

PACIFIC WOMEN'S WATCH (NEW ZEALAND)

NON-GOVERNMENTAL ORGANISATION

ALTERNATIVE REPORT

STATUS OF WOMEN

ADDENDUM

June 2018

**Comments to the UN CEDAW Monitoring Committee
on New Zealand's progress in implementing the
Convention on the Elimination of All Forms of
Discrimination against Women
(CEDAW)
November 2017**

Key Objectives of PWW(NZ) include:

- to ensure women's voices from the Pacific sub-region and especially New Zealand are heard internationally
- to be a communication link between New Zealand and other non-government women sub-regionally and internationally
- to share strategies to measure and assess changes in women's status
- to recognise views and expectations of Tangata Whenua – thus up holding the obligation to honour the Treaty of Waitangi

ADDENDUM

Overview

This Addendum updates and adds to the information in Pacific Women's Watch (New Zealand)'s Alternative Report 'Status of Women' published September 2017. We report positive outcomes as well as ongoing and emerging issues.

The current New Zealand Government is making genuine attempts to improve lives and opportunities for women and in particular the situation of the most disadvantaged women and children. After a legacy of generational poverty and increasing homelessness resulting in little progress for women and in particular the most disadvantaged women and children, the New Zealand Government is now making real attempts to improve their lives and opportunities. A number of Government task forces and reviews are underway which hopefully will result in improvements for women and children.

Executive Summary

Gains:

Article 7 – Increased number of women in parliament including indigenous women (Add. p4))

Article 11 – Increase in remuneration to care workers positively affects minorities (Add. p5)

Emerging Issues:

Article 1 – Legislation to protect those at risk of forced marriage is in process (Add. - p2)

Article 2 – Hate speech legislation underway may be delayed (Add. - p3)

Article 12 – Review of mental health support and programmes underway (Add. - 6)

Article 14 – Increased stress on rural women due to Mycoplasma bovis cattle infection (Add. - p7)

Article 15 - Draft referral seeking reform of abortion laws (Add. - p7)

Article 16 – Forced and Underage Marriage (Add. - p8)

Gaps:

Article 1 - Adequate funding for culturally appropriate services (Add. - p2)

Article 2 - No Action Plan for New Zealand Women (Add. - p3)

Article 3 – Advancement of Māori women (Add. - p3)

Article 5 – Gender Identity, Gender Expression and Sex Characteristics not recognized in New Zealand Human Rights Act (1993). Sexual Harassment (Add. – p4)

Article 10 – Critical shortage of teachers and cuts to University staff (Add. – p5)

Article 12 – Māori women's health outcomes poor. Culturally appropriate programmes (Add. - p6)

Article 13 – Increasing homelessness especially among women (Add. - p6)

Article 16 – Specialist training for prevention of forced and underage marriage (Add. – p8)

Article 1 – Definition of Discrimination against Women

New Zealand law prohibits all forms of discrimination. However, many women especially Māori, Pacific, disabled and migrant women experience discrimination in many aspects of their lives. Generational poverty, poor education and health outcomes and increasing homelessness impact family life.

Human Rights Commission has led campaigns to raise awareness of unconscious discrimination. Women's Empowerment Principles is working with business to raise awareness and increase women's participation.

Migrant and Refugee Women: Insufficient funding for culturally specialised women's refuges still an ongoing issue. While Shakti appreciates the marginal increase in the funding from the new government, contracted government funding covers only 35% of Shakti's service costs. Staff and volunteers continue to live well below Living Wage standard and some live below the poverty line of the victims they support.

The Marriage Amendment (Court Consent to Marriage of Minors) Bill 2017 as a measure against forced under age marriages of 16-17 years olds is currently in Parliament. Raising the age of consent for marriage to 18 years old is the preferred option.

