

WOMEN *experiencing* DISCRIMINATION - 2016

AOTEAROA NEW ZEALAND NON-GOVERNMENTAL ORGANISATIONS REPORT

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.

July 2017.



**National Council of Women
of New Zealand**

Te Kaunihera
Wahine O Aotearoa

CONTENTS

WOMEN
EXPERIENCING
DISCRIMINATION

04	Introduction
06	Executive Summary
13	Article 1 Definition of Discrimination
14	Article 2 Elimination of Discrimination
15	Article 3 Development and Advancement of Women
16	Article 4 Positive Discrimination and Special Measures
16	Article 5 Social and Cultural Patterns
20	Article 6 Exploitation of Women
26	Article 7 Participation in Political and Public Life
29	Article 8 International Representation and Participation
30	Article 10 Education
35	Article 11 Employment
40	Article 12 Health
48	Article 13 Economic and Social Life
52	Article 14 Rural Women
54	Article 15 Legal
55	Article 16 Marriage and Family Life
56	Concluding Observations Paragraphs 40-43
59	Appendix 1 Recommendations
65	Appendix 2 Education Tables
68	Appendix 3 Equal Pay for Work of Equal Value (Pay Equity)
70	Appendix 4 The Groups that Contributed to this Alternate Report

© National Council of Women of New Zealand 2017

ISBN 978-0-473-40438-3 [Softcover]

ISBN 978-0-473-40439-0 [PDF]

Published by National Council of Women of New Zealand

PO Box 25-498 | Wellington 6146 | New Zealand

www.ncwnz.org.nz

INTRODUCTION

RAE DUFF
NATIONAL PRESIDENT

NCWNZ formed a representative group of their members and NGOs in 2013 to prepare the 2016 Alternative Shadow report on CEDAW. The group met formally in Wellington on a regular basis to discuss the information gathered from their NGOs and to assess its relevance for incorporation into the report. All of the work of this group in the preparation of the Alternate Report was done on a voluntary basis before the final editing.

The comments under each Article and in response to the Concluding Observations of the Monitoring Committee make up the main substance of this report. In comparison with many non-OECD countries, New Zealand (NZ) women have access to a great many benefits and opportunities, as the reality of equality continues to evolve through both law and practice. However, this report presents the broad issues of discrimination that still impact on the lives of NZ women. The discrimination is embedded in the NZ culture and can be subtle and unconscious especially if it is supported by the media.

NCWNZ gratefully acknowledges the financial assistance provided by:

- The New Zealand Law Foundation
- Strathlachlan Fund managed by Perpetual Guardian
- New Horizons for Women Trust | Hine Kahukura.



Rae Duff
National President



EXECUTIVE SUMMARY

WOMEN
EXPERIENCING
DISCRIMINATION

The United Nations (UN) Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) was ratified by the NZ Government in 1984. The National Council of Women of New Zealand (NCWNZ) has traditionally taken the lead in the preparation of an Alternate Report on behalf of its members and member NGOs.

This Alternate Shadow CEDAW Report has found that many of the crucial issues raised by the last NGO CEDAW Committee in 2012 remain substantially unaddressed. The Government has done little to promote public awareness of CEDAW or to mainstream gender equality across government agencies and their activities. The lack of a gender sensitive framework of equality and non-discrimination continues to impact negatively on many NZ women's lives.

The following quote from the Human Rights Council census of equality 2012 still holds true:

“Low bar” targets for women’s progress are currently being set by the government, business and the public and private sectors. Women’s substantive equality appears to have vanished as a policy driver, despite NZ’s international treaty body commitment that “all human beings are born free and equal in dignity and rights” and to non-discrimination provisions in the Human Rights Act 1993. If women’s equality is to be achieved in our lifetime then better than nothing is not good enough and never will be.

It is of considerable concern that the government focuses on making efforts rather than on achieving results. Even in the few areas it has designated as priorities for NZ women, it has failed to achieve marked improvements. The most glaring of these is the failure in the area of violence against women where inadequate or decreased funding has prevented agencies, particularly NGOs, from taking effective preventative action or providing the required range and volume of services for victims.

There is a clear need to instil a sense of urgency in implementing the Committee’s recommendations.

NCWNZ urges the government to take immediate steps to implement recommendations made by the UN Committee on the Elimination of Discrimination against Women in 2012. Failure to do so will leave NZ women and girls at continued risk of gender-based discrimination and harm, in direct violation of our government’s obligations under international human rights law.

The key concerns identified for each of the 16 Articles are outlined in the following statements.

Article 1 Definition of Discrimination

- Since 2007, little or no action has been taken to address the issues raised in the Concluding Observations regarding a definition of discrimination in its various forms and measures to raise the awareness of CEDAW.
- NGOs are not aware of any complaints made under the Optional Protocol to the Convention.

Article 2 Elimination of Discrimination

- The current system of legal aid continues to exclude a large number of women from appropriate services and from seeking appropriate advice to fight for their rights, especially as the number of lawyers offering legal aid has declined steadily since 2011.

Article 3 Development and Advancement of Women

- As yet, gender has not been mainstreamed in all national plans.
- There still appears to be a lack of reliable quality data on migrant women, especially their status in relation to gender equality.

Article 4 Positive Discrimination and Special Measures

- The CEDAW principles on temporary special measures and General Recommendation 25 have not been fully implemented. The government is not prepared to introduce binding temporary measures.

Article 5 Social and Cultural Patterns

- Women's relative invisibility in traditional news media has crossed over into digital news delivery platforms: 23% of the people in internet news stories and media news tweets combined were women.
 - While advertising based on blatantly sexist, and in some cases racist, stereotypes appears to have increased, rapid and effective spontaneous social media campaigns have often succeeded in getting such advertisements withdrawn.
 - Widespread media discussion and debate about rape culture has been prompted by a number of prominent social media examples.
 - There are a number of government campaigns around changing attitudes to violence against women. The NGOs Rape Crisis and Women's Refuge also have media campaigns, but these are not well funded.
 - The Harmful Digital Communications Act (2015) has been successful in sending a clear message that cyberbullying will not be tolerated.
 - As of June 2016, changes making it an offence to coerce, threaten or intimidate someone into marriage were being considered.
-

Article 6 Exploitation of Women

- NZ women experience the highest reported rate of intimate partner violence and the highest lifetime prevalence of sexual violence for any OECD country.
- Māori, Pasifika and migrant women, disabled women, older women, and lesbians, bisexual and transgender women, are the most likely to experience violence against women, most of which is not reported.
- Specialist services have had to close, reduce their services, rely on volunteers to work in refuges and/or make pleas to the community for emergency funding.
- NGOs often have to react to changes without prior consultation, training or additional resources.
- There is inadequate focus on prevention, such as sexuality education in all secondary schools.
- A lack of consistency of training across all levels of violence against women results in protective legislative measures not being fully implemented.
- There is minimal evidence of any government commitment to establishing the extent to which trafficking and sexual exploitation is occurring informally, particularly to females under the age of 18, or to creating effective safety provisions for these victims.

Article 7 Participation in Political and Public Life

- The World Economic Forum's Global Gender Report for 2015, shows NZ women in 15th position for political empowerment.
- Women are under-represented in management, governance, leadership and decision-making roles at both national and local levels within the political, public, private and voluntary sectors.
- Resource constraints prevent dissemination of CEDAW information beyond the Ministry of Women website through schools and public meetings.
- The government does not have a national plan with targets for the advancement of women, including gender budgeting.

Article 8 International Representation and participation

- NGOs are no longer represented on the official NZ delegations to the Committee on the Status of Women, or at other relevant international meetings.
- A National Action Plan on Women, Peace and Security (NAP) was launched in 2015, but it is far from innovative or world-leading.
- NZ is not a signatory to the Optional Protocol to the Convention on the Rights of Persons with Disabilities (CRPD).

Article 10 Education

- Increasing numbers of unqualified teachers also indicate a higher percentage of women (who make up most of this workforce) on lower wages. Some Kindergarten Associations have laid off staff.
- There seem to have been no specific initiatives to achieve reduction of gender disparities in thematic subject or career choices.
- In each group apart from Asian, there are proportionally more females than males, and the highest proportion continues to be among Māori girls.
- Since most graduate women earn less than men during their careers, it is more difficult for them to repay their loans.
- The data on overall tertiary enrolments show clear gender disparities according to fields of study.

Article 11 Employment

- Women are disproportionately affected by the growth of low-paid, insecure work.
- The gender pay gap appears to be increasing.
- Substantially more women than men are paid at or below the minimum wage (\$15.25 per hour in 2016).
- There has been no progress in ratification of either ILO Convention 156, on workers with family responsibilities, or ILO Convention 183, on maternity protection.
- There is no paid paternity or partner leave provision in current legislation. This reinforces the gender division of unpaid caring work.
- Significant changes to legislation remove essential employment protections for the low-paid, mainly female employees working in fields such as cleaning, catering, caretaking, laundry and orderly services.
- Occupational segregation is estimated to account for around 30% of the gender pay gap.

Article 12 Health

- No changes have been made to abortion laws to align with the Committee's 2012 recommendations.
- The 2007 review of sexuality education found inconsistent implementation of the sexuality curriculum, including limited provision of information about contraception and STI prevention.
- Communities of diverse gender identities and sexual orientations continue to experience stigma and barriers to high quality healthcare, particularly access to unbiased, non-discriminatory care.
- There is a strong link between socio-economic deprivation and unmet need for primary health care.

Article 13 Economic and Social Life

- There is no disaggregated data or analysis relating to how women with disabilities are faring in comparison to men with disabilities, or in comparison to women without disabilities.
- Forced sterilisation is still legal in NZ.
- As in 2012, vulnerability to poverty is still the major economic issue facing NZ women, particularly sole mothers, and is worst among Māori and Pasifika women.
- Both state and NGO reports consistently show that sole parents and their children are the households most at risk of income poverty.
- Results from the September 2015 Canterbury Wellbeing Survey indicate that women have continued to suffer higher degrees of stress, anxiety and depression.

Article 14 Rural Women

- Rural women face a number of well-recognised barriers that may be preventing them from achieving the same level of education, employment and health outcomes as their urban counterparts.
- Under-reporting of access to refuge services in rural areas has been well recognised by studies carried out in comparable jurisdictions.

Article 16 Marriage and Family

- No change is proposed to the provisions allowing people aged 16 or 17 to marry with parental consent.
- Legislation enabling marriages between two people 'regardless of their sex, sexual orientation, or gender identity' came in to force in 2013.

ARTICLES

1-16

ARTICLE 1

DEFINITION OF DISCRIMINATION

CO para 12. The Committee recommends that, in the context of the current constitutional review, the State party ensure full incorporation into the Constitution and/or other legislation, of the principle of equality between women and men in accordance with article 2 (a) of the Convention. The State party is urged to establish a legal definition of discrimination on the basis of sex in line with article 1 of the Convention, and to extend state responsibility for acts of discrimination by both public and private actors in accordance with article 2 (e) of the Convention, with a view to achieving formal and substantive equality between women and men.

CO para 14. The Committee urges the State party:

- (a) To enhance women's awareness of their rights and the means of access to justice at the national and local levels for women claiming violations of their rights under the Convention, and ensure that information on the Convention is provided to women in all parts of the State party, including in schools and tertiary education institutions and through the use of information campaigns and the media.
- (b) To disseminate the Convention, the Optional Protocol, the Committee's general recommendations and its views on individual communications and enquiries among all segments of society, and organize legal education and regular training for government officers, legislators, judges, lawyers, magistrates, prosecutors, the police, and other law enforcement officers on the Convention and its applicability so that it can serve as an effective framework for all law, court decisions and policies on gender equality and the advancement of women.

DISCRIMINATION

There is concern about the lack of an explicit and comprehensive definition of discrimination against women, encompassing both direct and indirect discrimination. To date, little or no action has been taken to address this.

It appears that there is minimal understanding and knowledge of laws on discrimination and the available complaints procedures. Many NGOs and individuals are unaware of how to make complaints under the Optional Protocol to CEDAW.

The legal framework does not provide comprehensive protection against all the forms of discrimination covered by CEDAW. In some cases (such as violence against women – see Article 6), legislation is not protecting women effectively.

The major challenge is to eliminate discrimination that has become deeply entrenched through custom and tradition. Broad measures are needed to change a whole way of thinking (for example, rape culture – see Article 5).

MONITORING CEDAW

The Human Rights Commission has an online interactive tool as part of its Human Rights National Plan of Action (NPA) 2015¹. The NPA tracks the government's progress in implementing recommendations from the UN Periodic Review. As there is no action plan for women, there is no equivalent tool for monitoring the government's progress on implementing recommendations from the CEDAW Monitoring Committee.

RECOMMENDATIONS

That the government:

- 1.1 Ensure that all levels of government are operating in compliance with CEDAW.
- 1.2 Ensure that there is a resourced process for women nationally to discuss issues relating to CEDAW.

ARTICLE 2 ELIMINATION OF DISCRIMINATION

CO para 16. The Committee urges the State party:

- (a) To facilitate women's access to justice, including by providing free legal aid to women without sufficient means, and to increase efforts to make sure that migrant women and Māori women are not discriminated against in the administration of justice.
- (b) To implement systematic training to the legal profession and non-governmental organizations on the application of legislation prohibiting discrimination, including in the area of access to justice, in the light of its obligations under the Convention and its Optional Protocol.
- (c) To enhance awareness-raising initiatives for women on how to utilize available legal remedies against discrimination, including with regard to the Human Rights Commission, and to ensure that the Commission is adequately resourced.

LEGAL AID

Recent changes to the legal aid system have disadvantaged women in general and migrant women in particular. The current system continues to exclude a large number of women from appropriate services and from seeking appropriate advice to fight for their rights.

The number of lawyers offering legal aid has declined steadily since 2011².

Lack of resources to support migrant women going through the justice system remains a concern, and urgent attention is needed to address this. Migrant women's leadership programmes and targeted training can help to turn around some of these statistics.

RECOMMENDATION

- 2.1** There should be a review of the legal aid system to ensure that it is accessible to those currently disadvantaged.

ARTICLE 3 DEVELOPMENT AND ADVANCEMENT OF WOMEN

CO para 18. The Committee encourages the State party:

- (a) To mainstream gender in all national plans and government institutions.
- (b) To strengthen the existing national machinery by providing adequate authority, visibility and human and financial resources at all levels and enhancing coordination among existing mechanisms for the advancement of women and the promotion of gender equality by increasing the resources for the Ministry for Women's Affairs.
- (c) To conduct a comprehensive study on how to improve the situation of women in the State party and develop a national action plan for women accordingly.

As yet, gender has not been mainstreamed in all national plans.

There still appears to be a lack of reliable quality data on migrant women, especially their status in relation to gender equality. Ethnic minority women encounter multiple barriers in achieving gender equality, for example in education and employment; cultural and financial barriers; and lack of visibility.

RECOMMENDATION

- 3.1** Targeted policies and programmes should be developed to improve migrant women's opportunities for higher education, senior leadership and management roles.

1. Human Rights Commission. 2015. *NZ Human Rights National Plan of Action*. <https://www.hrc.co.nz/your-rights/human-rights/npa/>
2. Bridges S. 2016. Associate Justice Minister Simon Bridges in response to a written parliamentary question from NZ First MP Darroch Ball. https://www.parliament.nz/resource/en-nz/QWA_12111_2016/611f747bd83d93885fcab5ceb925fbee8475

ARTICLE 4

POSITIVE DISCRIMINATION AND SPECIAL MEASURES

CO para 20. The Committee encourages the State party to study, review and reconsider the relevance and usefulness of temporary special measures, in accordance with article 4, paragraph 1, of the Convention, and the Committee's general recommendation No. 25. It also recommends that the State party include in its equality legislation provisions to encourage the use of temporary special measures, in both the public and private sectors, in order to accelerate the realization of women's de jure and de facto equality with men in all areas and sectors of the State party.

SPECIAL MEASURES

The CEDAW principles on temporary special measures and General Recommendation 25 have not been fully implemented. The government is not prepared to introduce binding temporary measures.

RECOMMENDATIONS

- 4.1 That where significant gaps are shown to be persistent, the government introduce temporary special measures to address the imbalance of women in public and political life.
- 4.2 That the government fund the Human Rights Commission to continue the Census of Women's Participation³.

ARTICLE 5

SOCIAL AND CULTURAL PATTERNS

CO para 22. The Committee urges the State party:

- (a) To implement without delay a national campaign on the importance of equality between women and men in a democratic society, to increase understanding of the meaning and content of substantive equality of women and to eliminate negative stereotypes associated with men's and women's traditional roles in the family and in society at large, in accordance with articles 2 (f) and 5 (a) of the Convention.
- (b) To systematically collect data on harmful practices, including cyberbullying targeting teenage girls, and to implement measures, such as awareness campaigns in schools, to prevent such practices.
- (c) To take all necessary measures to combat the practice of early and forced marriages within migrant communities and to introduce sensitization campaigns in this regard.

IMPORTANCE OF EQUALITY

NCWNZ issued its gender equality white paper in 2015⁴, outlining how gender equality will benefit all New Zealanders economically and socially. There has been no equivalent document or action plan issued by the government.

HARMFUL PRACTICES: WOMEN AND THE MEDIA

While technology creates opportunities for women to engage, it also facilitates a greater spread of hegemonic and damaging images and notions about women, on both traditional and social media platforms⁵.

Representation

The Global Media Monitoring Project⁶ showed that in NZ, across newspaper, television and radio, women represented 18% of subjects (down from 23% in 2010 and 26% in 2005) and 7% of news stories had women as the central focus. Women's relative invisibility in traditional news media has crossed over into digital news delivery platforms: 23% of the people in internet news stories and media news tweets combined were women.

