

# **Joint Stakeholder Submission: The Human Rights Impacts of the Canterbury Earthquakes**

## **For the Universal Periodic Review of New Zealand (submitted 17 June 2013; for 18<sup>th</sup> Session of the Human Rights Council: January 2014)**

This submission is a joint submission, focusing on the human rights impacts of the Canterbury earthquakes. The submission is endorsed, in whole or in part, by the following 26 organisations. More information on each organisation can be found in Annex A.

Supporting organisations:

- **Action for Children & Youth Aotearoa**
- **Age Concern Canterbury**
- **Brooklands Residents**
- **Canterbury Business Association**
- **Canterbury Men's Centre**
- **Christchurch Migrants Centre/Te Whare Ta Wahi**
- **Christchurch Multicultural Council**
- **Christchurch Resettlement Services**
- **Community Law Canterbury**
- **Development Plus**
- **Ferndale School**
- **Human Rights Foundation**
- **Lead School Transition**
- **National Council of Women of New Zealand**
- **Network Waitangi Otautahi**
- **100% Rates Relief**
- **Pacifica (Christchurch Branch)**
- **Peace Movement Aotearoa**
- **Quake Outcasts**
- **Red Section Owners Group**
- **Royal New Zealand Foundation of the Blind**
- **Tenants Protection Association/Tē Tōpu Tiaki-ā-Kainoho**
- **University of Canterbury UPR Submission Group**
- **Wider Earthquakes Communities Action Network**
- **Women's International League for Peace and Freedom (WILPF) Aotearoa**
- **Youth and Cultural Development Society**

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Suggested Acronym: EQ Impacts

1. The focus of this submission is the human rights impacts of the Canterbury earthquakes. The earthquakes and their aftermath have resulted in New Zealand's greatest contemporary human rights challenge. Christchurch, the city at the centre of the Canterbury region, is New Zealand's third largest urban area. In June 2010, its population was 376,700. Today, the population is estimated at 363,200.<sup>1</sup> On 4 September 2010 and 22 February 2011, the region was hit by two large earthquakes. In the February quake, 185 lives were lost. Since September 2010, there have been over 11,000 aftershocks. The aim of this submission is to ensure that the voices of Christchurch are heard, and the major human rights impacts of the earthquakes are highlighted.
2. A number of themes underlie this submission and are emphasised at the outset:
  - 2.1. The earthquakes were an unprecedented natural disaster. An event of such magnitude has significant adverse consequences and presents major challenges for the greater Christchurch area<sup>2</sup> and New Zealand as a whole. Addressing these challenges will take time, but it is crucial that a rights-based approach is adopted.
  - 2.2. The earthquakes have exacerbated existing social inequalities. The human rights impacts of the earthquakes have tended to be felt more sharply by already vulnerable individuals and communities.
  - 2.3. Although it is nearly three years since the first earthquake, the situation is still unfolding and the human rights impacts are still emerging. The situation will continue to require a high-level of Government engagement for years to come.
  - 2.4. The human rights impacts of the earthquakes demonstrate some of the shortcomings in New Zealand's overall human rights framework.

### **Scope of international obligations**

3. There are currently gaps in New Zealand's international human rights framework. **Recommendation:** **New Zealand should ratify the Optional Protocol to ICESCR, the Optional Protocol to CRPD, the Optional Protocol to CRC and the Convention on the Rights of Migrant Workers and Their Families.**

### **Right to participate in public and political life<sup>3</sup>**

4. CERR Act 2010: Following the September earthquake, Parliament enacted the Canterbury Earthquake Response and Recovery Act 2010. The Act created the Canterbury Earthquake Recovery Commission, with powers to amend almost any legislation by Order in Council. The usual 28 day period for Orders in Council to take effect was waived and replaced by a requirement that such Orders be tabled in the House within six days. The Act also prohibited judicial review of Orders in Council. The Act transferred significant legislative power to the executive.
5. The legislative process for enactment of the CERR Act limited opportunities for public input. All stages of the Bill were heard at once. No regulatory impact statement was prepared. No public consultation occurred. No human rights, Treaty of Waitangi or international obligations compliance assessments were undertaken. The Christchurch City Council was consulted and approved of the legislation, although Environment Canterbury (the regional council) believed existing emergency powers under the Resource Management Act 1991 were sufficient.<sup>4</sup>
6. CER Act 2011: Following the February earthquake, the Canterbury Earthquake Recovery Act was passed. This Act repealed the CERR Act, validated Orders in Council made under that Act, created the Canterbury Earthquake Recovery Authority (CERA) and enshrined the powers of CERA and the Minister for Canterbury earthquake recovery in legislation to make them less susceptible to

judicial review. Orders in Council were given primacy over conflicting legislation. The CER Act also enabled intervention and fast-tracking of approval processes for earthquake affected areas, independent planning powers, preparation of development schemes, information gathering, powers of entry and compensation.

7. Criticism of the CER Bill included that the “command and control” approach it mandated was the antithesis of what international experience showed was appropriate for recovery. There was a short select committee hearing process. Submitters were selected, given less than 24 hours to prepare and heard within two days. The committee had no power to suggest amendments, only to hear evidence and report on it. The Bill was criticised as the most draconian legislation ever passed by Parliament.<sup>5</sup>
8. The processes by which the CERR Act 2010 and the CER Act 2011 were enacted raise serious concerns. Opportunities for public input were seriously circumscribed, as were opportunities for effective scrutiny by Parliament. The sweeping transfer of legislative power to the executive is excessive. Giving Orders in Council primacy over legislation raises concerns as to the proper separation of executive and legislative powers. Many of the powers and functions delegated to CERA replace powers previously held by local authorities. The legislation also creates the potential for opportunities for political participation to be inhibited in the future by Order in Council amendment of other legislation.
9. Loss of democracy: The creation of CERA to lead the recovery in Canterbury demonstrates a fundamental disregard for Cantabrians’ right to political participation. Lack of respect for democracy in the Canterbury region had already been demonstrated by the Government replacing the elected members of the Environment Canterbury Regional Council with unelected Commissioners.<sup>6</sup> This erosion of local democracy has been exacerbated by the formation of the Central City Development Unit which also performs functions that otherwise would be the responsibility of elected bodies.
10. Although a state can derogate from some obligations in times of emergency, the effects of the CER Act extend far beyond the emergency period and impact political rights severely. The legislation goes well beyond the boundaries of permissible derogation. **Recommendation:** **New Zealand should involve elected local representatives in CERA decision-making and transfer governance of earthquake recovery to elected bodies as soon as possible.**
11. Community engagement: Opportunities for community engagement in decision-making are important for participation in public life. Meaningful community engagement is also important in the recovery process.<sup>7</sup> There have been some notable initiatives seeking community engagement such as the Christchurch City Council’s “Amazing Place” competition which gave children the opportunity to contribute their ideas for a new playground in the inner city.<sup>8</sup> However, there have also been concerns about the absence of opportunities for effective community engagement. Although the CER Act 2011 established a Community Forum, the selection process for membership of the Forum is not transparent. The Forum lacks a clear mandate and has little real ability to influence outcomes. A Community Forum has the potential to be an effective medium for community engagement, but this has not been realised. Opportunities for community engagement need to be accessible and inclusive of all sectors of the community. **Recommendation:** **New Zealand should be creative in seeking ways for the community to engage in decision making in the greater Christchurch area.**

