



**New Zealand's 8<sup>th</sup> periodic review under the Convention on the Elimination of All Forms of Discrimination against Women**

---

*Submission of the New Zealand Human Rights Commission to the Committee on the Elimination of All Forms of Discrimination against Women*

---

The New Zealand Human Rights Commission is an independent Crown entity pursuant to the Crown Entities Act and derives its statutory mandate from the Human Rights Act 1993. The long title to the Human Rights Act states it is intended to provide better protection of human rights in New Zealand in general accordance with United Nations human rights Covenants and Conventions.

**Contact Persons:** Jackie Blue  
EEO Commissioner  
[JackieB@hrc.co.nz](mailto:JackieB@hrc.co.nz)

**October 2017**

1. The New Zealand Human Rights Commission (“Commission”) welcomes the opportunity to make this submission to the Committee on the Elimination of All Forms of Discrimination against Women (“Committee”) to inform its development of a list of issues (“LOI”) in relation to New Zealand’s upcoming 8<sup>th</sup> periodic report under the Convention on the Elimination of All Forms of Discrimination against Women (“CEDAW”).
2. This submission sets out what the Commission views as key challenges in relation to New Zealand’s implementation of CEDAW. A summary of recommendations, including questions that the Committee may wish to ask and information that it may wish to request, is set out below. This summary is followed by detailed background information (in **Appendix 1**) and a table recording progress in implementing the Committee’s 2012 recommendations (in **Appendix 2**).

### **SUMMARY OF RECOMENDATIONS**

The Commission recommends that the following questions (and requests for information) be included in the Committee’s LOI for New Zealand:

#### **General matters of implementation – Article 2**

##### ***Data Collection***

1. What steps is the Government taking to develop systems to collect robust disaggregated data to ensure no population group is left behind?
2. What steps is the Government taking to incorporate the SDGs into its public policy and legislative framework?
3. How does the Government intend to monitor and review its progress in meeting its commitments under the SDGs?

#### **Discrimination – Article 2**

##### **Overincarceration of Māori women**

4. Provide updated statistical data on Māori women and girls at all stages of the criminal justice system.
5. Update on the achievements and challenges in reducing discrimination against Māori communities in the criminal justice system.
6. Provide information on what the Government considers are the underlying root causes which lead to the high proportion of Māori communities among accused persons, as well as among victims of crime, and update the Committee on steps taken to address these.

## **Violence and abuse – Article 2,5,11,12,16**

7. Provide statistical data disaggregated by sex, sexual orientation, age, family status and disability on violence and abuse in New Zealand.
8. Provide updated information including data on the impact of measures taken to reduce the incidence of and prevent violence and abuse against women and girls as well as measures to provide rehabilitation and support.
9. Provide information on kaupapa Māori responses to violence against Māori women.
10. What legislative and regulatory measures has the Government taken to ensure workplace policies support employees who are experiencing family violence?
11. What steps has the Government taken to systematically collect data on violence and bullying in schools; monitor the impact of student health and well-being initiatives; and assess the effectiveness of measures - legislative or otherwise - in countering violence and bullying in schools?
12. What steps has the Government taken towards implementing a binding obligation on schools to prevent violence and bullying?
13. What steps is the Government taking to ensure the Domestic Violence Act 1995 applies to disabled people in community care?
14. What steps is the Government taking to protect disabled women and girls from violence and abuse?
15. How will the Government specifically measure and track violence/domestic violence against disabled women and girls?
16. Provide updated information on measures to combat the practice of early and forced marriages within migrant communities

## **Human Trafficking and Exploitation – Article 6**

1. Provide detailed information on the nature and extent of prostitution in New Zealand, including the number of women and girls involved.
2. Provide detailed information on the subject of trafficking of women including statistics on the extent of the phenomenon, measures taken to prevent trafficking of women and measures to protect victims of trafficking.

3. Provide detailed information on the Government's progress in updating the Plan of Action to Prevent People Trafficking.

### **Employment – Article 11**

4. Please indicate whether the implementation of the Gender Equality Declaration has helped to accelerate women's access to decision-making positions in the public and private sectors. Provide an assessment of the remaining obstacles to the achievement of gender equality.
5. Provide an update on the impact of all measures taken to increase the participation of women - including Māori, Pacific and Disabled women – in local Government, the Judiciary and Parliament.
6. Provide information about the measures in place – and their impact – to encourage efforts in the private sector to accelerate the number of women in decision-making positions.
7. Provide statistical data on unemployment, underemployment and multiple employment, as well as on persons who are not currently involved in any form of education, employment or training, disaggregated by sex, age, ethnicity, disability, urban or rural area, and family status, on an annual comparative basis over the past five years.
8. Please provide information on measures taken - and the impact of these measures – to promote adequate employment for Māori women, Pacific women, disabled women, and migrant women.
9. Provide statistical data on households disaggregated by sex, age, ethnicity, disability, urban or rural area, and family status, whose members are in paid employment but whose incomes are below the poverty line.
10. Provide detailed information on the extent of discrimination on the ground of sex (including gender identity), as well as on bullying and sexual harassment in the workplace, and elaborate on the effectiveness of prevention measures taken and of avenues of remedies for victims.
11. Provide detailed statistical data disaggregated by age, ethnicity, disability, family status, and labour sector on the gender pay gap.
12. Acknowledging the recent pay equity settlement, what steps is the Government taking to ensure pay equity across all sectors?

## **Health – Article 12**

13. Provide information on the impact of measures taken to ensure the right to physical and mental health of, and improved health outcomes for, Māori and Pacific women and girls.
14. What steps is the Government taking to review the adequacy of current abortion laws and ensure that they are fit for purpose and reflect the health sector and modern society?
15. Provide statistical data on the number of girls who have undergone sterilisation without their consent. What steps is the Government taking to review the current framework for sterilization?
16. Provide statistical data on incidents of surgical and other medical treatment of intersex children without consent and detailed information on redress provided to victims including compensation and support.
17. What steps has the Government taken to educate and train medical and psychological professionals on the range of biological and physical sexual diversity and on consequences of unnecessary surgical and other medical interventions on intersex children?
18. What steps has the Government taken to extend free access to surgical interventions and medical treatment related to their intersex condition to intersex children between the age of 16 and 18?
19. Provide information about the current legislation and policy in relation to Female Genital Mutilation, data about prevalence and any planned options for legislative and policy reform

## **Adequate Standard of living - Article 14**

20. Provide updated statistical data on poverty, disaggregated by age, sex, ethnicity, household size and family status.
21. Provide information on obstacles to reducing poverty in New Zealand.
22. Provide disaggregated data on the gaps in the realisation of the right to adequate housing in New Zealand.

23. Provide information on the use of benefit sanctions against disadvantaged groups of women and advise on progress made in evaluating the gendered impact of social security reforms.

## APPENDIX 1 – BACKGROUND INFORMATION

### GENERAL MATTERS OF IMPLEMENTATION – ARTICLE 2

#### DATA COLLECTION

1. The New Zealand Government has endorsed the 2030 Agenda for Sustainable Development (“the SDG Agenda”). The SDG Agenda is the benchmark by which achievements in human development and human rights will be measured until 2030. Many of the Goals have a direct correlation to the Government’s CEDAW obligations such as achieving gender equality (Goal 5), ensuring decent work for all (Goal 8), and reducing inequalities (Goal 10).<sup>1</sup>
2. The Commission considers that implementation of the SDG Agenda in New Zealand’s policy and legislative framework has considerable potential to drive enhanced human rights outcomes. As a developed country New Zealand will be expected to report on its SDG indicators.<sup>2</sup> These indicators, which are currently being developed, will provide an international benchmark that will assist with the assessment of measures taken to implement CEDAW obligations.
3. The lack of robust disaggregated data across a number of key indicators has been noted by the Commission for many years. For example, the lack of disability data and a commonly accepted definition of disability makes it difficult to obtain an accurate view of the many issues that have an impact on the lives of disabled people. It also hinders the measurement of progress and the recognition of improvements that have been made. This is particularly true for areas of multiple discrimination such as for ethnicity or gender.
4. In order to robustly report against the SDG indicators, the Government needs to improve its data collection capabilities in order to ensure that data is appropriately disaggregated by sex, disability, race, sexual orientation and gender identity. The Government’s Data Futures Partnership has been tasked with the development of data use projects that allow progress on system-wide public-sector issues.
5. The Office of Disability Issues and Statistics New Zealand have also launched a number of initiatives to begin to address the data gap including a Disability Data and Evidence Working Group, a proposed Outcomes Framework for the New Zealand Disability Strategy and the inclusion of targeted disability questions in the Household Labour Force Survey. However, ongoing work is required to ensure that robust, timely and useful data is regularly collected across a range of sectors and agencies.

