

## NEW ZEALAND

### CEDAW A/43/38 (1988)

74. The Committee considered the initial report of New Zealand (CEDAW/C/5/Add.41/Amend.1 and Corr.1) at its 105<sup>th</sup>, 106<sup>th</sup> and 109<sup>th</sup> meetings, held on 16 and 18 February 1988 (CEDAW/C/SR.105, 106 and 109).

75. In introducing the report, the representative of New Zealand explained that the report had been presented in 1986, coinciding with the establishment of the Ministry of Women's Affairs. The Ministry's overriding aim was to assist in bringing about the economic and social conditions for equality between women and men. That, she said, might explain the brevity of the report, and she assured the Committee that subsequent reports would be more comprehensive.

76. She informed the Committee that it was the practice in New Zealand to ratify international conventions only when their provisions were already implemented by New Zealand in law and practice. Therefore, reservations had been entered regarding provisions on maternity leave with pay, recruitment into or service in the armed forces and law enforcement forces and employment of women in underground work. However, there had been some developments since the presentation of the report in 1986, and she wished to inform the Committee about them.

77. Notwithstanding the fact that there were no legal barriers in New Zealand to equality between women and men and although New Zealand women had acquired the right to vote in 1893, in practice the barriers created by tradition, history and structures still existed.

78. However, the Ministry of Women's Affairs was carrying out an analysis of discrimination, women's position in society and the causes of inequality based on studies that had been developed and promulgated by feminists and that were now beginning to be heard and to affect the way policy decisions were being made. The Ministry was about to publish a study entitled 'The economic position of women in New Zealand' in that regard. Moreover, in 1986 a Royal Commission on Social Policy had been established, and the Government had recently stated that one of the basic objectives of the reform programme would be to enhance the social and economic position of women.

79. Liaison persons from all government departments had been appointed in order to assist the Ministry of Women's Affairs to establish a process of accountability whereby government departments would take responsibility for meeting women's needs in their work. The liaison persons would also act on relevant concerns raised with the Ministry by women.

80. Another recent mechanism initiated by the Ministry of Women's Affairs was the preparation of a

check-list for use of by government departments to provide them with a framework for identifying and developing policies aimed specifically at meeting women s needs. Another recent development was the proposed annual women s budget statement , which would provide a description and analysis, by portfolio, of the resources that were provided to and for women in New Zealand. That budget would provide an indication of the extent to which the concerns of women were being brought into the mainstream of economic and social planning and policy-making.

81. Regarding New Zealand s reservations to the Convention, new legislation had been passed in mid-1987 which superseded the Maternity Leave and Employment Protection Act of 1980. It was now possible to take 12 months parental leave (up to 14 weeks maternity leave at the time of the birth or adoption of an infant), which could be shared between both parents or taken in full by either parent, and two weeks of paternity leave at the time of the birth or adoption of an infant. The employment protection provisions of the 1980 act had been enhanced and extended to fathers. The Royal Commission already referred to would be deliberating in the coming months on a study which, among other things, weighed the possibilities and implications of payments on parental, maternity and paternity leave.

82. She then referred to participation of women in the armed forces. That issue was fraught with ideological ambivalence since women involved in the peace movement had expressed the view that equality of opportunity with men to kill was not a desirable goal, and she admitted that among all the areas where equality was sought, that issue was not a priority. However, the Ministry of Women s Affairs had tackled the problem as an equal-opportunity issue with a view to removing discrimination as, for example, in the employment of women in non-combatant roles and sexual harassment within the armed forces.

83. Protective legislation was a concern to New Zealand, and therefore her Government had formally notified the International Labor Organization (ILO) in 1987 of its intention to denounce ILO Convention No. 45 on women s employment on underground work in mines. That would enable New Zealand to withdraw its reservation to the Convention.

84. Annexes to the report had been prepared by her Government to update the information which had been originally presented and she made available to the Committee an update covering developments from January 1986 until July 1987. Among those developments were the current priority areas set by the Government such as equal pay for work of equal value or work of comparable worth, recognition of women s unpaid contribution to the economy, violence against women including pornography, women s housing, women s health, child care and the impact on women of the government restructuring of the public sector.

85. Members of the Committee expressed its appreciation and commended the government representative on efforts undertaken by New Zealand in establishing national machineries to promote the advancement of women. The report was also to be commended in its exposure of the obstacles encountered, its honesty and objectivity. It was clear that the Government of New Zealand had moved towards the goals of equality between men and women even prior to the signing and the ratification of the Convention. New Zealand had granted women the right to vote in 1893 and had passed the Women s Parliamentary Rights Act in 1919. However, the Committee expressed its concern at the fact that women s full integration had not been

achieved in spite of favorable historical circumstances. The Committee also noted the Government's policy of ratifying international conventions only when provisions were already implemented in law and practice, but regretted that reservations had been entered and expressed the hope that those reservations would soon be lifted. It was asked what steps had been taken to publicize the Convention, how to use it and whether it had been translated for dissemination among the indigenous population. It was further pointed out that New Zealand was taking a pioneering step regarding women's unremunerated work and the system of national accounts and requested information on the work currently under way to develop a methodology for measuring that work.

86. The wish was expressed that, in future reports, the information provided should be consolidated rather than contained in various annexes to the report.

87. The Committee was aware that New Zealand's feminist movement was very active and asked about the participation of women's non-governmental organizations in the preparation of the State party report, and requested more information on current issues being raised or advocated by those organizations, how they were able to influence policy and legislation and linkages between them and the Ministry of Women's Affairs.

88. Members of the Committee welcomed the establishment of the Ministry of Women's Affairs and that its Secretary had cabinet ranking, and asked what was its structure, its budget, and how it related to other government institutions such as the National Advisory Committee on the Employment of Women, the Women's Advisory Committee of the Vocational Training Council and the Equal Employment Opportunity Unit, among others.

89. In reviewing the different laws and other measures that had been introduced over a number of years, information was requested on the still preponderant practice of maintaining sex-segregated schools and on a statement that appeared in the report in reference to the breaking down of class structures and social barriers. It appeared that there were social barriers to be overcome, as for instance, in the provision of child-care facilities which were not widespread and of which, according to the report of the State party, there was a shortage in terms of accommodating children under two years of age. The report, however, did not specify how many hours the child-care centers were open, what percentage of the family income was spent on them or how much they cost per child.

90. It was asked what was the official retirement age for women, and other experts inquired about the situation or difficulties of the Maori women and what in particular had been achieved in that regard. Since aspects of the particular needs of the indigenous population were being attended to by other government agencies, it was asked why there was a special unit in charge of Maori women within the Ministry of Women's Affairs and what its functions were.

91. It was asked if sex discrimination cases were brought to the attention of the Tribunals, whether any such case had been tried, what were the sanctions and whether existing legislation was updated or needed to be revised according to present practice and precedents. It was also asked if members of the court were chosen, if their selection was based on specific merit and competence and what was the gender breakdown

of the high court when reviewing discrimination cases. It was further pointed out that problems of Maori and Polynesian women were dealt with in a separate ministerial department and it was asked what the reason for this was.

92. It was recalled that the legislation of New Zealand provided that temporary special measures aimed at accelerating de facto equality could be put into place, and it was asked whether affirmative action policies had been established; whether they were widespread and whether they required prior approval by the Human Rights Commission; if such policies had been approved what were the quotas, or targets; why were they not mandatory; and, in the instances where they had been established, what were the results.

93. The Committee had heard that there existed a men's movement which endeavored to change sex stereotyping and wondered whether that was in fact correct. It was also asked whether men shared fully the household work and child rearing with women, and more information was requested on child-care facilities. It was further asked whether violence perpetrated against women had been detected and, if so, what steps had been taken to remedy the situation, was it punishable and could women's associations be parties to legal recourse in lawsuits regarding violence. It was also asked whether advertising which exploited women as a sexual symbol had been banned in New Zealand and to what extent efforts had been made to eliminate sex stereotyping both in the work place and in the media. Further details were also sought with regard to the elimination of sexist language.

94. More information was requested on the Domestic Protection Act, and what that law referred to. It was pointed out that there was no information regarding family education programmes although perhaps they might be included in the health education programmes mentioned in the report.

95. Specific reference was made to measures regarding prostitution and it was asked whether prostitution was illegal but not punishable; clarification was sought in that regard.

96. It was pointed out that the participation of women in local and national political life was admittedly low, that a very small proportion of women were found in top administrative and executive positions and that perhaps an analysis had been made of the causes of such slow progress; if so, it should be shared with the Committee. The Committee asked whether voluntary organizations had any views on what the obstacles to achieve political integration were and whether any measures had been taken to increase women's participation in politics. Since the national machinery established in New Zealand was clearly of a multidimensional nature, optimism was expressed for the future, and it was asked if there were safeguards and/or incentives for women to join the political mainstream of the country.

