



CEDAW PROJECT 2010

NGO CONSULTATION DOCUMENT FOR REPORTING ON CEDAW 2010

Module 1 – Social Focus

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Seeking Your Views

The National Council of Women of New Zealand invites you to respond to the issues and questions outlined in this discussion document.

New Zealand ratified the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in January 1985. Every four years the New Zealand Government reports to the CEDAW Monitoring Committee and at the same time, NGOs are also encouraged to write the Alternate Report. This reporting process provides a way for New Zealand women to tell the government and the international community if and how they are discriminated against. The 2010 Report will be presented in 2011.

Contributing to the consultations on CEDAW is your opportunity as a group representative, or an individual woman, to oppose the barriers women and girls face in this country. This work helps to keep the New Zealand Government honest. But more than that, your participation can reach beyond these shores by influencing the UN Monitoring Committee on how it critiques the performance of other countries.

The National Council of Women of New Zealand (NCWNZ) is facilitating the nationwide consultation process to produce the Alternate NGO CEDAW Report 2010. Thanks to NCWNZ, Zonta and Soroptimist branches around New Zealand, depending on where you are based, you will be able to attend one or more of these Consultation Meetings. To find out more about attending a Consultation Meeting and taking part in a group response please contact kjsmith@ncwnz.org.nz or go to <http://ncwnz.org.nz/cedaw-2010-get-involved/>.

Submissions can be written from the perspective of the individual or groups. We encourage you to complete a census form which should accompany your submission. Before you send in any response please fill out the appropriate census form (if you are responding on behalf of an organisation please only use the 'organisation' census form). If you cannot attend a meeting please respond on an individual basis.

Participants at the meetings as well as women responding on an individual basis will also be called upon to collect concrete and anecdotal evidence of current discrimination against women.

Collection of evidence-based data and research on all aspects of women's lives for the NGO Report is on-going but anything that you or your organisation can contribute is extremely valuable to our research.

You do not have to respond to every item covered in the consultation modules; respond only to the area where you feel you have a story, an experience you wish to share, or an opinion, or specialist knowledge.

The deadline for submission for this module is Thursday May 20th. There will be no extensions offered. We need to ensure we have sufficient time to collate responses, produce a draft summary report for submitters to review, then a final summary report which can be sent to the United Nations before the end of the year.

We will communicate the deadline for submissions via the CEDAW E-group, the NCWNZ Circular and website and via the wider electronic network.

There will be two formats of this document available – one as a PDF that you can print out and write on or a Word Document version should you wish to respond and email back. You can download both documents from the NCWNZ website.

If you wish to fill an electronic word version please save the document under you or your organisations name and send back to me.

Responses should be emailed in either Adobe PDF or Microsoft Word format to kjsmith@ncwnz.org.nz or mailed to The National Council of Women of New Zealand, PO Box 12 117, Wellington.

Notes

*Denotes questions which will directly respond to the CEDAW Committee recommendations

If you do not have enough space in the text boxes to respond please use a separate sheet. (Please don't forget to write down which Article and question you are responding too.)

Summary of Articles

Article 5 - Social and Cultural patterns

For example;

Gender Stereotypes
Women in Armed Forces
Migrant and Refugee Women
Violence against Women
Domestic Violence

Article 6 - Exploitation of Women

For example;

Prostitution
Trafficking and Exploitation

Article 9 – Nationality

‘Article 9 ‘

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.
2. States Parties shall grant women equal rights with men with respect to the nationality of their children.’

Article 13 - Economic and Social life

For example;

Women’s Access to Credit
Economic Status of partnered women
Benefits
Housing
Older Women

Article 16 - Marriage and Family

For example;

Child Bearing
Valuing disabled lives
Family Life
Defining Family

Definitions

Gender Stereotypes: are beliefs held about characteristics, traits, and activity-domains that are "deemed" appropriate for men and women.

State Party: New Zealand Government

EEO: Equal Employment Opportunities

NGO: Non-governmental Organisation



Individual CEDAW Census Form

Age Group

1. Which age group do you belong to? (Please Circle)

Born between 1925 - 1945

Born between 1946 - 1962

Born between 1963 - 1978

Born between 1979 – 1999

Geographic Location

2. Where do you live? (Please Circle)

City

Town

Rural

Ethnicity

3. Which ethnic group(s) do you identify yourself with? (Please Circle)

New Zealand European

Maori

Samoan

Cook Island Maori

Tongan

Niuean

Chinese

Indian

Other

4. Where were you born? _____

5. How long have you lived in NZ? _____

Sexual Orientation

6. What is your sexual orientation? (Please Circle)

Gay/lesbian

Heterosexual

Other

Employment

7. Are you in paid employment? (Please Circle)

Yes

No *(If no, go to question 9)*

8. How many paid hours do you work a week?

9. Are you on a benefit? If yes, which benefit?

Unemployment Benefit

Domestic Purposes Benefit

Widows Benefit

Invalid or Sickness Benefit

NZ Superannuation

Other _____

Income

10. What is your gross personal income per annum? (Please Circle)

\$0 - \$19,999 per annum

\$20,000 – 39,999 per annum

\$40,000 – 69,999 per annum

\$70,000 per annum and over

Educational Background

11. What qualifications do you have? (Please Circle)

None

School Certificate

University Entrance

Degree

Masters or PhD

Housing

12. Do you rent or own the house you live in? (Please Circle)

Rent

Own

Other

Disability

13. Do you have a disability?

Yes/No

If yes, what is your disability? _____



Organisation CEDAW Census Form

Organisation

Name of Organisation: _____

1. How many people does your organisation/group represent? (Please Circle – you may circle more than one)

- 0 – 100
- 101 – 200
- 201 – 300
- 301 – 500
- 500 and over

2. What is the main focus of your organisation? E.g. the Elderly, Solo Parents, Refugees, Victims of Domestic Violence and Abuse, Sexual Orientation.

Age Group

3. Please rank from highest majority to lowest majority (1 = highest, 5 = lowest) which age group(s) your 'organisation' represents? (please circle)

Born between 1925 – 1945	1	2	3	4	5
Born between 1946 – 1962	1	2	3	4	5
Born between 1963 – 1978	1	2	3	4	5
Born between 1979 – 1999	1	2	3	4	5

Geographic Location

4. Where do the people your 'organisation' represents mainly live? (Please Circle)

City

Town

Rural

All of the above

Specific City in NZ _____

Ethnicity

5. Please rank majority to lowest majority (1 = highest, 5 = lowest) which ethnic group(s) do the people your organisation represents mainly identify themselves with? (Please Circle)

New Zealand European	1	2	3	4	5
Maori	1	2	3	4	5
Samoaan	1	2	3	4	5
Cook Island Maori	1	2	3	4	5
Tongan	1	2	3	4	5
Niuean	1	2	3	4	5
Chinese	1	2	3	4	5
Indian	1	2	3	4	5
Other _____					

Other

6. Is there anything else specific we need to know about your organisation? E.g. are the people you represent beneficiaries, of a certain religion or faith?

Article 5 – Social and Cultural Patterns

Background information

- CEDAW Article Five calls for:

States Parties shall take all appropriate measures:

a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

- CEDAW Monitoring Committee, following the completion of reporting in 2007, made the following comments and recommendations:

(Context) 22. The Committee voices its concern that, apparently, there has been a climate change and “backlash” against the recognition and promotion of women’s human rights in the State party, despite the persistence of inequality between women and men. The Committee is concerned that women, especially minority women, continue to be portrayed in a negative, inferior and stereotypical manner in the media and society. The Committee expresses concern that such attitudes and stereotypes present significant impediments to the implementation of the Convention and are a root cause of the disadvantaged position of women in a number of areas, including in the labour market and in political and public life.

(Action) 23. *The Committee calls upon the State party to implement a national campaign on the importance of equality between women and men in a democratic society, to increase understanding of the meaning and content of the substantive equality of women and to eliminate negative stereotypes associated with men’s and women’s traditional roles in the family and in society at large, in accordance with articles 2 (f) and 5 (a) of the Convention. The Committee also recommends that the State party encourage the media to project non-stereotypical and positive images of women, including minority women, and promote the value of gender equality for society as a whole, including through further measures to sensitize members of the press, television and other media on gender equality issues. The Committee requests that the State party report on measures taken and their impact in its next report.*

(Context) 24. While appreciating the steps taken by the State party, such as the establishment of the Taskforce for Action on Violence within Families and the 2006 report on violence within families, the Committee is concerned about the continued prevalence of violence against women, particularly Maori, Pacific and minority women, and the low rates of prosecution and convictions for crimes of violence against women. The Committee also remains concerned that analysis on issues relating to violence against women remains

inadequate for the purposes of identifying the causes of violence against women, monitoring trends and evaluating the appropriateness and impact of policy and law enforcement efforts. The Committee also expresses concern that the number of protective orders granted to women is declining.

