

# NEW ZEALAND

## NGO Coalition Submission to the UN Universal Periodic Review

### Fifth Session of the UPR Working Group of the Human Rights Council May 2009

#### Introduction

1. This submission has been coordinated by the Human Rights Foundation of Aotearoa New Zealand and contributed to by a coalition of NGOs.

2. The submission reflects the views of all these NGOs (see Annex 1 for further information): the New Zealand Council of Trade Unions, Peace Movement Aotearoa, Women's International League for Peace and Freedom, Christian World Service, Pax Christi, Indonesia Human Rights Committee, the Human Rights Foundation of Aotearoa New Zealand.

#### Executive Summary

3. In this submission, the NGO coalition provides information under sections B, C and D as stipulated in the General Guidelines for the preparation of information under the Universal Periodic Review:

- Under Section B, we raise concerns about New Zealand's failure to ratify or support a number of international human rights instruments and some issues with respect to the domestic legislative framework
- Under Section C, we highlight our concerns regarding immigration, refugees and asylum seekers, human rights concerns associated with counter-terrorism and the administration of justice, women's issues, protection of economic, social and cultural rights, and international justice and New Zealand's obligations as an international citizen.
- Under Section D, we make a number of recommendations for action by the New Zealand government.

#### B. Normative and institutional framework of the state

##### International human rights instruments

4. The New Zealand government has not ratified the Convention relating to the Status of Stateless Persons, nor the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families. The government has made it clear it has no intention of ratifying these Conventions. Further, the government has no intention to make the optional declaration in Article 14 of the Convention on the Elimination of all Forms of Racial Discrimination, despite recommendations by the Committee on the Elimination of all Forms of Racial Discrimination to do so in August 2007.

5. Further, the government has not ratified several ILO Conventions on fundamental human rights. These are Convention 87 on Freedom of Association and the Right to Organise (which includes the right to strike), Convention 138 Minimum Age (which covers child labour), and ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries. New Zealand practice is generally

recognised as being better than that of many countries which have ratified these conventions. We recommend that the Government seek advisory assistance from the ILO with a view towards ratifying both these conventions.

6. The government ratified the Optional Protocol to the Convention Against Torture. The designated National Preventive Mechanisms (NPM) are working towards meeting their responsibilities under the Protocol. Some of them are facing resourcing constraints however, which need to be addressed if they are to be effective. We are further concerned that designation of NPM is a ministerial decision, leaving designation, and its removal, open to political expediency. NPM so appointed are not functionally independent, as the Optional Protocol requires.

#### **Implementation of New Zealand's human rights obligations: the domestic framework**

7. The New Zealand Bill of Rights Act (NZBORA) does not enjoy protected status. The Attorney-General may bring to the attention of Parliament any provision of a Bill that appears to be inconsistent with the NZBORA, but this mechanism has proved completely inadequate in guaranteeing full respect for human rights – no doubt in part because the Attorney-General is a member of the Cabinet that approves legislation for introduction to Parliament, rather than being independent. Enactment of legislation contrary to the provisions of that Act is therefore possible and has, according to various court decisions, occurred. The Human Rights Review Tribunal has the power to make a declaration of inconsistency in relation to discriminatory provisions in legislation. This was used for the first time in May 2008 in relation to an instance of age discrimination in accident compensation legislation. The government is required to address the issue raised by the Tribunal and is considering its response.

8. Economic, social and cultural rights are not explicitly protected in domestic law. Neither the NZBORA nor the Human Rights Act include economic, social and cultural rights. This reflects a lack of support for the justiciability of ESCR at government level which needs to be addressed.

9. The government has not adopted or even formally endorsed the Human Rights Commission's New Zealand Action Plan for Human Rights. A Cabinet decision in July 2007 directed Chief Executives of government departments to consider priorities in the Action Plan in their annual planning and reporting processes, and to engage in dialogue with the Human Rights Commission on implementation of the Plan. However implementation has been slow and patchy.

### **C. Promotion and protection of human rights on the ground**

#### **Refugees, asylum seekers and migrants**

##### **a) Immigration Bill**

10. The Bill, introduced in July 2006, was not passed before the November 8 election but is indicative of the direction government has taken with regard to immigration. The Bill, described as “draconian”, has caused widespread concern. Overall, it was drafted from the perspective of security services and border control, undermining the fulfillment of New Zealand's domestic and international human rights obligations, as well as findings of the New Zealand Courts. Cumulatively, the approaches presented in the Bill would further undermine the institution of asylum.