97. The Committee requested information on women's participation in the trade unions, and whether voluntary organizations had a higher percentage of women members and, if so, whether they could participate in formulating policy through such organizations.

98. Members of the Committee requested information on the number of women in the foreign service and in the civil service, since no statistics were provided in the report.

99. In general, it was stated that more statistics would be needed in order to enable the Committee to assess New Zealand's report. For example, it was pointed out that it was difficult to judge whether certain education programmes had had an impact on the population if that impact had not been quantified. On the other hand, if it was accurate that only 40 per cent as many women as many men had reached the fourth level of education, it would indicate that a problem existed in attaining higher education levels. Furthermore it was remarked that it was not clear whether rural women enjoyed the possibility of owning land. It was asked whether there were any groups advocating changes and amelioration of conditions in the rural areas, and how women living in the rural areas could participate in development planning. Were women isolated in rural areas, it was asked. The illiteracy rate of indigenous women was requested. It was asked whether the Women's Ministry was endeavoring to help women to move into non-traditional subjects and professions. It was noted that female apprenticeship had increased in non-traditional skills, which was a positive step.

100. Members of the Committee thought that the report concentrated on action taken to remove obstacles for equal opportunity but that, disproportionately, those steps had not led to equal participation. It was asked what other steps had been taken, besides pamphlets on equal opportunity, to achieve equal participation in education. It was further inquired whether textbooks had been revised to eliminate stereotyping and how equality was dealt with in other areas of education.

101. As regards employment, it was noted that the Health Department had prepared studies with reference to women's work. In addition, it could be seen, as in other industrialized countries, that women sought part-time employment because of their double burden and that job sexual segregation seemed to cause problems with regard to equal pay. It was asked how those problems had been dealt with, whether gender-neutral job evaluation schemes had been of use, whether wage differential studies had been carried out, whether cases on wage discrimination based on sex had been raised and, finally, how wages were set and what was the role of the trade unions in wage negotiations.

102. Members of the Committee congratulated the representative for the fact that New Zealand had recently denounced ILO Convention on underground work for women. It was further asked whether New Zealand had ratified ILO Conventions Nos. 156 and 158 regarding family responsibilities and termination of the employment. It was asked whether paternity leave was paid; whether equal opportunities in recruitment and promotion existed and how those factors affected pregnant women. More information was sought on the guidelines on working with lead.

103. It was further noted that the Government of New Zealand had lifted restrictions on the right of women to work at night. Was that, it was asked, in order to ratify the Convention and what was the reaction of women workers and of trade unions to that measure. It was also asked whether ILO Convention No. 45 was really in conflict with the articles of the Convention on the Elimination of All Forms of Discrimination against Women.

104. It was asked whether there were ideological grounds for not paying maternity leave, and whether maternity was considered a social function; and, if there was protection against dismissal on grounds of pregnancy, was there protection for pregnant women at the time of job application and training. With

reference to the introduction of new technologies mentioned in the report, although they were welcomed by members of the Committee, they provoked a feeling of anxiety when they were used to help to keep women at home.

105. Regarding social security, there seemed to be certain discrepancies since the husband continued to be designated as head of the household, and it was asked whether any changes were forthcoming on that concept. Clarification was also sought on the domestic purpose benefits .

106. It was remarked that there seemed to be discrimination against women in legal careers, and it was asked whether any corrective or disciplinary proceedings had been undertaken to correct it.

107. It was commented that the family benefit was paid to the mother directly, and it was asked whether it was assumed that only women cared for the family.

108. Members of the Committee wished to clarify the situation of rural women and questions were asked as to their access to health-care programmes, abortion facilities, contraception and family planning and whether there were other disadvantaged groups such as handicapped and elderly women that were unable to share equally the health-care facilities.

109. The report had mentioned that housing was a priority, especially low-income housing, and that a committee had been created on that subject. The Committee asked whether women were involved in the committee and whether they had the same rights as men. Additional information was also requested on the creation of collectives.

110. Clarification was requested on provisions regarding freedom of movement and how they affected immigrant women.

111. It was inquired whether any declaration on equality between men and women had been written in the legislation of the country and whether provisions to provide legal advice to women regarding their rights existed at all.

112. It was stated that there was not enough information provided in the report regarding family law. Several questions were raised regarding the rights of the child born out of wedlock, whether mutual consent divorce was possible, whether solo parent family referred to single parents and the situation of Maori women within the family. Clarification was also requested on the non-family household , a term used in the report. Finally it was asked whether special programmes to promote equality in the Cook Islands were contemplated.

113. The representative of the State party stated that the Ministry of Women's Affairs, of which she was Director, was headed by a woman. The Ministry had a budget of \$US 1.4 million for 1987-1988 and a staff of 20. She considered that other portfolios included in the Ministry, such as Consumer's Affairs and Statistics, were very compatible with women's concerns. The Maori Women's Secretariat within the Ministry attended the very special needs of Maori women while the Department of Maori Affairs dealt with

the overall concerns of the Maori people. Close contact was maintained between the two units. The relationship between the Ministry and the voluntary women's organizations was symbolic for, while the organizations brought their concerns to the Ministry's attention, in turn the Ministry was their channel into all the branches of government. That was accomplished through meetings, symposiums, working groups, etc. The organizations represented a broad sample of feminist concerns and, in fact, the Ministry was staffed with feminists. One of the requirements to be employed in it was an anti-sexist, anti-racist attitude and full commitment to the work towards equality between women and men. Voluntary women's organizations and feminists were not mutually exclusive groups. In addition, the Ministry worked in a feminist way through consultation, decision-making by consensus and participation.

114. Maori women were the tangata whenua, who were original inhabitants of the island of New Zealand. They had suffered the triple disadvantage of being oppressed by sexism, racism and colonialization. Maori women had helped to raise the consciousness of New Zealanders about those problems and that was the reason why affirmative action had been established in staff requirement. Other departments too were working alongside the Ministry of Women's Affairs, such as the departments of labour, justice, health, education, environment and State services, among others.

115. Regarding publicity given to the Convention, the Labour Party had stated during its election campaign that ratification was one of its priorities and with that in mind the Convention had been widely disseminated, although it had not been translated into the Maori language or other Pacific Island languages. In the preparation of the Government's report, there had been non-governmental participation through the 1984 Women's Forums and the two reports which resulted from them. She assured the Committee that as soon as national legislation was amended the reservations to the Convention would be lifted.

116. The lack of women's presence in the political life of New Zealand could not be explained very easily. The reasons were both complex and quite universal. Attitudes and social traditions established women as the primary care-giver, in addition to women's economic dependancy and lack of confidence, all of which presented a combination of factors that, faced by the male-dominated nature of most organizations and structures, held back women's progress. Steps were being taken by encouraging women to stand for political office, nominating more women to governmental bodies, training women within the parties, providing role models and supporting women's causes where they appeared.

117. In replying to the questions raised regarding single-sex schools, she said that some evidence suggested that girls actually achieved better in those schools. On the other hand, there were arrangements in some schools that provided for girls and boys schools sharing facilities and sharing classes. With regard to the non-traditional educational fields of science, engineering, economics, the Women's Training Advisory Council of the Vocational Training Council and the Women's Advisory Committee on Women and Education were both active in promoting greater access for women in those disciplines. And family life education included economics, health, parenting skills and family relationships. Revisions of school texts was an ongoing activity and sex education was also included in the curricula. In primary schools, 70 per cent of all teachers, 14 per cent of school principals and 30 per cent of deputy principals were women. For secondary schools, 49 per cent of teachers, 16 per cent of principals and 22 per cent of deputy principals were women.

118. A complete package of measures addressed to employment embraced affirmative action, vocational training, maternity/ paternity leave, increased participation in trade unions and women's unremunerated work. Those measures were addressed to both the public and the private sector where the Equal Employment Unit had established training for management, supervisors and women. It also secured the presence of women on interview panels. In the private sector, guidelines had been prepared for employers, inquiries had been carried out as in the banking industry and seminars and consultations had been held with the employers' federation. The affirmative action measures in that sector were voluntary but progress was being monitored by the Ministry of Women Affairs and steps might well be taken to make affirmative action obligatory. Targets were set but there were no quotas.

119. She gave updated information on maternity, paternity and parental leave provisions which were outlined in the introduction of New Zealand's report. It was too early to assess whether fathers would make use of paternity leave but the matter would be followed up. Regarding vocational training, women's unremunerated work and other measures outlined in the report, she gave a brief progress report on recent developments in research, empirical data and studies being carried out. No job evaluations had yet been conducted, but that would be a step in the process towards equal pay for work of comparable value. The trade unions had the right to conclude collective bargaining agreements, as well as determining arbitration on working conditions, personnel grievances and sexual harassment. The proposed guidelines on working with lead had been circulated to the members of the Committee. The Human Rights Commission also took up discrimination cases and approved special programmes aimed at and created for women.

