



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women Thirty-ninth session

Summary record of the 806th meeting (Chamber B)

Held at Headquarters, New York, on Thursday, 2 August 2007, at 3 p.m.

Chairperson: Ms. Dairiam (Rapporteur)

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In the absence of Ms. Šimonović, Ms. Dairiam (Rapporteur) took the Chair.

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

Consideration of reports submitted by States parties under article 18 of the Convention (continued)

Sixth periodic report of New Zealand (continued)
(CEDAW/C/NZL/6, CEDAW/C/NZL/Q/6 and Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of New Zealand took places at the Committee table.*

Articles 1 to 6

2. **Ms. Dalziel** (New Zealand), responding to questions raised at the previous meeting, said that Section 73 of the New Zealand Human Rights Act was the legal basis for providing temporary or other special measures for promoting equality. Section 73 was not targeted at women but was designed to cover all of the characteristics listed in the provisions that prohibited discrimination. If special action was needed to bring about equality, the law provided for that. The New Zealand Human Rights Commission had also published guidelines on special measures in that regard. She confirmed that the Commission had been established in accordance with the Paris Principles. She did not know why the Commission had not submitted a separate report to the Committee, but it had contributed to the preparation of New Zealand's sixth periodic report.

3. The New Zealand Action Plan for Human Rights had been prepared by the same Commission. Although it was worded in gender-neutral terms and did not contain any provisions that were specifically for women, the Action Plan did have a direct impact on them because it sought to address issues such as low pay and re-entry into the work force after a break for family responsibilities. Provisions specifically for women were set forth in the Action Plan for New Zealand Women. The Opportunities for All policy had been superseded by a more overarching policy known as Families — Young and Old, which included individual strategies and action plans for health, education and housing, with specific targets for Maori, Pacific and migrant women. All of those strategies had individual time frames, but they were mainly designed for a five-to-ten year period.

4. The Task Force on Domestic Violence included male representatives of the non-governmental organization sector and the Government. The Task Force also had a national advisory group. Police and child protection agencies and other officials were also involved, and implementation was primarily at the local level. Rehabilitation services for men included court-directed treatment for the perpetrators of violence in a range of rehabilitation programmes, including those offered by the Men Stopping Violence organization. Men were also involved in the task force approach and prison sentences reflected the need for rehabilitation and treatment, especially in relation to alcohol and drugs. There were also specific programmes for Maori prisoners.

5. In relation to meeting the needs of diverse groups, there were many population agencies in New Zealand. In addition to the Ministry of Women's Affairs, they included the Office of Ethnic Affairs, the Office of Disability Issues, the Ministry of Maori Development, the Ministry of Pacific Island Affairs, the Office of the Minister for Rural Affairs, the Office for Senior Citizens and the Ministry of Youth Development. The Ministry of Women's Affairs worked closely with all the other population agencies to ensure that women's issues were taken into consideration within the individual ministries. The Ministry of Women's Affairs also ensured that its own policy work took into account the disadvantages suffered by other groups.

6. In relation to promoting cultural change, she drew attention to the community attitudes campaign that was about to begin on the issue of domestic violence. A similar initiative had been adopted in the public health arena on the issue of drinking and driving. A three-way approach had proved very effective: television advertising, the high risk of getting caught and serious consequences for conviction. A similar campaign against smoking had also been very effective in changing attitudes. Now they would do the same with domestic violence. More work was needed, however, on gender stereotyping in the media, and any advice that the Committee could give on that difficult issue would be welcome. She did not have any additional information in that regard on the operation of the Prostitution Reform Act. The research results would be included in the review of the Act, which would be presented to the Ministry of Justice in 2008. Her delegation would therefore be able

to provide information in that regard in the next reporting period.

