



## New Zealand UPR Pre-Session, Geneva, 13 February 2024

### Combined statement: Peace Movement Aotearoa and twelve supporting NGOs<sup>1</sup>

While there has been some progress on the recommendations of the last UPR, the NGO written submissions made in October 2023 highlighted ongoing human rights issues still requiring action. Since the coalition government took office in November there has already been a major reversal on some areas of progress, and it proposes changes that will further erode a range of human rights.

**Constitutional and legislative framework:** This situation has highlighted the lack of constitutional protection for the Treaty of Waitangi<sup>2</sup> and human rights, including economic, social and cultural rights which are not even included in the New Zealand Bill of Rights Act. The notion of parliamentary supremacy means that any New Zealand government can pass legislation violating human rights by a simple majority.

**Economic and social rights:** In its first two weeks, under urgency and with no opportunity for public input, the coalition government made a number of legislative changes that impact economic and social rights, including repeal of the Fair Pay Agreements Act, despite advice from officials that this would have a disproportionate impact on Māori, Pasifika, women, and young persons; and extending employment trial periods of up to 90 days - during which workers can be fired for no reason - to all businesses.

There was no consideration of the impact these, and other, changes will have on the poorest New Zealanders, including the unacceptably high number of children living in poverty, experiencing food insecurity and housing deprivation in Aotearoa.<sup>3</sup>

**Human rights and climate change:** Also in the first two weeks, with no public consultation, legislative changes that impact the right to a clean, healthy and sustainable environment began with the repeal of incentives for electric vehicles, and local authorities were instructed to stop a range of sustainable transport initiatives. New Zealand intends to resume new oil and gas exploration and other activities that will increase the risk of existential climate change<sup>4</sup>; and to divert \$2 billion from the Climate Emergency Relief Fund to help pay for tax cuts that will mainly benefit wealthy New Zealanders, and will result in decreases to already underfunded public services for those who most need them.

**Right to health:** Those tax cuts will also be funded by the repeal of provisions of the smoke-free legislation - to increase government revenue from the sale of tobacco products. This is but one of several proposed measures that will impact the right to health, particularly for Māori, Pasifika, women and children.

**Indigenous Peoples' Rights:** The Treaty of Waitangi and Māori collective rights are a particular target of the coalition government, which proposes - among other things - to disestablish the Māori Health Authority (Te Aka Whai Ora), restrict the use of Māori language in the public service, roll-back co-governance agreements, and introduce a Treaty Principles Bill that will essentially re-write the Treaty of Waitangi.

**Persons with disabilities:** The Accessibility for New Zealanders Bill was recently reported back to Parliament without the changes that are necessary to ensure accessibility for Deaf and disabled people.<sup>5</sup>

**Mass detention of migrants and asylum seekers:** None of the recommendations raised in New Zealand's third UPR have been implemented, and the 2023 Immigration (Mass Arrivals) Amendment Bill will increase the length and possibility of arbitrary detention if enacted.<sup>6</sup>

**Family violence:** Gaps in the Victims of Family Violence Visa policy prevent many migrant women from being able to leave situations of violence, resulting in life threatening harm.<sup>7</sup>

**Acceptance of international norms:** New Zealand is not a state party to a number of international human rights instruments, which are listed in Peace Movement Aotearoa's UPR submission.<sup>8</sup>

**Voluntary pledge:** New Zealand's pledge last December "to launch an online, public facing human rights monitoring tool in 2024, to record UN treaty body and UPR recommendations"<sup>9</sup> is essentially meaningless unless there is a commitment to actually make real progress on those recommendations.

