



**Economic and Social  
Council**

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COMMITTEE ON ECONOMIC, SOCIAL  
AND CULTURAL RIGHTS  
Pre-sessional working group  
21-24 May 2002

**IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON  
ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**List of issues to be taken up in connection with the consideration of  
the second periodic report of NEW ZEALAND concerning the  
rights referred to in articles 1-15 of the International Covenant on  
Economic, Social and Cultural Rights (E/1990/6/Add.33)**

## **I. GENERAL INFORMATION**

1. Please provide up-to-date information on the self-governing States of the Cook Islands and Niue in free association with New Zealand, including on how their people can best be represented before United Nations human rights treaty bodies, including the Committee on Economic, Social and Cultural Rights.
2. When does the State party intend to repeal its reservations to articles 8 and 10 (2) of the Covenant?
3. Please provide more specific details on the work of the Human Rights Commission relating to the implementation of economic, social and cultural rights in New Zealand.
4. Please provide more detailed information about measures taken by the State party to inform the public at large, in particular judges, lawyers, advocates, administrators and those associated with economic policies, of the provisions of the Covenant. Please give examples of the Covenant having been invoked before a court.

## **II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)**

### **Article 2 (2) - Non-discrimination**

5. Please discuss the extent to which the Maori population enjoys economic, social and cultural rights in equality with other New Zealand citizens.
6. Kindly discuss the situation of Maori women with regard to their education, employment and health, especially their reproductive health facilities. To what extent do Maori girls and women suffer discrimination in practice?

### **Article 3 - Equal rights of women and men**

7. While the law prohibits discrimination in employment and wages, it is reported that in practice, a gender earnings gap persists in New Zealand. Please describe the measures being taken by the State party in order to eliminate this inequality.

## **III. ISSUES RELATING TO SPECIFIC PROVISIONS OF THE COVENANT (arts. 6-15)**

### **Article 6 - Right to work**

8. Please provide information on the enjoyment by persons with disabilities of their right to work. Please include disaggregated data on a comparative basis with the last reporting period.
9. Please describe the measures taken by the State party to implement the court decision concerning discrimination involving medical practitioners and trade union members (paras. 95-96).

### **Article 7 - Right to just and favourable conditions of work**

10. Have the recent changes in employment legislation, in particular the enactment of the Employment Relations Act 2000, led to significant enhancement of the protections guaranteed by articles 6-8 of the Covenant?

### **Article 8 - Trade union rights**

11. Please describe in more detail the restrictions imposed on negotiations concerning employment contracts of police staff, and the role of “final offer” arbitration under the Police Act 1958 and the Employment Relations Act 2000.

### **Article 9 - Right to social security**

12. What measures is the State party taking to address the relatively low levels of social security compensation for persons with disabilities or permanently ill persons, in line with article 9 of the Covenant?

### **Article 10 - Protection of the family, mothers and children**

13. To what extent does the State party encourage and provide for the possibility of paternal leave?

14. The report cites the fact that New Zealand has one of the highest youth suicide rates in the world, and that this especially affects indigenous people. What are the concrete effects of the measures mentioned in paragraphs 450-452?

15. Please provide information on the measures the State party has undertaken to address violence against women, which is reported to be a problem that affects women in all socio-economic groups. What is the situation of Maori women and children in this regard?

### **Article 11 - Adequate standard of living**

16. What have the effects been of the State party’s Group Self-Build pilot programme on low-income households, in particular Maori households (para. 362)?

17. What results have been achieved in relation to the housing assistance measures mentioned in paragraphs 369-378? Please provide annual comparative data for the reporting period.

18. Please provide more up-to-date information on the special problems of housing, water supply and sanitation in rural areas. What is the State party doing to avoid forced evictions (paras. 382-383)?

19. Please report in more detail on the National Plan of Action for Nutrition in relation to volunteer-run food banks in New Zealand. What is the State party doing to reduce the need for such food banks?

20. What measures is the State party taking to reduce the relatively high percentage of drinking water whose quality is graded only D or E (para. 417), and what are the effects of the legislative acts mentioned in paragraph 481 in this respect?

#### **Article 12 - Right to physical and mental health**

21. Please provide more disaggregated data on the mental health situation of New Zealanders in general and Maoris in particular. In addition, please provide more information on the follow-up measures to the Mental Health Commission's framework for the development of mental health services since 1998 (paras. 466-474).

22. Please provide more information on child health care in New Zealand, in particular on results achieved in relation to free provision of health services for children until six years of age. What are the results of regional child health summits, and what measures has the State party taken in this regard?

23. Please provide percentage figures for health expenditures in the State party for the period 1998-2002.

24. What is being done to reduce the rate of Maori infant mortality? Please provide comparative annual data since 1996 (para. 414).

25. According to information received, cutbacks in health facilities and services in the rural areas have seriously affected the accessibility and affordability of health care. What is the State party doing to cope with this problem?

#### **Articles 13 and 14 - Right to education**

26. According to reliable information received, restrictions and conditions imposed on non-State schools tend to frustrate the ability to operate such schools, contrary to article 14 (4) of the Covenant. What is the State party doing to address this problem?

27. Please explain the reasons for the high percentage of Maori girls leaving school early and the continuing low number of Maori women in tertiary education.

#### **Article 15 - The right to take part in cultural life and enjoy the benefits of scientific progress and the protection of intellectual property**

28. Please report on progress made in and on the outcome of the Wai 262 claim before the Waitangi Tribunal (para. 650).

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