



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**

**Concluding observations on the seventh periodic report of
New Zealand**

Addendum

**Information provided by New Zealand in follow-up to the
concluding observations***

[Date received: 9 October 2014]

* The present document is being issued without formal editing.



Foreword

It is my pleasure to provide, on behalf of the New Zealand Government, follow-up information as requested in July 2012 by the Committee on the Elimination of Discrimination against Women (the Committee).

New Zealand is justifiably proud of its history of supporting the rights of women. Women have, and continue to, play an important role in the political, social and economic fabric of New Zealand. At the same time I am conscious that challenges for New Zealand women remain. New Zealand is committed to addressing these challenges to ensure all women have the opportunities they deserve to use their talents to benefit themselves, their families and the country.

In June 2012 I was privileged to present to the Committee New Zealand's seventh periodic report on its implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

New Zealand maintains its strong commitment to CEDAW and as such welcomes the opportunity to report on the progress being made to implement two recommendations made by the Committee in its concluding observations on New Zealand's seventh periodic report.

(Signed) Hon Jo Goodhew
Minister of Women's Affairs

Introduction

1. In July 2012 the Committee released its concluding observations on New Zealand's seventh periodic report [CEDAW/C/NZL/CO/7]. Along with a number of positive observations, the Committee made some recommendations for further action.
2. It asked New Zealand to provide, within two years, follow-up written information on the steps undertaken to implement its two recommendations on disadvantaged groups of women (recommendation 36) and discrimination against women in marriage and family relations (recommendation 38).
3. The information below discusses the measures taken to date to implement these recommendations. New Zealand will provide full responses to these and the other recommendations made by the Committee in its eighth periodic report in 2016.
4. New Zealand has been granted a deferral of the date for providing this follow-up information from July 2014 to 10 October 2014.

Disadvantaged groups of women

Recommendation 36(a): Provide in its next report data and information on the situation of women with disabilities, rural women, older women and women from ethnic minority groups, including with regard to their access to education, employment and health-care services.

5. New Zealand is confident that it will be well positioned to report as recommended in its eighth periodic report in 2016.
6. New Zealand has a full range of disaggregated population data available. Sufficient data currently exist to identify the position of women, including by ethnicity, disability, location and age, especially regarding access to education, employment and health-care services. Important sources include the New Zealand Census of Population and Dwellings, the New Zealand Health Survey, the New Zealand Income Survey, the Disability Survey, the New Zealand Crime and Safety Survey, the Time Use Survey, Te Kupenga (a survey of Māori wellbeing) and education and health administrative data.
7. The Ministry of Women's Affairs is also undertaking a stocktake of gendered information and where these are disaggregated by age, sex, ethnicity, disability and location. Initial analysis against the United Nations minimum set of gender indicators shows that the majority of the 52 indicators are collected in New Zealand. Data are not currently collected on a few indicators, including women's ownership of land and businesses. Further work will be undertaken over the next few months to finalise this analysis, determine whether missing indicators have relevance for New Zealand and what action may be needed.
8. The Ministry of Women's Affairs is also working with the Ministry of Justice on how the measures of interpersonal violence used in its Crime and Safety Survey can accurately reflect the dynamics of intimate partner violence.

9. Changes are also being made to better use the wide array of administrative data collected by government agencies. This involves integrating administrative data collected by different agencies and integrating administrative data with data collected in official surveys.

10. Agencies, including Statistics New Zealand, are working together to ensure gender analysis is undertaken of the new data emerging from integrating these data sets, including, where possible, by ethnicity, age and disability.

11. This process of integrating data from different sources may result in changes to official surveys. Agencies are also working to ensure that:

- surveys continue to deliver adequate gendered data at disaggregated levels to inform policy
- administrative data sources continue to meet priority needs.

<p>Recommendation 36(b): Ensure that the ongoing welfare reforms do not discriminate against disadvantaged groups of women and that an independent evaluation of their gendered impact is made.</p>

12. The welfare reforms aim to reduce long-term benefit dependence and the negative outcomes associated with that dependence. The reforms shift the welfare system to one that encourages independence and personal responsibility, primarily through paid employment. The focus is now on what people can do to achieve a better future for themselves and their families.

13. The welfare reforms have been implemented via legislative changes in 2012 and 2013. The reforms aim to create a welfare system that uses evidence to invest in targeted and effective services and support to help beneficiaries gain employment. This approach allows front line staff to work with clients in different ways and to provide a stronger focus for those most at risk of long-term benefit dependence.

14. Early in the development of the welfare reforms it was recognised that these reforms were likely to disproportionately affect women. Women, who make up the majority of people on sole parent benefits, would be most affected by the social obligations introduced by the Social Security (Benefit Categories and Work Focus) Act 2013. These obligations require the dependent children of beneficiaries to attend state funded early childhood education and school, be enrolled in health care services and to complete core health checks.

