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Committee on the Elimination of Discrimination against Women

Seventieth session

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Item 4 of the provisional agenda

**Consideration of reports submitted by States parties under
article 18 of the Convention on the Elimination of All Forms
of Discrimination against Women**

List of issues in relation to the eighth periodic report of New Zealand

Legislative and institutional framework

1. The report in paragraph 7 states that there have been no changes with regard to the State party's legal framework since the last report because the legal framework provides a comprehensive protection against all forms of discrimination covered under the Convention¹. Please state the extent to which the State party's legal framework encompasses the elements of direct and indirect discrimination and seeks to achieve both formal and substantive equality between women and men (CEDAW/C/NZL/CO/7, para. 12). Please also provide examples of cases, if any, where the provisions of the Convention have been invoked by domestic courts. Please also provide information on the concrete measures taken to raise-awareness and to enhance knowledge of the rights of women under the Convention, including training judges and lawyers in the State party.

2. In accordance with the State party's obligations under articles 1 and 2 of the Convention and in line with Sustainable Development Goal 5, target 5.1 (SDG Indicator 5.1.1) to end all forms of discrimination against all women and girls everywhere, please provide information on the activities of existing mechanisms mandated to promote, enforce and monitor equality and the principle of non-discrimination on the basis of sex, including direct and indirect discrimination in the private and public spheres, as well as intersecting forms of discrimination, in all areas covered by the Convention. Please also provide information regarding the existing system for the collection, sharing and analysis of data disaggregated by sex, age, ethnicity and disability, pertaining to all areas covered by the Convention.

National machinery for the advancement of women

3. The report in paragraph 10 indicates that the Ministry for Women, which is the principal advisor on achieving better outcomes for women, focuses on four priority areas. Please provide information on how the implementation of these priority areas is monitored considering that the State party has not adopted an action plan for women. Please state if the State party has gender focal points across government ministries and departments to implement and monitor progress on gender-mainstreaming activities including in Tokelau.

¹ Unless otherwise indicated, paragraph numbers refer to the eighth periodic report of the State party (CEDAW/C/NZL/8).

Please also provide information on the progress made in implementing gender responsive budgeting activities. What steps have been taken to increase the budget allocation for the Ministry for Women so that it can effectively undertake its activities as the national machinery for the advancement of women (CEDAW/C/NZL/CO/7, para. 18)? Please provide information on the situation of women and girls in Tokelau.

Access to justice

4. Information before the committee indicates that there has been a steady decline in the number of lawyers providing legal aid and that changes to the legal aid system disadvantage women, particularly migrant women. Please provide information on concrete measures being taken to ensure access to justice for women, particularly migrant women in line with General Recommendation No. 33 (2015) on women's access to justice. What steps are being taken to ensure that legal aid is available to women and girls, particularly disadvantaged groups of women such as Maori, Pasifika, migrant women and women with disabilities?

Temporary special measures

5. The report indicates that temporary special measures are not the best way to address inequalities between women and men (para. 34). Please provide information on the concrete measures to introduce a whole range of measures aimed at accelerating the realization of *de facto* equality between women and men in the State party, in accordance with article 4, paragraph 1, of the Convention and the Committee's General Recommendation No. 25(2004) on temporary special measures.

Stereotypes and harmful practices

6. Please provide information on concrete measures being taken to change social and cultural patterns that lead to stereotyping and reinforcement of traditional roles of women and men within the family and society, particularly targeting the media which perpetuates discrimination against women and girls (CEDAW/C/NZL/CO/7, para. 21). Please provide an update on progress and challenges in combating cyberbullying following the entry into force of the Harmful Digital Communications Act in 2015, and in eliminating harmful practices such as child marriages. What impact have such measures had in eliminating stereotypical perceptions and attitudes regarding the roles of women in society and in the family as well as in addressing the persistence of harmful practices such as child marriages?

Gender-based violence against women

7. The report in paragraph 195 indicates that violence against women in the State party is "widespread and takes many different forms" including physical, sexual and psychological abuse. The report also indicates that although there has been a decline in in the annual prevalence rate of partner violence and sexual violence against women since 2005, Maori women are twice most likely to experience gender-based violence compared to other groups of women (para. 197). Please provide information on the challenges and successes in the fight against gender-based violence against women including domestic violence, particularly among Maori women, since the establishment of the Ministerial Group on Family violence and Sexual Violence (Ministerial Group) in 2014. Please provide an update on (a) the status of implementation of laws and policies in order to prevent violence against women, including domestic violence; and (b) the findings of the Ministerial Group whose report to Cabinet was due in June 2016.

