

Annex C: Economic, Social and Cultural Rights

Inequality

1. The 2015 OECD Economic Survey on New Zealandⁱ reported that while New Zealand has generally done well in enabling economic and social participation, income inequality and poverty have increased, rising housing costs have hit the poor hardest, and the rate of improvement in many health outcomes has been slower for disadvantaged groups. Large disparities in wealth and income continue to exist. An estimated 15-16% of New Zealanders live in poverty.ⁱⁱ In 2017, 28 percent of income growth went to 1 percent of New Zealanders.ⁱⁱⁱ Structural discrimination is also evident, with Māori, Pasifika, women, migrants, refugees and disabled people experiencing markedly worse outcomes across a range of key socio-economic indicators.

Right to Work

[See NZHRC Recommendation 55]

2. The Commission welcomes the Government's announcement that it is considering the establishment of a sector-level bargaining system to enable unions and employers to develop Fair Pay Agreements (FPAs) that set minimum terms and conditions for all workers in an entire industry or occupation. A FPA Working Group has been established to issue recommendations on the design of the system, including new legislation, to the Minister of Workplace Relations and Safety by the end of 2018.^{iv}

Right to Housing

[See NZHRC Recommendations 56-61]

3. New Zealand is currently facing a housing crisis, described by the Minister of Housing as "one of the biggest challenges our Government faces." As of April 2018, the number of people on the state housing waiting list reached 8,108, the highest it has ever been.^v This has affected both cities and smaller rural towns.
4. The 2018 Housing Stocktake report also reported that a significant amount of "hidden" homelessness is likely, and the exact scale of the problem is unknown.^{vi} Data is not systematically collected on people who don't or can't access government housing assistance, or are turned away from community agencies already at capacity.
5. More generally, there is considerable concern about housing availability, security and affordability in New Zealand. Overcrowding has increased in poorer areas^{vii} and disproportionately affects Pasifika, Māori and Asian people.^{viii} Families with children, particularly one-parent and Māori and Pacific families, experience discrimination in the private rental market, including disparately high rental rates.^{ix} Disabled people are also more likely to live in rental accommodation and experience poor housing conditions that non-disabled people.^{xi}

Canterbury Earthquake Recovery

6. In 2016 the Commission released a major report about the people living in or owning vacant land in residential areas that were designated as "red-zone" (and subject to compulsory Government purchase) following the 2010 and 2011 Canterbury earthquakes.^{xii} The report documented the ongoing stress and lack of certainty experienced by the red-zone residents and recommended the development of laws, policies and practices consistent with international best practice and human rights principles.^{xiii}

Right to Social Security

[See NZHRC Recommendations 62-65]

Welfare reform

7. While core benefit levels increased slightly in 2015, they remain well below pre-1991 levels adjusted for inflation. There is little publicly available information on the use and impact of sanctions on women and children. Figures obtained by media in 2017 indicate that one in five of those receiving the single parent benefit have been sanctioned.^{xiv} Further media enquiries identified a lack of evidence of effectiveness of such sanctions.^{xv}
8. The Government has recently announced an Expert Advisory Group to review and consider reform of New Zealand's social security legislation and benefit system, including the current sanctions regime.

Right to Health

[See NZHRC Recommendations 66-67]

Health sector reform

9. The Commission notes the announcement in May 2018 of a major review of New Zealand's health and disability system. An interim report is due at the end of July 2019. The terms of reference include an objective to make the health sector fairer, more equitable and accessible, but do not make any reference to human rights obligations or standards.^{xvi}

Mental health

10. Approximately 20% of New Zealanders meet the criteria for a diagnosable mental disorder each year.^{xvii} Recent Corrections research indicates that 91% of prisoners have had a mental illness or addiction diagnosis during their lifetime.^{xviii}
11. The Commission is also extremely concerned by the youth suicide rate of 15.6 per 100,000, the highest among OECD countries.^{xix} 606 New Zealanders died by suicide in 2016/17 (12.64 per 100,000). The suicide rate for Māori over that same period was 21.73 per 100,000. The rate for men was 19.36 per 100,000 and 6.12 per 100,000 for women.^{xx}
12. Accordingly, the Commission welcomes the establishment of a wide ranging independent inquiry into Mental Health and Addiction Services, due to report by 31 October 2018.