11. Concerns included an excessively broad and vague definition of security (which included protection from adverse impact on New Zealand's international ‘reputation’); the extended definition and use of classified information; the ability to refuse consideration of a claim for asylum on the basis of having passed through a ‘safe third country’; the entrenchment in legislation of advance passenger processing; the ability to use classified information in refugee determination; the extension of the use of biometrics, raising privacy issues; and the extension of detention periods.

**b) Interdiction: the erosion of the institution of asylum in New Zealand**

12. Whilst treatment of asylum seekers may have improved, their access to asylum has been severely curtailed. Since 2001, numbers of asylum seekers arriving at New Zealand's borders have dropped significantly. In 2002/2003, there were 247 successful claimants; in 2003/2004, 115. By 2005/2006, there were only 67 successful claimants.<sup>1</sup> This decline is concurrent with the growth of the New Zealand government's own off-shore practices, often carried out in conjunction with Australia, particularly its increased emphasis on interdiction and advanced passenger screening processes imposed on airlines.

13. While the Borders and Investigations Unit of the Immigration Service has agreed to refer 'interdicted' persons to a UNHCR office it is not clear whether this is occurring. More robust mechanisms are needed to ensure that refugees are not being prevented from reaching New Zealand's shores.

14. For refugees and asylum seekers to be able to benefit from the standards of treatment provided for by the 1951 Convention, or by other relevant international instruments, it is essential that they have physical access to the territory of the State where they are seeking admission as refugees, followed by access to fair and effective procedures in which the validity of their claims can be assessed. This needs to be ensured.

**c) Detention of asylum seekers in correctional facilities**

15. The majority of asylum seekers that do present at the border are detained at Mangere Refugee Centre, an open detention centre. A small percentage are detained in correctional facilities, primarily the Auckland Central Remand Prison. In 2004, 9 were detained there; in 2005, 16; in 2006, 6.<sup>2</sup> Prison authorities segregate asylum seekers where possible, but a penal institution is inappropriate for the detention of asylum seekers.

16. The Immigration Service has wide discretion in ordering detention. Periodic reviews of detention and the ability to apply for conditional release are made difficult in practice by minimal legal aid and financial assistance, and lack of access to identity documents.

**d) Migrant workers**

17. In recent years there have been increasing numbers of migrant workers, primarily from the Pacific and Asia, engaging in seasonal work in New Zealand. Concerns have been raised about the extent to which their rights at work are being violated, including extended working hours, minimal pay, and poor working conditions. crowded accommodation, inability to access the public health system, and a lack of pastoral care.

**e) RSE Scheme**

18. The Government launched a Recognised Seasonal Employer (RSE) scheme in April 2007 which allows approximately 5000 seasonal workers from Pacific Island countries to be employed each year to plant, maintain, harvest and pack crops here. A number of areas where further work is needed to improve the RSE scheme have been recommended to government. These include

- Development of a standard employment agreement for RSE work;
- Separate provision of pastoral care for RSE workers to an improved standard ensuring adequate accommodation and provision of non-work activities, provided independently of employers;
- Ensuring an independent voice for RSE workers.

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<sup>1</sup> Information obtained from Refugee Status Branch, Department of Labour

<sup>2</sup> Information obtained from the Refugee Status Branch, Department of Labour

We note that the horticulture and viticulture industry has consistently described the RSE scheme as a solution to a severe labour shortage. Local unions believe that the labour shortage is due to employers offering insecure non-standard work contracts for relatively low wages, and that there needs to be more consideration of the future employment approach for this industry.

### **Human Rights and Counter-Terrorism**

#### **a) Immigration Profiling Group**

19. In June 2005, the government established the Immigration Profiling Group (IPG) within the Immigration Service of the Department of Labour. The IPG is charged with processing applications for entry from a secret list of an uncertain number of 'high risk' countries. It is also reviewing all applications from these high risk countries approved in the two years prior to its establishment. While the government will not confirm or deny any particular countries are being targeted it is clear that countries such as Somalia, Afghanistan and Iraq are on the list. The terms of reference are not public knowledge.