Articles 10 to 14

7. **Ms. Dalziel** (New Zealand) said that another matter raised at the previous meeting was the issue of school fees and donations, which did not actually reflect a discriminatory approach. It did, however, point to the fact that a woman's education was the key to the future education of her children. Under the law, state schools could not charge fees for teaching the curriculum, but could ask for donations to cover general costs. The level and use of operational funding in schools was currently under review, and the results would provide input for government policy to reduce the need for donations.

8. **Ms. Zou** Xiaoqiao asked for information on the findings of the reviews conducted by nine public-service organizations on the implementation of the Government's five-year plan of action on pay and employment equity. It would be interesting to know what major problems and challenges had been encountered and what remedial actions or measures had been or would be taken. She had received information through another channel that the gender pay gap had not been reduced since the consideration of the previous report. For example, the hourly pay gap between full-time men and women workers had increased from 10 per cent in 2003 to 18 per cent in 2005. She asked whether any survey had been carried out and what the causes of that phenomenon were.

9. More information was requested on the low labour participation rates for mothers of young children and single parents. How many of those parents had benefited from the Government's efforts to improve the situation, and what kind of affirmative measures had been taken to improve child care? It would also be interesting to know whether a gender perspective had been incorporated into the initiatives to boost the employment of Maori and Pacific peoples and what positive impacts there had been for the employment of Maori and Pacific women. Lastly, New Zealand had taken important steps in increasing eligibility for paid parental leave and extending it to self-employed women, but not to seasonal and casual workers, many of whom were women. She wondered if the Government had any plans to extend the paid parental leave provisions to include that group of workers.

10. **Ms. Gleisner** (New Zealand) said that her department had been one of the first to complete the review of pay and employment equity. Most of the agencies had been surprised to find that there was a higher level of equity than they had expected. Another finding was the importance attached to work and life balance and flexible work. The tools were in place for the next phase, which would consider equitable job evaluation. There was no mechanism for a remedial pay settlement yet in any of the agencies, but progress was being made. The review had been a time-consuming but very rewarding process.

11. The gender pay gap was currently at 12.4 per cent compared to 9 per cent in 1977. Research had shown that gender-based occupational segregation was responsible for from 20 per cent to 40 per cent of the difference. In New Zealand, 25 per cent of the female work force was employed in just six occupations. The measures taken included research into how to influence young people's career choices and research with the Organization for Economic Cooperation and Development (OECD) and Australia on the influence of occupational segregation upon productivity. If a link could be proved, it would be a very powerful message for change.

12. There had been two major changes in relation to child care. As previously mentioned, 20 hours of free child care was provided for all three- and four-year-olds. There was a high participation rate in early childhood education, 98 per cent overall and 90 per cent for the Maori population. The second change was an out-of-school care plan to strengthen the quality and scope of out-of-school services. The quality of child care was increasing and the cost was being reduced. The Ministry of Women's Affairs had a Maori advisory group which they often consulted in their enterprise projects for women. A Pacific Economic Strategy, which included a whole component for Pacific women, was about to be launched.

13. **Ms. Dalziel** (New Zealand) said that the Department of Labour had undertaken an evaluation of paid parental leave earlier that year. In addition to an analysis of who was making use of the leave, there had been interviews with individuals who had done so and with some of those who had not in order to identify the positive aspects, barriers and possible improvements. As a result, the Government had committed to reviewing the legislation in relation to three specific areas: qualifying criteria, which had been a barrier for

seasonal and casual workers; the possibility of a separate leave provision for men on a “take it or lose it” basis; and extension of the period of paid parental leave. The period of paid leave was currently 14 weeks, but mothers said that it was still not enough to allow for breastfeeding. Some countries, including Canada, allowed for a 12-month period, and that might be a goal for New Zealand to aspire to in the future.

14. **Ms. Arocha Domínguez** noted that the report recognized that Maori and Pacific women in New Zealand had a lower life expectancy than Europeans. She wanted to know if the health programmes contained provisions for financial and human resources that were sufficient to bring about changes at the community level in living conditions and in the impact of cultural factors. The teenage pregnancy rate in New Zealand was very high and there appeared to be a cultural objection or lack of understanding of the importance of using condoms, and their effectiveness for family planning and the prevention of sexually transmitted diseases.

