

UNITED NATIONS REVIEW OF NEW ZEALAND'S HUMAN RIGHTS SITUATION: MAY 2009

Draft New Zealand National Report for Public Consultation

Submission Form

We welcome your comments on the draft report. Please follow the template below in providing your feedback.

*Fields marked with an asterisk are mandatory

Please note that New Zealand's Draft National Report has been structured to meet UN guidelines for the preparation of information under the Universal Periodic Review. There is therefore limited scope to change or amend section headings of this draft report. Please keep your comments concise as the report is subject to a 20 page limit.

Completed submissions should be sent to the following address:

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By Post: C/o- Richard Kay
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In the interests of transparency, comments on the draft report will be published on the MFAT website, unless advised otherwise.

If you do not wish your comments to be published please indicate this here.

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- **Note:** ANZASW is an active member of the International Federation of Social Workers (IFSW). IFSW has special consultative status with the United Nations Economic and Social Council, and is also accredited to the International Labour Organization, UNICEF, the Council of Europe and the European Union.

Your comments on the report

1. **Introduction** (please provide general comments or suggested drafting changes to this section of the report)

We have considered the text of the introduction against our own Code of Ethics, a revised bilingual revision of which was published in 2008 (see <http://www.anzasw.org.nz/excerpt-from-code-of-ethics.html> for a key excerpt).

As a minor edit we would suggest a change to the first sentence in the seventh paragraph, so that it reads (bold words added): "A key part of New Zealand's ongoing commitment to human rights is ensuring that these universal rights are enjoyed and respected by **all members of** New Zealand society". We also agree with the point made by Rod Alley at the consultation meeting held in Wellington on 2nd March that the report should include reference to international humanitarian law.

In relation to Methodology and Consultation Process (section 1.) we are concerned, for the record, that ANZASW was not included in the category of "relevant stakeholders". As human rights and social justice are central to the unique history and place of the profession of social work we expect this omission will be corrected in the future and that we will be given an earlier opportunity to be consulted.

2. **Background of Country** (please indicate the section of the report your comments refer to, eg 2.2, paragraph 2)

In section 2.1 the reference to the number of Māori MPs could aid future clarification if it includes reference to the numbers specific to Māori and General electorates.

The section on the New Zealand Human Rights Commission should ideally make reference to the *New Zealand Action Plan for Human Rights/ Mana ki te Tangata* (which can then be cross-referred to sections 2.6 and 4.1).

It would be useful if section 2.4 listed the instruments to which New Zealand is not a party as well as any reservations it has made to human rights treaties.

In paragraph 6 relating to NZAID it would be appropriate to state that poverty elimination has been central to the agency's mission:

At the close of paragraph 5 in section 2.6 reference should be made to the actual number of cases actioned through the Office of Human Rights Proceedings, or this number could be included in paragraph 2 in section 2.7.

Consideration could be given in section 2.7 to including a reference to the Health and Disability Commissioner as the independent agency set up to promote and protect the rights of consumers who use health and disability services (separate to the references made in section 3.6).

3. **Promotion and Protection of Human Rights** (please indicate the section of the report your comments refer to, eg 3.4, paragraph 1)

In the first sentence of paragraph 7 of section 3.1 it is unclear what the words “that relationship” are referring to. At that point it might be helpful, and a stronger sign of bicultural understanding, to insert the words “Tino Rangitiratanga” instead.

In section 3.2 (Gender) ANZASW shares the concerns raised at the consultation meeting held in Wellington on 2nd March that the statement in paragraph 1 that “New Zealand gives priority to the advancement of the rights of women” is now at odds with recent government steps to abandon pay equity investigations that affect social workers, a predominantly female workforce. In a media release it distributed on 23 February 2009 ANZASW has reiterated that pay equity is a basic human rights issue.

Paragraph 7 of section 3.2 referring to *Working for Families* (WFF) would sit just as well under Children and Young People. A growing evidence base that WFF is discriminatory to the children of beneficiaries needs to be mentioned. This could be mentioned by citing the case brought by the Child Poverty Action Group to the Human Rights Review Tribunal (and the subsequent finding released in December 2008).

Statements that WFF has created an incentive to move into paid employment for sole parents (paragraph 7), or that interest-free student loans have more of a positive impact on women than men (paragraph 8) are not sufficiently substantiated.

Paragraph 11 of section 3.2 referring to pay and employment equity again has been undermined by recent decisions that put a questionmark over that paragraph.

It is unclear why no references are made in section 3.2 to the status of women’s health and why only a passing reference is made to reducing violence against women (when there could be, for instance, a cross-reference to section 3.5).

In paragraph 3, section 3.3 a footnote is needed to support the assertion that changes at the Ministry of Social Development (MSD) have “enabled better co-ordination of child and youth focussed policy, and improved the alignment of care and protection and youth justice policy and operations”. It would be as relevant to signal the review of the Children, Young Persons and Their Families Act and to indicate that the current legislative programme is likely to impact on youth justice policy and operations.

