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Working Group on the Universal Periodic Review

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### **Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21**

#### **New Zealand\***

The present report is a summary of 54 stakeholders' submissions<sup>1</sup> to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Resolution 16/21 of the Human Rights Council, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

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\* The present document was not edited before being sent to United Nations translation services.

## **I. Information provided by the accredited national human rights institution of the State under review in full compliance with the Paris Principles**

### **A. Background and framework**

1. New Zealand National Human Rights Commission (NZHRC) endorsed greater recognition of the Treaty of Waitangi in constitutional arrangements.<sup>2</sup>
2. Noting significant gaps in incorporating human rights in domestic legislation, NZHRC recommended: protection of property rights in the Bill of Rights Act (BORA) and explicit statutory recognition of economic, social and cultural rights, including the availability of judicial and alternative human rights dispute resolution mechanisms/remedies (ADR) where appropriate.<sup>3</sup>
3. NZHRC observed that there was seldom any transparent assessment of New Zealand's international human rights obligations in the development of legislation. The requirement set out in section 7.60 of the Cabinet Manual should be more explicit in requiring identification of implications relating to international human rights commitments and extended to apply to all policy and legislation; with Ministers and officials directed to strictly adhere to current and extended Cabinet Manual requirements.<sup>4</sup>
4. Noting the Government since 2008 had passed over 70 Bills under urgency, which had significant human rights implications, NZHRC recommended, inter alia, limiting the use of urgency to exceptional circumstances and subject to bi-partisan support.<sup>5</sup>
5. Recommendations were made for the Government to commit to: the formal tabling of all concluding observations from UN treaty bodies in Parliament; and establishing a human rights select committee to conduct comprehensive human rights analysis of all legislation (primary and secondary).<sup>6</sup>
6. NZHRC observed that human rights considerations were generally not at the heart of public policy making<sup>7</sup> and recommended that the Government commit to developing and implementing a human rights education strategy, including capacity-building programmes for parliamentarians and senior civil servants, to ensure rights holders and duty bearers know their human rights and responsibilities, the development of policy and legislation is informed by a human rights approach, and decision making is consistent with New Zealand's human rights obligations.<sup>8</sup>
7. The Human Rights Council (HRC) should note the Government's commitment to work with NZHRC, non-governmental organizations and other members of civil society to develop, actively monitor and implement New Zealand's second National Plan of Action for Human Rights (NPA).<sup>9</sup>
8. NZHRC stated that there remained a distinct lack of data and recommended the Government commit to: developing an agreed set of key human rights indicators; systemically collecting data across these indicators; and ensuring this data is sufficiently disaggregated to measure the impact on groups vulnerable to systemic disadvantage.<sup>10</sup>
9. NZHRC urged the Government to ensure all businesses operating or registered in New Zealand apply the *Guiding Principles on Business and Human Rights* (the Ruggie Principles) in all their activities.<sup>11</sup>

## **B. Cooperation with human rights mechanisms**

10. Regarding reducing potential costs of accession to individual complaints procedures, NZHRC proposed that the Government work with treaty bodies to explore ways ADR mechanisms could be used.<sup>12</sup>

11. NZHRC recommended the Government establish a comprehensive UPR and treaty body reporting process, linked to the Government's own planning process and periodic development of National Plans of Action for Human Rights, that includes engagement with civil society, greater integration across public agencies, including clearer accountability for coordinating and publicising reports and following up on their recommendations.<sup>13</sup>

## **C. Implementation of international human rights obligations taking into account applicable international humanitarian law**

12. NZHRC recommended that the Government: reset targets for women's representation that expressly acknowledge gender equality and progressively eliminate the gender pay gap across all groups and ethnicities by 2019 by using demonstrated effective mechanisms, including intensive monitoring processes and legislative levers; and implement the recommendations from the *Caring Counts* report.<sup>14</sup>

13. NZHRC recommended that strategies be established across all sectors including health, education, and justice to identify and address structural discrimination. These strategies should set specific timelines and targets and be monitored and reported on regularly.<sup>15</sup>

14. NZHRC recommended that interventions to reduce violence be actively monitored, adjusted and extended on the basis of robust empirical evidence.<sup>16</sup>

15. NZHRC indicated that the Canterbury earthquake recovery experience was symptomatic of a move towards centralised governance, progressively removing the voice of affected people from decision making process.<sup>17</sup> NZHRC recommended that New Zealand: commit to open, transparent and participatory governance and actively engage with the *Open Government Partnership*; and ensure active participation from communities and individuals in all decision making about them at both a local and national level by developing, implementing and actively monitoring appropriately tailored systems and processes.<sup>18</sup>

16. NZHRC reported that 230,000 of the poorest children were discriminated against on the basis of their parents' work status because of the way the *In Work Tax Credit* was designed and applied. This was currently the subject of litigation before the Court of Appeal. NZHRC recommended that the Government commit to a timetable for implementing the recommendations in the Experts Advisory Group (EAG's) report on Solutions to Child Poverty.<sup>19</sup>

17. NZHRC recommended that the Government: ensure provision of adequate housing including social housing for people in need and particularly for vulnerable groups; develop a national housing plan which addresses the right to adequate housing and prioritizes the needs of vulnerable people in all tenure types; and adopt a human rights approach to the Canterbury earthquake recovery ensuring appropriate consideration for temporary housing.<sup>20</sup>

18. NZHRC recommended the Government commit fully to protecting and promoting indigenous rights through appropriate measures in law, policy and practice, and promptly announce a timetable to implement the Waitangi Tribunal's decision *Wai 262*,<sup>21</sup> and

enhance appropriate mechanisms for effective consultation with indigenous people around all policies affecting their ways of living and resources.<sup>22</sup>

19. NZHRC recommended that the Government: urgently reconsider the *Public Health and Disability Amendment Act* and repeal those sections that limit further legal action and the circumstances in which family members can be paid and the categories of family member that can be paid; ensure that effective domestic remedies are available for breaches of all those rights as set out in the international treaties to which New Zealand is a party; and advise on the concrete steps taken to address the systemic abuse of the health of people with intellectual disability since 2009.<sup>23</sup>

## II. Information provided by other stakeholders

### A. Background and framework

#### 1. Scope of international obligations<sup>24</sup>

20. Human Rights Foundation (HRF-NZ)/Joint Submission (JS)14 recommended that New Zealand ratify ICRMW, CPED, the UN Convention against Corruption, ILO Convention No. 87, OP-ICESCR, OP-CRC-IC,<sup>25</sup> OP-CRPD and make the declaration under Article 14 of ICERD.<sup>26</sup> Edmund Rice International (ERI)/JS12 urged New Zealand to ratify ILO Convention No. 169.<sup>27</sup>

21. According to JustSpeak/JS16, New Zealand did not comply with the requirement of CAT's article 14 that an individual subject to a human rights breach had an enforceable right to compensation and recommended that New Zealand reconsider that reservation.<sup>28</sup>

22. New Zealand Council of Trade Unions (NZCTU)/JS18 recommended that New Zealand lift its reservations on Article 22 of ICCPR and article 8 of ICESCR<sup>29</sup> and seek ILO's assistance in ratifying ILO Convention No. 87 on Freedom of Association.<sup>30</sup>

23. Equal Justice Project (EJP)/JS10 recommended enactment of a minimum age of employment for children, thereby allowing ratification of ILO Convention No. 138, and removal of the reservation to CRC's Article 32.<sup>31</sup> Action for Children and Youth Aotearoa (ACYA)/JS1 recommended immediate withdrawal of the reservation to CRC so that health care is provided to resident and non-resident children equally.<sup>32</sup>

#### 2. Constitutional and legislative framework

24. WeCan/JS25 recommended a change to BORA to include the principle that "every person is equal before the law"; and of "the right to not have private property expropriated by the Government except with full compensation".<sup>33</sup> HRF-NZ/JS14 recommended amending BORA to provide an explicit right of remedy for breaching BORA; and establishing BORA as over-riding ordinary statutes.<sup>34</sup>

