



INCLUSIVE NZ  
a network for change

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Inclusive NZ Submission to the Seventieth session of the  
United Nations Committee on the Elimination of All forms of  
Discrimination against Women.

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## **Introduction**

Inclusive NZ is a New Zealand based Non-Governmental Organisation. It is made up of 70 organisations that provide employment and community support for over 8000 disabled people throughout Aotearoa/New Zealand. The majority of its members have government contracts with the Ministry of Social Development, as well as with the Ministry of Health, the Accident Compensation Corporation and the Ministry of Education.

In this submission, Inclusive NZ presents some of its concerns about New Zealand's implementation of the Convention on the Elimination of All Forms of Discrimination against Women ("CEDAW") with a focus on human rights violations against women and girls with disabilities.

New Zealand is a party to multiple human rights conventions that guarantee the human rights of women and girls, including CEDAW, the Convention on the Rights of Persons with Disabilities, the Convention on the rights of the child, and the two International Covenants. Important domestic legal protections exist within New Zealand.

Inclusive NZ recognises that New Zealand has taken measures to advance women's rights and gender equality. New Zealand was the first country to grant women the right to vote in 1893. New Zealand also continues to maintain its role as a leader in the field of gender equality.

Despite these efforts, many women in general, and women and girls with disabilities in particular face discrimination in various sectors including employment, health and education. There are several reasons for the disparities in the enjoyment of these rights:

- There has been a lack of a sustained political will and commitment to progressing women enjoyment of rights to equal pay. As a result, women's income continues to be lower than men. This situation is worse for women and girls with disabilities.
- Public awareness is needed to remove attitudes and biases against women in New Zealand to increase women's participation rate in leadership roles. New Zealand's position has fallen from third in the world for the number of women in senior management roles in 2004, to 33 out of 35 countries in 2017.<sup>1</sup>

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<sup>1</sup> <http://www.grantthornton.co.nz/insights/women-in-business-2018/>

- Women and girls with disabilities in New Zealand face a significantly heightened risk of violence compared to other women and girls in the country.
- Often women and girls with disabilities are not included in public policy initiatives, monitoring and reporting.

## **Implementation of the Convention**

### Article 2 Violence against women

1. Despite continued efforts by Government and communities, levels of violence against women in New Zealand remain unacceptably high. A recent report on sexual assault shows that about 24% of women experienced sexual assault in their life time.<sup>3</sup> While these figures are high, it should be noted that sexual abuse remains largely underreported.
2. Disabled women and girls are twice more likely to be victims of violence than non-disabled women and girls.<sup>2</sup>
3. A study focusing on violence against disabled people highlighted the hidden nature of much abuse directed against disabled people within the community. In addition to the physical, emotional and sexual abuse experienced by non-disabled people, “locked in” and “silencing” violence is often specifically directed at disabled people. The report noted that it was reasonable to interpret the Domestic Violence Act 1995 as generally excluding people in employer/employee relationships, such as care workers, from the definition of a domestic relationship. The author continued:<sup>3</sup>

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

4. The consent of an intellectually disabled girl under the age of 18 is not required before sterilisation can be performed. The Care of Children Act 2004 provides that a minor’s guardians together with the appropriate medical professionals have the authority to decide

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<sup>2</sup> <http://areyouok.org.nz/family-violence/statistics/>

<sup>3</sup> The Hidden Abuse of Disabled People Residing in the Community: An Exploratory Study, Roguski, M (18 June 2013) <http://www.communityresearch.org.nz/wp-content/uploads/formidable/Final-Tairawhiti-Voicereport-18-June-2013.pdf>.

which medical treatments they will receive and the High Court has observed that court authorisation in a case of sterilisation is not required.<sup>4</sup> This is in stark contrast to similar jurisdictions, such as Australia, where a court order is required.

**Inclusive NZ recommends that Committee urge the Government to:**

- a. commit to specifically including women and girls with disabilities and their families in government public policies and strategies to address violence and abuse.**
- b. review the legal framework for sterilisation without consent in consultation with disabled people and their families**

Article 6: Right to work

5. The number of women in the workforce has increased, and internationally New Zealand's labour participation rate is above the OECD average. The labour force participation rate for women is 65.9% and 76.5% for men.
6. Overall labour market outcomes for Māori and Pacific peoples continue to lag behind the general population:
  - the Māori unemployment rate (11%) at September 2016 was twice the national rate.<sup>5</sup> Labour market participation was also slightly lower (at 66.8% compared to the national rate of 69.2%).<sup>6</sup>
  - as at September 2016, the rate of Māori young people not engaged in employment, education or training ("NEET") was around double that of Europeans (19.5% for Māori and 9.2% for Europeans).<sup>7</sup>
  - the rate of unemployed Māori (11.1%) and Pasifika (10.4%) women is high compared to the overall women unemployment rate (4.9%).<sup>8</sup>
7. Many disabled people experience significant barriers to accessing employment, and to fully participating in society. Disabled people are more likely to be unemployed and receive on average just over half the weekly wage of non-disabled people. In the quarter to June 2017, 42.3% of disabled youth aged 15–24 years were not in employment, education, or training. By contrast only 10% of non-disabled youth aged 15-24 were not in employment, education or training.<sup>9</sup>
8. Disability accommodations, including equipment and modifications in the workplace, have been reported as being used by only 10% of all people with disabilities.

