



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

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**Committee on the Elimination of Discrimination  
against Women**

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

**Sixth periodic report of States parties**

**New Zealand\***

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\* The present report is being issued without formal editing.  
For the initial report submitted by the Government of New Zealand, see CEDAW/C/5/Add.41 which was considered by the Committee at its seventh session. For the second periodic report, submitted by the Government of New Zealand see CEDAW/C/NZE/2 and Add.1 which were considered by the Committee at its thirteenth session. For the combined third and fourth periodic report, see CEDAW/C/NZL/3-4 and Add.1 which were considered by the Committee at its nineteenth session. For the fifth periodic report submitted by the Government of New Zealand, see CEDAW/C/NZL/5 which was considered by the Committee at its twenty-ninth session.



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## Foreword

It is my privilege, on behalf of the New Zealand government, to present New Zealand's sixth report on the United Nations Convention on the Elimination of All Forms of Discrimination against Women.

Successive Governments have been highly committed to the implementation of the Convention. New Zealand now has a sophisticated legal and policy framework to provide universal protection against all forms of discrimination. Laws exist to ensure the equal rights of women in all areas of life. Women have the right to receive equal pay for work of a similar nature and equal access to education and training. Women also have universal access to superannuation and government benefits. They also have equal rights with men to acquire, change or retain their nationality, and have equal rights with men in respect of their nationality of their children. Women also have equal rights to conclude contracts and to inherit and own property.

New Zealand's focus is now on further strengthening the legal and policy framework and ensuring that women do not experience de-facto discrimination. The focus of this report is on outlining the legal, structural and policy changes since the last report as well as responding to the concluding comments made by the Committee following consideration of New Zealand's last report.

During the reporting period considerable progress has been made in further addressing New Zealand's obligations under the Convention. New Zealand now only has one reservation, which relates to women in combat. In practice, however, there are no barriers to women's participation in combat roles. As soon as the necessary legislative change has been made, New Zealand will consider lifting this remaining reservation.

Areas of notable progress over the reporting period include the development and implementation of the *New Zealand Action Plan for Women* and the provision of government-funded paid parental leave. Changes have also been made to the Student Loan Scheme that are likely to be particularly beneficial for women. Measures to further support women's participation in employment have also been implemented.

New Zealand, like many countries, has more work to do. New Zealand's focus is now not only on improving equality between men and women, but improving equality between different groups of women and resolving more difficult issues such as family violence and occupational segregation. Many of these issues will not only require Government intervention, but will also require considerable long term cultural and attitudinal change.

In closing I would like to acknowledge the work of departmental officials, NGOs, and individual women who contributed to the preparation of this report, which I take great pride in presenting to the Committee.

A handwritten signature in black ink, appearing to read "Lianne Dalziel". The signature is fluid and cursive, with a large loop at the beginning and a long horizontal stroke at the end.

Hon Lianne Dalziel

**Minister of Women's Affairs**

## Introduction

1. This is New Zealand's Sixth Periodic report on its implementation of the United Nations Convention on the Elimination of All Forms of Discrimination against Women. It has been prepared in accordance with the Compilation of Guidelines on the Form and Content of Reports to be submitted by States parties to the International Human Rights Treaties (HRI/GEN/2/Rev.1/Add.2). This report covers the period **March 2002 to March 2006**.
2. The report covers the key legislative, judicial, administrative or other measures adopted in the review period which give effect to the provisions of the Convention. It should be read in conjunction with New Zealand's previous reports under the Convention as well as New Zealand's Third and Fourth Periodic Reports under the International Covenant on Civil and Political Rights (CCPR/C/64/Add.10 and CCPR/C/NZL/2001/4), New Zealand's Second Periodic Report under the International Covenant on Economic, Social and Cultural Rights (E/1990/6/Add.33) and New Zealand's 15th, 16th and 17th Consolidated Periodic Report to the Committee on the Elimination of Racial Discrimination (Un-numbered).
3. Developments in Tokelau, to which the Convention applies by virtue of New Zealand treaty action, are also covered in an appendix to the report (see Appendix 3). As self-governing states, the Cook Islands and Niue have responsibility for reporting on the human rights treaties that apply to them by virtue of New Zealand treaty action. As part of its bilateral development assistance programmes, New Zealand has assisted Niue and the Cook Islands to meet their reporting obligations under the Convention. New Zealand understands that the Cook Islands has filed a report on its implementation of the Convention.
4. The Committee's Concluding Comments (A/58/38, paragraphs 405-431) on New Zealand's Fifth Periodic Report (CEDAW/C/NZL/5, referred to hereafter as the 'last report') included some suggestions and recommendations. Responses to the recommendations are provided in a table appended to this report (see Appendix 1) and are also addressed in the body of this report under the article to which they most relate.
5. New Zealand demonstrates a high-level commitment to ensuring compliance with the full range of its international human rights obligations. New Zealand is an active contributor to the international community and party to key human rights treaties. New Zealand has the elements essential for effective protection, promotion and fulfilment of human rights, namely: democracy, the rule of law and an independent judiciary free of corruption; effective structures of governance; specialised human rights and other accountability mechanisms; and recognition of the vulnerability of particular groups and individuals.
6. New Zealand also has a specific commitment to promoting women's rights at an international level. New Zealand is an active participant in the Commission on the Status of Women and promotes women's rights in the Commission on Human Rights and in the Third Committee of the United Nations General Assembly. New Zealand also ensures that its international development assistance promotes the Convention's purposes and principles.
7. Domestically, implementation of the Convention has been pursued comprehensively since it was ratified in 1985. Progress is now incremental and focused on consolidation, given the emphasis in previous reporting periods on developing the necessary legal and policy frameworks to give effect to the Convention. During this reporting period, no changes have been made to New Zealand's legal framework because of the extent to which it had already been developed to comply with the Convention. The emphasis is now on policies that operate within the established frameworks.

8. In developing policies for women, the Government recognises that ensuring the well-being of women and girls is essential to ensuring the well-being of all New Zealanders. Women's issues are, therefore, frequently mainstreamed into generic policy processes and addressed through an inter-agency approach. The development and advancement of women is also an integral part of a whole-of-government strategy for improving the social and economic outcomes of all New Zealanders.

9. The Government's strategic approach to improving outcomes for women is reflected in the Action Plan for New Zealand Women, released in 2004. The Action Plan sets out specific objectives for the Government to achieve in the areas of women's economic independence, work-life balance and well-being. The Action Plan also has a strong relationship to the purposes and principles of the Convention (as demonstrated in Appendix 4). Non-government organisations (NGOs), other members of civil society and women in New Zealand communities were closely consulted during development of the Action Plan, and a summary of their views on the status of women in New Zealand and priorities for action are contained in an appendix to this report (Appendix 2).

10. Generic policies are in place to support outcomes for women under the Action Plan's three key areas, and in other areas of life. In addition, where women as a whole or certain groups of women have specific needs, there are specific policies to address these needs e.g. on women's health. This reflects the Government's priority on addressing not only disparities between men and women, but disparities between different groups of women as well.

11. Considerable progress has been made during the reporting period in addressing New Zealand's obligations under the Convention. New Zealand now has provision for paid parental leave, and the Government intends to extend further its scope and coverage. However, there are still areas in which further progress is required, particularly in the areas of violence against women and pay and employment equity. The nature of these issues means that they are more complex, inter-dependent and cross-cutting, so may take longer to resolve. The Government is committed to addressing these issues both through implementation of the Action Plan and through its other social and economic development strategies.

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## Background

### *General*

12. Reference should be made to New Zealand's Core Document which gives an overview of the characteristics of New Zealand society and of the political and legal structures that are in place to ensure the promotion and protection of human rights within New Zealand, including the rights of women and girls. This overview provides the context for understanding New Zealand's implementation of the Convention.

13. New Zealand was governed from November 1999 to July 2002 by a Labour-Alliance Coalition Government. The Labour Party continued into a second term after the July 2002 general election, forming a coalition government with the Progressive Party. A general election took place on 17 September 2005, and resulted in New Zealand being governed by a Labour-Progressive Coalition Government with supply and confidence agreements with two parties: New Zealand First and United Future.

### *Women in New Zealand*

14. The 'Factual and Statistical Information' section of New Zealand's Core Document gives a statistical and qualitative description of the composition of New Zealand's female population. In brief:

- Women outnumber men in New Zealand across all ethnic groups except for the 'other' ethnic group.<sup>1</sup>
- The ethnic diversity of the female population is increasing with numbers of Asian and Pacific women growing the most rapidly.
- Fertility rates for Māori and Pacific females are high whereas fertility rates for European and Asian females are relatively low.
- European females have a much longer life expectancy than women from other ethnic groups.
- The age distribution of the female population will change markedly over the next fifty years. By the year 2051, it is projected that 46 per cent of the female population will be over 50, compared with only 29 per cent in 2004. Consequently, older people's issues will continue to disproportionately affect women as they age.

15. In this report, data has been disaggregated by gender and ethnicity where possible. In many cases, disaggregated data could not be obtained. This remains an ongoing challenge.

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<sup>1</sup> The 'other' ethnic group is used to describe persons who identify with an ethnicity other than European, Māori, Pacific or Asian.

***Beijing Declaration and Platform for Action***

16. As noted in the previous report, following the Beijing Conference in 1995, the New Zealand Government identified a number of key areas in which further action could occur to improve the status of women:

- mainstreaming a gender perspective in the development of all policies and programmes
- addressing the need for better data collection on all aspects of women's lives
- implementing the Platform for Action's recommendations relevant to Māori women and girls
- addressing the issue of women's unremunerated work
- addressing the gender pay gap, and
- enhancing women's roles in decision-making.

**Article 1****Definition of Discrimination against Women****Introduction**

17. There have been no changes since the last report to New Zealand's legal framework, which provides protection against all the forms of discrimination covered by the Convention. Some procedures have been introduced, to ensure key human rights protections are not overridden by new laws.

18. In its Concluding Comments on New Zealand's last report, the Committee recommended that New Zealand take appropriate steps to incorporate all the provisions of the Convention into domestic law. Before becoming a party to an international treaty the New Zealand Government ensures that its legislation, policies and administrative practices comply fully with the obligations that instrument contains. So while New Zealand does not have a specific piece of legislation which implements the Convention, the Government's obligations under the Convention have been given effect by other broad human rights focused legislation.

19. No petitions have been made to the Committee in this reporting period under the Optional Protocol to the Convention, which New Zealand ratified in 2000.

**Treaty of Waitangi**

20. References to the Treaty of Waitangi continue to be included in new legislation.

## **New Zealand Bill of Rights Act 1990**

21. The New Zealand Bill of Rights Act 1990 requires the Attorney-General to notify the House of Representatives when a new Bill appears to be inconsistent with the Bill of Rights Act. During the development of new legislation and policy, Ministry of Justice (MOJ) works closely with government departments to ensure, as far as possible, that new legislation and policy is consistent with the Bill of Rights Act. In addition, the Bill of Rights Act requires that, where possible, legislation will be given an interpretation consistent with the rights and freedoms it affirms. The Courts have also developed a number of remedies in relation to breaches of the Bill of Rights Act. A full discussion of the status of the Bill of Rights Act and relevant case law is included in New Zealand's Third and Fourth periodic reports on the International Covenant on Civil and Political Rights (CCPR/C/64/Add.10 and CCPR/C/NZL/2001/4).

## **Article 2**

### **Anti-Discrimination Measures**

#### **Introduction**

22. New Zealand has a sophisticated legal and policy framework providing universal protection against all forms of discrimination supported by a comprehensive and independent institutional structure to ensure its effective enforcement.

23. No changes have been made since the last report to legal provisions that directly relate to the rights of women. Cabinet guidelines require that, when developing policy proposals, consideration must be given to their consistency with the Human Rights Act 1993 and New Zealand Bill of Rights Act 1990. All policy papers to Cabinet and Cabinet Committees must include a statement about any inconsistencies of the proposal with the Human Rights Act and New Zealand Bill of Rights Act, a summary of implications, and comment on whether and how the issues may be addressed or resolved.<sup>2</sup>

24. A key institution for promoting and protecting human rights in New Zealand is the Human Rights Commission (HRC). Since the last report, the Commission has undertaken work to further strengthen its ability to respond to the human rights needs of women and girls. Other relevant institutions for promoting and protecting human rights, such as the Ombudsmen and Commissioner for Children, are described in the 'Framework for the Promotion and Protection of Human Rights' section of New Zealand's Core Document.

#### **Human Rights Commission**

25. HRC continues to play a central role in promoting and protecting human rights in New Zealand. HRC's overall assessment of women's rights in New Zealand is that there has been significant progress since the last report on women's rights in many areas, about which New Zealand should feel proud, such as the introduction of paid parental leave. However, there remain some entrenched and complex areas, such as occupational segregation and the pervasive barriers preventing disabled people from fully participating in society, among other things, in which progress has not been achieved and to which significant commitment is needed if progress is to be made in the next reporting period.

<sup>2</sup> *Step by Step guide Cabinet and Cabinet Committee Process — Policy Development Process Required by Cabinet*. Wellington: (Cabinet Office 2001).

### ***The Human Rights Commission's New Zealand Action Plan for Human Rights***

26. The Human Rights Amendment Act 2001 gave the HRC responsibility for developing a national human rights action plan. The *New Zealand Action Plan for Human Rights* (NZAPHR), published on 31 March 2005, was developed over approximately two years after extensive consultation with the people of New Zealand. A specific set of actions related to women's human rights was not developed in the NZAPHR, in light of the existing *Action Plan for New Zealand Women*. However, elements of the NZAPHR are relevant to women and girls, for example, actions relating to children and young people, disabled people, the right to work, the right to security and access to justice.

27. The Government has welcomed the contribution of the Commission and will continue to consider the development of a government *Action Plan for Human Rights* during 2006. However, no substantive decisions are expected before this report is submitted.

### ***Equal Employment Opportunities Unit***

28. The Human Rights Amendment Act 2001 also established the role of a full-time commissioner with responsibility for providing advice and leadership on EEO activities, monitoring and evaluating EEO progress and leading discussions about EEO issues including pay equity. The Equal Employment Opportunities (EEO) Unit, established in February 2003 to support the work of the EEO Commissioner, has a specific focus on the rights of women. Since being established, the Unit has undertaken a major benchmarking report on the progress of EEO in New Zealand: *Framework for the Future*. The Unit also consulted widely to prepare *The Right to Work Report* which informed employment outcomes in the NZAPHR (see above).

29. In 2004, the Government gave the EEO Commissioner responsibility to provide guidance to Crown entities to help ensure wider equal employment opportunities outcomes across the wider state sector. The guidance has been developed in consultation with State Service Commission (SSC) and has involved Crown entities, employers, union representatives and EEO specialists in development of templates, tools and workshops to promote the 'good employer'. A web site will be available in March 2006 in partnership with the EEO Trust to provide best practice examples.

30. Other key pieces of work have included: a *Census of Women's Participation in Governance and Political Life* which showed that New Zealand women lag behind progress achieved in other comparable countries; *The Right to Breastfeed Report*; the launch of a National Equal Opportunities Network; research on discrimination faced by older workers; and a focus on women's under-representation in vocational training.

### ***Disputes Resolution***

31. There have been no significant changes in the period under review to the structure of the Commission's disputes resolution service.

32. The overall number of disputes about sex discrimination (including sexual discrimination) has remained fairly static, at about 13 per cent of disputes each year of the reporting period. Broadly, sex discrimination makes up 6 per cent of the total disputes and sexual harassment makes up 7 per cent. However, women bring a range of other discrimination disputes to the Commission. For example, an analysis of all complaints by women during the reporting period shows that disputes from women generally fall into the following prohibited grounds of discrimination:

- sex (including sexual harassment): 16-22 per cent of all disputes from women
- disability: 17-26 per cent of all disputes from women
- race (including ethnic and national origins, racial disharmony and racial harassment): 24-34 per cent of all disputes from women
- family status: 7-8 per cent of all disputes from women
- age: 5-10 per cent of all disputes from women.

33. The two main areas of disputes about discrimination by women are employment and the provision of goods and services. Employment, including pre-employment, was between 31-46 per cent of disputes by women between 2002 and 2005, while the provision of goods and services was between 33-44 per cent. An analysis of a sample of 75 cases of sex discrimination disputes showed that 37 per cent were disputes about pregnancy discrimination.

34. There have been three significant disputes related to sex discrimination during the reporting period. These relate to occupation segregation and pay equity, child poverty and discrimination in the provision of education, student support and the student loan scheme. One of these disputes is under appeal and the other two are still in the preliminary stages of either dispute resolution or procedural questions. These disputes show that significant human rights issues are now before the Commission and in the public arena in ways not previously seen. Increasing advocacy by complainants and knowledge of the Commission's dispute resolution services have contributed to this development.

#### *Office of Human Rights Proceedings (OHRP)*

35. Disputes which cannot be resolved or which a party does not wish to take to mediation may go directly to the Human Rights Review Tribunal. In these cases the OHRP may act for the complainant. Between 2002 and 2004 there were a very small number of cases involving sex discrimination and sexual harassment. Trends are therefore difficult to detect. However, in 2003, there were four cases – three sexual harassment and one sex discrimination. In 2004, there were five cases – four sexual harassment and one sex discrimination. In 2005, there was only one sex discrimination case.

#### **Other**

36. For anti-discrimination measures relevant to particular groups of women see Article 3: The Development and Advancement of Women and Article 14: Rural Women.

### **Article 3**

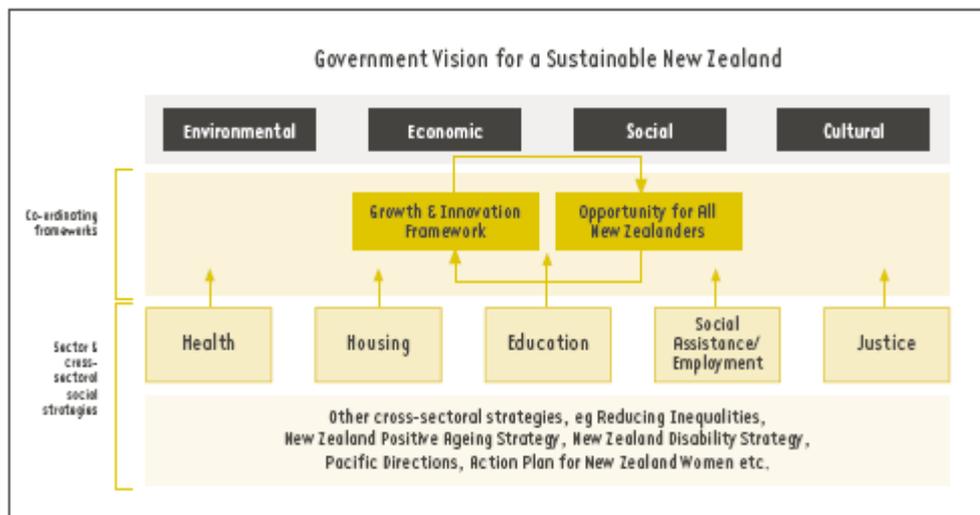
#### **The Development and Advancement of Women**

##### **Introduction**

37. During the reporting period, successive governments have shown a commitment to improving outcomes for New Zealand women and for women from other countries, particularly women living in the Pacific. In New Zealand, the equality and advancement of women is recognised as essential to improving outcomes for all New Zealanders and, as such, is integrated into mainstream policy processes. In many areas, women have levels of achievement equivalent to men, and the New Zealand Government's policy focus is now on addressing the disparity of

outcomes among different groups of women, as well as removing remaining differences in outcomes between women and men.

38. The New Zealand Government has set high level whole-of-government goals for the development and advancement of women through its key social strategy, *Opportunity for All New Zealanders*. The Government's vision for a sustainable New Zealand is underpinned by a range of cross-sectoral social strategies, including the *Action Plan for New Zealand Women* (see diagram below):



Source: Ministry of Social Development (2004) *Opportunity for All New Zealanders*. Wellington: Ministry of Social Development.

### Ministry of Women's Affairs

39. The Ministry of Women's Affairs is the Government agency responsible for providing policy advice on issues specific to New Zealand women. MWA contributes to the Government's vision for a sustainable New Zealand by:

- providing policy advice on issues that impact on social and economic outcomes for women
- assisting the Government to fulfil its international obligations in relation to the status of women
- nominating appropriately-qualified women for state sector boards.

40. The MWA also advises public service departments on how to integrate gender analysis into their policy development, and provides advice on departments' gender impact statements. Gender impact statements are required for all papers submitted to the Cabinet Social Development Committee (SDC). Cabinet's SDC considers the development and implementation of government social policy and social equity issues. MWA must be consulted on all proposals that relate to the economic and social status of women, especially Māori women.

41. The MWA was reviewed, strengthened and reconfirmed as a stand-alone agency in 2003. MWA's work is guided by the *Action Plan for New Zealand Women*, a five-year whole-of-

government plan designed to improve the lives of New Zealand women, which was launched in 2004.

### **Action Plan for New Zealand Women**

42. In 2002, the Government directed MWA, in consultation with other agencies, to develop the *Action Plan for New Zealand Women*. The *Plan* articulates the Government's commitment to improving a range of outcomes for women and to reducing inequalities between women and men, and between particular groups of women. Many women and NGOs around New Zealand had input to the development of the *Plan*.

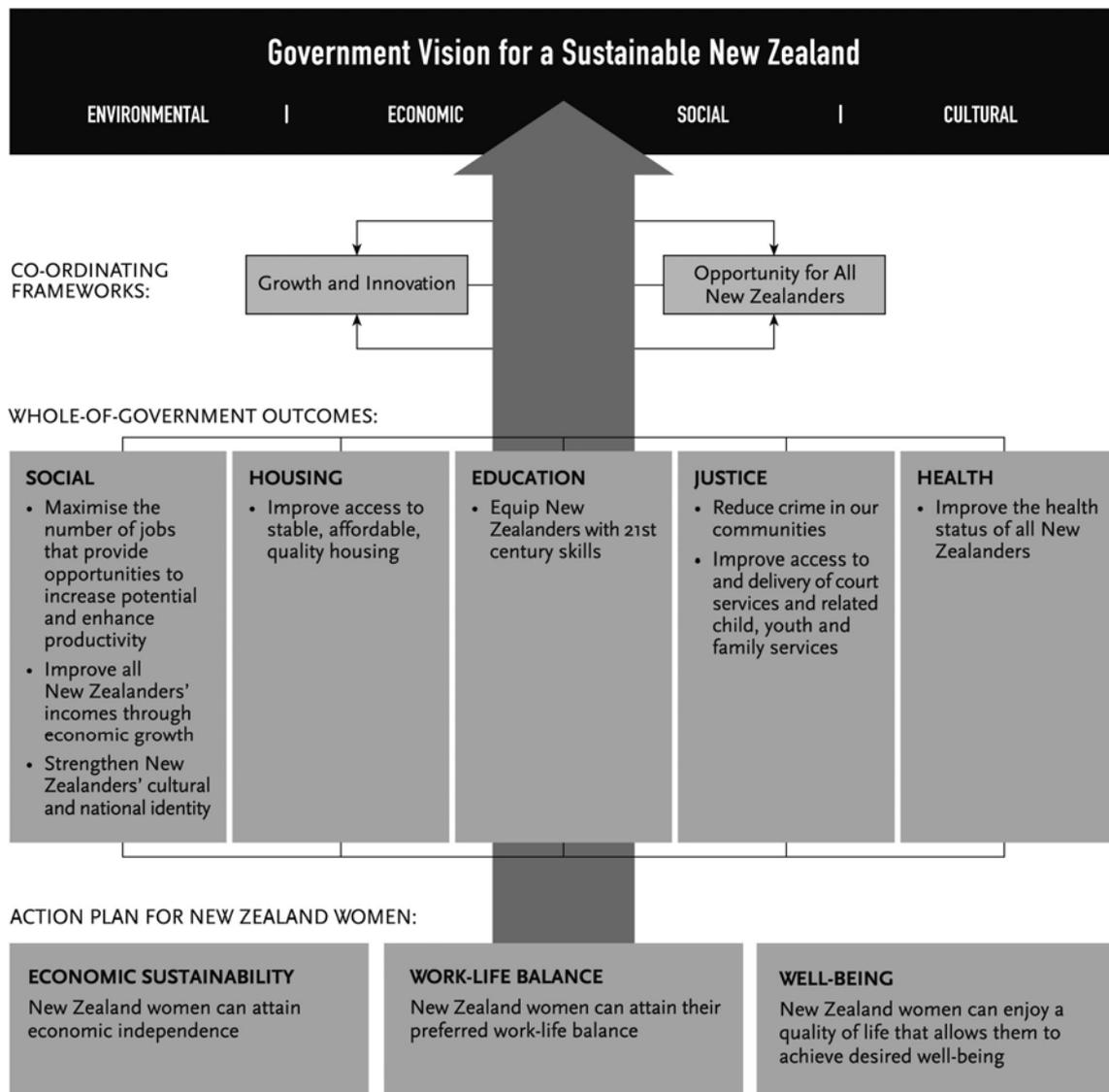
43. The Government's vision is that New Zealand will be an equitable, inclusive and sustainable society where all women can achieve their aspirations and, in addition, Māori women, as tangata whenua (indigenous people), can progress the aspirations of their whānau (family), hapū (sub-tribe) and iwi (tribe). Other actions in the *Plan* aim to improve outcomes in areas that impact most significantly on New Zealand's Pacific women, rural women, women with disabilities, ethnic women and older women.

44. The New Zealand Government has prioritised actions to improve outcomes for women in three interrelated areas:

- economic sustainability – to improve women's economic independence and ability to contribute to the New Zealand economy
- work-life balance – to help women to achieve a greater balance between paid work and life outside work, and
- well-being – to improve health and social outcomes for women.

45. These areas reflect women's views on what is important to them, the areas in which indicators demonstrate poorer results for women, and the areas in which government can act to achieve improvements. Completion of actions, milestones and objectives within the *Plan* will advance the achievement of desired outcomes for women.

46. The following diagram demonstrates how the *Plan* supports the Government's vision for a sustainable New Zealand:



Source: Ministry of Women's Affairs (2005) *Statement of Intent 2005-2008*. Wellington: Ministry of Women's Affairs.

47. Implementation of the *Plan* works towards the realisation of a future vision for women, and an improved economic and social outlook for New Zealand. The *Plan's* implementation is overseen by a steering group of chief executives across lead government agencies. MWA monitors progress against the *Plan*. A review and update of the *Plan* will be provided to government in 2006.