(Action) 25. *The Committee calls upon the State party to consistently implement and enforce the Programme of Action on Violence within Families and to revise its Domestic Violence Act of 1995 in order to protect all women victims of violence, including Maori, Pacific, Asian, immigrant, migrant and refugee women, and women with disabilities. It calls upon the State party to ensure that all violence against women is effectively prosecuted and adequately punished in line with the Committee's general recommendation 19. The Committee recommends that training be enhanced for the judiciary, public officials, law enforcement personnel and health-service providers in order to ensure that they can adequately respond to it. It calls on the State party to ensure that adequate data is collected on all forms of violence against women and urges the State party to conduct research on the prevalence, causes and consequences of violence against all groups of women to serve as the basis for comprehensive and targeted intervention. In particular, it encourages the State party to study the reasons for the decline in the issuance of protective orders and to consider putting in place additional protective measures for women, such as enabling the police to issue protective orders. It invites the State party to include information on the results of such measures in its next periodic report.*

(Context) 26. The Committee is concerned that violence against women within families and illegal practices relating to marriage on the basis of culture and religion take place within immigrant communities and may not be adequately addressed because of the dependency and isolation of the women concerned.

(Action) 27. *The Committee recommends that the State party undertake proactive outreach measures for the protection of women victims within immigrant communities and cooperate with non-governmental organizations providing services to these women.*

- Definitions

Gender Stereotypes: are beliefs held about characteristics, traits, and activity-domains that are "deemed" appropriate for men and women.

State Party: New Zealand Government

Progress since last report

- In 2007, we reported on progress since the 2002 report. For your reference, we stated that:

There has been little gain in the area of gender stereotyping over the last four years. In the media, advertisements portraying women as astute, successful and "in control" of a situation have been linked with a backlash from men, who claim they are being discriminated against by depictions of males as inferior or inadequate.

There have been some gains in recognising maternity as a social function, with the broadening of the paid parental leave (PPL) scheme. On the negative side, women on the Domestic Purposes Benefit (DPB) were targeted by the National Party during the 2005 election campaign, being labelled as “welfare-dependants” and a burden on the state. Under a National-led government, any woman on the DPB who opted to have further children would not be entitled to an increase in her benefit¹.

Some NGOs identify the Care of Children Act 2004 as a positive piece of legislation. The Act provides for children to express their opinions and needs in legal proceedings related to their custody, and provides for counselling and mediation between parents. However, some NGOs express reservations about the Act, commenting that it appears to have made the process more difficult for mothers and more likely that abusive fathers will gain custody of children. They recommend that the Act be reviewed for its effects on the safety of women and children.

In 2002, NGOs were very concerned about the desensitising effect that media depictions of gratuitous violence were having on our society, thus contributing to a growing tolerance of abusive and violent behaviour. This situation remains largely unchanged.

- In 2007, the main issues that we highlighted were:

Gender Stereotyping: *There was a perception among NGOs that sexist jokes against women were becoming more common, possibly as a backlash against what was perceived to be a culture of “political correctness”. In the media, advertising continued to use stereotypic images of women to sell products, while “makeover” programmes on television perpetuated the message that appearance was everything, especially for women and girls. Some NGOs were concerned about the inappropriate marketing of clothes and make-up to young girls, who were being “sexualised” at an increasingly early age. Women’s sport received poor coverage by the media and that some organisations lacked advancement opportunities for women, preferring instead to reinforce a subservient culture.*

Women in Armed Forces: *There was no strategic EEO approach and the report noted “a resistance to considering the role of gender in HR processes” and that that balancing work and family responsibilities was a major issue for the New Zealand Defence Force.*

Migrant and Refugee Women: *Many NGOs were concerned about migrant communities in New Zealand, where traditional gender stereotypes and practices continued to oppress women. A number of NGOs recommended improved education within migrant communities to improve their understanding of human rights under New Zealand law.*

Violence against Women: *An unacceptable level of violence against women was still being tolerated in New Zealand society. NGOs considered that more women were disadvantaged by violence than by any other factor – legal, financial or political. Maori women were still*

¹ National Party. (2005). Social policy. Available [06 Nov 2006]: <http://www.national.org.nz/Article.aspx?ArticleID=4133#1>

more likely than non-Maori women to experience physical abuse from their partners, and were also more likely to require medical or hospital treatment as a result. It was noted that disabled women, especially those with psychiatric and intellectual impairments, were often abused, both physically and emotionally. Institutions were known sites for sexual abuse and violence, and attempts to report such incidents were often ignored, because of the woman's impairments. Police attitudes towards homosexuality acted as a barrier to the reporting of violence within such same-sex relationships. The link between violence and sexual and reproductive health problems had not been fully recognised in New Zealand. There was anecdotal evidence that the incidence of both date rape and drug rape (where drinks have been "spiked") were increasing and that young women were particularly at risk from this type of violence.

Domestic Violence: *Domestic violence was the fifth leading cause of death from injury for New Zealand women, with 50% of all homicides of women being committed by the woman's partner or ex-partner.*

Questions for Article 5

Considering that we will measure and report progress since the 2007 report:

1.5.1 Are there any issues previously covered which you feel should now be omitted or de-emphasized?

1.5.2 Are there any issues you believe should be emphasized for this reporting period which have not previously been referenced (over the last two reporting periods)?

Main Issues

Gender Stereotypes

1.5.3 What evidence are you aware of that is indicative of the Government taking appropriate measures to modify social and cultural practices among men and women which will reduce gender stereotyping?

1.5.4 What level of success has been achieved through these measures?

1.5.5 What actions could the Government reasonably take to improve upon the level of success for reducing gender stereotyping?

1.5.6 Have you personally experienced gender stereotyping in the last three years? If yes, what was your experience and what were the consequences for you?

***1.5.7 The CEDAW Committee called upon the State party to implement a national campaign on the importance of equality between women and men in a democratic society. What evidence are you aware of that demonstrates that such a campaign has been implemented?**

***1.5.8 The CEDAW Committee called upon the State party to implement a national campaign which would *“increase understanding of the meaning and content of the substantive equality of women and to eliminate negative stereotypes associated with men’s and women’s traditional roles in the family and in society at large”*. Please comment on the effectiveness of any national campaigns which have targeted the objectives set by the CEDAW Committee.**

*** 1.5.9 The CEDAW Committee recommended that the State party encourage the media to project non-stereotypical and positive images of women, including minority women, and promote the value of gender equality for society as a whole. Are you aware of a Government initiated policy which targets getting the media to project non-stereotypical, positive images of women and the promotion of gender equality?**

***1.5.10 Over the last three years, comment on any discernible change, that you have seen, in how women are represented in the media?**

1.5.11 As a Migrant or Refugee woman, have there been any NZ Government policies or initiatives which supported changing traditional gender stereotypes and practices in your community?

1.5.12 As a Migrant or Refugee woman, has your family living with you in New Zealand supported your doing things that in your home country would not have been part of your traditions or customs? Please tell your story.

1.5.13 As a Maori woman, are there any traditional gender stereotypes or customs that you have found limiting, or have left you with a sense that you are inferior to Maori men?

1.5.14 As a Pacific woman, are there any traditional gender stereotypes or customs that you have found limiting, or have left you with a sense that you are inferior to Pacific men?

1.5.15 Has there been any NZ Government policies or initiatives which supported change in your culture(s) and increased your sense of equality to men and people of other cultures? Please tell your story.

Sexualisation

We reported in the previous period that *“Some NGOs were concerned about the inappropriate marketing of clothes and make-up to young girls, who were being “sexualised” at an increasingly early age.”*

1.5.16 What evidence do you have that suggest sexualisation is either on the increase or decrease in this country?

1.5.17 Has there been any NZ Government policies or initiatives which you are aware of that identified trends in, or impacts of sexualisation and possible actions to address this issue?

1.5.18 Do you have any recommendations you wish to offer on how the Government may address sexualisation of girls and young women in New Zealand? If so, what are they?

