

The Human Rights Impacts of the Canterbury Earthquakes: Key Issues and Recommendations

Summary of Joint NGO Submission for New Zealand's Second Universal Periodic Review

Context

Our Joint Submission focuses on the human rights impacts of the 2010-2011 Canterbury earthquakes. There were four major quakes on 4 September 2010, 22 February 2011, 13 June 2011 and 23 December 2011, and over 13,000 aftershocks. In the February quake, 185 lives were lost. The Human Rights Commission has correctly described the impact of the earthquakes as “one of New Zealand’s greatest contemporary human rights challenges.” Although it is over three years since the first quake, the human rights impacts are still emerging. The situation will continue to require a high level of Government engagement for years to come.

There are three key themes which underlie our Joint Submission. First, the earthquakes have exacerbated existing social inequalities. The human rights impacts of the earthquakes have tended to be felt more sharply by already vulnerable individuals and communities. Second, the human rights impacts of the earthquakes demonstrate some of the shortcomings in New Zealand’s overall human rights framework. Third, while the earthquakes were an unprecedented natural disaster, and addressing the resulting challenges will take time, it is crucial that a rights-based approach is adopted in addressing these challenges.

Our Joint Submission was endorsed by 26 civil society organisations and contains 50 detailed recommendations. This Summary highlights just three key issues – the right to housing, the rights of migrants and making the most of Rebuild opportunities.

Key human rights issues and recommendations

Right to housing

Realisation of the right to housing is the priority issue currently affecting the daily lives of residents in greater Christchurch. Of the approximately 190,000 dwellings in greater Christchurch, around 91% were damaged by the earthquakes. Thousands of houses and sections are permanently or temporarily uninhabitable, creating a large demand for inhabitable houses, rental accommodation, social housing and new sections. The ever-increasing Rebuild workforce compounds this. Key issues are affordability, accessibility and habitability. The ongoing and seemingly intractable nature of these issues illustrates the limitations of New Zealand’s current framework for realisation of the right to housing. **Recommendation: New Zealand should amend the New Zealand Bill of Rights Act 1990 to provide protection for the right to housing. Recommendation: New Zealand should ratify the Optional Protocol to ICESCR.**

For homeowners, a major ongoing issue is the immense frustration in their dealings with private insurance companies and the Earthquake Commission (a Crown entity which provides natural disaster insurance of residential properties). There is deep concern about lengthy delays, deliberate obfuscation, misinformation and lack of transparency. A particular concern is around prioritisation of EQC’s repair programme. **Recommendation: New Zealand should review EQC’s prioritisation policy and monitor its implementation to ensure that those with the greatest need are prioritised.** In relation to private insurers, insurance firms are widely perceived to be acting unethically and frustrating homeowners’ desire to settle their claims, move forward with their lives and realise their right to housing. **Recommendation: New Zealand should encourage insurance companies to**

adopt a rights-based approach to settling claims, for example by complying with guidelines such as the UNEP Principles for Sustainable Insurance 2012.

For tenants, the shortage of housing since the earthquakes has made available housing increasingly unaffordable. Rental costs have significantly increased since the earthquakes, with a 31% increase on the average weekly rent since August 2010, but the Government has been largely content to leave “the market” to respond to the housing shortage. **Recommendation: New Zealand should take urgent action to increase the availability of social housing.** A further issue is the large number of rental homes which are cold, damp, unsafe and unhealthy. Some of these issues were pre-existing but have been exacerbated by the earthquakes. **Recommendation: New Zealand should extend the Housing Warrant of Fitness scheme to all rental properties.**

A real concern is the increase in homelessness in greater Christchurch since the earthquakes. Before the earthquakes, it was estimated that 3,750 people were homeless in Christchurch. This figure has almost doubled, and it is now estimated that up to 7,405 people are homeless. **Recommendation: New Zealand should provide more access to temporary housing in greater Christchurch to meet urgent short-term need.** **Recommendation: New Zealand should draft a national strategy to respond to the problem of homelessness.**

Migrant workers

There are a large number of migrant workers arriving in Christchurch for the Rebuild. However, there is no national strategy for responding to the influx of migrant workers. **Recommendation: New Zealand should ratify the Convention on the Rights of Migrant Workers and their Families.** **Recommendation: New Zealand should develop a national strategy for migrant workers.** At a practical level, there is not yet a coordinated programme to support newly arrived migrant workers in accessing services such as health, housing and education. Existing migrant community groups are filling the gap and assisting new migrants to access the services they need. **Recommendation: New Zealand should establish a coordinated framework for welcoming migrants to Christchurch.**

Making the most of Rebuild opportunities

The size and scale of the Rebuild required in greater Christchurch provides a unique opportunity to do things well. A human-rights approach should be taken to the Rebuild. In particular, Christchurch has the opportunity to become a truly accessible city, suitable for all residents including persons with disabilities and the elderly. **Recommendation: New Zealand should ensure that all opportunities to improve the built environment are taken during the Rebuild.** The Rebuild also offers an opportunity to improve realisation of the right to work, especially for vulnerable people who have had past difficulty accessing employment. **Recommendation: New Zealand should ensure that Rebuild employment initiatives are inclusive of all groups including women, people with disabilities, youth, Maori, Pacific Islanders, migrants and refugees.**

Further information:

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