### Refugee and Migrant Women

48. Paragraph 426 of the Committee's Concluding Comments on New Zealand's last report made particular recommendations in respect of refugee and migrant women. As signatory to the United Nations Convention on the Elimination of Racial Discrimination the Government has a strong commitment to combating racism in New Zealand in all of its forms. The Government's efforts to eliminate racial discrimination and xenophobia, including against refugees and migrants are discussed fully in New Zealand's 15th, 16th and 17th Consolidated Periodic Report to the Committee on the Elimination of Racial Discrimination. That report also notes strategies

and services in place to respond to the educational, health, employment and other needs of refugees and migrants including:

- The Office of Ethnic Affairs, established in 2001, which works with all ethnic people, including migrants, refugees and New Zealand-born descendants who identify with their ethnic heritage.
- The New Zealand Settlement Strategy launched in December 2004 (see below).
- The Adult ESOL (English for Speakers of Other Languages) Strategy.
- Language line: a telephone interpreting service launched in April 2003, which aims to support improved access to government services for people who speak limited, or no English.
- Ongoing development of a strategic framework for Ethnic Action and Responsiveness to Health (EARTH).

49. In addition, where possible, disaggregated data on the situation of refugee and migrant women, including in employment, health and education, is included under the relevant articles. The availability of such data will be improved in future with the development of the Longitudinal Immigration Survey: New Zealand which is surveying the settlement experiences of refugees and migrants to New Zealand, including in the areas of job-seeking, learning English and accessing health services.

### ***The New Zealand Settlement Strategy***

50. The *New Zealand Settlement Strategy*, launched in 2004, provides the framework within which settlement-related policy and services may be developed. The strategy establishes a government-wide framework to achieve agreed settlement outcomes for migrants, refugees and their families, so that they may achieve the following six goals:

- To obtain employment appropriate to their skills.
- To be able to access appropriate information and responsive services.
- To be confident using English in a New Zealand setting or can access appropriate language support.
- To be able to form supportive social networks and establish a sustainable community identity.
- To feel safe expressing their ethnic identity and are accepted by, and are part of, the wider host community, and
- To participate in civic, community and social activities.

51. The *Settlement Strategy* is realised through a wide range of initiatives managed across government. In addition, the *Strategy* encourages central and local government, community organisations, business and industry, and local communities, to partner each other in providing opportunities and support to migrants and refugees.

## **Disabled women**

52. New Zealand women, and particularly disabled women, have been active participants in the development of the proposed new United Nations convention on the rights of disabled people. The Office for Disability Issues has been working closely with the Ministry of Foreign Affairs and Trade (MFAT) and in partnership with disabled people and disability sector organisations on New Zealand's active contribution to the development of the Convention. The Convention addresses issues for disabled people that have been seriously neglected internationally and in New Zealand.

## **Other groups of women**

53. Further information on the situation of Māori women, Pacific women, disabled women, older women and younger women, including strategies specific to their particular needs, are included, where appropriate, under each of the articles.

54. Reference should also be made to the last report for information on the *Youth Development Strategy Aotearoa*, the *New Zealand Positive Ageing Strategy* and the *New Zealand Disability Strategy* which still continue to inform government approaches to youth, older persons and disabled persons.

## **Advancement of women in other countries**

55. The New Zealand Agency for International Development/ Nga Hoe Tuputupu-mai-tawhiti<sup>3</sup> is the Government's international aid and development agency. Since the agency's formation in July 2002, eliminating poverty has been central to NZAID's mission, with a regional focus on the Pacific, reflecting the Government's commitment to be a good international citizen and neighbour. NZAID places a high priority on building strong partnerships and concentrates its development assistance on activities that contribute to poverty elimination by creating safe, just and inclusive societies, fulfilling basic needs, and achieving environmental sustainability and sustainable livelihoods. NZAID's contribution to the development and advancement of women is discussed further under Article 8, 'International representation and participation'.

## **Article 4**

### **Acceleration of Equality between Men and Women**

#### **Introduction**

56. The equality of men and women is embedded in the legal and policy framework. Laws exist to ensure the equal rights of women in all areas of life such as the right to equal pay for work of a similar nature, equal access to education and training and universal access to superannuation and pension entitlements for women. Laws such as the Parental Leave and Employment Protection (Paid Parental Leave) Act 2002 also exist to address any inequality that might arise from the particular needs of women, such as the need to stop work to care for children.

57. The Government prefers to address issues of inequality through the legal and policy framework rather than the use of temporary special measures. This ensures a more comprehensive approach to improving the situation of women and enduring outcome.

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<sup>3</sup> 'Paddles that bring growth from afar'.

## Temporary Special Measures

58. There have been no changes since the last report to the legal provisions providing for the use of temporary special measures. Traditionally, the Government has used temporary special measures for the development and protection of certain ethnic groups, however, it has been more rigorous in its use of such measures following a review of them in 2004 and 2005.<sup>4</sup> The Government considers that appropriate rigour around targeted programmes is vital to ensure their credibility and public acceptance.

## Article 5

### Sex Roles and Stereotyping

#### Introduction

59. A survey undertaken in 2002 showed that beliefs about the roles of men and women in society are changing. A minority of New Zealanders (18 per cent) supported the traditional view that a man's job is to earn money while a woman's is to look after a home and family. More than 50 per cent of respondents agreed that men should do a larger share of housework and childcare than they do now.<sup>5</sup>

60. These attitudinal changes are supported by a legal and policy framework that promotes the equality of men and women, and which supports maximum choice and participation by women in all areas of life. Increases in women's educational attainment have also enhanced the type and level of work in which women can participate. Policies to support women's participation in all areas of life are discussed under relevant articles, for example Article 10: Education. Roles of men and women in the care of children are discussed under Article 16: Marriage and Family Life. This section discusses the laws that regulate the portrayal of women in broadcasting and print media.

#### Censorship

61. All films (including cinema film, video recording, computer games and other media with moving images) must be rated, classified and labelled before they are shown to the public (except those exempted under section 8 of the Films, Videos, and Publications Classification Act 1993 (the Act)).<sup>6</sup> Ratings and classification provide consumer information on the audience suitability of films.

62. The Act does not require magazines, books and other non-film publications to be classified before they are released to the public. However, such publications are still subject to the Act's restrictions on objectionable publications<sup>7</sup> as well as the Act's general prohibitions on publications that promote or support certain acts e.g. the sexual exploitation of children or sexual violence or coercion.

63. While the primary agencies involved in censorship and their responsibilities have remained unchanged, during the reporting period substantial amendments to the Act came into force. In addition to increasing the penalties associated with objectionable publications, the amendments

<sup>4</sup> The results of all reviews are on SSC's website ([www.ssc.govt.nz](http://www.ssc.govt.nz)).

<sup>5</sup> *The Roles of Men and Women in Society*. Palmerston North: Massey University p. 1. (Gendall P 2002)

<sup>6</sup> Films can be exempt from labelling based on their content or purpose (e.g. a training or instructional video). Section 8 of the Act defines what kind of films may be exempt from the labelling requirements. The text of section 8 is available at: <http://rangi.knowledge-basket.co.nz/gpacts/public/text/1993/se/094se8.html>.

<sup>7</sup> An objectionable publication is defined by section 3 of the Act as one that deals with matters such as sex, horror, crime, cruelty or violence in a way that is likely to be harmful to the public good.

gave the Office of Film and Literature Classification (OFLC) power to restrict or ban sexualised images of naked children and the power to restrict publications containing highly offensive language, material glamorising body modification or suicide, material showing highly risky imitable stunts and pranks, publications depicting demeaning physical conduct, and demeaning or degrading images of a person's body and abusive sexual violence.

64. In December 2002, the Minister of Broadcasting established a working group which represented broadcasters, regulators, producers, academics and community advocacy groups to investigate current levels of violence on television in New Zealand in an international context. The group was also required to commission new research to inform its deliberations and recommendations. The Working Group reported to the Minister of Broadcasting in 2004.<sup>8</sup> The Working Group's proposals on television violence included:

- An expansion of the educative and informative role of the Broadcasting Standards Authority.
- More choice for viewers over what they watch through better information.
- An independent and accessible complaints system that protects the rights of viewers to have their concerns taken seriously and to be acted upon if standards are breached.

65. The findings and recommendations of the Working Group formed part of the Government's consideration of the future of public broadcasting in New Zealand. In February 2005, the Government released *Building a Strong and Sustainable Public Broadcasting Environment for New Zealand: A Programme of Action*. The *Programme of Action* will be implemented over six years. It contains six priorities, one of which is 'Enhancing independence and responsibility in broadcasting'. Under this priority, the Government will conduct a review of the Broadcasting Standards Authority, including considering whether the Authority should have a broader role, in particular, so that it can promote a wider range of the public's interests in broadcasting, such as the level of violence on television.

### **Maintaining Broadcasting Standards**

66. The Broadcasting Standards Authority (BSA) is a quasi-judicial body established by the Broadcasting Act 1989. The Act imposes a duty on all broadcasters to maintain standards, including the observance of good taste and decency, the maintenance of law and order, the privacy of the individual, the protection of children, the requirement for broadcasts to be accurate, fair and balanced, and for broadcasters to have safeguards against the portrayal of persons in programmes in a manner which encourages denigration or discrimination.

67. Overall, the number of complaints received by the BSA has remained relatively constant since the mid - 1990s. There was a decline in complaints under the standard of good taste and decency. This continues a trend over the last past five years, with the exception of a high level of radio complaints in 2002. Only one of the thirty complaints against this standard was upheld.

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<sup>8</sup> A copy of the report and further information about TV violence in New Zealand is available at <http://www.tv-violence.org.nz/>.

## Article 6

### Suppression of the Exploitation of Women

#### Introduction

68. Suppressing the traffic and exploitation of women in New Zealand remains a focus for the Government. The Government is also continuing to pay special attention to the prevention of the trafficking and sexual exploitation of young people. It is also concerned to help illegal immigrants from being trapped into prostitution. The focus of the criminal law is on those who exploit prostitutes; whereas a harm reduction focus is applied to prostitutes themselves, rather than the sanction of the criminal law.

69. Since the last report New Zealand's prostitution laws have been reformed by the enactment of a Members Bill. The Prostitution Reform Act 2003 decriminalised prostitution, and provided greater opportunities for central and local government to monitor and regulate this previously predominantly 'hidden' industry. The legislation also established the Prostitution Law Review Committee to review the operation of the Act. The Committee completed a report on the nature and extent of the sex industry in New Zealand at the time of the law change. The Committee's report provides baseline information which will inform its second report on the operation of the Act, which is due by June 2008.

#### National and International Protection of Children

70. As discussed in New Zealand's previous report, New Zealand has signed and ratified:

- International Labor Organization Convention 182 Concerning the Worst Forms of Child Labour
- United Nations Convention Against Transnational Organised Crime
- Protocol to the United Nations Convention against Transnational Organised Crime to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children

71. New Zealand has signed, but not ratified the Optional Protocol to the United Nations Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. New Zealand is also a party to the Hague Convention on inter-country adoptions.

72. New Zealand's signing and ratification of these international treaties is consistent with the high priority that the New Zealand Government accords to human rights issues, and in particular, with the need to provide special protection to prevent the trafficking and sexual exploitation of young people.

73. In 2001, New Zealand developed a National Plan of Action Against the Commercial Sexual Exploitation of Children, *Protecting our Innocence*. The Plan examined the commercial sexual exploitation of children in New Zealand. The Plan also designated forty specific measures to government and NGOs. These measures are intended to respond to, and prevent the commercial sexual exploitation of children (particularly prostitution, pornography, child trafficking and child sex tourism).

74. In 2005, the Ministry of Justice and End Child Prostitution, Pornography and Trafficking New Zealand (ECPAT NZ) conducted a stocktake of the Plan of Action that provides an overview of government and NGO activity, from progress on the ratification of international

conventions to the educational work of Police in schools. The specific actions in the plan have nearly all been achieved. Programmes to detect and prevent offending, and to provide assistance to victims, are ongoing.

### **Assistance for prostitutes**

75. The Ministry of Health (MOH) contracts the New Zealand Prostitutes' Collective (NZPC) to provide a community education programme with a focus on sexual and reproductive health, and on HIV/AIDS. NZPC also provides community drop-in centres and outreach services throughout New Zealand where prostitutes can access a range of occupational health and safety support services, including sexual health clinics and needle exchange programmes. Peer education and support are also provided on a range of issues concerning the health, safety and welfare of sex workers.

76. Occupational Safety and Health has consulted on and produced 'A Guide to Occupational Health and Safety in the New Zealand Sex Industry'. This is now being implemented by operators. Medical Officers of Health and OSH inspectors are interacting as required with the sex industry. An additional protection is afforded to sex workers in that their social assistance and accident compensation entitlements may not be cancelled or affected in any other way by their refusal to work, or to continue to work as a sex worker.

77. The Government also provides funding for training and education aimed at supporting sex workers in creating employment opportunities outside of the sex industry. There is a stigma attached to prostitution which is more difficult to avoid if there is a conviction. Under the Clean Slate Act, which came into effect in 2004, if the sex-worker received a non-custodial sentence, it is likely that they would be entitled to conceal their criminal record for most purposes. Sex-workers who were sentenced to a period of imprisonment will be eligible to apply to a judge for the conviction to be removed from their record.

### **Illegal immigrants and prostitution**

78. As noted in New Zealand's last report to the Committee, the Government has been working with the Auckland City Council and relevant local NGOs to develop solutions that assist and protect migrants working illegally as prostitutes and prosecute those involved in their trafficking and employment. It has been identified that most non-New Zealand prostitutes are primarily located in the greater Auckland area and are predominantly from Thailand and China.

79. Under the Immigration Act 1987, work permits cannot be granted to persons for the purposes of providing commercial sexual services. The Act also prohibits holders of temporary permits (work, student or visitor) from providing commercial sexual services.

### **Young women at risk or involved in prostitution**

80. The Department of Child, Youth and Family Services provide 'bed nights' funding to an organisation called Baptist Action in Auckland that runs a safe house for young women, at risk of, or involved in, prostitution. Youth and Cultural Development in Christchurch has a Street Youth Work Project that works with young people who are at risk of or are sex workers and are under the age of 18 years. This project has a case management component and works with a 'Harm Minimisation' focus. This project encourages young people identified as at risk to look at options for their future. Staff work on the street three nights per week and run a 'drop in' service, home visits where appropriate and promote sexual health checks.

## Prostitution Reform

81. It was noted in the last report that the Prostitution Reform Bill, a Members Bill, was before the Justice Electoral Select Committee and due to report to Parliament by November 2002. Prior to the enactment of the Prostitution Reform Act (June 2003), prostitution itself was not an offence. Rather, it was an offence:

- for a sex worker to offer sex for money in a public place, but not an offence to pay or to offer to pay for sex
- to keep or manage a brothel
- to live on the earnings of the prostitution of another person
- to procure any woman or girl to have sexual intercourse with any male who is not her husband.

82. A conviction for soliciting prevented sex workers from working in a massage parlour, effectively forcing them to work either for an escort agency or on the streets, both potentially more dangerous environments. Street sex workers were also less accessible to health workers. A conviction could also hinder a prostitute's ability to move out of prostitution to another occupation or business.

83. Three policy responses were considered:

- criminalization (making prostitution illegal for both client and sex worker)
- legalization (making prostitution legal under a statutory regime)
- decriminalization (removing all laws that criminalize prostitution).

84. The Select Committee report notes: 'A majority of us have taken a pragmatic approach to prostitution; we neither condone nor condemn it, but recognise its existence in society (and the enduring nature of that existence). We acknowledge that prostitution can be harmful to sex workers and that harm should be addressed by legislative and other means'.

85. The Bill was reported back to Parliament in November 2002 and had its second reading in February 2003. Parliament considered it as a conscience issue and therefore Members of Parliament could vote individually rather than along party lines. The Bill was very contentious and was passed sixty votes to 59, with one member abstaining.

86. The stated purpose of the Act is to decriminalize prostitution (while not endorsing or morally sanctioning prostitution or its use) and to create a framework that:

- safeguards the human rights of sex workers and protects them from exploitation
- promotes the welfare and occupational health and safety of sex workers
- is conducive to public health
- prohibits the use in prostitution of persons under 18 years of age

- implements certain other related reforms.

87. The Act prohibits inducing or compelling persons to provide commercial sexual services or earnings from prostitution and confirms the right of sex workers to withdraw their consent to provide commercial sexual services at any time.

88. The Act also established the Prostitution Law Review Committee, which is charged with reviewing the operation of the 2003 Act and related matters. In 2005, the Committee released its report on the nature and extent of the sex industry in New Zealand. While any attempt to establish the size of the sex industry must be viewed with caution, given that it is an industry where much of its activity has been ‘hidden’, the report provides baseline information on the number of sex workers in New Zealand at the time of the law change.

89. The Committee is also required to review the operation of the Act in three to five years after the commencement of the Act (by June 2008). The Committee’s review will focus on the purpose of the Act and will include an assessment of the operation of the Act since its commencement and will consider whether any amendments are necessary.

90. As at March 2006, since the Act was passed, there have been eight people convicted of employing or using prostitutes under the age of 18.

### **Street workers**

91. The Prostitution Reform Act did not deal specifically with street work, and some Councils have sought to control street work through local Bills. A Member’s Bill, the Manukau City Council (Control of Street Prostitution) Bill, has also been introduced to Parliament. If passed, the Bill would make soliciting in public places illegal in Manukau City. Parliament has referred the Bill to a Select Committee so that all relevant issues can be canvassed.

## **Article 7**

### **Political and Public Life**

#### **Introduction**

92. The profile of New Zealand women in the public and political life of the country has remained strong. Women hold four of the five most senior constitutional positions in New Zealand. However, this prominent position of women is not repeated throughout every layer of public and political life. Women are still under-represented compared with men in parliament, local government, district health boards, statutory boards and the judiciary. The Government has developed strategies to improve the participation and representation of women, including through the promotion of EEO and a Nominations Service administered by MWA which has a target of achieving 50/50 representation on government boards by 2010.

#### **Central government**

93. The year 2005 marked New Zealand’s 112th anniversary as the first country in the world to grant women the vote. The decision to vote is a personal choice. However, it is a legal requirement for New Zealand citizens and permanent residents over the age of 18 years to be enrolled to vote.

94. For the 2005 general election, New Zealand’s voter turnout rate was 76.5 per cent compared with 72.5 per cent in 2002. Because of the nature of the secret ballot, information on differences in participation between different ethnic groups is not directly available.

Nevertheless, results from New Zealand election surveys show that there are few differences in voting turnout rates between men and women.<sup>9</sup>

95. Since the Mixed Member Proportional Representation (MMP) system was introduced in 1996, the proportion of women in Parliament has remained stable. Following the 2005 general election women make up 32 per cent of the current Parliament, compared with 28 per cent following the 2002 election.

96. Seven of the 28 Ministers of the Crown are women, including New Zealand's first Pacific woman Minister. This compares with eight women Ministers out of 26 at the time of the last report. Women ministers have also been appointed to non-traditional portfolios. For instance, the current Minister of Women's Affairs also holds the Commerce and Small Business portfolios. The Minister of Police is also a woman.

97. In addition, women hold four of the five most senior constitutional positions in New Zealand: Governor-General, Prime Minister, Chief Justice and Speaker of the House of Representatives.

### Local government

98. There are three types of local government in New Zealand: regional, territorial (cities and districts) and unitary (which combines the functions of a regional and territorial council).

99. Since 1989, the overall number of women local government candidates has increased both numerically and as a proportion of the total number of candidates, against a backdrop of declining candidate numbers. As a consequence of the 2004 elections, 566 women were elected, making up 30 per cent of all locally elected positions. As a proportion of candidates, 48 per cent of women who stood in all elections were successful, compared with 49 per cent of men.

### District Health Boards

100. District Health Boards (DHBs), established in January 2001, determine the provision of health and disability services to 21 districts. DHBs are governed by boards that consist of up to 11 members: seven elected by the public every three years, and up to four appointed by the Minister of Health. The last DHB elections were held in 2004 at the same time as local authority elections. For the first time the elections were held under the Single Transferable Vote (STV) electoral system.

#### *Gender breakdown of Elected District Health Board Members 21 January 2002 – 1 December 2005*

Period	Gender					
	Percentage of Males			Per centage of Females		
	Appointed	Elected	Total	Appointed	Elected	Total
As at 31 January 2002	66.3	55.1	59.0	33.8	44.9	42.4
As at 31 December 2004	59.2	57.8	58.3	40.8	42.2	41.7
As at 1 December 2005	66.3	55.1	57.6	33.8	44.9	41.0

Source: Ministry of Health, 2001, 2004

<sup>9</sup> 2005 Social Report, Wellington (MSD 2005).  
06-34212

## Evaluation and Review

101. Concern about the low representation and political participation of some groups has resulted in a range of focused projects, including the:

- Youth Development Strategy Aotearoa undertaken primarily by the Ministry of Youth Development that includes full participation by young people as one of the six principles of youth development
- Chief Electoral Office Disability Action Plan undertaken primarily by the Chief Electoral Office, which identifies three key priorities to improve the accessibility of the electoral system to disabled people (namely, improved communication, more accessible voting, and staff training for disability awareness).

### *Select Committee review*

102. By convention, the relevant select committee conducts an inquiry after each general election. The Justice and Electoral Select Committee's review of the 2005 General Election is currently underway.

103. The Local Electoral Act 2001 has been in place for two local authority triennial elections. Following the October 2004 local authority elections, the Justice and Electoral Select Committee initiated an inquiry into the conduct of these elections including declines in voter turnout and delays in announcing some STV election results. The Committee has completed its inquiry and reported back to Parliament. The Committee made a range of recommendations relating to existing representation arrangement provisions, initiatives to improve voter turnout and election management roles and responsibilities. The Government is still considering its response to the Committee's report.

### **Women and the law**

104. New Zealand has a well developed legal system. Since the last report, New Zealand has repatriated the court of final appeal; the new court of final appeal is the Supreme Court, which sits in Wellington. The Supreme Court is headed by the Chief Justice, who is a woman. Below the Supreme Court are the Court of Appeal, the High Court and District Courts. There are also a number of specialist courts and tribunals. During the period under review, there has been an increase in the number of women appointed to the judiciary, especially to the District Courts. Twenty-four per cent of New Zealand's Judges are women. The following table records the number of Judges, by gender, as at 1 March 2006.

<b>Court</b>	<b>Male Judges</b>	<b>Female Judges</b>
Supreme Court	5	1
Court of Appeal	5	1
High Court (Judges)	24	6
High Court (Associate Judges)	5	1
Employment Court	3	1
District Courts	91	32
Māori Land Court	5	3
Environment Court	6	1

Note: the above data is not available by ethnicity.

## Women in decision-making

### *Public service*

105. The number of women chief executives has slightly increased in this reporting period. As at 30 June 2005 there were nine women out of 37 Chief Executives. This compares with seven women out of 37 Chief Executives as at 28 February 2002. Women's overall representation in the public service also increased from 56 per cent in 2002 to 59 per cent in 2004.<sup>10</sup> The high proportion of female employment in the public service is mainly because the public service includes a number of occupations in which women tend to work (such as social workers, case workers and clerical staff).

106. SSC monitors pay and employment equity in the public service. The SSC *Human Resource Capability Survey of Public Service Departments* as at 20 June 2005<sup>11</sup> found an adjusted gender pay gap of 10 per cent (the same as in 2004) in the Public Service compared with 19 per cent (17 per cent in 2004) for the employed labour force as a whole. When adjusted for both age and occupation, the gender pay gaps reduce to 8 per cent (8 per cent in 2004) in the Public Service and 17 per cent (16 per cent in 2004) in the labour force as a whole.

107. The Government is seeking to address issues of pay and employment equity through a five-year *Pay and Employment Equity Action Plan*.

### *Private sector*

108. Women are considerably less likely than men to be in management or leadership positions in the private sector. As at March 2003, women held 5 per cent of board directorships of companies listed on the New Zealand stock exchange. This has not changed significantly from 1995, when women held 3.9 per cent.<sup>12</sup>

109. The Government is supporting women in business by lending assistance to private sector efforts on EEO and through initiatives to support women who own small and medium enterprises.

## Statutory Boards

110. The Government is committed to the Nominations Service administered by MWA which has a target of achieving 50/50 representation on government boards by 2010. As at mid December 2005, the Nominations Service held information on over 2,439 women available for appointment to decision-making bodies.<sup>13</sup> This compares with around 1,800 at the time of the last report.

111. A recent stocktake of government statutory boards found that women currently make up 41 per cent of statutory board members. Departments with a high proportion of women's involvement included the:

- Ministry of Social Development (MSD) — it administers eight boards with a total membership of 31, of whom 19 (61 per cent) are women.

<sup>10</sup> *EEO progress in the Public Sector 2000-2004*. Wellington: (SSC 2005).

<sup>11</sup> Human Resources Capability Survey of Public Service Departments as at 30 June 2005.

<sup>12</sup> *New Zealand Census of Women's Participation in Governance and Professional Life*. Wellington (Human Rights Commission 2004).

<sup>13</sup> The information supplied by women to Ministry of Women's Affairs is for the exclusive use of the Nominations Service in accordance with the provisions of the Privacy Act 1993.

- MOH — it administers 67 boards with a total membership of 591, of whom 302 (51 per cent) are women.
- Department of Internal Affairs - it administers 38 boards with a total membership of 268, of whom 130 (49 per cent) are women.

### ***School Boards of Trustees***

112. Boards of trustees, made up of parents, management, staff, student and community representatives, govern New Zealand state and state integrated schools. As at December 2004, there were 19,876 trustees, 52 per cent of whom were female. Of these trustees, 11,706 were elected by parents, 49 per cent of parent elected trustees were female. In addition, 80 per cent of staff representatives were female.

### **Non-Government Organisations (NGOs)**

113. The Office for the Community and Voluntary Sector was established in September 2003 to address overarching issues affecting the community and voluntary sector and to raise the profile of the sector within government. The Office works across government, drawing on good practice examples with the aim of achieving excellent relationships between government agencies and community, voluntary and Māori organisations.

114. Some central government agencies have established formal arrangements for dialogue with community and voluntary organisations in their areas of concern. This may involve dedicated liaison staff, regular information sharing, and engagement in policy development and/or resourcing for sector umbrella groups. For instance, MWA has ongoing relationships with key women groups including the National Council of Women, Pacifica, Māori Women's Welfare League, Rural Women of New Zealand, New Zealand Federation of Business and Professional Women Inc, Zonta and the National Collective of Independent Women's Refuges.

115. MWA also convenes a caucus on international women's issues. The caucus is a forum for NGOs and government agencies to share information and enhance New Zealand's capacity to contribute effectively to international forums.

116. Local authorities are now formally required to work alongside their local communities and community organisations. The Local Government Act 2002 introduces a requirement for local authorities to identify community outcomes using a process discussed with other stakeholders, and to engage the public to identify and prioritise those outcomes.

### **Other**

117. For information on the participation of women in international affairs see Article 8: International Representation and Participation.

