



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

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

Twenty-ninth session

Summary record of the 624th meeting

Held at Headquarters, New York, on Monday, 14 July 2003, at 10 a.m.

Chairperson: Ms. Açar

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The meeting was called to order at 10.10 a.m.

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

Fifth periodic report of New Zealand
(CEDAW/C/NZL/5,
CEDAW/PSWG/2003/II/CRP.1/Add.5 and
CEDAW/PSWG/2003/II/CRP.2/Add.4)

1. *At the invitation of the Chairperson, Ms. Dyson (New Zealand) took a place at the Committee table.*

2. **Ms. Dyson** (New Zealand) said that since the information in New Zealand's report to the Committee was complete up to 1 September 2002, she would focus on developments since that date.

3. New Zealand's fifth report had been produced and structured differently from its predecessors. Women and girls had been consulted extensively. Special efforts had been made to engage with Māori women, Pacific women, rural women, migrant and refugee women, women with disabilities, older women, women in unpaid work and paid employment, and women in art and sport. A draft version of the report had been made available for public comment, and the outcome of that consultation had been included in the report itself, along with a description of the New Zealand Government's response to the Committee's concluding comments on the combined third and fourth reports.

4. The New Zealand cabinet had authorized the removal of the country's reservation to article 11.2 (b) of the Convention, subject to the approval of the appropriate parliamentary committee. The decision had been made because of the introduction of up to 12 weeks of Government-funded paid parental leave, subject to certain prior-employment conditions. The leave arrangements were being reviewed and might be expanded if resources permitted. Alterations to working practices in New Zealand's armed forces, scheduled for 2005, could lead to a lifting of the reservation regarding women in combat.

5. Turning to the status of the Convention in national legislation, she said that international human rights legislation in general, and the Convention in particular, did not automatically have primacy over New Zealand law. They first had to be made part of national legislation by an Act of Parliament, and the

courts could not of their own accord strike down incompatible national legislation. However, the courts had taken account of those international instruments, and had established a presumption that national legislation should be read in a way that was consistent with the country's international obligations.

6. The Human Rights Act 1993 had been amended in 2001, and had set a non-discrimination standard for Government, supported by an accessible, publicly funded complaints process and effective remedies. The Government's accountability for measures against employment discrimination, incitement of racial disharmony, victimization and racial and sexual harassment was greater than in the previous reporting period. An Action Plan for Human Rights was being developed by New Zealand's Human Rights Commission to promote civil, political, economic, social and cultural rights and combat discrimination.

7. The Government had committed itself to assessing the effectiveness of its policies. A Time Use Survey had been carried out: it showed the time which men and women spent in paid and unpaid work, leisure and providing care for others, which indicated their contribution to New Zealand's economic, social, human and cultural capital. A Social Statistics Programme had been set up to determine the structure and content of statistics over the next ten years; gender would be a key consideration.

8. Since January 2002, the Government had required all papers considered by the cabinet's Social Development Committee to include gender implications statements supported by a gender analysis. The Ministry of Women's Affairs was preparing a Women's Action Plan to assess the situation and aspirations of the country's women and determine how the Government would address them. It was likely to be approved by the end of 2003, with contributions from the National Council of Women, the Māori Women's Welfare League, Pacifica and New Zealand women in general and with consideration of the Committee's concluding comments and recommendations regarding the fifth report.

9. The Government had continued to combat gender stereotyping and exploitation of women. Penalties for offences involving objectionable material had been increased. New Zealand's Prostitution Reform Bill had passed its final parliamentary vote on 25 June 2003. It decriminalized prostitution and aimed to protect

women involved in prostitution from exploitation and human rights violations. In 2000, New Zealand had signed the United Nations Convention against Transnational Organized Crime, its Protocol against the Smuggling of Migrants by Land, Sea and Air and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. It had taken legislative action to punish trafficking in persons and the exaction of forced or compulsory labour.

