



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

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**Committee on the Elimination of Discrimination  
against Women**  
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**Responses to the list of issues and questions with regard to  
the consideration of the seventh periodic report**

**New Zealand\***

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\* The present document is being issued without formal editing.

### **New Zealand response to CEDAW Committee questions**

The following is New Zealand's response to the questions posed by the CEDAW Committee in its report CEDAW/C/NZL/Q/7. The question numbers below refer to the paragraphs in that report.

New Zealand's 2010 CEDAW Report and the responses below show the wide range of work that is being done to continue to reduce discrimination against women in New Zealand. In some areas there has been positive change, as in the recent reduction of the gender pay gap, and the substantial improvement in the number of Māori girls leaving school with the National Certificate of Educational Achievement Level 2 or higher.

#### **General**

##### **Question paragraph 2**

A Please clarify whether statistical data disaggregated by sex and ethnicity pertaining to the main areas and provisions of the Convention will be included in the *Indicators for Change: Tracking the progress of New Zealand women* report.

If not, please indicate how this lack of adequate data will be overcome.

B Please also provide statistical and other information on the concrete results achieved in eliminating discrimination against women.

#### **Answer**

A The Ministry of Women's Affairs will continue to publish the *Indicators for Change: Tracking the progress of New Zealand women* report with gender and ethnic disaggregated data.

B Encouragingly, since New Zealand's 2010 CEDAW Report the gender pay gap has started to trend downwards, from around 12 per cent for the previous decade to 9.6 per cent. (See the answer to paragraph 11.)

There has been a substantial improvement in the number of Māori girls leaving school with the National Certificate of Educational Achievement Level 2 or higher. (See the answer to paragraph 18.)

There has been some good progress in the work to increase women's participation in corporate leadership roles. (See the answer to paragraph 12.)

#### **Legislative and institutional framework**

##### **Question paragraph 3**

According to paragraph 205 of the Core document (HRI/CORE/NZL/2010), for an individual to take a case on rights protected by international human rights instruments, these rights need to be incorporated into domestic statute law.

A Please clarify whether a specific statute to achieve the Convention's full domestic implementation or other relevant legislation has been enacted.

B In this context, please provide information on cases in which the provisions of the Convention have been invoked or referred to in national courts as well as the outcome of such cases.

C Please also provide detailed information on actions taken to ensure that women are aware that the Optional Protocol of the Convention is a means of redress and that they can claim their rights under this procedure.

## Answer

A The Convention is primarily given effect through the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993. These Acts provide general and enforceable rights against discrimination in both the public and private sector. Section 19(1) of the Bill of Rights Act affirms that everyone has the right to freedom from discrimination on the grounds of discrimination in the Human Rights Act.

The Human Rights Act protects people from discrimination on the basis of sex (section 21(a)), which includes pregnancy and breastfeeding, and family status (section 21 (l)), which includes having responsibility for children, among other grounds. These Acts also contain provisions that authorise special measures necessary to achieve equality. Additional anti-discrimination protections are also provided in legislation regulating employment and residential tenancies, among others. More information on the Bill of Rights Act and the Human Rights Act can be found in New Zealand's Common Core Document, paragraphs 176 to 180.

In addition to anti-discrimination legislation and, more broadly, provision of equal civil and other legal rights, New Zealand gives effect to specific aspects of the Convention through a range of specialised legislation, such as through provision for parental leave, employment protection and safety from violence.

New Zealand is a dualist jurisdiction in which international agreements do not automatically become part of the law of New Zealand simply by process of ratification, accession or acceptance. It is established New Zealand practice to ratify international conventions only when the provisions of those conventions are already implemented by New Zealand law and practice. Before becoming a party to an international human rights instrument therefore, the Government reviews New Zealand's domestic laws to see what additional legislation, or amendments to existing legislation, would be necessary to ensure the full and effective implementation of the agreement in New Zealand law, or whether reservations would be necessary.

Accordingly, when New Zealand ratified the Convention on the Elimination of All Forms of Discrimination against Women on 10 January 1985, New Zealand law and practice conformed with the Convention except for the areas where reservations were entered. The table below details the reservations entered at the time of ratification of the Convention and the date and mechanism by which they were withdrawn:

<i>Reservations</i>	<i>Withdrawn on</i>	<i>Through</i>
Employment of women on underground work or mines (New Zealand was still bound by ILO Convention 45 at that time)	13 January 1989	New Zealand denounced the ILO Convention No 45 on 23 June 1987
Maternity leave with pay (Article 11, 2 (b))	5 September 2003	Parental Leave and Employment Protection (Paid Parental Leave) Amendment Act 2002
Women in Armed Forces and law enforcement forces	5 July 2007	Human Rights (Women in Armed Forces) Amendment Act 2007

B Within New Zealand's dualist legal system, the Convention has principally been implemented through the legislation outlined above, leaving little need for direct judicial reference to Convention provisions. The New Zealand courts do, however, cite the Convention, and other international human rights instruments, most often in cases that involve difficult or novel issues. The list below provides examples of such cases in recent years where the Convention has been cited:

– in *Ye v Minister of Immigration* [2010] 1 NZLR 104 (Supreme Court), article 5 of the Convention was cited in argument concerning the extent of immigration authorities' obligation to consider the interests of affected children in appeals against immigration decisions. The Court upheld a duty to take particular steps to treat those interests as primary considerations

