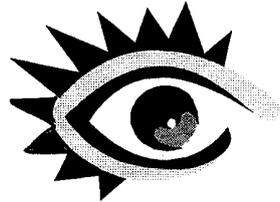


# **PACIFIC WOMEN'S WATCH (NEW ZEALAND)**

**in special consultative status with ECOSOC**



**Non-Governmental Organisation  
Alternative Report**

## *STATUS OF WOMEN*

### **ADDENDUM**

**June 2012**

**to comments to the UN CEDAW Monitoring Committee  
on New Zealand's progress in implementing the  
Convention on the Elimination of All Forms of  
Discrimination against Women  
(CEDAW)**

**September 2011**

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# ADDENDUM

## Overview

This Addendum updates and adds to the information in our Alternative NGO Report **Status of Women** published in September 2011. We report positive outcomes and ongoing and emerging concerns.

While the NZ Government is making a genuine attempt to improve the delivery of social welfare a real improvement in outcomes for disadvantaged women and vulnerable children has yet to be seen. Responses to the Government's *Green Paper on Vulnerable Children* in particular, will hopefully make a difference during the next reporting period.

## Executive Summary

### GAINS

**Article 5** – Appeal Court ruling on pay for family members caring at home for severely disabled persons (Add.p.4)

**Article 6** – NZ Prostitutes Collective and Kaitiaki research into conditions of work for migrant sex workers (Add.p.4)

**Article 7** – Proposed NZX<sup>1</sup> gender diversity rule (Add.p.4)

**Article 12** – New Pacific Innovative Fund for mental health services for the young (Add.p.4)

**Article 12** – Recognition of need for higher pay and professional status for 'carers' (Add.p.4)

### GAPS

**Article 1** – Little progress on review of relevant legislation to increase protection of those at risk of forced marriage (Add.p.2)

**Article 1** – Adequate funding for organisations working to support victims of domestic violence (Add.p.2)

**Article 2** – There is no Action Plan for New Zealand Women, nor is one deemed necessary (Add.p.2)

**Article 5** – Gender identity not recognized in New Zealand's Human Rights Act (1993) as a ground for discrimination; lack of data collection on sexual identity and gender variance (Add.p.3)

### LOSSES

**Article 5** – NZ's Advertising Standards Authority (ASA) Code for Advertising Liquor no longer requires that advertisements 'shall not depict unduly masculine themes or unrealistic behaviour' (Add.p.3)

**Article 11** – Gender wage/pay gap slightly widened (Add.p.4)

**Article 11** – 2012 Executive Pay survey listing 44 highest paid CEOs for the first time does not include a woman (Add.p.4)

**Article 12** – Undermining of women's decision-making represented by some aspects of reform policies on contraceptive funding and subsequent children while on welfare (Add.p.4)

**Article 13** – Home ownership is out of reach for many intending first-home buyers (Add.p.4)

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<sup>1</sup> New Zealand's registered national stock exchange

## **Article 1 – Definition of Discrimination against Women**

**Migrant and Refugee Women:** There has been little progress by Government towards initiating legislative changes and increasing funding resources to address the rise in domestic violence incidents among Asian, African and Middle Eastern immigrant women and children, as well as the issue of forced/under-aged marriage which is affecting an increasing number of young women and girl-children in New Zealand.

**Domestic Violence:** Funding to meet the increasing demand for culturally appropriate services for immigrant women and children victims of domestic violence is inadequate. A steady rise of domestic violence affecting them has meant Shakti was compelled to establish two new centres - in Wellington and Dunedin - to meet local needs. The total number of women and children using Shakti's services through eight centres nationally, from April 2011-May 2012 was over 7,000 for crisis attendance, refuge accommodation, advocacy, legal support, counseling, immigration casework, life-skills development programmes, outreach work and home-based support for clients post-refuge. These statistics do not include support for interpreting, transportation and food etc.

**Forced/Underage Marriage:** Since 2010, Shakti along with Pacific Women's Watch (NZ) has been lobbying various government agencies and using community forums and the media to raise awareness on the issue of forced/under-aged marriage within migrant and refugee communities. Responses to submissions on a PWW(NZ) Petition considered by the Justice and Electoral Select Committee concluded that new legislation is unlikely to have an impact on the incidence of this abuse, but that a review of existing legislation to further protect such victims will be taken. The review is, regrettably, not considered a priority; despite taking over 2 ½ years already with little real progress.