25. Amnesty International (AI) recommended incorporation of economic, social and cultural rights in BORA.<sup>35</sup> New Zealand Law Society NZLS also recommended that the status of such rights could occur in the review of constitutional arrangements.<sup>36</sup>

26. While the Government was acknowledged for establishing its Review Panel to consider constitutional issues, Te Runanga O Te Rarawa (the Rūnanga) highlighted that it was the Māori version (Te Tiriti o Waitangi) which maintained Māori absolute authority (tino rangatiratanga), and not the English version of "The Treaty" that should be given primacy in any such a constitutional review.<sup>37</sup> The Rūnanga also recommended constitutional entrenchment and protection for ICERD and United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).<sup>38</sup>

27. Referring to legislation enacted by Parliament despite a negative section 7 BORA report by the Attorney-General (listed in Appendix B),<sup>39</sup> NZLS stated that legislative measures failing to meet New Zealand's human rights obligations should be revisited.<sup>40</sup> Additionally, four bills should be freshly considered for consistency with BORA and international human rights standards and not be passed if considered inconsistent (listed in Appendix C).<sup>41</sup> AI made related recommendations.<sup>42</sup>

### **3. Institutional and human rights infrastructure and policy measures**

28. New Zealand's National Preventive Mechanisms (NPMs-NZ)/JS19 recommended that funding levels be increased to cover the costs of OP-CAT work.<sup>43</sup>

29. Independent Monitoring Mechanism of the CRPD (IMM-CRPD/JS15) recommended that Statistics New Zealand develop comparable data sets, by December 2014, for education achievement, work force participation and living independently and being included in the community.<sup>44</sup>

30. HRF-NZ/JS14 recommended involving Parliament in a human rights commissioner appointment process, possibly as one responsibility of a Parliamentary Select Committee for Human Rights.<sup>45</sup>

31. UNCROC Monitoring Group (UNCROCMG)/JS24 recommended that work be commenced towards the implementation of a child impact assessment process or, alternatively, a best interests clause that mandates explicit consideration of the impact of decision-making on affected children.<sup>46</sup>

## **B. Cooperation with human rights mechanisms**

32. As the UN Sub-Committee on Prevention of Torture visited New Zealand in 2013, NPMs-NZ/JS19 encouraged the Government to release the report publicly and set a timetable for implementing its recommendations.<sup>47</sup>

## **C. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

### **1. Equality and non-discrimination**

33. According to CEDAW Coalition of New Zealand NGOs (CCNZNGOs)/JS6, women's rights and gender equality had stalled and in some cases regressed.<sup>48</sup> CCNZNGOs/JS6 urged New Zealand to develop with civil society involvement an Action Plan with authentic targets and strong accountabilities. The Plan must target violence against women, pay inequality, the status of Maori and Pacific women, and the importance of welfare and employment related reform on the lives of women and their families. The status of disabled women must also be addressed.<sup>49</sup> Additionally, Pacific Women's Watch-New Zealand (PWW-NZ)/JS21 raised concerns about the health and welfare of elderly women.<sup>50</sup>

34. Educational Institute Te Riu Toa (NZEI) stated that the gender pay gap was the biggest in 10 years.<sup>51</sup> CCNZNGOs/JS6 reported on persistent disparities for women in management across industry sectors.<sup>52</sup> NZCTU/JS18 recommended that measures and indicators for pay equity implementation be developed, and a process for the implementation of pay parity and equality for female workers in the aged care, disability and special education sectors be established.<sup>53</sup>

35. Kirikiriroa Human Rights Network recommended that the Police collect statistics on the number of racially motivated crimes.<sup>54</sup>

36. Mental Health Foundation of New Zealand (MHF-NZ) highlighted that Maori were disproportionately represented in mental illness statistics, experienced a poorer standard of living, higher unemployment, lower educational achievement and socio-economic status and consequently poorer health.<sup>55</sup> AI also noted that the NZHRC raised institutional bias (structural discrimination) as a contributing factor to those inequalities.<sup>56</sup> UNCROCMG/JS24 referred to the Maori Affairs Select Committee's 2012 *Inquiry on the Determinants of Well-being of Maori Children*, the findings of which had yet to be released.<sup>57</sup>

37. According to World Organisation for Early Childhood Education (OMEPAotearoaNZ), children with a parent in prison were one of the most marginalized groups and invisible in social policy.<sup>58</sup> International Presentation Association also referred to levels of offending and victimisation having significant inter-generational impact.<sup>59</sup> OMEPAotearoaNZ recommended using the expertise and evidence from local research on children of prisoners to draft policies.<sup>60</sup>

## 2. Right to life, liberty and security of the person

38. HRF-NZ/JS14 reported that persons with mental illness were greatly over-represented in police use of taser and firearm statistics.<sup>61</sup>

39. NPMs-NZ/JS19 reported that the Independent Police Conduct Authority (IPCA) carried out a review of deaths in police custody, highlighting the effect of alcohol, drugs and mental health issues on people in police custody as areas requiring attention.<sup>62</sup> Government should continue to extend measures to improve the mental health care and treatment of people in detention, and fund NPMs to retain adequate medical and psychiatric expertise.<sup>63</sup>

40. Concerned that trans prison inmates were particularly vulnerable to abuse and/or sexual assault, Aotearoa New Zealand's Sexual Orientation, Gender Identity and Intersex UPR Coalition (ANZSOGII)/JS3 recommended updating the Department of Correction's Transgender Prisoner policy to reflect international best practice.<sup>64</sup>

41. Regarding the treatment of prisoners in private prisons, HRF-NZ/JS14, recommended that the NPMs make inspections of contract prisons.<sup>65</sup>

42. Domestic Violence and Disability Working Group (DVD)/JS8 recommended that all domestic laws enabling involuntary sterilisation of disabled women and children be brought in line with international commitments.<sup>66</sup>

43. CCNZNGOs/JS6 noted as a positive development the initiative of a private individual to fund a commission of inquiry (The Glenn Inquiry) into family violence issues.<sup>67</sup> PWW-NZ/JS21 stated that Maori continued to be over-represented as victims and perpetrators of family violence.<sup>68</sup> New Zealand Council of Christian Social Services (NZCCSS) stated that the White Paper for Vulnerable Children released in 2012 focussed on a narrowly defined *Better Public Service Target* to reduce assaults on children by 5 % by 2017 and 27 Government-led policy initiatives (Children's Action Plan) to achieve this outcome.<sup>69</sup> While welcoming those steps, AI<sup>70</sup> and UNCROCMG/JS24<sup>71</sup> remained concerned that the focus was too narrow and did not look at the relationship between child abuse and contributing factors such as domestic violence and poverty.<sup>72</sup>

44. Coalition for the Safety of Women and Children (CSWC/JS7) urged the Government to develop, in collaboration with the domestic and sexual violence sectors and based on international best practice, a comprehensive strategic implementation plan.<sup>73</sup> Government should consult so that Maori have voices in shaping these policies.<sup>74</sup>

45. IMM-CRPD/JS15 noted that the Government had launched another inquiry into the way disabled people were being treated in residential care facilities.<sup>75</sup> DVD/JS8 recommended that New Zealand extend provision of the Confidential Listening and Assistance Service (only available for abuse prior to 1992) to support all those who had experienced abuse using Ministry of Health services.<sup>76</sup> Disabled Persons Assembly recommended that the State through the establishment of a disabilities Ministry and a disability Act ensure all disabled persons are protected whether in private or residential care.<sup>77</sup> DVD/JS8 stated that New Zealand must consult with disabled people to develop disability hate crime legislation.<sup>78</sup>

46. PWW-NZ/JS21 indicated the need to prioritize accommodation for women escaping from violence,<sup>79</sup> with DVD/JS8 recommending that disabled persons escaping abuse have access to state housing.<sup>80</sup>