15. As part of the investment approach being taken by the reforms, frontline staff aim to help their clients meet their social obligations, rather than test their compliance. The focus is for staff to engage with parents and caregivers in a flexible and supportive way. This process involves a minimum of four separate contacts with case managers over a period of at least eight weeks. Each separate contact is an opportunity for case managers to discuss potential barriers parents and caregivers may have when accessing services, and to provide local community information to help them meet their social obligations.

16. In the later part of 2012, the Social Security (Youth Support and Work Focus) Amendment Act 2012 brought in changes for young people in receipt of financial

assistance from government. The Act introduced a new system of support, obligations and financial assistance for young people (16 and 17 year olds without children, and 16-18 year old parents) in receipt of a main benefit.

17. It was clear that young women were likely to be over-represented in the young parent category. Again the focus is on investing in more support and encouraging young parents to undertake education or training and to manage their money well.

18. The rates of young Māori and Pasifika women who are not in employment, education or training are also disproportionately high and as a consequence contracted service providers must demonstrate their ability to work successfully with Māori and Pacific youth.

19. The Government is committed to ensuring that gender analysis takes place at all stages of policy development. The legislation relating to the welfare reforms was reviewed to ensure it was consistent with the New Zealand Bill of Rights Act 1990, which prohibits unjustified discrimination against women.

20. The welfare reforms involve a comprehensive monitoring and evaluation plan, involving both monthly monitoring of the effects of the changes on all clients and a four year plan to evaluate how well the welfare reforms have been implemented relative to policy intent. The four year plan includes assessment of the impact of the welfare reforms on the outcomes of various client groups, such as sole parents. Evaluations of outcomes for clients who move off benefits, and the effects of the welfare reforms from clients' perspectives, will be completed later in 2014.

21. Should a theme emerge from this evaluation of disadvantage to a particular group, it will be reported and the findings will form an integral part of the design of future interventions for beneficiaries.

Recommendation 36(c): Ensure the gender mainstreaming of policies relating to the process of recovery from the 2011 earthquake, and engage in analysis of their gender impact by using data disaggregated by sex, age, ethnicity and other status.

22. The Canterbury earthquakes of September 2010 and February 2011, along with an estimated 13,000 aftershocks, have had a devastating impact on the people of the Canterbury region, including New Zealand's second largest city, Christchurch. The earthquake resulted in 185 deaths and injured 11,432 people.

23. These earthquakes have been the biggest test of New Zealand's hazard risk and emergency management arrangements in decades. The response to the earthquakes has included research into how the earthquakes and the subsequent recovery process is affecting people, disaggregated by gender.

24. A large number of agencies, including central and local government, are involved in the Canterbury recovery. Each agency uses data to inform their input into the recovery and these agencies are encouraged to undertake gender analysis in their areas of responsibility.

25. Communities are consulted over recovery plans and women are strongly represented on the Community Forum providing advice to the Minister for Canterbury Earthquake Recovery.

Wellbeing

26. The Canterbury Earthquake Recovery Authority has undertaken a quarterly survey of wellbeing since September 2012, with data disaggregated by gender, ethnicity, age, disability, district and housing type. The most recently published report in September 2013, which includes a number of indicators such as quality of life, stress and emotional wellbeing, suggests that differences by gender are now small. Evidence that women are more connected to social supports may have contributed to their resilience.

27. In June 2014 the Canterbury Earthquake Recovery Authority launched a Community in Mind psychosocial strategy developed with central and local government, local indigenous groups and non-government organisations to guide the psychosocial recovery of greater Christchurch.

28. International evidence and research suggest that natural disasters can result in an increase in domestic violence. Data and information in the aftermath of the earthquakes were difficult to interpret. Women's Refuges reported decreased demand following the September 2010 and February 2011 earthquakes, but increased demand after the June 2011 and September 2011 aftershocks. Information from Police indicated increased call outs after the September 2010 and February 2011 earthquakes. Recorded crime statistics, however, showed a drop in recorded family violence offences following the February 2011 earthquake, and for the whole year.

Employment

29. Administrative data, disaggregated by gender, ethnicity and disability, such as benefit data, state housing waiting lists and specific surveys, continue to be used to understand the impacts of the earthquake on a range of population groups. For instance, the New Zealand Household Labour Force Survey showed that women's employment was disproportionately affected in the aftermath of the earthquakes.

30. As a result Government concluded that a focus on addressing women's employment in Canterbury could make an important contribution to recovery efforts. It also recognised an opportunity to integrate work to improve women's employment with the workforce planning required to meet demand for workers for the Canterbury rebuild.

31. Research undertaken by the Ministry of Women's Affairs in 2013 showed that there were many skilled women wanting work in Canterbury. However, women saw construction jobs as 'jobs for men'. This research has formed the basis of action to:

- ensure that women's employment issues are integrated with the employment planning associated with the Canterbury rebuild
- demonstrate to the construction industry that there is a local workforce available to help meet demand for workers
- mobilize local training providers to attract and retain women to pre-trades and engineering training.