– in *Bullock v Department of Corrections* (2008) 5 NZELR 379 (Human Rights Review Tribunal), the Convention was cited in a partially successful claim of sex discrimination in employment. The claim followed an incident in which the claimant was asked to move from the front row during a *poroporoaki*, a traditional Māori customary ceremony, as required by ceremonial practice. The Tribunal found the request breached the right of non-discrimination under the Human Rights Act 1993

– in *Refugee Appeal No 13* [2007] NZRSAA 75829 (Refugee Status Appeal Authority), the Convention was invoked as assisting in the interpretation of a claim of persecution on gender grounds in refugee status determination and, in that particular case, article 16 was cited to support a finding of persecution based on threat of coerced sterilisation. The Authority has also referred to the observations of the Committee: see, for a recent example of reference to General Recommendation 21, *Refugee Appeal No 76530* [2010] NZRSAA 116, to support a finding of persecution arising from the risk of the applicant being subject to polygamy

– in *Lewis v Talleys Fisheries Ltd* [2005] NZHRRT 19 (Human Rights Review Tribunal; partially reversed on factual findings in *Talleys Fisheries Ltd v Lewis* (2007) 8 HRNZ 413 (HC)), the Convention was cited as part of the broad context of a claim of systemic workplace discrimination arising from different treatment of what were claimed to be substantially equivalent occupations. On the basis of the test then derived, the claim was partially upheld on its facts

– in *Lewis v Greene* [2004] 2 ERNZ 55 (Employment Court), the obligations under article 11 of the Convention were cited as underpinning the Parental Leave and Employment Protection Act 1987, which was invoked in a claim of unlawful dismissal during pregnancy. The Court held the dismissal to have been unlawful and to have failed to follow fair procedure

– in *Director of Human Rights Proceedings v Cropp* (High Court, Auckland AP7-SW03, 12 May 2004), the recognition of non-discrimination as essential to human dignity under the Convention was discussed as part of the Court's consideration of the level of compensation to be awarded in sexual harassment cases under the Human Rights Act. The Court declined to increase the compensation award of NZ\$3,000.00 that had been made by the Human Rights Review Tribunal in the particular case, but also called for the Tribunal to develop applicable principles further in an appropriate future case.

C When New Zealand ratified the Optional Protocol to the Convention in September 2000, it was widely publicised by: the Prime Minister and the Ministers of Women's Affairs and Foreign Affairs and Trade; through references in media releases and ministerial speeches, and on websites of relevant government agencies. In addition, New Zealand publishes all treaties to which it is party in the New Zealand Treaty Series. The New Zealand Treaty Series is presented to the House of Representatives as a parliamentary paper.

Non-government organizations also publicised New Zealand's ratification through references in newsletters and other publicity material. Ongoing publicity happens mostly through including information on the Optional Protocol in New Zealand reports to the Committee. These reports are subject to public consultation and feedback, published in hardcopy and online, and distributed widely.

The Ministry of Justice launched a comprehensive website on human rights, including international human rights protection, in December 2010. This website also informs about individual complaints procedures provided for by the core human rights instruments, including CEDAW and its Optional Protocol.

### **National machinery for the advancement of women**

#### **Question paragraph 4**

Please provide concrete information on actions taken to put in place an effective strategy to mainstreaming gender perspectives into all national plans and institutions and as requested by the Committee in its previous concluding observations (CEDAW/C/NZL/CO/6, para. 15).

#### **Answer**

The development and advancement of women is an integral part of a cross-government strategy to improve the social and economic outcomes of all New Zealanders.

New Zealand's approach to mainstreaming gender perspectives includes the following elements:

- high level human rights and anti-discrimination legislation
- a range of domestic legislation that protects women's rights, including the Domestic Violence Act 1995, the Parental Leave and Employment Protection (Paid Parental Leave) Act 2002, and the Employment Relations Act 2000
- explicitly and publicly identified Government goals for women as expressed, for example, in the Ministry of Women's Affairs' Statement of Intent published annually
- including gender perspectives in policy development
- data disaggregated by sex systematically produced by Statistics New Zealand and government departments
- monitoring of population indicators that can be disaggregated by sex, and specific monitoring of women's status by the Ministry of Women's Affairs and the Human Rights Commission.

#### **Question paragraph 5**

Please provide information on the development of a new Action Plan for women. Have the results of the last Indicators for change report (2008) and of the 52 regional meetings on the goals and priorities regarding women's issues been taken into consideration in the development of such a Plan? What is the added value of the discussion document on human rights and women prepared by the Human Rights Commission in March 2010, mentioned in Appendix A of the report, to the process of developing a new Action Plan for women?

#### **Answer**

No new Action Plan for Women is being developed.

As noted in New Zealand's 2010 CEDAW Report, the five year Action Plan for New Zealand Women came to its end in 2009. Following on from this, a new set of high-level government priorities was set. These are:

- greater economic independence for women
- more women in leadership
- increased safety from violence

These priorities align with the major areas of concern highlighted by the CEDAW Committee in its concluding comments on New Zealand's 6<sup>th</sup> periodic report. The Ministry of Women's Affairs monitors progress using a number of indicators, including the gender pay gap and criminal victimisation. The Ministry of Women's Affairs is reviewing its indicators and will make them available on its website in 2012.

### **Stereotypes and harmful practices**

#### **Question paragraph 6**

According to information received by the Committee, gender stereotypes are reinforced by the media. Please provide information on measures in place to monitor the recommendations made to the Advertising Authority regarding marketing campaigns discriminatory to women.

