

HUMAN RIGHTS - IN EVERYONE'S INTEREST

In the first on our series on Commissions, SHELLY BISWELL looks at the work of the high-profile Human Rights Commission.

On 8 March – International Women's Day – Race Relations Commissioner Dame Susan Devoy spoke at a special event about peace at Te Papa called *Take from My Palms* that was created and performed by Wellington East Girls' College students. Devoy only had five minutes to speak, so she would have been forgiven for keeping her comments to a few general thoughts about the importance of International Women's Day. She did that, but she did so much more. She weighed in on several topical issues for New Zealanders, from the perennial earnings gap between men and women,



Dame Susan Devoy

Race Relations Commissioner

to the sex comments made by Wellington College school boys in a private Facebook group. She spoke with urgency and a call to action.

That sense of urgency and determination is apparent when you talk to Chief Commissioner David Rutherford too. While he's been in the role since 2011, his energy and enthusiasm for the work of the commission is obvious.

With a small staff of 60, the commission is involved in a range of activities, from responding to and resolving human rights complaints, to implementing the New Zealand Human Rights Action Plan, along with human rights education and advocacy. The commission also reports on New Zealand's compliance with international human rights instruments.

Starting the conversation

The Human Rights Commission has made a commitment to an interactive and responsive online presence.

"Our digital presence is a key part of the commission's strategy. We need to be there for people when they need us. Social media allows for real-time conversations to occur," says Rutherford. "For example, the *That's Us* race relations campaign that we launched in September last year received over one million hits. Twitter has been a particularly important tool, because it's immediate and conversational."

Rutherford says the use of social media has been the biggest change within the organisation during his tenure, as it enables a level of monitoring that was not previously achievable.

"We recognise not everyone is online, particularly some of the vulnerable populations we work with, but the other benefit about our digital presence is that it allows a place for people to share what they've witnessed. They might not go to the Police with an issue – often there's a grey area where people aren't sure a crime has been committed, but know that something doesn't feel right to them. We provide another avenue, a way for people to alert us to situations that need to be monitored or responded to."

Taking action

As part of its digital strategy, the commission has created a fully interactive website. With the New Zealand Human Rights National Plan of Action (<http://npa.hrc.co.nz>), for example, you can explore what actions the Government is taking to protect human rights compared to the commitments it made through New Zealand's second Universal Periodic Review before the United Nations Human Rights Council in 2014 (all countries that are members of the United Nations go through a Universal Periodic Review every five years).

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The commission's website allows for greater transparency on the submissions made by individuals and groups on New Zealand's review, along with the recommendations made through the Universal Periodic Review, and actions the Government is taking to address the recommendations it accepted through the process.

For the 2014 review, the Government accepted 121 of the 155 recommendations made. The website allows for a more in-depth view on this information by categorising the review's recommendations and the Government's actions across four categories:

- issues, such as violence, abuse and neglect; health; and the Canterbury earthquake recovery
- population groups, such as Māori, children, people with disabilities, women, Pacific peoples
- government agencies
- UN treaty bodies.

For those working in the public service, the webpages provide a glimpse into the Government actions related to your agency. The actions are identified and measured against SMART criteria (specific, measurable, assignable, result-oriented, and timebound). You can also delve into the specific action to learn more about it and see any related review recommendations and whether they were accepted.

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For the Ministry of Justice, for example, there are 14 related Government actions associated with the review. To date, 10 of these actions have met the SMART criteria and another two have met all but the timebound part of the criteria.

One of the actions that has met all the criteria is the establishment of a national home safety service to support victims in their homes. This action will see security improvements to victims’ homes, such as improving locks and setting up alarms, to reduce the risk of further violence towards the victim. A three-year contract was announced in 2015 and by 30 June 2018 it’s expected 950 home safety upgrades will be completed for high-risk victims.

“This level of transparency allows New Zealanders to see how their government is responding to human rights issues and the impact it has on individuals and communities,” says Rutherford.

He adds that for public servants, the way the webpages are set up allow them to review their own organisation’s work.

“It’s a good way to see how your organisation is responding

to human rights issues and if your organisation is not actively addressing these actions, it’s important to ask why. This is an area that we all need to take seriously.”

