

PACIFIC WOMEN'S WATCH (NEW ZEALAND)

**NON-GOVERNMENTAL ORGANISATION
ALTERNATIVE REPORT**

STATUS OF WOMEN

**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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EXECUTIVE SUMMARY and RECOMMENDATIONS

While this PWW(NZ) NGO Alternative Report for the seventh CEDAW review recognises some commendable gains in achieving equality for women in New Zealand since the sixth review, the conclusions and recommendations call for further action to eliminate the many outstanding issues of discrimination. Gaps and challenges were identified in presentations and discussions at meetings, seminars and workshops held during the last four years. Particular concerns of the rich diversity of women in the Auckland region where a large proportion of the national population of Maori, Pacific, Asian and migrant women and girls live are central to this NGO report. Intersectionality with the Beijing Platform for Action underlies the conclusions through information that PWW(NZ) gathered for its New Zealand NGO Country Report for the Fifteen-Year Review.

Articles 1-7, 11-13 and 16 are covered in a targeted approach. Concerns are clear and virtually unchanged since 2007. They are: the male/female pay gap differential; unresolved discriminatory workplace issues; the high level of domestic violence; continuing impoverishment of families; and the health and welfare of elderly women, women with disabilities and girls.

Article 1 – Definition of Discrimination against Women

Little has changed. Pay equity remains stalled. Domination of a “male culture”, sexual harassment, minimal promotion of females and lack of occupational choice renders the working environment intimidating for women. The lifelong trajectory of poverty, poor health, education and employment outcomes for many women continues unrelentlessly. Migrant women and girls are ground down by cultural practices including forced underage marriage.

Recommendation

that the Government initiates and carries out awareness training for the police and the judiciary on cultural oppression and gender analysis in the context of domestic/family violence, to build women’s access to and trust in the justice system

Article 2 – Anti-discrimination Measures

Little has changed with no process yet to monitor discriminatory practices. Migrant and refugee women and girls are subjected to ongoing injustices. Young females in prison lack dedicated facilities.

Recommendations

that the Government should allocate appropriate funding for crisis intervention services for migrant and refugee women and their children who are victims of domestic violence

that mothers with dependent babies should be imprisoned only as a last resort, alternative non-custodial sentences to be preferred

that the State should develop, implement and monitor extensive support services for mothers whether imprisoned themselves and/or caring for children of incarcerated fathers – not only while these men are imprisoned but also on their release

Article 3 – Development and Advancement of Women

Ministry of Women’s Affairs (MWA) Indicators for Change have provided a promising measurable tracking system. The cessation of MWA’s training in building a gender perspective into all Government policy and planning across Ministries is, however, alarming.

Recommendation

that the Government provide forthwith the resources necessary to reinstate gender-training by the MWA for staff in all Ministries

Article 4 – Acceleration of Equality between Men and Women

The need for temporary special measures is still disregarded by the New Zealand Government. The MWA struggles to meet its goals due to a very limited budget.

Article 5 – Sex roles and Stereotyping

Persons identifying as other than heterosexual, and their children, suffer extreme discrimination. LGBTI and queer persons are maltreated and marginalized because they are “different”. The recent PWW(NZ) Media Watch Project tracking daily newspapers found women were still more likely to be portrayed as victims or in stereotyped roles. Female stereotypes were often used to sensationalize a story.

Recommendations

that all government departments should include anti-heterosexism education in ongoing EEO in-service training and policies

that effective programmes against bullying of all types should be required by the Government as a performance indicator for every school principal

that resources and information for queer youth, their friends and whanau/extended family and all who work with queer youth should be available at no cost

that national data be collected on access and appropriateness of health and other social services and outcomes for queer and transgender people of all ages

Article 6 - Suppression of Exploitation of Women

New Zealand law recognizes the human rights of sex workers. Although they can access redress to combat exploitation they have no protection against discrimination due to their occupation.

Trafficking is neither well understood nor acknowledged by the government. A number of vulnerable migrant and refugee women have been trapped in the sex industry and on farms after arrival in New Zealand. A substantive outcome on trafficking within the sex industry is proving difficult despite a New Zealand Plan.

Recommendation

that the Government develop a clear definition of trafficking to include women brought into New Zealand as ‘internet-brides’, ‘mail order brides’ and as extended family farm-hands – a definition that takes into perspective the rights of ‘trafficked’ women as defined under UN Conventions

Article 7 – Political and Public Life

Change of attitude and climate to promoting women to boards and management under proposed new stock exchange rules is positive. A 12-month mentoring programme next year will help to rectify the male/female imbalance.

Recommendation

that the Government elaborate measurable strategies to ensure more women are in decision-making positions in business, government and community sectors

Article 11 – Employment

Proactive measures to address occupational segregation, pay equity and the gender pay gap require urgent attention. Women remain concentrated in lower paid occupations. Pay inequities are greatest for women with tertiary qualifications. Despite recent key policy initiatives there is continual lack of financial, social and employment support for women raising children. Paid parental leave remains inadequate (14 weeks only) and serious workplace issues for migrant women are being ignored.

