



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

Distr.: Limited  
9 July 1998

Original: English

---

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

Nineteenth session  
22 June-10 July 1998

**Draft report**

*Rapporteur:* Ms. Aurora Javate **de Dios** (Philippines)

**Addendum**

**IV. Consideration of reports submitted by States parties under  
article 18 of the Convention**

**B. Consideration of reports**

**3. Third and fourth periodic reports**

**New Zealand**

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

**Introduction by the State party**

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

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

4. The representative then highlighted initiatives in the area of legislative reform, policy development and the delivery of better services for women since 1994. She highlighted, in particular, the adoption of the 1995 Domestic Violence Act. The issuance of the 1996 Statement of Policy on Family Violence and the allocation of substantial financial resources for the development of collaborative anti-violence prevention and response strategies were also noted.
5. A comprehensive time-use survey was being conducted by Statistics New Zealand, sponsored by the Ministry of Women's Affairs, to document the contribution of women's and men's unpaid activities to the economy and to provide assistance in the development of government policies and programmes. Māori statistical advisers were being consulted to ensure that the survey would accurately record Māori activities.
6. The introduction of the Matrimonial Property Amendment Bill and the De Facto Relationships (Property) Bill sought to achieve fair distribution of property to women upon the death of a spouse or dissolution of marriage. The "Women's Access to Justice" project aimed at making legal services more accessible to women.
7. The representative noted that a Women's Commissioner on the Human Rights Commission had been designated for the first time in New Zealand. The Commissioner would provide an annual report on the progress of women's human rights in New Zealand and would complement the work of the Ministry of Women's Affairs.
8. Women's participation in the labour market was increasing dramatically and women were responsible for 40 per cent of new businesses. The Māori Women's Development Fund and the Women in Self-Employment network provided financial and peer support to women entrepreneurs.
9. Substantial gains had been achieved in women's political participation with an increase in appointments and reappointments made by the Cabinet Committee on Appointments and Honours from 25 per cent in 1993 to 31 per cent in 1997. The Government was seeking gender balance on statutory boards by the year 2000.
10. In order to improve the health of women and families, and recognizing the importance of women's sexual and reproductive health, the Government had introduced the Sexual and Reproductive Health Strategy to raise awareness of responsible sexual behaviour and to improve information about and access to contraception, particularly among high-risk groups. A national breast-screening programme, to be implemented in December 1998, would provide free biannual screenings for women between the ages of 50 and 64.
11. Given a continuing gender pay gap, whereby women earn approximately 80.5 per cent of men's average hourly earnings, the Government was taking further measures to reduce the discrepancy, including research and data analysis, awareness raising and doubling the funding ratio for the Equal Employment Opportunities Trust.
12. Progress in women's education had led to a higher number of women than men enrolled in tertiary education. The number of Māori in tertiary education had more than doubled over the past five years with Māori women outnumbering Māori men.
13. Turning to New Zealand's two reservations, the representative noted that further progress was expected over the next reporting period with respect to removal of the reservation on the role of women in combat. While there were no immediate plans to withdraw the reservation related to paid maternity leave, the representative noted that research had revealed that the provisions for parental leave available in New Zealand were in many respects among the best in the world and that New Zealand was moving towards a situation where comparable social benefits might be realized in the future.

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

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

## **Concluding comments by the Committee**

### **Introduction**

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

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

### **Positive aspects**

18. The Committee noted the Government's sensitivity to the situation of Māori women, and its efforts to overcome obstacles to Māori women's achievement of equality. It also noted new legislative efforts undertaken by the Government, in particular, the adoption of the Domestic Violence Act of 1995. It noted with satisfaction the designation of a Women's Commissioner on the Human Rights Commission, and that, as of 1 January 1999, all policy submissions to the Cabinet must include a statement regarding potential domestic discrimination implications. It also noted that efforts were being undertaken to remove the reservation on women in combat.

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

20. The Committee welcomed the ratification by the Government of the amendment to article 20.1 of the Convention concerning the Committee's meeting time. It also expressed its appreciation for the Government's active participation in the elaboration of an Optional Protocol to the Convention.

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

21. The Committee considered that the existing legislative and de facto framework for women in the formal labour market, including pay equity, employment contracts and women's family responsibilities, constituted a serious impediment to the full implementation of the Convention. The Committee noted the continuing existence of reservations, particularly with regard to paid maternity leave.

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

**Principal areas of concern and recommendations**

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

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

25. The Committee recommended the proactive use of temporary special measures in the public and private sectors in accordance with article 4.1 to accelerate women's de facto equality on employment.

26. The Committee recommended that the Government consider ratifying International Labour Organization Conventions 111 and 103 (rev).

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

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

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

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

31. The Committee recommended that the Government examine in greater detail paid maternity leave provisions that exist in a number of countries at a comparative level of economic and social development. It also recommended that the Government study the impact of existing maternity leave provisions on women's equal pay and career opportunities. The

Government should also consider the possible long-term impact of this situation, especially in conjunction with the proposed Matrimonial Property Amendment Bill (MPAB) which does not recognize future earnings in divorce settlements.

32. The Committee expressed its concern that the ongoing privatization of social services and the introduction of fee-based systems in areas such as health reduces women's, especially poor and Māori women's, access thereto.

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

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

35. The Committee recommended that the Government reconsider the content of the De Facto Relationships (Property) Bill with a view to bringing it in line with the Matrimonial Property Amendment Bill (MPAB), especially since the number of de facto relationships in the country was more common among the Māori population and was growing for the population in general.

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

37. The Committee urged the Government to continue its efforts to implement fully the Treaty of Waitangi, with particular emphasis on achieving equality for Māori women in all areas covered by the Convention.

38. The Committee urged the Government to translate, as a matter of priority, the Convention on the Elimination of All Forms of Discrimination against Women into the Māori language, and to distribute it widely in Māori communities, so as to increase Māori women's awareness of their rights.

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

40. The Committee recommended that the Government consider introducing a broad range of measures, including targets and flexible numerical goals. The advantages and disadvantages of the current electoral system, namely, Mixed Member Proportional Representation System (MMP) system, on the percentage of women in Parliament needed to be carefully monitored.

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

42. The Committee recommended that the Government provide more information on those issues in its next report, including information on whether sex workers were included in the time-use survey.

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

44. The Committee recommended that the Government supply more data of that kind in its next report.

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

---