



New Zealand Council Of
Christian Social Services

NEW ZEALAND COUNCIL OF CHRISTIAN SOCIAL SERVICES

18th Session of the Human Rights Council – UNIVERSAL PERIODIC REVIEW NEW ZEALAND GOVERNMENT'S HUMAN RIGHTS RECORD

New Zealand's Universal Periodic Review: 2nd cycle, 2013-2014

Submitted 17 June 2013



Street Address: 3-5 George St, Thorndon
Wellington, 6011

Mailing Address: PO Box 12-090, Thorndon
Wellington, 6144

Phone: (04) 473 2627

Fax: (04) 473 2624

Email: admin@nzccss.org.nz

The New Zealand Council of Christian Social Services (NZCCSS)

The New Zealand Council of Christian Social services (NZCCSS) works for a just and compassionate society in Aotearoa New Zealand. We see this as a continuation of the mission of Jesus Christ. In seeking to fulfill this mission, we are committed to:

- giving priority to the poor and vulnerable members of our society
- Te Tiriti O Waitangi

NZCCSS has six foundation members: the Anglican Care Network, Baptist Churches of New Zealand, Catholic Social Services, Presbyterian Support New Zealand Inc and Methodist and Salvation Army Churches. Through their networks and approximately five hundred social service delivery sites, NZCCSS members make a significant contribution to New Zealand's social wellbeing.

The key roles of NZCCSS are to represent the common interests and vision of our members at the national level; to supply information and networking opportunities to support members providing quality services; and develop, critique and advocate for policies that will assist poor, vulnerable and disadvantaged members of society.

A national Council, made up of two representatives from each denomination, governs NZCCSS. A Policy Group oversees policy and research work undertaken by NZCCSS in three key areas: children and families, impacts of poverty & exclusion, and older people. Each Policy Group is made up of at least two council representatives plus social services managers, academics or others with particular expertise in that area. This means that the work that NZCCSS does is well informed by what is happening throughout New Zealand.

Methodology and Consultation Process

1. The New Zealand Council of Christian Social Services (NZCCSS) is a national peak body for the social services of its member churches in New Zealand. In preparing this document we have worked with our national Council and its Policy Group sub-committees as well as encouraging our wider membership to provide input into the periodic review process.
2. NZCCSS has supported the work of other sector networks and peak bodies in preparing their submissions and we have endorsed those of Action for Children and Youth Aotearoa (ACYA) on issues of concern regarding children's and young people's human rights and Grey Power on issues relating to the rights of older people in New Zealand.

Developments that affect the human rights of vulnerable people since previous review (2009)

3. Since 2009 there have been a plethora of official reports on child abuse and maltreatment, which have largely been in response to public concern about specific cases involving children and young people. Despite the accumulation of New Zealand research that strongly indicates structural issues sit at the root of most of New Zealand's poor child wellbeing statistics, particularly for Māori, Pasifika and disabled children, official government reports have not reflected this data¹. The official focus of child abuse remains 'poor parenting skills' and 'life style choices' of parents.
4. There also been numerous reports and studies of the social and economic situation for the most vulnerable in this country, including the NZCCSS Vulnerability Report series² produced quarterly since 2009. Those reports and others document a growing level of vulnerability with housing affordability and low incomes as major contributing factors.

Income Work Tax Credits

5. The Working For Families (WFF) package introduced in 2005 to assist families with the cost of raising children has served to further discriminate against New Zealand poorest children and families. A significant part of the WFF package was ring fenced for the purpose of incentivising parents to go back to work, and was renamed in-work tax credit (IWTC). This change resulted in children who live in a family with adults dependent on a state benefit (where a sole parent is working less than 20 hours a week or a couple less than 30 hours a week) is not eligible for \$60.00 a week for one to three children and a further \$15 per child for larger families. Removing this discrimination would significantly improve the lives of New Zealand's most vulnerable children and families. This issue is currently subject of a challenge in the Court of Appeal by the Child Poverty Action Group (CPAG).

The Green Paper /White Paper for Vulnerable Children

6. In 2011, in response to a series of high profile cases of child abuse, the Government undertook an extensive consultation process on options to better support children who are defined as

¹ *Child Abuse: what role does poverty play?* Child Poverty Action Group (CPAG) June 2013

² *Vulnerability Report*, Issue 15, Easter 2013, NZCCSS http://www.nzccss.org.nz/site/page.php?page_id=260

‘vulnerable’ Green Paper for Vulnerable Children. Following extensive consultation across New Zealand the subsequent White Paper, for Vulnerable Children was released in 2012. Its focus, however, was on a narrowly defined Better Public Service Target to reduce assaults on children by 5 % by 2017 and 27 Government-led policy initiatives (Children’s Action Plan) to achieve this outcome. Structural issues strongly associated with child poverty were excluded from the scope of this paper - low family income, unemployment, poor quality and unaffordable housing, access to affordable health services, food insecurity, poor educational achievement.

