



70th session of the Convention on the Elimination of Discrimination against Women (CEDAW) Preliminary Agreed Outcomes: New Zealand

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The Committee on the Elimination of Discrimination against Women today considered the eighth periodic report of New Zealand on its implementation of the provisions of the Convention on the Elimination of All Forms of Discrimination against Women.

Introducing the report, Heather Janet Logie, Under-Secretary for Justice of New Zealand, said that the general election in September 2017 had marked a significant change in the priorities for women and a symbolic shift for women. The current priorities included a commitment to improving wellbeing, reducing poverty and reforming welfare, ensuring women and girls were free from violence, and closing the gender pay gap. A position of Parliamentary Under-Secretary with responsibility for domestic and sexual violence issues, as well as a Crown/Māori relations portfolio had been established. Next year, New Zealand would be the first nation in the world to deliver a “Wellbeing Budget”, an important step towards embedding the wellbeing of the people in the public policy. The Child Poverty Reduction Bill set out the accountability of the Government to reduce child poverty and make New Zealand the best place in the world to raise a family and be a child. In the area of family violence, the fragmented response system that was failing to prevent the violence and meet the needs of victims would be transformed. A new dedicated body was being set up to lead a whole-of-government response and provide a single point of accountability for ensuring that the family and sexual violence prevention and response system was delivering effectively. There was a commitment to eliminate the gender pay gap, starting with the core public service, and, by 2021, increase the minimum wage by a third.

In the dialogue that followed, Committee Experts said that, because New Zealand was a trailblazer and a champion of human rights, in particular women’s rights, the expectations on leadership and advancement of gender equality were high. Experts were concerned over the loss of the focus on women in laws and policies due to the gender neutral language, an example of which was the absence of a gender strategy and a national action plan for women. It was a great concern that the rates of gender-based violence were the highest among Member States of the Organization for Economic Co-operation and Development, with ethnic women, in particular Māori and Pacific women, being the principal victims. New Zealand had the highest rate of teen pregnancy among Organization for Economic Co-operation and Development Member States, and high rates of school dropout, especially among Māori and Pacific youth, Experts noted, and inquired about steps to address the shortage and pay of teachers and shortage of midwives, particularly in rural communities. The Committee was concerned about persistent discrimination across all sectors of employment against Māori, Pacifica and disabled women, particularly young women. In the area of family law, Experts were extremely concerned about the lack of trust and confidence accorded to victims of domestic violence and their children, and the mandatory mediation and shared custody in cases involving domestic violence.

In concluding remarks, Ms. Logie thanked the Committee for their contributions to improve the situation in New Zealand and recognized that there was significant work in front of the Government.



Dalia Leinarte, Committee Chairperson, commended New Zealand for its efforts and encouraged it to address various recommendations, which the Committee would issue with the purpose of the more comprehensive implementation of the Convention throughout the State party.

The delegation of New Zealand was composed of the representatives of the Ministry of Justice, Ministry for Women, Ministry for Māori Development, Ministry of Foreign Affairs and Trade, and the Permanent Mission of New Zealand to the United Nations Office at Geneva

Presentation of the Report

HEATHER JANET LOGIE, Under-Secretary for Justice of New Zealand, started by recognizing the critical role of the Convention in the advancement of gender equality and the empowerment of women and girls, especially in such a multicultural society as New Zealand, which was composed of over 200 ethnic groups that spoke over 160 languages. The relationship between Māori, the indigenous peoples, and the Crown had been formalized by the Treaty of Waitangi, a framework for the Government to promote, protect and respect indigenous rights, which in the past the Government had not always respected. Māori had been denied the opportunity to participate meaningfully in decision-making, resulting in poorer outcomes for Māori, especially women and girls. New Zealand, recalled Ms. Logie, was the first country in the world in which women had obtained the right to vote 125 years ago. Since the general election in September 2017, there had been a significant change in the direction of the country and the priorities for women. The new coalition Government, formed by the New Zealand Labour Party and the New Zealand First Party with the support of the Green Party of Aotearoa, was making a concerted effort to end domestic and sexual violence for all and had established a position of Parliamentary Under-Secretary with responsibility for domestic and sexual violence issues. The new Government also represented a symbolic shift for women in New Zealand; there were now 46 women Members of Parliament representing 38 per cent, the highest level ever, and 13 were Māori women.

