



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

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**Committee on the Elimination of Discrimination
against Women**

**Consideration of reports submitted by States parties under
article 18 of the Convention on the Elimination of All Forms
of Discrimination against Women**

Seventh periodic reports of States parties

New Zealand*

* The present report is being issued without formal editing.



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Foreword

It is my privilege to present New Zealand's seventh report on the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

New Zealand has often been at the vanguard of women's rights. In 1893, we led the world as the first country to grant women the right to vote. Since then, women's rights have been regularly extended, so that women now enjoy full and equal rights in every area of the law.

The pioneering spirit that drove those changes remains: New Zealanders support the idea that everyone should get a 'fair go' and be judged on their efforts, not their gender or skin colour. As a result, we routinely rank in the top half-dozen countries in the world when it comes to equality between women and men.

New Zealanders can be justifiably proud of that heritage and the national values that promote fairness and equality. However, we are not complacent. Although we do well in world terms, 117 years after winning the right to vote, New Zealand women still do not always experience the full equality guaranteed by law. Women's skills are under-used in leadership across the economy; women continue to earn less than men, even when their qualifications and jobs are similar; and violence within families continues to be a cause of considerable disquiet.

This report covers the four years since we last reported to the United Nations on our obligations under CEDAW. Four years is a short time when dealing with societal issues that require changes to deeply held attitudes or behaviours. They have also been difficult years, with New Zealand being the first nation in the OECD to officially go into recession. The focus of the National-led government, elected in November 2008, has therefore been on sustainable economic recovery. In this context, the full utilisation of women's knowledge, skills, and experience becomes an even greater priority.

In the current environment, the government is also prepared to try new approaches. The government's confidence and supply agreement with the Māori Party has resulted in new approaches to achieving better outcomes for Māori women. An example of this is a new programme called Whānau Ora, which seeks to strengthen and improve outcomes for whānau through the development of whānau leadership and integrated whānau-centred service delivery. Often the gap between Māori women and other women is greater than the gap between women and men, so advancing Māori development is consistent with our desire both for a well-performing economy and for reducing disparities for women.

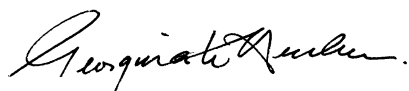
The government's overall vision is to grow the economy to deliver prosperity, security and opportunities for all New Zealanders. This supports our vision for women to have real choices and to be able to use their strengths to maximise social and economic success for themselves, and for New Zealand.

We are making steady progress on that vision, including implementing important criminal justice reforms, which strengthen victims' rights and provide greater protection for those at threat of family

violence – most of whom are women. We have also put in place measures that should see further improvements in women’s participation in business leadership and address factors known to reduce the gender pay gap.

New Zealand also continues to be an advocate for women internationally. We strongly supported the new United Nations gender agency (UN Women) at the United Nations, and we welcome the appointment of Michelle Bachelet as Under-Secretary-General to lead the agency.

In presenting this report, I reaffirm New Zealand’s commitment to continuing the work to eliminate the disadvantages that women still face in New Zealand and around the world. I look forward to the Committee’s consideration.



Hon Georgina te Heuheu QSO
Acting Minister of Women’s Affairs

This is New Zealand's seventh periodic report on its implementation of the United Nations (UN) Convention on the Elimination of All Forms of Discrimination against Women (the Convention). It covers the period March 2006 to March 2010.

The report covers the key legislative, judicial, administrative or other measures adopted in the review period that give effect to the provisions of the Convention. It should therefore be read in conjunction with New Zealand's previous reports under the Convention, as well as New Zealand's Fifth Periodic Report under the International Covenant on Civil and Political Rights (CCPR/C/NZL/2007), New Zealand's Third Periodic Report under the International Covenant on Economic, Social and Cultural Rights (Un-numbered) and New Zealand's National Report Submitted in Accordance with Paragraph 15 (A) of the Annex to Human Rights Council Resolution 5/1 (A/HRC/WG.6/5/NZL/1).

Reference should also be made to New Zealand's Core Document, which gives an overview of the characteristics of New Zealand society and of the political and legal structures that are in place to ensure the promotion and protection of human rights within New Zealand, including the rights of women and girls.

The Committee's Concluding Comments on New Zealand's Sixth Periodic Report (CEDAW/C/NZL/6, referred to hereafter as the 'last report') included some suggestions and recommendations to improve the status of women in New Zealand. Responses to the recommendations are provided in a table appended to this report (see Appendix A).

Information on women's rights in Tokelau (a non-self-governing territory) can be found in Appendix C.

Introduction

New Zealand has a long-standing commitment to creating a fair and just society. The fundamentals for equal rights are all in place: democracy, the rule of law and an independent judiciary free of corruption; effective structures of governance; specialised human rights and other accountability mechanisms; and recognition of the vulnerability of particular groups and individuals. New Zealand women were the first in the world to gain the right to vote and have high levels of engagement in politics, society and the economy.

Despite that, there are still areas where women do not do as well as men. The main outcomes the government wants for women – more women in leadership roles across the economy; reducing violence against women; and ensuring all women can be fully engaged in the economy – reflect the areas where more work is needed. Much of this report focuses on what is being done to address those issues, rather than the many areas where New Zealand is doing well.

The government has a vision for New Zealand women – that women have real choices and can use their strengths to maximise social and economic success. This reflects both the government's desire that women are able to achieve their full potential and also its strong focus on economic development. The under-valuing of women's skills and experience means that, at present, the New Zealand economy is not getting the best out of the skills of half the population. The government sees this as a fairness issue and a productivity issue. The fact that New Zealand faces difficult economic times – it was the first OECD country to officially go into the latest recession – makes maximising women's contribution even more urgent.

The government is therefore committed to eliminating the remaining barriers to New Zealand women's full participation in society and the economy, but acknowledges that it still faces significant challenges in some areas.

For instance, women's leadership skills and experience are still significantly under-utilised across the economy. Government will continue to work to increase the percentage of women on state sector boards and committees (currently at 41.5 percent), but the main focus now is on raising the number of women on boards of the top 100 companies listed on the New Zealand Stock Market. These are the boards with the fewest women (less than 9 percent of directors as at 2007) and this is where appointment of more women will have the biggest benefits. The new approach is to engage directly with business and with shareholders to make the business case for more women in leadership.

The gender pay gap has stubbornly sat at around 12 percent for the last decade and there is evidence that gains in relevant areas – such as women's success in tertiary education – are not automatically leading to women and men being rewarded more equally.¹ The reality is that the causes of the pay

¹ For example, see Ministry of Women's Affairs (2009) *Analysis of Graduate Income Data 2002-2007 by Broad Field of Study*, which shows that one year after entering employment the average income gap between men and women with a bachelor's qualification or above was around 6 percent, and after five years (2002 - 2006) the average income gap had increased to 17 percent. <http://www.mwa.govt.nz/news-and-pubs/publications/graduate-income-data>.

gap are complex, and there are no quick fixes. The government is therefore taking a different approach, focusing on providing both women and industry with better information and on addressing factors that contribute to the pay gap. This includes getting more women into traditionally male-dominated trades and professions, promoting flexible work practices and showing business how making better use of women's skills is good for them, as well as good for women and the economy.

Family violence and other forms of violence where women are overwhelmingly the victims also continue to be issues of immense concern to the government. Recorded rates of family violence are actually rising, though that may reflect lower tolerance of such violence and a greater willingness to report on the back of a concerted nationwide campaign to change public attitudes. The 'It's not OK' campaign, launched in 2007, has helped New Zealanders confront attitudes that allowed them to treat family violence as 'someone else's business'. The campaign is part of ongoing work by the Taskforce for Action on Violence within Families, whose work programme is guided by the Family Violence Ministerial Group. This and other initiatives are aimed at decreasing rates of family violence over time.

New Zealand also faces considerable problems with sexual violence, including low rates of reporting and conviction, and inadequate support for many survivors. This led the government to set up the Taskforce for Action on Sexual Violence in 2007 to lead and co-ordinate efforts to address sexual violence. Research by the Ministry of Women's Affairs (MWA) has also helped raise awareness of these issues and is influencing policy and processes in ways that will help victims. The research findings were widely welcomed by organisations that support rape survivors and by the wider justice sector. An early use of the research was by the New Zealand Court of Appeal in revising sentencing guidelines for sexual violation offences.

Some groups of women also continue to have poorer outcomes relative to each other, and some face greater discrimination than others. For example, Māori women have poorer outcomes in many key areas, even after adjusting for socio-economic status. Pacific women also have poorer outcomes and migrant and refugee women often face cultural and language barriers in addition to those faced by other New Zealand women. Policy approaches are increasingly focusing on this diversity, as significant changes are projected in the ethnic composition of the New Zealand population over the next two decades. These include substantial increases in the proportion of Asian, Māori and Pacific people in the population.

The recent recession has impacted workers in most industries, but men are taking a much bigger hit than women. Between the December 2007 and September 2009 quarters, the number of people employed decreased by 34,000,² and men account for 80 percent of this decline. A large part of the explanation is the different industries that men and women work in and how much these industries are exposed to the economic cycle.

² Department of Labour (2009) *Household Labour Force Survey Investigation Report: Why are men more affected by labour market downturns?* <http://www.dol.govt.nz/publications/lmr/hlfs-investigation-reports/men-labour-market-downturns-2009dec/index.asp>.

Notwithstanding these challenges and the difficult economic environment of the past two years, progress has been made since New Zealand last reported to the CEDAW Committee in 2006. Four years is a short time when working towards changes that typically take generations, but nevertheless there have been gains.

- New Zealand has withdrawn its last reservation to CEDAW following the passing of the Human Rights (Women in Armed Forces) Amendment Act in 2007. This Act removed the final barriers to employment of women in combat roles in the armed forces and violent situations in law enforcement.
- The new government saw the appointment of the first Asian woman Minister and three Māori women Ministers – one of whom is co-leader of the Māori Party, a coalition partner in the National Party-led government.
- The government has enacted a number of criminal justice changes aimed at strengthening victims' rights and protections. These include extending powers for police to issue on-the-spot safety orders to protect people at risk of family violence, most of whom are women.
- Attitudes towards family violence are beginning to change as a result of a sustained national campaign, but this is not yet reflected in a drop in reported crime rates. The Taskforce for Action on Violence within Families continues to provide leadership in the work to address family violence, including the campaign. The government is also addressing sexual violence through its response to the Taskforce for Action on Sexual Violence, which reported in 2009.
- In 2009, the Prime Minister, Rt Hon John Key, launched the business case for women on boards and MWA is now working closely with the nation's main business organisations to increase the number of women on private sector boards.
- Government has also boosted MWA's funding to enable it to better address the factors that contribute to the gender pay gap. The focus is now on areas such as reducing gender segregation in employment and increasing use of flexible work practices that are known to be relevant to narrowing the gap.
- In April 2009, the Prime Minister signalled that New Zealand was considering supporting the United Nations Declaration on the Rights of Indigenous Peoples, which includes provisions to protect and support the rights and special needs of indigenous women.

Finally, New Zealand is committed to promoting women's rights at an international level.

New Zealand is an active participant in the United Nations Commission on the Status of Women and promotes women's rights at the Human Rights Council, the Third Committee of the United Nations General Assembly, and in bilateral dialogues. It also strongly supported the creation of the new United Nations gender agency (UN Women).

As an example, in 2009, along with Colombia, New Zealand presented a resolution to the Human Rights Council that recognised maternal mortality as a human rights issue.

New Zealand is addressing the remaining barriers to women's full participation in the economy and society domestically and continues to be a strong and consistent voice for women's advancement around the world.

PART 1

Discrimination and protections, human rights, prejudice and exploitation

1. New Zealand has a consistent and strong commitment to human rights and to improving outcomes for women. *The Global Gender Gap Report 2009*³ ranked New Zealand fifth in its measure of how well countries divide resources and opportunities among their male and female populations. New Zealand has sound anti-discrimination mechanisms and has made positive improvements in a number of areas since the last periodic report.

Article 1: Definition of Discrimination against Women

2. New Zealand's legal framework provides comprehensive protection against all the forms of discrimination covered by the Convention. With the exception of the Human Rights (Women in Armed Forces) Amendment Act 2007 mentioned in Article 2 below, there have been no changes since the last report. Reference should be made to the previous report and New Zealand's Core Document for a full description of New Zealand's framework.

Article 2: Policy Measures to Eliminate Discrimination

3. New Zealand is committed to maintaining a legal and policy framework that provides universal protection against all forms of discrimination. This is supported by a comprehensive, independent institutional structure to ensure its effective enforcement.

New Zealand has withdrawn its last reservation to the Convention

4. On 5 May 2007, the Human Rights (Women in Armed Forces) Amendment Act 2007 came into force. It amended the Human Rights Act 1993 to repeal an exemption in section 33 of the Act that allowed discrimination against women in the armed forces that prevented them from serving in combat positions. As a result, New Zealand withdrew its final reservation under the Convention on 5 July 2007.

Action Plan promotes understanding of human rights

5. In 2005, the Human Rights Commission (HRC) presented the *New Zealand Action Plan for Human Rights* (the Plan) to the government to encourage a broader and more complex understanding of and support for human rights, both in public policy-making and in society at large. A number of the priorities for action were concerned with the realisation of women's rights.
6. The government's response to the Plan has been to encourage continuing dialogue between the HRC and government departments, to enable departments to consider implementing the Plan's priorities for action as part of their core business.

³ World Economic Forum (2009) *The Global Gender Gap Report 2009*
<http://www.weforum.org/pdf/gendergap/report2009.pdf>.

Article 3: The Development and Advancement of Women

7. Government's current goal and priorities for New Zealand women are linked to its broader goal of improving New Zealand's prosperity.

| | |
|-------------------------------|---|
| Government's overall goal | A step change in New Zealand's economic performance |
| Goal for women in New Zealand | Women having real choices and using their strengths to maximise social and economic success |
| Priorities (as at 2010) | <ul style="list-style-type: none"> • Women participating in leadership roles across the economy • The damaging impact of violence against women, in particular sexual violence, is reduced • All women can be fully engaged in the economy and contribute to the country's economic growth |

8. MWA is the government's lead advisor on promoting its goals for women.

The Action Plan for New Zealand Women finished in 2009

9. Launched in 2004, the *Action Plan for New Zealand Women* (the Action Plan) was a five-year whole-of-government effort to improve outcomes for women in three priority areas: economic sustainability, work-life balance, and well-being. Progress was made in all 34 areas outlined in the Action Plan.
10. With the conclusion of the Action Plan, stakeholder meetings, including 52 regional meetings held by MWA's Chief Executive and Kaihautū⁴ in May and June 2009, were held to discuss government's new goal and priorities for women. Further information about the regional meetings is attached (Appendix B).

New report to track the progress of New Zealand women

11. In 2008, MWA first published *Indicators for Change: Tracking the progress of New Zealand women*, which provides information on the social and economic status of women.⁵ Updated regularly, the purpose of the report is to provide government policy-makers and planners with a way to track progress for women to identify where efforts should best be directed. The report provides a 'gender lens' that complements other New Zealand monitoring reports such as *The Social Report*.⁶

⁴ Kaihautū: Māori leader/advisor.

⁵ Ministry of Women's Affairs (2010) *Indicators for Change: Tracking the progress of New Zealand women: 2009*. Wellington: Ministry of Women's Affairs.

⁶ Published annually by the Ministry of Social Development, the report monitors trends across a range of statistical indicators.

Disabled women's participation in education and employment could be improved

12. In 2006, it was estimated that 332,600 women had a disability. This equates to 16.2 percent of women, compared with 16.9 percent of men.⁷ Disabled women are disproportionately represented among those who lack qualifications, those who do not work, and those on low incomes. The labour force participation rate of disabled women in the 15 to 64 age group (57.8 percent) was significantly lower than for disabled men (70.2 percent) and non-disabled women (78.8 percent) in the same group. At 8.7 percent, disabled women's unemployment rate is higher than that of non-disabled women (4.8 percent) and disabled men (5.2 percent).⁸
13. Disabled women's low participation rates in employment and education indicate that their skills and talents are not being fully utilised, when compared with non-disabled women. Detachment from education and employment also means that disabled women are more likely to experience poor social and economic outcomes across their life course. There are few education and employment programmes targeted at women and girls with disabilities; however, there are programmes for both men and women with disabilities. For example, Workbridge, an NGO that specialises in placing disabled people into work, provides financial assistance to meet the additional costs of disability for people in employment, in self-employment, or undergoing training.
14. New Zealand was a leader in negotiations on the United Nations Convention on the Rights of Persons with Disabilities.⁹ New Zealand signed the Convention at the United Nations on 30 March 2007, and ratified on 26 September 2008. In February 2009, the government established a Ministerial Committee on Disability Issues, which aims to provide visible leadership and accountability for implementing the Convention and the New Zealand Disability Strategy, and to set a coherent direction for disability issues across government. The Ministerial Committee on Disability Issues has prioritised three areas for government agencies to focus their action on disability issues: modern disability supports, accessible New Zealand and contributing citizens. Action under these three themes will contribute to the vision of the New Zealand Disability Strategy.

Human rights standards for sexual and gender minorities

15. New Zealand meets human rights standards in respect of sexual and gender minorities in a number of key areas, including: positive legal protection from discrimination on the grounds of sexual orientation; legal recognition of same-sex relationships, including property rights and obligations, and registration of civil unions. The lack of official sexual orientation data, however, makes it difficult to monitor and advance the human rights of sexual minorities, including levels of violence and harassment.