Expert Advisory Group (EAG) on Solutions to Child Poverty

7. In 2011, the New Zealand’s Children’s Commissioner commissioned an Expert Advisory Group (EAG). This report identified 270,000 New Zealand children living in poverty, mostly Māori, Pasifika children, and children with disabilities. Structural inequalities were identified as the primary reasons underlying persistent child poverty in New Zealand. EAG prepared for the government a detailed report, which included 78 recommendations (immediate and long-term solutions). The Government’s subsequent response to the EAG report, however, was short, excluded any specific reference to the 78 recommendations, focussing instead on a relatively small number of piecemeal initiatives that had already been announced in the early May Budget. In NZCCSS’ view it is unlikely these initiatives alone are sufficient to address the structural inequalities that sit behind New Zealand’s persistent child poverty and child abuse statistics.

Promotion and Protection of Human Rights on the ground: implementation of international human rights

8. NZCCSS endorses the HRC recommendation that there be full and effective incorporation of ratified international rights instruments into domestic legislation, including through explicit statutory recognition of economic, social and cultural rights. Incorporation of these rights into New Zealand’s legislation will go some way to addressing structural inequalities strongly associated with intergenerational child poverty.
9. NZCCSS endorses Action for Children and Youth Aotearoa (ACYA)’s recommendation that the government commit to requiring that all draft legislation contains a child impact statement. Child legislative impact assessments should consider (1) whether children and young people in general, or particular group of children and young people in particular, as disproportionately affected by the proposed legislation (2) whether there could be any unintended consequences for children and young people flowing from the proposed legislation; (3) whether the proposed legislation is in the best interests of children and young people, particularly Māori.

Identification of challenges and constraints in relation to the implementation of recommendations and development of human rights

10. NZCCSS endorses ACYA’s recommendation that the “government immediately implements the recommendations in the Expert Advisory Group on Solutions to Child Poverty. The government

must enact child poverty legislation to ensure the proper and regular measurement of child poverty, the periodic setting of government targets to reduce child poverty, the setting of child poverty-related indicators and targets for selected indicators and the annual reporting to Parliament of progress towards the achievement of the designated targets.

11. NZCCSS endorses ACYA recommendation that the government a) commissions research into the numbers, circumstances and needs of children and young people affected by disability and b) commit resources to provide services and facilitate for this group. NZCCSS supports comments by ACYA that children affected by disabilities are some of the most vulnerable members of a society, and that there are data on the numbers and circumstances of children with and affected by disabilities in New Zealand.

Fuel Poverty

12. NZCCSS endorses the submission prepared by Grey Power that highlights the impact of fuel poverty on the most vulnerable in our community, particularly the elderly. NZCCSS adds that fuel poverty impacts greatly on the rights of children in low income families and embeds structural inequalities in health and social outcomes.
13. New Zealand as a party to the International Convention on Economic, Social and Cultural Rights (ICESCR) is obliged to pay particular attention to the rights of older persons. The Grey Power submission notes that this “population sector is particularly vulnerable to the effects on physical, mental and social well-being of cold damp houses – elderly people spend typically 95% of their time at home.”
14. “Grey Power recommends that New Zealand form a strategy and action plans to reverse the current trends in fuel poverty. Legal changes must restore the aim of protecting consumers. Policy changes must be based on evidence on fuel poverty, followed by cross-department and cross-party agreements to respond. Government must embed affordable access to energy services as a NZ Energy Policy objective, leading to fair tariffs for the fuel poor, minimum standards for rentals, a needs-based funding framework, and greater local autonomy and jurisdiction over responses and priorities.”

Income inequality and its impacts:

15. There is a lack of progress in overcoming the trend of recent decades of growing economic inequality. In 2011 income inequality in New Zealand reached its highest level since recording began in early 1980s. The Organisation for Economic Cooperation and Development (OECD) country report³ states that “the increase in income inequality between 1985 and the mid-2000s was the largest among all OECD countries (with the exception of Sweden).” In that time New Zealand moved from being one of the most equal to be one of the most unequal among the OECD. The health and social impacts related to this growth in equality greatly impact on the ability of the Government to meet its commitments to social, economic and cultural rights, with particular reference to Article 25(1) of the UNDHR and the International Covenant on Economic Social and Cultural Rights (ICESCR). The growing inequality is having a disproportionate impact on Māori and means the ability of New Zealand to fulfil its obligations under the Declaration on the Rights of Indigenous People (UNDRIP) Article 21 is being negatively affected.
16. NZCCSS recommends that policies to reduce income inequality be made central to responses to child poverty. The full implementation of the recommendations of the EAG on Solutions to Child

³ *Divided We Stand: Why Inequality Keeps Rising*, OECD, 2011. Country note: New Zealand www.oecd.org/social/inequality.htm

Poverty that relate to lifting low incomes (see Paragraph 7 above) and the removal of discrimination against children in beneficiary households by extending the In-Work-Tax Credit to families on welfare benefits would have a significant impact in reducing overall social and economic inequality.