120. Under the public health system of New Zealand, services were available to the population at large, although increasingly the special health needs of women were being brought into the schemes. Well women centers had been designed to cater to women's health needs. Other measures were also being undertaken, such as inquiries on abuses in medical practice, and a public education campaign on the acquired immunodeficiency syndrome (AIDS) had been launched, as well as monitoring of overseas patterns and prostitutes regarding contamination.

121. In 1985, sexual violence against women had been declared a crime, the definition of rape had been widened to include rape by husband, removal of spouse immunity and allowing the victim to give evidence in private only to judge. National conferences were held on family violence and pilot schemes launched regarding police intervention. The 1982 Domestic Protection Act referred to family violence.

122. Regarding rural women and education, she provided extensive information on the linkages provided through services, networking and expanded access to food, employment and child care. The Women's Ministry was playing a key role in that regard, including the improvement of agricultural skills.

123. Kindergarten facilities would be expanded in the coming years and the State sector had moved to introduce child care into the public service. The Government intended to establish a task force as part of the social policy reform with a view to implementing its policy of child-care funding and increasing services.

124. On the role of men in improving the status of women, she said that there was not a huge men's movement, but that increasing numbers of men were recognizing their role and responsibility in that respect.



There were also men's organizations, such as men against violence and men against rape.

125. The issues of sex stereotyping, exploitation of women in the media, sexist language, attitudes towards women's role as mother and homekeeper were all under scrutiny in the context of the social policy review being undertaken in the country. Guidelines had been prepared and public education campaigns had been carried out and would continue to be carried out. Women, who were themselves the originators of the ongoing reforms, were the stronghold and supporting base of the Ministry, and changes would be more evident possibly at the time of New Zealand's presentation of its second country report.

126. Regarding family names, women were increasingly retaining their own names on marriage. As for the names of children, parents had a choice, but there was still social pressure to use the father's name.

## **CEDAW A/49/38 (1994)**

608. The Committee considered the second periodic report of New Zealand (CEDAW/C/NZL/2 and Add.1) at its 243<sup>rd</sup> meeting, on 25 January (see CEDAW/C/SR.243).

609. In presenting the report, the representative of New Zealand stated that the Government took its responsibility to the Committee very seriously and had endeavored to prepare a report showing an accurate picture of the situation of New Zealand women.

610. The representative noted that her country had just celebrated the centennial of women's suffrage. New Zealand had been the first self-governing country in the world to give women the right to vote. The celebrations to mark the occasion had involved the extensive participation of the Government and women's organizations. The event provided an opportunity to assess the current position of women and to consider what was needed to be done to achieve true equality. She noted further that 1993 had been the International Year of the World's Indigenous People, and said that many of the events connected with the suffrage celebrations had picked up the theme of indigenous women.

611. Her country had withdrawn its reservation concerning the employment of women in underground mines. However, while women's employment in the armed forces had increased, the country was not yet in a position to remove its reservation concerning women in the armed forces. New Zealand also maintained its reservation on paid maternity leave. The Government regarded payment for maternity leave as a matter for negotiation between the parties to an employment contract.

612. The Government had passed a new Human Rights Act in 1993, extending the grounds of prohibited discrimination. Its grounds would now cover gender issues, including pregnancy, childbirth, sexual harassment, marital and family status, sexual orientation, disability, age, race, religion, employment status and political opinion. The Act would come into force in 1994. The country's Human Rights Commission had also been granted more funds to carry out its enhanced duties.

613. The country had been undergoing a process of economic and social reform aimed at revitalizing the economy. To reverse the imbalances created by past policies of insulation and agricultural protectionism; the economy had been extensively deregulated, agricultural subsidies had been abolished, import and foreign exchange controls relaxed, tariff barriers reduced and State assets sold or corporatized. While the reforms had brought hardships, the ultimate purpose of those measures was to enhance living standards on the basis of sustainable economic growth.

614. In response to a question on the impact of structural adjustment programmes on women, the representative said that a poorly performing economy would not help women in the long term, either economically or socially, hence the need for reform. She acknowledged the pressures many New Zealanders experienced during the period of structural adjustment, but said that the positive effects were beginning to be seen. There were clear indications that the country was now on track for sustained and sustainable growth. Some of the reforms had focused on the country's welfare system, which still remained

one of the most generous in the world. There had been no reduction in spending on either education or health.

615. The Committee noted the possible adverse effects of structural adjustment on women and asked whether a study on those effects had been conducted.

616. Referring to the role of the Ministry of Women's Affairs and non-governmental organizations since the last report, the representative informed the Committee that the Ministry was regarded as a key policy agency involved in most major policy developments. She also acknowledged the important role that non-governmental organizations had played throughout the country's history.

617. The representative noted a number of long-term trends affecting women, including changes in family structure; the increased participation of women in the workforce, of which women made up 43 per cent; the greater number of women who had established their own businesses; the increased participation of women in the traditional male professions; and greater numbers of women in public life, including the appointment of the first female High Court judge, in 1993. The representative noted that women's average remuneration remained less than men's.

618. Particular concerns included the growth in single-parent households, most of which were headed by women and had less income because of their relatively lower participation rate in paid employment, and the number of ageing women. Most people over the age of 75 were women, most of whom derived a high proportion of their income from State-funded superannuation payments.

619. With respect to violence, she observed that the issue had been of public concern for a number of years and that the reduction of violence was a priority for the Government. Measures to reduce and prevent violence included the setting up of family violence prevention networks, rape crisis centers and men's non-violence support groups. New legislation had been passed that took a stronger approach to the control of pornography, providing for censorship to be based on the actual or likely harm to be caused by a particular material. It removed the distinction between the public and private use of pornographic materials and imposed greater restrictions on such materials.

620. The representative stated that women's health was a key issue. She noted that cervical cancer, identified as a preventable disease, had been killing over 100 women a year. A national cervical screening programme had been established, which had a particular emphasis on the Maori and Pacific Island women. Breast cancer was also being addressed. The improvement in health services for Maori women had also been emphasized. Attempts had been made, with some success, to encourage healthy lifestyles and to reduce the high incidence of smoking among Maori women.

621. Another positive development among Maori women had been their increased participation in the business sector. Their rate of growth in establishing their own businesses was faster than that of Maori men or any non-Maori New Zealanders, although they started from a lower baseline. Various initiatives had been launched to encourage Maori women to take a role in business and to develop further their entrepreneurial skills, including the Wahine Pakari programme and the establishment of the Maori Women's

Development Fund.

622. State-funded Maori immersion education had been provided, and the Government was committed to continuing financial support for the programme.

623. The Government had set up a steering committee to prepare for the Year of the Family. It would be used as a spur to improve parenting skills in the society and for the improvement of the care of the elderly and children.

624. In introducing the report of Niue, a self-governing State in free association with New Zealand, the representative reported that Niue had unrestricted legislative competence regarding the rights set out in the Convention. Women had made significant strides in public life as well as in male-dominated occupations. Niue was a full member of UNESCO and was seeking membership in WHO.

625. Regarding Tokelau, New Zealand's last remaining non-self-governing territory, the representative said that the constitutional changes currently being implemented would continue the process whereby Tokelau, at its own pace, would assume greater control of its own affairs, including the manner in which rights accorded to Tokelauans under the Convention would be protected.

#### General observations

626. Members of the Committee indicated their general satisfaction with the report, its presentation, its comprehensiveness and the information contained therein. Concern was expressed about the remaining reservations on women in the armed forces and on paid maternity leave in a country where there was such a large number of women in the workforce.

627. The view was expressed that, although it was gratifying to note that the machinery for women's affairs was well established and that it had an increased budget, information was needed on the existence of local machinery.

#### General questions

628. In response to a question on the extent to which there was consultation with non-governmental organizations in the preparation of the report, the representative said that such organizations were involved at all stages of the process, with involvement on the part of organizations of Maori women.

629. The Committee took note of the reports of Niue and Tokelau contained in the annexes to the New Zealand report and asked if these were the only States associated with New Zealand. If they were not, the Committee asked why reports from other States had not been submitted. In response, the representative said that when New Zealand had ratified the Convention in 1985, in accordance with the practice at the time, that ratification had also been extended - with their agreement - to Niue, Tokelau and the Cook Islands. The Cook Islands, like Niue, was a self-governing State in free association with New Zealand and was therefore responsible for implementing the obligations under the Convention. The Cook Islands was

aware of its responsibilities, but with only limited resources it had been unable to complete its report in time for the present session and would be submitting its report as soon as possible.

630. In response to the question whether New Zealand had provided technical assistance to the Cook Islands in the preparation of its report, the representative noted that assistance had been given for the text, but that the preparation of the report was considered by the Government of the Cook Islands to be its own responsibility.