12. Right to information: In order to participate in public life, timely access to accurate information is crucial. Inability to access accurate information in a timely way is a concern. For example, one of the issues that people with disabilities (especially those with visual and learning impairments) faced in the immediate aftermath of the earthquakes was accessing information in appropriate formats. This issue continues to be a problem. Another example is that much Government information is available primarily on the internet. Many older people and those for whom English is a second language do not use the internet, making it difficult for them to access information. In the education context, the Ombudsman has reported on the Ministry of Education's poor handling of Official Information Act (OIA) requests concerning the proposed Christchurch school closures.<sup>9</sup> A current major issue is the huge backlog of OIA requests with the Earthquake Commission (EQC). The statutory timeframe for processing OIA requests is 20 working days; however EQC is currently taking six to seven months to respond. The Chief Ombudsman is now investigating.<sup>10</sup>
- Recommendation:** New Zealand should ensure that Government departments provide accurate information in a timely fashion and in appropriate and accessible formats.

### Right to housing

13. Of the approximately 190,000 dwellings in greater Christchurch, around 91% were damaged by the earthquakes.<sup>11</sup> Thousands of houses and sections are permanently or temporarily uninhabitable, creating a large demand for inhabitable houses, rental accommodation, social housing and new sections. The growing Rebuild workforce compounds this. Key issues are affordability, accessibility and habitability. The ongoing and seemingly intractable nature of these issues illustrates the limitations of the current framework for realisation of the right to housing.
- Recommendation:** New Zealand should amend the New Zealand Bill of Rights Act 1990 (BORA) to provide protection for the right to housing.

#### *Right to housing – homeowners*

14. Right to property: New Zealand has a high rate of home ownership. The right to property is not protected in BORA. Various Government acquisition and zoning decisions have had major implications for individual property rights. **Recommendation:** New Zealand should explore methods of strengthening domestic protection for the right to property.
15. Insurance: New Zealand also has a high rate of insurance cover. The large majority of homeowners take out private house insurance. In addition, EQC is a Crown entity which provides natural disaster insurance for residential properties. However, while this high level of insurance should have aided in the Rebuild, it seems to have done almost the opposite.
16. There is immense frustration from many homeowners in their dealings with EQC and private insurers. There is deep concern about lengthy delays, deliberate obfuscation, misinformation and lack of transparency. A particular concern is around EQC's prioritisation of its repair programme. We have entered the third winter since the earthquakes, and many residents remain in houses that are not weatherproof. Despite this, homes that have little damage are receiving repair work while more badly damaged homes have yet to be fully assessed. While EQC has criteria for identifying vulnerable occupiers,<sup>12</sup> there are numerous examples of home owners who appear to come within the EQC criteria, but have still not had their homes repaired. For many older people, the length of time being taken to resolve housing and insurance issues is of significant concern given their age and stage in life. Many are worried that their houses will not be rebuilt or repaired during their lifetimes. **Recommendation:** New Zealand should review EQC's prioritisation policy and monitor its implementation to ensure that those with the greatest need are prioritised.

17. Red zone: As a result of significant land damage, in June 2011 the Government designated certain parts of Christchurch as “residential red zone.” The areas so designated cover approximately six square kilometres comprising over 7,000 properties. Land zoned in this way is said to be “so badly damaged by the earthquakes it is unlikely it can be rebuilt on for a prolonged period.”<sup>13</sup> Although there have been mixed messages, it appears that local authorities will not in future support red zone infrastructure such as water, sewerage, electricity and roading. At the same time as designating the red zone, the Crown offered to buy the properties of insured, red zone property owners for 100% of the 2007 rateable value (RV). In June 2012, the Crown extended this offer to insured red zone properties under construction and non-residential properties owned by NGOs. In September 2012, the Crown offered to buy vacant land and uninsured residential properties for 50% of the 2007 RV.
18. A number of concerns arise from this zoning and offer process. While presented as a “voluntary” offer by the Crown, the use of the 2007 RV, the uncertainty about the future of red-zoned land, the probable withdrawal of council services, the underlying threat of compulsory acquisition by CERA and the unlikelihood of getting insurance or mortgage finance on red-zoned property have all undermined the “voluntariness” of this process. In addition, there is concern at the overall inequity of the process. There are other parts of Christchurch with the same if not worse land damage which were not zoned red, allowing those owners to remain in their homes and repair them. Equally there are many homes in the red zone which were repairable but which have now been sold to the Crown.
19. Vulnerable red-zoners: While many red-zoners have accepted the Government offer and moved on with their lives, others are struggling to move forward. The Government’s aim with its red zone policy included certainty of outcome for homeowners and the creation of confidence for people to move forward with their lives.<sup>14</sup> However, for some individuals and families, the outcome was the exact opposite. The amount of the Crown’s offer, compounded by Christchurch’s housing shortage, has meant that some red-zoners are not able to purchase a new property. Many of these are older people who have been forced out of their long-term family home. Others are single mothers living in a former family home. These and other vulnerable former homeowners are therefore forced into the rental market at a time of great housing pressure. **Recommendation:** **New Zealand should explore targeted bridging finance or assistance packages for vulnerable red-zoners.** Alternatively, rather than making a cash offer, the Government could have set up a “land-swap” scheme for red-zoners, similar to that used in Australia following the Grantham Floods of 2011. **Recommendation:** **New Zealand should consider the feasibility of voluntary “land swap” arrangements in the event of future large-scale natural disasters.**
20. Owners of vacant land in the red zone:<sup>15</sup> The Government offer for vacant land was for 50% of the land’s 2007 RV. The rationale for this decision was that “the land is damaged” and “the land is uninsured.”<sup>16</sup> However, under present law, vacant land is unable to be insured until construction has commenced. Further, vacant land is no more damaged than adjacent occupied land. This decision has led to inequitable and unfair outcomes. Owners who had just started building their homes have been offered 100% RV for their land. Owners of vacant land, the large majority of who are families, are unable to move forward. Many face financial ruin. **Recommendation:** **New Zealand should treat vacant land owners in the red zone equitably and offer them 100% of the land’s 2007 RV.**
21. Owners of uninsured properties in the red zone: Similar equity issues arise for owners of uninsured land in the red zone. There are a number of reasons why some property owners are uninsured. For example, a number of those who are uninsured are elderly widows whose husbands had been responsible for insurance. When husbands died, insurance policies inadvertently lapsed. Other

