

## **New Zealand**

### **(19<sup>th</sup> session)**

243. The Committee considered the combined third and fourth periodic reports of New Zealand (CEDAW/C/NZL/3-4 and Add.1) at its 401st and 402nd meetings, on 8 July 1998 (see CEDAW/C/SR.401 and 402).

#### **Introduction by the State party**

244. In introducing the combined report, the representative conveyed a personal message of greeting from New Zealand's Prime Minister and the Minister of Women's Affairs, the Right Honourable Jenny Shipley. The representative noted that the report was a record of continuing progress for women. The economic reforms initiated in 1984 had led to an open and competitive economy and New Zealand's economic performance had improved considerably since the early 1990s. Recent developments in Asia, however, were of concern to the Government.

245. The representative described the steps taken by the Government to implement the Beijing Platform for Action in six cross-cutting themes.

246. The representative then highlighted initiatives in the area of legislative reform, policy development and the delivery of better services for women since 1994. She highlighted, in particular, the adoption of the 1995 Domestic Violence Act. The issuance of the 1996 Statement of Policy on Family Violence and the allocation of substantial financial resources for the development of collaborative anti-violence prevention and response strategies were also noted.

247. A comprehensive time-use survey was being conducted by Statistics New Zealand, sponsored by the Ministry of Women's Affairs, to document the contribution of women's and men's unpaid activities to the economy and to provide assistance in the development of government policies and programmes. M<sub>ori</sub> statistical advisers were being consulted to ensure that the survey would accurately record M<sub>ori</sub> activities.

248. The introduction of the Matrimonial Property Amendment Bill and the De Facto Relationships (Property) Bill sought to achieve fair distribution of property to women upon the death of a spouse or dissolution of marriage. The women's access to justice project was aimed at making legal services more accessible to women.

249. The representative noted that a Women's Commissioner on the Human Rights Commission had been designated for the first time in New Zealand. The Commissioner would provide an annual report on the progress of women's human rights in New Zealand and would complement the work of the Ministry of Women's Affairs.

250. Women's participation in the labour market was increasing dramatically and women were responsible for 40 per cent of new businesses. The M<sub>ori</sub> Women's Development Fund and the Women in Self-Employment Network provided financial and peer support to women entrepreneurs.

251. Substantial gains had been achieved in women's political participation with an increase in appointments and reappointments made by the Cabinet Committee on Appointments and Honours from 25 per cent in 1993 to 31 per cent in 1997. The Government was seeking gender balance on statutory boards by the year 2000.

252. In order to improve the health of women and families, and recognizing the importance of women's sexual and reproductive health, the Government had introduced the Sexual and Reproductive Health Strategy to raise awareness of responsible sexual behaviour and to improve information about and access to contraception, particularly among

high-risk groups. A national breast-screening programme, to be implemented in December 1998, would provide free biannual screenings for women between the ages of 50 and 64.

253. Given a continuing gender pay gap, whereby women earn approximately 80.5 per cent of men's average hourly earnings, the Government was taking further measures to reduce the discrepancy, including research and data analysis, awareness-raising and doubling the funding ratio for the Equal Employment Opportunities Trust.

254. Progress in women's education had led to a higher number of women than men enrolled in tertiary education. The number of M\_ori in tertiary education had more than doubled over the past five years with M\_ori women outnumbering M\_ori men.

255. Turning to New Zealand's two reservations, the representative noted that further progress was expected over the next reporting period with respect to removal of the reservation on the role of women in combat. While there were no immediate plans to withdraw the reservation related to paid maternity leave, the representative noted that research had revealed that the provisions for parental leave available in New Zealand were in many respects among the best in the world and that New Zealand was moving towards a situation where comparable social benefits might be realized in the future.

256. In 1998, the Government had announced the Work Focused Welfare policy which would require domestic purpose beneficiaries to look for full or part-time work, depending on the age of their children. Furthermore, social benefits continue to be provided and have been extended to single parents to make it easier for them to take up work and provide childcare.

257. The representative noted that New Zealand's report included material on Tokelau. The representative concluded the reporting responsibilities of the self-governing States of Cook Islands and Niue, which were included in New Zealand's ratification of the Convention, were currently under examination.