Domestic Violence: There are major concerns regarding New Zealand Police responses to domestic violence victims and the "one size fits all model" for all ethnicities puts victims at further risk. The New Zealand Police, particularly in some regions, favour prioritising reconciliation over safety. Keeping families together may have lowered reported rates of domestic violence but is not an accurate representation of reality. Methods adopted to show decreased recidivist offending deters victims from reporting or re-reporting violence. Police response does not provide options for alternative forms of support that focus on the safety of the women and children as opposed to keeping the families together in an abusive household.

Recommendations:

that Government:

- support and fund programmes raising awareness of all areas of discrimination and cultural oppression in public service, work places and wider community
- provide adequate sustainable resourcing to meet needs of frontline services ensuring that migrant and refugee women have access to culturally specialised domestic and sexual violence services supported by financially secure staff and volunteers.
- improve mechanisms for independent complaints and lift accountability for Police conduct and policies to stop Police bias towards strategies/agencies they favour in order to help reduce 'violence against women' statistics.

Article 2: Anti-discrimination Measures

There is still no commitment for a National Plan of Action for New Zealand women. The most disappointing and concerning is the complete 'blindness' and lack of empathy for Māori women who continue to remain behind every other social group in New Zealand civil society. Māori are the indigenous peoples of New Zealand (Aotearoa) and can trace their presence back through at least

800 years of occupation. An Action Plan is the accepted mechanism for an agenda with targets and on-going monitoring addressing issues for all women and is invaluable, especially for those facing the greatest discrimination.

Proposed legislation against 'Hate Speech' will likely be delayed or diluted by arguments of 'encroachment on 'free speech' and an 'attack on democracy'. Racial prejudice has many forms including cartoons¹

Immigration system discriminates based on the health and dis/ability status of women with women with disabilities or health problems being denied visas and forcibly separated from their families in New Zealand.

Women with disabilities continue to face significant discrimination from hard-to-access services such as public transport to ill-treatment and violence. The needs and human rights of women with disabilities must be specifically included in an Action Plan for All New Zealand Women.

Recommendation:

- that the Minister for Women and the Ministry work together with NGOs to establish an inclusive Action Plan for all women in New Zealand with appropriate time bound benchmarks including the monitoring and reporting of outcomes.
- that Government review immigration criteria to ensure women do not suffer unfair discrimination.

Article 3: Guarantee of basic human rights, freedoms for all women and girls

Māori women prison numbers are growing, many imprisoned for driving offences and unpaid fines. Increasingly Māori women are birthing and raising their babies in prisons.

Challenges of inequality and deprivation remain for many Māori women. Māori organisations, such as the Māori Women's Welfare League (MWWL), dedicated to working with and on behalf of Māori women and their whānau² are increasingly having their miniscule funding cut. Māori funding represents in real terms less than 1% of Ministry budgets in health, education and justice. Most Māori Non-Government Organisations remain on 'roll over contracts' often for over a decade with no incremental increases yet must include cost of living adjustments; contracts are frequently short term of only 12-months. The MWWL has had a 'roll over contract' with exactly the same whanau/ numbers (23) for 15 years.³ This despite Māori specific data detailing the daily hardship and misery of increasing numbers of Māori women.

Recommendation:

- that Government supports culturally appropriate research and sufficient funding to Māori research organisations to ensure long term continuation of programmes dedicated to advancement of Māori women.

¹ MP Louisa Wall challenged what she termed racist cartoons published in the NZ Herald. Although the court case was dismissed the Judge did state that the cartoons were offensive (Fairfax Media, 12/02/2018..

² Whānau refers to both immediate and extended family members related by whakapapa (genealogy).

³ Whanau Toko I te Ora & He Kete Aronui, MWWL contracts committee 2017.

- that Government take urgent action to address the Human Rights violations perpetrated against Māori women, in a concerted, evidenced and measured plan based on Kaupapa Māori methodology⁴.

