

International Covenant on Civil and Political Rights
List of Issues for New Zealand's 7th Periodic Report
Issues for Men and Boys

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1 Introduction

- 1 Thank you for the opportunity to provide relevant information for the List of Issues Prior to Reporting for New Zealand’s 7th periodic report under the International Covenant on Civil and Political Rights. Questions can be directed to:

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[Suggested questions to ask New Zealand are included at the end of this report.](#)

2 New Zealand’s Duty to Men and Boys

- 2 New Zealand has negative and positive duties to men and boys.¹

Negative duties

- 3 Negative duties means “States Parties must refrain from violation of the rights recognized by the Covenant, and any restrictions on any of those rights must be permissible under the relevant provisions of the Covenant.”² This “obligation to respect and ensure the rights recognized by the Covenant has immediate effect for all States parties.”³ This submission contains information on New Zealand’s violation of men’s rights under the International Covenant on Civil and Political Rights (ICCPR).

Positive duties

- 4 New Zealand has a positive duty to ensure that men and boys have equal rights and are protected from discrimination. “Article 2 requires that States Parties adopt legislative, judicial, administrative, educative and other appropriate measures in order to fulfil their legal obligations.”⁴ Furthermore, “[T]he positive obligations on States Parties to ensure Covenant rights will only be fully discharged if individuals are protected by the State, not just against violations of Covenant rights by its agents, but also against acts committed by private persons or entities that would impair the enjoyment of Covenant rights”.⁵

¹General Coment 31 – paragraph 6

²General Coment 31 – paragraph 6

³General Comment 31 – paragraph 5

⁴General Comment 31 – paragraph 7

⁵General Comment 31 – paragraph 9

Equality

- 5 Equality is a fundamental principle of human rights. Article 3 requires New Zealand to ensure that men have equal enjoyment of their civil and political rights “in their totality”.⁶
- 6 New Zealand must “take the necessary steps”⁷ to provide all of the rights in the Covenant to men, without discrimination. The requirement of taking the necessary steps is “unqualified and of immediate effect. A failure to comply with this obligation cannot be justified by reference to political, social, cultural or economic considerations within the State.”⁸ Necessary steps include “legislative, judicial, administrative, educative and other appropriate measures”,⁹ including the “removal of obstacles to the equal enjoyment of such rights”¹⁰ Likewise, New Zealand must “take account of the factors which impede”¹¹ men’s equal enjoyment of their rights.

Non-discrimination

- 7 Non-discrimination is a fundamental principle of human rights. Article 2 requires New Zealand to ensure that all rights in the Covenant are recognised without distinction of any kind. Article 26 prohibits discrimination and requires New Zealand to guarantee that men have equal and effective protection against discrimination. Section 19 of the New Zealand Bill of Rights Act affirms everyone has the right to be free from discrimination.
- 8 “[T]he Committee believes that the term ‘discrimination’ as used in the Covenant should be understood to imply any distinction, exclusion, restriction or preference which is based on... sex... and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on an equal footing, of all rights and freedoms.”¹²
- 9 New Zealand’s obligation to respect and protect men’s right to be free from discrimination applies to “all branches of government (executive, legislative and judicial), and other public or governmental authorities, at whatever level—national, regional or local.”¹³
- 10 New Zealand must prohibit discrimination against men in law and in fact. Article 26 requires that New Zealand’s laws “prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination”. New Zealand is required to protect men from

⁶General Comment 28 – paragraph 2

⁷ICCPR – Article 2.2

⁸General Comment 31 – paragraph 14

⁹General Comment 31 – paragraph 7

¹⁰General Comment 28 – paragraph 3

¹¹General Comment 28 – paragraph 6

¹²General Comment 18 – paragraph 7

¹³General Comment 31 – paragraph 4

discrimination “in any field regulated and protected by public authorities”,¹⁴ and “by the community, or by private persons or bodies”.¹⁵ New Zealand’s protection of men from discrimination must be “equal and effective”.¹⁶

- 11 New Zealand must “exercise due diligence to prevent, punish, investigate or redress the harm” caused by discrimination against men.¹⁷
- 12 New Zealand is required to “take affirmative action in order to diminish or eliminate **conditions which cause or help to perpetuate discrimination**” against men. New Zealand should take action to correct conditions that impair men’s enjoyment of their rights. This may mean that, for a limited time, in specific matters, men can receive preferential treatment to correct for discrimination in fact.¹⁸

3 Measures of protection

- 13 New Zealand must ensure that men have equal enjoyment of their rights *in fact*. Anti-discrimination measures must be applied equally for men and women. Measures such as gender analysis and gender budgeting that appear gender-neutral may not be applied equally. People charged with protecting men and women from discrimination must understand that it applies equally to men and women.
- 14 New Zealand’s obligations to women and girls do not invalidate New Zealand’s obligations to men and boys.

Gender Analysis

- 15 Cabinet papers are required to consider policy implications for various population groups. The Ministry for Women provides *Bringing Gender In*, a tool to help policymakers analyse the gender implications of their proposed policy. The Ministry for Women does not have a mandate to maintain expertise and experience in men’s issues, so while *Bringing Gender In* mentions men, specific guidance and examples are focused on women.
- 16 Gender analysis must support New Zealand’s obligation to ensure that men have equal enjoyment of their rights and are free from discrimination. Although the government’s guidelines and advice come from the Ministry for Women, policy analysts must understand

¹⁴General Comment 18 – paragraph 12

¹⁵General Comment 18 – paragraph 9

¹⁶Article 26

¹⁷General Comment 31 – paragraph 8

¹⁸General Comment 18 – paragraph 10

that gender analysis should identify any issues for men and boys, as well as for women and girls.

