# **Constitutional and Legislative Framework**

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| **SUMMARY OF KEY ISSUES FROM PREVIOUS UPR CYCLES** |
| During the second cycle of the Universal Periodic Review (UPR) Togo, Ukraine and Uruguay recommended that the New Zealand Government incorporate economic, social and cultural rights into the New Zealand Bill of Rights Act 1990 (BORA). Similarly, Spain and Vietnam recommended that the Government proceed with the review of the BORA to incorporate these rights. Algeria recommended that the Government take appropriate measures to bring domestic law into full compliance with the International Covenant for Civil and Political Rights (ICCPR). |

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| **CHALLENGE** | **IMPACT** |
| **Lack of human rights impact assessments** | The Government currently applies an inconsistent approach to ensuring that legislation and policy decisions conform with international human rights standards. Both the Cabinet Manual and the Legislative Design and Advisory Guidelines require that new legislation must comply with New Zealand’s international human rights treaty obligations. However, this is a statement of policy, not law, and mechanisms for ensuring compliance are ad hoc. The Commission considers the implementation of a standard procedural mechanism such as a human rights impact assessment process would help ensure that all Government policy and legislation complies with, and is informed by, human rights principles. |
| **Not all human rights are contained in New Zealand Bill of Rights Act 1990** | New Zealand does not have a written constitution that entrenches into law a set of inviolable rights. Our charter of human rights is set out in the BORA, an ordinary statute that can be repealed by a simple parliamentary majority. While the BORA contains most of the human rights contained in the ICCPR, it does not include all of these rights, such as the right to privacy. Nor does it include any of the rights set out in the International Covenant on Economic, Social and Cultural Rights, such as the right to health, education, and housing. |
| **Lack of coordinated policy to meet the Sustainable Development Goals** | The Commission welcomes the recent work of the Government towards the 2030 SDG Targets. This includes the development of an Indicator Framework and the submission of a Voluntary National Review report on SDG progress at the 2019 UN High Level Political Forum. The Commission considers that a high level, visible political and policy commitment will be essential in ensuring that momentum towards meeting the 2030 targets is maintained. |

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| **RECOMMENDATIONS** |
| 1. Implement a standard human rights impact assessment process for assessing all prospective policies, and legislation for consistency with domestic and international human rights obligations. 2. Implement the recommendations of the Constitutional Advisory Panel to amend the New Zealand Bill of Rights Act 1990 to incorporate all rights in the International Covenant for Civil and Political Rights and the International Covenant for Economic, Social and Cultural Rights. 3. Appoint a lead Minister on the Sustainable Development Goals and take immediate steps towards implementing a cross-government policy and data strategy to meet New Zealand’s commitments under the SDGs. |