owners of uninsured properties are migrants for whom insurance is a foreign concept. While the absence of insurance cover is lamentable, it seems inequitable to penalise this small group of people in this way. **Recommendation:** New Zealand should treat owners of uninsured properties in the red zone equitably and offer them 100% of the property's 2007 RV.

22. Rates relief: Many houses remain uninhabitable since the earthquakes. The Christchurch City Council has offered some rates relief on these properties. Homeowners whose properties are at risk of rock falls and are subject to a “prohibited access notice” under s 124 of the Building Act 2004 are entitled to 100% rates remission. However, homeowners whose properties are otherwise unable to be occupied are only entitled to 40% rates remission. Both groups of property owners are out of their homes due to circumstances beyond their control. Treating the two groups differently is inequitable. **Recommendation:** New Zealand should ensure the Christchurch City Council treats owners of all uninhabitable properties equitably.

#### *Right to housing – tenants*

23. The greater Christchurch area has seen a loss of housing stock and a drop in the availability of new rental housing. There have been significant rent increases. Demand for emergency or temporary housing and other types of support for people on low incomes has increased.<sup>17</sup> While the Government’s announcement of its “700 New Builds Programme”<sup>18</sup> to replace Housing New Zealand stock is welcome, more can be done. The Residential Tenancies Act, which sets the framework for the landlord/tenant relationship, does not actively promote the realisation of the right to housing. **Recommendation:** New Zealand should amend the Residential Tenancies Act so that it is premised on a rights-based approach to housing and promotes the realisation of the right to housing within the landlord/tenant relationship.
24. Affordability: The Government has been largely content to leave “the market” to respond to the housing shortage. Rental costs have significantly increased since the earthquakes, with a 31% increase on the average weekly rent since August 2010.<sup>19</sup> The number of rental units available at affordable prices for low-income earners has decreased significantly.<sup>20</sup> In a market where landlords have the upper-hand, the vulnerable and disadvantaged including solo parents, children and young people, older people, migrants, refugees, Maori and Pasifika families, those with mental health issues and those with poor credit ratings have had difficulty finding affordable houses. Over 85% of tenants who have received rent increases in the two years since the earthquakes report that their well-being has been negatively affected by the increases.<sup>21</sup> In view of widespread damage to housing, the Government could still explore the imposition of temporary rent control measures. **Recommendation:** New Zealand should consider imposing rent control measures in the aftermath of natural disasters. **Recommendation:** New Zealand should encourage the Christchurch City Council to develop a housing strategy for vulnerable people.
25. Letting fees: Tenants’ ability to realise their right to housing has been exacerbated by aspects of the existing legislative framework for tenants. The Residential Tenancies Act 1986 permits a letting fee of usually one weeks’ rent to be charged to tenants by letting agents.<sup>22</sup> With soaring rental prices, letting fees put added financial burden on tenants. **Recommendation:** New Zealand should amend the Residential Tenancies Act 1986 so that charging a letting fee to tenants is prohibited in all circumstances.
26. Security of tenure: The Residential Tenancies Act also allows a landlord to give 90-days’ notice without cause to terminate a tenancy.<sup>23</sup> This provision seriously undermines tenants’ security of tenure, with adverse consequences given the lack of housing supply and the high costs of renting.

**Recommendation:** New Zealand should amend the Residential Tenancies Act 1986 so that notices for tenants to vacate the property must be given with reason.

27. Habitability: An issue of growing concern is the number of tenants living in substandard housing. The pressure in the housing market enables unscrupulous landlords to let substandard housing. A large number of rental houses are cold, damp, unsafe and unhealthy. The recent announcement<sup>24</sup> that the Government is to develop a Housing Warrant of Fitness system is welcomed.

**Recommendation:** New Zealand should explore extension of the Housing Warrant of Fitness system to all rental properties. Social housing stock also needs to be suitable for individual tenants' needs. For example, Pacific Island families tend to require larger homes with 4-5 bedrooms. **Recommendation:** New Zealand should ensure that social housing is suitable for individual tenants' needs and includes a range of housing stock.

28. People with disabilities: The reduction in housing stock impacted on the availability of social housing able to accommodate with people with disabilities. A consequence of this is that some young people with disabilities have been inappropriately placed in age-care and rest home facilities.

**Recommendation:** New Zealand should ensure appropriate social housing for people with disabilities.

#### *Right to housing – homelessness*

29. Before the earthquakes, it was estimated that 3,750 people were homeless in Christchurch. This figure has almost doubled; it is now estimated that between 5,510 and 7,405 people are homeless.<sup>25</sup> This includes those who are sleeping rough, living in uninhabitable housing and living in overcrowded housing. There are regular media reports of people living in cars and garages.<sup>26</sup> In many cases, people in desperate situations do not fit any of the existing criteria for social housing or community housing. **Recommendation:** New Zealand should collect statistics on inquiries to Housing New Zealand to identify unmet need.