8. According to information before the Committee, ethnic minority women who are brought to the State party for marriage are listed as "dependent" on their partner's visa and as a result may suffer violence and abuse, including the threat of deportation. What steps are being taken to protect such women by ensuring appropriate monitoring of their situations until their marriages are registered and are granted residency status in their own right? Please also provide data on protection orders that have been issued during the reporting period and those that have been violated as well as the sanctions that have been imposed for violating such orders. Please also provide data, disaggregated by age, type of offence on cases of violence against women reported to the police, the number of cases

brought to court and the number of prosecutions and convictions resulting from these cases. Please provide information on the availability accessibility and funding of shelters by women and girls who are victims of violence, particularly in rural areas (para. 206).

Trafficking

9. Information before the Committee shows that the State party is a source and destination country for trafficking. Please provide updated information on (a) the extent of trafficking in persons for labour and sexual exploitation; (b) the number of investigations, prosecutions and convictions since the first trial on trafficking concluded in December 2015; and (c) progress and challenges in combating trafficking in persons since the coming into effect of the amendment to the Crimes Act to remove the requirement that trafficking should occur across borders.

10. The report states that prostitution was decriminalised pursuant to the Prostitution Reform Act 2003, which was reviewed in 2008 (para. 44). Please provide information on progress made to update the Plan of Action to Prevent People Trafficking. Please also provide information on (a) specific measures taken to combat the exploitation of prostitution; and (b) exit programmes for women in prostitution who wish to leave prostitution and the number of women and girls in prostitution who have benefited from such programmes.

Participation in political and public life

11. The report in paragraph 47 states that “the gender representativeness of Parliament has increased significantly since the advent of the Mixed Member Proportional (MMP) voting system in 1996, although it is still some way to go before it reflects the gender balance in New Zealand society”. Although there has been some improvement in the representation of women in decision making bodies, including in parliament and public service, women remain underrepresented in the judiciary, statutory boards and private sector boards. Please provide information on the steps envisaged to increase the number of women in elected and appointed decision-making bodies, including local councils, statutory and private sector boards, to achieve equal representation of women in political and public life, including through the adoption of temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee’s General Recommendation No. 25 (2004) on temporary special measures. Are there incentives for political parties and the private sector to increase the representation of women, particularly in decision making positions?

Education

12. The report in paragraph 88 acknowledges that Maori and Pasifika women are less likely than European and Asian women to complete tertiary education. The report also indicates that women graduates continue to be concentrated in traditional fields unlike men who dominate the fields of information, technology and engineering (para. 90). Please provide information on (a) concrete measures being taken to address school dropout by Maori and Pasifika women and girls; and (b) concrete measures in place to encourage girls to pursue non-traditional courses particularly science, technology, engineering and mathematics (STEM). To what extent does the Curious Minds Science Initiative target women and girls to take up STEM subjects and courses? Please also provide information on access to education by women and girls with disabilities in the State party.

13. Please provide an update on the impact of the implementation of programmes aimed at reducing the high rates of teenage pregnancies, particularly the Better Public Service (BPS) target programme (paras. 142 and 143). Please provide data on (a) the dropout rates of girls owing to pregnancy and the levels at which they occur; (b) the number of teenage mothers who have returned to school after giving birth during the reporting period; and (c) the impact of indirect costs to education (so-called “voluntary donations”) that reportedly impede the access of women and girls to education. Please provide an update on progress and challenges incurred in the delivery of age-appropriate education programme on sexual and reproductive health and rights for all levels of education in the State party (para. 137).

Employment

14. The report indicates that despite an increase in qualifications, women are overrepresented in minimum wage jobs and that Maori, Pasifika and young mothers are vulnerable to low wage employment (para. 98). Please provide information on the concrete measures being taken to: (a) reduce the concentration of women, particularly Maori and Pasifika women, in low paying fields of employment and improve participation of all women in non-traditional fields especially in construction work as well as fishing, tourism, renewable energy and transport; and (b) enforce the principle of equal pay for work of equal value, in line with ILO Convention No. 100 (1951) on equal remuneration, in order to close the wage gap between women and men, which contributes towards post-retirement poverty among women (para. 113). Please also state the concrete measures being taken to address the high unemployment rate among Maori and Pasifika women (para. 100). What measures are being taken to (a) address the shortage of childcare facilities; and (b) encourage the use of flexible working arrangements (para. 110)? What is the status of the Paid Parental Leave Bill, which seeks to increase paid parental leave to 26 weeks? Please state the steps being taken to abolish the Minimum Wage Act 1983 that empowers inspectors from the Ministry of Business, Innovation & Employment to issue minimum wage exemption permits for workers who are limited by a disability in carrying out the requirements of their work, which reportedly has been used to exclude workers with disabilities, including women with disabilities, from equal remuneration.