15. The rate of HIV/AIDS prevalence, albeit low, had increased slightly over the last few years, and there had also been an increase in other sexually transmitted diseases among young people. She asked if there were any special programmes for sex education and family planning services for the Maori and Pacific populations. The reporting State should indicate if there had been any recent study of the contents, methods and efficiency of sex-education programmes in schools and whether personnel were given proper training, including systematic updating of their skills.

16. It would be interesting to receive more information about the successful prevention and early detection programmes and services for breast cancer and cervical-uterine cancer. She wondered if the treatment was accessible in terms of distance and cost to all the women suffering from those types of cancer. In the case of cervical uterine cancer, had the Government considered introducing a comprehensive and low-cost programme of vaccination against the human papilloma virus for young women?

17. **Ms. Coker-Appiah** welcomed the low figures for HIV/AIDS infection, but cautioned against the danger of considering HIV/AIDS as a disease that came from outside the country. It was very important to focus on finding the reasons for the increase in heterosexual infection in order to establish prevention strategies. In

other countries, especially in Africa, HIV/AIDS had also started off as an infection that was mainly spread through homosexual contact, but the rate of infection through heterosexual contact had soon also risen. She asked whether immigrants who were diagnosed with HIV/AIDS were entitled to all the available health care and benefits and whether a certain period of residence was required for such entitlement.

18. **The Chairperson**, speaking as a member of the Committee, asked whether there was any evaluation of the first phase of the reproductive health strategy being implemented by the Ministry of Health and how such findings would affect the second phase of the strategy. In relation to teenage pregnancies, she wished to know whether the Ministry of Health was collecting data on the contraceptive prevalence rate among young people, pregnancy outcomes in terms of safe births or morbidity and mortality for young pregnant women, the birth rate, the stillbirth rate, and the abortion rate and its contribution to maternal mortality and morbidity among young women. Was such information collected and disaggregated by race and ethnicity to include indigenous and Maori women as well as immigrants and refugees, and were any efforts targeted to those various categories of women?

19. In relation to the Action Plan for New Zealand Women, she asked whether the Ministry of Women’s Affairs really had the authority to ensure that programmes were carried out by other agencies, as in the case of rural health programmes that were included in the Action Plan but were to be implemented by district health boards. Was adequate funding available for home visits and care in isolated areas or were further efforts needed in that area? Lastly, she was also interested to know whether efforts were really being made to reach out in a targeted fashion to the various categories of women, including migrant women, refugee women and Maori women whose health needs might be very acute.

20. **Ms. Tan** said that the primary health care strategy was the main programme under which women’s access to health was being improved and asked whether any information was available on the level of funding provided and the numbers of rural women that had benefited. It would be interesting to know how much funding had been allocated to the improvement of drinking water and sanitation systems; home-based health care services; and the national schedule of training for Primary Response in Medical Emergencies.

21. The report referred to draft measures introduced to improve school infrastructure and teachers' and students' access to information technology in rural areas. She asked whether any data were available on the number of girls who had access to such education and the levels of education that they had attained and also wondered how many schools of that kind were in the rural areas of each region and whether they had sufficient staff and adequate funding.

22. As the communities in the Far North, Gisborne and Buller regions experienced the most deprivation, were any figures available on the level of access to utilities, living conditions and income levels in those territories, and had any specific measures been taken in the Far North to improve the living standards? It would be interesting to know if the Government had any plans to extend paid parental leave to seasonal and contractual workers. Lastly, she also wondered what the Government planned to do to help rural families make use of the 20 hours of free early childhood education per week, as rural schools might lack the resources needed for implementation.

