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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Thirtieth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 12th MEETING

Held at the Palais des Nations, Geneva,

on Monday, 12 May 2003, at 3 p.m.

Chairperson: Ms BONOAN-DANDAN

CONTENTS

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Second periodic report of New Zealand (continued)

The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 6) (continued)

Second periodic report of New Zealand (continued) (E/1990/6/Add.33; E/C.12/Q/NZE/1; written replies to the list of issues, prepared by the Government of New Zealand (document without a symbol, circulated in the meeting room in English only) HRI/CORE/1/Add.33/Rev.1)

At the invitation of the Chairperson, the members of the New Zealand delegation resumed their places at the Committee table.

Ms. BARAHONA RIERA, noting that the level of domestic violence reportedly remained quite high, asked if the Government had assessed the effect of its programmes to combat that phenomenon both among the population in general and among specific groups. Under the criminal law, physical force could be used against children. It was therefore all the more important to determine whether the assistance provided by the State to curb domestic violence was effective. The report stated that the Government had no official poverty line or other measure of the adequacy of living standards. According to the New Zealand Council of Christian Social Services, 1 in 13 children and 1 in 4 persons lived in poverty. How could the Government effectively attack poverty if it did not maintain the relevant statistics about the numbers of children, women and older persons who were poor?

Mr. CAUGHLEY (New Zealand), responding to a question asked previously by Ms. Barahona Riera, said that the Compliance 2001 process required government agencies to determine whether their legislation, policies and practices were inconsistent with the Human Rights Act and, if they were, how to resolve such inconsistencies. The audit had revealed several types of inconsistencies, some of which were attributable to outdated practices or social attitudes. For example, the War Pensions Act of 1954 contained provisions that discriminated on grounds of gender and family or marital status. The audit had also brought to light some provisions that technically differentiated on prohibited grounds, but that had rational and socially desirable ends, such as road safety rules that imposed different conditions on drivers of different ages. Compliance 2001 had done a great deal to raise awareness and increase understanding of domestic and international human rights law among public officials.

Mr. JUDGE (New Zealand), replying to a question put by Mr. Texier, said that the minimum wage gave workers more income than they would receive from unemployment or disability benefits, and that it was sufficient for an adequate standard of living, especially

once such benefits as tax credits, the accommodation supplement and income support were taken into consideration.

In response to Mr. Kolosov's question, he said that a number of studies had been conducted into the reasons for inequalities in health outcomes between Maori people and others. The major contributing factors to low life expectancy among the Maori were heart disease, a genetic predisposition to diabetes and a poor diet. A higher prevalence of smokers led to higher mortality rates among adults, and it was also suspected that smoking was related to sudden infant death syndrome (SIDS), which claimed the lives of a disproportionate number of Maori children under the age of 1. Dietary and smoking habits were not specific to the Maori, but were rather typical of people living in certain socio-economic conditions where the Maori were overrepresented. The same was true of unemployment-related stress and of overcrowded housing, which was conducive to meningococcal disease.

Mr. PAKI (New Zealand) said that the socio-economic status of the Maori was linked to their patterns of risk-taking behaviour, which affected their health status, health outcomes and the levels of health service utilization. Maori people were less likely to seek medical help, principally because of the cost. Low education levels were apparently associated with smoking, alcohol consumption, physical inactivity, asthma, diabetes and high blood pressure, not to mention poor employment prospects. Improvements in health outcomes for Maori people could come about only if their general socio-economic position improved, with better education and income levels and improved employment prospects. It was also important to promote sports and Maori traditional arts, among not only young people, but also adults. The Maoris' lower life expectancy had a serious impact on the community's development, as it made it particularly difficult to revitalize the Maori language and culture.