10. Women's representation at all levels of Government remained steady. New Zealand's Governor-General, Prime Minister, Attorney-General and Chief Justice were women, and the number of women ministers had increased from 13 per cent at the time of the previous report to 31 per cent at the time of the present report. The Ministry of Foreign Affairs and Trade was aiming to have women make up 50 per cent of its staff by 2005; the current figure was 49 per cent. Those achievements must be preserved, partly because many younger women saw no need to make further efforts and partly because some people thought efforts to improve the status of women had already gone too far. The Government remained committed to retaining a Ministry of Women's Affairs, headed by a cabinet-level minister. It was aware that article 4 of the Convention provided for temporary special measures to promote women's equality. There were a number of possible approaches to such measures; the Government preferred to provide leadership through incentives and target-setting.

11. With regard to protection of employment rights, the Employment Contracts Act 1999 had been superseded by the Employment Relations Act 2000, which pointed out the inequality between employers and employees and required parties to employment relationships to deal with each other in good faith. The Human Rights Commission had been given an Equal Employment Opportunities Commissioner and the Government had almost doubled the budget of the Equal Employment Opportunities Trust, which existed to promote good management practice in business. The Government was considering measures to protect those whose jobs were contracted out or whose employers taken over by requiring that they should be able to move with their jobs to a new employer, while keeping their original employment terms and conditions.

12. Legislation providing for equal pay for work of equal value had been repealed in 1990, and the labour market had been deregulated. After entering office, the

new Government had begun to reverse the effects of that deregulation by establishing a Pay and Employment Equity Task Force to promote equality in public sector jobs. The Task Force was due to establish a five-year plan of action by 1 December 2003. It was hoped that in demonstrating the value of equality policy, the plan of action would also serve as a model for the private sector.

13. Women's equality in employment continued to be hampered by a pay gap, segregation by occupation and increasing difficulty in achieving a work-life balance. The Government was discussing the last of those issues in great depth. The number of hours of subsidized childcare for under-fives had been raised from 37 hours to 50 hours per week. The Social Security (Working Towards Employment) Bill aimed to help single parents and widows to enter paid work while recognizing family responsibilities. Long-term recipients of benefits who had children were also being helped into paid work by a "Pathways Payment" covering immediate costs during the first three months of employment. Most of those individuals were women.

14. In order to better respond to the needs of the Māori and Pacific communities, the Government had established a comprehensive programme, "Reducing Inequalities", across all its departments. It was continuing its efforts to implement the Treaty of Waitangi fully, and a budget allocation had been made for a three-year programme of public information on the Treaty, especially its human rights and indigenous rights aspects. Booklets on the Convention and its Optional Protocol had been produced in Māori and English and distributed widely. Because the ethnic composition of New Zealand's population had grown more diverse, the Office of Ethnic Affairs had been set up to provide information on individuals who were not of Māori or Pacific origin, including migrants and refugees. The focus of immigration policy had been broadened to encompass successful settlement and resettlement of those individuals.

15. In its concluding comments on the previous report, the Committee had expressed concern that privatization might affect access to health-care services for women in particular. The 1990s market-oriented model had been replaced by a more community-oriented model with a decentralized decision-making structure in which Local District Health Boards were responsible for management, purchasing and services.

Health-care strategies had been developed to respond to the needs of New Zealanders in general and specific groups such as older people and people with disabilities. Women's health had improved overall, and screening services for breast and cervical cancer were being reviewed to ensure quality and safety.

16. The Property (Relationships) Amendment Act 2001 had entered into force fully in February 2002, giving de facto couples, including same-sex couples, the same rights as married couples in respect of division of property if their relationship came to an end. A broad review of other provisions which treated de facto couples differently from married couples was being conducted.

17. *Te Rito*, New Zealand's family violence prevention strategy, had been launched in March 2002. It included monitoring and enforcement of legal sanctions, law, policy and service delivery, based on an evaluation of the Domestic Violence Act. Research had shown that cost, lack of information and language barriers explained the failure of some victims to seek protection orders. The problem particularly affected Māori and Pacific victims. Programmes designed by Māori women for Māori women had been set up. They focused not just on individual help, but on collective help. That was a further example of the Government's practice of establishing a policy framework, targets and accountability, with local decision makers determining how services should be provided.