Article 5 Sex Roles and Stereotyping

Sexual harassment

The New Zealand Law Society commissioned a survey, 2018, of the country's lawyers following allegations of sexual harassment within the legal profession. The New Zealand Law Society survey showed that one in three female lawyers has been sexually harassed during her career and in the past five years a third of female lawyers have faced sexually crude or offensive behaviour.⁵

The global #MeToo⁶ campaign has increased awareness, empowering women worldwide, in all professions to speak out against sexual harassment and other forms of gender-based discrimination.

Gender diversity

New Zealand Human Rights Act (1993) does not include rights of gender diverse people - it is illegal to discriminate against an individual on the grounds of "*sexual orientation, which means a heterosexual, homosexual, lesbian, or bisexual orientation*". Marriage (Definition of Marriage) Amendment Act 2013, broader definitions of gender identity, and sexual orientation are included: "*marriage means the union of two people, regardless of their sex, sexual orientation, or gender identity.*"⁷ The Human Rights Act has not been amended to reflect and match the views of this more recent legislation.

Recommendations:

- that the New Zealand Human Rights Act be amended to include "Gender Identity", "Gender Expression" and "Sex characteristics".
- that the Government support programmes to increase awareness of what constitutes sexual harassment and promoting safe and acceptable behaviour.

Article 7: Political and Public Life

The New Zealand General Election September 2017 resulted in a diverse Coalition government. PWW(NZ) is pleased to report there is now a total of forty-six (46) women in the 52nd New Zealand Parliament, at 38% this is the highest number ever in 125 years since women won the right to vote. Five (5) indigenous Māori women in the governing party of whom one is a Minister and another

⁴ Kaupapa Māori methodology encourages conscientisation, resistance, transformative action as a response to structural impediments. The methodology takes for granted the Treaty of Waitangi, is Māori centric and held together by larger emancipatory projects. Professors Graham (1997) & Professor Linda Smith (1999).

⁵ The New Zealand Herald, Thursday, May 31, 2018. News A11.

⁶ #MeToo campaign international movement against sexual harassment spearheaded by actress Alyssa Milano who encouraged spreading the hashtag as part of an awareness campaign.

⁷ Olivia Kiel, Salient, July 24 2017

Assistant Speaker. Four (4) Pacific Island women, two (2) of whom hold ministerial positions and four (4) Asian women in parliament. The Opposition (National party) deputy leader and Green party deputy leader are indigenous Māori women. Four (4) of the women parliamentarians identify as lesbian.

Prime Minister Jacinda Adern is expecting her first baby June 2018 and will take six weeks maternity leave. The Minister for Women and Green Party Minister Julie-Anne Genter is also expecting her first baby August 2018. These women demonstrate motherhood does not preclude a woman from participation in public life and leadership roles.

The government is to be congratulated for increasing paid parental leave entitlement from 18 weeks to 22 weeks from 1st July 2018, with a further increase to 26 weeks from 1st July 2020.

PWW(NZ) is pleased to note women featured significantly in recent National Honours and leadership awards: A woman service worker is New Zealander of the Year 2018 and in the Queen's Birthday Honours list, June 2018: Companion of the New Zealand Order of Merit for service to equal pay advocacy. Her sterling advocacy work on behalf of 55,000 mainly women working in 'Rest homes' - a profession dominated by Māori, Pacific Island, immigrant and ethnic minority women.

NZ Prostitutes Collective leader became a Dame Companion of the New Zealand Order of Merit, for her services in fighting for the rights of sex workers for over thirty years.

A recent Māori woman MP has been awarded Blake Medal for Leadership with other awardees including three women, two of whom are Pacific women

Article 10: Education

There is a critical shortage of trained teachers nationwide⁸, with many schools claiming they are unable to cover all areas of the school curriculum. Teachers are now teaching subjects outside their specialist areas. Against this backdrop the University of Auckland recently announced redundancies of many lecturing staff in the Education faculty due to a downturn of teacher enrolments. This action will undoubtedly have impact in years to come. The teaching profession is dominated by females in New Zealand so a loss of specific jobs limits career opportunities for New Zealand women.

