrant families. Government is enabling opportunities for EARS workers to engage and access peer support to discuss cultural practices, as well as providing cultural training and upskilling opportunities across the sector. The Government will ensure that any future commissioning and procurement of EARS is culturally responsive and adheres to the wider Social Sector Commissioning strategy.

22. The Government wishes to highlight that Budget 2022 provided \$114.5 million operating funding over four years to support the implementation of Te Aorerekura - the National Strategy to Eliminate Family Violence and Sexual Violence⁵ (Te Aorerekura), which was launched in December 2021. This investment is a major milestone for the implementation of Te Aorerekura, New Zealand's first ever strategy to end family violence and sexual violence. This funding includes a \$37.625 million family violence prevention package with an allocation of \$6 million for initiatives focused on preventing elder abuse.

23. The Government recently distributed \$250,000 to eleven community led elder abuse prevention projects across New Zealand. Priority has been given to innovative community-based initiatives that raise awareness of elder abuse across diverse groups within the older population including Māori, Pacific, ethnic, LGBTQIA+ and disabled communities. In addition, the Government is coordinating and convening engagement across diverse older people's communities to input into Te Aorerekura. A network is in development to ensure that groups within the older population including Māori, Pacific, Ethnic, LGBTQIA+ and disabled communities can share experiences to guide the Government's work programme, identify which actions are of priority to address elder abuse, and monitor implementation of Te Aorerekura. The Government recognises the importance of prevention in addressing violence, neglect, and abuse against older people in New Zealand. We have and will continue to provide intensive support to enable local community groups to implement change in a way that is appropriate for the communities they serve.

⁵ The New Zealand Government (2021) Te Aorerekura - the National Strategy to Eliminate Family Violence and Sexual Violence <https://tepunaaonui.govt.nz/assets/National-strategy/Finals-translations-alt-formats/Te-Aorerekura-National-Strategy-final.pdf>.

24. The Government recognises points raised by the Independent Expert on sensitisation. A united inter-agency approach mobilising Government and NGO's; including those working in legal, health, financial and enforcement sectors, is needed to shift the nation-wide perception of elder abuse and neglect. We acknowledge the need to educate those working in community fields on elder abuse risk factors to enable a societal-level "zero-tolerance" approach to the mistreatment of older people.

25. The Government notes the Independent Expert's comments on the particular prevalence of elder abuse in institutionalised settings. The Aged Care Commissioner will play an important oversight role in the aged care sector and give older people and their whānau more confidence in the quality and safety of aged care services. The Aged Care Commissioner does not have direct responsibility for issues such as family violence, housing, or retirement income, but will gain insight from the Human Rights Commission, the Retirement Commission, the Ombudsman, the Office for Seniors, the Health Quality and Safety Commission New Zealand, and others who have responsibilities for older people's issues, for example where elder abuse might be taking place within an aged care setting.

Education, training, and lifelong learning

26. New Zealand recognises the value of investing in and improving ways for older people to participate in education training and lifelong learning and the status of access to education as a human right. A lack of access to education and training in earlier years may mean that some older workers have limited job choice and income. This is compounded by pay and equity gaps for older Māori, women, Pacific people, disabled people, former refugees, recent migrants and ethnic communities. Engaging in later life learning can also have a positive impact on older people's wellbeing and in the incidence of conditions such as dementia.

27. The Government has committed to analyse the labour market needs of older New Zealanders in education, training and lifelong learning through the OWEAP. Eleven OWEAP actions deliver across four action areas, one of which is training, upskilling, and educating. The Ministry of Education and Ministry for Social Development, supported by the Tertiary Education Commission (TEC) have committed to researching and assessing the needs of older workers for training, upskilling and vocational education, and the barriers to access (including appropriateness and availability). Based on the outcomes of this work, these agencies will also provide advice on how to increase older workers' uptake of training, upskilling and vocational education. In particular, this action will include work to:

- make it easier for older workers to understand what training and vocational education options are open to them and how they can be accessed
- assess current availability and suitability of micro-credentials (a formal qualification that enables learners to access specific knowledge and skills quickly and cheaply) for older workers and identify any options to improve their availability and suitability
- assess supports, including financial supports, that could be made available to older workers to enable them to upskill while working

28. The Government has also committed to provide advice on employment service eligibility for people aged 65 and over as an action under the Better Later Life Action Plan.

