

## Annex 1: Recommendations

### A. UPR Follow-Up

1. The Commission recommends that the Government establish a comprehensive UPR and Treaty body reporting process, linked to the Government's own planning process and periodic development of National Plans of Action for Human Rights, that includes engagement with civil society, greater integration across public agencies, and clearer accountability for coordinating and publicising reports and following up on their recommendations.

### B. Achievements, best practice and challenges

2. The Commission urges the Government to commit to ensuring that all businesses operating or registered in New Zealand understand and apply the *Guiding Principles on Business and Human Rights* (the Ruggie Principles) in all their activities.
3. The Commission recommends that the HRC note the government's commitment to work with the Commission as well as with non-governmental organizations and other members of civil society to develop and actively monitor and implement New Zealand's second NPA.

### C. Background and Framework

#### *Scope of International Obligations*

4. The Commission recommends that the Government:
  - (a) commit to working with the relevant treaty bodies to explore ways in which New Zealand's alternative human rights disputes resolution (ADR) mechanisms could be used to reduce the potential costs of acceding to individual complaints procedures relating to ratified conventions and covenants; and
  - (b) ratify both the CED and CMW.

#### *Constitutional and Legal Framework*

##### *Incorporation of international obligations into domestic law*

5. The Commission recommends the full and effective incorporation of ratified international human rights standards into domestic legislation including through:
  - a) protection of property rights in the BORA; and

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- b) explicit statutory recognition of economic, social and cultural rights, including the availability of ADR and judicial remedies where appropriate.

*Parliamentary processes*

6. The Commission recommends that the Government commit to developing and implementing a human rights education strategy, including capacity-building programmes for parliamentarians and senior civil servants, to ensure rights holders and duty bearers know their human rights and responsibilities, the development of policy and legislation is informed by a human rights approach, and decision making is consistent with New Zealand's human rights obligations.
  
7. The Commission recommends that:
  - a) the requirement set out in section 7.60 of the Cabinet Manual be more explicit in requiring identification of implications in relation to international human rights commitments and extended to apply to all policy and legislation (both primary and secondary); and
  - b) Ministers and officials be directed to strictly adhere to current and extended Cabinet Manual requirements.
  
8. The Commission recommends that parliamentary democracy in New Zealand be strengthened by:
  - a) limiting the use of urgency to exceptional circumstances and subject to bi-partisan support; and
  - b) ensuring greater discipline in limiting the legislative programme to allow for sound parliamentary practice.
  
9. The Commission recommends that the government commit to:
  - (a) formal tabling of all concluding observations from UN treaty bodies in Parliament; and
  - (b) establishing a human rights select committee or designating an existing select committee or committees to conduct comprehensive human rights analysis of all legislation both primary and secondary.
  
10. The Commission recommends that the Government:
  - (a) urgently reconsider the New Zealand Public Health and Disability Amendment Bill (No 2) Act and in particular repeal those sections that limit further legal action and limit the circumstances in which family members can be paid and the categories of family

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member that can be paid;

- (b) ensures that effective domestic remedies are available for breaches of all those rights as set out in the international conventions and covenants to which New Zealand is a state party; and
- (c) advise the HRC of the concrete steps it has taken to address the systemic abuse of the health of people with intellectual disability since 2009

*Implementation and Monitoring*

11. The Commission recommends the Government:

- (a) establish mechanisms, drawing on the CRPD model, to independently monitor the Government's implementation of each of the human rights treaties to which it is a state party; and
- (b) commit to implementing any recommendations from these mechanisms.

12. The Commission recommends that the government commit to:

- (a) developing an agreed set of key human rights indicators;
- (b) systemically collecting data across these indicators; and
- (c) ensuring that this data is disaggregated sufficiently to measure the impact on groups vulnerable to systemic disadvantage.

**D. Promotion and Protection of Human Rights on the ground: Implementation of the international human rights obligations**

*Participation*

13. The Commission recommends that New Zealand:

- (a) commit to open, transparent and participatory governance and actively engage with the Open Government Partnership; and
- (b) ensure active participation from communities and individuals in all decision making about them at both a local and national level by developing, implementing and actively monitoring appropriately tailored systems and processes.

***Equality and non-discrimination***

14. The Commission recommends that strategies be established across all sectors including health, education, and justice to identify and address structural discrimination. These strategies should set specific timelines and targets and be monitored and reported on regularly.
  
15. The Commission recommends that the Government:
  - (a) reset targets for women's representation that expressly acknowledge gender equality and commit to progressively eliminate the gender pay gap across all groups and ethnicities by 2019 by using demonstrated effective mechanisms including intensive monitoring processes and legislative levers; and
  - (b) commit to implementing the recommendations from *Caring Counts*.

***Child Poverty***

16. The Commission recommends that the Government commit to implementing the recommendations in the Experts Advisory Group's report on Solutions to Child Poverty.

***Right to Life Liberty and Security of Person***

17. Drawing on the recommendations of the CRC, CEDAW and CESCR, the Commission recommends that interventions to reduce violence be actively monitored, adjusted and extended on the basis of robust empirical evidence.

***Right to Housing***

18. The Commission recommends that the Government:
  - (a) ensure provision of adequate housing including social housing for people in need and particularly for vulnerable groups;
  - (b) develop a national housing plan which addresses the rights of people in New Zealand to adequate housing and prioritises the needs of vulnerable people in all tenure types; and
  - (c) adopt a human rights approach to the Canterbury earthquake recovery ensuring appropriate consideration of availability, affordability and adequacy of housing including for temporary housing.

***Indigenous Rights***

19. The Commission recommends that the government commit to fully protecting and promoting indigenous rights through appropriate measures in law, policy and practice and promptly announces a timetable to implement the Waitangi Tribunal's decision.
20. As recommended by CERD in 2013, the Commission urges the Government to enhance appropriate mechanisms for effective consultation with indigenous people around all policies affecting their ways of living and resources.