Teacher Aide staff, mainly women, are paid minimum wage and only for hours in attendance. These staff provide essential classroom support for the most vulnerable children. In Auckland there is a reported 20% shortfall of Teacher Aides⁹

PWW (NZ) is pleased to note that significant reviews of the education sector are underway; however urgent action is required to alleviate the current teacher shortages

Consent/healthy relationship education is optional taking little regard for cultural diversity of the youth population.

⁸ <http://www.educationcounts.govt.nz/statistics/tertiary-education/initial-teacher-education-statistics>

⁹ NZ Herald December 11 2017

Recommendation:

- that Government take urgent action to address the current teacher shortages and address the issue of pay adequacy for Teacher Aide staff.
- that the education curriculum includes culturally appropriate consent and healthy relationship education at all levels.

Article 11: Employment

PWW (NZ) is pleased to note that a positive follow-on effect of the Care Workers' pay increase is that many lowest paid women have increased pay. We look forward to further developments in achieving pay equity.

Changes to the immigration system for the skilled migrant category require a minimum pay rate of \$24.29 per hour. With the gender and racial pay gap, migrant women, particularly women of colour, are less likely to qualify for this category.

Recommendation:

- that the immigration minimum pay rate criteria be reviewed taking to account minimum pay rates for women.
- that efforts are undertaken to address the gender and racial pay gap.

Article 12: Health

Under the previous government, Māori cultural specialist advisory groups providing expert and unique advisory panels in health settings were disestablished. The cervical screening Kaitiaki group was one and the Māori Hauora unit within the Ministry of Health another¹⁰. Māori women's low coverage rate for cervical cancer screening currently at 55% with targeted coverage rates worsening in 15 out of 20 District Health Boards¹¹. Māori women have the highest incidence of breast cancer in the world. Screening and treatment delays for Māori women were reported in 2015¹². Breast screening coverage rates are just above 63% for Māori women.

Mental health services are of grave concern to all New Zealand, but especially for young migrant women. Cultural competency is lacking along with a lack of trust in the mainstream services to understand cultural or familial contexts. A review of mental health and addiction is underway.¹³

The government has announced a review of the New Zealand health and disability system¹⁴

¹⁰ Kaitiaki translates as guardian. Hauora describes holistic health and includes physical, spiritual, mental and cultural well-being.

¹¹ The New Zealand Herald: Friday, June 8, 2018. A7.

¹² <https://www.ncbi.nlm.gov/pubmed/2691868>

¹³ <https://www.beehive.govt.nz/release/inquiry-improve-mental-health-services>

¹⁴ NZ Herald 29 May 2018

These reviews will take time leaving women, especially Māori women, without screening and treatment. Problematic access to health care for migrant and ethnic minority women continues to frustrate.

Recommendations:

- that the Government move quickly to engage and partner with Māori women forums to address appalling breast and cervical cancer rates.
- that culturally appropriate programmes supporting Māori women, ethnic minority and migrant women are established.

Article 13: Economic and social life

For many of our most vulnerable women, single mothers, migrant and Māori women, and their families' homelessness is a reality due to high rents, restricted income, compounded by discrimination, large families and limited available social housing. Once 'the homeless' were almost entirely men, whereas now homeless women and their families are increasingly a common sight in most parts in Auckland.

Many homeless women and families are housed in motels, with an estimated average cost of \$2.5m per month. This huge economic cost to the country also highlights that little attention has been paid to the unequal and unfair burden poor in New Zealand bear.¹⁵

Te Paea marae (Māori meeting place) located in Mangere, a suburb in Auckland opens its doors to homeless women and their families over winter months. Government agencies work with the marae and families assisting and rehousing them with very positive results.