---

<sup>1</sup> See <http://www.humanrights.dk/our-work/sustainable-development/human-rights-sdgs>

<sup>2</sup> See [https://sustainabledevelopment.un.org/content/documents/1684SF - SDG Universality Report - May 2015.pdf](https://sustainabledevelopment.un.org/content/documents/1684SF_-_SDG_Universality_Report_-_May_2015.pdf)

## DISCRIMINATION – ARTICLE 2

### OVERINCARCERATION OF MĀORI WOMEN

6. New Zealand has a disproportionately high incarceration rate. New Zealand has about 204 prisoners per 100,000 people, the 7th highest in the OECD.
7. While Māori make up only 15% of New Zealand’s population, they account for a disproportionate amount of those coming into contact with the criminal justice system – both as victims and offenders. Rates of victimisation across most offence types – particularly violent offences – are significantly higher for Māori. Māori are also over-represented at the other end of the criminal justice spectrum; in New Zealand’s arrests, prosecutions, convictions, imprisonments and re-imprisonments. In 2016 56.3% of prisoners were Māori.<sup>3</sup> The situation is even more acute for Māori women who make up approximately 60% of the prison population.
8. The Human Rights Commission was successful in receiving funding from the OPCAT Special Fund for a project to review seclusion and restraint practices. The resulting report written by an expert in this area, Dr Sharon Shalev, found that prisoners of non-European descent were much more likely to be on directed segregation (being separated for disciplinary reasons). Between May and October 2016, Māori and Pacific people made up approximately 80% of Directed Segregations. By comparison, New Zealanders of European descent accounted for 15%.<sup>4</sup>
9. At every stage in the criminal justice process, the outcomes for Māori are generally more severe than they are for non-Māori. Māori are less likely to receive diversion or cautions and are more likely to be sentenced to prison. Māori are almost twice as likely to be imprisoned than non-Māori. In the last year 17.5% of Māori convictions were imprisoned compared with 10.3% for Europeans and 10.9% for Pacific peoples.<sup>5</sup> If Māori were imprisoned at the same rate as non-Māori the total prison population would roughly halve and New Zealand’s incarceration rate would drop to 20th in the OECD.
10. As the Working Group on Arbitrary Detention (“WGAD”) acknowledged, it is important to address those underlying risk factors which increase the likelihood of exposure to the criminal justice system. The WGAD stated:<sup>6</sup>

*The search needs to continue for creative and integrated solutions **to the root causes which lead to disproportionate incarceration rates of the Māori population.** (Emphasis added).*

---

<sup>3</sup> [http://www.nzherald.co.nz/nz/news/article.cfm?c\\_id=1&objectid=11828500](http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11828500)

<sup>4</sup> Shalev, S: “Thinking Outside the Box?” A review of seclusion and restraint practices in New Zealand. 2017 at page 26.

<sup>5</sup> Supra note 3.

<sup>6</sup> Working Group on Arbitrary Detention, Mission to New Zealand, A/HRC/30/36/Add.2 (6 July 2015)

11. Further guidance has also been provided by the Expert Mechanism on the Rights of Indigenous Peoples study and advice on access to justice.<sup>7</sup> The study highlighted the interrelatedness of access to justice with the realisation of other rights including self-determination and collective rights; and affirmed that the Declaration on the Rights of Indigenous Peoples must be the basis of all actions. It recommended recognition and support of traditional justice systems and the need to address the underlying issues which prevent indigenous peoples enjoying their human rights to justice. It also emphasised the need for cooperation and partnership with indigenous peoples to determine effective strategies, and to address indigenous over-representation in criminal justice systems.
12. A New Zealand Police crime and crash prevention strategy, *The Turning of the Tide*,<sup>8</sup> sets targets for reduced Māori offending, repeat offending and apprehensions. The Turning of the Tide approach is based on partnerships with iwi and prevention rather than enforcement. It is making a difference in some key areas and the Commission understands that there is an ongoing commitment to expand the strategy across other areas of the justice system.
13. The Waitangi Tribunal has recently reported on a claim related to Māori over-representation in the justice system:<sup>9</sup> specifically, efforts by the Department of Corrections to address Māori reoffending. The Tribunal found that the Government had breached its obligations under the Treaty of Waitangi by not adequately prioritising the reduction of Māori reoffending.<sup>10</sup> In particular, there was no specific plan or strategy for Māori, and in fact disparities between Māori and non-Māori had been widening. Among the Tribunal's recommendations is for the Corrections Department to work with its Māori partners to design and implement a new Māori specific strategic framework, set and commit to targets, and regularly and publicly report on progress.<sup>11</sup>

#### **VIOLENCE AND ABUSE – ARTICLE 2,5,11,12 AND 16**

14. Despite the efforts of successive Governments, violence and abuse remains one of New Zealand's greatest contemporary challenges. Most family violence, including sexual violence, is not reported to the criminal justice system so reported offences may rise without indicating an increase in actual violence and abuse. Of reported violence over 50% of it is perpetrated by 6% of the population on 6% of the population. There is therefore a significant group of multiple victims and offenders.

---

<sup>7</sup> Expert Mechanism on the Rights of Indigenous Peoples, Access to justice in the promotion and protection of the rights of indigenous peoples, A/HRC/EMRIP/2014/3/Rev.1, adopted 27th session of the Human Rights Council, A/HRC/27/64, 8 August 2014

<sup>8</sup> <http://www.police.govt.nz/sites/default/files/resources/the-turning-of-the-tide-strategy.pdf>

<sup>9</sup> Waitangi Tribunal, Tu Mai Te Rangi: Report on the Crown and disproportionate re-offending rate, Pre-publication version, WAI 2540, 2017, accessed

[https://forms.justice.govt.nz/search/Documents/WT/wt\\_DOC\\_121273708/Tu%20Mai%20Te%20Rangi%20W.pdf](https://forms.justice.govt.nz/search/Documents/WT/wt_DOC_121273708/Tu%20Mai%20Te%20Rangi%20W.pdf)

<sup>10</sup> Ibid p 87

<sup>11</sup> Ibid p87-90

15. Women and girls with disabilities and Māori women and girls are more likely to suffer from domestic violence than other women in New Zealand.<sup>12</sup> Poverty and social isolation is also a key driver for violence and abuse.<sup>13</sup>
16. Between 2009 and 2015:<sup>14</sup>
  - There were 194 family violence deaths<sup>15</sup>
    - 48% of the deceased and 49% of offenders lived in the most deprived neighbourhoods (quintile 5)
    - 77% of Māori deceased and 68% of Māori offenders lived in areas with the highest levels of deprivation, compared with 29% of non-Māori deceased and 36 % of non-Māori offenders
  - There were 92 intimate partner violence (IPV) death events
    - 68% of the deceased were women
    - Māori were three times more likely to be deceased and offenders in IPV deaths than non- Māori
    - 44% of the female primary victims resided in the most deprived neighbourhoods
    - 77% of the Māori female primary victims resided in the most deprived neighbourhoods, compared to 30% of the non-Māori female primary victims
  - There were 56 child abuse and neglect (CAN) deaths
    - 80% of deaths involved children aged under 5 years
    - Māori children aged 0-4 years were four times more likely to be killed by CAN than non-Māori children aged 0-4 years
    - 49% of all children killed by CAN resided in the most socioeconomically deprived neighbourhoods

---

<sup>12</sup> Carolyn Frohmader and Therese Sands, "Fact Sheet: Violence Against People with Disabilities in Institutions and Residential Settings, November 2014.