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<sup>4</sup> Re X [1991] 2 NZLR 365 (HC)

<sup>5</sup> <http://www.mbie.govt.nz/info-services/employment-skills/labour-market-reports/maori-labour-market/maori-in-the-labour-market-report/maori-in-the-labour-market-2011-2016>

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> <https://www.stats.govt.nz/infographics/women-in-the-workforce-2017>

<sup>9</sup> [http://m.stats.govt.nz/browse\\_for\\_stats/income-and-work/employment\\_and\\_unemployment/LabourMarketStatisticsDisability\\_HOTJun17qtr.aspx](http://m.stats.govt.nz/browse_for_stats/income-and-work/employment_and_unemployment/LabourMarketStatisticsDisability_HOTJun17qtr.aspx)

9. People with learning disabilities do not have equitable access to post-school learning opportunities. Post-school learning opportunities for people with learning disabilities are most successful when they are linked to practical experiences. The Government should learn from programmes that have worked overseas, such as LEAD Scotland and Project Search.

#### *Gender pay gap*

10. A recent study indicates that median hourly pay for males was \$24.07 and for females \$21.23. The gender pay gap has decreased from 11.8% in 2015 to 9.4% in May. However, among disabled people in employment, almost half (48%) of women earn incomes of \$30,000 or less compared with 28% of men.<sup>10</sup>

#### *Women's representation in business leadership*

11. A survey result from New Zealand businesses in Grant Thornton International's 2018 shows that "The female proportion of senior management teams has hit an all-time low of 18% since the report began in 2004 (31%), compared to 20% in 2017. What is more discouraging is the marked increase in the number of businesses with no women in senior management roles at 56%, compared to 37% last year."<sup>11</sup>
12. In 2004 New Zealand was third in the world for the number of women in senior management roles, in 2014 it was ranked 15<sup>th</sup> out of 45 countries, by 2015 that dropped to 28<sup>th</sup> out of 35 countries and in 2017 New Zealand was ranked 33 out of 35 countries.<sup>12</sup>

#### **Inclusive NZ recommends that the New Zealand government:**

- a. **Set targets to increase the participation of Māori, Pacific and Disabled women in the labour market, including in corporate governance and senior management.**
- b. **Commit to investing in post-school learning opportunities for people with learning disabilities which are linked to practical experiences.**
- c. **Increase funding for employment and community support services so that infrastructure is not lost and disabled people continue to have access to effective and responsive supports.**

#### Article 25 – Rights to health

13. Significant gaps remain in health outcomes, with Māori and Pasifika communities, persons with disabilities and socio-economically disadvantaged groups generally experiencing worse health outcomes than other groups.

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<sup>10</sup> [http://archive.stats.govt.nz/browse\\_for\\_stats/health/disabilities/disability-and-labour-market/employment.aspx](http://archive.stats.govt.nz/browse_for_stats/health/disabilities/disability-and-labour-market/employment.aspx)

<sup>11</sup> <http://www.grantthornton.co.nz/insights/women-in-business-2018/>

<sup>12</sup> <http://www.grantthornton.co.nz/press/press-releases-2018/proportion-of-women-in-nz-senior-leadership-roles-has-hit-rock-bottom/>

14. Generally, women in New Zealand have higher life expectancy than men. However, some ethnic women have lower life expectancy than the general population. Māori and Pasifika women die younger than non-Māori and Pasifika Women. Life expectancy at birth for Māori women is 77.1 years, whereas for non-Māori women is 83.9 years. Life expectancy at birth for Pasifika women is 78.8 years while for non-Pasifika women is 83.9.<sup>13</sup> Despite continued efforts, Māori and Pasifika communities exhibit higher rates of mental health and addiction problems.<sup>14</sup>
15. Women refugees with disabilities do not have access to disability support services, because they are excluded from the disability support strategy.<sup>15</sup> Moreover, public health institutions are not suited well for women refugees with disabilities due to language barriers, cultural barriers and cost.
16. Poverty, material deprivation and poor quality housing have a direct impact on health outcomes for Māori and Pacific peoples.