Advertising

While advertising based on blatantly sexist, and in some cases racist, stereotypes appears to have increased (e.g. male jewellery advertisements with a clothed man placing jewellery on parts of naked female bodies), rapid and effective spontaneous social media campaigns have often succeeded in getting such advertisements withdrawn⁷.

Violence Against Women

Widespread media discussion and debate about rape culture has been prompted by a number of prominent social media examples, including the 'Roastbusters' case, in which a group of young men boasted online about raping unconscious young women, some of whom had complained to police without any action resulting⁸.

(See also Article 6.)

3. NZ Human Rights Commission. 2012. *Census of Women's Participation 2012*. <https://www.hrc.co.nz/your-rights/business-and-work/tools-and-research/census-womens-participation/>
 4. NCWNZ. 2015. *Enabling women's potential: the social, economic and ethical imperative*. https://www.ncwnz.org.nz/wp-content/uploads/2015/11/EnablingWomensPotential_OnlineViewing-1.pdf
 5. United Nations. 1995. *Report of the Fourth World Conference on Women*, Beijing, 4-15 September 1995. p.99. <http://beijing20.unwomen.org/-/media/Field%20Office%20Beijing%20Plus/Attachments/BeijingDeclarationAndPlatformForAction-en.pdf#page=104>
 6. Global Media Monitoring Project. 2015. *New Zealand Global Media Monitoring Project 2015: National Report* http://cdn.agilitycms.com/who-makes-the-news/Imported/reports_2015/national/New_Zealand.pdf Articles on this report: <http://www.pmc.aut.ac.nz/articles/end-sexism-and-invisibility-women-media> and http://www.massey.ac.nz/massey/about-massey/news/article.cfm?mnarticle_uid=15063E95-CCD7-DB36-DEBE-00402E72D397
 7. <http://www.stuff.co.nz/travel/news/10233431/Air-NZ-bikini-safety-video-dropped>, <http://thewireless.co.nz/articles/i-love-ugly-pull-sexist-ad-campaign>
 8. https://en.wikipedia.org/wiki/Roast_Busters_scandal
-

There are a number of government campaigns around changing attitudes to violence against women⁹. The NGOs Rape Crisis and Women's Refuge also have media campaigns, but these are not well funded.

Avenues for Action

The Advertising Standards Authority (ASA)¹⁰ code of practice is self-regulating. Individuals can complain about media content to the Broadcasting Standards Authority¹¹ or the NZ Press Council¹². Hate speech is a crime under the Human Rights Act (1993), but to date this has not covered denigration of women. These issues were discussed around the enactment of the Harmful Digital Communications Act (2015).

A 2013 survey on media reporting of sexual violence¹³ found that the media receives poor and inaccurate training in reporting on sexual violence, and that this translates into news stories that perpetuate rape culture. Social media responses often counter media representations condoning examples of violence against women, but individual women taking such action may in turn be attacked online (see below).

Cyberbullying and Online Harassment

Rates of online harassment of individual women in NZ are likely to parallel those reported in Australia in 2016¹⁴, where almost half have been targets. Among women under 30, three-quarters have experienced harassment, one third have been cyberstalked, a quarter have received threats of physical harassment, and a fifth have experienced graphic sexual harassment.

Avenues for Action

The Harmful Digital Communications Act (2015)¹⁵ has been successful in sending a clear message that cyberbullying will not be tolerated. The Act provides a content test based on harm, rather than a strict categorisation of the nature of the content. Within the first year after it was passed, there were 38 prosecutions¹⁶. The government is setting up an agency to act as a mediator in disputes under this Act¹⁷. It is too early to see how effective this legislation is, but it should help to curb this latest form of gender harassment and intimidation, as well as changing attitudes condoning these¹⁸.

NZ has the second highest incidence of cases of school bullying, including cyberbullying, in 35 countries surveyed¹⁹. The Ministry of Education's 2015 guide on bullying prevention for schools included a section on cyberbullying²⁰. There have been a number of other initiatives to address bullying, including cyberbullying, in schools²¹. Community groups have made resources on bullying available for the general public²².

Both individuals and groups have run effective social media campaigns, for example MyBodyMyTerms, targeting forms of bullying such as 'revenge porn' (making private images and videos available online without consent)²³. However, while there are few quantitative statistics, it is clear that NZ women who speak out prominently online to counter publicly evident cases of gender stereotyping, misogyny and violence against women, or simply to express feminist views generally, are themselves likely to become targets of particularly vicious cyberbullying, including rape and death threats, to the same extent as in other countries.

Early and Forced Marriage

As of June 2016, changes making it an offence to coerce, threaten or intimidate someone into marriage were being considered. (See also Article 16.)

RECOMMENDATIONS

That the government:

- 5.1 Encourage and promote better codes of practice relating to the media and gender.
- 5.2 Increase funding for resources, including media campaigns, offered by non-governmental organisations to prevent violence.
- 5.3 Allocate funds for informal education programmes on cyberbullying, taking into account the special needs of migrant groups.

9. For example, <http://areyouok.org.nz/>
10. <http://www.asa.co.nz/codes/>
11. NZ Broadcasting Standards Authority. 2016. *Broadcasting standards in New Zealand codebook for radio, free-to-air-television and pay television*. http://bsa.govt.nz/images/codebook/160304_12_BSA_CODE_OF_CONDUCT_BOOK_FINAL.pdf
12. <http://www.presscouncil.org.nz/complaints>
13. Wood N; Dickson S. 2013. *Reporting Sexual Violence in Aotearoa New Zealand*. TOAH-NNEST. http://toah-nnest.org.nz/images/pdfs/Reporting_Sexual_Violence.pdf
14. <https://digitalwatch.giplatform.org/updates/online-harassment-australian-womans-experience>
15. Harmful Digital Communications Act 2015. http://www.legislation.govt.nz/act/public/2015/0063/latest/DLM5711810.html?search=qs_act%40bill%40regulation%40deemedreg_Harmful+Digital+Communications+Bill_resel_25_h&p=1&sr=1. *Controversial cyberbullying law passes*. http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11473545
16. *Devastating effects of revenge porn highlighted*. http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11625636
17. Ibid.
18. Stuff. *Kiwi man jailed for sending 'disturbing' Facebook video*. <http://www.stuff.co.nz/national/crime/79121013/Man-jailed-for-disturbing-Facebook-video>
19. <https://nobullying.com/cyber-bullying-statistics-new-zealand/>
20. NZ. Ministry of Education. 2015. *Bullying prevention and response: a guide for schools*. <http://www.education.govt.nz/school/student-support/student-wellbeing/bullying-prevention-and-response/bullying-prevention-and-response-a-guide-for-schools>
21. <https://www.hrc.co.nz/files/5714/3226/0531/MOEBullyingGuide2015Web.pdf>; <http://www.stuff.co.nz/auckland/local-news/north-harbour-news/9267046/Anti-bullying-campaign-hits-schools>
22. <http://nobullying.com/cyber-bullying-statistics-new-zealand/>
23. http://www.nzherald.co.nz/lifestyle/news/article.cfm?c_id=6&objectid=11515360

ARTICLE 6

EXPLOITATION OF WOMEN

CO para 25. The Committee calls upon the State party:

- (a) To take the necessary measures to encourage the reporting of domestic and sexual violence cases, including by ensuring that education professionals, health-care providers and social workers are fully familiar with relevant legal provisions and are sensitized to all forms of violence against women and are capable of complying with their obligation to report cases.
- (b) To strengthen training for the police, public prosecutors, the judiciary and other relevant government bodies on domestic and sexual violence.
- (c) To provide adequate assistance and protection to women victims of violence, including Māori and migrant women, by ensuring that they receive the necessary legal and psychosocial services.
- (d) To improve the level of representation on the Task Force for Action on Violence within Families and ensure appropriate resourcing with a view to enhancing the perception of its status within the State party.
- (e) To ensure systematic collection and publication of data, disaggregated by sex, ethnicity, type of violence, and by the relationship of the perpetrator to the victim; to collect data on the number of women killed by partners or ex-partners; and to monitor the effectiveness of legislation, policy and practice relating to all forms of violence against women and girls.

CO para 27. The Committee recommends that the State party:

- (a) Identify, prosecute and punish traffickers, and ensure protection of the human rights of the trafficked women and girls.
- (b) Ensure that trafficked women and girls have adequate support so as to be in a position to provide testimony against their traffickers.
- (c) Ensure systematic monitoring and periodic evaluation, including the collection and analysis of data on trafficking and exploitation of women in prostitution, and to include such data in its next periodic report.
- (d) Raise awareness of threats of trafficking and exploitation and make efforts to proactively screen vulnerable populations, including migrant women and girls, such as 'mail-order' and 'Internet' brides.

The government statistics relate to family or sexual violence. Violence against women cannot be identified separately from violence against children or males.

INTIMATE PARTNER, FAMILY AND SEXUAL VIOLENCE

The government acknowledges that NZ women experience the highest reported rate of intimate partner violence²⁴ and the highest lifetime prevalence of sexual violence for any OECD country²⁵.

- More than one in three (35.4%) ever-partnered NZ women report having experienced physical and/or sexual intimate partner violence in their lifetime and almost one in four (23.8%) of all NZ women report having experienced sexual assault in their lifetime (compared with 5.6% of men)²⁶.
- Intimate partners commit the largest number of all interpersonal violent offences against adults in NZ²⁷. Women are 7-10 times more likely than men to be seriously injured by partner violence, and more likely to be killed by their partner or ex-partner. The Counting Dead Women website lists 13 women who died violently in 2015, largely from partner or ex-partner violence, the highest rate per capita in the developed world²⁸. Girls are more likely than boys to be killed²⁹.
- Girls are significantly more likely to experience child sexual abuse (up to one in three) than are boys (one in ten)³⁰.
- Available research and anecdotal evidence also suggests that some groups of women and girls, including Māori, Pasifika and migrant women, disabled women, older women, and lesbians, bisexual and trans women, are more vulnerable to being targeted for or experiencing family and sexual violence^{31 32}.

Most NZ family and sexual violence is not reported. Just 20% of family violence and 9% of sexual violence is reported to police³³. The NZ Crime and Safety Survey (NZ CASS) is used to measure prevalence 'rates' of family and sexual violence, despite the government acknowledging that this significantly under-counts such violence and is therefore a poor measure³⁴. Help-seeking attempts by women have been steadily increasing for many years³⁵, including reports to police, notifications to Child, Youth and Family, crisis line calls and women and children accessing Women's Refuge³⁶. Family violence is estimated to cost NZ more than \$4.1 billion per year³⁷. Sexual violence crime is estimated to cost \$1.8 billion per year³⁸.

24. NZ. Ministry of Justice [nd]. *Safer Sooner: Strengthening NZ's Family Violence Laws*, available at <https://www.justice.govt.nz/justice-sector-policy/key-initiatives/reducing-family-and-sexual-violence/safer-sooner/>
25. NZ. Cabinet Social Policy Committee 2015. *Ministerial Group on Family Violence and Sexual Violence: Update on the Progress of the Work Programme*. <https://www.justice.govt.nz/justice-sector-policy/key-initiatives/reducing-family-and-sexual-violence/work-programme/#progress-to-date>
26. NZ Family Violence Clearinghouse. *Data Summaries 2016: Snapshot*. <https://www.nzfvc.org.nz/archived-material>
27. NZ. Ministry of Justice. 2016. *Family Violence impacts a large number of people*. In: Investment case A3s.
28. <https://countingdeadwomen.nz/2015-2/>
29. Ibid.
30. NZ Family Violence Clearinghouse. 2016. *Data Summaries 2016: Snapshot*. <https://www.nzfvc.org.nz/archived-material>
31. NZ. Ministry of Justice. [nd]. *Safer Sooner: Strengthening Family Violence Laws*. <https://justice.govt.nz/justice-sector-policy/key-initiatives/reducing-family-and-sexual-violence/safer-sooner/>
32. Dickson S. 2016. *Building rainbow communities free of partner and sexual violence*. Hohou Te Rongo Kahukura – Outing Violence. <http://www.kahukura.co.nz/wp-content/uploads/2015/07/Building-Rainbow-Communities-Free-of-Partner-and-Sexual-Violence-2016.pdf>
33. NZ. Ministry of Justice. 2015. *2014 New Zealand Crime and Safety Survey*. <https://justice.govt.nz/assets/Documents/Publications/NZCASS-201602-Main-Findings-Report-Updated.pdf>
34. 'NZ prevalence data is collected through a crime survey which does not capture all aspects of abuse and neglect, and therefore, may underestimate the full extent of family violence.' NZ. Ministry of Justice. [nd]. *Family Violence impacts a large number of people*.
35. 110,114 family violence investigations were recorded by NZ Police in 2015, up 8% from 101,981 in 2014. There were 95,101 in 2013. See <http://areyouok.org.nz/family-violence/statistics/>
36. *Women's Refuge Annual Report 1 July 2015 – 30 June 2016*. <https://womensrefuge.org.nz/wp-content/uploads/2015/11/11142-Annual-Report-2016-FINAL.pdf>
37. NZ. Ministry of Justice. 2016. *Family Violence costs NZ more than \$4 billion a year*. IN: Investment case A3s.
38. NZ Parliament. 2015. *Inquiry into the funding of specialist sexual violence social services: Report of the Social Services Committee*. https://www.parliament.nz/resource/enNZ/51DBSCH_SCR68111_1/2afd9e8ac29e45e3bb36ce45b3ce2f44db0396c7

Following six independent reports on aspects of violence against women, the government has identified addressing family and sexual violence as one of its key priorities for women. There has been a great deal of activity happening across government in response to the reports and other expressions of concern. A number of recurring concerns continue to be raised.

INADEQUATE FUNDING

In 2009 the Taskforce for Action on Sexual Violence, a partnership between government officials and sexual violence sector specialists (terminated in 2015), called for “urgent and immediate” funding for sexual violence services to continue³⁹. This has not been heeded. In the last four years specialist services have had to close, reduce their services, and/or make pleas to the community for emergency funding⁴⁰. The largest sexual violence crisis helpline estimates they are unable to respond to a quarter of the calls for help received⁴¹.

The family violence response sector is also not fully funded by the government, and relies on fund-raising and volunteers to keep services open. More than 50% of the Women’s Refuge workforce were volunteers in 2015/16⁴².

Recent funding announcements have been welcomed by both sectors, but despite the amounts promised (\$10 million over two years to act as a stop-gap in 2014-16 for sexual violence agencies), services are still unable to keep up with the numbers asking for help. In addition, questions have been asked about whether funding is going to the right services, because of the government’s focus on criminal justice reform and crisis services, when partner, family and sexual violence are all complex social issues which are heavily under-reported⁴³.

Funding for responding to the needs of specific groups of women who are more likely to be targeted for violence has not been forthcoming, despite many years of advocacy. For example, there are no dedicated violence prevention services for disabled women or lesbian, bisexual and transgender women. Dedicated services for ethnic minority women are insufficient for population size and do not cover the country; there is just one refuge for Pasifika women and no sexual violence service specifically for Pasifika survivors⁴⁴. Specific issues faced by women in rural areas, and the increased likelihood of under-reporting of violence in these areas, are not well-addressed by current funding arrangements (see Article 14).

In addition, it is difficult to track whether announced funding is really ‘new’ or simply re-tagged. There is cynicism about existing funding being re-packaged to calm community concerns, when the actual levels of new funding may be significantly lower.

INADEQUATE CONSULTATION ON AND MONITORING OF CHANGES

NGOs working in violence are being expected to pick up the pieces when state systems do not work well for women.

NGOs often have to react to changes (e.g. restrictions on Legal Aid funding for women who cannot afford legal support) without training or additional resources. Without sustainable, secure funding, this situation is dangerous.

New collaborative interagency models working with violence against women in communities, primarily led by NZ Police, are being imposed rather than developed through consultation.

The expertise of the specialist violence response sector is not being recognised, despite the fact that NGOs often hold a more complete picture of violence in women's lives. From June 2005, the Taskforce for Action on Violence within Families led and co-ordinated interagency action to address family violence, including abuse and neglect of children and older persons. It was disbanded in 2015. There is no oversight of the family violence sector that includes NGOs, and there are no mechanisms for the NGOs to have input into the Ministerial/cross-government work programme on family violence.

THE PROBLEMS OF DATA DRIVING GOVERNMENT DECISION-MAKING

The government policies on violence against women are based on formal reporting of incidence, ignoring input from other sources such as NGOs working in the sector. More marginalised groups of women, who are more likely to be experiencing violence, invisible in policy and strategic decision-making.

FOCUS ON CRIMINAL JUSTICE SYSTEMS RATHER THAN PRIMARY PREVENTION

Government reports have noted that investment in primary prevention and early intervention would contribute to real change in rates of violence⁴⁵. Yet less than 10% of the government spend on family violence goes to reducing family violence, and just 1.5% goes to primary prevention.

There have been consistent calls for consent education to be made mandatory in secondary schools. The Accident Compensation Corporation (ACC) has developed a best-practice healthy relationships programme for secondary schools. Family Planning⁴⁶ have a programme in schools on sexuality education. These are not currently delivered by all schools.