## **Concluding comments by the Committee**

### **Introduction**

258. The Committee expresses its appreciation to the Government of New Zealand for submitting, in a timely manner, a well-structured and well-written combined third and fourth periodic report, and for the fact that non-governmental organizations had been consulted in its preparation. It commends the Government on its oral presentation of the report and for the extensive replies to the questions posed by the Committee.

259. The Committee commends the Government of New Zealand for having sent a high-level delegation, headed by the associate Minister of Women's Affairs. It notes that the report described steps taken by the Government to implement the Beijing Platform for Action.

### **Positive aspects**

260. The Committee commends the Government's sensitivity to the situation of M\_ori women, and its efforts to overcome obstacles to M\_ori women's achievement of equality.

261. The Committee also notes new legislative efforts undertaken by the Government, in particular the adoption of the Domestic Violence Act of 1995, and the designation of a Women's Commissioner on the Human Rights Commission. It welcomes the efforts to remove the reservation relating to women in combat.

262.The Committee commends the Government's efforts to implement the Beijing Platform for Action under six cross-cutting themes, including through mainstreaming a gender perspective in the development of all policies and programmes, and improved data collection on all aspects of women's lives.

263.The Committee welcomes the acceptance by the Government of the amendment to article 20, paragraph 1, of the Convention concerning the Committee's meeting time. It also expressed its appreciation for the Government's active participation in the elaboration of and support for an optional protocol to the Convention.

#### **Factors and difficulties affecting the implementation of the Convention**

264.The Committee notes with concern the continuing existence of reservations to the Convention, particularly with regard to paid maternity leave.

265.The Committee considers that the existing legislative and de facto framework for women in the formal labour market, including pay equity, employment contracts and women's family responsibilities, constitute a serious impediment to the full implementation of the Convention.

#### **Principal areas of concern and recommendations**

266.The Committee expresses serious concern at the continuing existence of a reservation to article 11, subparagraph 2 (b), on paid maternity leave. It is concerned that the requirement for women to negotiate maternity leave individually with their employers, rather than being established as a matter of national law and policy, is a disadvantage for New Zealand's women. It is also concerned about the constraints for obtaining unpaid maternity leave and the lack of awareness by women of existing unpaid parental leave rights.

267.The Committee recommends that the Government examine in greater detail paid maternity leave provisions that exist in a number of countries at a comparative level of economic and social development. It also recommends that the Government study the impact of existing maternity leave provisions on women's equal pay and career opportunities. The Government should also consider the possible long-term impact of this situation, especially in conjunction with the proposed Matrimonial Property Amendment Bill, which does not recognize future earnings in divorce settlements.

268.Noting that there is an increase of women in part-time or casual work and an insufficient number of full-time jobs for women, the Committee expresses concern that the impact on women of economic restructuring in the country continues to be insufficiently addressed by the Government. It is seriously concerned that legislation such as the Employment Contracts Act of 1991, which emphasizes individual employment contracts rather than collective agreements, constitutes a major disadvantage for women in the labour market due to their dual responsibilities to work and family.

269.The Committee urges the Government to assess the impact of existing free-market legislation on women's ability to compete on an equal basis with men in the labour market and to assess the benefits that women derived from the favourable economic situation of recent years. It recommends that the Government recognize maternity as a social function which must not constitute a structural disadvantage for women with regard to their employment rights.

270.The Committee recommends the proactive use of temporary special measures in the public and private sectors in accordance with article 4, paragraph 1, to accelerate women's de facto equality in employment.

271.The Committee recommends that the Government consider ratifying International Labour Organization Convention 103 (Rev).

272.The Committee also recommends that the Government systematically monitor trends on the situation of women, especially in the employment field, and assess regularly the impact of legislative and policy measures to achieve women's equality in accordance with the Convention.

273.The Committee expresses serious concern about the continuing wage-differential between women and men, which is not expected to narrow under current trends, and is due in part to the over-representation of women in lower-paid occupations and their under-representation in above-average wage-growth sectors. It expresses serious concern at existing pay differentials between women and men for equal work, and at the impact of the repeal of the Employment Equity Act on women's equal pay rights.

