



**Human Rights Council, 26th session**

**10 - 17 June 2014**

**Agenda item 6**

## **NGO intervention on the Adoption of the Outcome Document of the second Universal Periodic Review of New Zealand**

19 June 2014

Mr President,

The Women's International League for Peace and Freedom (WILPF) welcomes this opportunity to speak on behalf of our national section<sup>1</sup> and eleven other non-governmental, union and iwi organisations in Aotearoa New Zealand<sup>2</sup>.

While New Zealand's response to the recommendations might seem impressive - out of 155 recommendations, it has accepted 121 and rejected 34 - unfortunately on closer examination it is not so positive.

Firstly, where recommendations have been accepted, we are concerned that New Zealand's responses are lacking in sincerity. Its response frequently does not address the point of the respective recommendation - for example, the response regarding the UN Declaration on the Rights of Indigenous Peoples<sup>3</sup> - or is misleading<sup>4</sup> or both<sup>5</sup>.

In other instances, New Zealand has incorrectly stated that legislation is consistent with its human rights obligations when it is not; for example, claiming that its counter-terrorism legislation "complies with the legal safeguards enshrined in the ICCPR"<sup>6</sup>, whereas the Human Rights Committee has stated provisions of the legislation are incompatible with Article 14 of the Covenant<sup>7</sup>.

Secondly, most of the rejected recommendations relate to international human rights instruments and to the constitutional and legislative framework, indicating a lack of commitment by New Zealand to meaningful protection and promotion of human rights both now and in the future.

We remain deeply concerned at the lack of full protection for human rights under New Zealand's current constitutional arrangements.<sup>8</sup> While this has dangers for all New Zealanders, it is particularly harmful for hapu and iwi Maori because New Zealand does not hesitate to deny their rights when it perceives this to be to its political advantage.

We therefore reiterate the UPR recommendations in this regard, as well as those from the human rights treaty monitoring bodies and Special Procedures, and urge New Zealand to begin a process of constitutional change that will give full effect to the Treaty of Waitangi, and to its obligations under the international human rights instruments.

We further call on New Zealand to fully implement all accepted recommendations, to reconsider those it has rejected, and to develop a transparent action plan to do this.

Thank you.

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<sup>1</sup> WILPF Aotearoa.

<sup>2</sup> Peace Movement Aotearoa (statement coordination), Aotearoa Indigenous Rights Trust, Auckland Catholic Diocese Bicultural Working Party, Christian World Service, Human Rights Foundation, Network Waitangi Otautahi, Ngati Huarere ki Whangapoua Trust, Pax Christi Aotearoa New Zealand, Pacific Centre for Participatory Democracy, Te Runanga o Nga Kaimahi Maori o Aotearoa (NZ Council of Trade Unions Runanga), and Te Runanga o te Whanau.

<sup>3</sup> Recommendation 89.

<sup>4</sup> For example, in relation to: consultation with Maori (Recommendations 40, 81, 88 and 127); access to education (Recommendations 139, 140 and 141); access to buildings for persons with disabilities (Recommendation 52); official development assistance (Recommendations 48, 49 and 50); and on the second national human rights action plan (recommendations 42 and 43) where it does not disclose that the Human Rights Commission's first national human rights action plan was never adopted by a New Zealand government and thus was not implemented.

<sup>5</sup> As at notes 3 and 4 above.

<sup>6</sup> Response to recommendation 155.

<sup>7</sup> Concluding Observations of the Human Rights Committee: New Zealand, 7 April 2010, CCPR/C/NZL/CO/5, para 13.

<sup>8</sup> See, for example, the NGO coalition UPR submission on Indigenous Peoples' Rights and the Treaty of Waitangi, and other NGO submissions available at <http://www.converge.org.nz/pma/nzupr2-ngos.htm>