The Government was determined to make a real difference for women and girls in New Zealand, and build closer partnerships with Māori. The current priorities included a commitment to improving wellbeing, reducing poverty and reforming welfare, ensuring women and girls were free from violence, and closing the gender pay gap. There was a determination to ensure that all New Zealanders, especially women and girls, had access to high quality public services, and to work with Māori and Pacific women, migrant and refugee women, women with disabilities, and gender diverse women to address their poorer outcomes and ensure a fair and inclusive society for all. A Crown/Māori relations portfolio had been established to foster a healthier relationship and improve the way in which the Government engaged with Māori, in particular in eliminating gender-based violence. Next year, New Zealand would be the first nation in the world to deliver a “Wellbeing Budget” which would represent an important step towards embedding the wellbeing of the people in New Zealand’s public policy. Currently, between 150,000 and 200,000 children lived in poverty, with 80,000 living in extreme hardship. The Child Poverty Reduction Bill set out the accountability of the Government to reduce child poverty, improve child wellbeing and make New Zealand the best place in the world to raise a family and be a child.

Family violence, noted the Under-Secretary, was the largest driver of violent crimes in the country: one in three women experienced physical, emotional, and or sexual violence from a partner in their lifetime. The Government would transform the fragmented response system which was failing to prevent the violence and meet the needs of victims, including through a focus on primary prevention, early intervention, integrated responses and new approaches to service delivery. A new dedicated



body was being set up to lead a whole-of-government response and provide a single point of accountability for ensuring that the family and sexual violence prevention and response system was delivering effectively. The funding for frontline initiatives had been increased by \$76 million to ensure women escaping violent situations could access the support they needed. There was a commitment to develop a Māori centric models of service position that provided for their specific needs; a risk and needs assessment process had been designed in partnership with Māori. There was a commitment to eliminate the gender pay gap which in September 2017 was 9.4 per cent, and much higher for Māori and Pacific women, at 18 and 21 per cent respectively. The Government would first close the gender pay gap within the core public service, which was 12.4 per cent currently, and by 2021 would reduce the minimum wage by a third. This would benefit over 164,000 Kiwi workers, the majority of whom were women and girls. In consultation with a tripartite Joint Working Group on Pay Equity Principles, a suite of amendments to employment relations legislation would bring greater fairness to the workplace.

Questions from the Experts: Round 1

At the beginning of the dialogue, a Committee Expert remarked that, because New Zealand was the first country in the world in which women had the right to vote, the Committee's expectations were high in terms of leadership and advancement of gender equality. The Expert noted that gender neutral language in policies and laws was "mainstreaming gender away", giving as an example the lack of a national action plan for women: the last plan had concluded in 2009 and had not been renewed as it had been assumed that women's rights were already covered by the general Human Rights Act. It was the loss of this specificity and focus on women that the Committee found worrying.

Another concern was related to the outdated definition of discrimination in the Human Rights Act which prohibited discrimination based on sex but not on gender. Would this be amended? The budget of the Human Rights Commission had been drastically cut, resulting in the loss of a great number of staff – what were the intentions concerning this issue?

New Zealand had adopted the national action plan on women, peace and security in the follow up to the United Nations Security Council resolution 1325, another Expert noted and asked how it impacted New Zealand's foreign policy. Could the delegation inform on the percentage of gross domestic product spent on official development assistance and which percentage of official development assistance was allocated to gender equality initiatives?

Responses by the Delegation

As far as gender neutral language was concerned, the delegation recognized that the gender specific language in response to violence against women and children must be brought back, especially as such violence was driven by gender-based discrimination. The work was being done to improve the legislating process in Parliament and ensure a consideration of domestic and international human rights, through compulsory disclosure of statements to accompany bills.

The delegation acknowledged the apparent lack of use of the Convention and the Optional Protocol in national courts, explaining that the people used domestic mechanisms before resorting to international ones, namely, the courts, the Human Rights Commission, and the human rights tribunal. Steps were being taken to address the backlog at the human rights tribunal, and the Government was well aware of the need to ensure easier access to legal aid in order to improve access to justice for women.