<sup>13</sup> Pestkaa, K., & Wendta, S. (2014). Belonging: women living with intellectual disabilities and experiences of domestic violence. *Disability and Society*, 717-730.

<sup>14</sup> Family Violence Death Review Committee, *Fifth Report Data: January 2009 to December 2015*: [https://www.hqsc.govt.nz/assets/FVDRC/Publications/FVDRC\\_2017\\_10\\_final\\_web.pdf](https://www.hqsc.govt.nz/assets/FVDRC/Publications/FVDRC_2017_10_final_web.pdf)

<sup>15</sup> Family violence death is defined as:

"The unnatural death of a person (adult or child) where the suspected perpetrator(s) is a family or extended family member, caregiver, intimate partner, previous partner of the victim, or previous partner of the victim's current partner, and where the death was an episode of family violence and/or there is an identifiable history of family violence.

- 75% of Māori children and 22% of non- Māori children killed by CAN resided in the most deprived neighbourhoods
- There were 45 intrafamilial violence (IFV) death events
  - 70% of the deaths were male and 30% female
  - Māori were four times more likely to be deceased and five times more likely to be offenders in IFV deaths than non-Māori
  - 55% of the IFV deceased and 47% of offenders lived in the most socioeconomically deprived neighbourhoods
  - 89% of the Māori deceased and 32 % of the non-Māori deceased lived in the most deprived neighbourhoods.

17. The Government's Family Violence Death Review Committee stated:<sup>16</sup>

*To understand the over-representation of Māori as deceased and offenders in all family violence deaths, the historical and contemporary consequences of colonisation must be acknowledge. For Māori, the impacts were and are destructive and pervasive. Violence against Māori wāhine (women) and mokopuna (children and grandchildren) is not part of traditional Māori culture. Rather, the violence within whānau seen today reflects the patriarchal norms of the colonising culture as well as trauma from the widespread fragmentation of Māori social structures that were enforced during and after colonisation.*

18. The Committee advocates for Kaupapa Māori responses to preventing violence. In this regard, it notes:<sup>17</sup>

*Preventing violence within whānau is complex. It involves reclaiming mātauranga Māori bodies of knowledge, strengthening cultural identity and restoring connections to renew the protectiveness that cultural traditions offer. It also requires a long-term commitment from Government and mainstream services to address structural inequities and institutional racism – forms of violence that have contributed to the current levels of violence within whānau.*

19. The Government is committed to addressing the high levels of violence and abuse in New Zealand and has established a substantial work programme which touches on law and policy, awareness raising, training and support, and culture change. This work is substantive and ongoing.

20. For example, in 2014 the Government established a Ministerial Group comprising Ministers responsible for 16 portfolios who are committed to making collective decisions to systematically improve the whole family violence system in New Zealand. In addition to

---

<sup>16</sup> Supra note 5 at 11.

<sup>17</sup> Ibid.

completing background research and analysis, a number of new approaches and pilots are now being tested throughout New Zealand. Once evidence on effectiveness has been gathered, the Government has advised that it will consider further investment to improve the family violence system.

21. Furthermore, in 2017 the Government has introduced significant legislative reform to New Zealand's domestic violence laws in the form of the Family and Whānau Violence Legislation Bill. The Bill expands the scope of legal and support service interventions and is designed to support a more co-ordinated and effective response to family violence.<sup>18</sup> It also introduces a new principle that recognises that responses to family violence should be culturally appropriate and, in particular, responses involving Māori should reflect *tikanga* (Māori cultural values).<sup>19</sup> The Bill is yet to be passed.

## BULLYING

22. Bullying specifically affects queer women, and is reported as an issue in the workplace for women in the public service<sup>20</sup>, private business<sup>21</sup>, and in the medical profession.<sup>22</sup> Bullying in our schools also disproportionately affects GLBTI students, disabled students and girls.

## DISABLED WOMEN AND GIRLS

23. A study<sup>23</sup> focusing on violence against disabled people highlighted the hidden nature of much abuse directed against disabled people living in care situations akin to a family relationship within the community. In addition to the physical, emotional and sexual abuse experienced by non-disabled people, "locked in" and "silencing" violence is often specifically directed at disabled people. The report noted that it was reasonable to interpret the Domestic Violence Act 1995 as generally excluding people in employer/employee relationships, such as care workers, from the definition of a domestic relationship. The author continued:<sup>24</sup>

*As such, it is not clear whether the Act adequately protects disabled people experiencing abuse in home-care/live-in support situations. There appears to be an uncertainty about the legal protection available to disabled people experiencing such abuse, and particularly emotional and psychological abuse.*

---

<sup>18</sup> Family and Whānau Violence Legislation Bill, Explanatory Note, <http://www.legislation.govt.nz/bill/government/2017/0247/latest/d56e2.html>

<sup>19</sup> Ibid clause 7

<sup>20</sup> State Services Commission, "Integrity and Conduct Survey Report 2013" 19 August 2014, <http://www.ssc.govt.nz/integrity-and-conduct-survey-2013-report>

<sup>21</sup> Jason Walls, "Workplace bullying costs \$1b to business – expert" 17 July 2015, <http://www.nbr.co.nz/article/workplace-bullying-costs-1-billion-business-expert-jw-159295>

<sup>22</sup> Expert Advisory Group on Discrimination, bullying and sexual harassment, "Report to the Royal Australasian College of Surgeons" 28 September 2015, <http://www.surgeons.org/media/22086656/EAG-Report-to-RACS-FINAL-28-September-2015-.pdf>

<sup>23</sup> *The Hidden Abuse of Disabled People Residing in the Community: An Exploratory Study*, Roguski, M (18 June 2013) <http://www.communityresearch.org.nz/wp-content/uploads/formidable/Final-Tairawhiti-Voice-report-18-June-2013.pdf>.

<sup>24</sup> Ibid.

## HUMAN TRAFFICKING AND EXPLOITATION OF WOMEN – ARTICLE 6

24. The United States Department of State's 2017 Trafficking in Persons Report states:<sup>25</sup>

*New Zealand is a destination country for foreign men and women subjected to forced labour and sex trafficking and a source country for children subjected to sex trafficking within the country*

...

