

Talking Cents

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Talking Cents is an ecumenical group charged by the Auckland Anglican Diocesan Council to promote an alternative to current economic and political thought, and to encourage debate within the church.

Ministry units are encouraged to distribute these articles. This article is contributed by Margaret Bedggood, a member of the Third Order of the Society of St. Francis and of the Anglican parish of St. Matthew-in-the -City.

The Role of Human Rights during and beyond the Covid-19 pandemic

The existence of glaring social and economic inequalities in our society is one of many issues both highlighted and exacerbated by the Covid-19 pandemic. We must acknowledge this level of inequality as unacceptable now and plan for ways to address it as the pandemic recedes.

The recognition of this stain on our social fabric is not new of course. We have long known that there are many groups - children, Maori and Pasifika people, those with disabilities, older citizens, migrants and refugees - who were missing out on basic needs. We knew there was: poverty in our affluent society, especially affecting children; healthcare issues, including access, especially in mental health, and a lack of basic infrastructure; housing issues such as affordability, security of tenure, homelessness; poor water quality and distribution; and other problems associated with a low-wage, largely un-unionised economy.

Since 2017 the coalition Government has established a range of working groups and reports and a raft of changes to economic and social policy have been proposed, many aimed at addressing these issues. Yet in all that activity there has been scarcely a mention of utilising one ideal and obvious framework, international human rights law. All the issues listed above are categorised as human rights in the International Covenant on Economic, Social and Cultural Rights (The Covenant), which New Zealand ratified (that is, agreed to be legally bound by) in 1978. This is one of the three foundational international human rights instruments, with the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights, from which the two Covenants derive.

The rights articulated in The Covenant are rights: to work and as a worker and in relation to trade unions; to social security and social assistance; to an adequate standard of living, to housing, food and water; to healthcare, including physical and mental health; to education; and to take part in

cultural life. **All people** are entitled to these rights, and states have an obligation to respect, protect and fulfil them.

In addition, equality is one of, if not **the**, core value underpinning the human rights project. Thus Article 2(2) of The Covenant states an overarching right to equality and, as a tool to address that, to non-discrimination on a growing number of grounds: race and colour, sex, language, religion, political or other opinion, property, birth, disability, age, nationality, marital status, employment status, sexual orientation and gender identity, health status, economic and social situation.¹ Protection is thus afforded here, and in subsequent international instruments, to an increasing range of disadvantaged groups.

Yet none of the Government's working groups and their reports reference this human rights framework or had representation from human rights advocates. This despite a scathing report last year from the UN Committee charged with monitoring a state's compliance with The Covenant² and a recent visit and report from the UN Special Rapporteur on the Right to Housing who characterised the housing crisis in New Zealand as 'a human rights crisis', a visit and report largely ignored in the New Zealand media³.

During the pandemic, human rights issues have been raised. These are mostly about threats to civil and political rights, such as the increase in police powers and surveillance, and to privacy. And these are all valid concerns. But, for various historical reasons, civil and political rights have always had better recognition and protection in New Zealand: they are included in the NZ Bill of Rights Act 1990, for example. And still, despite growing concern over the societal inequalities

¹ See CESCR General Comment 20, E/C.12/GC/20, 2 July 2009.

² www.converge.org.nz/pma/cescr63rd.htm

³ <https://www.facebook.com/PeaceMovementAotearoa/posts/2748564395190912>

now even more evident, and the Government's considerable efforts to alleviate these in the present crisis (see below), any reference to human rights obligations in this context remains largely absent. Yet it is surely now that we must take note of the effects of ignoring that framework and set the scene for recalling its history and regaining its advantages as we plan for a new future.

Let us take as an example the local benefit system and the internationally recognised right to social security and social assistance. New Zealand has a proud record from the late 19th century of providing social security for those who are disadvantaged in some way, particularly from the first Labour government in the 1930s until the 1980s. But it is now generally acknowledged that the 'reforms' which culminated in the benefit cuts of 1990 reduced those levels of protection to such an extent that the system has not yet recovered.

As part of its reform programme, the Government set up a widely representative Welfare Working Group to investigate and make recommendations to address this problem. This group reported in May 2019 with a range of recommendations, including an immediate increase to the standard benefit by from 12 to 47%!⁴ Although the Government has adopted some of the report's recommendations they are yet to address the deficiencies in our system in any meaningful way. These are exacerbated by New Zealand's current situation as a low-wage economy so that the loss of an income can tip families into immediate poverty.

The Covid-19 crisis has brought these inadequacies of our present levels of care for the disadvantaged into stark relief, revealing just how many New Zealanders have been living precariously on the edge of disaster.⁵ The Government has taken steps to alleviate the situation: an immediate increase in the standard benefit of 25%, (which it is hoped will be permanent), an effort to keep workers in jobs with a massive wage subsidy to businesses and two handouts to alleviate the plight of the homeless.

But, again, in the establishment of the Welfare Working Group, in their report and its reception and during the present crisis there has been hardly a mention of the human right to social security and social assistance. Yet this is one of the oldest

established of such rights. It was one of the earliest areas of concern to be addressed by the International Labour Organisation (ILO), established in 1919. New Zealand has been a member of the ILO since its inception and has agreed to many of its binding Conventions.

The ILO was instrumental in the drafting of the Covenantal 'work rights': Article 9 on the right to social security and social assistance is thus one of those economic and social rights which the Government is obligated to provide for all New Zealanders. As with other Covenant rights, it has been extensively commented upon by the UN Committee, the ILO and other experts so that there is a wealth of material for policy makers and advisory groups to adapt in any local setting.⁶

This 'rights analysis' can be applied to other important social and economic issues highlighted in the present crisis, particularly relating to housing, health, work rights and access to food, water and sanitation.

Two factors are of great importance when considering the use of the 'tool' which a human rights framework provides: the first is that this is an **international** system of theory, legislation, policy and action. It establishes a universal standard of values for addressing the rights, duties and relationships of all human beings. This aspect, as a necessarily global endeavour it shares with, ideally, fighting a pandemic and with efforts to address the threat of climate change.

But, as with all of these parallels, adjustments are required in the methods of cultural engagement and negotiation and of practical delivery. In Aotearoa New Zealand that means taking account of the history and present state of Maori/Pakeha relations (especially given the extent of economic and social disadvantage suffered by Maori and Pasifika peoples here); and of the important constitutional implications of Te Tiriti o Waitangi.

Both of these aspects require more in-depth consideration and analysis than can be undertaken here. But, in the opportunity which presents itself for a real national conversation about the sort of society we truly desire and are prepared to work for post-Covid-19, there is surely a place in such nuanced discussions for a re-recognition of the framework which the international human rights system can provide.

⁴ www.weag.govt.nz/weag-report/whakamanga-tangata/

⁵ See for example the latest report of the Salvation Army, 24 April 2020 at www.salvationarmy.org.nz

⁶ See for example CESCR General Comment 19, U.N.Doc.E/C.12/GC/19(2008).