⁷ Statistics New Zealand (2006) *Disability Survey 2006*, Wellington: Statistics New Zealand.

⁸ Statistics New Zealand (2006) *Disability and the Labour Market in New Zealand in 2006*, Wellington: Statistics New Zealand.

⁹ New Zealand is due to table its report on the Convention on the Rights of Persons with Disabilities in March 2011.

16. As part of a major review of human rights issues in New Zealand, HRC has issued a consultation document on a draft chapter on human rights in relation to sexual orientation and gender identity.

Work is underway to monitor ethnic people's health, economic and social outcomes

17. To improve government agency responsiveness to New Zealand's diversity, the Office of Ethnic Affairs is developing a reporting and monitoring framework to measure the outcomes of ethnic people. The framework focuses on the health, economic and social sectors and aims to bring together information on ethnic people's outcomes, and to improve policy development and service delivery to ethnic peoples.

Article 4: Temporary Special Measures

18. Many of the remaining gender gaps in New Zealand are proving to be intractable. In most cases (e.g. the pay gap) comprehensive legislation has been in place for many years and this has achieved a significant reduction in discrepancies between women and men. What remains is not conscious disregard for the law, but largely subconscious prejudice and factors like occupational segregation.
19. It has been the view of successive New Zealand governments that special measures are not the best way to deal with the remaining gaps. Instead, government believes it will be more effective to address these issues of inequality through policy, through providing women with information and resources enabling them to make good choices, through showing business the benefits of making good use of women's skills, and through legal measures (where necessary), rather than temporary special measures. There have, therefore, been no changes since the previous report to the legal provisions providing for the use of temporary special measures and none are contemplated.

Article 5: Sex Role Stereotyping and Prejudice

20. The government is committed to women having the opportunity and choice to use their skills and talents across the economy. It recognises that underlying factors and influences create barriers to achieving this goal, and addressing these forms a major part of MWA's work programme.
21. Occupational segregation is an area currently being addressed. New Zealand's workforce shows a clear pattern of occupational segregation, with a substantial proportion of both women and men working in occupations dominated by their own gender. Around 47 percent of women work in occupations that are at least 70 percent female-dominated. Similarly, over half (52 percent) of men work in occupations that are at least 70 percent male-dominated.¹⁰ MWA is currently working on initiatives to attract more women into, and retain women currently working in, traditional male trades.

¹⁰ Ministry of Women's Affairs (2008) *Trading Choices: Young people's career decisions and gender segregation in the trades* <http://www.mwa.govt.nz/news-and-pubs/publications/trading-choices>.

Article 6: Prostitution

22. The Prostitution Reform Act 2003 (PRA) decriminalised prostitution without endorsing or morally sanctioning its use. Its purpose is to safeguard the human rights of sex workers and protect them from exploitation. It aims to: provide greater protection for sex workers; enable appropriate public health measures; and prohibit the use of people aged under 18 years in prostitution. Since the PRA's enactment, it has been reviewed. Government has also developed a plan to prevent people trafficking (see paragraph 25 for more information).

Review of the Prostitution Reform Act found significant improvements for sex workers

23. The review of the PRA was tabled by the Prostitution Law Review Committee in 2008.¹¹ The review found that over 95 percent of sex workers were now aware of their legal rights under the PRA. From a comparative study in 1999, only 37 percent of independent sex workers felt they could refuse a client, but in 2006 this had increased to 62 percent. This indicates there has been a significant improvement in working conditions for sex workers.
24. Since the PRA came into force, 57 percent of sex workers believed the attitudes of the police had improved. Sex workers are now more likely to report incidents of violence to the police, and a number have successfully used the Disputes Tribunal in order to recover money owed by brothel operators. By decriminalising prostitution, the PRA appears to have achieved its goal of safeguarding the human rights of sex workers and protecting them from exploitation under the law.

Plan for the prevention of people trafficking released

25. In 2009 New Zealand published its *Plan of Action to Prevent People Trafficking*¹² (Plan of Action), which was developed to fulfil obligations under the United Nations Convention against Transnational Organized Crime, and related protocols, including the Trafficking Protocol. The Plan of Action collates the existing trafficking provisions, and outlines a strategic framework for improving New Zealand's ability to prevent people trafficking.
26. Allegations of trafficking in New Zealand are fully investigated. No prosecutions have yet resulted as incidents did not amount to trafficking. It is recognised that New Zealand has the potential to be targeted by traffickers in the future.

¹¹ Ministry of Justice (2008) *Report of the Prostitution Law Review Committee on the Operation of the Prostitution Reform Act 2003* <http://www.justice.govt.nz/policy-and-consultation/legislation/prostitution-law-review-committee/publications/plrc-report/documents/report.pdf>.

¹² Department of Labour (2009) *Plan of Action to Prevent People Trafficking* <http://www.dol.govt.nz/publications/research/people-trafficking/index.asp>.

PART II

Participation and equality in political and public life, representation and nationality

27. By international standards, New Zealand has always had a high level of participation of women in public life. New Zealand women were the first in the world to win the right to vote, in 1893. Today New Zealand ranks 15th out of 134 countries for women's representation in Parliament, 18th for the proportion of women in ministerial positions, and 19th for legislators, senior officials, and managers, according to *The Global Gender Gap Report 2009*.

Article 7: Participation in Political and Public Life

28. Promoting women in leadership is one of the government's top priorities for women. Since the last review, women have made steady gains in representation at central and local government level, and on statutory boards. Representation at top levels in the private sector has improved, but is relatively low and is a particular focus for the government.

Small increase in representation at central and local government following elections

29. Following the 2008 general election, 41 of the 122 seats in Parliament (34 percent) were held by women, compared with 32 percent following the 2005 election.¹³ Six of the 20 Cabinet Ministers are currently women (30 percent), including New Zealand's first Asian woman Minister.¹⁴ There are three Māori women Ministers, and Māori women also co-lead the Māori Party and the Green Party of Aotearoa New Zealand.
30. In 2007, 293 women were serving as city, regional and district councillors, including mayors and chairs, up from 275 in 2004.¹⁵ This equates to 29 percent female representation. This represents a small improvement from 2004 (27 percent), although the proportion has been fairly stable since the 2001 local body election.

Women's overall representation in the public service unchanged

31. The State Services Commission continues to monitor women's participation in the public service. Women's overall representation in the public service remained stable between 2005 and 2009, at 59 percent.¹⁶
32. The number of women chief executives has decreased slightly in this reporting period. As at 1 December 2009, six out of 35 chief executives (17 percent) were women.¹⁷ This compared

¹³ Ministry of Social Development (2009) *The Social Report 2009* <http://www.socialreport.msd.govt.nz/index.html>.

¹⁴ Department of the Prime Minister and Cabinet 'Ministerial List' <http://www.dpms.govt.nz/cabinet/ministers/ministerial-list.html>.

¹⁵ Human Rights Commission (2008) *New Zealand Census of Women's Participation 2008* p. 59 <http://www.hrc.co.nz/>.

¹⁶ State Services Commission (2009) 'Human Resource Capability Survey of Public Service Departments as at 30 June 2009' <http://www.ssc.govt.nz/>.

¹⁷ State Services Commission (2009) 'Public Service Chief Executives' http://www.ssc.govt.nz/upload/downloadable_files/Public-Service-Chief-Execs-Dec09.pdf.

with nine women out of 37 chief executives (24 percent) as at 30 June 2005. In 2009, women comprised 38 percent of senior management positions in the public service, a small increase from 36 percent in 2005.¹⁸

A quarter of judges at the higher courts are women

33. As at March 2010, women judges represented 28 percent of the total judiciary in New Zealand. Women represented 24 percent of the total number of judges at the higher courts (Court of Appeal and High Court) and 29 percent at the District Courts level. The current Chief Justice is the only woman in the five-member Supreme Court. In 2007 the number of women partners in legal firms with more than ten partners increased from 96 in 2005 to 101; however, they only made up 17 percent of the total partners in legal firms.¹⁹

Women's representation on statutory boards remains stable

34. The New Zealand Government will continue to work to increase women's participation on statutory boards, and to create an environment where key decision-makers accept the importance of appointing women and actively seek out suitably qualified women candidates.
35. As at December 2009, women made up 41.5 percent of the ministerial appointees to statutory boards. Sectors with a high proportion of women's involvement included:
- social welfare, where women hold 57.1 percent of positions on 16 boards
 - health, where women hold 53.7 percent of positions on 69 boards.²⁰
36. MWA's Nominations Service continues to focus its efforts in areas where women are under-represented on statutory boards such as state-owned enterprises, Crown financial institutions and Crown entities.

Work focused on addressing the low number of women on private sector boards

37. Women leaders remain scarce in the private sector, with women making up 8.7 percent of board members of the top 100 companies in the New Zealand Stock Market (NZSX) in 2007.²¹ This figure is, however, an increase on the 5 percent of positions held by women on these company boards in 2003.
38. Since 2008, MWA has worked to address the significant gap between women's involvement on state sector boards and their representation on private sector boards. MWA has worked jointly with the Institute of Directors in New Zealand, Business New Zealand, and individual business leaders to develop initiatives to increase women's participation on company boards. These initiatives include promoting the business case for more women on boards, identifying

¹⁸ State Services Commission (2009) 'Human Resource Capability Survey' op. cit.

¹⁹ Human Rights Commission (2008) *New Zealand Census of Women's Participation 2008* p. 71 op. cit.

²⁰ Ministry of Women's Affairs (2010) *Gender Stocktake of State Sector Boards and Committees 2009* <http://www.mwa.govt.nz/women-on-boards/stocktake2009>.

²¹ Human Rights Commission (2008) *New Zealand Census of Women's Participation 2008* op. cit.

board-ready women and investigating non-legislative mechanisms, such as corporate governance guidelines requiring companies to set gender diversity objectives.

Article 8: International Representation

39. The advancement of women's rights internationally is also a priority of the New Zealand Government. New Zealand women actively participate in a wide range of international forums, and lead delegations to a number of international meetings.
40. At meetings of the Commission on the Status of Women, the Human Rights Council and the United Nations General Assembly's Third Committee, New Zealand has been strongly supportive of resolutions and United Nations action on advancing the rights of women, especially ending violence against women and promoting women in leadership.

Progress for women in the diplomatic service

41. Women continue to play an important role in New Zealand's diplomatic service. As at 1 March 2010, 53.4 percent of staff at the Ministry of Foreign Affairs and Trade (MFAT) were female. The number of women in the foreign policy (diplomatic) stream of MFAT has remained steady at 46 percent. Women comprise the majority of New Zealand's junior diplomats (55 percent, or 121 out of 221). At the foreign policy management levels, women comprise 35 percent or 56 staff out of 161 positions.
42. The number of women holding Head of Mission/Post positions has more than doubled since the last report, from 16 percent to 33 percent. Eighteen of the 54 positions are held by women, compared with eight out of 50 positions in 2005. Women continue to hold some of the most senior overseas positions, including New Zealand's Ambassador to the United Nations in Geneva and New Zealand's Ambassador to France in Paris.

Women are actively involved in international conferences and organisations

43. Women continue to represent New Zealand at international conferences as both official and non-official members of government delegations, without discrimination on the basis of gender. Rules that guide the composition of New Zealand delegations to international conferences do not feature any gender-based restrictions, and women have consistently led, supported and advised such delegations through the reporting period.
44. New Zealand women also participate in a number of international organisations and roles. Government support for New Zealand candidates for international bodies is based on the merits of the individual's candidature and without discrimination on the basis of gender. For example, the New Zealand Government supported Rt Hon Helen Clark's appointment to the position of Administrator, United Nations Development Programme. The Chief Commissioner of the Human Rights Commission, Rosslyn Noonan, is the Chair of the International Co-ordinating Committee of National Institutions for the Promotion and Protection of Human Rights.

A strong voice in foreign policy and women's issues

45. The New Zealand delegation to the 54th Session of the United Nations Commission on the Status of Women in 2010 was led by Hon Pansy Wong, Minister of Women's Affairs. At that meeting the Minister reaffirmed New Zealand's commitment to the Beijing Declaration and Platform for Action.
46. New Zealand advocates for the protection of women's sexual and reproductive health rights in international forums and supports the United Nations Population Fund's and the International Planned Parenthood Federation's work on these issues. New Zealand, along with Colombia, put forward a landmark resolution on 'Preventable maternal mortality and morbidity and human rights' to the Human Rights Council in June 2009. That resolution recognised for the first time the human rights dimension of maternal mortality and morbidity.
47. New Zealand continues to work on implementing United Nations Security Council Resolution 1325 on women, peace and security, on the importance of increasing women's participation in peace processes and the reconstruction of civil society. Furthermore, New Zealand strongly supports Security Council Resolution 1820 on ending sexual violence in situations of armed conflict. New Zealand regularly raises issues relating to women's rights in the Universal Periodic Review process and bilateral dialogue.

New Zealand's aid programme supports gender equality abroad

48. The mission of New Zealand's aid programme is to 'support sustainable development in developing countries, in order to reduce poverty and to contribute to a more secure, equitable, and prosperous world'. The New Zealand Aid Programme (the programme) has a core focus on sustainable economic development and a geographic focus on the Pacific region. It is administered by MFAT.
49. The programme takes into account the differing needs of women and men, girls and boys in order to improve outcomes and manage risks. Staff are provided with tools to support gender analysis, and training is provided on 'gender mainstreaming'. Activities are designed to be monitored for the degree to which they consider gender.
50. The strategic approach is to ensure that gender equality is actively pursued in all its development programmes and through policy engagement with partner governments and in international and regional forums. New Zealand considers that gender equality is both a Millennium Development Goal (MDG) in its own right and also a key means to achieving all the MDGs. Ensuring that women and men, girls and boys are equally able to contribute fully to their own social and economic development, and ensuring that development benefits are fairly shared, are essential cornerstones to achieving the programme's mission of sustainable development to reduce poverty.

Article 9: Nationality

51. New Zealand women have long enjoyed equal rights to acquire, change or retain their nationality. There are no changes since New Zealand's previous report.

PART III

Education; equal access, opportunities and conditions in relation to employment;
health; social assistance; and rural women

52. Women in New Zealand fare better than men in a number of areas, particularly in participation and achievement in education and training, and in respect of health outcomes. However, employment outcomes are mixed, with rising participation rates on the one hand coupled with a gender pay gap, which is stalled at around 12 percent. Some groups of women also experience poorer outcomes relative to others, for example Māori and Pacific women have poorer educational and health outcomes, although the gap is narrowing.
53. While on average women have better health outcomes than men, there are areas where New Zealand does not do so well. For example, New Zealand has one of the highest teen pregnancy rates in the OECD, with the Māori teen pregnancy rate particularly high. Rates are declining, however.

Article 10: Education

54. The New Zealand Government considers that a high-performing education system at all levels is essential if young people are to have the skills they need for the jobs of the future and to maximise New Zealand's economic and social success. Women have high levels of participation and achievement in the formal education system.
55. There are few gender-based disparities, but there are narrowing but persistent disparities for both female and male students of Māori or Pacific ethnicity and students from low socio-economic communities. These include lower rates of participation in early childhood education and lower achievement at school.

New Zealand early childhood education participation rates are high

56. Access to high-quality early childhood education (ECE) is recognised by the New Zealand Government as fundamentally important to good outcomes for young children and for parents. Government policies aim to ensure that relevant services are affordable, participation rates are high, the diverse needs of the community are met, and required quality standards are attained.
57. In 2007 the government introduced full-funding for 20 hours of early childhood education (ECE) per week for three- and four-year-old children in teacher-led services, and some kōhanga reo.²² This policy (20 Hours ECE) has increased choice for families, particularly women, who are the predominant caregivers, in balancing work and caring responsibilities. The 20 Hours ECE initiative was extended to playcentres, kōhanga reo and five-year-olds in ECE in 2009.

²² Kōhanga reo: An early childhood centre designed to educate children within a Māori language and culture context.

58. New Zealand has high rates of ECE participation compared with other OECD countries. Between 2005 and 2009, the percentage of new school entrants who had participated in ECE has risen from 93.1 to 93.9 percent.²³ While there are no gender differences in ECE participation rates, there are clear ethnic and socio-economic differences, with Māori and Pacific children, and children from schools in low socio-economic (low-decile) areas being the least likely to have previously participated in ECE (see Table 1).

Table 1: Percentage of new entrants who had previously attended an ECE service in 2009

| Māori | Pacific | European | Decile 1 schools | Decile 10 schools |
|--------------|----------------|-----------------|-------------------------|--------------------------|
| 89.3% | 84.0% | 97.6% | 80.4% | 98.4% |

New curriculum launched for primary and secondary schools

59. *The New Zealand Curriculum* for primary and secondary schools was launched in November 2007 and regulated from February 2010. It establishes a vision for young people who will be confident, connected, actively-involved, lifetime learners. Key principles of *The New Zealand Curriculum* are that it is non-sexist, non-racist, and non-discriminatory; and that it ensures that students' identities, languages, abilities, and talents are recognised and affirmed and that their learning needs are addressed.

Te Marautanga o Aotearoa launched

60. Launched in 2008 for implementation in 2011, *Te Marautanga o Aotearoa*²⁴ provides guidance to Māori medium schools and their communities as they develop teaching and learning programmes for students. It aims to increase the level of students' educational and socio-cultural success.

