



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

### List of issues prior to submission of the fourth periodic report of New Zealand\*

#### A. Issues of particular relevance

1. Please update the Committee on the constitutional review process, in particular as regards any development in the recognition of economic, social and cultural rights in the New Zealand Bill of Rights Act, and on mechanisms for ensuring the compatibility of laws with international human rights treaties and the State party's own sources of constitutional law, such as the Treaty of Waitangi and the Bill of Rights Act. In this regard, please explain the scope/relevance of declarations of inconsistency issued by the State party's judicial power. Please also provide specific examples of cases, for the period 2012 and 2016, where Covenant rights have been invoked before or applied by domestic courts.

2. Please provide information on the measures taken to consult all stakeholders, including Maori, in the elaboration, negotiation and ratification of trade agreements, such as the Trans-Pacific Partnership Agreement and the Free Trade Agreement with the European Union, to ensure the protection of human rights and compliance with international human rights obligations. Please also indicate the safeguards in place to ensure that the investor-State dispute settlement mechanism contained in the Trans-Pacific Partnership Agreement will not force States to compromise their international obligations.

3. Please provide an assessment of how the different policies and programmes in the State party for the enjoyment of economic, social and cultural rights by disadvantaged and marginalized groups, in particular Maori, Pasifika and children and young people below 24 years of age, have addressed structural inequalities in health and education, and to what extent they have addressed structural factors. Please also indicate the remaining obstacles and how the implementation of the recommendations contained in the 2015 report of the New Zealand Productivity Commission on social services would address them.

4. Please provide an assessment of how measures to combat different types of violence for groups such as women and girls, persons with disabilities, children and transgender persons have been effective.

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\* Adopted by the Committee at its fifty-seventh session (22 February-4 March 2016).



## **B. Implementation of the Covenant**

### **Article 1 (2) — Right to freely dispose of natural wealth and resources**

5. Please update the Committee on the implementation of the recommendations of the Waitangi Tribunal to ensure the free prior and informed consent of Maori on any decisions regarding their lands, territories, waters and maritime areas, as well as on its recommendation on the Maori's right to conserve, promote and develop their own culture, language and cultural heritage, traditional knowledge and cultural expressions, and their the right to protect their intellectual property.

### **Article 2 (1) — Obligation to take steps to the maximum of available resources**

6. Please provide information on the public consolidated budget for sectors relevant to the Covenant rights, particularly with regard to employment, social security, health and education, indicating the share of the total public budget over the past five years. Please also provide information on additional spending for new policies to address inequalities.

7. Please provide information on the measures taken to ensure that private companies respect economic, social and cultural rights throughout their operations, including when operating abroad. In doing so, please also provide information on effective remedies available for victims of violations of Covenant rights by companies.

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

8. Please provide information and statistical data on the enjoyment of economic, social and cultural rights by persons with disabilities.

9. Please indicate to what extent asylum seekers, refugees and their reunified family members are able to enjoy their rights under the Covenant.

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

10. Please indicate whether the implementation of the Gender Equality Declaration has helped to accelerate women's access to decision-making positions in the public and private sectors. Please provide an assessment of the remaining obstacles to the achievement of gender equality.

### **Article 6 — Right to work**

11. Please provide statistical data on unemployment, underemployment and multiple employment, as well as on persons who are not currently involved in any form of education, employment or training, disaggregated by sex, age group, ethnicity, urban and rural area, or other relevant status, on an annual comparative basis over the past five years (2012-2016).

12. Please provide information on the impact of measures taken to promote adequate employment for women, Maori, persons with disabilities and young persons.

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

13. Please report on steps taken to address the prevalence of insecure-work arrangements and on how the right to just and favourable conditions of work is realized, for example, for workers who are required to be available for work under zero-hour contracts or are subject to shift cancellations without notice.

14. Please explain to what extent the various minimum wage rates enable a decent living for workers and their families. Please provide information, including statistical data, on

households whose members are in paid employment but whose incomes are below the poverty line.

15. Please provide information on the extent of discrimination on the ground of sex, race or other status, as well as on bullying and sexual harassment in the workplace, and elaborate on the effectiveness of prevention measures taken and of avenues of remedies for victims.

**Article 8 — Trade union rights**

16. Please describe how the Employment Relations Amendment Act affects collective bargaining arrangements and what protections remain for new employees and young people who may be disadvantaged by the changes.

**Article 9 — Right to social security**

17. Please update the Committee on measures taken to ensure that ongoing welfare reforms do not further disadvantage the most marginalized individuals and groups, as well as on social assistance measures in place for those no longer entitled to insurance-linked benefits.

18. Please indicate to what extent the protection of the right to social security, the right to an adequate standard of living, and the best interests of the child are taken into account in decision-making processes regarding benefit sanctions under the Social Security Act 1964.

**Article 11 — Right to an adequate standard of living**

19. Please update the Committee on the poverty threshold applied in the State party. Please also provide updated statistical data on poverty, disaggregated by age group, ethnicity, household size and family status. Please provide information on obstacles to reducing child poverty in the State party.

20. Please provide information on measures taken to respond to the reported increase in the number of families resorting to food banks.

21. Please provide updated information and disaggregated statistical data on the gaps in the realization of the right to adequate housing in the State party in terms of affordability, habitability and security of tenure, and on the existing challenges to decrease those gaps, in particular with reference to the long waiting list for social housing.

**Article 12 — Right to physical and mental health**

22. Please provide information on the impact of measures taken to ensure the right to physical and mental health of, and improved health outcomes for, Maori and Pasifika people.

23. Please update the Committee on the impact of privatization of water distribution on the availability and affordability of water. Please inform the Committee of measures taken to address freshwater pollution from agriculture and the impact thereof.

**Articles 13 and 14 — Right to education**

24. Please provide statistical data on the educational outcomes for children from disadvantaged and marginalized households, disaggregated by gender, ethnicity and family status. Please provide information on support to households that may not be able to afford the indirect costs of schooling so as to ensure that access to education, including to secondary education, is not impaired due to such costs.

## C. Good practices

25. Please provide information on good practices in policy formulation and implementation developed by the State party during the reporting period that have effectively contributed to the realization of economic, social and cultural rights of marginalized and disadvantaged individuals and groups. Please indicate how the Committee's previous concluding observations (E/C.12/NZL/CO/3) have been taken into account in developing such practices.

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