

Justice Watch New Zealand Inc.

**Submission on Draft Seventh Periodic Report of New Zealand
International Covenant on Civil and Political Rights (ICCPR)
(Draft for Consultation, 2026)**

Date: 18 March 2026

Introduction

Justice Watch New Zealand Inc. (JWNZ) welcomes the opportunity to comment on the Government's draft Seventh Periodic Report to the United Nations Human Rights Committee.

JWNZ is founded on the principle that the Rule of Law requires all exercises of public power to be lawful, justified, and subject to effective accountability, particularly where fundamental rights are engaged.

This submission addresses two related issues:

- (1) the treatment of justified limitations on rights during the COVID-19 response, and
 - (2) the practical accessibility of justice in New Zealand.
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Justified Limitations – COVID-19 Response

The report states that rights may be limited only where such limits are:

prescribed by law and demonstrably justified in a free and democratic society

However, it does not demonstrate that this threshold was met in practice during the COVID-19 pandemic.

During that period, the State exercised unprecedented control over the lives of New Zealanders, including restrictions on movement, employment, and participation in society. The report assumes that conditions of a free and democratic society were maintained, but does not examine whether those conditions were materially affected by coercive or restrictive measures.

Nor does it engage with the legal consequences where decisions were made within a framework of constrained or coerced choice, and were followed by serious harm, including injury or death. In such circumstances, the engagement of:

- Article 6 ICCPR (Right to Life)
- Article 7 ICCPR (freedom from non-consensual medical treatment)
- Sections 8 and 10 NZBORA

requires explicit legal analysis, including foreseeability, knowledge, and causation. The absence of such analysis is, in our submission, a material omission.

Access to Justice and Effective Remedies

The report refers to the availability of remedies within New Zealand's legal framework.

However, it does not assess whether those remedies are effective in practice, as required under Article 2(3) of the ICCPR.

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Access to justice remains a concern not because remedies are unavailable in principle, but because they are often financially inaccessible. Where an individual seeks to bring a civil claim against the State, the cost of legal representation is frequently prohibitive, and there is no equivalent public mechanism to support such claims to a level that permits full and proper legal consideration.

As the scope and reach of State decision-making expands into areas that directly affect individual rights, the availability of effective mechanisms to challenge those decisions must correspondingly keep pace. Without practical parity of access to legal redress, individuals are placed at a structural disadvantage when seeking to vindicate their rights against the State.

The consequence is that, while rights may exist in law, they are not effectively enforceable in practice. Where the exercise of a right depends upon access to a remedy that is financially out of reach, that right risks becoming illusory. In those circumstances, the State's obligation to provide an effective remedy is not met in substance, notwithstanding its formal recognition in law.

Conclusion

JWNZ respectfully submits that the draft report:

- does not sufficiently demonstrate that limitations on rights during the COVID-19 response were demonstrably justified
- does not examine whether the conditions of a free and democratic society were maintained
- does not address coercion, causation, or the legal consequences of serious harm
- does not assess whether access to justice is effective in practice

Given the constitutional importance of these matters, and their real-world consequences, we submit that these issues warrant further and more detailed examination before the report is finalised.

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