Young women leave school with higher qualifications

61. The main qualification available to secondary school students is the National Certificate of Educational Achievement (NCEA), which encompasses a wide range of learning. NCEA enables students to undertake multi-level study to attain credits towards an NCEA qualification. Educational and job prospects will be limited for those who leave school without NCEA Level 2.

²³ Ministry of Education 'Prior Participation in Early Childhood Education: New Entrants', http://www.educationcounts.govt.nz/indicators/student_participation/early_childhood_education/1931.

²⁴ Te Marautanga o Aotearoa: The partner document of *The New Zealand Curriculum*; it is not a translation of *The New Zealand Curriculum* and was developed based on Māori philosophies and principles.

62. Young women are more likely to achieve higher qualification levels in secondary education than young men. In 2008, 75.8 percent of young women left school with at least NCEA Level 2, compared with 66.0 percent of young men.²⁵

Gap in attainment rates between ethnic groups decreasing

63. In 2008, young Māori and Pacific women were less likely than European women, Asian women and women from other ethnic groups to leave school with at least NCEA Level 2. However, between 2005 and 2008, the proportion of Māori women and Pacific women leaving school with at least NCEA Level 2 increased at a greater than average rate, indicating the gap in attainment rates between ethnic groups is likely to decrease over time (see Table 2).²⁶

Table 2: Percentage of female school leavers with NCEA Level 2 or higher²⁷

| | European | Māori | Pacific | Asian | Other | Total |
|-------------------|-----------------|--------------|----------------|--------------|--------------|--------------|
| 2005 | 69.0% | 36.8% | 51.7% | 84.7% | 60.3% | 62.3% |
| 2008 | 80.6% | 54.4% | 69.3% | 88.3% | 75.9% | 75.8% |
| % increase | 16.8% | 47.8% | 34.0% | 4.3% | 25.9% | 21.7% |

Women more likely to participate in and complete tertiary education

64. During the reporting period, women have continued to participate in tertiary education at a greater rate than men. In 2008, women accounted for 55 percent of students enrolled in tertiary education.²⁸ While there was a rapid increase in tertiary education enrolments from 1998, the overall participation rate²⁹ for men and women has been decreasing annually since peaking in 2005, largely as a result of a fall in participation in certificate-level courses. In 2008, 233,000 women were enrolled in tertiary study, equating to a participation rate of 13.4 percent. This compares with 253,000 (15.3 percent) in 2005. Despite this trend, the participation rate for women at bachelor's degree level and above has stayed stable overall, and has increased for women under 25.

²⁵ Ministry of Education (2009) *School Leavers: 2008*, table 1

http://www.educationcounts.govt.nz/statistics/schooling/school_leavers2/school_leavers.

²⁶ Ibid. Ministry of Education (2006) *School Leavers: 2005*, table 1.

²⁷ Ibid. Ministry of Education (2009) *School Leavers: 2008*, table 1; Ministry of Education (2006) *School Leavers: 2005*, table 1.

²⁸ Ministry of Education (2009) *Provider-based enrolments*, table ENR.3; Ministry of Education (2009) *Participation rates*, table PPN.1.

²⁹ Participation rate: The proportion of the population aged 15 years and over enrolled at any time during the year in formal tertiary education leading to a recognised New Zealand qualification.

65. Tertiary education participation in 2008 varied significantly by ethnicity. Māori women had the highest levels of participation overall (22.2 percent), followed by Pacific women (16.9 percent)³⁰. This compares with a participation rate of 11.1 percent for European women, and 15.1 percent for Asian women. Māori women's higher rate of participation in tertiary education in 2008 is primarily due to Māori women returning to education at a later stage of life. Younger Māori women are less likely than young European women to enrol in tertiary education (see Table 3).

Table 3: Women's participation in tertiary education by ethnicity, 2008³¹

| | Under 18 years | 18-19 years | 20-24 years | 25-39 years | 40 years and over | All ages |
|-----------------|-----------------------|--------------------|--------------------|--------------------|--------------------------|-----------------|
| Māori | 12.4% | 38.3% | 32.1% | 24.8% | 17.2% | 22.2% |
| European | 7.3% | 48.6% | 35.2% | 13.5% | 5.6% | 11.1% |
| Pacific | 7.8% | 44.1% | 30.5% | 17.6% | 9.5% | 16.9% |
| Asian | 3.4% | 48.7% | 29.4% | 13.7% | 9.8% | 15.1% |

Māori and Pacific women least likely to complete their qualification

66. Of those who started a tertiary qualification in 2001, 61 percent of domestic students who completed their qualification by the end of 2008 were women.³² Women are more likely to complete their qualification within eight years than men: 52 percent of female students compared with 42 percent of male students.³³ Māori (47 percent) and Pacific (44 percent) women were less likely than European (52 percent) and Asian women (63 percent) to complete a tertiary qualification by the end of 2008.³⁴
67. While women are more likely than men to be currently participating in, and completing, tertiary study, women overall are still less likely to hold a tertiary qualification. This is due to the effects of participation patterns in the 1960s and earlier. The most recent data in 2006 showed that 34 percent of women aged 15 years and over held a tertiary qualification, compared with 38 percent of men.³⁵ However, for the under-50 age group, women have

³⁰ Ministry of Education Statistics related to Māori students in tertiary education accessed 19 August 2010
http://www.educationcounts.govt.nz/statistics/maori_education.

³¹ Ibid. participation rates, table PPN.1.

³² Ministry of Education (2009) *Gaining qualifications*, table COM.1.

³³ Ibid. table COM.30.

³⁴ Ibid. table COM.33.

³⁵ Ministry of Education *Educational attainment of the population* accessed 19 August 2010
http://www.educationcounts.govt.nz/statistics/tertiary_education/retention_and_achievement.

edged ahead with 39 percent holding a tertiary qualification, compared with 38 percent of men.

Fields of study vary by gender

68. Fields of study still vary considerably by gender. In 2008, female graduates continued to predominate in fields such as health (including medicine); education; law; and management and commerce. Male graduates predominated in information technology and engineering and related technologies.³⁶

Occupational segregation still strong in trades training

69. In general, women are not well represented across the range of trades in New Zealand. In 2009, women represented more than 80 percent of trainees in the traditionally female-dominated industry areas of pharmacy, community support services and hairdressing. Across all industries, women represented only 30 percent of trainees. This figure dropped to 20 percent in 19 traditionally male-dominated trades including plumbing and gasfitting, building and construction, joinery, boat-building, forestry, fire and rescue, flooring, printing and plastics.³⁷
70. Modern Apprenticeships are part of New Zealand's industry training model, and are work-based education initiatives aimed at young people aged between 16 and 21 years. The scheme facilitates the recruitment and training of apprentices by employers, and allows apprentices to gain a nationally recognised qualification while learning on the job. In 2009, 11.5 percent of Modern Apprentices were women³⁸ compared with 8.1 percent in 2005.³⁹
71. In 2008, there were 25 Industry Training Organisations (ITOs) participating in the Modern Apprenticeship initiative. Of those, only three had more female Modern Apprentices than male: the New Zealand Association of Hairdressers Incorporated (93.3 percent female), the Public Sector Training Organisation (77.3 percent female), and Retail Training New Zealand Incorporated (53.2 percent female). Within 12 ITOs, women accounted for less than 5 percent of Modern Apprentices.⁴⁰
72. Increasing women's participation in trades is a new, dedicated workstream within MWA. In order to achieve wider representation in the longer term, MWA is focusing on attracting women into trades, and providing support for them to remain. MWA is setting up a number of tradeswomen networks regionally, is producing a resource to encourage women to consider

³⁶ 'Field of Specialisation for Students Gaining Qualifications' at

http://www.educationcounts.govt.nz/statistics/tertiary_education/retention_and_achievement.

³⁷ Tertiary Education Commission <http://www.tec.govt.nz/Documents/Reports%20and%20other%20documents/ito-stats-q4-2009-board-doa.xls>.

³⁸ Tertiary Education Commission 'Modern Apprenticeships 2009' <http://www.tec.govt.nz/Tertiary-Sector/Performance-information/Modern-Apprenticeships/2009/>.

³⁹ Ministry of Women's Affairs (2010) *Indicators for Change 2009: Tracking the progress of New Zealand women*. Wellington: Ministry of Women's Affairs.

⁴⁰ Ibid.

a trades career, and is working with ITOs to increase the number of women in trades, for example by highlighting examples of good practice.

Student loans are now interest free

73. The Student Loan Scheme was introduced in 1992 to assist students to participate in tertiary education. The New Zealand Government provides loans to students on a non-selective basis to cover fees, course-related costs, and living costs.
74. Student loans became interest free in New Zealand on 1 April 2006. This policy applies regardless of whether a student is still studying or has completed their study, but borrowers must be living in New Zealand to qualify. The provision for interest-free student loans is likely to be particularly beneficial to women as they form the majority of student loan borrowers and will no longer be disadvantaged by increasing student loan debt if they stop paid work to have children.

More women receive student allowances

75. The Student Allowances Scheme provides targeted assistance for living costs in the form of grants. New Zealanders studying towards government-funded tertiary qualifications, and some senior secondary school students, may apply for student allowances. Between 2005 and 2008, there was a slight increase in the number of women receiving a student allowance. In 2008, 35,500 women received a student allowance, accounting for 54 percent of all recipients. Approximately 15 percent of all female students received a student allowance in 2008.⁴¹

Article 11: Employment

76. A well-functioning labour market is one of the foundations of economic growth. As New Zealand emerges from the recession, its ability to take advantage of the opportunities presented by the global recovery will be largely dependent on the strength and resilience of the New Zealand labour market.
77. Fully utilising women's skills and talents in employment and leadership is a priority for the government, and a key factor towards achieving its wider goal of growing the economy. MWA's work programme focuses on addressing the factors that contribute to women's poorer employment outcomes.
78. The female unemployment rate remained around 4 percent between 2004 and 2008 but, as a result of the recession, has risen over the past two years.⁴² Unemployment rates for Māori (13 percent) and Pacific (14.1 percent) women were significantly higher than those of

⁴¹ Ministry of Education

http://www.educationcounts.govt.nz/statistics/tertiary_education/financial_support_for_students 2nd spreadsheet.

⁴² The unemployment rate measures the percentage of people in the labour force who are unemployed, while the labour force participation rate measures the percentage of the working age population (those 15 and over) who are employed and unemployed.

European (4.7 percent) and Asian (8.2 percent) women in the December 2009 quarter.⁴³ This reflects the lower levels of educational attainment and younger age structures of these two population groups.

79. The female labour force participation rate increased (for women aged 15 and over) from 59.7 percent during the March 2004 quarter to reach an all-time high of 62.9 percent during the December 2009 quarter, before flattening out at 62.1 percent in the March 2010 quarter. While Māori women's labour force participation rates were similar to those of European women (61.5 percent compared with 63.9 percent in the December 2009 quarter), the participation rates of Pacific and Asian women were significantly lower (54.2 percent and 58.8 percent respectively). New Zealand rates well internationally, with the ninth-highest labour force participation rate in 2009 for women aged 18 to 64 (72 percent, compared with the OECD average of 61.5 percent).⁴⁴

Recession hits men harder

80. The recession has had a greater impact on men's employment, largely because men are more likely to work in industries that have been more adversely affected by the recession, e.g. manufacturing. Women's employment in health and social assistance industries, which are largely publicly funded, actually rose between the December 2007 and September 2009 quarters by 7.6 percent. Over this same period, the labour force participation rate for men dropped by 1.1 percentage points compared with an increase of 0.2 percentage points for women. Since December 2007, older women and women in their late thirties have had the largest increases in labour market participation. The overall trend in labour force participation for men and women is similar to previous labour market downturns.⁴⁵

Amendments to employment relations legislation improve working conditions

81. The employment relations legislative framework sets out minimum employment standards and principles for workplace relations in New Zealand. These standards and principles are important to the quality of employment, and are gender neutral. There have been several developments in the framework since the last report that will impact positively on employment outcomes for women. These consist mainly of amendments to the Employment Relations Act 2000 (the Act) that provide for:

- continuity of employment
- flexibility in working arrangements for people with caring responsibilities
- meals and rest breaks
- infant feeding.

⁴³ Statistics New Zealand (2010) *Household Labour Force Survey*: December 2009 quarter. Wellington: Statistics New Zealand.

⁴⁴ Organisation for Economic Co-operation and Development (2010) *Employment Outlook 2010*. Paris: OECD.

⁴⁵ Statistics New Zealand (2009) *Household Labour Force Survey*: September 2009 quarter. Wellington: Statistics New Zealand.

Providing continuity in the event of workplace restructuring

82. In 2006, a new Part 6A was inserted into the Act to provide continuity of employment for specified categories of employees when an employer's business is being restructured and employees' work is being undertaken by a new employer. It allows employees to transfer to a new employer on their existing terms and conditions. These specified categories of workers provide cleaning, food catering, caretaking, orderly and laundry services in specified places of work. Part 6A is currently under review as a statutory requirement.

Flexible working arrangements to balance family and work life

83. The Employment Relations (Flexible Working Arrangements) Amendment Act 2007 came into force on 1 July 2008 and aims to foster dialogue and better relationships in the workplace, to increase carers' participation in employment by offering flexible working opportunities, and to assist carers to balance family and working life. Eligible employees now have the statutory right to make a request for flexible working arrangements if they have the care of another person.
84. The amendment requires the Minister of Labour to report on the operation and effects of the arrangements after two years. The report will include recommendations in relation to whether the provisions should extend to all employees. This review is underway and the Minister of Labour will table a report to the House of Representatives in 2011.

Infant feeding promoted and protected in the workplace

85. The Employment Relations (Breaks, Infant Feeding, and Other Matters) Amendment Act 2008 (the Act) came into force in April 2009, implementing government policy to make legislative provision for the promotion and protection of infant feeding through breastfeeding and for rest and meal breaks at the workplace. The intention is to ensure that workers have the opportunity for rest and refreshment and to attend to personal needs during their work time. The Act also requires employers to provide appropriate facilities and breaks for employees who wish to breastfeed (including expressing breast milk), as far as is reasonable and practicable.
86. The government currently has an amending Bill in the House, which aims to relax the provisions around rest and meal breaks. The changes will move the focus from prescription to flexibility, giving employers and employees the opportunity to develop rest and meal break policies best suited to individual requirements.

Parental leave extended to self-employed

87. The government is committed to paid parental leave (PPL) for new parents. Provision for government-funded paid parental leave took effect from 1 July 2002.⁴⁶ In 2004, PPL was extended from 12 to 14 weeks for employees with at least six months' continuous service

⁴⁶ Parental Leave and Employment Protection (Paid Parental Leave) Amendment Act 2002.

with the same employer (down from 12 months). In 2006, PPL was extended to the self-employed.⁴⁷ This is particularly helpful to rural women and women in small sized businesses. Parental leave payments are adjusted annually in line with changes to the average weekly wage.

88. Employees with at least 12 months' continuous service with their employer are also entitled to up to 52 weeks of employment-protected unpaid parental leave, less any PPL taken. This can be shared between eligible spouses/partners. Up to two weeks of unpaid partner's/paternity leave is also available.
89. In 2005/06, a full evaluation of the parental leave scheme was completed to test the effectiveness of the legislation.⁴⁸ It found that the scheme was generally supported by mothers, fathers, and employers, and identified potential areas of improvement.
90. Given the current fiscal and economic constraints, the government does not consider options to improve the parental leave scheme, such as extending the duration or level of payment for PPL, are feasible at the present time.

The gender pay gap remains 'stubborn'

91. The causes of the gender pay gap are complex and it is clear that there are no simple solutions. In 2009, women's median hourly earnings were 88.7 percent of men's (\$18.22 for women compared with \$20.53 for men).⁴⁹ While this gender pay gap of 11.3 percent was the lowest recorded since the New Zealand Income Survey first measured the pay gap in 1998, it has moved very little in the last decade, and remains stubborn at around 12 percent. When measured using full-time median hourly earnings, New Zealand's gender pay gap of 8 percent placed it as the third-lowest gender pay gap out of 26 OECD countries in 2008.⁵⁰
92. The Department of Labour's Pay and Employment Equity Unit (PEEU) designed and produced pay and employment equity toolkits and other practical assistance for state sector employers in New Zealand to help them assess pay and employment equity issues within their workplaces. Pay and employment equity reviews in the public sector were conducted between 2005 and 2009. All reviews except one found gender pay gaps, which varied in size from 3 percent to 35 percent. The work of the PEEU was discontinued in 2009.
93. The pay and employment equity toolkits continue to be made available to employers and individuals who request them via the Department of Labour's website. The government supports the implementation of public service pay and employment equity response plans, excluding pay investigations.

⁴⁷ Parental Leave and Employment Protection (Paid Parental Leave for Self-Employed Persons) Amendment Act 2006.

⁴⁸ Department of Labour *Parental Leave in New Zealand 2005/2006 Evaluation*
<http://www.dol.govt.nz/publications/research/parental-leave/index.asp>.

⁴⁹ Statistics New Zealand (2009) *New Zealand Income Survey: June 2009 quarter*. Wellington: Statistics New Zealand.

⁵⁰ Organisation for Economic Co-operation and Development (2010) *Employment Outlook 2010*. Paris: OECD.

