

BRIEFING

Priority: Medium

Date: 1 July 2019
To: Hon Julie Anne Genter, Minister for Women
From: Margaret Retter, Director Policy
Subject: **RECOMMENDATIONS OF THE CEDAW COMMITTEE: NEXT STEPS IN THE NEW ZEALAND GOVERNMENT'S RESPONSE**

Action sought:	By: Thursday 11 July 2019
Agree to meet with officials following your meetings with Dr Sumeo and Minister Little to discuss a proposed approach to a Cabinet paper seeking agreement to your preferred response to the CEDAW recommendations.	
9(2)(g)(i)	
Note that, within three months, this briefing will be considered for release under the Ministry's proactive release policy.	

Purpose

1. This briefing provides you with next steps and an outline of your proposed response to the CEDAW recommendations. It seeks your agreement to the next steps in actioning your proposed response. It also provides you with 9(2)(g)(i) for your meetings with Dr Sumeo and Minister Little (Appendix One).

Background

2. Following the CEDAW examination, the CEDAW Committee set out 78 recommendations for improvement and highlighted four recommendations for early attention. These recommendations relate to the resourcing of the Human Rights Commission (HRC) and its jurisdiction in relation to migrant workers; a strategy to combat gender-based violence against women, including women with disabilities; decriminalisation of abortion; and access to justice in the Family Court system.
3. New Zealand is required to submit:
 - an interim written report to the Committee by July 2020, providing information on the steps taken to implement the four recommendations identified for early attention
 - its ninth periodic report, providing information on the steps taken to implement all 78 recommendations, by July 2022.

Cross government reporting on progress on UN treaty body recommendations

4. Agencies have been working, and will continue to work, on better coordination of responses to international human rights recommendations. One mechanism already underway is the online tool operated by the HRC. Currently, the main focus of the tool is the recommendations under the Universal Periodic Review (UPR). The Ministry of Justice is responsible for New Zealand's reporting against the UPR.
5. The HRC is working with agencies across government, and particularly the Ministries of Justice and Foreign Affairs, to look at possible ways to expand the tool to include all recommendations under UN treaty bodies. Continued investment in the tool will depend on decisions the HRC makes on how to allocate money received through the partial success of their recent budget bid.
6. The CEDAW Committee, the HRC and women's NGOs have been vocal in the expectation that the Government should publish how it proposes to action the recommendations it accepts, as well as the reasons for any rejections. The HRC online tool does not currently provide this functionality but could be developed to do so in the future.

Work underway on areas highlighted for early reporting

7. We consider that there is good progress on addressing the four key areas highlighted for advance reporting by July 2020:
 - The Domestic Violence–Victims' Protection Bill and the Family and Whānau Violence Legislation Bill, which aims to address violence against women and improve support for victims, are currently before Parliament. Government has announced a joint venture to provide a whole-of-government approach to ending family and sexual violence, including development of a strategy and action plan.
 - The Minister of Justice has written to the Law Commission noting the Government's intention to propose a policy shift to treat abortion as a health issue and the Commission has now provided its report.
 - Government has established a panel to consider what can be done to address the concerns raised around the 2014 reforms to the Family Court system, with the report due in mid-2019. The CEDAW committee recommended that a Royal Commission of Inquiry be established.
 - The Government is reviewing the Migrant Exploitation Prevention Strategy, and Immigration New Zealand has developed tailored workplace guides and toolkits for specific migrant groups and sectors that employ a large number of migrant workers who could be vulnerable to workforce exploitation.
 - Ensuring that the Family and Whānau Violence Legislation Bill specifically protects women with disabilities from caregiver violence.

8. The Government does not currently have work underway or planned in the following areas which have been highlighted for advance reporting by July 2020:
- Reforming the Immigration Act 2009 to ensure that the HRC can receive and process complaints from migrants in line with the Global Alliance of National Human Rights Institutions (GANHRI) recommendations of 2016, or looking at the HRC resourcing in relation to the issues the Committee raised.

Options for the Government's response to the recommendations

9. Following the publication of the Committee's Concluding Observations, we provided you with a briefing (MW 18-19 0217) on a proposed government response, which included four options:

A. Individual Ministerial responsibility: focus mainly on reporting, with Ministers taking responsibility for responding to the recommendations as they see fit.