#### **Answer**

The Advertising Standards Authority acts as a self-regulatory body for the advertising industry in New Zealand.

The Advertising Standards Authority Code for People in Advertising includes basic principles such as:

- the requirement that advertisements should not portray people in a manner which is likely to cause offence on the grounds of their gender and should not use stereotypes in the portrayal of the role, character and behaviour of groups of people which, taking into account generally prevailing community standards, is likely to cause serious offence...abuse or ridicule
- advertisements should not employ sexual appeal in a manner which is exploitative or degrading.

The Advertising Standards Authority has monitored non-broadcast media since the early 1970s. The Ministry for Culture and Heritage monitors the Advertising Standards Authority. As part of this monitoring arrangement, the Advertising Standards Authority and its complaints board keeps Ministry for Culture and Heritage informed of any important issues that arise, particularly in relation to any review of existing codes of practice or the introduction of new codes. The monitoring role does not extend to evaluation of the quality of the Advertising Standards Authority's decision making in respect of the complaints it considers.

### **Violence against women**

#### **Question paragraph 7**

A Please clarify and explain the type of differences that exist among groups to which the report refers in paragraph 160, which prevent the State party to have an accurate picture of the extent of violence against women in its territory.

B Please provide information on measures taken to solve these differences in order to effectively tackle the issue of violence against women.

C According to paragraph 162 of the report, registered domestic violence rates have increased from 29,756 in 2005 to 44,628 in 2008. Please provide updated information and indicate the number of investigations, convictions and sanctions imposed on the perpetrators of the cases reported.

**Answer**

A A range of factors prevent the Government from gaining an accurate picture of the extent of violence against women in diverse population groups, including the following:

- population-based surveys are the primary means of gaining statistical data on the extent of violence. Survey methods are not appropriate for all groups of women, e.g. due to communication and language barriers for migrant women and women with intellectual difficulties
- violence against women has ethnic and socio-cultural dimensions, including forms of violence such as dowry murders and forced marriages, which are not common in New Zealand. These forms of violence are not necessarily addressed in surveys or other data collection exercises
- researchers have difficulty gaining the trust of and access to women in diverse ethnic groups
- diversity in the way violence is perceived, understood and incorporated into individual women's world-views. Some migrant and refugee women come from countries where the laws or culture do not recognize women's right of control over their bodies — therefore they do not recognize gender-based violence as a crime
- women are unwilling to disclose violence to researchers due to shame and stigma at a personal level, and fear of retribution or ostracism at the family or community level.

B The Taskforce for Action on Violence within Families, a Government and Non-Government Organizations partnership, is researching and developing a collective knowledge base to address family violence in Māori, Pacific and ethnic communities and for women with disabilities.

In addition, the Pacific Islands Families Study, a longitudinal cohort study that began in 2000, draws on ethnically and culturally diverse perspectives. Fieldwork is conducted by Pacific interviewers and the Pacific Peoples' Advisory Board monitors the general direction of the study, to maximise benefits to Pacific communities.

C While there has been an increase in the number of family violence **occurrences reported** to Police and an increase in Police attendance at those occurrences, the volumes of family violence **offences recorded** by New Zealand Police have declined slightly, from 54,104 in 2009/10 to 52,408 in 2010/2011. It is not clear what is driving this decline in recorded offences.

The New Zealand Crime and Safety Survey shows that around a quarter of partner violence offences are reported to police.

All reported Family Violence occurrences are attended and investigated by Police. Criminal culpability is determined upon completion of this process.

Statistics New Zealand publishes the number of convictions for violent offences on an annual basis, however it is not possible to relate these convictions to the family violence offences reported to police. For example, an offence could be reported in one year but not prosecuted in that same year.

This would require a fundamental shift in the way data is collected and used. Data sharing also raises issues related to privacy legislation.

There have been a number of legislative changes to strengthen the responsiveness of criminal justice agencies to victims of domestic violence. The impacts of these changes cannot yet be assessed.

#### **Question paragraph 8**

The report mentions in paragraph 176 that the Taskforce for Action on Sexual Violence (TASV) released a report in October 2009 in which 71 recommendations were given to the Government.

A Please provide information on the measures in place to implement those recommendations.

B Please also provide detailed information on steps taken to improve the safety and longer-term well-being of women adult victims/survivors of sexual violence, as mentioned in paragraph 178 of the report and indicate whether similar steps will be taken to protect girls who are victims of sexual violence.

#### **Answer**

A In response to the report of the Taskforce for Action on Sexual Violence, the Ministry of Social Development conducted a Stocktake of Government Expenditure on Sexual Violence Services. This identified a number of strategic issues, including that funding arrangements between sectors are not well integrated. The Ministry of Social Development has since established a community response panel for sexual violence services, comprising community members with knowledge and expertise in relation to the sexual violence sector. The panel will provide expert and practical advice on ways to improve the efficiency and quality of sexual violence services, ensuring that high quality services are readily accessible for service users.

B The Accident Compensation Corporation's Sensitive Claims Unit developed the 'Sensitive Claims Clinical Pathway' to assess and manage claims for physical and/or mental injury resulting from sexual abuse or sexual assault. The Sensitive Claims Clinical Pathway was reviewed in 2009, when sector groups argued that it was traumatic for survivors and acted as a barrier to support. The Accident Compensation Corporation is working with sector representatives to implement the recommendations of the review and to ensure the Sensitive Claims Clinical Pathway works for victim/survivors of sexual violence. This includes developing a pathway that is culturally appropriate for Māori. These changes will apply to girls and women.

