



**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 1053rd meeting**

Held at Headquarters, New York, on Wednesday, 18 July 2012, at 10 a.m.

*Chair:* Ms. Pimentel

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*The meeting was called to order at 10.05 a.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), introducing the seventh periodic report (CEDAW/C/NZL/7), said that New Zealand, the first country in the world where women had won the right to vote, had long been a leader in protecting women's human rights. It continued to maintain its leadership role in gender equality, ranking sixth out of 135 countries in the Global Gender Gap report for 2011 and fifth out of 187 countries in the Human Development Index.

3. New Zealand did not have a formal written constitution; however, the Convention was incorporated into domestic law and expressed in legislation which had resulted in improved conditions for women. Still, the country faced significant challenges in ensuring women's full participation in civil and political life, and the Ministry of Women's Affairs had identified three priority areas for women: greater economic independence, increased participation in leadership roles, and greater protection from violence.

4. New Zealand had also been active on the international level in promoting political participation of women, as evidenced by the development of the National Action Plan on United Nations Security Council resolution 1325 (2000) on women, peace and security. On the domestic level, women held 32 per cent of the seats in Parliament. There were eight women ministers, three of whom were Māori. Women comprised 41 per cent of state sector boards, with a target of 45 per cent by 2015. The Government also encouraged the private sector to increase the number of women in leadership roles, and was working with business leaders through "the 25 Percent Group" to achieve 25 per cent female representation on the top 100 company boards by 2015. The New Zealand Stock Exchange Diversity Listing Rule was another example of collaborative efforts to increase women's leadership role in the private sector.

5. The Government had set two goals for education: to achieve 98 per cent participation in early childhood

education programmes by 2016; and to ensure that 85 per cent of 18-year-olds completed the National Certificate of Educational Achievement (NCEA) level 2. The goals were attainable; indeed, the percentage of girls and boys in general, and Māori and Pacific Islander girls in particular, who completed NCEA Level 2 or higher had risen significantly since 2006. More women than men enrolled in tertiary education, and Māori and Pacific Islander women participated at higher rates than other women. The Government encouraged women to study in non-traditional areas, and sought to increase the proportion of women at the highest levels of tertiary study, in particular Māori and Pacific Islander women. A wider range of study options would lead to a wider range of employment options and greater economic independence.

6. Turning to employment issues, she said that in 2011 the gender pay gap had decreased to 9.6 per cent for median hourly earnings. Further legislation was unlikely to address all of the factors underlying the remaining gap; the Government thus conducted campaigns to encourage women to participate in non-traditional education, training and employment areas. Flexible working arrangements available to those with dependents had also been extended to all workers.

7. Regarding women's health, she said that women's life expectancy continued to improve. Comprehensive breast and cervical cancer screening programmes had dramatically lowered the rates of women's morbidity and mortality, and awareness-raising campaigns targeted groups with lower rates of screening, including Māori and Pacific Islander women. The gap between Māori and non-Māori mortality rates for cervical cancer was narrowing, and, in an effort to reduce further the incidence of the disease, girls aged 12 to 18 could receive free human papillomavirus immunization. Lastly, the Maternity quality and safety programme, which had developed the first set of clinical indicators to benchmark performance and maternal and infant outcomes, was evidence of the country's commitment to providing safe and accessible maternity services.

8. The Government had taken steps to improve services in the social sector through initiatives such as Whānau Ora, centred on the extended family, which aimed to increase connectedness and strengthen self-determination. The focus of that initiative had been extended from the health and social services sectors to include employment, housing, education, and

the well-being of low-income, vulnerable people. Changes to the welfare system had provided a pathway to success by addressing poverty through education and employment. As the majority of single parents were women, they benefited most from such programmes.

9. Rates of violence against women were alarmingly high. The Government had developed strategies to reduce violence against women and improve their safety, and had established ambitious targets to reduce violent assaults against children, violent crime and assaults by repeat offenders by 2017. The strategies included enhancing access to justice by women victims of domestic violence and strengthening legislation that addressed perpetrators of violence against women. The Government also supported community awareness-raising campaigns aimed to change attitudes towards domestic violence; the impact of such campaigns had been felt most strongly among Māori and Pacific Islander women.

10. The General Fono of Tokelau, a non-self-governing territory that had decided in a 2007 referendum to remain a part of New Zealand, had endorsed the National Policy and Action Plan for the Women of Tokelau 2010-2015. The Fatupaepae, or Women's Committee, had met twice in 2012, and women were taking on leadership roles. The Government would continue to support the human rights of women in Tokelau.