Recommendation

that the New Zealand Government take all appropriate measures to eliminate discrimination against women in the field of employment as required under Article 11 of the Convention

Article 12 – Health

Family planning and sexual and reproductive rights still lack appropriate anti-discriminatory measures. Rates of teenage pregnancy, abortion and sexually transmitted infections are high. New Zealand has not yet actioned an adequate sexual healthy strategy. Funding cuts have curtailed specialist youth health services. Abortion is a crime unless strict criteria are met. More research is necessary to determine the needs of specific groups such as Pacific and Asian women. Migrant and refugee women face many barriers to accessing health care. The increasing level of female gender-based violence is troubling. Migrant and refugee and disabled women and girls face segregation and

isolation. Exclusive breastfeeding to six months merits greater support. Worrying are proposed welfare changes in benefit delivery which will bring differential treatment for low income women.

Recommendations

that government departments and agencies have interpreting and/or New Zealand Sign Language policies in place, with adequate financial resources to provide interpreters whenever required by law

that the Government provide specialist medical, sexual assault and mental health care using trained interpreters for refugee and migrant women

that action be taken on the Sexual and Reproductive Health Strategy (2001) to reduce the rate of teenage pregnancy and rising rates of sexually transmitted infections

that the Government supports initiatives to protect, promote and support breastfeeding, especially in the workplace (New Zealand is in 7th place in OECD terms for exclusive breastfeeding at three months of age, but among the lowest for exclusive breastfeeding rates at six months)

that both the development of a public disability awareness campaign and the establishment of on-going disability training for government departments are actioned as matters of priority

Article 13 – Economic and Social Life

In Auckland the growing shortage of housing is an ongoing issue leading to unsafe overcrowding, chronic illness and disease and impoverishment. Nothing has improved.

Article 16 – Marriage and Family Life

Unrelenting human rights abuses render family life fragile for many women. Domestic violence is increasing. Abortion rates are higher and for young women sexual health is poor by world standards. Action is overdue.

Recommendations

that strategies are put in place with urgency to overcome the fact that New Zealand young women have the highest suicide rate in the OECD

that as well as legal safeguards the Government should introduce support services, including funding for half-way homes and rehabilitation programmes, for young women abused in underage marriages

that provision of women's refuge services in general and specifically for both ethnic and disabled women who are victims of violence demands urgency

that the Government proceed with urgency to address the multiple issues faced by both able-bodied and disabled women who are victims of domestic violence in line with Discussion Paper written by Survivors of Domestic Violence, January 2010¹ "It's Still Not OK".

¹ <http://roundtablevaw.org.nz/PDF%20Its%20STILL%20Not%20OK!%20Discussion%20Paper.pdf>

INTRODUCTION

Underlying this Alternative NGO Report is a particular focus on the special issues found in the ethnically diverse and geographically different population living in the North of New Zealand and centred on Auckland compared to the national population. Auckland's population is different from that of New Zealand as a whole with proportionately more Pacific and Asian peoples. Auckland is also a region of migrants with almost 40 percent born overseas. Many suffer hardship and social exclusion. People living in severe hardship in Auckland are: 23 percent of Pacific people; 20 percent of Maori; 5 percent of Asian; 4 percent of European or Other. The median age for the national population is 36.8 years, but that for Auckland is less due to the region's relatively young age structure.

The PWW(NZ) compiled New Zealand NGO Country Report, *Beijing+15 Review and Appraisal* was developed by 15 nationwide workshops and almost 500 responses to the questionnaire, *How are We Doing? – New Zealand Women Together*. The questionnaire, easily understandable by all, brought together much information about women and girls in their everyday lives. The results inform this alternative NGO Report to CEDAW. As in our reviews for Beijing+5 and Beijing+10, concerns for women were clear and virtually unchanged throughout the whole period, 1999-2009. They are:

- The pay gap differential for women compared to men continues to be a major concern.
- Ongoing workplace difficulties including low pay for the type of work performed; balancing work with family commitments (work-life balance); not feeling valued by management; a poor working environment).
- The high level of domestic violence suffered by women and girls.
- Continuing impoverishment of families – one in four children in poverty.
- Health and welfare of elderly women, women with disabilities and girls.

PROLOGUE TO THE REPORT

An analysis of the Committee on the Elimination of Discrimination against Women's Concluding Comments after consideration of New Zealand's sixth report shows that there has been little improvement in many of the concerns since the 2007 review.

Overview of Progress on Committee's Concluding Comments related to CEDAW paragraphs:

13. Comprehensive scope of the Convention still not recognized
15. Gender perspectives still not included in national plans; nor are gender impact statements in all policy papers submitted to Cabinet
17. Dissemination of Optional Protocol to CEDAW limited
19. Adequate sanctions for discrimination on equal pay and equal opportunity not yet implemented
21. Work to track trends over time for different groups of women now developed, but need for special measures not yet acknowledged
23. While "backlash" against prominence of women's human rights now less discernible, national campaign of promotion of rights is by no means always consistent
25. "It's not OK" campaign visible but covers only one aspect of discrimination, excludes economic abuse
27. Some improvement for immigrant women, but issues relating to employment, domestic violence and isolation need more attention
29. Commendable focus on threat of trafficking, but legislation to prevent clandestine underage marriage still under consideration only
31. Women's decision-making roles in non-government sector unrealized, especially for Pacific women and girls
35. Clear goal of closing the gender wage-gap is pleasing to see, but success is proving very elusive
37. Paid parental leave still below the international benchmark; availability of quality affordable, accessible childcare is inadequate
39. Comprehensive sexual and reproductive health strategy not yet actioned
41. Tightening conditions for legal aid needed, taking account of total assets not just cash assets
42. and 43. The Beijing Platform for Action and Millennium Development goals are not explicitly reflected in the implementation of CEDAW.