Adequate standards of living

29. The Government acknowledges the importance of housing suitability and security in later life to support the needs of older people. The Government has invested significantly to improve the public housing supply, strengthen public housing support, and has developed the Aotearoa New Zealand Homelessness Action Plan 2020-2023.⁶ In 2019, it committed to increase supply of new public and transitional housing by 8,000. From March to May 2022,

⁶ The New Zealand Government (2020) Aotearoa/New Zealand Homelessness Action Plan Phase One 2020- 2023 <https://www.hud.govt.nz/our-work/aotearoa-new-zealand-homelessness-action-plan-2020-2023>.

337 public homes and 284 transitional housing places were added. This makes for a total of 75,646 public homes, and 5,427 transitional housing places.

30. As noted by the Independent Expert in her report, Crown Agency Kāinga Ora Homes and Communities has committed to ensuring 15 per cent of new houses meet universal design standards to increase the accessibility of new build public rental properties. The Government recognises concerns raised by the Human Rights Commission as well as the recommendation by the UN Committee on the Rights of Persons with Disabilities to commit to a target of 100 per cent accessibility for new build public housing and introduce mandatory accessibility requirements for new housing constructed by the private sector. Kāinga Ora is currently undertaking a review of its Accessibility Policy, part of which includes exploring options for increasing the proportion of homes built to universal design standards and working with funder agencies to improve customer access to housing modifications.

31. In addition, the Office for Seniors has been progressing work to improve outcomes for older people in accessing adequate and affordable housing options. Together with the Ministry for the Environment, the Office developed Age friendly Urban places,⁷ a guide for local councils, developers, and urban designers about how they can create age inclusive urban environments. The Age friendly Urban places resource was published on the Office for Seniors website in October 2021. The Office continues to use its networks to promote the guidelines, showcasing practical ways older people can age in the community.

32. We thank the Independent Expert for her suggestion to adopt an age sensitive approach to retirement legislation to support older people in entering contractual agreements. The Government has committed to a review of the legislation governing retirement villages in New Zealand. The review will include looking at the contractual arrangements between operators and residents and ensuring that the regulatory environment in respect of these is fit for purpose. The Terms of Reference for the review of retirement village legislation are due to be issued before the end of 2022. The review is scheduled to begin in 2023 and the Government will consider the Independent Expert's age sensitive approach as we prepare legislative improvements.

33. The Government notes comments made by the Independent Expert on the importance of supporting housing options to allow people to age in their communities. By 2034, people aged 65 and older will comprise 55 percent of people living alone in New Zealand. Ageing in place is a well-established norm for New Zealanders as most will enter later life remaining independently in their own homes. The Office for Seniors was allocated funding in Budget 2022 to develop and pilot a "home-share" programme in New Zealand. Home-sharing represents an opportunity to make more efficient use of housing stock by better utilising otherwise vacant rooms, as well as supporting older homeowners to age in place.

34. The Government is also undertaking work to facilitate ageing in place through its public housing supply. As previously noted, Kāinga Ora continues to support and meet the needs of older tenants through improving modifications and retrofit programmes for existing properties. Initial meetings were held in August and September 2020 with Manatū Hauora - Ministry of Health and ACC regarding changes to the current modifications process and inequities with the existing funding arrangements. This work continues to progress.

Disaster Risk Management

35. The Regulatory Framework Review Programme is modernising New Zealand's emergency management system through the development of a new Emergency Management Bill, review of the National Civil Defence Emergency Management Plan and Guide, and development of the National Disaster Resilience Strategy Roadmap. The programme will not result in a fundamental transformation of the emergency management system but will instead address several identified shortcomings to ensure the system is robust and agile to meet current and future needs. The review provides an opportunity to consider the Independent

⁷ The Office for Seniors (2021) Age friendly Urban places
<https://officeforseniors.govt.nz/assets/documents/our-work/age-friendly/Age-friendly-urban-places-guide.pdf>.