The national action plan for women had indeed ended in 2009 and at the moment there were no intentions to adopt another plan because specific issues were being addressed through separate action plans, including in increasing the number of women in board positions, decreasing the gender pay gap in the public service, increasing rates of women in correction services, and others.

The Government had recently announced an increase in the official development assistance and humanitarian assistance budgets, to reverse the decline over the past nine years. Thus, a further 714 million dollars would be allocated over the next four years, reaching 0.28 per cent of the gross domestic product. The national action plan on women, peace and security was an integrated plan reflecting a range of activities, most specifically in the Pacific, and currently New Zealand was reviewing its programmes in the Pacific and South and South-East Asia in this vein.

So far, no commitment had been made to increase the funding for the Human Rights Commission.

New Zealand was absolutely committed to the 2030 Agenda for Sustainable Development, and the Convention on the Elimination of All Forms of Discrimination against Women. One of the ways to operationalize this commitment was the current elaboration of the living standards framework, anchored in a wide conception of wellbeing and the Sustainable Development Goals, whose ambition was to track, in an independent and transparent way, the performance of the Government. In this context, the delegation stressed the importance – and challenges – of collecting and analysing the right type of data, and said that the new monitoring and indicators framework was being developed, stressing that the indicators would be gender-based and ethnicity-based.

Questions from the Experts Round 2

A Committee Expert commended the new interactive digital tool to disseminate knowledge about the Convention and asked how the tool was accessible throughout the country and to different groups of women, in light of the level of digital literacy and accessibility of the Internet.

In the absence of a gender strategy, how were the priorities set, implemented, monitored, and reviewed? How were actions to address women's issues resourced? What was the capacity of the Ministry for Women to discharge its mandate, and the rules used to regulate and monitor service providers?

What was the new Government's view on the use of temporary special measures, an Expert asked?

Responses by the Delegation

Responding, the delegation said that digital literacy was taught as a part of the school curricula, and a great majority of all transactions were conducted online. Only one in five people in New Zealand used the Internet "sparingly". The delegation clarified that the interactive tool was about more than just promoting the Convention, it opened a conversation about human rights in communities throughout the country, and was being implemented and facilitated by civil society organizations.

In terms of setting gender priorities, the delegation explained that those happened through conversations between the Ministry for Women, other Government departments and other stakeholders, that took place at the beginning of a year. The priorities were long-term and yearly specific targets were set on an annual basis. For this year, the priority targets were to increase the number of women on boards and to address the gender pay gap.



The Ministry had a considerable capacity to implement activities on its own, and it worked with other agencies and institutions that had specific expertise, for example on the labour market or the gender pay gap. The Ministry published an annual report on its activities and support to the Government, and also conducted yearly stakeholder surveys to understand how its performance was perceived and viewed. The Ministry was mainly a “policy shop”, and was not a regulator of service providers.

The Government intended to judiciously use temporary special measures to signal the change and achieve objectives, and had just adopted a target of 50 per cent women on state sector boards by 2021, the implementation of which would be supported by strategic efforts.

Questions from the Experts Round 3

A great source of concern was the high rate of gender-based violence, the highest among Member States of the Organization for Economic Co-operation and Development. The reporting rates were low, principal victims were ethnic women, in particular Māori and Pacific women, and recidivist rates were very high, at about 50 per cent. These figures were particularly shocking, given the history of New Zealand as a trailblazer and champion of human rights in general, and women rights in particular.

Critical problem areas were the fragmented approach and involvement of many agencies in prevention and response; lack of adequate data; and the confusion over terminology with many terms being used to describe the phenomenon including domestic violence, violence against women, family violence, intimate partner violence, and family harm. Experts were concerned that such interchangeable use of different terms diminished the seriousness of gender-based violence as a human rights violation.

The Committee urged New Zealand to use the Council of Europe Convention on preventing and combatting violence against women and domestic violence, the so-called Istanbul Convention, to inspire the comprehensive responses to those phenomena, and to invite the Special Rapporteur on violence against women to visit the country.