#### *Articles 1 to 6*

11. **Ms. Açar** said that the lack of private sector decision-making positions, the persistent gender pay gap and high rates of violence against women seemed to indicate that the political leadership was no longer insistent on promoting women's rights. The Government had no plans for further legislation on women's rights, and there was no comprehensive definition of discrimination against women in the legislative framework. She therefore wondered what measures were in place to increase the visibility of the Convention and the Option Protocol and if the concluding observations on the previous report had been disseminated to members of Parliament. She asked to hear more about training for the judiciary on the Convention and the Optional Protocol, and about awareness-raising activities, in particular those targeting migrant women. It was also unclear how the Convention could impact

Tokelau given the definite demarcation between male and female roles in its society.

12. **Ms. Schultz** asked why the Government had decided not to develop a new comprehensive strategy for gender equality, in particular when action plans addressing other human rights issues existed. She would also like to know how the Ministry of Women's Affairs cooperated with other ministries and entities, in particular the Office of Ethnic Affairs and the Ministerial Committee on Disability Issues, how the *Indicators for Change: Tracking the progress of New Zealand women* report was linked to other monitoring reports, and whether those indicators were sufficiently gender-sensitive. Lastly, she asked if the Ministry of Women's Affairs had adequate financial and human resources to enable it to fulfil its mandate.

13. **Ms. Popescu** said that the remaining gender inequality issues had been found to be intractable; the Government should therefore consider the wide range of temporary special measures available. There was a legal basis for their use and, in view of the country's ambitious goals for increasing women's participation in the public and private sectors, such measures could help. They could also address challenges in education and employment faced by vulnerable groups of women.

14. **Ms. Goodhew** (New Zealand) said that in lieu of a new women's action plan, the Government had developed 10 priority results and associated targets, eight of which were directly related to the priorities set by the Ministry of Women's Affairs. Targets included actions on education, the implementation of the investment approach in respect of social service benefits, significant increases in immunization rates for infants, dramatically reduced rates of physical abuse suffered by children and reduced crime rates. Each target had a comprehensive results action plan with specific data on actions needed. For example, the target and action plan on crime detailed victim assistance and addressed re-victimization. All cabinet ministers as well as the Parliament were committed to achieving the specific, measurable targets. The entire public sector was also involved in addressing gender issues; the whole-of-government approach made it possible to move from intractable gender gaps to achievable gender equality.

15. New Zealand's legislative framework covered forms of discrimination included in the Convention and was so comprehensive that, with the exception of the

Human Rights (Women in the Armed Forces) Amendment Act 2007, there had been no changes. In respect of Parliamentary oversight, the Ministry of Women's Affairs reported to the Government Administration select committee, which reviewed Convention documents and enabled the whole-of-government approach in the implementation of the Convention.

16. Special temporary measures had been used, in particular to establish education scholarships. Yet the Government deemed it more effective to promote the advancement of women through education, resources, promotion of the benefits of diversity and legal measures. For example, it was important for women to serve on boards based on merit, to ensure that they were core members of the boards. Other measures were being used, including setting numerical goals and establishing targeted frameworks such as the Whānau Ora (family centred) approach, which streamlined services and prevented duplication. Considerable gains had been made in improving the lives of vulnerable groups of women, as funds were directed to the areas with the most need. Statistical data on improvement in education and in health for Māori and Pacific Islander communities could be provided.

17. The Ministry of Women's Affairs had maximum of 35 staff members, yet despite its small numbers had risen to the challenge of drafting a gender impact statement for every policy document that went before the Cabinet Social Policy Committee. It was currently preparing research on re-victimization as input to justice sector reform. The Ministry worked closely with all Government agencies, including the Office of Ethnic Affairs, and was represented on the committees on disability issues.

18. The *Indicators for Change* report included gender-disaggregated data; the Ministry of Women's Affairs worked closely with Statistics New Zealand to ensure disaggregation of data whenever possible. On the question of dissemination of the Convention, in particular in migrant communities, the Office of Ethnic Affairs worked to raise awareness of rights through education programmes. The ratification of the Optional Protocol to the Convention had been widely publicized through media releases, speeches and Government agency websites. It had also been published in the New Zealand Treaty Series, and included in publicity materials released by NGOs. The newsletter of the National Council of Women regularly cited the

Convention; the Ministry of Justice had recently launched a human rights website, which included information on the Convention, the Optional Protocol and the individual complaints procedure.

