

**AMNESTY  
INTERNATIONAL**



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Dear Mr Crooke,

Amnesty International welcomes the opportunity to make comments on the draft document regarding the implementation of the International Covenant on Economic Social and Cultural Rights (ICESCR) in New Zealand. Although Amnesty International's work has in the past mainly focused on civil and political rights, we affirm the indivisibility of human rights and are happy to comment on a much wider range of issues, including economic social and cultural rights (ESCR).

Amnesty International recognises the Government's effort to develop and strengthen mechanisms and institutions in the human rights area. However, the current framework still fails in many ways, notably with regard to a lack of justiciability of ESCR, the right to non-discrimination (Art 2), women's rights (Art 3), trade union rights (Art 8), the right to family protection (Art 10), the right to an adequate standard of living (Art 11) and the right to education (Art 13).

Amnesty International notes with concern that ESCR are still not explicitly protected by New Zealand's domestic law. With the Bill of Rights and the Human Rights Act focussing on civil and political rights and discrimination respectively, a general lack of support at government level for the justiciability of ESCR is reinforced.

Amnesty International regrets New Zealand's refusal to support the Optional Protocol on the ICESCR, which would allow individuals to make direct complaints to the relevant UN human rights treaty body.

Amnesty International notes with concern that despite the Government's efforts, both Maori people and migrant workers do not fully enjoy the right to non-discrimination (Art 2). This has been exacerbated by New Zealand's lack of commitment to both the Convention on the Rights of Indigenous Peoples and the Migrant Workers Convention. Of particular concern is their limited access to healthcare and education. Also, despite the Civil Union Act, same sex partners suffer from a discriminatory law not allowing them to marry in New Zealand, which violates both Art 2 and Art 10 on protection of the family.

Amnesty International further notes New Zealand's poor record regarding the right of men and women to equal enjoyment of rights (Art 3). Of particular concern to Amnesty International is the high rate of domestic violence and the persistent gap in wages between men and women.

Amnesty International is further concerned about the low level of social welfare and benefit payments. Those remain below minimum wages and are therefore highly criticisable in the context of the right to an adequate standard of living (Art 11). In relation to that, child poverty statistics remain alarmingly high and poor people are hit hard by the GST-tax payable on food.

Amnesty International further regrets New Zealand's refusal to withdraw from its reservation to Art 8 of the Covenant and its inability to ratify three relevant ILO Conventions in the area of labour and social security rights.<sup>1</sup>

Amnesty International finally wishes to point out New Zealand's shortcomings regarding the right to education (Art 13). Schools are not adequately recognised as being crucial human rights communities. In addition, democratic rights and responsibilities are poorly addressed in the current curriculum.

Amnesty International concludes that although progress has been made in some areas since New Zealand's previous periodic report in May 2003, various shortcomings remain insufficiently dealt with or unaddressed. Amnesty International encourages the New Zealand Government to address the issues outlined above in order to ensure the full protection of human rights by every New Zealand national.

Yours sincerely,

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<sup>1</sup> Those Conventions include:

- No 87 – Freedom of association and protection of the right to organise
- No 117 – Social policy
- No 118 – Equality of treatment

**Amnesty International is an independent movement of over 2.2 million people in more than 150 countries who contribute their time, money and expertise to the promotion human rights and international campaigning to prevent some of the most serious violations.**

**Amnesty International**, recognising that human rights are indivisible and interdependent, also works to promote all the human rights enshrined in the Universal Declaration of Human Rights and other international standards, through human rights education programs and campaigning for ratification of human rights treaties.

**Amnesty International's** Aotearoa New Zealand section has approximately 8,100 members and regular donors, and active members in some 30 local community groups, specialist groups and various action networks. At any one time its members are working on cases and issues in approximately 90 countries. The work of Amnesty International's New Zealand members is supported by paid staff and volunteers based in Auckland, and the movement's International Secretariat based in London.

**Amnesty International** is impartial. It is independent of any government, political persuasion or religious creed. It does not support or oppose any government or political system, nor does it support or oppose the views of the victims whose rights it seeks to protect

**Amnesty International's** policies and plans are discussed and decided at general meetings of the membership and meetings of their elected representatives held every two years (International Council Meetings). In New Zealand their implementation is managed by the Chief Executive Officer overseen by an elected Governance Team. Between International Council Meetings the international affairs of Amnesty International are managed by the Secretary General, who reports to an elected International Executive Committee of members from at least seven different countries.

**Amnesty International** is financed by its worldwide membership and the public. Strict guidelines exist to safeguard the independence of the organisation; AI does not accept government funds for its campaigning work or organisation.

**Amnesty International** has formal relations with the United Nations Economic and Social Council (ECOSOC), UNESCO, the Council of Europe, the Organization of American States, the Organisation of African Unity, and the Inter-Parliamentary Union.

**Amnesty International** was awarded the United Nations Human Rights Prize for "outstanding achievements in the field of human rights" on the 30th anniversary of the Universal Declaration of Human Rights. The movement received the Nobel Peace Prize in 1977 for its contribution to "securing the ground for freedom, for justice, and thereby also for peace in the world".