Health

15. The report indicates that significant gaps remain in health outcomes such that Maori, Pasifika, persons with disabilities and socio-economically disadvantaged groups generally experience worse health outcomes (125). Please provide information on progress and challenges in addressing this phenomenon, which the report attributes to the differences with regard “to access, use and experience of health services, as well as differences in exposure to risk” (para. 126). Information before the Committee indicates that Maori and Pasifika women continue to suffer high rates of breast and cervical cancer, mental illness, suicides, sexually transmitted infections (STIs), teenage pregnancies, including drug and alcohol abuse. Please provide information on impact of the programmes and other interventions adopted to address these phenomena. Please also provide information on measures being taken to remove barriers in accessing health care services by disadvantaged groups of women, including women with disabilities, migrant and refugee women, and older women. Please also provide information on the extent to which the Protection of Personal and Property Rights Act 1998 has been used to sterilise women and girls with intellectual disabilities without their consent based on the ground that it is in their best interest.

16. Please provide information on the incidence of unsafe abortion and its impact on women’s health, including maternal mortality. Please also provide information on measures being taken to (a) amend the Crimes Act in order to expand the grounds for legal abortion to include rape; and (b) revise the Contraception, Sterilisation and Abortion Act, 1977 in order to alleviate the onerous procedure for procuring an abortion, which requires women to obtain certificates from two certified medical consultants and reportedly creates long waiting lists for women and girls. What steps are being taken to shift oversight over abortion laws, policies and services from the Ministry of Justice to the Ministry of Health? Please also provide an update on the status of the National Sexual and Reproductive Health Action Plan being developed by the Ministry of Health, and the extent to which relevant stakeholders have been involved in its elaboration.

Rural women

17. Information before the Committee indicates that in 2010 the State party withdrew funding from the Adult Community Education classes, which reduced learning opportunities for rural women. Please state the programmes in place that target rural women’s access to (a) training and education including adult education; (b) health care services, including sanitation and transportation in order to access services such as free cancer screening; and (c) employment and agricultural opportunities. Furthermore, please

provide information on progress made to implement programmes aimed at improving rural women's access to information, modern technologies, and social protection?

Disadvantaged groups of women

18. Please provide information on the situation of women's access to social housing, particularly women with disabilities, single mothers, migrant and older women. What steps are being taken to protect these women from rising housing costs, overcrowding and long waiting lists for social housing? Please also provide concrete examples of existing social protection programmes aimed at reducing economic burdens on women with disabilities, older women, female headed households, single and young mothers. Please provide information on the extent to which the fixed annual quota for refugees under the Refugee Quota Programme has been used and whether the State party is considering increasing it.

Disaster risk reduction and climate change

19. In light of the fact that the State party is susceptible to cyclones and earthquakes, please provide information on whether a gender perspective has been integrated into national disaster management, relief and recovery strategies, and indicate the extent to which women are principal drivers for sustainable development, and assume leadership roles in consultation processes on disaster risk reduction and climate change initiatives. Please specify whether disaster risk reduction and climate change policies and programmes also include measures that ensure that women are: (a) protected from discrimination when accessing livelihood support following disasters; (b) protected against gender-based violence against women in evacuation centres; (c) adequately represented in disaster preparedness and response structures, including in climate change mitigation and adaptation; and (d) recognised as a key source of resilience in confronting natural disasters.

Women in detention

20. According to information before the Committee, Maori and Pasifika women and girls experience disproportionately high rates of incarceration and an overrepresentation at all levels of the criminal justice system. Please provide information on steps being taken to assess the gendered impact of existing initiatives to reduce the over-representation of Maori and Pasifika women and girls in the criminal justice system and prisons such as the "Turning of the Tide: A Whanau Ora Crime and Crash Prevention Strategy". Specifically, please state the measures being taken to (a) address the root causes of recidivism among Maori and Pasifika women and girls; (b) involve traditional leaders and structures to address the high levels of Maori and Pasifika incarceration; and (c) fully use non-custodial measures in line with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules) adopted by the United Nations General Assembly in December 2010.

Marriage and family relations

21. The report indicates that the State party prohibits marriage under the age of 16 but that a person aged 16 or 17 requires consent from his or her parents or from the Family Court before the Registrar can issue a marriage licence (p. 51). The report further states that prohibiting people from marrying under the age of 18 years may constitute age discrimination under the Human Rights Act 1993, which prohibits discrimination on grounds of age from 16 years onwards (p. 51). Please provide information on the mechanisms in place to prevent forced marriages and to amend the law in order to eliminate child marriages in the State party. Please also provide data on the extent of polygamy in the State party and measures to combat this practice (CEDAW/C/NZL/CO/7, para. 38).