## **Article 8**

### **International Representation and Participation**

#### **Introduction**

118. New Zealand women actively participate in international forums. Representation by women at major international conferences, including United Nations conferences, has continued without discrimination on the basis of gender.

119. Delegations to a number of international meetings continue to be led by women Ministers, including the Prime Minister. The number of female staff in MFAT has continued to increase. There continue to be close relationships between government and civil society representatives at international meetings. For instance, civil society members have been included in delegations to meetings of CEDAW and the Commission on the Status of Women.

120. New Zealand has also continued to ensure that women's empowerment and gender equality are actively pursued in all international development activities.

### **Women in the diplomatic service**

121. Women are playing an increasingly prominent role representing New Zealand in MFAT. As at September 2005, 53 per cent of staff at MFAT were female (374 out of 711 staff). MFAT had forty women staff that identified as Māori (compared with 30 in 1997). Since the last report there have again been significant increases in the number of females in the highest policy level (Foreign Policy Officer Level 6 - FP6) and the lowest policy level (Policy Officer Level 1 - PO1): 25 per cent at FP6 (compared with 18 per cent in 1997) and 67 per cent in PO1 (compared with 51 per cent in 1997). These trends indicate increases in the number of women being promoted to senior positions within MFAT, as well as increases in the number of women joining MFAT at entry level.

122. Eight of the fifty Head of Mission/Post positions are held by women compared with nine in 1998. Two of these eight positions are among the most senior overseas positions available, namely Permanent Representative to the United Nations in New York; and High Commissioner to Australia in Canberra. There are twenty women in Deputy Head of Mission/Post positions compared with 17 at the time of the previous report. This increase is consistent with the general upward movement of women in MFAT.

123. One of the six members of MFAT's senior management group is a woman. In addition, eight of the twenty-five Director positions in Wellington are held by women.

124. MFAT continues to provide career development courses for its female staff. Recently, MFAT has focused on enhancing its family friendly policies in line with legislative changes and organisational needs. In 2005 MFAT established a working party to consider work-life balance issues, including hours of work, workload, and the impact on staff of postings overseas. In early 2006, MFAT will also complete the public sector-wide Pay and Employment Equity Review. The purpose of the review is to verify that MFAT's policies, practices and culture ensure that women and men have equitable share of rewards, participate equitably in all areas, and are treated with respect and fairness.

### **International conferences and organisations**

125. Women continue to represent New Zealand at international conferences as both official and non-official members of government delegations, without discrimination on the basis of gender. The rules that guide the composition of New Zealand delegations to international conferences do not feature any gender-based restrictions, and women have consistently led, supported and advised such delegations throughout the period of this report. Examples of women-led delegations in 2005 include New Zealand's delegations to the APEC Leaders' Summit, the Commonwealth Heads of Government Meeting, and the East Asia Summit (led by the Prime Minister) and delegations to the United Nations World Summit and the 60th Regular Session of the United Nations General Assembly.

126. New Zealand women continue to be involved in an advisory capacity on standing bodies dealing with international issues. There are, for example, currently three women represented on the Public Advisory Committee on Disarmament and Arms Control.

127. The New Zealand Government welcomes, where appropriate, the inclusion of non-official representatives (including women representatives of NGOs) on government delegations to international meetings, in recognition of the breadth and specialist knowledge that they can contribute. It is generally expected that non-official members of official delegations should meet their own costs. However, where the Government has requested their inclusion because of the special expertise they may bring to the delegation it may consider meeting their costs. Women were included as non-official representatives in numerous New Zealand delegations, including to the World Summit on the Information Society in Tunisia, the United Nations Climate Change Conference (both in 2005) and ongoing negotiations on the United Nations Convention on Disabilities.

128. New Zealand women also participate in a number of international organisations and roles. Government support for New Zealand candidates for international bodies is based on the merits of the individual's candidature and without discrimination on the basis of gender. Procedures for the nomination of candidates for expert bodies are kept under review.

129. In addition to participating as leaders, experts and advisers at international conferences, women in New Zealand have the opportunity to comment on a range of relevant international issues as part of the Government's broader consultation process with civil society.

### **Foreign policy and women's issues**

130. New Zealand engages actively in advancing the implementation of women's rights internationally. The promotion and protection of women's rights are core priority areas of New Zealand's international human rights policy. For example:

- New Zealand is active in annual meetings of the Commission on the Status of Women and promotes resolutions on women and gender issues at the Commission on Human Rights and the United Nations General Assembly's Third Committee.
- New Zealand advocates protection of women's sexual and reproductive health rights in international forums and supports the United Nations Population Fund's and the International Planned Parenthood Fund's work on these issues.
- New Zealand supports resolutions on violence against women and the work of the Commission on Human Rights' Special Rapporteur on this issue.
- New Zealand has supported follow-up to United Nations Security Council Resolution 1325 on Women, Peace and Security, on the importance of increasing women's participation in peace processes and the reconstruction of civil society.
- Human rights issues are mainstreamed in New Zealand's bilateral diplomacy. New Zealand's Missions overseas raise human rights concerns on a regular basis with their host governments.

## Development assistance

131. The New Zealand Agency for International Development:/Nga Hoe Tuputupu-mai-tawhiti (NZAID) was established in July 2002. NZAID is the agency responsible for managing New Zealand's official development assistance. NZAID has a central focus on eliminating poverty in developing countries through working with partners to achieve sustainable and equitable development and a core geographical focus on the Pacific region.

132. NZAID aims to increase overall human well-being by developing and expanding the capabilities, freedoms, and choices of women and men, girls and boys to improve their own lives and the well-being of their families, communities, and societies. NZAID has been updating its Gender Policy to reflect this.

133. NZAID promotes and integrates human rights – civil, political, economic, social and cultural - in all its work. NZAID aims to ensure that New Zealand's international obligations, including CEDAW, and commitments made at Beijing and Cairo and in the United Nations Millennium Declaration and Millennium Development Goals remain at the heart of international development and all NZAID's work.

134. The strategic approach of NZAID is to ensure that women's empowerment and gender equality are actively pursued in all its development programmes and through policy engagement with partner Governments and in international and regional fora. Examples of New Zealand's development assistance support for gender equality and women's empowerment include:

- Funding for the implementation of CEDAW in the Pacific region through capacity building support to partner Governments, such as the Cook Islands and the United Nations Development Fund for Women (UNIFEM) Pacific. The UNIFEM programme aims to strengthen governments' capacity to implement CEDAW and support civil society efforts to contribute to monitoring and reporting on CEDAW.
- Ongoing support to activities promoting and broadening the understanding of gender equality in the Pacific region. This includes support to Aia Maea Ainen Kiribati (AMAK), the umbrella organisation for women's NGOs in Kiribati and to the Kiribati Counsellor's Association.
- Assistance to the Vanuatu Women's Centre's (VWC) Advocacy Training Programme for men. This is run with the support of the Fiji Women's Crisis Centre and has provided VWC with funding for a training course aimed at challenging and changing men's attitudes to women.
- The launch in March 2004, of a US\$3 million maternal and child health project in Binh Dinh, Vietnam, one of the largest NZAID funded projects outside the Pacific. The project is being implemented by the United Nations Population Fund (UNFPA) and the Department of Health of Binh Dinh province.

135. NZAID will develop an implementation plan to operationalise the updated gender policy and continue to promote gender equality and women's empowerment in all its development assistance programmes, partner engagement and policy dialogue.

## Article 9

### Nationality

#### Introduction

136. New Zealand women have equal rights with men to acquire, change or retain their nationality, and equal rights with men in respect to the nationality of their children. Last year, the Government amended the Citizenship Act 1977 to recognise the value of New Zealand citizenship. The changes mean that from 1 January 2006, a person cannot travel to New Zealand on a temporary permit solely to give birth and gain New Zealand citizenship for the child born in this country. By restricting citizenship by birth to the children of citizens and permanent residents, the Act's new provisions ensure that citizenship and its benefits are limited to people who have a genuine and ongoing link to New Zealand.

137. Until the end of 2005, most children born in New Zealand (or in the Cook Islands, Niue or Tokelau) are automatically New Zealand citizens at birth (with few exceptions). From 1 January 2006, children born in New Zealand (or in the Cook Islands, Niue or Tokelau) will acquire New Zealand citizenship at birth only if at least one of their parents:

- is a New Zealand citizen, or
- is entitled to be in New Zealand indefinitely in terms of the Immigration Act 1987 (i.e. a residence permit holder or Australian citizen), or
- is entitled to reside indefinitely in the Cook Islands, Tokelau or Niue.

138. Most people giving birth in New Zealand will not be affected by the change to the legislation. It is estimated that between 100 and 600 newborns each year (about 0.2 per cent – one per cent) will not be New Zealand citizens because of the changes. In these cases the newborn will become a citizen of the country of one of the parents, according to that country's laws.

139. In New Zealand, 'nationality' is a legal term distinct from 'immigration status'. Immigration to New Zealand occurs under the New Zealand Immigration Programme (NZIP) which consists of three streams: Skilled/Business (60 per cent of the NZIP), Family Sponsored (30 per cent) and International/Humanitarian (10 per cent).<sup>14</sup> Men and women are treated equally in terms of their eligibility to migrate to New Zealand under these three streams. However, the Refugee Quota under the International/Humanitarian stream includes 75 places specifically for 'Women-at-Risk'.<sup>15</sup>

## Article 10

### Education

#### Introduction

140. The Government recognises that if women are to sustain a reasonable standard of living and provide for, or help provide for, the future of their families/whānau, they require access to a

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<sup>14</sup> More information about New Zealand's immigration policy is available at <http://www.immigration.govt.nz/>.

<sup>15</sup> The Women-at-Risk subcategory covers refugee women who are without the support of their traditional family protectors or community. These women would usually be outside the normal criteria for acceptance by resettlement countries and are in need of protection from gender-related persecution such as abduction, sexual abuse and exploitation.

good level of income and the skills and knowledge that will help them maximise their financial resources. The achievement of higher qualifications improves women's opportunities to gain sustainable employment.

141. Women have equal rights to education at all levels. New Zealand women overall continue to have slightly lower qualification levels than men owing to historical differences in levels of participation in education.<sup>16</sup> However, over the last thirty years women's participation in education has risen.<sup>17</sup> Indeed, women are now gaining qualifications at higher rates than men, and in younger age groups, women with tertiary education qualifications outnumber men.<sup>18</sup> However, there are differences in the levels of qualifications held by different groups of women.

142. The Government has developed a number of strategies and policies since the last report to improve access and participation at all levels of the education sector. While these strategies and policies are gender neutral, the Government ensures that its policies and approaches are responsive to the educational needs of women and girls, including women and girls from different cultures or with disabilities.

143. The Government is also aware that education policies are not only relevant to women's abilities to gain sustainable employment, but may also support them in their other roles in life. For example, increased funding for early childhood education is making childcare more affordable which has a positive impact on working mothers or mothers wishing to enter the workforce.

144. Providing women with more opportunities and choices in education is also important for addressing occupational segregation in New Zealand.

## Access and Participation

### *Early childhood education (ECE)*

145. Participation in early childhood education (ECE) has increased from 91 per cent of children beginning school in 2001, to 94 per cent in 2004. Enrolments of younger children have also increased.<sup>19</sup>

146. There is little difference in the participation rates of boys and girls in ECE. Of the total number of children participating in ECE in 2004, 51.1 per cent were boys and 48.9 per cent were girls.<sup>20</sup>

147. The Government has committed to increasing participation in and improving the quality of ECE under its ten-year Strategic Plan for early childhood education: *Pathways to the Future: Nga Huarahi Arataki*, released in October 2002. In Budget 2005, expenditure on ECE increased so that, in 2008-09, \$694 million will be spent on ECE. This is an increase of 140 per cent since 1999-2000.

148. These funding increases will have a direct financial benefit for children and their families. From 1 July 2007, three and four-year-old children who attend teacher-led early childhood education services will be eligible for twenty hours free education each week. This is a step towards the Government's vision of low cost early childhood education for all.

<sup>16</sup> 2005 Social Report. Wellington (MSD 2005).

<sup>17</sup> 'Pathways for Women: the big picture'. *workINSIGHT*, issue 6 (DOL June 2005).

<sup>18</sup> *Graduates and Qualification Completions 2003: 2003 Completions Statistics*, <http://www.minedu.govt.nz>. (MOE 2004)

<sup>19</sup> *Briefing for the Incoming Minister of Education*. Wellington (MoE 2005).

<sup>20</sup> *Early Childhood Education Statistics 2004*. Wellington (MoE 2004).

### ***Primary and Secondary education***

149. The ratio of male to female students participating in schooling has remained steady over the past few years at about 51 per cent to 49 per cent respectively.<sup>21</sup>

150. There have been no changes since the last report to the provisions relating to compulsory schooling and free education in New Zealand. New Zealand also continues to support Teen Parent Units in schools to cater for teenage parents.

151. The Government's goals for improving access and participation in schools are articulated in the *Schooling Strategy*. The *Strategy* will guide, and provide focus for, policy and activities across the schooling sector from 2005 to 2010. It aims to improve social and academic outcomes for all students, by focusing attention on those factors that make the biggest difference for student learning.

### ***Tertiary education***

152. Women now participate in tertiary education at higher rates than men (16 per cent of women compared with 12 per cent of men in 2004).<sup>22</sup> The participation rate of Māori women in tertiary education is particularly high at 22.3 per cent.<sup>23</sup> Participation by Pacific women in tertiary education has also grown considerably over the last few years. The number of enrolments by Pacific women grew by 84.3 per cent between 1999 and 2003, while enrolments by Pacific men grew by 59.2 per cent.<sup>24</sup> It is likely that the introduction of private training establishments and wānanga<sup>25</sup> has contributed to these increases in participation, Māori women and Pacific women have had a high uptake in these types of institution.<sup>26</sup>

153. There is little difference between males and females in the level of tertiary study at which they are enrolled. Of all tertiary students enrolled in 2004, 27 per cent of students of both sexes were enrolled in degree courses and 6 per cent were enrolled in post-graduate courses.<sup>27</sup> A higher per centage of women (29 per cent) studied at bachelors level than men (26 per cent), however 55 per cent of men were enrolled in level 1-3 certificate compared to 51 per cent of women.<sup>28</sup>

154. The Government's strategic approach to tertiary education continues to be the *Tertiary Education Strategy 2002/2007*.

### ***Industry training and apprenticeships***

155. Women's uptake of Industry Training and Modern Apprenticeships continues to be considerably lower than men's. In September 2005, 26 per cent of industry trainees and 8 per cent of modern apprentices were women.<sup>29</sup> Female industry trainees tend to enter service and care-related industries such as hospitality and community services.<sup>30</sup> Several of the industries which employ high numbers of women such as hairdressing, community support services and

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<sup>21</sup> *School Enrolments at 1 July 2004*. Wellington (MoE 2004).

<sup>22</sup> *Profile and Trends, New Zealand's Tertiary Education Sector 2004*. Wellington (MoE 2005).

<sup>23</sup> *Ibid*.

<sup>24</sup> *Profile and Trends, New Zealand's Tertiary Education Sector 2003*. Wellington (MoE 2004).

<sup>25</sup> Māori tertiary education institutions.

<sup>26</sup> Statistics New Zealand (2005) *Focusing on Women 2005*. Wellington (Statistics New Zealand).

<sup>27</sup> *2004 – Students at Tertiary Education Providers*. Wellington (MoE 2005).

<sup>28</sup> *Ibid*.

<sup>29</sup> 2005 quarter one industry training and modern apprenticeships statistics (unpublished). (Tertiary Education Commission).

<sup>30</sup> *Focusing on Women 2005*. Wellington (Statistics New Zealand 2005).

social services are not included in the modern apprenticeships scheme, contributing to women's lower levels of participation in modern apprenticeships.

156. Presently there are over 8,000 modern apprentices. The Government is committed to funding 14,000 modern apprenticeships by the end of 2008.

#### ***Other post-compulsory education and training schemes***

157. The Government also supports further education through:

- **Skill enhancement:** a programme targeted to young Māori and Pacific peoples to provide vocational training pathways into employment or further education. The programme is targeted at youth aged 16 to 21, but older people can also participate.
- **Training opportunities:** a programme that provides foundation and vocational skills training at levels 1 to 3 on the National Qualifications Framework. Eligibility for the programme is restricted to jobseekers that have a lack of foundation skills and are at risk of long-term unemployment.
- **Youth training:** a programme that aims to provide foundation and vocational education and training at levels 1 to 3 of the National Qualifications Framework. It is targeted at young people who have recently left school with no or very low qualifications.
- **Continuing education:** this covers second chance education for adults returning to school as well as adult community education programmes run in schools or tertiary institutions.
- **Foundation learning:** the Government is developing programmes to improve educational outcomes for those with foundation learning needs i.e. in the areas of literacy, language and numeracy.

158. The above schemes are all available to men and women equally. Women have participated in all of the above programmes throughout the period under review. Outcomes for female participants in the *Skill Enhancement*, *Training Opportunities* and *Youth training* programmes have been positive. For example, in 2003, 46 per cent of women who participated in the *Training Opportunities* programme moved into employment and a further 19 per cent had moved into further employment two months after leaving the programme.<sup>31</sup>

#### ***Strategies to improve access and participation for specific groups of students***

159. The Government continues to have specific strategies in place to address the learning needs of Māori and Pacific students. The Government also offers Māori Medium Education and Pasifika Medium Education in some schools, as well as full Māori-language immersion schooling. The following paragraphs describe strategies focused on students with special needs and those from non-English speaking backgrounds.

#### **Special education**

160. Special Education means the provision of extra assistance, adapted programmes or learning environments, specialised equipment or materials to support young children and school students with accessing the curriculum in a range of settings. These services are provided through MWA of Education's (MoE) Group Special Education. In 2004 female preschoolers and students made

<sup>31</sup> Source: MoE.  
06-34212

up approximately 30 per cent of the overall number of children and young people that these services were provided to. The same level of provision was recorded in 2002.<sup>32</sup> Note the same criteria to access services are used for both girls and boys.

161. The Education Review Office (ERO) evaluated the implementation of the New Zealand Disability Strategy 2001 in schools between September and December 2002. The evaluation found that schools provide a range of measures to meet the educational needs of students with disabilities. Responses concerning accessing services for female, Māori and Pacific students with disabilities indicated that most schools had taken diversity issues into account to some extent. Schools were aware of the importance of having suitable resource people to support students with disabilities and of the need to have identified avenues for communication and/or consultation with Māori and Pacific communities.

*Refugees, migrants and other non-English speakers*

162. Among at-risk learners are those from Non-English-Speaking Backgrounds (NESB). Those most at risk are those who are not literate in their first language.

163. To meet the needs of NESB students the Government funds English for Speakers of other languages (ESOL) training.<sup>33</sup> The Government has also employed ten Refugee and Migrant Educational Co-ordinators who work directly with schools, parents and NESB students to promote the belonging and well-being of migrant and refugee students and their families in school. The positive correlation between successful engagement of families and the achievement of students has been confirmed in a number of research studies.

164. The Government also recognises that limited English-language competency can act as a barrier to the effective participation of adults in New Zealand society. In response the Government launched the *Adult ESOL strategy* in 2003. The *Strategy's* key areas for action in adult ESOL education are:

- Better co-ordination and collaboration
- Enhancing access and affordability
- Expanding provision and increasing quality
- Ensuring the diversity of learner needs are matched with appropriate provision.

165. Initial funding for the first steps of the *Strategy* has focused on providing ESOL study grants for refugees and underemployed migrants with skills in priority areas, research into effective practice, developing an information resource in community languages and providing ESOL specialists in migrant resource centres. This complements the fully funded assistance already available to adults. This includes free enrolment (as mature students) in schools for refugees; the ESOL Home Tutors Service (a volunteer service), and free ESOL assistance for unemployed migrants and refugees.

166. Research undertaken by the Department of Labor into the experiences of refugees found that refugee women find it harder to access English language education than men.<sup>34</sup> Improving

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<sup>32</sup> Ibid.

<sup>33</sup> In the case of international fee-paying students, the costs are included in their fees.

<sup>34</sup> DOL (2004) *Refugee Voices: A Journey Towards Resettlement*. Wellington: DOL.

the accessibility and affordability of ESOL services under the *Adult ESOL Strategy* will, therefore, help improve economic and social outcomes for refugee women.

## Curriculum

167. *Te Whāriki* continues to be the MoE's early childhood curriculum policy statement. This curriculum, supported by the *Statement of Desirable Objectives and Practices*, covers the range of desired learning for young children, and emphasises a gender-inclusive curriculum with appropriate resources, equipment, programmes and role models.

168. The *New Zealand Curriculum Framework* sets out the broad elements fundamental to learning and teaching in New Zealand primary and secondary schools. The *Framework* states that learning and teaching programmes will be gender-inclusive, non-racist and non-discriminatory, and that they will seek to foster these attributes in students.

169. Following the release of a curriculum stocktake report in 2003, the *New Zealand Curriculum* is undergoing a redevelopment to better meet the diverse needs of students in New Zealand schools. A draft curriculum will be available in early 2006.

### *Health and Physical Education (including sexuality education)*

170. The requirement for state and state-integrated schools to provide health and physical education, including sexuality education classes, has not changed since the previous report. A review of sexuality education for secondary school level students is taking place during 2006. One component of this review will assess whether the needs of groups such as Māori, Pacific and disabled women are being adequately met through current sexuality education.

## The National Qualifications framework

171. The same conditions exist for the achievement of qualifications for all learners in New Zealand. Over the last decade, the National Qualifications Framework has been introduced based on a concept of seamless education, allowing credits to be accumulated during and beyond the secondary school years. This has positive implications for life-long learning, and transportability. In addition, the introduction of a Recognition of Prior Learning (RPL) system allows recognition of indirect evidence of achievement without requiring additional learning. This also has positive implications for women and ethnic groups.

172. A new qualification system, the National Certificate of Educational Achievement (NCEA), introduced in 2002 has replaced the previous secondary school certification system. The three levels of the NCEA correspond to levels 6, 7 and 8 of the national curriculum, and include industry-based standards as well as achievement standards.

173. The current qualifications system is regularly reviewed to consolidate coherent life-long learning pathways across the education framework. The New Zealand Qualifications Authority therefore continues to enhance its capacity to monitor trends, assess implications, and develop strategies to respond quickly and appropriately to the qualification needs of the New Zealand community. This regular review ensures currency in meeting the social and economic needs of New Zealand society.

### Attainment levels

174. Young women are, on average, achieving higher qualification levels in secondary education than young men. In 2004, 73 per cent of all female school leavers had qualifications higher than NCEA level one, compared with 65 per cent of all male school leavers.<sup>35</sup>

175. The proportion of Māori and Pacific students with little or no formal attainment has declined considerably over the past decade although a significant disparity between Māori and non-Māori students, and between Pacific and non-Pacific students remains. In 2004, young Māori women (50 per cent) and Pacific women (67 per cent) were less likely than European women (78 per cent), Asian women (89 per cent) and women from other ethnic groups (79 per cent) to leave school with qualifications higher than NCEA level one.<sup>36</sup>

176. Young women are more likely to hold a tertiary qualification than young men. In 2004, 22.8 per cent of women in the 25-34 age group held a tertiary qualification (bachelor degree or higher) compared with 20 per cent of men<sup>37</sup>. In contrast, at older ages men are still much more likely than women to hold higher educational qualifications.

177. European women and women of Asian or other ethnic groups are more likely to hold a tertiary qualification than Māori women or Pacific women. However, the potential to narrow the tertiary attainment gap between different groups of women exists because from 1991 to 2001 the proportion of Māori women with any qualification increased from 45 per cent to 59 per cent. Over the same period the proportion of Pacific women with a qualification increased from 51 per cent to 67 per cent.<sup>38</sup>

### Gender differences in subjects and fields of study

178. Statistics on enrolment in secondary subjects as at 1 July 2004 showed that gender imbalances in curriculum choices continue. Girls predominate (more than 55 per cent) in many languages, most visual and performing arts, most social sciences, biology/human biology and earth sciences, food and textile technology, text and information management, and tourism. Boys predominate in maths with calculus, physics, graphics, computer programming and most technology subjects, sports studies, outdoor education, fishing/farming/forestry and industrial trades. Boys also make up 58 per cent of those taking communication skills, 56 per cent of those taking remedial English and 61 per cent of those taking remedial studies. These gender imbalances have continued through into 2005.<sup>39</sup>

179. These differences in subject choices tend to match the patterns of achievement of boys and girls. The 2003 PISA (Programme for International Student Assessment) Study<sup>40</sup> of 15-year-olds across the OECD found that male New Zealanders scored, on average, 14 points higher in the PISA mathematics assessments than did their female counterparts. As with PISA 2000, New Zealand girls continued to score much higher than boys (28 points) in reading. New Zealand boys, however, scored slightly higher (6 points) than girls in science. New Zealand boys and girls performed equally well at problem-solving.

180. However, from a historical perspective, gender differences in subjects are becoming less marked. For example, in 1991 young women made up 75 per cent of students enrolled in School

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<sup>35</sup> School Leavers 2004, <http://www.minedu.govt.nz>. (MoE 2005).

<sup>36</sup> Ibid.

<sup>37</sup> 2005 Social Report. Wellington (MSD 2005).

<sup>38</sup> *Focusing on Women 2005*. Wellington (Statistics New Zealand 2005).

<sup>39</sup> Source: MoE.

<sup>40</sup> The full PISA 2003 report for New Zealand is available at [www.minedu.govt.nz/goto/pisa](http://www.minedu.govt.nz/goto/pisa).

Certificate home economics; by 2001 only 70 per cent of candidates for the now renamed food and nutrition examinations were young women. In 1991 young women made up just 14 per cent of students enrolled in School Certificate technical drawing. By 2001, 26 per cent of candidates for the now renamed graphics examination were young women.<sup>41</sup>

181. At tertiary level there are also distinct differences in the fields of study chosen by men and women. Women are more likely than men to study health and education related subjects, while men are more likely to study engineering, agriculture, architecture and building.<sup>42</sup>

182. Women and girls have free choice in the types of subjects they pursue. However, while these gender imbalances in subject choices and fields of study persist they will continue to impact on men's and women's choices about careers and thus contribute to the degree of occupational segregation in New Zealand.

### **Access to scholarships and study support**

183. Female students have the same rights as male students to seek government-funded scholarship awards. These include scholarships awarded on the basis of performance in exams administered by the New Zealand Qualifications Authority, as well as other awards<sup>43</sup>. Female students may also apply for scholarships offered by other organisations, although eligibility for such scholarships may depend upon the student undertaking a particular field of study or other criteria.

184. Women also have the same rights as men to receive government student loans and are judged on the same basis as men as to their eligibility for government-funded student allowances.

