

REFERENCE: BJ/follow-up/New Zealand/78

5 March 2021

Excellency,

In my capacity as Rapporteur on follow-up on concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honor to refer to the examination of the eighth periodic report of New Zealand, at the Committee's seventieth session, held in July 2018. At the end of that session, the Committee's concluding observations ([CEDAW/C/NZL/CO/8](#)) were transmitted to your Permanent Mission. You may recall that in paragraph 55 on follow-up to the concluding observations, the Committee requested New Zealand to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 20, 26 (a), 40 (a) and 48 (a).

The Committee welcomes the follow-up report received on time in July 2020 ([CEDAW/C/NZL/FCO/8](#)) under the CEDAW follow-up procedure. At its seventy-eighth session, held remotely due to the ongoing COVID-19 pandemic in February 2021, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 20** of the concluding observations, urging the State party to **“provide the New Zealand Human Rights Commission with sufficient human, technical and financial resources to carry out its mandate to promote and protect women’s rights ... [and to] repeal section 392 of the Immigration Act 2009 with a view to ensuring that the Commission is mandated to receive and process complaints from migrants, in line with the recommendations issued in 2016 by the Global Alliance of National Human Rights Institutions”**.

The Committee welcomes the increase in funding for 2019/20 and 2020/21 of the New Zealand Human Rights Commission as well as the information that the additional funds will be used to enhance the Commission's efficiency in carrying out its mandate, as well as to respond to the increased demand for mediation, Office of Human Rights Proceedings services, and more accessible digital engagement and inquiries. The Committee notes the information that the Commission will prioritize addressing poverty experienced by working women, equal pay including the ethnic pay gap, gender-based violence and sexual harassment. However, the Committee regrets the information that there is no plan to reform section 392 of the Immigration Act 2009. It considers therefore that the recommendation has been **partially implemented**.

The Committee notes that the information provided by the State party is thorough and extensive, but it fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **partially satisfactory**.

Her Excellency Ms. Anna Louise (Lucy) Duncan
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The Committee recommends that, in relation to **paragraph 20** of the concluding observations, the State party provide, **in its next periodic report**, information on actions taken to:

Repeal section 392 of the Immigration Act 2009 with a view to ensuring that the Commission is mandated to receive and process complaints from migrants, in line with the recommendations issued in 2016 by the Global Alliance of National Human Rights Institutions.

In relation to the recommendation made in **paragraph 26 (a)** of the concluding observations, urging the State party to “**adopt a comprehensive and cross-party on combating gender-based violence against women in accordance with general recommendation No. 35 and ensure its consistent implementation, including by strictly applying the provisions of the bill on family and Whanau violence legislation, once adopted, and by, inter alia, including measures that specifically protect women with disabilities who are victims of abusive caregivers**”.

The Committee welcomes the introduction of new laws and policies, including the Family Violence Act 2018, the Domestic Violence–Victims’ Protection Act 2018, the Sexual Violence Legislation Bill (awaiting its second reading) and New Zealand Police policy. The Committee takes note of the new measures under these new laws and policies, in particular the introduction of measures that specifically protect women with disabilities who are victims of abusive caregivers. The Committee also welcomes the development of a national strategy for the prevention of family and sexual violence by a cross-party team, as well as the information provided by the State party that indicators will be developed as part of the national strategy to monitor Government’s progress on eliminating family violence and sexual violence. The Committee takes note of the launch by the Ministry of Social Development in 2020 of three five-year frameworks for the prevention of family violence across Aotearoa. It also takes note of the increased funding to enhance the response to sexual violence and family violence, including a dedicated funding for a kaupapa Māori response to sexual violence. The Committee considers that the State party took significant steps to implement the recommendation. It considers that the recommendation has been **implemented**.

The Committee considers that the information provided by the State party is thorough and extensive, and responds directly to the recommendation. It thus considers that the quality of the information provided is **satisfactory**.

Regarding the recommendation made in **paragraph 40 (a)** of the concluding observations, urging the State party to “**remove abortion from the Crimes Act 1961 and amend the Contraception, Sterilisation and Abortion Act 1977 in order to fully decriminalize abortion and incorporate the treatment of abortion into health services legislation**”

The Committee welcomes the removal of the offences for abortion from the Crimes Act and the Contraception, Sterilisation, and Abortion Act 1977 through the adoption of the Abortion Legislation Act 2020, and the introduction of the treatment of abortion into health services legislation. The Committee further welcomes the revision of provisions that were impeding the accessibility of the service and creating unnecessary delays such as the need for two specially certified consultants to certify that an abortion was lawful and met the grounds set out in the Crimes Act. The Committee considers that the State party took significant steps to implement the recommendation. It considers that the recommendation has been **implemented**.

The Committee considers that the information provided by the State party is thorough and extensive, and responds directly to the recommendation. It thus considers that the quality of the information provided is **satisfactory**.



Regarding the recommendation made in **paragraph 48 (a)** of the concluding observations, urging the State party to “**establish a royal commission of inquiry with an independent mandate to engage in wide-ranging evaluation of the drawbacks for women, the obstruction of justice for women and the hindrances to their safety inherent in the family court system and to recommend the legislative and structural changes necessary to make the family courts safe and just for women and children, in particular in situations of domestic violence**”

The Committee takes note of the information provided by the State party that the Minister of Justice appointed an Independent Panel to examine the 2014 reforms and provide recommendations, and that the final report, publicly released in June 2019, included 69 wide-ranging recommendations on the law, policy and practices that currently govern care of children matters. The Committee notes that pursuant to this report, the Government launched in May 2020 the first phase of a long-term programme of work to strengthen the family justice system with funding of \$62.086 million over four years which includes measures to enhance legal representation and information for families and whanau.

However, the Committee regrets that the State party decided to appoint a Panel rather than to establish a royal commission of inquiry to adequately address the root causes of the systemic lack of trust and insensitivity towards women who are victims of domestic violence. Furthermore, the Committee is concerned that the issue of safety for women who come to family court for domestic violence was not included. The Committee considers that the State party did not take sufficient steps to implement the recommendation. It considers that the recommendation has **not been implemented**.

The Committee notes that the information provided by the State party is incomplete and fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **unsatisfactory**.

The Committee recommends that, in relation to **paragraph 48 (a)** of the concluding observations, the State party provide, **in its next periodic report**, information on actions taken to:

- 1. Take appropriate action to address the root causes of the drawbacks for women, the obstruction of justice for women and the hindrances to their safety inherent in the family court system.**
- 2. Operate the legislative and structural changes necessary to make the family courts safe and just for women and children, in particular in situations of domestic violence**

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,

Louiza Chalal
Rapporteur on follow-up
Committee on the Elimination of Discrimination against Women