30. Many instances of homelessness are not caused directly by the earthquakes but by secondary displacement. For example, before the earthquakes there were six Child Youth and Family (CYF) homes providing supported housing for young people. Partly as a result of the earthquakes and also from changes of use, there are now only three. It is currently very challenging to find supported housing for young people, particularly teenage males. **Recommendation:** New Zealand should urgently provide more supported housing for young people in Christchurch in the care of CYF. A particular challenge is for 17 year olds who do not fall under the CYF mandate but are also not eligible for Housing New Zealand assistance. **Recommendation:** New Zealand should raise the age for CYF mandate to include 17 year olds.

31. Another example is the current difficulty in finding housing for recently released prisoners. The privately-owned Wigram Lodge, which used to provide accommodation appropriate for recently released prisoners, is now being used primarily for migrant workers for the Rebuild. **Recommendation:** New Zealand should provide more access to temporary housing in the greater Christchurch area to meet urgent short-term need.

32. More broadly, there has been no coordinated response to the increase in homelessness in Christchurch. This mirrors the shortcoming at the national level in responding to homelessness. No clear picture of the nature and extent of homelessness in New Zealand exists.<sup>27</sup> There is no overarching legislation dealing with homelessness and only two local authorities have a specific homelessness strategy.<sup>28</sup> **Recommendation:** New Zealand should draft a national strategy to

**respond to the problem of homelessness. Recommendation: New Zealand should encourage the Christchurch City Council to draft a homelessness strategy.**

#### *Right to housing – the Rebuild*

33. An opportunity: One of the Recovery goals is to make Christchurch a very accessible city.<sup>29</sup> This applies not just to housing but to the entire built environment including footpaths and intersections. A city built on principles of universal design is good for everyone including people with disabilities, older people and children.<sup>30</sup> **Recommendation: New Zealand should ensure that all opportunities to improve the built environment are taken during the Rebuild.**
34. Standard 4121: Section 118 of the Building Act 2004 requires that all buildings must be built with a “reasonable and adequate provision for access.” Additionally, there is an optional Standard 4121 which denotes a higher level of accessibility. Because of its optional nature, Standard 4121 is not currently being fully utilised in post-earthquake building projects. **Recommendation: New Zealand should incorporate Standard 4121 standard into the Building Code to ensure that all future buildings are built to a high accessibility standard.**

#### **Right to health**

35. The health system has responded well in both the period immediately following the major earthquakes and in the years since. A major ongoing issue is the adverse health consequences arising from substandard housing. Damage to housing and the lack of water-proof homes has exacerbated the pre-existing issue of poorly insulated homes. Damp homes are contributing to asthma and respiratory conditions. Overcrowding as a result of housing pressure is contributing to various health issues including the spread of infectious disease.
36. Mental health: There has been a significant increase in mental health issues including anxiety and depression. Christchurch holds the highest anti-depressant prescription rate in the country, with more than 66,000 residents using such medication.<sup>31</sup> Postnatal depression has increased since the earthquakes.<sup>32</sup> In the three months to September 2012 there was an average of 847 admissions each month of young people to specialist mental health services, up 24% on the three months to September 2011.<sup>33</sup> A Christchurch Coroner has recently released the first finding linking a suicide directly to earthquake impacts.<sup>34</sup> There have been a number of positive Government and NGO initiatives encouraging people to access appropriate services such as the “Right Service Right Time” initiative,<sup>35</sup> the “All Right” campaign<sup>36</sup> and the “Blokes’ Book.”<sup>37</sup> It is important to ensure that these and future initiatives are inclusive and that referral pathways are open and accessible for all sectors of the community. For example, men have traditionally been slower to access mental health services than women.<sup>38</sup> Targeted and culturally specific health services are needed for ethnic minorities. Creativity is especially important to ensure that health services are accessible for Pacific Island communities.<sup>39</sup> **Recommendation: New Zealand should ensure that referral pathways for health services are open, accessible, inclusive and responsive to the needs of different communities. Recommendation: New Zealand should continue to devote the necessary resources to respond to ongoing mental health issues in the greater Christchurch area.**
37. Hoarding: With more people knocking on doors and visiting homes for inspections and repairs, many cases of hoarding have been identified.<sup>40</sup> New Zealand has been slow to recognise hoarding as a mental health issue and there is not yet designated funding in place to help sufferers. **Recommendation: New Zealand should identify a Government focal point for hoarding and develop a strategy for responding to the problem of hoarding.**

38. Social isolation: In the immediate aftermath of the earthquake, there was a strong sense of the community working together. As time has passed however, increasing social isolation is a concern. Many older people live alone and have experienced increased isolation because of the disruption and change to routines following the earthquakes.<sup>41</sup> This issue is also important for people with disabilities. The reduction in transport services has contributed to social isolation as has the destruction of community infrastructure such as church halls and community centres.

**Recommendation:** New Zealand should foster initiatives for strengthening communities.

### Right to education

39. Christchurch schools' shake-up: In August 2012, the Ministry of Education released a roadmap for post-earthquake "education renewal" in greater Christchurch.<sup>42</sup> In September 2012, the Ministry released proposals for the closure, merger and relocation of 42 of Christchurch's 215 schools. Many of these schools were in areas hardest hit by earthquake damage. A consultation period followed. February 2013 saw interim decisions announced for 31 schools. Twelve of those schools accepted their interim decision (ten to remain open and two to merge). On 29 May 2013, final decisions were announced for 16 schools, with seven closures, six mergers and three schools to remain open. Final decisions have not yet been made for the remaining schools.<sup>43</sup>
40. This education initiative has caused deep concern in the community. First and fundamentally, the "best interests of the child" does not appear to be a guiding principle or goal in the "education renewal" programme. **Recommendation:** New Zealand should put the best interests of the child at the centre of its education renewal programme.
41. In terms of the process for school closures and mergers, two timing aspects are of major concern. First, when the proposals were originally announced, the date for actual merger or closure for most schools was January 2015 or January 2016. However, most of the dates were brought forward to January 2014, meaning that many schools will close at the end of this year. Second, the timing of the whole process is of major concern. Communities were already coping with the aftermath of the earthquakes. Schools provide a much-needed community focal point. It is almost beyond comprehension that this process was initiated at such a stressful and uncertain time. Additionally, there is still demographic uncertainty with many communities experiencing a return of residents or new arrivals to assist with the Rebuild. In an open letter to the Government, the Christchurch City Council has described the schools' shake-up as a "social disaster."<sup>44</sup> The upheaval of school closures and mergers is likely to further jeopardise children's wellbeing. **Recommendation:** New Zealand should carefully consider the timing of any future initiatives likely to cause such upheaval.
42. Other process concerns include the fact that some information on which the Government based its proposals for closure or merger was factually incorrect<sup>45</sup> and irregularities in responding to OIA requests.<sup>46</sup> The Chief Ombudsman is currently conducting an investigation into the overall consultation process.<sup>47</sup> **Recommendation:** New Zealand should undertake meaningful engagement with communities in relation to future initiatives for education renewal.
43. Special education: There is uncertainty around changes to Special Education. For example, Ferndale School has been impacted by the Christchurch school closures with the need to relocate satellite classes. Changes in environment can be especially disruptive to students with special needs. Waitlists for Special Schools have grown because of alternatives such as Residential Schools being closed and the strain on mainstream schools to cope with disruptive students.

