



Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
10 August 2007

Original: English

Committee on the Elimination of Discrimination against Women

Thirty-ninth session

23 July-10 August 2007

Concluding comments of the Committee on the Elimination of Discrimination against Women: New Zealand

1. The Committee considered the sixth periodic report of New Zealand (CEDAW/C/NZL/6) at its 805th and 806th meetings, on 2 August 2007 (see CEDAW/C/SR.805 (B) and 806 (B)). The Committee's list of issues and questions is contained in CEDAW/C/NZL/Q/6 and the responses of the Government of New Zealand are contained in CEDAW/C/NZL/Q/6/Add.1.

Introduction

2. The Committee expresses its appreciation to the State party for its sixth periodic report, which followed the Committee's guidelines for the preparation of reports and covered steps taken in response to the Committee's previous concluding comments. The Committee notes that the report was candid and informative in reflecting the situation of women in New Zealand and that it demonstrated an awareness of the challenges facing a multicultural and multilingual society. The Committee commends the State party for the written replies to the list of issues and questions raised by the pre-session working group, for the frank and detailed oral presentation, which provided updated information on the implementation of the Convention in New Zealand, and for its responses to the questions posed orally by the Committee.

3. The Committee congratulates the State party on its high-level delegation, headed by the Minister of Women's Affairs. The Committee appreciates the sincerity and quality of the constructive dialogue that took place between the delegation and the members of the Committee.

4. The Committee commends the State party for the withdrawal in July 2007 of its last reservation to the Convention, relating to the armed forces and law enforcement forces.



Positive aspects

5. The Committee commends the State party for its political will and its commitment, expressed during the oral presentation and constructive dialogue, to achieving de facto equality for all women and the full implementation of the provisions of the Convention, and to addressing the emerging and ongoing challenges facing women in the State party.

6. The Committee commends the State party for the adoption in 2004 of an Action Plan for New Zealand Women, which contributes to meeting its international obligations under the Convention and the Beijing Platform for Action.

7. The Committee welcomes the State party's efforts to implement programmes and services to support comprehensively women's participation in employment and achieving a work-life balance for women and families. In particular, the Committee commends the State party for the development of the "Working for Families" package of services, which provides subsidies and tax credits to assist families in meeting the costs of childcare, and for its programme providing 20 hours per week of free education for three- and four-year-old children.

8. The Committee commends the State party for establishing in 2005 the Taskforce for Action on Violence within Families, which brings together stakeholders from the Government, law enforcement and civil society to improve the way violence within families is addressed. The Committee notes with appreciation that the Taskforce produced its first report on violence within families in July 2006, which included a programme of action, collected preliminary data and highlighted the need for urgent action.

9. The Committee congratulates the State party for abolishing interest payments in its student loan scheme, addressing the Committee's concern in its previous concluding comments that the student loan scheme had a potentially unfavourable impact on women.

10. The Committee commends the State party for its commitment to cooperation and partnership with non-governmental organizations and for its recognition of their important role in policy development and the provision of services. The Committee also expresses its appreciation to the State party for funding representatives of non-governmental organizations to attend the thirty-ninth session of the Committee.

Principal areas of concern and recommendations

11. While recalling the obligation of the State party to implement systematically and continuously all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of its next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on actions taken and results achieved in its next periodic report. It also calls upon the State party to submit the present concluding comments to all relevant ministries and to Parliament in order to ensure their full implementation.

12. While the Committee appreciates the steps the State party has taken to bring its domestic laws into compliance with its obligations under the Convention, the Committee is concerned that the Convention has not been fully incorporated into domestic law. The Committee is concerned that, although the Human Rights Act of 1993 contains a prohibition against discrimination on the basis of sex and also contains references to maternity and childbearing, the legislation of the State party contains no explicit and comprehensive definition of discrimination against women, in accordance with article 1 of the Convention, encompassing direct and indirect discrimination.

13. The Committee urges the State party to take steps to strengthen its prohibitions against direct and indirect discrimination against women in accordance with article 1 of the Convention. It also recommends that the State party undertake efforts to emphasize the comprehensive scope of the Convention in all its efforts aimed at the practical realization of the principle of equality between women and men.

14. While the Committee welcomes the Human Rights Commission's appointment of an Equal Opportunity Commissioner to focus on gender equality concerns, the Committee is concerned that the Human Rights Commission, which plays a central role in the promotion and protection of human rights in New Zealand, has not fully integrated and mainstreamed gender perspectives and women's human rights into its action plans and activities. The Committee is further concerned that existing human rights monitoring and implementation mechanisms do not adequately or regularly integrate gender equality analyses. The Committee is also concerned that while all policy papers submitted to the Cabinet and Cabinet committees must include a statement regarding compliance with the Human Rights Act and the New Zealand Bill of Rights, gender impact statements are only required for papers submitted to the Cabinet Social Development Committee.

