



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

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**Committee on the Elimination of Discrimination  
against Women  
Fifty-second session**

**Summary record of the 1054th meeting**

Held at Headquarters, New York, on Wednesday, 18 July 2012, at 3 p.m.

*Chair:* Ms. Pimentel

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*The meeting was called to order at 3.08 p.m.*

**Consideration of reports submitted by States parties under article 18 of the Convention (continued)**

*Seventh periodic report of New Zealand (CEDAW/C/NZL/7)*

1. *At the invitation of the Chair, the members of the delegation of took places at the Committee table.*

2. **Ms. Goodhew** (New Zealand) said that in 2010, 80 of the 122 members of the youth parliament were women, which was an indication that women were increasingly interested in political life. No gender breakdown was available on the number of migrant worker women on dairy farms; however, immigration authorities were working with migrants, unions, and other stakeholders to respond to concerns, and were developing a set of targets and guidelines. She would provide written detail on qualifications for permanent residency and citizenship. While there were no restrictions on dual citizenship, section 16 of the Citizenship Act 1977 provided that people could be deprived of citizenship if they acted in a manner contrary to the interest of New Zealand; she would provide the text of section 16. Though there had been improvement in respect of the demarcation between gender roles in Tokelau, challenges remained. They were being addressed through initiatives including the National Policy for Women of Tokelau, which had five aims: to increase representation of women in executive decision-making roles at the national and village levels by 30 per cent; to provide access to quality, comprehensive health services; to integrate a gender perspective in national and village initiatives; to provide equal access to formal and non-formal education and training; and to achieve full economic participation for all women.

*Article 11 to 14*

3. **Mr. Bruun** asked whether there were targeted approaches to address unemployment, in particular for vulnerable women's groups. It was difficult to understand why the Pay and Employment Equity Unit had been closed; he wondered how the Government intended to address gaps in equal pay for work of equal value. New Zealand's proposed changes to the collective bargaining system risked further lowering wages, in particular for women, and he wished to know how the risk would be measured. Legislation on paid

parental leave strongly reinforced stereotypical roles in society; when did the Government intend to address it, and did it intend to ratify the International Labour Organization C156 Workers with Family Responsibilities Convention?

4. **Ms. Schulz** said that abortion legislation was convoluted; the direct consequence was that women were dependent on the benevolent interpretation of a rule that nullified their autonomy of decision. The sanctions for performing abortions were not consistent between the Crimes Act 1961 and the Contraception, Sterilisation, and Abortion Act 1977, and it was not clear what the sanction was for one who obtained an abortion outside of the prescribed perimeters. She would like to know whether the Government planned to begin the urgently needed review of its abortion legislation to bring it in line with human rights standards.

5. **Ms. Rasekh** said that she wished to know the rate of death from cervical cancer among Māori women, and when the data was produced. She wondered what the Ministry of Health was doing in respect of breast and cervical cancer screening outreach among Māori and other minority women groups, and whether it was culturally and linguistically sensitive. It would be helpful to have information on a sexual and reproductive health strategy and on access to mental-health services for minority groups, youth from the immigrant and refugee groups, and women after childbirth.

6. **Mr. Bruun** said that he would like to know how welfare system changes affected women who could not comply with new regulations, and how the Government ensured that the changes did not make life even more difficult for them, in particular for young migrant and Māori mothers. It was unclear how the Whānau Ora approach worked in practice.

7. **Ms. Hayashi** said that whether there had been a negative impact on gender equality following the Christchurch earthquake; domestic violence and unemployment rates had risen. She wanted to know about measures to ensure women's participation in the recovery process and how the Government monitored the evaluation of policies and practices, including the analysis of the gender impact of the recovery process. What efforts had the Government made to encourage women to enter male-dominated industries? She would appreciate information on the Government's view of

the Immigration Amendment Bill 2012, which imposed limitations on refugee family unification, in the light of the Convention.

8. **Ms. Goodhew** (New Zealand) said that the Domestic Violence Act 1995 defined domestic violence to include physical, sexual, and psychological abuse, and it provided for a number of measures including protection orders, police safety orders, and repeat offence programmes. The Crimes Act 1961 provided the legal definition of offences, which could include domestic violence offences, and remedies and punishment. A person charged with domestic violence could be prosecuted and, if convicted, sentenced under the Crimes Act. The family court dealt with lower level measures, such as mediation, to resolve disputes and less egregious breaches of the Domestic Violence Act.

