



International Presentation Association Individual UPR Submission New Zealand Jan- Feb 2014

INTRODUCTION:

1. Who We Are:

Established in 1989, the International Presentation Association (IPA) is an NGO in special consultative status with Economic and Social Council at the UN. Representing Presentation women, the IPA has 2,200 members living and working in 23 countries. The IPA is particularly concerned with: human rights, women and children; indigenous peoples; the environment and sustainable living.

2. Executive Summary:

The IPA is concerned about policy changes that affect or have little effect on human rights in New Zealand particularly in relation to child poverty; and the justice system in New Zealand and how it affects those in prison; no or minimal improvement made in relation to some recommendations from the last UPR report mid-term update report; high representation of Maori in our criminal justice system.

Key words: justice system, indigenous peoples (Maori), whanau- family groups and tribes, prison, child poverty,

3. Methodology: For this submission we collected data from many sources including but not limited to: the Government of New Zealand; professional individuals working within the prison sector; the first UPR report on New Zealand and its recommendations plus the New Zealand Mid-term Implementation Assessment; 2013 State of the Nation Report, Salvation Army Social Policy and Parliamentary Unit, February 2013.

CHILD POVERTY:

4. While there were no specific recommendations re combating Child poverty in the last review in relation to Human rights the situation in New Zealand is unacceptable for a first world country. Although there is no formal child poverty measure, a widely accepted informal measure is derived from Statistics New Zealand's Household Economic Survey and reported most often on an annual basis by the Ministry of Social

Development. The most commonly recognised measure of poverty is household income at 60% of the national median (based on a constant value).

A summary of estimates of child poverty rates from this work indicates that child poverty rates rose a little between 2007 and 2009, and may have fallen slightly since 2010. This measure based on the 2007 median household income shows that over the four years to 2011, the child poverty rate stayed at around 22% of New Zealand children or approximately 225,000 individuals.

The Household Economic Survey data shows that the incidence of child poverty is by no means even or predictable on a household-by-household basis. While there are strong relationships between child poverty and children living in single-parent households and being dependent on a welfare benefits, there are also children living in two-parent households receiving a market income who are also judged to be living in relative poverty. For example, the 2011 Household Economic Survey suggests that 56% of children living in a single-parent household and 13% of children living in a two-parent household are living in relative poverty. The Survey also reports that 8% of children living in households where both parents are working are seen to be living in relative poverty, as are 65% of children living in so-called 'workless households' where there is no additional income even from part-time work.

Another year of minimal change in levels of child poverty was matched by little tangible progress being made by the Ministerial Committee on Poverty. The government is to be congratulated for finally starting to recognise this problem and its attempt to face this problem with the very recent "Food in schools" partnership programme but this seems a Band-Aid situation and does not really focus on the root causes of the problem. This is despite their being numerous studies and papers written on the subject.

JUSTICE:

5. **In response to Recommendation n65:** *Continue efforts to ensure that people belonging to minority groups are not discriminated against in the criminal justice system.*

Māori make up only 15% of New Zealand's population, but account for a disproportionate amount of those coming into contact with the criminal justice system - both as victims and offenders. Rates of victimisation across most offence types - particularly violent offences - are significantly higher for Māori. Māori are also over-represented at the other end of the criminal justice spectrum; in New Zealand's arrests, prosecutions, convictions, imprisonments and re-imprisonments.

At every stage in the criminal justice process, the outcomes for Māori are generally more severe than they are for Pakeha. Māori are less likely to receive diversion or cautions and are more likely to be sentenced to prison. Although New Zealand's imprisonment rate is 199 people per 100,000, the rate for Māori is closer to 700 per 100,000. Māori make up over 50% of New Zealand's prison population and over 60% of its female prison population.

The high imprisonment rate is a relatively recent phenomenon - only increasing substantially from the 1950s onwards. This point in time coincided with the rapid

urbanisation of Māori and other social and economic changes. However, it has proved resistant to policy responses in the criminal justice sector.

The levels of offending and victimisation have significant inter-generational impact on the well-being of Māori households and communities. The stigma associated with imprisonment also hampers the successful rehabilitation of former prisoners into mainstream society, increasing the risk of re-offending.

Why are Māori over-represented in the criminal justice system?

These issues are the subject of on-going public debate, policy and legislative development. Research highlights the range of possible explanations for the increasing over-representation of Māori in the criminal justice system in the context of a falling crime rate.

These include:

- structural inequality and criminal justice system bias towards Māori
- a higher proportion of Māori experiencing multiple 'drivers of crime'; such as poor health, family breakdown, and low rates of economic and social participation
- a youthful Māori population, with more Māori in the typical 'offending age range'

However there is little empirical research on these issues. Much of what currently exists is deficit based, and focuses on Maori needs and social disadvantage.

Rethinking believes that broader social research is needed in New Zealand. In particular, we should be learning from those strong and resilient whanau who succeed despite individual and collective disadvantage.

6. In response to Recommendation n22: *Commit itself to combating institutional bias that can result in the overrepresentation of specific groups in the criminal justice system.*

People from ethnic minorities, lower socio-economic groups and people with mental illness are disproportionately represented in the justice system. The Department of Corrections is undergoing major and rapid changes with an overarching goal of reducing reoffending by 25% by 2017. Strategies are being introduced such as integrated case management, ready for work programmes which include literacy and numeracy and special focus on Maori. However NZ has the 2nd highest imprisonment rate in the Western world and little is being done to address the causes of crime and in particular the over representation of Maori and disadvantaged groups in the community. There appears to be a discriminatory judicial process with a different standard for the more disadvantaged and less resourceful groups. Specialist programmes and units are slowly being developed such as drug treatment units but they tend to be seen as a cure in themselves and once graduated from them there is little or no follow up or support. There is a new problem developing with more and more aged people with high physical and health needs being incarcerated.

7. In response to Recommendation n34: *On the issue of privatization of prison management, keep in mind the need to ensure the humane treatment of prisoners.*

Compared to many countries NZ prisons are humane. However there are long lock downs; some 23 hours a day, and many unnecessary deprivations: many sensory. Boredom is a major issue. There is no evidence to date that the Private prisons are any worse or better than the public system apart from the fact that profit is the motive for private prisons.

8. **In response to Recommendation n25:** *Raise the age of criminal responsibility so that it complies with relevant international standards.*

There has been no change to this whatsoever with the law remaining unchanged. The law recognises that the capacity of a child or young person to understand and be held responsible for his or her actions develops over time. This is reflected by different ages being set for different levels of criminal responsibility.