23. **Ms. Belmihoub-Zerdani** said that, while New Zealand's population was concentrated increasingly in urban areas, Maori women over 60 years of age lived mostly in rural environments. What steps had been taken to address the concern expressed in the Committee's concluding comments regarding New Zealand's fifth periodic report that the situation of Maori and Pacific women and girls remained unsatisfactory in many respects? As the current periodic report described plans rather than achievements, she wished to know what precise commitments had been made. Without such information, there were no benchmarks by which to gauge progress. The section of the periodic report devoted to rural women's access to services also described plans rather than achievements. She asked whether implementation of those plans had begun, and what results had been obtained, particularly for minority, refugee and migrant women and girls.

24. **Ms. Dalziel** (New Zealand) said that Government HIV/AIDS policy in the 1980s had focused on three groups: men who had sex with men, intravenous drug users, and those involved in prostitution. The increase in the recorded number of cases in 2006 had occurred because that year had marked the first screening of migrants for HIV. New Zealand was one of the few countries in the world to accept HIV-positive refugees

and was keen to supply treatment where required as well as to take steps to halt the spread of the virus.

25. Breast and cervical cancer screening were provided free of charge, and some testing facilities were mobile. The Government's medicines purchasing agency had made a cost-benefit analysis which had excluded funding for human papilloma virus vaccination at the current time.

26. **Ms. Gleisner** (New Zealand) said that the Government recognized that the lower-than-average life expectancy of Maori women was unacceptable. Efforts to improve the situation began with early childhood circumstances, which had an influence on later life. The many specific programmes for the Maori population included action to eliminate violence in the family and action targeting the substantial Maori female prison population. A group of Members of Parliament conducting a survey of young people's sexual health had discovered that sex education in schools was inadequate. Government measures to remedy the situation focused first and foremost on the most underprivileged. Almost all health statistics, such as those on mortality, morbidity, abortion and low birth weight, were analysed by ethnic group. New Zealand hoped that its next periodic report would show progress on collecting such data.

27. The Ministry of Women's Affairs was able to influence the delivery of health care through the Ministry of Health, which had contracts with District Health Boards. As a result, the Ministry of Women's Affairs had input into many aspects of policy, including screening programmes and issues connected with maternity, smoking and obesity. Special attention was devoted to ensuring that cervical screening reached Maori and Pacific women. A new funding arrangement had improved the rate of visits by home-care workers. Many Primary Health Organizations serving Maori populations were Maori operated.

28. It was true that 86 per cent of New Zealand's overall population lived in urban areas. The figure was only slightly lower for the Maori population. The Government would work closely with non-governmental organizations (NGOs) to improve rural women's access to benefits, recognizing that child-care allowances and parental leave arrangements in particular must be administered flexibly. Education services in rural areas did not suffer from an incomplete curriculum. School transport facilities were

provided, and distance learning was arranged through the Correspondence School.

29. **Ms. Dalziel** (New Zealand) said that new migrants with resident's permits as well as holders of work permits valid for two years or longer had unrestricted access to health and education services, although some had to pay higher university fees. However, in the case of family-sponsored immigration, non-refugee migrants had no access to public housing and benefits for their first two years and had to rely on their sponsors. With regard to paid parental leave, a proposed review of the system would examine the issue of payments to seasonal and contractual workers.

30. **Ms. Halperin-Kaddari** said that she had been unable to find, in the periodic report, the list of issues and questions or the responses thereto, any indication of legislation dealing with the concept of equal pay for work of equal value. New Zealand's Employment Relations Act 2000 seemed to consider pay discrimination only between employees of the same employer. She would like further details of the pay equity situation, particularly in the private sector.

31. **Ms. Belmihoub-Zerdani** said that she hoped that the Committee's concluding comments on the current periodic report would be followed up in detail and supported with sufficient sex-disaggregated data in order to improve the structured dialogue with the Committee. She wondered what arrangements existed for legal aid for women involved in legal proceedings over a wide range of issues, including domestic violence — in which urgent action was often needed — and also employment and inheritance.