The media continued to promote stereotypical images of women and sexist advertisement had in fact increased over the past years, Experts noted and asked about the situation concerning trafficking in persons, and the status of and challenges in implementing the national action plan on trafficking in persons. There was a concern that the current legislation criminalized migrant sex workers.

Responses by the Delegation

The delegation recognized the dimension of the phenomenon of gender-based violence in New Zealand and said that the new Government was taking concrete steps to address the problem and the current fragmented response mechanism. In that sense, the funding was allocated for the setting up of a central agent, a dedicated body to lead a whole-of-government response to gender-based violence. It was hoped that Parliament would soon adopt a bill on workplace protection of victims of violence, and there was new legislation which would designate family violence agencies across the Government and introduce as a specific crime, strangulation and forced marriage. There was much to be done, the delegate said, affirming the commitment of the Government to address the problem, including the gaps in relevant data.

The central agent would map out the response to prevention, and addressing gender stereotypes was essential to this work. The current approach was to highlight the positive stories and achievements of women in sports, culture, politics, music, and the celebration of the 125 years of suffrage was



another opportunity to promote the awareness of women's rights and achievements. Although there were more women working in the media than men, there was still a long way to go in addressing stereotypes and sexism.

The Government was conscious that a one-size-fits-all response to preventing and addressing violence against women would not work, thus it was committed to ensure that Māori experiences and leadership were at the centre of the Government's response. It was an approach which promoted working from "inside-out" rather than "outside-in", and also promoting the family-centre approach by encouraging those who could build trust and confidence of victims to find a path to growth and development, and overcoming their very painful experiences. The Government would continue to support the model which supported family or community members in places where the prevalence of violence against women was high to say "this is unacceptable".

Responding to the concerns that Experts raised about embedding the new response and ensuring continuity across the consecutive governments, the delegation recognized that this was a major concern of New Zealand as well, and said that efforts were ongoing to ensure that the response to gender-based violence was also a work of Parliament and not just Government, and to support Members of Parliament to promote the issues of gender-based violence and violence against women in their own communities. The Government was looking for a sustainable change and not a quick win, which "in a three-year political cycle was a bit frightening".

Since 2014, there had been one conviction on 15 counts of trafficking in persons. Of the 39 victims of trafficking in persons, 33 were males and six were females, one underage.

There was a range of tools to address family violence, one of them was police safety orders, a delegate said, and acknowledging the challenges of a fragmented approach, said that the new bill on family violence would improve the information sharing between various agencies involved in the response.

New Zealand was well aware of the barriers to accessing justice for victims of violence against women, and particularly women with disabilities, Māori and Pacific women, and recognized that access to justice was at the core of an effective response to gender-based violence.

Questions from the Experts Round 4

In the next round of questions, Committee Experts welcomed the increased representation of women in Parliament, and in particular indigenous women. However, although women represented 61 per cent of the public service employees, they represented only 42 per cent of chief executives and 24 per cent of the top senior executives. Women were also poorly represented in senior roles in the private sector.

Responses by the Delegation

The delegation agreed that the participation of women in public and political life was not good enough, and said that two specific measures had been adopted to address the issue, including to close the gender gap in the management positions in public service sector and ensure gender parity on boards.

The Ministry of Foreign Affairs and Trade was currently discussing how to support more New Zealanders to participate in international organizations, and recalled that recently, the Government had strongly supported a New Zealand woman for the top position in the world, the United Nations Secretary-General, which she, unfortunately, had not got.



Questions from the Experts Round 5

In the next round of questions, Committee Experts commended the efforts in the education sector, including the resources allocated to promote science, technology, engineering and math education and careers, in particular among high school students. Could the delegation explain why only 37 per cent of science, technology, engineering and math scholarships recipients were women?

New Zealand had the highest rate of teen pregnancy in the Organization for Economic Co-operation and Development Member States, and high rates of school dropout, especially among Māori and Pacifica youth. The Committee recognized the efforts to provide education to teen parents through the 23 schools across the country, but this also indicated the size of the problem, and might lead to the stigmatisation of students. What measures were in place to promote inclusive education, address bullying in school, resolve the shortage of teachers and ensure they were adequately paid?