Section 7 reports

- 17 The New Zealand Bill of Rights Act 1990 incorporates some of the rights in the International Covenant on Civil and Political Rights. Section 7 of BoRA requires the Attorney General to examine new legislation and report inconsistencies with BoRA to Parliament. Section 7 reports do not always identify inconsistencies with BoRA. For example, Section 45 of the Pae Ora (Healthy Futures) Act 2022, requires the Ministry of Health to have a women’s health strategy, but there is no requirement for a men’s health strategy. Men have [shorter life expectancy](#) and [higher rates of preventable and treatable deaths](#). The Attorney General did not report that a requirement for a women’s health strategy without a complementary requirement for a men is discrimination that is inconsistent with BoRA.

Human Rights Commission

- 18 The New Zealand Human Rights Commission is New Zealand’s National Human Rights Institution. The Commission performs several functions that allow the Government to meet its ICCPR obligations. They have a Commissioner who is responsible for women rights, and also have women’s rights advisers on staff. No Commissioner has the responsibility for men’s rights. There are no advisers for men’s rights. This has resulted in inadequate monitoring and reporting of men’s rights and advice to the Government missing critical information on men and boys.¹⁹

Gender budgeting

- 19 The previous Government introduced ‘gender budgeting’ into its budget development process. The Ministry for Women says “Gender budgeting is about ensuring that the different needs and experiences of women, men, and gender diverse people are considered in the budget process and in the allocation of funding and resources.”²⁰ Although this definition includes men, in practice men are excluded from the process.
- 20 A gender budgeting pilot took place between September 2021 and May 2022. The pilot was evaluated using three key questions: “What kind of impact does the initiative have on **women and girls** overall? What kind of impact does the initiative have on **wāhine Māori [Māori women]**? Does the initiative impact on another specific group of **women and girls**?” The evaluation did not include an assessment of the impact on men and boys.

¹⁹For example, the Commission’s submission on the government’s Family and Sexual Violence strategy.

²⁰Ministry for Women – Gender Budgeting

- 21 Following the pilot, Gender Budgeting was expanded for the 2023 budget cycle to include 15 government agencies in 27 budget initiatives. The government’s budget website described the positive effects of gender budgeting on women and girls and ignored men and boys. The Treasury described the gender budgeting process as only applicable to women and girls. “Ministry for Women supported agencies to identify the anticipated impacts on women and girls, particularly for Māori, through a Gender Budgeting Toolkit.”²¹
- 22 The current Government did not apply gender budgeting in 2024.

4 Measures of protection for women

- 23 The ICCPR requires New Zealand to take the necessary steps to ensure that men have equal enjoyment of their rights and to ensure “equal and effective” protection from discrimination. There are several measures to ensure women’s enjoyment of their rights and to protect them from discrimination that do not exist for men.
- 24 Different treatment may be justified under the ICCPR if it is reasonable, objective,²² necessary, proportionate, permissible under the Covenant, and intended to meet the legitimate goals of the Covenant.²³ However, restricting protective measures to women is not reasonable, necessary or legitimate because men also require them. Examples of men’s inequalities and discrimination are included in this submission.
- 25 New Zealand must ensure that men and boys have equal enjoyment of their rights and have “equal and effective” protection from discrimination by providing complementary protection measures for them.

Minister for Women

- 26 New Zealand has a Minister for Women. The Minister’s responsibilities include “leading work across government and with stakeholders in business and the community to improve the lives of New Zealand women and girls.”²⁴ There is no Minister for Men.

Ministry for Women

- 27 The Ministry for Women is New Zealand’s main adviser on improving the lives of women and girls. There is no equivalent for men and boys. The Ministry for Women provides several

²¹The Treasury – Wellbeing Budget 2023 – Gender Budgeting <https://archive.ph/70pTB>

²²General Comment 18 – paragraph 13

²³General Comment 31 – paragraph 6

²⁴Department of the Prime Minister and Cabinet – Ministerial portfolio: Women

functions for protecting women’s rights, such as data analysis and research on issues affecting women and girls, developing the Government’s priorities for women and girls, developing the Women’s Equality Strategy, and, monitoring and reporting on women’s rights to the United Nations. There is no government organisation that provides the same protective functions for men’s rights.

Women’s Equality Strategy

- 28 The Women’s Equality Strategy[62] is an “aspirational high-level set of guiding principles, that aims to improve coordination, visibility and prioritisation across government agencies”. “The Strategy seeks to provide equality of outcomes for all groups of women (gender equality). We recognise that focusing on equality of opportunity is not sufficient, as equal treatment will not produce equitable results.” The Strategy recognises that men and boys are disadvantaged compared to women and girls in some areas; however, despite having a goal of ‘equal outcomes’, there is no government strategy for men and boys.
- 29 The Women’s Equality Strategy covers areas that are relevant for men and boys. First, improving health and well-being for women. Men have poorer health outcomes compared to women in several areas, such as [avoidable deaths](#) and [suicide](#) and would benefit from a health strategy. Second, reducing violence against women. Men are also [victims of violence](#). Third, ensuring education is inclusive and supportive for women and girls. Men and boys are behind at all levels of education. Fourth, ensuring women participate in traditionally male occupations. Men are under-represented in several professions such as teachers, social workers, and nurses. Fifth, the Strategy seeks low-to-zero approval for gender discrimination. This is just as relevant to men as it is to women.

