

## Responses to Recommendations

### NEW ZEALAND

Review in the Working Group: 7 May 2009  
 Adoption in the Plenary: 24 September 2009

**New Zealand's responses to recommendations (as of 09.02.2010):**

In the Report of the Working Group:	In the Addendum:	During the plenary:	Summary:
No response, all pending	33 REC accepted; 3 accepted in part (underlined in blue) <sup>1</sup> ; 7 rejected; 21 were commented but no clear position was given	The delegation said "accepting 33 unreservedly; agreeing to 12 with further discussion; providing qualified response to 11 and rejecting 8". However, by looking at the addendum, it was not possible to distinguish between the 12 agreed and the 11 with qualified response. We then stand by our understanding of the addendum. Out of the 21 with unclear response, 18 are leaning to acceptance and 3 to rejection (n°13, 18 and 48).	Accepted: 36 Rejected: 7 No clear position: 21 Pending: 0

**List of recommendations contained in Section II of the Report of the Working Group A/HRC/12/8:**

**81. The following recommendations will be examined by New Zealand, which will provide responses in due time. The responses to these recommendations will be included in the outcome report adopted by the Human Rights Council at its twelfth session:**

R - 1. Ratify (Islamic Republic of Iran, Mexico) / Consider the possibility of signing and ratifying (Argentina) the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW);

R - 2. Strengthen the Government's strategy on new migrants by considering the possibility of ratifying ICRMW (Algeria);

<sup>1</sup> Were counted as accepted in part recommendations that were said so but which the other part was not explicitly rejected somewhere else. See addendum for further details.

A - 3. Consider the possibility of signing and ratifying (Argentina) / Accelerate the ratification of (Azerbaijan) the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;

R - 4. Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Brazil);

R - 5. Ratify International Labour Organization (ILO) fundamental conventions (Brazil, Islamic Republic of Iran), and in particular the Indigenous and Tribal Peoples Convention No. 169 (Islamic Republic of Iran);

R - 6. Ratify (Mexico) / Consider ratifying and implementing the Indigenous and Tribal Peoples Convention No. 169 (Norway);

R - 7. Consider ratifying ILO Convention No. 169 concerning Indigenous and Tribal Peoples in independent Countries and applying international standards with respect to the rights of indigenous peoples (Argentina);

NC - 8. Support (Austria, Pakistan) and implement (Pakistan) the United Nations Declaration on the Rights of Indigenous Peoples;

NC - 9. Join the favourable momentum generated by the adoption of the United Nations Declaration on the Rights of Indigenous Peoples and give its support to this instrument (Mexico);

NC - 10. Revisit its decision not to support the United Nations Declaration on the Rights of Indigenous Peoples, with a view to protecting the rights of indigenous peoples in the country, and engage with the Māori and the wider community to promote the realization of indigenous rights (Islamic Republic of Iran);

A - 11. Sign and ratify (France) / Consider signing and ratifying (Argentina) the International Convention for the Protection of All Persons from Enforced Disappearance; and consider accepting the competence of the Committee on Enforced Disappearances (Argentina);

A - 12. Consider accepting the individual complaint procedure under article 14 of the International Convention on the Elimination of all Forms of Racial Discrimination (Republic of Korea);

NC - 13. Adopt (Mexico) / Endorse (Algeria, Russian Federation) the final outcome document approved during the Durban Review Conference, in view of its unanimous adoption (Algeria);

A - 14. Accomplish progressively the human rights goals set forth in Human Rights Council resolution 9/12 (Brazil);

A - 15. Further incorporate, as appropriate, its international human rights obligations into domestic law (Jordan);

NC - 16. Ensure that the Bill of Rights Act appropriately reflects all of New Zealand's international human rights obligations and that all subsequent legal provisions, including immigration laws, are in accordance with it and cannot limit its scope (Czech Republic);

NC - 17. Consider integrating the provisions of the International Covenant on Economic, Social and Cultural Rights into domestic legislation to ensure the justiciability of these rights (South Africa);

NC - 18. Take appropriate measures to bring domestic law into full compliance with the International Covenant on Civil and Political Rights (Algeria);

NC - 19. Take further measures to ensure full and consistent protection of human rights in domestic law and policies, taking into account recommendations made by several United Nations human rights bodies in this regard (Netherlands);

NC - 20. In line with the concern expressed by a number of treaty bodies, take action to provide

constitutional protection to both national and international human rights acts and standards (Pakistan);

NC - 21. Continue the public discussion over the status of the Treaty of Waitangi, with a view to its possible entrenchment as a constitutional norm (Norway);

A - 22. Consider adopting its National Plan of Action for Human Rights (South Africa);

A - 23. Seriously consider implementing the observations and recommendations of different treaty bodies (Pakistan);

A - 24. Consider implementing, as appropriate, the recommendations of human rights treaty bodies and special procedures on indigenous people (Jordan);

A - 25. Pursue efforts to combat all forms of discrimination, in particular those based on ethnic origin (Switzerland);

A - 26. Continue to take targeted action to eliminate the socio-economic disparities that persist among its population, including those affecting Māori, Pacific, Asian and other groups (Turkey);

