



**Economic and Social
Council**

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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
Thirtieth session
5 - 23 May 2003

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLES 16 AND 17 OF THE COVENANT**

**Concluding observations of the Committee on
Economic, Social and Cultural Rights**

NEW ZEALAND

1. The Committee on Economic, Social and Cultural Rights considered the second periodic report of New Zealand on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/1990/6/Add.33) at its 11th and 12th meetings, held on 12 May 2003 (E/C.12/2003/SR.11 and 12), and adopted, at its 29th meeting, held on 23 May 2003 (E/C.12/2003/SR.29), the following concluding observations.

A. Introduction

2. The Committee welcomes the second periodic report of the State party, which was prepared in conformity with the Committee's guidelines. The Committee is particularly satisfied with the comprehensive information provided in the report and in the written replies given by the State party. The Committee also notes with satisfaction that the State party's core document had recently been updated.

3. The Committee welcomes the open and constructive dialogue with the high-level delegation of the State party.

B. Positive Aspects

4. The Committee notes with appreciation the State party's continuing efforts to comply with its obligations under the International Covenant on Economic, Social and Cultural Rights.

5. The Committee welcomes the Human Rights Amendment Act 2001 which transformed the Race Relations Office and Human Rights Commission into a new Human Rights Commission with a broader human rights mandate and is charged with developing a national plan of action for human rights.

6. The Committee notes with appreciation the efforts undertaken by the State party to ensure that the indigenous Maori people enjoy their rights under the Covenant. The Committee notes with satisfaction that the State party's delegation included a senior official of the Ministry of Maori Development.

7. The Committee welcomes the Employment Relations Act of 2000 which facilitates collective bargaining, strengthens the role of trade unions and introduces measures of protection against harassment and discrimination in the workplace. The Committee also welcomes the State party's indication of the imminent ratification of ILO Convention No. 98 concerning the right to organize and collective bargaining.

8. The Committee welcomes the introduction of new legislation providing for a government-funded parental leave scheme, whereby 12 weeks' paid parental leave is granted to either parent. The Committee also notes the statement made by the State party that it intends to withdraw its reservation under article 10 (2) of the Covenant.

9. The Committee appreciates the information on the right to water provided in the report of the State party (paras. 417-418), which was submitted even prior to the adoption of the Committee's general comment No. 15.

C. Factors and difficulties impeding the implementation of the Covenant

10. The Committee notes the absence of any significant factors or difficulties impeding the effective implementation of the Covenant by the State party.

D. Principal subjects of concern

11. The Committee notes with regret the view expressed by the State party's delegation that economic, social and cultural rights are not necessarily justiciable.

12. The Committee notes with concern the relatively high unemployment rate among young people.

13. The Committee notes with regret that the State party has not ratified a number of ILO conventions in the area of labour and social security rights, namely Conventions Nos. 87 concerning freedom of association and protection of the right to organize, 117 concerning social policy and 118 concerning equality of treatment.
14. While noting that measures are being taken by the State party to redress inequality between men and women with regard to employment conditions, the Committee is concerned about the persistence of a gap between the wages of women and men, in contradiction with the principle of equal pay for work of equal value.
15. While taking note of the measures taken by the State party to confront domestic violence under the Ministry of Health Family Violence Project, the Committee is concerned about the persistence of the phenomenon among all socio-economic groups and especially among the indigenous Maori people.
16. The Committee is concerned about the relatively high suicide rate, especially among young people, in the State party.
17. The Committee notes with concern that nearly one in four persons lives in poverty according to the measurement commonly used in the State party, and that clear indicators are lacking to assess the effectiveness of measures to combat poverty.
18. The Committee notes with concern that despite improvements in some health indicators, the general health situation of the indigenous Maori people continues to be worse than that of other segments of the population in the State party. In particular, the Committee is concerned that the life expectancy of Maoris is significantly lower than the national average.
19. The Committee notes with concern that the provision of secondary and tertiary health care services in rural and remote areas is considerably inferior to that in urban areas.
20. The Committee is concerned about persistent inequalities between the Maori and non-Maori people in access to education and the high drop-out rates, especially among Maori children and young people and the disadvantaged and marginalized groups.