Convention on the Elimination of Discrimination against Women

- 30 New Zealand ratified the Convention on the Elimination of Discrimination against Women (CEDAW) in 1985. CEDAW provides several benefits to ensure women’s rights and protect women from discrimination that men do not have. First, it provides explicit obligations to the Government related to women’s rights. This is supplemented by 39 general recommendations from the Committee on the Elimination of Discrimination against Women. Second, the Ministry of Justice ensures that international human rights treaties, including CEDAW, are considered in legislation and policy development. Third, judges and lawyers received training on CEDAW and can take CEDAW into account when it is relevant to the case at hand. Fourth, the Optional Protocol provides an additional mechanism for the protection of women’s rights. Fifth, reports to the Committee on the Elimination of Discrimination against Women provide a regular review of women’s rights. This allows government and civil society to be up-to-date with women’s rights issues.

5 Impediments and Obstacles

- 31 New Zealand is required to “take affirmative action in order to diminish or eliminate conditions which cause or help to perpetuate discrimination” against men. New Zealand should take action to correct conditions that impair men’s enjoyment of their rights.²⁵

Below are some of the impediments and obstacles to men fully enjoying their rights that New Zealand should consider.

Inadequate Monitoring of Men’s Rights

- 32 Men are more vulnerable human rights violations when they are inadequately monitored and reported because the Government cannot respond to issues they do not know about. New Zealand’s positive duty to men and boys means it must be proactively identify their human right’s issues.
- 33 While statistics can reveal men’s and boys’ human rights issues, they are not always understood in light of New Zealand’s international human rights obligations. New Zealand must recognise obligations to men and boys and take action or it risks violating the ICCPR and other international treaties.
- 34 New Zealand should monitor and report discrimination against men to the Human Rights Committee. “[T]he Committee wishes to know if there remain any problems of discrimination in fact, which may be practised either by public authorities, by the community, or by private persons or bodies. The Committee wishes to be informed about legal provisions and administrative measures directed at diminishing or eliminating such discrimination.”²⁶
- 35 The *Manual on Human Rights Monitoring*[42] recommends using a gender perspective to ensure that all violations against women *and men* are recognised and accounted for:

Integrating a gender perspective in human rights monitoring is a process to ensure that all violations against men and women of all ages and sections of society are recognized and accounted for. It is also a strategy for making women’s as well as men’s experiences and concerns an integral dimension of the design and implementation of the monitoring cycle. It helps to better understand the causes and types of human rights violations and, hence, the measures required for prevention and protection.

Integrating gender implies a **proactive** attitude of looking at and analysing how situations affect women, girls, men and boys differently. It is also about making

²⁵General Comment 18 – paragraph 10

²⁶General Comment 18 – paragraph 9

such differences **visible** throughout the monitoring cycle. *Emphasis in original*

Misinformation/under-informed

- 36 Men’s enjoyment of their rights is affected by misinformation, misunderstanding, and the lack of knowledge of men’s issues, especially among Government, the judiciary, law enforcement, health professionals, and other actors responsible for protecting human rights. New Zealand should provide education on men’s rights for all relevant actors.

Evaluation of discrimination

- 37 New Zealand has an obligation to protect men from discrimination. To do this, New Zealand must address people’s belief that discrimination against men is justified, or it is less significant than the same kind of discrimination against women. This is especially important for government, the judiciary, law enforcement, health professionals, and other actors responsible for protecting human rights.

- 38 Research shows several issues that should be addressed:

- In identical scenarios, people judge discrimination against women more morally bad than discrimination against men.[20]
- People show less concern for men’s under-representation in female dominated occupations compared to women’s under-representation in male-dominated fields.[6]
- People over-estimate discrimination against women and under-estimate discrimination against men.[51]
- People support double-standards that favour women, but not that favour men [26]
- Social egalitarians are ‘vigilant for and accurate at detecting inequality’ for women but not for men.[59]. Similarly, “[Moral Commitment to Gender Equality] was associated with increased chances of fallaciously inferring discrimination against women from contradictory evidence.”[63]
- Strong evidence of a gender bias against low-performing males[8]
- People judge sex-differences between women and men differently. “Both sexes reacted less positively to the male-favoring differences, judging the findings less important, less plausible, more surprising, more offensive, more harmful, and more upsetting, as well as judging the research less well-conducted and studies of that type more inherently sexist.”[55]

Stereotyping

39 The Human Rights Committee has identified gender stereotypes as problem for realising human rights.²⁷ CEDAW Article 5 requires New Zealand to address stereotypes and cultural attitudes about women and men. New Zealand should address the gender stereotypes that men face because they impact their human rights. For example:

- People see men as more responsible for the circumstances they are in compared to women[3] [16] and are less supportive of polices to address disadvantages for men.[3] [6] [53]
- “[R]espondents consistently underestimate the victimization of men, perceive civilian male victims as less innocent, and hold anti-male biases when it comes to accepting refugees and providing aid.”[33]
- Men get longer sentences than women because judges use stereotypes.[32]
- People more readily see men as perpetrators and women as victims.[50]
- People, including psychologists,[24] judge violence and abuse against men as less harmful and it is taken less seriously than violence and abuse against women.[4] [10] [22] [28] [30] [31] [47] [60]
- People are more accepting of harm to men and more protective of women.[21] [29] [54]
- In implicit evaluations of targets varying in race, gender, social class, and age, the largest and most consistent evaluative bias was pro-women/anti-men bias.[15]
- In the media, “fathers are often shown as confused, stupid or absent”[1]
- “Many fathers are deeply resentful of broad-brush rules for protecting children that imply that all men are potentially dangerous, and of other portrayals that give an exaggerated picture of fathers as neglectful of their families.”[1]

