



Peace Movement Aotearoa

PO Box 9314, Wellington 6141, Aotearoa New Zealand. Tel +64 4 382 8129

Email pma@xtra.co.nz Web site www.converge.org.nz/pma

Preliminary analysis of NZ's Universal Periodic Review Outcome

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The draft Outcome Report of NZ's second Universal Periodic Review (UPR) was released overnight, and it includes 155 recommendations made by UN member states. While the UPR process is not as rigorous as the consideration of the government's human rights performance by the UN human rights monitoring bodies which comprise independent human rights experts, nevertheless, there are many positive recommendations. A preliminary analysis of the recommendations is included below, together with some examples in each of the topic areas covered.

The draft Outcome Report is available on the UPR updates page at <http://www.converge.org.nz/pma/nzupr14.htm> and this analysis is available at

The Outcome Report will be adopted by the UPR Working Group during the afternoon session on Friday, 31 January, from 3pm to 6pm (Geneva time), **3am to 6am on Saturday, 1 February (NZ time)**, and you can watch it via the live webcast at <http://www.un.org/webcast/unhrc/index.asp> (alternate link <http://webtv.un.org/>)

Preliminary analysis of the UPR recommendations

• **The Treaty of Waitangi, indigenous peoples' rights, and constitutional issues relating to Maori:** sixteen recommendations, including "Take concrete measures to ensure the implementation and promotion of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) (Norway); "Explore and develop, in consultation with the Maori, means of addressing Maori concerns regarding the Treaty settlement negotiation process" (Slovenia); "Continue to address all forms of political, economic and social discrimination against the Maori and Pacific population by meeting their various demands for constitutional and legal reforms and recognition (Somalia)"; "Ensure that the legislation includes a consultation process with indigenous peoples in all actions concerning them (Mexico)"; "Continue to promote measures to find a positive solution to the Maori populations land claims and promote public policies to reduce the social and economic gap between the Maori people and the rest of the population of New Zealand (Ecuador)"; and "Strengthen efforts to secure Maori political participation at the national level aiming on increasing Maori participation in local governance (Slovenia)".

• **Inequalities, socio-economic disparities between Maori, and / or Pacific peoples, or minority communities; and / or discrimination against Maori, Pacific peoples, or minority communities:** eighteen recommendations, including “Take further steps fully to understand the causes of inequality faced by indigenous people and to minimize their effects (United Kingdom of Great Britain and Northern Ireland)”; “Continue to address inequalities affecting human rights in the areas of health, education, employment and income that disproportionately affect Maori and other minority groups (Australia)”; and “Step up the implementation of current national plans for addressing the challenges and disparities in health, education, employment and gender equality, especially for the vulnerable groups of women, children, migrants, ethnic and indigenous people in the country (Viet Nam)”.

• **Ratification of international human rights instruments:** many recommendations, including: become a party to the International Convention for the Protection of All Persons from Enforced Disappearance; ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families; ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities; ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; ratify the Optional Protocol to Convention on the Rights of the Child on a Communications Procedure; ratify ILO C. No.169 concerning Indigenous and Tribal Peoples in Independent Countries; ratify the Convention relating to the Status of Stateless Persons, and make an Article 14 declaration under the International Convention on the Elimination of All Forms of Racial Discrimination.

• **Structural discrimination:** four recommendations, including “Establish strategies across all sectors, in particular health, education and justice, to identify and remedy structural discrimination (Switzerland)”; and “Enhance its efforts in fighting discrimination and institutional biases against Maori and Pacific people (Czech Republic).”

• **Inclusion of economic and social rights (or economic, social and cultural rights) in the NZ Bill of Rights Act or similar:** four recommendations, including “Incorporate economic, social and cultural rights in the Bill of Rights of 1990, while taking measures to ensure that the competent authorities review the bills, regulations and policies so that these are compatible with the provisions of the International Covenant on Economic, Social and Cultural Rights (Uruguay)”.

• **Child poverty:** seven recommendations specifically refer to child poverty, including “Establish indicators to measure child poverty and consider adopting additional measures for reducing poverty amongst youth (Canada)”; and “Combat child poverty, in particular that which affects Maori children, those who live in the Pacific islands and children with disabilities (Mexico)”.

• **Rights of migrants, refugees, asylum seekers and their families:** five recommendations specifically referring to asylum seekers, and five others referring to combating discrimination against migrants, including “Reduce to the minimum possible the administrative detention of migrants, asylum seekers and refugees and only employ such

measures in exceptional cases (Mexico)”; and “tackle the challenges which still persist concerning the rights of migrants, refugees, asylum seekers and their families and consider an eventual withdrawal of New Zealand’s reservations to the Convention on the Rights of the Child and a declaration in support of article 14 of ICERD (Brazil)”.

- **Canterbury earthquakes:** three recommendations, including “Consider policies in relation to gender mainstreaming, adequacy of housing and access to buildings for persons with disabilities in the post-recovery efforts of the Canterbury earthquakes (Trinidad and Tobago)”; and “Facilitate the realization of economic, social and cultural rights through the reconstruction of the areas affected by earthquakes in 2010 and 2011 (Algeria)”.

- **Women’s rights:** twenty five recommendations refer to women’s rights, in relation to discrimination against women, pay equity, and violence against women, including: “Develop, in partnership with civil society, a national action plan for women with defined targets, to address issue such as violence against women, pay inequality, the situation of Maori and Pacific women, and women with disabilities (Ireland)”; “Continue to work towards full equality between men and women, building on its historical credits, as the first country in the world to give women the right to vote in national elections (Portugal)”; and “Consider further improving existing legislation in order to close the gaps in the protection of women against discrimination (Cyprus)”.

- **Surveillance:** one recommendation, “Ensure that the new legislation on surveillance of communications by the intelligence service complies with international law, particularly with the principle of proportionality (Switzerland)”.

- **Counter-terrorism measures:** one recommendation, “Ensure that its counter-terrorism legislation as well as the national designation for terrorist groups are in full compliance with the legal safeguards enshrined in the ICCPR (Iran)”.