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## MEDIA RELEASE

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### Major victory for those seeking adoption reform

A decision released yesterday by the Human Rights Review Tribunal on a 2013 claim by Adoption Action Inc. has found that New Zealand's outdated adoption law is discriminatory.

The decision finds that the Adoption Act 1955 (in six respects) and the Adult Adoption Information Act 1985 (in one respect) discriminate on grounds on which discrimination is unlawful under the Human Rights Act 1993 and the New Zealand Bill of Rights Act 1990.

The decision finds that provisions in the Adoption Act discriminate on the grounds of sex, marital status (2x), disability, and age, and that a section of the Adult Adoption Information Act discriminates on the ground of age.

A copy of the Tribunal decision is **attached**.

New Zealand's adoption law is mainly based on an Adoption Act that is 61 years old and is widely seen as being out of touch with current social attitudes and values. It has been described by Family Court judges as "outdated", "anachronistic" and "based on white Anglo-Saxon values which prevailed in 1955".

The 1955 Act has been criticised by New Zealand's Human Rights Commission, the Law Commission and the Children's Commissioner. Six separate government committees and two Parliamentary Committees have recommended comprehensive reform (see **attached** Chronology).

The law is inconsistent in many respects with New Zealand's obligations under the United Nations Convention on the Rights of the Child and the Convention on the Rights of Persons with a Disability.

When the UN Committee on the Rights of the Child raised concerns about adoption law in 2002, New Zealand advised that it was about to instigate major reforms to the Adoption Act to address those concerns.

Fourteen years later the promised reforms have not been implemented.

Since the National-led government came to power in 2008, there has been no attempt to progress adoption reform. It has been shoved into a dark corner and concerns have been dismissed with the response that reform is "not a priority".

In 2011, Adoption Action Inc. took action under Part 1A of the Human Rights Act. It sought a declaration from the Human Rights Tribunal that our adoption laws were in many respects inconsistent with the anti-discrimination provisions in the Human Rights Act and the New Zealand Bill of Rights Act.

The hearing began in December 2013 and was completed in January 2014. The claim was disputed by legal counsel for Crown Law.

Adoption Action is heartened that the Tribunal rejected nearly all of the Crown's arguments. It found in our favour on every ground except racial discrimination.

The Tribunal made seven declarations of inconsistency. The Minister of Justice is now required to advise Parliament of the declaration so that Parliament may consider what steps should be taken to remedy these discriminatory provisions.

While Adoption Action is delighted with the outcome, several unanswered questions remain:

- Why did the Minister of Justice and the government deploy massive resources in defending the Part 1A claim when these could have been used instead to draft and introduce new adoption laws?
- Why has adoption reform been treated as a poisoned chalice by all three Ministers of Justice in the National-led government, each of whom has stated that it is not a priority?
- Why is the Human Rights Tribunal so under-resourced that it took nearly two years and two months for the Tribunal to give its decision? The reason given for this delay is that Tribunal members are all part-timers and the Tribunal lacks the funding to deal with matters more promptly. It is funded from Vote Courts, which is the responsibility of the Minister of Justice.

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