40 The government is ambivalent about stereotypes. It often portrays men as perpetrators of violence and rarely the victim of violence, even though they recognise that it “is an unhelpful characterisation that perpetuates harmful stereotypes for women and men and generates opposition to gender equality”[36]

²⁷CCPR/C/JPN/CO/6 – CCPR/C/NZL/CO/6 – CCPR/C/PHL/CO/5

6 Equality before the law

- 41 Article 26 requires states to ensure that men are equal before the law and have equal protection of the law. States are required “to make such changes to domestic laws and practices as are necessary to ensure their conformity with the Covenant.”²⁸
- 42 New Zealand must ensure it’s legislation does not discriminate against men. New Zealand “should review their legislation and practices and take the lead in implementing all measures necessary to eliminate discrimination... in all fields, for example by prohibiting discrimination by private actors in areas such as employment, education, political activities and the provision of accommodation, goods and services”²⁹
- 43 Ending discrimination requires analysis of laws and policies to identify any “distinction, exclusion, restriction or preference”³⁰ that impairs men’s enjoyment or exercise of their rights.
- 44 The BoRA covers some, but not all, of the rights in the ICCPR. Section 7 of BoRA requires the Attorney General to examine new legislation and report inconsistencies with BoRA, such as discrimination, to Parliament. Section 7 reports do not apply to existing legislation, so existing legislation can discriminate against men without coming to the attention of Parliament.

Unequal penalties

- 45 The Human Rights Committee has stated that “Laws which impose more severe penalties on women than on men for adultery or other offences also violate the requirement of equal treatment.”³¹ New Zealand has laws that impose harsher penalties on men compared to women. The ICCPR requires New Zealand to adjust its legislation to align with the Covenant.

Male-assaults-female

- 46 Section 194 of the 1961 Crimes Act includes *male-assaults-female*. It covers assaults that are equivalent to ‘common assault’; however, male-assaults-female has a longer maximum sentence (2 years instead of 1 year) and does not fall under the more lenient ‘bail of as right’ provisions granted to persons charged with common assault. In 2009, the Law Commission reviewed part eight of the Crimes Act[14] and recommended repealing the male-assaults-female offence. Responding to ‘male assaults female’, the Human Rights Commission states:

²⁸General Comment 31 – paragraph 13

²⁹General Comment 28 – paragraph 31

³⁰General Comment 18 – paragraph 7

³¹paragraph 31 of CCPR general Comment 28

“The law should reflect the seriousness of the assault and not the gender of the victim and perpetrator.” [12]

47 Male-assaults-female was used as a proxy to address family violence. The introduction of the Family and Whānau Violence Legislation Bill addressed the shortcomings of using male-assaults-female to address family violence. After all, family violence includes more than just a male assaulting a female.

48 Although a law that punishes men more than women violates the ICCPR, and the Law Commission recommended repealing the law, the Minister of Justice at the time, Amy Adams, chose to retain male-assaults-female. She said “Retaining the offence of male assaults female will ensure the law continues to acknowledge the seriousness of gendered violence even outside the context of family violence.” [2] However, male-assaults-female only covers the least serious category of assaults, so Adams’ gesture falls short.

Infanticide

49 Section 178 of the Crimes Act 1961 allows mothers who murder their children when they are experiencing mental illness to be charged with the less severe crime of *infanticide*. Infanticide has a maximum 3 year prison sentence, where murder has a maximum sentence of life imprisonment. There is at least one case of a man being charged with murder in which a woman would have been charged with infanticide.[61]

Further discrimination in law

Adoption

50 The Human Rights Commission identified Section 4(2) of the Adoption Act 1955 as discriminatory against men.[11] The law states: “An adoption order shall not be made in respect of a child who is a female in favour of a sole applicant who is a male unless the court is satisfied that the applicant is the father of the child or that there are special circumstances which justify the making of an adoption order.”

Health Strategy

51 One of the purposes of the Pae Ora (Healthy Futures) Act 2022 is to “achieve equity in health outcomes among New Zealand’s population groups, including by striving to eliminate health disparities...”³² Section 45 of the Act requires the Ministry of Health to have a women’s health strategy. There is no requirement for a men’s health strategy even though men have inequitable health outcomes compared to women in several areas, for example, higher [suicide](#)

³²Pae Ora (Healthy Futures) Act 2022, 3(b)

rate , shorter [life expectancy](#), more deaths from [preventable and treatable causes](#), and higher injury rates.