Right to Water

[See NZHRC Recommendations 68]

13. Challenges exist in ensuring the right to safe drinking water in some areas of New Zealand. In the town of Havelock North, more than 5,000 people became ill as a result of contaminated water and three people died. This incident led to a Government Inquiry into the outbreak and a wider review of drinking water safety in New Zealand.^{xxi} Among the findings were that nearly 800,000 people (20 percent of the serviced population) are supplied water that is not demonstrably safe to drink^{xxii} and that between 18,000 and 100,000 cases of sporadic waterborne illness occur each year.^{xxiii}
14. The Health Minister has recently introduced the Health (Drinking Water) Amendment Bill which incorporates a range of measures agreed by Cabinet to address the Inquiry's recommendations.^{xxiv}

Right to Education

[See NZHRC Recommendations 69-75]

Inclusive education

15. A significant proportion of New Zealand's school students have disabilities, with at least 10% of students have dyslexia, dyspraxia or autism spectrum disorder.^{xxv} Educational outcomes for disabled students are significantly worse than for non-disabled students. In June 2017, 42.3% of disabled youth aged between 15 and 24 were reported as being not in employment, education or training.^{xxvi}
16. In 2014, the UN CRPD Committee recommended that the New Zealand Government include in legislation an enforceable right to inclusive education, to improve outcomes for disabled students. New Zealand's Independent Monitoring Mechanism on the CRPD has also recommended that the Government include the right to inclusive education in legislation, improve its data collection practices, and include inclusive education targets and goals in the New Zealand Disability Strategy.^{xxvii}
17. While the Ministry of Education has recognised the Government's obligations to provide an inclusive education environment,^{xxviii} inclusive education principles are not set out in education legislation nor are there any currently active inclusive education policy strategies in place. The Government is currently undertaking a broad review of the education sector. The Commission considers that inclusive education should be a key priority.

Disparities

18. In a 2017 report, the Government acknowledged that the New Zealand education system is characterised by relatively high levels of disparity and that at every stage the system is less successful for Māori and Pasifika students and students from low income families.^{xxix} In addition, a recent report surveying 1700 children reported that many Māori students have experienced racism and discrimination at school.^{xxx}
19. The Government has announced its objective to integrate *te reo Māori* (Māori language) education into everyday learning in all primary schools and early childhood education centres by 2025 and

has increased funding for this purpose. The Government has not, however, declared a position on whether to make te reo Māori a compulsory curriculum subject.

Bullying

20. Despite initiatives such as the cross-sector Bullying Prevention Advisory Group (BPAG), the Government is yet to develop a specific anti-bullying strategy or to regulate to require that schools implement comprehensive bullying prevention programmes.
21. The Human Rights Commission and the Ombudsman have called for amendments to education legislation and guidelines to require school boards of trustees to implement effective anti-bullying programmes.^{xxxi} However, to date the Ministry of Education has resisted this approach, while stating that it expects schools to have anti-bullying systems and processes in place.^{xxxii}

Climate Change

[See NZHRC Recommendations 76-78]

22. The Government is a signatory to the Paris Agreement on Climate Change and has developed policies and legislative initiatives aimed at lowering carbon emissions in accordance with the Agreement.^{xxxiii}
23. A recent stocktake report of government policy by the Climate Change Adaptation Technical Working Group, administered by the Ministry for the Environment, noted that New Zealand lacks an overarching strategy or plan for adapting to climate change and has not undertaken a nationwide assessment of climate related risks.^{xxxiv} The Working Group has also identified climate change as posing significant risks for public health.^{xxxv}
24. Climate change is also likely to have a fundamental impact on a number of low-lying island nations in the Pacific, many of which receive New Zealand aid. Aid policies are informed by Ministry of Foreign Affairs and Trade's (MFAT) Human Rights Analysis Guidelines. The policies and guidelines include sustainability principles but are yet to include the SDG targets.