Mr. JUDGE (New Zealand), responding to a question asked by Mr. Atangana, said that under the criminal law, it was for court juries to determine whether the level of force used for the punishment of a child was reasonable or excessive. The Government was concerned about the possibility of abuse, and was seeking to influence attitudes in society. The social standards for determining whether physical force was excessive had clearly evolved, and would continue to do so. Part of the sustainable development programme addressed the development of children and young people, and included a long-term public education strategy on alternatives to physical punishment.

The Government had made the improvement of primary health-care services a priority, and there had been some withdrawal of secondary services in rural areas, as it was difficult to maintain specialized skills in areas where the volume of needs was low. Some local health boards had decided to concentrate secondary health-care services in larger towns so as to ensure higher quality medical attention.

In response to Ms. Barahona Riera's question about measures taken against family violence, he said that the Te Rito New Zealand Family Violence Prevention Strategy had been launched in 2002 and included 18 specific areas of action. A Te Rito National Executive had been established to oversee the implementation of the strategy, and special "circuit breaker" teams had begun assessing how best to combat family violence, for example by ensuring better coordination of government services. The strategy developed targets and measures with which to assess outcomes. An increase in the number of reports of family violence in the mid-1990s was generally considered to be the result of increased awareness among law-enforcement officials of an already existing problem.

Ms. BUTLER (New Zealand) said that a survey conducted in 2000 by the Ministry of Justice among informants, judges, lawyers and court staff had found that they had a very favourable view of the Domestic Violence Act, which they believed raised awareness and provided effective protection for victims. The fact that the Act focused not only on applying sanctions but also on changing behaviour patterns was considered a particularly positive aspect. The Act broadened the definitions of domestic relationships and domestic violence, thus extending protection to more people. It made provision for the rapid application of flexible and comprehensive protective measures and allowed law-enforcement officials to arrest people who violated protection orders, even without a complaint from the victim.

Mr. JUDGE (New Zealand) said that while the Government set no official poverty line, it did publish statistics on the number of people under certain income thresholds, using internationally-accepted benchmarks. The proportion of families with less than 60 per cent of the median income, after taking into account housing costs, came to about 25 per cent, and the corresponding proportion with less than half the median income amounted to some 15 per cent. New Zealand did not take part in official international comparisons of poverty reduction strategies, but unofficial surveys indicated that the effectiveness of its poverty reduction policies was quite good.

Mr. BADCOCK (New Zealand) responding to questions by Mr. Kolosov and Mr. Pillay, said that there were two main areas in which the Government provided assistance to those most in need of adequate housing. On the one hand, there was assistance in the form of income-related rents for tenants in State housing, which was made available under the Housing Restructuring Act to some 60,000 tenants, about 90 per cent of whom had rent pegged at 25 per cent of their income. The housing itself was generally considered to be adequate and was renovated under government programmes. The second system had been established under the Social Security Amendment Act of 1993 and provided an accommodation supplement for about 250,000 private tenants or boarders in the private rental sector and for low-income home buyers. When such assistance was provided, both the tenant and the landlord were required to lodge a bond with the Residential Tenancies Tribunal. The total number of bonds lodged was around 325,000. According to the 2001 census, there were about 412,000 tenancies in the private rental sector. It was very difficult to exert any regulatory influence over the adequacy of housing in cases where the tenants and landlords did not lodge the bond.

Responding to a question raised by Mr. Riedel, he said that the apparent reduction in public expenditure for housing assistance had in fact been due to the shifting of some 55,000 households from the accommodation supplement system to the income-related rent system. The Labour Government had adopted different housing policies from those of its predecessors, and had had to deal with certain distortions in the housing market. As in any property-owning democracy, the New Zealand housing market tended to follow a boom-or-bust cycle. In the mid-1990s, housing price inflation had coincided with the introduction of the accommodation supplement, and rents had subsequently climbed steeply. After a hiatus of a few years, rents and housing prices were now once again rising.

especially in Auckland and in retirement zones, as much of the money that had been in stock and the international money markets was currently being invested in residential property. The Government was developing a housing strategy to dampen housing price inflation without using supply-side measures, in particular by encouraging investment in residential property. Home-financing was currently available on very favourable terms, and there were no disincentives such as capital gains taxes, estate duties or inheritance taxes.