Circumcision

- 52 The Committee recognises that genital mutilation is a violation of Article 7 — “No one shall be subjected to torture or to cruel, inhuman or degrading treatment”— and Article 24 — the right of children to be protected.³³ Furthermore, the Committee has stated: ‘The obligation of States parties to protect children should be carried out equally for boys and girls’.³⁴
- 53 Section 9 of the New Zealand Bill of Rights Act states; “Everyone has the right not to be subjected to torture or to cruel, degrading, or disproportionately severe treatment or punishment.”, and Section 10 states; “Everyone has the right to refuse to undergo any medical treatment.”
- 54 Sections 204A and 204B of the Crimes Act 1961 protect girls from all forms of genital cutting and mutilation, including those that are less severe and more severe than circumcision. There is no protection against genital cutting, such as circumcision, for boys. Approximately three thousand boys are circumcised each year.³⁵ The legislation prohibiting female genital mutilation “balances rights to bodily integrity against the freedom of religion and belief. [The Act] resolves this balance in favour of bodily integrity...” [39]
- 55 The Royal Australasian College of Physicians (RACP) recognises that “[e]thical and human rights concerns have been raised regarding elective infant male circumcision because it is recognised that the foreskin has a functional role, the operation is non-therapeutic, there are risks in anaesthesia in this age group and the infant is unable to consent.” The RACP “believes that the frequency of diseases modifiable by circumcision, the level of protection offered by circumcision and the complication rates of circumcision do not warrant routine infant circumcision in Australia or Aotearoa New Zealand” [41] The RACP shifts the ethical and human rights responsibility of circumcision from doctors to parents by recommending parental choice should be respected.
- 56 In contrast, the RACP recommends against nonmedical genital surgery to intersex children, highlighting their right to refuse medical treatment. “International human rights institutions state that medical interventions for cosmetic or psychosocial reasons should not take place until the person concerned can provide free and fully informed consent. This includes surgical and hormonal interventions, and respect for the right of persons with intersex variations not to undergo sex assignment treatment.” [40]

³³General Comment 28 – paragraph 11

³⁴General Comment No. 28 – paragraph 28

³⁵Based on estimates from medical professionals that 10% of boys are circumcised

- 57 Guidelines for intersex children from Starship Children’s Hospital agree: “The human rights principles of bodily autonomy and integrity should guide the care of the newborn. Bodily autonomy and integrity include **preserving any part of the body that the child may later want**”.³⁶
- 58 Svoboda[56] argues that any claimed health benefits to circumcision, such as the supposed reduction of STIs, are not realised until the child is old enough to make their own choice about circumcision, so the claimed health benefits cannot justify the non-medical circumcision of boys.

7 The right to life

- 59 ICCPR Article 6.1 “Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.” Section 8 of the New Zealand Bill of Rights Act states: “No one shall be deprived of life except on such grounds as are established by law and are consistent with the principles of fundamental justice.”
- 60 New Zealand must ‘ensure the equal right of men and women to the enjoyment’ of the right to life.³⁷ and respect and protect the right to life ‘without distinction of any kind’.³⁸ Deprivation of life based on discrimination is necessarily arbitrary in nature. Therefore, New Zealand must equally protect men’s right to life and provide ‘effective guarantees against all forms of discrimination’³⁹ that may lead to loss of life. Discrimination, in this case, is “any distinction, exclusion, restriction or preference”⁴⁰ that impairs men’s right to life.
- 61 Males have a shorter life expectancy(80.5 years) compared to females(84 years).

Avoidable deaths

- 62 Article 6 requires New Zealand to take action to prevent avoidable deaths.⁴¹ In 2018, 4230 males and 3106 females died from preventable or treatable causes.[45] For every 100 avoidable female deaths, there were 136 avoidable male deaths.

³⁶<https://starship.org.nz/guidelines/differences-of-sex-development-atawhai-taihemahema/>

³⁷ICCPR Article 3

³⁸General Comment 36 – paragraph 61

³⁹General Comment 36 – paragraph 61

⁴⁰General Comment 18 – paragraph 7

⁴¹General Comment 36

No men’s health strategy

- 63 One of the objectives of the Pae Ora (Healthy Futures) Act 2022 is to “achieve equity in health outcomes among New Zealand’s population groups, including by striving to eliminate health disparities”.⁴² However, the Act requires the Ministry of Health to create a women’s health strategy, but not a men’s health strategy. Mongolia, Australia, Ireland, Iran, Malaysia, South Africa, Brazil, and the state of Quebec all have men’s health strategies.^[7]
- 64 Jehan Casinader reports “When I asked the Ministry of Health to tell me about its initiatives focused specifically on men, I heard [nothing]. Although it has a women’s health strategy, New Zealand does not have a men’s health strategy, and the ministry has no plans to develop one.”^[9]

Suicide

- 65 The Human Rights Committee recognises State’s obligations to prevent suicide. “States should take adequate measures, without violating their other Covenant obligations, to prevent suicides, especially among individuals in particularly vulnerable situations”.⁴³
- 66 The Health New Zealand Mortality Collection^[43] reports that between 1948 and 2020, 20571 males and 7302 females died from intentional self-harm. For every 100 female suicides, there were 282 male suicides. Figure 1 shows the changes in the age-standardised suicide rate for males and females from 1948-2020.⁴⁴

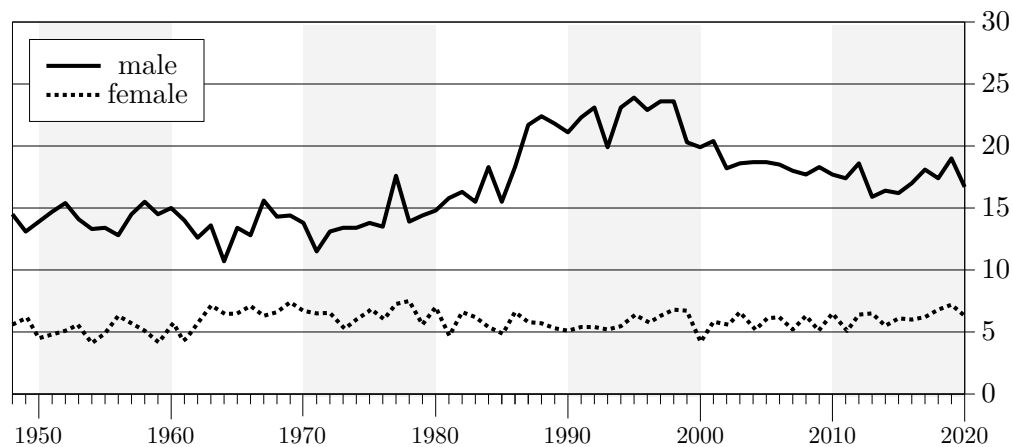


Figure 1: Age standardised suicide rate 1948-2020.