20. Visa rejections have risen sharply since the IPG was established. The work of the IPG has impacted severely on effective regularising the immigration status of refugees from listed countries. Spontaneous Somalian refugees, for example, have been refused residency permits, despite this being the usual practice for those whose refugee status has been recognised. The IPG has also been subject to criticisms of its process and functioning, including inconsistent and excessively slow decision making. While bureaucratic competence seems to be improving, the IPG has created a climate of fear and uncertainty among refugee communities which is in contradiction to the supposed goal of settlement.

#### **b) Security Risk certificate process**

21. Section 1140 in Part IVA of the Immigration Act establishes a process for the detention of an individual seeking asylum on the basis of a threat assessment issued by the National Bureau of Criminal Intelligence of the New Zealand Police, and for the subsequent issuing of a Security Risk Certificate by the Director of the Security Intelligence Service. There is nothing in the legislation to prevent human rights abuses such as indefinite detention without charge or prolonged solitary confinement.

22. The case of Ahmed Zaoui, which lasted from 2003 to 2007, illustrated the flaws in this process. The allegations against him were eventually withdrawn by the Government's Security Intelligence Service, but only after Mr Zaoui had endured months in solitary confinement and years of curtailed liberty, separation from family and uncertainty.

23. Internal pressure and a recommendation by the Committee Against Torture in 2004 that the government review the risk certificate legislation prompted government promises to do so. However Section IVA was exempt from the review of the Immigration Act which resulted in the Immigration Bill of July 2006 and the legislation remains in place.

#### **c) Terrorism Suppression Amendment Act 2007**

24. This Act, passed in 2007, eroded safeguards against inappropriate designation as a terrorist. It eliminated any role for the High Court in reviewing designations; instead, UN Security Council designations are automatically accepted; designations assigned by the Prime Minister are to be reviewed by him or herself. There should be judicial involvement in the review of such designations.

25. The Act also created the offence of committing a 'terrorist act', which could lead to human rights breaches. 'Terrorism' is notoriously difficult to define and the scope for confusion, inappropriate designation and disproportionate punishment is vast. The lack of clarity was demonstrated last year when

attempts were made to apply the legislation domestically in the aftermath of the Ruatoki raids.<sup>3</sup> Current criminal legislation can competently deal with such acts; the creation of a new ‘terrorist’ offence is unnecessary and dangerous.

## **Administration of Justice**

### **a) Use of conducted energy devices (Tasers)**

26. In August 2008, the Police Commissioner announced his decision to introduce the Taser gun into the New Zealand Police arsenal.<sup>4</sup> There is concern that Tasers remain unacknowledged as potentially lethal weapons, despite increasing numbers of deaths following Taser use. There is also concern that the Taser will be used as a tool of routine force as opposed to one of last resort; and that vulnerable groups - such as those with mental health issues or children – will be subjected to electric shocks. This would amount to cruel, inhuman and degrading treatment, and in some cases, torture. The United Nations Committee Against Torture has declared that Taser use can be a form of torture and has ‘proven risks of harm or death’.<sup>5</sup>

27. The introduction of the Taser should be suspended until there has been a thorough and independent investigation into its use and effects. Any subsequent decision must be made at Ministerial level, not by the Police Commissioner alone, with every effort made to ensure a meaningful democratic process.<sup>6</sup>

### **b) Search and surveillance**

28. In this area, a major concern for many people is the way our society, and other comparable societies, are rapidly becoming ever-more encompassing surveillance societies. This development has major implications for some of our other fundamental civil rights, for example the right to freedom of association. Effective privacy safeguards need strengthening. Another area of concern is the dramatic growth in the powers given to law enforcement agencies, for example, powers of detention, arrest, search and seizure. These need to be kept under ongoing review.

29. The Search and Surveillance Powers Bill, introduced in September 2008, proposes to extend powers even further, for example by providing that search warrants be able to be obtained electronically or verbally in urgent situations; that police be able to search without a warrant if they think there is evidence for a serious crime punishable by 14 years’ jail or more; and that police be able to detain a person at a place where a search is being done. The bypassing of the judiciary, whose assent has been traditionally required in the issuing of warrants, is of concern. Further, these shifts could dilute the presumption of innocence.