9. The budget for the early childhood education system had increased in 2012. Enrolments in such programmes had increased for Māori, Pacific and Asian populations by 6 per cent or more, while enrolments among the rest of the population had decreased. The budget included funding to improve engagement of those who did not yet have access to early childhood education. Children generally went more than the 20 hours that were funded; women receiving the Domestic Purposes Benefit received additional funds to ensure their children access to early childhood education. The system was under review; the Ministry of Women's Affairs was involved to ensure consideration of its impact on women.

10. Secondary education and trades academies, which encouraged girls to consider non-traditional occupations, targeted children between 12 and 18 years of age; trades training and the Modern Apprenticeship programme were post-secondary options. Addressing gender segregation of tertiary study in non-traditional areas was a challenge. The labour market was highly segregated, which contributed to 30 per cent of the gender pay gap. Still, in 2010 women made up 94 per cent of industry trainees and were participating at a higher rate than before, and at a higher rate than men in all but one area. It was a promising sign that young women were beginning to see that they could work in non-traditional areas. The Ministry of Women's Affairs funded target areas, including the Electricity Supply Industry Training Organization, to identify barriers that women faced and how to reduce them, which would prove useful for other non-traditional areas. One of the Government's team targets was to addressing youth

unemployment, to the benefit of young Māori and Pacific women as the targets aimed to improve their education outcomes. Initiatives supported sustainable employment for unemployed young women, including a range of training programmes to reintroduce them to the workplace.

11. A singular focus on the state sector was not effective in closing the gender pay gap, so the Government closed the Pay and Employment Equity Unit and reallocated its funding to the Ministry of Women's Affairs, which had consequently expanded its policy and research role to include the gender pay gap and other employment issues; the Ministry also addressed the gender pay gap through its work programme. The National Advisory Council on the Employment of Women was also engaged in that regard. The New Zealand Income Survey was the most robust source for tracking the gender pay gap over time, and the Government believed that existing legislation prohibiting pay discrimination on the basis of gender was comprehensive, so additional pay equity legislation was not necessary. The Government did see the need to address the underlying causes of the persistent pay gap in the private sector, and understood the obligation of chief executives to address identified gender inequities; it therefore supported the implementation of pay and employment equity response plans developed by the Pay and Employment Equity Unit. Turning to legislative provisions on paid parental leave, she said that occasional and seasonal employees were not explicitly excluded, but she recognized that it was more difficult for them to meet eligibility requirements. Still, a longer relationship with an employer was necessary for successful reintroduction to work after leave. The Government supported paid parental leave but was not in the position to extend coverage in the current fiscal climate.

12. Most recent statistics on cervical cancer were from 2009; 2011 data indicated that cancer incidence was at 161, of whom 34 were Māori. The screening programme was required to be culturally appropriate for the various ethnicities, and it addressed the disparity among them. The challenge was to continuously respond to feedback to address any barriers to access, and there had been some success in that regard, though certainly there was more to be learned. The Ministry of Health's sexual and reproductive health programme included key work to

enhance sexual and reproductive health management through a cross-ministry project.

13. While requirements for abortion procedures may seem to be prohibitive, abortion rates had decreased owing to better contraception advice and availability. All New Zealanders under 22 years were provided free advice and contraception at family planning clinics; sexual education was compulsory in school, though parents could opt to remove their children from that part of the curriculum. The Ministry had a contract with Family Planning; there were 26 sexual and reproductive health providers, with 30 clinics and 32 school-linked clinics, and a website targeting women under 25. There was no sexual and reproductive health strategy for different parts of the sector. While district health boards were required to provide termination of pregnancy services for those who had met eligibility requirements and the national travel assistance policy funded long distance travel to access health services, there was concern about access to services by women in remote areas. The Abortion Supervisory Committee reviewed provisions of the law, and it was monitoring the sparse geographic distribution of certifying consultants who could authorize abortions.

14. Regarding the Whānau Ora approach, many Māori families were involved in it, in particular women since more women than men were heads of household. The Government had a proactive engagement to bring Māori people into the health-care sector to serve Māori populations as it increased positive outcomes. Maternal mental health statistics demonstrated that there was a high rate of suicide among young women within the target of 28 days post-partum. The Ministry of Health had a maternal mental health unit in the south island and work was under way to establish one in the north island; it seemed that pre-existing, insufficiently treated mental illness had contributed to the suicides and the Government was addressing those deficiencies. Changes to the welfare system took into account research demonstrating that teen mothers were very likely to have more children before they were economically independent, and the intent was to give women on the Domestic Purposes Benefit a pathway out of dependency through mentoring on budgeting, parenting, and workplace skills.

15. Women were disproportionately affected by the recession and the earthquake that followed. It was a challenge to engage unemployed women in trades training. Data on the gender-specific impact of the

earthquake suggested a divergence between male and female employment patterns, explained by an increase in construction and a decrease in retail industries. The Ministry, with tertiary institutions, was exploring ways to expand women's opportunities to participate in the recovery. She would provide information on the Immigration Amendment Bill 2012 to the Committee.