18. The Government's crime-reduction strategy aimed to reduce family violence, including child abuse and sexual violence, as well as burglary and theft, crimes in which women accounted for a majority of victims. The strategy would focus particularly on Māori and Pacific families, at-risk families and those affected by drugs, alcohol and gambling. A report on women's access to justice had found that women faced problems with obtaining information, with the cost and cultural responsiveness of legal services, with evoking attention to women's role as caregivers and with a lack of involvement in the management and resolution of legal problems. The New Zealand Law Commission had been asked to report on the need for structural change and greater public information in the court system. Māori and gender perspectives would be taken into account.

19. The Care of Children Bill which the Government had introduced in June 2003 would radically change

the way in which protection of children was handled when their parents separated. Outdated notions of "access" and "custody", which tended to treat children as if they were property, would be replaced with a parental responsibility regime which put the best interests of the child first.

20. The Committee's concluding comments and recommendations on New Zealand's fifth report would be relayed to the cabinet and published on the Government's web site. They would guide domestic policy in general and the development and implementation of the Women's Action Plan in particular.

21. **Mr. MacKay** (New Zealand), speaking on behalf of Fatupaepae, the women's organization of Tokelau, a non-self-governing territory of New Zealand, said that the women of the territory were keen to participate in the process of implementing the Convention. Although Tokelau was considered remote, its communication and transportation links with the outside world had improved, making it less isolated.

22. In Tokelau, the customary role of women centred on the extended family. The Convention could complement that role and help it to evolve, but the process must be handled with sensitivity, guided by the speed, scale and impact of social change which a small community could withstand, and by the unique social environment of each of the territory's three atolls.

23. Women's roles had been evolving for some time, with many entering higher education and pursuing careers. Women were also taking up political roles. At the local level, each village had its own Council of Elders (Taupulega), and some had increasing numbers of women members. At the national level, women had also penetrated Tokelau's highest policy-making body, the General Fono.

24. While women's rights and safety had never been compromised in Tokelau, there was room for improvement. Steps were being taken to improve facilities for women. They included the granting of allowances for those whose responsibilities in the home prevented them from seeking employment, and training courses focusing on skills used in the home and in business.

25. Tokelau had ratified the Convention in 1985, and had been represented at regional meetings and workshops on matters connected with the Convention.

The outcomes and recommendations of those meetings and workshops, including the Pacific Platform of Action, had been reported to the General Fono. The General Fono had been asked to examine fuller and more equal participation of women in the political arena and the economy, and women's place in the legal system.

26. As an NGO, Fatupaepae was extensively consulted on social, cultural, economic and political issues. The Government of New Zealand had funded Fatupaepae activities under its gender and development assistance project for over ten years. The South Pacific Commission and United Nations Development Fund office in Apia had helped a Tokelau delegation to attend the April 2003 South Pacific regional reporting workshop on the Convention held in Apia. Following the workshop, the representatives of each atoll had undertaken to consult their Fatupaepae, Taupulega and communities to exchange information on the Convention. A national Fatupaepae conference in July 2003 would pave the way for further work on the Convention.

Articles 1 to 6

27. **Ms. Tavares da Silva** would like to know why only social policy, rather than economic and immigration policies, for example, contained a gender impact assessment. She was also surprised at the approach taken to the media — control and even censorship — to eliminate gender stereotypes, rather than working to achieve cultural change. The Ministry itself seemed to support gender stereotypes by approaching the work/life balance mainly as a women's issue.

28. **Mr. Melander** asked for further information on the report being prepared on the Cook Islands. He also asked if New Zealand had incorporated any international treaties in its domestic law. New Zealand's legislation on non-discrimination was impressive, but he was curious to know why it failed to include any reference to discrimination on the grounds of language or culture.

29. **Ms. Schöpp-Schilling** said that in her view, many of the actions the delegation had mentioned as representing special temporary measures were more general in nature. She asked if all ministries set targets for women's participation and who monitored them. Finally, she would like to know if special temporary

measures would be included in collective bargaining labour agreements in the private sector.

30. **Ms. Khan** asked how many of the recommendations of the 1998 Legal Services Act, which mandated access to low-cost legal services for women, had been implemented. She would also like to know if a rights-based approach to development had been considered.