39. Te Toiora Mata Tauherenga. 2009. *Report of the Taskforce for Action on Sexual Violence, 2009*. http://ndhadeliver.natlib.govt.nz/delivery/DeliveryManagerServlet?dps_pid=IE1332120&dps_custom_att_1=ilsdb

40. See, for example: <http://thehandmirror.blogspot.co.nz/2012/11/everyone-needs-right-help-survivors.html>, <http://www.stuff.co.nz/taranaki-daily-news/news/7935924/Staff-slashed-as-social-group-faces-crisis>, <http://www.stuff.co.nz/dominion-post/comment/9440456/Funding-crisis-for-Rape-Crisis>, and <https://home.greens.org.nz/press-releases/helpline-must-be-funded>

41. <http://www.radionz.co.nz/news/political/304168/providers-hope-sex-abuse-funding-will-bring-change>

42. *Women's Refuge Annual Report 1 July 2015 – 30 June 2016*. <https://womensrefuge.org.nz/wp-content/uploads/2015/11/11142-Annual-Report-2016-FINAL.pdf>

43. See for example <http://thewireless.co.nz/articles/will-funding-for-sexual-violence-go-where-it-s-needed>

44. Service information for family violence from www.womensrefuge.org.nz and sexual violence from <http://toah-nnest.org.nz/> Lack of specialist services for lesbian, bisexual and trans women from www.kahukura.co.nz

45. See for example NZ. Ministry of Justice. 2016. *We spend most of our money on the ambulance at the bottom of the cliff*. In: Investment case A3s; NZ. Ministry for Women's Affairs. 2013. *Current Thinking on Primary Prevention of Violence Against Women*. http://women.govt.nz/sites/public_files/Final%20Current%20thinking%20on%20primary%20prevention.pdf

46. <http://www.familyplanning.org.nz/advice/sexuality-education/in-schools>

POOR CRIMINAL JUSTICE RESPONSES TO WOMEN EXPERIENCING VIOLENCE

For every 100 women who are raped, only one will see the person who raped them successfully prosecuted⁴⁷. Reports demonstrate that Court processes fail women experiencing violence, with inconsistent decisions around bail and bail conditions, protective orders and sentencing. Of particular concern is the plea-bargaining down from murder to manslaughter in exchange for guilty pleas (as seen in some high-profile deaths from partner violence).

While specific law changes being considered in June 2016 would help, such issues seem related mainly to how legislation is implemented. A lack of consistency of training across all levels of violence against women results in protective legislative measures not being fully implemented (e.g. judges in sexual violence cases allowing the victim's sexual history to be introduced, despite legislative protections in place). There is no monitoring of the training provided and therefore no way to improve outcomes for women experiencing violence.

UNDERAGE AND FORCED PROSTITUTION AND TRAFFICKING

Underage sex work, forced prostitution, and sex trafficking are all crimes that disproportionately affect women and girls. The effects of such victimisation are pervasive and can have far-reaching effects on women's emotional, psychological, and physical well-being.

The government has consistently refuted claims that sex trafficking and the sexual exploitation of children is occurring in NZ, despite US Trafficking in Persons⁴⁸ reports repeatedly raising areas for concern, such as the exploitation of female migrant sex workers and the use of underage girls in street prostitution. In addition, three recent research projects have found evidence of exploitation of women working as sex workers⁴⁹, underage girls involved in street prostitution, and women forced into prostitution or trafficked for sexual purposes⁵¹.

The NZ definition of what constitutes trafficking has now been amended to remove the imperative for acts of trafficking to necessarily involve the crossing of transnational borders. This amendment was not accompanied by any law enforcement, child protection, or social service practice changes. There has also been subsequent consideration of previously prosecuted violations of the Prostitution Reform Act 2003⁵² as now constituting violations of the new trafficking legislation, thereby confirming the existence of trafficking crimes in NZ. Yet government action on trafficking appears to focus on identifying migrant women entering the country for the purposes of prostitution.

There is minimal evidence of any government commitment to establishing the extent to which trafficking and sexual exploitation is occurring informally, particularly to females under the age of 18, or to creating effective safety provisions for these victims. There has been no updated national plan of action, and no government-commissioned research to investigate the extent of trafficking, the barriers to reporting it, or the needs of survivors.

There are no specialised services operating to support victims of child sexual exploitation, including underage prostitution and forced prostitution or trafficking. This poses substantial barriers for women and girls wishing to report victimisation.

The government's relative inaction on this form of exploitation contradicts their stated intention to address violence against women and girls as one of their four priority areas. This means that NZ is not fulfilling its obligations under CEDAW.

RECOMMENDATIONS

- 6.1 That a sustainable, secure funding system be established for agencies responding to violence against women.
- 6.2 That the support for agencies working with Māori, ethnic minority, migrant and refugee women be reviewed to ensure that adequate and appropriate cultural, legal and psychosocial services can be provided.
- 6.3 That development of initiatives, strategy and policy provide real opportunities for NGO input at all levels of governance.
- 6.4 That a national victimisation survey, which collects information about gender, ethnicity, sexuality, age and disability, be introduced to drive better responses to family, partner and sexual violence.
- 6.5 That all government administrative data and reports be disaggregated by gender, ethnicity, sexuality, disability and age.
- 6.6 That funding for primary prevention be substantially increased, including a national prevention campaign, and mandatory consent education in secondary schools.
- 6.7 Mechanisms that enforce legislative protections for women experiencing violence should be monitored.
- 6.8 That recommendations from recent Law Commission and Social Services Select Committee reports be fully funded and implemented.
- 6.9 That comprehensive research be undertaken into underage prostitution and forced prostitution or trafficking.
- 6.10 That specialist services and initiatives to connect with and provide protection for victims of commercial sexual exploitation and trafficking, including underage girls, be developed and made available.

47. <http://www.newshub.co.nz/nznews/roast-busters-decision-not-surprising-2014103008>

48. US. Dept of State. 2016. *Trafficking in Persons Report June 2016*. <https://www.state.gov/documents/organization/258876.pdf>

49. Stringer, C. 2016. *Worker exploitation in New Zealand: A troubling landscape*. University of Auckland. https://docs.wixstatic.com/ugd/2ffdf5_28e9975b6be2454f8f823c60d1bfdba0.pdf

50. Thorburn N; de Haan I. 2016. *Connecting Through Chaos: Escape behaviour among sex working adolescents in Aotearoa New Zealand*. *Kotuitui: NZ of Social Sciences Online*, 1-9. <http://www.tandfonline.com/doi/full/10.1080/1177083X.2016.1188133>

51. Thorburn N. 2017. *Practitioner Knowledge and Responsiveness to Victims of Sex Trafficking and Forced Prostitution in Aotearoa/New Zealand*.

52. Prostitution Reform Act 2003. <http://www.legislation.govt.nz/act/public/2003/0028/latest/DLM197815.html>

ARTICLE 7

PARTICIPATION IN POLITICAL AND PUBLIC LIFE

CO para 29. The Committee recommends that the State party:

- (a) Take measures to increase the number of women in decision-making positions at all levels and in all areas, in the light of the Committee's general recommendation No. 23 on women in political and public life.
- (b) Make every effort to disseminate information on the Convention among both private and public actors to increase awareness and understanding of the meaning and content of substantive equality of women and men.
- (c) Review the targets, goals and time frames set for the advancement of women in decision-making positions to ensure that they sufficiently enhance progress in women's representation.

A MIXED PICTURE

In 2015, NZ ranked 10th out of 145 countries on the World Economic Forum's⁵³ Global Gender Gap Report for 2015, down from 6th position in 2011. There was no change from 15th position for political empowerment, showing the enduring decline in this area since NZ achieved 6th place in 2008. For economic participation and opportunity, NZ ranked 30th. This score is based on labour force participation, pay equity, estimated earned income, and the proportions of legislators, senior officials and managers, and professional and technical workers who are women.

Women hold currently 34% of the seats in Parliament⁵⁴, a percentage that has remained approximately the same since the introduction of mixed-member proportional representation (MMP) in the 1996 general election.

Women are under-represented in management, governance, leadership and decision-making roles at both national and local levels within the political, public, private and voluntary sectors. In high-profile and well-paid roles, women are significantly under-represented. For example, only 25-31% of judges, senior academic staff in universities, partners in top legal firms, medical specialists and secondary school principals are women⁵⁵.

Over 60% of new lawyers are female, but the proportion dwindles in more senior positions, contributing to the earnings differential between men and women in the legal profession. While 6.3% of male lawyers in law firms become partners or directors within 10 years, just 3.2% of female lawyers do so⁵⁶.

Although the major political parties have made progress in having a more ethnically diverse range of women standing, being elected to and being appointed to parliamentary and party positions, they remain a very small minority and are almost entirely absent from senior roles. To encourage the participation of more ethnically diverse women in all spheres of the political framework, appropriate mentoring, training and support mechanisms should be put in place.

THE PRIVATE SECTOR

The percentage of women on the boards of the top 100 companies on NZX (including overseas) rose from 7.1% in 2006⁵⁷ to 14% in 2014⁵⁸.

The private sector continues to have few women in senior management positions. In 2012 28% of these roles were held by women, with NZ ranking 11th among 40 countries, while only 5% of NZ businesses were likely to be led by a woman⁵⁹. Some businesses, especially the NZ signatories to the UN Women/Global Compact Women's Empowerment Principles, the other members of the Equal Opportunities Trust and those working with Global Women NZ, have policies and practices to encourage diversity in their workplaces, but this group is estimated to include no more than 20% of large and medium businesses.

STATUTORY BOARDS AND THE PUBLIC SECTOR

A 2014 stocktake of state sector boards and committees showed women holding 41.7% of appointments on boards and as Ministerial Appointees, almost the same as in 2013 (41.1%)⁶⁰. Among directors of state sector statutory bodies, 41% are women⁶¹.

While women predominate numerically in the public service workforce, they are only 38% of chief executives, based mainly in the smaller ministries⁶². As at 30 June 2015, the percentage of women in senior management was 44.2%⁶³. A study⁶⁴ of women employees in the state sector concluded that:

- While women make up the majority of public servants, disparities remain in terms of seniority, occupational segregation, pay and career progression opportunities.

53. World Economic Forum. 2015. *The Global Gender Gap Report 2015*. <http://www3.weforum.org/docs/GGGR2015/cover.pdf>

54. www.parliament.nz/en-nz/mpp/mps/current

55. NZ Human Rights Commission. 2012. *Census of Women's Participation 2012*. <https://www.hrc.co.nz/your-rights/business-and-work/tools-and-research/census-womens-participation/>

56. Butler R. 2015 updated MacLennan C. 2016. *The gender pay gap in New Zealand: a rapid review of the current state of play*. <http://www.ywcaequalpay.org.nz/wp-content/uploads/ywcaequalpay9june2016.pdf>

57. https://www.nzx.com/regulation/diversity_statistics

58. Ibid.

59. Grant Thornton. 2012. *International Business Report 2012: Women in senior management: still not enough*. <https://www.grantthornton.global/en/insights/articles/women-in-business-2012/>

60. NZ. Ministry for Women. *2012 Gender Stocktake of State Sector Boards and Committees as at 20 December 2012* http://women.govt.nz/sites/public_files/MWA%20Gender%20Stocktake-v5_0.pdf, and *2013 Gender Stocktake of State Sector Boards and Committees* http://women.govt.nz/sites/public_files/FINAL%202013%20Gender%20stocktake%20of%20State%20Sector%20Boards%20and%20Committees%20.pdf

61. NZ Human Rights Commission. 2012. *Census of Women's Participation 2012*. <https://www.hrc.co.nz/your-rights/business-and-work/tools-and-research/census-womens-participation/>

62. NZ. State Services Commission. 2015. Media Statement: More women senior leaders in State sector, while CE pay remains in check. <http://www.ssc.govt.nz/media-statement-state-sector-workforce>.

63. NZ. State Services Commission. 2015. *Human resources capability in the New Zealand state sector*, November 2015. <https://www.ssc.govt.nz/sites/all/files/HRCReport-2015.pdf>

64. Washington S; Peak M; Fahey K. 2015. Engendering diversity – women's employment in the public service. *Policy Quarterly*, 11(1): 11-18 http://ndhadeliver.natlib.govt.nz/delivery/DeliveryManagerServlet?dps_pid=IE24527493

LOCAL GOVERNMENT

Women are not yet approaching parity in local government. Following the 2013 elections, women were 22% of local government chairs and mayors. On city and district councils they were respectively 33% and 30% of councillors, but only 21% of the members of regional councils, which cover larger areas and are more remote from their constituents than the other councils. Women members were 37% of community boards⁶⁵ and 52% of school boards of trustees⁶⁶.

A major reason for the overall lack of women in senior roles is the lack of legislation enforcing public and private sector efforts to attract competent women to senior positions. Employment equity legislation dealing with this was enacted in 1990, but was immediately repealed by the incoming government, and has not been reinstated. Policies are in place in the public sector, but it appears that many chief executives are not held to account in this respect. The private sector has no such incentive.

In 2016, NZ slipped from its customary ranking of 1st or 2nd equal in the Transparency International Anti-Corruption rankings⁶⁷ to 4th, which suggests a closing of the avenues of power and the potential for more corruption than we are used to. This is of concern because women do not control the levers of power, and this decline could therefore be construed to mean that men are consolidating and exercising their still-dominant grip on power, to the exclusion of women.

DISSEMINATING INFORMATION ON CEDAW

The Ministry for Women continues to nominate women for public sector statutory boards. Most of the work with the private sector is carried out through non-governmental organisations such as the Equal Employment Opportunities Trust, the NZ National Committee for UN Women, the Human Rights Commission and the NZ Federation of Business and Professional Women through the Women's Empowerment Principles campaign, Global Women and the Institute of Directors.

Information on CEDAW is promoted mainly through the Ministry for Women's website, and through discussion with women's organisations. It appears that resource constraints prevent a wider dissemination through schools and public meetings. It is likely that few young women know of its existence.

Reviewing Targets, Goals and Timeframes

No targets or timeframes have been set to advance gender equality and the empowerment of women, and therefore cannot be reviewed. The government does not have a national plan for the advancement of women, including gender budgeting.

RECOMMENDATIONS

- 7.1** That the government introduce Employment Equity legislation requiring the state sector to report annually to Parliament on its progress in increasing the number of women in senior positions, the legislation to include adequately resourced monitoring provisions.
- 7.2** That the Ministry for Women be tasked and resourced to develop an Action Plan for Women, including gender budgeting, including the goal of achieving a 20% lift on 2016 levels each year from 2017, to reach gender equality in the public and private sectors no later than 2025.

ARTICLE 8 INTERNATIONAL REPRESENTATION AND PARTICIPATION

NGO REPRESENTATION

NGOs are no longer represented on the official NZ delegations to the Committee on the Status of Women, or at other relevant international meetings.

UNITED NATIONS SECURITY COUNCIL RESOLUTION (UNSCR) 1325: NATIONAL ACTION PLAN ON WOMEN, PEACE AND SECURITY (NAP)

In 2000, following UNSCR 1325⁶⁸, NZ adopted the resolution to develop a National Action Plan on Women, Peace and Security (NAP)⁶⁹, which was finally launched in 2015. It is far from innovative or world-leading. There are no clear monitoring and accountability mechanisms in the plan.

The NAP was introduced with little public consultation and a lack of meaningful engagement with civil society. The Ministry of Foreign Affairs and Trade (MFAT) has not allocated any resources, including a dedicated official, for its implementation. Government agencies must absorb the cost of any related initiatives in their already stretched budgets.

65. *Female representation in parliament and local government* http://www.stats.govt.nz/browse_for_stats/snapshots-of-nz/nz-social-indicators/Home/Trust%20and%20participation%20in%20government/female-rep-parl-local-govt.aspx

66. NCWNZ. 2015. *Enabling women's potential: the social, economic and ethical imperative*. https://www.ncwnz.org.nz/wp-content/uploads/2015/11/EnablingWomensPotential_OnlineViewing-1.pdf

67. *Corruption Perceptions Index 2015*. <https://www.transparency.org/cpi2015>

68. <http://www.un.org/womenwatch/osagi/wps/>

69. New Zealand National Action Plan for the Implementation of United Nations Security Council Resolutions, including 1325, on Women, Peace & Security 2015–2019. https://www.mfat.govt.nz/assets/_securedfiles/Peace-Rights-and-Security/NZ-National-Action-Plan-on-Women-Peace-and-Security.pdf

An important part of UNSCR 1325 is the mainstreaming of a gender perspective, but this has not been stated as an action point in the NAP. MFAT has not developed any new policies to incorporate a gender perspective and does not include references to UNSCR 1325 or a commitment to its principles in any of its documents for peace-building. With only 3% of UN peacekeepers being women, there is a great deal of work to be done to improve participation rates.

CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD)

NZ is not yet a signatory to the Optional Protocol to the Convention on the Rights of Persons with Disabilities (CRPD).

RECOMMENDATIONS

8.1 That there should be funded NGO representation on the official delegations to CSW or other relevant international meetings.

UNSCR 1325

8.2 That the Ministry for Women include monitoring of the National Action Plan on Women, Peace and Security among its core business.

8.3 That MFAT ensure NZ women are deployed as peacekeepers and police in all overseas missions, while noting that NZ's contribution to UN peacekeeping operations is at an all-time low.

8.4 That the government allocate resources, both monetary and human, to implement new policies, training and accountability mechanisms in order to make meaningful progress on the women, peace and security agendas.

Convention on the Rights of Persons with Disabilities (CRPD)

8.5 That NZ become a signatory to the Optional Protocol to the Convention on the Rights of Persons with Disabilities (CRPD).

ARTICLE 10 EDUCATION

CO para 31. The Committee recommends that the State party:

- (a) Develop a systematic programme to ensure that parents understand the voluntary nature of payments requested by schools and monitor schools' practices regarding the collection of fees from parents.
- (b) Collect data on the real cost of education to parents.