ARTICLE 1 – Definition of Discrimination against Women

CEDAW has still not been fully incorporated into domestic law: New Zealand domestic legislation has no explicit and comprehensive definition of discrimination against women. Persistent discrimination against women continues in:

- Workplace harassment
- The gender pay gap (13 percent June 2011), especially for women with higher qualifications
- Impoverishment of families – still 1 in 4 living in poverty
- Issues of discrimination against migrant women.

The PWW(NZ) NGO Country Report for Beijing+15 highlights all of these. The Universal Periodic Report 2009 also highlights that CEDAW concerns include: gender wage gap, high levels of occupational segregation, concentration of women in low-wage occupations, disadvantaged position of Maori, Pacific and minority women in employment, very low rates of women's participation in management and decision-making positions in the private sector; barriers faced by mothers of young children and single mothers who wish to be in paid employment. ILO also commented on existing labour market inequalities along ethnic lines, especially Maori and Pacific.

Pay equity: Of particular concern is the disestablishment of the Pay and Employment Equity Unit in the Department of Labour. This action suggests a lack of Government commitment to pay equity. A Ministry of Education study reported widely by the media in September found men graduates earned on average above NZ\$4,000 per annum more than women graduates after four years of work².

Workplace discrimination: Gender discrimination in the workplace is of continuing concern and has been exemplified by the NZ Employers and Manufacturers Association CEO who claimed that women's monthly "sick problems" made them less productive in the workplace. Lack of equal pay for equal work and a paucity of women in high ranking positions reinforce this discrimination. Discrimination against women's choices to breastfeed in the workplace remains widespread.

One in three women and one in six men experience sexual harassment in the workplace³. The Human Rights Commission receives a significant number of enquiries and complaints of workplace discrimination on the grounds of sexual orientation. Problems faced by gay, lesbian, bisexual, transgender and intersex (GLBTI) people at work are difficult to tackle because there is incomplete data on the numbers of GLBTI in the workforce.

Poverty: More households are entirely dependent on benefits. Higher cost of living and housing and rising unemployment are factors. In the 12 months to December 2009, fewer people on benefits were able to secure even part time employment (15 percent compared to 21 percent). With the difficulty of securing work, many households have lost some of their entitlement under the Working for Families package, challenging its value to relieve poverty. PWW(NZ) believes laws providing for economic, social and cultural rights do not contain clauses prohibiting discrimination against women and girls. Furthermore, the laws and policies fail to address intersectional discrimination such as disabled, minority and migrant women and their access to and enjoyment of economic, social and cultural rights such as would ensure they can participate in all areas of life.

Forced underage marriage: To assist in overcoming the very real issue of forced underage marriage, generally clandestine in nature, PWW(NZ) presented a petition to Parliament in November 2009. Together with the Shakti Community Council we asked the Government to take steps to prevent such marriage. Currently a government review is underway to consider whether further legislation might improve safeguards for girls and women against such marriages. We have yet to see results from the review. The process of reporting has already been lengthy with no guarantee of a positive outcome (*refer Appendix 1, p.9-10*).

Gender and Youth Suicide: Negative stereotypes persist for the female migrant/refugee child and a conspicuous number of female youth are suffering discrimination based on their gender. They are consequently deprived of their rights to education, employment, choice of partner and rights to child-birth. The oppression includes threats of honour-killing, and forced and underage marriages. There

² http://www.nzherald.co.nz/business/news/article.cfm?c_id=3&objectid=10751625

³ <http://www.wave.org.nz/docs/information.html>

is evidence that almost 80 percent of young migrant and refugee women attempt suicide due to duress and distress. The Secondary School Survey in New Zealand cites that young Asian teenage girls rank high in attempted suicide and suicide rates among teenagers (*refer Appendix 1, p. 8*).

Pacific women and girls: Pacific women and girls in New Zealand suffer a high level of discrimination due to lack of education and skills. Poverty and inadequate social services including child care often lead to poor health, obesity, substance abuse and lower life expectancy. Through a cultural gender gap they lack visibility compared to men. A mother/daughter generation gap has also arisen with regard to use of technology (computers, cell phones) which can cause alienation.

Linkages between CEDAW, Beijing Platform for Action, Millennium Development Goals: The Government has still not articulated the clear links between all three.

ARTICLE 2 – Anti-discrimination Measures

There has been little change – no action as yet to enact a specific statute to achieve domestic implementation of CEDAW. Nor is there a process for monitoring discriminatory practices. The nationwide “It’s not OK” campaign, aimed at reducing domestic violence launched in September 2007 highlighting the issue, has had little effect. Migrant and refugee women in New Zealand remain subjected to domestic violence through cultural perceptions and societal tolerance. Their access to legal services is frequently limited by lack of regard for cultural practices (e.g. dowry, forced marriage). Domestic violence is thereby exacerbated. The justice system, including police and the courts overlooks or barely recognises factors that culturally privilege the male. They therefore do not challenge the type of abuse entrenched in cultural rights (*refer Appendix 1, p.6*). There has been limited action taken to implement anti-discrimination measures in regards to migrant and refugee women and girls.