Coordinating our response

“One of the real challenges for government is ensuring policy coherence,” says Rutherford. “We’ve found through our work that public agencies are often not very good at joining up their services, particularly for marginalised groups.”

He says there are examples where that is starting to change, for example, through the working groups associated with reducing family violence.

“Where Police, the courts, education, health, social services, corrections, housing and community organisations are working together changes are starting to occur, but it can be hard going and relies on the trust and commitment of individuals within those organisations,” he says.

To that end, Rutherford says the work of the government’s Social Investment Unit is crucial to supporting New Zealand’s human rights aspirations.

“The SIU supports human rights work in two ways – it provides for a more integrated approach to systemic problems and it is based on data.”

Moving beyond hope

Commissioner Rutherford describes how the Human Rights Commission has moved from being an organisation that was based on hope to one that is based on evidence.

“The adage ‘in God we trust, rest bring data’ is salient to how the commission looks at systemic issues,” he says. “The use of data in our work has allowed us to take a more proactive approach to

CHILD POVERTY

In a review of New Zealand’s work in protecting the rights of children last year, the United Nations commended much of the work that has been done to support the rights of vulnerable children, but questioned New Zealand’s lack of a comprehensive plan for **all** children. Following its review, the UN published its findings in October and called on the Government to develop a plan to address child poverty, particularly for Māori and Pacific children.

It’s something that both the Human Rights Commission and the Children’s Commission have

called for noting that a child poverty strategy needs to be developed and implemented to meet the UN’s Sustainable Development Goal target of reducing child poverty by 50 per cent by 2030.

Commissioner Rutherford notes affordable and appropriate housing needs to be prioritised as part of that strategy. “We know poor housing affects health, educational opportunities and outcomes, and access to social services,” he says. “To be effective, the plan needs to be across government portfolios.”



addressing issues and move beyond just being a watchdog.”

While providing the public with an opportunity to make a human rights complaint remains central to the Human Rights Commission’s work, Rutherford says the aim is to address issues before they become a problem.

Data can be used to answer questions, including: What and where are the issues? What are the underlying factors? What’s working?

As an example, Rutherford says data shows that around family violence, while there has been a focus on adults within the family, data show that violence is often perpetrated by siblings and cousins.

“That’s information that can help calibrate our work and allow all of us to better prioritise our resources for better outcomes and to focus on prevention.”

The change is reflected within the commission, where they have recently employed a research analyst to better understand and interpret the data available.

The emphasis on prevention can be seen across the commission’s work, including in areas like bullying in schools where the commission is working with schools, educators, parent groups, students, social services, reporters and others so that there is a “collective impact” to reduce bullying.

“On an issue like this, we work to find the most important place for us on an issue. In the case of bullying, we know it can escalate quite quickly, so prevention is crucial,” Rutherford says.

Business in the spotlight

While much work has been done within the public sector, Rutherford says the commission has also put an increased emphasis on working with businesses.

“In 2011, the UN Human Rights Council adopted Guiding Principles on Business and Human Rights,” Rutherford says. “The principles have provided a way to have conversations with businesses about the benefits for companies that build human rights considerations into their business practices.”

For businesses, there’s the challenge of ensuring that their organisation meets its human rights obligations within New Zealand, but also how their business may impact on people in other countries. For example, if there are human rights violations that are occurring within a supply chain or if investments are being made in areas where known human rights violations occur.

“In a globalised economy, procurement can be a particularly challenging issue for businesses, which is why we are working with the public and private sectors to strengthen procurement practice,” Rutherford says.

Rutherford says, when considering human rights, businesses need to think beyond the obvious – slavery, bullying, child labour, dangerous working conditions – and think about some of the biggest issues facing our society, such as family violence.

For example, the commission is working with leading New Zealand businesses to encourage businesses and organisations to develop family violence policies that support the victims of family violence, as well as perpetrators who want to change their behaviours.

“What we are finding is that after businesses implement policies to address family violence in their workplaces, they inevitably turn to look at addressing this in the community. The Warehouse and ANZ are great examples of this.”

Rutherford says the workplace is sometimes the only safe place for people to raise their concerns.

“More and more successful businesses are recognising the need to actively ‘do good.’”

Another big issue that the business community needs to address is climate change. As the UN notes, the impacts of climate change are going to be felt most by vulnerable individuals and communities due to geography, poverty, or cultural background.