32. **The Chairperson**, speaking as a member of the Committee, said that the Convention required that women should have access to services not simply in theory, but also in practice. She would therefore like to know if the Government was able to track the use of reproductive health services, particularly by minority and migrant women, and whether the services were culturally and linguistically suited to their needs. While she understood that the Ministry of Women's Affairs was able to influence the provision of care only indirectly, through the Ministry of Health, she wondered whether it had highlighted the need to improve institutional capacity, for example in midwifery services. Similarly, she asked if other Government ministries considered that they had a duty to ensure that the provisions of the Convention were

adhered to, or whether they tended to view the Ministry of Women's Affairs as interfering in the performance of their day-to-day functions.

33. **Ms. Gleisner** (New Zealand) assured the Committee that her Government had taken all its past recommendations very seriously, using them as a reference in policy development, and was sorry that that had not been conveyed sufficiently in the report. The Ministry of Health's National Screening Unit had established a cancer screening register that allowed it to track the attendance of women; and it was working with the NGO Pacifica to raise awareness, particularly among Maori and Pacific women. She herself would see to it that the Ministry of Health focused more on the Chairperson's idea that all ministries had a duty to defend women from discrimination.

Articles 15 and 16

34. **Ms. Tan** asked for further information about the civil unions referred to in the report (para. 379), and about the various policies of the Families Commission (report, para. 390) and the results of its research into the different family types and the impact of government policies on them. She commended the Government for recognizing domestic violence as a major problem and for having put in place so many strategies to eliminate it. It would be interesting to know if they had resulted in any reduction in domestic violence, and to have some of the statistics gathered in the New Zealand National Survey of Crime Victims (report, para. 395). She asked if it was difficult for a woman to obtain a protection order or a domestic exclusion order, if rural women had the same access to such remedies in family courts in their areas, and if there were any educational programmes specifically for migrant women and their children that informed them of their right not to be subjected to domestic violence.

35. She also wished to know if property, upon the dissolution of a relationship, was routinely divided equally between the spouses under the Property (Relationships) Act of 1976, as indicated in the responses to the list of issues (question 29) and whether legal aid was available to help women appeal property decisions.

36. **The Chairperson**, speaking as a member of the Committee, asked how the Government was monitoring the access to the legal system by abused migrant or refugee women not yet acculturated to New Zealand, and whether it was cognizant of the need for

outreach to such women and had any institutions of its own working with them. The non-governmental organizations bore a great share of that responsibility, and she wondered if their services were being funded by the Government. It would be useful to have data on the forms of abuse to which migrant and refugee women were subjected, especially in light of reports from some NGOs that mediation services to the ethnic communities were paradoxically entrenching the inferior social position of women in the group.

37. **Ms. Halperin-Kaddari** said that she was curious as to whether the Property (Relationships) Act had actually worked to help the weaker party as intended. Some of the special mechanisms discussed earlier in relation to other articles would also be relevant to article 15: for example, had the requirement that each new law must be reviewed for consistency with the Bill of Rights Act (report, para. 21) generated references to non-discrimination against women and equality before the law? She noted that the other gender-mainstreaming mechanism, the Gender Implications Statements (responses, ques. 2), had been prepared only for the Cabinet Social Development Committee, but not in all other areas that affected women. It would also be interesting to know how the judiciary was being trained in gender equality, feminist critique of the law and the like.

38. **Ms. Dalziel** (New Zealand) said that, in view of the fact that most marriage legislation contained references to “male and female” and that a vocal minority had launched a massive campaign against according even civil union to same-sex couples, the Government had decided to change the legislation so that both heterosexual and same-sex couples could opt for a civil union. That solution had been warmly welcomed in the country.

39. The Government was, in fact, trying to understand why the number of protection orders had declined. In rural areas there were specific issues, such as the need to fax information to often distant judges before an order could be issued. The Government’s domestic violence policy with regard to refugee and migrant women was to ensure that abused women could apply for residency even if their individual sponsorship had been withdrawn, provided that they could show that they had filed a complaint and that a return home would be a risk. The Ministry of Immigration had agreed to review that 2002 policy to see if it needed updating.