47. PWW-NZ/JS21 reported that dowry abuse, forced and under age marriages were receiving growing recognition as serious problems<sup>81</sup> and made recommendations.<sup>82</sup>

48. PWW-NZ/JS21 recommended that New Zealand adopt a clear definition of trafficking as defined under UN Conventions.<sup>83</sup> ECPAT Child Alert-NZ recommended that New Zealand strengthen its policy and practice to prevent sexual exploitation of migrant girls and report on the extent of sexual exploitation and abuse of children in New Zealand.<sup>84</sup>

### **3. Administration of justice and the rule of law**

49. NZLS was concerned that a number of recent legislative measures were fundamentally in conflict with the rule of law (see its Appendix A).<sup>85</sup> Specific concerns were raised by CCCS Disability Action at the Health and Disability Amendment Bill passed on 16 May 2013, which banned the NZHRC, the Human Rights Review Tribunal or the courts from hearing complaints.<sup>86</sup> Related concerns were reported by Beneficiaries Advocacy Federation-NZ regarding the Social Security (Benefit categories and Work Focus) Amendment Act 2013.<sup>87</sup> NZLS recommended that New Zealand affirm its commitment to the principle that the courts' review jurisdiction should only be ousted in truly exceptional circumstances.<sup>88</sup>

50. While noting recent initiatives were achieving some results, NPMs-NZ/JS19 stated that the over-representation of Māori in all levels of the criminal justice system remained an enduring issue.<sup>89</sup>

51. AI reported that in 2011, the Ministry of Justice refused to acknowledge and address any possible institutional bias.<sup>90</sup> NPMs-NZ/JS19 recommended that strategies be established to identify and address structural discrimination in the justice system.<sup>91</sup> JustSpeak/JS16 recommended that policies be implemented for the appointment of further Māori Judges and to further encourage and support Māori to enter the legal profession;<sup>92</sup> and practices reviewed surrounding mothers and babies in prison to ensure compliance with the United Nations standards.<sup>93</sup> TalkingTrouble-NZ (TT-NZ)/JS23 recommended that New Zealand institute a speech language therapy service in the justice system.<sup>94</sup>

52. TT-NZ/JS23 pointed out that Youth Justice legislation was changed in 2010 so that prosecution of 12 and 13 year old children could take place in Youth Court rather than Family Court.<sup>95</sup> ACYA/JS1<sup>96</sup> recommended raising the age of criminal responsibility to 12; redefining "young person" for the purposes of the youth justice system as anyone below the age of 18<sup>97</sup> and investing in suitable detention facilities for children and young people, avoiding the need for detention in police custody or with adults.<sup>98</sup>

#### 4. Right to privacy and family life

53. HRF-NZ/JS14 recommended review of the *Search and Surveillance Act 2012* to ensure its compliance with BORA and ICCPR's article 17.<sup>99</sup> HRF-NZ/JS14 reported concerns that the *Government Communications Security Bureau and Related Legislation Bill 2013* would breach New Zealanders' right to privacy and to be free from unwanted surveillance.<sup>100</sup>

54. Dingwall Trust (DT) recommended that care and protection legislation be reviewed in light of the CRC, including raising the age of discharge from care to 18 years; and detailed legislation developed to provide transition planning and support for all young people leaving care for independent living.<sup>101</sup>

55. ACYA/JS1 recommended that the Government amend the Family Court Proceedings Reform Bill to retain appointments of lawyer for the child in all Care of Children Act cases and to require that children and young people's views be taken into account in all pre-Court compulsory mediation processes.<sup>102</sup>

56. ANZSOGII/JS3 recommended a review of the *Adoption Act 1955* with the aim of reflecting the legitimate diversity of family and parenting arrangements.<sup>103</sup>

#### 5. Freedom of expression, association and peaceful assembly, and right to participate in public and political life

57. HRF-NZ/JS14 recommended repealing the *Crown Minerals (Permitting and Crown Land) Act* that restricts the right of New Zealanders to protest at sea.<sup>104</sup>

58. EQImpacts/JS11 reported on the *Christchurch Emergency Recovery Act 2011* creating the Canterbury Earthquake Authority (CERA), which severely impacted on political rights.<sup>105</sup> EQImpacts/JS11 recommended that New Zealand: involve elected local representatives in CERA decision-making;<sup>106</sup> and be creative in seeking ways for the community to engage in decision making in the greater Christchurch area.<sup>107</sup>

59. NPMs-NZ/JS19 noted that the *Electoral (Disqualification of Sentenced Prisoners) Amendment Act 2010* effectively disenfranchised all sentenced prisoners.<sup>108</sup> NPMs-NZ/JS19 recommended that the Government commit to reviewing all legislation relating to detainees to ensure that it fully complies with New Zealand's international obligations.<sup>109</sup>

#### 6. Right to work and to just and favourable conditions of work

60. According to NZCTU/JS18, the *Employment Relations (Film Production Work) Amendment Act 2010* breaches ILO Convention No. 98.<sup>110</sup> Further law changes proposed were reportedly similarly retrogressive and another attack on collective bargaining rights. NZCTU/JS18 recommended that the Government seek the advice of the ILO on the legality of the 2013 proposed changes to employment relations legislation.<sup>111</sup>

61. NZCTU/JS18 recommended full implementation of the *Independent Workplace Health and Safety Taskforce*<sup>112</sup> and an independent inquiry into health and safety practices in the forestry industry.<sup>113</sup>

62. Save the Children–NZ–Child and Youth Council (SC–NZ–CYC) stated that New Zealand must provide more job opportunities for adults and youths and remove age-based wage discrimination.<sup>114</sup> NZCTU/JS18 recommended the repeal of the 2013 amendments to the *Minimum Wage Act* as they breach ILO Convention No.111.<sup>115</sup>

63. DVD/JS8 reported that some disabled people were paid less than a quarter of the minimum wage<sup>116</sup> and recommended ending the provision of Minimum Wage Exemption Permits.<sup>117</sup>



64. NZCTU recommended amendment of the *Paid Parental Leave Act* (PPL) to ensure the PPL eligibility of seasonal and casual workers and support for extending PPL entitlement from 14 to 26 weeks.<sup>118</sup>

## 7. Right to social security and to an adequate standard of living

65. AI noted that the highest nationally recorded level of income inequality among the general population was in 2011.<sup>119</sup> NZCCSS referred to the EAG report, which identified 270,000 children living in poverty, mostly Māori, Pasifika children, and children with disabilities.<sup>120</sup> UNICEF-NZ supported the recommendation from ACYA that the Government immediately accept and implement the recommendations of the EAG's report.<sup>121</sup>

66. UNCROCMG/JS24 noted the introduction of statutory 'social obligations' on beneficiary parents (which Combined Beneficiaries Union (CBU/JS5) believed reinforced negative stereotyping), coupled with a graduated sanctions regime to address non-performance of these obligations, including reductions in benefit income of up to 50% in some cases.<sup>122</sup> Child Poverty Action Group referred to its legal challenge on behalf of 227,000 children who were denied a child-related payment due to their parents' work status.<sup>123</sup>

67. Grey Power Federation (GPF-NZ) recommended that New Zealand form a strategy and action plans to reverse the current trends in fuel poverty and embed affordable access to energy services as a NZ Energy Policy objective.<sup>124</sup>

68. NZCCSS stated that a lack of affordable housing supply had been identified as a significant social and economic problem.<sup>125</sup> EQImpacts/JS11 referred to the growing concern of the number of tenants living in substandard housing.<sup>126</sup> NZCCSS recommended that the Government commit to a housing action plan to ensure that there is significant additional investment in affordable housing for those on low to medium incomes;<sup>127</sup> and that the housing warrant of fitness be trialled across all forms of rental housing.<sup>128</sup>

