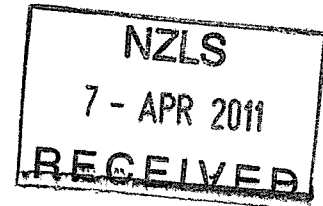




Office of Hon Christopher Finlayson

Attorney-General
Minister for Treaty of Waitangi Negotiations
Minister for Arts, Culture and Heritage



5 APR 2011

Mr Jonathan Temm
President
New Zealand Law Society
PO Box 5041
Lambton Quay
WELLINGTON

cc TO Margaret B - Law Reform

orig J.T. (emailed 7/4)

Noted Jm

Dear Mr Temm

Government observance of human rights and the rule of law

Thank you for your letter of 23 March 2011. I appreciate your updates regarding the New Zealand Law Society's initiatives relating to the Bill of Rights and the rule of law. I look forward to being advised of the outcomes of those initiatives. Updates on the matters specifically referred to in your letter are set out below.

Question of parliamentary involvement in UN human rights treaty body reports

My letter of 28 April 2010 raised the issue of more formal parliamentary involvement in relation to adverse decisions of United Nations Human Rights treaty bodies. This continues to be an issue under consideration by the Ministry of Justice in the context of improving treaty reporting.

I note that UN human rights treaties must be presented to the House of Representatives for select committee consideration before the Executive takes binding treaty action. The impact of the reporting obligations of the relevant treaty will also be a matter for select committee consideration. Fulfilling the reporting obligations under those treaties is currently a matter for the Executive to satisfy and Parliament is generally not involved in the preparation of the reports. The reports and concluding recommendations have, however, been the subject of parliamentary scrutiny through written and oral parliamentary questions.

New Zealand is now required to report to the seven 'core' UN treaty bodies. New Zealand also reports to the Human Rights Council under the Universal Periodic Review (UPR) process. New Zealand takes its reporting obligations seriously and puts significant effort into preparing the reports. In general, reports are subject to Cabinet approval prior to public release for comments and again before submission to the UN secretariat. The comments of civil society are an important part of the reporting process.

In response to the UPR process, the Government is committed to having regular consultation with civil society in the follow-up to the UPR recommendations. To achieve this, the Ministry of Justice has sought to improve consultation on all aspects of human rights treaties with, for example, increased face-to-face meetings and posting periodic reports on the Ministry's website. The consideration of increased parliamentary involvement continues to be option to improve civil society involvement.



Concluding observations of the UN Human Rights Committee

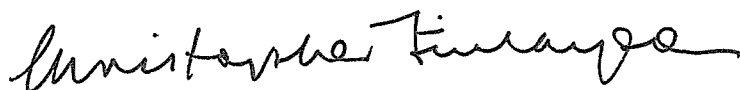
New Zealand submitted its fifth periodic report under the International Covenant on Civil and Political Rights in December 2007, and presented the report to the Human Rights Committee in New York in March 2010. The Committee made 18 recommendations in relation to New Zealand, which they asked New Zealand to address during the period to its next review, which runs until 30 March 2015. In regard to three issues, the Committee requested New Zealand provide an update within one year of the measures taken to give effect to the recommendations relating to:

- (i) over-representation of Māori in the criminal justice system
- (ii) suppression of terrorism and Operation Eight
- (iii) the review of the Foreshore and Seabed Act 2004.

The Government will submit its response to the Committee shortly and I understand that response will be made publicly available.

Thank you for taking the opportunity to write.

Yours sincerely



Hon Christopher Finlayson
Attorney-General

cc Hon Simon Power
Minister of Justice