-
- (c) Implement measures to decrease dropout rates among Māori girls and to reintegrate them into the educational system.
 - (d) Introduce measures to desegregate gender thematic subjects with a view to ensuring that women and girls equally access non-traditional thematic subject areas, widening their opportunities for future employment and breaking the trend of occupational segregation.

EARLY CHILDHOOD EDUCATION AND CARE (ECEC)

Increases in funding for ECE since 2010, have only been sufficient to cover additional children enrolled. When inflation is taken into account, there has been a funding reduction of about 5% since 2010.

In 2009 the government dropped the ECEC requirement for registered teachers to make up 80% of staff. In 2011 it removed the funding incentive for having 100% registered teachers⁷⁰. There are well-established links between teacher qualifications and quality in ECEC services⁷¹. Increasing numbers of unqualified teachers also indicate a higher percentage of women (who make up most of this workforce) on lower wages. Some Kindergarten Associations have laid off staff⁷².

Quality of ECEC

A recent Education Review Office (ERO) report suggested that toddlers (from 1 to 3 years old) would benefit from quality improvements in 44% of the ECEC services sampled, especially in relation to a curriculum that linked the home and the centre, and extended the child's interests⁷³.

COMPULSORY SCHOOLING

The Costs of 'Free' Education

The government allows state schools to charge voluntary donations to cover school trips and activities that are outside the NZ Curriculum requirements, and to cover running costs of the school. Many schools state that they need voluntary donations to deliver the curriculum.

70. NZEI Te Riu Roa. 2012. *Need for better investment in early childhood education*. <http://www.scoop.co.nz/stories/ED1207/S00028/need-for-better-investment-in-early-childhood-education.htm>

71. Meade A. et al. 2012. *Early childhood teachers' work in education and care centres: Profiles, patterns and purposes*. Te Tari Puna Ora o Aotearoa/NZ Childcare Association. <https://www.ecNZ.ac.nz/sites/default/files/uploaded-content/website-content/Publications/early-childhood-teachers-work-in-education-and-carecentres-web-090812.pdf>

72. Wannan O; Livingston T. 2015. *Capital kindergartens may lose teachers to cuts*. <http://www.stuff.co.nz/national/education/73012392/Capital-kindergartens-may-lose-teachers-to-cuts>

73. NZ. Education Review Office. 2015. *Infants and toddlers: competent and confident communicators and explorers*. <http://www.ero.govt.nz/publications/infants-and-toddlers-competent-and-confident-communicators-and-explorers/>

A recent survey⁷⁴ estimates that the annual cost to parents of a state school education is up to \$2,079 per year for primary, and up to \$3,146 for secondary. A sole mother with two primary school children could be expected to pay over \$4,000 for their education, or 24% of her benefit income of \$16,950 per year⁷⁵.

Gender Disparities in Choice of Thematic Subjects

There seem to have been no specific initiatives to achieve reduction of gender disparities in thematic subject choices. As long as girls achieve NCEA level 2 (the government's target level of qualification), it appears not to matter what subjects are chosen or what the longer term consequences of these choices are.

Secondary school subject areas have continued to demonstrate gender disparities⁷⁶. More girls are enrolled in languages, arts and social sciences, and more boys are enrolled in mathematics, technology and physical education. (See Appendix 2.)

Gender disparities are particularly apparent in Visual and Performing Arts and Technology. Further analysis of Technology enrolments shows that girls predominate in Biotechnology, Food Technology and Textiles/Clothing, while boys predominate in Computer Science, Electronics, and Structures, as well as all other general technology subjects. (See Appendix 2.)

Careers advice is important for reducing gender disparities in school subject choices and future training choices. Following a government review, the Careers Service is to be merged into the Tertiary Education Commission, to create stronger linkages between schools, tertiary institutions and employers. Legislation to enable this change is due to be passed in early 2017⁷⁷. However, as yet there appears to be no explicit focus on issues of gender disparities in relation to subject and career choice.

Girls Not in Education or Training (NEET)

The proportions of young people aged between 15 and 24 who are defined as NEET are shrinking across all ethnic groups. However, in each group apart from Asian, there are proportionally more females than males, and the highest proportion continues to be among Māori girls. The statistics for 2015 show that Māori girls continue to be the group of girls most likely to leave school with a minimum of NCEA Level 2 or its equivalent (74.4%, Māori boys 68.0%)⁷⁸. It is acknowledged that continued work is required to support an increase in Māori rates of gaining school qualifications, but the gender implications are apparently not receiving particular attention⁷⁹. (See Appendix 2.)

While some women will be contributing to society through raising children, and/or some will be supported by partners, the higher NEET rate for women represents the start of the standard of living discrepancies between the genders, and this is particularly acute for Māori and Pasifika women.

The government has implemented the Youth Guarantee policy, which provides fees-free courses at lower levels to young people, and secondary-tertiary programmes such as Trades Academies. Fewer women take part (45%)⁸⁰, so the policy has not been able to address the gender discrepancy in NEET rates⁸¹. The policies in this

area appear to have no set gender objectives, and the statistical reporting of gender disaggregated data is inconsistent⁸².

TERTIARY EDUCATION

In 2014 38% of NZ women (compared with 33% of NZ men) had a diploma or higher level qualification, compared with the OECD average of 35%⁸³. However, after gaining a bachelor's degree or higher, 83% of women are employed, compared with 87% of men⁸⁴.

Costs of Tertiary Study

Direct state financial support for students is generally low by OECD standards, leaving many with a substantial debt which diminishes the effect of any increased earnings over many years⁸⁵. Women access student loans (which have to be repaid, in some cases with interest). Since most graduate women earn less than men during their careers, it is more difficult for them to repay their loans.

Gender Disparities in Fields of Study

Current initiatives to address gender disparities in tertiary education have few concrete programmes of action or clear gender targets which can be measured and reported on regularly. Few of the current initiatives promoting increased numbers of students graduating in science, technology and trades subjects even mention gender⁸⁶. Although women achieve well at university, they are clustered in fields which have lower rates of pay than those fields where men cluster. The data on overall tertiary enrolments show clear gender disparities according to fields of study. Further marked disparities are obvious within some of these broad categories, e.g. in Natural and

74. ASG. 2017. Planning for Education index.

75. NZ. Work and Income. [nd]. *Sole Parent Support*. <https://www.workandincome.govt.nz/map/income-support/main-benefits/sole-parent-support/index.html>

76. NZ. Ministry of Education [nd]. *Compulsory schooling data*. www.educationcounts.govt.nz/statistics/schooling/student-numbers/subject-enrolment

77. NZ. Ministry of Education. 2016. *Outcome of the careers system review*. <http://www.education.govt.nz/ministry-of-education/consultations-and-reviews/recent-consultations-and-reviews/outcome-of-careers>

78. NZ. Ministry of Education. [nd]. *18-year-olds with a minimum of NCEA Level 2 or equivalent*. <http://www.educationcounts.govt.nz/statistics/indicators/data/education-and-learning-outcomes/114329/>

79. NZ. Ministry of Education. [nd]. *Compulsory schooling data*. www.educationcounts.govt.nz/statistics/schooling/student-numbers/subject-enrolment

80. NZ. Ministry of Education. 2016. *Monitoring the Youth Guarantee policy 2014*. <http://www.educationcounts.govt.nz/publications/80898/monitoring-the-youth-guarantee-policy-2014>

81. NZ. Ministry for Women. 2016. *Annual report 2016*. http://women.govt.nz/sites/public_files/MFW_Annual_Report_2016_web_0.pdf

82. See, for example, Ministry of Education. 2016. *Monitoring the Youth Guarantee policy 2014*. <http://www.educationcounts.govt.nz/publications/80898/monitoring-the-youth-guarantee-policy-2014>

83. NZ. Ministry of Education 2016. *Profile & Trends 2014: Tertiary education system and student support*. <https://www.educationcounts.govt.nz/publications/series/2531/profile-and-trends-2014-part-5>

84. *Ibid*, p.5.

85. New Zealand Union of Student Associations. 2015. *Tertiary student income and expenditure survey 2014*. https://d3n8a8pro7vnm.cloudfront.net/students/pages/194/attachments/original/1439389138/NZUSA_Tertiary_Student_Income_and_Expenditure_Survey_2014.pdf?1439389138

86. These initiatives are discussed more fully in the sections below.

Physical sciences, where the bulk of female enrolments are clustered in the biological sciences, and in Health, where Nursing and the various Therapies remain female-dominated. (See Appendix 2.)

Work-based Education and Training

Work-based education and training, including traineeships, NZ Apprenticeships, industry training apprenticeships and Modern Apprenticeships, is a significant pathway to qualifications, particularly in the building trades, and also provides an income while training. Women are significantly less likely to benefit from this pathway. (See Appendix 2)⁸⁷.

From 2009 to 2015, the numbers of women qualifying in high growth areas increased by 2% in IT and by 13% in primary industries. The women who made up 39% of overall enrolments in industry training in 2014 tended to be grouped in the caring, hairdressing and hospitality sectors⁸⁸. (See Appendix 2.)

The Ministry of Women website now has a STEM directory listing programmes that could encourage girls to consider these subjects for tertiary education. Although the information websites include profiles of women in non-traditional careers, for example women as electricians or engineers⁸⁹, most of these programmes, including the Curious Minds science initiative, have no focus on women; they are designed to encourage young people in general into STEM and IT professions, and the trades.

RECOMMENDATIONS

That the government:

Early Childhood Education and Care

10.1 Prioritise the funding for, and support of, quality in all the diverse ECEC services.

Compulsory Schooling

10.2 Require all schools to follow the NZ curriculum.

10.3 Put in place a programme of work that specifically addresses the gender disparities in thematic subject choices at school.

10.4 Fund state schools sufficiently so that voluntary donations are not required.

Tertiary and Adult Education

10.5 Support initiatives clearly addressing gender disparities in tertiary areas of study, with specific gender-related actions, clear and measurable targets, regular monitoring and a system of evaluation.

ARTICLE 11

EMPLOYMENT

CO para 33. The Committee recommends that the State party:

- (a) Enact appropriate legislation that guarantees the operationalization and implementation of the principle of “equal pay for work of equal value”, in line with article 11 (d) of the Convention.
- (b) Effectively enforce the principle of equal pay for work of equal value, through establishing specific measures and indicators, identifying time frames to redress pay inequality in different sectors and reviewing the accountabilities of public service chief executives for pay policies.
- (c) Introduce appropriate legal measures to ensure parental leave, including paid parental leave for men as well as paid leave for seasonal or fixed-term workers with multiple employment relationships, and consider the ratification of ILO Convention No. 156 concerning workers with family obligations.
- (d) Adopt policies and take all necessary measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee’s general recommendation No. 25 with time-bound targets, to eliminate occupational segregation, both horizontal and vertical.
- (e) Carry out an independent evaluation of the gendered impact of the reform of collective bargaining and ensure that it does not negatively affect women’s employment and trade union rights.
- (f) Ensure that there is a monitoring institution for gender pay inequity within the State party’s administration despite the closure of the Pay and Employment Equity Unit in the Department of Labour.

PERSISTING INEQUALITIES

Over 77% of women aged 20-64 are now in the labour market, and they are disproportionately affected by the growth of low-paid, insecure work. The NZ Council of Trade Unions⁹⁰ estimates that 635,000 NZ workers (over 30%) are now in insecure work, with little security of tenure, work hours or remuneration.

87. NZ. Ministry of Education. 2015. *Profile & Trends 2014: New Zealand’s workplace-based learners*. <https://www.educationcounts.govt.nz/publications/80898/profile-and-trends-2014-new-zealands-workplace-based-learners-part-3-of-5>

88. NZ. Ministry of Education [nd]. *Participation in Industry Training*. <http://www.educationcounts.govt.nz/statistics/tertiary-education/participation>

89. Got a Trade? Got it Made! <http://gotatrade.co.NZ/getatrade/>

90. New Zealand Council of Trade Unions. 2013. *Under pressure: A detailed report into insecure work in New Zealand*. <https://www.union.org.nz/wp-content/uploads/2016/12/CTU-Under-Pressure-Detailed-Report-2.pdf>

Factors affecting women in paid work include:

- Historical structural pay discrimination in employment sectors dominated by women.
- Bias regarding gender, ethnicity, and motherhood, affecting hiring, pay and promotion.
- Little movement in the minimum wage, which disproportionately affects women.
- Very little co-ordinated support or encouragement for women to enter most trades or other non-traditional roles.
- An attitude that the gender inequality issue has been 'solved' and is thus given low priority.

THE GENDER PAY GAP

In 2015 NZ ranked 27th for gender wage equality for similar work, and 54th for estimated earned income equality⁹¹.

The gender pay gap appears to be increasing. For the June 2016 quarter, median hourly pay rates for women were almost 88% of those for men, a gap of 12%. This is the widest gap in the last seven years, up from 11.8% for June 2015 and 9.9% for June 2014. Māori women earn only 76% of what men earn, while Pasifika women earn only 69.9%. Other measurements show wider overall gaps. The June 2014 median weekly full-time earnings gap was 14.3%⁹².

Simply being a mother incurs a pay penalty⁹³. Despite NZ's egalitarian state superannuation provisions, women typically have less money than men in retirement. Recent research⁹⁴ on the dedicated retirement saving scheme, Kiwisaver, shows women are likely to retire with \$82,000 less than men, based on their current savings patterns, and that this gender gap is widening: between 2015 and 2016 it increased from 28% to 37%.

Women on the Minimum Wage

Substantially more women than men are paid at or below the minimum wage (\$15.25 per hour in 2016). In 2014, 66.6% of minimum wage earners over 25 were women; 13% of Pacific women earned under the minimum wage, as did 9.4% of Māori women, 9% of Asian women and 6.4% of European women⁹⁵. Māori, Pasifika and migrant women are the lowest-paid workers, and the most likely to be in casual, part-time and insecure work.

Women in the Public Service

Women in the public service continue to be concentrated in the lowest-paid occupations, making up over 82% of clerical workers and 76% of contact centre workers in 2015. From 2008 to 2015 the overall public service gender pay gap narrowed by only 1%, from 15% to 14%. Gender pay gap trends differed widely among agencies: at seven agencies, the gap increased over that period.

The measurements and targets under Better Public Services⁹⁶, do not include a clear Key Performance Indicator related to public service women. No time frames have been communicated to redress pay inequality, and chief executives are not obliged to address equal pay issues.

EQUAL PAY FOR WORK OF EQUAL VALUE (PAY EQUITY)

Progress is now being made to address pay equity⁹⁷. In 2012, caregiver Kristine Bartlett and the Service and Food Workers Union Nga Ringa Tota Inc brought Employment Relations Authority cases against TerraNova Homes & Care under the 1972 Equal Pay Act⁹⁸ (see Appendix 3).

UNION MEMBERSHIP AND EMPLOYMENT AGREEMENTS

By the June 2016 quarter⁹⁹, only around 1 in 5 employees belonged to a union. Most union members are in full-time employment (86.9%) and in a permanent job (92.1%). Women make up around 58% of unionised employees, reflecting their concentration in the more highly unionised public service, including teaching and nursing.

A written employment agreement is a legal requirement. The two groups most likely not to have written employment agreements at all (and least likely to be union members) are part-time and casual workers, both predominantly female; 17.4% of part-time employees and 33.7% of casual workers report not having a written agreement, compared with only 6.8% of permanent employees.

PAID PARENTAL LEAVE (PPL)

There has been no progress in ratification of either ILO Convention 156, on workers with family responsibilities, or ILO Convention 183, on maternity protection.

From 2014 to 2016, the maximum statutory period of paid leave was incrementally increased from 12 to 18 weeks. The government used its rarely exercised power of financial veto to prevent the third reading of an opposition Paid Parental Leave Bill¹⁰⁰, to increase paid parental leave to 26 weeks by 2018.

91. World Economic Forum. 2015. *Global Gender Gap Report 2015*. <http://reports.weforum.org/global-gender-gap-report-2015>
92. Butler R. 2015 updated MacLennan C. 2016. *The gender pay gap in New Zealand: a rapid review of the current state of play*. <http://www.ywcaequalpay.org.nz/wp-content/uploads/ywcaequalpay9june2016.pdf>
93. Statistics New Zealand; NZ. Ministry for Women. 2017. *Effect of motherhood on pay – summary of results: June 2016 quarter*. http://www.stats.govt.nz/browse_for_stats/income-and-work/Income/motherhood-penalty-summary.aspx
94. Edmunds S. 2016. *Women's KiwiSaver balances lag as gender pay gap widens*. <http://www.stuff.co.nz/business/77538753/Womens-KiwiSaver-balances-lag-as-gender-pay-gap-widens>
95. NZ. Human Rights Commission. *Tracking Equality at Work is an evidential base for monitoring fairness at work*. <http://tracking-equality.hrc.co.nz/>
96. NZ. State Services Commission. <http://www.ssc.govt.nz/better-public-services>
97. For a comprehensive account of the case, see Hill L. 2013. Equal pay for equal value: the case for care workers. *Women's Studies Journal* 27(2): 14-31. <http://www.wsanz.org.nz/journal/docs/WSJNZ272Hill14-31.pdf>
98. Equal Pay Act 1972. http://www.legislation.govt.nz/act/public/1972/0118/latest/DLM407770.html?search=ta_act_E_ac%40ainf%40anif_an%40bn%40rn_25_a&p=2
99. Statistics NZ. 2016. Union membership and employment agreements – June 2016 quarter. http://www.stats.govt.nz/browse_for_stats/income-and-work/employment_and_unemployment/improving-labour-market-statistics/union-memship-emplymt-agmt.aspx
100. Parental Leave and Employment Protection (Six Months' Paid Leave and Work Contact Hours) Amendment Bill. <http://legislation.govt.nz/bill/member/2015/0051/latest/DLM6545404.html>

Another significant issue is the low level of PPL payments, reinforcing gender inequality. Currently the maximum weekly payment is \$527.72 before tax, only 86.5% of the weekly minimum wage of \$610 (for 40 hours). This does not meet the requirements of ILO Convention C 183 Maternity Protection 2000¹⁰¹.

