

Ref: 204494

Wednesday, 16 September 2020

Jack Huston

By email to fyi-request-13545-37d2189b@requests.fyi.org.nz

Tēnā koe Jack,

Response to your request for Official Information

On 18 August 2020, you requested from the Human Rights Commission (“the Commission”) the following information:

1. *How many lawyers does the Human Rights Commission employ to defend human-rights cases?*
2. *How many cases has the HRC declined to represent due, partially or in full, to lack of resources?*
3. *What percentage of the cases made with HRC are against police?*
4. *What percentage of Maori incarceration could be avoided by hiring more lawyers to defend against human rights abuses by NZ Police?*

Office of Human Rights Proceedings

We have identified that your request may be more closely connected with the functions of the Office of Human Rights Proceedings (OHRP).

The OHRP is an independent arm of the Commission which can provide legal representation to those who wish to take proceedings under the Human Rights Act 1993 to the Human Rights Review Tribunal.

It is headed by the Director of Human Rights Proceedings, who employs lawyers for this purpose. The Director exercises functions under sections 90-92 of the Human Rights Act 1993 when determining whether to provide representation.

The OHRP may be able to provide you with the answers to questions 1-3 above. Please let me know if you would like me to re-direct your request to them.

For more information on OHRP see <https://www.hrc.co.nz/ohrp/>.

Lawyers employed by the Human Rights Commission

We have also interpreted your questions to be directed towards the provision of legal services and representation, rather than our complaints and dispute resolution functions.

The Commission employs five in-house counsel with responsibility for providing in-house legal services to the Commission. This includes legal services regarding the Commission's legal intervention function under s 5(2)(j) of the Human Rights Act under which the Commission can apply to appear to Courts and Tribunals as a non-party intervener in proceedings which raise human rights issues.

We do not hold information in respect of your questions 2-3.¹ Again, we consider that the OHRP may be able to provide you with information relevant to those questions.

We do not hold information that answers question 4. However, you may be interested in the reports by the *Hāpaitia te Oranga Tangata, Safe and Effective Justice* initiative co-ordinated by the Ministry of Justice which examines options for reform of the criminal justice system, including a focus on outcomes and options for Māori. Information is available on-line at <https://www.safeandeffectivejustice.govt.nz/>.

Alternative avenues

If you are unhappy with this response, under the Official Information Act you are entitled to complain to the Ombudsman's Office. Information about how to make a complaint is available at www.ombudsman.parliament.nz or on freephone 0800 802 602.

If you have any further queries about this response, please feel free to contact me directly.

Nāku noa, nā

Jaimee Paenga
Legal Adviser

¹ Section 18(e)