Expert's recommendation to promote a human-rights based approach to the Trifecta Programme.

36. To compliment this work, the Office for Seniors is developing an Age friendly Emergency Planning and Response Tool, a technical resource targeted at local and central government to help strengthen community resilience in emergency response planning. The Government is committed to improving the information that supports decision making across New Zealand to protect the Human Rights of older persons who disproportionately experience pressure on the enjoyment of economic, social, cultural, civil, and political rights in disaster situations. The progression of this work will inform changes to the National Civil Defence Emergency Management Plan.

Social protection and the right to social security

37. The Government appreciates the Independent Expert's recognition of the support provided to our older population through a universal non-contributory pension. Te Ara Ahunga Ora – Retirement Commission describes New Zealand's retirement income framework purpose as twofold:

- to provide New Zealand Superannuation to ensure an adequate standard of living for New Zealanders of eligible age
- to actively support New Zealanders to build and manage independent savings that contribute to their ability to maintain their own relative standard of living

38. Te Ara Ahunga Ora – Retirement Commission describes New Zealand's retirement income framework as enabling trust and confidence that older residents can live with dignity and mana, participate in, and contribute to society, and enjoy a high level of belonging and connection to their whānau, community and country.

39. Under the New Zealand Superannuation and Retirement Income Act 2001, the Retirement Commissioner is required to conduct a review of retirement income policies every three years. COVID-19 impacted on the Government's ability to provide a full response to the 2019 Review of Retirement Income Policies. The Review's recommendations have now been considered and assessed; a number of which align well with the Independent Expert's recommendation to consolidate on the adequacy, equality, portability, and sustainability of the system.

40. The Government recognises the importance of the triennial Review of Retirement Income Policies. The upcoming 2022 review will address current issues around the income adequacy of New Zealand Superannuation for retiree renters and analyse policy considerations for the decumulation of retirement savings after reaching the age of superannuation entitlement. The review will also examine the effect diverse housing options for older people will have on pre- retirement savings and retirement incomes.

41. Specific research is being undertaken by Te Ara Ahunga Ora – Retirement Commission to understand the impact of government policy on the retirement savings outcomes and experiences of Māori as Treaty partners, and of Pacific Peoples and women. The research will provide an evidence base of what retirement could look like for identified groups who tend to experience worse financial outcomes in later life. Te Ara Ahunga Ora – Retirement Commission will conclude with a range of policy recommendations to inform future Government decisions on New Zealand's retirement income framework.

42. The Government is not currently considering any changes to New Zealand Superannuation settings. However, work is underway as a part of the Government's commitment to overhaul the wider welfare system. Key goals include allowing better access to entitlements and ensuring that everyone has a standard of living and income that enables them to live in dignity and participate in their communities. Supplementary and hardship assistance remain available to eligible people receiving a main benefit, New Zealand Superannuation or the Veteran's Pension, and lower income non-beneficiary (working) households. These forms of assistance are income and/or asset tested and can provide help with accommodation, costs associated with disability, and essential costs.

43. We are pleased to inform the Independent Expert that in line with the modernisation of New Zealand Superannuation/Veterans pension and the approach of assessing entitlements on an individual basis, the spousal deduction policy has been amended. The removal of the spousal deduction means that no portion of a government-administered overseas pension received by or entitled to be received by one person is deducted from the New Zealand Superannuation/ Veterans pension received by their spouse or partner who qualifies in their own right.

44. The Government acknowledges the Independent Expert's recommendation to develop decent work policies for older persons based on those of the International Labour Organisation. New Zealand's longstanding policy on international treaties is not to ratify an instrument unless our law and practice is fully aligned with its requirements or the instrument itself allows for specific exemptions or reservations. In practice that means that once ratified, relevant domestic legislation should reflect and be constrained by Convention obligations. This includes future changes for which New Zealand may be accountable through the International Labour Organisation supervisory system should they be inconsistent with the Conventions ratified. In response to the Independent Expert's comment on developing decent work policies, the Government has made considerable efforts to improve labour market outcomes for those aged 50 and over through the Older Workers Employment Action Plan. This plan is a collaborative effort, bringing together input from the public, business, and Government to provide critical guidance to help ensure opportunities to support and encourage older workers.