In reply to Mr. Pillay's question on emergency housing provision, he said the Community Group Housing Programme, a component within Housing New Zealand Corporation, set aside 6 per cent of its approximately 1,600 properties around the country for use as refuges for victims of domestic violence.

While the NGO report was correct in stating that homelessness had been underestimated in the census, there was in fact little visible evidence of people sleeping rough. Anecdotal evidence indicated that all those attending at food banks, for example, were in fact paying rent. Homelessness was not therefore a major issue in New Zealand's housing policy.

On the question of partnership, he said Housing New Zealand Corporation was actively involved with other agencies in two regions of New Zealand in a programme on sub-standard housing, under which the Government was in fact required to form a partnership with communities at a very local level, meaning, in some cases, as few as 100 people. The Corporation was committed to building capacity and skills in order to enable such communities to become self-sustaining in the long term. The programme was managed by another unit within the Corporation, the Housing Partnerships Group, which had entered into 22 housing response agreements with local communities in the past 18 months. In answering some of the criticism in the independent report, he therefore felt it fair to say the Government had been working extremely hard in the past two years and the results were now beginning to emerge. The budget appropriations for housing programmes were quite impressive.

He said Maori or Pacific households comprised around 50 per cent of the Corporation's 60,000 tenants, but the Corporation did not consider forced evictions for arrears to be the right way to manage tenants or encourage good behaviour. Such action would in any case be counterproductive, since tenants would have an automatic right to reapply for State housing with the Corporation. Grievances could be referred to the Tenancy Tribunal, the judicial body with oversight of landlord-tenant relations.

Ms. BUTLER (New Zealand) said special information on pay equity was available to new immigrants, including a brochure describing the requirement that employment contracts must provide for equal pay for male and female workers if the only difference was their sex.

The Government was moving towards free health care for children aged under 18. It was about to implement a strategy that would provide low-cost access to health care for children enrolled in primary health-care institutions.

With regard to tobacco, alcohol and illicit drugs, she said that a national drugs policy established in 1998 included a five-year action plan whose aim was to minimize drug-related harm through balanced strategies to control supply and reduce demand. Demand would be reduced by, among other things, strong law enforcement and the transmission of credible messages concerning potential harm through, for example, graphic anti-smoking advertising on television. Any drug-related problems that still occurred were to be managed by the health services. It was fortunate that New Zealand had been thus far protected from some of the worst drug-related problems seen elsewhere.

The drugs policy recognized the special needs of young people, Maoris and pregnant women. The mental health services for children and young people that district health boards were expected to provide, for example, included treatment for substance abuse, although in remote areas it was not always possible to treat children separately from adults. With regard to parental leave, she said whoever was the primary care-giver was entitled to 12 weeks' paid leave, and if it was the mother who took the paid parental leave, the father was entitled to a minimum of one week's unpaid paternity leave in his own right as a new parent.

Mr. CAUGHLEY (New Zealand), referring to the Government's plans in the area of pay equity, said a range of policy responses were currently under consideration, including possible legislation. Responses to a document issued by the Ministry of Women's Affairs were currently being analysed and the Ministry was working with the Department of Labour and the State Services Commission on the development of a broad policy framework within which pay-equity issues could be considered. Their work included international research on the effectiveness and outcomes of similar policies in other countries and on occupational patterns for employed New Zealand women. In addition, the mandate of the recently-appointed Equal Employment Opportunities Commissioner, included the improvement of pay equity for all groups, including women.

The Hokianga drinking-water pilot scheme had been evaluated and proclaimed a success. It would provide valuable lessons for similar schemes in other communities. Other initiatives being considered included the possibility of subsidizing drinking-water supplies, particularly in disadvantaged communities, and health-risk management training for water suppliers. Under a recently-introduced system, subsidies for sanitary works should become available to communities of between 100 and 10,000 people as from July 2003.