E. Suggestions and recommendations

21. **Affirming the principle of the interdependence and indivisibility of all human rights, the Committee encourages the State party to reconsider its position regarding the justiciability of economic, social and cultural rights. Moreover, the Committee points out that the State party remains under an obligation to give full effect to the Covenant in its domestic legal order, providing for judicial and other remedies for violations of economic, social and cultural rights. In this respect, the Committee draws the attention of the State party to its general comment No. 9 on the domestic application of the Covenant.**
22. **The Committee invites the State party to submit, in its next periodic report, its views and comments on the proposal for an optional protocol to the Covenant to be examined by the open-ended working group established by the Commission on Human Rights in 2003.**

- 23. The Committee recommends that the national Human Rights Commission take up economic, social and cultural rights as a comprehensive topic and ensure that those rights are duly reflected in the National Plan of Action for Human Rights.**
- 24. The Committee recommends that the State party strengthens its efforts to reduce unemployment among young people and requests further information on this matter in its next periodic report.**
- 25. The Committee encourages the State party to ratify ILO Conventions Nos. 87, 117 and 118 and to withdraw its reservation to article 8 of the Covenant.**
- 26. The Committee encourages the State party to take measures to increase awareness of the possibility of bringing complaints before the Employment Relations Authority or the Human Rights Commission in cases of employment disputes.**
- 27. The Committee recommends that the State party continue and intensify programmes to reduce inequality between men and women in the workplace, including ensuring equal pay for work of equal value.**
- 28. While acknowledging the ongoing reform of the social welfare system, the Committee recommends that in targeting assistance more specifically to disadvantaged and marginalized groups, including persons with special needs, single-parent families and homeless persons, concerns to contain costs do not lead to a decrease in the level of effective social protection.**
- 29. Given the complexity of the social welfare system with a range of different social security benefits, assistance measures and entitlement conditions, the Committee recommends that the State party widely disseminates accessible information on the system to all, and especially to those who, owing to language, educational or cultural difficulties, need specific targeted information.**
- 30. The Committee recommends that the State party intensify measures taken to combat domestic violence and that it provide, in its next periodic report, information on the results achieved in the implementation of the Te Rito: New Zealand Family Violence Prevention Strategy, including statistical data on cases of domestic violence, disaggregated by sex, ethnic group and age.**
- 31. The Committee calls upon the State party to take effective measures to address the relatively high suicide rate, particularly among young people. The Committee requests the State party to provide further information on this matter, on a comparative and disaggregated basis, in its next periodic report.**
- 32. The Committee recommends that the State party adopt a national plan to combat poverty with clear indicators to assess its impact on the incidence of poverty, in particular among disadvantaged and marginalized groups, the indigenous Maori people and Pacific Islanders. In this respect, the Committee refers the State party to its statement on poverty adopted on 4 May 2001 (E/C.12/2001/10).**

33. The Committee requests the State party to adopt effective measures to improve the health situation of the indigenous Maori people.

34. The Committee recommends that the State party strengthen its efforts to ensure equitable access to health services in both rural and remote areas. The Committee draws the attention of the State party in this regard to its general comment No. 14. The State party is also requested to provide detailed information, on a disaggregated and comparative basis, on progress made in this respect in its next periodic report.

35. The Committee urges the State party to take remedial action to ensure that the indigenous Maori people have equal access to education. Moreover, the Committee requests the State party to provide in its next periodic report disaggregated data on a comparative basis on enrolment and drop-out rates among Maori children and young people, and the disadvantaged and marginalized groups.

36. The Committee encourages the State party to provide human rights education in schools at all levels and to raise awareness about human rights, in particular economic, social and cultural rights, among State officials and the judiciary.

37. The Committee requests the State party to disseminate its concluding observations widely among all levels of society, including among State officials and the judiciary, and to inform the Committee on all steps taken to implement them in its next periodic report. It also encourages the State party to continue to consult with non-governmental organizations and other institutions of civil society when preparing its third periodic report.

38. The Committee requests the State party to submit its third periodic report by 30 June 2008.
