

2012 New Zealand Diversity Forum



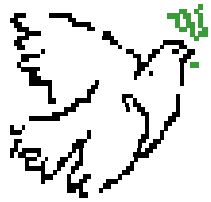
Human Rights
Commission

Te Kaitiaki Take Kōwhiri

The NZ Human Rights Commission
invites you to:

**Be Heard by CERD: How
to have your say to the
UN about Race Relations
in NZ**

Sunday 19 August
3.30pm to 5.00pm
Aotea Centre, Auckland



Peace Movement Aotearoa

NGO opportunities

**UN Committee on the Elimination
of Racial Discrimination (CERD)**

www.converge.org.nz/pma

www.facebook.com/peacemovementaotearoa

- **Introduction**
- **Timeline of current reporting process**
- **Overview of NGO reports to CERD in 2007**
- **Preparing an NGO report**
 - Content
 - Focus
 - Organising the information
 - Layout: things you must include
 - Useful documents
 - Where to send your report
- **NGO coordination / combined reports**

Introduction

The UN Committee on the Elimination of Racial Discrimination (CERD) monitors state party compliance with the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), which was adopted by the UN General Assembly in December 1965 and entered into force in January 1969.

ICERD defines racial discrimination as any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of impairing the recognition, enjoyment or exercise, of human rights and fundamental freedoms in the political, economic, social, cultural or other areas of public life.

Every state party to the Convention is required to submit regular periodic reports to CERD on what legal, judicial, administrative and other steps they have taken to fulfill their obligations to eliminate racial discrimination.

NZ signed the Convention in 1966 and ratified it in 1972. The NZ government has submitted twenty Periodic Reports to CERD:

| Periodic Report | Date due | Date submitted* |
|---|------------------|------------------------|
| Consolidated 18th, 19th, and 20th | 22 December 2011 | 09 March 2012 |
| Consolidated 15th, 16th and 17th (update) | 22 December 2005 | 16 May 2006 |
| Consolidated 15th, 16th and 17th | 22 December 1997 | 16 May 2005 |
| Consolidated 12th, 13th and 14th | 22 December 1995 | 04 October 2001 |
| Consolidated 10th and 11th | 22 December 1991 | 19 December 1994 |
| Consolidated 8th and 9th | 22 December 1987 | 19 June 1990 |
| 7th | 22 December 1985 | 05 March 1986 |
| Consolidated 5th and 6th | 22 December 1981 | 29 July 1983 |
| 4th | 22 December 1979 | 26 January 1981 |
| 3rd | 22 December 1977 | 10 May 1978 |
| 2nd | 22 December 1975 | 24 February 1976 |
| 1st | 22 December 1973 | 22 December 1973 |

*** Date the Periodic Report was registered by CERD, generally the reports were submitted one or two months earlier**

Peace Movement Aotearoa, August 2012

Timeline of current reporting process

- **March 2005** - Decision on NZ Foreshore and Seabed Act 2004
- **31 July and 2 August 2007** - Consideration of the Combined (15th, 16th and 17th) Periodic Report during the 71st session
- **15 August 2007** - Concluding Observations
- **23 September 2008** - Information provided by the government of New Zealand on the implementation of the Concluding Observations [21 January 2009]
- **26 February 2009** - Treaty Tribes Coalition: NGO Report submitted in response to information supplied by the government of New Zealand
- **13 March 2009** - Committee response to the information provided by the government of New Zealand

- **17 August to 30 September 2011** - draft Combined Periodic Report released for comment, and consultation on withdrawing the Article 14 reservation
- **February 2012** - Combined (18th, 19th, and 20th) Periodic Report of New Zealand (CERD/C/NZL/20), submitted
- **16 July 2012** - NZ Refugee Council Communication to CERD under the Early Warning and Urgent Action Procedure re the Immigration Amendment Bill 2012
- **6 to 31 August 2012** - CERD 81st session, List of Themes drawn up and subsequently sent to the government
- **11 February to 1 March 2013 - CERD 82nd session** - in advance: NGO written reports; during the session: NGO briefings to the Country Rapporteur and Committee members; release of Concluding Observations at the end of the session

Overview of NGO reports to CERD in 2007

Seven reports:

- **one** focused on children and young people
 - Action for Children & Youth Aotearoa
- **one** focused on the detention of asylum seekers and the government's response to the 'war on terrorism'
 - Human Rights Foundation

- **five** focused on the Treaty of Waitangi and indigenous peoples' rights
 - Aotearoa Indigenous Rights Trust
 - Collective of Iwi in Tai Tokerau (Ngapuhi, Te Rarawa, Ngati Kahu and Ngati Kahu ki Whaingaroa)
 - Peace Movement Aotearoa
 - Maori Party
 - Treaty Tribes Coalition

All of the NGO reports are available at
www.converge.org.nz/pma/cerd71.htm

Preparing an NGO report

- Content
- Focus
- Organising the information
- Layout: things you must include
- Useful documents
- Where to send your report

Content of NGO reports

- information that is specific, reliable and as objective as possible;
- information that can be verified, for example, include references to specific documents, media reports and so on as footnotes or endnotes; and
- information on issues that are covered by the Convention.