*Foreign women from Asia are at risk of sex trafficking. Some international students and temporary visa holders are vulnerable to forced labour or prostitution. A small number of Pacific island and New Zealand (often of Māori descent) girls and boys are at risk of sex trafficking. Some children are recruited by other girls or compelled by family members into sex trafficking*

25. The Government states in its report to the Committee that the Prostitution Review Committee “considers that in the case of New Zealand, there is no link between the sex industry and human trafficking.” However, the report dates back to 2008 and there remains anecdotal accounts that migrant women and international students are working in the New Zealand prostitution industry against their will.<sup>26</sup>
26. The passing of the Organised Crime and Anti-Corruption Bill in 2015 prompted an updated definition of people trafficking under the Crimes Act 1961. Exploitation and coercion where the victim has remained within New Zealand now constitutes an offence, meaning the offence is not restricted to cases where a victim has crossed a national border. The definition of exploitation now also includes forced labour (and other forced services), slavery (and like practices), and servitude.
27. In September 2016, the first conviction for a trafficking offence was handed down. The case related to an individual who aided and abetted Fijian workers to unlawfully enter New Zealand and then forced them to work illegally for long hours, and sleep on the floor of overcrowded basements for little if any pay. He was found guilty of 15 people trafficking charges and sentenced to 9 years and six months imprisonment and ordered to pay \$28,167 in restitution. While the verdict was a success for the Government and a sign of their

---

<sup>25</sup> <https://www.state.gov/j/tip/rls/tiprpt/countries/2017/271252.htm>

<sup>26</sup> New Zealand Family Violence Clearinghouse, <https://nzfvc.org.nz/news/roast-busters-ipca-report-criticises-police-responses-reportshttp://www.scoop.co.nz/stories/ED1506/S00095/study-reveals-the-sad-secret-world-of-child-prostitution.htm>

Lincoln Tan, “Claims over migrant sex workers” New Zealand Herald 8 October 2015.

commitment to crack down on migrant exploitation, commentators consider this to be the tip of the iceberg and more needs to be done.<sup>27</sup>

28. The Government has also committed to updating the Plan of Action to Prevent People Trafficking<sup>28</sup> - which has not been updated since 2009. The date for completing this action has now been extended to 31 December 2018.

## EMPLOYMENT – ARTICLE 11

### LABOUR MARKET PARTICIPATION

29. Female labour force participation is the highest it has ever been in New Zealand. Since 1986 the female labour force has increased by more than 50%. In 2016 the female labour force participation rate was 64.6% compared with 75.2% for men.<sup>29</sup>
30. Unemployment rates of Pacific peoples are disproportionately high – 11.1% in 2016 compared to the national rate of 5.7%.<sup>30</sup> The Ministry of Business Innovation and Employment has reported that this disparity is in part due to the Pacific labour force being concentrated in manufacturing and laboring which is experiencing a decline.<sup>31</sup>
31. The Commission's *Tracking Equality at Work Tool* has identified that:<sup>32</sup>
- Between the ages of 25 and 44, the unemployment rate for Pacific peoples is three times that of European rates
  - One in three Pacific women under the age of 25 are unemployed
  - Pacific women are paid at a lower rate than European women
32. Overall labour market outcomes for Māori declined over the year to March 2016:<sup>33</sup>
- The participation rate decreased to 66%, down 0.6 %
  - Unemployment rose 0.1 % to 12.2%
  - The number of Māori young people who are not in employment, education or training rose from 19.7% to 21.1%

---

<sup>27</sup> [http://www.nzherald.co.nz/nz/news/article.cfm?c\\_id=1&objectid=11711211](http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11711211), <http://www.newstalkzb.co.nz/on-air/mike-hosking-breakfast/audio/richard-small-trafficking-conviction-tip-of-the-iceberg/>

<sup>28</sup> New Zealand's National Plan of Action for the Protection and Promotion of Human Rights, Actions related to the Ministry of Business, Innovation and Employment", Action 20: Revise the New Zealand Plan of Action to Prevent People Trafficking once the Organised Crime and Anti-Corruption Legislation Bill is passed.

<http://npa.hrc.co.nz/#/agency/mbie>

<sup>29</sup> <http://women.govt.nz/work-skills/paid-and-unpaid-work/labour-force-participation>

<sup>30</sup> <http://www.mbie.govt.nz/about/whats-happening/news/2016/latest-labour-market-factsheets-for-Māori-and-pacific-peoples-released-may-2016>

<sup>31</sup> Ministry of Business, Innovation and Employment, *MBIE's Pacific economic strategy 2015-2021*, p.6.

<sup>32</sup> <http://tracking-equality.hrc.co.nz/#/>

<sup>33</sup> Ministry of Business, Innovation and Employment, *Māori in the Labour Market – March 2016 Year*, <http://www.mbie.govt.nz/info-services/employment-skills/labour-market-reports/Māori-labour-market/Māori-in-the-labour-market/Māori-mar-2016/document-image-library/dashboard-Māori-dec2015.pdf>

## YOUTH EMPLOYMENT

33. In the coming decades, the number of New Zealanders over 65 is expected to more than double. Young people will be increasingly relied upon as wage earners, decision makers and leaders. Maximising the employment potential of young New Zealanders will play an even more crucial role in New Zealand's future than it does presently.
34. The Commission highlighted youth employment in its National Conversation about Work in 2009, and then again in Tracking Equality at Work in 2011 calling it a "ticking time bomb". The Commission also advocated for a national plan for youth employment and welcomed steps taken by the Mayor's Taskforce for Jobs in 2012 to roll out a national youth to work strategy.<sup>34</sup> In 2017, the Commission remains concerned about the risk of exclusion from employment for Māori and Pacific young people, for young people in deprived areas including work-poor rural communities and for disabled young people. Each of these groups is disproportionately represented in unemployment figures.<sup>35</sup>

## GENDER PAY GAP

35. In September 2017, the gender pay gap was 9.4%.<sup>36</sup> While the gender pay gap has reduced since the 1990s, being 16.3% in 1998, it has stagnated in the last decade - fluctuating between 12.5% and 9.1% between 2008-2017.<sup>37</sup>
36. The gender pay gap in the public service was 13.5% in June 2016.<sup>38</sup> While this is higher than the average overall gender pay gap, this figure is the lowest gender pay gap in the public service since this began to be measured in 2000. As at 30 June 2016, the average salary was \$80,293 for men and \$69,438 for women.
37. While New Zealand has one of the narrowest gender pay gaps in the OECD, an ANZ report found that on average, kiwi women still earn \$608,000 less than men over their entire lifetime. This has implications on the amount of money women can save for of their retirement and it is forecast that on average they will retire with \$600,000 less than men.
38. The gender pay gap is further exacerbated when ethnicity is also taken into account. There is a:<sup>39</sup>
  - 25% gap between the median earnings of Māori women and European men
  - 28% gap between Pacific women and European men
  - 14% gap between Māori women and European women
  - 17% gap between Pacific women and European women

---

<sup>34</sup> Mayor's Taskforce for Jobs, <http://www.mayorstaskforceforjobs.co.nz/home/our-work/>

<sup>35</sup> Tracking Equality at Work 2016,

[https://www.hrc.co.nz/files/5514/6725/5165/TEW\\_Key\\_findings\\_for\\_2016.pdf](https://www.hrc.co.nz/files/5514/6725/5165/TEW_Key_findings_for_2016.pdf)

<sup>36</sup> <http://women.govt.nz/work-skills/income/gender-pay-gap>

<sup>37</sup> Ibid

<sup>38</sup> <http://www.ssc.govt.nz/media-statement-report-public-service-workforce-published>

<sup>39</sup> <http://www.ssc.govt.nz/public-service-workforce-data/hrc-diversity>

### *Effect of Motherhood on Pay*

39. In 2017 Statistics New Zealand released a report summarizing its investigation into the effect of motherhood on women's pay in New Zealand.<sup>40</sup> It found that the gender pay gap between female parents (17%) was significantly larger than for non-parents (5%) - a "motherhood penalty" of around 12 %. The penalty was greater for mothers working part time than for those working full time.

### *Pay Equity Settlement*

40. On 18 April 2017, the Government announced a \$2 billion pay equity settlement for 55,000 care and support workers in New Zealand's aged and disability residential care, and home and community support services around the country. The settlement follows a claim brought by E Tu (previously the Service and Food Union) on behalf of care worker Kristine Bartlett. The case was successful in arguing that a caregiver's pay was less than what would have been paid to a male with the same skill set in a different occupation and that this was because caregivers are predominantly women.<sup>41</sup>
41. The settlement is an historic achievement and an important step forward in the journey towards pay equity. However, more work needs to be done to ensure pay equity in other sectors, such as education, where female workers continue to be underpaid.