A - 27. Strengthen and further improve the existing measures and strategies and undertake, where necessary, actions to correct the inequalities that still exist between the various communities (Morocco);

A - 28. Further strengthen its actions to ensure that the economic and social rights of vulnerable persons are protected, especially Māori, people with Pacific background and people with disabilities, and ensure that special attention is given to these persons with a view to including them fully in society (Netherlands);

NC - 29. Continue to address all forms of political, economic and social discrimination against the Māori by meeting their various demands for constitutional and legal reforms and recognition (Bangladesh);

A - 30. Continue addressing effectively the socio-economic inequalities affecting the Māori (Jordan);

A - 31. Take further measures to correct the gaps in employment, salary, health care and education that exist between Māori and non-Māori peoples (Japan);

A - 32. Consider further action to fully understand the causes of inequality faced by indigenous people and take steps to minimize the effects (United Kingdom);

A - 33. Commit itself to combating institutional bias that can result in the overrepresentation of specific groups in the criminal justice system (Canada);

A - 34. Continue efforts to ensure that people belonging to minority groups are not discriminated against in the criminal justice system (Sweden);

A - 35. Take further steps to eradicate all remaining expressions of racism, racial discrimination, xenophobia and related intolerance (Algeria);

A - 36. Include the fight against xenophobia and racism in the education curricula (Brazil);

A - 37. Protect the interest of migrants and minority groups, including the Asian and Pacific people, from all forms of racial stereotyping and derogatory treatment (Bangladesh);

A - 38. Consider accepting the recommendation of the Committee on the Elimination of Racial Discrimination to study ways and means of assessing the extent to which complaints for racially motivated crimes are addressed in an appropriate manner within the criminal justice system (Malaysia);

A - 39. As recommended by the Committee on the Elimination of Racial Discrimination, pursue means of recording complaints, prosecutions and sentences related to racially motivated crimes and

investigate how such issues are addressed through the criminal justice system (United Kingdom);

A - 40. Consider amending or repealing its legislation to close the gaps in the protection of women against discrimination (South Africa);

NC - 41. Establish targets for improving the representation of women in senior management in the public service and set measurable targets for realizing gender pay equality (Canada);

NC - 42. Continue to adopt policies in order to achieve full gender parity (Angola);

NC - 43. Start discussions on introducing gender quotas on the boards of public limited companies (Norway);

NC - 44. Reinforce the rights of women within the labour market, regardless of age or ethnicity (Brazil);

NC - 45. Implement active policies to speed up and increase the representation of women, in particular in local governments, the judiciary and the health sector (Argentina);

A - 46. Commit more resources to the provision of services for children with disabilities (Nigeria);

A - 47. On the issue of privatization of prison management, keep in mind the need to ensure the humane treatment of prisoners (Japan);

NC - 48. Raise the age of criminal responsibility so that it complies with relevant international standards (Czech Republic);

NC - 49. Ensure separate juvenile detention facilities for all juvenile offenders (Czech Republic);

A - 50. Take further measures to ensure more effective protection of children against abuse or neglect (Czech Republic);

A - 51. Effectively coordinate its efforts to prevent child abuse and provide the needed assistance in that area (Nigeria);

A - 52. Promote the very foundation of family and its associated values with a view to preventing domestic violence (Islamic Republic of Iran);

A - 53. Look to identify a more accurate measure of the extent of domestic violence, thereby providing a tool to better measure the success of domestic violence prevention and conviction agencies and programmes (United Kingdom);

A - 54. Take effective legal, institutional and awareness-building measures to combat domestic violence, racially-instigated crimes and trafficking of women for sexual exploitation (Bangladesh);

A - 55. Increase efforts to combat all forms of violence against women (Sweden);

A - 56. Record and document cases of trafficking in women and children as well as exploitation of migrant women and girls in prostitution, and share the information with other countries in the region to facilitate greater cooperation in combating this problem (Malaysia);

R - 57. Adopt a more comprehensive definition of human trafficking (United States);

A - 58. Consistent with the observations of the Committee on the Elimination of Racial Discrimination and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples, continue the new dialogue between the State and the Māori regarding the Foreshore and Seabed Act of 2004, in order to find a way of mitigating its discriminatory effects through a mechanism involving prior informed consent of those affected (Mexico);

A - 59. Pursue efforts to settle comprehensively land claims of the indigenous population (Switzerland);

NC - 60. Find appropriate ways to provide adequate compensation to Māori, in particular for their loss of land (Angola);

**A - 61. Pursue efforts to improve Māori participation in all areas of social life (Russian Federation);**

NC - 62. Drop the planned amendments to the Terrorism Suppression Act, which would broaden the definition of a terrorist act by reducing judicial oversight, allow courts to consider classified information without giving it to defendants and give the Prime Minister the sole responsibility for designating groups and individuals as terrorists (Germany);

NC - 63. Reinforce the procedural guarantees in the anti-terrorist legislation and ensure that measures provided for by the law are applied in strict accordance with international human rights obligations (Switzerland);

**A - 64. Ensure regular consultation with civil society in the follow-up to the UPR recommendations (Netherlands).**

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