## **Women’s issues**

### **a) Domestic and sexual violence**

30. There are unacceptably high levels of family and sexual violence against women in New Zealand, particularly Maori, Pacific and minority women. Public awareness campaigns have been paralleled by a review of sexual violence legislation. We support the recommendations made by Amnesty International with regard to the development of the legislation.

<sup>3</sup> For further information see <http://www.converge.org.nz/pma/nzterror.htm>.

<sup>4</sup> Tasers are dart-firing electro-shock projectile weapons which can also be used as stun guns, and are among a class of weapon collectively known as “conducted energy devices” (CEDs).

<sup>5</sup> UNOG, ‘Committee against Torture Concludes Thirty-ninth Session’, 23 November 2007, [http://www.unog.ch/unog/website/news\\_media.nsf/\(httpNewsByYear\\_en\)/D3DD9DE87B278A87C125739C0054A81C?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/D3DD9DE87B278A87C125739C0054A81C?OpenDocument).

<sup>6</sup> For further information, see Campaign Against the Taser, Stun Guns in Aotearoa New Zealand? The Shocking Trial: A report on the New Zealand Police Taser Trial 1 Septmebr 206 – 1 September 2007, <http://www.converge.org.nz/pma/tasertrial.pdf>.

**b) Women in prison**

31. There is inadequate provision of facilities and provision for women prisoners, both while in prison vis-a-vis their male counterparts, and after release. The Corrections (Mothers with Babies) Amendment Act 2008 provides for babies to remain with their imprisoned mothers up to the age of 24 months. The government considers this to be consistent with the Convention on the Rights of the Child - the right to be cared for by parents from birth, and in the best interests of the child - but has not yet provided enough appropriate facilities for mothers with babies in prison. More importantly, it has given insufficient consideration to the option which would be fully consistent with the Convention, that is, to provide mothers and infants with alternative residential community accommodation rather than imprisoning them.

**c) Equality and discrimination**

32. Institutional racism and discrimination, although often covert, is still a major factor affecting many women. UN treaty bodies have noted increasing wage gaps between genders, disparities in access to health services for minority and rural women, and in representation in political and public life. Concern has been expressed about the gaps that remain in the protection of women against discrimination by private as well as public sector actors and the lack of legal mechanisms to address this, especially in the areas of equal opportunity and equal pay for work of equal value. We note the concerns expressed by CEDAW, to a number of human rights issues, in the 6th NZ Periodic report.

**d) Maternity Protections**

33. The extension of paid parental leave to 14 weeks brings New Zealand in line with the minimum duration recommended by ILO Maternity Convention 183. We believe that to fully comply with ILO Convention 183, eligibility needs to be extended to seasonal and contract workers, payment levels increased and breast feeding breaks must be paid.

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**e) Pay and Employment Equity**

34. The New Zealand gender pay gap is 12 percent with only marginal movement in the last decade. Pay reviews, established under the Pay and Employment Equity Plan of Action (P&EE POA), have identified gender pay gaps in the public sector and identified factors contributing to gender inequity including lower starting salaries, higher performance pay for men, fewer promotional opportunities, and lack of career pathways and occupational concentration of women. The P&EE POA comprises three phases of action: 1) the state sector; 2) local Government; and 3) the private sector. Legislative action is required along with other measures to make pay and employment equity progress in the private sector.

**f) Low pay and the Minimum Wage**

35. Women are more likely to be in low-paid jobs than men. Women workers still remain clustered into occupational groups especially service and sales, health and community and manufacturing. Many of these industries and occupations are low-earning and low-paying. Increases in the minimum wage substantially benefit women.

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**g) Contracting Out**

36. Women are strongly clustered in contracted-out Government funded public sector work in the health and education sectors and in cleaning of Government departments. Employment conditions and wages that were eroded during the 1990s through dismantling the award system have been hard to restore due to low union density in the private sector. Measures to improve employment conditions in precarious work through responsible contracting policies to improve equity have been slow to be implemented.