#### Questions related to specific articles

##### Article 2

631. Members asked about an apparent discrepancy between the reservation on maternity leave with pay and various legislative measures to prohibit discrimination, such as the new Human Rights Act.

632. The additional question was raised whether the Ministry of Women's Affairs and the trade unions had taken up the issue of women's rights regarding paid maternity leave. The representative explained that the Government considered that payment for maternity leave was a matter for negotiation between the parties to an employment contract and therefore not subject to government direction. However, the provisions of the Parental Leave and Employment Protection Act provided for unpaid leave for parents in both the private and the public sectors, and employees could negotiate better terms and conditions for paid maternity leave. She noted that most women in the public sector were covered for six weeks' paid leave.

633. In response to a question about the basis for complaints taken to the Human Rights Commission and how those complaints were settled, the representative informed the Committee that marital status complaints made up 17 per cent of all complaints received. The majority of those involved access to credit and joint accounts. Such matters had been settled through mediation and had resulted in compensation and the revision of the policies of the private sector institutions involved. Allegations of sex discrimination, other than in the area of marital status, constituted over 70 per cent of the complaints taken to the Human Rights Commission, the majority being in the area of employment.

634. Replying to questions about differences in rates charged to men and women for insurance policies and whether that might adversely affect certain groups of women, the representative explained that the Human Rights Act exemption in respect to superannuation of life insurance was a result of the different life expectancies of women and men. Exemptions were only permitted when they were supported by actuarial or statistical data. On the average, given the different periods of contribution and the longer life span of women, men and women received the same total benefits from the plans.

635. In an additional question, it was asked why the Human Rights Act had left out political parties, private clubs and churches.

##### Article 4

636. Answering the question whether the centennial celebrations of women's suffrage and the related activities, including those financed by the Suffrage Centennial Year Trust Fund, had been evaluated, the representative observed that it was too early to evaluate the results of the suffrage centennial. A range of activities had been undertaken by the Government, in collaboration with non-governmental organizations, that included educational and research activities, international conferences, projects, television documentaries, films and books about women in the country, in addition to radio broadcasts and short snippets about women's lives, their achievements and history. Funds had been distributed to hundreds of projects throughout the country. The theme of the centennial had been "celebrating the past and challenging the future". It had provided an opportunity to assess the situation of women and to identify the next steps.

637. Replying to a question about the financial support provided to supplement training and the Wahine Pakari programme, the representative explained that financial support had increased eightfold over the last two years. She noted that upon completion of the six-week training course for training motivators, the graduates trained other women in their own communities and were paid to do so. There were other funding sources available from the Government.

638. In response to the question whether women's studies courses were well attended and available at academic institutions, the representative said that women's studies programmes were offered by some secondary schools and most universities and polytechnical institutions and they were usually fully subscribed.

#### Article 5

639. In answering a question regarding the effectiveness of "counter-sexist" teaching materials and the running of "counter-sexist" training courses, the representative affirmed the Government's commitment to gender-inclusiveness in all aspects of education policy and development and its goal of ensuring equality in educational opportunity by identifying and removing barriers to achievement. The Ministry of Education had developed strategies, including non-stereotypical role models and non-sexist language, but there had been no substantial long-term monitoring of the effectiveness of either the resources or the training courses. The material had been in use for nearly 20 years and had been greatly expanded and improved.

640. Replying to the question whether, in family education, prenatal and postnatal education had been extended nationwide, particularly to Maori women, the representative stated that a number of organizations, including Crown Health Enterprises, general practitioners, practical nurses and others, provided such education. There was some evidence that mainstream services were not well used by Maori women, who had a different profile from their non-Maori counterparts. That had led health-care authorities, Government departments and Maori women's groups to explore different ways of meeting the particular needs of Maori women. Examples of such initiatives included the Tipu Ora programme, which supported Maori women during pregnancy, and had resulted in a reduction in smoking, promotion of breast-feeding and a significant reduction in Maori infant cot deaths, the establishment of Whare Paruora health clinics, Government-funded research into new models for the delivery of prenatal and postnatal care to Maori families and Government funding for iwi (tribal) based health programmes.

641. Regarding a question about the response from women's groups to the enactment of the Films, Videos and Publications Classification Act in 1993, the representative explained that women's groups had been active in bringing about the changes in censorship legislation. The act, which would come into effect after the three existing censorship bodies were combined into a single office, would place greater restrictions on the availability of violent and pornographic material, introduce new controls on the displaying of the material and set penalties for the possession of banned materials. The representative said that some women's organizations had wished for the legislation to be more restrictive, but that all would agree that the changes represented a significant and positive shift in censorship policy.

642. Asked whether the cause of the increase in the number of abused women seeking protection in shelters had been investigated in the light of the preventive measures adopted by the Government, the representative indicated that that fact did not necessarily reflect an increase in violence, but rather an increased awareness of the availability of sources of support for victims. Measures included an active arrest policy with respect to domestic violence, where all cases were treated in the same manner as assault attacks between strangers, so that arrests could be made without the victim having to press charges. The representative referred to research that had suggested that strategies for the reduction of family violence needed to address such issues as power and control, parenting and child-rearing practices, and social structural factors.

643. In reply to the additional question whether there was specific legislation on violence against women as opposed to random violence, the representative indicated that such legislation did exist.

644. Asked, further, whether the attitudes of men towards sharing domestic work had changed, the representative noted that men had to change their attitudes further.

#### Article 6

645. The representative informed the Committee about the response of the general public and women's groups to the increase in the spread of HIV. She observed that there was evidence that sex workers in New Zealand were relatively free of HIV/AIDS. The number of women infected with AIDS was as low as 17 out of the 48 HIV cases that were diagnosed in June 1993. The widespread use of condoms, predating the appearance of HIV/AIDS, was indicated as the factor contributing to the low incidence among sex workers. In addition, the representative indicated that women's groups had been concerned about the risks of late diagnosis of women infected with HIV/AIDS and had identified the need for information programmes that specifically addressed the issues of pregnancy and breast-feeding. Funds had been made available by the Government for education and sexual health programmes.

#### Article 7

646. In response to a question regarding the decreasing number of women in high executive positions, contrasted with the increase in the number of women in local government, the representative brought to the attention of the Committee figures that showed an increase in the number of women in Parliament since 1984. She noted that women had occupied various positions in the Cabinet since 1947. Women in New

Zealand would be curious to see if the new electoral system based on proportional representation, adopted in 1993, would lead to further increases in representation. Women had always been more successful in local government. There were no definitive studies on why women were more successful at local levels. The theories that had been put forward claimed that women were attracted to local politics since they could combine official duties with their responsibilities at home.

647. In an additional question, further information was requested on obstacles to women obtaining high-level posts in politics.

#### Article 10

648. Replying to the question whether the closure of schools in rural areas, with a resulting inconvenience to rural families, coupled with the reduction of the education budget, had adversely affected poor people and those living in rural areas, the representative stated that, on the contrary, the expenditures on education had increased substantially during the past three years. It was pointed out that a rural school closed only when the school roll fell below 10 students, that the Government provided transportation assistance from home to school, that no fees were charged for pre-tertiary schoolchildren receiving education by correspondence and that the Government supported rural studies through a range of other initiatives.

649. In response to a question about the declining number of Maori and Pacific Island girls entering higher education, as indicated in the report, the representative stated that there had been no such decline. The text of the report referred to the differing proportions of Maori and non-Maori females entering tertiary education directly from school. Maori students took a break and worked before they entered tertiary education. Between 1986 and 1991, the total number of Maori university students had more than doubled and more than half were women. The Government was pursuing strategies to improve the participation rates and attainment levels at all levels of education.

650. A number of members referred to a report, prepared by a non-governmental organization, which highlighted the problem of fee increases for tertiary institutions and their implications for women, and asked whether the relevant authorities were aware of those problems. In response, the representative stated that the Government had been committed to increasing the availability of tertiary education in a fiscally responsible way. Loans were available to students to cover fees and their living expenses, and they were not required to repay the loan until they were in the paid workforce. More women, at a more mature age, were entering tertiary education than in the past, their number doubling between 1988 and 1993. Women were moving towards equality in enrolment in science, and a comparable number of women and men were enrolled in veterinary science, medicine and dental surgery. There was an increased percentage of women graduates in medicine, natural sciences and engineering.