94. In May 2009, MWA's annual operating budget was increased by 12 percent to do more in-depth work relating to the gender pay gap and contributing issues.

More women than men receive social assistance

95. The New Zealand Government's social assistance policy is based on the premise that people are better off in work, for themselves, their children and their families. As a result, the policy framework over the last six years has been focused on encouraging beneficiaries to work. The introduction of government's Future Focus welfare policy will place even greater expectations on people who can work, regardless of which benefit they are on, and provide greater support for them to work.
96. Women have the same rights as men to receive government benefits, including the Unemployment Benefit, Domestic Purposes Benefit (DPB) and New Zealand Superannuation. People who are not eligible for these benefits may apply for the Emergency Benefit if they experience hardship. At the end of March 2010, of the 325,000 people receiving a working-age benefit, around 57 percent (186,000) were women.⁵¹
97. At the end of December 2009, there were 97,416 sole parents on the DPB (sole parent). Nearly 89 percent of all recipients were female and 42 percent (of all recipients) were Māori. There were 4,169 sole parent teenagers (aged 16 to 19 years) receiving either the DPB (sole parent) or Emergency Maintenance Allowance (EMA) of which 4,104 were women.⁵² From September 2010, part-time work testing will apply to DPB recipients with a youngest child aged six years or over. This policy will further encourage women with children to take up employment.
98. In 2004, the Working for Families package was introduced. This included the introduction of financial incentives for families to take up employment, including Working Tax Credits, coupled with an enhanced case management approach where sole parents were encouraged to take up employment. By March 2008, it was estimated that 382,500 families were receiving a component of the Working for Families package.⁵³ The introduction of Working for Families saw a significant fall in the numbers of families receiving income support through the DPB, although numbers have since risen as a result of the recession.

Discounts and concessions for people aged 65 and older

99. Of the people aged 65 years and over receiving New Zealand Superannuation, 55 percent are women.⁵⁴ In 2007, the government launched the SuperGold Card, a discount and concessions

⁵¹ Ministry of Social Development 'National Benefit Factsheets, March 2010' <http://www.msd.govt.nz/about-msd-and-our-work/publications-resources/statistics/benefit/2010-national-benefit-factsheets.html>.

⁵² Welfare Working Group (April 2010) 'Overview of Domestic Purposes Benefit, Invalid's Benefit and Sickness Benefit' <http://ips.ac.nz/WelfareWorkingGroup/Downloads/Working%20papers/MSD-Overviews-of-DPB-SB-IB.pdf>.

⁵³ Ministry of Social Development 'Working for Families Evaluation' <http://www.msd.govt.nz/about-msd-and-our-work/publications-resources/evaluation/receipt-working-for-families/>.

⁵⁴ Statistics New Zealand *2006 Census Data – QuickStats about Incomes*. Wellington: Statistics New Zealand.

card. The card allows access to a range of business discounts, including free off-peak travel on public transport. It also facilitates access to government entitlements and local authority services and concessions.

Article 12: Health

100. The well-being of New Zealanders in a high-quality, patient-centred health system is the focus of the government's health policy. The government wants to ensure that all New Zealanders have the same opportunities for good health. Health services are gender-blind, and women can access the same comprehensive range of services as men, as well as a range of services for women's health needs. Including maternity services and population screening programmes, women use more services than men. All public hospital in-patient and out-patient services are available free of cost, as are all maternity services (ante-natal, birthing and post-natal care to six weeks after birth).
101. On average, women in New Zealand have better overall health outcomes than men, while Māori and Pacific men and women have poorer health outcomes than non-Māori and non-Pacific men and women, as measured by the death rate from all causes of death. This gap is closing over time as life expectancy at birth is rising faster for Māori and Pacific groups.⁵⁵
102. Substantial additional funding has been provided by the government to improve people's access to primary care services. Changes to subsidy funding between 2003 and 2007 have significantly reduced the numbers of people who report that they have not accessed health care because of the cost, with 96 percent of the New Zealand population now eligible for lower-cost primary health care.

Focus on high-quality, safe and accessible maternity services

103. Health services in New Zealand are focused on providing high-quality, safe and accessible maternity services, and the reduction of perinatal and maternal mortality is a key indicator for the Ministry of Health. The midwifery profession provides the majority of community-based and in-hospital maternity care, contributing to good outcomes for mothers and babies. In 2009, the Ministry of Health provided funding for midwifery postgraduate education to improve the midwifery care that is provided in secondary- and tertiary-level settings.

Support for breastfeeding

104. New Zealand has breastfeeding rates at birth that are consistent with other OECD countries. New Zealand occupies seventh place in the OECD in terms of the proportion of children who were exclusively breastfed at three months of age.⁵⁶
105. A number of initiatives have been established to promote and support breastfeeding in New Zealand, including the recently introduced legislation providing for the promotion and

⁵⁵ Source: Ministry of Health.

⁵⁶ OECD Family database <http://www.oecd.org/dataoecd/30/56/43136964.pdf>.

protection of infant feeding through breastfeeding and for rest and meal breaks at the workplace (see paragraph 85).

Maternal mortality rates are very low

106. Maternal mortality rates are low in New Zealand. Analysed as a three-year moving average, there were nine direct and indirect deaths in the period 2004 to 2006, giving a maternal mortality ratio of 11.6:100,000.⁵⁷ A report from the Maternal Mortality Review Working Group in 2007 made a number of recommendations to the Minister of Health to improve maternal mortality rates. Refer also to New Zealand's Core Document.

HIV ante-natal screening rolled out across New Zealand

107. In 2006, a universal routine-offer ante-natal human immunodeficiency virus (HIV) screening programme was rolled out across New Zealand. By identifying pregnant women with HIV, treatment can be given to reduce the chances of HIV being transmitted to the baby from as much as 32 percent to less than 1 percent.⁵⁸

Groups with low awareness of breast screening targeted in campaign

108. The BreastScreen Aotearoa (BSA) campaign was launched in 2008 to encourage women to have regular breast screening.⁵⁹ While the priority audience for the campaign is Māori and Pacific women aged 45 to 69, it is likely to make all women more aware of the need to have regular breast screens. The campaign was the result of research that showed only 43 percent of Māori and Pacific women surveyed were aware of breast screening and/or mammograms as a method of checking for breast cancer, compared with 83 percent of other women.⁶⁰ The research also showed low awareness of the age range for screening, that the service is free and how often screening should take place.

109. As at 31 January 2009, BSA coverage for women aged 50 to 69 was: 49.1 percent for Māori women; 52.8 percent for Pacific women; and 66.1 percent for other women. To increase uptake from ethnic communities, the Office of Ethnic Affairs, together with the Ministry of Health, produced breast screening information resources in different community languages, now including Chinese, Hindi, Japanese, Korean, and Thai, alongside previous languages.⁶¹

Cervical cancer campaign encourages regular cervical smears

110. In the National Cervical Screening Programme (NCSP) three-yearly cervical smears are offered to women aged 20 to 69 years to detect precancerous changes to the cells of the cervix before they develop into cancer. Modelling of NCSP effectiveness demonstrates a 75 percent

⁵⁷ Source: Ministry of Health.

⁵⁸ Guidelines to Maternity Providers offering antenatal HIV screening in New Zealand, Feb 2008.

⁵⁹ Breast Screen Aotearoa Communications Campaign 2008 <http://www.nsu.govt.nz/current-nsu-programmes/2715.asp>.

⁶⁰ Source: Ministry of Health.

⁶¹ National Screening Unit <http://www.nsu.govt.nz/current-nsu-programmes/2858.asp>.

prevention rate of cervical cancers in New Zealand. Since the NCSP's inception in 1990 there has been an approximately 60 percent reduction in mortality from cervical cancer.⁶²

111. In 2007, a campaign was launched to encourage women to have regular cervical smears as part of the NCSP. Since 2007, there have been statistically significant increases in smear testing for all groups of women, particularly for Māori and Pacific women.
112. In 2008, girls aged 12 to 18 years were offered a free human papillomavirus (HPV) vaccine to prevent the most common infections that can lead to cervical cancer. The HPV programme aims to reduce cervical cancer in New Zealand by protecting girls against HPV infection.

Access to Herceptin for breast cancer treatment extended

113. In December 2008, the government provided additional funding to extend access to the drug Herceptin for the treatment of breast cancer.

Sexual and reproductive health promoted

114. The government is committed to good sexual and reproductive health for all New Zealanders through its Sexual and Reproductive Health Strategy.⁶³ Sexual health is a significant element of school-based health services being funded by government in areas with greater degrees of socio-economic deprivation. In addition, some District Health Boards have complementary services and initiatives to support the provision of information and sexual health services to young people.

Sexuality education resources reviewed

115. The Ministries of Health and Education are working together to implement the recommendations of the Education Review Office 2007 report *The Teaching of Sexuality Education in Years 7 to 13*.⁶⁴ This work includes a review of sexuality education resources and development of further evidence-based best practice information on effective sexuality education to inform the delivery of sexuality programmes.

Sexually transmitted infections patterns vary

116. In New Zealand, sexually transmitted infections (STIs) are not notifiable. However, acquired immune deficiency syndrome (AIDS) is notifiable. Therefore surveillance efforts are based on voluntary provision of data from different sources. Population and disease coverage varies with the data source.⁶⁵
117. Chlamydia was the most commonly reported STI for males and females in 2009. Figures provided by sexual health clinics (SHCs), family planning clinics (FPCs) and student and youth health clinics (SYHCs) show decreases for males and females in reported rates of

⁶² National Screening Unit Strategic Plan 2010 to 2015, June 2010.

⁶³ Ministry of Health, 2001.

⁶⁴ Education Review Office (2007) *The teaching of sexuality education in years 7 to 13* <http://ero.govt.nz/National-Reports/The-Teaching-of-Sexuality-Education-in-Years-7-13-June-2007>.

⁶⁵ Public Health Surveillance http://www.surv.esr.cri.nz/surveillance/annual_sti.php.

chlamydia between 2008 and 2009. The SHC, FPC and SYHC data also indicates a decrease in gonorrhoea rates between 2008 and 2009 for females.⁶⁶

118. The prevalence of HIV infection among the general population is very low. The main risk for acquiring HIV infection in New Zealand is still sexual contact between men. In 2009, 43 women were diagnosed with HIV, up from 30 in 2008 and 39 in 2007, and down from 49 in 2006. Of women identified as being infected with HIV, 100 percent of the mothers of babies delivered in 2008 received antiretrovirals.
119. Six women were diagnosed with AIDS in 2009, compared with four and five women in 2008 and 2007, respectively, and eight women in 2006.⁶⁷

Younger people have higher rates of STIs

120. As in previous years, people aged less than 25 years and Māori and Pacific (both males and females) had a disproportionate rate of STIs in 2009. The highest numbers and rates for each STI surveyed were almost always seen in the 15 to 19 years and 20 to 24 years age groups, in both the clinic and laboratory surveillance data. The exception to this was syphilis, where older age groups had the higher disease burden. The highest percentage of clinic attendees reported with an STI was European, followed by Māori and Pacific peoples.⁶⁸

Teen pregnancy rates are high, particularly for young Māori women

121. New Zealand has one of the highest fertility (birth) rates for women under the age of 20 among comparable OECD countries. However, it is declining. In 2009, the fertility rate was 29.6 per 1,000 women aged 15 to 19, down from 33.1 in 2008. The fertility rate for Māori women in this age group is particularly high. In 2009 it was 71.6 per 1,000, down from 80.7 in 2008.⁶⁹

Abortion rates are relatively high but have decreased since the last report

122. Abortion is legal in New Zealand for women of any age, if two certifying consultants agree that the pregnancy will seriously harm a woman's physical or mental health. In the year ended December 2008, the vast majority of abortions were carried out on the grounds of danger to mental health. Abortion rates have decreased since the previous report, falling from 20.5 abortions per 1,000 women aged 14 to 44 years in 2004 to 19.7 in 2008 (see the Core Document for further statistics on abortion).
123. The Abortion Supervisory Committee (ASC) reviews all the provisions of New Zealand's abortion law, and the operation and effect of those provisions. Given New Zealand's relatively high abortion rate, the Abortion Supervisory Committee suggested in its latest report that consideration be given to reducing financial barriers for long-acting

⁶⁶ Ibid. http://www.surv.esr.cri.nz/PDF_surveillance/STISurvRpt/2008_2nd/STIAnnual2008.pdf.

⁶⁷ For more information on HIV and AIDS, please refer to the latest UNGASS Country Progress Report New Zealand: Reporting Period: January 2008 – December 2009.

⁶⁸ Public Health Surveillance http://www.surv.esr.cri.nz/surveillance/annual_sti.php.

⁶⁹ Ministry of Social Development (2010) *The Social Report 2010* <http://socialreport.msd.govt.nz/>.

contraceptives.⁷⁰ The ASC has also recently released *Standards of Care for Women Requesting Induced Abortion in New Zealand*. It is anticipated that this will be used by abortion providers, licence holders and clinics to inform best practice.

Article 13: Economic and Social Benefits

124. New Zealand women have the same rights to government benefits as men, including family benefits such as the Domestic Purposes Benefit and Working for Families payments. There are two benefits that are available only to women: the Widow's Benefit (available for some women whose husband or partner has died) and the Domestic Purposes Benefit – Women Alone (available for some single women aged over 50).
125. Women also have the same rights as men in New Zealand to access financial credit, and to participate in recreational activities, sports and aspects of cultural life. Women are more likely than men to undertake unpaid care for others. Women volunteer their time more than men, and in different areas.

More support for families in need

126. In 2006, the Ministry of Social Development introduced more intensive help for some families. The Integrated Service Response is a cross-agency approach to help individuals and families considered most at-risk of poor outcomes to deal with the underlying causes of their problems. Government and non-government agencies work together to help families develop a plan and achieve its objectives. This approach helps families manage their finances, improve the quality of their housing, and manage their children's schooling. Thirteen Early Years Service Hubs have also been introduced to ensure that vulnerable families with young children have better access to support and early intervention.
127. In 2009, government provided funding over two years for a Community Response Fund. The fund addresses the immediate costs and demand pressures the economic downturn places on community-based social services. Services that directly support women's health and safety (e.g. family and sexual violence) were prioritised, along with budget and financial advice, and services for families under stress.
128. In 2009, the government announced a new service delivery funding model called Whānau Ora.⁷¹ Whānau Ora takes a whole-of-family approach through providing practical, community-based support to whānau⁷² so they can be self-managing and determine their own economic, cultural and social development. The primary focus is on achieving best outcomes for whānau through the development of whānau leadership and integrated whānau-centred service delivery.

⁷⁰ Abortion Law Reform Association New Zealand Inc (2010) *Report of the Abortion Supervisory Commission 2009* <http://alranz.org/documents/ASC2009.pdf>.

⁷¹ Whānau Ora: An inclusive approach to providing services and opportunities to families across New Zealand. It empowers families to plan for their well-being and requires services to engage according to the needs of the family and in a manner that provides a comprehensive service delivery approach.

⁷² Whānau: Family or smaller grouping of related people.

Increased funding to assist teen parents

129. Support for teen parents was enhanced in 2010 with a significant increase in funding. Case workers link teen parents and children to the services and support they need, such as ante-natal care, housing, budgeting and parenting services. They also ensure that the children of teen parents are participating in effective early childhood health and education services. Preventing further unplanned pregnancies and reducing longer-term benefit dependency are also priorities.
130. In 2009, ongoing funding was provided for the Young Parent Childcare Payment, for parents under the age of 18 years who are continuing their secondary schooling to cover costs of childcare should the parents not qualify for other assistance.

More women than men do unpaid work

131. Women are more likely than men to care for others in an unpaid capacity. In the four weeks preceding the 2006 Census of Population and Dwellings (2006 Census), 35 percent of women looked after a child living within their own household, compared with 27 percent of males. Similarly, 9 percent of women looked after someone in their own household who was ill or had a disability, compared with 6 percent of men.
132. Women were also more likely than men to care for others outside their own household. Twenty-one percent of women looked after a child who did not live in their own household, compared with 11 percent of men. Similarly, 12 percent of women helped someone who was ill or had a disability living outside their own household, compared with 6 percent of men.
133. A large percentage of Māori women, 31 percent, looked after a child living outside their own household, while 15 percent of Māori women helped someone who was ill or who had a disability living outside their own household.⁷³

Women volunteer more than men

134. Volunteering is defined as unpaid work outside of the home for or through an organisation. In the year ended September 2009, an estimated 1,227,000 people volunteered their time (33.3 percent of the population aged ten years and over). Women tend to volunteer their time more than men: 36.4 percent of women were involved in some kind of volunteering, compared with 30.1 percent of men.
135. Women were most likely to have volunteered their time in the primary and secondary education sector, followed by sports clubs and preschool services. Men were most likely to have volunteered their time for sports clubs, followed by the primary and secondary education sector and religious activities.⁷⁴

⁷³ Statistics New Zealand, *Quick Stats About Unpaid Work: 2006 Census*.

⁷⁴ Office for the Community and Voluntary Sector, Ministry of Social Development.

