



**Convention on the Elimination  
of all Forms of Discrimination  
Against Women**

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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Fifth session

SUMMARY RECORD OF THE 105th MEETING

Held at Headquarters, New York,  
on Tuesday, 16 February 1988, at 3 p.m.

Chairperson: Ms. BERNARD

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Convention

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

Initial report of New Zealand (CEDAW/C/5/Add.41 and Amend.1)

1. At the invitation of the Chairperson, Ms. O'Regan (New Zealand) took a place at the Committee table.

2. Ms. O'REGAN (New Zealand), introducing the initial report of her country, said that the report had been prepared just as a Ministry of Women's Affairs was being established in New Zealand. The new Ministry was to ensure that women's interests were adequately considered by national decision-makers, and help bring about economic and social conditions that would lead to equality between women and men. She invited Committee members to indicate whether New Zealand's brief report with appendices was preferable to a format in which relevant information was included in the body of a larger document.

3. New Zealand had entered reservations to the Convention on the Elimination of All Forms of Discrimination against Women in respect of several provisions which had not yet been fully implemented. Those provisions included maternity leave with pay, recruitment into or service in the armed forces and police, and employment of women in underground work.

4. New Zealand, the first country in the world to grant voting rights to women, had no legal barriers to equality between women and men. The remaining barriers - those created by tradition, by history and by existing structures and attitudes - were more difficult to remove. However, there was greater receptivity to the problem of women's inequality since the creation of the new Ministry. The Ministry was about to publish a comprehensive report on women's economic position and was working to improve their situation under a major government programme of social reform. In that connection, the Ministry of Women's Affairs would be meeting with the representatives of every government department to ensure that women's concerns were given proper attention in the formulation of all policies. The Ministry had also drawn up a check-list to help government departments identify the impact of their policies on women and develop policies to meet women's needs. A proposed women's budget statement would analyse the resources provided to women in New Zealand and the incorporation of women's concerns into social planning.

5. Payment for parental, maternity and paternity leave was still under consideration by New Zealand's Royal Commission on Social Policy. For that reason, her country had entered a reservation on that provision of the Convention. New Zealand had, however, passed new legislation providing for 12 months' parental leave and two weeks' paternity leave. As women were barred from serving in armed combat roles, New Zealand had entered a reservation on women in the armed forces, especially as many women were involved in the peace movement. The issue, however, was being considered from the standpoint of equal employment opportunities, and the

(Ms. O'Regan, New Zealand)

range of non-combat roles for which women qualified was being reviewed. The reservation on allowing women into mines would be withdrawn once New Zealand's legislation was amended.

6. Annex F and its update were progress reports on government programmes promoting equality for women. Current priorities identified by the Ministry of Women's Affairs included equal pay for work of equal value or comparable worth; recognition of women's unpaid contribution to the economy; violence against women, including pornography; women's housing; women's health; child care; and the impact on women of a restructuring of the public sector. Advances in those priority areas included a review of equal pay and the establishment of pilot community-based well-women's centres and cervical screening programmes for low-income women. Also, a methodology was being developed to measure women's unpaid contribution to the economy in the form of household and community labour. Lastly, a Family Violence Prevention Co-ordinating Committee was taking action on the findings of a recent study and a ministerial inquiry into pornography had been initiated.

7. Document CEDAW/C/5/Add.41/Amend.1 was an integral part of New Zealand's initial report. As associated States, the Cook Islands and Niue had full legislative control over their affairs, with New Zealand taking responsibility for defence and external relations only. The report explained the equal status of women in the Cook Islands, as enshrined in its constitution, family law and public-service legislation. It outlined the functions of the Cook Islands ombudsman in protecting the equality of women and the role of the islands' nine-year-old Women's Affairs Division. It also commented on the enforceability of the Convention and on the reservations entered by the Cook Islands on articles 2 (f) and 5 (a). The report on Niue was self-explanatory.

8. Ms. PILATAXI DE ARENAS asked if the Ministry of Women's Affairs was headed by a man or a woman. She wondered whether unmarried mothers were included in the Social Security Amendment Act or whether it applied to widows and divorcees only. It would be interesting to know whether legislation on part-time work had been enacted, since the report referred to it as "future legislation". Finally, it was not clear why the problems of Maori women were dealt with by a separate Maori Women's Unit, rather than integrating Maori women with other women in New Zealand.