31. **Ms. Kapalata** said that the measures to implement article 5 of the Convention needed further elaboration as attitudes could be changed only through education.

32. **Ms. Gabr** said that the progress achieved in allowing women access to high-level posts was very welcome. However, there appeared to be a need for more legislative and executive actions to complement those achievements and the reversals that had occurred in recent elections. Violence and harassment of indigenous women should also receive more attention.

33. **Ms. Dyson** (New Zealand), in reply to the questions regarding article 5, said that in the education, health-care and social security systems and related government communications, every effort had been made to remove stereotyping of men's and women's roles. For example, the apprenticeship programme for school leavers had been reintroduced, and when it became clear that few women were entering non-traditional areas, efforts to encourage them while still in the educational system had been stepped up.

34. Gender analysis had been introduced in the Social Development Committee of the Cabinet, where migration issues were also addressed. She shared the concern that gender analysis should extend to all ministries. She had been sure to make it clear in all her public statements that the work/life balance, was not just a women's issue. Moreover it had a stronger impact on Māori and Pacific Islander women because of their traditional role as caregiver to the elderly of their communities.

35. With regard to temporary special measures, she pointed out that the post of Equal Employment Opportunities Commissioner, currently held by a woman, was permanent, but targets had not been set for each government department. Where they did exist, there was direct accountability between the department head and the Minister for meeting them. The decline in the number of women elected to Parliament was of

concern, but the electoral list system, which was intended to help women gain access to elected office, had been in place only a short time and was expected to have an impact in the long term.

36. Language was not a ground for discrimination, but language rights were protected and had been considered to be a factor in racial discrimination cases. English was the official language, and Māori also was an official language in law. There was also a movement to recognize New Zealand sign language. In addition, a pilot project to provide a telephone interpretation service had been implemented to cater to the increasingly diverse population.

37. A number of steps had been taken to implement the recommendations on access to legal remedies, including a bill to make lawyers more accountable to their clients. The New Zealand Law Commission was studying the structure of the courts and the information needs of their users.

38. Gender analysis required a rights-based approach and would undoubtedly be required in the implementation of the Women's Action Plan. It was mandatory at present to consider the Bill of Rights and human rights implications of any Cabinet paper.

39. **Mr. MacKay** (New Zealand) said that New Zealand's legal approach was "dualistic", meaning that international obligations were transformed into national law. As in other Westminster-style government systems, decisions regarding international treaties were taken by the executive (the cabinet), but statutes which had the force of law could be enacted only by Parliament. When the executive entered into a treaty obligation, it could not automatically translate that treaty obligation into national law. As a matter of constitutional practice, New Zealand did not become a party to any international treaty until the necessary national legislation had already been passed by Parliament. While that often slowed down the process of accession to a treaty, it also ensured that New Zealand would not be in breach of that treaty.

40. Parliament rarely incorporated international treaties word-for-word into national law; that tended to occur only when a particular treaty provision laid down precisely what action States Parties should take, rather than exhorting them in general terms to take action. Examples were the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations.

41. The Cook Islands and Niue, having established their self-determination in accordance with the Charter of the United Nations, were self-governing territories in free association with New Zealand. When New Zealand had become a party to the Convention on the Elimination of All Forms of Discrimination against Women, in 1985, the Cook Islands and Niue had also become parties to the Convention, after giving their consent in advance. However, the relationship between New Zealand and the Cook Islands and Niue had been evolving over the years. In 1988, treaty-making practice changed, and New Zealand no longer signed treaties on behalf of those territories. As a result, New Zealand no longer had the power to enact legislation binding the Cook Islands or Niue and no longer had the power to require them to take action in any field. It would therefore not be appropriate for New Zealand to report to the Committee on matters of which it had no direct knowledge and over which it had no control. While it could encourage the Cook Islands and Niue to report to the Committee and would assist them in that task, the Committee itself was in the best position to ensure that they complied with reporting requirements.