B. A coordinated focus on the four recommendations for early attention: take a coordinated approach to addressing the Committee's four recommendations for early attention, with Ministers taking individual responsibility for responding to the remainder of the recommendations.

C. Cross-government strategy for women: develop a strategic, cross-government document that lays out the Government response to all recommendations, linking to related strategies where relevant.

D: Monitored individual Ministerial responsibility including a coordinated focus on the four recommendations for early attention: Under this option, alongside work as outlined under option B, the Ministry would work with agencies across government and the HRC to help design a tracking tool for all UN recommendations. If and when the tool is up and running, the Ministry would write to agencies on an annual basis to draw their attention to their progress against the CEDAW recommendations, similar to our women on boards approach. This would be supplemented by you writing to your Ministerial colleagues. It is worth noting that there is not currently a time line for the completion of an HRC tracking tool. Under this option, work on the HRC tool will be complemented by actions as outlined under option A.

Proposed government response to the CEDAW committee's recommendations

10. You indicated to the Ministry that your preferred option to respond to the recommendations is option D. Under this option, the Ministry will work with agencies across government to take a coordinated approach to addressing the Committee's four recommendations for early attention, with Ministers taking individual responsibility for responding to the remainder of the recommendations. Alongside this work, the Ministry will work with the HRC to help design a tracking tool to monitor the CEDAW recommendations.

11. Such a tool would likely require agencies across government to draft actions against UN recommendations, which can then be monitored by way of updating the tool on a regular basis. The tool would strengthen the Ministry's ability to monitor agencies' progress and inform them of their progress against the recommendations.
12. The Ministry would write to agencies on an annual basis to draw attention to their progress against the CEDAW recommendations, similar to our women on boards approach. This would be supplemented by you writing to your Ministerial colleagues. It is worth noting that there is not currently a time line for the completion of an HRC tracking tool. Work on the HRC tool will be complemented by individual Ministerial responsibility and a coordinated focus on the four recommendations for early attention. In the absence of a tracking tool we would utilize options A and B in our response to the Committee's Concluding Observations.

Next Steps

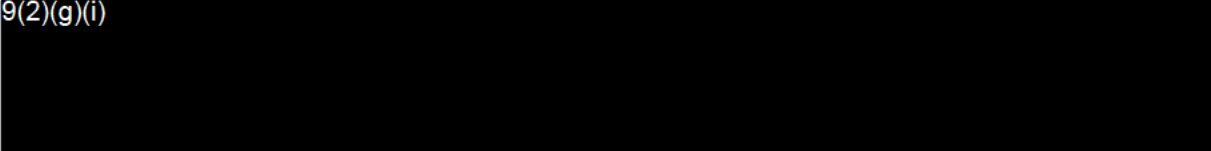
13. You have indicated that you will meet with Equal Employment Opportunities Commissioner, Dr Sumeo, to further explore ways in which the Ministry and the HRC can work together on a tracking tool. To minimise the burden on both the HRC and the Ministry, we suggest that you could discuss with Dr Sumeo the possibility of designing a tracking tool just for the CEDAW recommendations to start with. This could be used as a 'pilot' programme that could then be copied by other agencies if successful.
14. You have indicated that you will also meet with Minister Little to discuss the four recommendations highlighted for early attention by the committee, as they all fall under Minister Little's jurisdiction.
15. The Ministry will meet with the Ministry of Justice to discuss how best to address the four recommendations for early attention, as well as with the HRC to consider the best approach in designing an online tracking tool, capturing the CEDAW recommendations.
16. Following these meetings we recommend that you meet with officials to discuss how to further progress the Government's response to the CEDAW recommendations. This could include drafting a Cabinet paper, seeking agreement from your colleagues to a monitored approach to the CEDAW recommendations, potentially facilitated by the tracking tool.

Proactive release

17. Within three months of the date of this memo, it will be considered for release under the Ministry's proactive release of documents policy.

Recommendation(s)

The Ministry recommends that you:

1. 9(2)(g)(i) 

2. **agree** to meet with officials following your meetings with Dr Sumeo and Minister Little to discuss a proposed approach to a Cabinet paper seeking agreement to your recommended response to the CEDAW recommendations

Agree / disagree _____

3. **note** that, within three months, this briefing will be considered for release under the Ministry's proactive release policy.

Noted



Margaret Retter
Director Policy



Hon Julie Anne Genter
Minister for Women

Date: 17 July 2019

Appendix One: 9(2)(g)(i)
