



Economic and Social Council

Distr.: General
14 June 2011

Original: English

Committee on Economic, Social and Cultural Rights
Pre-sessional working group
23-27 May 2011

Implementation of the International Covenant on Economic, Social and Cultural Rights

List of Issues to be taken up in connection with the consideration of the third periodic report of New Zealand concerning articles 1 to 15 of the International Covenant on Economic, Social and Cultural Rights (E/C.12/NZL/3)

I. General Information

1. Please provide information on the status of the constitutional reform undertaken by the State party and on the standing of the Bill of Rights Act in the State party's legal order as proposed under the reform. Please also indicate whether measures are taken to make the Covenant rights justiciable in the State party's legal order. Moreover, please inform the Committee as to how the State party guarantees the right to bring claims before domestic courts and request reparations for violations of the economic, social and cultural rights which are not explicitly provided for by the domestic legislation, such as the right to housing, and where the non-discrimination provisions of the Human Rights Act cannot be invoked. (HRI/CORE/NZL/2010, paras. 173 and 177; E/C.12/NZL/3, para. 23)
2. Please provide information on the efforts of the State party to reach a minimum net amount of 0.7 per cent of GNI as official development assistance. Please also provide information as to what extent the State party seeks to promote the realization of economic, social and cultural rights through its international development cooperation policy.

II. Issues relating to the general provisions of the Covenant (arts. 1-5)

Article 2 paragraph 2 - Non-discrimination

3. Please indicate to what extent the State party guarantees the equal rights of persons with disabilities to the enjoyment of the right to work. Please explain how the concept of 'reasonable accommodation' is translated in the legislation of the State party, particularly as regards obligations for employers. (E/C.12/NZL, paras. 117)

4. Please inform the Committee to what extent refugees and asylum-seekers have equal enjoyment of economic, social and cultural rights as the rest of the population. Please inform the Committee as to whether the Immigration Act has been amended to revoke provisions prohibiting enrolling children without appropriate permits at schools.

5. In view of the disadvantage in the enjoyment of economic, social and cultural rights by Māori people, please inform the Committee about special measures in place to accelerate the achievement of equality, including in the fields of education and employment.

Article 3 - Equal rights of men and women

6. Please inform the Committee about the effectiveness of the institutional and legislative framework in guaranteeing the right to equal pay for work of equal value. Please also inform the Committee of cases where remedial pay settlements have been awarded as a result of re-valuing of women-dominated occupations. (E/C.12.NZL, paras. 152)

7. Please inform the Committee about the impact of measures taken by the State party to increase women's employment, and girls' pursuance of education, in traditionally male-dominated fields.

8. Please explain to the Committee to what extent the 2009 law (Section 69Y of the Employment Relations Act 2000) enables the State party to meet its obligation to guarantee the equal rights of men and women to the enjoyment of their rights to work and to an adequate standard of living.

III. Issues relating to the specific provisions of the Covenant (arts. 6-15)

Article 6 – The right to work

9. Please provide information on the impact of measures taken to reach Goal 1 of the State party's Ageing Strategy, and if the Strategy is sufficient to guarantee reaching targets as regards employment or income for older persons. (E/C.12/NZL/3, para. 118)

Article 7 - The right to just and favourable conditions of work

10. Please provide information on the impact of measures taken to enforce the minimum wage, particularly for Pacific peoples.

11. Please provide information on measures taken by the State party to strengthen the legislation and other regulations relating to conditions of work, and particularly working hours, with a view to bringing them into line with the provisions of article 7 of the Covenant, as well as on measures destined to monitor conditions of work particularly in sectors such as agriculture.

Article 9 - The right to social security

12. Please provide information on the Social Security Amendment Act 2007 and on the extent to which it assists the State party to meet its obligations under article 9 of the Covenant.

Article 11 - The right to an adequate standard of living

13. Please provide information as to what extent the right to housing is protected when the 90-day evictions notice without cause is applied.

14. Please provide information on the various measures taken by the State party to combat child poverty and as to whether they also address its root causes.

15. Please provide information on the extent to which the right of the Māori to enjoy their livelihood, their customary right to lands and the right to not be deprived of their means of subsistence are being respected in the case of the oil and gas drilling project in the Raukumara Basin.

Article 12 - The right to physical and mental health

16. Please provide information on the causes of the disparities among ethnic groups in the enjoyment of the right to health by referring to the availability, accessibility, acceptability, adequacy and quality of health facilities, goods and services. Please provide information as to what extent health reform measures undertaken have addressed these disparities in the enjoyment of the right to health.

17. Please provide information on education programmes on sexual and reproductive health in the State party and on the extent to which they are included in school curricula.

Articles 13 and 14 – The right to education

18. Please inform the Committee about specific measures taken by the State party to reduce high school drop-out rate and the recourse to early-leaving exemption amongst Māori and male students, and indicate to what extent the measures taken address the underlying causes of the phenomena.

Article 15 – Cultural rights

19. Please provide information on the extent to which the legislation of the State party protects and respects the rights of the Māori to their traditional lands and resources, including those in the foreshore and seabed area (Takutai Moana).

20. Please provide information on steps taken to apply the recommendations of the Waitangi Tribunal (Waitangi Tribunal Report 262) as regards the State party's strategy for the promotion of the Māori language.