New Zealand Police's Child Protection Policy and Investigation Guidelines set out a case management process for sexual violence cases involving children aged 17 years or younger. The guidelines ensure that investigating officers work with and refer child victims to agencies that can provide the short- and long-term support and treatment they may require.

#### **Trafficking and exploitation of prostitution**

##### **Question paragraph 9**

According to information received, migrant girls are exploited for the purpose of prostitution.

A Please elaborate on whether these cases, under the law, would be considered as trafficking or whether they would fall into the same category of the cases referred to in paragraph 26 of the report.

B Please provide information on measures taken or envisaged to address the exploitation of migrant workers who, according to information received, are trapped in the sex industry or in forced labour on farms and deprived of their rights to healthcare, legal and other services.

**Answer**

A A migrant child working in the sex industry is likely to fall under New Zealand's definition of trafficking.

B The New Zealand Government is committed to ensuring that workers are not exploited and human rights are protected at all times, and ratified the *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography* on 20 September 2011.

The New Zealand Government recognizes from international experience that children and women are extremely vulnerable to people trafficking crimes. For this reason the Ministry of Social Development, with its Child Youth and Family service, and the Ministry of Women's Affairs, sit on the Interagency Working Group on People Trafficking to ensure the Plan of Action to Prevent People Trafficking responds to the distinctive needs of child and female victims. The Interagency Working Group on People Trafficking, along with Non-Government Organizations, continues to coordinate efforts to implement training and awareness-raising measures to identify any potential trafficking victims.

The New Zealand Government recognizes that language and cultural barriers may lead to under-reporting. As a result, the Department of Labour launched an anti-trafficking awareness campaign in October 2010 that included public presentations to Non-Government Organizations/service providers, brochures for the public in various languages, and the launch of an anti-trafficking website. The key messages of this awareness campaign focus on the role of authorities as protectors, not as punishers.

The Department of Labour undertakes compliance visits targeted at the sex industry, which incorporates pre-briefs on trafficking indicators for staff. According to intelligence gathered on these visits, foreign nationals working unlawfully in the sex industry do so willingly. Those working unlawfully, however, are vulnerable to exploitation. Therefore staff will continue to be trained on trafficking indicators to look for, as well as victim-sensitive interviewing techniques.

The Department of Labour also established a working group in February 2011 to look at issues affecting vulnerable migrant workers, specifically those working on dairy farms. Migrants are less likely to formally report employment relations problems for fear of jeopardizing their employment. The Department of Labour is involved in educating migrant dairy workers on their workplace rights, which has included publishing a factsheet explaining work rights in New Zealand in various languages. More awareness material will be available early 2012.

**Education**

**Question paragraph 10**

According to information received, bullying of teenage girls at school, via text messages or the Internet is of grave concern.

Please provide information on the extent of the phenomenon of bullying and on measures taken to prevent it and to protect children, in particular female teenage students.

**Answer**

While patterns of bullying are similar across gender in primary school, in early adolescence bullying is more prevalent among boys than girls. The general nature of bullying varies between genders. Boys are more likely to experience physical bullying, while girls are more likely to experience exclusion. Text-bullying and cyber-bullying are emerging forms of bullying. One study of pre and early adolescents shows that more girls than boys experience these forms of bullying.

All schools in New Zealand have a responsibility to provide a safe learning environment for all students and are required to do so under the Ministry of Education's National Administration Guidelines and the [Health and Safety in Employment Act 1992](#).

School-wide initiatives that build a positive school culture, and a safe physical and emotional environment through self review processes, have been shown to reduce behaviour problems, including bullying.

The New Zealand Government funds a number of initiatives to support school students, and their families to deal with bullying in an informed and safe way. Initiatives include Positive Behaviour for Learning and Wellbeing@school, 'No Bully', Net Safe, Family Services, Youthline, Skylight and Urge.

**Education****Question paragraph 11**

Please provide detailed information on the recommendations of the report *The Teaching of Sexuality Education in Years 7 to 13* and elaborate on the steps taken to implement these recommendations in public and private schools.

**Answer**

The Education Review Office made eight recommendations to schools and three recommendations to government agencies, namely the Ministries of Education and Health, in its report *The Teaching of Sexuality Education in Years 7 to 13*, published in 2007.

The recommendations for schools relate to guidance for planning, development and delivery of sexuality education; collection and use of student progress information; consultation with communities; ensuring sound learning environments; support services; professional development for teachers; co-ordinating outside providers, and self review. The recommendations for government agencies related to resources and resource provision, evidence-based best practice and professional development.

In 2008, the Ministries of Education and Health jointly undertook a stock-take of sexuality education resources that identified all resources used in schools for sexuality education, and a review of literature to identify and summarise best practice for sexuality education. Further work is being considered to evaluate sexuality education resources and develop guidance on best practice for sexuality education in schools.

The Ministry of Health funds the delivery of 'Sex Wise', a performing arts-based initiative that presents current and factual information about sexuality, and challenges youth to process and evaluate behaviours that affect their health and that of others. 'Sex Wise' is delivered in approximately 100 schools annually.

