

**United Nations Human Right Council 12th Session
UPR New Zealand
Canadian HIV/AIDS Legal Network**

2

Thank you, Mr President. Kia ora, members of the delegation,

We appreciate New Zealand's constructive engagement in the UPR process, and positive responses to many of the recommendations raised.

We welcome New Zealand's acceptance of recommendations to "address all forms of unlawful discrimination suffered by vulnerable groups and to take action to understand the causes of such inequality". We note that at paragraph 47 of the Working Group report, Brazil welcomed the decriminalization of homosexuality. Of course, much has changed since then, and we appreciate the articulation in the national report of the significant steps to treat lesbian, gay, bisexual and transgender people with equal dignity and respect and to provide equal recognition to same-sex partners. The national report does note some areas in which same-sex partners are not yet accorded equal treatment with opposite-sex partners, particularly in the area of parenting, and we would urge the government to address any remaining areas of inequality.

In its national report, New Zealand also highlighted the 2008 report of the New Zealand Human Rights Commission, titled *To be Who I am*, a Report of the Inquiry into Discrimination Experienced by Transgender People. Since the UPR is an opportunity to identify best practices, we would like to commend to all States this report as a model, both in terms of the substance of the recommendations, and the participatory process by which transgender people were encouraged to identify their own needs, in their own voices. At the Working Group stage, the delegation indicated that the Government is considering its response to the recommendations in this report, so we would appreciate an update on the Government's position. In particular, we would recommend that gender identity and gender expression be included in human rights legislation as prohibited grounds of discrimination, and that the *Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity* be applied as a guide to assist in policy development. Stakeholders further expressed concern at a lack of understanding of sexual orientation and gender identity issues in educational institutions, and we would suggest that this be addressed through programmes to raise awareness and respect for diversity.

We are encouraged that in its response the Government indicates that it would like to move to support the *Declaration on the Rights of Indigenous Peoples*, which we believe does not detract from, and is not inconsistent with, New Zealand's own national and constitutional commitments, and we would urge the government to support the Declaration as soon as possible.

Finally, while we acknowledge the government's response regarding the limited status of the *New Zealand Bills of Rights Act*, we believe that New Zealand's positive commitment to human rights can only be strengthened by enhancing the constitutional status of this legislation.

Thank you.