PWW(NZ) welcomes the recognition in 2008 within a New Action Plan for Human Rights of New Zealand Sign Language as an official language. PWW(NZ) applauds the appointment in September 2011 of the first Human Rights Commissioner with responsibility for disability rights. The role includes monitoring implementation of the UN Convention on the Rights of Persons with Disabilities, which New Zealand was instrumental in developing.

Women and Prison: While women make up 6 percent of prison population, a higher proportion of women have dependent children than men (ratio approx: 9:5) and women prisoners are the sole caregivers three times more often than men. It is estimated that 10,000 children in New Zealand (population: 4.4 mill.) are affected by having one or both parents in prison.⁴

Mothers with children whose fathers are incarcerated face many problems, especially financial e.g. loss of income, travel costs to visit. Some mothers move their families away from their local area to get cheaper housing or a “new start”, others move closer to the father’s prison to continue contact between him and his children. Approx 80 percent of families with a parent in prison live on welfare benefits from the Government, yet agencies have no specific knowledge of these relocation costs – let alone of levels of disruption to families.

As of 19 September 2011, mothers detained in two specialist women's corrections facilities which have parenting education and appropriate childcare facilities can keep their babies⁵ with them until children are 2 years old. This law change allows the emotional attachment between mother and child to strengthen; international evidence shows the first three years of a child's development are crucial. It is vital that on release⁶, a sound support plan for mother and child/children is in place – local specialist NGOs may be invaluable here but need State back-up to ensure continuity.

⁴ ACYA & Equal Justice Project's contribution to UN CRC Discussion, 30 September 2011: “*Children of Incarcerated Parents*” <http://www.acya.org.nz/?t=14&View=FullStory&newsID=596>

⁵ 17 prisoners gave birth in 15 months before December 2009

⁶ Sentenced female prisoners spend an average of six months in prison. (Collins, NZ Minister of Corrections 2009)

There are specialist facilities for young male prisoners but not for young female prisoners. All young females are held alongside adult prisoners – to constant criticisms from UNCRC⁷ and UNCAT. In such mixing, young women have fewer opportunities to experience child-centred provisions that might attend to their offending behaviour. This situation needs urgent attention and lateral thinking.⁸

ARTICLE 3 – The Development and Advancement of Women

Indicators for Change: Tracking the Progress of New Zealand Women: This commendable initiative in 2008 by Ministry of Women’s Affairs (MWA) provides measurable information to inform government policy. We are alarmed, however, that the training in building a gender perspective into all policy and planning across Ministries was discontinued in 2009 due to the rapid turnover of Ministries’ staff. PWW(NZ) calls for this training to be reintroduced urgently.

ARTICLE 4 – Acceleration of Equality between Men and Women

The New Zealand Government continues to disregard the importance of temporary special measures and refuses to engage in dialogue to this end. Moreover, the Government has failed to execute any alternate measures to achieve de facto equality.

Role of Ministry of Women’s Affairs (MWA): PWW(NZ) is concerned that present staff levels and funding do not permit the MWA to promote effectively its goals for women. An increased budget is essential for ensuring that the goals are met.

ARTICLE 5 – Sex Roles and Stereotyping

Homophobia and transphobia, stigma and abuse experienced by teens and adults who do not identify as heterosexual or clearly as either male or female gender can lead to extraordinarily stressful lives while discrimination against the children of lesbians exists at all educational levels. Severe teen bullying - physical, psychological (ostracism) and verbal - openly or via cell phones or ‘social media’ can affect recipients deeply leading to withdrawal, depression and suicide in some instances. Lesbian, gay, bisexual, transgender, intersex (LGBTI) and queer⁹ persons are maltreated and marginalised because they are ‘different’ and do not/cannot ‘conform’ to recognised ‘female’ (or ‘male’) roles. They are at increased risk of drug and alcohol misuse with higher rates of depression and self-harm.

There is no mention of homosexuality or transgender issues in school curricula. Few school counsellors are trained to help these young people and community services run by volunteers with no government financial support are severely stretched in terms of both resources and capacity.

The discrimination lesbian adults and queer women face includes rejection by birth families; sexual harassment in workplaces and social venues; and a pervasive and unthinking hetero-sexism in health, welfare, housing and other services which assumes that everyone is heterosexual unless proven otherwise resulting in poor quality services for lesbians. Very few city councils in New Zealand recognise their responsibilities to provide support for their queer community, let alone for queer youth and lesbians in particular. Lesbians have no legal rights to adopt children; and there is no recognition of the rights of the non-biological co-parents.

⁷ Reservation to UNCRC entered by NZ Government.

⁸ HRCCommission New Zealand Report: “*Human Rights and Prisons*”, pub. July 2011 on the occasion of re-introduction of private prisons: www.hrc.co.nz/wp-content/uploads/2011/.../Human-Rights-and-Prisons.doc

⁹ Queer - a reclaimed word that represents sexuality and gender diversity, encompassing lesbian, gay, bisexual, transgender, intersex as well as everyone in between and not sure/curious and questioning

Women in the media: In 2009-2010 a PWW(NZ) Media Watch Project tracking two large daily newspapers over a six-month period aimed to gather information about the portrayal of women found that women were more still more likely to be portrayed as victims or in stereotype roles; male and female stereotypes were reinforced in the news; on fewer occasions women were central to the story even in newspapers where there was a gender balance in numbers of reporters. Furthermore, female stereotypes were often used to sensationalise the story. A significant number of front page stories had no female input either (80 per cent) as the reporter or where women were central to the story.