69. Quake Outcasts/JS22<sup>129</sup> WeCan/JS<sup>130</sup> and EQImpacts/JS11<sup>131</sup> reported on the human rights impact of the two major earthquakes in Canterbury in 2010 and 2011 with particular reference to the situation in the Residential Red Zone (RRZ). With EQImpacts highlighting that of approximately 190,000 dwellings in greater Christchurch, around 91% were damaged by the earthquakes.<sup>132</sup> QuakeOutcasts/JS22 recommended that the Government refrain from exercising powers in the *Canterbury Earthquake Recovery Act 2011* to compulsorily acquire personal properties in the RRZ; guarantee continuation of essential services in the RRZ; and provide timely and universal non-discriminatory compensation to all RRZ residents.<sup>133</sup> EQImpacts/JS11 also reported on the significant human rights impact of the actions of many companies operating in Christchurch. EQImpacts/JS11 recommended encouraging companies to sign up to and comply with industry-specific guidelines such as the *Principles for Responsible Investment 2006* and the *UNEP Principles for Sustainable Insurance 2012*.<sup>134</sup>

70. EQImpacts/JS11 recommended that strategies addressing homelessness be drafted.<sup>135</sup>

## 8. Right to health

71. New Zealand Nurses Organization (NZNO) highlighted the lack of essential Māori health workforce data which resulted in poor planning and outcomes for the workforce, and poor outcomes for Māori.<sup>136</sup>

72. MHF-NZ made suggestions, including to review and amend the mental health legislation to ensure it recognizes that people with mental disorder do not automatically

lose their capacity to consent to treatment; ensure that electro-convulsive therapy is genuinely administered with informed consent; and further investigate the reason for the disparities in hospitalisation of Maori and prioritise access to, effectiveness and responsiveness of community and primary services.<sup>137</sup>

73. The Abortion Law Reform Association of New Zealand's (ALRANZ) recommended that abortion be removed from the *Crimes Act 1961* and that abortion be dealt with as an integral component of a comprehensive sexual and reproductive health service.<sup>138</sup> AKAHATA/JS2 further recommended that the Government direct the Law Commission to conduct a full review of the legislation related to abortion, and remove administrative barriers existing in the *Contraception, Sterilisation and Abortion Act 1977*.<sup>139</sup>

74. GenderBridge (GB) reported on New Zealand's health system failing to respond to the needs of gender diverse populations.<sup>140</sup> GB made recommendations to remove any requirement to undergo medical procedures to acquire legal recognition of gender identity.<sup>141</sup> Intersex Trust Aotearoa New Zealand recommended the statutory prohibition of surgical procedures on children who were not competent to consent for themselves aimed solely at correcting genital ambiguity;<sup>142</sup> and the right to effective remedies and redress.<sup>143</sup> ANZSOGII/JS3 recommended prioritising improving data collection about sex, gender and sexually diverse people's use of health services and their health outcomes.<sup>144</sup>

## 9. Right to education

75. UNCROCMG/JS24 stated that current policy fell short of providing universal free provision of Early Childhood Education (ECE).<sup>145</sup> NZEI reported on barriers to quality community-based ECE<sup>146</sup> and OMEPAotearoaNZ made recommendations for ensuring the equal participation of disabled children and their families in ECE.<sup>147</sup>

76. According to ACYA/JS1, the Education Amendment Bill 2012 would establish a new class of publicly funded school (Partnership/Kura Hourua), yet they would not be accountable in terms of expulsion, curriculum or other policies.<sup>148</sup> NZEI recommended that New Zealand ensure funding to enable a quality inclusive public education system that is staffed by appropriately qualified and registered teachers, provides access for local communities, and ensures accountability to the families and *whanau* of the children attending these facilities.<sup>149</sup>

77. IMM-CRPD/JS15 recommended establishing an enforceable right to inclusive education and implementation of school anti-bullying programmes for disabled students,<sup>150</sup> while ANZSOGII/JS3 made related recommendations for SOGII students.<sup>151</sup>

## 10. Persons with disabilities

78. IMM-CRPD/JS15 observed that the passing of the New Zealand *Public Health and Disability Amendment Act 2013* (PHDAA) was a cause for concern.<sup>152</sup> DVD/JS8 recommended that New Zealand repeal that Act and engage in constructive dialogue with the disability community to find a solution to the issue of paying family carers that does not perpetuate discrimination in breach of BORA or risk disabled people being unable to escape from abusive carers.<sup>153</sup>

79. National Foundation for the Deaf (NFD)/JS17 stated that the 2010 amendment to the *Accident Compensation Act* had raised the statutory threshold, to six per cent, of required hearing loss for a claim.<sup>154</sup> Those changes had resulted in a decrease in claims' volume and costs that could represent discrimination.<sup>155</sup> Additionally, CBU/JS5 recommended that a process be developed to integrate the medical social security benefits and the Accident Compensation system.<sup>156</sup> Health and disability (H&D/JS13) called for the innovative use of technology amongst health and disability agencies, such as e-care and tele-health.<sup>157</sup>

NFD/JS17 also alleged that there were still no policy measures in place that addressed captioning and accessibility for Deaf and Hearing-Impaired persons.<sup>158</sup>

80. IMM-CRPD/JS15 further recommended that the Ministry of Health develop and implement a plan to improve the health and wellbeing of people with intellectual/learning disabilities.<sup>159</sup>

81. IMM-CRPD/JS15 believed that access to buildings and the built environment<sup>160</sup> and access to official information needed urgent attention.<sup>161</sup> EQImpacts/JS11 recommended taking all opportunities to improve the built environment during the *Rebuild* of Christchurch.<sup>162</sup>

## 11. Indigenous peoples

82. Peace Movement Aotearoa (PMA)/JS20 highlighted New Zealand's reportedly qualified statement on announcing its support for the UNDRIP in 2010 in that its engagement would be defined by the country's legal and constitutional frameworks.<sup>163</sup> The Rūnanga called for constitutional recognition, including of Māori as First Peoples; and for enabling Māori self-determination in accordance with the UNDRIP.<sup>164</sup>

83. Reporting that the *State-Owned Enterprises Act 1986* (SOE Act) had specific Treaty of Waitangi requirements,<sup>165</sup> PMA/JS20 recommended the halt to the sale of state-owned power companies until agreement was reached with *hapu* and *iwi* about how their rights and interests can be fully protected.<sup>166</sup>

84. The Rūnanga recommended that the Government consult and cooperate in good faith with Māori concerned through their own representative institutions in order to obtain Māori free, prior and informed consent (FPIC) when developing and before adopting and implementing legislative or administrative measures that may affect them.<sup>167</sup>

85. According to PMA/JS20, one of the restrictive provisions of the *Marine and Coastal Area (Takutai Moana) 2011 Act* was the test of "exclusive use and occupation" of foreshore areas since 1840 - as many areas were unlawfully taken or confiscated, this provision represented a double injustice for those affected by such actions.<sup>168</sup>

86. Continued concerns were raised about the determination of the mandated claimant group in relation to both current and previously settled claims including by Ruawaipu Iwi Te Tiriti Claims Settlement Authority.<sup>169</sup> The Rūnanga reported that the average value of settlements was allegedly 1-3% of the total value.<sup>170</sup> Ngati Huarere Ki Whangapoua Trust recommended that to ensure durable settlements, an independent body to the Government, such as the Waitangi Tribunal or the Māori Land Court should be given binding powers to make determinations on disputes over the representation of claimants.<sup>171</sup>

## 12. Migrants, refugees and asylum seekers

87. Canterbury Business Association (CBA)/JS4 referred, inter alia, to reports that many recent immigrants faced major obstacles in securing relevant and rewarding employment<sup>172</sup> and often needed to re-qualify.<sup>173</sup> CBA/JS4 recommended the repeal of the two year stand down period on access to student loans and allowances for new residents.<sup>174</sup> EQImpacts/JS11 recommended that New Zealand develop a long term national strategy for the integration and support of migrant workers.<sup>175</sup>

88. ChangeMakers Refugee Forum while welcoming the National Refugee Resettlement Strategy providing an insight into quota refugee outcomes in self-sufficiency health, participation, education and housing, recommended, inter alia, that the strategy be expanded to include Convention refugees and Refugee Family Support arrivals.<sup>176</sup>