## **Protecting Economic, Social and Cultural Rights**

### **a) Legal enforcement**

37. The government generally asserts that economic, social and cultural rights cannot be enforced in court. New Zealand takes this position internationally as well and is unlikely to ratify the Optional Protocol to the ICESCR. The government has stated that it remains skeptical about the utility of establishing a complaints mechanism for ESC rights, which it holds as ill-defined and not easily subjected to quasi-judicial assessment.<sup>7</sup>

38. We support the explicit inclusion of economic, social and cultural rights in New Zealand's Bill of Rights. New Zealand could also consider, as has been recommended by the Canadian Human Rights Commission, the inclusion of 'social condition' to the enumerated prohibited grounds of discrimination in our domestic law.

### **b) Addressing poverty**

39. Concerns have been raised about increasing economic inequality and increasing levels of poverty in New Zealand, particularly among vulnerable groups including Maori and Pacific people, children, and persons with disabilities. For example, in 2006/2007, 22% of children were found to be living below a 60%-of-median income poverty line. Around half of the Pacific Islander children in New Zealand and a quarter of Maori children live in overcrowded housing.<sup>8</sup> There is a need to develop and implement an action plan to combat poverty and social exclusion.

## **International justice and New Zealand as an international citizen**

### **a) International justice – the case of Moshe Ya'alon**

40. In December, 2006, District Court Judge Avinash Deobhakta issued a warrant for the arrest of former Israeli military Chief of Staff Moshe Ya'alon who was visiting Auckland at the time. The Judge stated that a 'prima facie' case existed that he had contravened the Geneva Convention. However, Attorney-General Michael Cullen issued a permanent stay of the court proceedings.<sup>9</sup> Moshe Ya'alon has had criminal proceedings issued against him in the United Kingdom, with respect to his role in the assassination of Palestinian military leader Salah Shehadeh in 2002 - which involved dropping a one ton bomb on a populated area in Gaza, killing some 15 civilians, eight of them children. The papers lodged with the Court documented the allegations against Moshe Ya'alon and set out New Zealand's obligations as a signatory to the Geneva Convention. The Attorney-General's intrusion into the court process was considered highly inappropriate.

### **b) New Zealand's obligations as an international citizen**

41. Every United Nations member nation has a responsibility to promote peace and human rights beyond its borders. The preamble to the United Nations Charter reaffirms "faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small." In the 1970s and 1980s New Zealand took a strong stand against French nuclear testing in the Pacific and went on to ban the visits of all nuclear armed and powered warships. In 1998 New Zealand also helped to broker a peace agreement that ended the long-running conflict between the Government of Papua New Guinea and the people of Bougainville.

<sup>7</sup> Phil Goff, current Minister of Defence, in response to Amnesty International New Zealand election questions, October 2008, <http://www.amnesty.org.nz/files/011008%20Phil%20Goff.pdf>.

<sup>8</sup> Michael Fletcher and Maire Dwyer, A Fair Go for All Children: Actions to Address Child Poverty in New Zealand, a report for the New Zealand Children's Commissioner and Barnardos, August 2008, [http://www.occ.org.nz/\\_data/assets/pdf\\_file/0018/4932/OCC\\_ChildPoverty\\_070808.pdf](http://www.occ.org.nz/_data/assets/pdf_file/0018/4932/OCC_ChildPoverty_070808.pdf).

<sup>9</sup> Hon Michael Cullen, Attorney General "Comment on Moshe Ya'alon Case" 1 December, 2006 [http://209.85.173.104/search?q=cache:x3Eb4V5z9FUJ:www.beehive.govt.nz/release/comment%2Bmoshe%2Bya039alon%2Bcase+Moshe+yaalon&hl=en&ct=clnk&cd=5&gl=nz&lr=lang\\_en](http://209.85.173.104/search?q=cache:x3Eb4V5z9FUJ:www.beehive.govt.nz/release/comment%2Bmoshe%2Bya039alon%2Bcase+Moshe+yaalon&hl=en&ct=clnk&cd=5&gl=nz&lr=lang_en) retrieved 29 October, 2008

42. However, New Zealand has not capitalised on these successful initiatives to build a tradition of peace building and conflict resolution. New Zealand's human rights advocacy is often weak, and limited to expressions of concern that are not backed up by actions. An example of weak diplomacy is the situation in Burma/Myanmar - the New Zealand Government has joined calls for the release of the leader of the struggle for democracy, Aung San Suu Kyi and calls for 'genuine reform'. But in contrast to other western governments, such as Canada, the EU and the United States, New Zealand has imposed no financial sanctions or investment ban on the regime. Our state-owned company Kordia is putting up cell phone towers<sup>10</sup>, and the Government Super Fund has investments in the oil and gas multinationals which operate in Burma.