“Similar to how the Canterbury earthquake created a range of human rights issues – from access to medical care, to substandard living conditions, to the need for ongoing mental health services – the effects of climate change present a real human rights concern around the world,” Rutherford says.

“More and more successful businesses are recognising the need to actively ‘do good.’”

Already many business and financial leaders are looking to address this issue. Late last year, for example, New Zealand Superannuation Fund Chief Executive Adrian Orr announced that the fund will begin divesting from fossil fuel companies as part of the fund’s climate change strategy. The move is expected to improve the portfolio.

In describing the fund’s approach to the Pension Investment Association of Canada last year, Orr explained that one of the defining features of the fund is that there is “an agreed and clearly-articulated set of investment beliefs – to ensure the disciplined selection of investment strategies and use as a compass for decision-making in times of market stress.

“Our founding legislation requires: ‘avoiding prejudice to New Zealand’s reputation as a responsible member of the world community.’ Just as importantly, we have an investment belief that environmental and social governance are material to long-term returns... As such, we look to integrate Responsible



David Rutherford
Chief Commissioner

Investment considerations all through our investment process.”

Rutherford says this approach reflects the move to how the business recognises the importance of being good corporate citizens, and makes good business sense.

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Equality at work

One of the web-based tools that the Human Rights Commission has developed is “Tracking Equality at Work”. The tool uses data to look at four different indicators: employment, discrimination, leadership and pay to see how various groups (based on gender, ethnicity, age, and disability) are tracking over time.



Dr Jackie Blue
Equal Employment
Opportunities Commissioner

The commission updates the data biannually, and continues to refine the tool and issue recommendations to government and other agencies to improve the outcomes for marginalised groups. For example, in 2016, a new indicator was added that tracks hourly wages in relation to educational qualifications.

On International Women’s Day in 2017 it launched a project called *The 600K Gap* (www.the600kgap.co.nz) to “empower young women to tackle the gender pay gap” that reflects findings around the gender pay gap.

As Equal Employment Opportunities Commissioner Dr Jackie Blue stated during the launch of the project, “On average, kiwi men working fulltime earn \$262 more each week than kiwi women working fulltime. Over a 45-year career, that adds up to over \$600,000.

“While unconscious and conscious gender bias in the workplace definitely has a huge impact, there are also a number of important stages and milestones in our lives and careers that contribute to the \$600k gap, such as our approach to applying for jobs and our ability to negotiate our pay. This is why focusing on women under 30 years of age is a key focus for this project.”

In joining up its many resources, the commission is using data, as well as feedback received through its digital channel, to develop a speaker’s series aimed at discussing some of the concerns young women have about negotiating their pay.

Strengthening New Zealand

As Chief Commissioner David Rutherford says, New Zealand has a reason to be proud for much of the work that’s been accomplished in protecting and promoting human rights. But, he is quick to add, there is more to be done.

“We need business, government and civil society working together to ensure no-one is left behind.

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ON THE WORLD STAGE - NEW ZEALAND’S LEGACY

While the awareness and fight for human rights has a long history, internationally human rights were articulated in the 1948 Universal Declaration of Human Rights. New Zealand Prime Minister Peter Fraser was one of the drafters of the Declaration and pushed to have the Economic and Social Council recognised as one of the principal parts of the United Nations.

When it was adopted in 1948, Dr Colin Aikman spoke on behalf of New Zealand noting that social and economic rights were equally as

important as political and civil rights, stating: “Experience in New Zealand has taught us that the assertion of the right of personal freedom is incomplete unless it is related to the social and economic rights of the common man. There can be no difference of opinion as to the tyranny of privation and want. There is no dictator more terrible than hunger. And we have found in New Zealand that only with social security in its widest sense can the individual reach his full stature. Therefore, it can be understood why we emphasize the right to work, the right

to a standard of living adequate for health and well-being, and the right to security in the event of unemployment, sickness, widowhood and old age. Also, the fact that the common man is a social being requires that he should have the right to education, the right to rest and leisure, and the right to freely participate in the cultural life of the community.

“These social and economic rights can give the individual the normal conditions of life which make for the larger freedom.”¹

¹ <http://www.nzlii.org/nz/journals/VUWLawRw/1999/4.html>