42. **Ms. Dyson** (New Zealand) said that her Government was committed to providing culturally appropriate support for all indigenous women and women from other minorities who had to cope with violence. As she had pointed out earlier, the Government's devolution policy meant that an overall policy framework and accountability mechanisms were determined centrally, but implementation was determined locally. That approach had been especially successful in New Zealand's Māori communities, and it would be extended to the growing population from other minorities. New Zealand had a specific category of residence permit granted to women and children who were victims of domestic violence at the hands of a New Zealand national who refused to provide support any longer. As of February 2003, 17 women had received such permits.

43. **Ms. Shin** said that she was pleased to hear that all papers submitted to the cabinet would carry a gender analysis, but she wished to know if that exercise would examine whether all Government policies considered women's needs equally (for example, whether gender was a greater consideration in social development policy than in economic development policy) and whether each Government department, and particularly the Ministry of Women's Affairs, had sufficient staff

and financial resources to implement the Women's Action Plan. She also asked if gender analysis examined whether the Government's policy of devolution was serving the needs of women, since she believed that devolution had made individual hospitals responsible for health care and appointment of senior staff, and made individual schools responsible for women's issues in education policy. She praised the existence of Government workshops for NGOs, but expressed concern that they had been held at short notice, depriving many of the opportunity to attend.

44. **Ms. Gaspard** said that local authorities had the ability to promote gender equality, for example, by combating violence against women and by improving women's access to transport and public services. She asked if local authorities were encouraged to adopt gender-sensitive policies, and whether best practice was disseminated throughout the country.

45. The Prostitution Reform Bill referred to in New Zealand's report had apparently been adopted in June 2003 and became an Act. She would like more information on the content of the Act, which appeared to be aimed at treating prostitution as a business like any other. That position was controversial in many parts of the world because it raised the question of whether individuals were forced into prostitution and became victims of trafficking. She asked what steps were provided in the Act to prevent such exploitation, and what assistance was given to individuals who sought to escape prostitution.

46. **Mr. Flinterman** said that he hoped that the women of Tokelau would feel that their views had been heard by the international community and that the Committee's deliberations would be communicated to them and to the population of the Cook Islands and Niue. The absence of a report from the Cook Islands was regrettable. On the one hand, from the point of view of international law in general and international human rights law in particular, New Zealand continued to be responsible for the implementation of the Convention in the Cook Islands, as Mr. MacKay had indicated. The authorities of New Zealand should therefore urge the authorities of the Cook Islands to report to the Committee. On the other hand, under the international law rules of State succession, the Cook Islands could themselves be considered to have succeeded to New Zealand's obligations under the Convention, and the Committee could therefore approach their authorities directly.

47. Continuing his question about the status of the Convention in New Zealand law, he said that another United Nations treaty body, the Human Rights Committee, had expressed its concern that New Zealand could enact legislation which was incompatible with the International Covenant on Civil and Political Rights. Though that remained a theoretical possibility, it was a possibility nonetheless; if such legislation were to be enacted, there would be no remedy against it in national law.

48. He asked whether anything prevented New Zealand from enacting laws which were incompatible with the Convention on the Elimination of All Forms of Discrimination against Women, whether it was accurate to say that the Convention could not be invoked directly in a court of law, and whether it was also accurate to say that the provisions of the Convention would in any event not take priority over conflicting national legislation. He asked the delegation's view of the implications of the status of the Convention in New Zealand law in relation to the application of the requirement of the Optional Protocol to the Convention that all available local remedies must have been exhausted before a complaint could be examined by the Committee.

49. **Ms. Saiga** said that she wondered if it was genuinely possible for the Cook Islands to acquire New Zealand's obligations under the Convention, since the parties to the Convention must be States.

50. **Ms. Šimonović**, elaborating on Mr. Flinterman's comments on the status of the Optional Protocol in New Zealand law, asked whether an individual petitioner could invoke specific rights conferred by the Convention directly in court, or whether that petitioner must instead invoke the same specific rights through a national law in which they were enshrined. She wondered what would happen in the event of a conflict between the Convention and national law.

51. Since the previous report, there had been progress through new policies, laws and capacity-building, and the close participation of NGOs in preparing the latest document. However, the latest report still lacked sex-disaggregated data and data disaggregated by ethnicity: for example, it failed to provide a full picture of the trends in the involvement of women in various fields (women in political parties, women in postgraduate education). Figures for Tokelau were also needed.