**Recommendation:** New Zealand should ensure that there are enough resources to accommodate students with special needs.

44. Alternative education: The need for Alternative Education placements in greater Christchurch has increased since the earthquakes. **Recommendation:** New Zealand should provide and fund adequate placements for young people requiring alternative education in greater Christchurch.

### Right to work

45. Equality of opportunity: Given widespread property damage, not only in residential areas but also in the central business district, greater Christchurch now faces a lengthy rebuilding period. The Rebuild offers some real opportunities for realisation of the right to work, particularly for groups which have had difficulty in accessing employment opportunities. For example, there are many employment initiatives such as trades apprentice programmes which may be suitable for people with learning and intellectual disabilities. Notably, the growth in the construction industry has seen the number of jobless males drop by 3800 in the past year. However, the number of jobless women only dropped by 200, suggesting the existence of a gender imbalance in the Rebuild employment context.<sup>48</sup> **Recommendation:** New Zealand should ensure that Rebuild employment initiatives are inclusive of all groups including women, people with disabilities, youth, Maori, Pacific Islanders, migrants and refugees.

46. Health and safety: Much of the Rebuild work involves work on building sites and so brings with it associated health and safety risks for all workers. These risks may be exacerbated for migrant workers who are not familiar with New Zealand health and safety requirements. **Recommendation:** New Zealand should ensure a high standard of health and safety during the Rebuild.

### Migrants and refugees

47. National strategy: To support the Rebuild, New Zealand has welcomed migrant workers to Christchurch. However, there is no national strategy for responding to the influx of migrant workers. It is important that a strategy be adopted because when the Rebuild phase ends, many migrant workers no longer needed in Christchurch may relocate to work in other regions. **Recommendation:** New Zealand should develop a long term national strategy for the integration and support of migrant workers.

48. Language: Many migrant and refugee communities struggled to access vital information and services after the earthquakes due to language barriers.<sup>49</sup> Although Government departments have improved and are now publishing information in “simple English” and other languages, migrant and refugee communities still cannot access key information about housing repairs or insurance processes. **Recommendation:** New Zealand should ensure that key agencies provide information in a wide range of languages and simple English, and in a range of accessible formats.

49. The Government funds the Language Line interpretation service. However, Language Line is being underutilised by government agencies, especially agencies which have been created since the earthquakes or which have had significant workload increases since the earthquakes. Some migrant groups also are unaware of the existence of Language Line or are unwilling to use it due to cultural misunderstandings and difficulties in communication. In some situations, local face-to-face interpretation services may be more appropriate. **Recommendation:** New Zealand should provide

**regular training to Government employees on Language Line and actively encourage its use.**  
**Recommendation:** New Zealand should support the use by Government departments of local interpretation services where appropriate.

50. Support for newly arrived migrant workers: Despite the substantial increase in Christchurch's migrant population, no coordinated programme to support newly arrived migrant workers exists. Many have trouble accessing support services such as health, housing and education.  
**Recommendation:** New Zealand should establish a coordinated framework for welcoming migrants to Christchurch for the Rebuild, including the provision of comprehensive support packages.
51. Community involvement: Migrant workers coming into Christchurch are at risk of social isolation unless they are connected with their local ethnic community and feel welcomed and supported by the wider population. The influx of migrant workers also has consequences for existing migrant communities to respond to the needs of new arrivals. It is important for Christchurch's wider population to engage with ethnic communities given the on-going increase in migrant workers and the long term nature of the Rebuild. **Recommendation:** New Zealand should ensure that migrant workers are encouraged to access and get involved in their local migrant community. **Recommendation:** New Zealand should support engagement between migrant communities and the local population.

### **Minorities: Pacific communities**

52. Approximately 12,000 people identify as Pacific Islanders in greater Christchurch. The impact of the earthquakes on Pacific communities is far less visible than for some other communities because of the small size of the community, and because Pacific people are traditionally reluctant to assert their needs. While some work has been done in the health sector,<sup>50</sup> there is an urgent need to use the available disaggregated data on Pacific communities, notably for education and youth employment, to implement relevant and responsive well-being projects. **Recommendation:** New Zealand should support the continued development and sustainability of Canterbury's Pacific communities. **Recommendation:** New Zealand should ensure that more targeted and culturally specific services are made available to Canterbury's Pacific communities.

### **Business and human rights**

53. The actions of many companies currently operating in Christchurch have a significant impact on human rights. These companies include insurance firms, banks and landlords. For example, insurance firms are widely perceived to be acting unethically and frustrating homeowners' desire to settle their claims, move forward with their lives and realise their right to housing. **Recommendation:** New Zealand should establish a framework for business and human rights consistent with the Special Representative's Guiding Principles on Business and Human Rights.<sup>51</sup> **Recommendation:** New Zealand should encourage companies to sign up to and comply with industry-specific guidelines such as the Principles for Responsible Investment 2006 and the UNEP Principles for Sustainable Insurance 2012.

## Annex A: List of Supporting Organisations

**Action for Children and Youth Aotearoa:** ACYA is a coalition of NGOs, families and individuals promoting the rights and wellbeing of children and youth through education and advocacy based on evidence and Aotearoa New Zealand's human rights commitments. ACYA was founded in 1996. ACYA's principal work is the production and publication of Aotearoa New Zealand's Alternative NGO Report to the UNCROC Committee on Aotearoa's implementation of UNCROC.