Both men and women enjoy participation in recreational and cultural activities

136. For many people, participation in leisure and recreation improves their physical and mental health. In 2008, 75 percent of New Zealanders were satisfied overall with their leisure time. There was little difference between males and females in reported satisfaction with leisure time. Seventy-four percent of men and 76 percent of women reported they were satisfied or very satisfied with their leisure time. Women were slightly more likely to participate in one or more cultural activities than men (95 percent compared with 92 percent).⁷⁵

137. In 2007/08, Sport and Recreation New Zealand implemented a new survey called the Active NZ Survey. This survey monitors physical activity, in particular sport and recreation participation among New Zealand adults (16 years and over). According to the survey, sport, recreation and physical activity participation levels did not differ substantially across different age groups or between men and women. Over 12 months, women's participation stood at 96.3 percent, compared with 95.7 percent for men.⁷⁶

Article 14: Rural Women

138. The New Zealand Government recognises the importance of the rural community, and that the New Zealand economy is highly dependent on rural-based businesses. The underlying principles for government's rural policy are:

- all people, no matter where they live, should have a reasonable ability to live, work, and run businesses; and contribute to, and be part of, New Zealand society
- government policy-making and implementation should take into account the potential implications for people living and working in rural areas
- Māori have a unique relationship to rural tribal land, marae⁷⁷ and wāhi tapu;⁷⁸ collectively-owned Māori land operates under a special legislative framework.

139. There is very little difference in income between rural and urban women, with rural women being slightly more likely to have an income of more than \$50,000 per annum (see Table 4).

⁷⁵ Ministry of Social Development (2009) *The Social Report 2009* <http://socialreport.msd.govt.nz/2009/index.html>
Participation is over the previous 12 months or four weeks depending on the activity.

⁷⁶ Active NZ Survey <http://www.activenzsurvey.org.nz/Results/2007-08-Active-NZ-Survey/National-Report/Participation-in-Sport-and-Recreation/Participation-Levels/> Percentage relates to participation in at least one sport or recreation activity over a 12-month period.

⁷⁷ Marae: A traditional Māori tribal meeting place, originally one in the open air, now frequently a purpose-built building.

⁷⁸ Wāhi tapu: Sacred place.

Table 4: Incomes for rural and urban women

| | Income \$20,000 and under (%) | Income \$20,000 to \$50,000 (%) | Income over \$50,000 (%) |
|-------------|--|--|---|
| Urban women | 52.0 | 37.0 | 10.9 |
| Rural women | 51.9 | 36.7 | 11.4 |

Source: New Zealand: An Urban/Rural Profile Update⁷⁹

140. Rural women are also just as likely to hold an educational qualification as urban women. Other statistics drawn from the New Zealand Census of Population and Dwellings show that in 2006:

- 13 percent of women in New Zealand lived in rural areas
- 62 percent of rural women owned or partly owned their usual residence, compared with 53 percent of urban women.

Improving policy outcomes for rural communities

141. To improve policy outcomes for rural communities, government developed the Rural Proofing policy in 2008. *Rural Proof your Policy – a best practice guide for policy advisers* was endorsed by the current government in February 2010 and provides guidance on the circumstances and needs of the rural community (rural people and rural businesses) when developing and implementing policy.

142. Rural proofing focuses on three key areas:

- connection infrastructure: efficiently and effectively connecting rural people and businesses to each other and to the world (including roads, telecommunications, electrical supply, postal and broadcasting services)
- access to services: providing workable and accessible services to people in rural areas (including emergency, health, education, disability support, water supply, public transport and social services)
- ease and cost of compliance: recognising the practical implications of complying with government requirements in rural areas – both the benefits and the costs.

Access to health and education services enhanced

143. Access to early childhood education (ECE) for preschool children in rural communities was enhanced by the extension in 2009 of the 20 Hours ECE government subsidy to playcentres and kōhanga reo, often the only available ECE services in rural areas.

⁷⁹ Statistics New Zealand http://stats.govt.nz/browse_for_stats/people_and_communities/geographic_regions/urban-rural-profile-update.aspx.

144. The New Zealand Government assists with funding for people who are referred long distances and/or frequently for specialist health and disability services through the National Travel Assistance (NTA) policy. The NTA policy replaced all other existing regional travel assistance policies and became effective from 1 January 2006, with a mileage rate increase in March 2009.

PART IV

Equality before the law, and the elimination of discrimination against women in all matters relating to marriage and family relations

145. Women in New Zealand have equality under the law including in all matters relating to marriage and family. Some recent changes have improved women's access to justice.

146. Violence against women remains cause for immense concern, but the New Zealand Government is committed to reducing its incidence and prevalence, and its damaging impact on women, through a variety of initiatives as detailed below.

Article 15: Law

Better access to justice for women

147. Women's access to justice in New Zealand has been enhanced through measures to provide legal aid for those New Zealanders who qualify for support. The Legal Services Amendment Act 2007 altered the financial eligibility criteria for legal aid, increasing the number of people eligible from 765,000 to an estimated 1.2 million. This has also increased women's access, particularly in the area of family law.

148. The legal aid scheme was reviewed in 2009 and highlighted a number of failures. A Legal Services Bill aimed at addressing the issues identified is currently before Parliament. It contains a number of proposals benefiting women. For example, the new quality assurance regime will ensure that legal aid lawyers are suitably skilled and experienced and carry out their work to a high standard. This will benefit women who are facing criminal charges, and will also benefit all recipients of family legal aid, the majority of whom are women.

Victims' rights have been reviewed and enhanced

149. A 2007 Parliamentary Select Committee inquiry found that much had been done to strengthen victims' rights and provide support services. It also proposed areas for improvement, which included the provision of information about how the criminal justice system works, and better co-ordination of victim support services. Since then, government has taken a number of steps to enhance victims' rights, including comprehensive information resources for victims, and a Victims' Charter, which sets out the standard of service victims of crime can expect to receive from government agencies. The Sentencing (Offender Levy) Amendment Act 2009 introduced a levy on all convicted offenders. The levy will fund additional support and services for victims of serious crime, including additional support for victims of sexual violence (sexual violence issues are addressed under Article 16).

150. Further recommendations for enhancing victims' rights will be submitted to government following submissions on its December 2009 public consultation document *A Focus on Victims of Crime – a Review of Victims' Rights*.⁸⁰

Article 16: Marriage and Family Life

151. The focus of this section is largely not on the positive experience of the majority, but on the problems that negatively impact some families and women. These include family and sexual violence that impact disproportionately on women – problems that New Zealand is determined to address.

The New Zealand family is diverse

152. There is a diverse range of family types in New Zealand, but couples with dependent children remain the most common household arrangement. In 2006, two-parent families with children made up 30 percent of families, followed by couples without children (28 percent).⁸¹

153. The number of families with dependent children grew by 8 percent in the five years to 2006, with two-parent families growing more quickly than one-parent families, leading to a slight drop in the proportion of one-parent families (in most of which, the parent is a woman). Sole parent families made up 12 percent of families.

154. The fertility rate was 2.12 births per woman in 2009, or just above the level required for the population to replace itself without migration (2.1 births per woman). The median age for women having their first child is 28 years, but this varies significantly by ethnicity: 31 years for European, 30 years for Asian, 27 years for Pacific, and 26 years for Māori women.

155. Generally, fewer New Zealanders are getting married and they are marrying later. In 2009, the median age at first marriage was 29.8 and 28.1 years for men and women respectively – up from 28.9 and 27 years in 1999. Around one in five permanent relationships are de facto⁸² relationships, rather than marriage. Under New Zealand law, de facto couples have legal rights similar to those in marriage or a civil union.

156. Another alternative to marriage is a civil union. The Civil Union Act 2004 came into force on 26 April 2005 and the first ceremonies were celebrated on 29 April 2005. There have been 1,630 resident civil unions since then – 1,352 of those between January 2006 and December 2009. Around 80 percent have been same-sex unions.

157. Applications for dissolution of marriage or civil union can be made jointly or by either party. The only requirement is to have lived apart for two years.

⁸⁰ Ministry of Justice (2009) *A Focus on Victims of Crime – a Review of Victims' Rights*
<http://www.justice.govt.nz/publications/global-publications/a/a-focus-on-victims-of-crime-a-review-of-victims-rights>.

⁸¹ Source for statistics on the New Zealand family: Statistics New Zealand.

⁸² A 'de facto relationship' is defined as a relationship between two persons who live together as a couple who are not married to each other.

158. The number of joint dissolution applications fell steadily between 2004 and 2008. In 2004, there were 7,561 joint dissolutions, compared with 6,457 in 2008. The numbers of single dissolution applications remain steady.⁸³

Families Commission advocates for positive outcomes for families

159. The Families Commission is an autonomous Crown agency that was established in 2004. It advocates for positive outcomes for families and undertakes research on relevant issues. In the period 2006 to 2009, its advocacy role involved topics such as valuing parenting, improving parental leave provisions, encouraging flexible work practices and reducing family violence. It undertook research in subjects that included fathering, early childhood education, family indebtedness and couple relationships. During 2009, the Families Commission also developed a Whānau Strategic Framework, which sets the stage for a sustained commitment to engage with Māori families/whānau and advance whānau well-being during the next three years.

Violence against women remains cause for immense concern

160. Government is committed to reducing violence against women. The Family Violence Ministerial Group recently noted that there is no acceptable level of family violence and that the notion that family violence is normal or acceptable must be dispelled. Government's commitment was reaffirmed by the Minister of Women's Affairs in her statement to the 54th Session of the United Nations Commission on the Status of Women in March 2010. It is, however, difficult to obtain an accurate picture of the extent of violence against women in New Zealand, due to its sensitive nature and differences in willingness to report among different groups.

Reporting rates for domestic violence have increased

161. The New Zealand Crime and Safety Survey 2006 (NZCASS) showed that the lifetime prevalence of partner violence was higher for women (30 percent) than for men (21 percent). If broken down by ethnicity, lifetime prevalence was much higher for Māori women (46 percent) than European women (30 percent).⁸⁴

162. Recorded family violence rates have increased over the past few years. In 2008, New Zealand Police recorded 44,628 family violence offences, compared with 29,756 in 2005. This increase may, however, reflect factors such as lower tolerance of such violence and a greater willingness to report as a result of public awareness campaigns, as well as better police training. These and other initiatives are aimed at decreasing rates of family violence over time.

⁸³ Ministry of Justice <http://www.justice.govt.nz/publications/global-publications/f/family-court-statistics-an-overview-of-family-court-statistics-in-new-zealand-2004-to-2008/dissolution-of-relationships>.

⁸⁴ Families Commission (2009) *Family Violence Statistics Report*. Wellington: Families Commission pp. 140 and 201.

163. The gendered nature of domestic violence is reflected in couple-related homicides. Between 2002 and 2006, 70 of the 79 perpetrators of couple-related homicides were men. Sixty of the 77 victims were the perpetrators' female partners or ex-partners.⁸⁵
164. There are few reliable sources of data on violence against refugee and migrant women in New Zealand. The 2006 NZCASS showed that lifetime experience of partner violence was much lower among Asian women (15 percent) than European women (30 percent). The lower figure may, however, reflect methodological issues rather than actual differences. For example, statistics provided by New Zealand Police indicate that, between 1996 and 2009, apprehensions for family violence in Indian and Asiatic communities increased at a greater rate than for other population groups.⁸⁶
165. The prevalence and incidence of domestic violence will continue to be monitored through the NZCASS. The latest round of data collection is currently underway and will allow for more regular reporting and analysis.

Work on violence within families continues

166. The government continues its inter-sectoral focus on violence through the Taskforce for Action on Violence within Families (TAVF), established in 2005. The TAVF, which reports to the Family Violence Ministerial Group, comprises chief executives and senior officials of key government and non-government agencies, as well as members of the judiciary. It sets the strategic direction for preventing and responding to family violence in New Zealand.
167. In 2007, the TAVF launched the 'Campaign for Action on Family Violence' (often referred to as the 'It's not OK' campaign, based on its advertising slogan), aimed at helping New Zealanders to confront attitudes that allowed them to treat family violence as 'someone else's business'. Recent research indicates that attitudes towards family violence are beginning to change as a result of the concerted national media campaign.⁸⁷
168. The TAVF's work has also included: local case collaboration to support people affected by family violence; dedicated Family Violence Courts; improving the information base for system and service development; and engaging with high-needs communities.
169. In 2009, the Māori Reference Group and the Pacific Advisory Group, advisory groups of the TAVF, set out programmes of action that were developed and endorsed by their communities

⁸⁵ Martin, Jennifer and Pritchard, Rhonda (2010) *Learning from Tragedy: Homicide within families in New Zealand 2002-2006*. Wellington: Ministry of Social Development.

⁸⁶ New Zealand Police use different ethnic categories from the Census of Population and Dwellings. In contrast to the Census, which enables people to indicate one or more ethnicities, people must choose one ethnicity for data collection by New Zealand Police. For this reason, and because ethnicity is largely self-defined, it is not possible to compare New Zealand Police statistics with Census data.

⁸⁷ Centre for Social Research and Evaluation, Ministry of Social Development (2010) *Summary Report: The campaign for action on family violence*.

in *E Tu Whānau Ora Programme of Action for Addressing Family Violence 2008–2013*⁸⁸ and the *Programme of Action for Pacific Peoples 2008 and Beyond*⁸⁹ respectively.

Legislative changes to enhance the safety of domestic violence victims

170. Legislative changes passed in 2009 strengthen the responsiveness of criminal justice agencies to victims of domestic violence. The changes enable police to issue safety orders when they believe that domestic violence has occurred or may occur, but there are not sufficient grounds to make an arrest. The orders ensure the immediate safety of a victim because the person issued with the order must leave the address for up to five days while the order is in place.
171. Legislative changes also enable criminal courts to issue protection orders on behalf of victims in cases where an offender is sentenced for a domestic violence offence. Other changes strengthen bail provisions and reduce the barriers to police arresting people suspected of breaching protection orders.

The number of Family Violence Courts increased

172. The number of specialised Family Violence Courts (FVCs) in New Zealand increased from two to eight between 2007 and 2009. FVCs aim to resolve family violence matters quickly, and to reduce the risk of family violence recurring. While holding offenders accountable, FVCs provide offenders with access to support and stopping violence programmes.

Victims of Domestic Violence immigration policy enhanced

173. In 2008, the government agreed to changes to the Victims of Domestic Violence immigration policy. The changes mean that a residence permit may still be granted to a woman who is in a relationship with a New Zealand citizen, and who intended to seek residence on the basis of the relationship, but where the relationship has ended due to domestic violence.

A greater focus by government on sexual violence

174. The 2006 NZCASS showed that the lifetime prevalence of sexual violence was much higher for women (29 percent) than for men (9 percent). The overall picture of lifetime risk painted by the NZCASS was consistent with previous surveys, with higher victimisation rates for Māori women (37 percent) and for younger women (36 percent of 25- to 39-year-olds) than for other population groups.⁹⁰

⁸⁸ Ministry of Social Development (2009) *E Tu Whānau Ora Programme of Action for Addressing Family Violence 2008 – 2013* <http://www.familyservices.govt.nz/documents/working-with-us/programmes-services/whanau-ora/e-tu-whanau-ora-programme-of-action-2008-2013.pdf>.

⁸⁹ Ministry of Social Development (2009) *Programme of Action for Pacific Peoples 2008 and Beyond* <http://www.familyservices.govt.nz/working-with-us/programmes-services/whanau-ora/programme-of-action-for-pacific-peoples-2008-and-beyond.html>.

⁹⁰ Families Commission (2009) Op. cit. pp. 155 and 207.

Taskforce for Action on Sexual Violence established

175. The Taskforce for Action on Sexual Violence (TASV) was established in July 2007 for two years to lead and co-ordinate efforts to address sexual violence, and to advise the New Zealand Government on future actions to prevent and respond to this type of crime. The TASV included senior officials across government as well as NGO representatives from TOAH-NNEST.⁹¹
176. The final report of the TASV was publicly released in October 2009. The report made 71 recommendations in four areas: prevention, front-line services, criminal justice, and future directions and approaches. The government is responding to these recommendations shortly.
177. Work is already underway in some areas. The Law Commission is undertaking an inquiry into pre-trial and trial processes in criminal cases, with particular emphasis on sexual violence cases. The Law Commission will consider whether the current adversarial framework should be modified or fundamentally changed in order to improve the system's fairness, efficiency, and effectiveness. The Law Commission is expected to complete its final report by December 2011.

Comprehensive research on interventions for survivors of sexual violence carried out

178. From July 2007, MWA led a two-year research project looking at effective interventions for adult victim/survivors of sexual violence in the criminal justice system. The project generated a strong evidence base that helps to identify ways of improving the safety and longer-term well-being of adult victim/survivors of sexual violence.⁹²
179. Previous New Zealand research showed that only around 9 percent of adult victims of sexual violence report the offence to the police.⁹³ MWA's analysis of sexual violation cases recorded by New Zealand Police over a 30-month period showed that only 13 percent of these cases resulted in a conviction.
180. This analysis also highlighted the vulnerability of many victims who reported sexual violence to the police. Police files showed that almost half of the victims had made previous allegations of violent victimisation. Of those, 70 percent had previously reported physical violence and one-quarter had reported sexual violence. Cases involving the most vulnerable victims were least likely to proceed through the criminal justice system, e.g. victims who were young, had a disability, or knew the perpetrator.

The findings from the research have been used in a variety of ways. For example, they were considered by the New Zealand Court of Appeal in revising sentencing guidelines for sexual

⁹¹ TOAH-NNEST: Te Ohaakii a Hine – National Network Ending Sexual Violence Together is a Treaty of Waitangi-based national network that represents those working to end and respond to sexual violence.