Equal Employment Opportunity in Aged Care:

17. NZCCSS has joined with other organisations involved in the aged care sector in this country in supporting the recommendations of the Human Rights Commission inquiry into Equal Employment Opportunity in Aged Care. The inquiry report entitled “Caring Counts: Report of the Inquiry Into the Aged Care Workforce” was published in May 2012. The report concluded that a “large group of workers is being discriminated against. Inaction on pay inequality and inadequate compensation for travel are breaches of fundamental human rights. Given their significance, these breaches cannot be justified by affordability arguments.” The report⁴ sets out in detail the human rights case in aged care and makes it clear that, regardless of the funding or institutional arrangements in place for the provision of care, there are positive obligations on the state at an international level to protect the rights of workers and of older people.
18. The human rights obligations around discrimination against aged care workers is based on the UDHR 23(1) and the International Covenant on Economic Social and Cultural Rights (ICESC) as well as the various ILO conventions that New Zealand has signed.
19. In addition, the rights of older people who are receiving aged care are also affected. While there are no specific human rights instruments relating specifically to older people, the UN Convention on the Rights of Persons with Disabilities does apply to support services to those with aged-related disabilities. In addition the UN Principles for Older Persons provide guidance as to the rights of older people. The UNCRPD explicitly recognises that there needs to be training for professionals and staff working with people with disabilities so as to provide better assistance and services. An underpaid and undertrained workforce cannot deliver a service to the highest standards.
20. NZCCSS in its involvement with the follow-up work to this report is demonstrating its commitment to addressing these human rights deficiencies. We recommend that the Government take urgent steps to address the discrimination against workers and implement the recommendations of the Caring Counts report, with a priority on ensuring that pay parity across the government-funded aged care sector is implemented and that a fair travel policy for home care workers travelling to clients is developed and implemented.

Right to Housing

21. Article 25(1) of the UNDHR forms the basis for a range of economic, social and cultural rights and those rights that specifically includes adequate housing. These rights are further described in the International Covenant on Economic Social and Cultural Rights (ICESCR) that New Zealand ratified in 1978. The right to adequate housing is included in Article 11(1) of the ICESCR that recognises the right to an adequate standard of living that includes adequate housing.
22. The right to adequate housing is impacted by lack of affordable housing to rent or buy in the private sector and a static supply of state and non-government community (social) housing. Housing rights are further impacted by the poor condition of much of the existing housing stock,

⁴ *Caring Counts: Report of the Inquiry Into the Aged Care Workforce*, HRC, May 2012, pp.154-161
www.neon.org.nz/agedcareinquiry/humanrightsframework/

particularly for private sector housing. There are some welcome new opportunities to develop the non-government social housing sector and the housing warrant of fitness proposal announced by the Government, that have come as a result of considerable research and advocacy.

23. A lack of affordable housing supply has been identified as a significant social and economic problem in New Zealand for some time. The HRC Summary of Human Rights in New Zealand 2010⁵ included a particular focus on housing rights. There has been little or no improvement in the situation in the three years since it was published. Home ownership rates have been falling steadily since the early 1990s and this trend is predicted to continue. The majority of people on low incomes are renting their accommodation and most of them are renting in the private sector. There are major affordability problems for those renting in the private sector particularly in the major urban centres of Auckland, Christchurch, Wellington and Hamilton. Rental costs are taking up too high a proportion of disposable income for nearly two-thirds of tenant households⁶.
24. The number of state, local government or non-government social housing units has not significantly increased in recent years and current reforms to eligibility for state housing are making it harder to access. This means vulnerable families have few choices about where to live. NZCCSS member agencies regularly report to us on over-crowded housing situations, families living in garages and sheds, or having no choice but to live in sub-standard damp, cold or poorly maintained housing⁷. The impacts are concentrated in some communities and affect particularly Pacific and Māori households and households with children.
25. The supply of Government provided housing units and non-government community and social housing is not keeping pace with the growing need for affordable housing for low income families and households. NZCCSS recommends that the Government commit to a housing action plan to ensure that there is significant additional investment in housing that is affordable to rent or buy for those on low to medium incomes.
26. The poor condition of private rentals and also of many state social housing units has a significant negative impact on the rights of the most vulnerable. The Government's announcement in May 2013 of a commitment to develop a warrant of fitness for rental housing is a welcome move that NZCCSS and other groups in the housing sector have been calling for some years. The poor condition of housing has been documented in a number of studies and progress in raising standards has been held back by limited funding for retrofitting of insulation and heating and a lack of enforceable quality standards for existing housing, especially rental housing. The Government's announcement of a housing warrant of fitness is however limited to a pilot project with state-owned housing. NZCCSS recommends that the warrant of fitness be trialled across all forms of rental housing as the vast majority of low income families are renting in the private sector rental markets and the greatest need for improvement is in that sector.

⁵ *Summary of Human Rights in New Zealand – Summary*, HRC, 2010, Chapter 13.

⁶ *She'll be Right: A State of the Nation Report from the Salvation Army*, A. Johnson, Salvation Army Social Policy and Parliamentary Unit, February 2013, p.64

⁷ *Vulnerability Report*, Issue 15, Easter 2013, NZCCSS http://www.nzccss.org.nz/site/page.php?page_id=260