ⁱ OECD, *Economic Surveys New Zealand: Overview* (June 2015)

ⁱⁱ Perry, B. (2017). *Household incomes in New Zealand: Trends in indicators of inequality and hardship 1982 to 2016*. Wellington: Ministry of Social Development, <https://www.msd.govt.nz/about-msd-and-our-work/publications-resources/monitoring/household-incomes/>. New Zealand has no official definition of poverty, so various measures are used, such as the percentage of those earning less than 60% of the median household income after housing costs.

ⁱⁱⁱ <https://www.oxfam.org.nz/news/richest-1-kiwis-bagged-28-all-wealth-created-last-year>

^{iv} *Government's Fair Pay Agreement work to begin*, Hon Iain Lees-Galloway, 5 June 2018 <https://www.beehive.govt.nz/release/government%E2%80%99s-fair-pay-agreement-work-begin>

^v *Public housing wait list surges: 8108 awaiting homes in April* <https://www.stuff.co.nz/national/politics/104645761/public-housing-waiting-list-surges-8108-awaiting-homes-in-april>

^{vi} *A Stocktake of New Zealand's Housing – February 2018: Key Findings and Solutions*.

<https://www.beehive.govt.nz/sites/default/files/2018-02/A%20Stocktake%20of%20New%20Zealand's%20Housing.pdf>

^{vii} Ministry of Health. 2014. *Analysis of Household Crowding based on Census 2013 data*. Wellington: Ministry of Health, p vi <https://www.health.govt.nz/publication/analysis-household-crowding-based-census-2013-data>

^{viii} *ibid*

^{ix} *A Stocktake of New Zealand's Housing – February 2018: Key Findings and Solutions*

^x *ibid* at p 8 - The proportion of Māori and Pasifika families renting privately approximately doubled from 1991 to 2013, driven in part by policies designed to move people out of social housing