In 2011, community forums aimed to address gaps, limitations and opportunities in improving the way Police work with ethnic communities on family violence, including the issue of forced marriage. A work-in-progress trial unit was set up following these forums re how community groups would engage with CYF and the Police on cases of forced/ under-aged marriage, centred on the rights of children. As a result a dedicated Youth Unit has been set up within Shakti to cater to young victims. This work has not yet attracted government funding despite the high risks involved, for both victims and staff.

From March 2011 - May 2012, Shakti dealt with over 50 vulnerable youth cases (including cases of honour-based violence and girls at risk of forced marriage); but only two were eligible for notification purpose according to CYF [Child, Youth and Family government agency] policies. Other cases involved clients who were not at the stage of intervention by Police. Due to government agencies' lack of legislative commitment to act, Shakti was challenged to support two highly vulnerable girl victims of forced marriage. These cases indicate gaps in existing legislation that prevent victims of forced/under-aged marriage accessing justice and appropriate government support.

In February 2012, Shakti was consulted and also took a submission to the Minister of Social Development's 'Green Paper on Vulnerable Children' which aims to consolidate community feedback on how Government and communities can improve services for child welfare and protection. The issue of forced/under-aged marriages was raised. However, the **outcomes** of the Green Paper do not specifically acknowledge consideration of forced/child marriage.

**Recommendation:** that the Government takes action urgently on the proposed review of relevant legislation to identify whether legislative change would increase protection of those at risk of under-age and forced marriage.

## **Article 2 – Anti-discriminatory Measures**

**Action Plan for New Zealand Women:** PWW(NZ) is disappointed and extremely concerned that there is currently no Action Plan for New Zealand Women. It is now three years since the previous

five-year Plan ended. A new Plan is not contemplated. It is accepted internationally that a government Action Plan ensures there is a mechanism for an agenda to advance the status of women.

**Recommendation** – that the Minister of Women’s Affairs and the Ministry work together with NGOs to elaborate a new five-year Action Plan for New Zealand Women which is time-bound, and establishes benchmarks for the achievement of goals together with the monitoring and reporting of measurable outcomes.

**Publicising of CEDAW:** We are not aware of any efforts by the Government to make the Convention and its provisions well known to New Zealanders. Much more needs to be done.

## **Article 5 – Sex Roles and Stereotyping**

**Homosexuality and Transgender Issues:** Specific concerns recently identified re LGBTI include

1. exclusion of a sexual identity question in the national census and lack of data collection on sexual identity or gender variance across all government institutions, including health, education, justice, and correction;
2. minimal progress in addressing extensive systemic discrimination against transgender people across all levels of society<sup>2</sup> e.g: housing transgender prisoners on the basis of whether or not they have completed gender reassignment surgery rather than on the basis of their gender identity<sup>3</sup> heightens severe risk of violence in prisons.

NZ’s Human Rights Act (1993) does not recognise gender identity as a ground for discrimination; and there is no progression towards its inclusion. Government has stated that addressing discrimination in regards to marriage and adoption for LGBTI people is not currently a priority.

Transgender New Zealanders face complex requirements to update their ‘gender status’ in their NZ passports and birth certificates. The process is much more complex than in Australia.

**Women in the Media:** Problematic gender roles and oppositional relations between the genders is a specific strategy in alcohol advertising<sup>4</sup>. Beer advertising in particular draws heavily on stereo-typical masculine themes and routinely portrays sexist, derogatory and degrading behaviour by men, towards women, as part of beer drinking culture and lifestyle. Such representations are a barrier to gender equality and perpetuate negative attitudes towards women. NZ’s Advertising Standards Authority’s (ASA) Code for Advertising Liquor has further undermined civil society’s ability to effect change in representation of women in alcohol advertising by removing the requirement that alcohol advertisements ‘shall not depict unduly masculine themes or portray unrealistic behaviour’.