## Employment

### Question paragraph 12

The report acknowledges, in paragraph 91, that the gender pay gap has barely decreased in the last decade. The rate has remained at around 12%. Please provide detailed information on the challenges faced to decrease the pay gap between men and women and also provide examples of specific efforts and actions taken to close the pay gap between men and women, as recommended by the Committee in its previous concluding observations (CEDAW/C/NZL/CO/6, para. 35).

### Answer

Since New Zealand's 2010 CEDAW Report the gender pay gap has started to trend downwards from holding around 12 per cent for the previous decade. In 2009, the gender pay gap, based on women's median hourly earnings, was 11.3 per cent, in 2010 this declined to 10.6 per cent, and in 2011 the gap now sits at 9.6 per cent. This is an encouraging trend.

Based on the most recent OECD gender pay gap data (which measures full-time median hourly earnings), New Zealand's pay gap is the second lowest in the OECD at 8 per cent (OECD data are 2009 data). The 2011 Income Survey shows the gap between men and women who work full time has declined to 4.2 per cent.

### Question paragraph 13

According to paragraph 21 of the report, the Ministry of Women Affairs is currently working on initiatives to tackle occupational segregation in the workplace.

A Please provide detailed information on the type of initiatives undertaken and its results, in particular measures to address the 'subconscious prejudices' mentioned in paragraph 18 of the report.

B Please also provide information on results obtained from the initiatives in place, mentioned in paragraph 38 of the report, to improve women's participation in management and decision-making positions in the private sector.

### Answer

A The Ministry of Women's Affairs has undertaken or is undertaking the following initiatives to tackle occupational segregation:

- initiating Women in Trades networks across New Zealand, to address issues of isolation and to provide peer support for women working in male-dominated trades
- conducting and publishing interviews with women working in trades and their employers about what employers can do to attract and retain women in trades. These interviews are available to be viewed on the Ministry of Women's Affairs' website at <http://www.mwa.govt.nz/women-in-employment>
- □ using opportunities arising from the Canterbury Earthquakes to encourage women in Canterbury to study and take up non-traditional female careers (for example, through careers advisors, women in trade networks, tertiary institutions, trade organizations, Work and Income New Zealand). See page 3 of the Ministry's Quarterly Newsletter <http://www.mwa.govt.nz/news-and-pubs/publications/panui/panui-december-2011.pdf>
- working with Careers Services and Industry Training Organizations to promote trades to women, and to profile women working in trades

- research with the Institution of Professional Engineers on how the career paths of male and female engineers diverge five and ten years after graduation.

B Since 2008, the Ministry of Women’s Affairs has worked with business leaders and private sector organizations to increase women’s participation in corporate leadership roles. There has been some good progress. Results to date include:

- the New Zealand Stock Exchange has proposed a rule change that will require listed companies to publicly declare their number of female directors and senior managers

- a private sector gender diversity champions group is committed to driving change within companies and across the wider business community.

- the Institute of Directors in New Zealand has established a mentoring programme involving experienced chairs and senior directors working with women who are potential company directors.

## **Health**

### **Question paragraph 14**

According to information received, the increasing rates of teenage pregnancies among girls from lower socio-economic backgrounds, including Māori, and teenage suicides are of serious concern.

A Please provide updated data on the teenage pregnancies and teenage suicides and on their root causes.

B Please also provide information on measures in place to address both teenage pregnancies and teenage suicides.

## **Answer**

### **A *Data on teenage pregnancies and suicides***

Over the past 30 years teenage pregnancy rates have been relatively stable. A rise in the rates of teenage pregnancies from 2006 coincided with an increase in pregnancy rates for other age groupings in New Zealand. In 2010 teenage pregnancy rates dropped back to a level that is consistent with the trend over the long term. Māori teenage fertility rates (number of live births per 1,000 population) increased around 2006 but have been continuously dropping since 2008.

Studies in New Zealand have found that the range of causative factors of teenage pregnancy in New Zealand are similar to those identified in the USA. The National Campaign to Prevent Teen Pregnancy in the USA identified many reasons for early pregnancy including low socio-economic families with low academic achievement, being the daughter or son of a mother who was pregnant as a teenager, having first sexual intercourse at an early age, not using contraception at first sexual intercourse, having been sexually abused, having multiple partners, and also being involved in other high-risk behaviour such as alcohol and other drug use, driving fast and being a member of a gang.

The suicide rate for youth (the 15 to 24-year age group) declined by 35.4 per cent between 1995 (its highest point) and 2008. The male youth (15 to 24 years) age-specific suicide rate in 2008 was 25.7 per 100,000 male youth population, compared to the female youth rate of 11.1 per 100,000 female youth population. There does not appear to be any distinct pattern in female youth suicide rates between 1985 and 2008, however, there is some indication that female youth rates were higher between 1994 and 2008 than they had been between 1985 and 1993. The rate for Māori female youth was more than four times that of non-Māori. This ratio

grew over time, from just 1.3 Māori deaths to each non-Māori death in 1996, to the 2008 ratio of 4.1:1.

When ranked alongside those of other OECD countries, the New Zealand female youth suicide rate in 2008 was higher than that of any other country. However, these data are not strictly comparable for a range of reasons, including different classification systems, the level of proof required for a verdict, societal factors and differences in availability of data (New Zealand's data is more recent than other OECD countries' data).

