



## **NEW ZEALAND**

### **UN Committee on Economic Social and Cultural Rights**

#### **Presentation of New Zealand's 3<sup>rd</sup> periodic report**

**Palais Wilson, Geneva, 4 May 2012**

#### **INTRODUCTORY REMARKS: Debbie Power**

**E nga mana**

**E nga iwi**

**E nga reo**

**Tena koutou**

**Tena koutou**

**Tena koutou katoa**

I bring you greetings from the Government and people of New Zealand.

Mr Chair, distinguished members of the Committee,

On behalf of the Government of New Zealand, I would like to express our deep appreciation for the significant efforts that this Committee has undertaken to ensure respect for and compliance with the Covenant on Economic, Social and Cultural Rights.

New Zealand is a small and diverse democracy in the Asia Pacific region. Today it is made up of 4 million people principally of Māori, European, Asian and Pacific Island descent who live side by side in a tolerant and inclusive

society. Over the past one hundred and seventy years, we have welcomed successive generations of migrants and refugees.

Integral to our national identity is the relationship between the Government and Māori, the indigenous people of New Zealand. Māori represent about 15 percent of the population and are a vibrant part of New Zealand's society, with a growing population. The Treaty of Waitangi, concluded in 1840, gives effect to this relationship, which continues to evolve.

Mr Chair, the Government of New Zealand is committed to its obligations under the Covenant and other core international human rights treaties to which it is party.

The Government welcomes the opportunity that the reporting process provides. It allows us to share our experiences and to draw upon the expertise and perspective that the Committee can bring to the challenges that we and others face.

I would first like to take this opportunity to introduce the New Zealand delegation, which has travelled from Wellington for this presentation. I am:

- Debbie Power, Deputy Chief Executive from the Ministry of Social Development. The Ministry of Social Development is responsible for providing social policy advice to the government and providing social services.

With me are:

- Ben Keith, Crown Law Counsel from Crown Law, the Government's legal agency.
- Craig Smith, Strategic Adviser to the Deputy Chief Executive from the Department of Labour. The Department of Labour is responsible for workforce and immigration issues.

We also have the advisers from the Permanent Mission supporting us here today – Brian Wilson, Deputy Permanent Representative, Lucy Richardson, Second Secretary, and Sandi Albert, Executive Assistant.

Mr Chair, you have in front of you New Zealand's third periodic report which covers the period 1 January 1998 to 31 December 2007. This report has been prepared in consultation with wider civil society. At this point, I would like to acknowledge the Chief Human Rights Commissioner, David Rutherford, and one of his senior staff, Kendra Beri, who are here today. The report has been published online and the Government will, of course, respond to the Committee's concluding observations and recommendations.

New Zealand is grateful for receiving the List of Issues from the Committee in advance and has provided written answers to assist our dialogue here. The Government is thankful that the Committee has objectively examined both the report and response to the List of Issues and will engage in an open and frank discussion with our delegation. Through this presentation, we hope to update the Committee on developments since the completion of the periodic report. You may be assured, Mr Chair, of our full cooperation during the consideration of the report.

Mr Chair, New Zealand has always been committed to the United Nations, of which it was a founding member, and to the international promotion and protection of human rights.

New Zealand has also played a leading role in developing an international human rights legal framework and is committed to respecting these rights.

At the national level, New Zealand has long given effect to human rights through a broad range of governmental and non-governmental institutions.

New Zealand has a comparatively unique, yet enduring, constitutional structure.

Our constitutional arrangements include specific human rights protections, such as the New Zealand Bill of Rights Act 1990, which I will discuss in some detail later. In addition, there are a number of other instruments and practices that also safeguard fundamental rights, including reference to the principles provided by the Treaty of Waitangi.

Our commitment to human rights, and our record in that regard, is clear. Within government, specialised bodies such as the Human Rights Commission, Office of the Ombudsmen, the Independent Police Conduct Authority and others monitor compliance with national and international human rights law. The New Zealand judiciary enjoys complete independence and is strongly committed to the promotion of national and international human rights.

More broadly still, New Zealand has many avenues for public participation provided by governmental transparency, strong traditions of accessible government institutions and a robust civil society.

During the current reporting period, New Zealand has taken a number of measures to further strengthen its implementation of the Covenant. These include: welfare reform; new legislation governing the treatment of prisoners; responsibility for children; provision for civil unions and wider recognition of personal relationships; and expanded powers and procedures for non-discrimination law.

In the last few years, human rights protections have been further strengthened in legislation. Since November 2010, when the Immigration Act 2009 came into force, it is no longer an offence for a school to enrol a child who does not hold an appropriate visa. This allows unaccompanied minors and children of

overstayers making applications or appeals to remain in New Zealand to enrol in compulsory education as domestic students.

The Immigration Act 2009 also specifies a role for New Zealand's Human Rights Commission in immigration matters, allowing the Commission to receive and make public statements on matters affecting human rights, enquire into any matter, practice or procedure if it appears that the matter involves the infringement of human rights, and report to the prime minister on such matters. Most asylum seekers in New Zealand continue to be granted open work visas allowing them to work or apply for a benefit if required. Since March 2012, where a family group claim refugee or protected person status, each family member of working age may be entitled to a work visa.

During the period covered by this report and since, New Zealand has also entered into further treaty commitments, including ratification of the Convention on the Rights of Persons with Disabilities in which New Zealand played a leading role; the Optional Protocol to the Convention against Torture; the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and the Convention on the Reduction of Statelessness. In 2010, New Zealand indicated its support for the Declaration on the Rights of Indigenous Peoples.

Mr Chair, we would also like to mention *Mana ki te Tangata* – the New Zealand Action Plan for Human Rights, which was developed by New Zealand's Human Rights Commission. The Plan relied on an assessment by the Commission of the current status of human rights, based on an analysis of law, policy, research, and consultation with the public, non-governmental organisations and government agencies.

As confirmed by the Commission in its mid-term review of progress, there have been substantial initiatives in almost all areas identified as priorities in the Plan.

These include the recognition of New Zealand Sign Language as an official language of New Zealand, and it so happens that this week in New Zealand is Sign Language Week; the introduction of paid parental leave; action to reduce violence against children and young people; and measures to reduce poverty, including increases in the minimum wage.

Mr Chair, I have briefly summarised some of the initiatives undertaken by the New Zealand Government during the current reporting period. We acknowledge, however, that challenges remain and a number of issues are the subject of debate in New Zealand, which the Committee has also raised in the List of Issues.

The Government has also set ten challenging results for the public sector to achieve over the next three to five years. Ministers and public sector chief executives have been appointed to lead each result and will be accountable for demonstrating real progress against their result. These results fall into five themes, reducing long-term welfare dependency, supporting vulnerable children, boosting skills and employment, reducing crime and improving interaction with government. These will hold the government to account and agencies will have to work together to achieve them.

We would like to acknowledge the work of human rights defenders. We are pleased to see the reports of the New Zealand Human Rights Commission and of national and international non-governmental organisations.

The Government maintains a strong dialogue with our Human Rights Commission and with NGOs and welcomes the Committee's engagement with many of the issues that these bodies have raised.

Mr Chair, members of the Committee, I would like to restate the continuing commitment of the New Zealand Government to its international human rights obligations. New Zealand is proud of its record as a contributor, nationally and internationally, to human rights. Our unique, but robust, constitutional structure has afforded opportunities for engagement with human rights protections not only across all of the institutions of government but in the wider community as well. However, we also recognise that there will always be challenges. We look forward to engaging with the Committee to continue to better protect and promote economic, social and cultural rights of New Zealanders.

Thank you Mr Chair.