While women are generally not well represented in business sector leadership many (ten) Māori women are leaders in Māori enterprises such as CEOs and tribal representatives and leaders. There is only one company in the New Zealand NZX50 which has a female Chief Executive¹⁶

Gender pay gap is currently 9.4%; this reduction partly due to the Care Workers (mainly female) pay equity settlement. However, Māori and Pacific women's pay gap is greater – they earn approximately two thirds of the male Pakeha pay rate.¹⁷

Recommendations:

- that government look at extending the marae initiative to other marae with necessary funding and resourcing while working on long term solutions for the homeless.
- that government continue to strive for pay equity for all.

¹⁵ [Http://www.radionz.co.nz](http://www.radionz.co.nz)

¹⁶ The Spin Off March 24 2018

¹⁷ <http://www.cevepnz.org.nz/Gender%20pay%20gap/gender-ethnicity.htm>

Article 14: Rural girls and women.

Mycoplasma bovis, a bacterial infection in cows, was first diagnosed on South Island farms. Subsequently contamination has spread across the country. Ministry for Primary Industries is undertaking eradication, culling 126,000 cows/cattle.¹⁸ Rural women and their communities will be significantly affected with livelihoods being placed at great and uncertain risk

Recommendation: that Government takes action urgently, to minimise potential risk and harm, for rural women and their families by strengthening and supporting local community organisations and NGOs.

Article 15: Law.

The Minister for Justice submitted a draft referral to coalition partners seeking to reform the country's abortion laws to decriminalizing abortion. The Prime Minister campaigned in the 2017 election to move abortion from the Crimes Act to Health.

Access to justice for migrant women who have experienced domestic violence is more difficult when the perpetrator is New Zealand European. There is a racial and gendered bias in the Family Court system.

Recommendation: that the Government seeks cross party support from the women Members of Parliament however the actual bill to amend the Crimes Act should allow for a 'conscience' vote from all members of Parliament.

Article 16: Marriage and Family Life.

Gender neutral language: The concluding comments from the CEDAW committee to New Zealand from 2012, raised concerns regarding the recourse to gender neutral language in relation to gender-based violence. Driven by government, there has been a move from "domestic violence" to "family/whānau violence" and more recently in inter-agency response contexts involving Police and government departments, the language is further changing to "family harm". This can sanitize the need for the recognition of domestic violence as being gender-based.

Forced and underage marriage: We acknowledge efforts underway to establish legislative measures against forced and underage marriage. The Family and Whānau Violence Bill 2017 currently proposed in government covers "coercion to marry" as a specific family violence offence. We acknowledge the work of Dr. Jackie Blue (former MP and EEO Commissioner, NZ Human Rights Commission) and MP Joanne Hayes for Private Member's Bill, Marriage Amendment (Court Consent to the Marriage of Minors) to address marriage of 16-17-year olds. This bill now at second reading stage requires 16 – 17-year olds wishing to marry to apply to the Family Court for permission, ensuring the marriage is not forced. This includes civil unions and de facto relationships.

¹⁸ <https://www.mpi.govt.nz/protection-and-response/responding/.../mycoplasma-bovis/>

While legislative action provides a basis for legal recognition of forced and underaged marriage, Shakti's intervention and prevention programmes for youth have never been funded by the government. No resources are allocated for forced and underaged marriage research, nor advocacy. This service to youth has been sustained for over ten years solely through private donations and private funding. With some exceptions, the New Zealand Police have failed to take the issue of forced and underage marriage seriously.

Migrant women coming on spousal visas, are not provided with information on their rights as women/as women living in New Zealand leaving them vulnerable to threats of deportation in domestic violence. There is no legislative recognition that dowry abuse is domestic violence.

Recommendation:

- that government adequately fund culturally appropriate, specialist prevention and intervention services stopping forced and underage marriages and that government agencies, including judiciary, be comprehensively trained to recognise forced and underaged marriage.
- that migrant women are provided with clear language appropriate information on their rights in New Zealand.