## **Article 6 – Suppression of Exploitation of Women**

**Sex Trafficking:** Findings from recent research by the NZ Prostitutes Collective (NZPC) and Kaitiaki into conditions of work for migrant sex workers will be released soon and will include the examination of circumstances which contribute to their arrival in New Zealand. The Migrant Information Project on sex workers in the Auckland region over eighteen months has found none who are victims of trafficking. The NZPC opposes Police building a data base of names of sex workers to combat the hiring of people under 18 years as it may undermine their ability to gain employment. The US State Department has identified New Zealand as a sex trafficking source country for underage girls.<sup>5</sup> The report recommends that more needs to be done to assess the full extent of sex and labour

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<sup>2</sup> [http://www.hrc.co.nz/hrc\\_new/hrc/cms/files/documents/15-Jan-2008\\_14-56-48\\_HRC\\_Transgender\\_FINAL.pdf](http://www.hrc.co.nz/hrc_new/hrc/cms/files/documents/15-Jan-2008_14-56-48_HRC_Transgender_FINAL.pdf)

<sup>3</sup> Chief Ombudsman Beverley Wakem. 2012. Investigation of the Department of Corrections in relation to the Provision, Access and Availability of Prisoner Health Services <http://www.ombudsmen.parliament.nz/imagelibrary/100468.pdf>

<sup>4</sup> Towns, A. Parker, C. Chase, P. 2011. ‘Blokes and booze: masculinity and intimacy in beer advertisements – preventing domestic violence and alcohol related harm’, Report to the Alcohol Advisory Council of New Zealand, Aug 2011/Embargoed.

<sup>5</sup> <http://www.state.gov/j/tip/rls/tiprpt/2012/index.htm>

trafficking within New Zealand and that there needs to be significantly more effort to investigate both sex and labour trafficking offenders. PWW(NZ) views this as urgent. The New Zealand Network Against People Trafficking (NZNAPT)<sup>6</sup> was created in April 2012 to combat the trafficking of people.

## **Article 7 – Political and Public Life**

**Women in Decision-Making and Leadership Roles:** PWW(NZ) applauds and strongly supports the NZX's proposed gender diversity rule which has the potential to increase speedily the number of women on private corporate boards and in senior management positions. The rule would require members to disclose their diversity policies and the gender compositions of both board and senior management in annual reporting. PWW(NZ) urges the specific addition of ethnic diversity.

## **Article 11 – Employment**

**The Gender Wage/Pay Gap** has slightly widened in the last year by 28 cents per hour. Men's average pay is \$28.66 per hour and women's is \$24.66 per hour.<sup>7</sup> This is a disappointing regression.

For the first time in its eight year history the 2012 Executive Pay Survey listing the 44 highest earning CEOs does not include a woman.

## **Article 12 – Health**

**We are pleased to report three steps forward:** (1) \$18.3 million allocated in the May 2012 budget to a new Pacific Innovative Fund for mental health services for the young;

(2) recognition of the need for higher pay and status through training and professional skills for 'carers';

(3) the recent Court of Appeal's ruling that where a person's disabilities are so severe they qualify for government-funded home-based support services, and their preference is to be cared for at home by family, providing the family can give the type and level of support services on a par with contractors, then the Ministry of Health must pay the family on the same terms as they would an outside caregiver.

**Welfare Reforms:** Reforms in the Domestic Purposes Benefit (DPB) introduced in May 2012 will influence women's reproductive choices, in particular that women do not have children while receiving welfare assistance, and funding for the Long Acting Reversible Contraceptive (LARC). Under international human rights frameworks, including CEDAW (Article 16 (e)) interferences such as these through welfare policy cannot be justified. There is concern that the welfare reforms will result in the differential treatment of poor women from non-poor women in terms of the right to procreative freedom, bringing an economically coercive environment for women's reproductive decision-making. Recent reports indicate maternity care for women with disabilities<sup>8</sup> is unsatisfactory.

There is also concern about the emerging trend towards foetal/prenatal protection and the criminalization of pregnancy in New Zealand. Child welfare legislation, policies and practice are set to include the prenatal period with the definition of 'child' broadened to include the 'unborn child'.

## **Article 13 – Economic and Social Life**

**Inadequate Housing:** Although mortgage interest rates are low, saving for a deposit is increasingly out of reach for first home buyers. High rentals and fuel costs and rising power charges leave little opportunity for saving. While new low-cost homes on city fringes provide green spaces and recreational areas, inner city children have few outdoor spaces to play e.g. downtown Auckland.

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<sup>6</sup> <http://www.nznapt.org.nz/about.html>

<sup>7</sup> Statistics NZ Quarterly Employment Survey May 2012

<sup>8</sup> Ministry of Health. 2012. *Maternity Consumer Surveys 2011*. Wellington: Ministry of Health.