89. HRF-NZ/JS14 called for the repeal of the *Immigration (Mass Arrivals) Amendment Act 2013* and that New Zealand not proceed with the arrangement made to resettle 150 of a neighbouring country's refugees in exchange for processing in its offshore detention centres any mass arrivals to New Zealand.<sup>177</sup>

### **13. Right to development and environmental issues**

90. Prior to the conclusion of the Trans-Pacific Partnership agreement (TPPA) negotiations, It's Our Future-NZ recommended that the Government prepare or request and fund NZHRC to do an impact assessment in accordance with the *Guiding Principles on human rights impact assessments of trade and investment agreements* prepared by the Special Rapporteur on the right to food.<sup>178</sup> EJP/JS10 called for guaranteeing the Pharmac process (bulk buying medicine system) while negotiating the TPPA chapters on intellectual property.<sup>179</sup>

91. Environment and Conservation Organizations ECO-NZ/JS9 expressed concern that the Government was adopting regressive environmental laws and policies.<sup>180</sup> HRF-NZ/JS14 noted that in 2012 New Zealand had withdrawn from the Second Commitment period of the Kyoto Protocol.<sup>181</sup> ECO-NZ/JS9 encouraged New Zealand to set a binding emissions reduction target and adopt a plan of action to achieve it<sup>182</sup> and legally recognise the right to a healthy environment;<sup>183</sup> ratify the *Aarhus Convention*;<sup>184</sup> and commit to sustainable development.<sup>185</sup> EJP/JS10 also recommended legal recognition of the right to water as a human right and action to protect it.<sup>186</sup>

### **14. Human rights and counter-terrorism**

92. PMA/JS20 alleged that Operation 8, a series of dawn raids in the name of "counter terrorism",<sup>187</sup> was an example of racially discriminatory treatment of Maori.<sup>188</sup> PMA/JS20 recommended New Zealand take immediate steps to implement all of the recommendations of the IPCA report on "Operation Eight".<sup>189</sup>

93. HRF-NZ/JS14 recommended, inter alia, clarification of the definition of terrorist and repeal of section 22 of the Terrorism Suppression Act.<sup>190</sup>

## Notes

<sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org). (One asterisk denotes a national human rights institution with “A” status).

*Civil society*Individual submissions

AI	Amnesty International, London, United Kingdom of Great Britain and Northern Ireland (UK);
ALRANZ	Abortion Law Reform Association of New Zealand, Wellington, New Zealand;
BAF-NZ	Beneficiaries Advocacy Federation of New Zealand, Murchison, New Zealand;
CCSDA	CCS Disability Action, Wellington, New Zealand;
ChangeMakers	ChangeMakers Refugee Forum, Wellington, New Zealand;
CPAG	Child Poverty Action Group, Auckland, New Zealand;
DPA-NZ	Disabled Persons Assembly (New Zealand) Inc., Wellington, New Zealand;
DT	Dingwall Trust, Auckland, New Zealand;
ECPAT-NZ	ECPAT Child ALERT New Zealand, Auckland, New Zealand;
GB	GenderBridge Incorporated, Auckland, New Zealand;
GI	The Glenn Inquiry, Auckland, New Zealand;
GPF-NZ	Grey Power Federation – New Zealand, Auckland, New Zealand;
IPA	International Presentation Association, New York, United States of America;
ITANZ	Intersex Trust Aotearoa New Zealand, Wairarapa, New Zealand;
It'sOurFuture	It's Our Future New Zealand, Auckland, New Zealand;
KHRN	Kirikiriroa Human Rights Network, Hamilton, New Zealand;
MHF-NZ	Mental Health Foundation, Auckland, New Zealand;
NHkWT	Ngati Huarere ki Whangapoua Trust (the Trust), Coromandel, New Zealand;
NM	Neelusha Meemon, Wellington, New Zealand;
NZCCSS	New Zealand Council of Christian Social Services, Wellington, New Zealand;
NZEI	New Zealand Educational Institute Te Riu Roa, Wellington, New Zealand;
NZLS	New Zealand Law Society, Wellington, New Zealand;
NZNO	New Zealand Nurses Organisation, Wellington, New Zealand;
OMEPAotearoaNZ	OMEP, the World Organisation for Early Childhood Education, Aotearoa New Zealand, New Zealand;
RITTCSA	Ruawaiipu Iwi Te Tiriti Claims Settlement Authority
SC-NZ-CYC	Save the Children New Zealand Child and Youth Council (CYC), Wellington, New Zealand;
The Rūnanga	Te Runanga O Te Rarawa, Kaitaia, New Zealand;
UNICEF-NZ	UNICEF Association New Zealand, New Zealand;

Joint submissions

ACYA/JS1	Joint Submission 1: Action for Children and Youth Aotearoa, New Zealand;
AKAHATA/JS2	Joint submission 2: submitted by the Family Planning New Zealand (FP NZ) and the Sexual Rights Initiative (SRI), a coalition including: Action Canada for Population and Development (Canada); Coalition of African Lesbians (Africa), Creating Resources for Empowerment and Action (India), AKAHATA (Latin America - Buenos Aires, Argentina), Egyptian Initiative for Personal Rights (Egypt), Federation for Women and Family Planning (Poland), and others;

ANZSOGII/JS3	Joint submission 3 of the Aotearoa New Zealand's Sexual Orientation, Gender Identity Intersex (SOGII) UPR Coalition, Auckland, New Zealand, composed of: Rainbow Youth Aotearoa, Intersex Trust Aotearoa, Queer Straight Alliance Network Aotearoa, Women's Health Action Trust, GenderBridge, Agender Christchurch, Nautilus Creative Trust, New Zealand AIDS Foundation, New Zealand Council of Trade Unions' Out@Work Council, Legalise Love Aotearoa and TransAdvocates;
CBA/JS4	Joint submission 4 of Canterbury Business Association, Christchurch, New Zealand and Migrant Action Trust, Auckland, New Zealand;
CBU/JS5	Joint submission 5 submitted by the Combined Beneficiaries Union, Auckland, New Zealand, in coalition with Rotorua Peoples Union, Kaitaia Peoples Centre, East Coast Advocacy Service, Beneficiary Advisory Service;
CCNZNGOs/JS6	Joint Submission 6 CEDAW Coalition of New Zealand NGOs, Auckland, New Zealand, the members of the coalition represent the following organisations: The New Zealand Federation of Business and Professional Women (BPW), Bridgebuilders Trust, New Zealand Council of Trade Unions (NZCTU), Catholic Women's League Auckland Diocese, Methodist Women's Fellowship, National Collective of Independent Women's Refuges, Pacific Island Safety and Prevention Project (THE PROJECT), PACT Restorative Justice Group, Presbyterian Women Aotearoa New Zealand, New Zealand Federation of Graduate Women, National Council of Women Auckland Branch, New Zealand Prostitutes Collective, Pacific Women's Watch (New Zealand), Pan Pacific and South East Asia Women's Association, Rape Prevention Education, Shakti Community Council, To Ohaaki a Hine – National Network for Ending Sexual Violence Together, Tongan Methodist Women's Fellowship; Homeworks Trust; Women's International League for Peace and Freedom; Women's Health Action Trust, YWCA Auckland, Zonta, Coalition for the Safety of women and Children and the 11 groups under its umbrella;
CSWC/JS7	Joint Submission 7 The Auckland Coalition for the Safety of Women and Children, Auckland, New Zealand, comprised of the following members: Auckland Sexual Abuse HELP, Auckland Women's Centre, Eastern Women's Refuge, Homeworks Trust, Inner City Women's Group, Mental Health Foundation, Mt Albert Psychological Services Ltd, North Shore Women's Centre, Rape Prevention Education – Whakatu Mauri, SHINE Safer Homes in NZ Everyday, Supportline Women's Refuge, Te Rito Rodney, Women's Health Action Trust;
DVD/JS8	Joint submission 8 submitted by: Domestic Violence and Disability Group, Auckland Disability Law Inc., CCS Disability Action Northern Region, Peace Movement Aotearoa and supported by: People first New Zealand – Nga tangata tuatahi, IHC Advocacy, Auckland New Zealand;
ECO-NZ/JS9	Joint submission 9 of the Environment and Conservation Organizations of New Zealand, Wellington, New Zealand, membership of which includes New Zealand branches of large international groups such as Greenpeace and Friends of the Earth, national groups including National Council of Women, as well as small local groups such as Kapiti Environmental Action and Save the Otago Peninsula, and issue oriented groups like the Yellow-eyed Penguin Trust;
EJP/JS10	Joint submission 10 submitted by Equal Justice Project on behalf of : Human Rights Foundation Aotearoa, New Zealand, covering the