15. The Committee urges the State party to put in place an effective strategy for mainstreaming gender perspectives into all national plans and institutions and to strengthen the linkages between the New Zealand Action Plan for Human Rights and the Action Plan for New Zealand Women, with a view to ensuring that the promotion and protection of women's human rights as enshrined in the Convention are integrated into all national human rights plans, programmes and actions. The Committee also recommends that the State party require gender impact statements for all policy papers submitted to the Cabinet and to all Cabinet committees.

16. While noting with appreciation that the Action Plan for New Zealand Women of 2004 makes reference to the State party's international obligations under the Convention, the Committee is concerned that the Convention's objectives and substantive provisions are not fully taken into account or articulated in this Plan. It is also concerned that the Convention and the Optional Protocol are not widely known throughout the country and are not sufficiently utilized in policy development or in bringing cases related to discrimination against women.

17. The Committee urges the State party to utilize fully the objectives and provisions of the Convention as a normative basis in the development or updating of its action plans for women. It also calls upon the State party to further publicize the Convention to the general public, particularly women, and to enhance legal education and training for lawyers, judges and law

enforcement officers on the Convention and the procedures under its Optional Protocol. It also encourages the State party to disseminate the Optional Protocol in order to ensure that women are aware of this means of redress and can claim their rights under the Convention and the Optional Protocol.

18. The Committee is concerned about gaps that remain in the protection of women against discrimination by private as well as public sector actors. In particular, the Committee is concerned about the lack of legal mechanisms to address discrimination against women by private actors in the area of employment in accordance with article 2 (e) of the Convention. The Committee expresses concern that while New Zealand law recognizes the principle of equal pay for work of equal value, the mechanisms for implementing this principle in the private sector, such as industry-wide job evaluations to ensure equal pay for women performing work of equal value, have been abolished and the Government lacks the authority to implement and enforce equal employment opportunity policies in the private sector.

19. The Committee recommends that the State party enact and implement comprehensive laws guaranteeing the substantive equality of women with men in both the public and private sectors, especially in regard to equal pay and equal opportunity in employment. It also recommends that the State party include adequate sanctions for such acts of discrimination against women and ensure that effective remedies are available to women whose rights have been violated.

20. While the Committee appreciates the State party's acknowledgement that temporary special measures are permitted under the Human Rights Act where they are considered to be the most effective means of meeting goals or proven needs, the Committee is concerned that the purpose and scope of temporary special measures, as called for under article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, may not be properly understood in the State party, leading to a lack of use of such measures to promote de facto equality for women. The Committee notes that insufficient statistical data disaggregated by sex in all areas covered by the Convention makes it more difficult to assess accurately the situation and progress of different groups of women with regard to all areas covered by the Convention.

21. The Committee recommends that the State party adopt and implement temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, as part of a strategy necessary to accelerate the achievement of de facto equality between women and men. It calls upon the State party to consider using measures such as benchmarks, targets, recruitment and support programmes, incentives and quotas with regard to various articles of the Convention and to strengthen its system of data collection in all areas covered by the Convention, in order to enhance its knowledge base about the actual situation of different groups of women and to track trends over time. It also calls upon the State party to monitor, through measurable indicators, the impact of measures taken and progress achieved towards the realization of de facto equality for women. It encourages the State party to use these data and indicators in the formulation of laws, policies and programmes for the effective implementation of the Convention.

22. The Committee voices its concern that, apparently, there has been a climate change and “backlash” against the recognition and promotion of women’s human rights in the State party, despite the persistence of inequality between women and men. The Committee is concerned that women, especially minority women, continue to be portrayed in a negative, inferior and stereotypical manner in the media and society. The Committee expresses concern that such attitudes and stereotypes present significant impediments to the implementation of the Convention and are a root cause of the disadvantaged position of women in a number of areas, including in the labour market and in political and public life.

23. The Committee calls upon the State party to implement a national campaign on the importance of equality between women and men in a democratic society, to increase understanding of the meaning and content of the substantive equality of women and to eliminate negative stereotypes associated with men’s and women’s traditional roles in the family and in society at large, in accordance with articles 2 (f) and 5 (a) of the Convention. The Committee also recommends that the State party encourage the media to project non-stereotypical and positive images of women, including minority women, and promote the value of gender equality for society as a whole, including through further measures to sensitize members of the press, television and other media on gender equality issues. The Committee requests that the State party report on measures taken and their impact in its next report.

