

**Hon Julie Anne Genter**  
**Minister for Women**

***Release of Cabinet Paper***

Discrimination Against Women: Responding To Our International Commitments

Date of issue: 10 December 2019

***Cabinet Paper - details***

Date: 4 November 2019

Title: Discrimination Against Women: Responding To Our International Commitments

Author: Ministry for Women

In Confidence

Office of the Minister for Women

Chair, Cabinet Social Wellbeing Committee

## **DISCRIMINATION AGAINST WOMEN: RESPONDING TO OUR INTERNATIONAL COMMITMENTS**

### **Proposal**

1. The United Nations (UN) has made 78 recommendations to the Government in areas where New Zealand needs to improve outcomes for women and girls. This paper sets out my proposed approach to address these recommendations, and as such I seek agreement to develop a tool for the Government to monitor its progress.

### **Executive Summary**

2. New Zealand performs well internationally on most indicators of gender equality, however, some challenges remain. Following New Zealand's UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) examination, the CEDAW Committee set out 78 recommendations (attached) for improvement, and highlighted four recommendations for early attention. Responsibility and accountability for progress against the recommendations is shared between approximately 17 agencies and departments across government. Existing programmes of work already address many of the 78 recommendations. The proposed tool would not commit Government to implement the recommendations, rather, it aims to assist responsible Ministers and agencies to respond to the CEDAW recommendations in a more coordinated way.
3. New Zealand does not currently have a consistent and coordinated government approach to reporting or setting actions in response to international human rights recommendations. Unlike UN Universal Periodic Review recommendations, CEDAW recommendations do not have to be accepted or rejected by government, and this leads to limited awareness of the CEDAW recommendations across government. In the past this has resulted in recommendations not having specifically been addressed, causing increased pressure on agencies when reports are due to be submitted. It has also left government open to criticism from civil society for not being more transparent in the way it responds to UN recommendations.
4. My proposed online tool will outline the 78 CEDAW recommendations; agencies responsible for each recommendation; and whether or not work is underway to address the recommendations. To ensure the tool accurately reflects Government's actions, the Ministry for Women will seek agency updates on a regular basis following the publication of the tool. Based on the updates, I intend to inform Ministers of progress against the recommendations they are responsible for.

5. The proposed tool would be a light touch, online tool to monitor progress and programmes of work that addresses the CEDAW recommendations, enabling Government to identify progress and gaps as a collective, and as such, helping New Zealand in meeting its obligations under the CEDAW convention. Making our progress more visible will publicly demonstrate our commitment to improving women's rights and wellbeing on the international stage, and will enable civil society to see progress against the recommendations. Ideally, a system wide approach to New Zealand's response against all UN recommendations would be implemented, and such an approach is being considered by the Ministry of Justice and the Ministry of Foreign Affairs and Trade.
6. The interests of wāhine Māori are identified throughout the CEDAW recommendations. The proposed tool would be designed in collaboration with members of the Ministry for Women's International Women's Caucus (IWC) who have an interest in the issues relating to wāhine Māori. The IWC consists of non-government organisations involved in international issues relevant to the interests and well-being of women. This will ensure Government's progress against the CEDAW recommendations is also reported on from a wāhine Māori perspective. Further, monitoring progress for wāhine Māori can help better inform the Crown, as it seeks to address themes that have been raised through the statements of claims to the Mana Wāhine Kaupapa inquiry.

## Background

7. CEDAW is the primary instrument that guides women's rights in the international context. New Zealand ratified CEDAW in 1985. Domestic law is fully compliant with CEDAW, so the focus is now on eliminating non legislative discrimination against women or other barriers to women's wellbeing.
8. State parties are required to report on progress to the Committee every four years. A written report is submitted, followed by a formal presentation to the Committee. New Zealand has submitted its eighth periodic report, and last appeared before the Committee in July 2018.
9. Overall, New Zealand continues to perform well internationally on most gender equality indicators with high participation and completion rates in tertiary education, and rising workforce participation and employment rates. However, following the CEDAW examination, the CEDAW Committee set out 78 recommendations for improvement and highlighted four recommendations for early attention. These four recommendations relate to the resourcing of the Human Rights Commission 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.
10. 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. New Zealand's ninth periodic report, providing information on the steps taken to implement all 78 recommendations, is due in July 2022.

*New Zealand is well positioned to respond to the CEDAW Recommendations*

11. New Zealand is well placed in relation to most of the recommendations. Work is underway across many of the CEDAW recommendations as part of the Government's existing priorities. For example, New Zealand is well placed on Article 12 (Health), and across a significant amount of Article 16 (Marriage and Family Life).

*New Zealand's approach to international reporting*

12. New Zealand has ratified seven core international human rights treaties,<sup>1</sup> but does not currently have a consistent and coordinated government approach to monitor progress on UN treaty body recommendations. New Zealand's approach to monitor progress is currently mandated to the New Zealand Human Rights Commission (HRC). However, not all core conventions and their recommendations are covered and the HRC does not have capacity to expand their existing tool. The monitoring and reporting functions for each treaty sits with different government agencies based on the subject matter of the treaty. These agencies are discussing how to implement a system wide approach to New Zealand's response against *all* UN recommendations. Such a tool would facilitate the preparation of Government reports to the UN as well as provide transparency and accountability domestically. The proposed tracking tool for CEDAW could be integrated in a system wide approach once established and will provide useful lessons about how to operate such a tool.

