

## QUICK GUIDE TO ADDRESS WOMEN'S ISSUES DURING THE UNIVERSAL PERIODIC REVIEW ON NEW ZEALAND<sup>1</sup>

These Guides include:

- A list of issues mentioned in the National Report, the Compilation of official UN Documents and the Summary of Other Stakeholders Submissions, with references to the particular paragraphs in which they can be found.
- The full text of those paragraphs
- A reference to "gaps", that is, issues on which the National Report should/could have applied a gender perspective but failed to do so.
- Suggested questions and recommendations

References in the two working languages of the Council (English and French) have been kept in their original language.

**Issues** are highlighted. References from the National Report are *in Italics*.

All women's rights issues (included sexual rights' issues related specifically to women) are referred to in this Guide. Other sexual rights issues are referred to in the Sexual Rights Guides for each state under review

CEDAW ratified. OP-CEDAW ratified (with reservations for Tokelau). Rome Statute ratified. Palermo Protocol ratified.

### Gaps

At the time of preparing this Guide (April 7, 09) the National Report was not yet available.

ISSUE	N Report	Compilation	Summary
<b>Access to justice</b>		Need to remove impediments and to provide legal aid services and to raise awareness. (29)	
<b>Domestication of CEDAW / Harmonization of laws with international treaties.</b>		Convention not fully incorporated into domestic law (7)	CEDAW and OP not fully incorporated in policies and legislation (14). Need for explicit gov. commitment in this regard. 7).
<b>Economic Rights</b>		Single female parent families most affected by poverty (42)	
<b>Equality and Non discrimination</b>		Lack of explicit definition of discrimination in domestic law. Media / society have a negative, inferior, stereotypical view, esp. of minority women (19)	Fragile protections, not enforceable (6) Need to reform laws to increase protection for women (21)
<b>Ethnic Minority Women</b>		Maori women experience poorer economic, health, social outcomes than other	

<sup>1</sup> These Guides were produced by the Sexual Rights Initiative, a coalition of organizations based in Africa, Asia, Eastern Europe, Latin America and North America whose mandate is to advance women's issues broadly and sexual rights issues in the Human Rights Council. For questions, comments, suggestions please contact Alejandra Sardá-Chandiramani at [alejandra@mulabi.org](mailto:alejandra@mulabi.org)

		women (42). Lower life expectancy (43)	
<b>Harmful traditional practices</b>			Dowry, forced marriages, under-age marriages and polygamy in migrant/refugee communities (21).
<b>Public and political participation</b>		Parliament seats increased to 33.1%; decline in local governments. Underrepresented in district health boards and judiciary (34). Maori, Pacific, Asian and other minority women underrepresented (35)	
<b>Reproductive health/rights</b>		Need to improve information on reproductive health and contraception. Need for sex education, esp. STDs /teenage pregnancy (45)	
<b>Right to education</b>		Need for legislation to guarantee compulsory education, prohibiting exclusions, esp. pregnancy (49)	
<b>Right to health</b>		Comprehensive coverage and free services (44)	
<b>Right to work</b>		Employment Relations Act (36). Lack of equal opportunities policies in private sector. Increasing wage gap. Segregation. Low wages. No participation in management and decision-making (37) Market inequalities for ethnic, esp. Maori /Pacific women (38) Parental leave scheme legislation.. Need to ensure access for rural, Maori and Pacific Women. Need to strengthen parental leave programs for men. (39)	Low rate of women in corporate governance /management in public and private sectors (34) Systemic gender pay gap, worse for Maori and Pacific. No measures taken to use equity mechanisms (36)
<b>Sexual Violence</b>			1/3 of women physical/sexual abused by partners throughout lifetime. Need to reinforce victims compensation and provide refuges for victims (24)
<b>Trafficking of women/ Forced prostitution</b>		Trafficking not officially reported or prosecuted. Forced prostitution of	

		migrant women and girls a concern (28)	
<b>Violence against Women /Gender Violence</b>		High prevalence, esp. among Maori and Pacific women. Low rates of prosecution, decreasing protective orders. Violence within families and marriages in immigrant communities not addressed (27)	
<b>Women in prison</b>			Corrections (Mothers with Babies) Amendment Act. (31)

### **Access to justice**

CEDAW welcomed efforts to expand eligibility requirements for legal aid. (Para 29, Compilation).

### **Domestication of CEDAW / Harmonization of laws with international treaties**

While appreciating steps taken by the State, CEDAW was concerned in 2007 that the Convention has not been fully incorporated into domestic law (Para 7, Compilation).

The Women's Group of 21 NGOs (Joint Submission 3 - JS3) noted that the objectives and provisions of the CEDAW Convention are **not fully taken into account** or articulated in the **Action Plan for New Zealand Women**. Furthermore, the Convention and its Optional Protocol are not widely known throughout the country, and are **not sufficiently utilized** in policy development or in bringing cases related to discrimination against women (Para 14, Summary).