**Age Concern Canterbury:** Age Concern Canterbury was formed in 1952 by a group in the community who were concerned for the welfare of older people. Age Concern supports older people in the community, many of whom face loneliness, low income and indifferent health. Age Concern aims to achieve wellbeing, rights, respect and dignity for older people. It promotes health, safety and independence and works to alleviate poverty, hardship and vulnerability.

**Brooklands Residents:** In November 2010, a group of residents in the red-zoned Christchurch suburb of Brooklands formed "the Stayers' Group." Now known as the Brooklands Residents, they have not sold to the Crown for variety of reasons - the Government offer was too low to enable home ownership elsewhere, insurance and EQC low compensation offers, lack of insurance settlement offers prior to the Government deadline and some because they love living in Brooklands and did not want to go. Brooklands Residents are home owners who were facing an uncertain future and chose the only path that could offer some certainty and a roof over their heads and a home - they stayed as they had little other choice.

**Canterbury Business Association:** CBA is an NGO established in 2007 to support immigrants and refugees with employment and business services. CBA advocates for the wellbeing of ethnic business people. CBA's latest project has been supporting ethnic business people with information and support in the Recovery phase following the Christchurch earthquakes. Other projects include the Migrant Mentoring Programme and the CBA Women's Project.

**Canterbury Men's Centre:** The CMC was formed in 2007 to improve the health and social outcomes of Canterbury men. It provides one to one support for individual men including counselling and develops resources that make it easy for men to find relevant services with "The Blokes Book" being the culmination of this work. The CMC also undertakes projects relevant to men's well-being such as supporting groups running or looking to establish Men's Sheds.

**Christchurch Migrants Centre/Te Whare Ta Wahi:** The Christchurch Migrants Centre Trust was established in August 2010. The Trust aims to facilitate the integration of new migrants into the social, economic and cultural fabric of the city, enhance the service provision of government agencies, NGOs and charitable trusts involved in the settlement processes for new migrants, and build towards the provision of a 'One-Stop-Shop" facility for new migrants' services.

**Christchurch Multicultural Council:** The Christchurch Multicultural Council (Inc) was founded in 1989. It is a member of New Zealand Federation of Multicultural Councils. Its objectives include supporting co-operation among ethnic groups, promoting equality for ethnic groups including effective participation in decisions which affect them, promoting social and cultural life within ethnic communities and helping to create greater awareness, sensitivity and pride within New Zealand society as a whole.

**Christchurch Resettlement Services:** CRS is an NGO which exists to support people from refugee and migrant backgrounds living in Christchurch to settle successfully in New Zealand by providing a range of professional services that build on strengths to promote wellbeing and resilience. CRS has an

ethnically diverse workforce, and provides a comprehensive service response to individuals and families. CRS works to a rights and strengths based framework.

**Community Law Canterbury:** Community Law Canterbury is a charity formed in 1982. It provides free law reform, legal education, information, assistance, advice and representation to those members of the Canterbury and Westland communities who experience barriers in accessing legal services. The most common barrier our clients experience is cost. Community Law Canterbury enjoys an active bilateral relationship with the University of Canterbury School of Law students without whom the organisation's drop-in advice clinics would not operate.

**Development Plus:** Development Plus was founded in July 2006 as a provider of social services for migrants and refugees. Development Plus is contracted by the Ministry of Social Development to provide settling-in services for migrants and refugees in New Zealand. It also provides training services for people, projects and providers involved in the migrant and refugee sector in New Zealand.

**Ferndale School:** Ferndale School is a U5 State Special School catering from students with Ongoing and Resourcing Scheme funding from Year One to Fifteen. There are ten satellite units situated in mainstream state primary schools throughout Christchurch, a double community-based unit for older students and a base school situated in Merivale.

**Human Rights Foundation:** The Human Rights Foundation is an NGO established in 2001 to promote and defend human rights through research based education and advocacy. The Foundation makes submissions on new laws with human rights implications. It also monitors compliance and implementation of New Zealand's international obligations and prepares shadow reports for relevant UN treaty bodies to be considered alongside official reports.

**Lead School Transition:** LST was established in June 2009 as an advice and guidance service for participating Christchurch Secondary Schools. It is underpinned by the Wayne Francis Trust Ten Point Best Practice Framework for transitioning young people with disabilities/learning difficulties from school. The service worked with families, schools, disability organisations and the wider community to improve the pathways from school into adult life. LST was funded through the Ministry of Education and the school's contribution. The service has been discontinued as of June 2013.

**National Council of Women of New Zealand:** NCWNZ is the country's leading women's organisation. Originally formed in 1896, it is an umbrella organisation with 47 NGOs affiliated at national level, 41 organisations affiliated at branch level and 22 branches made up of affiliated organisation representatives and individual members. NCWNZ's strategic objective is to promote equality of opportunity for women and families to enable them to participate effectively at all levels and in all aspects of society. The Christchurch Branch of NCWNZ embarked on a major project in 2011 to record women's experiences of the Canterbury earthquakes. More than 100 women's earthquake stories are available (<https://quakestudies.canterbury.ac.nz/store/collection/228>).

**Network Waitangi Otautahi:** NWO is a voluntary group, an educational incorporated society with charitable status. NWO is independent of government, business interests and political parties. It was first established in 1984 as Project Waitangi Otautahi which morphed in 1992 into NWO. NWO's particular emphasis is on encouraging those who do not have Maori ancestry to understand the Treaty of Waitangi. NWO promotes strong sustainability and is committed to taking a community development approach. NWO is part of a wider national network of groups and individuals who are working towards a Treaty-based Aotearoa New Zealand.

**100% Rates Relief:** 100% Rates Relief is a group of Christchurch residents who are all unable to live in their homes as a result of the earthquakes. The group's aim was to encourage the Christchurch City

Council to grant 100% rates relief to all those who are unable to inhabit their homes. As of 2012, residents who are unable to inhabit their homes only had to pay rates on the land value but inequalities and problems relating to the rise of rates have continued to persist.

**PACIFICA (Christchurch branch):** PACIFICA (Christchurch branch) is a branch of PACIFICA Inc which is a national NGO for Pacific women living in Aotearoa New Zealand. It was established in 1977. PACIFICA provides opportunities for Pacific Island women to contribute effectively to the cultural, social, economic and political development of Aotearoa New Zealand and its people. It also aims to initiate and support programmes promoting the education, welfare, health and social development of Pacific Island families and Pacific Island family life. Since the earthquakes, the Christchurch branch has been focusing on the wellbeing of Pacific families in Christchurch.