	<p>submissions of: Human Rights' Foundation UPR Coalition Report on various human rights issues; Joint NGO submission on Indigenous Peoples' Rights and the Treaty of Waitangi, submitted by the Aotearoa Indigenous Rights Trust and Peace Movement Aotearoa, et al; Action for Children and Youth Aotearoa (ACYA)'s submission on children's and young people's human rights in Aotearoa New Zealand; ChangeMakers Refugee Forum NZ's submission on Refugees; It's Our Future NZ's submission on the Trans-Pacific Partnership Agreement (TPPA); Joint NGO submission submitted by the University of Canterbury UPR Submission Group on the human rights impacts of the Canterbury earthquakes; Aotearoa New Zealand's Sexual Orientation, Gender Identity and Intersex (SOGII)'s submission on Sexual Orientation, Gender Identity and Intersex issues; Child Poverty Action Group (CPAG)'s submission on Child Poverty; Joint NGO submission on Employment and Human Rights Issues submitted by New Zealand Council of Trade Unions Te Kauae Kaimahi (NZCTU); Environment and Conservation Organisations of NZ Inc (ECO)'s submission on environmental issues;</p>
EQImpacts/JS11	<p>Joint submission 11 on the human rights impacts of the Canterbury Earthquakes, Christchurch, New Zealand, which is endorsed in whole or in part by the following supporting organizations: 1. Action for Children &amp; Youth Aotearoa 2. Age Concern Canterbury 3. Brooklands Residents 4. Canterbury Business Association 5. Canterbury Men's Centre 6. Christchurch Migrants Centre/Te Whare Ta Wahi 7. Christchurch Multicultural Council 8. Christchurch Resettlement Services 9. Community Law Canterbury 10. Development Plus 11. Ferndale School 12. Human Rights Foundation 13. Lead School Transition 14. National Council of Women of New Zealand 15. Network Waitangi Otautahi 16. 100% Rates Relief 17. Pacifica (Christchurch Branch) 18. Peace Movement Aotearoa 19. Quake Outcasts 20. Red Section Owners Group 21. Royal New Zealand Foundation of the Blind 22. Tenants Protection Association/Tē Tōpu Tiaki-ā-Kainoho 23. University of Canterbury UPR Submission Group 24. Wider Earthquakes Communities Action Network 25. Women's International League for Peace and Freedom (WILPF) Aotearoa 26. Youth and Cultural Development Society;</p>
ERI/JS12	<p>Joint submission 12 submitted by Edmund Rice International, Geneva, Switzerland, and Edmund Rice Justice Aotearoa Justice Foundation;</p>
H&D/JS13	<p>Joint submission 13, prepared and submitted by: Cystic Fibrosis Association of New Zealand, Diabetes New Zealand, Haemophilia New Zealand, Motor Neurone Disease Association of New Zealand, Muscular Dystrophy Association of New Zealand, New Zealand Organisation for Rare Disorders, The National Foundation for the Deaf, Auckland, New Zealand;</p>
HRF-NZ/JS14	<p>Joint submission 14 by Human Rights Foundation of Aotearoa, New Zealand, Auckland, New Zealand, submitted on behalf of Equal Justice Project, Child Poverty Action Group, Combined Beneficiaries Union, Rotorua Peoples Union, East Coast Advocacy Service, Beneficiary Advisory Service Christchurch, Disability Law Centre, Human Rights Lawyers Association of Aotearoa New Zealand, Justspeak, New Zealand Council of Trade Unions, Child Poverty Action Group, Refugee Trauma Recovery, ChangeMakers Refugee</p>

- Forum; and supported by: Action for Children and Youth Aotearoa (ACYA), Peace Movement Aotearoa, Public Health Association of New Zealand (PHANZ), Environment and Conservation Organisations of NZ Inc (ECO), Women's International League for Peace and Freedom (WILPF) Aotearoa, the New Zealand Centre for Human Rights Law, Policy and Practice, It's Our Future NZ, Auckland Disability Law, University of Canterbury UPR Submission Group;
- IMM-CRPD/JS15 Joint submission 15 from the Independent Monitoring Mechanism of the CRPD, consisting of three independent partners: the Ombudsman, the Human Rights Commission and the Convention Coalition, which is presently made up of seven national Disabled People's Organisations (DPOs), Christchurch, New Zealand;
- JustSpeak/JS16 Joint submission 16 submitted by: JustSpeak and Wellington Community Justice Project, New Zealand;
- NFD/JS17 Joint submission 17, prepared and submitted by The National Foundation for the Deaf Incorporated (NFD) in New Zealand, Auckland, New Zealand, working with a coalition of organisations as follows: Pindrop Foundation (for people with cochlear implants); The Hearing Association of New Zealand (for people who are hard of hearing); The New Zealand Federation for Deaf Children; The Acoustical Society of NZ Inc.; The Hearing Therapists Association of New Zealand; The New Zealand Audiological Society;
- NZCTU/JS18 Joint submission 18 submitted by the New Zealand Council of Trade Unions, Wellington, New Zealand, is made on behalf of the 37 unions affiliated to the New Zealand Council of Trade Unions Te Kauae Kaimahi (CTU): Alloy Yachts Employees Federation Amalgamated Workers Union Central (AWUNZ) Association of Salaried Medical Specialists (ASMS) Aviation and Marine Engineers Association (AMEA) Bakers and Pastrycooks Union Cape Foulwind Drivers, Operators and General Workers Corrections Association of New Zealand (CANZ) Customs Officers Association of New Zealand (COA) Engineering, Printing and Manufacturing Union (EPMU) FIRST Union (Merger of Finsec and NDU) Flight Attendants and Related Services Association Furniture, Manufacturing & Associated Workers Union Independent Schools Education Association Maritime Union of New Zealand (MUNZ) Media Entertainment and Arts Alliance (NZ Actors Equity) Midwifery Representation and Advisory Services (MERAS) NZ Dairy Workers Union (DWU) New Zealand Educational Institute, Te Riu Roa (NZEI) NZ Meat Workers and Related Trades Union NZ Merchant Service Guild Industrial Union of Workers NZ Nurses Organisation (NZNO) NZ Post Primary Teachers Association Te Wehengarua ( NZ Professional Firefighters Union (NZPFU) NZ Professional Footballers Association (NZPFA) NZ Tramways and Public Transport Employees Union NZ Writers Guild (NZWG) Postal Workers Union of Aotearoa Public Service Association (PSA) Rail & Maritime Union (RMTU) Service & Food Workers Union - Nga Ringa Tota (SFWU) Southern Local Government Officers Union (SLGOU) Tertiary Education Union - Te Hautu Kahurangi o Aotearoa Takitini o Aotearoa (TEU) Tertiary Institutes Allied Staff Association (TIASA) TUIA Union UNITE;
- NPMs-NZ/JS19 Joint submission 19 by New Zealand's OP-CAT National Preventative Mechanisms, comprising four independent monitoring bodies: the Ombudsman, the Independent Police Conduct Authority (IPCA), the Children's Commissioner and the Inspector of Service Penal Establishments, New Zealand;