### ***Student allowances***

185. The Government has made changes to the Student Allowances scheme since the last report, which has helped reduce students' reliance on the Student Loan scheme. From 1 January 2005, student allowance parental income thresholds were increased, which meant that more students qualified for an allowance. Parental income thresholds will now also be adjusted annually to accommodate shifts in average incomes. In addition, from 1 January 2006 the amount of money students can earn before their allowances are affected has increased and additional support is provided to students from families with more than one child in tertiary education and to students with separated parents.

### **Student loans**

186. In 2004, 60 per cent of those with a student loan were women.<sup>44</sup> The gap between the proportion of male and female borrowers broadly matches the gender balance in enrolments (see table below).

<sup>41</sup> *Focusing on Women 2005*. Wellington (Statistics New Zealand 2005).

<sup>42</sup> 'Pathways for Women: the big picture'. *workINSIGHT*, issue 6 (DOL June 2005).

<sup>43</sup> Government funded undergraduate scholarships include Step Up scholarships, targeted towards people from lower-income families studying at degree level in particular fields and Bonded Merit Scholarships, awarded on the basis of performance in tertiary education. There is also a range of postgraduate scholarships funded by the Government.

<sup>44</sup> *Student Loan Scheme Annual report to 30 June 2005*. Wellington (MoE, MSD, Inland Revenue 2005).

*Distribution of Student Loan recipients by gender 2002-2004*

Student genders	Calendar Year					
	2002		2003		2004	
Female	85,720	56.9%	91,151	58.3%	93,953	59.8%
Male	64,806	43%	65,099	41.6%	63,079	40.1%
<b>Total</b>	150,526	100%	156,250	100%	157,032	100%

Source: Study Link

The median level of student loan was NZ\$10,404 as at June 2005.<sup>45</sup> These figures are not available by gender, but men's median debt in 2001 was 6 per cent higher than women's.<sup>46</sup>

187. Recent research has shown that women tend to repay their loans over a similar period to men.<sup>47</sup> Although women earn less on average, they are more likely to have higher earnings from part-time work during their studies, and to complete their studies and to achieve higher qualifications than men.<sup>48</sup> Women are also less likely than men to make no progress in repaying their loans<sup>49</sup> Higher qualifications can lead to higher incomes relative to the level of debt. The exception to the trend of women and men repaying their loans over a similar period are women with larger debts (greater than NZ\$25,000) who tend to take longer to repay their loans than men.

188. In its Concluding Comments, the CEDAW Committee expressed concern about the potentially unfavourable impact on women of the Student Loan scheme and recommended that the Government review it. At the domestic level, the New Zealand University Students' Association (NZUSA) has made a complaint to the New Zealand HRC alleging that the Student Loan scheme discriminates against women. As part of the complaint process, mediation has occurred between government officials and the NZUSA. Since then, the Government has announced changes to the Student Loan scheme, as detailed below.

189. To reduce the financial impact of student loans, the Government has announced changes to the Student Loan scheme that will take effect from 1 April 2006. The first of these changes means that borrowers living in New Zealand will have no interest (or further interest) charged on their loans. The second change provides an amnesty period on penalties for borrowers living overseas who are in arrears with their payments. The provision for interest-free student loans is likely to be particularly beneficial to women as they form the majority of student loan borrowers and will no longer be disadvantaged by increasing student loan debt if they stop paid work to have children.

190. The Government's goal of further reducing student debt will also be supported by improving and enhancing StudyLink's financial information service, which helps students make the best decisions about their student finances. This goal will also be supported by new scholarships and study awards.

<sup>45</sup> *Student Loan Scheme Quarterly Report*. Wellington (Inland Revenue Department 2005).

<sup>46</sup> *Living with a Student Loan: a Profile of Student Loan debt and repayment, post-study income and going overseas*. Wellington (MoE 2005).

<sup>47</sup> *Ibid*.

<sup>48</sup> *The Effects of the Student Loan Scheme on Women Repaying a student loan* Wellington (MoE 2005).

<sup>49</sup> *Who doesn't pay back*. Wellington (MoE 2005).

## Patterns of employment of women across the education sector

191. Women continue to dominate the ECE sector, where 99 per cent of teachers are women. The pay conditions of ECE teachers are improving with the Government having committed to phasing in pay parity for kindergarten teachers with primary teachers by June 2006 and increasing funding to early childhood education and care services. Classroom teachers in the primary and secondary sectors have a unified pay system. Pay scales are identical. The points at which teachers enter the scale and the maximum salary they may attain are determined by their qualifications. Both primary and secondary teaching is now considered graduate professions.

192. Women also continue to make up the majority of teachers in schools. In April 2004, women made up 70.1 per cent of teachers in schools, while men made up 29.9 per cent. This has changed only slightly since 2000, when women made up 69.4 per cent of school teachers. 80.5 per cent of primary teachers are women, compared with 55.7 per cent of secondary teachers.<sup>50</sup>

193. The number of female managers and female principals in schools has increased since the last report. In April 2004, women made up 61.7 per cent of managers in schools compared with 58 per cent in 2000. In April 2004, women made up 41.2 per cent of principals compared with 35.2 per cent in 2000. Women are more likely to be managers or principals in primary schools than secondary schools.<sup>51</sup>

194. Overall, female teachers have a lower median salary than male teachers, although the gap is gradually narrowing over time. This can be explained partly by female teachers being under-represented in senior positions and being less likely to hold a higher level qualification than their male counterparts.

195. The initiatives for principals that were begun in 2002 are now all running successfully. In 2003 56 per cent of new principals attending the First-time Principals' Induction Programme were women. A small pilot study for potential aspiring principals in 2004/05 targeted women and Māori school leaders and focuses on mentoring by experienced principals. The Professional Development Centres for experienced principals have attracted a majority of women as mentors and participants.

196. About 48 per cent of those teaching at tertiary level are women. In the universities, women make up about 41 per cent of university academic staff. In other tertiary education sub-sectors, women make up the majority of academic staff.<sup>52</sup> According to the *New Zealand Census of Women's Participation in Governance and Professional Life*, in 2003 women held 15.8 per cent of senior academic positions in New Zealand's eight universities (excluding emeritus professors). The South Island universities, in general, trailed in comparison with the North Island universities. Auckland University for example had 77 women in senior academic positions (19.6 per cent) from a total of 393 available positions. Also, in 2003, Massey University in Palmerston North became the first university to appoint a woman Vice-Chancellor.

197. The Government has noted the Committee's Concluding Comment that it promotes the adoption of policies within universities aimed at creating a more favourable climate to achieve equality. Universities are independent of Government but are subject to the general laws that prohibit discrimination against women on the basis of gender. Educational institutions, such as universities, are required under legislation to have implemented good employer provisions, including EEO policies.

<sup>50</sup> Source: MoE.

<sup>51</sup> Ibid.

<sup>52</sup> *Profile and Trends, New Zealand's Tertiary Education Sector 2004*. Wellington (MoE 2005).

## **Article 11**

### **Employment**

#### **Introduction**

198. Income is a key determinant of quality of life. If women are restricted in their ability to be economically independent, this can restrict the life choices that are available to them and their families. Lower income levels, for instance, restrict people's ability to repay student loans, buy a house or save for retirement. Participation in paid employment is the principal means through which women can earn an income and improve their economic independence. Ensuring that women can enter and re-enter employment, balance the different spheres of their lives and receive fair rewards for their efforts will assist women to gain such independence, for themselves and their families.

199. While New Zealand has a robust legal framework for the promotion and protection of women's employment rights, women's employment is characterised by lower participation rates and lower average earnings, relative to men. This is especially so for Māori women.

200. The Government's focus in this reporting period has been on addressing the barriers to women's participation in employment that may arise from women's broader social roles, such as parenting and responsibility for household tasks. The Government has also been seeking to address issues related to the gender pay gap such as the types and levels of jobs women participate in. During this reporting period, the Government has also increased the minimum wage.

#### **Employment relations framework**

201. The employment relations legislative framework provides standards for workplace relations that are important to quality of employment. The framework includes the Employment Relations Act 2000, the Minimum Wage Act 1983, the Holidays Act 2003, the Parental Leave and Employment Protection Act 1987 and the Equal Pay Act 1972. The only development in the framework since the last report, relevant to New Zealand's implementation of the Convention, has been changes to the Employment Relations and the Paid Leave and Employment Protection (Paid Parental Leave) Acts.

202. The Employment Relations Act 2000 (the Act) governs work-place relations and provides protection against discrimination. Since the last report, the Government has amended the Act to give better effect to the Act's statutory objectives of promoting productive employment relationships, good faith and collective bargaining, and the effective resolution of employment problems. Good faith is essentially about parties to employment relationships dealing with each other honestly, openly and without misleading each other. It requires parties to be active and constructive in establishing and maintaining a productive relationship. The 2004 amendments clarified that good faith applies to bargaining for individual employment agreements as well as to collective bargaining and provided that penalties may be imposed for certain breaches of the duty of good faith.

203. The amended Act also provides protective measures for (vulnerable) employees affected by the sale, transfer or contracting out of businesses. A recent decision by the Employment Court found that the amended Act does not provide vulnerable employees with the protection the Government intended in succession to contract situations. A Bill is currently before the House that will give effect to the Government's original policy intent. This amendment may have

implications for certain industries with a history of contracting out and transfer and a high number of women employees (e.g. cleaning).

204. While the protections provided by the current legislative framework are significant, there are still some groups of women who have limited scope to improve the pay and conditions of their work. The Government is seeking to minimise this through annual increases to the minimum wage and other legislated conditions, for example, four weeks annual leave. The Government's employment equity approach is discussed further in the section on pay and employment differences below.

### **Health and Safety**

205. The Health and Safety in Employment Act 1992 governs health and safety standards in employment, and provides protection for women against reproductive hazards. DOL has also given direction, under the health and safety framework, on providing for breastfeeding in the workplace. Employers must identify, assess and control hazards for breastfeeding employees and their children. When a baby or young child is brought into the workplace for breastfeeding, the Department advises that it is good employment practice to enable the mother to do so in an appropriate space (provided the workplace is safe for children).

### **Equal Employment Opportunities (EEO)**

206. Article 2 referred to the establishment of an EEO Unit in the HRC to monitor EEO in New Zealand, including in the labour force. There have been no changes since the last report to the EEO requirements relating to the State Sector which have since been extended to Crown Entities under the Crown Entities Act 2004.

207. The EEO Trust continues to provide EEO information and tools to employers and to raise awareness of diversity issues in New Zealand workplaces. In the reporting period, this included working with DOL to produce *PeoplePower - Successful Diversity at Work*, a publication that included a number of case studies demonstrating the benefits of recruiting a more diverse workforce — including women with childcare responsibilities, disabled people, refugees and migrants and older persons.<sup>53</sup>

### **Protection against sexual harassment**

208. Women are protected against sexual harassment in the workplace under the Employment Relations Act 2000 and the Human Rights Act 1993. For statistics on sexual harassment complaints in the reporting period see Article 2.

209. The Committee's Concluding Comments on New Zealand's last report noted a concern that female employees who have been victims of sexual harassment should have the legal right to remain in their job. Under the Employment Relations Act, if an employee believes they have been unjustifiably dismissed, for example, because they have made a complaint of sexual harassment, they have the option of taking a personal grievance against their employer. If the personal grievance is upheld, remedies may include reinstatement and financial compensation.

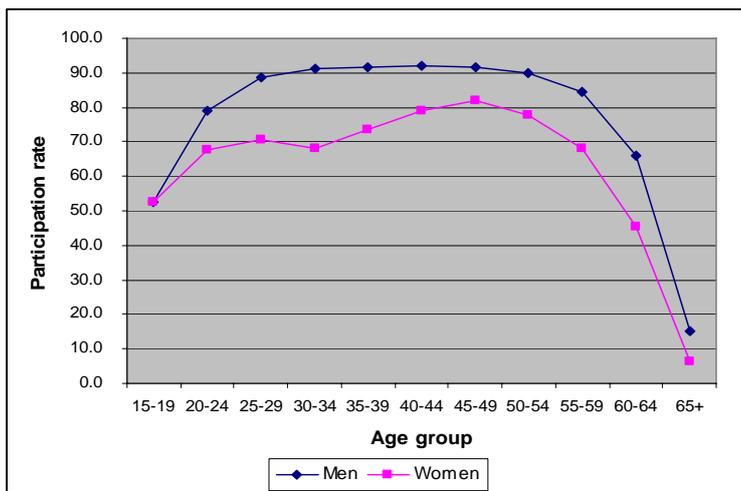
### **Labour force participation**

210. New Zealand laws provide for the equal participation of women in paid employment. However, while women's participation in paid work has risen significantly over the last thirty

<sup>53</sup> *PeoplePower — Successful Diversity at Work* <http://www.dol.govt.nz/publications/general/gen-peoplepower.asp>. (DOL 2004). 06-34212

years, women participate in paid work at lower levels than men and are more likely to work part-time.<sup>54</sup> While New Zealand has relatively high levels of participation by women overall, participation rates for mothers of young children and sole parents are below OECD averages. This reflects the tendency by many mothers to scale back their participation in paid work while children are young. The Government is focusing on better supporting women's choices relating to labour market participation and further improving access to high quality, affordable and responsive childcare.

### **Labour force participation rates by age group and gender, 2004<sup>55</sup>**



211. Māori women (57.9 per cent) and Pacific women (54.1 per cent) have lower rates of participation in paid work than European women (61.4 per cent).<sup>56</sup> Disabled women (52 per cent) have lower rates of participation in paid work than disabled men (63 per cent).<sup>57</sup>

### **Unemployment**

212. At the beginning of March 2006, 62 per cent of all people receiving domestic purposes benefit, sickness or invalid's benefit, and/or unemployment related benefit were women. Unemployment rates for women have decreased significantly since the 1990s in line with the general trend in unemployment.<sup>58</sup> However, women are more likely to be unemployed than men. In 2004, unemployment was slightly higher amongst women (4.9 per cent) than men (4.1 per cent).<sup>59</sup>

213. Unemployment is much more common amongst Māori and Pacific women, whose unemployment rates (11.1 per cent and 8.5 per cent respectively) are noticeably higher than those for Māori and Pacific men (8.7 per cent and 6.9 per cent respectively).<sup>60</sup> Young women

<sup>54</sup> 'Pathways for Women: the big picture', *workINSIGHT*, issue 6 (DOL June 2005).

<sup>55</sup> *2004 Labour Market Statistics*. Wellington: Statistics New Zealand (Graph derived from Statistics New Zealand 2005).

<sup>56</sup> *Ibid.*

<sup>57</sup> *Briefing for the Incoming Minister* (Office of Disability Issues 2002) <http://www.odi.govt.nz/publications/minister-briefing/2002/index.html> Chapter 2, p. 1.

<sup>58</sup> *2004 Labour Market Statistics*. Wellington (Statistics New Zealand 2005).

<sup>59</sup> *Ibid.*

<sup>60</sup> *Ibid.*

(15-19 and 20-24) have higher unemployment rates (13.0 per cent and 7.5 per cent) than women in older age groups (25+).<sup>61</sup>

214. Unemployed women have the same rights as men to receive the unemployment benefit, although men and women under 18 cannot receive it except in limited circumstances. As noted under Article 10: Education, the Government also has a number of training initiatives to help unemployed persons gain the skills and qualifications necessary to gain sustainable employment. The Government has also been helping unemployed people into work through a number of employment initiatives.

215. The Jobs Jolt package, introduced in 2003, aims to get more people into employment in order to help meet the skills and labour shortage New Zealand has been experiencing. The Jobs Jolt package contains ten specific initiatives that will help employers with skill shortages, people with disabilities, long-term sickness and invalids beneficiaries, mature job seekers, drug dependent job seekers, youth and people who have been made redundant.

216. The 'Supporting Sole Parents into Work' initiative, for example, focuses on helping sole parents to increase their participation activity in employment. This initiative predominantly benefits women, as women account for around 91 per cent of all people in receipt of a domestic purposes benefit.

### **Pay and employment differences**

217. During the reporting period, the gap between men and women's median hourly pay rate remained relatively stable, except between 2004/05, when it slightly increased. Women's median hourly pay is now 14 per cent less than that of men. In 2003, the Vice Chancellors' Committee Graduate Destinations Survey showed that a woman will earn on average \$36,910, while a man will earn \$39,260, directly on leaving university with the same bachelor's degree.<sup>62</sup>

218. Some groups of women, such as Māori and Pacific women, also earn significantly less than other women. In June 2005, median hourly earnings of Māori women and Pacific women were \$13.68 and \$12.60 respectively; lower than those of European women at \$15.50. Disabled women are also more likely to have low incomes than disabled men.<sup>63</sup>

219. Since 2002, minimum wage increases have outstripped growth in average wages, thereby reducing the gap between the lowest paid and other workers. The adult minimum wage applies to workers from 18 years of age. The youth minimum wage applies to workers aged 16 and 17 years and is set at 80 per cent of the adult minimum wage. From March 2006, the adult minimum wage will increase from \$9.50 to \$10.25 an hour. Prior to that, the adult minimum wage has increased by 50 cents an hour each year since 2002. The Government's goal is for the adult minimum wage to reach \$12 an hour by the end of 2008, if economic conditions permit.

### **Occupational segregation**

220. Occupational segregation has been identified as a contributing factor to the gap between the average incomes of men and women. New Zealand's workforce continues to be characterised by high levels of occupational segregation by gender. In 2004, almost 25 per cent of the female work force was employed as service and sales workers. Furthermore, 75 per cent of the female

<sup>61</sup> Ibid.

<sup>62</sup> *University Graduate Destinations 2004: Report for the Year Ended 31 December 2003: Report of a Survey Conducted for the New Zealand Vice-Chancellors' Committee on Graduate Employment.* (New Zealand Vice-Chancellors' Committee 2004).

<sup>63</sup> *2001 Disability Counts.* <http://www.stats.govt.nz/analytical-reports/disability-counts-2001.htm>. (Statistics New Zealand May 2002).

workforce was employed in only four types of occupations (service and sales workers, clerks, professionals, and technicians and associate professionals).<sup>64</sup>

221. There are some ethnic differences in the occupational distribution of women. European women and Asian women are more likely to work in legislative, administrative, managerial and professional occupations, while Māori and Pacific women are more likely to work in low-skilled manual occupations.<sup>65</sup>

222. Improving education and training opportunities for women is a key means of reducing occupational segregation. MWA's Nominations Service also aims to improve women's participation in decision-making. Narrowing the gender pay gap associated with occupational segregation requires addressing employment equity issues related to the types and levels of jobs women are in, how work fits with caring responsibilities, and how female dominated jobs are valued (see sections below).

### **Measures to support women's participation in quality employment**

223. Supporting women's employment largely involves supporting women to balance work with family and other responsibilities. The Government is taking a co-ordinated approach on this issue with work across a number of areas. Initiatives include:

- Improving access to paid parental leave
- Improving the accessibility, quality and affordability of childcare, including early childhood education and out-of-school programmes
- Social assistance changes
- Work-life balance initiatives
- Pay and Employment Equity Plan of Action.

224. There are also a range of initiatives to improve employment outcomes for disabled women and other groups of women.

#### ***Improving access to paid parental leave***

225. Access to paid parental leave has a positive effect on women's quality of employment. It helps women better balance parental roles with participation in paid work. It reduces the stress on parents that can arise from loss of income when they take time off paid work to care for children. It also reduces the pressure on mothers to return to work thus giving them time to recover from childbirth and establish healthy routines, including breastfeeding.

226. Provision for government-funded paid parental leave under the Parental Leave and Employment Protection (Paid Parental Leave) Act 2002 was introduced on 30 March 2002, and took effect from 1 July 2002. Initially the Act provided for up to 12 weeks paid parental leave, if they have an intention to return to work, and this was only available if the employee had worked for at least one year for at least ten hours a week for the same employer. Now all eligible women are able to receive up to 14 weeks paid parental leave, if they have an intention to return to work, and need only have worked for the same employer for the preceding six months for an

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<sup>64</sup> 2004 Labour Market Statistics. Wellington (Statistics New Zealand 2005).

<sup>65</sup> Focusing on Women 2005. Wellington (Statistics New Zealand 2005).

average of at least ten hours per week. Mothers may also choose to transfer all or part of their leave to their partners (including same sex partners), provided their partner is also eligible for parental leave.

227. Paid parental leave replaces an employee's wages or salary up to a maximum amount. Currently, this is NZ\$357.30 per week, which is approximately 60 per cent of the average weekly income from wages and salaries for people in paid employment. Like wages, the payment is taxed. Employer-funded parental leave payments are not affected by the Government-funded entitlement. Women can continue to receive such payments on top of their government-funded payments.

228. In an evaluation of the first year of the paid parental leave scheme<sup>66</sup>, almost all recipient mothers welcomed the introduction of paid parental leave. Almost all mothers who had received paid parental leave (98 per cent) had taken, or were taking, the full 12 weeks' paid leave. Increasing the household income/having more money available to cover bills and other outgoings (44 per cent) was the most frequently cited (unprompted) benefit of the paid parental leave scheme among recipient mothers. A number of employers were also welcoming of paid parental leave. More than a third of employers (35 per cent) said it had had a positive (27 per cent) or very positive impact (8 per cent) on their business.

229. The evaluation also considered the implications of extending paid parental leave to currently ineligible women, including self-employed persons. As a result, the Parental Leave and Employment Protection (Paid Parental Leave for Self-Employed Persons) Amendment Bill was introduced on 9 August 2005 and is currently before a Select Committee. The Bill provides for 14 weeks paid parental leave from 1 July 2006 for self-employed mothers and their partners who meet tenure and weekly work hour requirements (at least six months and ten hours per week). The Bill also proposes that the period that parents must have worked before taking a second or subsequent period of paid parental leave be reduced from 12 to six months to align it with the eligibility criteria for first-time parents. The Bill will be particularly significant to rural women who often work in self-employment situations on family farms or in their own small businesses.

230. A full evaluation of the parental leave scheme is currently taking place. The evaluation will investigate the extent to which the current provisions for paid and unpaid parental leave have contributed to achieving the objectives of the scheme e.g. improved gender equity in the labour market and within families, and income stability for families. Further, it will enable assessment of the circumstances of those currently not accessing statutory parental leave provisions. The evaluation is due to be completed in 2006.

***Improving the accessibility, quality and affordability of childcare, including early childhood education and out-of-school programmes***

231. Women tend to take on primary responsibility for care of children. Availability, accessibility and quality of childcare are therefore key factors influencing their ability to choose the level of participation in paid work that suits them.

232. Research suggests that the cost and availability of childcare continues to have an impact on choices available to parents. During this reporting period, the Government has significantly increased its level of investment in this area. By 2008, the Government will have increased its investment in early childhood education by 79 per cent compared with 1999.

<sup>66</sup> Evaluation of the Implementation of Paid Parental Leave.

233. Paragraphs 134-136 detailed the Government's efforts to increase the availability of early childhood education to parents, particularly through increased funding for ECE.

234. The Government has also continued to support the Out of School Care and Recreation (OSCAR) programmes (before school, after school and school holiday programmes for five to 13-year-olds), with funding to support programmes increasing by 90 per cent between 2002 and 2005. The rates for the Childcare Subsidy and the OSCAR Subsidy have increased by 20 per cent since the last report. The maximum income limits for those subsidies have also been raised, so that around 60 per cent of all couples with children and 96 per cent of sole parents (overall 70 per cent of all families) potentially qualify for financial assistance for childcare costs.

### ***Work-life balance***

235. Work-life balance is recognised as an issue for both men and women seeking to balance their roles in the paid workforce with other commitments and responsibilities. The need to achieve work-life balance emerged strongly during the consultation phase of the *Action Plan for New Zealand Women*. Women emphasised their need for opportunity and choice in relation to participation in paid work and the many other roles they fulfil, including care of children and/or dependent elderly relatives.

236. The Government established a Work-Life Balance Steering Group in 2003, led by DOL, to develop policies and practices that promote a balance between paid work and life outside work. Following the report of the Steering Group, DOL has begun a three year work programme including research, policy, analysis, awareness raising and development of a demonstration project - the Work-Life Balance Workplace Project. The Work-Life Balance Workplace Project is directly concerned with partnering workplaces to develop and implement tailored tools that help them address identified barriers to work-life balance, as well as meeting their business commitments.

237. Cabinet will consider advancing the Work-Life Balance Programme in March 2006. A Member's Bill, the Employment Relations (Flexible Working Hours) Amendment Bill is also before Parliament. The Bill proposes that parents with children under five years old (and disabled children up to the age of 18) would have the right to request flexible working hours. Parliament has referred the Bill to a Select Committee so that the relevant issues can be canvassed.

238. In considering improvements to work-life balance, women's contribution to unpaid work in must be taken into account too. Issues related to this are discussed under Article 13: Economic and Social Life.

### ***Decent Work Action Plan***

239. One of the conclusions of the 2001 International Labour Organisation (ILO) Asian Regional Meeting was for member states to define, through a tripartite process, a national plan of action for decent work. This suggestion was put forward by the New Zealand Minister of Labour and supported by Business New Zealand and the New Zealand Council of Trade Unions.

240. DOL, in consultation with Business New Zealand, the New Zealand Council of Trade Unions, NGOs and other agencies has been developing the 'Decent Work: Charting our Progress' project. Information on Decent Work activities in New Zealand is currently being collated to show how each activity contributes to New Zealand's Decent Work goals. Consideration is given to gender issues. The finished product will be a snapshot of where

New Zealand is currently placed on its path towards Decent Work and will be publicised as a document and posted to the website by late 2006.

### ***Pay and Employment Equity***

241. The Government has developed a five-year *Pay and Employment Equity Plan of Action* aimed at addressing the gender pay gap and promoting equal pay for work of equal value in the public service, and the public health and education sectors. The Pay and Employment Equity Unit of DOL, established in 2004, is leading implementation of the Plan. This entails work on a range of levels including within workplaces, and across occupations. In future proposed phases, the Government will consider the need for actions to address pay and employment equity issues for government-funded workers on contract, in state-owned enterprises and crown entities. Subsequently, options to address pay and employment equity for other workers may also be considered.

242. The Pay and Employment Equity Unit is helping organisations in the public service, public health and public education sectors assess how well they are performing in gender equity and how they might ensure equitable outcomes for present and future employees. The Unit has developed a tool to help agencies undertake a pay and employment equity review. The tool follows a collaborative approach between employers and staff to identify employment or pay practices that have different gender impacts, and explore remedies where inequity exists. The tool was tested in two pilot reviews conducted in 2005.

243. A planned and managed approach will be taken over the five years of the Plan of Action to the rollout of pay and employment equity reviews across all 35 public service agencies, three parliamentary agencies, the public education sector, 22 District Health Boards and the NZ Blood Service. Following a review, remedies to address an identified inequity can then be explored.