52. **Ms. Morvai** said that the Government of Japan had recently shown the Committee a booklet explaining the Convention to children in simple language. The section of the booklet which covered article 6 of the Convention stated that women's bodies were not for sale. She believed that New Zealand shared that view: the section of its report dealing with sex roles and stereotyping had described its research into attitudes to pornography. That research was commendable since many Governments appeared to formulate policy on pornography and prostitution without defining either phenomenon.

53. The research had concluded that such explicit materials were harmful because they created or reinforced inaccurate stereotypes of women. However, by legalizing prostitution, New Zealand seemed to be encouraging the harmful behaviour it was condemning in pornography: just like pornography, prostitution treated women as objects. Prostitution in and of itself was wrong because it oppressed and humiliated women, even if some women entered into it of their own free will. The New Zealand Prostitutes' Collective had been portrayed as an institution unique to New Zealand; she hoped that it would remain so, and that the New Zealand Government would reconsider the legalization of prostitution.

54. **Ms. Dyson** (New Zealand) said that the Government had discussed the core functions of the Ministry of Women's Affairs and the financing of those roles. Like any other ministry dealing with the population, the Ministry of Women's Affairs faced a central problem: the performance of other ministries and agencies had an effect on its own performance. The Ministry of Women's Affairs could not be held solely accountable for the action or inaction of another department or ministry, but the Government remained committed to having a separate Ministry of Women's Affairs to take the lead in matters which were of direct interest to women and to help other departments or ministries to recognize the gender implications of their policies.

55. With regard to the involvement of NGOs in policy-making, she acknowledged that some of the 20 formal workshops held throughout the country had indeed been announced with too little notice, but she had taken steps to correct the situation once she had been made aware of it. The workshops had enabled her to work in a formal partnership as a Government minister with the National Council of Women and the

Māori Women's Welfare League, which had branches nationwide. Beyond that formal partnership, additional meetings had been held to accommodate the needs of women who were often left out of formal consultation with the Government: women living on low incomes, women in rural areas, women with disabilities, older women, women who were single parents, refugee and migrant women.

56. New Zealand's Local Government Act had redefined the roles and responsibilities of local authorities. One of its central requirements was that local authorities should consider the social and economic consequences of their policies. While that seemed obvious, it was the first time such a requirement had been incorporated in legislation. While the law did not require local authorities to bring their policies into line with New Zealand's international treaty obligations, local authorities operated under the statutory control of central Government and they were implicitly bound by those treaty obligations.

57. In her 20 years of involvement in political life, 10 years of which had been spent in Parliament, no issue had divided women as much as the decriminalization of prostitution. Nevertheless, most women members of Parliament and most submissions from NGOs (including the National Council of Women, the Young Women's Christian Association, the Salvation Army and women's refuges and crisis centres) had supported the new legislation, which aimed not to promote prostitution, but to minimize harm and reduce exploitation.

58. Because opinion had been so divided, and because the Government was committed to ensuring that the intention of the legislation was translated into action, there was provision for regular review of the effects of the legislation. One of its aims was to protect the women who were most vulnerable to exploitation, primarily those admitted to New Zealand on short-stay residence permits. The Immigration Act prohibited the issue of residence permits to women being brought to New Zealand to be forced into prostitution, and allowed permits to be revoked if a holder was found to be involved in prostitution.

59. **Mr. MacKay** (New Zealand) said that he wished to assure the Committee that its comments would be relayed to the Cook Islands, Niue and Tokelau. The application of international treaties signed by New

Zealand to the Cook Islands had been ambiguous in the past, and that was why treaty practice had been changed in 1988. The issue of how the Cook Islands could become party to a protocol attached to a treaty signed by New Zealand on their behalf, as had occurred before 1988, was an evolving constitutional matter, however.