Violence against Women

As a background resource, general recommendation 19 has been included for your reference:

General Recommendation No. 19 (11th session, 1992)

Violence against women

Background

1. *Gender-based violence is a form of discrimination that seriously inhibits women's ability to enjoy rights and freedoms on a basis of equality with men.*

2. *In 1989, the Committee recommended that States should include in their reports information on violence and on measures introduced to deal with it (General recommendation 12, eighth session).*

3. *At its tenth session in 1991, it was decided to allocate part of the eleventh session to a discussion and study on article 6 and other articles of the Convention relating to violence towards women and the sexual harassment and exploitation of women. That subject was chosen in anticipation of the 1993 World Conference on Human Rights, convened by the General Assembly by its resolution 45/155 of 18 December 1990.*

4. *The Committee concluded that not all the reports of States parties adequately reflected the close connection between discrimination against women, gender-based violence, and violations of human rights and fundamental freedoms. The full implementation of the Convention required States to take positive measures to eliminate all forms of violence against women.*

5. The Committee suggested to States parties that in reviewing their laws and policies, and in reporting under the Convention, they should have regard to the following comments of the Committee concerning gender-based violence.

General comments

6. The Convention in article 1 defines discrimination against women. The definition of discrimination includes gender-based violence, that is, violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty. Gender-based violence may breach specific provisions of the Convention, regardless of whether those provisions expressly mention violence.

7. Gender-based violence, which impairs or nullifies the enjoyment by women of human rights and fundamental freedoms under general international law or under human rights conventions, is discrimination within the meaning of article 1 of the Convention. These rights and freedoms include:

(a) The right to life;

(b) The right not to be subject to torture or to cruel, inhuman or degrading treatment or punishment;

(c) The right to equal protection according to humanitarian norms in time of international or internal armed conflict;

(d) The right to liberty and security of person;

(e) The right to equal protection under the law;

(f) The right to equality in the family;

(g) The right to the highest standard attainable of physical and mental health;

(h) The right to just and favourable conditions of work.

8. The Convention applies to violence perpetrated by public authorities. Such acts of violence may breach that State's obligations under general international human rights law and under other conventions, in addition to breaching this Convention.

9. It is emphasized, however, that discrimination under the Convention is not restricted to action by or on behalf of Governments (see articles 2(e), 2(f) and 5). For example, under article 2(e) the Convention calls on States parties to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise. Under general international law and specific human rights covenants, States may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation.

Comments on specific articles of the Convention.

Articles 2 and 3

10. Articles 2 and 3 establish a comprehensive obligation to eliminate discrimination in all its forms in addition to the specific obligations under articles 5-16.

Articles 2(f), 5 and 10(c)

11. *Traditional attitudes by which women are regarded as subordinate to men or as having stereotyped roles perpetuate widespread practices involving violence or coercion, such as family violence and abuse, forced marriage, dowry deaths, acid attacks and female circumcision. Such prejudices and practices may justify gender-based violence as a form of protection or control of women. The effect of such violence on the physical and mental integrity of women is to deprive them the equal enjoyment, exercise and knowledge of human rights and fundamental freedoms. While this comment addresses mainly actual or threatened violence the underlying consequences of these forms of gender-based violence help to maintain women in subordinate roles and contribute to the low level of political participation and to their lower level of education, skills and work opportunities.*

12. *These attitudes also contribute to the propagation of pornography and the depiction and other commercial exploitation of women as sexual objects, rather than as individuals. This in turn contributes to gender-based violence.*

Article 6

13. *States parties are required by article 6 to take measures to suppress all forms of traffic in women and exploitation of the prostitution of women.*

14. *Poverty and unemployment increase opportunities for trafficking in women. In addition to established forms of trafficking there are new forms of sexual exploitation, such as sex tourism, the recruitment of domestic labour from developing countries to work in developed countries and organized marriages between women from developing countries and foreign nationals. These practices are incompatible with the equal enjoyment of rights by women and with respect for their rights and dignity. They put women at special risk of violence and abuse.*

15. *Poverty and unemployment force many women, including young girls, into prostitution. Prostitutes are especially vulnerable to violence because their status, which may be unlawful, tends to marginalize them. They need the equal protection of laws against rape and other forms of violence.*

16. *Wars, armed conflicts and the occupation of territories often lead to increased prostitution, trafficking in women and sexual assault of women, which require specific protective and punitive measures.*

Article 11

17. *Equality in employment can be seriously impaired when women are subjected to gender-specific violence, such as sexual harassment in the workplace.*

18. Sexual harassment includes such unwelcome sexually determined behaviour as physical contact and advances, sexually coloured remarks, showing pornography and sexual demand, whether by words or actions. Such conduct can be humiliating and may constitute a health and safety problem; it is discriminatory when the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment, including recruitment or promotion, or when it creates a hostile working environment.

Article 12

19. States parties are required by article 12 to take measures to ensure equal access to health care. Violence against women puts their health and lives at risk.

20. In some States there are traditional practices perpetuated by culture and tradition that are harmful to the health of women and children. These practices include dietary restrictions for pregnant women, preference for male children and female circumcision or genital mutilation.

Article 14

21. Rural women are at risk of gender-based violence because traditional attitudes regarding the subordinate role of women that persist in many rural communities. Girls from rural communities are at special risk of violence and sexual exploitation when they leave the rural community to seek employment in towns.

Article 16 (and article 5)

22. Compulsory sterilization or abortion adversely affects women's physical and mental health, and infringes the right of women to decide on the number and spacing of their children.

23. Family violence is one of the most insidious forms of violence against women. It is prevalent in all societies. Within family relationships women of all ages are subjected to violence of all kinds, including battering, rape, other forms of sexual assault, mental and other forms of violence, which are perpetuated by traditional attitudes. Lack of economic independence forces many women to stay in violent relationships. The abrogation of their family responsibilities by men can be a form of violence, and coercion. These forms of violence put women's health at risk and impair their ability to participate in family life and public life on a basis of equality.

Specific recommendation

24. In light of these comments, the Committee on the Elimination of Discrimination against Women recommends that:

- (a) States parties should take appropriate and effective measures to overcome all forms of gender-based violence, whether by public or private act;*
- (b) States parties should ensure that laws against family violence and abuse, rape, sexual assault and other gender-based violence give adequate protection to all women, and respect their integrity and dignity. Appropriate protective and support services should be provided for victims. Gender-sensitive training of judicial and law enforcement officers and other public officials is essential for the effective implementation of the Convention;*
- (c) States parties should encourage the compilation of statistics and research on the extent, causes and effects of violence, and on the effectiveness of measures to prevent and deal with violence;*
- (d) Effective measures should be taken to ensure that the media respect and promote respect for women;*
- (e) States parties in their reports should identify the nature and extent of attitudes, customs and practices that perpetuate violence against women and the kinds of violence that result. They should report on the measures that they have undertaken to overcome violence and the effect of those measures;*
- (f) Effective measures should be taken to overcome these attitudes and practices. States should introduce education and public information programmes to help eliminate prejudices that hinder women's equality (recommendation No. 3, 1987);*
- (g) Specific preventive and punitive measures are necessary to overcome trafficking and sexual exploitation;*
- (h) States parties in their reports should describe the extent of all these problems and the measures, including penal provisions, preventive and rehabilitation measures that have been taken to protect women engaged in prostitution or subject to trafficking and other forms of sexual exploitation. The effectiveness of these measures should also be described;*
- (i) Effective complaints procedures and remedies, including compensation, should be provided;*
- (j) States parties should include in their reports information on sexual harassment, and on measures to protect women from sexual harassment and other forms of violence of coercion in the workplace;*
- (k) States parties should establish or support services for victims of family violence, rape, sexual assault and other forms of gender-based violence, including refuges, specially trained health workers, rehabilitation and counselling;*
- (l) States parties should take measures to overcome such practices and should take account of the Committee's recommendation on female circumcision (recommendation No. 14) in reporting on health issues;*
- (m) States parties should ensure that measures are taken to prevent coercion in regard to fertility and reproduction, and to ensure that women are not forced to seek unsafe medical procedures such as illegal abortion because of lack of appropriate services in regard to fertility control;*
- (n) States parties in their reports should state the extent of these problems and should indicate the measures that have been taken and their effect;*
- (o) States parties should ensure that services for victims of violence are accessible to rural women and that where necessary special services are provided to isolated communities;*

