

**Summary of CLCA submissions and recommendations on New Zealand's UPR:  
4th cycle, 2023 – 2024 (submitted October 2023)**

***Rights of Women***

- (a) New Zealand must review the Victims of Family Violence Visa regime as a priority.
- (b) Family violence survivors should be entitled to give evidence in the alternative ways allowed for sexual violence complainants in the Sexual Violence Legislation Act 2021.
- (c) New Zealand must undertake a review of the Protection Order regime to make sure that it is meeting the needs of victim-survivors, including children. Legal aid should be made available for all protection order applications.
- (d) A first principles review of the legal aid regime must be conducted with a view to addressing access to justice issues across the board, for women and others. In particular, the legal aid eligibility thresholds and limited number of providers must be looked at, along with the matters for which legal aid is available.
- (e) It is appropriate for New Zealand to enact a “sexual assault communications privilege” (models of such provisions can be found across Australia).<sup>1</sup>
- (f) Family Court and IPT participants and decision-makers should undergo further training about the complexities of family violence.
- (g) New Zealand must undertake work to address the exploitation of migrant sex workers, with input from relevant representative stakeholders.

***Migrant Exploitation***

- (a) New Zealand must remove visa conditions that tie temporary migrants to a specific employer in order to address the clear power imbalance between them.
- (b) New Zealand must reinstate open work rights for partners on temporary visas.
- (c) New Zealand must specifically fund NGO's supporting victims of migrant exploitation.
- (d) New Zealand must review the resourcing and role of the Labour Inspectorate so that it can respond adequately to the needs of migrant and other workers.

***Housing***

- (a) New Zealand must significantly improve the number of, and access to, state houses to house our most vulnerable. The private rental system cannot provide this housing.
- (b) New Zealand must implement a legislative regime for the rights of renters who are currently outside the protections of the Residential Tenancies Act.
- (c) New Zealand must ramp up compliance and investigations efforts by the executive to ensure vulnerable tenants' rights are upheld.

***Immigration***

- (a) New Zealand must continue to implement the Casey report regarding asylum seekers.

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<sup>1</sup> See, for example, Criminal Procedure Act 1986 (NSW) Chapter 6, Part 5, Division 2 ‘Sexual assault communications privilege’; Evidence Act 1929 (SA), s 67E.

- (b) The legal aid regime must be reviewed to ensure that asylum seekers are able to access representation in a timely manner.
- (c) The Immigration (Mass Arrivals) Amendment Bill must not be passed and the 2013 changes must be repealed.

### ***Social Welfare***

- (a) The Disability Allowance Scheme is complex and difficult to navigate such that many disabled people are unable to access support they are entitled to. New Zealand must improve access and accessibility to the Disability Allowance Scheme.
- (b) Social welfare is a huge holder of debt for the most vulnerable and lowest income New Zealanders. New Zealand must implement the changes listed in the recent report by a collaboration of NGOs.<sup>2</sup>

### ***Workers' Rights***

- (a) Many workers are slightly above the (extremely low) income threshold for civil legal aid but cannot afford the cost of a private lawyer. There are very few civil legal aid providers, the process is onerous for providers, and time allocations are too low. New Zealand must conduct a review of the legal aid regime.
- (b) New Zealand must review the resourcing and role of the Labour Inspectorate so that it can respond adequately to the needs of workers.

### ***Rights of People with Disabilities***

- (a) New Zealand must take steps to better protect the rights and needs of disabled tenants.
- (b) Disabled people experience significant barriers accessing employment. New Zealand must take steps to better protect the rights of disabled employees.
- (c) A *national* free disability law service is vital if New Zealand is to meet its obligations under the UNCRPD. New Zealand must finalise and implement the national disability law service currently under discussion.
- (d) That New Zealand should incorporate a right for children to receive NZSL education in the New Zealand Sign Language Act 2006.
- (e) The Accessibility for New Zealanders Bill must be re-written through a genuine process of co-design with Deaf and disabled people and their representative organisations, to meet Aotearoa New Zealand's UNCRPD obligations.
- (f) Currently the New Zealand Sign Language Act only provides for the use of NZSL in legal proceedings. We recommend that it be extended to cover medical settings.

### ***Education***

- (a) YouthLaw is a member of CLCA. CLCA supports YouthLaw's submissions on the 4<sup>th</sup> UPR about the importance of and need for Disputes Resolution Panels. In particular, the recommendation that New Zealand implement Disputes Resolution Panels.

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<sup>2</sup> [Lifting the Weight | Fairer Future](#) (May 2022).