244. The tertiary sector is included in the Government's five-year Plan of Action on pay and employment equity. Organisations in the public education sector will review their pay and employment practices to assess how well they are performing on gender equity, and ways to improve.

245. A gender-neutral job evaluation tool is currently under development to assist organisations to determine job size by comparing skills, knowledge, responsibilities and working conditions. Comparing job sizes and valuing them accordingly will contribute towards establishing pay rates and grading structures that are not affected by gender. The Faculty of Health at the Auckland University of Technology was one of two organisations to test the pay and employment equity review tool developed by the Pay and Employment Equity Unit of DOL.

246. The Unit also supports the development of capability and capacity through the administration of an annual \$1 million contestable fund. Organisations may bid for funding to work on pay and employment equity issues.

247. The work of the Unit is overseen by a tripartite steering group, comprised of union, employer, and government representatives from the three sectors to monitor the implementation of the *Plan of Action* and lead its ongoing development.

### ***Disabled women***

248. The Government has been supporting the participation of disabled women in employment through implementation of the *New Zealand Disability Strategy (NZDS)* and DOL's labour

market and employment strategy, *Better Work, Working Better*. A range of initiatives have been developed in support of these strategies, examples of which are set out below.

249. The *Pathways to Inclusion Strategy* launched in 2001 aims to improve the quality of employment opportunities for disabled people. It promotes a shift in emphasis within some vocational services away from sheltered work and day activities to supporting disabled people to have meaningful participation in their community and into real jobs (although sheltered workshops remain an option in some circumstances). In the 2004–2005 year the initiative helped 1,100 disabled people into more open employment.

250. An important element of the *Pathways to Inclusion Strategy* is a repeal of the Disabled Persons Employment Promotion Act 1960. The policy around the repeal includes a transition period (2001 to June 2007) for sheltered workshop providers. As part of this process, DOL officials participated in a variety of workshops, presentations, conferences, consultations and discussions with advocacy and disability sector groups.

251. MSD also provides general assistance to disabled people to help address barriers and move people towards sustainable employment. They are also continuing to develop the New Service for Sickness and Invalids Benefit Recipients. Initiatives include:

- Support for employers so they can employ people with ill health or disabled people
- Changes to the 15-hour and stand-down rules to make it easier for people receiving the Invalids Benefit to move into work
- A new and better case management model
- An extension of employment related support funds for disabled people (administered through Workbridge), which are now available to employees in the state sector.

### ***Other groups of women***

252. Paragraphs 48-49 described the *New Zealand Settlement Strategy* which aims to support refugees and migrants into employment. There are also initiatives to boost the employment of Māori and Pacific peoples, including *Hui Taumata*, an initiative by Māori to lift their social, economic and cultural outcomes, and the *Pacific Workforce Development Strategy*. A key issue highlighted in the *Strategy* was the need to address disparities in the labour market for Pacific women.

### **Self-employed women**

253. Female rates of entrepreneurship in New Zealand are increasing. In 2001, approximately 14 per cent of the full-time female workforce identified themselves as being self-employed, compared with 25 per cent of the full-time male workforce.<sup>67</sup> However, women are becoming self-employed at more than twice the rate of men – a trend shared with many similar countries.<sup>68</sup>

254. In addition, there has been a strong growth of Māori women in business. Since 1991 Māori women's self-employment has increased by 106 per cent, while Māori men's self-employment

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<sup>67</sup> Massey & Harris, 2004.

<sup>68</sup> OECD, 2004.

has only increased by 54 per cent.<sup>69</sup> Overall, though, European women and Asian women are more likely to be self-employed than Māori women or Pacific women.

255. There is a range of services to support women who own or operate small businesses. For instance, New Zealand Trade and Enterprise provides mentoring, training and professional advice to businesses. Some of its services are specific to women including the Women in Technology project which supports, mentors and encourages women working in, or seeking work in, the information and communications technologies field; and the National Women in Business week, which focused on forging relationships, business skills and knowledge development.

256. There are also programmes targeting specific groups of women. For example, the Māori Women's Development Fund provides loans for Māori women to help set up businesses, expand existing businesses, and provides financial advice and mentoring services. The Pacific Business Trust aims to increase business ownership and economic participation among Pacific peoples in New Zealand, and offers business support and advice for small businesses.

## Article 12

### Health

#### Introduction

257. The Government's over-arching objectives for the health and disability sector are to improve the health of all New Zealanders and to reduce health inequalities, that is, to improve not just the length of life but people's length of life free from pain or disability. The Government has developed a number of broad strategies to improve the health status of New Zealanders. Many of these strategies are particularly relevant to women, such as those dealing with sexual and reproductive health and mental health. The Government also continues to provide a number of health services specific to women, such as free screening for breast and cervical cancer and free maternity care.

258. The Government is committed to improving women's health, and will continue to monitor and develop health services and strategies to achieve this goal.

259. Women continue to live longer than men, however there are differences in life expectancy across ethnic groups. Also, there are gender and ethnicity differences in illness and lifestyle factors that affect morbidity and mortality. Diseases, such as cancer and diabetes, continue to impact on women's lives. Māori women have higher rates of, and death from some forms of cancer than non-Māori women. Women are also more likely to experience depression than men.

#### New Zealand Health System

260. Reference should be made to the previous report (see article 12) which described the nature of New Zealand's health system, including public funding for the majority of health services and the development of District Health Boards (DHBs) responsible for providing health care services to a geographically defined population (see Article 7 of this report for statistics on women's participation in DHBs). Reference should also be made to article 12 and article 3 of the previous report for descriptions of the *New Zealand Health Strategy*, the *Primary Health Care Strategy* and the *New Zealand Disability Strategy* which together form the strategic direction for New Zealand's health and disability sector.

<sup>69</sup> *Trends in Māori Labour Market Outcomes: 1986-2003*, Wellington (DOL 2005).

261. Since the last report, 77 Primary Health Organisations (PHOs) have been established under the *Primary Health Care Strategy* to provide primary health care services for their enrolled population. The Government has also rolled-out funding for primary health care services to PHOs which has resulted in lower cost health care for certain target groups enrolled in PHOs. Initial target groups were under 18-year-olds and over 65-year-olds enrolled in PHOs. Funding was then rolled-out to 18-24-year-olds enrolled in PHOs on 1 July 2005. In July 2006 the extra funding will be extended to 45-64-year-olds enrolled in PHOs, and all other New Zealanders enrolled in PHOs will be funded from July 2007. The roll-out has been faster for Access PHOs (those with at least one half of their enrolled population in groups with poor historic access and high population health need). Women have the same rights as men to access lower cost care by enrolling in PHOs.

262. New Zealand's accident compensation scheme (ACC) also continues to provide injury rehabilitation and compensation to all New Zealanders that have suffered defined injuries.

### **Strategies specific to certain health issues or groups of people**

263. As noted in the last report, the *New Zealand Health Strategy*, the *Primary Health Care Strategy* and the *New Zealand Disability Strategy* are underpinned by a variety of specific strategies to address particular health issues or the needs of particular groups. Among these, the *Māori Health Strategy*, the *Pacific Health and Disability Action Plan*, the *Health of Older People Strategy*, the *Sexual and Reproductive Health Strategy*, and the *Mental Health Strategy*, have particular relevance to the health status of women.

#### ***Māori Health Strategy***

264. Māori men and women continue to suffer disparities in health status compared with European men and women. *He Korowai Oranga: Māori Health Strategy* sets a ten-year direction for Māori health development and provides guidance at a strategic level on ways to achieve Māori health improvements and tackle health inequalities. The overall aim of *He Korowai Oranga* is whānau ora: Māori families supported to achieve their maximum health and well-being.

265. *Whakatātaka: The Māori Health Action Plan 2002 – 2005*, released in November 2002, outlines how the Government will implement *He Korowai Oranga*. Three key threads are woven throughout *Whakatātaka*:

- Acknowledging Māori aspirations for rangatiratanga (control) over their own lives
- Maintaining and building on the gains already made in Māori health
- Reducing the inequalities that currently exist between the health and well-being of Māori and other population groups.

266. Many of the objectives of *Whakatātaka* are incorporated in MOH work programmes and DHB annual and strategic plans.

267. *Whakatātaka Tuarua 2006-2011*, the next Māori Health Action Plan, is being developed. The proposed plan continues with the four pathways and the work programmes already implemented and builds on those gains by focusing on four priority areas within the pathways: building quality data and monitoring Māori health, developing whānau ora models, improving

Māori participation at all levels of the health and disability sector and developing primary health.

### ***Pacific Peoples Health***

268. New Zealand's Pacific population also faces particular health problems. To address these problems, a *Pacific Health and Disability Action Plan* was released in February 2002. The Plan has six priorities: Pacific child and youth health, promoting Pacific health lifestyles and well-being, Pacific primary health care and preventive services, Pacific provider development and workforce development, promoting participation by disabled Pacific peoples and Pacific health and disability information and research.

### ***Refugees and Migrants***

269. Migrants entering New Zealand must have permanent residence or a work visa that allows a stay of two years or more to be eligible for publicly funded health and disability services on the same basis as residents. Refugees were confirmed under a 1997 Eligibility Directive to be eligible for these services on the same basis as residents. The main health concerns of refugees as a group are tuberculosis, hepatitis B and sexually transmitted infections. Many refugees, particularly women, also suffer from depression and post trauma stress. Medical examination of quota refugees on arrival includes initial treatment and referral to health specialists. Refugee-specific mental health counselling services for survivors of torture and trauma are available and some refugee-specific community health education programmes (e.g. on TB, HIV/AIDS) are funded. Dislocation from family is a major mental health issue for refugee families.

270. As noted in article 12 of the previous report a handbook for health professionals, *Refugee Health Care*, was launched at the end of 2001 to ensure better responsiveness to the health needs of refugees. In addition, MOH is currently developing a strategic framework for Ethnic Action and Responsiveness to Health (EARTH). EARTH will be a tool to assist MWA to lead the development of comprehensive policy, funding, service and workforce requirements, monitoring and evaluation initiatives for ethnic people (defined in this context as non-Māori, non-Pacific, non-European) across the health sector in New Zealand.

### ***Disabled persons***

271. Continued implementation of the *New Zealand Disability Strategy* has resulted in increased support for health services for older persons (many of whom have disabilities) and disabled persons generally.

272. Continued implementation of the *New Zealand Disability Strategy* has resulted in increased support for disability support services for people generally under 65 with physical, sensory or intellectual disabilities or a combination of these. Budget 2005 allocated an additional NZ\$71.2 million to MOH for disability support services (DSS) for these younger people. As well as funding to take account of demographic increases, this includes additional funding for home-based support services (NZ\$6.2 million), residential support services (NZ\$8.4 million), funding to develop the capability and capacity of needs assessment and service coordination services (NZ\$6.6 million - all people accessing DSS must first have their needs assessed and go through service planning or coordination processes) and for the Kimberley Centre project (Kimberley is New Zealand's last facility for people with intellectual disabilities to be closed, and its clients resettled into the community).

### ***Older persons***

273. An additional NZ\$71 million was also provided to district health boards, primarily for residential care and home based support services for older people. In addition, significant increases to asset testing thresholds for accessing publicly funded aged residential care, at an estimated cost to the Government of NZ\$93 million for the 2005/06 financial year, will allow increasing numbers of older people to qualify for Government funding assistance to help pay for their care (see *Health of Older People Strategy* below for more detail).

The *Health of Older People Strategy: Health Sector Action to 2010 to Support Positive Ageing* continues to guide the health sector's approach to health issues for older people. Projects undertaken to meet objectives of the strategy since its launch in 2002 include:

- Progress towards removing asset testing of older people in long-term care by passing the Social Security (Long-term Residential Care) Amendment Act 2004 which came into effect on 1 July 2005. These changes will progressively remove discriminatory asset testing provisions and enable older people who require long-term residential care to retain significantly more of their assets while qualifying for Government funding to help pay for the costs of that care.
- The development of guidelines for comprehensive, multidisciplinary needs assessment of older people (a key health goal of the New Zealand Positive Ageing Strategy). The aim of this project was to develop evidence-based guidelines on the most effective methods of assessing the health and well-being of people over the age of 65 years in a variety of settings; home, community and residential care as well as in hospital-based rehabilitation facilities. These guidelines will help DHBs better assess the funding and delivery of government funded services for older people.

### ***Sexual and Reproductive Health Strategy***

274. The *Sexual and Reproductive Health Strategy* provides the overall direction to achieve positive and improved sexual health outcomes in New Zealand. The focus in this reporting period was on implementing of Phase Two of the Strategy, namely the development of action plans to reduce sexually transmitted infections (STIs), including HIV/AIDS, and unwanted/unintended pregnancies, focusing on improving the health of young people, and Māori and Pacific peoples.

275. A key project was MOH's Youth and Sexual Health Campaign 2004/05 which ran from November 2004 with the media component ending in February 2005. The project's aim was to raise awareness of STIs and to encourage sexually active youth to use condoms, with emphasis on Māori and Pacific youth.

276. In addition, the Government published the *HIV/AIDS Action Plan* in 2003. The *Plan* outlines a set of actions aimed at ensuring government provides a comprehensive and effective response to HIV/AIDS in New Zealand. As well as providing guidance on actions, the *Plan* provides information on HIV/AIDS epidemiology, the groups most affected, implications for other groups in New Zealand society and international best practice in combating the epidemic.

277. In 2003 MOH published *Sexual and Reproductive Health: A resource book for New Zealand health care organisations*. The book gives guidance to PHOs on how to incorporate sexual and reproductive health issues into their work, including making sexual and reproductive health checkups a normal part of their healthcare routines. Other initiatives funded include a cd-rom developed by the Independent Nursing Practise in Nelson which provides

information about STIs and contraception and around relationships and effective communication. It includes information provided by young people. The health information is carefully scripted but the discussions about inter-personal relationships are the young people's own thoughts.

278. MWA is co-ordinating a review of sexuality education within New Zealand's secondary schools that will be undertaken by the Education Review Office and carried out in 2006. The review will provide national information on sexuality education being taught in schools. This information will inform policy and policy interventions to further improve the sexual health of young New Zealanders.

### ***Mental Health Strategy***

279. *Te Tāhuhu – Improving Mental Health* outlines government policy and priorities for mental health and addiction between 2005 and 2015, and provides an overall direction for investment in mental health and addiction. It builds on the current *Mental Health Strategy* contained in *Looking Forward* (1994) and *Moving Forward* (1997), and the *Mental Health Commission's Blueprint for Mental Health Services* (1998). Several other government strategies also work with the *Mental Health Strategy*. The *New Zealand Suicide Strategy* currently being developed (see section below on suicide) and a soon to be implemented programme to address depression are examples directly affecting mental health but strategies in housing, employment and income support also have an impact.

280. *Te Tāhuhu – Improving Mental Health* is based on an outcomes framework and describes ten leading challenges that need to be addressed in order for government outcomes for mental health and addiction to be achieved. These include:

- Promote mental health and well-being and prevent mental illness and addiction
- Build and broaden the range and choice of services and supports, which are funded for people who are severely affected by mental illness
- Build a mental health and addiction workforce -and foster a culture amongst providers - that supports recovery, is person centred, culturally capable, and delivers an ongoing commitment to assure and improve the quality of services for people
- Build and strengthen the capability of the primary health care sector to promote mental health and well-being and to respond to the needs of people with mental illness and addiction.

281. MOH and DHBs are now working on development of an Action Plan to implement *Te Tāhuhu*.

### **Key health issues for women**

282. Reference should be made to New Zealand's Core Document for information on health status indicators for New Zealand women, including life expectancy, fertility, infant mortality and maternal deaths. The key health issues for women are cancer, diabetes and obesity, suicide, smoking and mental illness. Rates of abortions and sexually transmitted infections among women are also increasing. Hazardous drinking is a particular health issue for young women. Improving women's health requires effectively addressing these major health issues for women.

## ***Cancer***

283. Cancer is the leading cause of morbidity and mortality in New Zealand. Women are more likely than men to be diagnosed with cancer at some stage in their lives.<sup>70</sup> Māori women have higher rates of some forms of cancer, such as cervical cancer and cancer of the trachea, bronchus and lung (the latter is possibly attributable to higher smoking rates by Māori women – see section on smoking below). Cancer screening programmes are a key means of reducing the number of cancer-related deaths.

284. The Government currently funds screening for two types of cancer: cervical cancer screening for women aged 20-69 and breast cancer screening for women aged 45-70. Since the last report, changes have been made to strengthen the cervical screening programme and to extend eligibility for breast screening:

- The effectiveness of the National Cervical Screening Programme (NCSP) was strengthened with the passing of the Health (National Cervical Screening Programme) Amendment Act 2004, which took effect from 7 March 2005. The Act aims to streamline and clarify the operation and objectives of the NCSP. It will also enable experts (called Evaluators) to assess the performance and safety of the Programme by ensuring they have access to key information. These changes were prompted by the recommendations of the 1999 Ministerial Inquiry into the Under-reporting of Cervical Smear Abnormalities in the Gisborne Region.
- Initially, the BreastScreen Aotearoa programme was restricted to women aged 50 to 64 years, but from 1 July 2004 eligibility was extended to women aged 45 to 70 years.

## ***Diabetes and obesity***

285. Current diabetes statistics show that men and women have similar rates of diabetes prevalence. The diabetes mortality rate for Māori women is almost six times the rate for non-Māori women.<sup>71</sup> This is in part because obesity is more prevalent among Pacific peoples and Māori than other ethnic groups. Pacific women in particular have a higher prevalence of obesity at 48 per cent compared with 20 per cent for European women.<sup>72</sup>

286. The Government is tackling diabetes and obesity through its *Healthy Eating: Healthy Action (HEHA)* initiative. Launched in 2003, HEHA is MOH's strategic approach to improving nutrition, increasing physical activity and achieving healthy diet for all New Zealanders.

## ***Suicide***

287. Suicide and suicidal behaviour is a major social and health issue in New Zealand. Women have a significantly lower suicide rate than men. The female suicide rate has been relatively stable since the 1980s, apart from a slight increase between 1996 and 1999 and a fall in 2000.<sup>73</sup> However, women account for twice the number of hospitalisations for suicide attempts compared to men. A 1999-2003 survey of 13 OECD countries found New Zealand had the worst female youth suicide rates of the OECD countries surveyed.<sup>74</sup>

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<sup>70</sup> *Focusing on Women 2005*, Wellington (Statistics New Zealand 2005).

<sup>71</sup> *Ibid.*

<sup>72</sup> *2005 Social Report*. Wellington (MSD 2005).

<sup>73</sup> *Suicide Facts: Provisional 2003 All-Ages Statistics. Monitoring Report No. 1*. Wellington (MOH 2006).

<sup>74</sup> *Ibid.*

288. A new *New Zealand Suicide Prevention Strategy* that will address suicide prevention across all age groups is currently being developed by MOH in consultation with other agencies and the public.

### **Smoking**

289. Smoking is a significant health issue for women, particularly young women, Māori women and Pacific women. The *2002/03 New Zealand Health Survey* indicates that Māori females had the highest prevalence of current smoking, followed by Māori males, Pacific males, and Pacific females.<sup>75</sup>

290. To reduce smoking rates, the Government has continued to support Aukati Kai Paipa, the smoking cessation programme targeted at Māori women and their whānau as well as smoking cessation programmes for pregnant women. In addition, in 2004, the Government published *Clearing the Smoke: A five-year plan for tobacco control in New Zealand 2004–2009*. *Clearing the Smoke* has four goals:

- Significantly reduce levels of tobacco consumption and smoking prevalence;
- Reduce inequalities in health outcomes;
- Reduce Māori smoking prevalence to at least the same level as non-Māori;
- Reduce exposure to second-hand smoke for all New Zealanders.

291. As part of the Plan, on 10 December 2004 all indoor workplaces, including restaurants, bars, clubs and casinos became smokefree. This will have significant benefits for the health of workers throughout New Zealand.

### **Hazardous drinking**

292. According to the *2002/03 New Zealand Health Survey*, young males and females are more likely to have potentially hazardous drinking patterns than other age groups,<sup>76</sup> which puts these groups at increased risk of alcohol-related accidents and injuries. The Government's attempts to moderate alcohol consumption include an increased excise on alcohol, the development of a campaign to change the culture of drinking in New Zealand led by the Alcohol Advisory Council, a review of alcohol advertising, and the development of health promotion programmes, and legislation to control the sale and supply of alcohol. Debate is currently taking place on whether the legal age for purchasing alcohol should be raised back to 20 years of age after being lowered to 18 in 1999.

### **Abortions**

293. In 2004, the number of abortions performed in New Zealand dropped for the first time since 1998. A total of 18,210 induced abortions were performed in New Zealand in the December 2004 year, 300 (1.6 per cent) fewer than in 2003 (18,510). This drop follows increases of 6.5 per cent in 2003 and 5.9 per cent in 2002. However, the general abortion rate was still slightly

<sup>75</sup> *Focusing on Women 2005*, Wellington (Statistics New Zealand 2005).

<sup>76</sup> *Ibid.*

higher than at the time of the last report. The general abortion rate was 20.5 abortions per 1,000 women aged 15–44 years in 2004<sup>77</sup> compared with a rate of 19.1 in 2001.<sup>78</sup>

294. New Zealand's legislative provisions regarding abortion (see pp.109-110 of the last report) have not changed in the period under review. The Government's efforts to reduce the number of unplanned pregnancies are discussed in the section on the *Sexual and Reproductive Health Strategy*.

### ***Sexually transmitted infections***

295. Although data is incomplete, there has been a significant increase in the number of confirmed and probable cases of sexually transmitted infections (STIs) over the last five years. For example, over the past five years the number of confirmed chlamydia and gonorrhoea cases diagnosed at sexual health clinics has increased by 28.2 per cent and 44.4 per cent, respectively.<sup>79</sup> Young people remain at high risk of STIs with those aged less than 24 years having the highest rates of chlamydia, gonorrhoea, genital herpes and genital warts diagnosed at sexual health clinics.<sup>80</sup> Chlamydia was the most commonly diagnosed STI in New Zealand in 2004.<sup>81</sup> The number of Pacific and Māori with chlamydia is four times that of non-Māori. STI rates are particularly high in areas of disparity – Hawkes Bay, Bay of Plenty, Waikato, South Auckland and in Northland.

296. The Government's efforts to reduce sexually transmitted infections are discussed in the section on the *Sexual and Reproductive Health Strategy*. In addition, the National Screening Unit (NSU) of MOH is currently assessing the evidence for a chlamydia screening programme in New Zealand. The NSU is scheduled to provide its position on chlamydia screening to the Minister of Health by March 2006.

### ***Mental illness***

297. Around 20 per cent of the population will at some stage of their life experience mental illness. Around three per cent of the population will require specialist mental health services at any one time.<sup>82</sup> Women are more likely than men to experience depression.<sup>83</sup> Mental illness is also a major health issue for migrant and refugee women.

298. The Government's efforts to address mental health issues are outlined in paragraphs 258-259 on the *Mental Health Strategy*, and for refugees and migrant women in article 12 of the previous report and in the sections of this report on the health of migrants and refugees.

### ***Maternity services***

299. All New Zealand women, including refugees or refugee applicants, are eligible for publicly-funded maternity services. MOH booklet: *Your Pregnancy: Tō Hapūtanga*, published in November 2002, provides information on the type of ante-natal and post-natal services available to women. This includes advice about the roles and responsibilities of pregnant women's Lead

<sup>77</sup> *Abortions (Year Ended December 2004)*. <http://www.stats.govt.nz/products-and-services/info-releases/abortion-stats.htm>. (Statistics New Zealand 2005).

<sup>78</sup> *Focusing on Women 2005*. Wellington (Statistics New Zealand 2005).

<sup>79</sup> *Sexually Transmitted Infections in New Zealand Annual Surveillance Report 2004*. Wellington (Institute of Environmental Science and Research Limited 2004).

<sup>80</sup> *Ibid.*

<sup>81</sup> *Ibid.*

<sup>82</sup> *Briefing to the Incoming Minister of Health*. Wellington (Mental Health Commission 2005).

<sup>83</sup> *Depression Facts* <http://www.outoftheblue.org.nz/page.php> (Mental Health Foundation).

Maternity Carer (LMC). Women can also receive information about maternity services via a MOH toll-free telephone line.

300. As noted in Article 1 the Government enacted the Citizenship Amendment Act 2005 and subsequently from 1 January 2006, children born in New Zealand will only acquire New Zealand citizenship at birth only if at least one of that child parents are entitled to reside indefinitely in New Zealand. Women who are now not New Zealand citizens are not eligible for publicly funded health services and may be charged for antenatal, labour, birth and postnatal services provided to them and their children.

### *Breastfeeding*

301. As foreshadowed in the last report, MOH has developed a breastfeeding action plan *Breastfeeding: A Guide to Action*, which was released in November 2002. In the past 6-8 years there have been a number of initiatives to promote and support breastfeeding in New Zealand, and some of these specifically target Māori and Pacific women. The *Breastfeeding Action Plan* specifies the continued monitoring and strengthening of all of these initiatives, and in particular calls for the provision of consistent, up-to-date breastfeeding information, and a nation-wide focus on achieving accredited Baby Friendly Hospitals. The expected outcome of the *Breastfeeding Action Plan* is an overall improvement in the breastfeeding rates of Māori and Pacific peoples, and an overall increase in the breastfeeding rate of other New Zealanders. HRC has also just released pamphlets, in four different languages, on breastfeeding mothers' rights.

302. There has also been debate in this reporting period on women's 'right to breastfeed', prompted by reports of women being asked not to breastfeed in some cafes and restaurants. In August 2005, the Government responded to the Health Committee Report on Petition 2002/139 signed by almost 9,000 persons regarding the Rights of Breastfeeding Women and Children. The Government response noted that the Government will consider whether legislation is the most appropriate avenue to protect the rights of breastfeeding women and children, and there may be non-legislative options which could achieve the outcome. For example, DOL has produced a booklet of guidelines for employers on supporting breastfeeding in the workplace.

### **Women in the health workforce**

303. The number of female medical practitioners has increased steadily over the past 20 years. In 1984 only 19.7 per cent of medical practitioners were women compared with 32.6 per cent in 2001 and 34.5 per cent in 2003.<sup>84</sup> Most medical practitioners work as general practitioners. In 2003, women made up 39.1 per cent of general practitioners, up from 16.1 per cent in 1984 and 36.9 per cent in 2001.<sup>85</sup> The number of female specialists has also continued to increase. In 2003, 21 per cent of specialists were women, up from 9.8 per cent in 1984 and 19.2 per cent in 2001.<sup>86</sup>

304. Nurses and midwives continue to form the overwhelming majority of women in the health workforce. In 2004, 90.9 per cent of nurses and midwives were women.<sup>87</sup> In 2004, negotiated settlement meant that nurses employed by DHBs are now on a unified pay scale and received pay increases of over twenty per cent. Negotiations are also underway in relation to pay for the nursing workforce in primary health, which covers Māori and Iwi providers, Pacific health, Family Planning Association and sexual health and youth health centres. On going work will

<sup>84</sup> <http://www.nzhis.govt.nz/stats/medpracstats.html>. (New Zealand Health Workforce Statistics 2003).