Sexualisation and hypersexualisation: PWW(NZ) is most concerned that, increasingly, the sexualisation of children is being promoted through national advertising and marketing campaigns. Products for children which misrepresent the child in a manner that conveys adult sexuality is driven by adults, causing harm to girls' self image and healthy development. Research links sexualisation with three of the most common mental health problems: eating disorders, low self esteem and depression or depressed moods. The suggestion of entry into New Zealand of promoters of beauty competitions for very young girls threatens to introduce a very undesirable aspect of hypersexualisation.

(refer Article 12 for Violence Against Women and Domestic Violence)

ARTICLE 6: Suppression of Exploitation of Women

Prostitution: The NZ Prostitutes' Collective¹⁰ reports that sex workers know there is national law¹¹ in New Zealand that recognizes their human rights including employment rights and those related to occupational safety and health. This legislation gives them the means to access legal redress to combat exploitation; however stigma still exists and affects sex workers e.g. they have no protection against discrimination which occurs because of their occupation. Sex workers feel that local body authorities sometimes undermine their occupational safety and health by limiting their options through creating by-laws that restrict sex work venues. NGOs play a critical role in supporting sex workers, particularly those which are peer-based; evidence is growing that sex workers are more able to report violence and build positive relationships with agencies, for example the police.

While there is evidence that sex workers are still subject to exploitation by some brothel operators there is no evidence of trafficking of women and children into sex work in New Zealand but there are a number of migrant sex workers who are working in breach of immigration laws and hence are unable to have their labour rights recognised.

Trafficking: A concern for migrant and refugee women and girls is the lack of consensus of what constitutes 'trafficking' and the nature of trafficking in New Zealand. Many incidences of 'trafficking' have been of women who have come to New Zealand of their free will for the purpose of employment or marriage only to be trapped in the sex industry, on farms etc, once they are here. The lack of recognition and acknowledgment by the Government of 'trafficking' has inadvertently deprived internally trafficked women in the labour market (including the sex industry) from exercising their rights to healthcare, legal and other support services. This situation renders them vulnerable on account of their immigration status (*refer Appendix 1, p.5-6*).

ECPAT¹², HAGAR¹³ and the Salvation Army are making a joint attempt to determine the degree of women and children trafficking within the New Zealand sex industry in order to present research based data to overcome the reliance on anecdotal evidence. Due to the covert nature of this activity there is no guarantee of a substantive outcome.

The New Zealand Plan to Prevent People Trafficking¹⁴ (2009) is a comprehensive across-government document that is being implemented. ECPAT New Zealand's Child ALERT welcomes the Plan but has three reservations:

¹⁰ http://www.nzpc.org.nz/page.php?page_name=About%20Us

¹¹ <http://www.legislation.govt.nz/act/public/2003/0028/latest/DLM197815.html>

¹² <http://www.ecpat.org.nz/>

¹³ <http://www.hagar.org.nz/pdfs/hagar-fact-sheet.pdf>

¹⁴ <http://www.dol.govt.nz/publications/research/people-trafficking/>

the implementation does not include adequate consultation with the NGO sector
the Government's interpretation of the UN definition of 'people trafficking' recognizes only trans-national (across border) movements and therefore precludes any activities within New Zealand that might otherwise meet the definition requirements
the New Zealand Plan does not refer at all to children or youth and therefore does not make any special provision for them. ECPAT Child ALERT is currently in discussion with the Police regarding the issue of age verification of brothel sex workers

ARTICLE 7: Political and Public Life

PWW(NZ) acknowledges the positive change of attitude and climate as indicated by new pressures for publically listed companies to promote women to boards and management under proposed new stock exchange rules¹⁵.

Female directors are in conspicuously short supply in New Zealand, a country that makes much of celebrating the election or appointment of women to top jobs in other fields. We are pleased to report that the New Zealand Institute of Directors is following the Australian model to introduce a mentor programme to try to rectify the imbalance and "promote diversity generally". In New Zealand women comprise just 9.3 percent on NZX-listed¹⁶ boards. A 12-month mentoring programme will begin next year for women with a record of executive or board experience in smaller firms that would make them likely candidates for jobs on NZX-listed boards. Mentors will be drawn from chairs and senior directors.

ARTICLE 11: Employment

Women represent 50.9 percent of the population of New Zealand and 46.9 percent of the labour force¹⁷. PWW(NZ) is concerned that women in New Zealand are not afforded equal rights to the same employment opportunities and equal remuneration as their male counterparts. Pay and employment equity is a complex issue which requires careful, ongoing analysis. There are significant rights-based, social and economic imperatives for taking action to address these inequities. PWW(NZ) calls for immediate, proactive measures to be taken to address three principle areas; occupational segregation, pay equity and the gender wage gap.

Occupational Segregation: Women remain concentrated in lower paid occupations and there is a feminisation of occupation streams for example teaching, care giving, nursing, retail. Predominantly female occupations pay less than predominantly male occupations where similar skills and responsibilities are required. This stubborn trend is unacceptable and there are not enough current measures for change.

