***Men’s Rights***

# Summary of key issues from previous UPR cycles

In the second UPR cycle, the recommending States (Republic of Congo, Paraguay, Namibia, France) made recommendations to ensure equality in law between men and women. However, New Zealand has several laws that discriminate against men or fail to extend legal protections to men.

Portugal recommended that New Zealand continue to work towards full equality between men and women. However, men in New Zealand suffer from disparities in health, education, the justice system, reproductive rights and family issues.

No recommendations to specifically address men’s human rights have been made.

# National framework

Discrimination is against men is covered by the Human Rights Act 1993, which prohibits discrimination based on sex, and the Bill of Rights Act 1990, which outlines citizens civil and political rights and requires the government and anyone carrying out a public function to observe these rights.

Institutions that prevent sex-based human rights violations are focused on women’s rights. The Ministry for Women provides gender analysis and expertise to the government and they do not have the mandate to maintain expert and experienced staff regarding men’s human rights.

The Human Rights Commission has commissioners who are responsible for various areas of human rights. A commissioner is responsible for women’s rights but no commissioner is responsible for men’s rights.



## **Challenge:** No formal mechanisms to explicitly ensure men’s human rights are protected

**Impact:** Men and women must have their human rights protected equally, however, New Zealand does not have any formal mechanism to ensure men’s rights are protected equally to women’s rights. Women’s rights are protected by the Ministry for Women and the commissioner responsible for women at the Human Rights Commission. No equivalent protections exist for men’s rights.

This has led to men’s human rights violations being unaddressed. Additionally, opportunities to improve men’s human rights have been not been taken (See below). The government and human rights organisations are not reporting men’s human rights issues to the UN which results in men’s human rights not being included in our National Plan of Action. This contributes to the public not being informed about men’s human rights.

## **Challenge:** Laws discriminate against men

**Impact:** Men face harsher punishments and have fewer legal protections from harm.

Section 194(b) of the Crimes Act 1961 “Assault by a male on a female” gives men who assault women face a 2-year maximum sentence where the gender-neutral law (Section 196 “Common assault”) has a 1-year maximum sentence. In 2009 the Law Commission reviewed this part of the Crimes Act and recommended repealing the Section 194(b) ‘male-assaults-female’ offence. [1] When the opportunity to repeal Section 194(b) came about in the upcoming Family and Whānau Violence Legislation Bill, MPs explicitly kept the discriminatory law despite the new law making it redundant to address domestic violence and the Law Commission recommendation to repeal the law. [2]

Other laws also discriminate against men. Men who have mental health issues and kill their children are charged with murder. Women who have mental health issues and kill their children are charged with infanticide. In this circumstance, men face a 20-year maximum sentence for murder where women face a 3-year sentence for infanticide.

## **Challenge:** Bias against men in the justice system

**Impact:** Men are treated more harshly in the justice system compared to women in equivalent circumstances.

Men are more likely to be prosecuted rather than given an alternative like being warned or discharged without conviction. Men are more likely to be sent to prison once convicted. Men receive longer sentences on average and are less likely to be released on parole. [3]

With other factors statistically controlled, women's imprisonment terms were found to be substantially shorter than men's. For combined offences (drug, violent, property) women's imprisonment terms were approximately 8.5 months shorter than were men's. Female violent offenders received imprisonment terms approximately twelve months shorter than men, and female drug offenders' terms were around five months shorter. Women were 14% less likely than men to be remanded in custody for combined offences and 24% less likely for property offences. Of those offenders remanded into custody, men remained there for 42 days longer than women (on average) for combined offences and 26 days longer for drug offences. [4]



# Recommendations

## Establish a commissioner responsible for men’s human rights in the New Zealand Human Rights Commission

## Repeal Section 194(b) of the Crimes Act 1961 “Assault by a male on a female”.

## Conduct an independent inquiry and publish a public report on the extent of gender bias against men in the justice system.



# References

1 – Review of Part 8 of the Crimes Act 1961: Crimes against the person <https://bit.ly/2LQuRv5>

2 – Reform Of Family Violence Law – Paper Three: Prosecuting family violence – Cabinet Social Policy Committee <https://bit.ly/2MoYwNh> – paragraph 35

3 – Criminal Justice in New Zealand – Julia Tolmie, Warren Brookbanks, 2007 p 302 – ISBN 0408718846, 9780408718844

4 – Jeffries, Samantha. (2002). Does gender really matter? Criminal court decision making in New Zealand. New Zealand Sociology. 17.



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