#### Article 11

651. In clarifying the reasons for the differences observed in unemployment rates among the female population in the different ethnic groups, the representative explained that the figures for unemployment in the female labour force in 1993 (21.4 per cent for Maori females, 19.8 per cent for Pacific Island females



and 6.1 per cent for European females) represented a drop in the unemployment rates of the two first groups from 29.2 per cent and 25.6 per cent, respectively, in 1991. There was no single reason for the different rates of unemployment among ethnic groups. Contributing factors included the restructuring of the economy, which had led to a reduction in the number of unskilled jobs, a shift away from the manufacturing sector, and a lack of employment opportunities in regions where Maori and Pacific Island women were more concentrated, and lower levels of retention and attainment rates for Maori and Pacific Island girls in the education system. Education and training were vital for Maori and Pacific Island women, and the Government had a commitment to assist disadvantaged job seekers and to develop measures for people who had not received formal institutional education. In reply to the additional question whether changes in the industrial environment had reduced the bargaining power of trade unions, with a resultant adverse effect on women, the representative stated that current legislation continued the move from occupation-based to industry-based bargaining. The current legislation did not replace collective bargaining, but rather provided options for contract forms. The current law extended personal grievance provisions to all workers and now included sexual harassment as a basis for complaint.

652. In answering an additional question about the principle of equal pay for work of equal value, the representative indicated that a kit had been produced on gender-neutral job evaluation for use by large organizations.

653. It was asked whether the unemployment rate had led to an amendment in unemployment benefits and whether the six-month waiting period was still in force.

654. An additional question was why women were employed primarily in part-time jobs. Further explanations were requested.

#### Article 12

655. In providing additional information on the impact of the decentralization and restructuring of the health-care system and the effects of the changes on health care, the representative said that 80 per cent of total health expenditure was publicly funded and that the funding levels had been maintained during the economic recession. She added that the mechanisms for services had been restructured to improve access and effectiveness, while costs were contained. Area health boards had been replaced by four regional health authorities, which acted as purchasers of services for their population. In addition, a core national health advisory committee had been established to advise the Government on the services to be funded. The medium-term objectives for health services included improving the access of New Zealanders to health and disability services, improving the quality, effectiveness and efficiency of the services, and providing assistance to the poor. Under the restructured health system, women's access to services should be maintained and in some cases improved, particularly access for Maori women. Consumer choice and protection would be enhanced.

#### Article 14

656. It was asked why the pilot project on mammography had been restricted to an older age group.

657. Questioning the practice of the eldest son as the first choice for the inheritance of a family farm, the representative said that it was not a legal position but was a practice in family farming. It was based on the perception that agriculture was a male occupation; increasingly, however, more women were farm managers in their own right, owners or full partners with their husbands.

#### Concluding comments of the Committee

##### Positive aspects

658. The Committee noted that the second periodic report of New Zealand indicated new developments in the area of the advancement of women which had occurred since the submission of the first report. Among those positive developments were:

- (a) The withdrawal of some of the reservations introduced by New Zealand upon ratification of the Convention;
- (b) The adoption of the new Human Rights Act which extended the area of prohibited discrimination to cover sex, including sexual harassment, marital and family status;
- (c) The enactment of legislation in 1993 which attempted to curtail harmful material in the area of pornography;
- (d) The implementation of many projects aimed at the enhancement of the status of women during the celebration of the centennial of women's suffrage;
- (e) The establishment during those celebrations of a trust fund to foster projects that enhanced the status of women;
- (f) The close cooperation between the Government and the non-governmental organizations in New Zealand was commendable and a model to be copied by others;
- (g) Violence against women had been taken seriously and there was a policy, particularly that adopted by the police designed to combat the problem;
- (h) Finally, the Government had achieved remarkable results in the struggle towards realization of de facto equality for women.

##### Principal subjects of concern

659. The Committee, however, expressed its concern about the economic structural adjustment programme and its impact on women's lives, particularly in the poorer sections of the society. That was in

spite of the Government representative's reassurance that several socio-economic support measures had been introduced to overcome the impact of the restructuring process.

660. The Committee equally noted that women's annual income was not equal with that of men for many reasons, particularly because of their need to accommodate family responsibilities. Although the Government had taken measures to improve women's income, it had abolished pay equity legislation during the reporting period. More efforts needed to be taken to alleviate the burden on women in that respect.

661. In the field of employment more affirmative action needed to be taken by the Government, in cooperation with the private sector, to help women cope with both family and work responsibilities. Such affirmative action would help integrate women in full-time employment and avoid limiting their participation in the workforce to part-time or lower paid jobs.

662. The Committee also noted its concern that changes in legislation were likely to weaken the trade union movement in New Zealand. Without strong union support, women in paid employment would lack the means to negotiate better employment conditions with their employers.

#### Suggestions and recommendations

663. The Committee suggested that the Government review its reservations with the intention of withdrawing them, particularly that entered to paid maternity leave. The Committee found it difficult to understand why paid maternity leave had not been implemented in working life.

664. The Committee urged that in its next report the Government provide more detailed information about the obstacles which still existed and prevented women from achieving full equality.

665. More research analysis was also needed on how the ethnic minority groups might achieve the same levels of equality as the majority of women in New Zealand.

## **CEDAW A/53/38 (1998)**

243. The Committee considered the combined third and fourth periodic reports of New Zealand (CEDAW/C/NZL/3-4 and Add.1) at its 401<sup>st</sup> and 402<sup>nd</sup> meetings, on 8 July 1998 (see CEDAW/C/SR.401 and 402).

### Introduction by the State party

244. In introducing the combined report, the representative conveyed a personal message of greeting from New Zealand's Prime Minister and the Minister of Women's Affairs, the Right Honorable Jenny Shipley. The representative noted that the report was a record of continuing progress for women. The economic reforms initiated in 1984 had led to an open and competitive economy and New Zealand's economic performance had improved considerably since the early 1990s. Recent developments in Asia, however, were of concern to the Government.

245. The representative described the steps taken by the Government to implement the Beijing Platform for Action in six cross-cutting themes.

246. The representative then highlighted initiatives in the area of legislative reform, policy development and the delivery of better service for women since 1994. She highlighted, in particular, the adoption of the 1995 Domestic Violence Act. The issuance of the 1996 Statement of Policy on Family Violence and the allocation of substantial financial resources for the development of collaborative anti-violence prevention and response strategies were also noted.

247. A comprehensive time-use survey was being conducted by Statistics New Zealand, sponsored by the Ministry of Women's Affairs, to document the contribution of women's and men's unpaid activities to the economy and to provide assistance in the development of government policies and programmes. Maori statistical advisers were being consulted to ensure that the survey would accurately record Maori activities.

248. The introduction of the Matrimonial Property Amendment Bill and De Facto Relationships (Property) Bill sought to achieve fair distribution of property to women upon the death of a spouse or dissolution of marriage. The women's access to justice project was aimed at making legal services more assessable to women.

249. The representative noted that a Women's Commissioner on the Human Rights Commission had been designated for the first time in New Zealand. The Commissioner would provide an annual report on the progress of women's human rights in New Zealand and would complement the work of the Ministry of Women's Affairs.

250. Women's participation in the labour market was increasing dramatically and women were responsible for 40 per cent of new businesses. The Maori's Women's Development Fund and the Women

in Self-Employment Network provided financial and peer support to women entrepreneurs.

251. Substantial gains had been achieved in women's political participation with an increase in appointments and reappointments made by the Cabinet Committee on Appointments and Honours from 25 per cent in 1993 to 31 per cent in 1997. The Government was seeking gender balance on statutory boards by the year 2000.

252. In order to improve the health of women and families, and recognizing the importance of women's sexual and reproductive health, the Government had introduced the Sexual and Reproductive Health Strategy to raise awareness of responsible sexual behavior and to improve information about and access to contraception, particularly among high-risk groups. A national breast-screening programme, to be implemented in December 1998, would provide free biannual screenings for women between the ages of 50 and 64.

253. Given a continuing gender pay gap, whereby women earn approximately 80.5 per cent of men's average hourly earnings, the Government was taking further measures to reduce the discrepancy, including research and data analysis, awareness-raising and doubling the funding ratio for the Equal Employment Opportunities Trust.

254. Progress in women's education had led a higher number of women than men enrolled in tertiary education. The number of Maori in tertiary education had more than doubled over the past five years with Maori women outnumbering Maori men.

255. Turning to New Zealand's two reservations, the representative noted that further progress was expected over the next reporting period with respect to removal of the reservation on the role of women in combat. While there were no immediate plans to withdraw the reservation related to paid maternity leave, the representative noted that research had revealed that the provisions for parental leave available in New Zealand were in many respects among the best in the world and that New Zealand was moving towards a situation where comparable social benefits might be realized in the future.

256. In 1998, the Government had announced the Work Focused Welfare policy which would require domestic purpose beneficiaries to look for full or part-time work, depending on the age of their children. Furthermore, social benefits continue to be provided and have been extended to single parents to make it easier for them to take up work and provide childcare.

257. The representative noted that New Zealand's report included material on Tokelau. The representative concluded the reporting responsibilities of the self-governing States of Cook Islands and Niue, which were included in New Zealand's ratification of the Convention, were currently under examination.

