



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

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## Committee on the Elimination of Discrimination against Women

### List of issues and questions prior to the submission of the ninth periodic report of New Zealand\*

#### General

1. Please provide information and statistics, disaggregated by sex, age, nationality, disability, ethnicity, geographical location and socioeconomic background, on the current situation of women in the State party to enable monitoring of the implementation of the Convention. In accordance with the State party's obligations under articles 1 and 2 of the Convention and in line with target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, as well as in the light of the Committee's previous concluding observations (paras. 24 (a) and (b), 26 (f), 28 (c), 34 (a) and 50),<sup>1</sup> please indicate how the State party intends to improve the collection and analysis of data pertaining to the areas covered by the Convention so as to support policymaking and programme development and to measure progress towards the implementation of the Convention and the promotion of substantive equality between women and men, including with regard to the specific areas covered in the present document.

#### Women's rights and gender equality in relation to the pandemic and recovery efforts

2. In line with the Committee's guidance note on the obligations of States parties to the Convention in the context of the coronavirus disease (COVID-19) pandemic, issued on 22 April 2020, please indicate measures implemented by the State party to redress long-standing inequalities between women and men, to give a new impetus to the implementation of gender equality by placing women at the centre of the recovery as a strategic priority for sustainable change, in line with the Sustainable Development Goals, and to meet the needs and uphold the rights of women and girls, including those belonging to disadvantaged and marginalized groups and women in situations of conflict or other humanitarian emergencies. Please indicate the measures in place to ensure that all COVID-19 crisis response and recovery efforts, including the recovery and resilience plan:

\* Adopted by the pre-sessional working group on 6 July 2022.

<sup>1</sup> Unless otherwise indicated, paragraph numbers refer to the Committee's previous concluding observations on the eighth periodic report of the State party ([CEDAW/C/NZL/CO/8](#)).



- (a) Address and are aimed at effectively preventing gender-based violence against women and girls;
- (b) Guarantee the equal participation of women and girls in political and public life, decision-making, economic empowerment and service delivery, in particular in the design and implementation of recovery programmes;
- (c) Are designed so that women and girls benefit equally from stimulus packages, including financial support for unpaid care roles, that are aimed at mitigating the socioeconomic impact of the pandemic.

**Visibility of the Convention, the Optional Protocol thereto and the Committee's general recommendations**

3. The Committee welcomes the publication of the previous concluding observations and the State party's information on its implementation of the recommendations on the website of the Ministry for Women.<sup>2</sup> Recalling the Committee's previous concluding observations (para. 10), please provide information on the steps taken to ensure that the Convention, the Committee's jurisprudence under the Optional Protocol and its general recommendations are well known to women and form part of the mandatory training of members of the judiciary, law enforcement personnel, lawyers, social workers, medical personnel and other relevant professionals.

**Definition of equality and non-discrimination**

4. In light of the Committee's previous concluding observations (para. 12), please describe the steps taken by the State party to:

- (a) Amend section 21 (1) (a) of the Human Rights Act 1993, with a view to including specific prohibitions of discrimination on the grounds of gender identity, gender expression and sex characteristics;
- (b) Review existing legislation with a view to including a gender-specific rather than gender-neutral approach in its legislation, policies and programmes, in line with paragraph 5 of the Committee's general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention, that also accounts for the perspective of Maori women, and inform the Committee whether the gender analysis tool of the Ministry for Women entitled "Bringing Gender In" is systematically used.

**Access to justice**

5. Recalling the Committee's previous concluding observations (para. 14), please indicate the measures taken to:

- (a) Increase the availability of free legal aid for women, in particular Maori and migrant women and women belonging to ethnic minority groups, including in civil and family courts;
- (b) Disseminate information, in particular in rural and remote areas, about the legal remedies that are available to women whose rights have been violated;
- (c) Strengthen systematic capacity-building on the Convention and on gender responsiveness and gender-sensitive investigation and interrogation methods for judges, prosecutors, lawyers, police officers and other law enforcement officials;

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<sup>2</sup> Available at <https://women.govt.nz/cedaw>.

(d) Eliminate the barriers faced by disadvantaged groups of women, including Maori women, women of other ethnic minority groups and women with disabilities, in accessing justice.

#### **National machinery for the advancement of women**

6. Recalling the Committee's previous concluding observations (para. 18), please provide information on the measures taken to:

(a) Adopt and adequately fund the implementation of a national action plan for the advancement of women and of a national action plan on women and peace and security;

(b) Strengthen the role, efficiency and effectiveness of the Ministry for Women and of the Ministry for Disabled People, established on 1 July 2022, by allocating sufficient human, technical and financial resources to enable the ministries to carry out their mandates to promote and protect women's rights and the rights of women with disabilities;

(c) Introduce gender-responsive budgeting so as to ensure that a gender perspective is integrated into the legislation and policy development processes across all government agencies.