Healthcare workforce

45. The impacts of the COVID-19 pandemic have been seen across the entire health and disability sector. In recognition of the important role international health practitioners play in the New Zealand health system, particularly in the aged care sector, critical health workers have continued to be able to enter New Zealand throughout the pandemic through a border exception, favourable immigration pathways, and a dedicated health worker managed isolation and quarantine programme. New Zealand's borders have now opened, removing further barriers which may help to alleviate some of the pressures the health system is facing.

46. Te Whatu Ora – Health New Zealand (Te Whatu Ora) has several initiatives underway to address workforce pressures, improve retention, and strengthen the workforce pipeline. These include:

- providing advice and feedback on immigration policy to ensure immigration settings enable the recruitment of the international health workforce
- continued funding of training initiatives that increase the capacity and capability of the health and disability workforce.

47. Te Whatu Ora and Manatū Hauora - Ministry of Health have worked closely with the Ministry of Business, Innovation and Employment (MBIE) on the Immigration Rebalance to ensure that immigration settings remain favourable for health and disability workers. Recognising the care workforce's reliance on migrant workers paid below New Zealand's median wage, health agencies have been working with MBIE to develop a Care Workforce Sector Agreement (CWSA). The CWSA will allow employers of certain occupations in the care workforce, including those working in aged residential care settings, to be exempt from the median wage threshold.

48. Introduction of the CWSA will help support improvements in the staffing of aged care facilities. The sector is required to make ongoing improvements in exchange for a lower than median wage threshold which includes improving the working conditions and putting significant effort into retaining, training, and upskilling New Zealanders. The efforts are aimed at reducing shortages and the reliance on the international workforce by improving working conditions and developing better career pathways for New Zealanders in care settings.

49. Te Whatu Ora acknowledges the need for more registered nurses, particularly in the aged care sector, and has introduced a variety of initiatives to grow our domestic workforce.

Manatū Hauora has responded to shortages by taking measures to increase numbers of funded Nurse Entry to Practice programme places to support graduate nurses.

50. Te Whatu Ora has also launched a support fund to help nurses not currently practising to return to a nursing role. This fund accepts applications from both New Zealand nurses without a current annual practicing certificate as well as internationally qualified nurses working in Health Care Assistant/Support Worker roles who intend to move into a nursing role. This fund provides support for competence assessment programmes, individualised return to practice and orientation programmes, English language proficiency support, and other associated costs for nurses to return to practice. Nurses employed as caregivers in aged residential care will be prioritised. The first round of applications for this funding closed in March and 65 nurses were accepted. Funding, totalling, \$380,000 will be distributed to 42 providers as part of this first round of applications, nearly three quarters of which is being used to help fill nursing vacancies in aged residential care facilities.

51. There are also a number of broader initiatives aimed at increasing the domestic nursing workforce which may have positive effects on the aged residential care sector. The Government is supporting a Te Whatu Ora district campaign to attract critical care nurses working abroad to consider career opportunities in Aotearoa, both short and long term. This is being followed by a General Nursing Recruitment Campaign initiated to attract Māori students, Pacific students and nurses interested in returning to practice who live in Aotearoa. The purpose is to increase numbers of nurses and increase the diversity of the workforce. The Government notes the Independent Expert's comments on ensuring the health care system is equipped to cater to the needs of older minority groups, which this campaign will also aim to address in the long term.

52. Additional investments have also been made to support the enrolled nurse workforce. The New Zealand Diploma in Enrolled Nursing was made free as part of the Targeted Training and Apprenticeship Fund in 2021. This is managed by the Tertiary Education Commission and aims to increase the number of enrolled nurses in the workforce through funding for graduate enrolled nurses in their first year of practice.