### WOMEN IN LEADERSHIP

42. At the time of writing, the gender representation of women in the New Zealand Parliament has gone backwards from 2008 - when it peaked at a high of 34% - to 31% at the 2014 General Election. Essentially there has been only glacial improvement since the first MMP election in 1996 when the percentage of women MPs was 29%.
43. Although women comprise 60.7% of all public servants, only 24.1% are chief executives of public service departments and only 45.2% of senior management are female.<sup>42</sup> If current trends continue, the Public Service will reach 50% female representation in senior leadership by around 2021.
44. There has been a sharp decline in women in senior management roles in the private sector. Only 19% of businesses in New Zealand have women in senior management roles. New Zealand ranks low in this area when compared to other countries.<sup>43</sup>
45. The New Zealand Census of Women on Boards 2017 showed that females made up 22.17% of Board positions, an increase of 1.16 percentage points figure since 2016. There were 102 women serving in Board positions for the top 100 companies. However, a quarter of the top 100 companies have no female Board members.

---

<sup>40</sup> [http://m.stats.govt.nz/browse\\_for\\_stats/income-and-work/Income/motherhood-penalty-summary.aspx](http://m.stats.govt.nz/browse_for_stats/income-and-work/Income/motherhood-penalty-summary.aspx)

<sup>41</sup> *Terranova homes and care limited v Service and FoodWorkers Union Nga Ringa Tota Incorporated & Kristine Bartlett* [2014] NZCA 516.

<sup>42</sup> <http://www.ssc.govt.nz/public-service-workforce-data/hrc-diversity>

<sup>43</sup> [https://www.hrc.co.nz/files/2014/6725/5164/Tracking\\_Equality\\_at\\_Work\\_Summary\\_and\\_recommendations\\_2016\\_-\\_final.pdf](https://www.hrc.co.nz/files/2014/6725/5164/Tracking_Equality_at_Work_Summary_and_recommendations_2016_-_final.pdf)

## HEALTH – ARTICLE 12

46. Social and Health outcomes are often worse for sexual and gender minorities. For example:<sup>44</sup>
- Women are around 1.6 times more likely to have been diagnosed with a common mental disorder (20%) than men (13%)
  - Women were more likely to experience psychological distress than men (7% vs 5%)

### MĀORI AND PACIFIC WOMEN

47. As a group, Māori have poorer health outcomes than non-Māori for many indicators:<sup>45</sup>
- Māori have higher rates than non-Māori for many health conditions and chronic diseases, including cancer, diabetes, cardiovascular disease and asthma
  - Māori experience higher disability rates
  - Māori adults and children are also more likely than their non-Māori counterparts to have unmet health needs. In this regard, barriers continue to exist in relation to cost, childcare availability and transport
48. Pacific people also continue to experience poorer health outcomes than other groups:<sup>46</sup>
- Life expectancy is more than four years less than for the total population;
  - Pacific people experience higher levels of unmet primary health care needs – the cost of visits to doctors and prescriptions have been identified as key barriers
  - Infant mortality rates have remained static at about 20% higher than for the rest of the population
  - Pacific people have higher rates of infectious diseases than other New Zealanders

### *Health outcomes for Māori and Pacific children*

49. Māori children and young people are over-represented in negative health outcomes. For example, around one in five Māori children has asthma – a rate 1.4 times that of non-Māori children.<sup>47</sup> Māori children are almost twice as likely to be either obese or morbidly obese compared with non-Māori children.<sup>48</sup> Māori young people have a suicide rate that is 2.8 times higher than that of non-Māori youth.<sup>49</sup> Māori children have a higher rate of unmet health needs: Māori children were 1.4 times more likely not to have accessed primary health

---

<sup>44</sup> <https://www.mentalhealth.org.nz/assets/Uploads/MHF-Quick-facts-and-stats-FINAL.pdf>

<sup>45</sup> Ministry of Health, (2015). *Tatau Kahukura: Māori Health Chart Book 2015 (3rd edition)*. Wellington: Ministry of Health. <http://www.health.govt.nz/publication/tatau-kahukura-Māori-health-chart-book-2015-3rd-edition>

<sup>46</sup> [http://www.bpac.org.nz/BPJ/2010/November/docs/BPJ\\_32\\_infectious\\_pages\\_10-14.pdf](http://www.bpac.org.nz/BPJ/2010/November/docs/BPJ_32_infectious_pages_10-14.pdf)

<sup>47</sup> Ministry of Health, (2015), *Annual Update of Key Results 2014/15: New Zealand Health Survey*, at p 51.

<sup>48</sup> *Ibid* at 17.

<sup>49</sup> *Ibid* at 19.

when they needed it than non-Māori children.<sup>50</sup> Māori children are also more likely to be exposed to the risk factors linked to poor health, social, educational and developmental outcomes.<sup>51</sup>

50. In addition, the 2016 *Family and Whānau Status Report* produced by the Social Policy Evaluation and Research Unit (SUPERU) indicates that Pacific families with children experience similarly disproportionate negative health outcomes.<sup>52</sup> For example, Pacific children are much more likely to be obese and more likely to face an unmet primary healthcare need than other children.<sup>53</sup>
51. Key issues affecting the health of Māori children and young people, include poverty, material deprivation and poor-quality housing. Poverty rates for Māori and Pacific children are consistently higher than for European children.
52. The Government's Better Public Services ("BPS") targets have led to a significant reduction in hospitalisation rates for children with first episode rheumatic fever, since the policy's inception in 2011<sup>54</sup> Immunisation rates have also increased significantly during that period, and are currently at just under 94%, just below the BPS target rate of 95%.<sup>55</sup>
53. There is, however, a stark disparity between the success of the BPS targets, which have led to an improvement in the targeted child health outcomes, and the overall decline in health outcomes for children living in disadvantageous social conditions, particularly Māori and Pacific children. In addition, single parent families (70% of whom are women) with younger children across the ethnic spectrum experience unacceptably low mental health outcomes.<sup>56</sup>

#### ABORTION

54. Abortion is legal in New Zealand up to 20 weeks with the agreement of two certifying doctors. The reasons for the abortion must be that the continuation of the pregnancy would result in serious danger to the physical mental health of the pregnant person, there is a risk the child would be born seriously handicapped, the pregnancy is a result of incest, or the woman or girl is "severely subnormal". Sexual assault is not a ground.
55. Someone who intends to procure an unlawful abortion is liable to imprisonment for a term not exceeding fourteen years. Someone who supplies a drug or instrument for the purposes of an unlawful abortion is liable to imprisonment for a term not exceeding seven years.

---

<sup>50</sup> Ibid at viii.

<sup>51</sup> Ministry of Health, (2015), *Health and Independence Report 2015*, at pp 32-33. Accessible at: <http://www.health.govt.nz/system/files/documents/publications/health-and-independence-report-2015-oct15.pdf>

<sup>52</sup> Social Policy Evaluation and Research Unit, 2016 *Family and Whānau Status Report*, p39, 41, 46, [http://www.superu.govt.nz/sites/default/files/F%26W%20Status%20Report%202016\\_0.pdf](http://www.superu.govt.nz/sites/default/files/F%26W%20Status%20Report%202016_0.pdf)

<sup>53</sup> Social Policy Evaluation and Research Unit, 2016 *Family and Whānau Status Report*, p39, 41, 46, [http://www.superu.govt.nz/sites/default/files/F%26W%20Status%20Report%202016\\_0.pdf](http://www.superu.govt.nz/sites/default/files/F%26W%20Status%20Report%202016_0.pdf)

<sup>54</sup> <http://www.ssc.govt.nz/bps-supporting-vulnerable-children#result4>

<sup>55</sup> Ibid.