**Peace Movement Aotearoa:** PMA is the national networking peace organisation in Aotearoa New Zealand, an NGO registered in 1982 as an Incorporated Society. 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. PMA has provided NGO reports to: the Special Rapporteur on Indigenous Peoples' Rights in 2005; CERD in 2007 and 2013; jointly with the Aotearoa Indigenous Rights Trust and others, to the Human Rights Council for New Zealand's first UPR in 2009; the Human Rights Committee in 2009 and 2010; the CRC in 2010 and 2011; and the CESCR in 2011 and 2012.

**Quake Outcasts:** In the aftermath of the series of earthquakes in Canterbury, Quake Outcasts was created in September 2011 as a support group for aggrieved residents harmed by the Government's quake policy. Later it gradually evolved into an advocacy organisation aimed to protect the rights of residents. Quake Outcasts is a non-partisan organisation composed of only affected residents.

**Red Section Owners Group:** The Red Section Owners Group are land owners in Christchurch who have had their vacant land zoned red by the Government after the Canterbury Earthquakes. The Red Section Owners Group was formed in August 2012 to represent hard-working kiwi families who had the drive and ambition to build their family a home, a goal to which many New Zealanders would relate. Many of the sections have very little damage and the families who own them would like to stay and build their dream homes, however this cannot happen as these sections are now zoned red.

**Royal New Zealand Foundation of the Blind:** The RNZFB's vision is to empower and support New Zealanders who are blind or have low vision, to ensure they have the same opportunities and choices as everyone else. RNZFB began in 1890, and today is New Zealand's main provider of sight loss habilitation and rehabilitation services. It has more than 11,500 members who are blind or have low vision. RNZFB equips members with the adaptive skills, technology and resources they need to overcome the barriers they face to participate fully in society and lead independent lives.

**Tenants Protection Association/Tē Tōpu Tiaki-ā-Kainoho:** TPA is an NGO formed in the early 1980s to advance the rights, interests and wellbeing of residential tenants in the greater Canterbury area. This is achieved through the provision of advice, information and advocacy services and education. TPA advises, assists and supports tenants in their dealings and disputes with landlords and other authorities in the Canterbury region and helps seek redress for any wrongs tenants suffer. TPA also works with other NGOs to provide services for tenants, to exchange ideas on tenancy issues and to promote joint action on common concerns.

**University of Canterbury UPR Submission Group:** This Group, comprising one academic and six students from the School of Law, was formed in December 2012 in order to coordinate a stakeholder submission for New Zealand's UPR focussing specifically on the human rights impacts of the earthquakes in Canterbury.

**Wider Earthquakes Communities Action Network:** WeCan, which formed in September 2011, is a network of individuals and community groups that aims to publicly highlight injustices and issues affecting residents following the Canterbury earthquakes. It openly challenges decisions, policies and practices that undermine the recovery of Canterbury communities and residents. WeCan actively promotes and supports equitable, just and visionary solutions for all.

**Women's International League for Peace and Freedom (WILPF) Aotearoa:** WILPF Aotearoa is the national section of WILPF, an international NGO with sections in 40 countries, covering all continents. WILPF Aotearoa has branches in Auckland, Wellington and Christchurch; and two members on the International WILPF Board. WILPF has consultative status with ECOSOC, UNESCO and UNCTAD; and special relations with the ILO, FAO, UNICEF, and other UN 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.

**Youth and Cultural Development Society:** YCD is a Christchurch-based NGO formed in 1993 to support young people to develop their strengths and reach their potential. YCD has a particular focus on supporting youth at risk of being involved in the Youth Justice system. YCD runs various programs including supported bail, supervision with activity (Youth Court orders) and a street youth work project.

