



Human rights in Aotearoa New Zealand

Statement of Te Kāhui Tika Tangata | New Zealand Human Rights Commission

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Situation in New Zealand

Issue One

Constitutional protection of Treaty of Waitangi and human rights

Issue Two

Workers' rights



Positive developments since last review (2019)

- Ratifying the Optional Protocol on a Communications Procedure under the Convention on the Rights of the Child.
- Introducing a national strategy and action plan to eliminate family and sexual violence.
- Decriminalising abortion.

Issue One

Constitutional protection of Treaty of Waitangi and human rights

Summary

- Treaty of Waitangi (signed in 1840 between the British and our Indigenous Peoples, the Māori) is New Zealand's founding constitutional document, but lacks constitutional protection.
- Despite repeated domestic and international recommendations for the Crown and Māori to determine the appropriate constitutional protections of the Treaty, Māori rights remain vulnerable to the political climate of the day
- New Zealand Bill of Rights Act affirms commitment to ICCPR, but does not include rights to privacy, self-determination, or a remedy or economic, social or cultural rights.

Issue One

Constitutional protection of Treaty of Waitangi and human rights

Recommendations

- Progress discussions and action, in partnership with Māori, to determine and implement the appropriate constitutional processes and institutions to recognise, respect, and give effect to the Treaty.
- Intensify efforts to implement the Declaration on the Rights of Indigenous Peoples, grounded in the Treaty of Waitangi, including a National Plan of Action.
- Amend the Bill of Rights Act to incorporate all civil, political, economic, social and cultural rights, as set out in the International Covenants.
- Require and ensure identification of human rights implications in early policy analysis and pre-legislative work, and as required under the Bill of Rights Act, to ensure consistency with domestic and international human rights standards.

Issue Two

Workers' Rights

Repeal of Fair Pay Agreements Act (under urgency)

- Enhanced minimum employment standards across entire industries.
- Women, young people, Māori and Pacific peoples, and migrants are disproportionately affected by the repeal.

Recommendation

- Reinstate fair pay legislation and ensure any changes to the legislation undergo usual democratic processes and human rights implication analysis.

Issue Two

Workers' Rights

Proposed introduction of pay transparency legislation

- Gender pay gap reporting requirement for companies with 250+ employees.
- Does not cover ethnic and disability pay gaps.
- Unclear whether new Government will progress law.

Recommendations

- Urgently introduce pay transparency legislation requiring all businesses to end pay secrecy, report pay gaps, and publish initiatives to eliminate pay inequity.
- Require all businesses, with additional support for small, medium and large enterprises, to collect gender, ethnicity and disability workforce data.
- Amend the Equal Pay Act 1972 to include ethnicity, disability. and gender alongside sex as grounds to make a claim.
- Take steps towards ratification of ILO 190 - Violence and Harassment Convention.

Issue Two

Workers' Rights

Proposed introduction of Modern Slavery legislation

- Announced in July 2023, but unclear whether will progress.
- Would require businesses earning over \$20 million to report their operations and supply chains through a public register.
- Missing due diligence obligations.

Recommendations

- Introduce modern slavery legislation, with due diligence obligations, and in alignment with the UN Guiding Principles for Business and Human Rights.
- Ensure modern slavery legislation applies to entities of all sizes, in public and private sectors, with domestic and international supply chains.