Suicidal behaviours are usually a result of a complex range of biological, psychological, familial, social, economic and cultural factors that contribute to both vulnerability and resiliency to mental disorders and suicidal behaviours. Adverse childhood and life events appear to play a stronger role for young people in terms of suicide risk than they do for older populations. These experiences of adversity tend to act cumulatively: young people at highest risk are those who have experienced multiple or severe childhood adversities. Other risk factors for young people include depression, alcohol abuse, non-heterosexual attractions, having a friend or family member attempt suicide and certain personality traits (e.g. low self-esteem, hopelessness).

#### ***B Measures in place to address teenage pregnancies and teenage suicides***

A range of measures are in place to address early pregnancy. Under the Health and Physical Education curriculum sexuality education is compulsory in New Zealand schools up until the end of Year 10, however, parents do have the right to withdraw their child from sexuality education classes. School Boards of Trustees must consult with their community every two years about their Sexuality Education Policy, and the content of the school's programmes.

The Care of Children Act (2004) provides for people over 16 years to consent to their own medical treatment. The Contraception, Sterilisation and Abortion Act (1977) provides for people regardless of age to consent to their own medical treatment in relation to receiving contraceptive advice, services, and prescriptions without parental notification.

Funding was provided to implement school-based health services in areas with greater degrees of socio-economic deprivation, along with alternative education, and teen parent units. Sexual health is a significant element of these school-based health services. In addition, some District Health Boards have complementary services and initiatives to support the provision of information and sexual health services to young people. The Government also provides teen maternity services, and financial and social support to teen parents.

Family Planning also receives public health funding. This provides for primary health clinical consultations for sexual and reproductive health; post-graduate training for health professionals; and health promotion to schools and communities around sexual health and respectful relationships. They produce a range of resources provided to schools and communities including advice for parents and caregivers about talking to children and adolescents about sex. Family Planning consultations are free to New Zealand residents 22 years or under. They also operate a website targeted specifically at those under 25 years: [theword.org.nz](http://theword.org.nz) provides young people information and advice about sexual and reproductive health as well as healthy relationships.

The Ministry of Health has also produced a pamphlet with guidance for parents and caregivers who wish to talk to their teenagers about safe sex — 'talking with your teenager/rangatahi about safer sex'.

Government-led suicide prevention activity is guided by the New Zealand Suicide Prevention Strategy 2006-2016 (the Strategy), which outlines a high-level framework to reduce rates of suicide and suicide attempts in New Zealand. In the context of this Strategy, there is a broad array of initiatives to reduce suicides amongst young people including:

- the Lowdown website and free text service, to increase depression awareness and provide support to young people experiencing depression
- child and youth mental health and addiction services in all District Health Boards
- one stop shop youth services available in some District Health Boards, offering a range of health services, including counselling and peer support
- telephone counselling and support
- Towards Wellbeing, a suicide prevention programme for children in the care of Child, Youth and Family.

The implementation of the New Zealand Suicide Prevention Strategy is overseen by a Ministerial Committee on Suicide Prevention.

The Prime Minister has asked his department to lead a cross government project looking at improving services for young people with, or at risk of, mild to moderate mental health problems including depression, anxiety, substance abuse and conduct disorder. The project is focusing on interventions that target secondary school aged young people. Needs that differ by gender will be considered during the development of relevant initiatives.

#### **Question paragraph 15**

According to the Appendix B of the report, the abortion legislation in force is outdated and inconsistent. Please provide information on steps taken to review the legislation on abortion, contained in the Crimes Act of 1961, as recommended by the Abortion Supervisory Committee.

#### **Answer**

The Abortion Supervisory Committee is required by its empowering legislation to, among other things, keep under review all the provisions of the law on abortion, and the operation and effect of those provisions in practice. The Abortion Supervisory Committee is also required to report annually to Parliament on the operation of abortion law. This annual reporting cycle has provided an opportunity for the Abortion Supervisory Committee to put forward suggestions for the Government's consideration.

#### **Disadvantaged groups of women**

#### **Question paragraph 16**

Please provide information on the steps taken to address the reported continued marginalisation of migrant women's access to healthcare services, including measures to ensure the availability of information on the existing services to migrant women.

#### **Answer**

The Primary Health Care Strategy aims to ensure that all New Zealanders (including eligible migrants) have access to primary health care providers when they need them. 'Primary health care' refers to the professional health care that people receive in the community and is the first point of contact with the health care system.

The most recent survey that monitored access to the primary health care system in New Zealand found that 94.7 per cent of New Zealand women have access to primary health care providers. The data was not disaggregated by 'migrant' and 'non-migrant'.

Language could present a barrier to health care services for those migrants who do not speak or read, or understand English. The Code of Health and Disability Services in New Zealand applies to all health and disability services. The Code of Health and Disability Services in New Zealand provides for the right to effective communication in a form, language and manner that enables the consumer to understand the information provided. Where necessary and reasonably practicable, this includes the right to a competent interpreter.

The Office of Ethnic Affairs manages the Language Line, a telephone interpreting service for agencies working with non-English speakers. Language Line offers the clients of agencies free interpreting in 42 different [languages](#). The client may choose the gender of their interpreter. Agencies that are registered to use the Language Line include primary health care providers in every region, as well as a number of District Health Boards and other health and social service providers.

In addition, the Northern District Health Board Support Agency receives government funding to provide a 24 hour Primary Health Interpreter Service for non-English speakers. This service is also available to social service agencies and their clients during normal business hours. The service makes a significant contribution to delivering primary health care to culturally and linguistically diverse populations in the Auckland region.

#### **Question paragraph 17**

Please provide information on measures in place to continue ensuring access to government services to elderly women, despite the budgetary cuts that have resulted in the reduction of, for example the carers' allowances for grandparents.

