



16 March 2009

Richard Kay
United Nations and Commonwealth Division
Ministry of Foreign Affairs and Trade
Private Bay 18-901
WELLINGTON 5045

Tēnā koe Richard

Re: Feedback on New Zealand's Draft's Human Rights Report

The New Zealand Nurses Organisation (NZNO) welcomes the opportunity to comment on Aotearoa New Zealand's draft Human Rights Report and strongly supports the revised United Nations process of periodic review of human rights in *all* member states. We support this document as generally being an accurate and fair representation of human rights in Aotearoa, but observe the following:

1. NZNO acknowledges the section on the Tiriti o Waitangi and the Rights of Indigenous people, however we wish to recommend that this section should include the Governments aims to reduce inequalities in areas such as health, housing, education, rather than concentrate solely on the area of Treaty settlements. While Treaty settlements are important to Māori, they focus on historic injustices, and do not address current inequalities in health, housing, education and employment that face Māori.
2. We note several references to 'multiculturalism' and suggest that in some cases this is used inappropriately. The Tiriti is an explicit statement of biculturalism. New Zealand may be ethnically diverse and culturally tolerant and inclusive, but it is committed socially and politically to a bicultural partnership between the Tangata Whenua and the state. That

- is, as the report acknowledges, what makes Aotearoa unique. The primacy of the partnership is undermined and confused by subsequent references to multiculturalism which implies cultural homogeneity. Indian culture, for example is respected in New Zealand, but does not enjoy the same primacy as Māori culture or 'English' culture. It is similarly unconvincing, in spite of "practical support for the revitalisation of the Maori language" and its status as an official language, to refer to the country only by its English name¹.
3. Although some aspects of health are discussed, for example disability, mental and child health, we are disappointed that the draft report does not include a specific section on health. Consequently there are gaps in the areas of health, housing, education and employment. This is especially of concern in view of the World Health Organisations (WHO) latest report 2008 on the social determinants of health and basic human rights².
 4. We draw your attention to the Human Rights Commission, *New Zealand Action Plan for Human Rights – Mana ki te tangata Priorities for Action 2005-2010*³ which acknowledges persistent inequalities in people's experiences of economic, social and cultural rights and highlights the relationship of poverty to the most basic human rights. We believe that these inequalities must be acknowledged – preferably as inequalities rather than 'challenges'.
 5. We suggest that Otago University Public Health Professor, Philippa Howden Chapman's recent research on 'He Kainga Oranga, Housing and Health Research Programme' demonstrating that improvements to insulation of houses could potentially prevent ill health, especially in sections of the population exposed to substandard housing is highly relevant, given the international attention it received⁴.
 6. We also suggest that the Health and Disability Commissioner's recent report identifying a gap legislation regarding in consumers' right to access Health and Disability services which seriously disadvantages those with disabilities, is noted.
 7. Section 4.2.2 states that "The operation was mounted in response to the establishment of training camps involving the use of firearms and other weapons in a remote part of New Zealand (Urewera)" yet is followed by

¹ Te Puni Kōkiri. 2003. *Māori Language Strategy*. Wellington: Te Puni Kōkiri.

² World Health Organisation. 2008. *Closing the Gap in a generation: Health Equity through action on the social determinants of health. Final Report of the Commission on social determinants of health*. Geneva: World Health Organisation.

³ Human Rights Commission. 2005. *New Zealand Action Plan for Human Rights – Mana ki te tangata – priorities for action 2005-2010*. Wellington: Human Rights Commission.

⁴ Howden-Chapman, P, Matheson, A, Crane, J, Viggers, H, Cunningham, M, Blakely, T, Cunningham, C, Woodward, A, Saville-Smith, K, O'Dea, D, Kennedy, M, Baker, M, Waipara, N, Chapman, R, Davie, G. *Effect of insulating existing houses on health inequality: cluster randomised study in the community*. BMJ Feb 2007; 334:460.

confirmation that no charges were laid under the TSA and that the Solicitor General decided there was insufficient evidence to proceed with prosecution under the TSA. NZNO strongly supports inclusion of this incident but insists it is reported accurately and objectively. Subsequently no charges under the TSA were laid. It is unacceptable to detail what amounted to suspected “terrorist” activity and not detail the nature of the police response which was an extraordinarily strong armed raid, hence the concern. NZNO recommends the quoted sentence is deleted as it gives the impression that terrorist training camps *were* in existence, which is not the case, and it is not balanced by similarly strong concern over police actions.

NZNO recommends that you:

- **Agree** that *Aotearoa* be used interchangeably or with *New Zealand* in recognition of the equal status of both languages.
- **Agree** that the Report should reference the Human Rights Commission, *New Zealand Action Plan for Human Rights – Mana ki te tangata Priorities for Action 2005-2010*, and the WHO’s recent report.
- **Agree** that inequities in health outcomes and access to health services should be acknowledged.
- **Agree** that inequities in health and education and other social, economic and cultural determinants are human rights issues.
- **Note** the importance of Dr Howden-Chapman’s work and the determinants of health which is reflected in human rights
- **Amend** The last sentence in section 2 be amended to clarify that “Close to 35% of new Zealanders stated they have no religious affiliation”.
- **Delete** the words “where relevant” in the last sentence in section 2.5. Human rights obligations are always relevant.
- **Delete** the words “or its use” and “use in” in Section 4.1.6 Prostitution Law reform.

We look forward to the inclusion our recommendations in your report,

Nāku noa, nā

Leanne Manson
Māori Policy Analyst
New Zealand Nurses Organisation

Phone: 04 499 9533
DDI: 04 494 6389
Email: leannem@nzno.org.nz

NEW ZEALAND NURSES ORGANISATION

The New Zealand Nurses Organisation (NZNO) is the leading professional body of nurses and nursing union in Aotearoa New Zealand, representing over 42 000 nurses and health workers. Te Runanga o Aotearoa is the arm through which our Te Tiriti o Waitangi partnership is articulated. Our members include nurses, midwives, students, kaimahi hauora, health care workers and allied health professionals.

The NZNO vision is “Freed to care, Proud to nurse”. Our members enhance the health and wellbeing of all people of Aotearoa New Zealand and are united in their professional and industrial aspirations.