16. **Ms. Schulz** asked about the legal situation of women in respect of abortion. Since it was included in the criminal code she wished to know whether the Government was willing to address its modernization. She would also like to know more about mental services for those with diverse sexual orientations.

17. **Ms. Rasekh** said that she would like information on ethnic groups from India, the Middle East and Africa, and the incidence of cervical cancer among them. Was there cancer-screening outreach for those communities? The Education Review Office 2007 report noted inconsistencies in the sexual education programme, and she wondered whether there had been action on the report's recommendations.

18. **Mr. Bruun** asked whether the Ministry of Women's Affairs had a pay equity unit.

19. **The Chair**, speaking in her capacity as an expert, asked how the Government viewed the Human Rights Commission recommendation to improve transgender persons' access to public health services and to provide information on gender-reassignment health services through district health boards.

20. **Ms. Goodhew** (New Zealand) said that the Ministry of Women's Affairs was responsible for improving employment equity and was constantly seeking to review research and evaluation methods. There was no indication that the Government intended to modernize abortion legislation, or that members of Parliament intended to take it up as an initiative. She would provide the ethnic breakdown for breast and cervical cancer screenings. The Ministries of Health and Education had implemented the recommendations of the Education Review Office report, had reviewed resources for sexuality education and had developed evidence-based best practice information on effective sexuality education. The review confirmed that there was an adequate range of programmes, resources and providers. The Ministry of Health had published the Gender Reassignment Health Services for Trans People within New Zealand: Good Practice Guide for Health Professionals guidelines, primarily for health

professionals; it was also a resource for transgender people seeking health care, and included a list of health professionals, though it did not include a contact in each district health board. There was funding for education and awareness-raising workshops for transgender and homosexual groups, but there may be gaps in funding for mental health services. She would provide more information on mental health services for transgender and homosexual groups.

*Article 15 to 16*

21. **Ms. Halperin-Kaddari** said that she wished to know how the Government intended to address issues, such as forced marriage, that were not addressed in direct legislation. The Report of the Justice and Electoral Committee Petition 2008/52 of Jane Prichard and 46 others had made good recommendations, which the Government did not intend to implement, yet the existing legislative framework was not sufficient protection for young girls in respect of age of consent to marriage and obtaining consent to marry. Awareness-raising was not enough; she asked whether the Government intended to review the age of consent. Cultural marriages, while not formally registered, were recognized by authorities for immigration purposes, which posed another risk for girls forced to marry. There were also two areas in which the existing legal framework offered no safeguards against abuse of power by one of the partners: mediation and child custody. In domestic abuse cases, when one partner exercised excessive power, both mediation and shared physical custody of children posed grave risks for women. She wished to know what measures had been considered to address such situations. She would also like to know how the Civil Union Act 2004 defined de facto unions, and whether there was a minimum time a couple had to live together to be considered a de facto union.

22. **Ms. Goodhew** (New Zealand) said that the legal age of consent to marry was 16. Forced marriage was a serious concern; existing law was outdated and the Ministry of Justice was reviewing it. In the meantime it was crucial for support agencies to bring cases of underaged marriage to the attention of the Government. Courts reviewed cases to determine de facto unions; the couple had to be at least 18 and had to have lived together for three years, among other requirements, to be declared a de facto union. The Taskforce for Action on Violence within Families included family court

judges, which was crucial to its effective work. Government-funded supervised visits were available in cases of child custody when women were concerned for their safety or that of their children.

23. **Ms. Halperin-Kaddari** said that 16 was too young to ascertain consent and parental consent was not a proper replacement; the law should align with general recommendation 21 of the Convention.

24. **Ms. Jahan** asked about the current status of the Legal Services Bill. The requirement to live apart for two years in order to obtain a divorce could be difficult in cases of domestic abuse, and she wished to know who was responsible for the maintenance of women and children during the two-year period, whether the requirement held for other ethnic groups, and whether the Government might review the law to make it easier to seek divorce.

25. **Mr. Bruun** said that he would like clarification on the Ministry of Justice review of legislation and whether it was related to the issue of forced marriage.

26. **Ms. Goodhew** (New Zealand) said that there was no indication that the Ministry of Justice intended to address the age of consent to marry, but since the review focused on forced marriage, it would likely also address the age of consent. When divorcing, the division of property took two years; when women were in abusive relationships, they were offered support to find safe housing and an immediate Government benefit, as well as child support from the children's father. She thanked the Committee for its challenging questions.

*The meeting rose at 5.03 p.m.*