⁹² Ministry of Women's Affairs (2009) *Restoring Soul: Effective interventions for adult victim/survivors of sexual violence* <http://www.mwa.govt.nz/news-and-pubs/publications/restoring-soul-pdf>.

⁹³ Mayhew, P. and Reilly, J. (2007) *The New Zealand Crime and Safety Survey 2006*. Wellington: Ministry of Justice.

violation offences. They are a key part of the evidence base for the government's policy work in the area of sexual violence.

LIST OF APPENDICES

Appendix A: Detailed responses to the CEDAW Committee's Concluding Comments on New Zealand's Sixth Periodic Report.

Appendix B: Voices of New Zealand Women

Appendix C: Tokelau

Appendix A: Responses to the CEDAW Committee's Concluding Comments on New Zealand's Sixth Periodic Report

In August 2007, the CEDAW Committee (the Committee) released its concluding comments on New Zealand's sixth periodic report on its implementation of the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW/C/NZL/CO/6).

This appendix provides the New Zealand Government's responses to the recommendations made by the Committee and in particular the recommendations to:

- focus on those areas identified by the Committee in the present concluding comments in the State party's implementation activities and to report on actions taken and results achieved in its next periodic report (paragraph 11 of the Committee's concluding comments)
- respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention.

| Recommendation | Response |
|--|--|
| State party (paragraph 11): ⁹⁴ <ol style="list-style-type: none"> submit the present concluding comments to all relevant ministries and to Parliament in order to ensure their full implementation. | Following receipt of the CEDAW Committee's concluding comments, the Minister of Women's Affairs sent letters to other Ministers in April 2008 advising them of the recommendations and the need to report on progress in 2010. MWA also met with senior officials in November 2007 to discuss the CEDAW Committee's concluding observations. |
| State party (paragraph 13): <ol style="list-style-type: none"> undertake efforts to emphasise the comprehensive scope of the Convention in all its efforts aimed at the practical realisation of the principle of equality between women and men. | Domestically, implementation of the Convention has been pursued comprehensively since it was ratified in 1985. During this reporting period, the practical realisation of the principle of equality between women and men came a step closer with New Zealand lifting its remaining reservation to the Convention. In May 2007, Parliament passed the Human Rights (Women in Armed Forces) Amendment Act, thereby lifting the reservation related to the employment of women in combat roles in the armed forces and in violent situations in law enforcement. |

⁹⁴ Paragraph numbers refer to the Committee's concluding comments.

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| | <p>To continue to emphasise the comprehensive scope of the Convention, this seventh periodic report was developed in close collaboration with a number of government agencies and with feedback from NGOs (as has been the case with previous reports). Furthermore, New Zealand's CEDAW report is tabled at the New Zealand Government's Cabinet Social Policy Committee and then confirmed by Cabinet before the CEDAW Committee receives the final submission.</p> |
| <p>State party (paragraph 13):</p> <p>3. take steps to strengthen its prohibitions against direct and indirect discrimination against women in accordance with article 1 of the Convention, which defines 'discrimination against women'.</p> | <p>Refer to previous answer regarding the Human Rights (Women in Armed Forces) Amendment Act.</p> <p>The prohibited grounds of discrimination in the Human Rights Act 1993 include sex, marital status and family status. The term 'sex' explicitly includes pregnancy and childbirth. The New Zealand Government considers that these grounds offer comprehensive protection against unlawful discrimination against women. Indirect discrimination is also unlawful under section 65 of the Act.</p> |

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| <p>State party (paragraph 15):</p> <p>4. put in place an effective strategy for mainstreaming gender perspectives into all national plans and institutions</p> <p>5. strengthen the linkages between the <i>New Zealand Action Plan for Human Rights</i> and the <i>Action Plan for New Zealand Women</i>, with a view to ensuring that the promotion and protection of women's human rights as enshrined in the Convention are integrated into all national human rights plans, programmes and actions.</p> | <p>The development and advancement of women is an integral part of a whole-of-government strategy for improving the social and economic outcomes of all New Zealanders. Gender perspectives are, therefore, frequently mainstreamed into policy processes.</p> <p>In its process of updating <i>The New Zealand Action Plan for Human Rights</i>, the Human Rights Commission released a discussion document on human rights and women in March 2010. The document highlights that achieving the rights of women is necessary in achieving the rights of all New Zealanders. The chapter also notes that the prohibition against discrimination against women is reinforced by the major human rights instruments of the United Nations.</p> <p>The discussion document identifies four critical issues relating to women's rights: economic equity; representation and participation; violence against women and maternity protections. These challenges align with the New Zealand Government's current high-level priorities for New Zealand women.</p> <p>See also information below relating to the <i>Action Plan for New Zealand Women</i>, under Recommendation 8.</p> |
| <p>State party (paragraph 15):</p> <p>6. require gender impact statements for all policy papers submitted to the Cabinet and to all Cabinet committees.</p> | <p>Since 2002, it has been the policy that all departments are responsible for incorporating gender analysis into their policy development. All papers to the Cabinet Social Policy Committee must include a gender implications statement.</p> |

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| <p>State party (paragraph 17):</p> <p>7. to disseminate the Optional Protocol in order to ensure that women are aware of this means of redress and can claim their rights under the Convention and the Optional Protocol.</p> | <p>MWA continues to promote CEDAW and related instruments including the Optional Protocol through its publications, on its website and at regional meetings and other forums, particularly through its Caucus on International Women's Issues.</p> |
| <p>State party (paragraph 17):</p> <p>8. utilise fully the objectives and provisions of the Convention as a normative basis in the development or updating of its action plans for women.</p> | <p>The five-year <i>Action Plan for New Zealand Women</i> came to its end in 2009. Following on from this, a new set of high-level government priorities was set. These priorities align with the major areas of concern highlighted by the Committee in its concluding comments: violence against women, women in decision-making, and women's economic empowerment.</p> |
| <p>State party (paragraph 17):</p> <p>9. further publicise the Convention to the general public, particularly women</p> | <p>As noted previously (see Recommendations 2 and 8), MWA continues to promote the Convention in a number of ways. The Human Rights Commission's discussion document <i>Human Rights and Women</i> also further publicised the Convention. NGOs also have a vital role to play in raising awareness of the Convention. The Minister of Women's Affairs will publicise the convention both pre- and post-New Zealand's seventh report.</p> |

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| <p>State party (paragraph 17):</p> <p>10. enhance legal education and training for lawyers, judges and law enforcement officers on the Convention and the procedures under its Optional Protocol</p> | <p>The current training curriculum for judges provides for consideration of domestic human rights legislation, such as the Bill of Rights Act, and international human rights instruments. There is also an ongoing stream of training for judges that covers diversity issues and, from time to time, a focus on gender equality. Education for judges is provided by the Institute of Judicial Studies, which is judge-led and governed.</p> <p>The New Zealand Law Society provides training to lawyers both when it is required by the creation of new laws, and on a continuing and ‘as needed’ basis. The training includes consideration of domestic and international human rights legislation and instruments, and specifically the dynamics of domestic, and the philosophy of Family Violence Courts in New Zealand.</p> |
| <p>State party (paragraph 19):</p> <p>11. include adequate sanctions for such acts of discrimination against women</p> <p>12. ensure that effective remedies are available to women whose rights have been violated.</p> | <p>The Human Rights Commission provides help with enquiries for information about human rights issues and offers advice and dispute resolution for people facing discrimination.</p> <p>The Optional Protocol to CEDAW, which New Zealand signed and ratified in September 2000, also provides an inquiry procedure and a complaints procedure for New Zealand women.</p> |

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| <p>State party (paragraph 19):</p> <p>13. enact and implement comprehensive laws guaranteeing the substantive equality of women with men in both the public and private sectors, especially in regard to equal pay and equal opportunity in employment.</p> | <p>New Zealand's existing employment relations legislative framework provides standards for workplace relations, particularly in regard to equal pay and equal opportunity in employment. This includes the Employment Relations Act 2000, the Minimum Wage Act 1983, the State Sector Act 1988, the Holidays Act 2003, the Parental Leave and Employment Act 1987 and the Equal Pay Act 1972.</p> |
| <p>State party (paragraph 21):</p> <p>14. adopt and implement temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 (temporary special measures), as part of a strategy necessary to accelerate the achievement of de facto equality between women and men.</p> | <p>The New Zealand Government considers it will be more effective to address issues of inequality through policy, through empowering women with information and resources, and through legal measures (where necessary), rather than the use of temporary special measures.</p> <p>Refer to Article 4, paragraph 18 of the main CEDAW report for further information.</p> |

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| <p>State party (paragraph 21):</p> <p>15. consider using measures such as benchmarks, targets, recruitment and support programmes, incentives and quotas with regard to various articles of the Convention</p> <p>16. strengthen its system of data collection in all areas covered by the Convention, in order to enhance its knowledge base about the actual situation of different groups of women and to track trends over time.</p> | <p>In 2008, MWA published <i>Indicators for Change: Tracking the progress of New Zealand women</i> (Indicators for Change), which provides information on the current social and economic status of women to track progress for women and to identify where efforts should best be directed to meet the needs of women.</p> <p>The findings from the second edition of <i>Indicators for Change (2009)</i> support the focus of MWA's work programme – namely, violence against women, women in leadership, and the gender pay gap. The findings also highlight that, as well as gender disparities, some groups of women continue to have poorer outcomes relative to each other. For example, Māori women have poorer outcomes in many key areas, even after adjusting for socio-economic status. A third report is likely to be released in late 2011.</p> <p>MWA also conducts an annual gender stocktake of state sector boards and committees, which provides an average of women's participation as well as data broken down by administering department and ministerial portfolio. The stocktake is used to set benchmarks and track trends in women's participation over time. It is disseminated to appointing Ministers and officials, and is published in the Human Rights Commission's biennial <i>Census of Women's Participation</i>.</p> |

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| <p>State party (paragraph 21):</p> <p>17. monitor, through measurable indicators, the impact of measures taken and progress achieved towards the realisation of de facto equality for women</p> <p>18. use these data and indicators in the formulation of laws, policies and programmes for the effective implementation of the Convention.</p> | <p>See information above on the publications <i>Indicators for Change</i>, and the biennial <i>Census of Women's Participation</i>. In addition, the government publishes <i>The Social Report</i>, an annual series of statistical indicators that monitors trends in social outcomes across society, including by gender (see http://www.socialreport.msd.govt.nz/). This information is used to inform government policies and programmes.</p> |

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| <p>State party (paragraph 23):</p> <p>19. implement a national campaign on the importance of equality between women and men in a democratic society, to increase understanding of the meaning and content of the substantive equality of women and to eliminate negative stereotypes associated with men's and women's traditional roles in the family and in society at large, in accordance with articles 2 (f) and 5 (a) of the Convention.</p> | <p>The Broadcasting Standards Authority (BSA), an independent Crown entity, supports fairness and freedom in broadcasting through impartial complaints determination, effective research and informing stakeholders. A core function of the BSA is to safeguard against the portrayal of persons in programmes in a manner that encourages the denigration of, or the discrimination against, sections of the community on account of sex, race, age, disability or occupational status or as a consequence of legitimate expression of religious, cultural or political beliefs.</p> |

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| <p>State party (paragraph 23):</p> <p>20. encourage the media to project non-stereotypical and positive images of women, including minority women, and promote the value of gender equality for society as a whole, including through further measures to sensitize members of the press, television and other media on gender equality issues.</p> <p>21. report on measures taken and their impact in its next report.</p> | <p>See previous information on the BSA.</p> <p>In 2009, the ‘It’s not OK’ campaign team provided media training to the New Zealand Broadcasting School in Christchurch and to providers and networks in Blenheim. The campaign’s media advocacy work continues to provide training for local spokespeople and encourage responsible media coverage. As one example, three community newspapers in Hawke’s Bay were running a family violence campaign, featuring stories every week.</p> <p>The media has taken some responsibility for providing resources and training for journalists reporting on diversity issues, and the Press Council of New Zealand also has principles through which print media operate. There is a complaints procedure through the Press Council.</p> |

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| <p>State party (paragraph 25):</p> <p>22. consistently implement and enforce the Programme of Action on Violence within Families and to revise its Domestic Violence Act of 1995 in order to protect all women victims of violence, including Māori, Pacific, Asian, immigrant, migrant and refugee women, and women with disabilities.</p> | <p>The work of the Taskforce for Action on Violence within Families also continues as noted under Article 16 in the main CEDAW report. Progress against its programmes of action is reported to member agencies on a regular basis.</p> <p>The New Zealand Government is committed to reducing the incidence and impact of domestic violence. The existing Domestic Violence Act 1995 (DVA) applies to all women victims of violence, including Māori, Pacific, Asian, immigrant, migrant and refugee women, and women with disabilities. Accordingly, no change in the scope of the DVA is required.</p> <p>The purpose of the DVA is to reduce and prevent violence in domestic relationships by recognising that all forms of domestic violence are unacceptable and ensuring that all victims of domestic violence have access to effective legal protection.</p> <p>Changes have been made to the DVA that address the prosecution of domestic violence offenders (see below) and increase protection to all victims of domestic violence (covered in the response to Recommendation 45).</p> |
| <p>State party (paragraph 25):</p> <p>23. ensure that all violence against women is effectively prosecuted and adequately punished in line with the Committee's general recommendation 19.</p> | <p>The New Zealand Government has introduced a range of measures to improve public safety and reduce violent crime. These measures aim to reduce the impact of crime on all victims, including women. Measures likely to be of particular benefit to women who are victims of domestic or sexual violence include:</p> <ul style="list-style-type: none"> • changes to bail provisions in 2008, which make it harder for people charged with serious offences to get bail • a new court support service for sexual violence victims, which commences on 1 July 2010. Concern about court process has been a barrier to victims participating in the prosecution of sexual violence offences. <p>A 2009 amendment to the Domestic Violence Act 1995 removes barriers to the prosecution of protection order breaches.</p> |

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| <p>State party (paragraph 25):</p> <p>24. enhance training for the judiciary, public officials, law enforcement personnel and health service providers in order to ensure that they can adequately respond to violence against women.</p> | <p>The Ministry of Justice has developed and piloted domestic violence training for Family Court staff. This training is to be available as modules for all Family Court staff, and the focus of the training is to increase understanding of the dynamics of domestic violence.</p> <p>Further to this, the Ministry ran family violence training in the eight Family Violence Courts. The training addressed the dynamics of domestic violence, the philosophy of Family Violence Courts, the Ministry's National Operating Guidelines, and best practice for working together with local communities. The training was provided to all Court staff working in the Family Violence Courts, and the Ministry also invited the Judiciary, Police and other key stakeholders to attend. The Ministry of Justice is currently re-developing the material used in the Family Violence Court facilitator-led training workshops into an online training module.</p> |

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| <p>State party (paragraph 25):</p> <p>25. to ensure that adequate data is collected on all forms of violence against women and urges the State party to conduct research on the prevalence, causes and consequences of violence against all groups of women to serve as the basis for comprehensive and targeted intervention. In particular, it encourages the State party to study the reasons for the decline in the issuance of protective orders and to consider putting in place additional protective measures for women, such as enabling the police to issue protective orders. It invites the State party to include information on the results of such measures in its next periodic report.</p> | <p>New Zealand Police maintains and publishes a full set of crime data, including data on violence against women. As part of its ongoing development of information, New Zealand Police published an analysis of culpable homicide by offence type, gender and age for the first time in March 2010.</p> <p>The New Zealand Crime and Safety Survey, undertaken and published by the Ministry of Justice, provides information about the levels of unreported crime, including violence against women. Surveys were previously undertaken in 2001 and 2006. A further Crime and Safety Survey was undertaken in 2009 and results will be published in November 2010.</p> <p>In 2009, the Families Commission published a full list of family violence statistics, using information from both government and non-government agencies. The publication is available for use as a reference document within the domestic violence and government sectors: http://www.nzfamilies.org.nz/research/family-violence/family-violence-statistics-report.</p> <p>In 2007, research (commissioned by MWA) into women's experiences of protection orders was published.</p> <p>See information on Police Safety Orders (under Recommendation 45).</p> <p>See information on issue of protection orders by criminal courts in domestic violence cases (under Recommendation 45).</p> <p>In 2009, MWA published the reports of its two-year research project on effective interventions for adult victim/survivors of sexual violence. The research generated an evidence base that assists to identify ways of improving the safety and longer term well-being of adult victim/survivors of sexual violence and provide a strong evidence base for policy and operational responses.</p> |