### **Our recommendations**

- **Constitutional and legislative framework:** New Zealand must ensure enforceable protection for Te Tiriti o Waitangi and enforceable protection for human rights - including economic, social and cultural rights - in its constitutional arrangements
- **Economic and social rights:** New Zealand must reverse legislative changes that negatively impact economic and social rights, including worker's rights, and there must be no further erosion of these rights through legislative or policy changes - children's health and well-being must be the priority in all legislative and policy changes
- **Human rights and climate change:** New Zealand must increase its efforts to reduce emissions to meet its Paris Agreement target, and must not resume oil and gas exploration
- **Right to health:** New Zealand must not repeal provisions of the smoke-free legislation
- **Indigenous Peoples' Rights:** New Zealand must progress, not further erode, the collective and individual rights of Māori
- **Persons with disabilities:** New Zealand must re-write the Accessibility for New Zealanders Bill through a genuine process of co-design with Deaf and disabled people and their representative organisations
- **Mass detention of migrants and asylum seekers:** New Zealand must not enact the 2023 Immigration (Mass Arrivals) Amendment Bill, and the 2013 Act must be repealed
- **Family violence:** New Zealand must urgently improve the **Victims of Family Violence Visa** regime to protect migrant women
- **Acceptance of international norms:** New Zealand must join all the international human rights instruments it is not yet a state party to
- **Voluntary pledge:** New Zealand must commit to real progress on all human rights

We also support the recommendations made by the Aotearoa Independent Monitoring Mechanism for the UN Declaration on the Rights of Indigenous Peoples, Wairarapa Moana Incorporation and Wakatū Incorporation.

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**Statement contact:** Peace Movement Aotearoa, email [icanz@xtra.co.nz](mailto:icanz@xtra.co.nz)

**Additional NGO NZ UPR statements and briefings:** are available at <http://nzupr.org/>

## References

<sup>1</sup> Combined statement coordinated and written by Peace Movement Aotearoa, in association with Child Poverty Action Group, Community Law Centres o Aotearoa, Human Rights Foundation, and National Council of Women of New Zealand / Te Kaunihera Wāhine o Aotearoa; and is also supported by ECPAT Child Alert, Federation of Business & Professional Women New Zealand, New Zealand Council of Trade Unions / Te Kauae Kaimahi, OraTaiao: New Zealand Climate and Health Council, Parents for Climate Aotearoa, Protect Our Winters Aotearoa, WILPF (Women's International League for Peace and Freedom) Aotearoa, and Women's Refuge / Ngā Whare Whakaruruhau o Aotearoa

<sup>2</sup> All mentions of 'Treaty of Waitangi' in this statement are referring to Te Tiriti o Waitangi, the authentic Māori text signed by the British Crown and almost all of the 500+ Rangatira who signed on behalf of their hapū at Waitangi on 6 February 1840 and subsequently at other locations around Aotearoa

<sup>3</sup> For example, every month 500,000 New Zealanders are reliant on charity food banks to maintain a minimal standard of nutrition, and the impact of poverty on children is reflected in hospital admissions for babies and children under the age of five years with preventable illnesses, which have increased by more than 30% since June 2022, <https://www.cpag.org.nz/our-campaigns/childpovertyagenda2023> UNICEF reports that 20% of Māori children are living in poverty, 24% of Pacific children, 8% of children of European descent; children with disabilities are twice as likely to live in material hardship as children without disabilities; and children in a one-adult household are more than five times as likely to be living in poverty when compared with other children, <https://www.unicef.org.nz/media-releases/progress-in-child-poverty-reduction-moves-nz-up-international-rankings>

<sup>4</sup> Other harmful proposals include: removing the requirement for local authorities to implement plans to improve freshwater quality by the end of 2024; changes to the Resource Management Act, including permitting private developers to by-pass local authorities and public consultation and instead be referred by government Ministers for fast-track approval for building and infrastructure projects; reversing limitations on bottom trawling; permitting mining in conservation areas, and more

<sup>5</sup> Please refer to the Community Law Centres o Aotearoa submission, available at <http://nzupr.org/>, for further information and recommendations

<sup>6</sup> As at note above

<sup>7</sup> As at note above

<sup>8</sup> Please refer to the Peace Movement Aotearoa submission, at <http://nzupr.org/>, for further information and recommendations

<sup>9</sup> Available at <https://www.mfat.govt.nz/en/media-and-resources/human-rights-75-pledging-meeting>