#### **National human rights institution**

7. Recalling the Committee's previous concluding observations (para. 20), please provide information on the mandate of the Human Rights Commission as it relates to complaints from migrants and update the Committee on the number and outcome of complaints received from women.

#### **Temporary special measures**

8. In light of the Committee's previous concluding observations (para. 22), please describe the steps taken to consider the use of temporary special measures, in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, and adopt and implement temporary special measures, including quotas, in all areas in which women are underrepresented or disadvantaged, including in political life and in the labour market, as well as in the private sector, with specific, increased efforts made to achieve gender parity in the composition of State-sector boards and to establish a set goal for achieving gender parity on private-sector boards.

#### **Stereotypes and harmful practices**

9. Recalling the Committee's previous concluding observations (para. 24), please indicate the measures taken to:

(a) Combat discriminatory stereotypes about the roles and responsibilities of women and men in the family and in society and to strengthen the understanding of the concept of equality between women and men;

(b) Systematically collect data on harmful practices, including cyberbullying targeting adolescent girls, revise the Harmful Digital Communications Act 2015 and implement the programme of work of the Bullying Prevention Advisory Group for the period 2019–2022;

(c) Continue to combat harmful practices, in particular female genital mutilation, early and/or forced marriages, the use of dowry payments, polygamy, crimes in the name of so-called "honour", and forced sterilization, and systematically

collect data disaggregated by age and ethnicity on those harmful practices, including convictions under the Crimes Act 1961;

(d) Adopt clear legislative provisions explicitly prohibiting the performance of unnecessary surgical or other medical treatment on intersex children before they reach the legal age of consent, provide the families of intersex children with adequate counselling and support, including by the New Zealand Child and Youth Intersex Clinical Network, and provide redress to intersex persons who have undergone such unnecessary surgical or medical treatment.

### **Gender-based violence against women**

10. Recalling the Committee's previous concluding observations (para. 26), please explain the steps taken to:

(a) Criminalize all forms of gender-based violence, including gender-based violence and harassment in the online sphere and stalking, in national legislation and explain the mandate, activities and resources allocated to the Minister for the Prevention of Family Violence and Sexual Violence and the Executive Board for the Elimination of Family Violence and Sexual Violence, as mentioned in the related Public Service Order 2022, to prevent and address all forms of gender-based violence;

(b) Implement the *Te Aorerekura* national strategy to eliminate family violence and sexual violence and its associated action plan and ensure its effectiveness in combating gender-based violence against women, including Maori women, women of ethnic minority groups, lesbian, bisexual, transgender and intersex women, and women with disabilities;

(c) Evaluate the effectiveness of awareness-raising programmes against gender-based violence, including of the "It's Not OK" campaign against domestic violence, one of the three five-year frameworks for the prevention of family violence; and the "Safe Man Safe Family" pilot project (CEDAW/C/NZL/FCO/8, paras. 17–18), and provide information on the status of the development of indicators under the national strategy to eliminate family violence and sexual violence (*ibid.*, para. 16);

(d) Draw recommendations from the 2019 survey of the Ministry of Justice entitled "Attrition and progression: reported sexual violence victimisations in the criminal justice system" and implement the recommendations;

(e) Strengthen the collection and dissemination of disaggregated data on gender-based violence against women through the New Zealand Police crime snapshot website,<sup>3</sup> including information on the number of cases of violence against women that have been investigated and the number of the investigations that have led to prosecutions, the sanctions imposed on perpetrators, the number of women who have been victims of violence who have been provided with legal assistance and relevant support services, and the number of those women who have received redress, including in the form of monetary compensation under the Family Violence Act 2018 (CEDAW/C/NZL/FCO/8, para. 26); in addition, please describe trends observed during the COVID-19 pandemic.

11. Please indicate whether the State party is considering renewing the invitation to the Special Rapporteur on violence against women and girls, its causes and consequences and to the Working Group on discrimination against women and girls to conduct a mission to New Zealand. In addition, please describe the measures taken to:

<sup>3</sup> Available at [www.police.govt.nz/about-us/publications-statistics/data-and-statistics/policedatanz](http://www.police.govt.nz/about-us/publications-statistics/data-and-statistics/policedatanz).