Concluding comments by the Committee

Introduction

258. The Committee expresses its appreciation to the Government of New Zealand for submitting, in a timely manner, a well-structured and well-written combined third and fourth periodic report, and for the fact that non-governmental organizations had been consulted in its preparation. It commends the Government on its oral presentation of the report and for the extensive replies to the questions posed by the Committee.

259. The Committee commends the Government of New Zealand for having sent a high-level delegation, headed by the associate Minister of Women's Affairs. It notes that the report described steps taken by the Government to implement the Beijing Platform for Action.

#### Positive aspects

260. The Committee commends the Government's sensitivity to the situation of Maori women, and its efforts to overcome obstacles to Maori women's achievement of equality.

261. The Committee also notes new legislative efforts undertaken by the Government, in particular the adoption of the Domestic Violence Act of 1995, and the designation of a Women's Commissioner on the Human Rights Commission. It welcomes the efforts to remove the reservation relating to women in combat.

262. The Committee commends the Government's efforts to implementing the Beijing Platform for Action under six cross-cutting themes, including through mainstreaming a gender perspective in the development of all policies and programmes, and improved data collection on all aspects of women's lives.

263. The Committee welcomes the acceptance by the Government of the amendment to article 20, paragraph 1, of the Convention concerning the Committee's meeting time. It also expressed its appreciation for the Government's active participation in the elaboration of and support for an optional protocol to the Convention.

#### Factors and difficulties affecting the implementation of the Convention

264. The Committee notes with concern the continuing existence of reservations to the Convention, particularly with regard to paid maternity leave.

265. The Committee considers that the existing legislative and de facto framework for women in the formal labour market, including pay equity, employment contracts and women's family responsibilities, constitute a serious impediment to the full implementation of the Convention.

#### Principal areas of concern and recommendations

266. The Committee expresses serious concern at the continuing existence of a reservation to article 11, subparagraph 2(b), on paid maternity leave. It is concerned that the requirement for women to negotiate maternity leave individually with their employers, rather than being established as a matter of national law and policy, it is a disadvantage for New Zealand's women. It is also concerned about the constraints for

obtaining unpaid maternity leave and the lack of awareness by women of existing unpaid parental leave rights.

267. The Committee recommends that the Government examine in greater detail paid maternity leave provisions that exist in a number of countries at a comparative level of economic and social development. It also recommends that the Government study the impact of existing maternity leave provisions on women's equal pay and career opportunities. The Government should also consider the possible long-term impact of this situation, especially in conjunction with the proposed Matrimonial Property Amendment Bill, which does not recognize future earnings in divorce settlements.

268. Noting that there is an increase of women in part-time or casual work and an insufficient number of full-time jobs for women, the Committee expresses concern that the impact on women of economic restructuring in the country continues to be insufficiently addressed by the Government. It is seriously concerned that legislation such as the Employment Contracts Act of 1991, which emphasizes individual employment contracts rather than collective agreements, constitutes a major disadvantage for women in the labour market due to their dual responsibilities to work and family.

269. The Committee urges the Government to assess the impact of existing free-market legislation on women's ability to compete on an equal basis with men in the labour market and to assess the benefits that women derived from the favorable economic situation of recent years. It recommends that the Government recognize maternity as a social function which must not constitute a structural disadvantage for women with regard to their employment rights.

270. The Committee recommends the proactive use of temporary special measures in the public and private sectors in accordance with article 4, paragraph 1, to accelerate women's de facto equality in employment.

271. The Committee recommends that the Government consider ratifying International Labour Organization Convention 103 (Rev).

272. The Committee also recommends that the Government systematically monitor trends on the situation of women, especially in the employment field, and assess regularly the impact of legislative measures to achieve women's equality in accordance with the Convention.

273. The Committee expresses serious concerns about the continuing wage-differential between women and men, which is not expected to narrow under current trends, and is due in part to the over-representation of women in lower-paid occupations and their under-representation in above-average wage-growth sectors. It expresses serious concern at existing pay differentials between women and men for equal work, and at the impact of the repeal of the Employment Equity Act on women's equal pay rights.

274. The Committee recommends that further efforts including through legislation and innovative policies,

be undertaken to reduce the gender pay gap. The impact of the Privacy Act on women's ability to seek redress in court for discriminatory unequal pay should be examined. The Government should also consider developing an 'equal pay for work of comparable value' strategy, and reinstate respective legislation.

275. The Committee expresses concern that the ongoing privatization of social services and the introduction of fee-based systems in areas such as health reduces women's especially poor and Maori women's, access thereto.

276. The Committee recommends that the Government closely monitor the impact of privatization on social services, especially in health, so as to ensure equal access to quality health care for all women.

277. The Committee expresses concern that the Matrimonial Property Amendment Bill and De Facto Relationships (Property) Bill, introduced in Parliament in March, differentiate between the rights of married women in the division of property upon the death of a husband or following divorce, and the rights of women upon separation from a de facto partner. It is also concerned that the Matrimonial Property Amendment Bill does not take into consideration future earnings of a husband with regard to property divisions in divorce settlements.

278. The Committee recommends that the Government reconsider the content of the De Facto Relationship (Property) Bill with a view to bringing it in line with the Matrimonial Property Amendment Bill, especially since de facto relationships are more common among the Maori population and are growing among the population in general.

279. The Committee is concerned that the situation of Maori women remained unsatisfactory in many areas, including in respect to the high percentage of Maori girls leaving school early, higher-than-average teenage pregnancy rates, the continuing low number of Maori women in tertiary education, their employment situation, their absence from the judiciary and political decision-making, their health situation and access to health services and higher-than-average incidences of domestic violence.

280. The Committee urges the Government to continue its efforts to implement fully the Treaty of Waitangi, with particular emphasis on achieving equality of Maori women in all areas covered by the Convention.

281. The Committee urges the Government to translate, as a matter of priority, the Convention on the Elimination of All Forms of Discrimination against Women into the Maori language, and to distribute it widely in Maori communities, so as to increase New Zealand's women's awareness of their rights.

282. The Committee expresses concern that, despite progress made in achieving women's equal participation in political and public life, including in Parliament, the Judiciary and in statutory boards, there was little effort to achieve targets set for gender balance through the use of temporary special measures.

283. The Committee recommends that the Government consider introducing a broad range of measures,



including targets and flexible numerical goals. The advantages and disadvantages of the current electoral system, namely, Mixed Member Proportional Representation System on the percentage of women in Parliament should be assessed and, if necessary, amendments introduced to increase the numbers of women in Parliament.

284. The Committee considers that the merely advisory and coordinating nature of the Ministry of Women's Affairs is an impediment to furthering women's human rights in New Zealand.

285. The Committee recommends that the status and decision-making capacity of the Ministry for Women's Affairs be upgraded.

286. The Committee expresses concern that the Government did not provide sufficient data and information on the situation of prostitution, the Prostitutes Collective and the treatment of sex workers who were in the country illegally.

287. The Committee recommends that the Government provide more information on those issues in its next report. In addition, the Committee wishes to be informed as to which economic activity sex work is included with for the purpose of the national accounts and the time-use survey.

288. The Committee expresses concern that the lack of comparative data disaggregated by sex and ethnicity and collected over time impeded the Committee's full understanding of changes in the de facto situation of women's human rights.

289. The Committee recommends that the Government supply more data of that kind in its next report.

290. The Committee requests that the Government responds in its next periodic to the outstanding questions, particularly in relation to the implementation of article 11 of the Convention, posed during its constrictive dialogue with the representative of New Zealand.

291. The Committee requests the wide dissemination in New Zealand of the present concluding comments, in order to make the people of New Zealand, and particularly Government administrators and politicians, aware of the steps that had been taken to ensure de facto equality for women and further steps that are required in that regard. It also requested the Government to continue to disseminate widely, and in particular, to women's and human rights organizations, the Convention, the Committee's general recommendations and the Beijing Declaration and the Platform for Action.

## **CEDAW A/58/38 (2003)**

379. The Committee considered the fifth periodic report of New Zealand (CEDAW/C/NZL/5) at its 625th and 626th meetings, on 14 July 2003 (see CEDAW/C/SR.625 and 626).

### Introduction by the State party

380. In introducing the report, the representative of New Zealand noted that the report, which included information up to September 2002, differed significantly from its preceding ones in its development and structure. Particular effort had been made to reach women beyond the traditional networks of non-governmental organizations for wide consultations. Two new sections had been added, one that outlined measures taken by the Government in response to the last concluding comments of the Committee, and one that provided a summary of the key themes and issues that emerged from the public consultation process.

381. Following the introduction of a government-funded paid parental leave scheme of 12 weeks for eligible women or their partners, including same-sex partners, the Cabinet had approved the removal of New Zealand's reservation to article 11, paragraph 2 (b). In 2005, the Government of New Zealand would consider lifting its reservation on women in armed combat.