Access to PPL has recently been improved. Changes to the Parental Leave and Employment Protection Act made in 2016¹⁰² improve access for seasonal, casual and fixed term workers, and link the entitlement to employment rather than a single employer. Research shows that temporary and casual workers have less awareness of their employment rights¹⁰³.

There is no paid paternity or partner leave provision in current legislation. This reinforces the gender division of unpaid caring work. An evaluation in 2006 found that most fathers take some sort of leave around the birth or adoption of a child, but very few take unpaid leave, using their annual leave instead.

There is an urgent need for detailed research and evaluation on whether the current scheme is meeting the objective of the Act, and how well it is providing for the needs of babies, children and employed parents.

FLEXIBLE WORKING ARRANGEMENTS

The most common 'flexible arrangement' for women is part-time work: the 2013 Census showed that women made up 40.9% of full-time workers (30 hours or more a week) and 70.4% of part-time workers, down slightly from 72.1% in 2001. Part-time conditions are generally worse than for full-time work, due to lower pay overall, fewer financial benefits (such as less superannuation and sick or annual leave), fewer training opportunities, and fewer promotion opportunities¹⁰⁴.

Changes to employment legislation in 2014 give the right to request flexible working arrangements to all employees, not only those with caring responsibilities. Employees will also no longer have to be employed for six months before they can request flexible working arrangements, but can ask for these from the start of their employment. Employees will be able to make as many requests as they wish for flexible working arrangements over a 12-month period, rather than the previous restriction to one request per year.

DISADVANTAGEOUS CHANGES TO EMPLOYMENT LEGISLATION

Changes to the Employment Relations Act made in 2014¹⁰⁵ have weakened the employment relations framework and breached the international fundamental rights of freedom of association and collective bargaining (ILO Conventions 89 and 97).

Significant changes remove essential employment protections for the low-paid, mainly female employees working in fields such as cleaning, catering, caretaking, laundry and orderly services.

OCCUPATIONAL SEGREGATION

Occupational segregation is estimated to account for around 30% of the gender pay gap, because of lower pay in occupations where women predominate, and male domination of senior positions. There has been no recent study updating the detailed 2003 5-digit level study of occupational segregation (which has been removed from the Ministry for Women website).

Occupational segregation remains particularly strong in the trades, with manufacturing and construction heavily male-dominated. Overall, the number of female trades trainees has remained relatively static while the number of male trainees has been rising. The proportion of female apprentices decreased from 17% in 2009 to 11% in 2013. Most are in the traditionally female areas of community support, services and hairdressing, where they make up more than 80% of trainees.

MONITORING AND ACTION

No one institution is responsible for comprehensively tracking or monitoring gender disparities in paid work, or for combining these with ethnic disparities, making it difficult, for example, to see what is happening to Māori and Pasifika women in relation to other groups. Some gendered statistics are gathered by government, and employment agencies such as Hays Recruitment also provide some. Limited monitoring is undertaken by the Ministry for Women¹⁰⁶. Current monitoring is piecemeal, with little overview or analysis of the raw data.

The Ministry for Women, in coordination with all other relevant ministries, needs to focus more on issues affecting all women. The recent focus on women in leadership, while worthy, has resulted in neglect of wider issues for women, such as pay equity.

101. ILO. C183 - Maternity Protection Convention, 2000 (No. 183). http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C183

102. *Parental Leave and Employment Protection Amendment Act 2016*. <http://www.legislation.govt.nz/act/public/2016/0008/latest/DLM6553716.html>

103. Dixon, S. 2009. *Profile of temporary workers and their employment outcomes*. Dept of Labour, Wellington. <http://www.mbie.govt.nz/publications-research/research/labour-market-and-skills/temporary-workers.pdf>

104. Bittman M, Hoffman S, Thompson D. 2004. Men's uptake of family-friendly employment provisions. Policy Research Paper No. 22. Canberra: Australian Government Department of Family and Community Services.

105. *Employment Relations Amendment Act 2014*. <http://www.legislation.govt.nz/act/public/2014/0061/latest/DLM5160206.html>

106. NZ. Ministry for Women. 2016.

RECOMMENDATIONS

That the government:

- 11.1** Carry out an independent evaluation of the gendered impact of changes to employment law, and ensure that they do not negatively affect women's employment, trade union and collective bargaining rights.
- 11.2** Make the right to flexible working conditions a statutory right in the Employment Relations Act.
- 11.3** Track and set targets for fully implementing the Equal Pay Act 1972, including equal pay for work of equal value, and addressing the rights of all low-paid workers in female-predominant occupations.
- 11.4** Increase research into a number of aspects of women's employment, including public service occupational distribution and leadership, women's participation at all levels of the professions and business, and women affected by flexible hours contracts.
- 11.5** Target resources to ensure that casual and temporary employees are fully aware of their rights to paid parental leave, and increase PPL payments to meet the ILO standard.
- 11.6** Ratify ILO Convention C 183 on maternity protection, and consider the ratification of ILO Convention 156 on workers with family obligations.

ARTICLE 12 HEALTH

CO para 35. The Committee urges the State party:

- (a)** To review the abortion law and practice with a view to simplifying it and to ensure women's autonomy to choose.
- (b)** To prevent women from having to resort to unsafe abortions and remove punitive provisions imposed on women who undergo an abortion.
- (c)** To take the necessary measures to address the deteriorating mental health situation of young girls, to prevent and combat the abuse of alcohol and use of drugs, and to prevent girls' suicide, especially girls from migrant and minority communities.
- (d)** To increase efforts to improve health-care services, including mental health care, for minority women, especially Māori and Pacific women.
- (e)** To improve access and quality of health services for lesbian women and transgendered persons.
- (f)** To promote widely education on sexual and reproductive health rights, particularly with regard to the prevention of teenage and unwanted pregnancies, and to strengthen measures to support pregnant girls.
- (g)** To take steps to ensure that pregnant women are informed that HIV testing is not mandatory and ensure that, when they are tested, their informed consent is obtained.

ABORTION

In NZ, abortion is still regulated primarily through criminal statute:

- The Crimes Act 1961 and its amendments, which provide the legal grounds for abortion.
- The Contraception, Sterilisation and Abortion Act 1977, covering procedure and administration, including the requirement that two certifying consultants approve each abortion.

No changes have been made to abortion laws to align with the Committee's 2012 recommendations. Pressed on this, the government has recently stated that it has no plans to review these laws.

As in many other developed countries, the NZ abortion rate has been decreasing, from 16.3 per 1000 women aged 15-44 in 2012 to 15.6 in 2013 and 14.4 in 2014. The total number of abortions performed in 2014 was 13,137, the lowest number since 1994 (12,835)¹⁰⁷. Between 2010 and 2014, 1,222 women were denied abortions¹⁰⁸. No information is available as to why the grounds for legal abortion were not met for these women.

While young people comprise a very small proportion of all those obtaining abortions, the most recent Youth Health Survey indicates that in 2012 young people are more likely to delay sexual activity than they were in 2001¹⁰⁹. Overall, contraceptive use has remained consistent in this age group.

While the exact factors contributing to the decreasing abortion rate are unclear, the 2014 statistics highlight disparities in abortion care:

- Only 57% of abortions are done before 10 weeks¹¹⁰, which is extremely low by international best practice standards of 8 weeks or less as optimal for first trimester abortions¹¹¹.
- Only 12% of abortions are medical abortions¹¹², indicating that access to these services is limited and/or not available for women in some regions.
- Overall, 97% of abortions are done under the ground of mental health¹¹³, highlighting the disingenuous system of abortion certification¹¹⁴.
- Māori women are second to Asian women in the ratios for number of abortions by ethnicity (196 induced abortions per 1000 known pregnancies in 2013, compared with 173 for Pākehā women)¹¹⁵. Combined with higher pregnancy and STI rates among teenagers, this indicates the importance of expanding access to high quality, trusted, culturally relevant sexual and reproductive health services and information.

107. Statistics NZ. 2016. *Abortion Statistics: Year ended December 2015*.

http://www.stats.govt.nz/browse_for_stats/health/abortion/AbortionStatistics_HOTPYeDec15.aspx

108. Abortion Supervisory Committee. 2015. Official Information Act request by Adele Redmond, 7 August 2015.

<https://fyi.org.nz/request/2890/response/9332/attach/2/ASC%20OIA%20Response%20Adele%20Redmond.pdf>

109. Clark TC et al. 2016. Changes in the sexual health behaviours of NZ secondary school students, 2001–2012: findings from a national survey series. *Australian and New Zealand journal of Public Health*. 40(4):329-36.

<http://onlinelibrary.wiley.com/doi/10.1111/1753-6405.12543/abstract;jsessionid=126B6ACC785CF3BDC87C55EB900A78CD.f02t03>

110. Abortion Supervisory Committee 2016. *Report of the Abortion Supervisory Committee 2015*.

<https://www.justice.govt.nz/assets/Documents/Publications/asc-annual-report-2015.pdf>

111. WHO: *Safe abortion: technical and policy guidance for health systems, 2nd ed*.

http://apps.who.int/iris/bitstream/10665/70914/1/9789241548434_eng.pdf?ua=1

112. Ibid.

113. Ibid.

114. Research from the UK and the US shows that there is no link between abortion and increased mental health issues.

115. See Abortion Supervisory Committee's 2015 report for ethnicity information for abortion.

<https://www.justice.govt.nz/assets/Documents/Publications/asc-annual-report-2015.pdf>

The unnecessary complexity of our abortion system continues to create longer wait times, increase health risks, and deny choice in terms of abortion procedure.

Lastly, the grounds for abortion are unduly restrictive, denying the myriad reasons someone may seek an abortion, and the language in the Crimes Act¹¹⁶ is discriminatory. For instance, the use of the term 'subnormal' to describe a person with a disability is discriminatory and outdated.

Sexual violation/rape is excluded as independent grounds for abortion. This is extremely concerning, given the high rates of violence against women, particularly Māori women. Research highlights the fact that abortion services are vital to victims of violence, who tend to have less control over their sexual activity and use of contraception, leading to unwanted pregnancies. Abortion services are also a vital area to screen for abuse¹¹⁷.

The ongoing criminalisation of abortion perpetuates abortion stigma, characterising abortion as morally wrong and/or socially unacceptable¹¹⁸. International research has shown that abortion stigma leads to the 'social, medical and legal marginalisation of abortion care and is a barrier to access high quality, safe abortion care'¹¹⁹.

A high quality, patient-centred health system demands that women's reproductive healthcare include abortion services. Abortion must be affordable, easily accessible, equitable and determined by the individual. Allowing abortion to continue to be regulated separately from all other health services creates inequities in care and is discriminatory to women.

PREGNANCY AUTONOMY

Pregnant women are reporting intensifying scrutiny and control of their conduct as a result of increased interest in prenatal life by the judiciary and in government child protection policy. This is leading to criminalisation and other punitive measures which impede access to health care, especially for non-Pākehā women.

Child welfare and protection legislation and policies are being extended to include the pre-natal period, resulting in the initiation of child protection proceedings during that period. For example, the Ministry of Health's new Child Protection Alert System in health care has defined 'child' as including the foetus, leading to the placement of alerts on pregnant women and the initiation of child protection involvement during pregnancy¹²⁰.

Despite there being no statutory rights for foetuses as separate persons in NZ law, there are now a number of examples in which the courts have effectively inferred such rights¹²¹. For example, a 2011 court decision remanded a drug-using pregnant woman in custody in order to protect her 'unborn child', a decision supported by the head of the national child protection agency (then known as Child, Youth and Family)¹²².

Although government efforts to promote healthy and safe pregnancies and the intention of the judiciary to reduce foetal harm are commendable, it is a concern that the prioritisation of foetal protection measures in child protection legislation and policy, along with an accumulation of case law in which foetuses have been granted special rights and protections, is leading to actions and attitudes that undermine pregnant women's fundamental rights to equality, non-discrimination, and access to health care and support services.

Evidence shows that punitive measures related to the conduct of pregnancy create barriers which impede access to health-care and pregnancy-related information, and interfere with individual decision making on health-related issues, infringing the right to health of those experiencing pregnancy.

HEALTH SERVICES FOR TEENAGERS

Teenage pregnancy rates are declining in most regions. Many rural regions of the country have higher teenage pregnancy rates than urban centres. The declining rates are not attributable to any specific initiatives¹²³ or expanded services, with the possible exception of greater access to some forms of long acting reversible contraceptives (LARCs)¹²⁴.

Teenage birth rates have also decreased. They remain higher among Māori: 45 per 1,000 women, compared with 19 per 1,000 among all teenage women¹²⁵. Cultural differences around perceptions and acceptability of teenage pregnancy and parenting are likely to contribute to these differences.

Research has shown that teenage mothers can thrive where policies and programmes offer supportive environments and networks¹²⁶. However, stigma and discrimination impact on teenage mothers' access to education and support services. Research¹²⁷ indicates that among young single mothers aged 15-24, only about 25% are engaged in education, leaving an estimated 2,500 young mothers aged 15-19 not engaged in education, employment or training.

Contraceptive use among teens has not changed during the past decade. Condom use among teens remains inconsistent, with less than 50% reporting always using a condom to prevent STIs¹²⁸.

The NZ rates of sexually transmitted infections (STIs) are high and disparities exist. Māori females aged 15–19 years had the highest chlamydia rate in 2014, more than twice the national rate. Rural communities have high rates of chlamydia and gonorrhoea¹²⁹.

116. Crimes Act 1961. http://www.legislation.govt.nz/act/public/1961/0043/latest/DLM327382.html?search=ta_act_C_ac%40ainf%40anif_an%40bn%40rn_25_a&p=6
117. Aston G, Bewely S. 2009. Review abortion and domestic violence. *The Obstetrician and Gynaecologist*, 11: 163-68. <http://onlinelibrary.wiley.com/doi/10.1576/toag.11.3.163.27500/pdf>
118. Definition comes from the Sea Change Program. <http://seachangeprogram.org/our-work/abortion-stigma-defined/>
119. Ibid.
120. Wall T. 2010. *Critics warn on pregnant mother alerts*. <http://www.stuff.co.nz/national/health/4450133/Critics-warn-on-pregnant-mother-alerts>
121. McCulloch A. 2012. The rise of the fetal citizen. *Women's studies journal*, 26(2): 17-25. <http://www.wsanz.org.nz/journal/docs/WSJNZ262McCulloch17-25.pdf>
122. Steward I. 2011. *Lawyer acts to aid unborn baby*. <http://www.stuff.co.nz/national/4598137/Lawyer-acts-to-aid-unborn-baby>
123. National Institute of Demographic and Economic Analysis. 2014. *Current trends for teenage births in New Zealand*. http://www.superu.govt.nz/sites/default/files/Teen_Births_Report_0.pdf
124. Abortion Supervisory Committee 2016. *Report of the Abortion Supervisory Committee 2015*. <https://www.justice.govt.nz/assets/Documents/Publications/asc-annual-report-2015.pdf>
125. Statistics NZ. 2016. Age-specific fertility rates by 5 year age group (Māori and total population). <http://www.stats.govt.nz/infoshare/SearchPage.aspx>
126. Collins B. 2010. *Resilience in teenage mothers: A follow-up study*. Ministry of Social Development. <https://www.msd.govt.nz/documents/about-msd-and-our-work/publications-resources/research/sole-parenting/resilience-in-teenage-mothers.pdf>
127. Molloy S, Potter D. 2014. *NEET by choice? Investigating the links between motherhood and NEET status*. Ministry for Women. http://women.govt.nz/sites/public_files/LEW%20paper%20on%20motherhood%20and%20NEET%20status-111214.pdf
128. Clark TC et al. 2013. *Youth'12 Overview: The health and wellbeing of NZ secondary school students in 2012*. University of Auckland. <https://www.fmhs.auckland.ac.nz/assets/fmhs/faculty/ahrg/docs/2012-overview.pdf>
129. Institute of Environmental Science and Research Ltd. 2015. *Sexually Transmitted Infections in NZ: Annual Surveillance Report 2014*. https://surv.esr.cri.nz/PDF_surveillance/STISurvRpt/2014/FINAL2014AnnualSTIReport.pdf

Sexuality Education

The 2007 review of sexuality education¹³⁰ found inconsistent implementation of the sexuality curriculum, including limited provision of information about contraception and STI prevention. Only 23% of schools reported teaching about contraception, and 30% reported teaching about STIs.

In 2015 the Ministry of Education released a revised guide¹³¹ which states that sexuality education sits within the broader area of relationship education, which also includes social and emotional learning (SEL), and violence prevention education. The guide directly addresses issues of consent, coercion, and cultural differences.

Sexuality education needs to be culturally appropriate for Māori, empower young Māori and increase Māori whānau and community control of health and rights. The guide includes examples of Māori and Pasifika models and protocols for consulting with parents and school communities.

As noted under Article 6, there is no required teaching around consent and sexual violence prevention. Although sexuality education is a compulsory part of the health curriculum, schools are still free to decide how they teach it. The law specifically requires the board of trustees to consult about this area of the curriculum every two years with the school's community, including parents, who can have their children excluded from sexuality education¹³².