274.The Committee recommends that further efforts, including through legislation and innovative policies, be undertaken to reduce the gender pay gap. The impact of the Privacy Act on women's ability to seek redress in court for discriminatory unequal pay should be examined. The Government should also consider developing an "equal pay for work of comparable value" strategy, and reinstate respective legislation.

275.The Committee expresses concern that the ongoing privatization of social services and the introduction of fee-based systems in areas such as health reduces women's, especially poor and M\_ori women's, access thereto.

276.The Committee recommends that the Government closely monitor the impact of privatization on social services, especially in health, so as to ensure equal access to quality health care for all women.

277.The Committee expresses concern that the Matrimonial Property Amendment Bill and the De Facto Relationships (Property) Bill, introduced in Parliament in March, differentiate between the rights of married women in the division of property upon the death of a husband or following divorce, and the rights of women upon separation from a de facto partner. It is also concerned that the Matrimonial Property Amendment Bill does not take into consideration future earnings of a husband with regard to property divisions in divorce settlements.

278.The Committee recommends that the Government reconsider the content of the De Facto Relationships (Property) Bill with a view to bringing it in line with the Matrimonial Property Amendment Bill, especially since de facto relationships are more common among the M\_ori population and are growing among the population in general.

279.The Committee is concerned that the situation of M\_ori women remained unsatisfactory in many areas, including in respect to the high percentage of M\_ori girls leaving school early, higher-than-average teenage pregnancy rates, the continuing low number of M\_ori women in tertiary education, their employment situation, their absence from the judiciary and political decision-making, their health situation and access to health services and higher-than-average incidences of domestic violence.

280.The Committee urges the Government to continue its efforts to implement fully the Treaty of Waitangi, with particular emphasis on achieving equality for M\_ori women in all areas covered by the Convention.

281.The Committee urges the Government to translate, as a matter of priority, the Convention on the Elimination of All Forms of Discrimination against Women into the M\_ori language, and to distribute it widely in M\_ori communities, so as to increase New Zealand women's awareness of their rights.

282.The Committee expresses concern that, despite progress made in achieving women's equal participation in political and public life, including in Parliament, the Judiciary and in statutory boards, there was little effort to achieve targets set for gender balance through the use of temporary special measures.

283.The Committee recommends that the Government consider introducing a broad range of measures, including targets and flexible numerical goals. The advantages and disadvantages of the current electoral system, namely, Mixed Member Proportional Representation System, on the percentage of women in Parliament should be assessed and, if necessary, amendments introduced to increase the numbers of women in Parliament.

284.The Committee considers that the merely advisory and coordinating nature of the Ministry for Women's Affairs is an impediment to furthering women's human rights in New Zealand.

285.The Committee recommends that the status and decision-making capacity of the Ministry for Women's Affairs be upgraded.

286.The Committee expresses concern that the Government did not provide sufficient data and information on the situation of prostitution, the Prostitutes Collective and the treatment of sex workers who were in the country illegally.

287.The Committee recommends that the Government provide more information on those issues in its next report. In addition, the Committee wishes to be informed as to which economic activity sex work is included with for the purpose of the national accounts and the time-use survey.

288.The Committee expresses concern that the lack of comparative data disaggregated by sex and ethnicity and collected over time impeded the Committee's full understanding of changes in the de facto situation of women's human rights.

289.The Committee recommends that the Government supply more data of that kind in its next report.

290.The Committee requests that the Government responds in its next periodic report to the outstanding questions, particularly in relation to the implementation of article 11 of the Convention, posed during its constructive dialogue with the representative of New Zealand.

291.The Committee requests the wide dissemination in New Zealand of the present concluding comments, in order to make the people of New Zealand, and particularly Government administrators and politicians, aware of the steps that had been taken to ensure de facto equality for women and further steps that are required in that regard. It also requested the Government to continue to disseminate widely, and in particular, to women's and human rights organizations, the Convention, the Committee's general recommendations and the Beijing Declaration and the Platform for Action.