In paragraph 4, section 3.3. *The Agenda for Children and Youth Development Strategy* appear to have had their titles combined when they are two different strategies. If strategies such as the 2002 *Agenda for Children* are going to be cited then it would be useful if a comment is included on whether they are being actively monitored and/or the degree to which they have been actively implemented.

In the same paragraph, it would be judicious to change the wording in the last sentence from the “*Pathway to Partnership* will...” to “*Pathway to Partnership* is expected to...” It is ANZASW’s understanding that this strategy, introduced by the previous government, has yet to be fully confirmed by the current government.

At the end of paragraph 2, section 3.4 it would be helpful to add this qualifier: “SAGES is delivered by 17 non-government organisations”.

Also, in paragraph 8, section 3.5 the reference made to the SKIP programme seems to have been added as an afterthought, and in the context of that paragraph SKIP itself is not a measure “undertaken to improve service coordination for child victims of ill-treatment and abuse”. It belongs more with a paragraph citing preventive approaches.

In section 3.6.1 the full title of the mental health strategy should be given: *Te Rau Hinengaro: The New Zealand Mental Health Survey*.

A footnote is needed in section 3.6.1 for the statement about “a drop in the rate of new acute admissions”, or the date that this information is sourced for included in brackets with the statement.

4.1 **Achievements and Best Practices** (please indicate the section of the report your comments refer to, eg 4.1.8)

Section 4.1.6 contains a marked misquote; the full quote from the actual report on the Act’s operation reads: “has had a marked effect in safeguarding the right of sex workers to refuse particular clients and practices, chiefly by empowering sex workers through removing the illegality of their work”.

4.2 **Challenges and Constraints** (please indicate the section of the report your comments refer to, eg 4.2.2, paragraph 2)

For section 4.2.3 (Child Poverty) it is important to note the report was released by the Children’s Commissioner and Barnardos.

As should be noted elsewhere, since the publication of this and other reports, it is impossible to ignore the negative impact of a worsening global economic climate on the prospective situation of both those already subject to living under the ‘poverty line’ in New Zealand, and those families who will be newly impacted on by rising unemployment. It is insufficient to finish the section by stating “but more remains to be done”, without either referring to what that “more” might include and/or a reference that takes the impact of worsening economic conditions on social conditions into account.

5 **Human Rights Priorities** (please provide general comments or suggested drafting changes to this section of the report)

ANZASW would like to reinforce the point made in Wellington by Ced Simpson of the Human Rights Foundation that “it would be useful to know what the government has in mind for explaining the priorities to the NZ public”.

Our first point is that this important section should be a much longer and more substantive section. It is difficult to understand the process for the selection given. The priorities as stated are an odd mixture, from the generic ‘catchall’ of the first priority, through to the selection of crime victims’ rights as a priority. At first glance this reads as being too close to either a partial political manifesto or a random selection.

As they stand the priorities don’t provide enough detail to be measurable. It would be preferable if there was some supporting statement for each priority with an aspirational focus that can be reported back at the time of the next Universal Periodic Review (UPR). Even based on the current selection it is important to acknowledge that each priority carries with it significant implications and imprints strong perceptions. The perception from the way the priority for young New Zealanders is presented for instance is that opportunities and responsibilities can only be addressed through the combination of “education and youth justice systems”; this is hardly aspirational. In a different sense the priority related to the Treaty of Waitangi also seems to set the bar too low by focusing only on the settlement of claims. This is in direct opposition to the statement in section 3.1 that “While the Government recognises that the Treaty settlement process is important, it should not be seen as the primary focus”.

ANZASW understands that the recommended UPR heading for “capacity-building” is not going to be used in this report. Even so it would seem reasonable to make some reference in this section to New Zealand’s capacity to achieve the priorities it is setting forth.

Do you have any other general comments on the draft report?

In making these comments ANZASW has concentrated on only a small number of areas that could assist the report writers to achieve more precision and accuracy. We are also aware of concerns raised by other civil society organisations and NGOs about the tone of the report and concerns that further work was needed to more truly encompass the place of the Treaty of Waitangi within New Zealand’s constitutional framework.

We will be publicising our involvement in this process to our almost 4000 members and in closing, would like to refer to an ANZASW media release distributed on Human Rights Day 2008 and headed “Vigilance on Human Rights has to ‘start at home’”. This release made these relevant points:

- “Both the New Zealand Government’s record in terms of ratifying or complying with international human rights agreements, as well as the way that basic human rights are respected by New Zealanders in our everyday lives are not as good as they can be – we can do much better”.
- “We will all need to monitor the impact of economic policies or hastily introduced new laws on the right to dignity and justice for all, and ask ourselves: What price human rights?”

See: www.anzasw.org.nz/user/file/224/NewsRelease_Human%20Rights%20Day.doc