43. New Zealand has long-established diplomatic, economic and defence ties to Indonesia. New Zealand did not use this relationship to advocate for self-determination while East Timor was under military occupation. The people of West Papua, a Melanesian neighbour, are today in a similar situation. New Zealand has restored defence ties with Indonesia without insisting on an end to the entrenched impunity of the Indonesian military.

44. It is recommended that New Zealand should reevaluate its international human rights responsibilities and obligations as set out in the United Nations Charter, the Universal Declaration of Human Rights and other international human rights instruments such as the Geneva Convention. New Zealand should take a strong and consistent stand with respect to documented human rights abuses and breaches of fundamental freedoms and rights as detailed above. It is also recommended that New Zealand should use its resources and its generally favourable international standing to serve as an active participant in mediation and conflict resolution.

#### **D. Recommendations for action**

##### **We call on the government to:**

##### *45. International human rights instruments*

- Ratify the Convention relating to the Status of Stateless Persons and the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families
- Support domestic and international application of the Declaration on the Rights of Indigenous Peoples
- Seek advisory assistance from the ILO with a view towards ratifying ILO Convention 87 on Freedom of Association and the Right to Organise, and Convention 138 Minimum Age.

##### *46. Implementation of international human rights obligations*

- Ensure sufficient resourcing for National Preventive Mechanisms under the Optional Protocol to the Convention Against Torture, and entrench the NPMS in legislation
- Review domestic human rights legislation to give the Bill of Rights protected status, and to incorporate economic, social and cultural rights
- Formally endorse the Human Rights Commission's National Action Plan for Human Rights
- Formally endorse the recommendations of the Human Rights Commission in *The Accessible Journey: Report of the Inquiry into Accessible Public Land Transport*.

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<sup>10</sup>The Australian, 4 February, 2008 "NZ Govt Under Fire for Burma Contract"



47. *Refugees, asylum seekers and migrants*

- Review the Immigration Bill
- Ensure that interdiction practices and other border control activities do not compromise the right to asylum
- End the detention of asylum seekers in correctional facilities
- Review and reform New Zealand law and employment practices to ensure full protection of rights of all migrant workers
- Develop a standard employment agreement for RSE work;
- Separate provision of pastoral care for RSE workers, to an improved standard ensuring adequate accommodation and provision of non-work activities, from employment arrangements;
- Ensure an independent voice for RSE workers.

48. *Human Rights and Counter-Terrorism*

- Disestablish the Immigration Profiling Group
- Reform the immigration security certificate system to meet international fair trial standards
- Reform New Zealand law to ensure judicial review in terrorist designations and to remove the unnecessary offence of ‘terrorist act’

49. *Administration of justice*

- Suspend the introduction of Tasers pending a full and independent enquiry into their use and effects
- Ensure effective review and oversight mechanisms for search and surveillance powers, and strengthen privacy safeguards

50. *Women’s issues*

- Reform New Zealand law to effectively protect the rights of victims of sexual violence
- Reform New Zealand law to close the gaps in protection of women against discrimination
- Ensure the rights of women prisoners, and their infants and babies, are met
- Introduce a plan to ensure compliance with ILO Maternity Convention 183 and a plan to progressively lengthen paid parental leave to 56 weeks including 4 weeks paid leave for partners/ spouses.
- Accelerate phase 3 of the Pay and Employment Equity Plan of Action for the private sector including consultation with trade unions on pay and employment equity legislation.
- Increase the minimum wage and index it to 2/3<sup>rd</sup> of the average wage in line with the recommendations of the 1973 Royal Commission on Social Security.
- Include responsible contracting policies in Government procurement processes to ensure gender equity processes and consideration;
- Strengthen the employment relations legislation to increase collective bargaining.