PMA/JS20	Joint submission 20, submitted by coordinating organizations: Aotearoa Indigenous Rights Trust (air TRUST) and Peace Movement Aotearoa, Wellington, New Zealand, and jointly submitted by: Auckland Catholic Diocese Bicultural Working Party, Corso Aotearoa New Zealand Inc, Disabled Persons Assembly NZ Inc, Network Waitangi Otautahi, Ngati Huarere ki Whangapoua Trust, Pax Christi Aotearoa New Zealand, Pacific Centre for Participatory Democracy, Poutama First Nation Iwi and Nga Hapu o Poutama, Quaker Treaty Relationships Group, Tamaki Treaty Workers, Taiwi Solutions, Te Runanga o Nga Kaimahi Maori o Aotearoa (New Zealand Council of Trade Unions Runanga), Te Runanga o te Whanau, Wellington Treaty Educators Network, and Women's International League for Peace and Freedom Aotearoa; Supported by: Action for Children and Youth Aotearoa, Auckland Anglican Social Justice Council, Christian World Service, Freedom Roadworks, Human Rights Foundation, Interchurch Northland Urban Rural Mission Inc, and Network Waitangi Whangarei;
PWW-NZ/JS21	Joint submission 21, by the Pacific Women's Watch (New Zealand) Inc, (a coalition), containing specific material from eight NGOs and endorsed by 20 NGOs within the coalition: Shakti Community Council, Women's Health Action Trust, Tu Wahine Trust, Women's Refuge NZ, Pacific Islands Safety and Prevention PROJECT, TOAH-NNEST-National Network Ending Sexual Violence Together, NZ Federation of Graduate Women, Presbyterian Women Aotearoa New Zealand;
QuakeOutcasts/JS22	Joint submission 22 submitted by Quake Outcasts New Zealand, Human Rights Incorporated New Zealand, Wider Earthquake Communities Action Network (WeCan) New Zealand, and supported by New Zealand Council for Civil Liberties;
TT-NZ/JS23	Joint submission 23 by Talking Trouble New Zealand, academics School of Psychology, The University of Auckland, Auckland, New Zealand, supported by the NZ Speech Language Therapists Association (NZSTA);
UNCROCMG/JS24	Joint submission 24 by the UNCROC Monitoring Group, Wellington, New Zealand; including Children's Commissioner, Human Rights Commission, Action for Children and Youth Aotearoa, UNICEF New Zealand, Save the Children New Zealand, Child Poverty Action Group, Every Child Counts;
WeCan/JS25	Joint submission 25 from WeCan The submission is endorsed, in whole or in part, by WeCan and Quake Outcasts, New Zealand.

National human rights institution

NZHRC The New Zealand National Human Rights Commission\*.

<sup>2</sup> NZHRC, para. 17.

<sup>3</sup> NZHRC, paras. 18 and 19.

<sup>4</sup> NZHRC, paras. 22 and 23.

<sup>5</sup> NZHRC, paras. 25 and 27.

<sup>6</sup> NZHRC, para. 29.

<sup>7</sup> NZHRC, para. 20.

<sup>8</sup> NZHRC, para. 21.

<sup>9</sup> NZHRC, para. 12.

<sup>10</sup> NZHRC, paras. 36 and 38.

<sup>11</sup> NZHRC, para. 10.

<sup>12</sup> NZHRC, para. 15 (a).

<sup>13</sup> NZHRC, para. 6.

<sup>14</sup> NZHRC, para. 50.

<sup>15</sup> NZHRC, para. 46.

- <sup>16</sup> NZHRC, para. 57.  
<sup>17</sup> NZHRC, para. 39.  
<sup>18</sup> NZHRC, para. 42.  
<sup>19</sup> NZHRC, paras. 51 and 52.  
<sup>20</sup> NZHRC, para. 59.  
<sup>21</sup> NZHRC, paras. 60 and 61.  
<sup>22</sup> NZHRC, para. 63.  
<sup>23</sup> NZHRC, para. 32.  
<sup>24</sup> The following abbreviations have been used for this document:
- |           |   |
|-----------|---|
| ICERD     | International Convention on the Elimination of All Forms of Racial Discrimination                             |
| ICESCR    | International Covenant on Economic, Social and Cultural Rights;   |
| OP-ICESCR | Optional Protocol to ICESCR   |
| ICCPR     | International Covenant on Civil and Political Rights  |
| CAT       | Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment                      |
| OP-CAT    | Optional Protocol to CAT  |
| CRC       | Convention on the Rights of the Child   |
| OP-CRC-IC | Optional Protocol to CRC on a communications procedure  |
| ICRMW     | International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families |
| CRPD      | Convention on the Rights of Persons with Disabilities   |
| OP-CRPD   | Optional Protocol to CRPD   |
| CPED      | International Convention for the Protection of All Persons from Enforced Disappearance.                       |
- <sup>25</sup> See also, ECPAT-NZ, para. 2, recommendations.  
<sup>26</sup> HRF-NZ/JS14, para. 4 recommendations.  
<sup>27</sup> ERI/JS12, para. 9.  
<sup>28</sup> JustSpeak/JS16, para. 27 and p. 10, recommendation. See also, NPMs-NZ/JS19, para. 8.  
<sup>29</sup> NZCTU/JS18, para. 2.11.  
<sup>30</sup> NZCTU/JS18, para. 2.12.  
<sup>31</sup> EJP/JS10, para. 75.  
<sup>32</sup> ACYA/JS1, para. 5.  
<sup>33</sup> WeCan/JS25, p.4, recommendation.  
<sup>34</sup> HRF-NZ/JS14, recommendations paras. 11 and 9.  
<sup>35</sup> AI, p.5. See also, ACYA/JS1, para. 14.  
<sup>36</sup> NZLS, para. 21, recommendation 10.  
<sup>37</sup> The Rūnanga, para. 2.11.  
<sup>38</sup> The Rūnanga, para. 3.3.b.  
<sup>39</sup> NZLS, para. 15. See also recommendations 6-8.  
<sup>40</sup> NZLS, para. 2. See also paras. 7-18.  
<sup>41</sup> NZLS, para. 25, recommendation 12.  
<sup>42</sup> AI, p. 5.  
<sup>43</sup> NPMs-NZ/JS19, para. 8.  
<sup>44</sup> IMM-CRPD/JS15, paras. 8 and 10.  
<sup>45</sup> HRF-NZ/JS14, recommendation 16. See also recommendation in para. 20.  
<sup>46</sup> UNCROCMG/JS24, para. 49. See also, ACYA/JS1, para. 18, CPAG, para. 3.3 and EJP/JS10, para 18, recommendation.  
<sup>47</sup> NPMs-NZ/JS19, para. 9.  
<sup>48</sup> CCNZNGOs/JS6, para. 1.1.  
<sup>49</sup> CCNZNGOs/JS6, recommendation, p.1.  
<sup>50</sup> PWW-NZ/JS21, para. 8.  
<sup>51</sup> NZEI, para. 5.0.  
<sup>52</sup> CCNZNGOs/JS6, para. 6.1.3.  
<sup>53</sup> NZCTU/JS18, para. 6.12.  
<sup>54</sup> KHRN, p.1, recommendation.