(a) Ensure effective coordination and collaboration among the entities responsible for combating gender-based violence and provide information on the number of women and girls benefiting from the integrated safety response model and the *Whāngaia Ngā Pā Harakeke* model;

(b) Achieve any progress made on the systematic collection of data by the Office of Disabilities Issues in cases of gender-based violence, including sexual violence and domestic violence, committed against women and girls with disabilities, and statistical data on the number and outcome of protection orders requested by women and girls with disabilities (CEDAW/C/NZL/FCO/8, paras. 11 and 28), as well as any efforts made to ensure the reasonable accommodation of women and girls with disabilities in requesting protection orders;

(c) Implement the recommendations contained in reports of the Royal Commission of Inquiry into Abuse in Care;

(d) Provide women victims of the terroristic attacks in Christchurch on 15 March 2019 with an effective remedy.

### **Trafficking**

12. In the light of the Committee's previous concluding observations (para. 28), please describe the measures taken to:

(a) Amend section 19 of the Prostitution Reform Act 2003, with a view to reducing its negative impact on migrant women;

(b) Implement the Plan of Action against Forced Labour, People Trafficking and Modern Slavery of March 2021, indicating how a gender perspective is reflected in the Plan of Action and its implementation;

(c) Strengthen mechanisms to identify, protect and assist victims of trafficking and sexual exploitation and provide them with legal support, shelter and assistance for long-term reintegration, providing comprehensive data on victims of trafficking.

### **Participation in political and public life**

13. Recalling the Committee's previous concluding observations (para. 30), please indicate any temporary special measures adopted and implemented, including time-bound goals, quotas or preferential treatment, to accelerate the equal representation of women, including Maori women, women of other ethnic minority groups, rural women and women with disabilities, in decision-making positions in all areas and at all levels, both in the public and private sectors. In addition, please explain the measures taken to prevent women politicians from being harassed, in particular in the online sphere.

### **Education**

14. In the light of the Committee's previous concluding observations (para. 32), please indicate the legislative and policy action taken and the adequate resources allocated to:

(a) Facilitate access to secondary and tertiary education for girls and women living in rural areas, including through increased resources;

(b) Ensure that the decision-making power of schools and their mandatory community consultations on health education do not prevent the inclusion in school curricula of mandatory, culturally sensitive and age-appropriate education on sexual and reproductive health and rights and responsible sexual behaviour, focusing on the

prevention and consequences of early pregnancy and sexually transmitted infections, as well as on gender-based violence, including sexual and intimate partner violence;

(c) Provide girls with a safe educational environment free from discrimination and sexual harassment and violence and include education on non-violence in the curricula;

(d) Strengthen the efforts aimed at ensuring that no pressure is placed on pregnant teenage girls to leave school or change courses and establish a reintegration policy for teenage mothers, while safeguarding against the risk of having teenage pregnancy and motherhood perceived as a norm;

(e) Continue eliminating stereotypes and structural barriers that may deter girls from enrolling in traditionally male-dominated fields of study;

(f) Address all impediments to the education of girls living in rural areas, including financial and transportation-related obstacles;

(g) Ensure an inclusive education system that accommodates women and girls with disabilities.

### **Employment**

15. Recalling the Committee's previous concluding observations (para. 34), please outline the measures taken to:

(a) Assess the impact of the population-focused employment action plans on the working conditions of Maori and Pasifika women, women from other minority groups, women with disabilities, young women, older women, and migrant, refugee and asylum-seeking women in all areas of employment, including through data collection and analysis;

(b) Adopt and enforce the principle of equal pay for work of equal value in revised employment relations legislation covering both public and private workplaces, including through analytical job classification and evaluation methods and regular pay surveys, and regularly review wages in sectors in which women are concentrated;

(c) Support women who lost their jobs during the pandemic in regaining employment;

(d) Adopt temporary special measures to address occupational segregation in employment and ensure that women and men have equal opportunities for promotion in the labour market.

16. Please provide information on the measures taken to:

(a) Ensure adequate funding for childcare facilities and services;

(b) Prevent sexual harassment in the workplace, by ensuring that all workplaces have a sexual harassment policy, that victims have access to health care, including mental health services, and that complaints of sexual harassment and bullying in the workplace are investigated and perpetrators brought to justice;

(c) Ratify relevant international treaties and conventions, including relevant conventions of the International Labour Organization, such as the Workers with Family Responsibilities Convention, 1981 (No. 156), the Maternity Protection Convention, 2000 (No. 183), the Domestic Workers Convention, 2011 (No. 189), and the Violence and Harassment Convention, 2019 (No. 190).