Ms. DEMPSTER (New Zealand) said the minimum age for entry into full-time employment was 16, the age at which compulsory schooling ended.

According to a recent survey on career aspirations in New Zealand's public service, women made up 40 per cent of managers in the public service - a slight inequality, since they accounted for 56 per cent of the total workforce in the service; 7 per cent of women were managers as compared with 13 per cent of men; one third of senior managers were women; and women's average salary was 17 per cent less than men's. The survey had naturally raised concerns for the Government, particularly as it had also demonstrated that women made up a high percentage of younger and middle managers in public service and would therefore be of crucial importance to the future of the service. Consequently, although the Government was still considering its response to the findings, it had been decided at the ministerial level that the issues would certainly need to be addressed.

Mr. RIEDEL said he would appreciate the inclusion, in the State party's next periodic report, of disaggregated information on

developments in relation to the points mentioned in paragraph 12 of the Committee's General Comment No. 14. Particular reference should be made to distances to the nearest specialist medical service, and to transport costs for those in more isolated areas, since physical access to secondary health services was of particular concern to the Committee.

Mr. CEAUSU said that, despite the Government's steps to restrict tobacco consumption and advertising, young people and Maoris appeared to remain particularly vulnerable; he wondered if any thought had been given to an information campaign targeting lower age groups, for example, or to banning indirect advertising at sports events. He would also like to know if there were any plans to ban smoking in public places. While the amendments to the 1990 Smoke-Free Environments Act might boost fiscal revenues, he was not convinced that they would in fact deter smoking.

Mr. CAUGHLEY (New Zealand) said his country had played a leading role in preparing the draft WHO framework convention on tobacco control and he could assure the Committee that its legislation went much further than raising taxes on tobacco. Indeed, New Zealand's domestic measures were now being paralleled at the international level. There was a total ban on tobacco advertising, for example, including in sports, and the law required all workplaces to be smoke-free environments. In addition, minors' access to tobacco products was restricted and the whole issue formed part of the core health curriculum in schools, where graphic anti-smoking notices were also displayed.

The CHAIRPERSON invited Committee members to ask questions relating to articles 13 to 15.

Mr. KERDOUN wondered what became of Maoris who left school without qualifications. Did they start work, undertake vocational training or end up on the street? He was concerned that, to judge from the documents received, there appeared to be a two-tier educational system that provided one kind of education to New Zealanders in general and special education for Maoris, albeit in consultation with Maoris themselves. He wondered whether Maoris were properly integrated into the education system as a whole.

Noting that 90 per cent of private schools were Catholic, he asked whether they were allowed to set their own curriculum or whether they had to follow a national curriculum. He would like to know why the dropout rate for Maori girls in secondary schools was so high and the number of Maori women in higher education so low, and also what the current percentage was for Maori students in higher education. He would appreciate an explanation for the low percentage - 8.3 per cent in 1998 according to paragraph 513 of the periodic report - of Maori teachers in primary and secondary schools. More generally, he would be interested to hear the delegation's views on what kind of contribution the education system made to the country's economic, cultural and social development, particularly in the light of the apparent "brain drain". Finally, he expressed concern that there appeared to be a separate education system for Maoris; it was surely possible to develop an integrated education system that respected cultural differences and taught minority languages while promoting greater equality.

Ms. BRAS GOMES drew attention to paragraph 528 of the report, according to which girls' educational achievements were frequently not translated into high-status and higher income occupational choices. She asked if the delegation could offer any explanation for that and if any measures were being taken to rectify the situation. She noted that the enrolment rate in tertiary education was rising but still low; she wondered if that was because young people were reluctant to accumulate large debts in order to pay for their studies. She also noted that the Open Learning Service provided by the Correspondence School was sometimes used to compensate for staff shortages in secondary schools; she would like to know whether that was a short-term measure or whether it was sometimes used as a permanent solution to understaffing.