<sup>85</sup> <http://www.nzhis.govt.nz/stats/genpracstats.html>. (New Zealand Health Workforce Statistics 2003).

<sup>86</sup> <http://www.nzhis.govt.nz/stats/specstats.html>. (New Zealand Health Workforce Statistics 2003).

<sup>87</sup> <http://www.nzhis.govt.nz/stats/nursestats.html#01>. (New Zealand Health Workforce Statistics 2004).

focus on extending the benefits of the Government state sector superannuation scheme to health workers.

### ***Regulation of health practitioners***

305. As foreshadowed in the previous report health practitioners from 13 professions are now regulated under the Health Practitioners Competence Assurance Act 2003 (HPCAA), which came into force in 2004. The HPCAA emphasises the principal purpose of protecting the health and safety of the public and includes mechanisms to ensure that practitioners are competent and fit to practise their professions for the duration of their professional lives.

### **Other**

306. For information on domestic violence, including elder abuse and health screening for family violence see Article 16: Marriage and Family Life.

## **Article 13**

### **Economic and Social Life**

#### **Introduction**

307. Adult women have the same full legal personality and associated rights as men, providing for their equal participation in economic and social life, including in cultural and recreation activities. The policy framework is focused on facilitating meaningful choice and recognising the full range of contributions women make to society. This includes recognising women's contribution to unpaid work and finding ways to support women as providers for the well-being of their families/whānau.

#### **Participation in unpaid work**

308. As noted in the previous report, the 1999 *Time Use Survey* found that women spend more time on unpaid work than men. Almost 70 per cent of women's work was unpaid, compared with 40 per cent of men's work time.<sup>88</sup> Much of the work undertaken by rural women, in particular, is unpaid.

309. Women's contribution to unpaid work is not just in the home. Many women are engaged in community or cultural work outside the household (see table below). Of the different ethnic groups, Māori women make the largest contribution to unpaid work outside the household. This work includes caring for a child who does not live in the household and other helping and voluntary work. This work commonly includes the fulfilment of cultural responsibilities such as attending and assisting around tangi (funerals).<sup>89</sup> It is the same for Pacific peoples who undertake a large amount of unpaid work to fulfil obligations, or as a form of love and reciprocity relating to kinship and cultural protocol.<sup>90</sup>

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<sup>88</sup> 'Gender and unpaid work: findings from the Time Use Survey', *Key Statistics*. Wellington (Statistics New Zealand 2001).

<sup>89</sup> <http://www.ocvs.govt.nz/work-programme/volunteering.html> (Volunteering and tangata whenua (Māori) 2002).

<sup>90</sup> <http://www.ocvs.govt.nz/work-programme/volunteering.html> (Volunteering and Pacific peoples 2002).

**Women's Participation in Unpaid Work**  
By ethnic group  
2001

Unpaid Activities	Ethnic group				
	European	Māori	Pacific peoples	Asian	Other
No activities	6.6	6.6	9.7	9.8	10.5
Household work, cooking, repairs, gardening, etc, for own household	90.4	88.6	84.0	80.4	79.2
Looking after a child who is a member of own household	33.6	51.4	48.2	35.6	39.3
Looking after a member of own household who is ill or has a disability	8.1	14.3	14.6	5.5	8.5
Looking after a child who does not live in own household	20.2	29.1	21.5	6.6	10.6
Helping someone who is ill or has a disability who does not live in own household	10.9	13.1	9.2	3.6	6.0
Other helping or voluntary work for or through any organisation, group or marae	18.1	23.2	14.5	8.3	12.8

Source: Statistics New Zealand, *Focusing on Women* (2005).

310. In rural areas, due to the higher costs of supplying services to smaller and more dispersed communities, there is greater reliance on voluntary workers to provide many services. Because of this pressure rural volunteer burnout is a significant concern. This and other volunteering issues were considered in the *2002 Volunteers and Volunteering Policy Project*, and resulted in approaches being developed to ensure that volunteers are well supported and that volunteers know that their participation is valued, including through the establishment of the Office for the Community and Voluntary Sector.

311. To give visibility to unpaid work in the economy, including volunteering, the Government is continuing the *Time Use Survey* and developing accounts to collect pertinent data. Data will be gathered through the *Time Use Survey* to establish and understand trends in how New Zealand women invest their time, particularly Māori women, Pacific women and ethnic women who, as noted above, contribute at high levels to voluntary work and cultural obligations. Satellite accounts will be developed on household and non-profit organisations to help build understanding of the value of unpaid and voluntary work.

### Participation in cultural activities

312. The *2002 Cultural Experiences Survey* found that women (95 per cent) were slightly more likely to experience one or more of the cultural activities in the survey than men (92 per cent). Popular cultural activities for women included theatrical and music performances, and visiting a marae<sup>91</sup> and/or participation in ethnic/cultural activities.<sup>92</sup>

313. According to the 2001 census, 58 per cent of persons employed in the cultural occupations were women, an increase of 2 per cent since the 1996 census.<sup>93</sup> However, like women in other sectors of employment, women in cultural occupations face difficulties combining household and care responsibilities with their profession. A Creative New Zealand survey *Portrait of the Artist: A survey of Professional Practising Artists in New Zealand*<sup>94</sup> found that:

<sup>91</sup> Māori meeting place.

<sup>92</sup> *2005 Social Report*. Wellington: MSD (MSD 2005).

<sup>93</sup> *Employment in the Cultural Sector 2005*. Wellington (Ministry for Culture and Heritage and Statistics New Zealand 2005).

<sup>94</sup> *Portrait of the Artist: A survey of Professional Practising Artists in New Zealand*. Wellington (Creative New Zealand 2004).

- Female artists were more likely than male artists to identify a lack of time to participate in professional development opportunities because of domestic responsibilities (46 per cent cf. 27 per cent)
- Female artists were more likely than male artists to be prevented from spending more time on their creative work in their principal artistic occupation because of domestic responsibilities (45 per cent cf. 31 per cent)
- Male artists median income from all sources is more than twice that of female artists (NZ\$31,500 cf. NZ\$15,100). Male artists' income from their main artistic occupations was three times that of women.

314. The Government's PACE (Pathways to Arts and Cultural Employment) initiative, launched in 2001, aims to help persons seeking work in the arts and creative industries access creative funding grants and government-funded income support benefits, including childcare support.

### **Participation in recreation and sport**

315. Women in New Zealand are able to participate in a wide range of sporting and recreation activities. However, women and girls tend to participate in physical activity at a lesser rate than men and boys. According to the *2002/03 New Zealand Health Survey*<sup>95</sup>, females were less likely than males to be physically active, with rates of 69.9 per 100 females and 78.4 per 100 males defined as physically active. Females were slightly more likely than males to be sedentary, with rates of 13.6 per 100 females and 10.9 per 100 males. Asian females (26.7 per 100) and Pacific females (23.9 per 100) had higher rates of being sedentary than European/other females (12.0 per 100).

316. According to the *New Zealand Sport and Physical Activity Surveys*,<sup>96</sup> among the women and girls that do participate in physical activity, the most popular activities for girls were swimming, exercising, outdoor games and netball. The top sport participated in by adult women was netball followed by golf, tennis, equestrian and touch rugby. The two most popular active leisure activities for women were walking (participated in by 81 per cent of women) and gardening (67 per cent).

317. Sport and Recreation New Zealand (SPARC) has been encouraging participation in physical activity through the nationwide 'Push Play' campaign that encourages 30 minutes of physical activity a day (part of the *Health Eating: Healthy: Action Strategy*). SPARC has also continued to research ways of helping New Zealanders become more physically active, including through the *Obstacles to Action Study*<sup>97</sup> undertaken in 2003 which examined the motivators and barriers to physical activity. Awareness of these motivators will enable SPARC to develop effective, targeted strategies to help New Zealanders increase their physical activity, health and self-esteem.

### ***Elite sportswomen***

318. The profile of New Zealand sportswomen has been helped by the success of female athletes in international competitions. Of the four New Zealand gold medal recipients at the Athens 2004

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<sup>95</sup> *A Portrait of Health: Key Results of the 2002/03 Health Survey*. Wellington (MOH 2004).

<sup>96</sup> The data is the combined results of the 1997/98, 1998/99 and 2000/01 surveys.

<sup>97</sup> *Obstacles to Action Research – A Study of New Zealanders' Physical Activity and Nutrition* (Sport and Recreation New Zealand 2003).

Olympics, three were women. New Zealand women sports teams also continue to perform well in world competitions.

319. Over the past four years, the Government has been supporting elite sport through the New Zealand Academy of Sport and investment in national sports organisations. At present the Academy is providing support for twenty performance sports, including two female sports: women's golf and netball; as well as sports in which women have been successful such as cycling, rowing and athletics.

320. The national netball competition is the only New Zealand women's sport competition regularly broadcast on television. The Charter of TVNZ, New Zealand's state broadcaster, does not have specific requirements for coverage of either women's or men's sport. However, the Charter does require TVNZ, among other things, to feature programming that serves the varied interests and informational needs and age groups within New Zealand society.

### **Social and economic development**

321. The theme of 'social responsibility' has been emphasised in developments since 1999. By this, the New Zealand Government means that promotion of social well-being, measured through a range of indicators, is just as important as prudent financial management. The *Social Report*, first published in 2001 and published annually since 2003, monitors trends in a range of indicators across ten domains including health, paid work, cultural identity and social connectedness. As far as possible, disaggregation of data by gender and ethnicity is provided.

#### ***Social assistance***

322. Women have the same rights as men to receive government benefits, including the Unemployment Benefit, Domestic Purposes Benefit and New Zealand superannuation.<sup>98</sup> There are two benefits that are only available to women. There is the Widow Benefit available for some women whose husband or partner has died, and the Domestic Purposes Benefit: Women Alone, available for some single women aged 50+. People who are not eligible for these benefits may apply for the Emergency Benefit if they experience hardship.

323. Since 2001, MSD has been working towards reform of social assistance, referred to as the Future Directions (FD) project. The first phase of FD consisted of the Working for Families (WFF) package (see Article 16: Marriage and Family Life for more detail). The second phase of FD, announced in February 2005, will involve the development of a Single Core Benefit along with enhanced employment services to replace the current range of benefits, rules and entitlements. This change is aimed at further developing a work focused system that provides greater opportunities for people moving into employment, where possible.

#### **Financial advice**

324. Women, particularly, Māori women, have reported difficulties in accessing financial loans. In respect of obtaining business loans, work is currently underway to better understand the issue for different groups of women.

325. For women to achieve economic independence it is important that they are equipped with the necessary tools and knowledge to manage their finances. The Retirement Commission has a number of initiatives to enhance the provision of financial advice to women, and to improve

<sup>98</sup> Details of main benefits are available on the Work and Income website <http://www.workandincome.govt.nz/get-financial-assistance/main-benefit/index.html>.

women's uptake of retirement savings schemes, to assist women in providing for their future and that of their families/whānau.

## **Housing**

326. The Government supports access to housing for low-income New Zealanders through the accommodation supplement, provision of state housing, and home loans.

327. The *New Zealand Housing Strategy* launched in May 2005 aims to ensure New Zealand continues to have affordable quality housing that meets the needs of all New Zealanders. One of the *Strategy's* seven areas of action: 'Meeting Diverse Needs' has a specific focus on the needs of women. Under this area of action, housing work programmes will be developed for groups whose social, health and support needs are not always met by the housing market. These groups include older people, women, children and youth, disabled people, Māori, Pacific peoples and ethnic communities. The *Strategy* also has initiatives aimed at improving rural housing.

## **Article 14**

### **Rural Women**

#### **Introduction**

328. The New Zealand population is highly urbanised with only 15 per cent of males and 13 per cent of females living in rural areas.<sup>99</sup> Since 1996, there has been a marginal shift for both females and males from less populated areas into main urban areas. This trend has been present across all ethnic groups.<sup>100</sup> The only counter to this is a particular trend towards older Māori women (60-plus) migrating to rural areas suggesting the strength of kinship and ancestral roots in later life.<sup>101</sup> For European women in the older age groups and, to a lesser extent, for Pacific women, the tendency is to cluster in urban areas. This may be to be closer to family, amenities and services, or to residential care units which are mainly located in urban areas.<sup>102</sup>

329. The nature of rural New Zealand is changing. While agriculture is the traditional backbone of the rural economy, rural New Zealand encompasses much more than that. An increasing variety of activities are undertaken in rural areas and increasing numbers of rural women do not live on farms or earn their income from farming. Rural depopulation and the growth of new non-traditional businesses and industries are also changing provincial and rural communities

330. Rural women have the same rights as rural men, and women and men living in urban areas, to access government services, including social assistance, education and health care.

Government policies mentioned under other articles to improve the situation of women are, therefore, equally applicable to rural women. However, there are areas where rural women experience disadvantage compared with other women, for example in access to services and feelings of isolation, which requires the development of policies and initiatives specific to rural women.

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<sup>99</sup> *Focusing on Women 2005*, Wellington (Statistics New Zealand, 2005).

<sup>100</sup> Ibid.

<sup>101</sup> Ibid.

<sup>102</sup> Ibid.

## Access to Services

331. Women in rural and remote areas may face restricted access to services such as health, education and telecommunications. This is due to the higher costs for government and industry to provide these services in relatively low population areas, regardless of the demand.

### *Heartland services*

332. As noted in the previous report, in recognition of the particular challenges faced by rural and remote New Zealanders, the Government has implemented the Heartland Services initiative which:

- Improves access to government services for people in rural areas
- Improves inter-agency collaboration for the benefit of people in rural areas, and
- Supports community/voluntary agencies in rural areas.

333. Heartland centres provide ‘one-stop shops’ in rural areas where the local population may access a range of government and other related services, including social support services, health, housing, employment, legal, banking and postal services. Heartland Services began in 2001 and there are now 33 rural centres around New Zealand. Heartland Services also incorporates an outreach service that involves a number of agencies synchronising visits to remote communities once or twice a month to provide a face to face service to rural clients.

334. Heartland Services was evaluated in 2003. The results demonstrate that the initiative is working well, and that rural New Zealanders’ access to services has been enhanced through improved inter-agency collaboration, and as a result of the commitment and resourcefulness of local co-ordinators.

### *Health*

335. The New Zealand *Primary Health Care Strategy* identified that rural health problems, including retaining an appropriate health workforce, need special attention. Additional challenges for rural women include access to maternity care, support services for dependent family members and training opportunities for rural health workers.

336. To improve access to health services for rural women and girls, the Government (through the Rural Expert Advisory Group to the Minister for Health) has developed a plan to achieve accessible and appropriate primary health care services for people living in rural New Zealand. This will be achieved through:

- Creating a context for realising opportunities and supporting locally devised solutions to issues in primary health care;
- Ensuring equitable and effective access to an appropriate range of quality primary health care services, which are delivered within the rural community or within acceptable travel times;
- Developing, maintaining and recruiting a skilled, multidisciplinary rural workforce that works in a co-operative, co-ordinated and collaborative manner.

337. The aims of the plan will be implemented through Primary Health Organisations (PHOs) established under the *Primary Health Care Strategy*.

338. Other rural health measures the Government has implemented include:

- Introduction of a ‘rural adjuster’ to the population-based funding formula used for DHBs, so that DHBs are compensated for the higher costs they face delivering health services to rural populations;
- A national travel and accommodation subsidy to assist those travelling long distances, those who incur high travel costs as a result of frequent specialist visits, and those finding it difficult to access specialist services because of low income;
- A Rural Locum Support Scheme and Rural Practice Support Scheme to recruit and retain both short and long-term doctors and nurse practitioners;
- A scholarship for rural nurse practitioners, a nurse postgraduate programme and funding for extra university places for medical students from rural backgrounds;
- Ongoing funding for improving drinking water systems and improving sanitary works in small New Zealand communities;
- Extending Healthline – a free 24 hour a day health advice telephone service to most rural areas;
- Setting up a Mobile Surgical Bus service to provide a range of critical health services to rural communities;
- Additional funding for home-based care services;
- Funding a national schedule of Primary Response in Medical Emergencies (PRIME) training, which ensures that all rural doctors and nurses have access to training in emergency care to enable them to respond collaboratively with ambulance services to improve rural emergency responses throughout New Zealand;
- Establishing a dedicated rural health team in MOH.

### ***Education***

339. To improve access to training, education and extension opportunities for rural women and girls, the Government has:

- Introduced Targeted Funding for Isolation, which provides additional operational funding to schools in isolated areas to recognise the additional costs of accessing the goods and services needed to operate a school and deliver the curriculum;
- Established 13 Rural Education Activities Programmes nationwide, which operate across the entire community spectrum from early childhood through primary and secondary schooling, to continuing education for the adult community;
- Implemented a range of recruitment and retention strategies for teachers in rural schools;

- Set up school administration support clusters to help small schools, mainly in isolated areas, to work together to improve administrative efficiency;
- Provided high-speed internet access to rural schools through Project PROBE (Provincial Broadband Extension);
- Provided a free videoconferencing bridge service for all schools, meaning rural schools can collaborate with schools in other areas, sharing teachers and resources;
- Introduced the Laptops for Teachers programme, which subsidises the cost of laptops for teachers;
- Introduced a new ‘top-up’ system for small rural early childhood education services, both community-based and private, to maintain access to quality services for parents in isolated rural communities;
- Increased boarding bursaries to help ensure that rural New Zealanders can access the same educational opportunities as their urban counterparts; and
- Expanded Tertiary Education Learning and Assessment Centres in urban and rural areas of need.

### *Telecommunications*

340. Access to the internet and telephone are key means for persons living in rural areas to stay connected with the rest of New Zealand, and reduce feelings of isolation. According to the 2001 census, minor rural areas (less than 300 people) and rural centres (300-999 people) had rates of internet access of 37 per cent and 26 per cent respectively, compared with the national average of 37 per cent. Telephone access rates were comparable with urban areas (96 per cent) at 94 per cent for rural centres and 96 per cent for minor rural areas. While cell phone coverage in New Zealand has improved since the last report, a number of rural areas still do not have coverage.

341. The Government has developed initiatives to improve access to telecommunications for rural New Zealanders and to expand access to government services through the use of ICT. These include:

- The launch of e-government and e-commerce initiatives to enhance opportunities for all New Zealanders to connect with government. In a 2004 review of e-government, rural women and men considered that superseded technologies, poor connections and the cost of dialling in to an internet service provider could make access problematic. But they still felt it was convenient to be able to connect with government in this way, as an alternative to using government free phone services.<sup>103</sup>
- Implementation of Project PROBE (Provincial Broadband Extension) in 2002 to make high speed internet available to all schools and communities. Project PROBE will also deliver higher quality telephone services to rural and remote communities.

<sup>103</sup> ‘Wired for Well-being: Citizens’ Response to E-Government’. A report presented to the E-Government Unit, SSC. (Cullen R & Hernon P 2004).

- The launch in 2005 of the Government's Digital Strategy. The Digital Strategy provides a five-year plan for creating a digital future for all New Zealanders, using the power of ICT. Through the Digital Strategy: people living in rural areas will have better access to health and education services; training and support will be provided to rural and remote communities to maintain school computers and networks; and project PROBE will be extended into community centres and rural businesses.

### **Access to utilities**

342. Rural local authorities are responsible for the provision of infrastructure such as sealed roads, electricity, safe drinking water and reticulate sewage in rural New Zealand. Challenges for local authorities differ around the country including the barrier of infrastructure start-up costs on the East Coast, and the lack of access to reticulated sewage, water and electricity in rural Northland. At the regional level, the three territorial authorities that stand out as being the most deprived are the Far North, Gisborne and Buller.<sup>104</sup>

343. As noted in the previous report, the Electricity Act 1992 requires that all electricity companies maintain existing connections until 2013. This requirement ensures that companies continue to operate in 'uneconomic' rural areas. Given the importance of this issue to rural communities, a review of the requirement will be undertaken in 2007 to consider whether the obligation should continue beyond 2013 or expire as is currently provided for in the Act.

### **Rural business and community development**

344. Rural women have the same rights as men to participate in rural development programmes and receive funding under these programmes for business and community projects.

- Rural business development programmes supported by government include, the Regional Partnerships Programme aimed at supporting sustainable economic growth strategies and the Sustainable Farming Fund (SFF) that provides up to NZ\$9.5 million per annum for projects that contribute to the ongoing economic, environmental and social well-being of New Zealand's primary producers. Projects which have specifically targeted, or been initiated by, women under the SFF include:
  - The establishment of a network for women in arable farming;
  - The formation of the industry-focused Women in Farming group, which is a network of discussion groups for women on sheep and beef farms;
  - Supporting Māori women and whānau<sup>105</sup> to strengthen their roles as land-owners and decision-makers to improve Māori land utilisation.

345. Community development projects include the Enterprising Communities Programme which helps communities create local employment opportunities and address skills issues by developing community owned businesses, and the Community Internship Programme, which was discussed in its pilot phase in New Zealand's previous report. The programme is a skill-sharing and capacity-building scheme. It provides grants for experienced and skilled people

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<sup>104</sup> *Degrees of Deprivation in New Zealand: An atlas of socio-economic difference*. Auckland (David Bateman, Crampton, P et al 2004).

<sup>105</sup> Family. Whānau is a wider concept than just an immediate family made up of parents and siblings, it links people of one family to a common tipuna or ancestor.

from the public, private, community and voluntary sectors to participate in short or medium-term internships with community organisations.

## **Article 15**

### **Equality Before the Law and in Civil Matters**

#### **Introduction**

346. Women have full equality before the law, separate legal personality and the ability to enforce the full range of personal legal rights.

347. Since the last report the Government has introduced changes to improve access to legal aid and has also made changes to sexual offending laws to make sex offences gender-neutral. The Government has kept in place special provisions for women inmates, particularly for those with children.

348. Women have the same rights in practice as men to be deployed to combat and other operational units, but legislative change is still required before New Zealand's reservation to the Convention on women in combat can be lifted.

#### **Access to legal aid**

349. Women's ability to access legal aid is important if they are to be able to pursue their legal rights, and protect their interests. There are various legal aid schemes – criminal, family, Waitangi Tribunal and civil general. In the main, women tend to access family legal aid: in 2003/04 over 75 per cent of recipients of family legal aid were women<sup>106</sup> Family legal aid mostly relates to matters such as day-to-day care and/or contact arrangements for dependent children following a breakdown in a relationship, and to domestic violence matters.

350. In New Zealand, legal aid is administered by the Legal Services Agency, a Crown entity set up by the Legal Services Act 2000. The Agency promotes access to justice through legal services, including legal aid, for those who have the greatest need and are least able to pay. The Agency also funds a research programme to identify unmet legal needs and prioritise appropriate service developments to fill the gaps. Along with ethnicity and socio-economic issues, gender is a key area in this research.

#### ***Legal Aid Eligibility Review***

351. Since the last report, the Government has been reviewing eligibility for legal aid. The result was the introduction to Parliament on 17 May 2005 of the Legal Services Amendment Bill No. 2.

352. Changes to be introduced by the Bill will increase the number of New Zealanders who are potentially eligible for legal aid to 1.2 million, up from the current 765,000. The number of legal aid grants made is expected to increase to 85,000, up by 25,000. In addition, income thresholds for civil cases will be based on gross income and adjusted according to family size. A family of two adults and one child, for example, would meet the criteria on earnings up to NZ\$36,371. The current equivalent level is NZ\$19,060. Income thresholds will also be inflation-indexed in the future.

<sup>106</sup> *Statement of Intent 2005-2008*. Wellington (Legal Services Agency 2005).  
06-34212

353. These changes address concerns noted in the *Women's Access to Justice* report which identified the sort of legal services and the eligibility criteria for civil legal aid as presenting barriers to access for low income women.<sup>107</sup> The proposed changes to the threshold will address the current gap between those who are eligible for aid and those who are able to afford to pay for legal advice privately. The NZ\$50 contribution required of civil legal aid applicants will be abolished by the amendment.

354. Legal aid may be granted in the form of a loan or a grant depending on the circumstances of the applicant. That will continue to be the case under the proposed changes. Changes to the Act will enable applicants to calculate their maximum repayment at the time that they apply and will provide clearer rules about writing off legal aid debt. The Government is mindful that the requirement to make repayments should not deter reasonable actions, impede access to justice, or cause serious financial hardship.

## **Women in the criminal justice process**

### ***Women inmates***

355. At 24 January 2006, female prisoners accounted for 461 of the 7,477 imprisoned offenders in New Zealand, making up approximately 6 per cent of the total prison population. While this per centage is small, the number of females in prison has doubled over the last six years.

356. Of the 461 female prisoners in custody on 24 January 2006, 371 were sentenced prisoners, 86 were remand prisoners and four offenders were being held temporarily in police station cells. Ethnicity information for the 371 sentenced female prisoners shows that 55 per cent identified themselves as Māori, 34 per cent as European, 9 per cent as Pacific peoples and 2 per cent as Asian.

357. The New Zealand female prison population can be briefly described as predominantly young (under 30 years of age), not well educated, and in prison mainly for violent offending, property and drug offences. Women also have a somewhat lower rate of re-imprisonment than men.<sup>108</sup>

358. Women are housed in three secure facilities separate from those for male prisoners, who are housed in 17 facilities. Genders are mixed in only one facility, Waikeria Prison, where, as a temporary measure, eighty female prisoners are held in a separate unit, which also holds some 840 male prisoners.

359. Because of the relatively small numbers of female prisoners, accommodation and programme planning is more of a challenge than it is for male prisoners. For example, the location of the three women's prison facilities has meant that around two-thirds of women serve their sentences away from their families.

360. The shortage of female prison accommodation in the north of the North Island will be alleviated from mid-2006 when a new multifunctional women's prison is opened in South Auckland. It will have a capacity of 286 beds and will enable many more women to be held close to their families.

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<sup>107</sup> *Women's Access to Legal Services: Women's Access to Justice*. Wellington (New Zealand Law Commission 1999).

<sup>108</sup> Re-imprisonment rates of prisoners released show that 18 per cent of females are re-imprisoned within 12 months, compared with 30 per cent of males.

### *Current Management Arrangements*

361. Penal policy requires that women are managed in a manner that respects them as adults, takes into account their particular needs as women, and acknowledges their family circumstances and personal histories. The gender and age mix of prison staff aims to reflect the need to provide women prisoners with positive role models of both genders. However, particular activities, such as searches may be undertaken only by women, and this affects the overall gender balance of staff. The Government recognises that female prisoners have different needs from male prisoners and places significant resources into ensuring both its facilities and activities are responsive to those needs.