9. Ms. WADSTEIN (Rapporteur) commended New Zealand for its frankness in reporting on general obstacles to equality for women. The creation of the Ministry of Women's Affairs was, along with other measures, a positive step. Apparently, the Minister was in charge of consumer affairs and statistics as well. That raised the question of whether she could devote sufficient time to women's issues. It was to be hoped that New Zealand would be able to withdraw all its reservations and ratify the Convention.

10. Ms. EVATT asked whether the Convention had been publicized in New Zealand and whether women's non-governmental organizations had been urged to refer to it in their campaigns. She wondered whether the Convention had been translated into the Maori language. It would be interesting to know whether publicity had been given

(Ms. Evatt)

to New Zealand's first report and the fact that the Committee was considering it. The representative of New Zealand should indicate whether women's non-governmental organizations had been consulted in preparing the report. She would appreciate information on the principal issues currently being raised by women's organizations and the extent to which they were taken up by New Zealand's political parties. It would also be useful to know whether the Government, on the advice of the Ministry of Women's Affairs, was attempting to implement measures that would bring it into minimum compliance with the Convention. The incorporation of women's unremunerated work into the system of national accounting would be of great significance. It would be interesting to see whether measurement of women's work would become a factor in financial and economic planning in New Zealand.

11. Ms. VELIZ DE VILLALVILLA said that the format of the report was difficult to follow. The low percentage of women in Parliament was curious, considering the number of laws passed to protect them and their right to seek office. The link between feminist non-governmental organizations and the Ministry of Women's Affairs should be specified. She wished to know what the retirement age was in New Zealand, and whether it was the same for women and men. It would also be useful to hear how the Ministry's work was co-ordinated with other government bodies devoted to women's issues, such as the National Advisory Committee on Women and Education and the Women's Health Committee. It would be useful to know if any studies had been conducted on the psychological barriers preventing more active participation by women in political life.

12. Ms. CORTI commended New Zealand on its detailed and frank report and its legislation promoting the equality of women. The report's many annexes made it difficult to follow and analyse in depth. Despite its abundant legislation on women's issues, New Zealand had a very radical feminist movement. She would appreciate details on the attitude of the feminist movement towards the new Ministry of Women's Affairs and the extent to which the two collaborated. It would be helpful to know whether feminist organizations had been consulted in drafting the report.

13. Ms. GUAN Minqian expressed satisfaction at the detailed information provided in the initial report of New Zealand and the various measures taken by that country to eliminate discrimination against women. The report frankly admitted that discrimination existed in society and the workplace. That was of course true throughout the world. She requested further information on measures taken to improve the situation of Maori women.

14. Ms. ESCOBAR commended the report for its frankness and detailed information. It recognized that discrimination existed in all areas of life and that women faced particular problems with regard to employment. She requested further information on the practice of ratifying international conventions only when their provisions were already implemented by New Zealand law and practice, and asked why the Government had entered reservations. The reporting State should also explain the conditions in which women served in the armed forces.

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15. Ms. AKAMATSU said the legislation enacted in New Zealand to ensure women equal rights with men was impressive. She would appreciate specific information on the size, structure and budget of the Ministry of Women's Affairs.

16. Ms. LAIOU-ANTONIOU said it was surprising that, although New Zealand women had been accorded equal voting rights with men in 1893, the participation of women in the political life of the country was so limited. It would be useful to have more information on that question. She was disappointed to learn that New Zealand had entered reservations to the Convention, particularly the one relating to maternity leave with pay. The information provided in the annexes to the report did not focus specifically on the implementation of the Convention. Furthermore, there was a total lack of information on the women's movement in New Zealand.

17. Ms. OESER requested an explanation of the phrase "breaking down of social barriers and the development of women's role in society" on page 2 of the report. It seemed that there were social barriers in New Zealand which prevented women from exercising their rights. Annex L, on types of child-care facilities, indicated that such facilities were organized on a private basis and differed in quality. The limited number of such facilities might hamper women's development. The reporting State should provide more detailed information on the kindergartens, particularly the fees involved, the percentage of family income used to cover such fees and the number of hours per day spent by children in kindergartens. It would also be useful to know more about the difficulties faced by Maori women and measures taken to help them.

18. Ms. UKEJE noted with concern the reservation entered by New Zealand concerning maternity leave with pay and urged its Government to withdraw the reservation as soon as possible because it was discriminatory against women and harmful to society as a whole. It was gratifying, however, to note that there was provision for up to six weeks' maternity leave on full pay in the Cook Islands and that a Ministry of Women's Affairs had been established in New Zealand.