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- ^{xi} <https://www.stats.govt.nz/reports/disability-and-housing-conditions-2013>
- ^{xii} Human Rights Commission, *Staying in the red zones: Monitoring human rights in the Canterbury earthquake recovery*, 2016
- ^{xiii} Ibid p 20, referencing the Guiding Principles of Sendai Framework for Disaster Risk Reduction 2015-2030, the Inter-Agency Standing Committee Operational Guidelines on Human Rights and Natural Disasters and the Pinheiro Principles.
- ^{xiv} <https://www.stuff.co.nz/national/94921227/benefit-sanctions-see-17700-children-of-solo-parents-lose-up-to-28-a-child-a-week>
- ^{xv} <http://www.newshub.co.nz/home/new-zealand/2017/09/benefit-sanctions-actually-linked-to-long-term-welfare-dependency.html>
- ^{xvi} *Health and Disability Review Terms of Reference* <https://www.beehive.govt.nz/release/major-review-health-system-launched>
- ^{xvii} Inquiry into Mental Health and Addiction – Draft Terms of Reference, [https://www.dia.govt.nz/diawebsite.nsf/Files/Government-Inquiry-into-Mental-Health-and-Addiction/\\$file/Inquiry-into-Mental-Health-and-Addiction-Terms-of-Reference.pdf](https://www.dia.govt.nz/diawebsite.nsf/Files/Government-Inquiry-into-Mental-Health-and-Addiction/$file/Inquiry-into-Mental-Health-and-Addiction-Terms-of-Reference.pdf)
- ^{xviii} Department of Corrections, *State of mind: mental health services in New Zealand prisons*, http://www.corrections.govt.nz/resources/research_and_statistics/journal/volume_4_issue_2_december_2016/state_of_mind_mental_health_services_in_new_zealand_prisons.html
- ^{xix} UNICEF, *Building the Future, Children and the Sustainable Development Goals in Rich Countries*, p. 22 https://www.unicef-irc.org/publications/pdf/RC14_eng.pdf
- ^{xx} Office of the Chief Coroner of New Zealand, *Annual Report 2016 to 2017* <https://coronialservices.justice.govt.nz/assets/Documents/Publications/coroners-annual-report-2016-17.pdf>
- ^{xxi} Report of the Havelock North Drinking Water Inquiry: Stage 1 (May 2017) [https://www.dia.govt.nz/vwluResources/Report-Havelock-North-Water-Inquiry-Stage-1/\\$file/Report-Havelock-North-Water-Inquiry-Stage-1.pdf](https://www.dia.govt.nz/vwluResources/Report-Havelock-North-Water-Inquiry-Stage-1/$file/Report-Havelock-North-Water-Inquiry-Stage-1.pdf); Report of the Havelock North Drinking Water Inquiry: Stage 2 (December 2017) [https://www.dia.govt.nz/diawebsite.nsf/Files/Report-Havelock-North-Water-Inquiry-Stage-2/\\$file/Report-Havelock-North-Water-Inquiry-Stage-2.pdf](https://www.dia.govt.nz/diawebsite.nsf/Files/Report-Havelock-North-Water-Inquiry-Stage-2/$file/Report-Havelock-North-Water-Inquiry-Stage-2.pdf)
- ^{xxii} Report of the Havelock North Drinking Water Inquiry: Stage 2 (December 2017) para 92.
- ^{xxiii} Ibid. para 19.
- ^{xxiv} https://www.lawsociety.org.nz/news-and-communications/latest-news/news/health-drinking-water-amendment-bill-introduced?utm_source=LawPoints+4+July+2018&utm_campaign=bd1e16e058-2017-04-06_LawPoints-366_COPY_01&utm_medium=email&utm_term=0_71dcf90d85-bd1e16e058-42606085
- ^{xxv} Report of the Education and Science Committee, *Inquiry into the identification and support for students with the significant challenges of dyslexia, dyspraxia, and autism spectrum disorders in primary and secondary schools* (November 2016) https://www.parliament.nz/resource/en-NZ/51DBSCH_SCR71769_1/cd88907f3c87d07b8b1db046417ed1e43fcd3e85
- ^{xxvi} http://archive.stats.govt.nz/browse_for_stats/income-and-work/employment_and_unemployment/LabourMarketStatisticsDisabilityJun17qtr_YouthMR4.aspx
- ^{xxvii} http://www.ombudsman.parliament.nz/system/paperclip/document_files/document_files/1684/original/imm_interim_implementation_report_final.pdf?1470112911
- ^{xxviii} <https://www.education.govt.nz/school/running-a-school/inclusive-education/>
- ^{xxix} New Zealand Government Report to Committee on Economic, Social and Cultural Rights, 2017, para 55.
- ^{xxx} Children's Commissioner, *Education matters to me: Key insights* January 2018 <http://www.occ.org.nz/assets/Uploads/OCC-STA-Education-Matters-to-Me-Key-Insights-24Jan2018.pdf>
- ^{xxxi} Report of David McGee Ombudsman on complaints arising out of bullying at Hutt Valley High School in December 2007 (2011) http://www.ombudsman.parliament.nz/system/paperclip/document_files/document_files/505/original/bullying_report.pdf?1355787360
- ^{xxxii} Report from an Ombudsman, *Complaints Arising out of Bullying at Hutt Valley High School in December 2007*, Report of the Education and Science Committee, NZ House of Representatives, p. 3 <https://www.pinkshirtday.org.nz/assets/Resources/Full-report-text.pdf>
- ^{xxxiii} Such as the Zero Carbon Bill, the ETS scheme and transition hub policies – see <http://www.mfe.govt.nz/climate-change/what-government-doing/new-zealands-climate-change-programme>
- ^{xxxiv} Adapting to Climate Change in New Zealand, Stocktake Report from the Climate Change Adaptation Technical Working Group, p. 16 <https://www.mfe.govt.nz/sites/default/files/media/Climate%20Change/adapting-to-climate-change-stocktake-tag-report.pdf>
- ^{xxxv} Ibid. p. 11