



# Convention on the Elimination of All Forms of Discrimination against Women

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## Committee on the Elimination of Discrimination against Women

Pre-session working group

Thirty-ninth session

23 July-10 August 2007

### List of issues and questions with regard to the consideration of periodic reports

#### New Zealand

1. The pre-session working group examined the sixth periodic report of New Zealand (CEDAW/C/NZL/6).

#### Constitution, laws/policies and national machinery for the advancement of women

2. According to the report, women's issues are frequently mainstreamed into generic policy processes and addressed through an inter-agency approach (para. 8). Please indicate how the effective use of the gender mainstreaming strategy is monitored, and any mechanisms in place for that purpose. In doing so, please provide concrete examples.

3. In its previous concluding comments,<sup>1</sup> the Committee recommended taking appropriate measures to incorporate all the provisions of the Convention into domestic law. Please provide information on whether and how this was done.

4. According to the report, the Government of New Zealand "prefers to address the issues of inequality through the legal and policy framework rather than through the use of temporary special measures" (para. 57). Please clarify New Zealand's understanding of temporary special measures in accordance with article 4, paragraph 1, of the Convention, and the Committee's general recommendation No. 25. Please elaborate further on the statement contained in paragraph 58 of the report.

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<sup>1</sup> See *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 38* (A/58/38), part two, chap. IV, sect. B, para. 406.

5. The report notes that the Ministry of Women's Affairs is guided by the Action Plan for New Zealand Women, a five-year "whole-of-government" plan designed to improve the lives of New Zealand women, which was launched in 2004. The report also indicates that a review and update of the Plan will be provided to the Government in 2006 (para. 47). Please provide information about how the Plan is monitored and give an update on the status of implementation and of results achieved so far.

### **Particular groups of women**

6. According to the report, the number of females in prison has doubled in the last few years, with many of these inmates being young and having a low level of education (para. 357). Fifty-five per cent of the sentenced female prison population identified themselves as Maori (para. 356). Please describe what initiatives are in place aimed at the rehabilitation and social reintegration of this group of women.

7. The report (para. 139) indicates that the refugee quota under the international/humanitarian stream includes 75 places for women at risk (para. 139). Please provide statistical data on the number of women seeking asylum annually, over the past five years, for reasons of gender-based persecution, and how many of these requests were granted. Please also indicate whether all 75 places are regularly exhausted.

### **Violence against women**

8. What has been the impact of the family violence intervention guidelines released in 2002 (para. 408) and the Ministry of Health's Family Violence Project 2001-2004 (para. 409) in enhancing the effectiveness of the response of health-care providers to women victims of family violence?

9. In its previous concluding comments, the Committee requested an increase in the number of shelters for women who are victims of violence. Please provide information on the number of shelters and the change in this number since the last periodic report, as well as an account of the governmental share in subsidizing the cost of establishing and operating the shelters.

10. The report notes that there is a need to improve availability of reliable and in-depth data on domestic violence. According to the report (para. 400), data on domestic violence will be gathered through the New Zealand survey of crime victims which, starting in 2006, will be conducted every two years. Please provide an update on the scope of data collection and analysis, and availability of such data for legislative and policy development, as well as service provision for women victims of domestic violence.

11. In its previous concluding comments, the Committee requested information on the number of convictions for violence against women. The report, however, admits that such data is not currently available, as statistical data on convictions is not disaggregated on the basis of sex (para. 417). Please state how the Government plans to overcome this statistical deficiency.

12. The report lists a number of interventions to eliminate violence against women (para. 406). It lists specific as well as overarching violence elimination strategies

(paras. 403 and 420). Please provide information, supported by data, on how implementation of various strategies, as well as implementation of various interventions, is coordinated and monitored, and how their impact is being assessed.

### **Trafficking; and exploitation of prostitution**

13. According to the report, the Prostitution Law Review Committee will review and assess by June 2008 the operation of the Prostitution Reform Act that decriminalized prostitution (para. 69). Are any preliminary assessments or findings available as to the implementation of the Act? Please provide information on the nature and extent of prostitution in New Zealand, including the number of women involved.

14. The report provides meagre information on the subject of trafficking of women. Please provide information on the extent of the phenomenon, measures taken to prevent trafficking of women and measures to protect the victims of trafficking.

### **Stereotypes and education**

15. In its previous concluding comments, the Committee recommended promoting the adoption of policies within universities aimed at creating a more favourable climate for women, as well as review of the student loan scheme so as to avoid the creation of more difficulties for women. The report, however, states that universities are independent of the Government (para. 197). Please provide information as to whether the Government plans, nonetheless, to play a more proactive role in enhancing women's opportunities within universities.