53. Te Whatu Ora also runs the Voluntary Bonding Scheme to incentivise newly qualified health professionals, including nurses and GPs, to work in hard-to-staff communities or specialities, such as aged residential care or rural locations. After three years of service, eligible registered health practitioners can apply for incentive payments. This year's Voluntary Bonding Scheme intake is the biggest in more than a decade, including 385 registered and enrolled nurses, incorporating the highest numbers of mental health nurses (186), Māori nurses (70), and Pasifika nurses (49) within any intake of the Scheme, and the highest number of nurses working in age-related care (78) within an intake since 2012.

54. The Government acknowledges the value of investing into public funding of geriatric medicines as the population continues to age. This includes the training of medical professionals in geriatrics and gerontology as noted by the Independent Expert in her report. Te Whatu Ora supports medical vocational training which includes geriatrics and gerontology. Each District is responsible for determining which vocational training specialities are supported. Efforts to improve the capability of staff to adequately cater to the needs of older patients align well with work under way to address workforce pressures, improve retention, and strengthen the workforce pipeline as outlined above.

Home and community support services workforce

55. Funding for Home and Community Support Services (HCSS) for older people is \$580 million for 2022/23, an increase of \$42.28 million on 2021/22. Te Whatu Ora is working with Manatū Hauora – Ministry of Health, Whaikaha – Ministry of Disabled People and Te Aka Whai Ora – Māori Health Authority to review the issues of pay equity and pay parity across the health and disability sectors, including support workers and nurses working in aged residential care and home support care services. This will involve quantifying the size of the issue across the health sector and comparative analyses of Te Whatu Ora Multi Employer Collective Agreements before making recommendations to the Government. The data phase of this work began in August 2022.

Equity of care

56. The Government acknowledges that demographic ageing will happen faster for Māori and Pacific peoples than other ethnicities in the next 20 years. The Government recognises the resulting need to address structural inequities within the health system to support the care of these groups. In New Zealand, an interRAI needs assessment is the gateway to publicly funded aged care services. Te Whatu Ora is presently leading the development of a culturally appropriate assessment model for interRAI services for older people. This work is being facilitated by an independent consultant and is expected to be completed by the end of 2022.

57. The Government wishes to highlight additional work underway to address the equity of care for older prisoners. New Zealand has recently made progress to strengthen the human rights of older prisoners ensuring health and care services are accessible and age sensitive. In 2019, the Office of the Inspectorate conducted a thematic inspection, visiting ten corrections facilities to provide insight into the current treatment of older people in our care. This was commissioned due to the increase in the number of older people in our prisons over the last few decades. The areas examined included the environment, safe and humane treatment, health and wellbeing, purposeful activity, rehabilitation and reintegration, post-release support and staff training. The Office of the Inspectorate did find that the needs of older prisoners are generally being met.

58. The Office of the Inspectorate recommended Ara Poutama Aotearoa – Department of Corrections develop and implement a comprehensive wellbeing strategy to respond to the age-related needs of older people in prisons. This recommendation aligns with the Independent Expert’s own recommendation to acknowledge the greater incidence of illness, disease, disability and mental health diagnosis for older prisoners.

59. The Ara Poutama Aotearoa Ageing Well action plan is being developed with Hōkai Rangi: Ara Poutama Aotearoa Strategy 2019-2024⁸ as the overarching guiding document, that reflects Te Tiriti o Waitangi Principles, it incorporates Manatū Hauora - Ministry of Health: Healthy Ageing Strategy 2016⁹ key strategic themes and Whakamaua: Māori Health Action Plan 2020 – 2025.¹⁰ It is also being developed alongside Ara Poutama Aotearoa’s national Disability Action Plan, which is being finalised. There is an emphasis on delivering care to our older people taking a culturally appropriate, holistic, and individualised approach to ensure each person receives access to the care they require while in prison. The Government is pleased to share that The Ara Poutama Aotearoa Ageing Well Action Plan 2022-2027 is in the final draft stages and expected to be approved towards the end of 2022, with a plan to begin implementing the short-term actions in 2023 and longer-term actions in 2024.