- 67 The Government’s suicide prevention strategy “aims to ensure services are fair and just and are helping our overrepresented populations, such as Māori and men”^[37] The Strategy

⁴²Pae Ora (Healthy Futures) Act 2022 Section 3(b)

⁴³General Comment 26 – paragraph 9

⁴⁴Source: New Zealand Mortality Collection

rightfully focuses on preventing Māori suicides. In 2020, the suicide rate for Māori was 17.8 per 100,000, for non-Māori it was 10.1 per 100,000. The suicide rate for males was nearly the same as Māori at 16.8 per 100,000, for females it was 6.3 per 100,000.[44] However, the Strategy does not have specific plans to deal with male suicide. The strategy focuses on mental health, although research shows that most men who die from suicide do not have a history of mental health problems.[27]

Homicide

68 From 1948 to 2020, 2,101 men and 1,235 women were fatally assaulted. For every 100 women who were victims of fatal assaults, there were 170 men.[43] Figure 2 shows the five-year totals of fatal assaults for males and females.[43]

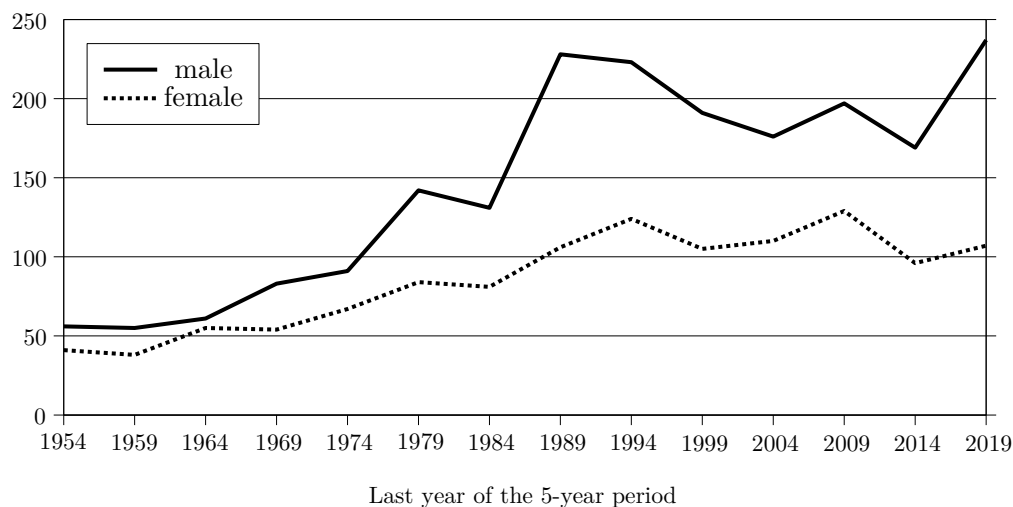


Figure 2: Five-year fatal assaults 1954-2019

8 The right to security of person

69 “Everyone has the right to liberty and security of person...”⁴⁵ New Zealand must “respond appropriately to patterns of violence”⁴⁶ against men. Men are the majority of victims of [homicide](#) and [serious assaults](#). Men are also a significant, but disputed, proportion of the victims of family and partner violence. Men who are victims of sexual assault face gender-specific challenges.

⁴⁵Article 9.1

⁴⁶General Comment 35 – paragraph 9

Assault

70 Between 2000 and 2021, there were 10225 serious nonfatal assaults against males and 2454 serious nonfatal assaults against females. For every 100 women who were victims of serious nonfatal assaults, there were 417 men.⁴⁷

39.9% of men reported experiencing non-partner violence during their lifetime, compared to 11.9% of women.[19]

Partner and family violence

71 New Zealand must exercise due diligence to prevent harm caused by private persons.⁴⁸ However, New Zealand has done a poor job preventing family violence and sexual violence against men and boys. For example, boys were not legally protected from women ‘raping’⁴⁹ them until 2007.⁵⁰

Health screening

72 The Ministry of Health *Family Violence Assessment and Intervention Guidelines* for doctors discriminate against male victims of partner violence and prevent New Zealand meeting its obligation to prevent violence against men. The Guidelines emphasise that “[r]outine enquiry about intimate partner violence should be conducted with all females aged 16 years and older.” However, for men “[r]outine enquiry is not recommended”. Doctors are recommended to wait until signs are present before asking about partner violence.[34] This is a problem because it relies on a man seeing a doctor with signs of victimisation before any intervention or support is offered. This policy means doctors are often ignorant of men’s victimisation and therefore cannot act to prevent further victimisation.

Government websites family violence information

73 Many government websites provide information for women who are victims of family violence. A small button allows women seeking information on family violence services to access the information without creating entries in their internet or search history.⁵¹ The information states “We warmly welcome all women and their children to access our support, advocacy and crisis accommodation. If you need help or have questions, use our live chat to get in touch.”

⁴⁷This work is based on Stats NZ’s data under the Creative Commons Attribution 4.0 International licence.

