

UPR Pre-session on New Zealand 32nd session – 3rd Cycle

December 2018

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New Zealand Human Rights Commission

In-country UPR pre-session: Wellington, 26 October

Panel members

- Human Rights Commission on constitutional issues
- International Monitoring Mechanism - UNDRIP on indigenous rights
- National Council of Women on women's rights
- Southland Interagency Forum on rural isolation
- Refugee Council New Zealand on refugee rights
- Just Speak on criminal justice
- Action for Children & Youth Aotearoa on children's rights
- Rural Women NZ on rural women
- Judi Clement on mental health
- Backbone Collective on the family court
- Intersex Trust of Aotearoa New Zealand (ITANZ) on SOGISC rights
- WCM Legal on Canterbury earthquake recovery



Actions since 2013 UPR

- Ratified **Optional Protocol on the Rights of Persons with Disabilities** (recommended by Spain & Hungary)
- Brought the **upper age threshold of our youth justice system** into conformity with international obligations (recommended by Czech Republic)
- Introduced **Child Poverty Reduction Bill** (recommended by Ukraine, Australia, Cape Verde, Canada, Malaysia, Mexico)
- Taken steps towards **eliminating the gender pay gap** (recommended by Australia, France, Malaysia, Iraq, Sri Lanka)
- Introduced reforms to legislation and policy to **address family violence against women** (which responds to recommendations made by several Member States)

Current challenges

- Waiting lists for social housing have doubled in the last two years and continue to increase rapidly
- Rates of family violence and child abuse remain among the highest in the OECD
- Family violence legislation fails to adequately protect disabled people experiencing abuse in home-care/live-in support situations
- Almost 30% of New Zealand children live in households whose income falls below the official poverty line
- Structural discrimination remains pervasive, especially for Māori, Pasifika, women, migrants, refugees and disabled people

What's needed

1. Bring New Zealand's human rights legislation and policy into conformity with international human rights obligations
2. Elevate the status of the Treaty of Waitangi and indigenous rights
3. Develop and resource the National Plan of Action on Human Rights

To do this the following recommendations should be actioned.

Recommendations: NZ Legislation and policy

Rec 1

Implement a standard human rights impact assessment process for assessing all prospective policies and legislation for consistency with domestic and international human rights obligations.

Rec 2

Amend the Bill of Rights Act 1990 to incorporate all rights in the International Covenant for Civil and Political Rights and the International Covenant for Economic, Social and Cultural Rights.

Recommendations: NZ Legislation and policy

Rec 3

Amend the Human Rights Act 1993 to explicitly include gender identity, gender expression and sex characteristics as a prohibited ground of discrimination.

Rec 4

Appoint a lead Minister on the SDGs and take immediate steps towards implementing a cross-government policy and data strategy to meet New Zealand's commitments under the SDGs.

Recommendations: The Treaty of Waitangi and Indigenous Rights

Rec 5

Take immediate steps, in partnership with Māori, to implement the recommendations of the Constitutional Advisory Panel and the Iwi Chairs Forum regarding the role of the Treaty of Waitangi within New Zealand's constitutional arrangements

Rec 6

Develop, in partnership with Māori, a national strategy or plan of action to align public policy and legislation with the United Nations Declaration on the Rights of Indigenous Peoples.

Recommendations: National Plan of Action on Human Rights

Rec 7

Increase support to the Human Rights Commission for the development and co-ordination of the National Plan of Action for Human Rights (NPA).

Rec 8

Incorporate the NPA into the International Human Rights Governance Group monitoring mechanism and develop an indicator framework to track, measure and assess Government actions.

Priority Recommendation of NZs National Preventative Mechanism

Take urgent steps to ensure the availability and appropriate provision of mental health services for people in detention.

Kia ora