60. In 2022, the Government also committed \$12 million over 4 years for dementia supports. These include post-diagnostic support, navigation support and innovative respite. All regions have identified priorities aligned to the national dementia stocktake and the Dementia Action Plan and have a plan in place to progress these priorities. A Dementia Mate Wareware Governance Ecosystem is in the process of being established, including a National Dementia Mate Wareware Leadership Group and Dementia Mate Wareware Network to support the implementation of the Budget initiative and broader implementation of the Dementia Mate Wareware Action Plan¹¹.

⁸ Ara Poutama Aotearoa – Department of Corrections (2019) Hōkai Rangi: Ara Poutama Aotearoa Strategy 2019-2024 https://www.corrections.govt.nz/data/assets/pdf_file/0003/38244/Hokai_Rangi_Strategy.pdf.

⁹ Manatū Hauora - Ministry of Health (2016) Healthy Ageing Strategy https://www.health.govt.nz/system/files/documents/publications/healthy-ageing-strategy_june_2017.pdf.

¹⁰ Manatū Hauora - Ministry of Health (2020) Māori Health Action Plan 2020 – 2025 <https://www.health.govt.nz/system/files/documents/publications/whakamaua-maori-health-action-plan-2020-2025-2.pdf>.

¹¹ Alzheimers NZ; New Zealand Dementia Foundation; Dementia New Zealand (2020) Dementia Mate Wareware Action Plan 2020-2025 <https://cdn.alzheimers.org.nz/wp-content/uploads/2021/09/Dementia-Mateware-Action-Plan.pdf>.

Carers

61. The Government notes the Independent Expert's recommendation to better meet the needs of caregivers in New Zealand. Mahi Aroha - Carers' Strategy Action Plan 2019-2023 is being implemented by six government agencies, including Manatū Hauora and Ministry of Social Development, ACC, and Te Puni Kōkiri (the Ministry of Māori Development) and in partnership with the New Zealand Carers Alliance. It aims to improve support for, and the wellbeing of, carers by addressing what carers have said matters most to them. Agencies and organisations supporting carers have made progress in 2021/2022 to:

- work with the Alliance to improve respite care including beginning work on a nationally accepted respite position statement that will build the guiding principles for the future orientation of services and development of respite models of care under the reformed health system
- survey Te Whatu Ora districts to understand the status of continence services and prioritise improvements
- provide Carers NZ with data for its report on the impacts of continence management on carer stress
- engage in discussions with Carers NZ about potential models for flexible funding, individualised funding, and carer support for carers

62. The national Budget 2022 allocated \$111 million over four years for paid family care support. This funding is to deliver on a new family care policy where family members providing care (including parents, spouses, and resident family members) for people with low, medium, high, and very high needs, can be paid for support services. The impact of this policy is expected to more appropriately recognise and value family, whānau and āiga carers who have been a large, unpaid workforce and provide disabled people, older people, families, whānau and āiga with greater choice and control. This is also likely to assist in addressing demands for long-term care staff and improve outcomes for older women.

63. Budget 2020 provided a \$5 million per annum increase in funding for specialist palliative care. A further \$700,000 over two years was allocated in 2021 to Hospice New Zealand to support and deliver national projects around quality standards, education and training, and embedding its Māori palliative care framework, Mauri Mate. In addition, \$3.1 million in June 2022 was provided to recognise cost pressures incurred by hospices in 2021/22. The Government recognises the importance of adequate and appropriate health care access for older people, particularly as physical health can have significant impacts on the enjoyment of other economic, social, cultural, civil, and political rights. New Zealand will continue to listen to the needs of the sector and act accordingly to address the healthcare needs of our growing ageing population.

Digitalisation, artificial intelligence, and robotics technology

64. Improving digital inclusion is one of three priority actions under the Better Later Life Action Plan. The Government has been delivering a Digital Literacy Training for Seniors initiative since 2019 to support older people to be online and carry out online transactions safely with trust and confidence. Interim evaluation results show participants have gained adequate skills and confidence to be online. From 2022, the Office will expand the programme to reach another 5,000 people, targeting population groups that experience overlapping characteristics of digital exclusion including Māori, Pacific, and rurally located older people. The Government is committed to improve the sustainability of digital literacy training programmes for older people as technology and the baseline of essential skills changes.