- (p) Measures to protect them from violence should include training and employment opportunities and the monitoring of the employment conditions of domestic workers;*
- (q) States parties should report on the risks to rural women, the extent and nature of violence and abuse to which they are subject, their need for and access to support and other services and the effectiveness of measures to overcome violence;*
- (r) Measures that are necessary to overcome family violence should include:*
- (i) Criminal penalties where necessary and civil remedies in cases of domestic violence;*
 - (ii) Legislation to remove the defence of honour in regard to the assault or murder of a female family member;*
 - (iii) Services to ensure the safety and security of victims of family violence, including refuges, counselling and rehabilitation programmes;*
- (iv) Rehabilitation programmes for perpetrators of domestic violence;*
- (v) Support services for families where incest or sexual abuse has occurred;*
- (s) States parties should report on the extent of domestic violence and sexual abuse, and on the preventive, punitive and remedial measures that have been taken;*
- (t) States parties should take all legal and other measures that are necessary to provide effective protection of women against gender-based violence, including, inter alia:*
- (i) Effective legal measures, including penal sanctions, civil remedies and compensatory provisions to protect women against all kinds of violence, including inter alia violence and abuse in the family, sexual assault and sexual harassment in the workplace;*
 - (ii) Preventive measures, including public information and education programmes to change attitudes concerning the roles and status of men and women;*
 - (iii) Protective measures, including refuges, counselling, rehabilitation and support services for women who are the victims of violence or who are at risk of violence;*
- (u) States parties should report on all forms of gender-based violence, and such reports should include all available data on the incidence of each form of violence and on the effects of such violence on the women who are victims;*
- (v) The reports of States parties should include information on the legal, preventive and protective measures that have been taken to overcome violence against women, and on the effectiveness of such measures.*

Domestic Violence (DV)

DV remains the leading form of violence that women experience in New Zealand. Within the context of DV, sexual violence and emotional violence are virtually always present. Specialist organisations working in the field of domestic and other forms of violence will be invited to provide updated statistics, so progress can be measured. Life stories or cases of domestic violence, written by victims will also be used as evidence. If you wish to tell your own story please include it as a separate document so it can be added to the evidence file.

1.5.19 Considering the existing programmes for addressing domestic violence in New Zealand, how effectively have they been implemented?

1.5.20 What outcomes have the programmes generated, both negative and positive?

1.5.21 What alternatives exist, or could be introduced to positively impact on domestic violence levels in this country and what role should Government play?

1.5.22 Considering that stress factors such as job loss and increasing cost of goods and services contribute to men’s violence against women, and that such stress factors are more likely to exist during an economic recession, what steps did Government take to ensure and enhance the safety of women?

1.5.23 How effective were the initiatives?

1.5.24 In your opinion, what actions should the Government have taken?

1.5.25 During the reporting period, revision of Domestic Violence Act has been undertaken by Government. With this in mind, what positive outcomes have now been legislated?

1.5.26 Are you of the opinion that the changes implemented by Government will address the real problems behind domestic violence against women? Please explain your comments.

***1.5.27 Given the changes to legislation, have there been any noticeable improvements which would better address the needs of migrant, Maori, Pasifika and disabled women? Please discuss your answer.**

***1.5.28 Have the level of prosecutions against male perpetrators of domestic violence increased or decreased over the reporting period?**

***1.5.29 What in your opinion has brought about a change in prosecution levels (whether they have increased or decreased)? If prosecution levels have remained the same please comment on this.**

***1.5.30 What changes are required of the Courts system which would lead to more male perpetrators of domestic violence being convicted?**

***1.5.31 In your opinion, are the sentencing and penalties enforced upon male perpetrators at a suitable level to achieve punishment, remediation and rehabilitation?**

1.5.32 What further legislation could Government introduce to penalise, remediate and rehabilitate male offenders?

***1.5.33 Are you aware of any training that the Government has facilitated for those working in the field of domestic violence, whether they be NZ Police, or support agencies?**

1.5.34 Considering now General Recommendation 19, violence against women, please comment on how New Zealand is performing against these general requirements.

1.5.35 Again considering General Recommendation 19, how is the Government (over the reporting period) responding to this recommendation?

1.5.36 What recovery services – particularly in the medium and long-term, has the Government put in place for survivors of domestic violence and their families?

1.5.37 What further steps could be taken by Government?

1.5.38 Transparency of a critical issue for women deserves a high level of accessibility. How publicly available have research and statistical collections been on domestic violence figures, domestic violence complaints, gender-breakdowns of statistical measures relating to the subject of domestic violence, over the reporting period?

1.5.39 What further statistical information would NGOs appreciate the Government initiating, or making accessible to interested parties?

***1.5.40 Has access to Protection Orders improved for female victims of domestic violence, perpetrated by men, over the reporting period? Please explain your opinion.**

1.5.41 Health, general well-being, mental illness and domestic violence, the linkages between domestic violence and negative health impacts on women are known. What has the Government initiated to alleviate the suffering in the health of women victims and their children?

1.5.42 Considering that the questions posed thus far may not have addressed all of your concerns regarding Domestic violence perpetrated by men, plus make further comments on the issue which you wish would be brought to the attention of the CEDAW Committee.

Elder Abuse

1.5.44 What cases of elder abuse have you heard of during the reporting period, please describe them?

1.5.45 What strategies and other mechanisms has the government put in place to monitor and prevent elder abuse? How successful have these initiatives been?

1.5.46 What are the main drivers for elder abuse in New Zealand?

1.5.47 What other initiatives could be put in place to deal with elder abuse?

1.5.48 How widespread do you believe elder abuse is in New Zealand and why would this abuse be under-reported?

1.5.49 While elder abuse can be physical in nature, it can also manifest as emotional violence (intimidation for example, or neglect and maltreatment) and economic violence or financial abuse. Are you aware of any specific cases of financial abuse of older women that have come to light during the reporting period? Please describe any case you are aware of.

Racial Violence

The United Nations Convention on the Elimination of all Forms of Discrimination against Racism is the vehicle which can be used for raising concerns about experiences of intolerance for both men and women. That being said CEDAW is well equipped for identifying racial discrimination as it impacts on women and girls.

1.5.50 What have been your personal experiences of racial intolerance in New Zealand? Please provide an account.

1.5.51 Are there any particular situations where racial intolerance is more likely to occur? Please explain.

1.5.52 What initiatives could Government implement to reduce the level of racial intolerance in New Zealand?

1.5.53 Are there any further comments or recommendations you wish to make about racial intolerance in New Zealand?

Sexual Violence

There are a growing number of situations providing opportunity for sex crimes in New Zealand. Social networking sites are increasingly acting as a vehicle for sexual predators to gain access to young women and girls. Young women going out in the evening can fall prey to drug rape and simply dating a man creates the risk of date rape, where the man has the expectation of having sex following purchasing dinner and some drinks for his date. For convenience, we classify the various forms and modes of sexual violence as sex crimes; this includes the aforementioned crimes, as well as rape by stranger or known-assailant, rape in marriage or civil union, incest, sexual abuse as a child by a non-family member, and so on.

1.5.54 General Recommendation 19 on Violence, requires the State Party to establish or support services for victims of domestic violence, rape, sexual assault and other forms of gender-based violence, including refuges, specially trained health workers, rehabilitation and counselling. Considering specifically the recent changes made to the ACC clinical pathway and the eligibility criteria women must meet to access subsidised counselling, how has the Government performed in light of this General Recommendation?

1.5.55 What do you see as being the potential outcomes for women and their families as a result of changes to the accessibility of sex abuse counselling?

1.5.56 How well supported by Government are the services provided to sex crime victims?

1.5.57 How could services be better supported by Government? Please list your recommendations.

1.5.58 What would be the potential positive outcomes arising from your recommendations to Government?

1.5.59 Have you been a victim of a sex crime and did it result in a prosecution?

1.5.60 What do you perceive to be the barriers to women taking their complaints to the NZ Police so as to address the problem via the judicial system?

1.5.61 Noting which age group you are representative of, which type(s) of sex crime are you most at risk of falling victim to and why?

1.5.62 How has the Government reacted to the reports and strategies which seek to identify and remedy problems relating to sex crimes?

Several reports have been finalised over the reporting period which indicate some of the barriers to women using the court system in cases of sex crime, the availability of support services for victims of sex crime, and strategies for addressing the occurrence of sex crime.

1.5.63 Are you satisfied with the Governments level of reaction?

1.5.64 What specific areas would you prefer the Government to address sooner rather than later?

1.5.65 What level of financial investment has the Government made into male dominated sporting events, such as the Rugby World Cup, Americas Yacht etc, versus support services for women to recover from sex crime?

