

Aotearoa New Zealand Non-Governmental Organisations

Report

Pre-Session Hearing, October 2011

Introduction:

Since the last report to CEDAW in 2007, there have been a number of notable successes and improvements for women living in New Zealand. Government policies have led to increased resources in pre-natal care. There have also been improvements with regard to the introduction of HIV screening, HPV vaccines for young women, cervical cancer screenings, breast-feeding initiatives as well as a government sponsored campaign to change attitudes towards violence against women ('It's Not OK' campaign).

In spite of these successes and the Ministry of Women's Affairs (MWA) claims that it is committed to encouraging the development and promotion of women, there is a growing body of evidence that this is not the case. The recession has had an impact across the board in New Zealand, with government cuts affecting people from all walks of life. However, as the analysis below will outline, women have been particularly affected. The closure of the Pay and Employment Unit (PEEU) and the legislative changes with regard to employment law have the potential to significantly discriminate against women. Overall, it is felt that the New Zealand government has lost its momentum in advancing the development of women in New Zealand, as well as introducing changes contrary to its obligations as outlined under CEDAW.

The following report will assess and analyse the successes and failures of policies implemented in New Zealand under CEDAW articles one to sixteen.

Article 1: *Definition of Discrimination*

- Discrimination in its various forms is being recognised and acted on.
- NGOs are not aware of any complaints made under the Optional Protocol to the Convention.
- However, some NGOs do not believe that there is enough awareness on how to make a complaint under the Optional Protocol and it can be presumed that this may be a reason why, as yet, there have been no cases brought.

Article 2: *Elimination of Discrimination*

- The most significant action in eliminating discrimination since the last reporting period has been the withdrawal of the last reservation to the Convention through the repeal of

section 33 of the Human Rights Act 1993 that allowed discrimination against women in the armed forces, preventing them from serving in armed combat.

- It must be noted that the government has recently taken regressive action on pay and employment equity in the state sector, by:
 - Discontinuing the Plan of Action and the PEEU, specifically axing pay investigations of female dominated occupations to assess and negotiate equal pay for work of equal value.
- It is also important to note that while the gender pay gap has narrowed slightly on some surveys, it is likely that this is not because women's wages are rising, but more due to men's jobs and overtime disappearing as a result of the recession and high unemployment.
- In 2010 men made up 16.4 % of the teaching service in full primary schools but held 46% of Principal positions. This disparity remains unchanged since 2006 and means that in the primary sector, 1 in 4 men are principals but only 1 in 8 women; and in secondary, while 60% of teachers are women, only 20% of secondary Principals are women.
- The changes in the Holiday Act introduced in 2011, enabling workers to sell their fourth week's annual leave will be forced on the most vulnerable workers due to the inequality of bargaining power between employer and employee. This will result in increased pressure being placed on workers who are already disadvantaged in the labour market, especially women, and Maori and Pacific women workers, to trade away the fourth week of annual leave to the detriment of rest and well being.
- There is also a concern that the new probationary period brought in earlier in 2011 will unfairly affect women. This law, introduced in 2011, introduces trial periods for all workers in the first ninety days of employment in a new job and removes legal protections against unfair dismissal during that period. It also restricts access of workers to their unions. A notable proportion of part-time workers are women and it is felt that this probationary period will unfairly affect the female population and have a detrimental effect on job security.
- The recent changes in employment legislation are contrary to the international obligations ratified by New Zealand to protect workers' rights and human rights.
- There is limited access to drug rehabilitation for women in prison, as there only one drug treatment facility available for women in the North Island and none in the South Island. There is a concern that the government does not allocate its resources fairly between genders when it comes to rehabilitation.
- There is a need for a review of the legislation on abortion as abortion is still dealt with under the Crimes Act 1961. The Abortion Supervisory Committee has also noted a need for reform, as far back as in 2000 when their Annual report commented that, 'The Act is

demeaning to women in requiring a medical procedure to be considered under the Crimes Act'. In a recent case in the Court of Appeal concerning the application of the abortion legislation, the judges commented that, "The Committee's clear comprehensive recommendation for reform has fallen on deaf ears".

- In addition, the requirement for a patient seeking an abortion to get the approval of two doctors on the grounds of 'harm to mental well-being' is discriminatory and unnecessary. There is no health related procedure whereby a man's choice is restricted in the same way. It is considered that the legislation on abortion is discriminatory against women and the government should amend the legislation accordingly.