According to The New Zealand Human Rights Commission (NZHRC), New Zealand is **not fully consistent** in incorporating international human rights standards in domestic law. (Para 7, Summary)

### **Equality and non-discrimination**

CEDAW was concerned in 2007 that domestic legislation contains **no explicit and comprehensive definition** of discrimination against women, in accordance with the Convention, **encompassing direct and indirect discrimination**. The fact that women, especially minority women, continue to be portrayed in a negative, inferior and stereotypical manner in the media and society was also a matter of concern to CEDAW ( ) (Para 19, Compilation).

NZHRC was of the view that New Zealand's **human rights protections are fragile**, in the **absence of a comprehensive constitutional document** or entrenched **legal provisions**. (Para 6, Summary) (Para 21, Summary).

### **Economic Rights**

The Committee on the Rights of the Child (CRC) noted that **single-parent families headed by women**, as well as Maori and Pacific Island families, are disproportionately affected by poverty (Para 42, Compilation)

### **Ethnic Minority Women**

As noted by the Special Rapporteur on indigenous people, despite the Government's intention to reduce inequalities, persistent disparities between Maori and Pakeha continue to exist. Maori women still experience poorer economic, health and social outcomes than other women, but there has been progress. ( ) (Para 42, Compilation). In 2007, CEDAW expressed concern about the disparity in the life expectancies of women of European descent and women from other ethnic groups (Para 43, Compilation).

### **Harmful traditional practices**

( ) The Shakti Community Council Inc. (SCCI) noted that oppression, violence and discrimination against migrant and refugee women traditionally endorsed through culture, religious beliefs and society continue to prevail. There are examples of dowry, forced marriages, under-age marriages and polygamy in New Zealand. (Para 21, Summary).

### **Public and political participation**

According to a 2008 United Nations Statistics Division source, the proportion of seats held by women in the parliament increased from 28.3 per cent in 2004 to 33.1 in 2008. While welcoming the recent ascension of women to the highest constitutional positions, CEDAW was concerned in 2007 that their number in local government and political decision-making positions was declining, and that women remained underrepresented in local government, district health boards, statutory boards and the judiciary (Para 29, Compilation). ( ) In 2007, CEDAW was concerned that Maori, Pacific, Asian and other minority women are underrepresented at most levels of public and political life. (Para 35, Compilation).

### **Reproductive health/rights**

(See Recommendations)

### **Right to education**

(See Recommendations)

### **Right to health**

CEDAW noted with appreciation the availability of comprehensive health coverage and of free health services. (Para 44, Compilation).

### **Right to work**

The HR Committee and CESCR welcomed the Employment Relations Act of 2000, which facilitates collective bargaining, strengthens the role of trade unions and introduces measures of protection against harassment and discrimination in the workplace (Para 36, Compilation).

In 2007, CEDAW expressed concern about the lack of legal mechanisms to address discrimination against women by private actors in the area of employment. The mechanisms for implementing the principle of equal pay for work of equal value in the private sector have been abolished and the Government lacks the authority to implement and enforce equal employment opportunity policies in this sector. CEDAW was also concerned at the increasing wage gap between women and men, a matter already addressed by CESCR in 2003; at the high levels of occupational segregation, the concentration of women in low-wage occupations and the very low rate of women's participation in management and decision-making positions in the private sector (Para 37, Compilation).

Concern about the **disadvantaged situation** of Maori, Pacific and minority women in employment was expressed by CEDAW. (Para 38, Compilation).

The HR Committee and CESCR welcomed the introduction of new legislation providing for a government-funded **parental leave scheme**. While welcoming efforts to support women's participation in employment and achieving a **work-life balance**, CEDAW remained concerned at the **rates of participation** in the labour force for mothers of young children and single mothers. (Para 39, Compilation).

NZHRC noted that significant progress has been achieved regarding the participation of women in the labour market, professional and public life, senior constitutional positions and in local and national politics. However, New Zealand suffers from enduring equity issues, including the **very low percentage** of women in **corporate governance** and in **senior management** in the **public and private sectors** (Para 34, Summary).

NZHRC noted the **systemic gender pay gap** which disadvantages women and is significantly **worse for Maori and Pacific Women**. Women, particularly Maori women workers, as noted by JS2, still **remain clustered** into industries and occupations that are **low-earning and low-paying**. JS3 added that the gender pay gap is **12 percent** with only marginal movement in the last decade. Gender pay gaps up to **30 percent** have been identified in the public sector. Though there is a process for pay investigations and remedial settlements, there **has been a slow uptake by Government** departments to using pay and employment equity mechanisms (Para 36, Summary).