The Committee was concerned about persistent discrimination across all sectors of employment against Māori, Pacific and disabled women, particularly young women. Welcoming the commitment to eliminate the gender pay gap in the public service sector, an Expert asked how this would be accomplished and how the initiative would extend to other sectors of the economy. Disaggregating data relating to women with disabilities was essential to develop policies and measures to protect their rights, stressed the Expert, and went on to raise concern about sexual harassment in the workplace, including in the police, and the legal sector.

Abortion was still regularized through criminal legislation, an Expert said and asked about the status of the advice provided by the Law Commission on an alternative legal approach to abortion. Would sexual violence and rape be included as an independent ground for abortion? The definition of a child included an unborn foetus, which raised concern that special protection afforded to the foetus might infringe on the right of women to equal treatment and non-discrimination. Could the delegation comment on the access to quality health care for Māori and Pacifica women, measures taken to resolve the shortage of midwives and so ensure adequate access to maternity care, and also action to address health disparities and inequalities?

Responses by the Delegation

“Tomorrow’s Schools” was a fundamental framework for the modernization of schools in New Zealand, said the delegation, noting that the review of curricula, textbooks, teaching methods and other education-related issues, including in early education, was ongoing in partnership with parents, teachers and students. The budgetary increase in May 2018 would contribute to alleviating to a certain degree the problem of teacher shortages and pay. The education budget now stood at \$1.6 billion, and a significant portion would go towards supporting the education of children with disabilities.

As of 2018, digital technologies were integrated in school curricula, including in the Māori school curricula. The “Curious Minds Promotion Programme” was profiling different women in the science, technology, engineering and math spheres. The “Teen Schools” were part of an initiative to enable teen mothers to continue learning. New Zealand recognized the right of girls to feel safe and accepted in schools and the delegate said that a bullying prevention advisory group, composed of more than a dozen organizations, was in place.

The delegation was very excited about the commitment of the new Government to pay equality. The pay equity legislation would set out a framework for how employers, claimants (women) and unions



would go before the court to bring the pay equity claim. Embarrassingly, the delegation said, the pay gap was wider in the public sector, and that was why the focus and a priority was on the public sector first. There was a three-years comprehensive action plan to implement pay equity across the public sector; it contained milestones and targets based on the understanding of the drivers of the gap, which included unfair recruitment practices, talent management, and parental leave. Addressing those drivers would be more effective in addressing the gender pay gap in the long term than focusing on the pay alone, said the delegation.

The issue of sexual harassment in the workplace was of great concern. Most of the information and disclosure about sexual harassment at work were coming through women's meetings and the media, and not through the formal complaints mechanisms – the Human Rights Commission, the employment mediation model, and the Health and Safety Act.

Significant gaps remained in the area of access to healthcare, especially for Māori, Pacifica and socio-economically disadvantaged groups. The maternity workforce, including in community midwifery, was currently under review to ensure high quality care for mothers and babies throughout the country.

The Law Commission would report to the Government in October 2018, and it was possible that the abortion thereon would be seen as a health issue and not a criminal issue; accordingly, there would be no need to include sexual violence and rape as grounds for abortion.

The Government was aware about violence against migrant women, and the gaps in protection depending on whether their partner was a New Zealand citizen or a resident, or was there on a temporary visa.

Questions from the Experts Round 6

On welfare and poverty, a Committee Expert took note of the reform of the welfare system in 2012 and 2013 which aimed to reduce the long-term dependence and negative outcomes associated with that dependence. This reform disproportionately affected women, especially single parents and young parents. Furthermore, such a reform had been implemented to save economic resources in one of the wealthiest countries in the world and one of the major economic players, the Expert said, raising concern about tax avoidance and its impact on financial resources.

What was being done to combat the discrimination against women in the social welfare system and in the tax policy? Would New Zealand fulfil its extraterritorial obligations concerning tax evasion, tax abuse and tax exploitation of weaker economies in the world?