## Article 2

19. Ms. WADSTEIN requested further information on the functioning of the Human Rights Commission Act, particularly with regard to the number and type of cases brought before the Equal Opportunities Tribunal and the usual sanctions imposed. She inquired whether the Act was still effective after 10 years and on what basis the members of the Tribunal were chosen. The reporting State should also indicate whether experience in dealing with cases involving discrimination was a prerequisite for serving on the High Court.

## Article 3

20. Ms. CORTI asked whether the feminist movement was satisfied with the degree of participation by women in the political life of New Zealand. The reporting State should explain why so little progress had been made in the political field, particularly with regard to the elimination of obstacles to greater participation by women in politics. It would be useful to know whether there was any resistance

(Ms. Corti)

on the part of women to such participation and whether the Ministry of Women's Affairs actively promoted the participation of women in that field.

21. Ms. LAIOU-ANTONIOU expressed satisfaction at the national machinery set up to promote equality of women, particularly the Ministry of Women's Affairs and the Maori Women's Unit. That demonstrated that the Government sincerely sought to comply with the Convention.

22. Ms. NOVIKOVA requested information on other guarantees to ensure the integration of women in the various areas of life, particularly political activities.

#### Article 4

23. Ms. WADSTEIN stressed the importance of adopting temporary special measures under article 4 in view of the gap between de jure equality and de facto equality. The reporting State should provide further information on the scope and types of its affirmative-action policies. She inquired whether such policies must be approved by the Human Rights Commission and whether preferential treatment or quotas were used. She would also like to know whether the Government was considering making affirmative action an obligation, rather than merely an option. In general, she felt that New Zealand was aware of the need to introduce temporary special measures to promote de facto equality.

24. Ms. ESCOBAR said that there seemed to be a contradiction between the statement on page 7 of the report that "women might prefer to remain in the home working for their families rather than enter the paid work-force" and the information provided elsewhere that many women were seeking full-time employment in New Zealand. In that regard, she stressed that the programmes set up should help women to become more independent.

25. Ms. LAIOU-ANTONIOU requested additional information on the special plans or programmes approved under section 28 of the Human Rights Commission Act 1977.

#### Article 5

26. Ms. FORDE said that she would have preferred more detailed information in the body of the report, rather than in the annexes. She would like to know the practical impact of the "positive action programmes" referred to. Was there any difference between the single-sex schools and the co-educational schools with regard to the quality of facilities? Did schools or adult-education programmes provide family-life education? Was violence against women a problem and, if so, what steps were taken to deal with it?

27. Ms. WADSTEIN said she had been informed that in New Zealand there was a men's movement which sought to change some of the stereotyped male behaviour patterns. She inquired whether that was the case and whether equality of the sexes was a question which also concerned men in New Zealand. To what extent were men

(Ms. Wadstein)

otherwise involved in efforts to change stereotyped gender roles? Were there any statistics on the distribution of paid and unpaid work between men and women? Did men do their share with regard to household tasks and child-care? More information would be appreciated on measures to deal with sexual harassment. She also asked whether the exploitation of women as sex objects in advertising was prohibited.

28. Ms. CORTI requested further information on the Domestic Protection Act of 1982 referred to on page 5 of the report. What steps had been taken by the Ministry of Labour to eliminate female sex stereotypes? Was the sexual exploitation of women in advertising prohibited in New Zealand? The reporting State should provide additional information on measures to prohibit the use of sexist language.

29. Ms. LAIOU-ANTONIOU said that the continued existence of single-sex schools in New Zealand was regrettable and hoped that the Ministry of Women's Affairs and the women's movement would put pressure on the Government to expand co-education. What was the Ministry's position with regard to the single-sex schools?

30. Ms. PILATAXI DE ARENAS said that there was a contradiction between the statement on page 1 of the report that New Zealand ratified international conventions only when the provisions of those conventions were already implemented by New Zealand law and practice and the reservations entered by that country to the Convention. Noting that the Maternity Leave and Employment Protection Act did not safeguard the rights of women under the Convention, she inquired whether the legislation on maternity leave had been changed.

#### Article 6

31. Ms. ESCOBAR asked whether prostitution was illegal in New Zealand.

32. Ms. CORTI inquired whether domestic violence was punishable by law and whether women's associations could institute civil action in cases involving violence against women.