Mr. MARCHAN ROMERO asked whether the Government accepted the principle of indigenous ownership of indigenous fauna and flora, as raised in the claim lodged with the Waitangi Tribunal by a number of Maori people in 1991.

Mr. KOLOSOV asked for information on how schoolchildren were familiarized with minority cultures in general and the Maori culture in particular, given that familiarity was an important step towards developing a culture of tolerance. He had read that the educational achievements of children in the eighth grade in New Zealand were relatively low for a highly developed country, apparently because they read very few books. He wondered if that was because, like many children in rich countries, they spent more time watching television or playing computer games than reading.

Mr. RIEDEL noted that the State party, in reply to question 28 on the list of issues, had said that proceedings in the so-called Wai 262 claim before the Waitangi Tribunal had been stayed for six months in June 2002. As more than six months had passed, he would be very interested to know what the current status of the proceedings was, particularly as the Committee was in the process of drafting a general comment on intellectual property rights.

Mr. SADI asked for information on the extent to which human rights education was included as a compulsory part of school and university education and on its effectiveness, and whether the Committee's General Comments Nos. 11 and 13 on the right to education had been integrated into education policies. He also asked whether there were religious schools of denominations other than Catholic, and how widespread information technology education was in New Zealand.

The meeting was suspended at 4.35 p.m. and resumed at 4.45 p.m.

Mr. PAKI (New Zealand) said that special arrangements were made to meet the needs and aspirations of Maori children but there was no separate education system for them: 90 per cent of them were in national mainstream schools and the remaining 10 per cent were taught in Maori in total immersion classes, which had to comply with the requirements of the national curriculum. On the question of integration or assimilation, he said that the Maoris had no desire to see their culture, language or institutions disappear and that was why the Government was working closely with them in the search for other solutions to the particular problems facing them. Incremental improvements had been made in the lives of the Maoris in terms of education and, in particular, the advancement of women.

Mr. JUDGE (New Zealand) said that Catholic schools were integrated in the national system and had to follow a core national

curriculum but, like other schools, they had the freedom to timetable other subjects, including religious education. Catholic schools were not the only religious schools; any religious group could set one up provided that it could convince the authorities that it had a workable programme and was capable of delivering the core curriculum. For that matter, parents could also teach their children at home if they met the same requirements. Human rights education was a standard part of the social studies curriculum, although he was unable to say how much emphasis was given to it in general. Lessons on minority cultures and tolerance also formed a significant part of the curriculum. Most schools had access to information technology, which was hardly surprising in a country like New Zealand, where Internet use was widespread.

Mr. CAUGHLEY (New Zealand) added that the integrated nature of the New Zealand education system itself ensured that children were familiar with other cultures. In reply to additional questions from Mr. Pillay and Mr. Kolosov, he said that corporal punishment was not practised in schools. He believed that it was legally prohibited, though he would prefer to check the legislation before giving a categorical answer.

As his delegation did not have all the information to hand to reply in detail to all the questions raised by the Committee, he suggested that it should provide more details and answer the outstanding questions in writing after consulting with its capital.

The CHAIRPERSON said that the procedure suggested by Mr. Caughley appeared to be acceptable to the Committee.

Mr. CAUGHLEY (New Zealand) said that the Committee's feedback would be invaluable in assisting his Government in its efforts to progressively implement the Covenant. The discussions and the Committee's penetrating questions had been especially useful in giving his delegation a sense of the Committee's current priorities and he was sure that its concluding observations would help the Government focus on areas where action was most needed.

The CHAIRPERSON commended the delegation for the cooperative spirit in which it had approached the discussions and said that the Committee's concluding observations would be intended to help New Zealand make even more progress in complying with its obligations under the Covenant.

The public part of the meeting rose at 5.05 p.m.