### **Sexual Violence**

AIANZ noted that **one in three** women in New Zealand experience **physical** and/or **sexual abuse** at the hands of a **partner throughout their lifetime**. According to JS3, the number of cases appearing before the courts is still **unacceptably high**. NZHRC stressed that significant government initiatives have been adopted to tackle domestic violence. (Para 24, Summary)

### **Trafficking of women/Forced prostitution**

CEDAW was concerned that no cases of trafficking in women have been **officially reported or prosecuted**, despite indications of the existence of trafficking in women in New Zealand. It was also concerned about the **exploitation of migrant women and girls** in prostitution (Para 28, Compilation).

### **Violence against Women/Gender Violence**

While noting measures taken, CEDAW expressed concern about the continued prevalence of **violence against women**, particularly **Maori**, and against **Pacific** and **minority women**. CEDAW was concerned at the **low rates** of prosecution and convictions for such crimes; at the **declining number** of protective orders; and that violence against women **within families** and **illegal practices** relating to **marriage** take place within **immigrant** communities and may not be adequately addressed because of the **dependency and isolation** of the women concerned (Para 27, Compilation).

### **Women in prison**

Friends World Committee for Consultation (Quakers) noted the adoption of the **Corrections (Mothers with Babies) Amendment Act 2008**, raising the age until which a baby can stay with the **imprisoned mother** from six months to two years, and opening this possibility to all women prisoners. It expressed concern however about the possible separation of mother and child during **pre-trial detention**. (Para 31, Summary).

### **Suggested questions and recommendations:**

Recommend that New Zealand strengthens efforts to raise awareness in government institutions, the judicial system and society at large on the CEDAW Convention and women's rights more broadly.

Recommend that New Zealand includes in its domestic legislation a definition of gender-based discrimination that is according with the CEDAW dispositions, encompassing direct and indirect discrimination.

Recommend that New Zealand designs and implement gender awareness programs and open fora aimed at discussing how women, and particularly ethnic minority women, are portrayed by the media, with an aim of developing a code of conduct to which public and privately owned media will consent to abide.

Ask New Zealand what measures have been taken to address the disproportionate effect of poverty on female-headed and Maori households /Recommend that New Zealand takes urgent measures to address the disproportionate effect of poverty on female-headed and Maori households

Ask New Zealand what measures have been taken to increase the representation of women in local governments and in the judiciary and the representation of Maori and other ethnic minority women in all aspects of public and political life /Recommend that New Zealand takes measures, including special temporary measures, to increase the representation of women in local governments and in the judiciary and the representation of Maori and other ethnic minority women in all aspects of public and political life.

### **CEDAW**

To analyze and remove impediments women may face in gaining **access to justice**, to provide legal aid services to all women in need and to raise awareness about how to utilize available legal remedies against discrimination, as well as to monitor the results of such efforts (Para 29, Compilation)

To strengthen parental leave programmes for men and to encourage men to share child-rearing responsibilities with women; to act expeditiously to amend eligibility criteria to ensure that seasonal and temporary workers are eligible for paid parental leave; to assess the barriers that rural and Maori, Pacific and minority women face in accessing **childcare and parental leave**; and to implement measures to reduce these barriers and increase their access to such services (Para 39, Compilation)

To improve the rates of **access to health care and health-related services** and information, especially for women who live in rural areas or who face cultural or language barriers in accessing health care (Para 45, Compilation)

To improve the provision of information on **reproductive health** and contraception and to promote widely sex education, with special attention to the prevention of sexually transmitted diseases and teenage pregnancy (Para 45, Compilation)

### **Committee on the Rights of the Child (CRC)**

To enforce legislation on compulsory **education** and prohibiting exclusions on arbitrary grounds such as pregnancy, and ensuring that students of the age of compulsory education

who have legitimately been excluded from a school are enrolled elsewhere (Para 49, Compilation).

New Zealand Human Rights Commission (NZHRC)

To make a explicit government commitment towards incorporating international human rights treaties ratified by New Zealand in domestic legislation and policy development (Para 7, Summary)

To further strengthen the rights of victims of sexual violence, particularly in relation to participation in the criminal justice system and access to compensation (Para 24, Summary)

Friends World Committee for Consultation (Quakers)

To share their experience in relation to the drafting and application of the new legislation on imprisoned mothers with babies; to provide information on provisions made for mother and baby/child in prison and on how the principle of best interests of the child/baby is assessed (Para 31, Summary).

NZEI Te Riu Roa (NZEI)

To reform the law to close the gaps in the protection of women against discrimination (Para 21, Summary)

Shakti Community Council Inc. (SCCI)

To be more proactive with regards to oppression, violence and discrimination against migrant and refugee women traditionally endorsed through culture, religious beliefs and society (Para 21, Summary).

The Women's Group of 21 NGOs (Joint Submission 3 - JS3)

That refuge services be adequately funded for victims of domestic and sexual abuse (Para 24, Summary)