## **Health**

17. Recalling the Committee's previous concluding observations (para. 40), please provide information on the steps taken to:

(a) Legalize abortion, in the Contraception, Sterilisation, and Abortion Act 1977, as amended by the Abortion Legislation Act 2020 (No. 6), also in cases of pregnancy beyond 20 weeks at least in cases of rape, incest, threats to the life or health of the pregnant woman or severe fetal impairment; please provide an update on the status of the Contraception, Sterilisation, and Abortion (Safe Areas) Amendment Bill and ensure access for women to safe abortion and post-abortion care and services;

(b) Ensure that there is a sufficient number of nurses and midwives to provide appropriate health-care services, including mental health services, to women, in particular during pregnancy, birth and the postnatal period, including to rural women, women with disabilities, Maori women and women of other ethnic minorities;

(c) Amend the Contraception, Sterilisation, and Abortion Act 1977 to ensure that no sterilizations are performed without the free, prior and informed consent of the woman concerned, including women with disabilities;

(d) Support women who assist members of their family with disabilities, particularly during the temporary suspension of care services for such family members due to the pandemic.

## **Economic and social benefits and economic empowerment**

18. In the light of the previous concluding observations (para. 38), please outline the measures taken to implement the recommendations of the Welfare Expert Advisory Group. In addition, please explain whether the Social Security Act 2018 (No. 32) is fully aligned with the State party's obligations under the Convention and which other measures are being taken to ensure that the social security system meets the needs of disadvantaged groups of women, such as rural women, Maori women, Pasifika women, migrant and refugee women, and women with disabilities.

## **Climate change and disaster risk reduction**

19. Please describe the steps taken to integrate a gender perspective into national policies on climate change, in line with the Committee's general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change. Please specify any measures taken to ensure the effective participation of women in decision-making processes on climate change adaptation, disaster risk reduction, and land and environmental resource management.

## **Rural women and women living in poverty**

20. Recalling the Committee's previous concluding observations (para. 42), please explain the measures taken to improve the living conditions of rural women, including by alleviating poverty, eliminating gender-based violence, improving access to housing and health care, offering alternatives to unpaid work and ensuring the expanded use of modern technologies and adequate broadband Internet services in rural areas.

**Maori women and women belonging to other ethnic minority groups**

21. With reference to the Committee's previous concluding observations (para. 44), please indicate the steps taken to:

(a) Develop a national action plan to implement the United Nations Declaration on the Rights of Indigenous Peoples;

(b) Adopt legislation, including temporary special measures and awareness-raising measures, to combat intersecting forms of discrimination against Maori women, Pasifika women and women belonging to other ethnic minority groups, in particular in gaining access to health-care services, protecting their right to land ownership and ensuring reasonable accommodation in education, employment and access to health care for women with disabilities;

(c) Implement the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) and provide alternatives to detention to reduce the high number of Maori women detainees.

**Migrant women**

22. Recalling the Committee's previous concluding observations (para. 46), please provide information on the steps taken by the State party to:

(a) Ensure that immigration detention is used only as a measure of last resort and that refugee and asylum-seeking women who are pregnant, nursing or elderly or have disabilities are not detained;

(b) Revise its immigration laws with a view to facilitating access to permanent residency permits for mothers of children who hold New Zealand nationality;

(c) Ensure the availability of shelters, legal and psychological support, complaint mechanisms and redress for migrant women who are victims of violence.

**Marriage and family relations**

23. Please provide updated information on the implementation of the recommendations contained in the final report of the Independent Panel examining the 2014 family justice reforms, including the adoption of a second bill focused on strengthening the Family Court (see [CEDAW/C/NZL/FCO/8](#), paras. 39 and 43), and explain how a gender perspective has been incorporated into the implementation of the recommendations and how the recommendations have benefited women and girls who are victims of gender-based violence, including sexual violence and domestic violence. Please also explain any measures taken to build the capacity of judges and other professionals in the judiciary and security forces with regard to women's rights, gender equality and gender-responsive adjudication.

24. Recalling the Committee's previous concluding observations (para. 48), please describe the measures taken to:

(a) Ensure that women who are victims of domestic violence are not forced to participate in out-of-court solutions, such as mandated mediation;

(b) Ensure that domestic violence, directed at a child or mother, is properly considered in child custody disputes, in particular when shared physical custody is being contemplated, and investigate the outcomes of shared physical custody on the development and welfare of children;

(c) Review the reliance on the parental alienation syndrome theory, with a view to limiting its usage in child custody disputes.



**Additional information**

25. Please provide any additional information deemed relevant with regard to legislative, policy, administrative and any other measures taken to implement the provisions of the Convention and the Committee's concluding observations since the consideration of the previous periodic report ([CEDAW/C/NZL/CO/8](#)) in 2018. Such measures may include recent laws, developments, plans and programmes, recent ratifications of human rights instruments or any other information that the State party considers relevant. Please also provide information on the measures taken to integrate a gender perspective into all efforts aimed at achieving the Sustainable Development Goals. Please note that, further to the issues raised herein, the State party will be expected, during the dialogue, to respond to additional questions relating to areas covered by the Convention.

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