19. **Ms. Halperin-Kaddari** asked whether civil society and NGOs had participated in the preparation of the report, why the Māori Women's Welfare League could not participate in the constructive dialogue, and whether other NGOs had received Government funds to participate.

20. **Ms. Açar** asked if the concluding observations had been disseminated to Parliament.

21. **Ms. Hayashi** said that outside sources indicated that the Government had changed eligibility requirements for legal aid, and the number of applications had decreased. She asked how the Government would evaluate the impact of the changes and what measures it had taken to enhance women's access to justice.

22. **Mr. Bruun** said that the systematic inclusion of the Convention in educational curricula could be considered as a method to raise its profile. He asked whether the Ministry of Women's Affairs would support measures, such as creating a human rights select committee, to strengthen its dissemination. He would like to know whether the Ministry was involved in the constitutional review process to advocate for the inclusion of a comprehensive prohibition of discrimination.

23. **Ms. Simonović** drew attention to a statement adopted by the Committee at its forty-first session clarifying its relationship with parliamentarians, which could be important for the implementation of the concluding observations. She wondered whether the Committee's jurisprudence under the Optional Protocol was available to the judiciary and the general public. What was the last resort for persons who wanted to launch a complaint concerning violations of the Convention?

24. **Ms. Schultz** asked how issues identified through discussions with women's NGOs in the preparation of the report would be mainstreamed in the activities of all ministries, and whether ministries had regular meetings with NGOs.

25. **Ms. Goodhew** (New Zealand) said that the participation of NGOs was crucial and the Ministry of Women's Affairs had provided a draft report to

women's NGOs for their feedback. The Ministry would work with other departments to address the conclusions and provide feedback to organizations through forums and its newsletter. The Ministry met with the NGO reference group and the international caucus at regular intervals as it was committed to tapping into community resources to evolve appropriate policy.

26. When allocating funding to attend the Convention, the Ministry of Women's Affairs had called for expressions of interest from representatives of civil society. Funding had been granted to one representative each from three NGOs: the Pacific Women's Watch, the National Council of Women and The Māori Women's Welfare League. The representative of the latter had been unable to attend for internal reasons.

27. While the concluding observations were available to everyone through the Ministry website, in future she would also send them to Parliament. They had been sent to ministers because the executive branch was responsible for deciding on action on behalf of the Government. The Convention was promoted through NGOs, the Ministry of Women's Affairs newsletter, and throughout the reporting process. The seventh periodic report had been drafted in close collaboration with Government agencies and NGOs. The Ministry of Justice had improved the visibility of the Convention in its website, and the Convention was cited in the report "2010 Human Rights and Women in New Zealand." Academics and legal scholars addressed the jurisprudence of the Optional Protocol, and it had been considered by the judiciary and incorporated into decisions. The Institute of Judicial Studies, comprised of prominent academics familiar with the Convention, included it in training initiatives. Regarding recourse to the complaints mechanism under the Optional Protocol to the Convention, domestic remedies were exhausted first; the highest domestic remedy was the Supreme Court.

28. The Bill of Rights Act provided the mechanism to protect individuals from discrimination. Every parliamentary select committee was required to consider it in all policy and legislation, eliminating the need for a separate human rights select committee. The Convention and its associated documents were cited in legislation reform and reviews of national human rights bodies; for example, the Government Administration select committee had cited the report in its review of the Ministry of Women's Affairs. An independent panel comprised of Māori and non-Māori male and female

members was undertaking the initial stages of public consultation on constitutional review, and would then report to the Government on its findings.

29. Government response to migrant issues was evolving in the dynamic environment. The Ministry of Social Development worked with ethnic communities to identify ways to combat family violence by offering seminars on rights and responsibilities and legal frameworks, producing resource materials in several languages and working with radio and television programmes and print media. Collaborative partners, including central and local Government and NGOs, also worked with the communities. For example, The Ministries of Women's Affairs and Social Development had carried out case studies of community initiatives addressing family violence in refugee and migrant communities. The Ministry of Women's Affairs and the Office of Ethnic Affairs had published a pamphlet on intimate partner violence in a number of languages. The Office of Ethnic Affairs was part of the Taskforce for Action on Violence within Families and had worked on the "It's not OK!" campaign in the Chinese language media. Immigration New Zealand had created guidelines for migrant workers on dairy farms and funded a shelter for migrant women subjected to domestic violence. The police also worked with ethnic communities on reducing violence. The Ministry of Social Development had initiated programmes in migrant communities, including in rural areas.