16. The report refers to a review of sexuality education for secondary school students which was to be conducted in 2006 (para. 170). The report mentions a recent increase in the number of confirmed and probable cases of sexually transmitted infections, especially among young people under the age of 24, over the past five years (para. 295). Please provide an update on the findings of this review. Please indicate in particular to what extent sex education covers prevention of teenage pregnancy, sexually transmitted diseases and HIV/AIDS. Please also indicate whether such education is also targeted at minority girls and young women out of school.

### **Participation in public life and decision-making**

17. According to the report, women continue to be underrepresented in decision-making, particularly in Parliament, local government, district health boards, statutory boards and the judiciary (para. 92). The report also refers to a number of measures, including targets such as the 50/50 gender parity goal for Government boards by 2010. Please provide an update on the impact of all measures taken to increase the participation of women, including Māori women, in local government, the judiciary and in Parliament.

18. Please provide information about measures in place to encourage efforts in the private sector to accelerate the number of women in decision-making positions, and any results achieved.

## **Employment**

19. Please provide more information on progress in the implementation of the Pay and Employment Equity Plan of Action (para. 241), and in what manner exactly it addresses the gender pay gap and promotes equal pay for work of equal value.

20. In its previous concluding comments, the Committee recommended taking measures to ensure that women who file complaints against sexual harassment remain in their job. The report describes the legal measures available to employees under the Employment Relations Act for securing their rights to remain on the job (para. 209). Please provide information and data as to whether and how this Act is implemented.

21. Please provide an update on the status of the Parental Leave and Employment Protection (Paid Parental Leave for Self-Employed Persons) Amendment Bill (para. 229). In addition, please provide information on the results of the evaluation (para. 230) of the parental leave scheme that was due to be completed in 2006.

22. Please provide an update on the status of the Employment Relations (Flexible Working Hours) Amendment Bill (para. 237) concerning flexible working hours for parents.

23. The report notes a strong increase in Māori women in business, including self-employment (para. 254). At the same time, according to the report, Māori women have encountered difficulties in accessing credit and financial advice (para. 324). What measures have been taken aimed at reducing inequalities related to the economic rights and financial independence of Māori women?

24. Under the New Zealand Immigration Programme, the stream of immigrants categorized as “skilled/business” makes up 60 per cent of the Programme (para. 139). Please provide the breakdown by sex of the stream of immigrants that enter New Zealand under this category.

## **Health**

25. The report refers to several general health strategies (para. 263). Please indicate how these strategies for older people, disabled people and Maori integrate a gender perspective. Please also indicate how implementation of these strategies is monitored with regard to health outcomes for women.

26. According to the report, European women have longer life expectancy than women from other ethnic groups (paras. 14 and 264). Please provide more detail regarding the socio-economic factors that may influence this disparity. Also please elaborate on the impact of the privatization of social services and the introduction of fee-based systems for health care on women’s enjoyment of the highest attainable standard of physical and mental health.

27. The report refers to the HIV/AIDS Action Plan of 2003 (para. 276). Please provide an update, and trends over the past five years, of HIV/AIDS infection rates for women, and measures in place to address this issue in a comprehensive manner.

### **Marriage and family life**

28. The report describes the enactment of the Relationships (Statutory References) Act 2005, aimed at ensuring recognition of different types of relationships in various laws and regulations, by amending a large number of legislative provisions to provide for more general recognition of civil unions (para. 380). It mentions that some provisions have not been covered by this Act, but would be independently completed by the end of 2006. Please provide information on the status of this effort, and how it addresses implications for women.

29. The report mentions the Property (Relationships) Act 1976 as governing the division of property upon the dissolution of relationships (para. 381). The report also notes the continuous monitoring of the Ministry of Justice of case law and academic writing on the impact of this Act. Please provide information on the type of property that is being distributed upon dissolution of relationships. In particular, please explain whether this Act recognizes intangible (i.e., pension funds, severance payments and insurance) property as part of the family property to be distributed. Also, please indicate whether the Act provides for the distribution of future earning capacity and human capital, and/or whether in any manner it allows for consideration of enhanced earning capacity or human capital in the distribution of property (e.g., through unequal distribution of property or by allowing for an award of compensatory spousal payment). Please also provide information on current research and findings as to gender-based differences in the economic consequences of the dissolution of relationships, and how such findings impact on the work of the Ministry of Justice.

### **Optional Protocol**

30. Please describe how the Government has publicized the Optional Protocol to the Convention, which New Zealand ratified in 2000.

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