#### Article 7

33. Ms. ESCOBAR said that despite the absence of legal barriers to the appointment of women to senior positions in the Government, the percentage of women serving at senior levels was low. She wished to know whether the Government had any policy to improve that situation and to eliminate any prejudice against participation by women in the political life.

34. Ms. EVATT said that she, too, would welcome an explanation of the low level of involvement of women in politics and a statement of how the Government intended to involve women more actively in political life.

35. Ms. LAIOU-ANTONIOU asked whether information could be provided on the degree of participation by women in trade unions.

36. Ms. NOVIKOVA said that the Committee was clearly disappointed at the limited involvement of women in the political life of New Zealand. Given that general situation, she wished to know how women could participate in formulating and implementing government policy, and whether women were better represented in non-governmental organizations than in elected bodies.

#### Article 8

37. Ms. AKAMATSU said that inadequate detail had been provided under article 8.

#### Article 10

38. Ms. FORDE asked what effect the positive action programmes referred to in the report had had and whether Maori women were able to take advantage of such programmes. Had the provision of educational opportunities to Maori women increased their mobility?

39. Ms. ESCOBAR said that the report indicated that 40 per cent of women leaving secondary school in 1982 had completed only four years' attendance, and inquired to what extent that figure reflected the presence of women in isolated rural communities. Further details of the apprenticeship programmes referred to under article 10 would be welcome. Lastly, she asked what effect family planning programmes had had and whether there were any programmes to counter AIDS.

40. Ms. EVATT said that it was apparent that men and women did not participate on an equal basis in the educational system. She asked whether steps were being taken to improve the situation.

41. Ms. LAIOU-ANTONIOU inquired whether there were any plans to revise school textbooks, and whether sex education was mandatory and, if so, at what age.

42. Ms. NOVIKOVA said that she would welcome a more detailed explanation of how access by women to education was guaranteed.

43. Ms. VELIZ DE VILLALVILLA said that there was a paucity of statistics in the report in respect of article 10, making it difficult to see how effectively women participated in the education system. The figures provided in the annex were outdated. It would, for example, be of interest to know what effect steps taken by the Government to change stereotypes had had. More information on the status of Maori women, particularly with respect to rates of illiteracy, should be provided.

44. Ms. CORTI said that fewer women than men seemed to be active in the sciences. Accordingly, she wished to know whether any initiatives were being taken to encourage women in that domain.

#### Article 11

45. Ms. ESCOBAR said that the report indicated that while women had the same right as men to safety in working conditions, there were no laws specifically to protect



(Ms. Escobar)

the human reproductive organs from chemical or other risks, despite the fact that ILO studies had demonstrated that women were at greater risk. In that connection she wished to know what approach the Ministry of Women's Affairs had taken to maternity-leave legislation. The information provided on child-care facilities was out of date; in particular, it would be of interest to know what percentage of children had access to such facilities.

46. Ms. WADSTEIN said that entry by women into an occupational area tended to depress wage levels, leading to the phenomenon of job segregation as men moved on to new areas. How had that problem been addressed in New Zealand? Were there any surveys of wage differentials between male- and female-dominated occupational areas? Had any legal actions been brought on the ground of sex-based discrimination in employment? Further details of the exact role of trade unions in New Zealand would be useful; in particular, it was not clear how wages were negotiated.

47. New Zealand was to be commended on the adoption of a common retirement age for men and women and of protective legislation governing both sexes. The intent to denounce ILO Convention 45 concerning the Employment of Women on Underground Work in Mines of All Kinds was also commendable.

48. The report did not provide sufficient detail of the measures proposed to deal with lead in the work environment. She welcomed the introduction of paternity leave, but it was not clear whether such leave was paid and whether the relevant provisions had yet entered into force. Lastly, she wished to know whether New Zealand had ratified the ILO conventions relating to workers with family responsibilities and the termination of employment.

49. Ms. FORDE asked how equality in terms of the right to work was reflected in the workplace. Was it the case, for example, that women occupied the lowest-paid jobs? Was there a need for more detailed legislation in that area?