#### **Answer**

In New Zealand, social security benefits are demand-driven, so payments are guaranteed to people who meet the eligibility criteria. There have been no budget cuts to benefits recently that would impact on access to benefit allowances for grandparents. The main allowance for grandparents as caregivers is the Unsupported Child's Benefit. This increased in recent years, so that family caregivers, particularly grandparents, receive greater financial support. The Unsupported Child's Benefit is increased annually in line with changes to the Consumer Price Index.

Substantial additional funding has been provided by the Government to improve people's access to primary care service. The Services to Improve Access funding is available for all primary health organizations to reduce inequalities among those populations that are known to have the worst health status: Māori, Pacific people and those living in the most socio-economically deprived areas.

Also, the 'Better, Sooner, More Convenient' Health Care in the Community service is improving access to health services, particularly in remote areas by using technology to overcome barriers to services caused by remoteness and sparseness of services.

#### **Question paragraph 18**

The report indicates in paragraph 16, that as part of a major review of human rights issues, the Human Rights Commission has issued a consultation document on a draft paper on sexual orientation and gender identity. Please provide information on measures taken and envisaged to be taken to address discrimination against women on the grounds of their sexual orientation, inter alia, in the workplace and health facilities.

**Answer**

Successive New Zealand governments have taken steps to remove the legal barriers that prevent sexual and gender minorities, particularly lesbian, gay and bisexual people, from being able to exercise their human rights. The Human Rights Act 1993 (the Act) specifies a number of grounds that are protected from unlawful discrimination, including sexual orientation. The Act prohibits discrimination in specific areas of life, including:

- government or public sector activities
- employment
- access to education
- access to public places, vehicles and facilities
- the provision of goods and services.

**Māori women****Question paragraph 19**

A Please explain the reasons why Māori women constitute 60% of the total female incarcerated population in the State party.

B Please also provide information on the New Electoral Law which limits the right to vote of citizens who have been incarcerated, and further provide information on how this impacts the political rights of Māori women in prison.

C Please provide further information on measures taken to retain Māori girls in school beyond NCEA Level 2 (para. 63 of the report).

D Please indicate whether Māori women have adequate access to healthcare services.

**Answer**

A Women comprise about 20 per cent of apprehensions, prosecutions and convictions, but only 6 per cent of the total prison population. This is because female offending is, on average, less serious than that of males, and women are less likely to be recidivist offenders. As at 30 November 2011, there were 241 Māori female sentenced prisoners. Overall, the over-representation of Māori women in prison appears to result primarily from the fact that Māori women are more likely than non-Māori women to have higher apprehension, prosecution and conviction rates; have higher average number of previous convictions; and commit serious offences.

Two reports — *Over-representation of Māori in the criminal justice system: An exploratory report* (2007) by the Department of Corrections and a Ministry of Justice literature review *Identifying and Responding to bias in the Criminal Justice System: A Review of International and New Zealand Research* (2009) — have analysed possible explanations for the over-representation of Māori in the criminal justice system. Although *Over-representation of Māori in the criminal justice system: An exploratory report* indicated a degree of over-representation that related solely to ethnicity, both reports concluded that the over-representation of Māori women in prisons was largely due to known risk factors, such as low socio-economic status, poor educational qualifications, victimisation and alcohol and other drug abuse. *Identifying and Responding to bias in the Criminal Justice system: A Review of International and New Zealand Research* concluded that a comprehensive policy approach was needed to take into account three different aspects of ethnic disproportionality:

- addressing the direct and underlying causes of ethnic minority and indigenous offending
- enhancing cultural understanding and responsiveness within the justice sector
- developing responses that identify and seek to offset the negative impact of neutral laws, structures, processes and decision-making criteria on particular ethnic minority groups.

The findings of both studies are reflected in government action to address Māori over-representation in the criminal justice system. Addressing these issues requires determined effort, not just of government but also of non-government organizations, communities and Māori groups. For example, Addressing the Drivers of Crime is a whole-of-government approach to reducing offending and victimisation, with a particular focus on improving outcomes for Māori. It co-ordinates the activities of several government agencies to address underlying causes of offending and prioritises activities to address Māori.

B The Electoral (Disqualification of Sentenced Prisoners) Amendment Act came into force on 16 December 2010. The Act removes the right to vote of offenders serving a sentence of imprisonment of less than three years (prisoners serving a sentence of three years or more were already ineligible to vote). It retains the right to vote for prisoners on remand and those prisoners who were sentenced on or before 16 December 2010 to imprisonment for less than three years.

As at 30 November 2011, of the 241 Māori female sentenced prisoners, 169 (70 per cent) were serving sentences of less than three years and were affected by this law change.

In the recent election on 25 November 2011, those who were sentenced on or before 16 December 2010 remained eligible to register to vote. By the next election in 2014, all sentenced prisoners will be ineligible to register to vote.

C Between 2005 and 2010 there was a substantial improvement in the number of Māori girls leaving school with the National Certificate of Educational Achievement (NCEA) Level 2 or higher. The Ministry of Education, through Ka Hikitia — Managing for Success: The Māori Education Strategy 2008-2012 — is identifying and reporting on the approaches used by school leadership teams that contribute to lifting Māori student achievement, including retention of Māori girls beyond the National Certificate of Educational Achievement Level 2. The Ministry of Education also leads the Youth Guarantee scheme, which although not specifically targeted to Māori girls' retention beyond the National Certificate of Educational Achievement Level 2, is aimed at improving transitions between school, tertiary education and work for all students.