382. The representative described the position of national courts with respect to international human rights treaties in relation to domestic legislation. New Zealand courts had taken international human rights treaties, including the Convention, into account when determining cases. The Human Rights Act of 1993, as amended in December 2001, contained appropriate non-discrimination standards for the Government, supported by an accessible, publicly funded complaints procedure and effective remedies. Legislation and government policies and activities were subject to those standards, which included discrimination in employment, incitement to racial disharmony, victimization and racial and sexual harassment. A number of steps had also been made to improve women's access to justice, and a new Legal Services Agency was taking a more proactive approach to legal aid. The Government had also commissioned a report on the structure of the courts, which would take into account Maori and gender perspectives. The Human Rights Commission was developing an action plan for human rights that would promote a wide range of human rights, including civil, political, economic, social and cultural rights.

383. The Government had created a social statistics programme to define the broad content and structure of social statistics over the next 10 years. Gender had been identified as a key variable, and would allow ongoing comparison of the situation of women and men of different ethnicities in New Zealand. Further, since January 2002, all papers going to the Cabinet Social Development Committee were required to include gender implications statements, supported by gender analysis. In addition, the first Time Use Survey was completed in New Zealand in 1999. The Survey recorded the amount of time spent by women and men, disaggregated by ethnicity, in different activities, including paid work, voluntary work, household work and caring responsibilities. The Office of Ethnic Affairs had been launched in May 2001 to provide

information and advice about groups, such as migrants, refugees, and New Zealand-born residents who identified with an ethnic group. Immigration policy had shifted from a narrow focus to a much broader one on positive settlement and resettlement outcomes for refugees and migrants.

384. The Government was taking a whole of government approach, called Reducing Inequalities to monitor and set direction in social and economic policies to better respond to the needs of Maori and Pacific communities. The functions of the Ministry of Maori Development were broadened in 2000, and government departments and agencies were expected to monitor and evaluate their own programmes and services in terms of their effectiveness for Maori women. The Government had continued its efforts to implement the Treaty of Waitangi and had allocated in its 2003 budget NZ\$ 6.5 million over three years for a programme of public information on this treaty. To celebrate the twentieth anniversary of the adoption of the Convention on the Elimination of All Forms of Discrimination against Women, and as a contribution to the International Decade of the World's Indigenous People, the New Zealand Human Rights Commission and the Ministry of Maori Development jointly published booklets on the Convention and its Optional Protocol in both Maori and English and widely distributed them.

385. Turning to women in decision-making positions, the representative pointed out that women held four constitutional positions, namely the Governor-General, the Prime Minister, the Attorney-General and the Chief Justice, and the proportion of women Ministers of the Crown had significantly increased, to 31 per cent. The target of 50 per cent representation of women at all levels in the Ministry of Foreign Affairs and Trade by 2005 had almost been met already with women currently making up 49 per cent of that Ministry.

386. Since the current Government's election at the end of 1999, a clear emphasis had been placed on halting the privatization of publicly funded social and health services and moving away from free-market legislation. The Employment Relations Act of 2000 replaced the Employment Contracts Act of 1991 as the legislative framework for employment relationships. While current review of the Act did not explicitly focus on issues that directly affected only women, a number of issues relating to inequalities of bargaining power would be relevant to women. The Government had established a Pay and Employment Equity Taskforce to progress pay and equality in employment between women and men in public service and in the public health and education sectors. The establishment of an Equal Employment Opportunities Commissioner within the Human Rights Commission was one of the most significant developments in terms of accelerating equality between men and women.

387. Although there had been a continuous rise in the percentage of women in the paid labour force over the preceding six years, a decrease in the unemployment rate for women, a significant increase in the number of women employed in professional and managerial occupations and an increase in the number of self-employed women, challenges remained, such as the persistence of a pay gap between women and men, occupational segregation and increasing difficulties in achieving a work-life balance. The Government had taken a range of measures to address those challenges, including raising the maximum number of hours of subsidized childcare, and the passage of the Social Security (Working Towards Employment) Bill of

2003, which provided for a more flexible and individualized approach to supporting sole parents and widows. Family responsibilities were recognized as part of the Government's more holistic approach to social development.

388. The representative reported that women's health indicators had improved. The New Zealand Health System had been restructured from a market-oriented model to a community-oriented model, with local district health boards being responsible for providing health-care services to a geographically defined population. Several strategies had been implemented, such as the Primary Health Care Strategy, the Disability Strategy and the Health of Older People Strategy and the Breastfeeding Action Plan, and others were under development. Turning to education, the representative noted that the participation and achievement of women and girls in the education sector continued to improve. Early childhood education enrolment had increased, and more women than men were participating in tertiary education at every level except that of doctorate.

389. Among other current and planned projects highlighted by the representative were: a project to improve the financial assistance available to families with dependent children; the planned establishment of a Community and Voluntary Sector Office within the Ministry of Social Development; initiatives to benefit rural communities; the entry into force in February 2002 of the Property (Relationships) Amendment Act 2001, which treated *de facto* couples, including same-sex couples, in the same manner as married couples in terms of the division of property on dissolution of the marriage; and the launch of the Te Rito New Zealand Family Violence Prevention Strategy in March 2002.

390. The representative concluded by stating that the State party looked forward to receiving the concluding comments of the Committee on the fifth periodic report. She would report them to the Cabinet on her return to inform domestic policy, in particular the development and implementation of the Women's Action Plan, which would provide a blueprint of the status of New Zealand women, their future aspirations and how Government would contribute to their achievement. The concluding comments of the Committee would also be published and made available on the Government's web site.

391. Another representative read a statement on behalf of Fatupaepae Women's Organization of Tokelau, a non-self-governing territory of New Zealand, which described the customary and traditional role of women in Tokelau as good parenting; utmost care for family; responsibility of high esteem for the lives of children, family members and society; yet with freedom to express one's self with respect. Women in Tokelau were pursuing tertiary education and careers, as well as accepting roles in political life, including in the Council of Elders in some villages and in the General Fono, the highest policy-making institution in Tokelau. Although there were currently no social welfare benefits *per se*, the issue of allowances or pensions for women who could not be employed because of their full-time home responsibilities was being considered. Short-term training courses were being considered for women, including in budgeting and leadership, and women in business. Tokelau had continued to participate in workshops and meetings related to the Convention on the Elimination of All Forms of Discrimination against Women in the region and outcomes and recommendations had been reported to the General Fono. The evolution of the role of

women in Tokelau was being handled in a sensitive manner befitting the speed, scale and impact of social change in a small-scale community (of approximately 1,500 people), spread over three atolls each 80 kilometres apart. The Fatupaepae was committed to continuing to discuss and consult with the community and political leaders about the Convention, and that would determine the key decisions that needed to be taken and the actions and resources required to make further progress.

## Concluding comments of the Committee

### Introduction

392. The Committee commends the State party for the quality and timely submission of its fifth periodic report, which is in accordance with the Committee's guidelines for the preparation of periodic reports. It also commends the State party for the written replies to the issues and questions raised by the Committee's pre-session working group and for the comprehensive oral presentation.

393. The Committee welcomes the State party's initiative to include in its report a separate chapter on New Zealand Government responses to, and actions taken in pursuance of, the concluding comments of the Committee on the combined third and fourth periodic report.

394. The Committee congratulates the State party for its high-level delegation headed by the Minister of Women's Affairs. The Committee appreciates the frank and constructive dialogue that took place between the delegation and the members of the Committee.

395. The Committee welcomes the authorization by the New Zealand Cabinet of the withdrawal of the reservation to article 11, paragraph 2 (b), of the Convention on the provision of paid parental leave. It also notes with appreciation the stated intention of the State party to consider lifting its reservation to article 11 (a) regarding women in armed combat in 2005.

396. The Committee appreciates the State party's collaboration with women's non-governmental organizations and other interested stakeholders in the preparation of the report.

### Positive aspects

97. The Committee welcomes the State party's efforts in implementing the Treaty of Waitangi, which aim to strengthen national identity and uphold the principles of the Treaty of Waitangi. It also commends the State party for the adoption of the New Zealand Public Health and Disability Act, 2000, which includes a section on the Treaty, intended to achieve the Act's objectives for the health of Maori women.

398. The Committee notes the work currently under way to strengthen women's human rights in Tokelau, giving attention to the culture and customs of the people of Tokelau.

399. The Committee congratulates the State party for its important achievements towards gender equality since the consideration of its combined third and fourth periodic report, particularly its efforts in preparing a women's action plan. It also welcomes the adoption of the Employment Relations Act, 2000, which provides protection against discrimination in employment on the same grounds as the Human Rights Act, 1993.