<sup>56</sup> Social Policy Evaluation and Research Unit, 2016 *Family and Whānau Status Report*, p 41, [http://www.superu.govt.nz/sites/default/files/F%26W%20Status%20Report%202016\\_0.pdf](http://www.superu.govt.nz/sites/default/files/F%26W%20Status%20Report%202016_0.pdf)

56. The Abortion Supervisory Committee has stated the law does not reflect the health sector currently nor modern society.<sup>57</sup>

#### STERILISATION

57. The consent of an intellectually disabled girl under the age of 18 is not required before sterilisation can be performed. The Care of Children Act 2004 provides that a minor's guardians together with the appropriate medical professionals have the authority to decide which medical treatments they will receive and the High Court has observed that court authorisation in a case of sterilisation is not required.<sup>58</sup>
58. This is in stark contrast to similar jurisdictions, such as Australia, where a court order is required. The Commission is unaware of any Government work programme to review or amend the current framework.

#### GENITAL-NORMALISING TREATMENT

59. Genital-normalising treating, involving both surgery and hormone therapy, occurs in New Zealand. Concerns have been raised that it is often medically unnecessary, not always consistent with the person's gender identity, can pose risks for sexual and reproductive health and is often performed without free and fully informed consent.
60. Section 240A of the Crimes Act 1961 criminalises surgery on the female genitalia of any person, in certain limited circumstances. However, despite international developments for the prohibition of surgical genital normalising interventions until children are able to make their own full and informed decisions, this issue has not been directly addressed by the New Zealand Government.
61. The Commission has worked alongside its project partners, the Intersex Trust Aotearoa New Zealand, Tiwhanawhana Trust and the Otago Medical School Wellington to understand and address New Zealand's current practice of genital normalization on intersex children. Continued external engagement, including with the Ministry of Health and members of the medical profession, and a second national roundtable has resulted in agreement to establish a New Zealand Child and Youth Intersex Clinical Network under the auspices of the Pediatric Society of New Zealand and funded by the Ministry of Health.
62. In 2016 New Zealand was reviewed by the Committee on the Rights of the Child. The Committee included the following in its concluding observations:<sup>59</sup>
- [Strengthen] its measures to combat negative attitudes among the public and other preventive activities against discrimination and, if necessary, taking affirmative action for the benefit of children in vulnerable situations, such as Māori and Pasifika children,

---

<sup>57</sup> <https://www.justice.govt.nz/assets/Documents/Publications/asc-annual-report-2016.pdf>

<sup>58</sup> *Re X* [1991] 2 NZLR 365 (HC)

<sup>59</sup> [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fNZL%2fCO%2f5&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fNZL%2fCO%2f5&Lang=en)

children belonging to ethnic minorities, refugee children, migrant children, children with disabilities, lesbian, bisexual, gay, transgender and intersex children and children living with persons from those groups

- Develop and implement a child rights-based health-care protocol for intersex children, setting the procedures and steps to be followed by health teams ensuring that no one is subjected to unnecessary medical or surgical treatment during infancy or childhood, guaranteeing the rights of children to bodily integrity, autonomy and self-determination and provide families with intersex children with adequate counselling and support
- Promptly investigate incidents of surgical and other medical treatment of intersex children without informed consent and adopt legal provisions to provide redress to victims of such treatment, including adequate compensation
- Educate and train medical and psychological professionals on the range of biological and physical sexual diversity and on the consequences of unnecessary surgical and other medical interventions on intersex children
- Extend free access to surgical interventions and medical treatment related to their intersex condition to intersex children between the age of 16 and 18

#### FEMALE GENITAL MUTILATION

63. Female Genital Mutilation (FGM) was made illegal in New Zealand in 1996 through an amendment to the Crimes Act. However, advocacy groups such as *The FGM Education Programme* consider that the current provisions are insufficient. They have stated:<sup>60</sup>

*This current definition contains a technically inaccurate description of FGM as it only refers to some types of FGM and excludes incision, which is frequently practised in FGM Type 4. Therefore, it urgently requires updating to comply with the current World Health Organization definition which includes all the types of FGM (under “other injury”) most commonly practised as follows:*

***“Female genital mutilation (FGM) means all procedures that involve partial or total removal of the external female genitalia, or other injury to the female genital organs for non-medical reasons”.*** Copied from WHO *Female Genital Mutilation Definition, 2016.*

#### **RIGHT TO AN ADEQUATE STANDARD OF LIVING – ARTICLE 14**

64. Despite the many efforts of communities and successive Governments, disparities in social and economic outcomes remain a reality for some groups of people. Those seriously affected include women and girls, Māori, Pacific people, migrants, refugees and disabled people.
65. While the 2015 OECD Economic Survey on New Zealand acknowledged that New Zealand has generally done well in enabling economic and social participation of its people, income

---

<sup>60</sup> FGM Education Programme, *Discussion document outlining the need to update the definition of Female Genital Mutilation (FGM) in the Amendment to the Crimes Act 1996 Section 204A to prevent FGM occurring in New Zealand, 2016*

inequality and poverty have increased, rising housing costs have hit the poor hardest and the rate of improvement in many health outcomes has been slower for disadvantaged groups than for others. The survey noted:<sup>61</sup>

*Of particular concern are those New Zealanders who face persistently low incomes, material hardship and poor long-term outcomes across a range of dimensions. While Māori and Pasifika are less than a quarter of the population, they are significantly over-represented in these groups.*

66. Compounding vulnerabilities and intense material hardship, for example, single parents with disabled children significantly impacts on outcomes for women and girls across a range of indicators.
67. The number of children in New Zealand who live in poor households and face material deprivation remains unacceptably high for a developed nation. The correlation between household income poverty, poor quality housing and poor child health outcomes, including hospitalisation and mortality rates, is extremely concerning. It is further compounded by ethnic disparities, with disproportionate numbers of Māori and Pacific children living in households with incomes below the relative income poverty line. Family status has a significant bearing on outcomes amongst these groups.
68. SUPERU has found that solo parents (72% of whom are women) are 70 times more likely to be socially deprived.<sup>62</sup> In 2015 46% of children aged 6+ from sole parent families were in hardship compared to 17% from two parent families.<sup>63</sup> Similarly a greater percentage of children in families with more than 4 children were identified as being in hardship – 35% of children aged 6+ in households with more than 4 children were identified as being in hardship compared to 22% in one child households.<sup>64</sup>
69. Likewise, disabled children are more likely to live in low-income households and in socioeconomically deprived areas than non-disabled children.<sup>65</sup>

## HOUSING

70. Housing is a key determinant of health, educational and social outcomes. Significant concerns remain about the availability of adequate housing. There is a serious undersupply of social housing and the quality of some, largely private, rental properties remains poor – with many of New Zealand’s most vulnerable children living in overcrowded, cold, damp and mouldy houses.

---

<sup>61</sup> OECD, *Economic Surveys: New Zealand 2015* (June 2015) [http://www.keepeek.com/Digital-Asset-Management/oecd/economics/oecd-economic-surveys-new-zealand-2015\\_eco\\_surveys-nzl-2015-en#.WXVRxliGOUk#](http://www.keepeek.com/Digital-Asset-Management/oecd/economics/oecd-economic-surveys-new-zealand-2015_eco_surveys-nzl-2015-en#.WXVRxliGOUk#) page41

<sup>62</sup> Social Policy Evaluation and Research Unit, 2016 *Families and Whanau Status Report*, p 33 accessed [http://www.superu.govt.nz/sites/default/files/F%26W%20Status%20Report%202016\\_0.pdf](http://www.superu.govt.nz/sites/default/files/F%26W%20Status%20Report%202016_0.pdf); <http://www.nzchildren.co.nz/>

<sup>63</sup> <http://www.nzchildren.co.nz>

<sup>64</sup> Ibid..