Despite the dominance of females in four main industries (clerical and administrative, retail, community and personal services, professional) in terms of employment and hours worked, there is not a single industry where females earn more than their male counterparts¹⁸. Women are four times more likely to be employed in clerical and administrative roles than men, more than twice as likely to be employed as community and personal service workers and half as likely to be employed as managers¹⁹. Women make up approximately 60 percent of secondary school teachers but only around 30 percent of principals²⁰. The Post Primary Teachers' Association Women's Officer has reported that women are less confident about applying for principals' positions and typically will not apply until they are overqualified²¹.

¹⁵ http://www.nzherald.co.nz/new-zealand/news/article.cfm?l_id=71&objectid=10746946

¹⁶ New Zealand Stock Exchange

¹⁷ Goldman Sachs Research Report: Closing the Gender Gap, 9 August 2011, p.3

¹⁸ Ibid, p.7

¹⁹ Ibid, p.6

²⁰ Laugesen, R, 2011. *All Aboard*. New Zealand Listener, p.22

²¹ Ibid, p.23

Pay equity: Non-conformity to the application of the principle of equal pay for equal work is evident in both public and private sectors. By example, women social workers at government department Child Youth and Family Services start on lower salaries than their male colleagues with equivalent qualifications²² and tertiary qualifications do not positively impact pay parity between men and women. Four years after graduating with a Bachelor's degree women earn NZ\$4,380 less than men per annum²³.

A group of young women lawyers recently informed the Human Rights Commission that they had to work twice as hard to be seen as equal and that if women asked to be paid at the same rate as men they were seen as "greedy, unreasonable and ungrateful"²⁴.

In spite of the Pay and Employment Equity Process (2003 onwards), gender pay discrimination is cross-sectional. Joint research with the Ministry of Education highlights significant pay inequities for support staff²⁵. To date the Government has taken no action, offering a zero pay increase.

Gender Wage/Pay Gap: Reasons given for the gender pay gap include discrimination, education and work experience, occupation and industry, marriage, motherhood and part-time work and employment rates²⁶. Between March and June 2011 the gender pay gap per hour rose from 12.6 percent to 13 percent whilst the annual weekly income gap rose from 17 percent to 17.4 percent²⁷. The average hourly wages and salaries of Maori and Pacific women were substantially lower than those for women overall²⁸. The gender pay gap in New Zealand becomes even more pronounced between the genders as qualification levels increase²⁹.

A significant gender pay gap was revealed in one of the first pay and employment equity reviews to be conducted in local government in New Zealand³⁰. The median actual salary, taking account of part time work, of women employees is 79.3 percent of the median actual salary of men.

Disabled women: Disabled persons are often in jobs below their skill level, and are twice as likely to be unemployed as non-disabled people. These findings are part of a report from the Human Rights Commission, *What Next? National Conversations about Work*, which has a focus on disabled people and employment issues. It reveals that in the recent economic downturn, disabled people have experienced high levels of unemployment and redundancy³¹.

Additional concerns

- Dramatic increase in ECE costs in 2011.
- In 2008 one of the first acts of the incoming National-led Government was to disestablish the Pay and Employment Equity Unit in the Department of Labour, suggesting a lack of commitment to pay and employment equity.
- Positive outcomes from key policy initiatives such as childcare subsidies, 'Working for Families' and paid parental leave remain problematic. There is a continuing lack of financial, social and employment support for women raising children. Although some progress has been made through the recent introduction of paid parental leave there is considerable concern as to how effective the policy will be in encouraging equal opportunity for women in the workplace. Of particular concern is: paid leave has not been extended past 14 weeks, amounting to half of the suggested 28 weeks; the rate of remuneration is low; the ability to secure flexible work arrangements is highly variable.
- Serious employment and workplace issues for migrant women are being ignored.

The New Zealand Government is not taking all appropriate measures to eliminate discrimination against women in the field of employment and therefore is not fulfilling Article 11 of the Convention.

²² Aotearoa New Zealand Association of Social Workers, 2009. Media Release: *Pay Equity is a social justice issue*.

²³ Ministry of Education, 2011: http://www.nzherald.co.nz/business/news/article.cfm?c_id=3&objectid=10751625

²⁴ Human Rights Commission, National Conversation about Work, 2010, p.21

²⁵ Pay and Employment Equity Review 2008 – Compulsory Schooling Sector

²⁶ National Advisory Council on the Employment of Women

²⁷ Statistics NZ Quarterly Employment Survey, 2011, p.6.

²⁸ National Advisory Council on the Employment of Women

²⁹ Goldman Sachs, Research Report: Closing the Gender Gap, 9 August 2011, p.8

³⁰ Gisborne District Council, 2011

³¹ <http://www.neon.org.nz/nationalconversationaboutwork/>

ARTICLE 12: Health

PWW(NZ) is concerned that the New Zealand Government is not taking all appropriate measures to eliminate discrimination against women in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning. Of particular concern is the ongoing discrimination in regards to sexual and reproductive rights, access to abortion, mental health violence against women and welfare reform. (*refer Appendix 2*)

Sexual and reproductive health: High rates of teenage pregnancy and poor sexual health are impeding the well being of young women in particular. New Zealand has one of the highest rates of teenage pregnancy and sexually transmitted infections (STIs) in the OECD where the most at risk are young women. Rates of abortion have also been rising in the last decade³².

New Zealand lacks an adequate sexual health strategy. Serious failings and inconsistencies have been identified in the provision of school based sexuality education. The current status of sexuality education and sexual health contradicts Article 16 (e). The Sexual and Reproductive Health strategy (2001) has not been translated into positive outcomes nor does it incorporate perspectives of different groups of women, namely Pacific and Asian youth. PWW(NZ) is also concerned that specialist youth health services are losing funding and numerous providers have closed.