32. The experiences gained through these actions in Canterbury are being used to inform national efforts to promote the recruitment and retention of women in occupations where they are underrepresented (including construction and science, technology, engineering and mathematics).

Discrimination against women in marriage

Recommendation 38(a): Revise the legal minimum age of marriage to 18 years without any exceptions for parental consent.

33. Under New Zealand law, no one can legally marry under the age of 16. A person aged 16 or 17 years requires consent from his or her parents or from the Family Court before the Registrar can issue a marriage licence. Only the marrying couple can consent to the marriage at the time it is solemnised, and it is unlawful to give a woman in marriage without her consent.

34. New Zealand takes the issue of forced and underage marriage very seriously. However, while some groups believe forced marriage is occurring in New Zealand, the Government has sought to substantiate these claims, but has been unable to do so.

35. It is also concerned that prohibiting people from marrying under the age of 18 years would:

- constitute age discrimination under New Zealand's Human Rights Act 1993, which prohibits discrimination on the grounds of age from age 16 years onwards
- disadvantage people aged 16 or 17 years of age who genuinely wish to marry.

36. Government considers that the most effective approach will be to continue the non-legislative educational measures outlined in response to the Committee's recommendation 38(b) below.

Recommendation 38(b): Introduce legal measures to prohibit underage and forced marriages and promote measures to protect women harmed by polygamy and dowry-related violence.

37. Underage and forced marriage is already illegal in New Zealand. There are several offences that are relevant to forced and underage marriage, depending on the circumstances of the case. Offences include abducting or detaining a woman for the purpose of marriage or unlawful sexual connection, and giving a woman in marriage without her consent. It is also an offence to pretend to be a marriage celebrant and solemnise a marriage.

38. As noted above, there is a lack of robust evidence about forced marriage in New Zealand. As such it is difficult for Government to determine what, if any, additional legislative response is needed.

39. Government considers that continuing to focus on education and building relationships of trust with migrant communities will be a more effective way to reduce the risk of forced and underage marriage and protect women from violence.

40. To this end, the Ministries of Social Development and Education, New Zealand Police and Immigration New Zealand signed a letter of agreement in December 2012 outlining roles and responsibilities and committing to a collective response for victims of forced marriage. To improve New Zealand Police's response to the issue of forced marriage, a new chapter has been drafted for the Police manual. This provides guidance for responding appropriately to any disclosures of forced and/or under-age marriage. New Zealand Police also engage with local communities to build trust and confidence, and to overcome preconceptions about police through Police Ethnic Liaison Officers, Community Constables and Neighbourhood Policing teams.

41. People from ethnic communities are also being encouraged to become marriage celebrants. This will increase the number of marriage celebrants from those communities and increase understanding about the age and consent requirements for marrying couples.

42. Additional efforts include:

- raising awareness among health professionals, service providers, social workers, and other professionals of the potential for underage and forced marriage in the communities they work with
- maintaining an open dialogue with the Indian High Commission and Shakti Community Council (a non-government organisation supporting New Zealand women of Asian, African and Middle Eastern origin)
- the inclusion of resources in Hindi about forced and underage marriage in partnership with New Zealand's national family violence awareness campaign
- providing education on forced marriage to quota refugees as part of the reception programme at the Mangere Refugee Resettlement Centre in Auckland.

43. The Government will consider legislative change if clearer evidence emerges about forced and underage marriage in New Zealand and once it has assessed the effectiveness of the non-legislative measures it has taken.

Legislative protection against family violence

44. The Office of Ethnic Affairs has promulgated information about family violence to raise awareness of the crime amongst ethnic communities.

45. In New Zealand there are two primary orders designed to protect people from family violence. Under the Domestic Violence Act 1995, a person can apply to the Family Court for a protection order. Police Safety Orders are also an option for police officers when dealing with family violence issues. Police Safety Orders require any person who represents a threat to leave the premises immediately and for up to five days.

46. In addition, all family violence related deaths are reviewed by the Family Violence Death Review Committee, which makes recommendations on improving policy and practice.

47. Government continues its commitment to increase the safety of family violence victims, reduce the risk they will be re-victimised, and make services more responsive to their individual needs.

48. Last year Government:

- broadened the definition of “psychological abuse” in the Domestic Violence Act 1995 to include “financial or economic abuse” (for example, denying or limiting access to financial resources, or preventing or restricting employment opportunities or access to education)
 - increased the maximum penalty for breaching a protection order from two years to three years of imprisonment.
 - in July Government also announced a new package of initiatives, including:
 - a review of the Domestic Violence Act 1995 to ensure the system keeps victims safe and holds offenders to account
 - a long-term approach to break the cycle of family violence through changing attitudes and behaviours towards family violence.
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