1.5.66 What support is received from the media in coverage of violence by men against women?

1.5.67 Please make any further comments or recommendations you might have on sex crime and its impacts in New Zealand.

Other types of Violence

1.5.68 To establish whether there is a gender dimension to the increasing trend amongst you of text-bullying, posting offensive comments or pictures on social networking sites, or violence in the school yard – are girls and young women more likely to be victims of this type of emotional violence than males?

1.5.69 Are girls and young women more likely to be the perpetrators of this type of violence than males?

1.5.70 In New Zealand, what have been the impacts of the aforementioned types of emotional violence on young women and girls?

1.5.71 Have you experienced bullying and intimidation in the workplace through the actions of a man? Please describe what happened including any outcomes.

1.5.72 Have you experienced sexual harassment in your workplace through the actions of a man? Please describe what happened including any outcomes.

1.5.73 Have you experienced sexual harassment by men in other activities you might pursue? Please describe what happened including any outcomes.

1.5.74 What actions has the Government taken to monitor, address and prevent sexual harassment of women and girls by men? Has the action been sufficient?

1.5.75 Mental illness and mental injury are known potential outcomes of violence against women and children. What level of support is available to women who have at least in part developed mental illness following traumatic experiences?

1.5.76 Assuming a woman with mental illness enters into an abusive relationship, what level of support is available to her should she make a complaint to authorities relating to an act of violence (whether physical, emotional, sexual etc)?

1.5.77 What further comments or recommendations do you wish to make bullying, sexual harassment or mental illness?

1.5.78 What is your opinion of the terminology used for men’s violence against women and what are the potential impacts of degenderizing violence?

Female Genital Mutilation (FGM)

FGM is illegal in this country.

Experts, working in the field of FGM risk in New Zealand have stated:

“Many groups that practice FGM come from patriarchal and patrilineal societies. In these societies, resources and power are passed down and held solely under male control, with a woman’s access to land and to economic resources being exclusively through her husband (or the male members of her family). In order for a woman to be eligible for marriage it is essential that she is a virgin. The association between virginity and FGM is so strong that an uninfibulated or unexcised girl has virtually no chance of marriage, regardless of her virginity. A women’s access to land and resources is therefore dependent on her having undergone FGM.”

1.5.79 Are you aware of female circumcision being practised in New Zealand, and if so in what areas/regions? What population of women that you know about, is most affected?

1.5.80 Please provide your recommendations on how Government can assist communities to move away from this practise.

1.5.81 Please provide recommendations on how New Zealand society can support communities in moving away from this practise.

Same-sex relationships

All of the previous questions put forward in this module are available to lesbian and bisexual women. To better identify whether your population is being adequately catered to through legislation and policy, as it relates to changing social and cultural practices in New Zealand, the following opportunity for input has been developed.

1.5.82 As a person in a same-sex relationship, who may have experienced domestic violence, what was your experience of accessing support services, or raising complaints with the Authorities?

1.5.83 what legislative changes has the Government made which specifically target your needs?

1.5.84 How effective has the legislation been? Please explain your answer.

1.5.85 What legislative changes do you feel are needed to address areas such as violence against lesbian, or bi-sexual women?

1.5.86 What do you see as being the positive outcomes of such legislative changes?

1.5.87 what Government policies are in place which support the needs of lesbian or bi-sexual women?

1.5.88 What Government policies are negatively impacting on lesbian or bi-sexual women?

1.5.89 What further support services are needed for bi-sexual and lesbian women?

1.5.90 What further comments and recommendations do you wish to make which would address cultural and social barriers?

Maternity as a social function

A particularly important issue which was scarcely touched upon in the last CEDAW report is maternity as a social function. At a time when more women are working part-time or full-time, raising their children and still doing the majority of household chores, this item has to a degree slipped under the radar when it comes to letting the CEDAW Committee know how our Government is supporting us in achieving equality and equity.

1.5.91 We have laws which place children at the centre of consideration when couples split, do we have laws which are supported and promoted by government for when couples remain together and if so how effective are they?

1.5.92 Do you have any evidence of men recognising the common responsibility of raising and supporting the development of their children? If making comparisons over a time period, please indicate the spread.

1.5.93 What improvements are needed in terms of ensuring men recognise and carry out their common responsibility with women?

1.5.94 What are the impacts of men not sharing in the upbringing of their children?

1.5.95 In terms of equally shared responsibilities, as a Maori, Pasifika, ethnic woman, has your experience been that your culture supports and practices this? Please describe your situation.

1.5.96 Any further comments or recommendations you wish to make on maternity as a social function?

Note: Women in Armed Forces will be questioned under employment, Article 11. Mental health will be further covered under Article 12, Health.

Article 6 – Exploitation of Women

Background information

CEDAW Article Six calls for:

- *States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.*
- CEDAW Monitoring Committee, following the completion of reporting in 2007, made the following comments and recommendations:

(Context) 28. The Committee is concerned about the lack of information regarding the extent of trafficking in women and girls in New Zealand and the absence of measures taken to address this issue. The Committee is especially concerned that no cases of trafficking in women have been officially reported or prosecuted, despite indications of the existence of trafficking in women in New Zealand. The Committee also expresses concern about the lack of information regarding the nature and extent of prostitution in New Zealand, including about the implementation of the Prostitution Reform Act of 2003. The Committee is also concerned about the exploitation of migrant women and girls in prostitution and the sufficiency of measures to provide protection and assistance for migrant women.

(Action) 29. *The Committee requests the State party to provide, in its next report, comprehensive information and data on trafficking in women and girls, on the number of prosecutions and convictions and on measures taken to combat such activities, including with respect to migrant women and girls, and the impact of such measures. It further calls upon the State party to provide a comprehensive assessment of the Prostitution Reform Act of 2003, including statistical data and steps and measures taken in response to the findings.*

Progress since last report

- In 2007, we reported on progress since the 2002 report. For your reference, we stated that:

In 2002, NGOs expressed concern about girls as young as ten or 11 working as prostitutes, the growing number of imported sex workers, and the number of violent and even fatal attacks on sex workers. Many NGOs believed that the proposed Prostitution Reform Bill would lead to greater safety and better working conditions for sex workers. They also called for the Government to quantify the sex industry, in order to assess the impact of the proposed reforms. Currently, the actual number of sex workers can still only be estimated.

The passing of the controversial Prostitution Reform Act 2003 was seen by a majority of NGOs as a gain. Others, however, continued to see it as promoting the exploitation of women. In July 2002 the New Zealand Government ratified the Protocol to the UN Convention against Transnational Organised Crime on the Trafficking of Women and

Children and the Smuggling of Migrants. It also enacted legislation to ensure that crimes involving people-smuggling and trafficking attracted stiff penalties.

The Human Rights Commission had received no further cases of people-trafficking for the sex industry since 2001.

However, this may not reflect the real situation, particularly as police are concerned that the decriminalisation of prostitution in 2003 had removed a means of keeping track of sex workers.

The stock-take of the Plan of Action against the Commercial Sexual Exploitation of Children: Protecting our Innocence, completed in 2005, should provide information on the trafficking of children in this country. However, Cabinet approval is still required before the results can be made public. In November 2005, the Human Rights Commission stated that there was no co-ordinated government response to deal with people-trafficking in New Zealand. Some NGOs argued that the Government had failed to take trafficking seriously, and that there was a lack of resources available to comprehensively assess and manage the covert nature of this growing, global problem

- In 2007, the main issues that we highlighted were:

The introduction of the Prostitution Reform Bill was embroiled in controversy. Many women grappled with the conundrum of supporting the intent of the Act, while not condoning prostitution itself. Following its enactment, NGOs were divided on whether the legislation had been a positive or a negative move.

At the time of reporting, a majority of NGOs saw the Act as a step forward, in that it removed the double standard which had been enshrined in the Crimes Act, whereby women soliciting or providing services for money were breaking the law, while their male clients committed no offence.

The positives identified as a result of this legislative change included sex workers no longer fearing prosecution, the ability for sex workers to negotiate terms with employers and having the right to refuse clients. Safe sex practices became a legal requirement and prosecution of brothel owners employing under-age workers became possible. Occupational safety and health guidelines were developed for sex workers.

Those NGOs which remained opposed, or over time developed opposition towards the Act felt it downgraded the status of women in New Zealand and significantly reduced equality between the genders.

