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Media Statement

Major NZ companies named in human rights claims

Two of New Zealand's biggest companies have today been named in a claim to the international organisation OECD of ongoing human rights abuses against a Christchurch couple.

Fletchers EQR, the building giant's Christchurch construction arm, and IAG, the insurer which includes State, AMI and NZI among its brands, are being taken to the Paris-based Organisation for Economic Cooperation and Development by the WeCan insurance action group.

WeCan are representing 70 Christchurch claimants including Woolston couple, Steve and Sasha Bell who are still living in their garage since the February 2011 quake.

Two other claimant families have also lived for years in garages.

A first Christchurch case was accepted as a prima facie claim by the National Contact Point for the OECD Guidelines located in the Ministry of Business, Innovation and Employment late last year. Once a case is accepted by MBIE, the parties can enter into confidential discussions.

Steve and Sasha Bell's claim was filed with MBIE this month.

The Bells are facing living in their garage through a fourth winter after Fletchers stripped walls in their already damaged home and disconnected services, before stopping work after three days in November 2011.

Until last year, EQC refused to acknowledge the damage exceeded its \$100,000 cap. Since then, IAG has refused to settle the Bells' insurance claim which is now before the courts.

Steve Bell, a cable technician says he and his pharmacy technician wife are forced to continue living through a nightmare.

"We face ongoing mental, physical and financial stress. We have to live in our garage with no running water, windows or sanitation. It cooks us in summer and we freeze in winter."

Among the many injustices the Bells have endured are EQC's denials that damage to their home was earthquake-related, Fletchers doing three days work and walking away, losing their insurance accommodation allowance and having to pay a big mortgage while living in their garage.

The couple use limited kitchen and bathroom facilities in their otherwise empty damaged home.

“Our home continues to deteriorate as it is exposed to the elements and has been open to pestilence (including rats) which sees our households goods damaged.

“We are making these issues public to stop them perpetrating matters any further, so they set right what’s been allowed to happen to us and to prevent this happening to other people in the future.

“Most important to me personally is to allow Sasha and I to move on with our lives and put the tragic events of 22nd February 2011 behind us.”

“We thought this would be well and truly over by now. Sasha and I wanted to start a family about three years ago but we can’t do that living in a garage,” says Steve Bell.

International covenants to which New Zealand is a signatory uphold the right of a woman to choose her time to procreate as a fundamental human right. *

The Bells’ claim against Fletchers and IAG also says they are responsible for ongoing breaches of their rights to live in a comfortable, warm home, their right to enjoy good health and not face ongoing physical, mental and financial stress.**

The claim has been deposited with the Ministry of Business, Innovation and Employment, which is the New Zealand agent for the OECD, asking it to make an assessment whether these companies have caused or contributed to a violation of the Bell’s human rights

A separate action against the New Zealand Government is to be lodged with the Ministry of Women’s Affairs under UN law, for failing to protect the Bells from the actions of multinational companies, and failing to intervene when their rights were affected by EQC.

Brent Cairns of WeCan says the claims against Fletchers and IAG are among more than 70 cases of human rights abuses across Christchurch being assisted by WeCan to be taken to the OECD.

“We are now into our fifth year since the first quake. Yet we have people like the Bells still living in garages, enduring appalling abuses of their basic human rights.”

“For years, WeCan and many others in Canterbury have tried to get these issues addressed within New Zealand. It is a very sad day that we have to appeal on behalf of good, decent Kiwis to an international body so we can get justice,” says Brent Cairns.

* The human right of women to control their fertility is guaranteed by the Convention for Eliminating all forms of Discrimination Against Women, CEDAW, to which New Zealand is a signatory.

** The International Covenant on Economic Social and Cultural Rights (ICESR) provides for the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. New Zealand is a signatory.

Brent Cairns,
Chairman, WeCAN