**Endnotes:**

- <sup>1</sup> Statistics New Zealand “Christchurch’s population loss slows” (press release, 23 October 2012).
- <sup>2</sup> ‘Greater Christchurch is defined in section 4 of the Canterbury Earthquake Recovery Act 2011 as meaning the districts of the Christchurch City Council, the Selwyn District Council, and the Waimakariri District Council.
- <sup>3</sup> Information in this section drawn from Megan Gall “A Seismic Shift: Public Participation in the Legislative Response to the Canterbury Earthquakes” (2013) 19 Canterbury Law Review 151.
- <sup>4</sup> Cabinet Paper “Canterbury Earthquake Response and Recovery Bill” (13 September 2010).
- <sup>5</sup> Megan Gall “A Seismic Shift: Public Participation in the Legislative Response to the Canterbury Earthquakes” (2013) 19 Canterbury Law Review 151 at 159-161.
- <sup>6</sup> Environment Canterbury (Temporary Commissioners and Improved Water Management) Act 2010.
- <sup>7</sup> Chief Science Advisor; Professor Sir Peter Gluckman *The Psychosocial Consequences of the Canterbury Earthquakes: A briefing paper* (Office of the Prime Minister’s Science Advisory Committee, May 2011).
- <sup>8</sup> See <[www.theamazingplace.co.nz](http://www.theamazingplace.co.nz)>.
- <sup>9</sup> Office of the Ombudsman *Report of Ombudsman David McGee: Investigation into Ministry of Education’s management of OIA requests about proposed Christchurch school closures* (18 December 2012).
- <sup>10</sup> Caroline King “EQC communication to be scrutinised” (6 June 2013) Stuff.co.nz <[www.stuff.co.nz](http://www.stuff.co.nz)>.
- <sup>11</sup> Environment Canterbury *Preliminary Draft Land Use Recovery Plan* (2013), at 36.
- <sup>12</sup> See EQC “Canterbury home repairs for the vulnerable” (30 May 2013) <[www.eqc.govt.nz](http://www.eqc.govt.nz)>.
- <sup>13</sup> See <[www.cera.govt.nz](http://www.cera.govt.nz)>.
- <sup>14</sup> Cabinet Minute of Decision “Land Damage from the Canterbury Earthquakes” (27 June 2011) CAB Min (11) 24/15, Appendix F.
- <sup>15</sup> Information in this section drawn from Red Section Owners Group *Submission for: Andrew Newman’s Petition: Pay 100% RFV to vacant landowners in the Red Zones* (Submission to Finance and Expenditure Committee, 12 April 2013).
- <sup>16</sup> Canterbury Earthquake Recovery Authority *Purchase offer supporting information for: Vacant Land in the Residential Red Zone* (March 2013) at 3.
- <sup>17</sup> Ministry of Business, Innovation & Employment *Housing Pressures in Christchurch: A Summary of the Evidence* (March 2013), at 1.
- <sup>18</sup> Hon Dr Nick Smith “700 new homes announced for Christchurch” (press release, 31 May 2013).
- <sup>19</sup> Ministry of Business, Innovation & Employment *Housing Pressures in Christchurch: A Summary of the Evidence* (March 2013), at 8.
- <sup>20</sup> Ministry of Business, Innovation & Employment *Housing Pressures in Christchurch: A Summary of the Evidence* (March 2013), at 11.
- <sup>21</sup> Tenants Protection Association (CHCH) *Rental Survey 2013: A Study of Increasing Rents and Housing Standards in Canterbury*.
- <sup>22</sup> Section 17(4)(c).
- <sup>23</sup> Section 51(1)(d).
- <sup>24</sup> Hon Dr Nick Smith “Housing WoF to be developed and trialled” (press release, 16 May 2013).
- <sup>25</sup> Ministry of Business, Innovation & Employment *Housing Pressures in Christchurch: A Summary of the Evidence* (March 2013), at 1.
- <sup>26</sup> See for example Olivia Carville “Families turn to renting garages” (16 April 2012) Stuff.co.nz <[www.stuff.co.nz](http://www.stuff.co.nz)>.
- <sup>27</sup> See generally New Zealand Coalition to End Homelessness *Homelessness in Aotearoa: Issues and Recommendations* (October 2008).
- <sup>28</sup> Wellington City Council *Homelessness Strategy* (2004); Wellington City Council Te Mahana: *Draft Strategy to End Homelessness in Wellington* (2012); Auckland Homelessness Steering Group *Homelessness Memorandum of Understanding* (2010).
- <sup>29</sup> Canterbury Earthquake Recovery Authority *Recovery Strategy for Greater Christchurch* (May 2012) at 11; Canterbury Earthquake Recovery Authority *Christchurch Central Recovery Plan: Draft for Consultation: An Accessible City* (November 2012) at 5.
- <sup>30</sup> See generally Human Rights Commission *Better Design and Buildings for Everyone: Disabled People’s Rights and the Built Environment* (October 2012).
- <sup>31</sup> Olivia Carville “Worry, despair plague Christchurch residents” (2 April 2013) Stuff.co.nz <[www.stuff.co.nz](http://www.stuff.co.nz)>.
- <sup>32</sup> Georgina Stylianou “Postnatal depression increases after quakes” (8 October 2012) Stuff.co.nz <[www.stuff.co.nz](http://www.stuff.co.nz)>.
- <sup>33</sup> CERA *Response to Official Information Act Request* (CER/570, 17 May 2013) at 3.
- <sup>34</sup> Olivia Carville “First quake suicide signals road ahead” (5 June 2013) The Press <[www.press.co.nz](http://www.press.co.nz)>; Coroner Sue Johnson “Certificate of Findings” (11 April 2012) CSU-2012-CCH-000044.
- <sup>35</sup> See <[www.rightservice.org.nz](http://www.rightservice.org.nz)> (an initiative of Social Services Providers Aotearoa Canterbury, with collaborative support from the Ministry of Social Development).
- <sup>36</sup> See <[www.allright.org.nz](http://www.allright.org.nz)> (an initiative of the Mental Health Foundation and the Canterbury District Health Board).

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- <sup>37</sup> See <[www.canmen.org.nz](http://www.canmen.org.nz)> (an initiative of the Canterbury Men's Centre).
- <sup>38</sup> Mental Health Foundation of New Zealand *Men & Depression* (2011)
- <sup>39</sup> See Margaret Southwick, Timothy Kenealy, Debbie Ryan *Primary Care for Pacific People: A Pacific and Health Systems Approach* (Pacific Perspectives, June 2012).
- <sup>40</sup> Georgina Stylianou "Urge to hoard linked to depression" (26 May 2012) The Press <[www.thepress.co.nz](http://www.thepress.co.nz)>.
- <sup>41</sup> Sarah Wylie *Social Isolation and Older People in Canterbury* (Age Concern Canterbury, May 2012).
- <sup>42</sup> Ministry of Education *Directions for Education Renewal in Greater Christchurch* (August 2012).
- <sup>43</sup> Hon Hekia Parata "Next steps for 19 greater Christchurch schools" (press release, 29 May 2013).
- <sup>44</sup> Lois Cairns "Council slams Parata's school revamp" (17 May 2013) The Press <[www.thepress.co.nz](http://www.thepress.co.nz)>.
- <sup>45</sup> Natasha Utting "Christchurch schools claim merger data incorrect" (2 October 2012) 3 News <[www.3news.co.nz](http://www.3news.co.nz)>.
- <sup>46</sup> Office of the Ombudsman *Report of Ombudsman David McGee: Investigation into Ministry of Education's management of OIA requests about proposed Christchurch school closures* (18 December 2012).
- <sup>47</sup> Dame Beverley Wakem "Chief Ombudsman launches investigation into school closure consultation" (press release 26 March 2013).
- <sup>48</sup> Alan Wood "Christchurch rebuild a major boost for jobs" (10 May 2013) Stuff.co.nz <[stuff.co.nz](http://stuff.co.nz)>; Cullen Smith "'Ageist attitude' towards female employment in Christchurch" (10 May 2013) Otago Daily Times <[www.odt.co.nz](http://www.odt.co.nz)>.
- <sup>49</sup> See generally Christchurch Migrant Inter-Agency Group *Lessons learned following the earthquakes of 22 February 2011*; Sarah Wylie *Best Practice Guidelines of Engaging with Culturally and Linguistically Diverse Communities in Times of Disaster* (Christchurch City Council, July 2012).
- <sup>50</sup> See for example Canterbury District Health Board *Data Analysis Pacific Health Outreach* (November 2011); Canterbury District Health Board *The Health Status of Pacific People in Canterbury* (February 2013).
- <sup>51</sup> Human Rights Council *Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, John Ruggie: Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework* A/HRC/17/31 (2011).