Availability of Long-acting Reversible Contraceptives (LARCs)

While there is increased use of LARCs, the government fully subsidises only two, the copper IUD and the Jadelle implant. People who want to use a hormonal IUD, such as Mirena, or other LARC methods, must pay significant costs, making other options unaffordable for many.

Recent research¹³³ exploring access to contraception for Māori teenage mothers found that there was insufficient information provided about contraception and side effects, limited access to LARCs, and inadequate follow-up and coordination of services, all of which created barriers to initiating and maintaining effective contraception.

Cervical Screening and HPV Immunisation

NZ has a world-leading cervical screening programme and a comprehensive school-based HPV immunisation programme. Māori and Pasifika girls have the highest rates of HPV vaccination through a national immunisation programme, which should help address equity gaps in cervical cancer incidence and mortality in future¹³⁴.

However, cervical cancer disparities exist. Based on 2012 data, Māori women have a mortality rate from cervical cancer 2.5 times the non-Māori rate¹³⁵. Breast cancer is the most common cancer for NZ women; Māori and Pasifika women are at greater risk of mortality from breast cancer than European and Asian women¹³⁶.

SEXUAL ORIENTATION AND GENDER IDENTITY (SOGI)

Communities of diverse gender identities and sexual orientations continue to experience stigma and barriers to high quality healthcare, particularly access to unbiased, non-discriminatory care. The lack of population based data¹³⁷ reflects wider social marginalisation and invisibility, leading to ineffectual policy and delivery responses¹³⁸.

For those who live and work in these communities, the reality of ongoing discrimination is palpable, as shown in the joint submission by the Sexual Orientation, Gender Identity and Intersex (SOGII) UPR Coalition to the Human Rights Commission's 2014 Universal Periodic Review¹³⁹. About 40% of transgender students had not been able to access healthcare when they needed it¹⁴⁰.

The lack of robust and consistent population-based data on sexual orientation and gender identity serves to exacerbate ongoing invisibility within the healthcare system. Social and health issues, such as self-harm, suicide, mental ill-health, bullying, unwanted sexual experiences and violence, are under-reported or hidden as a result of state organisations not taking a consistent approach to collecting and utilising this information. This leads to a self-perpetuating cycle of marginalisation, whereby there is limited data to help inform policies that could improve outcomes.

HEALTH LITERACY

A Ministry of Health report¹⁴¹ finds that NZ health literacy is low, particularly among young people, and lower among Māori than non-Māori. In the 16-18 age group, 87.1% of Māori have low health literacy (levels 1 and 2), as do 69.1% of non-Māori.

130. NZ. Education Review Office. 2007. *The Teaching of Sexuality Education in Years 7-13*. http://women.govt.nz/sites/public_files/The%20Teaching%20of%20Sexuality%20Education%20in%20Years%207%20to%2013.pdf
131. NZ. Ministry of Education. 2015. *Sexuality education: a guide for principals, boards of trustees, and teachers*. <http://health.tki.org.nz/Teaching-in-HPE/Policy-guidelines/Sexuality-education-a-guide-for-principals-boards-of-trustees-and-teachers>
132. Revised guidelines on sexuality education in schools released. <https://nzfvc.org.nz/news/revised-guidelines-sexuality-education-schools-released>
133. Lawton, B. et al. 2016. E Hine: access to contraception for indigenous Māori teenage mothers. *Journal of primary health care*, 8(1): 52-59. <http://www.publish.csiro.au/hc/pdf/HC15021>
134. NZ. Ministry of Health. 2017. *Final Dose HPV Immunisation [stet] Coverage All DHBs: girls born between 1990 and 2002*. http://www.health.govt.nz/system/files/documents/pages/hpv_selected_cohorts_all_dhbs_31_dec_2016_final_for_web.pdf
135. Ibid.
136. Breast Cancer Foundation New Zealand. [nd]. <http://nzbcf.org.nz/Whosmostatrisk.aspx>
137. The lack of population based data has the potential to change, given that Statistics NZ introduced a 'gender diverse' category for data collection in 2015. However, the requirement to offer more than two genders for collection purposes is not mandatory across government agencies, with the potential for gaps to persist.
138. NZ. Human Rights Commission. 2008. *To be who I am: The inquiry into the discrimination experienced by transgender people*. https://www.hrc.co.nz/files/5714/2378/7661/15-Jan-2008_14-56-48_HRC_Transgender_FINAL.pdf
139. <https://www.hrc.co.nz/your-rights/human-rights/our-work/universal-periodic-review/civil-society-and-ngo-submissions>
140. Youth Health Survey 2012. *Youth'12: Fact Sheet about Transgender Young People*. <https://cdn.auckland.ac.nz/assets/central/about/news-events-notices/news/2014-news/1UOAYouth'12%20transgender%20young%20people%20fact%20sheet.pdf>
141. Ministry of Health 2010. *Kōrero Mārama: Health literacy and Māori results from the 2006 Adult Literacy and Life Skills Survey*. <http://www.health.govt.nz/publication/kōrero-mārama-health-literacy-and-māori-results-2006-adult-literacy-and-life-skills-survey>

ACCESS TO PRIMARY HEALTH CARE

There is a strong link between socio-economic deprivation and unmet need for primary health care¹⁴². There is no consistency of access to high quality, confidential, culturally competent sexual and reproductive health services across communities or regions. Sexual and reproductive health services are obtained through a range of providers with varying capacity and competence to address the full range of sexual and reproductive health needs of all people.

Women are more likely than men (32% compared with 22% of men) to have an unmet need for primary health care¹⁴³.

Adults living in the most deprived regions are more than four times as likely to have not collected a prescription because of cost, compared with people living in less deprived areas¹⁴⁴. This has particular relevance for women, who may obtain contraception through a prescription. While data is limited, evidence suggests the majority of women use prescription oral contraceptives¹⁴⁵.

For the first time, a national sexual and reproductive health action plan is being developed by the Ministry of Health, in partnership with the sexual and reproductive health sector. There is an expectation that the plan will provide needed national leadership and direction for the equitable provision of sexual and reproductive health services and information. The plan is still under development, and there does not appear to be an intention to provide any additional resources to realise the plan.

Social determinants are now recognised by leading international and domestic health organisations as the most important determinant of health outcomes¹⁴⁶. While social determinants feature in the NZ Health Strategy, there has not been a coordinated government approach to addressing them. The government has made little or no progress on underlying factors contributing to health disparities, including income and wealth, access to health care, health literacy, and educational outcomes.

By failing to take action to improve the sexual and reproductive health of girls and acknowledge the impact of sexual and reproductive health on participation in education, the government has not adequately addressed the CEDAW Committee's recommendation to reduce school dropout rates among Māori girls. Nor has it made adequate efforts to improve health care services and education for Māori and Pasifika women and teenagers, lesbian and transgender people, and to ensure that rural women have adequate access to sexual and reproductive health services.

RECOMMENDATIONS

That the government:

Abortion

- 12.1** Review abortion law, with a view to removing abortion from the Crimes Act 1961 and integrating it into reproductive and sexual healthcare. This would include shifting governmental oversight for abortion from the Ministry of Justice to the Ministry of Health.
- 12.2** Fund research on abortion care, funding and stigma, with a view to improving health outcomes.
- 12.3** Publicly respond to ongoing abortion stigma by including abortion in the comprehensive reproductive and sexual health and rights action plan being developed, and launching an anti- stigma campaign.

Health Services for Young Women, Māori, Pasifika, Lesbian and Transgender Women and Rural Women

- 12.4** Finalise the national sexual and reproductive health action plan, and ensuring it is resourced and endorsed by relevant Ministers.
- 12.5** Provide resources and leadership to improve consistent access to reproductive and sexual health services, particularly for young people, Māori and Pasifika, sexual orientation and gender identity diverse communities and rural communities.
- 12.6** Address social determinants contributing to poor sexual and reproductive health outcomes, including high rates of gender-based violence, poverty, discrimination and stigma.
- 12.7** Promote consistent delivery of the sexuality education curriculum by ensuring adequate support and professional learning and development for teachers and educational leaders, alongside partnerships with parents and the community.
- 12.8** Standardise reporting on sexual orientations and gender identity, and conducting research into the health and well-being of SOGI communities who face significant health disparities (particularly Māori, Pasifika, disabled and older people).

Pregnancy autonomy

- 12.9** Review laws, policies and practices to ensure pregnant women can access health care without stigma and discrimination.

- 142.** Youth Health Survey 2012. *Youth'12: Fact Sheet about Transgender Young People*. <https://cdn.auckland.ac.nz/assets/central/about/news-events-notices/news/2014-news/1UOAYouth'12%20transgender%20young%20people%20fact%20sheet.pdf>
- 143.** Ibid.
- 144.** Ministry of Health 2016. *Annual Update of Key Results 2015/16: NZ Health Survey*. <http://www.health.govt.nz/publication/annual-update-key-results-2015-16-new-zealand-health-survey>
- 145.** Chesang J. et al. 2016. Prevalence of contraceptive use in NZ women. *New Zealand Medical Journal*, 129 (1444): 58-67. <https://www.nzma.org.nz/journal/read-the-journal/all-issues/2010-2019/2016/vol-129-no-1444-28-october-2016/7048>
- 146.** Royal College of Paediatrics and Child Health. 2017. *State of Child Health Report 2017*. <http://www.rcpch.ac.uk/system/files/protected/page/SoCH%202017%20UK%20web%20updated>

ARTICLE 13

ECONOMIC AND SOCIAL LIFE

CO para 37. The Committee recommends that the State party:

- (a) 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 with regard to their access to education, employment and health-care services.
- (b) Ensure that the ongoing welfare reforms do not discriminate against disadvantaged groups of women and that an independent evaluation of their gendered impact is made.
- (c) 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.

WOMEN WITH DISABILITIES

The 2013 Census¹⁴⁷ figures indicate that 24% of the population, both male and female, report a disability. There is no disaggregated data or analysis relating to how women with disabilities are faring in comparison to men with disabilities, or in comparison to women without disabilities. There is also no analysis of potential or actual barriers to access for people with disabilities, let alone women with disabilities.

Domestic violence legislation does not cover all situations in which disabled women live. Women's refuges are inaccessible and do not have support services for women with disabilities. There is only one refuge for women with disabilities in NZ.

Women with Disabilities in the Workforce

Women with disabilities are less likely to have paid work, are concentrated in low-paying occupations and have incomes below the female average. The Minimum Wage Act 1983¹⁴⁸ provides that inspectors from the Ministry of Business, Innovation & Employment may issue minimum wage exemption permits for workers who are limited by a disability in carrying out the requirements of their work. There is anecdotal evidence that the legislation has been used to exclude workers with disabilities from equal remuneration with non-disabled workers.

Forced Sterilisation

Forced sterilisation is still legal in NZ. The Protection of Personal and Property Rights Act 1998¹⁴⁹ enables application to be made to the Court for sterilisation of intellectually disabled women without their consent.

WOMEN AND THE NEW SOCIAL WELFARE REGIME

As in 2012, vulnerability to poverty is still the major economic issue facing NZ women, particularly sole mothers, and is worst among Māori and Pasifika women. This has been exacerbated by rapidly rising house prices and rents, stemming in part from severe housing shortages, particularly of affordable social housing. There are many instances of serious overcrowding, and desperate families living in garages or even their cars¹⁵⁰. The benefit system is no longer preventing serious poverty, particularly among women and their children.

Both state and NGO reports consistently show that sole parents and their children are the households most at risk of income poverty¹⁵¹. Of the 28% of children living in poverty in 2015, around 58% lived with sole parents. Material hardship among sole parents themselves is not measured, but in 2015, 70% of the 17% of children living in severe hardship were from sole parent families¹⁵².

A benefit system originally designed to keep those in need out of poverty has become so complex and punitive that it now traps many women, especially sole parents, in long-term poverty and hardship. As the 2014 shadow report emphasised, reducing the number of sole parents on benefits has been a particular objective of the welfare reforms.

It is clear that there is a high return rate among those who go off benefit¹⁵³. There is no official research on what happens to sole parents who cease to receive Sole Parent Support (SPS). Nor is there any in-depth attention being paid to the struggle to find suitable, stable paid work which can be sustainably and successfully combined with child-rearing.

Other Forms of State Support

Parents with enough paid work and a low enough income can obtain other forms of state support. Again, relationships matter. The In Work Tax Credit (IWTC) can be paid to a mother while she is in a relationship, even if she is not in paid work, providing her partner is in paid work for at least 30 hours and they meet the income criteria. If they split up, even if they both remain independent from the benefit system, she loses entitlement to the IWTC and is liable for repaying any calculated overpayment from the previous year.

147. Statistics NZ. 2013 Census. <http://www.stats.govt.nz/Census/2013-census.aspx>

148. *Minimum Wage Act 1983*. <http://www.legislation.govt.nz/act/public/1983/0115/latest/DLM74093.html>

149. *Protection of Personal and Property Rights Act 1998*. <http://www.legislation.govt.nz/act/public/1988/0004/61.0/DLM126528.html>

150. See for example NZ Herald 16 May 2016. More living in cars as rents go through roof. http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11639576

151. Using the poverty definition of household income below 60% of the contemporary median income, after housing costs.

152. Simpson J. et al. 2016. *Child Poverty Monitor Technical Report*. New Zealand Child and Youth Epidemiology Service, University of Otago, Dunedin. <http://www.nzchildren.co.nz>

153. In 2013, 44% of returning beneficiaries had been off a benefit for less than one year; possible causes included seasonal work, casual work and the impacts of the 90 day trial periods. See Ministry of Social Development. 2014. *Work and income: 2013 benefit system performance report for the year ended 30 June 2013*. <http://www.msd.govt.nz/documents/about-msd-and-our-work/publications-resources/evaluation/investment-approach/2013-benefit-system-performance-report.pdf>

Sole mothers can get the IWTC only if they have paid work for at least 20 hours every week. Weekly hours change often in the low-paid part-time and/or casual work common among sole parents. If hours rise, mothers may incur overpayment debts. If hours drop below 20, they lose the IWTC, and may then have to apply or reapply for SPS instead.

Repaying Student Loans

Sole mothers on SPS face a complex clawback regime which can rise to more than 100% once they earn more than \$200 gross a week. This amount is not inflation-adjusted. Student loan repayment begins when income reaches just over \$19,000, regardless of supporting children. For sole parents on a benefit, a small amount of part-time earnings activates repayment, putting many women into a vicious poverty trap and discouraging them from getting qualifications¹⁵⁴.

EFFECTS OF THE CHRISTCHURCH EARTHQUAKE

Results from the September 2015 Canterbury Wellbeing Survey¹⁵⁵ indicate that women have continued to suffer higher degrees of stress, anxiety and depression. Confidence in the government's recovery decisions has decreased and levels of stress have not improved. In particular, women still report that they are experiencing high levels of negative impacts from unresolved insurance claims. No gender impact analysis has been carried out on the government's recent decision to disestablish the Canterbury Earthquake Recovery Authority. It remains unclear whether the various local bodies and agencies now charged with leading recovery efforts will be held accountable for reporting on the gender impact of their decision-making.

RECOMMENDATIONS

That the government:

Women with Disabilities

- 13.1** Develop an Action Plan for Women with Disabilities.
- 13.2** The NZ Disability Survey should comprise gender disaggregated data and include statistics on abuse of disabled people.
- 13.3** Extend independent advocacy programmes to women with disabilities throughout NZ.
- 13.4** Ensure that legislative reforms be written in terms that make no distinction between disabled and non-disabled people.
- 13.5** Ensure that throughout the country there are residential facilities suitable for people with disabilities under the age of 65 years, and for those over 65 who are men.
- 13.6** Tally active and socially aware, as well as for young disabled people requiring respite care.
- 13.7** Reinstate the link between building modifications and improved accessibility in building regulations.
- 13.8** Ensure that the Disability Allowance be made available as of right to all disabled people, regardless of employment or marital status, at a realistic, regularly inflation adjusted amount.

Sole Parent

- 13.9** Undertake urgent research into the reasons for the high levels of poverty and hardship among sole parents, both on and off SPS, and devise effective policies to reduce these levels.
- 13.10** Undertake an urgent inquiry into how the extremely complex rules now governing the benefit system can be simplified, in order to ensure that it can be fairly administered and sole parents can obtain the financial support required to carry out their important unpaid childcare work sustainably.
- 13.11** Raise the levels of earnings permissible to beneficiaries before incurring high clawbacks, to ensure these take account of the substantial inflation since they were last altered.

Earthquake

- 13.12** Provide appropriate funding of mental health and well-being services to meet current and increased requirements after a natural disaster.

154. St John S. 2015. Women second class students in the neoliberal world, *The Daily Blog*, 7 Oct. <http://thedailyblog.co.nz/?x=5&y=2&s=Women+second+class+students>

155. Nielsen. *Wellbeing Survey September 2015*. Canterbury Earthquake Recovery Authority. <https://www.cph.co.nz/wp-content/uploads/cerawellbeingsurveysept2015.pdf>

ARTICLE 14

RURAL WOMEN

Rural women face a number of well-recognised barriers that may be preventing them from achieving the same level of education, employment and health outcomes as their urban counterparts.

The results of a recent literature review conducted by the University of Otago suggest that rural women experience¹⁵⁶:

- Poorer access to early detection and screening diagnostic interventions and treatments, including cardiac investigations, CT scanning diagnostics and screening for breast cancer.
- Less exposure to primary medical care, due to geographical barriers to access and a shortage of primary health care professionals in rural areas (the ratio of general practitioners to patients in rural areas remains significantly lower than in urban areas)¹⁵⁷.
- Higher rates of advanced stage breast cancer and greater mortality rates from some diseases.