D Refer to the answer to Question 16 regarding the primary health care system and the most recent survey monitoring the access to providers. The survey referred to in the response to Question 15 found that Māori women were equally as likely as non-Māori women to have a primary health care provider they go to when first feeling unwell (94.8 per cent Māori women, 94.7 per cent non-Māori women).

While the survey found that Māori women were equally as likely as non-Māori women to have a primary health care provider, there was a difference in reporting an unmet need for a General Practitioner. Māori women were nearly two-and-a-half times more likely to report an unmet need for a General Practitioner in the preceding 12 months than non-Māori women (14.3 per cent Māori, 6.7 per cent non-Māori). Cost was the main reason given by Māori women for not visiting a General Practitioner when they needed to. Lack of transport was significantly more likely to be a barrier to accessing General Practitioner care for Māori women (11.4 per cent) than for non-Māori women (2.2 per cent).

Substantial additional funding has been provided by the Government to improve people's access to primary care service. The Services to Improve Access funding is available for all primary health organizations to reduce inequalities among those populations that are known to have the worst health status, including Māori.

Whānau Ora is a government approach that aims to empower Māori whānau/extended families to develop plans to address the issues they face. It differs from other approaches, in that it works with whānau, rather than individuals or households. Responses are driven by whānau, both in terms of what they want to change in their lives, and how they want to change. Māori women are often leaders in the governance of Māori providers of Whānau Ora. Whānau Ora will improve Māori women's access to a range of services, including healthcare.

The 'Better, Sooner, More Convenient', Government initiative creates better services for patients through community-based primary and hospital-based secondary services.

The initiative has the potential to improve access to health services for rural Māori women by overcoming barriers caused by remoteness and a paucity of services: For example, Care Plans are being used for rural people with chronic illnesses. In some rural areas including Opotiki on a remote part of the east coast of the North Island of New Zealand, rural women with chronic illnesses and their families are being supported by a registered nurse who develops individual care plan to meet needs. Technology is also being used to improve access to health services for rural women.

### **Marriage and family relations**

#### **Question paragraph 20**

According to information received, a number of non-Christian religious marriages are being celebrated in New Zealand without being registered because the registration of marriage celebrants from non-Christian religion institutions is not mandatory and, consequently law does not protect women. Also, polygamy is not a criminal offence in New Zealand. Please provide information on steps taken to review the relevant legislation in order to make compulsory the registration of all marriage celebrants and to prohibit polygamy.

#### **Answer**

The information is not correct. Only authorised marriage celebrants can solemnise marriages.

In New Zealand, a marriage must be solemnised under the Marriage Act 1955 by an authorised marriage celebrant and registered under the Births, Deaths, Marriages, and Relationships Registration Act 1995. It is an offence to pretend to be a marriage celebrant or to solemnise a marriage contrary to the provisions of the Act. The maximum penalty for these offences is imprisonment for up to five years.

It is a criminal offence for a person in a marriage or civil union to go through a form of marriage or civil union with a third person. The offence is bigamy as defined in section 205 of the New Zealand Crimes Act 1961. Everyone who commits bigamy is liable to imprisonment for up to seven years. Polygamy is included in the definition of bigamy as defined in section 205 of the Crimes Act.

#### **Question paragraph 21**

Please provide information on measures taken to address the practice of forced marriages and early marriages within immigration communities and to protect girls and women subjected to these practices, including changes in legislation.

**Answer**

Forced marriages are illegal in New Zealand and rarely come to the attention of the New Zealand Police or social service agencies. There are a range of offences in the Crimes Act 1961 that are relevant to forced marriage, including abduction for the purposes of marriage and giving a woman in marriage without her consent. The penalty for these offences is up to 14 years in prison.

The minimum age for marriage in New Zealand is 16 years. Young persons aged 16 or 17 years can only marry with the consent of parents or the Court. It is a criminal offence to have sexual connection with a young person under 16 years. The penalty is up to ten years in prison. The New Zealand Government has agreed to review the relevant legislation to identify whether further legislative change would increase the protection provided to those at risk of forced marriage, and if so, how changes may be progressed.

There are a number of initiatives in place to assist new migrants and refugees and to help ensure they integrate well into New Zealand society. In particular, the Office of Ethnic Affairs holds Access to Justice Forums in order to engage with ethnic communities on New Zealand law. The Ministry of Justice also provides information about accessing the protections of the Domestic Violence Act 1995 through a range of organizations and in multiple languages. The New Zealand Police continuously works on improving engagement with ethnic communities and currently does this through specialist ethnic liaison officers and community constables.

Other initiatives address some of the risks associated with forced marriage, such as domestic violence. The Taskforce for Action on Violence within Families is leading key government projects aimed at reducing family violence in New Zealand, including initiatives that are more directly targeted at ethnic communities. The Ministry of Social Development also funds a number of providers to support refugees and migrants, including Women's Refuge and the Shakti Community Council (an organization offering broad-based support for ethnic women).

In 2010 the Office of Ethnic Affairs and the Ministry of Women's Affairs also launched a brochure and directory of services for women in ethnic communities who are being abused, which includes information on seeking help and the law. In addition to reviewing the relevant legislation, government agencies will continue to focus on identifying and addressing the needs of ethnic communities, and vulnerable groups within those communities.

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