60. International treaties could be invoked in New Zealand courts. If an issue of interpretation arose, the courts would try to interpret national law in a manner consistent with those treaties. In his 30-year experience of international law, he could not remember a direct clash between New Zealand's national law and an international instrument, but if such a clash did arise, national law would take precedence because (as in many other countries) New Zealand's national law reflected the will of Parliament, whereas international treaties were acts of the national executive. Such a situation would precipitate a constitutional crisis and present a stark decision between immediately bringing national law into conformity with the international treaty, or denouncing the international treaty.

Articles 7 to 9

61. **Mr. Melander** said that the figures he had seen in the report had cast doubt on the effectiveness of the Nominations Service of the Ministry of Women's Affairs in ensuring that women were represented in senior positions in the judiciary, private industry and on the boards of Crown corporations; he asked for more details of its results. He said that his own country, Sweden, had a typical pattern of women's representation in universities: over 50 per cent of undergraduates were women, but under 50 per cent of postgraduates, lecturers and professors were women. He wondered if the situation in New Zealand was comparable.

62. **Ms. Belmihoub Zerdani** said that she had been impressed to find that New Zealand's Governor-General, Prime Minister, Attorney-General and Chief Justice were all women, and that the number of women in decision-making positions was increasing. However, the progress that women had made seemed precarious and could be reversed: it seemed that political parties were resisting the use of quotas for women on the grounds that political decisions were made at election time and not before. She wondered if it would be appropriate to change electoral legislation so that quotas could be introduced. Although women occupied

prominent positions in Government, the civil service had a pay gap of between 10 and 16 per cent between men and women. She asked what was being done to close that gap.

63. **Ms. Kapalata** said that New Zealand's report had indicated that Tokelau had no legislation sanctioning discrimination against women, but that its society traditionally assigned gender roles very rigidly. She would like more information about how that situation was changing. She believed that Tokelau's General Fono had some women members, but she wondered whether there was any mechanism to ensure that women were represented. Turning to the report itself, she asked whether refugee women had been involved in its preparation.

64. **Ms. Dyson** (New Zealand) said that New Zealand tried to increase and monitor the number of women in positions of responsibility. Ministries, government agencies and local authorities were held accountable for ensuring that recruitment targets were met. There was a debate about the most effective way to increase women's presence in senior posts: through targets and incentives, or through regulation. New Zealand had favoured targets and incentives across all departments, agencies, policies and programmes.

65. The practice of the country's political parties varied: the two major parties had an understanding that gender, ethnic group and place of origin should be in balance among their candidates for office. However, women were clearly underrepresented. Support for an electoral system using proportional representation was growing, and local authorities were moving towards a system using the "single transferable vote". The result was that central Government, local government and district health boards in New Zealand presently used different electoral techniques, so each could be assessed for its gender impact. However, the proliferation of systems was causing confusion among the electorate; combined with a general decline in voter turnout, it threatened to keep women in particular away from the polls.

66. The Nominations Service of the Ministry of Women's Affairs was the main channel for ensuring that ministers received the names of women nominees for statutory bodies. It was not, however, the only channel: nominations could be made directly. There had been some progress since she had taken up her post in 2002. The number of women appointed or re-

appointed to statutory boards had been 25 per cent in 1993, 35 per cent in 1998 and 42 per cent in 2002. It was not certain that that trend would continue, but there were grounds to hope that it would.

67. Consolidating and maintaining the gains which women had made was difficult. Her own generation of women had felt that continuous progress must be made to implement the Convention. Younger women, by contrast, were neither as committed nor as clear in their objectives. The cross-government action plan to address priorities for women was important to create momentum and follow up the implementation of the Convention and the recommendations of the Committee. With regard to universities, she had no figures to hand, but would supply them as soon as possible.

68. Greater involvement of refugee and migrant women in shaping gender policy was encouraged through the associations representing those groups. Such associations were closely linked with the Immigration Service and the Office of Ethnic Affairs. Those associations were able to convey the different outlook of new residents of the country.

69. **Mr. MacKay** (New Zealand) said that he had no further information about the representation of women in Tokelau's General Fono. However, the statement from the women of Tokelau to the Committee showed that Tokelau was struggling to balance the needs and traditions of a small, isolated society with modern international standards, and was some way behind New Zealand in achieving those goals.

The meeting rose at 1 p.m.