The report also cites evidence to suggest that rural women are currently experiencing:

- Higher rates of mental health concerns related to the Canterbury earthquake - results from the most recent September 2015 Canterbury Wellbeing Survey indicate that women continue to suffer higher degrees of stress, anxiety and depression¹⁵⁸. (See Article 13.)
- Higher rates of unreported domestic violence.

VIOLENCE AND ABUSE

In 2015, 1,059 women and children living in isolated rural areas accessed refuge services¹⁵⁹. While there is a lack of NZ research on this issue, the structural and cultural conditions that lead to under-reporting in rural areas have been well recognised by studies carried out in comparable jurisdictions^{160 161}.

Rural women may have limited access to police protection in small towns where the sole charge male police officer socialises with the perpetrators of violence. The availability of firearms and poisons also contribute to 39% of rural women experiencing violence (compared with 33% of urban women). In the rural sector, it is sometimes easier to get a prosecution on animal welfare than on family violence.

Other identified factors include:

- Limited access to safe houses in rural communities – inadequate funding for Women’s Refuge Services has halted efforts to increase the number of safe houses and outreach services in rural communities.
 - Social isolation through distance from childcare, neighbours, family and friends.
 - Lack of cell-phone coverage, preventing women from being able to dial 111 or to access the Women’s Refuge crisis line.
 - Concerns about the financial and ownership implications of reporting abuse, due to having to leave the family/farm – many farms and rural businesses are set up under family trusts, often multigenerational¹⁶².
-

LACK OF POLITICAL ENGAGEMENT

No formal mechanism is in place requiring the government to deliver on its claim that policy is implemented taking into account the potential implications for people living and working in rural areas. All government initiatives should have to pass a rural impact assessment before being passed into legislation.

INSUFFICIENT RESEARCH

Better research and examination of outcomes in rural areas is urgently required, to understand not only the challenges but also the positives for rural women and to better inform government funding and planning for this group.

ACCESS TO EDUCATION, EMPLOYMENT AND HEALTHCARE SERVICES

The government has made few or no significant gains in addressing the challenges rural women face in accessing basic health, education and employment.

The economic burden of tertiary study continues to be much greater for rural women. Major tertiary centres are distant, with limited funding incentives to reach into rural communities. Problems with internet connectivity in rural areas also compound these issues. Rural women who overcome these barriers by relocating and travelling long distances must do so at their own financial expense, and do not qualify for additional government assistance.

It is now clear that the withdrawal of funding from Adult Community Education classes in 2010 has clearly reduced learning opportunities for rural women. The number of female enrolments has fallen from 49,765 in 2007 to 16,670 in 2014¹⁶³. The informal learning these classes offered is vital in rural areas, providing women with opportunities to develop important life skills, including basic literacy and numeracy. (See Article 10).

Access to women's health services continues to remain an issue. While mobile breast screening services have improved accessibility in rural areas, women who do not qualify for a free mammogram still must travel to receive this service, as they cannot opt to pay for the mobile service. This is an urgent issue, particularly as rural women continue to have significantly higher proportions of more advanced breast cancer, including metastatic cancer,

¹⁵⁶. Doolan-Noble, F. 2016. Comparison of rural v urban health in New Zealand. Paper prepared for the Rural Health Alliance Conference.

¹⁵⁷. Cumming J et al. 2014. New Zealand health system review. *Health Systems in Transition*, 4(2). http://www.wpro.who.int/asia_pacific_observatory/hits/series/Nez_Health_Systems_Review.pdf

¹⁵⁸. Canterbury Earthquake Recovery Authority. 2014. *Canterbury Wellbeing Index June 2015*. CERA.

¹⁵⁹. National Collective of Independent Women's Refuges 2015. Statistical report 2014-15. In: Women's Refuge annual report 2014-2015, p. 23-25. <https://womensrefuge.org.nz/wp-content/uploads/2015/11/Domestic-violence-statistics-NZ.pdf>

¹⁶⁰. Wendt S, Chung D, Elder A, Bryant L. 2015. Seeking help for domestic violence: Exploring rural women's coping experiences. *Landscapes: State of Knowledge*, 4. http://anrows.org.au/sites/default/files/4_1%203%20LandscapesRuralWomen%2014%207%202015.pdf

¹⁶¹. Ibid.

¹⁶². Brackebush J. 2016. *How one rural woman escaped an abusive marriage*. <http://www.radionz.co.nz/news/national/297696/how-one-rural-woman-escaped-an-abusive-marriage>

¹⁶³. Ministry of Education 2015. Statistics relating to participation in non-formal learning, including Adult and Community Education. <https://www.educationcounts.govt.nz/statistics/tertiary-education/participation>

than urban women¹⁶⁴. The convoluted nature of abortion law continues to create barriers for rural women in accessing abortion services¹⁶⁵. (See Article 12.)

The increasing number of rural women caring for elderly family members without adequate support is also a growing concern. The government's policy of encouraging the elderly to 'age in place' has led to increased numbers requiring extended care. The shortage of specialist respite and rehabilitation services in rural and remote areas places considerable strain on family members, usually female, who must provide full-time care.

Employment opportunities for rural women cluster in lower-earning female-predominant occupations, controlled by major employers in the education and health care sectors. Changes to the Employment Relations Act in 2014¹⁶⁶, making collective bargaining more difficult, worsen working conditions for these women. A particular area of concern is working conditions for those employed in the rural homecare industry (94% of whom are women). Under present conditions, many of these homecare workers effectively earn below minimum wage, because District Health Boards (DHBs) are not reimbursing them for their actual travel costs. NGOs have advocated for urgent implementation of a policy for rural home support workers, which would require all DHBs to take a consistent and fair approach to travel reimbursement. This has been a long and difficult process, with the government expressing reluctance to take any action.

RECOMMENDATIONS

- 14.1 All government initiatives should have to pass a rural impact assessment before being passed into legislation.
- 14.2 The government should fund research in rural areas taking into account the impact on rural women.
- 14.3 The government should address the issue of access to education, employment and health services for rural women.

ARTICLE 15 LEGAL

Significant legal issues for women are covered in various sections of this report:

- **Legal Aid:** See Article 2.
- **Domestic Violence and Protection Orders:** See Article 6.
- **Pay and Employment:** See Article 11.
- **Abortion:** See Article 12.
- **Benefit System:** See Article 13.
- **Underage and Forced Marriages:** See Article 16.

ARTICLE 16

MARRIAGE AND FAMILY LIFE

CO para 39. The Committee recommends that the State party:

- (a) Revise the legal minimum age of marriage to 18 years without any exceptions for parental consent.
- (b) Introduce legal measures to prohibit underage and forced marriages and promote measures to protect women affected by polygamy and dowry related violence.

UNDERAGE AND FORCED MARRIAGES

No change is proposed to the provisions allowing people aged 16 or 17 to marry with parental consent. As noted under Article 5, changes making it an offence to coerce, threaten or intimidate someone into marriage were being considered in June 2016.

MARRIAGE EQUALITY

In April 2013, the Marriage (Definition of Marriage) Amendment Act 2013¹⁶⁷ became law, enabling marriages between two people 'regardless of their sex, sexual orientation, or gender identity'. As a result of this legislation, married same sex couples are recognised as 'spouses' under the Adoption Act 1955¹⁶⁸ and therefore are eligible to jointly adopt a child.

- 164.** Seneviratne, S. et al. 2016. Stage of breast cancer at diagnosis in NZ: impacts of socio-demographic factors, breast cancer screening and biology. *BMC Cancer* 16: 129. <http://download.springer.com/static/pdf/49/art%253A10.1186%252Fs12885-016-2177-5.pdf?originUrl=http%3A%2F%2Fbmccancer.biomedcentral.com%2Farticle%2F10.1186%2Fs12885-016-2177-5&token=exp=1462851204~acl=%2Fstatic%2Fpdf%2F49%2Fart%25253A10.1186%25252Fs12885-016-2177-5.pdf~-hmac=eb4a6f5643c139287bd581594f2e4ea3f0a36dfb289591e9f8b05f4107c7124a>
- 165.** Cumming J et al. 2014. New Zealand health system review. *Health Systems in Transition*, 4(2). http://www.wpro.who.int/asia_pacific_observatory/hits/series/Nez_Health_Systems_Review.pdf
- 166.** *Employment Relations Amendment Act 2014*. http://www.legislation.govt.nz/act/public/2014/0061/latest/DLM5160206.html?search=ta_act_E_ac%40ainf%40anif%40aaif_ac%40bn%40rn_25_a&p=4
- 167.** *Marriage (Definition of Marriage) Amendment Act 2013*. http://www.legislation.govt.nz/act/public/2013/0020/latest/DLM4505003.html?search=ta_act_M_ac%40ainf%40anif%40aaif_ac%40bn%40rn_25_a&p=6
- 168.** *Adoption Act 1955*. <http://www.legislation.govt.nz/act/public/1955/0093/32.0/DLM292661.html>

CONCLUDING OBSERVATIONS

PARAGRAPHS

40-43

CONCLUDING OBSERVATIONS PARAGRAPHS 40-43

BEIJING DECLARATION AND PLATFORM FOR ACTION

CO para 40. The Committee urges the State party, in the implementation of its obligations under the Convention, to fully utilize the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.

As there is no government action plan for women, it is difficult to find evidence of promotion for the Beijing Platform for Action.

MILLENNIUM DEVELOPMENT GOALS

CO para 41. The Committee emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and an explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.

There appears to be no government direction on meeting the Sustainable Development Goals. Some individual government agencies are working on specific goals.

DISSEMINATION

CO para 42. The Committee requests the wide dissemination in NZ of the present concluding observations in order to make the people, government officials, politicians, parliamentarians and women's and human rights organizations aware of the steps that have been taken to ensure the de jure and de facto equality of women, as well as the further steps that are required in this regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly on the theme "*Women 2000: gender equality, development and peace for the twenty-first century*".

There has been no wide dissemination and discussion of the Concluding Observations, Beijing Platform for Action, Women 2000, or Sustainable Development Goal 5 Achieve gender equality and empower all women and girls. It has been left to NGOs to promote gender equality and women's rights among the wider community.

RATIFICATION OF OTHER TREATIES

CO para 43. The Committee notes that the adherence of the State party to the nine major international human rights instruments would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to consider ratifying the treaties to which it is not yet a party, i.e. the International Convention for the Protection of All Persons from Enforced Disappearance and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

RECOMMENDATIONS

That the government:

- CO 1** Sign and ratify both the International Convention for the Protection of All Persons from Enforced Disappearance and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
- CO 2** Work with civil society to ensure compliance with the SDGs.

APPENDIX 1

RECOMMENDATIONS

Article 1 Definition of Discrimination

That the government:

- 1.1 Ensure that all levels of government are operating in compliance with CEDAW.
- 1.2 Ensure that there is a resourced process for women nationally to discuss issues relating to CEDAW.

Article 2 Elimination of Discrimination

- 2.1 There should be a review of the legal aid system to ensure that it is accessible to those currently disadvantaged.

Article 3 Development and Advancement of Women

- 3.1 Targeted policies and programmes should be developed to improve migrant women's opportunities for higher education, senior leadership and management roles.

Article 4 Positive Discrimination and Special Measures

- 4.1 That where significant gaps are shown to be persistent, the government introduce temporary special measures to address the imbalance of women in public and political life.
- 4.2 That the government fund the Human Rights Commission to continue the Census of Women's Participation.

Article 5 Social and Cultural Patterns

That the government:

- 5.1 Encourage and promote better codes of practice relating to the media and gender.
- 5.2 Increase funding for resources, including media campaigns, offered by non-governmental organisations to prevent violence.
- 5.3 Allocate funds for informal education programmes on cyberbullying, taking into account the special needs of migrant groups.

Article 6 Exploitation of Women

- 6.1 That a sustainable, secure funding system be established for agencies responding to violence against women.
 - 6.2 That the support for agencies working with Māori, ethnic minority, migrant and refugee women be reviewed to ensure that adequate and appropriate cultural, legal and psychosocial services can be provided.
-

- 6.3 That development of initiatives, strategy and policy provide real opportunities for NGO input at all levels of governance.
- 6.4 That a national victimisation survey, which collects information about gender, ethnicity, sexuality, age and disability, be introduced to drive better responses to family, partner and sexual violence.
- 6.5 That all government administrative data and reports be disaggregated by gender, ethnicity, sexuality, disability and age.
- 6.6 That funding for primary prevention be substantially increased, including a national prevention campaign, and mandatory consent education in secondary schools.
- 6.7 Mechanisms that enforce legislative protections for women experiencing violence should be monitored.
- 6.8 That recommendations from recent Law Commission and Social Services Select Committee reports be fully funded and implemented.
- 6.9 That comprehensive research be undertaken into underage prostitution and forced prostitution or trafficking.
- 6.10 That specialist services and initiatives to connect with and provide protection for victims of commercial sexual exploitation and trafficking, including underage girls, be developed and made available.

Article 7 Participation in Political and Public Life

- 7.1 That the government introduce Employment Equity legislation requiring the state sector to report annually to Parliament on its progress in increasing the number of women in senior positions, the legislation to include adequately resourced monitoring provisions.
- 7.2 That the Ministry for Women be tasked and resourced to develop an Action Plan for Women, including gender budgeting, including the goal of achieving a 20% lift on 2016 levels each year from 2017, to reach gender equality in the public and private sectors no later than 2025.

Article 8 International Representation and Participation

- 8.1 That there should be funded NGO representation on the official delegations to CSW or other relevant international meetings.

UNSCR 1325

- 8.2 That the Ministry for Women include monitoring of the National Action Plan on Women, Peace and Security among its core business.
 - 8.3 That MFAT ensure NZ women are deployed as peacekeepers and police in all overseas missions, while noting that NZ's contribution to UN peacekeeping operations is at an all-time low.
 - 8.4 That the government allocate resources, both monetary and human, to implement new policies, training and accountability mechanisms in order to make meaningful progress on the women, peace and security agendas.
-

Convention on the Rights of Persons with Disabilities (CRPD)

- 8.5** That NZ become a signatory to the Optional Protocol to the Convention on the Rights of Persons with Disabilities (CRPD).

Article 10 Education

That the government:

Early Childhood Education and Care

- 10.1** Prioritise the funding for, and support of, quality in all the diverse ECEC services.

Compulsory Schooling

- 10.2** Require all schools to follow the NZ curriculum.
- 10.3** Put in place a programme of work that specifically addresses the gender disparities in thematic subject choices at school.
- 10.4** Fund state schools sufficiently so that voluntary donations are not required.

Tertiary and Adult Education

- 10.5** Support initiatives clearly addressing gender disparities in tertiary areas of study, with specific gender-related actions, clear and measurable targets, regular monitoring and a system of evaluation.

Article 11 Employment

That the government:

- 11.1** Carry out an independent evaluation of the gendered impact of changes to employment law, and ensure that they do not negatively affect women's employment, trade union and collective bargaining rights.
- 11.2** Make the right to flexible working conditions a statutory right in the Employment Relations Act.
- 11.3** Track and set targets for fully implementing the Equal Pay Act 1972, including equal pay for work of equal value, and addressing the rights of all low-paid workers in female-predominant occupations.
- 11.4** Increase research into a number of aspects of women's employment, including public service occupational distribution and leadership, women's participation at all levels of the professions and business, and women affected by flexible hours contracts.
- 11.5** Target resources to ensure that casual and temporary employees are fully aware of their rights to paid parental leave, and increase PPL payments to meet the ILO standard.
- 11.6** Ratify ILO Convention C 183 on maternity protection, and consider the ratification of ILO Convention 156 on workers with family obligations.

Article 12 Health

That the government:

Abortion

- 12.1 Review abortion law, with a view to removing abortion from the Crimes Act 1961 and integrating it into reproductive and sexual healthcare. This would include shifting governmental oversight for abortion from the Ministry of Justice to the Ministry of Health.
- 12.2 Fund research on abortion care, funding and stigma, with a view to improving health outcomes.
- 12.3 Publicly respond to ongoing abortion stigma by including abortion in the comprehensive reproductive and sexual health and rights action plan being developed, and launching an anti- stigma campaign.

Health Services for Young Women, Māori, Pasifika, Lesbian and Transgender Women and Rural Women

- 12.4 Finalise the national sexual and reproductive health action plan, and ensuring it is resourced and endorsed by relevant Ministers.
- 12.5 Provide resources and leadership to improve consistent access to reproductive and sexual health services, particularly for young people, Māori and Pasifika, sexual orientation and gender identity diverse communities and rural communities.
- 12.6 Address social determinants contributing to poor sexual and reproductive health outcomes, including high rates of gender-based violence, poverty, discrimination and stigma.
- 12.7 Promote consistent delivery of the sexuality education curriculum by ensuring adequate support and professional learning and development for teachers and educational leaders, alongside partnerships with parents and the community.
- 12.8 Standardise reporting on sexual orientations and gender identity, and conducting research into the health and well-being of SOGI communities who face significant health disparities (particularly Māori, Pasifika, disabled and older people).

Pregnancy Autonomy

- 12.9 Review laws, policies and practices to ensure pregnant women can access health care without stigma and discrimination.