40. A number of projects dealt with the health of the refugee community, such as those of the Auckland Public Health Services with a particular focus on violence against refugees, and a project within the Ministry of Justice to reduce sexual violence against migrant women. The Property (Relationships) Act 1976 was actually a misnomer: it was an extension of the 1976 Matrimonial Property Act but it itself had been adopted in 2002. However, it was to New Zealand’s credit that the fifty-fifty property split had been in effect since the 1976 legislation. The 2002 Act did contain a provision for applying a differential in specific circumstances, which would probably be most often used in the case of wealthy couples.

41. The Government was certainly aware of abuses going on in the migrant community, such as the retention of dowries. Actually, the existing law on extortion could easily have been used to deal with such cases. The Government must decide whether it wanted to define the term “dowry” to distinguish it from the universal practice of giving gifts to children upon their marriage, if it wished to make it illegal. The Ministry of Women’s Affairs and the Ministry of Justice would remedy any gap in the law. It was the first time that she heard about under-age marriages in New Zealand: if there were any, they were certainly illegal and must be reported to the police so that the Child Protection Agency could take girls forced into marriage into their care. The Government’s key to having institutions with the proper cultural understanding deal with ethnic communities was its New Zealand Settlements Strategy (report, para. 50). The Government had not abdicated its responsibilities to the community sector; NGOs were simply doing what was best done at the local level, and the Government did indeed fund them as partners, across the board, especially in the area of family violence.

42. **Ms. Gleisner** (New Zealand) explained that the Gender Implications Statements, required in all papers of the Cabinet Social Development Committee, were often included in many other cabinet papers in other fields. Those statements came at the end of the process, as a valuable safety net, as it were. The Government’s aim was rather to imbed gender analysis early in the policy development process in key projects, as a powerful way of clarifying where it was needed and ensuring that it took place.

43. Over 26 per cent of judges were women. As for the training of judges, lawyers and court staff, the Task

Force for Action on Violence within Families (report, para. 406) was already using the power-and-control model to make the judiciary as well as the police aware of the problem. The Government did understand the continually emerging challenges to its ethnic and migrant communities and sought to be mindful of the problem and to keep learning.

44. **The Chairperson**, speaking as a member of the Committee, asked what gender equality training was being provided to Cook Island judges, who were appointed by New Zealand.

45. **Ms. Gleisner** (New Zealand) said that she would find out the answer to that question.

46. **The Chairperson**, acknowledging the complexities of a multicultural and multilingual country, thanked the delegation for the great frankness with which they had participated in a mutually beneficial dialogue with the Committee. She asked the Government to consider several points: the definition of discrimination as discrimination on sexual grounds was not the same as discrimination against women as set out in article 1 of the Convention. The Government, having adopted its laudable Action Plan for New Zealand Women, should, in its efforts to implement the Convention, look to articles 1 and 2 for a framework and add guarantees of access to the judiciary and greater involvement of the private sector in the protection of women to its Plan. The New Zealand Action Plan for Human Rights (report, paras. 26-27) had been elaborated separately from the Action Plan for New Zealand Women, but the two should be considered jointly because they reinforced each other. Lastly, she welcomed the withdrawal of New Zealand's reservation to the Convention and commended it for its close cooperation with non-governmental organizations in the country.

47. **Ms. Dalziel** (New Zealand) said that, in its commitment to combat discrimination against women, her Government was focusing on three overriding themes: economic transformation, families and national identity. The emergence of women in strong positions in the economic life of the country was dependant on a needed social transformation. The Government was finally beginning to see the way to dealing with the scourge of violence within families and was also working to redress the situation of the disadvantaged minorities within the nation. New Zealand took its report to the Committee very seriously as a reflection

of its commitment to the Convention, and it hoped that it had conveyed the seriousness as well of its action plan on behalf of women.

The meeting rose at 5.25 p.m.