50. Ms. AKAMATSU said that insufficient detail had been provided in the report with respect to the right of women to the protection of their health and safety in the workplace. It would, for example, be of interest to know what type of guideline on working with lead the Government had adopted. Additional information on the new Law Commission referred to in the report would also be useful. She noted that the Government had lifted restrictions on the ability of women to work at night, and asked whether that step had been taken to facilitate ratification of the Convention. Had women workers and trade unions made known their reaction to that step? Lastly, New Zealand had expressed reservations in respect of ILO Convention 45 relating to the employment of women in mines, although other States parties had not felt it necessary to do likewise. An explanation of the Government's position would be welcome.

51. Ms. LAIOU-ANTONIOU said that the continued discrepancy between men's and women's earnings was regrettable, as was the fact that some two thirds of women worked part-time since they continued to bear primary responsibility for raising

(Ms. Laiou-Antoniou)

children. Such factors, in effect, condemned women to be poorer than men. More detailed information concerning wage differentials would be useful. With respect to the health of women workers, more information should be provided on the guidelines on lead in the workplace, and on safeguards against dismissal because of pregnancy during training.

52. The report stated that there was no paid maternity leave in New Zealand: was that to be explained by ideological factors? What plans did the Government have for job protection following maternity leave and for pregnant women seeking employment? Lastly, there appeared to be a discriminatory attitude in that men were regarded as the head of the family. What were the views of women on that question?

53. The CHAIRPERSON noted the comment in the report that women had experienced particular difficulties within the legal profession, and asked whether any disciplinary measures had been taken. In that connection, what percentage of judges were women? The report also referred to the relative scarcity of women in the higher echelons of the education system. What was being done to address that situation?

#### Article 12

54. Ms. FORDE asked whether the health-care system was genuinely accessible to all women. Were facilities freely available and were women educated as to their needs?

55. Ms. EVATT asked what disadvantaged groups existed in New Zealand in terms of health care, and requested information on the availability of contraceptives and abortion.

56. Ms. ESCOBAR requested information on the availability of abortion in rural areas.

57. Ms. LAIOU-ANTONIOU asked whether there had been any recent changes in abortion policy.

#### Article 13

58. Ms. LAIOU-ANTONIOU asked whether paying family benefit to the mother perpetuated the idea that women alone were responsible for the family. It would be helpful to receive an explanation of the Government's view.

#### Article 14

59. Ms. EVATT asked whether all social groups, including married or disabled women and women in rural areas, actually enjoyed the same legal rights. She inquired whether there were special policies governing the ownership of land by women in rural areas and whether rural women's organizations existed that might work for change in that domain.

60. Ms. LAIOU-ANTONIOU asked whether any steps had been taken to encourage rural women to participate in development planning. There appeared to be no national machinery geared to the needs of rural women, in view of which she wished to know whether any decentralized organizations existed.

61. Ms. OESER noted the reference in the report to attitudinal discrimination against rural women, and requested an explanation.

62. Ms. GUAN Minqian asked how, in practice, priority was given to the housing needs of low-income families, whether women enjoyed equal rights in that respect, and what percentage women comprised of the membership of the Housing Allocation Committees.

63. Ms. CORTI asked for an explanation of the increase in the percentage of women living in non-family households, referred to in annex B to the report.

#### Article 15

64. Ms. FORDE asked how the right to freedom of movement applied to Maori and immigrant women and their ownership of land.

65. Ms. EVATT said that the report did not provide sufficient detail under article 15. Under a common-law system, such as that prevailing in New Zealand, in which married women, in particular, did not enjoy equal status in all respects, it was particularly important that there should be a legislative declaration of the equality of men and women. In that connection she wished to know whether women had access to any special system for obtaining legal advice.

#### Article 16

66. Ms. EVATT asked whether the rights of the ex-nuptial child were equal to those of children born in wedlock.

67. Ms. LAIOU-ANTONIOU said that insufficient detail had been provided on family law in New Zealand. In particular, it was not clear whether men were still considered to be the head of the family, whether women took their husbands' surnames and how that affected the surnames of children, and whether mutual-consent divorce was possible. It was clear that Maori women did not enjoy the rights available to other women in New Zealand. The Government might consider the establishment of a special authority in the Cook Islands to protect the rights of Maori women.

68. Ms. GUAN Minqian noted the reference in the report to the increase in solo-parent families, and asked whether any steps had been taken to deal with that phenomenon. It was not clear what was meant by the reference in the report to non-family households: further details would be welcome.

69. Ms. AKAMATSU said that the reference in the report under article 16, paragraph 1 (f) and (g), to annex A was not very illuminating, and that further explanation was required.