Focus of NGO reports

- Decide which issue/s the report will focus on
- What has the government said or not said to CERD about the issue/s:
 - current Report
 - follow-up report on the Concluding Observations
- What has CERD said about the issue/s:
 - 2007 Concluding Observations
 - Response to the government's follow-up report
 - 2011 List of Themes

Organising the information

- Three main ways the information in NGO reports can be organised:
 - **by Article** - use the relevant Articles of the Convention as the major headings; or
 - **as the state party report** - follow the layout of the government's Periodic Report; or
 - **by the List of Themes and / or the most recent Concluding Observations** - use the relevant sections as the major headings.

Layout of NGO reports

- It is essential to include:
 - name of the NGO/s providing the information
 - full title of the Committee the report is for
 - the session it is for
 - a table of contents on the first page
 - information about the NGO/s
 - paragraph and page numbering

A recent example of the layout of an NGO report

(to the UN Human
Rights Committee):



Peace Movement Aotearoa

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NGO information for the Human Rights Committee, 105th session: for consideration when compiling the List of Issues Prior to Reporting on New Zealand

19 June 2012

Overview

1. This report provides an outline of some issues of concern with regard to the state party's compliance with the provisions of the International Covenant on Civil and Political Rights (the Covenant). Its purpose is to assist the Human Rights Committee (the Committee) with drawing up the List of Issues Prior to Reporting in advance of New Zealand's Sixth Periodic Report. There are eight main sections:

- A. Information on Peace Movement Aotearoa;
- B. The constitutional and legal framework (Article 2);
- C. Indigenous Peoples' Rights (Articles 1, 26 and 27):
 - i. Foreshore and seabed legislation;
 - ii. Deep sea oil exploration, hydraulic fracturing (fracking) and mining;
 - iii. Privatisation of state owned assets;
 - iv. Local government and indigenous people' rights: Treaty of Waitangi Audit.
- D. Rights of the Child: Child Poverty Action Group case (Articles 2, 24 and 26)
- E. Social Security (Youth Support and Work Focus) Amendment Bill 2012 (Articles 2, 3, 24, 26)
- F. Privatisation of prisons (Articles 2 and 10)
- G. Deployment of electro-muscular disruption devices / tasers (Articles 6 and 7)
- H. Developments in immigration policy and legislation (Article 13):
 - i. Immigration New Zealand directive;
 - ii. Immigration Amendment Bill 2012.

2. Thank you for this opportunity to provide information to the Country Report Task Force compiling the List of Issues Prior to Reporting on New Zealand.

Useful documents

- International Convention on the Elimination of All Forms of Racial Discrimination
- 2012 Combined Periodic Report of the government of New Zealand
- 2007 Concluding Observations
- 2008 government follow up report
- 2009 Committee response to the follow-up report
- 2012 List of Themes

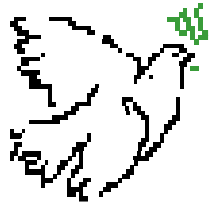
- Relevant information from other Committees
- General Recommendations (GR)
 - CERD has thirty-four, on issues such as: GR 23 on the rights of indigenous peoples, 1997; GR 25 on gender-related dimensions of racial discrimination, 2000; GR 26 on Article 6 (effective protection and remedies for any acts of racial discrimination), 2000; GR 30 on non-citizens, 2004; GR 31 on the prevention of racial discrimination in the administration and functioning of the criminal justice system, 2005; GR 32 on the meaning and scope of special measures in the International Convention on the Elimination of Racial Discrimination, 2009.
- Recent Concluding Observations on other state parties
- Thematic Discussions
- Decisions of the Committee on specific issues

Where to send your report

- NGO reports must be submitted **at least two weeks** before the relevant session:
 - an electronic version to the Secretariat
email cerd@ohchr.org
 - twenty printed copies by post to:
CERD Secretariat, 8-14 Avenue de la Paix,
CH 1211 Geneva 10, Switzerland.

NGO coordination / combined reports

- Peace Movement Aotearoa will be working with other NGOs so there will be a degree of informal coordination of reports
- Possibility of combined reports, most likely thematic combined reports as for the Universal Periodic Review



Peace Movement Aotearoa

- Committee on the Elimination of Racial Discrimination index page:

www.converge.org.nz/pma/cerd.htm

- Information on the current reporting round:

www.converge.org.nz/pma/cerd82.htm

- Information and documentation from the 71st session: www.converge.org.nz/pma/cerd71.htm

- Contact email pma@xtra.co.nz - please write 'CERD NGO reporting' in the subject line