400. The Committee appreciates the State party's establishment of a paid parental leave scheme and the stated intention to improve it.

401. The Committee welcomes the establishment of an Equal Opportunities Commissioner in the Human Rights Commission as well as the gender mainstreaming efforts in that Commission.

402. The Committee welcomes the State party's recognition of the various needs of its ageing population, the majority being women, and the development of policies to address these needs.

403. The Committee welcomes the State party's ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women in September 2000.

404. The Committee welcomes the State party's policy of strengthening the promotion and protection of women's human rights and of integrating a gender dimension into development cooperation programmes, particularly in the Pacific region.

#### Principal areas of concern and recommendations

405. The Committee notes with concern that the Convention on the Elimination of All Forms of Discrimination against Women has not acquired a specific statute to achieve domestic implementation.

406. The Committee recommends that the State party take appropriate measures to incorporate all the provisions of the Convention into domestic law.

407. While appreciating the fact that women are in some of the highest decision-making positions and the progress made as regards women's increased political representation, the Committee notes with concern the declining number of women in Parliament and in local government it also notes with concern that not all political parties see this issue as also their responsibility. The Committee further notes with concern that women are underrepresented in public life, inter alia, with respect to chief executives in the public sector, on Crown Company Boards, and that the State party does not pursue an overall policy of target setting in its Ministries. The Committee is further concerned about inequality, which persists within the private sector, in which action on equal opportunities is taken up only reluctantly.

408. The Committee urges the State party to bring to the attention of all political parties their responsibility to achieve equality between women and men in political life, in accordance with the

Committee's general recommendation 23. It also recommends that the State party adopt a comprehensive strategy including temporary special measures, in accordance with article 4, paragraph 1, of the Convention, to strengthen its efforts to increase the number of women in policy- and decision-making positions at all levels and in all areas in the public sector, and to strengthen its policies in supporting the private sector's efforts towards the promotion of women in decision-making positions.

409. The Committee is concerned about difficulties women are facing at the university level, as reflected in the fact that men are more likely than women to complete postgraduate programmes, and in the decline in the number of women among university teachers in higher posts. The Committee is also concerned about the potential unfavourable impact on women of the existing Student Loan Scheme.

410. The Committee recommends that the State party promote the adoption of policies within universities aimed at creating a more favourable climate for women in order to achieve equality. The Committee also recommends that the State party review the Student Loan Scheme so that it does not result in additional difficulties for women.

411. While acknowledging the efforts undertaken by the State party to address discrimination faced by women in the labour market, the Committee is concerned that women remain disadvantaged in the labour market, that prerequisites and criteria qualify for paid parental leave may add to women's difficulties in entering the labour market and that the level of benefits does not provide an incentive for men to take up parental leave. The Committee is concerned about the persistence of a gender pay gap, occupational segregation, the high number of women in part-time work and in temporary jobs, affecting their eligibility for paid maternity leave, and the low wages paid to women. The Committee is also concerned about the difficulties women face in reconciling their personal and family lives with their professional and public responsibilities.

412. The Committee recommends that the State party ensure equal opportunities for women and men in the public and private sectors, including through the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention. It also recommends that the State party design and implement targeted job-training programmes for different groups of unemployed women. The Committee further recommends that efforts be made to eliminate occupational segregation, through education and training, the application of the principle of equal pay for work of equal and comparable value, and the promotion of additional wage increases in female-dominated sectors of employment. The Committee recommends that the State party consider further amending the Parental Leave and Employment (Paid Parental Leave) Amendment Act with a view to ensuring that pregnancy under no circumstances creates an obstacle for women entering the labour market, and to removing the specific time limit which is required to qualify for paid parental leave, and to increasing the benefits level so that men are encouraged to take parental leave.

413. Noting that recent legislation decriminalizes prostitution by repealing some of the offences associated with prostitution and soliciting, the Committee is concerned that prostitutes continue to face risks

of exploitation and violence.

414. The Committee recommends that the State party begin immediately to monitor the implementation of this law and to provide, in its next report, an assessment of the intended as well as unintended effects of the law, in particular for those women without residence permits who are engaged in prostitution, including statistical information. The Committee also urges the State party to increase its efforts to provide training and education to prostitutes in order to ensure that they can acquire alternative means of earning their livelihood.

415. The Committee expresses concern at the prevalence of gender-based violence, including rape and sexual and domestic violence within the family. It is also concerned at the lack of systematic data collection on violence against women, including domestic violence and sexual harassment in the workplace.

416. The Committee recommends that the State party devise a structure for systematic collection of data on all such forms of violence against women. In the light of its general recommendation 19, the Committee calls upon the State party to ensure that all violence against women is prosecuted and punished and to provide information in its next report on the number of cases of violence reported to the police and other relevant authorities, and on the number of convictions. It further recommends that the number of shelters for women victims of violence be increased and that public officials, especially law enforcement officials, the judiciary, health-care providers and social workers, are fully sensitized to all forms of violence against women. The Committee calls upon the State party to create public awareness of violence against women as an infringement of women's human rights that has grave social costs for the whole community.

417. The Committee is concerned that women who complain about sex discrimination, including sexual harassment, in the workplace run a serious risk of being dismissed.

418. The Committee recommends that the State party take measures to ensure that women who file complaints against sexual harassment have a legal right to remain in their job.

419. The Committee notes with concern that women face difficulties in accessing legal services, inter alia, because of the high fee for civil court proceedings.

420. The Committee urges the State party to take measures to lower the threshold for women to access legal services, inter alia, through the implementation of an adequate legal aid scheme.

421. While applauding the State party's progressive disability strategy, the Committee is concerned that discrimination against women with disabilities still exists, particularly in the areas of loans, employment and childcare, and about the situations of economic hardship they may encounter. The Committee is also concerned about the lack of economic independence of married women with disabilities.

422. The Committee recommends that the State party take appropriate measures to ensure that disabled



women do not suffer from discrimination, in particular in the areas of employment and access to health care and loans. It also recommends that the State party pay attention to the situation of disabled married women with a view to ensuring their economic independence.

423. While recognizing the State party's efforts to address the needs of Maori and Pacific women and girls through the Reducing Inequalities programme, the Committee is concerned that the situation of Maori and Pacific women and girls remains unsatisfactory in many areas, particularly with regard to employment, political participation, decision-making positions in the public and private sector, the judiciary and tertiary education and economic independence. The Committee is also concerned about Maori and Pacific women and girls' unfavourable health situation, including their limited access to health care and their high mortality rate as well as the high incidence of domestic violence and of arranged marriages. The Committee is also concerned that the Human Rights Act, 1993, does not explicitly cover non-discrimination on the basis of language and the cultural field, which are of particular relevance to Maori and Pacific women.

424. The Committee urges the State party to continue to implement the Treaty of Waitangi and to monitor the impact of measures taken through the Reducing Inequalities programme on Maori and Pacific women and girls, in particular in the social, economic and political areas and in criminal justice. It also recommends that the State party implement targeted measures to respond to the needs of Maori and Pacific women and girls, and to continue to invest in Maori and Pacific women and girls, taking into account their linguistic and cultural interests.

425. Taking note of the efforts made by the State party to combat discrimination against refugee and migrant women in New Zealand, the Committee expresses concern at the continuing discrimination suffered by immigrant, refugee and minority women and girls, based on their ethnic background, particularly with respect to education, health, employment, violence against women, and in regard to permanent residence status.

426. The Committee urges the State party to take effective measures to eliminate discrimination against refugee, migrant and minority women and girls, and to strengthen its efforts to combat xenophobia and racism in New Zealand. It also encourages the State party to be more proactive in its measures to prevent discrimination against these women and girls within their communities and in society at large, to combat violence against them and to increase their awareness of the availability of social services and legal remedies, and to provide for their needs with respect to education, employment and health care. It also recommends that the State party provide in its next report more specific and analytical information and disaggregated data on these issues.

427. The Committee urges the State party to communicate with the Government of the Cook Islands concerning the obligation of States parties under article 18 of the Convention on the submission of initial and periodic reports on the implementation of the Convention.

428. The Committee urges the State party to expedite the steps necessary for the withdrawal of its remaining reservation to the Convention.

429. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next report under article 18 of the Convention, due in 2006.

430. Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions (such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the twenty-seventh special session), the World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing), the Committee requests the State party to include information on the implementation of aspects of these documents relating to relevant articles of the Convention in its next periodic report.

431. The Committee requests the wide dissemination in New Zealand and its territories of the present concluding comments in order to make the people of New Zealand and its territories, and particularly government administrators and politicians, aware of the steps that have been taken to ensure de jure and de facto equality for women and the future steps required in that regard. It also requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations and the Beijing Declaration and Platform for Action, as well as the results of the twenty-third special session of the General Assembly, entitled Women 2000: gender equality, development and peace for the twenty-first century.