

Father denied justice by NZ courts, says UN

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The United Nations has slammed the New Zealand legal system for denying justice to a man accused of abusing his children.

The Government now has three months to explain itself to the international body and offer a solution to the man.

Human rights lawyer Tony Ellis took the man's case to the UN's Human Rights Committee saying his client's right to a fair trial had been ignored by the Family and then the Appeal Courts.

The man, who cannot be named due to the ongoing custody dispute, was accused in 2001 by his estranged wife of abusing his two daughters and then, later, abusing his son.

Police investigated for nearly two years, but decided not to prosecute.

The father was denied access to his daughters and the Court of Appeal refused leave to appeal the decision.

The man is still fighting for access to see his son in the Family Court.

The committee found the lengthy proceedings violated the father's rights to a quick and fair trial in respect of his daughters and son.

The New Zealand Council for Civil Liberties regretted, in a statement celebrating the UN ruling as a victory, the Court of Appeal's "failure to understand and embrace international human rights".

The very nature of custody proceedings concerning access of a divorced parent to their children required that the issues complained of should be dealt with speedily, the committee said.

"The onus is thus on the State and the courts, the police, child welfare authorities and others, to be sufficiently well-resourced and structured and establish their priorities in order to ensure sufficiently prompt resolution of such proceedings and safeguard the Covenant rights of the parties," it said.

The committee said that without a prompt hearing, the rights of non-custodial parents were in effect already decided.

It added: "This is plainly unacceptable, and is a major failing as there is no level playing field, and it is well known that justice delayed is justice denied."

They said they would "await with interest" what remedy the Government would be offering the father within a 90 day timeframe.

Courts Minister Rick Barker said today the committee had informed the Government of its views.

The committee had found the majority of the complainant's allegations were inadmissible, or did not in fact constitute violations of the complainant's rights, he said.

It also found the original Family Court in 2003 had reached a "full and balanced" evaluation of the family's situation and the children's best interests based on testimony of the parties and expert advice.

However, it did express the view that the International Covenant on Civil and Political Rights was breached because of the length of time taken to conclude the proceedings.

Mr Barker noted the committee's views were "non-binding" but said the Government would examine

its findings and consider how to address these.

The committee's views had been relayed to the relevant government agencies and the principal Family Court judge and the Government would respond to the committee within 90 days.

Correction:

A New Zealand Press Association story networked on April 19 about a United Nations attack on the New Zealand legal system contained a wrongly attributed quote.

The UN Human Rights Committee never said it regretted the Court of Appeal's "failure to understand and embrace international human rights" when considering the case of whether justice had been denied a man accused of abusing his children.

That remark did not appear in the committee's report, but was made by the New Zealand Council for Civil Liberties, in a statement celebrating the UN ruling as a victory.

NZPA deeply regrets the error.