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| <p>State party (paragraph 27):</p> <p>26. undertake proactive outreach measures for the protection of women victims within immigrant communities and cooperate with non-governmental organisations providing services to these women.</p> | <p>The Ministry of Social Development (MSD) is working proactively within ethnic communities to identify ways for them to raise awareness and take action on family violence within their communities. Examples include seminars on rights and responsibilities and legal frameworks, and identifying appropriate places to go for help; translating ‘mainstream’ resources, and working with radio and television programmes and ethnically appropriate print media. A wide range of collaborative partners is working with these communities, including central and local government and non-government organisations.</p> <p>In 2009, MWA and the Office of Ethnic Affairs consulted with ethnic women to raise awareness of intimate partner violence and identify gaps in information for ethnic communities. A resource has been produced outlining New Zealand legislation on domestic violence, rights in relationships, and where victims and their families can seek help. Further work is ongoing in this area.</p> <p>MSD and the Department of Labour support the Shakti Community Council (Shakti), an NGO that provides services to ethnic women who are facing domestic violence. Shakti provides a designated refuge in a few locations across New Zealand for women and children while their legal and immigration matters are being processed. The client ethnicities comprise women of Asian, Middle Eastern and African origins. Further information on Shakti can be found at http://www.shakti.org.nz/</p> <p>New Zealand has a residency policy for victims of domestic violence who are partners of New Zealand citizens or residents. This policy enables victims of domestic violence (and their dependent children) to remain in New Zealand. Victims of domestic violence temporarily in New Zealand can also be eligible for a special work permit for six months. Further information on these policies, and the eligibility requirements, can be found at http://www.immigration.govt.nz/opsmanual/17655.htm.</p> |

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| | <p>More generally, the Department of Labour implements the New Zealand Settlement Strategy and two regional strategies for Auckland and Wellington (as the two main migrant settlement regions in New Zealand). Activities are focused on collaborative and inclusive interventions for building socially cohesive communities as well as economic/business activities. These support opportunities for everyone, including women, to be productive and employable in New Zealand society.</p> |
| <p>State party (paragraph 29):</p> <p>27. provide, in its next report, comprehensive information and data on trafficking in women and girls, on the number of prosecutions and convictions and on measures taken to combat such activities, including with respect to migrant women and girls, and the impact of such measures.</p> | <p>There have been no prosecutions or convictions of people trafficking crimes in New Zealand. However, any allegations of this nature are taken seriously and are investigated by the appropriate authorities.</p> <p>In July 2009, the New Zealand Government released its <i>Plan of Action to Prevent People Trafficking</i> (Plan of Action). The Plan of Action represents a proactive response to help authorities prevent, detect and combat the threat of people trafficking crimes. It was developed in part to meet New Zealand's international commitments, New Zealand having ratified the United Nations Convention against Transnational Organized Crime and its associated Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.</p> <p>MWA sits on the Interagency Working Group on People Trafficking (IWG) to ensure the Plan of Action responds to the distinctive needs of female victims.</p> <p>A Victims of Trafficking immigration policy has also been implemented; it allows access to a wider range of services, such as publicly funded social services and health care; public awareness of trafficking has been raised by means of a website and leaflet distribution.</p> <p>A full overview of the Plan of Action, including details of action items, is available at http://www.dol.govt.nz/publications/research/people-trafficking/index.asp.</p> |

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| <p>State party (paragraph 29):</p> <p>28. provide a comprehensive assessment of the Prostitution Reform Act of 2003, including statistical data and steps and measures taken in response to the findings.</p> | <p>The <i>Report of the Prostitution Law Review Committee on the Operation of the Prostitution Reform Act 2003</i> (the Report) was tabled in the House of Representatives on 23 May 2008.</p> <p>The Report provides an estimation of the number of sex workers in New Zealand, human rights considerations, health, safety and well-being considerations, reasons for entering and exiting the industry, assessment of the brothel operator certification system, analysis of the use of underage people in prostitution in New Zealand, assessment of the impact of the Act on street-based sex workers, responses of territorial authorities to the Act, assessment of employment conditions for sex workers, evidence against common misconceptions about prostitution, analysis of clients, and assessment of New Zealand's people trafficking situation.</p> <p>Overall the review found that there was a significant improvement in working conditions for sex workers. Sex workers are now more likely to report incidents of violence to the police, and a number have used the Disputes Tribunal in order to recover money owed by brothel operators.</p> <p>The Prostitution Law Review Committee made a series of recommendations based on the research for government departments, NGOs, local government, and the sex industry.</p> |

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| <p>State party (paragraph 31):</p> <p>29. take concrete action and establish goals and time frames to increase the number of women in decision-making positions at the local level, in civil service, political parties, district health boards, statutory boards and the judiciary</p> <p>30. implement measures to increase the participation of Māori, Pacific and minority women in political decision-making positions at all levels, including temporary special measures in accordance with the Committee's general recommendation 25.</p> | <p>Promoting women in leadership is currently one of government's top priorities for women. The Minister of Women's Affairs has called for a significant increase in the number of women on boards in the state and private sectors. She has provided her Cabinet colleagues with benchmarks and monitoring data to encourage action on state sector boards. To increase women's participation on private sector boards, in particular the top 100 companies on the New Zealand Stock Market, the Minister is promoting the issue directly with business leaders and organisations.</p> <p>MWA's Nominations Service actively provides candidates for state sector boards and committees, focusing on important state sector boards and sectors where women are under-represented. The Service works collaboratively with other departments, including Te Puni Kōkiri⁹⁵ and the Ministry of Pacific Island Affairs, to promote the importance of women's participation on statutory boards and identify women with the skills and experience required.</p> <p>The introduction of the Mixed Member Proportional (MMP) voting system in 1993 has resulted in greater diversity in the composition of the New Zealand Parliament. There is now a larger proportion of Māori, Pacific and ethnic men and women Members of Parliament, Cabinet Ministers and party leaders (refer paragraph 29 in the main report).</p> <p>The State Services Commission monitors women's participation in the public service at all levels (refer paragraphs 31 to 32 in the main report).</p> |

⁹⁵ Te Puni Kōkiri: Ministry of Māori Development

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| <p>State party (paragraph 33):</p> <p>31. fund schools adequately and take measures to ensure that children from low-income families and families living in rural areas are not discriminated against in the provision of education.</p> | <p>The New Zealand Government provides funding to the boards of trustees of all state and state integrated schools to cover their operational costs. Thirteen percent of annual operational funding distributed is weighted according to socio-economic status, giving more funding to low-income communities. This funding provides targeted resourcing to assist schools to overcome the barriers to learning experienced by students from lower socio-economic communities.</p> <p>Schools in isolated areas receive additional operational funding to recognise the extra costs of accessing goods and services due to their distance from larger population centres.</p> |
| <p>State party (paragraph 33):</p> <p>32. undertake efforts to clarify and publicise the voluntary nature of payments requested by schools and monitor schools' practices regarding the collection of fees from parents.</p> | <p>The Ministry of Education regularly publicises information in its circular <i>Payments by Parents of Students in State and State Integrated Schools</i>. All schools receive copies of this document and copies are provided to parents on request. The Ministry investigates any complaints about inappropriate practices regarding schools' collection of fees from parents.</p> |
| <p>State party (paragraph 33):</p> <p>33. raise awareness of the importance of education as a fundamental human right and as a basis for the empowerment of women.</p> | <p>The law in New Zealand makes it compulsory for children from the ages of 6 to 16 to be enrolled and to attend school. All children are entitled to enrol and attend state schools between the ages of 5 and 19.</p> |

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| <p>State party (paragraph 35):</p> <p>34. intensify efforts to eliminate occupational segregation, both horizontal and vertical, and to narrow and close the wage gap between women and men.</p> | <p>Closing the pay gap between men and women is a top priority for MWA and government. Addressing occupational segregation is one of the main work streams contributing to this priority. For further information on this work programme, refer to paragraph 21 in the main report.</p> <p>Pay and employment equity reviews in the public sector were conducted by the Pay and Employment Equity Unit (PEEU) from 2005 to 2009. As part of the PEEU's work, pay and employment equity toolkits are available at no cost to employers within New Zealand to help them assess pay and employment equity issues within their workplaces.</p> <p>Public service chief executives are encouraged to continue to address gender pay gap issues, where they exist within their organisations.</p> |
| <p>State party (paragraph 35):</p> <p>35. monitor the impact of measures taken and results achieved in both the public and private sectors and to report thereon in its next periodic report.</p> | <p>MWA monitors the level of women's participation on state sector boards and committees. The Human Rights Commission monitors the level of women's participation on New Zealand Stock Market (NZSX) company boards. Further details are in paragraphs 34 to 38 in the main report.</p> |
| <p>State party (paragraph 35):</p> <p>36. take all appropriate measures, including temporary special measures and the strengthening of equality mechanisms, to address women's disadvantaged situation in the labour market, including the situation of Māori, Pacific and minority women.</p> | <p>The New Zealand Government addresses women's disadvantaged situation in the labour market through an overarching policy and institutional framework for employment and workplace relations that is based on demonstrating good faith, natural justice, human rights, good employer practice and requirements, and relevant legislation. This includes:</p> <ul style="list-style-type: none"> • the Equal Pay Act 1972, Minimum Wage Act 1983, State Sector Act 1988, Human Rights Act 1993, Employment Relations Act 2000 and Crown Entities Act 2004 • addressing equality issues as part of 'good employer' requirements |

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| | <ul style="list-style-type: none"> • ensuring flexibility and fairness for employers and employees • ensuring that all workers can effectively access fundamental workplace rights and protections • the work of the independent Human Rights Commission, including its work on direct and indirect discrimination and provisions for hearing complaints and legal proceedings through the Commission and others • the work of MWA including its monitoring and policy agency role • the work of the National Advisory Council on the Employment of Women and the Equal Employment Opportunities Trust • State Services Commission initiatives in the public sector, such as its Equality and Diversity Policy. <p>The Department of Labour has developed a Māori Strategy 2008–2013, which outlines the Department of Labour’s strategic approach towards Māori economic development, and labour market development in particular, for the five-year period from 1 July 2008 to 30 June 2013.</p> <p>The Department of Labour is also developing a Pacific Strategy 2010–2015 to co-ordinate and prioritise Pacific-related work and services, aimed at improving economic and social outcomes for Pacific peoples.</p> <p>The Office of Ethnic Affairs has developed an Intercultural Awareness and Communication Training Programme designed primarily for public sector employers but also offered to local government agencies, NGOs and communities. This initiative aims to help agencies and communities respond in a positive way to New Zealand’s increasing ethnic and cultural diversity.</p> |

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| <p>State party (paragraph 37):</p> <p>37. act expeditiously to amend eligibility criteria to ensure that seasonal and temporary workers are eligible for paid parental leave.</p> | <p>Some seasonal and temporary workers are eligible for PPL due to the length of time spent in New Zealand. The government considers that extending eligibility for paid parental leave (PPL) to all seasonal and temporary workers is not feasible at the present time, given the current fiscal and economic climate.</p> |
| <p>State party (paragraph 37):</p> <p>38. undertake further measures to increase the participation rate of mothers of young children and single mothers in the labour force by strengthening parental leave programmes for women and encouraging men to share child-rearing responsibilities with women.</p> <p>39. analyse and assess the barriers that rural and Māori, Pacific and minority women face in accessing childcare and parental leave, and implement measures to reduce these barriers and increase their access to such services.</p> | <p>The Employment Relations (Flexible Working Arrangements) Amendment Act 2007 came into force on 1 July 2008 and aims to increase carers' participation in employment by offering flexible working opportunities, and to assist carers to balance family and working life. Eligible employees now have the statutory right to make a request for flexible working arrangements if they have the care of another person.</p> <p>Provision for government-funded paid parental leave took effect from 1 July 2002.⁹⁶ In 2004, the Act was amended again to extend paid parental leave to 14 weeks, to employees with at least six months' continuous service with the same employer (down from 12 months). In 2006, PPL was extended to the self-employed. This is particularly helpful to rural women and women in small businesses. Parental leave payments are adjusted annually in line with changes to the average weekly wage.</p> <p>Employees with at least 12 months' continuous service with their employer are also entitled to up to 52 weeks of employment-protected unpaid parental leave, less any PPL taken. This can be shared between eligible spouses/partners. Up to two weeks of unpaid partner's/paternity leave is also available.</p> |

⁹⁶ Parental Leave and Employment Protection (Paid Parental Leave) Amendment Act 2002

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| | <p>A 2005/06 evaluation of the parental leave scheme by the Department of Labour found considerable support for PPL with an 80 percent take-up rate by eligible employed mothers. The evaluation found that most mothers returned to the same employer following parental leave and employers often accommodated part-time and flexible work arrangements for mothers on their return to paid work.</p> <p>Access to early childhood education (ECE) for Māori children and children in rural communities was enhanced by the extension in 2009 of the 20 Hours ECE government subsidy to playcentres and kōhanga reo. Playcentres are often the only available ECE services in rural areas.</p> |
| <p>State party (paragraph 39):</p> <p>40. improve the rates of access to health care and health-related services and information, especially for women who live in rural areas or who face cultural or language barriers in accessing health care.</p> | <p>The New Zealand Government provides additional funding to support the provision of primary health care services in rural New Zealand including rural workforce retention funding, reasonable roster funding to support rural health practitioners regularly on call, and the Rural Innovations Fund. This fund was established to support the provision of innovative approaches to primary care in rural New Zealand. The fund is now in its fifth year of operation and has assisted more than 20 rural health providers to develop new initiatives.</p> <p>The New Zealand Government assists with funding for people who are referred long distances and/or frequently for specialist health and disability services through the National Travel Assistance (NTA) policy.</p> <p>Health funding is allocated to District health boards (DHBs) using a Population Based Funding Formula (PBFF). Under the PBFF, each DHB's share of funding is determined by its population. Adjustments are made for the differences in costs that DHBs face in providing or funding services for populations with high levels of deprivation, rural communities, and eligible overseas visitors.</p> |

| Recommendation | Response |
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| | <p>People with refugee status in New Zealand, or who are in the process of having an application for refugee status determined by the New Zealand Immigration Service, are eligible for publicly funded health and disability services. District health board funding also supports refugees' access to primary care through interpreting services.</p> <p>Language Line telephone interpreting services provides interpreting services in 40 languages so that those who are unable to communicate in English can access more than 70 government agencies. This service is free to members of the public.</p> |
| <p>State party (paragraph 39):</p> <p>41. strengthen its efforts to analyse and collect data on the levels of access to and utilisation of health services by different groups of women and to put in place corrective measures as necessary.</p> | <p>The Ministry of Health has improved the collection of information regarding access to, and utilisation of, health services, through the New Zealand Health Survey. The New Zealand Health Survey 2006/07 surveyed more than 17,000 New Zealanders – 12,488 adults and 4,922 children. This included more than 5,000 Māori, 1,800 Pacific peoples and more than 2,000 Asian people of all ages, making it the largest survey of New Zealanders' health to date. The next survey is due to go into the field in 2011 and will be continuously in the field thereafter (previous surveys were every three to four years).</p> |
| <p>State party (paragraph 39):</p> <p>42. increase its efforts to identify and address the factors that reduce the life expectancies of women who are not of European descent.</p> | <p>Disparities in life expectancy have been improving between Māori women and non-Māori women: in the ten years to 2005/07, the life expectancy for Māori women increased by 3.8 years (to 75.1 years) compared with an increase of 2.4 years (to 83.0 years) for non-Māori women. There has also been a slight improvement in the disparity in infant mortality rates of the Māori and total populations. Between 1999 and 2009, the infant mortality rate among the Māori population dropped from 8.12 per 1,000 to 7.19 per 1,000. In comparison, the infant mortality rate dropped from 5.56 per 1,000 to 4.92 per 1,000 over the same period for the total population. There remain, however, pronounced disparities across a range of health conditions, with Māori having higher rates of chronic disease, including cancer, diabetes, cardiovascular disease and asthma.</p> |

| Recommendation | Response |
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| | <p>Government initiatives, such as He Korowai Oranga: the Māori Health Strategy and Whakatātaka Tuarua 2006–2011, the second Māori Health Action Plan, are aimed at supporting DHBs, providers and the health workforce to deliver better services to Māori.</p> <p>He Korowai Oranga and Whakatātaka Tuarua also provide a framework for the Ministry of Health, DHBs and key stakeholders to take a leadership role in improving Māori health outcomes and reducing health inequalities between Māori and non-Māori.</p> |
| <p>State party (paragraph 39):</p> <p>43. improve the provision of information on reproductive health and contraception to women and girls and to promote widely sex education targeted at girls and boys, with special attention to the prevention of sexually transmitted diseases and teenage pregnancy.</p> | <p>The Ministry of Health is funding the implementation of school-based health services in areas with greater degrees of socio-economic deprivation, along with alternative education, and teen parent units. Sexual health is a significant element of these school-based health services. In addition, some DHBs have complementary services and initiatives to support the provision of information and sexual health services to young people.</p> <p>The Ministry of Health introduced the human papillomavirus (HPV) immunisation programme in September 2008. For more information refer to paragraph 111 of the main report. More information is available on www.cervicalcervaccine.govt.nz.</p> |

| Recommendation | Response |
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| <p>State party (paragraph 41):</p> <p>44. implement gender-sensitivity training to ensure that members of the judiciary, lawyers and prosecutors are fully familiar with applicable legal provisions, sensitised to all forms of discrimination against women and trained to adequately respond to them.</p> | <p>See responses to Recommendations 10 and 24.</p> |
| <p>State party (paragraph 41):</p> <p>45. analyse and remove impediments women may face in gaining access to justice.</p> | <p>Community Law Centres provide legal services, such as legal information, advice and representation, for those who cannot access legal services.</p> <p>Work is also underway to streamline court processes, aimed at improving access to justice for all people entering the justice system.</p> <p>A Ministry of Justice review of victims' rights commenced in 2009. The measures proposed in the review's consultation document aim to enhance victims' rights and role in the criminal justice process and improve the responses of government agencies to victims of crime. Public submissions closed on 31 March 2010, and recommendations will be submitted to the government in late 2010.</p> |