Article 3: *Development and Advancement of Women*

- According to the MWA, the government has prioritized:
 - encouraging women participating in leadership ensuring that violence against women is reduced
 - enabling women to be fully engaged in society
- Such areas were highlighted in the Ministry's 2005 'NZ Action Plan for Women' and also in the 2008 publication 'Indicators for Change: Tracking progress of NZ Women' which aimed to examine policy issues with a gender lens.
- MWA also notes that New Zealand signed the United Nations Convention on Rights of Persons with Disabilities, which aims to advance disabled women in the workplace. It must be noted however that the government has not yet signed the optional protocol.
- New Zealand is ranked fifth in the latest Global Gender Gap Report 2010 by the World Economic Forum, (rising from number six in 2007). There is an expectation that Ireland will jump ahead of New Zealand in this year's report. There has been a slight regression in the past five years in
 - wage equality for similar work, enrolment of women in tertiary education
 - literacy rates for females
 - female to male wage ratios
 - women in Ministerial positions

It is felt that the Government has lost its momentum in advancing women in NZ society and must remain vigilant and keep this goal as a top priority.

- Since the last report to CEDAW, there has been a regression with regard to the number of women directors on boards.

Article 4: *Positive Discrimination/Special Measures.*

- There have been no measures introduced to positively discriminate in favour of women in the political or corporate arena
- Research relating to the New Zealand situation, presented at a conference in Australia in 2008 (National Diversity on Boards Conference), highlighted the difference between the promotion of women to directorships in the private sector and the public sector. The use of informal quotas on NZ state sector boards has led to a situation where in 2010, 41.5% of boards were made up of women, almost achieving total parity. This is in marked contrast to representation of women on boards in the private sector where in 2010, the New Zealand Census of Women's Participations reports women as holding 9.32% of the NZX and 5% of the NZDX and NZAX board appointments respectively.
- This situation is unique in world terms and highlights how effective informal quotas on boards can be.

Article 5: *Social and Cultural Patterns*

- Gender stereotyping continues in the media and sexist jokes remain common. Examples would include advertising 'One Energy' drink cans and a Cotton On advertising campaign marketing children's t-shirts featuring inappropriate slogans. On a positive note, there have been successful boycott campaigns launched against such advertising strategies that have highlighted sexism in the media.
- Substantial progress has been made in gender integration in the defence forces (see Article Two).
- Unacceptable levels of violence against women are still tolerated and domestic violence is the fifth leading cause of death from injury for New Zealand women. Maori women are more likely than non-Maori women to experience physical abuse.
- There is still an issue of occupational segregation, but the Government is working on an initiative to attract more women into male dominated professions. One such scheme is the Modern Apprenticeship Programme.

Article 6: *Exploitation of Women*

- There have been a number of improvements with regard to those working in the sex trade. The Prostitution Reform Act 2003, seven years on, has made a significant positive impact on the lives of those working as prostitutes, improving both their human rights and rights as workers.
- In 2008, the Prostitution Law Review Committee, a government appointed body charged with reviewing the 2003 legislation confirmed that since its enactment, the number of young people starting to work as sex workers has reduced.

- The Ministry of Women's Affairs introduced the Plan of Action to Prevent People Trafficking, fulfilling obligations under the UN Convention against Transnational Organized Crime.
- A number of international organizations highlight that New Zealand remains a prime target destination for the trafficking of sex workers in the Pacific region. Investigations into cases of trafficking have as yet found no evidence of such activity in New Zealand, as any reported incidents did not amount to trafficking.
- It is necessary that the state authorities remain vigilant. A recent report from the Salvation Army's Social Policy Unit on Pacific Trafficking in Persons in 2009 affirmed that while there was no concrete evidence to support claims of trafficking, there were a number of instances where worker exploitation was evident, particularly among female immigrants in New Zealand.

Article 7: *Participation in Political and Public Life*

- The MWA reports steady gains in women's participation in politics, when comparing the results of the 2008 election to that of 2005.
- Reporting from the period 2005-2009, women now make up 59% of the public sector.
- Women in the judiciary as of March 2010- 28% of judges are female
24% judges at the higher courts are female
Current Chief Justice is a woman.
- It is of the opinion of this report that although women are increasingly more visible in public life, when the situation is examined in total, women are not progressing as successfully as the government would suggest.
- The amalgamation of the District Health Boards has actually reduced the level of women in employment in this area.
- The number of women CEOs has decreased.

Article 8: *International Representation and Participation.*

- MWA reports that 53.4% of staff at the Ministry of Foreign Affairs and Trade is female and that the number of women holding Head of Mission positions has doubled from 16% to 33% since the last reporting period.



- Representation by New Zealand women at international conferences has improved, and the Minister of Women's Affairs have been able to provide leadership in the delegation to the Convention on the Status of Women.
- Information on opportunities for women to become involved in international representation should be distributed more widely and more women should be encouraged to take part.

Article 9: *Nationality*

No submissions were received.