<sup>65</sup> Expert Advisory Group on Solutions to Child Poverty, *Solutions to Child Poverty in New Zealand: Evidence for Action*, p 2, <http://www.occ.org.nz/assets/Uploads/EAG/Final-report/Final-report-Solutions-to-child-poverty-evidence-for-action.pdf>

71. Nine hundred and sixty children die per year as a result of overcrowding.<sup>66</sup> Sixteen percent of New Zealand children live in a crowded house (defined as households requiring one or more additional bedrooms).<sup>67</sup> Māori, Pacific and Asian children are significantly more likely than European children to live in a crowded house – 23% of Māori and 50% of Pacific children live in overcrowded households.<sup>68</sup> Those from solo parent families (70% of whom are Women) are more likely to live in inadequate housing.
72. Māori home ownership rates have declined from 75 % in 1926 to 28.2% in 2013. The consequence of this decline in home ownership was an increase in the number of Māori whānau who became long-term renters, either in the private sector or as Housing New Zealand tenants.<sup>69</sup>
73. Māori make up 14% of the New Zealand population but comprise:
- 34.5% of those who live in severe housing deprivation
  - 34.5% of all Housing NZ tenants (Social housing)
  - 28.2% of all Accommodation Supplement recipients.
74. In 2013 Pacific home ownership was 18.5%.<sup>70</sup> As a result a large number of community housing tenants are Pacific people.<sup>71</sup> Pacific people make up approximately 7 % of the population but comprise:
- 25% of those who live in severe housing deprivation<sup>72</sup>
  - 27% of all Housing NZ tenants (Social housing)<sup>73</sup>
75. A project on Housing and Disability commissioned jointly by the Centre for Housing Research and the Office for Disability Issues in 2007 found that there is considerable unmet need for accessible, safe, warm, and comfortable housing for people with mobility impairments.<sup>74</sup> The report noted that the demand for such housing is likely to increase as the number of people

---

<sup>66</sup> <http://www.oecd.org/eco/surveys/New-Zealand-2015-overview.pdf>

<sup>67</sup> Supra note 52.

<sup>68</sup> Ibid.

<sup>69</sup> Ministry of Business, Innovation and Employment, (July, 2014), *He Whare Āhuru, he Oranga Tāngata: Māori Housing Strategy 2014-2025*, at p 4. Available at: <http://www.mbie.govt.nz/info-services/housing-property/Māori-housing-strategy/document-image-library/strategy.pdf>

<sup>70</sup> <http://www.stats.govt.nz/Census/2013-census/profile-and-summary-reports/quickstats-about-housing/home-ownership-individuals.aspx>

<sup>71</sup> <http://www.mbie.govt.nz/info-services/infrastructure-growth/pacific-economic-development/documents-image-library/mbie-pacific-economic-strategy.pdf>

<sup>72</sup> University of Otago, *Sever Housing Deprivation: The problem and its measurement* (2013), <http://www.statisphere.govt.nz/further-resources-and-info/official-statistics-research/series/2013/severe-housing-deprivation.aspx>

<sup>73</sup> Housing New Zealand, *Briefing to Incoming Minister 2014*, <http://www.hnzc.co.nz/our-publications/briefing-to-the-incoming-minister/briefing-for-the-minister-of-housing-2014/briefing-for-the-incoming-minister-2014.pdf>

<sup>74</sup> <http://www.chranz.co.nz/pdfs/housing-and-disability-future-proofing-new-zealands-housing-stock-for-an-inclusive-society-bulletin.pdf>

who have a disability or mobility impairment increases and recommended that accessible and universal design principles be incorporated into 'ordinary' mainstream housing. Despite the recommendations being published more than eight years ago, media stories suggest finding suitable housing is an ongoing issue for disabled people across the country.<sup>75</sup>

## SOCIAL SECURITY

76. The Government's Support for Children in Hardship Bill introduced a \$25 per week increase to the parent payment and youth parent payment social security benefit. This is welcome and is the first increase in 43 years. However, the Bill also introduced more onerous work testing requirements for parents which further toughened the strict sanctions regime introduced by the 2012 reforms to social security legislation.<sup>76</sup>
77. Despite the Committee's 2012 recommendation for an independent evaluation of the gendered impact of welfare reforms, there is little publicly available information on the use and impact of sanctions or on the overall impact of welfare changes on women. Under s70A of the Social Securities Act 1964 benefit sanctions may also be applied to sole parents who refuse to name the other parent. Recent figures obtained by the media indicate that one in five of those in receipt of the single parent benefit have been sanctioned in this way.<sup>77</sup> Further media enquiries have raised issues around a lack of evidence of the effectiveness of such sanctions.<sup>78</sup>

---

<sup>75</sup> See for example:

<http://www.stuff.co.nz/dominion-post/news/67925111/Disabled-dumped-in-rest-homes>  
<http://www.stuff.co.nz/national/health/64958628/Special-needs-family-face-life-in-tent>  
<http://www.stuff.co.nz/marlborough-express/news/65347648/Lack-of-suitable-housing-for-people-with-disabilities>  
<http://www.stuff.co.nz/national/65485571/long-wait-for-modifications-forces-boy-to-shower-at-stadium>  
<http://www.stuff.co.nz/national/health/8256621/Disabled-look-for-alternative-to-rest-home-life>  
<http://www.stuff.co.nz/auckland/local-news/auckland-city-harbour-news/8537743/Home-access-appeal/>  
<http://www.stuff.co.nz/auckland/local-news/eastern-courier/8413511/Auckland-needs-mobility-friendly-housing>

<sup>76</sup> Section 117, Social Security Act 1964 – the sanctions impose, among other things, a 50% reduction in the benefit payment until re-compliance for the first instance of non-compliance with an obligation, suspension of the benefit for a second instance of non-compliance, and cancellation of the benefit for the third instance.

<sup>77</sup> <https://www.stuff.co.nz/national/94921227/benefit-sanctions-see-17700-children-of-solo-parents-lose-up-to-28-a-child-a-week>

<sup>78</sup> <http://www.newshub.co.nz/home/new-zealand/2017/09/benefit-sanctions-actually-linked-to-long-term-welfare-dependency.html>

**APPENDIX 2: IMPLEMENTATION OF 2012 CONCLUDING OBSERVATIONS CEDAW COMMITTEE**

**Key:**



No action



Some improvement /  
Work underway



Actioned

| <b>Recommendation</b>                                                                                                                                                                                                                                             | <b>Status</b> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| <b>Parliament</b>                                                                                                                                                                                                                                                 |               |
| Increase dissemination of the State party report as well as the Committee’s concluding observations to all Parliamentarians.                                                                                                                                      |               |
| Consider establishing a Human Rights Select Committee in Parliament to strengthen oversight of human rights, especially on women’s rights and gender.                                                                                                             |               |
| <b>Definition of gender discrimination and gender equality</b>                                                                                                                                                                                                    |               |
| Incorporate into legislation the principle of equality between women & men in accordance article 2(a) of the Convention.                                                                                                                                          |               |
| Establish a legal definition of discrimination on the basis of sex in line with article 1 on the Convention.                                                                                                                                                      |               |
| Extend state responsibility for acts of discrimination by public and private actors in accordance with 2(e) of the Convention.                                                                                                                                    |               |
| <b>Visibility of the Convention, the Optional Protocol and the Committee’s General recommendations</b>                                                                                                                                                            |               |
| Enhance women’s awareness of their rights and the means of access to justice at national and local levels for violations of their rights under the Convention.                                                                                                    |               |
| Ensure that information on the Convention is provided to women in all parts of the State party including schools & tertiary institutions and through information campaigns and media.                                                                             |               |
| Disseminate the Convention, the Optional Protocol, and the Committee’s general recommendations and views among all segments of society.                                                                                                                           |               |
| Organise legal education and regular training for Government officers, legislators, Judges, lawyers, magistrates, prosecutors and the Police on the Convention and its applicability as a framework for all law, court decisions and policies on gender equality. |               |
| <b>Access to Justice and legal complaints mechanism</b>                                                                                                                                                                                                           |               |
| Facilitate women’s access to justice by providing free legal aid to women without sufficient means.                                                                                                                                                               |               |
| Increase efforts to make sure migrant women and Māori women are not discriminated against in the administration of justice.                                                                                                                                       |               |
| Implement systemic training to the legal profession and NGO on the application of legislation prohibiting discrimination including access to justice.                                                                                                             |               |