| Recommendation | Response |
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| | <p>The government has also made legislative changes that will improve women's access to justice in relation to domestic violence. From 1 July 2010, the criminal courts are able to issue protection orders on the behalf of the victim when sentencing an offender of a domestic violence related offence, if the court is satisfied that making the order is necessary for the protection of the victim of the offence, and if the victim of the offence does not object to the making of the order. Also from 1 July 2010, police are able to issue short-term (up to five days) Police Safety Orders when attending domestic violence incidents. Police Safety Orders can be issued when there are insufficient grounds to arrest an alleged offender, but police have reasonable grounds to believe that the issue of an order is necessary to ensure the safety of the 'at risk' person.</p> <p>The recommendations made by the Taskforce for Action on Sexual Violence in its 2009 report to the Minister of Justice have implications for improving access to justice for women, including improving effectiveness and responsiveness of the criminal justice system to victims, and improving resolution outcomes for victims. The government is currently considering its response.</p> |
| <p>State party (paragraph 41)</p> <p>46. provide legal aid services to all women in need and to raise awareness about how to utilize available legal remedies against discrimination, as well as to monitor the results of such efforts.</p> | <p>Legal aid is administered by the Legal Services Agency in accordance with the Legal Services Act 2000. The Agency promotes access to justice through legal services, including legal aid, for those that have the greatest need and are least able to pay.</p> <p>In particular, the legal aid scheme promotes access to justice for victims of domestic violence (predominantly women) by not requiring them to repay their legal aid grant in certain situations. New Zealand's legal aid system is currently being reformed with the aim of improving a number of system failures highlighted in a 2009 review. The government has recently announced improvements to the system, including eligibility for legal aid. The proposals have benefits for women (e.g. repayment obligations will be removed for some claims using the new streamlined eligibility process).</p> |

| Recommendation | Response |
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| <p>State party (paragraph 41):</p> <p>47. conduct research and analysis on the impact on women of the new property division provisions in the Property (Relationships) Act and to provide such information in its next report.</p> | <p>One of the strengths of New Zealand's relationship property legislation is that it starts from a presumption of equal sharing. This provides certainty to parties when relationships break down. However, there are some areas of discretion where this rule may be departed from, for example, section 15 is intended to address any financial inequality due to the division of the functions during the relationship.</p> <p>It is too early to assess section 15 and other legislative changes as case law is still developing and in some areas has not been tested by a higher court. A formal review, therefore, is not a current priority for the government. However, the impact of the legislation is being monitored and a review will be considered at a later stage. There is no evidence the policy is not working as intended.</p> |
| <p>State party (paragraph 42)</p> <p>48. utilise fully the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and to include information thereon in its next periodic report.</p> | <p>In November 2009, MWA submitted the New Zealand Government's response to the United Nations questionnaire on its implementation of the Beijing Declaration and Platform for Action (1995) and the Outcome of the Twenty-Third Special Session of the General Assembly (2000). The response highlighted that significant progress had been made in the advancement of women in New Zealand. The response also showed that, to fully implement the Beijing Declaration and Platform for Action and Outcome of the Twenty-Third Special Session of the General Assembly beyond 2010, the main challenges for women in New Zealand include women in leadership, ending violence against women, and the gender pay gap. These challenges are being addressed through MWA's work programme.</p> |

| Recommendation | Response |
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| <p>State party (paragraph 43):</p> <p>49. integrate a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and to include information thereon in its next periodic report.</p> | <p>New Zealand considers that gender equality is both a Millennium Development Goal (MDG) in its own right and also a key means to achieving all the MDGs. Ensuring that women and men, girls and boys, are equally able to contribute fully to their own social and economic development, and that development benefits are fairly shared, are essential cornerstones to achieving the programme's mission of sustainable development to reduce poverty. The New Zealand Government recognises that ensuring the economic and social well-being of women and girls through the implementation of the Convention is essential to achieving the Millennium Development Goals. Gender perspectives are, therefore, frequently mainstreamed into policy processes.</p> |
| <p>State party (paragraph 44):</p> <p>50. ratify the treaty to which it is not yet a party, namely, the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.</p> | <p>New Zealand is not currently considering ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. New Zealand has various laws to protect all workers in New Zealand, including migrant workers.</p> |

| Recommendation | Response |
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| <p>State party (paragraph 45):</p> <p>51. disseminate widely in New Zealand the present concluding comments in order to make the people, including government officials, politicians and parliamentarians, and women's and human rights organisations aware of the steps that have been taken to ensure de jure and de facto equality of women and of the further steps that are required in that regard.</p> | <p>Following receipt of the CEDAW Committee's concluding comments, the Minister of Women's Affairs wrote to other Ministers in April 2008 advising them of the recommendations and the need to report on progress in 2010.</p> <p>MWA met with senior government officials to discuss the CEDAW Committee's concluding observations, and agreed that:</p> <ul style="list-style-type: none"> • MWA to include information on CEDAW on its website and in other communication documents, for example in articles in Pānui, MWA's quarterly news bulletin • MWA would promote CEDAW and related documents at regional meetings • NGOs would be encouraged to promote CEDAW and other key gender-related international documents, e.g. the Committee's concluding comments were circulated among the members of the Caucus of International Women's Issues (the Caucus). <p>New Zealand's presentation to the CEDAW Committee and the concluding comments were discussed with the Caucus in November 2007, and CEDAW issues are included on meeting agendas where appropriate.</p> |

| Recommendation | Response |
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| <p>State party (paragraph 45):</p> <p>52. continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".</p> | <p>New Zealand's CEDAW report is tabled at the New Zealand Government's Cabinet Social Policy Committee for agreement before the CEDAW Committee receives the final submission. MWA continues to promote CEDAW and the Optional Protocol through its publications, on its website and at regional meetings and other forums, in particular its Caucus on International Women's Issues. The Human Rights Commission's document <i>Human Rights and Women</i>, published in March 2010, also further publicised the Convention domestically. NGOs have a vital role to play in raising awareness of the Convention. The Minister of Women's Affairs will use the publication of New Zealand's seventh periodic report to raise awareness of the Convention and issues for women in New Zealand.</p> <p>The Minister of Women's Affairs attended the 2010 Commission on the Status of Women in New York in March 2010 focused on the Beijing Declaration and publicised her trip and the status of women through media in New Zealand.</p> |

Appendix B: Voices of New Zealand Women

This section provides information on meetings and discussions held with a variety of women's groups, community organisations and service providers. It covers issues raised at 52 regional meetings and hui⁹⁷ held by the Ministry of Women's Affairs' (MWA) Chief Executive and Kaihautū in 2009, and in the context of the consultation on the draft CEDAW report. The feedback below is a summary of issues raised at these meetings.

Regional meetings

Between April and June 2009, the Chief Executive of MWA conducted 14 public meetings and 23 smaller private meetings throughout New Zealand. During the same period, MWA's Kaihautū conducted 15 hui with wānanga,⁹⁸ iwi⁹⁹ and Māori service providers. The purpose of the meetings was to gather information about issues of concern for women and to discuss government's goals and priorities for women.

The following issues were raised at the meetings.

Leadership:

- the need for women, including Māori women, to make an effort to assume greater leadership roles in the community and on boards
- the need at local government level for more women chief executives and more involvement from younger women generally
- the need for women to have more of a voice in economic development.

Violence against women:

- delays of up to three months in serving protection orders
- delays in court hearings of violence cases in small towns
- financial barriers in accessing the legal system (e.g. protection orders, power of attorney and availability of legal aid lawyers)
- the perception that family courts victimise women
- shortage of emergency housing for victims of violence
- the exclusion of iwi services from the Family Violence Interagency Response System (an information sharing agreement between the National Collective of Independent Women's Refuges; New Zealand Police; and Child, Youth and Family)
- lack of service provision for ethnic women experiencing violence

⁹⁷ Hui: Meeting.

⁹⁸ Wānanga: A tertiary education institution, particularly one that provides education in a Māori context.

⁹⁹ Iwi: Large tribe made up of sub-tribes, or a group of people.

- lack of accommodation in refuges for women with disabilities
- increasing violence perpetrated by young women.

Employment and caring:

- the perception that full-time work is necessary for career success
- the perception that women who work part-time or have more than one job are disadvantaged by the tax system
- lack of sharing of household work
- absence of family friendly policies in big firms and resistance to accommodating men with caring responsibilities
- lack of flexibility in early childhood education (ECE) policies and services (e.g. perceived lack of alignment between ECE hours and working hours, and concerns that the 20 hours ECE policy is causing non-working mothers to take spaces from working mothers)
- lack of support for young and first-time mothers
- inability of Māori women to upskill themselves outside of work time because of whānau and community commitments
- the vulnerability of Pacific women in the current economic environment, and the need for assistance with retraining
- barriers to employment for ethnic women, including language difficulties and discrimination
- discrimination towards women with disabilities seeking employment
- inadequate career advice in schools
- future pressures related to caring for older family members
- concerns about caring, such as availability of home support workers on weekends, the provision of inadequate hours and poor pay rates
- concern at cuts to adult community education.

Other issues:

- the normalisation of binge drinking, and its links with social issues such as violence and teen pregnancy
- problems with methamphetamine ('P') addiction
- low levels of financial literacy among some women
- high levels of problem gambling among women from violent or stressful households
- discrimination towards and lack of support for migrant women

- lack of co-ordination of services generally
- inadequate sexuality education in high schools.

International Caucus meeting and issues specific to the seventh CEDAW report

On 2 September 2010, MWA convened a special meeting to discuss the draft CEDAW report with members of its Caucus on International Women's Issues and other interested parties. Representatives from a variety of NGOs attended and provided feedback. MWA also received written feedback from other women's groups.

Feedback on the draft CEDAW report centred on gaps in information as detailed below. Where relevant, MWA has made efforts to address these in the main body of this report.

Employment and caring:

- unpaid care and care for the elderly need to be highlighted
- poverty among sole parents; lack of time spent with children need to be included
- recognition that raising children is worthwhile
- pay and employment equity issues should be noted
- acknowledgement of the work of the community sector
- lack of affordable childcare facilities, especially for refugee and migrant women.

Sexual and reproductive rights:

- acknowledgement of sexual and reproductive rights as central to women's empowerment
- AIDS/HIV rates, teenage pregnancy, sexually transmitted infections and sexuality education should be included in the report
- abortion law is outdated and inconsistent with other rights, and barriers in access to, and availability of, abortion; sexual violation is not a ground for abortion.

Particular groups of women:

- young women's views and information about girls should be incorporated
- information on gay, lesbian, bisexual, transgender and intersex people is needed
- Pacific women, refugee and migrant women, women with disabilities, and women of faith are largely invisible.

Violence against women:

- need more statistics on violence against women, including conviction rates for domestic violence
- highlight the impact of sexualisation of children and levels of violence on television.

International:

- include information on funding cuts that affect gender education projects and women crisis centres in the Pacific islands.

Government action

The New Zealand Government is actively targeting a number of these issues, as the current CEDAW report highlights. MWA has also reflected these issues in its work programme. For example, MWA's Nominations Service encourages women to take on leadership roles and the policy programme includes projects targeting employment issues and reducing violence against women.

Specific concerns raised at regional meetings about issues that are not directly related to MWA's current work programme, such as alcohol, gambling and sexuality education, were communicated to other government agencies. MWA continues to monitor issues through its *Indicators for Change* report and continues to liaise with stakeholders in order to identify issues of concern to New Zealand women, and respond appropriately.

Appendix C: Tokelau

Background information on Tokelau is contained in New Zealand's previous periodic reports. The Committee should also refer to the Tokelau section of New Zealand's third periodic report (2009) under the International Covenant on Economic, Social and Cultural Rights¹⁰⁰ and the 2005 Working Paper of the United Nations Special Committee on Decolonization.¹⁰¹

General

Tokelau comprises three villages, which have been largely autonomous for centuries, located on three widely dispersed atolls some 500 kilometres from Samoa and with a total population of around 1,500. Traditionally, government in Tokelau is on a village-by-village basis. Custom is at the heart of the system. The heritage is one of subsistence living in a fragile environment. The land area is 12 square kilometres, seldom more than 200 metres in width. The maximum height above sea level is five metres. There is a cohesive social structure based on family and the principle of sharing, reinforced by a consensual style of decision-making around a male hierarchical base.

Tokelau is a non-self-governing territory under the United Nations Charter. The geographical circumstances described above make this an atypical decolonisation context. New Zealand's responsibility has impinged little on everyday life. There has never been a resident New Zealand administrative presence. In the present era, however, issues of national governance have come to the fore. Increased contact with the outside world has changed life and expectations in Tokelau. Traditional activities have decreased in importance, as a result of monetisation and public sector employment. Based on understandings reached with Tokelau in the early 1990s, New Zealand is assisting Tokelau in its own moves to develop a national government capacity.

In February 2006, and again in October 2007, Tokelau voted under United Nations supervision on whether to become self-governing in free association with New Zealand. In both cases, the two-thirds majority required to bring the change into effect was not reached. Tokelau therefore has remained a non-self-governing territory of New Zealand.

In striving to find a good balance between traditional and imported practices, Tokelau faces core questions of custom and law. Today custom and law interact to an increasing degree. Tokelau seeks understanding of its situation as it is required, increasingly, to move from following a set of rules and practices within its cultural setting, to following a set of rules and practices recognisable as consistent with life in the international community.

¹⁰⁰ Ministry of Foreign Affairs and Trade 'Implementation of the International Covenant on Economic, Social and Cultural Rights'

<http://www2.ohchr.org/english/bodies/cescr/docs/AdvanceVersions/E.C.12.NZL.3AUV.pdf>

¹⁰¹ Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, *Tokelau, Working Paper prepared by the Secretariat*, A/AC.109/2005/3, 22 February 2005

A draft Constitution now includes these provisions: that individual human rights for all people in Tokelau are stated in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights; and that the rights of individuals shall be exercised having proper regard to the duties of other individuals, and to the community to which the individual belongs. Those provisions suggest that Tokelau should be well equipped to address how it would, following self-determination, give local effect to its human rights commitments.

Women's rights

In 1990, the text of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was included in a human rights booklet published in English and Tokelauan.

In Tokelau culture, there is a clear demarcation between male and female roles. At the same time, in the traditional social system, women have relatively high status, derived from their right to occupy the house owned by their kin groups and to manage domestic economies. A husband moves to his wife's house on marriage. Although the Tokelau cultural order gives high priority to the welfare of weaker members and the equitable distribution of economic resources, those who do not have paid employment of some kind may be considered, under today's more monetised economic regime, to be relatively disadvantaged.

Almost all Tokelauans who have full-time paid employment are in the public sector; and here, as noted previously, there has been a significant promotion of gender equity. There is nothing in the laws of Tokelau sanctioning any kind of discrimination against woman and, in general, women enjoy the same economic, social and cultural rights as men. In 2010, 23 of the core public servants are women and 19 are men.

A conscious attempt is being made to identify development activities for men and women through an approach that accords with local cultural norms and that both groups accept. Given the strength of Tokelau culture and the importance of maintaining its basic integrity, this is an important consideration. At the same time it is evident that the traditional demarcation between male and female roles is becoming less marked. In the General Fono (the national executive and legislative body), six of the 21 delegates are women.

At its March 2010 session, the General Fono endorsed the National Policy and Action Plan for the Women of Tokelau, 2010-2015. The plan aligns with Tokelau's overall approach to link economic and social issues to an ongoing development of local institutions of government.

The Fatupaepae, or Women's Committee, is a core grouping in each village. In addition there is a national Council of Women, although resource factors continue to make it a challenge for the national body to remain operative.

The Triennial Conferences of Pacific Women (organised by the Women's Bureau of the Secretariat of the Pacific Community) are an important event for those representing Tokelau women.

Glossary

BSABreastScreen Aotearoa, a campaign to encourage regular breast screening

DHB District Health Board

ECEEarly Childhood Education

FVCFamily Violence Court

HRC Human Rights Commission

hui Meeting

ITO Industry Training Organisation

iwi Large tribe made up of sub-tribes, or a group of people

Kaihautū

kōhanga reo Māori leader/advisor

An early childhood centre designed to educate children within a Māori language and culture context (literally ‘language nest’)

marae A traditional Māori tribal meeting place, originally one in the open air, now frequently a purpose-built building

MFAT Ministry of Foreign Affairs and Trade

MSD Ministry of Social Development

MWA Ministry of Women’s Affairs

NCEA National Certificate of Educational Achievement

NGO Non-government Organisation

NZCASSNew Zealand Crime and Safety Survey

OECD Organisation for Economic Co-operation and Development

PEEU Pay and Employment Equity Unit (former section of the Department of Labour)

PPL Paid Parental Leave

TAVF Taskforce for Action on Violence within Families

TASV Taskforce for Action on Sexual Violence

Te Marautanga o Aotearoa The partner document of The New Zealand Curriculum. It is not a translation of The New Zealand Curriculum and was developed based on Māori philosophies and principles

Te Puni Kōkiri Ministry of Māori Development

wāhi tapu Sacred place

wānanga A tertiary education institution, particularly one that provides education in a Māori context

whānau Family or smaller grouping of related people

Whānau Ora An inclusive approach to providing services and opportunities to families across New Zealand. It empowers families to plan for their well-being and requires services to engage according to the needs of the family and in a manner that provides a comprehensive service delivery approach.
