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SUBMISSION ON UNIVERSAL PERIODIC REVIEW BY SHAKTI COMMUNITY COUNCIL INC & PROJECT WOMEN AGAINST VIOLENCE

INTRODUCTION: Human Rights Awareness

In order to bring about meaningful improvement to the human rights situation in New Zealand, it is important that its citizens are aware of what their human rights are. From the consultation meeting we held with key stakeholders and agencies working with **ethnic immigrant communities (Asian, African and Middle-Eastern)** as well as with individuals in the community, a vast gap in the knowledge of human rights was identified. There is very little awareness of human rights within ethnic immigrant communities particularly new immigrants who come from countries where human rights violations are the norm. Furthermore, there is little or no awareness of the existence of the Human Rights Commission. This puts the new immigrants in a very vulnerable position where they become more accepting of their human rights violations and as a result become less likely to seek redress. The perception of human rights as an academic and bureaucratic enterprise within the ethnic immigrant communities needs to be addressed. The plethora of information on human rights that is available is largely inaccessible to this particular group because this information is not in their respective languages.

OUR FINDINGS

(1) Violence against women

- a) Oppression, violence and discrimination against migrant and refugee women traditionally endorsed through culture, religious beliefs and society continues to prevail, much of which is in violation of basic human rights and other UN charters like CEDAW. In New Zealand we have examples of dowry, forced marriages, under-age marriages and polygamy.
- b) Shakti is consistently dealing with immigrant women who are facing such violation of human rights. For instance we have a case of a 19-year old Somali woman who had to marry her rapist as per Sharia Law practice at the age of 15 when the legal marriage with parental consent is 16 years in New Zealand. After persistent abuse, she left the marriage only to be shunned and ostracised by her community to the extent she had to flee her place of residence. She is currently fighting for custody of her children who is with her husband and

who has the full community backing. State services attending to her case do not have the expertise and supporting laws to adequately bring justice for this young woman who has been wronged because of cultural and religious practices.

- c) In another case we have a 25-year old Indian woman who is married to an Indian New Zealand resident employed with the police force. Unable to bear the dowry demands, abuse and violence any longer she came to our refuge and is currently battling the New Zealand police force which is endeavouring its best to protect its employees at the cost of the violation of her human rights.

(2) Rights of children

- a) According to statistics New Zealand, an immigrant family's annual income averages at \$14,000. This is poverty that is not directly visible but in reality, affects the living standards of newly arrived immigrants, in particular, their ability to pay for voluntary school fees. In New Zealand, primary schooling is free, but students are expected to make financial contributions voluntarily towards their schools
- b) Children who are born to mothers without permanent residency status in New Zealand have their human rights impinged when the marital relationship between the parents disintegrate and the mother is forced to go back to country of origin after her husband withdraws her sponsorship to New Zealand. In this case though the children are New Zealand residents they have to either stay with the father in New Zealand or return with their mother to the country of origin, thereby being deprived of their right to enjoy the privileges as a New Zealand resident.

(3) Cultural Identity

- a) The Universal Declaration of Human Rights stipulates that everyone has the right to retain and maintain their cultural identity. Children from immigrant families are often stripped of this right when they are placed in mainstream foster homes with little effort to preserve the child's religious or cultural identity. There is no proactive effort on part of the government body for the welfare of children to initiate a foster parent project within the immigrant communities so that children might continue to receive an upbringing that is consistent with their religion and culture.

(4) Employment

- a) **Limited work prospects:** People who arrive in New Zealand with valid work permits have limited work prospects as employers are reluctant to take workers who do not have New Zealand work experience. This is a form of discrimination as it excludes people who have the right to work but are denied

the opportunity to do so. This problem is also faced by migrants who arrived in New Zealand on the basis of points system and by international students who have the qualifications from New Zealand Universities and are seeking employment in the open job market. New Zealand is losing its skilled workforce to Australia and other Western countries because of this.

- b) **Wages:** Immigrant workers, especially in private business, are often paid lower than equally skilled mainstream counterparts
- c) **Seasonal Workers:** While seasonal work permits are encouraged there are not enough support systems for seasonal workers in terms of monitoring employment and their worker rights.

(5) Discrimination by Government Agencies

- a) Immigrants and members of the ethnic communities often report experiencing discrimination within government departments. Government agencies like *Work and Income* under the Ministry of Social Development and Immigration New Zealand lack interpreters/skilled staff to help immigrants with language difficulties and other barriers and as a result these members often face discrimination and hostility. Such violation may be attributed to the fact that there is no mandatory obligation for these government workers dealing with immigrants to be trained accordingly.

(6) Immigration

- a) **Over-stayers:** The time that New Zealand Immigration takes to process visa applications often render their applicants without any legal status while in New Zealand. As a result, there are thousands of people with the illegal status of 'over-stayers'. Some over-stayers have children and as a result, these children are also left without legal rights.
- b) **Biometric information:** New immigration policies demand the disclosure of biometric information for advance passenger screening from the applicants. This leaves space for immigration to reject the application on account of physical characteristics. It also infringes privacy rights of people entering New Zealand.

(7) Civil Rights

- a) **Voting:** A person legally living and working in New Zealand is made to pay their taxes as soon as they begin earning. However they cannot vote until a year after they get their residency. A person's civil right is therefore violated as they are actively contributing to the country's economy by paying the taxes and yet are unable to participate in the country's political process. This

mandatory stand down period of a year undermines and denies the right of migrants who are legal residents of country but are not eligible to vote. However, immigrants who are on any permit and have resided in New Zealand for a year are eligible for voting as soon as they become residents.

(8) Right to healthcare

- a) Doctor fees and hospital bills are only subsidised for work permit holders when they have held the permit for at least two years. Seasonal worker/ temporary permit holder of less than two years and their family are not eligible for any health system subsidy. This group of people are denied the right to subsidised healthcare although they have been active taxpayers

RECOMMENDATIONS

1. New Zealand should be more proactive with regards to abuse and violence occurring in the guise of culture and religion within the ethnic immigrant communities and deal with such violation accordingly through drafting and implementation of relevant laws. Turning a blind eye to such violation is in violation of various UN declarations.
2. The rights of immigrant resident children who are compelled to move with their mothers because of parental separation should be suitably addressed through legislation.
3. The rights of immigrant children who have to bear the difficulties associated with cross-cultural integration have to be guarded. Foster homes have to be culturally sensitive. Poverty levels have to be considered when addressing the overall wellbeing of immigrant children.
4. Government departments have to be adequately trained in dealing with ethnic immigrants and their issues. The importance of being linguistically equipped and culturally sensitive should be emphasised as such ignorance can lead to violation of their human rights.
5. The Immigration department should be able to process visas quicker to reduce the number of people becoming over-stayers.
6. Healthcare subsidy should be made available to immigrants of any visa type provided they are gainfully employed and are paying their taxes.
7. The rights of temporary/seasonal workers should be adequately protected and monitored.