Article 13 Economic and Social Life

That the government:

Women with Disabilities

- 13.1 Develop an Action Plan for Women with Disabilities.
 - 13.2 The NZ Disability Survey should comprise gender disaggregated data and include statistics on abuse of disabled people.
-

- 13.3 Extend independent advocacy programmes to women with disabilities throughout NZ.
- 13.4 Ensure that legislative reforms be written in terms that make no distinction between disabled and non-disabled people.
- 13.5 Ensure that throughout the country there are residential facilities suitable for people with disabilities under the age of 65 years, and for those over 65 who are men.
- 13.6 Tally active and socially aware, as well as for young disabled people requiring respite care.
- 13.7 Reinstate the link between building modifications and improved accessibility in building regulations.
- 13.8 Ensure that the Disability Allowance be made available as of right to all disabled people, regardless of employment or marital status, at a realistic, regularly inflation adjusted amount.

Sole Parent

- 13.9 Undertake urgent research into the reasons for the high levels of poverty and hardship among sole parents, both on and off SPS, and devise effective policies to reduce these levels.
- 13.10 Undertake an urgent inquiry into how the extremely complex rules now governing the benefit system can be simplified, in order to ensure that it can be fairly administered and sole parents can obtain the financial support required to carry out their important unpaid childcare work sustainably.
- 13.11 Raise the levels of earnings permissible to beneficiaries before incurring high clawbacks, to ensure these take account of the substantial inflation since they were last altered.

Earthquake

- 13.12 Provide appropriate funding of mental health and well-being services to meet current and increased requirements after a natural disaster.

Article 14 Rural Women

- 14.1 All government initiatives should have to pass a rural impact assessment before being passed into legislation.
- 14.2 The government should fund research in rural areas taking into account the impact on rural women.
- 14.3 The government should address the issue of access to education, employment and health services for rural women.

Concluding Observations Paragraphs 40-43

That the government:

- CO 1** Sign and ratify both the International Convention for the Protection of All Persons from Enforced Disappearance and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
 - CO 2** Work with civil society to ensure compliance with the SDGs.
-

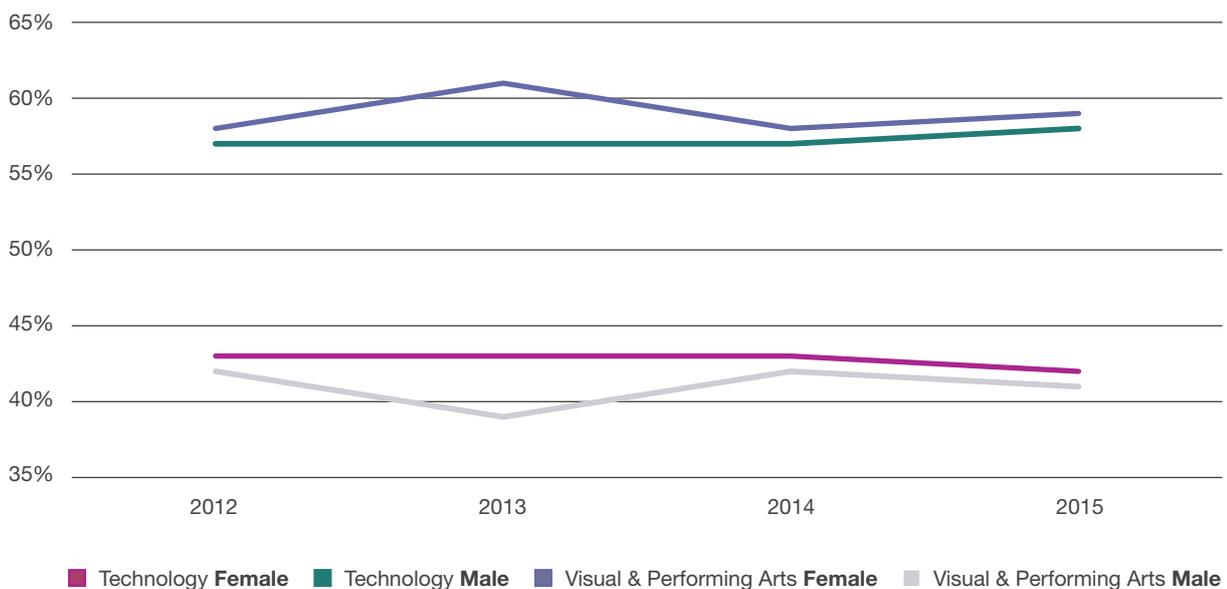
APPENDIX 2

EDUCATION TABLES

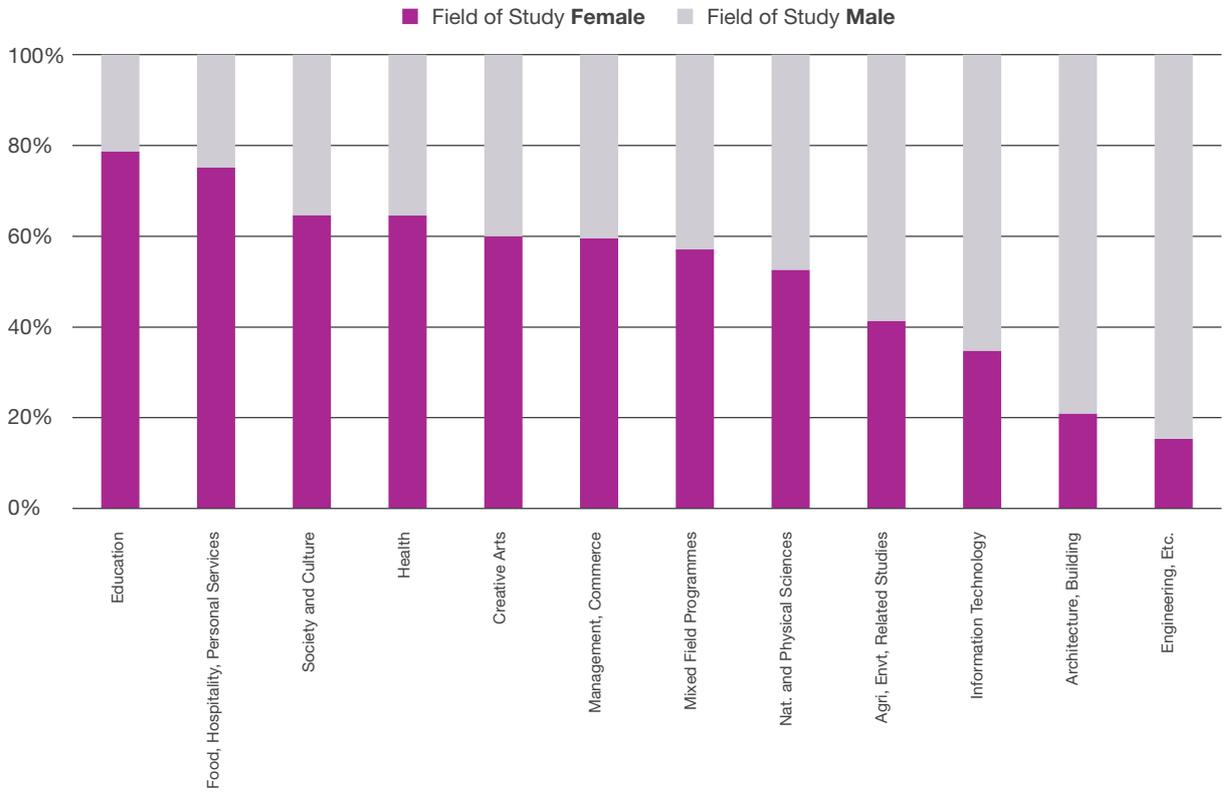
2015 TECHNOLOGY SUBJECT ENROLMENTS BY SUBJECT AREA				
Technology Subject Areas	Male Total	Female Total	Male %	Female %
Biotechnology	120	419	22%	78%
Computer Science/Programming	2,458	649	79%	21%
Computer Studies	11,864	6,553	64%	36%
Design, Drawing and Graphics	9,580	5,626	63%	37%
Electronics and Control	3,959	309	93%	7%
Graphics	11,380	7,101	61%	39%
Info and Communication Tech	10,989	7,090	61%	39%
Materials Technology	21,188	9,418	69%	31%
Structures and Mechanisms	2,061	397	84%	16%
Technology	19,752	10,736	65%	35%
Text and Information Management	1,956	1,904	51%	49%
Food Technology	12,508	20,666	38%	62%
Textiles/Clothing	1,148	8,639	12%	88%

Gender disparities are particularly apparent in Visual and Performing Arts and Technology.

Gender Segregation within Subjects: Trends 2012-2015



Tertiary Enrolments by Field of Study and Gender



Learners in Industry Training (Including Apprentices)¹⁶⁹



169. NZ, Ministry of Education, Profile & Trends: New Zealand's Workplace-Based Learners 2014, p. 3. https://www.educationcounts.govt.nz/_data/assets/pdf_file/0005/169709/2014-pt-workplace-based-final.pdf

APPENDIX 3

EQUAL PAY FOR WORK
OF EQUAL VALUE
(PAY EQUITY)

In 2012, caregiver Kristine Bartlett and the Service and Food Workers Union Nga Ringa Tota Inc (SFWU) brought Employment Relations Authority cases against TerraNova Homes & Care under the 1972 Equal Pay Act¹⁷⁰.

Ms Kristine Bartlett had been working as a caregiver of the aged for more than 20 years. When she first began, she was paid \$9.95 an hour. By 2012 she was paid \$14.32 an hour, barely above the then minimum wage of \$13.75. The cases alleged that such low rates of pay were related to the predominance of women in this occupation, and breached the principle of equal pay for work of equal value.

The cases were transferred to the Employment Court, which examined s 3(1)(b) of the 1972 act. This states that remuneration for work done primarily by women should match that for men with similar skills, working in jobs requiring similar responsibility, effort and work conditions. Ms Bartlett and the SFWU argued that, as caregiving was considered to be 'women's work' and was therefore undervalued, establishing the appropriate pay rates for caregivers required examination of sectors apart from aged care.

The Employment Court accepted this argument and ruled that the case should proceed to the second stage of determining how fair pay for caregivers should be determined¹⁷¹. The Court said that s 3(1)(b) required that equal pay for women for work predominantly or exclusively performed by women was to be determined by reference to what men would be paid to do the same work, abstracting from 'skills, responsibility, conditions and degrees of effort as well as from any systemic undervaluation of the work derived from current or historical or structural gender discrimination'. It ruled that Terranova paying four male caregivers the same rates was not a complete defence against an equal pay claim, and that the Court had power under s 9 to make general statements of principle to guide negotiations under the Act. The employer appealed, but the Court of Appeal upheld the Employment Court decision. It ruled that the case was to return to the Employment Court so that male-dominated sectors for comparison of pay rates could be determined. The Supreme Court refused to allow an employers' group appeal.

The government called together a Working Group of the parties, including government, to see if a settlement could be reached for caregivers. It also convened a Joint Working Group on principles for the implementation of equal pay, with employer, union and government representatives. No members of civil society were included in this working group, and there was concern that there was no wider engagement, communication, transparency, and accountability at a time of rising frustration from women about progress on equal pay.

In November 2016 the government broadly accepted the group's recommended principles and announced that it would update the Equal Pay Act 1972 and amend the Employment Relations Act 2000¹⁷². However, there are major concerns about the draft Bill and the extent to which pay equity will be able to be fully claimed and instituted as a result. There are several thousand more pay equity cases waiting to be heard, and unions have more cases under consideration. For example, the College of Midwives has taken a case arguing discrimination on the basis of gender under the Bill of Rights Act¹⁷³.

170. *Equal Pay Act 1972*. http://www.legislation.govt.nz/act/public/1972/0118/latest/DLM407770.html?search=ta_act_E_ac%40ainf%40anif_an%40bn%40rn_25_a&p=2

171. [2013] NZEmpC157 ARC63/12] [2013] NZEmpC157 ARC63/12]

172. *Employment Relations Act 2000*. http://www.legislation.govt.nz/act/public/2000/0024/latest/DLM58317.html?search=ta_act_E_ac%40ainf%40anif%40aaif_ac%40bn%40rn_25_a&p=4

173. *New Zealand Bill of Rights Act 1990*. <http://www.legislation.govt.nz/act/public/1990/0109/latest/DLM224792.html>

APPENDIX 4

THE GROUPS
THAT CONTRIBUTED
TO THIS ALTERNATE REPORT

The following groups and organisations participated in the CEDAW project 2013-2016 by taking the lead role in an Article and engaging in their own organisation, consultation meetings, making submissions, providing comments on the first and second drafts of the Alternate Shadow Report, and/or making financial and resource contributions.

Abortion Law Reform Association of New Zealand (ALRANZ)

Abortion Law Reform Association of New Zealand (ALRANZ) is an Incorporated Society formed in February 1971. It seeks to reform NZ laws so that a pregnant person may choose whether to continue a pregnancy or obtain an abortion without being criminalised.



Child ALERT (ECPAT NZ)

Child ALERT (ECPAT NZ) is the only organisation in NZ whose sole focus is to address the sexual exploitation of children. It is committed to the prevention of sexual exploitation of children. They work in cooperation with key government and sector groups involved in the areas of child sexual exploitation and hence, including law enforcement agencies, the tourism industry, NGOs and individuals. They network with children's rights and child welfare agencies in NZ and around the world.



Family Planning

Family Planning is NZ's largest provider of sexual and reproductive health services and information. Ninety five percent of clients who visit our clinics are women and girls, with 43% under 22 years old. They operate 30 clinics throughout NZ, as well as school and community-based services, health promotion programmes, and clinical training and development. Their international unit delivers programmes in developing countries in the Pacific region. Family Planning works to enable all people to make informed choices about their sexual and reproductive health and well-being.



Graduate Women New Zealand *Whakaminenga Wahine o Aotearoa kua whiwhi Tohu*

Graduate Women New Zealand Whakaminenga Wahine o Aotearoa kua whiwhi Tohu is a non-government, not-for-profit, charitable organisation and part of a global network of similar organisations in 61 countries which make up Graduate Women International (GWI). Founded in 1919, GWI's mission is to advocate for women's rights, equality and empowerment through access to quality secondary and tertiary education, and training up to the highest levels. Its vision is 100% of girls and women in the world achieving education beyond primary school.



National Council of Women of New Zealand (NCWNZ) *Te Kaunihera Wahine o Aotearoa*

National Council of Women of New Zealand (NCWNZ) Te Kaunihera Wahine o Aotearoa is an umbrella group representing 283 organisations affiliated at either national level or to one of our 21 branches. In addition, about 260 women are individual members of branches. Collectively our reach is over 290,000 with many of our membership organisations representing all genders. NCWNZ's vision is a gender equal New Zealand and research shows we'll be better off socially and economically if we're gender equal. Through research, discussion and action, NCWNZ in partnership with others, seeks to realise its vision of gender equality because it is a basic human right.



New Zealand Council of Trade Unions *Te Kauae Kaimahi*

New Zealand Council of Trade Unions Te Kauae Kaimahi brings together over 320,000 NZ union members in 31 affiliated unions. It is the united voice for working people and their families in NZ. The goal of the NZ trade union movement is to improve the lives of working people and their families. The role of the CTU is to promote unionisation and collectivism through programmes of active campaigns.



New Zealand Federation of Business and Professional Women's

New Zealand Federation of Business and Professional Women's vision is to achieve a just and equal status for women in all levels and areas of society where decisions are taken in true partnership with men, based on a mutual respect, for a more balanced and peaceful world. The mission is to be the leading NZ organisation representing the interests of working women and advancing the status of all women.



Rural Women New Zealand

Rural Women New Zealand is a charitable, membership-based organisation which supports people in rural communities through opportunities, advocacy and connections. The members are diverse, but all share rural interests that connect and energise. RWNZ is the leading representative body promoting and advocating on rural health, education, land and social issues. RWNZ provides information, support, practical learning and leadership opportunities.



UN Women National Committee Aotearoa New Zealand

UN Women National Committee Aotearoa New Zealand exists to mobilise support for UN Women's work and builds strategic relationships with companies who we believe are committed to this agenda. In NZ and the Pacific, the National Committee advocates for women's empowerment, raises awareness of the issues affecting women around the world, raises money to fund UN Women projects, and lobby the NZ government to support UN Women's initiatives.



Women's Health Action

Women's Health Action is a national women's health promotion, information and consumer advisory service. We are a non-government organisation that works with health professionals, policy makers and other not for profit organisations to influence and inform government policy and service delivery for women. We provide evidence-based analysis and advice to health providers, NGOs and District Health Boards, the Ministry of Health, and other public agencies on women's health (including screening), public health, and gender and consumer issues with a focus on reducing inequalities.



Women's Refuge

Women's Refuge is a women's organisation for women and their children, here to help prevent and stop family violence in New Zealand. Women's Refuge is an independent, bicultural community organisation that has support services designed especially for children, young people, Māori women, Pasifika women and migrant and refugee women. It also assists lesbian women, older women and women with disabilities.



WOMEN'S REFUGE

Zonta International District 16

Zonta International District 16 has been active in NZ for 50 years, and has 28 clubs from Northland to Otago. Members volunteer their time, talents and money to support women and girls in their local communities, run projects in many parts of the world to improve the lives of women, and advocate on women's issues at all levels of society. There are scholarship and award programmes for furthering women's education and also youth leadership development through Z Clubs and Golden Z Clubs.





**National Council of Women
of New Zealand**

Te Kaunihera
Wahine O Aotearoa

NATIONAL OFFICE

PO Box 25-498 | Wellington 6146.

Level 4, Central House | 26 Brandon Street | Wellington | New Zealand.

P. +64 4 473 7623 **E.** office@ncwnz.org.nz **W.** www.ncwnz.org.nz

Registered Charity Number: CC49050