362. In recent years the Government has implemented a number of initiatives aimed specifically at female prisoners which have a significant impact on the way in which female prisoners are managed. They include:

- The development and pilot of a criminogenic programme for women offenders that is tailored to consider the multiple needs that women offenders present with, the particular responsiveness barriers that women are likely to present with (e.g. dissociation, ongoing effects of abuse), the social and cultural context of women offenders and the relationship between their criminogenic needs, rehabilitation and reintegration issues.
- The establishment of an Assistant General Manager Women's and Specialist Services role in the Public Prisons Service, which is intended to ensure that the successful operation of initiatives for women prisoners continues.
- Assessing and addressing the cultural needs of Māori female prisoners. This includes the continuation of the Specialist Māori Cultural Assessment pilot, which provides a greater depth of cultural information for sentence planning, and the Cultural Supervision pilot, which provides a support function which enables staff involved in sentence planning to reflect on and enhance their interactions with Māori offenders. A Tikanga Māori Programme for women offenders has also been implemented.
- The development of a 'test of best interest' to determine placement of young female prisoners remanded or sentenced to imprisonment. This will provide a more objective and transparent decision-making process on placement.

### *Female Prisoners with Dependent Children*

363. Penal policy requires that female prisoners who are pregnant or have babies up to six months of age are managed in a sensitive manner that takes into account their particular risks and needs, while optimising the well-being of the baby.

364. The general practice in regard to a prisoner who is due to give birth while serving a sentence of imprisonment and wishes to keep the child is that the mother and baby should not be separated unless there is no practicable alternative. The Parole Act 2002 provides for the Minister of Corrections to grant the early release of a female prisoner who is serving a determinant sentence of imprisonment and who has given birth.

365. The Department of Correction's Women Inmates and Their Dependent Children policy aims to assist prisoners with dependent children to address their parental responsibilities. This has led to the establishment of dedicated Feeding and Bonding Facilities, to allow babies to be brought

into prison daily for feeding and bonding in private rooms. It has also led to the establishment of self-care units, which allow babies less than six months to live with their prisoner mother in full-time residence.

366. The following further initiatives are aimed at assisting female prisoners with babies to address their parental responsibilities and enhance their relationships with their children the:

- Provision of Integrated Offender Management approved parenting programmes;
- Provision of parent-child enhanced visiting, including visits in the presence of trained childcare facilitators and extended day and overnight visits;
- Provision of appropriately qualified staff to carry out family liaison functions;
- Pursuit of an inter-sectoral agreement to provide financial assistance so that children can visit their imprisoned parents.

### ***Sexual offending***

367. In 2005, the Crimes Amendment Bill No. 2 was passed. The legislation toughens penalties for sexual offending, widens protection against sexual predators and makes sexual offences gender-neutral, providing equality before the law in relation to such offences. Ensuring that sex offences are expressed and applied in a gender-neutral manner means that females can now be prosecuted for having sexual relationships with under-aged boys.

368. The legislation extends offences that currently refer to 'sexual intercourse' to cover all forms of sexual connection. The legislation also makes it illegal for sexual predators to engage in activity intended to 'groom' young people. This protects young people from sexual predators by covering situations where a person contacts or arranges to meet a child, with the intention of having sexual activity, whether or not the intended abuse occurs.

### **Women in combat**

369. Women are now able to be deployed to combat and to other operational units. However, section 33 of the Human Rights Act 1993 needs to be amended before New Zealand can lift its reservation to the Convention on women in combat. The Government is currently considering an appropriate legislative vehicle through which to make the amendment, and so allow the reservation to be lifted.

370. The profile of women in the defence force continues to improve. On 29 November 2005, a woman was promoted to the rank of Brigadier — becoming the first woman to reach the higher echelons of military office. As at 1 July 2005, 16 per cent of the Defence Force's regular forces were women. Most of the female regular force were in the Navy (21 per cent of the total regular force were women), followed by the Airforce (17 per cent) and Army (14 per cent).<sup>109</sup>

### **Other**

371. For women in the judiciary see Article 7.

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<sup>109</sup> <http://www.nzdf.mil.nz/at-a-glance/personnel-composition.htm>. (New Zealand Defence Force Personnel Summary as at 1 July 2005).

## Article 16

### Marriage and Family Life

#### Introduction

372. Women continue to have full equality in relation to marriage and family status. Marriage is now not the only option for women wishing to enter into a legal union with a partner. The Civil Union Act 2004 allows women to enter into a legally recognised civil union with a man and also allows for a civil union with a same sex partner.

373. The New Zealand legal and policy framework recognises the wide range of family arrangements there are in New Zealand, and ensures these have the same legal status. This has primarily been achieved through the Relationships (Statutory References) Act 2005, which amended provisions in Acts or regulations that did not recognise or treated differently the full range of relationships that New Zealand now recognises.

374. The period under review has also seen changes to parental rights with the advent of the Care of Children Act 2004, developed as a result of the Guardianship Act review. The Care of Children Act places the interests of the child as paramount and allows for recognition of a greater range of parenting roles and family arrangements.

375. A characteristic of this reporting period has been the increase in government support for families. In 2003, the Government established the Families Commission to advocate for the interests of families through policy analysis, research, community engagement and public information. The Government has also implemented a family social assistance package called 'Working for Families' that has the objective of further improving the standard of living for families.

376. Eliminating violence against women also continues to be a government priority. The Government has established a Ministerial level team to provide leadership across the state sector on this issue. As part of this whole-of-government response, a range of interventions have been implemented to eliminate the impact of violence on women.

#### Relationships in New Zealand

377. Family life in New Zealand is changing. Couples are less likely to formalise their relationships than in the past. Parents are having children at a later age and women are having fewer children. Separation and re-partnering are becoming more common meaning that a higher proportion of children are being raised in one-parent and blended family households.

378. Marriage rates have fallen in New Zealand since the last report. The general marriage rate (number of marriages per 1,000 not-married population aged 16 years and over) was 14.7 per 1,000 during 2001–2003, but dropped to 13.9 in 2004. Many factors have contributed to the fall in the marriage rate, including a general trend towards delayed marriage, the growth in de facto unions, and increasing numbers of New Zealanders remaining single.

379. Women with a male partner continue to have the option of choosing to enter into a legal marriage with them as governed by the Marriage Act 1955. Women or men in a same sex relationship are not permitted to enter into legal marriages in New Zealand. However, under the Civil Union Act 2004, which came into force on 26 April 2005, same sex and opposite sex couples may solemnise their relationship by entering into a civil union. Civil unions have the

same legal status in New Zealand as marriage. The Civil Union Act therefore provides same sex (and opposite sex) couples with a legally-equivalent alternative to marriage.

380. To ensure recognition of different types of relationships in various laws and regulations, Parliament enacted in March 2005 the Relationships (Statutory References) Act 2005. This Act amended a large number of legislative provisions to provide for more general recognition of civil unions. The Act, however, did not amend provisions that formed part of reviews already underway or for which an alternative legislative vehicle exists. It is anticipated that most of these reviews will be completed by the end of 2006.

### ***Dissolution of relationships***

381. The Property (Relationships) Act 1976 continues to govern the division of property upon the dissolution of relationships including civil unions, de facto relationships and marriages. MOJ continues to monitor case law and academic writings on the impact of the legislation.

### **Children**

382. There have been no changes to the provisions governing the determination and registration of a child's first name and surname. In addition, there has been no significant progress on the Adoption Act review.

### ***Parental rights and obligations***

383. Article 16 of the previous report noted that the Guardianship Act 1968 was under review. The result of the review was the Care of Children Act 2004 which came into force on 1 July 2005. The Care of Children Act now provides the basis for decisions about guardianship and care of children. An important aspect of the new Act is its guiding principles that stress the need for everyone involved with the care of a child to take a consultative and co-operative approach; that the child's safety be protected, particularly from violence; and that relationships with family, and the child's identity, should be preserved and strengthened

384. The Act will help parents, families and children by:

- Ensuring the legislation has a stronger focus on the rights and voice of the child;
- Promoting co-operative parenting;
- Removing discriminatory provisions that present barriers to families;
- Recognising the diversity of family arrangements that exist for the care of children;
- Providing meaningful court processes for guardianship proceedings.

385. The Guardianship Act section on 'Women with disabilities' is carried over into the Care of Children Act. The section on grandparents, 'Access Disagreements' is no longer relevant because grandparents are eligible to apply for parenting orders under the Care of Children Act.

386. To keep pace with changing family structures, MOJ is currently reviewing a number of aspects of the operations of the Family Courts. MWA is also co-ordinating the Government Response to the Law Commission report, *New Issues in Legal Parenthood*, which will form the basis for any future reforms of the legal rules that determine parental status.

### ***Human Assisted Reproductive Technology***

387. Another piece of legislation enacted during the reporting period, was the Human Assisted Reproductive Technology Act 2004. This Act regulates the use of human assisted reproductive technology in New Zealand. Among its purposes are the securing of the benefits of reproductive procedures, and the protection and promotion of the health, safety, dignity and rights of all individuals, but particularly those of women and children, in the use of these procedures and research. It prohibits certain procedures and commercial transactions relating to human reproduction, provides a framework for regulation, requires ethics committee approval for some procedures, and establishes a comprehensive information-keeping regime to ensure that people born from donated embryos or donated cells can find out about their genetic origins.

388. The Government provides support for women who experience difficulties conceiving children in the form of In Vitro Fertilisation (IVF) treatments. Traditionally funding has been for only one cycle of IVF. However, from 1 October 2004, couples who were undergoing fertility treatment, and who met certain criteria, are able to receive government-funding for a second IVF cycle. It is thought that about 90 per cent of patients who have completed one unsuccessful cycle of treatment will choose to undertake a second cycle.

### ***Families Commission***

389. A large body of evidence and research indicates that families' functioning and circumstances have a significant impact on the life chances of individual family members, and on the successful functioning of society and the economy. As a result, the Families Commission was established in 2003 to help government better provide for the needs of families in the development of economic and social policies.

390. The Families Commission is tasked under the Families Commission Act 2003 to advocate for the interests of families through policy analysis, research, community engagement and public information. Since it began operations on 1 July 2004, the Commission has undertaken a range of projects and research to improve government's understanding of the different family types in New Zealand and how government can better take into account the needs of families in policy-making. Research projects completed include a review of New Zealand's main parenting programmes. Work commissioned will include for example a review of current understanding of family violence and researching ways of assessing government policies' impact on families. The Commission will also undertake research into areas such as work-life balance as well as building a statistical picture of people's movements between different family types.

### ***Working for Families***

391. The Working for Families (WFF) package, implemented in 2004 and will be fully implemented by 2007, is the Government's main social assistance package for families. WFF enhances a number of existing social assistance measures to provide higher rates of assistance and extend eligibility, to help ensure that all families have enough income to raise their children and have a decent standard of living and that low income families are financially better off than on the state support. The three main social assistance measures involved are:

- **Family Assistance:** This provides extra financial support to help families cover the costs of having children. It is made up of four types of payments – Family Support, Child Tax Credit, Family Tax Credit (to be replaced by the In-Work payment on 1 April 2006), and Parental Tax Credit. Families may qualify for one or more of these payments, depending on their specific situation.

- Accommodation Supplement (AS): The AS helps low and middle-class families meet the costs of renting or paying a mortgage.
- Childcare and OSCAR subsidies: These subsidies help families with the costs of childcare or out of school care and recreation (OSCAR).

392. The new In-Work Payment and increase to childcare assistance will provide particularly strong work incentives for sole parents to work by helping work pay.

393. Families not eligible for assistance under the WFF, or for any other government benefits, may apply for an emergency benefit if they fall into a period of hardship.

## Violence against women

### *Family violence*

394. Family violence is a serious social and economic issue, which occurs within a variety of close personal relationships, such as between partners, partners and children, siblings, and in other relationships in which significant others are not part of the physical household, such as between elders and their carers.

395. It is difficult to obtain a true picture of the level of violence against New Zealand women, as much of it goes unreported. Nevertheless, the most recent *New Zealand National Survey of Crime Victims* in 2001<sup>110</sup> shows that within each ethnic group, the lifetime prevalence for violence by heterosexual partners was higher for women (26 per cent) than for men (18 per cent), and was very much higher for Māori women (49 per cent) than for European women (26 per cent). The survey captures information on both reported and non-reported violent crime.

396. More recent research, published in 2004, found that 33 per cent of women in Auckland and 39 per cent of women in Waikato, had experienced at least one act of physical and/or sexual violence by a heterosexual partner in their lifetime.<sup>111</sup>

397. In 2004/05 Child, Youth and Family received 53,097 notifications of possible abuse or neglect; a 23 per cent increase from 2003/04.<sup>112</sup> This is in line with an overall trend both domestically and internationally of increased notifications, partly attributable to increased awareness of child abuse or neglect.<sup>113</sup> It has been estimated that between 30–60 per cent of families that report child abuse also experience partner abuse.<sup>114</sup>

398. Women continue to be the main victims of elder abuse and/or neglect. Between 2002 and 2004, women made up 70 per cent of the 884 individual clients referred to Age Concern New Zealand for cases of abuse and/or neglect.<sup>115</sup> Twelve per cent of all cases of abuse and/or neglect involved physical abuse and two per cent involved sexual abuse.<sup>116</sup> Not all cases of abuse are reported. It is estimated that between 3-10 per cent of the older population (65+) are victims of elder abuse.<sup>117</sup>

<sup>110</sup> *The New Zealand National Survey of Crime Victims 2001*. Wellington (MoJ 2003).

<sup>111</sup> 'Violence against women in New Zealand: prevalence and health consequences' *New Zealand Medical Journal*, 117 (1206): 1173. (Fanslow, JL & Robinson, E 2004).

<sup>112</sup> *Briefing for the Incoming Minister*. Wellington (Child, Youth and Family 2005).

<sup>113</sup> *Ibid.*

<sup>114</sup> 'The Overlap between Child Maltreatment and Woman Battering' *Violence Against Women* (Edleson, J. 1999).

<sup>115</sup> *Age Concern Elder Abuse and Neglect Prevention Services: An analysis of referrals for the period: 1 July 2002 to 30 June 2004*. Wellington (Age Concern New Zealand 2005).

<sup>116</sup> *Ibid.*

<sup>117</sup> *Ibid.*

399. There is currently no data about the extent of same sex partner violence and violence against women with disabilities, and data on the incidence of family violence more broadly is of limited quality. To improve the data on the incidence of family violence, a research project is being scoped to document what is known about the scale and nature of family violence in New Zealand, and to make recommendations on opportunities for improvements in relation to data collection.

400. The incidence of domestic violence will also be able to be monitored in future through more frequent general surveys of crime victims. From 2006 onwards, the *New Zealand National Survey of Crime Victims* will be conducted every two years. This will allow for more regular analysis of reporting and trends over time.

401. Domestic violence is a complex problem. Evaluations of the effectiveness of both local and international interventions have to date been largely inconclusive, but have identified aspects that have made a positive difference to the incidence and impact of domestic violence.

402. In March 2005, the New Zealand Parliamentarians' Population and Development Group held an open hearing on violence against women and children.<sup>118</sup> The open hearing provided the opportunity for a stock take of issues from the perspective of social service NGOs and government agencies. The report and recommendations have also contributed to the current government strategy on family and domestic violence.

403. The New Zealand Government has responded through various frameworks to address domestic violence. This includes the *Crime Reduction Strategy*,<sup>119</sup> *Te Rito: New Zealand Family Violence Prevention Strategy, Opportunity for All New Zealanders*, which identifies family violence as one of five critical social issues for New Zealand, and the *New Zealand Health Strategy* which lists the reduction of interpersonal violence as a priority population health issue.

404. The Te Rito Strategy provides a framework for 18 'Areas of Action' to be implemented over a five-year period. Area 8 is a research and evaluation programme, which highlights the need for a mechanism to co-ordinate, collate and disseminate information on family violence. To this end, in 2005 the Government funded the New Zealand Family Violence Clearinghouse. The Clearinghouse is being developed by a consortium of organisations that combine academic interests and tertiary training with the knowledge and experience of NGOs working in the field of family violence prevention and intervention.

405. A Ministerial Team including the Ministers for Women's Affairs, Police, Justice, Social Development and Employment, Education, and Health and the Associate Minister for Social Development and Employment (Child, Youth and Family), has also been established to provide leadership across the state sector on eliminating violence against women.

406. The Government currently has a variety of interventions in place or being implemented to eliminate violence against women:

- Taskforce for Action on Violence within Families – chief executives of key government agencies, NGO representatives, members of the judiciary, the Children's Commissioner and the Chief Families Commissioner are all collaborating on responses to family violence and will be making recommendations to Ministers by July 2006

<sup>118</sup> *Creating a Culture of Non-Violence*, Wellington (New Zealand Parliamentarians' Group on Population and Development 2005).

<sup>119</sup> *Crime Reduction Strategy* <http://www.justice.govt.nz/crime-reduction/> (MoJ 2002).

- National Taskforce on Community Violence Reduction – set up under the 2004 Safer Communities Action Plan to Reduce Community Violence and Sexual Violence
- Project Mauriora – building the capability of Māori practitioners to provide culturally appropriate interventions
- Pacific Family Violence Prevention Strategy – increasing family violence education and awareness within Pacific communities and changing attitudes
- Family Violence Teams – pilot programme consisting of four multi-disciplinary teams of Police investigators, community recruited and employed child advocates, community recruited and employed victim advocates and (in two of the teams) Child, Youth and Family child advocates, working together to ensure the full range of issues facing a family experiencing violence are addressed
- Family Violence Funding Circuit Breaker – a collaborative funding initiative aimed at making things easier for community service providers
- Family Violence Intervention Programme – aims to improve Work and Income’s response to clients who experience family violence
- Scoping of a multi-year campaign to change attitudes and behaviours.

#### *Health screening for family violence*

407. The Government has developed a health sector response to the various impacts of violence against women. One of the 13 population health objectives of the *New Zealand Health Strategy* is to reduce violence in interpersonal relationships, families, schools and communities. To reduce violence in these areas, health professionals and providers require protocols and training to allow them to recognise and respond to family violence and abuse. Public health campaigns are also important.

408. In 2002, the Government released family violence intervention guidelines. The guidelines are a practical tool to help health providers make safe and effective interventions to assist victims of violence and abuse. They have been written as generic health professional guidelines, setting out principles of intervention that will apply to a number of health professions and a number of clinical settings. It is expected that, in due course, individual health professions may formulate their own profession-specific child and partner abuse guidelines.

409. The guidelines are intended for use in conjunction with health professional training offered through MOH Family Violence Project 2001-2004. Colleges and organisations endorsing the guidelines were involved in the Project’s development, and will be conducting and participating in the development of training programmes in child and partner abuse intervention. For example, the New Zealand College of Midwives instituted family violence workshop training in 2002 to prepare midwives to integrate screening and referral for family violence into their care for pregnant women.

410. MOH and the Health Research Council of New Zealand have sponsored research to evaluate health professional training projects in order to:

- Increase access to training and establish best-practice procedures to respond to victims of family violence, and
- Establish the effectiveness of the training projects in improving the response of healthcare providers to victims of family violence.

411. MOH is also funding a number of public education projects to address family violence in New Zealand. These include:

- Violence free hapū – uses effective prevention and early intervention approaches used in traditional Māori communities;
- Violence free marae/Māori workforce development – training Māori health and social service providers in family violence intervention;
- DV Free: Employer response to domestic violence – developing healthy workplaces by supporting victims and educating staff;
- Promotion of youth non-violence and healthy gender roles – promoting men speaking out against violence through the media, and work with sporting and educational organisations to promote non-violence among young men.

412. NGOs also play an important role in providing referral and support services for women and children in abusive homes. For example, the National Collective of Independent Women's Refuges (NCIWR) is the umbrella organisation of fifty Women's Refuges around New Zealand. Women's Refuges provide 24-hour support, advocacy and accommodation for women and their children experiencing family violence. NCIWR is an independent community organisation run by women for women and children, which provides valuable advice to government on policies and programmes for women and children experiencing family violence.

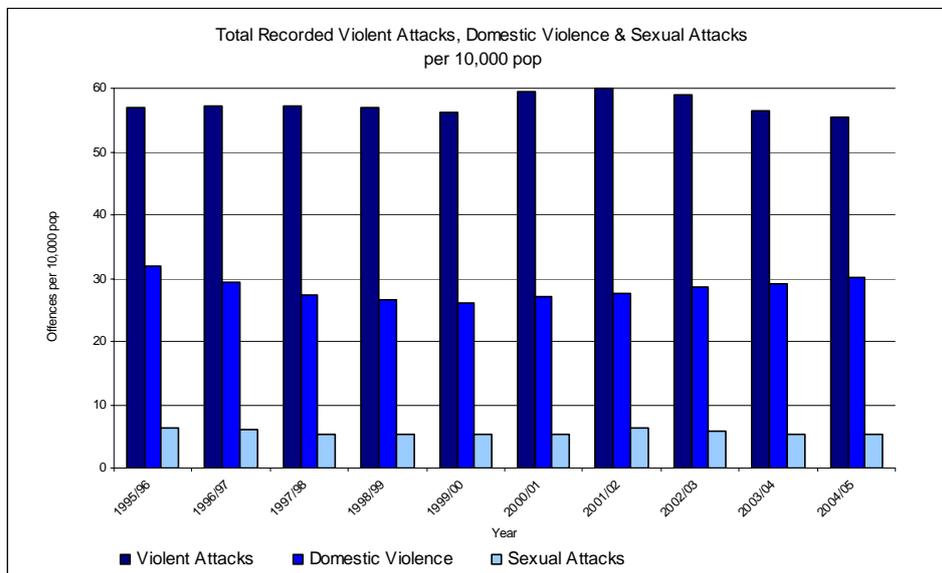
413. The Royal New Zealand Plunket Society (Plunket) links with other agencies in the health sector, as well as the education and welfare sectors, to ensure that families can access the services they need. Plunket is also used by many parents to conduct government-funded child health assessments in home. This has given Plunket ready access to many people's homes, making Plunket particularly effective in identifying and responding to family and domestic violence.

414. The Family Planning Association (FPA) also plays a key role in delivering referral and support services to women in abusive relationships. FPA is funded by the Government to provide specific educational and clinical services to improve sexual and reproductive health. FPA clinic staff routinely screen clients for signs of domestic violence. In addition, FPA's educational services include helping young people to understand the danger signs of relationship abuse, and provision of advice on where to go for help.

### ***Other violence against women***

415. As discussed above, there are no absolute figures on the level of violence that is experienced by New Zealand women, in their homes or in public places. There is, however, data that can provide some insights into the extent of the problem. The most commonly used data is statistics on violent incidents reported to Police, and surveys that ask people about their experiences of different types of crime and violence.

416. Violence against women is prosecuted and punished under the Crimes Act 1961 and the Domestic Violence Act 1995. The following table shows the total recorded violent attacks, domestic violence and sexual attacks per 10,000 population. The statistics for sexual attacks include stranger related sexual attacks, abduction for sex, abduction for marriage or sex, indecent assaults, sexual violence, sexual attacks on children and where the victim may be male.



417. Information on convictions for violence against women is not currently available, as the offences are numerous and varied, and information on convictions is not collected in a form which makes it possible to identify the gender of the victim or perpetrator. The need for reliable and in-depth data on violence against women and its impacts generally is an area for urgent improvement.

418. It should also be noted the *New Zealand National Survey of Crime Victims 2001* states that offences reported to and recorded by New Zealand Police represent only 15 per cent of the total victimisations estimated in the survey.

419. The survey found that sexual violence is highly prevalent and that women's experience of sexual interference or assault over their lifetime is considerably higher than men's. About twenty per cent of female participants said that they had experienced sexual interference or assault at some time in their lives, compared to 5 per cent of male participants. The rate of victimisation of young women (26 per cent) and Māori women (23 per cent) was also higher than for other population groups.

420. In 2004, the Government implemented the *Action Plan to Reduce Community Violence and Sexual Violence*. The *Plan* is linked to the Government's *Crime Reduction Strategy* and complements the Government's other violence prevention strategies, particularly *Te Rito: The Family Violence Prevention Strategy* to form a more comprehensive approach to addressing violence in New Zealand.

421. The *Plan* aims to contribute to a reduction in community and sexual violence in New Zealand by addressing alcohol related violence, violence in public places, sexual violence, and attitudes and cultural norms towards violence. It brings together central government, local government and community organisations working in partnership. Implementation of the *Plan* is to be managed by three co-ordinating groups:

- Inter-agency Programme Management Group – developing long-term, integrated and co-ordinated public education and communication programme for violence reduction;
- National Taskforce for Community Violence Reduction – co-ordinating actions in the area of alcohol related violence, and violence in public places;
- Inter-agency Steering Group on Sexual Violence – developing, implementing, monitoring and reviewing a co-ordinated approach to sexual violence, from prevention of victimisation to management of offenders.

### ***Violence against refugee and migrant women***

422. Migrant women who leave abusive or violent marriages or relationships while in New Zealand on a visitor's, work or student permit (i.e. without permanent residence) may be in a vulnerable situation. Returning to their homeland may not be viable if they face being disowned by their families for leaving the relationship. In light of this, women who are the victims of domestic violence may be granted a three-month work permit. At the end of this period, those women may apply for permanent residence under the Special Residence Policy for victims of domestic violence.

423. Under the Special Needs Grants Welfare Programme, a weekly, non-recoverable grant equivalent to the Unemployment Benefit may be paid on the grounds of hardship when a woman:

- has entered New Zealand for the purpose of marriage, civil union, or to live in a stable de facto relationship, including a same sex relationship, with a New Zealand citizen or resident, and/or
- has lodged an application for residence under the partner policy of the Family Category
- her relationship with her partner ended solely or principally due to domestic violence
- she is living apart from and has lost the financial support of her partner and
- she holds a temporary work permit.