⁴⁸General Comment 31 – paragraph 8

⁴⁹Legally, rape is an act of penetration, so here the term is used colloquially to mean sex without consent of the victim

⁵⁰The Crimes Amendment Act 2005 came into force in 2007.

⁵¹See <https://shielded.co.nz/> for more information

Information for men is not provided. This discrimination is another missed opportunity to prevent violence against men.

Prevalence Studies

- 74 Population-based surveys report a significant number of male victims of partner violence in New Zealand. There are some gender-specific issues when trying to measure men’s victimisation, especially of family and sexual violence. “Societal perceptions of [Intimate Partner Violence(IPV)] as a predominantly female issue have led to the development of research perspectives, frameworks, measures, and methodologies unable to capture the full scope of male victimization. Research has also been hampered by a reluctance from men to identify as victims, and many do not relate to commonly used terminology of IPV, such as domestic violence.” [60]
- 75 The **Dunedin Multidisciplinary Health and Development Study**[35] is a high-quality longitudinal study following 1037 people born in Dunedin in 1972-1973. The study on violence was conducted when participants were 21 years old (in 1992/1993), the results were published in 1997. Table 1 shows that more men report being victims of violence than women.
- 76 The **Pacific Islands Families Study**[52] followed the parents of Pacific infants born in 2000 in Auckland. The study on violence was conducted in 2002 and the article was published 2007. Importantly, both partners were included in the research, allowing comparison of victimisation and perpetration from each person’s perspective. They found that men in this group significantly underreported violence victimisation and perpetration. More mothers reported perpetrating violence against their partner, than being victimised. See Table 2
- 77 The **Youth19 Survey**[17] is a survey of young people predominantly in high school students in year 9-13 (approximately 15-18 years old). The survey was conducted in 2019 and these results were released in 2021. Table 3 shows approximately the same number of males and females who report experiencing violence. Notably, nearly twice as many males than females reported experiencing violence from their partner.
- 78 The **New Zealand Family Violence Study**[19] is based on the World Health Organisation violence against women methodology so it could be compared to the 2003 WHO violence against women study. The study was conducted in 2019 and the results were published in 2022. Table 4 shows approximately twice as many men as women reported partner violence in the previous 12 months. Table 5 shows approximately the same number of women and men report experiencing partner violence in their lifetime.

The *Family Violence Study* methodology is based on the World Health Organisation Multi-

	Victimisation %		Perpetration %	
	Women	Men	Women	Men
Verbal aggression	83.8	89.7	94.6	85.8
Insult or swear	53.9	55.9	66.8	53.2
Sulk or refuse to talk	53.2	59.1	59.5	52
Stomp out	47.1	45.6	52.9	42.3
Cry	49.6	78.3	87.8	48.3
Do or say something to spite	33.6	40.5	46.6	43.9
Threaten to hit or throw	12.2	16.6	24	10.3
Throw/smash/hit object	17.5	12.9	14.4	18.4
Minor physical violence	26.1	31.8	35.8	21.8
Throw object at you	7.1	15	10.8	3.9
Push-grab-shove you	24.2	18.4	28.5	20.7
Slap you	6.4	23.5	19.1	6
Severe physical violence	12.7	21.2	18.6	5.7
Kick/bite/hit with fist	9	18	14.4	4.4
Hit with object	6.8	12.9	8.3	1.1
Beat up	2.4	1.4	0.9	1.1
Choke/strangle	2.6	1.4	0	1.4
Threaten with knife/gun	0.5	1.6	0.5	0
Use knife/gun	0.2	0.2	0.2	0
Any physical violence	27.1	34.1	37.2	21.8

Table 1: Dunedin Multidisciplinary Health and Development Study[35]

Country Study on Violence Against Women. Questions were adapted to include men.[18] A methodology that is used to measure violence against women may under-report violence against men.

- 79 The **Christchurch Health and Development Study**[23] “is a longitudinal study of an unselected birth cohort of 1,265 children born in the Christchurch (New Zealand) urban region during a 4-month period in mid-1977”. The study on violence was conducted when participants were 25 years old (in 2002). The results were published in 2005.
- 80 Table 6 shows the prevalence of victimisation and the number of types of victimisation. The higher number of types broadly relate to the severity of violence. For example, respondents who reported 1-2 types of violence generally reported minor psychological aggression, while

	Mother	Father
Victim		
Verbal aggression	86%	87%
Any physical violence	28%	8%
Severe physical violence	15%	3%
Perpetrator		
Verbal aggression	91%	90%
Any physical violence	37%	11%
Severe physical violence	20%	3%

Table 2: Pacific Islands Families Study[52]

Victimisation in previous 12 months		
	Female	Male
Being hit by:		
Anyone	50.20%	52.30%
Partner	3.70%	7.30%
Sibling	42.10%	39.50%
Another young person	14.10%	25.60%
Parent	14.10%	11.30%
Other adult	3.30%	5.40%
Unwanted sexual contact	26.10%	9.70%

Table 3: The Youth19 Rangatahi Smart Survey[17]

respondents who reported 7 or more types of violence generally included an incident of severe physical violence.