There was disagreement regarding whether the changes to the Act had led to an increase in the number of sex workers, and in particular the number of under-age sex workers. All parties were disappointed that while the under-age sex trade continued only one prosecution had been made by the NZ Police.

Murders of prostitutes was of community concern, however it was felt that the decriminalisation of prostitution had increased the ability and degree of cooperation between sex workers and the Police.

Lower socio-economic areas have continued to have high numbers of prostitutions. Councils have attempted to remove sex workers from the streets, to prevent the establishment of brothels in suburban areas near schools.

Opponents of the Prostitution Reform Bill remained adamant that prostitution should not be recognised as a form of labour. Rather, it was a form of violence whose root cause was driven by male demand for commercialised forms of sex and was rooted in gender inequality.

Resource constraints limited the ability of the New Zealand Police to deal with trafficking and exploitation of migrant women.

NGOs suspected the several types of trafficking and exploitation were taking place in New Zealand, such as young women entering New Zealand on a visitor's visa, sponsored by New Zealand men, with an agreement to marry him, finding themselves in physically, emotionally and sexually abusive relationships. Migrants and visitors on temporary student visas may have been financially exploited and possibly sexually exploited.

The populations viewed as being at greatest risk came from Asia, the Pacific, Brazilians, and Czechoslovakians.

Questions for Article 6

Considering that we will measure and report progress since the 2007 report:

1.6.1 Are there any issues previously covered which you feel should now be omitted or de-emphasized?

1.6.2 Are there any issues you believe should be emphasized for this reporting period which have not previously been referenced (over the last two reporting periods)?

Definitions: Illegal brothels are those operating in areas where they shouldn't be; unlicensed.

Main Issues

Trafficking

1.6.3 What evidence do you have of trafficking of migrant women in New Zealand for the purpose of sexual exploitation?

***1.6.4 What Government initiatives have been put in place to monitor and police the incidence of trafficking of women for the purpose of sexual exploitation?**

***1.6.5 How effective have these initiatives been?**

1.6.6 What are the barriers, if any, to the Government increasing resources to monitor and police trafficking of migrant for prostitution?

1.6.7 What measures or steps could the Government take to overcome any existing barriers?

1.6.8 Given that prostitution in New Zealand has been decriminalised, what impact could this have on the trafficking of migrants for sex exploitation?

1.6.9 Large, international sporting events, such as the 2011 rugby world cup which will be staged in New Zealand, are associated with the trafficking of migrants for event-based prostitution. What evidence have you seen that indicates the Government will implement measures to dissuade and prevent this practise?

***1.6.10 What publicly available statistical information have you seen generated by the Government on the trafficking of migrant women for prostitution?**

1.6.11 What level of coverage has the issue of migrant trafficking for prostitution been offered by the media; print, radio and television, for generating greater awareness of the problem?

1.6.12 What information is available to assist people in reporting what they believe could be a migrant prostitution operation?

1.6.13 What access do social service organisations have to migrants working in prostitution?

1.16.14 Are there any further recommendations you wish to make on how to build awareness of trafficking of migrants for sex exploitation, on to the Government might achieve a positive impact on this problem?

Prostitution

1.16.15 Considering the period from 2003 when the Prostitution Reform Act was enacted till today, what have been the positive outcomes for sex workers in New Zealand?

1.16.16 Considering the period from 2003 when the Prostitution Reform Act was enacted till today, what have been the negative outcomes for sex workers in New Zealand?

1.16.17 Considering the period of the recession, what have been the positive impacts on sex workers in New Zealand?

1.16.18 Considering the period of the economic recession, what have been the negative impacts on sex workers in New Zealand?

1.16.19 While prostitution is decriminalised in Australia, illegal brothels still operate. Estimates can only be provided on these illegal brothels, e.g. in Victoria, Australia it was estimated that 400 were in operation. In Sydney in May 2009, it was reported that illegal brothels and escort services had surpassed the number of licensed establishments by four to one, and that the gap was still growing. What information do you have available on the operation of Illegal brothels in New Zealand?

1.16.20 Are you aware of any sting operations undertaken by NZ Police to monitor, investigate and prosecute illegally operating brothels of escort agencies?

1.16.20 Since the last reporting period has there been any change in the amount or nature of crime against prostitutes?

1.16.21 In your opinion has the frequency of convictions for purchasing sex from under-age young women been in balance with the level of availability of under-age prostitution?

1.16.22 Have you seen any evidence of the NZ Police instigating sting operations to address the problem of under-age prostitution? If so, how successful have these operations been in achieving convictions and prosecutions?

1.16.23 What measures has the Government put in place to dissuade young women and girls from entering into sex work?

1.16.24 As a supporter of the Prostitution Reform Bill, did the Bill achieve your priorities for the sex industry? Please list these.

1.16.25 As an opposer of the Prostitution Reform Bill, did the Bill give fruition to the concerns you had about possible outcomes? Please list these.

1.16.26 From an impartial position on the Prostitution Reform Bill, what do you view as being the positive and negative outcomes of the law change?

1.16.27 In all cases, what changes if any would you support the Government in making to the legislation?

1.16.28 What publicly available statistical information is available on the levels of prostitution in New Zealand?

1.16.29 What publicly available statistical information is available on the number of brothels in New Zealand?

1.16.30 Given the international statistical evidence which suggested that during a time of recession more women would enter the sex industry for their employment, what measures or initiatives did the Government put in place to support women towards other fields of employment?

1.16.31 What in your opinion have been the social consequences of the decriminalisation of prostitution in New Zealand?

1.16.32 Has the Government adequately supported social and health services for sex workers?

1.16.33 Considering cultural viewpoints, does your culture support the practice of prostitution?

1.16.34 How highly represented is your culture in the sex industry in New Zealand?

1.16.35 Any further comments or recommendations you wish to make on the issue of prostitution in New Zealand?

NB: Labour and financial exploitation of migrants and those travelling on study visas will be covered under Article 11 Employment

Article 9 - Nationality

Background information

- CEDAW Article Nine calls for:
 1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.
 2. States Parties shall grant women equal rights with men with respect to the nationality of their children.'

Progress since last report

- In 2007, we reported on progress since the 2002 report. For your reference, we stated that:

New Zealand had long-standing legal protections for the nationality of women and children. There had been no known cases of any breaches of the law.

Questions for Article 9

Main Issues

1.9.1 Are you aware of any breaches in the law that protects a woman's nationality or that of her children? If so please report.

1.9.2 Are there any shortcomings in the current law which has not provided women and their children with adequate coverage?

Article 13 – Economic and Social Life

Article 13 - Economic and Social life

Background information

- CEDAW Article Thirteen calls for:

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to family benefits;
- (b) The right to bank loans, mortgages and other forms of financial credit;
- (c) The right to participate in recreational activities, sports and all aspects of cultural life.

Progress since last report

- In 2007, we reported on progress since the 2002 report. For your reference, we stated that:

The lack of comprehensive statistics disaggregated by gender was still hindering moves to eliminate discrimination against women in many areas of economic and social life. NGOs recommended that, should steps be taken to remedy this, together with more robust gender analysis of all government policies and spending.

- In 2007, the main issues that we highlighted were:

NGOs reported that gender bias still existed when women sought access to credit from financial institutions. Women who were declined credit were more likely to belong to an ethnic minority, with Maori representation in this group at the highest. Maori and Pacific women were found to have higher levels of inability to keep up with repayments on their credit facilities.

Investment was also seen as needed in budgeting services, with one area in particular, which catered to a high population of those on low incomes, having to shut the doors to its budgeting services due to lack of funding.

While there is protection under the Family Proceedings Act for women in a civil union or marriage to obtain financial support from their partner, NGOs remained concerned that partnered women were assumed to have access to their partner's income, and were therefore ineligible for benefits if unemployed.

In the case of the disabled, the current ineligibility for benefits and dependence on their partners for financial assistance was seen as a double burden, particularly as often the earning partner was also the main caregiver for the family and disabled person. NGOs supported that eligibility for a disability allowance should be a matter of individual right, independent of relationship status. NGOs were also contesting in the Human Rights Tribunal, the alleged discrimination on the basis of source of parental income as arising through the working for family's tax credit system.

NGOs also raised concern about the occurrence of benefit fraud by partnered women. Some felt that such women were pressured by their partners to engage in the fraud, yet the penalising of the fraud fell upon the woman only.

Members of the migrant community indicated difficulties in accessing the benefit system and general unawareness of what they were entitled to.

