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New Zealand rejects recommendations to protect economic, social and cultural rights

Human Rights Council adopts Universal Periodic Review outcome on New Zealand

Amnesty International has welcomed New Zealand's engagement with the UPR process. Amongst other things, the acceptance of 121 recommendations confirms the Government's commitment to incorporate international human rights instruments into its domestic legal framework¹ and to take recommendations by UN human rights bodies into account.²

While the 155 recommendations, made to New Zealand by other states during the review, addressed a myriad of human rights issues, some recurring themes emerged, including the need to address family violence, women's rights and children's rights as well as prevailing social and economic inequalities. New Zealand continues to have persistently high levels of inequality in the areas of health, education, employment and income,³ and over 280,000 children live in relative poverty without adequate access to quality housing, food, and medicines which create additional challenges in health and education.⁴

Amnesty International is therefore deeply concerned at New Zealand's rejection of recommendations to provide greater legal protection of economic, social and cultural rights within the New Zealand Bill of Rights Act,⁵ and to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.⁶ This stance undermines the government's commitment to eliminate child poverty,⁷ erodes the principle of indivisibility of rights and puts into question New Zealand's leadership role in the protection of *all* human rights. At the very least, its commitment must be matched by genuine action at the national level to protect and promote all human rights.

Amnesty International welcomes New Zealand's reference to the Constitutional Advisory Panel recommendations to further consider enhanced protection of economic, social and cultural rights,⁸ and urges the government to commit to continuing this process.

¹ A/HRC/26/3, Recommendation 128.31 (Nicaragua).

² *Ibid*, Recommendation 128.47 (Netherlands).

³ Oxfam New Zealand *Working for the few: Political capture and economic inequality* (accessed from <http://www.oxfam.org.nz/reports/working-few-political-capture-and-economic-inequality#sthash.3EwrTrGJ.dpuf>) and Perry, B. *Household incomes in New Zealand: Trends in Indicators of Inequality and Hardship 1982 to 2011*. Ministry of Social Development (2012) (accessed from <http://www.msd.govt.nz/about-msd-and-our-work/publications-resources/monitoring/household-incomes/>).

⁴ Rutherford, H "Children in poverty vastly underestimated" Stuff (accessed from <http://www.stuff.co.nz/national/politics/9771016/Children-in-poverty-vastly-underestimated>).

⁵ A/HRC/26/3, Recommendation 128.33-35 (Ukraine, Uruguay and Spain)

⁶ *Ibid*, Recommendation 128.8-11 (Montenegro, Spain, Tunisia, Portugal)

⁷ Government's response to recommendations by the Children's Commissioner's Expert Advisory Group on Child Poverty 28 May 2013 (accessed from http://www.beehive.govt.nz/sites/all/files/Goverment's_response_to_the_Childrens'_Commissioner's_EAG_report.pdf).

⁸ NZ Response to Recommendations 128.32-35 (Togo, Ukraine, Uruguay, Spain) (accessed from <http://www.hrc.co.nz/international-human-rights-new/upr-1314-nzs-second-universal-periodic-review/>).

Looking ahead, Amnesty International welcomes New Zealand's promise to create a second national human rights action plan centred around its UPR commitments⁹ and urges the government to use this process to ensure effective and tangible improvement in the promotion and protection of economic, social and cultural rights.

Background

The UN Human Rights Council adopted the outcome of the Universal Periodic Review of New Zealand on 19 June 2014 during its 26th session. Prior to the adoption of the review outcome, Amnesty International delivered the oral statement above.

Amnesty International had earlier submitted information on the situation of human rights in New Zealand: <http://www.amnesty.org/en/library/asset/ASA32/001/2013/en/oaf44193-8949-460c-8092-52e04962ab16/asa320012013en.pdf>

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⁹A/HRC/26/3, Recommendation 128.42-44 (Burkina Faso, Cote d'Ivoire, Spain)