|                                                                                                                                                                                                                                                                                               |                                                                                       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| Enhance awareness-raising initiatives for women on how to utilise legal remedies against discrimination including the Human Rights Commission and ensure the Commission is adequately resourced.                                                                                              |    |
| <b>National machinery for the advancement of women</b>                                                                                                                                                                                                                                        |                                                                                       |
| Mainstream gender in all national plans and Government institutions.                                                                                                                                                                                                                          |    |
| Strengthen existing national machinery by providing adequate authority, visibility and resources and enhancing coordination among existing mechanisms for the advancement of women including the Ministry of Women's Affairs.                                                                 |    |
| <b>Temporary special measures</b>                                                                                                                                                                                                                                                             |                                                                                       |
| Study, review and reconsider the use of temporary special measures in accordance with article 4, para 1 of the Convention.                                                                                                                                                                    |    |
| Include in equality legislation use of temporary special measures in the public and private sector to accelerate the realisation of women's equality with men in all areas.                                                                                                                   |    |
| <b>Stereotypes and harmful practices</b>                                                                                                                                                                                                                                                      |                                                                                       |
| Implement without delay a national campaign on the importance of equality between women and men in a democratic society to eliminate negative stereotypes associated with men's and women's traditional roles in the family and society.                                                      |    |
| Systematically collect data on harmful practices including cyberbullying targeting teenage girls, and implement measures such as awareness campaigns in schools to prevent such practises.                                                                                                    |  |
| Take all necessary measures to combat early and forced marriages in migrant communities and introduce sensitisation campaigns in this regard.                                                                                                                                                 |  |
| <b>Violence against women</b>                                                                                                                                                                                                                                                                 |                                                                                       |
| Take all necessary measures to encourage the reporting of domestic and sexual violence cases; including ensuring education professionals, health-care providers and social workers are familiar with relevant legal provisions and are capable of complying with their reporting obligations. |  |
| Strengthen trainings for Police, public prosecutors, judiciary and other govt agencies on domestic and sexual violence.                                                                                                                                                                       |  |
| Provide adequate assistance and protection to women victims of violence, including Māori and migrant women by ensuring they receive necessary legal and psychological services.                                                                                                               |  |
| Improve the level of representation on the Taskforce for Action on Violence within families and ensure appropriate resourcing.                                                                                                                                                                |  |
| Ensure systemic collection and publication of data disaggregated by sex, ethnicity, type of violence and relationship of preparator to victim.                                                                                                                                                |  |
| Collect data on number of women killed by partners or ex-partners.                                                                                                                                                                                                                            |  |
| Monitor the effectiveness of legislation, policy and practice relating to all forms of violence against women and girls.                                                                                                                                                                      |  |

|                                                                                                                                                                                     |                                                                                       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| <b>Trafficking and exploitation of prostitution</b>                                                                                                                                 |                                                                                       |
| Identify, punish and prosecute traffickers and ensure protection of rights of the trafficked women and girls.                                                                       |    |
| Ensure that trafficked women and girls have adequate support to provide testimony against their traffickers.                                                                        |    |
| Systemic monitoring and periodic evaluation including the collection and analysis of data on trafficking and exploitation of women in prostitution and include data in next report. |    |
| Raise awareness of threats of trafficking and exploitation.                                                                                                                         |    |
| Proactively screen vulnerable populations including migrant women and girls.                                                                                                        |    |
| <b>Participation in political and public life</b>                                                                                                                                   |                                                                                       |
| Take measures to increase the number of women in decision-making positions at all levels and in all areas in light of Committee recommendation No. 23                               |    |
| Disseminate information on the Convention among private and public actors to raise awareness of the meaning of substantive equality of women and men.                               |    |
| Review the targets, goals and time frames set for the advancement of women in decision-making positions to ensure they enhance progress in women's representation.                  |   |
| <b>Education</b>                                                                                                                                                                    |                                                                                       |
| Develop an education programme to ensure parents understand school fees are voluntary and monitor schools practises regarding the collection of fees from parents.                  |  |
| Collect data on the real cost of education to parents.                                                                                                                              |  |
| Implement measures to decrease dropout rates among Māori girls and reintegrate them into the education system.                                                                      |  |
| Introduce measures to desegregate gender thematic subjects to ensure women and girls equally access non-traditional thematic subject areas.                                         |  |
| <b>Employment</b>                                                                                                                                                                   |                                                                                       |
| Enact appropriate legislation that guarantees the principle of "equal pay for work of equal value in line with article 11(d).                                                       |  |
| Effectively enforce principle of equal pay for work of equal value by establishing specific measures, indicators and time frames to redress inequalities in different sectors.      |  |
| Review accountabilities of public sector CEO's for pay policies                                                                                                                     |  |
| Introduce appropriate legal measures to ensure parental leave including paid leave for men as well as for seasonal and fixed term workers with multiple employment relationships.   |  |
| Consider ratification of ILO Convention 156 concerning workers with family obligations.                                                                                             |  |

|                                                                                                                                                                                                                                                                                       |                                                                                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| Adopt policies and take all necessary measures including temporary special measures to eliminate occupational segregation both horizontal and vertical.                                                                                                                               |    |
| Independent evaluation of the gendered impact of the reform of collective bargaining to ensure it does not negatively affect women's employment and trade union rights.                                                                                                               |    |
| Ensure there is a monitoring institution for gender pay inequity within the states party's administration despite closure of the pay & Employment Equity Unit.                                                                                                                        |    |
| <b>Health</b>                                                                                                                                                                                                                                                                         |                                                                                       |
| Review abortion law and practice with a view to simplifying it and ensure women's autonomy to choose.                                                                                                                                                                                 |    |
| Prevent women from having to resort to unsafe abortions and remove punitive provisions imposed on women who undergo an abortion                                                                                                                                                       |    |
| Take the necessary measures to address the deteriorating mental health situation of young girls, to prevent and combat the use of alcohol and drugs and to prevent girls suicide especially from migrant and minority communities.                                                    |    |
| Make efforts to improve healthcare services, including mental health for Māori and Pacific women.                                                                                                                                                                                     |    |
| Improve the access and quality of health services for lesbian women and trans gender people.                                                                                                                                                                                          |    |
| Promote widely education on sexual and reproductive health rights particularly regarding prevention of teenage and unwanted pregnancies and strengthen measures to support pregnant girls.                                                                                            |  |
| Take steps to ensure pregnant women are informed HIV testing is not mandatory and when they are tested informed consent is obtained.                                                                                                                                                  |  |
| <b>Disadvantaged groups of women</b>                                                                                                                                                                                                                                                  |                                                                                       |
| Provide in its next report data and information on the situation of women with disabilities, rural women, older women and women from ethnic minority groups including their access to education, employment and health-care services.                                                 |  |
| Ensure that ongoing welfare reforms do not discriminate against disadvantaged groups of women and that an independent evaluation of their gendered impact is made.                                                                                                                    |  |
| Ensure the gender mainstreaming of policies relating to the process of recovery from the 2011 earthquake and engage in analysis of their gender impact by using data disaggregated by sex, age, ethnicity and other status.                                                           |  |
| <b>Marriage and family relations</b>                                                                                                                                                                                                                                                  |                                                                                       |
| Revise the legal minimum age of marriage to 18 years without any exceptions for parental consent.                                                                                                                                                                                     |  |
| Introduce legal measures to prohibit underage and forced marriages and prohibit underage and forced marriages and promote measures to protect women impacted by polygamy and dowry-related violence.                                                                                  |  |
| <b>59 TOTAL; 10  21  28 </b> |                                                                                       |