A nationwide HPV³³ immunization programme has targeted young adolescent women despite HPV being a non gender-specific STI. Failure to include safer sex messages and the message that HPV is a community health issue is of significant concern as it unfairly portrays the roles of females and males in reducing HPV transmission. This gendering of sexual health responsibility by making the prevention of STIs young women's problems is discrimination. The Government must be proactive in funding and supporting the development of a sexual and reproductive health strategy that is age and culturally appropriate. Within its health policy the Government should include positive sexual health messages aimed at both females and males. (*refer Appendix 2, p.5.*)

Access to abortion: Abortion is the most frequently performed gynecological procedure in New Zealand and is a core reproductive health service. While most women can access safe abortion services, abortion remains under the jurisdiction of the Crimes Act meaning that it is a crime unless women meet criteria as agreed by two certifying consultants.

The status of abortion in New Zealand law contradicts Article 16 (e) and is the underlying reason for limited access to abortion for women outside the main centres, delays in accessing abortions, workforce shortages in providers of abortion, perpetuation of stigma relating to abortion. Abortion should be decriminalised and regulated as any other health service in order to open access to all women and reduce health risks. (*refer Appendix 2, p.4.*)

Multiple forms of discrimination: The Government has a political and legal commitment to adopt measures that address the ways in which women are facing multiple forms of discrimination³⁴. However, there is an absence of data identifying the intersecting influences which have compounding negative impacts on the health of certain groups of women such as aged, migrant, disabled.

Significant disparities in health outcomes are found among minority ethnic groups. PWW(NZ) is concerned that very little has been done to determine, monitor or fund research and programmes to improve the sexual health status of Pacific and especially Asian women. This leads to further marginalization of specific groups of women.

Many of New Zealand's migrant and refugee women are prevented from accessing health care by cost, language³⁵, limited information about health services, reliance on cultural healers and a lack of culturally appropriate community support programmes.

Internationally, housing is widely recognised as a key determinant of health. Unaffordable housing is a significant problem in Auckland, contributing to over-crowding and substandard living conditions.

³² http://www.stats.govt.nz/browse_for_stats/health/abortion/AbortionStatistics_HOTPD09.aspx

³³ Human papillomavirus

³⁴ In particular, Article 4

³⁵ Trained interpreters / right to adequate communication under NZ's Code of Health & Disability Services Consumers' Rights

The steadily increasing population means there are not enough houses. Currently, girl children in particular, suffer from health conditions, especially respiratory infections and infectious diseases.

Mental health: The rate of female suicide in New Zealand has risen and the female youth rate is now highest among the OECD³⁶. Women's mental health and mental illness issues need to be tackled. While 15-20 percent of NZ youth need mental health services only 2.3 percent access them³⁷.

The mental health sector in New Zealand has yet to incorporate gender-informed care, which integrates the specific needs of all women including refugee women, lesbian and transsexual women who have experienced violence or abuse, into service delivery and needs to be developed in partnership with women service users, in both the hospital and community settings.

Young women continue to be over-represented in the incidence of eating disorders. There remains no government funding for school-based health promotion and education services to support the issue of female health and body image and NGOs are suffering funding cuts.

Violence against women: The UN is developing a coordinated database on the extent, nature and consequences of all forms of violence against women in all its Member States, and on best practices for policies and programmes aimed at combating such violence. The Government submitted its UN questionnaire response in 2009 and updated information in 2010. New Zealand's unacceptably disproportionate level of gender-based violence towards women (both domestic and sexual) constitutes a serious risk to women's health and is a major human rights issue³⁸ (refer Article 16).

Domestic violence and sexual violence against women and girls from migrant and refugee communities is increasing, likewise for disabled women. (refer Appendix 2, p.9)

Women and girls with disabilities: The report *Disability Rights in Aotearoa New Zealand 2010* highlighted social participation to overcome segregation and isolation as the most pressing issue. Bureaucratic structures hindered rather than helped as did "institutionalised disability". Lack of employment, high living costs and the impediment of gender and ethnicity all exacerbate exclusion. Dignity, autonomy, inclusion, participation and respect are high on the wish list of disabled people.

Disabled women are more vulnerable to poverty, abuse and poorer health; they face additional hurtful and demeaning treatment and much tougher challenges daily compared with those who are not coping with disabilities. For disabled victims of violence, this can be overwhelming. The systematic pattern of coercive control punctuated by physical, sexual, emotional or financial violence that leaves the victim intimidated, hurt and fearful for her life and the lives of her family is experienced by one in three women. But women with disabilities are more likely to suffer from such domestic violence than other women and the number of disabled women who have experienced partner violence in their lifetime is considerably higher³⁹. New Zealand's sole women's refuge for disabled women is quite unable to cope with the demand for its services.

Breastfeeding promotion and legislation: New Zealand is 7th in the OECD ranking for the proportion of children exclusively breastfed at 3 months, yet it is among the lowest for exclusive breastfeeding at six months⁴⁰, the WHO's recommended best practice⁴¹. The State must support initiatives to protect, promote and support breastfeeding. (refer Appendix 2, p.2-3)

The Employment Relations (Breaks, Infant feeding, and Other Matters) Amendment Act 2008 came into force in 2009 to make legislative provision for the promotion and protection of breastfeeding, rest and meal breaks in the workplace which have received positive feedback from businesses⁴².