30. **Ms. Moran** (New Zealand) said that eligibility criteria for legal aid had been tightened following a substantive review intended to ensure sustainability and efficiency. A similar review of the family court system was under way. The Government intended to ensure that low-income, vulnerable women were not denied access to justice; ineligible women could seek exemptions or grants.

31. **Ms. Simonović** said that in assessing the domestic violence situation it would be helpful to know what types of family violence offences were included in the data. She had heard that family violence data would no longer be identified in official statistics and wondered how it would be collected in the future. She wished to know how many women were killed by their partners, which offences were covered under the criminal code, and which were covered under the Domestic Violence Act of 1995. She would like to know how criminal and family law judges cooperated, as it seemed that orders of protection were issued under

the Domestic Violence Act but, if violated, fell under criminal law. How would services to women victims of violence be provided in the light of reductions in Government funding to NGOs? She wondered whether there were plans to implement recommendations from the Taskforce for Action on Sexual Violence, for example, collection of data on the number of reported rape cases and convicted perpetrators. She asked for information on plans to combat violence against Māori women and data on rates of domestic violence in that community.

32. **Ms. Pires** said that while all allegations of human trafficking were investigated, no prosecutions had been made. She would like to know whether mail-order bride cases would be investigated as human trafficking. The Department of Labour had concluded that foreign nationals working unlawfully in the sex industry did so willingly; she wished to know what it meant to work unlawfully, and what measures had been taken to address the vulnerability of sex workers to exploitation. It was unclear what measures were in place to prevent trafficking for the purposes of sexual exploitation. She also wished to know about measures to address the root causes of prostitution and help sex workers find alternative employment, and whether purchasing sex would be criminalized.

33. **Ms. Goodhew** (New Zealand) said that in New Zealand, trafficking was a transnational offence. Under the Victims of Trafficking immigration policy, victims could stay in the country and access public services. Inter-agency groups on trafficking trained police and customs officers to recognize non-verbal signs of trafficking when women were under duress even when they stated otherwise, in particular in respect of mail-order brides. Prostitution was legal for workers over the lawful age with valid work visas. When women sought work outside the sex industry every attempt was made by Work and Income New Zealand to assist them. The Ministry of Social Development had programmes to engage with isolated migrant workers in rural areas and ensure them access to health care, language training and legal aid services.

34. The country had begun to differentiate between publicly available police statistics and the New Zealand Crime and Safety Survey, which captured more detail. The new system required more detail on, for example, the identifying features of perpetrators and victims, to improve response time. Detailed data on sexual violence and on family violence deaths

would be provided in due course. Applications for orders of protection had dropped dramatically; a new system of police safety orders required alleged perpetrators to leave the home immediately, even when there was not sufficient evidence for an arrest. Early surveys suggested that they were useful. Criminal and family courts were separate and had clearly defined roles.

35. Government action plans to reduce the incidence of crime, violence against women and violent crime were cross-cutting. Ministries and the NGO sector collaborated closely, which was one of the strengths of the Taskforce for Action on Sexual Violence. The Government was committed to the elimination sexual violence and to improving public services in all areas. It was assessing the outcomes of services and, as a result, while there was in fact an overall increase in funding, some funds had been reallocated to Māori, immigration or women's shelter services. Further data on the Domestic Violence Act and on female migrant workers would be provided.

36. **Ms. Halperin-Kaddari** expressed concern about the use of gender-neutral language regarding sexual and domestic violence against women. The words "violence against women" were rarely used in written or oral statements; that could lead to further risks for women. She urged the Government to consider the importance of the use of gender-specific language. On the question of stereotyping, there had been backlash against the promotion of women's rights through stereotypical depictions of women in the media, advertisements, and the Internet, yet there was no information on Government actions taken to address the issue.

37. **Ms. Neubauer** said that the sex industry rarely involved a business transaction between two equal parties. It was impossible to differentiate between forced and voluntary prostitution, and it could not be controlled by separating it from its criminal side effects. She would like more information on underage people in prostitution and on the recommendations made by the Prostitution Law Review Committee.

38. **Ms. Goodhew** (New Zealand) said that while disaggregated data indicated that some violence in domestic situations was not perpetrated against women, she did accept the challenge to be less gender-neutral in her language use. An independent body was tasked with monitoring broadcast, media and advertising

standards and could also take complaints about Government activity. The National Advisory Council on the Employment of Women was developing research on gender representation in New Zealand-produced television and its influence on employment choices for girls. The country was aware of the enormous task before it to broaden the interests of young women in non-traditional employment, often tied to how business people were portrayed. The Ministry of Education was working to bring to the attention of young women their opportunities for economic independence.