NGOS also indicated concern regarding the provision of state housing, highlighting problems of overcrowding, and lack of basic equipment. It was perceived that there was an increasing sense of home ownership becoming unaffordable.

NGOs were concerned that older women did not have the opportunity to save for their retirement. Older women also feel obliged to provide for their children and grand children and as a result tend to forego their own immediate needs so they still have resources which can be passed on to their family upon their death. Older women frequently have little knowledge of financial management, a domain which historically has been that of their male partners. Older women are not aware of the Property (Relationships) Act and the need for contracts to protect their property.

Questions for Article 13

Considering that we will measure and report progress since the 2007 report:

1.13.1 Are there any issues previously covered which you feel should now be omitted or de-emphasized?

1.13.2 Are there any issues you believe should be emphasized for this reporting period which have not previously been referenced (over the last two reporting periods)?

Main Issues

1.13.3 What initiatives and measures has the Government introduced or undertaken which foster the improvement of women's enjoyment of social and economic well-being over the reporting period?

1.13.4 During this economic recession, what further initiatives has the Government put in place for women to meet their needs in the context of promoting women's economic and social life?

1.13.5 What initiatives has the Government introduced to support the provision of budgeting services around New Zealand, and in particular in areas populated by families designated as being in the lower socio-economic tier?

The Right to Family Benefits

1.13.6 How have the media and Government publicly depicted women on the DPB over the reporting period?

1.13.7 Do you support or oppose this depiction and please state your reasoning?

1.13.8 How are Maori and Pacific women depicted by the media when dependent on a benefit to meet their basic needs for living?

1.13.9 Women with partners in paid employment are ineligible for the unemployment benefit, invalids benefit and a variety of other allowances and benefits, because under the Family Proceedings Act, they have legal access to a share of their partner's income. What in your opinion are the barriers to women enacting this protection under the law?

1.13.10 Each year, women on the domestic purposes benefit are prosecuted for fraud, due to the fact that they are in a partnership with a man in paid employment. Considering that the partner in this relationship is most likely to be aware of the financial arrangements, in your opinion should the women be solely held accountable for this fraud?

1.13.11 Male partners have reportedly pressured women on the domestic purposes benefit, and with whom they share a residence, to continue collecting the DPB. What in your opinion should be the outcome when this fraud is discovered?

1.13.12 During the separation of a couple with children, what barriers exist to a woman attaining financial independence, or at the very least, the ability to support her children?

1.13.13 What are the social consequences for women during such marriage or civil union separations?

1.13.14 Considering that today, some couples with children who are seeking to separate, must save money in advance to be able to do this, what extra support could Government provide to these estranged couples to facilitate the separation so as to lessen the stress levels on the children in their care?

1.13.15 Once divorced, what barriers exist to financial independence, or at the very least, the ability to support her children?

1.13.16 What are the social consequences for women during and following the dissolution of marriage?

1.13.17 What assistance and improvement could Government make in order to sustain a women's access to social life and economic well-being following divorce and the responsibility of being the primary caregiver of their children?

1.13.18 What are some of the other financial expenses separated or divorced women are likely to become liable for as the primary carers of their children?

1.13.19 If you have been in a relationship which lead to your living with your partner, please indicate at what point in time income-sharing became an acceptable practice in your relationship? (Indicate in terms of time and state reasons for any delay in sharing)

1.13.20 Do you believe it is reasonable that upon living together, that an unemployed member of a relationship should not be entitled to a benefit, assuming living together has been for less than a period of two years?

1.13.21 It was recently found by the Ministry of Social Development that the Working for Families scheme had alleviated poverty experienced by some households with children. What is your viewpoint on the Working for Families scheme and how could it be improved upon, if so how?

1.13.22 What impact does a woman's sexual-orientation have on access to family benefits?

1.13.23 What information is available to Migrants regarding the availability and entitlement to benefits and other social supports? (Members of the migrant community please respond to this question)

1.13.24 How readily available is this information for Migrants? (Members of the migrant community please respond to this question)

1.13.25 As a member of the Migrant community, please indicate if you have experienced any difficulty in accessing benefits or allowances you were entitled to.

1.13.26 Do you support the level of benefits and entitlements available to women in general? Please explain your answer.

1.13.27 Any further comments or recommendations you wish to make on the issue of family benefits?

Alternative benefits, entitlements and taxation mechanisms

1.13.28 NGOs put forward alternative mechanisms for maintaining the economic life of women, and in particular, those caring for children. Those mechanisms suggested were income-splitting, raising the threshold for initial tax-free income to \$15,000, the reinstatement of a universal family or child benefit (paid directly to the primary care-giver) or the establishment of the Universal Basic Income. Please provide your opinion on these mechanisms.

1.13.29 What other mechanisms exist, or combination of mechanisms?

1.13.30 Should a single solution be sought for addressing the fairness in the entitlement to benefits and allowances, if so why?

1.13.31 What would be the pluses and minuses of operating a system which addressed the needs of women raising their children in a variety of socio-economic settings?

1.13.32 Grandparents raising grandchildren (primary carers) had an increase in their allowance to match that of foster carers. What allowances that foster carers are eligible for remain unavailable to Grandparents?

1.13.33 In your opinion should grandparents as the primary carers for their grandchildren be equally entitled to the supports foster parents receive?

1.13.34 Considering the life expectancy of women versus men, and historically, the earning potential of women in relationships, what are the gender-specific disadvantages for women, who as grandparents, become the primary carer for their grandchildren?

1.13.35 The Human Rights Tribunal recently found in favour of parents caring for their severely disabled children, receiving payment from the government, which currently is only available to non-family member carers. Frequently the primary carer is the mother. What social and economic well-being does the primary carer forego when caring for a severely disabled member of the family?

1.13.36 Should a family member, who is the designated primary carer of a severely disabled member of the family, be entitled to remuneration equivalent to that of a non-family member carer?

1.13.37 In 2007, NGOs indicated their support for “the eligibility for the disability allowance being based on a matter of individual rights.” One reason cited for this was the double economic burden experienced by the primary income earning partner, who was also responsible for the care of the disabled partner. In 2010, do you support the principle that an adult with a disability, who is in a relationship, should be entitled to the disability allowance? Please provide your reasons for and against this.

1.13.38 Over the reporting period what initiatives has the Government introduced to better support women with disabilities equal enjoyment of social and economic life with that of men?

1.13.39 Should grandparents raising their grandchildren with disabilities be entitled to a higher level of support than what they currently receive?

1.13.40 Migrant women are ineligible for ACC subsidized counseling for sexual abuse, if this crime was committed against them outside of New Zealand. Many refugees come to New Zealand having experienced harrowing events such as rape, e.g. 90% of all Congolese women experience rape in their lifetime. What further supports could the government offer to migrant women, which will assist them in achieving enhanced social and economic well-being?

1.13.41 Any other comments or recommendations you wish to make which relate to alternative benefits, entitlements and taxation mechanisms?

The right to bank loans, mortgages and other forms of financial credit

1.13.42 Are you aware of any barriers to women having equal opportunity with men to purchase their own homes?

1.13.43 What Government initiatives exist which enable women to purchase their own houses and how successful are these initiatives?

1.13.44 Sole-income women have been identified as an easy target for unscrupulous lending agencies. What measures have the government put in place to build awareness amongst this target population and to offer protection to women from such lending agencies?

1.13.45 What do you see as the main drivers for women opting to access credit from lending agencies offering high interest repayment loans?

1.13.46 Maori women's access to credit facilities rates as the lowest across ethnicity and gender. What supports could be offered by Government and their agencies to support Maori women's economic independence?

1.13.47 Have you had any experience over the last 5 years of trying to access credit in your own name, where you met the facilities criteria as publicized but was still declined? If so, what grounds were given for you ineligibility?

1.13.48 As a Pasifika woman, what has your experience been of trying to access credit facilities? Have there been any added limitations to your access beyond satisfying the criteria of the loaning facility?

1.13.49 As a Migrant woman, what has your experience been of trying to access credit facilities? Have there been any added limitations to your access beyond satisfying the criteria of the loaning facility?

1.13.50 Considering demographics as a factor in accessing credit facilities, as an older woman, what has been your experience of trying to access credit facilities?

1.13.51 Any other comments or recommendations you wish to make relating to women accessing credit facilities?

Older women

The United Nations is currently preparing a Convention for the Rights of the Older Person. Considering that until very recently, women had a significantly longer life expectancy than men, older women are disproportionately impacted by social and economic policies. The following questions are for women aged 65+ (retirement age).