**Inclusive NZ recommends that the Committee urge the New Zealand Government to work in partnership with Māori, Pacific, Refugee and Disabled communities to increase the provision of adequate and appropriate health services with a particular focus on socially disadvantaged and rural communities.**

#### Article 10 - Education

##### *Disabled people*

17. Education is vital to disabled people being able to realise their other rights, fully participate in the community, and exercise full citizenship. However, significant barriers to inclusion remain and disabled people continue to lag behind across all indicators.
18. The Education Act 1989 (s.3) protects the equal right to education for all. However, there is no reference to require the incorporation of inclusive education principles. This has resulted in an ad hoc approach across the education sector with little real and consistent understanding of what inclusive education should look like. Schools either fail to provide the required supports or have resorted to separating/secluding disabled children.

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<sup>13</sup>[http://archive.stats.govt.nz/browse\\_for\\_stats/health/life\\_expectancy/NZLifeTables\\_HOTP12-14.aspx](http://archive.stats.govt.nz/browse_for_stats/health/life_expectancy/NZLifeTables_HOTP12-14.aspx)

<sup>14</sup><https://www.health.govt.nz/publication/office-director-mental-health-annual-report-2016>

<sup>15</sup><https://crf.org.nz/sites/default/files/staff/Executive%20Summary%20-%20If%20we%20have%20to%20go%20on%20our%20own,%20so%20be%20it%20-%20The%20challenges%20faced%20accessing%20disability%20support%20services%20by%20Wellington's%20Refugee-background%20communities.pdf>

19. Most recently it has been revealed that some families are being forced to move substantial distances from their homes because there are no accessible education options for their disabled children where they live.<sup>16</sup>

**Inclusive NZ recommends that the Committee urge the New Zealand Government to review without delay all education legislative and policy settings to ensure that schools provide accessible inclusive education options to disabled students throughout New Zealand.**

*Māori and Pacific Peoples*

20. Despite efforts from successive governments and communities, current data shows a continuing gap between Māori and Pacific peoples and other ethnicities:

- 71.1% of 18 year old Māori have an NCEA Level 2 qualification or above compared with 87.3% for Europeans and 83.3% overall.<sup>17</sup>
- Schools continue to stand-down, suspend, and exclude more Māori students than any other ethnic group.<sup>18</sup>
- 77.6% of Pacific 18-year-olds had at least NCEA Level 2, compared with 87.3% of 18-year-olds of European descent, and the overall national rate of 83.3%.<sup>19</sup>

**Inclusive NZ recommends that the Committee work with iwi and Pacific communities to develop cultural appropriate programmes (with associated targets) to accelerate reducing the gap in educational outcomes between Māori and Pacific peoples and other ethnicities.**

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<sup>16</sup> <https://www.radionz.co.nz/national/programmes/checkpoint/audio/2018631225/families-of-special-needs-children-feel-forced-out-of-wairarapa>

<sup>17</sup> [http://www.stats.govt.nz/browse\\_for\\_stats/snapshots-of-nz/nz-social-indicators/Home/Education/18-year-olds-with-higher-qualif.aspx](http://www.stats.govt.nz/browse_for_stats/snapshots-of-nz/nz-social-indicators/Home/Education/18-year-olds-with-higher-qualif.aspx)

<sup>18</sup> <http://www.educationcounts.govt.nz/statistics/indicators/main/student-engagement-participation/Stand-downs-suspensions-exclusions-expulsions>

<sup>19</sup> Ibid.

## APPENDIX 1 - SUSTAINABLE DEVELOPMENT GOAL 5

### Achieve gender equality and empower all women and girls

#### SUSTAINABLE DEVELOPMENT GOAL 5

Achieve gender equality and empower all women and girls

#### TARGET 5.2

Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation.

#### INDICATORS

- Proportion of ever-partnered women and girls aged 15 years and older subjected to physical, sexual or psychological violence by a current or former intimate partner in the previous 12 months.
- Proportion of women and girls aged 15 years and older subjected to sexual violence by persons other than an intimate partner in the previous 12 months, by age and place of occurrence.

#### CURRENT SITUATION

- 1 in 3 (35%) ever-partnered New Zealand women report having experienced physical and/or sexual IPV in their lifetime.
- When psychological/emotional abuse is included, 55% report having experienced IPV in their lifetime.
- - 17% of New Zealand women report having experienced sexual violence by an intimate partner in their lifetime; 2% in the last 12 months.
- Disabled women and girls are twice more likely to be victims of violence than non-disabled women and girls.

#### TARGET 5.5

Ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life

#### INDICATORS

- Proportion of seats held by women in national parliaments and local governments
- Proportion of women in managerial positions

#### CURRENT SITUATION

- Women represent 38% of Parliament
- Only 18 percent of women are in Senior Management positions.