65. To promote consistency in the delivery of services, tackle disadvantage and encourage providers to bring those from offline to online, the Government has developed a framework to help evaluate and improve the effectiveness and quality of digital literacy training programmes for seniors with a focus on essential skills training. The Essential Digital Skills Evaluation Framework for Seniors Framework (the EDS Framework) has since been shared with several government agencies, businesses, and digital literacy training providers.

66. The Government has also been working across agencies to strengthen the co-ordination and alignment of digital inclusion support for older people. This includes progressing New Zealand's Digital Strategy, raising awareness of digital safety and scams and exploring ways to improve older people's access to affordable and suitable internet and digital devices. While the Government is working to support older people to be online, it also recognises that some older people cannot or do not want to use digital technology. The Government will continue to investigate ways to improve access to services through non digital platforms while strengthening supports for older people and others who wish to navigate the digital.

67. The Government notes comments made by the Independent Expert regarding appropriately regulating devices and applications for safe use of older people. COVID-19 has driven the introduction of technology tools that support self-management for older people. These include My Vaccine Pass, My COVID-19 Record and the COVID-19 Health Hub. COVID-19 has also increased the uptake of tools such as Zoom and Facetime to stay in contact with family and carers, or to consult medical professionals. Patient portals continue to be made available. Manatū Hauora has started a Digital Enablement Programme to encourage the availability and use of services like telehealth and to build people's confidence in using online services. Examples include remote monitoring of high blood pressure and a trial using tablet computers to monitor the health of older people to reduce isolation.

68. Te Manatū Hauora is leading the development of the Therapeutic Products Bill (the Bill), which will replace the existing Medicines Act 1981 with a modern, flexible, and comprehensive regulatory regime for medicines, medical devices, and natural health products. The Bill will provide for the risk-proportionate regulation of new and emerging health technologies, such as software as a medical device, and the greater use of AI and robotics in the delivery of healthcare. The Bill is expected to be introduced to Parliament in late 2022.

Businesses

69. Public consultation on proposed legislation to address modern slavery and worker exploitation in supply chains closed in June 2022. The proposal was to introduce new responsibilities for businesses of all sizes, including due diligence responsibilities for large businesses to prevent, mitigate and remedy modern slavery and worker exploitation. The proposed responsibilities are intended to be consistent with the United Nations Guiding Principles on Business and Human Rights "Protect Respect and Remedy" framework in line with the Independent Expert's recommendation to better the provision of private care for older people. Submissions are now being analysed and further decisions will be made in due course.

International commitments

70. The Government highlights its commitment to contribute to Member State actions of the United Nations Decade of Healthy Ageing 2021-2030 (the Decade). There are a range of central government-led actions planned or underway that will contribute to the Decade's Member State Actions including actions to give effect to the Better Later Life Action Plan 2021 to 2024 and the Healthy Ageing Strategy Priority Actions 2019 to 2022. The Office has completed a stocktake of existing work that contributes to the Decade's Member State Actions which has improved the visibility of cross-government activity to improve older people's health and wellbeing. It has also identified strengths and areas requiring further development to address the needs of an ageing population. Our response will also consider how the Decade can be leveraged and build upon to encourage and enable cross-sector and community action to address the needs of an ageing population.

Conclusion

71. The Government of New Zealand affirms its continued support for the mandate of the Independent Expert on the enjoyment of all human rights by older persons and seeks to contribute to the improvement of economic, social, cultural, civil, and political rights of our older population. New Zealand has a standing invitation to all United Nations Special

Procedures mandate holders, which will continue. We support the work of the Office of the United Nations High Commissioner for Human Rights.

72. While New Zealand has made advances to address the needs of our ageing population, we recognise that significant ongoing challenges remain, and new evolving challenges will continue to arise. The COVID-19 pandemic has had a significant impact on our older population, but it has also provided valuable insight on the everyday lived experience of older New Zealanders, highlighting factors that contribute to their leading valued, connected and fulfilling lives. We welcome continued engagement from Member States as well as civil society to inform the Government's future action to protect and enhance the human rights of older persons.