51. *Protecting economic, social and cultural rights*

- Support legal enforcement of economic, social and cultural rights in domestic courts
- Ratify Optional Protocol to the International Covenant on Economic, Social and Cultural Rights if adopted by UN General Assembly
- Develop a comprehensive national plan of action to address poverty across New Zealand

52. *International justice and New Zealand as an international citizen*

- Adopt a policy preferring prosecution and non-interference in court proceedings with respect to individuals accused of committing international crimes subject to universal jurisdiction
- Reevaluate its international human rights responsibilities and obligations as set out in the United Nations Charter, the Universal Declaration of Human Rights and other international human rights instruments such as the Geneva Convention
- Take a strong and consistent stand with respect to documented human rights abuses and breaches of fundamental freedoms and rights abroad

## ANNEX 1

### Supporting organisations

**Human Rights Foundation of Aotearoa New Zealand** – The Human Rights Foundation is a non-governmental organization, established in December 2001, to promote and defend human rights through research-based education and advocacy. We have made submissions on new laws with human rights implications. We also monitor compliance and implementation of New Zealand's international obligations in accordance with the requirements of the international conventions New Zealand has signed, and have prepared parallel reports for relevant United Nations treaty bodies to be considered alongside official reports. Though the primary focus of the Foundation is on human rights in New Zealand, we recognise the universality of human rights and have an interest in human rights in the Pacific and beyond.

**The New Zealand Council of Trade Unions** – Te Kauae Kaimahi (CTU) is the internationally recognised trade union body in New Zealand. The CTU represents 40 affiliated trade unions with a membership of over 350,000 workers. The CTU acknowledges Te Tiriti o Waitangi as the founding document of Aotearoa New Zealand and formally acknowledges this through Te Runanga o Nga Kaimahi Māori o Aotearoa (Te Runanga) the Māori arm of Te Kauae Kaimahi (CTU) which represents approximately 60,000 Māori workers. For more information about the CTU see <http://union.org.nz/about>

**Pax Christi Aotearoa New Zealand** - is the national section of Pax Christi International (PCI), and our Coordinator is on the PCI International Executive Committee. PCI is a non-profit, non-governmental Catholic peace movement working on a variety of issues in the fields of human rights, human security, disarmament and demilitarisation, just world order and religion and violent conflict. It has 100 member organisations spread over 50 countries and 5 continents; and Special Consultative Status with ECOSOC, UNESCO, UNICEF, and the Council of Europe.

**Indonesia Human Rights Committee** - Indonesia Human Rights Committee is a solidarity organisation which supports human rights and democracy and works with groups in Indonesia and around the world to promote these values.

**Christian World Service (CWS)** - is the development, aid and justice agency of New Zealand churches. Originally set up by the former National Council of Churches in 1945, CWS has a long history of supporting development issues in the broadest sense, regularly corresponding, advocating and writing submissions on both domestic and international justice issues. We take seriously New Zealand's commitments under Te Tiriti O Waitangi and seek to be faithful to this in association with Maori sections of our member churches. In its core documents CWS acknowledges the rights of Maori and the responsibilities of Tauwiwi (non-Maori) in this regard. CWS is part of the World Council of Churches community, which brings together 349 churches, denominations and church fellowships in more than 110 countries and territories throughout the world. The Commission of the Churches on International Affairs of the World Council of Churches has General Consultative Status with ECOSOC.

**Women's International League for Peace and Freedom (WILPF), Aotearoa** - is the

national Section of WILPF, an international NGO with Sections in 35 countries, covering all continents. WILPF Aotearoa has two members on the International WILPF Board. WILPF has Special Consultative Status with ECOSOC, UNESCO and UNCTAD; and special relations with the ILO, FAO, UNICEF and other organisations and agencies. Since its establishment in 1915, WILPF has brought together women from around the world who are united in working for peace by non-violent means, promoting political, economic and social justice for all. WILPF Aotearoa is committed to honouring the Treaty of Waitangi as a positive way to prevent conflict and to remedy past and present injustice.

**Peace Movement Aotearoa** - is the national networking peace organisation in Aotearoa New Zealand, an NGO registered in 1982 as an Incorporated Society. We are a Pakeha (non-indigenous) organisation, and our membership and networks mainly comprise Pakeha organisations and individuals. As the realisation of human rights is integral to the creation and maintenance of peaceful societies, promoting respect for them is a key aspect of our work. In 2005 we made a submission to the UN Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People, to CERD in 2007, and to the Ministry of Justice on NZ's draft Fifth Periodic Report under the International Covenant on Civil and Political Rights in 2007 and on the draft Third Periodic Report under the International Covenant on Economic, Social and Cultural Rights in 2008.