**Responding to the CEDAW recommendations and coordinating the response**

13. In deciding how to respond to the CEDAW recommendations and coordinating the Government's response, I considered a range of options. Proposed options included a national action plan, comprising a strategic, cross government response, including implementation actions, against all recommendations, as well as a centralised tracking tool, or tool, to enable monitored progress against the 78 recommendations.
14. A central tool will best respond to the CEDAW recommendations. The tool can be regularly updated by agencies, track current programmes of work addressing the recommendations, and provide Government with a consistent, coordinated and transparent approach to monitoring our progress under the CEDAW convention. It will create a single public point of reference for CEDAW recommendations to New Zealand and Governments' response to them. The tool would not commit Government to implement the recommendations, however, it will publicly demonstrate our commitment to improving women's rights and wellbeing on the international stage and facilitate the preparation of Government CEDAW reports to the UN.
15. The proposed tool will contain links to New Zealand's CEDAW reports, the CEDAW articles, and the recommendations made against those articles. It will also outline agencies responsible for each recommendation, and whether or not work is currently underway. A 'traffic light' method could be used for ease of use and to reflect

---

<sup>1</sup> International Covenant on Civil and Political Rights; International Covenant on Economic, Social and Cultural Rights; Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Convention on the Rights of the Child; Convention on the Elimination of All Forms of Racial Discrimination; Convention on the Elimination of All Forms of Discrimination against Women; Convention on the Rights of Persons with Disabilities.

progress. To facilitate a coordinated response to the recommendations, agencies will be responsible for providing information on current programmes of work which address the relevant recommendations, before the tool is published on the Ministry for Women's (the Ministry) website in December 2019.

16. In line with CEDAW recommendations, the tool will be designed to capture progress for wāhine Māori. When providing updates, agencies will be asked to provide specific updates on work underway to ensure better outcomes for wāhine Māori, supported by statistical evidence where available. This will help Government to identify gaps, and track trends over time. This will also help better inform the Crown, as it seeks to address themes that have been raised through the statements of claims to the Mana Wāhine Kaupapa Inquiry.

#### *Assisting Government Agencies to respond to the CEDAW recommendations*

17. While updating the proposed tool will periodically require agency resource, more regular and transparent recording of Government progress against CEDAW recommendations will save time and will help New Zealand meet its obligations under CEDAW by identifying gaps. It will facilitate the preparation of CEDAW reporting, as well as other international agreements New Zealand is a party to. Relevant up to date information against cross government progress on gender equality could be obtained from the tool, rather than having to seek updated information on a frequent, ad hoc basis.
18. Utilising a monitoring tool would require Government agencies to provide information about the specific programmes of work that address each CEDAW recommendation. New Zealand currently has 78 CEDAW recommendations, affecting approximately 17 agencies across government. I propose that subject matter agencies provide updates to the Ministry every six to twelve months to ensure an accurate reflection of progress. Based on the updates I intend to inform Ministers of progress against the recommendations for which they are responsible.
19. The design of the tool will be funded from within the Ministry for Women baseline. Pending Cabinet approval, I expect the tool to be published in December 2019. To ensure the tool is fit for purpose, the Ministry will continue to consult with relevant agencies across government as well as civil society stakeholders throughout the design phase.

#### **Consultation**

20. The following departments have been consulted in developing the proposals in this report. Their comments have been incorporated into the final paper. Business, Innovation and Employment, Prime Minister and Cabinet, Corrections, Disability Issues, Education, Foreign Affairs and Trade, Health, Internal Affairs, Justice, Oranga Tamariki, Pacific Peoples, Police, Primary Industries, Social Development, State Services, Māori Development, and Treasury.

#### **Financial Implications**

21. There are no financial implications for the Government arising from the recommendations in this paper.

### **Legislative Implications**

22. There are no legislative implications arising from the recommendations in this paper.

### **Human Rights**

23. The paper is consistent with the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993. Reporting to the Committee on the Government's progress to implement CEDAW is consistent with New Zealand's international human rights obligations under Article 18(1)(b) of CEDAW.

### **Gender Implications**

24. The proposal in this paper will improve our monitoring and reporting process, which will assist in the implementation of our obligations under the Convention on the Elimination of Discrimination against Women.

### **Disability Perspective**

25. Women and girls with disabilities are subject to multiple forms of discrimination and experience higher rates of abuse and violence than non-disabled women. There is a lack of reliable data and research on this issue. The proposal in this paper could improve monitoring and reporting processes, especially with respect to collecting disaggregated data on disabled people. Monitoring progress against eliminating gender-based violence against women with disabilities will also assist with giving effect to Article 16 of the UN Convention on the Rights of Persons with Disabilities – Freedom from exploitation, violence and abuse.

### **Publicity**

26. Pending Cabinet agreement, the proposed tracking tool will be available on the Ministry for Women's website following a soft launch through social media channels.

### **Proactive Release**

27. I propose to proactively release this paper in full within 30 working days.

## Recommendations

29 I recommend that the Committee:

- 29.1 **authorise** the Ministry for Women to design and use a publically available monitoring tool to monitor progress against the CEDAW recommendations.
- 29.2 **note** that the proposed tool does not commit government to implement the CEDAW recommendations, but tracks progress, links work being done by different agencies, and will help identify gaps and work underway.
- 29.3 **agree** that relevant departments provide updates every six to twelve months on progress against the recommendations for which they are responsible.
- 29.4 **agree** that when providing updates, agencies provide specific information on work underway to ensure better outcomes for wāhine Māori, supported by statistical evidence where available.

Authorised for lodgement  
Hon Julie Anne Genter  
Minister for Women

RELEASED BY THE MINISTER FOR WOMEN