*Articles 7 to 9*

39. **Ms. Pires** said that women's representation and participation in political life had regressed; the number of women holding posts in ministries and Parliament had decreased. She would like to know why all ministers were not members of the Cabinet. New Zealand had not met its target of 30 per cent women in local government, and the changes introduced to the electoral system did not increase women's representation. Though women comprised 59 per cent of all public workers, very few held chief executive or senior management positions; such statistics supported the introduction of temporary special measures to improve women's representation. She asked if there was a target to achieve parity for women working in the foreign service.

40. Women's participation in decision-making roles in the private sector also having decreased, she would like to see statistics on women on private-sector boards, in particular in non-traditional areas; she wondered why the target had been set at 25 rather than 50 per cent. It was unclear whether the 2015 target to reach 45 per cent women's participation was a reduction in the commitment to reach parity, and she would be interested to know what obstacles to parity remained.

41. **Ms. Murillo de la Vega** requested clarification of the requirement for migrants to demonstrate competence in order to accept employment and obtain residency. She asked about the requirements for citizenship, whether dual citizenship was possible and, if so, under what conditions.

42. **Ms. Goodhew** (New Zealand) said that workers hired through the skill-shortage application process had to provide evidence of their qualifications. There were agreements with other nations to recognize their

qualifications, but where there was no formal recognition, the process required workers to prove their qualifications through a competency examination.

43. The Government did not intend to use temporary special measures to address the decline in women's political participation, though efforts were made to attract a realistic representation of voters at national and local levels. Women were running for local office and for health boards in equal numbers with men; the outcome was for the voters to decide. While it might seem that the Government was backing down from a more challenging target, it had chosen one that was realistic and pragmatic. That women's participation on boards translated into improved performance meant that they were being appointed in greater numbers, and the Government was building databases for a ready pipeline of qualified women. The State Services Commission had initiated a programme to accelerate leadership opportunities for tier 2 management positions; 82 per cent of its participants were women. The 25 Percent Group set its target independently of the Government, which could serve in a supporting role through bodies such as the Equal Employment Opportunities Trust. The Ministers of Justice, Education and Social Development were women; the Ministry of Foreign Affairs and Trade was making efforts to increase the number of women working in the foreign service.

44. **Mr. Bruun** asked for information on the number of staff at the Ministry of Women's Affairs.

45. **Ms. Murillo de la Vega** said that repeated reference to women's capacity to work in political life implied that they were in fact not fully prepared for it. She asked whether there were seminars for members of political parties to raise awareness of what equality meant and to emphasize that democracy could only be fully achieved through parity.

46. **Ms. Barreiro-Bobadilla** said that temporary special measures were not the only required element; the very idea of equality for women must be permanently incorporated in the electoral system in order to achieve democracy. It was crucial to view parity not as a practical matter, but as one that was fundamental to the achievement of full democracy.

47. **Ms. Moran** (New Zealand) said that the budget of the Ministry of Women's Affairs was set at \$5 million, with some increases for additional elements.

While there were posts for 35 staff members, there were currently 27 on board.

48. **Ms. Goodhew** (New Zealand) said that parity had been achieved on some health boards; she reiterated that 50 per cent of the candidates running for office in some areas were women. Rural Women New Zealand trained potential candidates for regional office, and there was an ongoing education programme to inspire women to participate in political life. The parties had training programmes to increase the confidence of potential women candidates. A great training ground for potential parliamentarians was the youth parliament, and she would provide the numbers of women participating. Two of the three officers of Parliament, the Auditor-General and the Parliamentary Commissioner for the Environment, were women, along with one of the two Ombudsmen. She was working with the Auditor-General to improve the numbers of women in the judiciary.

*Articles 10 to 14*

49. **Ms. Açar** said that lower-income children benefited less from early childhood education and there was no information in the report on early childhood education in immigrant communities. She wondered whether the global economic crisis had adversely affected early childhood programmes, whether changes to them were planned, and what impact any changes might have on women. The Modern Apprenticeship System did not attract many girls to non-traditional areas of study; it would be helpful to learn of measures planned to counteract that trend. Lastly, she asked how gender segregation in tertiary education reflected on women's employment rates and pay differential and if any temporary special measures were being contemplated.

*The meeting rose at 1 p.m.*