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## Appendix 1

### Detailed responses to the Committee's Concluding Comments on New Zealand's Fifth Periodic Report on its implementation of the United Nations Convention on the Elimination of All Forms of Discrimination against Women

Recommendation	Response
<p>State party take appropriate steps to incorporate all the provisions of the Convention into domestic law (paragraph 406).</p>	<p>Before ratifying an international instrument, the New Zealand Government ensures that its legislation, policies and administrative practices comply fully with the obligations that instrument contains. So while New Zealand does not have a specific piece of legislation which implements the Convention, the Government's obligations under the Convention have been given effect by other broad human rights focused legislation such as the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993.</p>
<p>State party bring to the attention of all political parties their responsibility to achieve equality between women and men in political life (paragraph 408).</p>	<p>All political parties are independent and are subject to New Zealand laws. Candidates for political office must meet certain criteria as set by the Electoral Act 1993. Each party makes its own rules on the process for choosing candidates for nomination to Parliament. But a registered political party must have democratic candidate selection rules.</p>
<p>State party adopt a comprehensive strategy to strengthen the number of women in policy and decision-making in the public sector and strengthen policies to support the private sectors efforts (paragraph 408).</p>	<p>The Government has set the target of 50 per cent representation of women on government boards by 2010. MWA's Nominations Service collects information on women that might be suitable candidates for government boards.</p> <p>The Government's <i>Pay and Employment Equity Plan of Action</i> is a comprehensive strategy aimed at ensuring women have the same opportunities as men to work in the public sector and advance to decision-making positions. The plan may be extended to the private sector.</p>
<p>State party promote the adoption of policies within Universities aimed at creating a more favourable climate to achieve equality and that the State party review the Student Loan scheme (paragraph 410).</p>	<p>Educational institutions, such as universities, are required under legislation to have implemented good employer provisions, including EEO policies.</p> <p>The Government will introduce interest-free student loans from</p>

Recommendation	Response
	1 April 2006. This is likely to have a positive impact on women, because they will no longer face increasing interest charges if they choose to take time off work for childbearing or other reasons.
State party ensure equal opportunities for women and men in the public and private sectors and that the State party design and implement job training programmes for different groups of unemployed women (paragraph 412).	<p>The Government continues to implement policies on equal employment opportunities (EEO) in the public sector. SSC has improved its monitoring of EEO and provides reports to help public sector departments see where improvements in EEO might be needed. The Government also supports the EEO Trust's efforts to improve EEO in the private sector, including through the dissemination of reports and case studies on the advantages of employing diverse groups of people e.g. women with care responsibilities and older workers.</p> <p>The Action Plan for New Zealand Women aims to improve women's participation in employment, including through improved access to childcare, extension of paid parental leave and the Enhancing Parents and Other Carers' Choices (EPOCC) initiative. The EPOCC initiative aims to improve the range of choices that parents have about work, and enable them to make choices that lead to the best outcome for them, their children, business and the community.</p> <p>The Government also supports women improving their employment options by obtaining better qualifications and skills. A number of training and skills programmes are focused on helping unemployed women into jobs, including the Training Opportunities programme that is especially aimed at jobseekers. The Government's Job Jolts package also aims to help unemployed people into paid work.</p>
Efforts be made to eliminate occupational segregation, through education and training, the application of the principle of equal pay for work of equal and comparable value, and the promotion of additional wage increases in female-dominated sectors of employment (paragraph 412).	The Government is addressing occupational segregation, resulting from differences in education and training, by supporting life-long learning for women and girls, including through provision of better financial support to tertiary students through changes to the student allowance and student loan schemes. The gender pay gap associated with occupational segregation is being tackled through the <i>Pay and Employment</i>

Recommendation	Response
	<p><i>Equity Plan of Action</i> and the promotion of Equal Employment Opportunities (EEO). The principle of equal pay for work of a similar nature continues to be embedded in legislation. The annual reviews of the Minimum Wage have resulted in increases to the minimum hourly rate for all workers since the last report. Employment contract negotiations in the reporting period have resulted in pay increases for some female-dominated professions e.g. early childhood teachers.</p>
<p>State party consider further amending the Parental Leave and Employment (Paid Parental Leave Act) with a view to ensuring that pregnancy under no circumstances creates an obstacle for women entering the labour market, and to removing the specific time limit which is required to qualify for paid parental leave, and to increasing the benefits so that men are encouraged to take parental leave (paragraph 412).</p>	<p>The Government has improved access to paid parental leave by lengthening the amount of paid parental leave available to women from the original 12 weeks to 14 weeks and shortening the employment qualifying period from 12 months to six months. A Bill currently before a Select Committee will extend paid parental leave to self-employed persons from 1 July 2006. The Bill also proposes the period that parents must have worked before taking a second or subsequent period of parental leave be reduced from 12 months to six months.</p>
<p>State party (paragraph 414):</p> <ul style="list-style-type: none"> <li>• monitors the implementation of the Prostitution Reform Act 2003 <i>and to provide in its next report</i>, an assessment of the consequences of the law, in particular for those women without residence permits who are engaged in prostitution, including statistical information.</li> <li>• Increases its efforts to provide training and education to prostitutes in order to ensure that they can acquire alternative means of earning their livelihood</li> </ul>	<p>As noted in New Zealand's response under Article 6, the Prostitution Law Review Committee is charged with monitoring and reviewing implementation of the Prostitution Reform Act 2003. This has included reporting on the sex industry in New Zealand, including the situation of women without residence permits. The second report of the Committee will consider the impact of the Act. Measures are also in place to prevent immigrants to New Zealand being trapped by prostitution. The Government also provides training to help prostitutes enter other fields of work. Following the enactment of the Prostitution Reform Act, DOL produced 'A Guide to Occupational Health and Safety in the New Zealand Sex Industry', to provide accessible information about safe practice in this sector.</p>
<p>State party (paragraph 416):</p> <ul style="list-style-type: none"> <li>• devises a structure for systematic collection of data on all forms of violence against women</li> </ul>	<p>Violence against women is prosecuted under the Crimes Act 1961 and the Domestic Violence Act 1995. Statistics on cases of violence against women is provided under Article 16: Marriage and Family Life.</p>

Recommendation	Response
<ul style="list-style-type: none"> <li>• ensures that all violence against women is prosecuted and punished</li> <li>• provides information in its next report on the number of cases of violence reported to the police and other relevant authorities and on the number of convictions.</li> <li>• increases the number of shelters for women victims of violence,</li> <li>• ensures public officials are fully sensitized to all forms of violence against women</li> <li>• creates public awareness of violence against women as an infringement of women’s human rights that has grave social cost for the whole community.</li> </ul>	<p>The Government has established a Ministerial level team to provide leadership across the state sector on eliminating violence against women. Efforts to eliminate violence against women are being guided by two strategic frameworks: the <i>Te Rito: Family Violence Prevention Strategy</i> and the <i>Crime Reduction Strategy</i>. Underpinning these frameworks are two action plans: the <i>Action Plan on Violence within Families</i> and the <i>Action Plan to Reduce Community Violence and Sexual Violence</i>. These plans provide, amongst other things, for the systematic collection of data on violence against women, and include actions to raise public awareness about the need to eliminate violence against women. The Family Violence Intervention programme aims to sensitise public officials to violence against women.</p>
<p>State Party take measures to ensure that women who file complaints against sexual harassment have a legal right to remain in their job (paragraph 418).</p>	<p>Under the Employment Relations Act 2000, if an employee believes they have been unjustifiably dismissed, for example, because they have made a complaint of sexual harassment, they have the option of taking a personal grievance against their employer. If the personal grievance is upheld, remedies may include reinstatement and financial compensation.</p>
<p>State party takes measures to lower the threshold for women to access legal services, inter alia, through the implementation of an adequate legal aid scheme (paragraph 420).</p>	<p>In New Zealand, legal aid is administered by the Legal Services Agency, a Crown entity set up by the Legal Services Act 2000. The Agency promotes access to justice through legal services, including legal aid, for those who have the greatest need and are least able to pay.</p> <p>The Government will improve eligibility for legal aid through the Legal Services Amendment Bill No. 2. Changes in the Bill, including increases to the maximum income limits for eligibility to legal aid, will increase the number of New Zealanders who are potentially eligible for legal aid up to 1.2 million from the current 765,000.</p>
<p>State party (paragraph 422): takes appropriate measures to ensure that disabled women</p>	<p>The Human Rights Act 1993 prohibits discrimination on the basis of disability, except in limited circumstances, such as where there may be a risk of harm. However, even if the</p>

Recommendation	Response
<p>do not suffer from discrimination, in particular in areas of employment and access to health care and loans.</p> <p>pays attention to the situation of disabled married women with a view to ensuring their economic independence.</p>	<p>limited circumstances do exist, discrimination may still be unlawful if reasonable steps or measures could have been taken to accommodate the person's disability.</p> <p>MWA is working with the Office for Disability Issues to support the participation of disabled women in all areas of life including through the removal of barriers to participation. The main basis for this work is the <i>New Zealand Disability Strategy</i> (NZDS). Since the last report, initiatives have been introduced under the NZDS to improve disabled persons participation in employment, tertiary education and access to health services. The Government is also developing a New Service for Sickness and Invalids Benefits Recipients aimed at helping disabled people move into work. As is the case with other women, the ability to enter into paid employment will have a positive impact on the economic independence of disabled women.</p>
<p>State Party (paragraph 424):</p> <ul style="list-style-type: none"> <li>• is urged to continue to implement the 'Treaty of Waitangi' and to monitor the impact of measures taken through the 'Reducing Inequalities', in particular the social, economic and political areas and in criminal justice.</li> <li>• implements targeted measures to respond to the needs of Māori and Pacific women and girls, and to continue to invest in these groups, taking into account their linguistic and cultural interests</li> </ul>	<p>The Government is committed to improving the situation of Māori and Pacific peoples in New Zealand. Te Puni Kōkiri (the Ministry of Māori Development) and the Ministry of Pacific Island Affairs have a particular focus on advancing the social and economic development of Māori and Pacific peoples respectively. In addition, a number of sectors, including health and education, have specific strategies aimed at improving outcomes for Māori and Pacific peoples. The Treaty of Waitangi also continues to be an important document through which to pursue Māori development.</p> <p>The <i>Social Report</i>, published annually since 2002, monitors a range of indicators of social well-being and provides a basis for the Government to measure how well it is doing in improving peoples' lives and reducing inequalities. Many of the indicators, including those dealing with education, employment and health, are disaggregated by ethnicity allowing for particular monitoring of Māori and Pacific peoples.</p> <p>The Government has recently reviewed the use of targeted measures for the development and protection of certain ethnic groups. Measures based on ethnicity may continue to be used</p>

Recommendation	Response
	provided certain conditions are met, including the existence of an identifiable need and that ethnicity is an indicator of that need.
<p>State party (paragraph 426):</p> <ul style="list-style-type: none"> <li>• takes effective measures to eliminate discrimination against refugee, migrant and minority women and girls,</li> <li>• strengthens its efforts to combat xenophobia and racism in New Zealand.</li> <li>• becomes more proactive in its measures to prevent discrimination against those women and girls within their communities and in society at large, to combat violence against them and to increase their awareness of the availability of social services and legal remedies, and to provide for their needs with respect to education, employment and health care. It also recommends that the State party provide in its next report more specific and analytical information and disaggregated data on these issues.</li> </ul>	<p>Measures to eliminate racial discrimination and xenophobia are discussed in the New Zealand Government's reports to the UN Committee on the Elimination of Racial Discrimination.</p> <p>The Government is committed to meeting the unique needs of refugees and migrants. The Office of Ethnic Affairs works with all ethnic people, including migrants and refugees, to improve government's understanding of and responsiveness to issues of concern to ethnic peoples. The Office also raises refugees' and migrants' awareness of the Government services available to them.</p> <p>The Government is also supporting the integration of refugees and migrants into New Zealand society through the <i>New Zealand Settlement Strategy</i>. The Strategy aims to achieve successful settlement outcomes for refugees, migrants and their families in a range of areas, including employment, English-language training and access to information and services. The Government will gather data on the settlement experiences of refugees through the Longitudinal Immigration Survey: New Zealand and will use the results to improve settlement policies.</p>
<p>State party is urged to communicate with the Government of the Cook Islands concerning the obligation of States parties under article 18 of the Convention on the submission of initial and periodic reports on the implementation of the Convention (paragraph 427).</p>	<p>As part of its bilateral development assistance programme, New Zealand has been assisting the Cook Islands to meet its reporting obligations under the Convention. The Cook Islands' initial report has been written and is now being put through the Cook Islands Government's approval processes.</p>
<p>State Party is urged to expedite the steps necessary for the withdrawal of its remaining reservation to the Convention (paragraph 428)</p>	<p>Women are now able to be deployed to combat and to other operational units. The Government is considering a suitable legislative vehicle to amend section 33 of the Human Rights Act 1993 so that the reservation to the Convention can be lifted.</p>

## **Appendix 2: Voices of New Zealand Women**

### **Methodology**

In December 2002, MWA released a discussion document, *Towards an Action Plan for New Zealand Women*. To provide impetus to the process of seeking women's views to inform the action plan, the Minister of Women's Affairs, in partnership with the National Council of Women, the Māori Women's Welfare League and PACIFICA, sponsored a series of consultation meetings around New Zealand. Twenty formal and publicly advertised meetings were facilitated. Overall, there were twenty formal consultation meetings, ten informal consultation meetings, six focus groups and 267 submissions.

MWA's analysis of the views and information gathered provided the basis on which the *Action Plan for New Zealand Women* was developed.

In late 2004, the Chief Executive of MWA held 17 regional meetings to report back to communities on the *Action Plan*. The programme of meetings was arranged in association with the National Council of Women. MWA also partnered with a range of other organisations, including the Māori Women's Welfare League, PACIFICA and Rural Women New Zealand, for specific meetings.

The Chief Executive and other Ministry staff regularly provide and access information on issues relevant to New Zealand women through ongoing discussions with NGOs and women, through MWA's newsletter, Panui, and email updates. In addition, MWA attends conferences and workshops held by NGOs and community groups, and monitors the resolutions passed at their meetings.

Given the extensive consultation that has already occurred with NGOs and women, and the fact these groups have said they feel 'over consulted', the content of this section has been derived from an analysis of the submissions and information gathered through the processes mentioned above as well as through other stakeholder forums, such as MWA's Caucus on International Women's Issues. Throughout the preparation of this report, NGOs and women were regularly updated on progress and invited to provide input to this Voices of New Zealand Women section. This section, therefore, provides a summary of the views of NGOs and women who have participated in consultative processes. This section does not claim to represent the views of all New Zealand women, because not all women participate in consultative processes.

### **Summary of Key Themes and Issues Raised by New Zealand Women**

#### *Economic Sustainability*

Issues included:

- opportunities to establish businesses
- persistence of pay and employment inequalities
- low incomes of sole parents and economic survival
- more accessible training needed for women returning to paid employment
- paid parental leave needs to be extended to self employed persons and unpaid farm workers

- need to support mothers' and carers' choices in relation to workforce participation when their children are under school-age
- whether a legislative or voluntary approach is preferable in relation to the right to request flexible working hours
- need to assess potentially adverse impact of the Property (Relationships) Act 1976 on women, particularly women in defacto relationships
- concern at inferior terms and conditions of casualised and contract labour – poor security of employment, high turnover, low wages, lack of training.

### *Well-being*

#### Issues included:

- violence against women is a serious social problem across all sectors of New Zealand society, which must be addressed
- there is no coordinated systematic collection of data on violence against women and children in New Zealand, and therefore it is not possible to obtain or present a comprehensive and precise overview of violence against women and children
- positive benefits of the move from prosecution to protection of sex workers under the Prostitution Reform Act
- need for increased funding to implement strategies relating to sexual and reproductive health, including in rural and provincial areas
- need to destigmatise sexually transmitted infections so that women access treatment and support, and to prevent further illness and disability
- need for national chlamydia screening guidelines
- number of teen parent schools has increased, but more are needed
- need for greater understanding of the circumstances contributing to migrant women working illegally in the sex industry and the risks they may face in relation to repatriation

### *Caring / voluntary roles*

#### Issues included:

- the perceived undervaluing of parenting roles and other unpaid work
- Māori women were concerned about passing on traditional and contemporary practices
- the depletion of the voluntary workforce as young women participate more in the paid workforce
- the concern that caring roles continue to be amongst the most poorly paid
- the need to engage men more in parenting to improve women's work-life balance

- achieving a balance between paid and unpaid employment, and managing the expectations of communities to support a range of cultural and community activities e.g. marae committees, trust boards, sports organisations, kōhanga reo and kura kaupapa Māori.

*Access to services*

Issues included:

- ongoing concerns over access to services for rural women
- concerns over level of funding for home-based care workers for wages, training and travel
- difficulties of accessing broadband services in remote areas of New Zealand
- concerns over ongoing access to utilities in rural areas, including electricity
- need for support, employment and training services to assist younger sex workers, in particular, to create employment pathways

*Concerns over progress under the Action Plan for New Zealand Women*

Concerns included:

- inequalities between non-Māori women and Māori women still remain, as well as between Māori women and Māori men
- student loans in general, and specifically the burden upon women and the impact that this has on their choices about having children
- the impact of the gender pay gap on women's capacity to repay their student loans, and the under-representation of women in post-graduate study
- industry training and the Modern Apprenticeship scheme and its accessibility to, and impact on, women
- the persistent low pay of women primarily involved in caring work, with the increasing demands of family and community work, particularly for Māori women and Pacific women.

**Government action**

As noted in the report, many of the above issues and concerns are being addressed by government through a variety of strategies, policies and initiatives that are already being implemented or soon will be. The Government is committed to continuing to work with NGOs and women in communities to respond to issues of concern to New Zealand women and thus improve the overall status of women in New Zealand.

### **Appendix 3: Tokelau**

Background information on Tokelau is contained in New Zealand's previous periodic reports (information in the 1998 report is especially pertinent). The Committee should also refer to the Tokelau sections of New Zealand's fourth periodic report under the International Covenant on Civil and Political Rights (CCPR/C/NZL/2001/4), the report which followed under the International Covenant on Economic, Social and Cultural Rights (E/1990/6/Add.33) and the 2005 Working Paper of the UN Special Committee on Decolonisation (A/AC.109/2005/3).

#### **General**

Tokelau comprises three villages, which have been largely autonomous for centuries, located on widely dispersed atolls some 500 kilometres from Samoa and with a total population of around 1500. Traditionally, government in Tokelau is on a village-by-village basis. Custom is at the heart of the system. The heritage is one of subsistence living, in a fragile environment. Land area is 12 square kilometres: the land is seldom more than 200 metres in width and maximum height above sea level is five metres. There is a cohesive social structure based on family and the principle of sharing, underpinned by a consensual style of decision-making around a male hierarchical base.

Tokelau is a non-self-governing territory under the UN Charter. The above background makes this an atypical decolonisation context. New Zealand's responsibility is a national one, and this has impinged little on everyday life. There has never been a resident New Zealand administrative presence. In the present era, however, issues of national governance have come to the fore. Increased contact with the outside world has changed life and expectations in Tokelau. Traditional activities have decreased in importance, due to monetisation and public sector employment. Based on understandings reached with Tokelau in the early 1990s, New Zealand is assisting Tokelau in its own moves to develop a national government capacity.

In February 2006, Tokelau, under United Nations supervision, voted on whether to become self-governing in free association with New Zealand. Sixty per cent of registered voters were in favour of self-government but the vote did not produce the requisite two-thirds majority - the benchmark set by the Tokelau National Assembly. Thus a change in Tokelau's status will not take place in the immediate future, however, it is expected that Tokelau will revisit the issue of self-government at sometime.

In striving to find a good balance between traditional and imported practices, Tokelau faces core questions of custom and law. Today custom and law interact to an increasing degree; and Tokelau seeks understanding of its situation as it is required, increasingly, to move from following a set of rules and practices within its cultural setting, to following a set of rules and practices recognisable as consistent with life in the international community.

A draft Constitution now includes these provisions: that individual human rights for all people in Tokelau are stated in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights; and that the rights of individuals shall be exercised having proper regard to the duties of other individuals, and to the community to which the individual belongs. Those provisions suggest that Tokelau should be well equipped to address how it would wish, following self-determination, to give local effect to its human rights commitments.

The text of the Convention on the Elimination of All Forms of Discrimination against Women was included in a human rights booklet published in English and Tokelauan in 1990.

#### **Women's rights**

Tokelau's development path of recent times has considerably affected women. In Tokelau culture, there is a clear demarcation between male and female roles. At the same time, in the

traditional social system, women have relatively high status, derived from their right to occupy the house owned by kin groups and to manage domestic economies: a husband move to his wife's house on marriage. Although the Tokelau cultural order gives high priority to the welfare of the weaker members and the equitable distribution of economic resources, under today's more monetised economic regime, those who do not have paid employment of some kind may be considered to be relatively disadvantaged.

Almost all Tokelauans who have full-time paid employment are in the public sector; and here, as noted previously, there has been a significant promotion of gender equity. There is nothing in the laws of Tokelau sanctioning any kind of discrimination against woman, and in general, women enjoy the same economic, social and cultural rights as men. In 2001, 59 members of the public service were female and 73 male. Women were strongly represented in education (22:13), health (15:1) and finance (9:3).

A conscious attempt is being made to identify development activities for men and women through an approach which accords with local cultural norms and which both groups accept. Given the strength of Tokelau culture and the importance of maintaining its basic integrity, this is an important consideration. At the same time it is evident that the traditional demarcation between male and female roles is becoming less marked. In the General Fono, six of the 21 delegates are currently women.

Overall the Tokelau approach is one of linking consciously economic and social issues to an on-going development of local institutions of government.

The third periodic report discussed the role of the Fatupaepae, or Women's Committee. This is a core grouping in each village, and in addition there is a national Council of Women (though resource factors make it a challenge for the national body to remain operative).

The Triennial Conferences for Pacific Women (organised by the Women's Bureau of the Secretariat of the Pacific Community) have become an increasingly important event for Tokelau women. A Tokelau delegation attended the 1988 conference, and its report to the general Fono in 1999 included a Plan of Action relating to Tokelau's implementation of the Convention. That report included a programme for the fuller participation of women in areas such as political life and economic development.

#### Appendix 4: Relationship between the Action Plan for New Zealand Women and the United Nations Convention on the Elimination of All Forms of Discrimination against Women

Desired outcomes	Objectives	Relevant Articles (and examples of related Action Plan initiatives)
<b>The economic independence of women in New Zealand will be improved</b>	Improve women's participation in employment, earnings and quality of employment.	<i>Article 10: Education</i> Changes to the Modern Apprenticeships scheme. Implementation of the Adult English for Speakers of Other Languages (ESOL) Strategy.
		<i>Article 11: Employment</i> Pay and Employment Equity Plan of Action. Decent Work Action Plan.
	Improve women's economic well-being.	<i>Article 10: Education</i> Support for tertiary students, including introduction of interest-free student loans.
		<i>Article 13: Economic and social life</i> Financial advice to assist women with saving for retirement.
		<i>Article 16: Marriage and Family Life</i> Introduction of the Working for Families package.
	Increase the success of women, particularly Māori women, in enterprise.	<i>Article 11: Employment</i> Establishment of the Women in Enterprise Steering Group.
	Increase women's participation in leadership and decision-making in the economic sector.	<i>Article 7: Political and Public Life</i> Ministry of Women's Affairs Nominations Service. Equal Employment Opportunities (EEO) policies.
		<i>Article 11: Employment</i> Pay and Employment Equity Plan of Action.

Desired outcomes	Objectives	Relevant Articles (and examples of related Action Plan initiatives)
<b>Greater work-life balance will be achieved in New Zealand</b>	Improve work-life balance in New Zealand	<i>Article 11: Employment</i> Work-life balance project.
	Support proposals that give visibility to the role of unpaid work in the economy	<i>Article 13: Economic and social life</i> Extension of the Time-use Survey and development of satellite accounts to collect information on unpaid work.
	Extend access to paid parental leave	<i>Article 11: Employment</i> Extension of the Paid Parental Leave scheme.
	Improve access to affordable quality childcare	<i>Article 10: Education</i> Increased funding for Early Childhood Education (ECE). <i>Article 11: Employment</i> Increases to childcare and Out of School Care and Recreation (OSCAR) subsidies.
<b>The quality of life for all New Zealand women will be improved.</b>	Improve access to services, including mental health services, particularly for rural women, women with disabilities, older women and ethnic women.	<i>Article 3: Development and advancement of women</i> Language-line service. Implementation of the New Zealand Settlement Strategy.
		<i>Article 12: Health</i> Implementation of the New Zealand Disability Strategy.
		<i>Article 14: Rural Women</i> Heartland Services. E-government. Establishment of rural Primary Health Organisations, and implementation of other rural health services.

	Reduce the incidence and impact of violence on women.	<p><i>Article 16: Marriage and Family Life</i></p> <p>Te Rito: New Zealand Family Violence Prevention Strategy and associated initiatives.</p> <p>Crime Reduction Strategy.</p> <p>Action Plan to Reduce Community Violence and Sexual Violence.</p> <p>Action Plan to Reduce Violence Within Families.</p>
	Improve women’s health.	<p><i>Article 12: Health</i></p> <p>Sexual and Reproductive Health Strategy.</p> <p>Aukati Kai Paipa programme to reduce Māori women’s smoking rates.</p> <p>Mental Health Strategy.</p> <p>Healthy Eating: Healthy Action Strategy to combat obesity.</p>
	Increase women’s participation in leadership and decision-making roles in the health and social sectors.	<p><i>Article 7: Political and public life</i></p> <p>Ministry of Women’s Affairs Nominations Service.</p> <p>EEO policies.</p> <hr/> <p><i>Article 11: Employment</i></p> <p>Pay and Employment Equity Plan of Action.</p>

**Glossary**

ACC	Accident Compensation Corporation
BSA	Broadcasting Standards Authority
DHB	District Health Board
DoL	Department of Labour
DSS	Disability Support Services
EARTH	Ethnic Action and Responsiveness To Health
ECE	Early Childhood Education
ECPAT NZ	End Child Prostitution, Pornography and Trafficking New Zealand
EEO	Equal Employment Opportunities
ERO	Education Review Office
ESOL	English for Speakers of Other Languages
FPA	Family Planning Association
hapū	Sub-tribe, or grouping of families
HEHA	Healthy Eating: Healthy Action
HRC	Human Rights Commission
iwi	Large tribe made up of sub-tribes, or a group of people
LMC	Lead Maternity Carer
MFAT	Ministry of Foreign Affairs and Trade
MMP	Mixed Member Proportional Representation
MoE	Ministry of Education
MoH	Ministry of Health
MSD	Ministry of Social Development
MWA	Ministry of Women's Affairs
NCEA	National Certificate of Educational Achievement
NCSP	National Cervical Screening Programme
NESB	Non-English-Speaking Backgrounds
NGO	Non-Governmental Organisations
NZAID	New Zealand Agency for International Development:/Nga Hoe Tuputupu-mai-tawhiti
NZAPHR	New Zealand Action Plan for Human Rights
NZDS	New Zealand Disability Strategy
NZIP	New Zealand Immigration Programme
NZUSA	New Zealand University Students' Association

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OFLC	Office of Film and Literature Classification
OHPR	Office of Human Rights Proceedings
OSCAR	Out of School Care and Recreation
PHO	Primary Health Organisations
PISA	Programme for International Student Assessment
Project PROBE	Provincial Broadband Extension
RPL	Recognition of Prior Learning
SDC	Cabinet Social Development Committee
STV	Single Transferable Vote
tangata whenua	‘The people of the land’ – the Māori people of New Zealand
WFF	Working for Families
whānau	Family or smaller grouping of related people

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