Responses by the Delegation

The delegation recognized the negative consequences of the previous reform of the welfare system and reiterated the commitment to create a system that ensured that New Zealanders were able to live in dignity. A tax working group had been set up to review the latest changes to the tax regime, and changes in some tax credits that had already been made would significantly increase the income of low and middle-income families. The winter support programme had been introduced to complement the resources of individuals on income support, a delegate said, and reiterated that this Government recognized, and was committed to, putting in place a system based on the concepts of sharing and kindness.



Questions from the Experts Round 7

In the next round of questions, the Committee raised concern about the situation of rural women and those in remote areas who often did not have adequate access to the Internet, which contributed to their feeling of social isolation and loneliness. The Expert also noted the high rate of care work by those groups of women, which was often unpaid, and expressed concern about the continued over-representation of Māori women in detention, especially in terms of the negative impact of their detention on children and families. Could the delegation inform on access to justice for Māori women, and for women with disabilities?

The Committee was concerned about the lack of public housing, noting reports of women living in basements and garages, and also noting that many women were afraid to declare they were homeless for fear of losing their children. Could the delegation outline the criteria for accessing legal aid? What climate change adaptation and disaster risk preparedness programmes were in place and what was the Government's policy with regards to environmental refugees?

Responses by the Delegation

As far as rural women were concerned, the delegation recalled that the rural policy aimed to guarantee that all people in New Zealand, including those in rural areas, were able to live, work, run business, contribute to and be part of New Zealand communities and society. An important financial package had been adopted to support rural communities, while the concept of "rural proofing" was being finalized, and the work had started to improve access to services, including access to justice, in rural areas. The rural broadband initiative had been completed in 2016, and was now in the second phase in which high-speed broadband would be delivered to more than 70,000 families and businesses in remote and rural areas.

The Department of Corrections was taking steps to ensure that women in detention could maintain a link with their children, in cooperation with communities, rekindle and maintain relationship with the kin, and reduce trauma.

The Government was currently revising the legal aid system and, following the survey on people's legal needs, would be focusing on groups less likely to seek assistance, which were often women. Women mainly applied for legal aid in family law, so a panel had been set up to examine the 2014 review of family justice system which had removed legal aid since the early state of a process, and reverse those changes.

The shortage of public housing was a very significant issue for women, considering that 70 per cent of social housing applicants were women. The Government was deeply concerned about the housing crisis, and its consequences expressed through homelessness, as well as lack of availability, affordability, and quality. The Housing First programme helped about 1,500 persons in a situation of chronic housing problem to find more permanent solutions; there was an emergency support service for the homeless which supported them with temporary accommodation until a more permanent solution could be found; as well as the Kiwi Build that aimed to build 100,000 social houses.

Questions from the Experts Round 8

A Committee Expert raised the question of forced marriage and asked what was being done to put in place a data collection system. Turning to the family law in New Zealand, and citing the Backbone Collective report, the Expert said she was "shocked" by the extreme situation that prevailed, marked



by utmost lack of trust towards victims of domestic violence and their children. A risk assessment had been carried out in only 10 per cent of the cases which raised concern about the mandatory mediation, which was also not an adequate response to situations of domestic violence. Were there studies into the impact of shared custody agreements

Responses by the Delegation

Responding, the delegation recognized that the experiences of communities in contact with the legal system and the courts were sometimes “harrowing”, and said that the review of the family law system would address many of the issues that the Committee raised, including mandatory mediation in cases of domestic violence, shared custody in cases of domestic violence, risk assessment, and others. The legal review would look into the specific changes that had been made to the family court in 2014 and how the court responded to cases of domestic violence. The Government was thankful to the Backbone Collective for their report and for bringing testimony to the attention of the Government which was certainly engaging with this research.

Concluding Remarks

HEATHER JANET LOGIE, Under-Secretary for Justice, thanked the Committee for their contributions to improve the situation in New Zealand and recognized that there was significant work in front of the Government.

DALIA LEINARTE, Committee Chairperson, commended New Zealand for its efforts and encouraged it to address various recommendations, which the Committee would issue with the purpose of the more comprehensive implementation of the Convention throughout the State party.

Preliminary report of outcomes. Not an office record at the time of publishing 25 July 2018.