- 55 MHF-NZ, para. 6, p.2. See also, ERI/JS12, paras. 14 and 15.  
56 AI, p.2.  
57 UNCROCMG/JS24, para.25.  
58 OMEPAotearoaNZ, para 2.  
59 IPA, p.3, point 5. See also, CCNZNGOs/JS6, para. 8.1.1.  
60 OMEPAotearoaNZ, para 2, recommendations.  
61 HRF-NZ/JS14, para. 30. See also recommendation in para. 31.  
62 NPMs-NZ/JS19, para. 15.  
63 NPMs-NZ/JS19, para. 17.  
64 ANZSOGII/JS3, paras. 27-34 and recommendation k.  
65 HRF-NZ/JS14, paras. 26-29.  
66 DVD/JS8, para. 11.5, recommendation 22.  
67 CCNZNGOS/JS6, para. 1.2, p.2 and GlennInquiry.  
68 PPW-NZ/JS21, para. 31.  
69 NZCCSS, para. 6.  
70 AI, p.2.  
71 UNCROCMG/JS24, para. 55.  
72 See also, NZCCSS, para. 6.  
73 CSWC/JS7, para. 1.3.  
74 CSWC/JS7, para. 3.4.  
75 IMM-CRPD/JS15, para. 4.  
76 DVD/JS8, para. 6.9, recommendation 8.  
77 DPA-NZ, specific concerns, part d, recommendation.  
78 DVD/JS8, para. 6.6, recommendation 7.  
79 PWW-NZ/JS21, para. 27.  
80 DVD/JS8, para. 7.5, recommendation 9.  
81 PPW-NZ/JS21, para. 42.  
82 PPW-NZ/JS21, paras. 47, 49 and 55.  
83 PPW-NZ/JS21, para. 49 b. See also ECPAT-NZ, para. 3, recommendation.  
84 ECPAT-NZ, para. 4, recommendation.  
85 NZLS, para. 4.  
86 CCSDA, para. 15.  
87 BAF-NZ, pp.2-3.  
88 NZLS, recommendation 1.  
89 NPMs-NZ/JS19, paras. 19-20. See also ERI/JS20, paras. 11 and 12.  
90 AI, p.2.  
91 NPMs-NZ, para. 20, recommendation. See also, ERI/JS12, para 13, recommendations  
92 JustSpeak/JS16, p.6, para 17, recommendations.  
93 JustSpeak/JS16, p.8, para 26, recommendations.  
94 TT-NZ/JS23, pp.3-4.  
95 TT-NZ/JS23, p.3.  
96 See also, ERI/JS12, para 15, recommendations.  
97 ACYA/JS1, para. 24.  
98 ACYA/JS1, para. 25.  
99 HRF-NZ/JS14, para. 65.  
100 HRF-NZ/JS14, para. 67. See also, para. 68, recommendations.  
101 DT, recommendation, p.4. See also, ACYA/JS1, para. 23 and UNCROCMG/JS24, paras. 75-76.  
102 ACYA/JS1, para. 11. See also, UNCROCMG, paras. 27-29.  
103 ANZSOGII/JS3, para. 18, recommendation h). See also, UNCROCMG/JS24, para. 44.  
104 HRF-NZ/JS14, para. 33. See also, ECO-NZ/JS9, p. 5.  
105 EQImpacts/JS11, paras. 6 and 10.  
106 EQImpacts/JS11, para. 10, recommendation.  
107 EQImpacts/JS11, para. 11, recommendation.  
108 NPMs-NZ/JS19, para. 11.  
109 NPMs-NZ/JS19, para. 12. See also, JustSpeak/JS16, p.10, recommendations.  
110 NZCTU/JS18, para. 2.1.

- 111 NZCTU/JS18, para. 2.9.  
112 NZCTU/JS18, para. 9.9.  
113 NZCTU/JS18, para. 9.10.  
114 SC-NZ-CYC, para. 7, recommendation 2. See also, ACYA/JS1, para. 12.  
115 NZCTU/JS18, para. 3.4.  
116 DVD/JS8, para.7.10.  
117 DVD/JS8, para.7.11, recommendation 11.  
118 NZCTU/JS18, paras. 7.5 and 7.6.  
119 AI, p.2.  
120 NZCCSS, para. 7.  
121 UNICEF-NZ, para. 10. See also, ACYA/JS1, para. 21 and CPAG, para. 3.1.  
122 UNCROCMG/JS24, para. 46 and CBU/JS5, p.1 and recommendation 2, p.2.  
123 CPAG, para. 2.  
124 GPF-NZ, executive summary.  
125 NZCCSS, para. 23.  
126 EQImpacts/JS11, para. 27.  
127 NZCCSS, para. 25.  
128 NZCCSS, para. 26.  
129 QuakeOutcasts/JS22, Executive Summary.  
130 WeCan/JS25, pp. 1-5.  
131 EQImpacts/JS11, paras. 1-53.  
132 EQImpacts/JS11, para. 13.  
133 QuakeOutcasts/JS22, para. 30.  
134 EQImpacts/JS11, para. 53.  
135 EQImpacts/JS11, para. 32.  
136 NZNO, conclusion, p. 6.  
137 MHF-NZ, p. 5.  
138 ALRANZ, paras. 2 and 14.  
139 AKAHATA/JS2, para. 28.  
140 GB, p.1 and pp.2-5.  
141 GB, p.2, recommendation 2.  
142 ITANZ, p.1, recommendation a.  
143 ITANZ, para. 2, p.2. See also, recommendations d, e and f.  
144 ANZSOGII/JS3, para. 6, recommendations.  
145 UNCROCMG/JS24, para. 71.  
146 NZEI, paras. 4.0 to 4.7 and para. 4.8, recommendation.  
147 OMEP, para. 1, recommendations, p.2.  
148 ACYA/JS1, para. 10.  
149 NZEI, para. 3.5. See also, ACYA/JS1, para. 28 and SC-NZ-CYC, para 7, conclusión 1.  
150 IMM-CRPD/JS15, para. 21.  
151 ANZSOGII/JS3, para. 34, recommendation j).  
152 IMM-CRPD/JS15, para. 5 and NM, pp.1-2.  
153 DVD/JS8, para. 10.9, recommendation 19.  
154 NFD/JS17, para. 30.  
155 NFD/JS17, para. 28.  
156 CBU/JS5, recommendation 11, p. 3.  
157 H&D/JS13, para. 16.  
158 NFD/JS17, para. 18.  
159 IMM-CRPD/JS15, para. 24 b.  
160 See also, EQImpacts/JS11, paras. 33-34.  
161 IMM-CRPD/JS15, para. 11.  
162 EQImpacts/JS11, para. 33.  
163 PMA/JS20, para. 18.  
164 The Rūnanga, para. 3.3 a.  
165 PMA/JS20, para. 25.  
166 PMA/JS20, para. 31, recommendation.

- <sup>167</sup> The Rūnanga, para. 3.2.  
<sup>168</sup> PMA/JS20, para. 35.  
<sup>169</sup> RITTCSA, paras. 1-13.  
<sup>170</sup> The Rūnanga, para 2.13.  
<sup>171</sup> NHKWT, para. 25.  
<sup>172</sup> CBA/JS4, issue 1, p. 1.  
<sup>173</sup> CBA/JS4, issue 2, p. 2.  
<sup>174</sup> CBA/JS4, issue 2, recommendation, p. 2.  
<sup>175</sup> EQImpacts/JS11, para. 47. See also, EJP/JS10, para. 31, recommendation.  
<sup>176</sup> ChangeMakers, pp.4-5. See also AI, p. 3 and recommendations, p.5.  
<sup>177</sup> HRF-NZ/JS14, paras. 44 and 56, recommendations.  
<sup>178</sup> It'sOurFuture, para 6, recommendation.  
<sup>179</sup> EJP/JS10, para. 53 and para 55, recommendation.  
<sup>180</sup> ECO-NZ/JS9, p. 2.  
<sup>181</sup> HRF-NZ/JS14, para. 89. See also, recommendations in para. 91.  
<sup>182</sup> ECO-NZ/JS9, p. 3.  
<sup>183</sup> ECO-NZ/JS9, p. 4.  
<sup>184</sup> ECO-NZ/JS9, p. 6.  
<sup>185</sup> ECO-NZ/JS9, p. 7.  
<sup>186</sup> EJP/JS10, para 78, recommendation.  
<sup>187</sup> PMA/JS20, para. 40, p.8.  
<sup>188</sup> PMA/JS20, para. 4, p.2.  
<sup>189</sup> PMA/JS20, para. 43, recommendation, p.9.  
<sup>190</sup> HRF-NZ/JS14, para. 40, recommendation.
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