³⁶ <http://www.mhc.govt.nz/sites/mhc.govt.nz/files/National%20Indicators%20Report%20-%20Final.pdf>

³⁷ Ibid

³⁸ <http://endviolence.un.org/index.shtml> and <http://webapps01.un.org/vawdatabase/home.action>

³⁹ regrettably, no stats can be found, anecdotal evidence is strong.

⁴⁰ <http://www.oecd.org/dataoecd/30/56/43136964.pdf>

⁴¹ <http://www.who.int/topics/breastfeeding/en/>

⁴² <http://www.dol.govt.nz/publications/research/infant-feeding-2010/infant-feeding-2010.pdf>

Proposed Welfare Reforms: The Government-commissioned Welfare Working Group has recommended sanctions on benefits for mothers who have additional children whilst within the welfare system, and recommends that women receiving government benefits be directed to long-acting reversible contraception thus threatening women's reproductive rights and pro-creative freedom.

These proposed changes in benefit delivery will result in further differential treatment for low income women. They create a potentially coercive environment for these women's reproductive decision-making and jeopardize their self-determination contravening Articles 12 and 16 (e).

Article 13 – Economic and Social Life

The Human Rights face of inadequate housing: PWW(NZ) again brings this stubborn and ongoing issue to the attention of the Committee of Experts. The Auckland region has a burgeoning housing shortage in the face of less building activity and reduced outward migration, both consequences of the recession. Half of New Zealand's population growth takes place in Auckland, yet less than one-quarter of building consents are issued there. Between June 2008 and June 2009 the number of additional people for every new house rose from 3.6 per house to 6.8 per house. The result continues to be overcrowding, especially in South Auckland, the spread of preventable chronic illness and disease, transience that interrupts children's education and high house prices and rentals. There is a huge impact on the level of impoverishment for families. The trajectory of poor health, interrupted education, lack of decent employment and home ownership manifested on girls and women throughout their whole lives continues uninterrupted in New Zealand. PWW(NZ) brought that issue to the Committee of Experts four years ago. Nothing has improved.

Article 16 – Marriage and Family Life

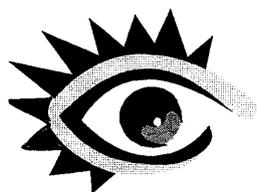
Family Violence: Domestic violence and sexual violence against women and girls from migrant and refugee communities is increasing, likewise for disabled women. This could reflect increased domestic violence and/or increased reporting though there is evidence of considerable under-reporting of sexual violence. There is an identified need for more specialised immigrant women's refuges and allied specialist sexual abuse support services that will support such victims/survivors with the required culturally competent gender analysis and within the human rights framework. Funding and resources allocated by the Government for violence intervention programmes in health care, referral and follow-up support for victims/survivors of violence are not commensurate with the needs and numbers of immigrant and disabled populations as well as those of able-bodied women.

The Domestic Violence Act 1995 has failed to deliver on its intent - it has not been fully integrated into, nor implemented by Government agencies and departments indicating structural discrimination. Women and children are still suffering from abusive power and control⁴³.

Abortion: In law, abortion is not a women's choice in New Zealand. It remains under the jurisdiction of the Crimes Act and is a crime unless women meet the grounds for an abortion as agreed by two certifying consultants. The choice to end an unwanted pregnancy is a fundamental human right for women.

Sexuality Education and Sexual Health: The current status of sexuality education and poor sexual and reproductive health in New Zealand contravene CEDAW. Young women bear the burden for sexually transmitted diseases. It is imperative that access to comprehensive information is available. Serious failings and inconsistencies have been identified in the provision of school-based sexuality education, see: "Youth 2000 Survey". Funding cuts have had a severe impact on provision of specialist youth health. New Zealand has a high teen pregnancy rate and young women have poor sexual health compared to other OECD countries. Regrettably New Zealand's Sexual and Reproductive Health Strategy (2001) has still not been actioned.

⁴³ See Survivors of Domestic Violence, *It's Still not OK*, 2010, p. 15-24



**Pacific Women's Watch (New Zealand), (PWW(NZ))
an umbrella NGO in special consultative status with the
United Nations Economic and Social Council (ECOSOC)
is pleased to bring this Alternative Report to the 52nd
Session of the CEDAW Committee.**

Our overarching, tightly focused aim is to monitor, review and report on the status of New Zealand women.

In particular, we are unique in representing women across the diversity of cultures making New Zealand their home but who suffer social or economic disadvantage or any kind of marginalisation and struggle to have their voices heard.

Skills training and mentoring are core functions.

Our data collection, analysis and report writing inform many other NGOs.

Key Objectives include to:

- ensure women's voices from the Pacific sub-region, especially New Zealand, are heard internationally
- be a communication link between New Zealand and other non-government women sub-regionally and internationally
- share strategies to measure and assess changes in women's status
- recognise views and expectations of Tangata Whenua – thus upholding the obligation to honour the Treaty of Waitangi

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Acknowledgements:

Pacific Women's Watch (New Zealand) Inc. is pleased to acknowledge the assistance of
Shakti Community Council Inc., Women's Health Action Trust
and all other organisations and individuals who contributed material for this report