24. While appreciating the steps taken by the State party, such as the establishment of the Taskforce for Action on Violence within Families and the 2006 report on violence within families, the Committee is concerned about the continued prevalence of violence against women, particularly Maori, Pacific and minority women, and the low rates of prosecution and convictions for crimes of violence against women. The Committee also remains concerned that analysis on issues relating to violence against women remains inadequate for the purposes of identifying the causes of violence against women, monitoring trends and evaluating the appropriateness and impact of policy and law enforcement efforts. The Committee also expresses concern that the number of protective orders granted to women is declining.

25. The Committee calls upon the State party to consistently implement and enforce the Programme of Action on Violence within Families and to revise its Domestic Violence Act of 1995 in order to protect all women victims of violence, including Maori, Pacific, Asian, immigrant, migrant and refugee women, and women with disabilities. It calls upon the State party to ensure that all violence against women is effectively prosecuted and adequately punished in line with the Committee’s general recommendation 19. The Committee recommends that training be enhanced for the judiciary, public officials, law enforcement personnel and health-service providers in order to ensure that they can adequately respond to it. It calls on the State party to ensure that adequate data is collected on all forms of violence against women and urges the State party to conduct research on the prevalence, causes and consequences of violence against all groups of women to serve as the basis for comprehensive and targeted intervention. In particular, it encourages the State party to study the reasons for the decline in the issuance of protective orders and to consider putting in place additional protective measures for women, such as enabling the

police to issue protective orders. It invites the State party to include information on the results of such measures in its next periodic report.

26. The Committee is concerned that violence against women within families and illegal practices relating to marriage on the basis of culture and religion take place within immigrant communities and may not be adequately addressed because of the dependency and isolation of the women concerned.

27. The Committee recommends that the State party undertake proactive outreach measures for the protection of women victims within immigrant communities and cooperate with non-governmental organizations providing services to these women.

28. The Committee is concerned about the lack of information regarding the extent of trafficking in women and girls in New Zealand and the absence of measures taken to address this issue. The Committee is especially concerned that no cases of trafficking in women have been officially reported or prosecuted, despite indications of the existence of trafficking in women in New Zealand. The Committee also expresses concern about the lack of information regarding the nature and extent of prostitution in New Zealand, including about the implementation of the Prostitution Reform Act of 2003. The Committee is also concerned about the exploitation of migrant women and girls in prostitution and the sufficiency of measures to provide protection and assistance for migrant women.

29. The Committee requests the State party to provide, in its next report, comprehensive information and data on trafficking in women and girls, on the number of prosecutions and convictions and on measures taken to combat such activities, including with respect to migrant women and girls, and the impact of such measures. It further calls upon the State party to provide a comprehensive assessment of the Prostitution Reform Act of 2003, including statistical data and steps and measures taken in response to the findings.

30. While welcoming the recent ascension of women to the highest constitutional positions in New Zealand, the Committee is concerned that the number of women in local government and political decision-making positions is actually declining, and that women remain underrepresented in local government, district health boards, statutory boards and the judiciary. The Committee is also concerned that Maori, Pacific, Asian and other minority women are underrepresented at most levels of public and political life.

31. The Committee requests the State party to take concrete action and establish goals and time frames to increase the number of women in decision-making positions at the local level, in civil service, political parties, district health boards, statutory boards and the judiciary. It also urges the State party to implement measures to increase the participation of Maori, Pacific and minority women in political decision-making positions at all levels, including temporary special measures in accordance with the Committee's general recommendation 25.

32. While the Committee commends the State party for its efforts to increase access to free education, the Committee is concerned about the access to education of low-income children and children living in rural areas. In particular, the Committee is concerned about information received that indicates that many schools are pressuring parents to make "donations" to the schools, often without adequately

informing parents that such payments are voluntary. The Committee is concerned about the burden this places on low-income and single-parent families, and the disparate impact of these practices on women, who as a whole earn less than men and are more likely to be single parents.

33. The Committee urges the State party to fund schools adequately and take measures to ensure that children from low-income families and families living in rural areas are not discriminated against in the provision of education. The Committee recommends that the State party undertake efforts to clarify and publicize the voluntary nature of payments requested by schools and monitor schools' practices regarding the collection of fees from parents. The Committee also encourages the State party to raise awareness of the importance of education as a fundamental human right and as a basis for the empowerment of women.