1.13.52 During the reporting period, has access to home-based care improved? Please explain your answer

1.13.53 During the reporting period, has access to support and health services improved? Please explain your answer.

1.13.54 Will recent changes to the ACC criteria for eligibility for hearing aids impact on you, and if so in what way?

1.13.55 Most older women will no longer qualify for ACC subsidized counseling for historical sexual abuse given the recently announced cut-off date of 1972. Furthermore, unemployed women are classified as a secondary priority in the approval system. What is your opinion of this policy change?

1.13.56 As an older woman, what was your experience of saving for your retirement years, so you could enjoy enhanced economic and social life? What barriers existed to your saving if any?

1.13.57 During the reporting period, what positive initiatives has the government rolled out which support older women's enjoyment of social activities?

1.13.58 Considering older women living in residential care, what level of social enjoyment and support has been made available?

1.13.59 Any other comments or recommendations you wish to make relating to older women's enjoyment of social and economic life?

The right to participate in recreational activities, sports and all aspects of cultural life

1.13.60 Considering that working women with families are still undertaking the majority of housework, and childrearing, do such women have equal access to participation in recreational activities, sports and all aspects of cultural life as men?

1.13.61 In your household is the responsibility of child-rearing, housekeeping and income earning shared equitably between you and your partner? Please explain your answer.

1.13.62 If you are a stay-at-home mother, responsible for child-rearing, household chores, ensuring engagement in your children's extracurricular activities, as well as supporting your children's homework, do you have equal access to recreational activities as you partner who is the sole-income earner for your household?

1.13.63 As a Maori, Pasifika or migrant woman with children, in a relationship with a partner, do you have equal access to recreational, cultural and sporting activities as your partner? Please explain your answer.

1.13.64 In your opinion, has access to recreational activities improved or increased over the reporting period? Please explain your answer.

1.13.65 In your opinion, is women's sport financially supported at the same level as men's sport?

Please provide examples/comparisons.

1.13.66 In your opinion, does women's sport share the same level of media exposure as men's sport? Please provide examples/comparisons.

1.13.67 In your opinion, are women’s cultural activities financially supported at the same level as men’s cultural activities?

1.13.68 In your opinion, do women’s cultural activities receive the same share of media exposure as men’s cultural activities? Please provide comparisons.

1.13.69 Any other comments or recommendations you wish to make relating to women's access to recreational activities, sport and culture?

Safety on the streets

1.13.70 Comparing how you felt in 2007 when living in New Zealand versus in 2010, do you feel more or less safe in the area in which you reside, work, socialise?

1.13.71 What factors have contributed to your sense of safety on the streets?

1.13.72 What initiatives has the Government implemented which address the level of safety on New Zealand's streets and how effective have these initiatives been?

1.13.73 Does your sense of safety impact on your ability to engage in recreational activities, sport or culture?

Women and gambling

1.13.74 What do you perceive to be the reason for women increasingly gambling, what are the drivers?

1.13.75 What has been the social impact on women, problem-gamblers?

1.13.76 Since 2007 has women gambling increased or decreased, and what generated any possible change?

1.13.77 What initiatives has the Government implemented to support problem-gamblers and in particular those who are women?

1.13.78 How effective have these initiatives been?

1.13.79 What further steps could the Government take to positively change the social impacts arising from gambling?

Housing

1.13.80 NGOs recommended that the Government ensure the design and location of state-provided housing meet the needs of mothers, children and older women. Have you seen any evidence that this recommendation has been enacted by Government?

1.13.81 Does state-provided housing currently meet the needs of women and children and is there in your opinion, further improvements which could be made?

1.13.82 Are you aware of any problems women may have been experiencing in accessing state-provided housing? If so, please describe.

1.13.83 Since 2007, has private ownership of housing by women become more or less affordable?

1.13.84 What have been the main causes for the change in affordability?

1.13.85 What steps, if any could government take to improve housing affordability for women and their families?

1.13.86 Any further comments or recommendations you would like to make in the context of women and gambling, or access to housing?

1.13.87 Any further comments or recommendations you would like to make in the context of women enjoying social and economic life at an equal level to me?

NB: women employed in recreational, sporting, cultural and artistic fields will be discussed under Article 11 on employment. Women and alcohol and drug abuse will be discussed under Article 12, Health. Gender Analysis will be covered under Article 2 Elimination of Discrimination.

Article 16 – Marriage and Family

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

- a) The same right to enter into marriage;
- b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
- c) The same rights and responsibilities during marriage and at its dissolution;
- d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
- e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
- f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;
- g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;
- h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

Progress since last report

- In 2007, we reported on progress since the 2002 report. For your reference, we stated that:

In 2002, NGOs reported their concerns about the level of domestic violence in New Zealand. This form of violence against women continued to be widespread, with Women's Refuges responding to the needs of an increasing number of women and children.

Some NGOs saw the Families Commission, established in July 2004, as an important addition to the Government's structures. They considered it essential that New Zealand continued to support the diversity of the family "in all its forms", following commitments made at the 1994 International Conference on Population and Development.

- In 2007, the main issues that we highlighted were:

Women were opting to have children later in life, due to the impact of student loan debt.

1.16.2 Are there any issues you believe should be emphasized for this reporting period which have not previously been referenced (over the last two reporting periods)?

Main Issues

Marriage

While this set of questions is directed predominantly at migrant women, in case there are examples of New Zealand-born having a similar experience, we encourage all of you to consider the following, but to only respond if you have personally experienced or are aware of another woman experiencing this type of discrimination (in which case we require a census classification please).

1.16.3 Have you had the same right freely to choose a spouse and to enter into marriage as your intended male spouse had? In other words, was the right to choose a husband in your hands, rather than somebody else's?

1.16.4 In your marriage have you experienced the same rights and responsibilities as parents, particularly in relation to the wellbeing of your children? Please explain your answer.

1.16.5 In your marriage, have you had the same rights to decide freely and responsibly on the number and spacing of your children and to have access to the information, education and means to enable them to exercise these rights? Please explain your answer.

1.16.6 In your marriage, have you had the same personal rights as your husband to choose a family name, a profession and an occupation? Please explain your answer.

1.16.7 In your marriage do you have equal rights to that of your husband, in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property? Please explain your answer.

1.16.8 In New Zealand, the youngest age permissible for marriage is 16 years old. Marriage under the age of 18 years old requires parental consent. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory. Are you aware of any girls being betrothed for marriage in advance of 16 years old?

Child bearing

1.16.19 In 2007, NGOs reported that the repayment of student loans was preventing women from entering into parenthood. In your opinion, has this trend since changed? Please discuss your answer.

1.16.20 What are the current barriers to women opting to have children at a younger age than the current median, which is approximately 30 years old?

1.16.21 What are the drivers for women opting to start their family on average from 30 years old onwards?

1.16.22 In your opinion, what could Government do to encourage women to have children when younger? Please discuss your answer.

1.16.23 In 2007, women were concerned that the lives of disabled children were devalued. In 2010, do you believe that the lives of disabled children continue to be devalued?

1.16.24 Please discuss any information you have that disabled children are less valued than fully-able children.

1.16.25 In your opinion, how does New Zealand perform as a whole in putting children at the centre of our concerns, nurturing and supporting them? Please discuss.

1.16.26 What do you want to see the Government implement which would go some way towards supporting and nurturing New Zealand children?

1.16.27 Please record your comments and recommendations on the Government's performance over the reporting period in relation to supporting marriage, or civil union, and the raising of children arising from these unions.

Family Life

1.16.28 In the last report, NGOs reported that there were greater demands placed on family life. In 2010, what do you believe are the demands placed on family life and what are their impacts?

1.16.29 Considering the issue of demands on family life, what are the impacts on women within these families?

1.16.30 What in your opinion is needed to improve the quality of family life and what would be the positive impacts of such initiatives?

1.16.31 What role do you consider reasonable for the government to play in improving family life?

1.16.32 What role do you consider unreasonable for the government to play in improving family life?

1.16.33 What examples do you have of the same rights and responsibilities during marriage and at its dissolution, from the perspective of women?

1.16.34 What impacts are there on women when their marriages dissolve? Please discuss in full.

1.16.35 How can Government better support women experiencing separation and divorce? Please discuss fully – particularly in the context of impact on children in their care.

1.16.36 Please make comments or recommendations on any further matters which have not been questioned in relation to marriage and family life.

NB: the definition for a “family” will not be covered this reporting period.