Article 10: *Education*

- Secondary school retention rates have continued to improve, but urgent steps are needed to encourage young Maori and Pacific women to prepare for higher education and training
- School bullying is of great concern to NGOs and more programmes are offered now that aims to reduce violence. There is a particular growing concern with regard to text and cyber bullying and its notable prevalence amongst female teenagers.
- Student loan debt is a major issue for women who take much longer than men to repay their loans. The introduction of interest free student loans is hoped to make a positive impact in this area.
- Occupational segregation remains an issue, although the Government hopes that the Modern Apprenticeship programme will positively impact on encouraging women into more non-traditional careers.
- This report suggests that the government might examine the introduction of education grants at tertiary level to encourage more women into non-typical fields, such as engineering.

Article 11 *Employment*

- MWA reports that the female labour force participation has increased from 59.7% to 62.9% at the most recent reporting period in December '09.
- This progress has been enhanced by the introduction of the Employment Relations (Flexible Working Arrangements) Amendments Act and also, the measures taken to promote infant feeding in the workplace.
- The Ministry also reports that the gender pay gap is the third lowest of 26 countries monitored by the OECD.
- A recent Goldman Sachs report makes the recommendation that by encouraging more women into the workforce and diversifying the sectors that they work in; there is a reasonable expectation that such a move could increase GNP by 10%.



- See Article 2 above for information and a critique on legislative changes in employment law.

Article 12 *Health*

- Please note the recommendations made by the Abortion Law Reform Association New Zealand in amending the law on abortion to allow for more ease of access to services (See Article 2).
- There is a need to improve rural access to health services, particularly access to maternal health care.
- There have also been significant cuts to home help for the elderly. These cuts are more likely to affect women, who are more likely to be isolated and dependent on such services than men in the same age bracket.
- In spite of the aforementioned cuts, the Government claims the following successes since the last reporting period ended;;
 - Breastfeeding rates consistent with other OCED countries
 - Low maternal mortality
 - HIV ante natal screening
 - Breast Screen Aotearoa, 2008
 - National Cervical Screening Programme (which led to a significant increase in testing for all groups of women).
 - HPV vaccine offered to females between 12-18 years of age (from 2008).

Article 13 *Economic and Social Life*

- MWA has noted the Community Response Fund started in 2009.
- Increased funding for teen pregnancies.
- However, Government cuts have resulted in the reduction of budgeting services, and carers' allowances for grandparents caring for children and for parents caring for sick or disabled children.

Article 14 *Rural Women*

- MWA notes very little difference between issues affecting rural and urban women and remarks on government efforts since 2008 to 'rural proof' policies and improve access to services.
- Rural women have been adversely affected by the loss of essential services and this is aggravated by transport difficulties including the rising cost of petrol.
- Many rural women experience difficulty in accessing health care services such as home help and maternity services.

Article 15 *Legal*

- No submissions received.

Article 16 *Marriage and Family*

- Continued positive impact of the Civil Union Act 2004.
- There has also been a positive change with regard to legislative reform regarding the length of time women in prison can remain with their children. The Corrections (Mothers with Babies) Amendment Act 2008 has extended the period of time a baby may accompany a mother in prison from 9 months to 2 years.
- Violence against women is still a large concern, though MWA claims it is difficult to obtain an accurate picture.
- Family violence reporting has increased. In 2008, there were 44, 268 reported incidents compared with 29, 756 in the previous reporting period. The general consensus is that the almost doubling in reported incidents is not reflective of an increase in domestic violence but instead, reflective of a change in attitude to domestic violence. The change in attitude can be attributed to the success of the 'It's Not OK' campaign, a government endorsed campaign to end domestic violence.
- Student debt is having a negative effect on women's life choices and especially on whether or not to have a family. However, the government's decision to eradicate interest on student loans has the potential to ease this burden.

Concluding comments:

- The impact of the recession and subsequent government cuts seems to predominantly affect women.

- Promotions and advancement in the workplace is still an issue, particularly with regard to the teaching profession and women on boards.
- There have been notable changes in attitudes to domestic violence and also the significant increase in the number of reported incidents to the police. This can be regarded as a very positive change.
- There have been no cases of trafficking of sex workers since the last report, though both international agencies and the Salvation Army maintain that constant vigilance is required to safeguard against trafficking and exploitation.
- Pay equity is still an issue and the closure of the PEE U and subsequent employment law reforms show that the Government is taking a step away from its commitments to close the gender pay gap.
- Sexism in the media and the impact this has on social attitudes is of concern. There have been recommendations made that the Advertising Authority should pay close attention to any marketing campaigns which may be discriminatory against women.
- The prevalence of cyber bullying in schools and its concentration among female students is of growing concern and requires more research.
- More access to government services is required for rural communities, particularly the elderly, who have also faced the brunt of government spending cuts.
- Overall, there needs to be more effective gender analysis of government legislation in order to prevent women from facing increased discrimination.