34. The Committee is concerned about the disadvantaged situation of women, including Maori, Pacific and minority women, and the discrimination faced by women in employment, especially in the private sector where fewer equality provisions apply. In particular, the Committee is concerned about the increasing wage gap between women and men, the high levels of occupational segregation, the concentration of women in low-wage occupations and the very low rate of women's participation in management and decision-making positions in the private sector.

35. The Committee requests the State party to take all appropriate measures, including temporary special measures and the strengthening of equality mechanisms, to address women's disadvantaged situation in the labour market, including the situation of Maori, Pacific and minority women. It recommends that efforts be intensified to eliminate occupational segregation, both horizontal and vertical, and to narrow and close the wage gap between women and men. It calls upon the State party to monitor the impact of measures taken and results achieved in both the public and private sectors and to report thereon in its next periodic report.

36. While the Committee welcomes the measures taken by the State party to support women's participation in the labour force, the Committee is concerned that the rates of participation for mothers of young children and single mothers remain below the average for States members of the Organization for Economic Cooperation and Development. The Committee also expresses concern that seasonal and temporary workers remain ineligible for paid parental leave. The Committee is also concerned about the low rate of participation of men in paid parental leave programmes and about the barriers to access to childcare and parental leave policies faced by rural women, as well as Maori, Pacific and other minority women.

37. The Committee requests that the State party act expeditiously to amend eligibility criteria to ensure that seasonal and temporary workers are eligible for paid parental leave. It also urges the State party to undertake further measures to increase the participation rate of mothers of young children and single mothers in the labour force by strengthening parental leave programmes for men and encouraging men to share child-rearing responsibilities with women. The Committee further requests that the State party analyse and assess the barriers that rural and Maori, Pacific and minority women face in accessing childcare and parental leave, and implement measures to reduce these barriers and increase their access to such services.

38. While noting with appreciation the availability in the State party of comprehensive health coverage and free health services such as cancer screenings for women, the Committee is concerned that women of different ethnicities and rural women may not have equal levels of access to and utilization of health services. The Committee is also concerned about the disparity in the life expectancies of women of European descent and women from other ethnic groups. The Committee also expresses concern about the high rates of sexually transmitted diseases and teenage pregnancy.

39. The Committee calls upon the State party to improve the rates of access to health care and health-related services and information, especially for women who live in rural areas or who face cultural or language barriers in accessing health care. It further urges the State party to strengthen its efforts to analyse and collect data on the levels of access to and utilization of health services by different groups of women and to put in place corrective measures as necessary. The Committee urges the State party to increase its efforts to identify and address the factors that reduce the life expectancies of women who are not of European descent. The Committee urges the State party to improve the provision of information on reproductive health and contraception to women and girls and to promote widely sex education targeted at girls and boys, with special attention to the prevention of sexually transmitted diseases and teenage pregnancy.

40. While the Committee welcomes the State party's efforts to expand eligibility requirements for legal aid, the Committee is concerned about the financial, administrative and cultural barriers women face in accessing legal aid and seeking redress in the courts and about the level of awareness among women of their rights and available remedies and services. In particular, the Committee is concerned about whether women are adequately aware of their rights under the revised Property (Relationships) Act, and the lack of research regarding the impact on women of the new property distribution provisions in the Act, which aim to redress economic disparities between partners upon the dissolution of relationships.

41. The Committee requests the State party to analyse and remove impediments women may face in gaining access to justice. The Committee calls upon the State party to provide legal aid services to all women in need and to raise awareness about how to utilize available legal remedies against discrimination, as well as to monitor the results of such efforts. It also encourages the State party to implement gender-sensitivity training to ensure that members of the judiciary, lawyers and prosecutors are fully familiar with applicable legal provisions, sensitized to all forms of discrimination against women and trained to adequately respond to them. It also requests the State party to conduct research and analysis on the impact on women of the new property division provisions in the Property (Relationships) Act and to provide such information in its next report.

42. The Committee urges the State party, in its implementation of its obligations under the Convention, to utilize fully the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.

43. The Committee also emphasizes that full and effective implementation of the Convention is indispensable for the achievement of the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.

44. The Committee notes that the adherence of the State party to the seven major international human rights instruments¹ enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the Government of New Zealand to ratify the treaty to which it is not yet a party, namely, the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

45. The Committee requests the wide dissemination in New Zealand of the present concluding comments in order to make the people, including government officials, politicians and parliamentarians, and women's and human rights organizations aware of the steps that have been taken to ensure de jure and de facto equality of women and of the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

46. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention, which is due in September 2010.

¹ The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.