- 81 The **New Zealand Crime and Victims Survey**[38] is the government’s annual crime victimisation survey. Using ‘crime’ in the title of the survey has the potential to cause under-reporting because it sets respondents expectations for the kinds of incidents that they should report. See Table 7 and Table 8

9 A fair trial and freedom from arbitrary detention

- 82 New Zealand is required to treat men and women equally in the justice system. Men must be free from arbitrary detention.⁵² “Arrest or detention on discriminatory grounds in violation

⁵²Article 9.1

IPV victimisation in previous 12 months		
	Women	Men
Physical		
Any	2.40%	4.90%
Moderate	2.10%	4.80%
Severe	1.30%	2.10%
Sexual		
	0.90%	0.50%
Psychological		
1 or more	12.70%	15.20%
2 or more	5.00%	5.20%
3 or more	1.50%	1.90%

Table 4: New Zealand Family Violence Study – violence in previous 12 months[19]

of article 2, paragraph 1, article 3 or article 26 is also in principle arbitrary”.⁵³ Section 22 of the New Zealand Bill of Rights Act states: “Everyone has the right not to be arbitrarily arrested or detained.”

83 In New Zealand, men are treated more harshly than women in the justice system. Women entering the justice system are filtered out at every natural attrition point more than men. Men are more likely to be prosecuted rather than given an alternative like being warned or discharged without conviction. Men are more likely to be sent to prison once they have been convicted. Men receive longer sentences on average and are less likely to be released on parole.[58]

84 Jeffries[32] found discrimination against men in several areas of the justice system:

In all but one case (the initial decision to imprison) sex was found to have a direct impact on the judicial outcomes investigated including: length of imprisonment term, remand status, length of custodial remand and bail conditions. With other factors statistically controlled, women’s imprisonment terms were found to be substantially shorter than men’s.

85 Patterson[46] found similar discrimination against men in sexual assault cases.

In terms of police decision-making processes, compared to males, a smaller proportion of females proceeded to “court action” for their offences. Furthermore, the severity of sentences handed down to males was greater than those handed down

⁵³General Comment 35 – paragraph 17

Percent Victimised since age 15		
	Women	Men
Non-partner		
Physical Violence	11.9	39.9
Sexual Violence	8.2	2.2
Intimate partner violence		
Any Physical Violence	25.32	29.4
Moderate Physical Violence	26.9	28.2
Severe Physical Violence	7.6	9.4
Sexual Violence	12.4	2.1
Psychological abuse		
One or more	47.7	40
Two or more	33	19.3
Three or more	19.8	9.1

Table 5: New Zealand Family Violence Study – Lifetime experience of violence[19]

to females, both generally and when the sexual offence could be directly matched.

86 Discrimination against men in the justice system is a long-term systemic problem. For example, Bindler[5] found a persistent sentencing gap disadvantaging men when reviewing 200 years of cases from the Old Bailey, London. Although men face significant discrimination and are significantly over-represented in the justice system, the Department of Corrections “has made efforts to limit the number of women coming to prison, and data shows that these efforts have been successful”. [13] New Zealand recognises bias in the justice system for Māori, but not for men. [48] New Zealand is committed to “addressing the over-representation of Māori in the justice system.” [25]

Sentencing guidelines for sexual offences:

87 New Zealand’s rape and sexual assault law and subsequent sentencing guidelines treat women who have nonconsensual sex with men more leniently than men who have nonconsensual with women. The sentencing guidelines released by the Court of Appeal make a clear distinction between rape by penetration and other forms of sexual assault. [49] This creates a significant difference between men and women. For example, a man having non-consensual sex with a woman, with no aggravating factors, is recommended a sentence between 6 and 8 years. A woman having non-consensual sex with a man is recommended a sentence between 2 and 5 years.

	Women	Men
Victimisation score		
No victimisation	33.90%	33.50%
1-2	33.00%	29.20%
3-4	23.80%	23.30%
5-6	4.60%	7.40%
7 or more	4.80%	6.70%
Perpetrator reports		
No perpetration	31.10%	43.00%
1-2	29.50%	26.10%
3-4	32.30%	25.30%
5-6	3.20%	2.80%
7 or more	3.90%	2.80%

Table 6: Christchurch Health and Development Study[23]

10 Family Matters

88 Article 23.4 requires New Zealand to treat men and women equally in marriage and its dissolution. There are significant problems with the New Zealand family court system. This can be tragically seen by the self-immolation of Zdenek Hanzlik outside parliament on 21st September 2017. He later died from his injuries. He was protesting issues with the family court.[57] Research by Nurit Zubery into men’s experiences of family mediation found issues with the “mediator’s bias against fathers” and “the devaluation of fatherhood”.[64]

	Female	Male
In previous 12 months		
Sexual Assault	2.96%	0.89%
By family members	3.02%	1.00%
Partner violence	2.03%	0.53%
By other family	1.09%	0.50%
Lifetime		
Sexual assault	36.25%	12.54%
Partner violence	23.61%	10.00%

Table 7: New Zealand Crime and Victims Survey Cycle 5[38] – prevalence rate, pooled data

	Female	Male
In previous 12 months		
Sexual Assault	2.9%	0.9%
By family members	2.9%	1.0%
All personal offences	16.1%	15%

Table 8: New Zealand Crime and Victims Survey Cycle 6[38] – prevalence rate, pooled data

11 Suggested questions for New Zealand

89 The Human Rights Committee may wish to ask:

- (a) Given New Zealand’s obligations to men and boys under Articles 2, 3 and 26, why does New Zealand lack a Minister and/or Ministry for Men or other gender-specific solutions for men and boys?
- (b) Why hasn’t New Zealand repealed or modified discriminatory laws, such as the Crimes Act (male-assaults-female, infanticide), the Adoption Act, and the Pae Ora (Healthy Futures) Act?
- (c) Given that men have poorer health outcomes than women in several areas, such as avoidable deaths (including suicide), why is there no Men’s Health Strategy?
- (d) What does New Zealand plan to do to address discrimination against men in the justice system?

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